

AFTER RECORDING RETURN TO:

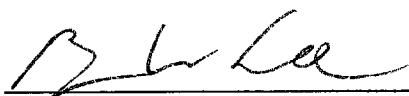
Carey Gunn Venditti, Esq.
DLA Piper LLP (US)
401 Congress Ave., Ste 2500
Austin, Texas 78701
carey.venditti@dlapiper.com



MASTER DESIGN GUIDELINES

Adopted by La Cima Reviewer:

LA CIMA SAN MARCOS, LLC,
a Texas limited liability company

By: 

Name: Bryan W. Lee

Title: Manager

THE STATE OF TEXAS

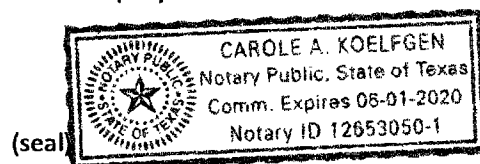
§

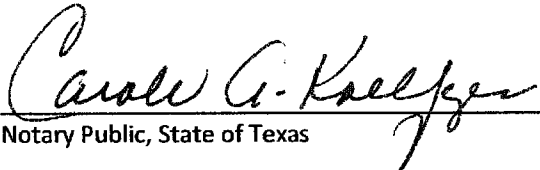
COUNTY OF Travis

§

§

This instrument was acknowledged before me on this 21ST day of February, 2018,
by Bryan W. Lee, Manager of La Cima San Marcos, LLC, a Texas limited liability company, on behalf of
such company.




Notary Public, State of Texas

Adopted by the La Cima Reviewer in accordance with Section 6.04(b) of La Cima Master Covenant,
recorded as Document No. 17044512, Official Public Records of Hays County, Texas (the "**Master
Covenant**").

TABLE OF CONTENTS

ARTICLE 1 INTRODUCTION.....	1
1.01 Background	1
1.02 La Cima Reviewer and Review Authority	1
ARTICLE 2 GOVERNMENTAL REQUIREMENTS	2
ARTICLE 3 INTERPRETATION	2
ARTICLE 4 AMENDMENTS.....	2
ARTICLE 5 ARCHITECTURAL REVIEW OVERVIEW	3
5.01 Objective	3
5.02 Responsibility for Compliance	3
5.03 Inspection	3
5.04 Submittals	3
5.05 Timing of Completion	3
ARTICLE 6 ARCHITECTURAL AND AESTHETIC STANDARDS	3
6.01 Plan Repetition.....	3
6.02 Brick Color and Masonry Stone Repetition.....	3
6.03 Siding and Masonry	4
6.04 Alternating Building Lines	5
6.05 Temporary/Accessory Structures	5
6.06 Building Height.....	5
6.07 Roofs and Chimneys.....	6
6.08 Driveways.....	7
6.09 Sidewalks	7
6.10 Garages	8
6.11 Exterior Lighting	8
6.12 Setbacks	9
6.13 Address Markers and Mailboxes	9
6.14 Solar Energy Devices	9
6.15 HVAC Screening	10
6.16 Flags	10
6.17 Signs	11
6.18 Antennas	12
6.19 Aesthetic Appeal.....	13
ARTICLE 7 LANDSCAPE GUIDELINES	13
7.01 Landscape	13
7.02 Trees and Tree Protection	14
7.03 Irrigation	15
7.04 Xeriscaping.....	15
7.05 Rainwater Harvesting Systems	17
7.06 Landscape Inspection.....	18
7.07 Drainage.....	18
7.08 Fencing and Walls	18

7.09	Pools, Spas and Hot Tubs	19
7.10	Playscapes, Trampolines, Basketball Goals and Sport Courts	20
ARTICLE 8 EROSION CONTROL AND CONSTRUCTION REGULATIONS		20
8.01	Erosion Control Installation and Maintenance	20
8.02	Security	21
8.03	Construction Hours	21
8.04	Noise, Animals, Children	21
8.05	Material and Equipment Storage.....	21
8.06	Insurance.....	21
8.07	Site Cleanliness	21
8.08	Sanitary Facilities	22
8.09	Construction Parking & Construction Trailers	22
8.10	Schedule of Construction Fines	22
ARTICLE 9 PLAN REVIEW PROCESS		22
9.01	Submittals	23
9.02	Timing	23
ARTICLE 10 MODEL HOMES		23



MASTER DESIGN GUIDELINES

ARTICLE 1 INTRODUCTION

Any notice or information required to be submitted to the La Cima Reviewer under these Master Design Guidelines hereunder will be submitted to the La Cima Reviewer, 11612 FM 2244, Building 1, Suite 140, Austin, Texas 78738, Phone: (512) 402-1790, Fax: (512) 402-1791.

1.01 Background. La Cima is a master planned community located in Hays County, Texas which is or shall be made subject to the terms and provisions of La Cima Master Covenant, recorded in the Official Public Records of Hays County, Texas (the “**Master Covenant**”) and the Development Area Declaration for La Cima [Residential], recorded in the Official Public Records of Hays County, Texas (the “**Development Area Declaration**”) upon pursuant to the Recording of one or more Notices of Annexation in accordance with *Section 9.05* of the Master Covenant. The Master Covenant and each Development Area Declaration includes provisions governing the construction of improvements and standards of maintenance, use and conduct for the preservation of La Cima.

1.02 La Cima Reviewer and Review Authority. The **La Cima Reviewer** consists of one or more individuals who have been appointed by **LA CIMA SAN MARCOS, LLC**, a Texas limited liability company (the “**Declarant**”). As provided in *Article 6* of the Master Covenant, Declarant has a substantial interest in ensuring that improvements within La Cima development maintain and enhance Declarant’s reputation as a community developer and do not impair Declarant’s ability to market and sell all or any portion of the community, and as a consequence thereof, the La Cima Reviewer acts solely in Declarant’s interest and shall owe no duty to any other Owner or La Cima Master Community, Inc. (the “**Association**”).

Article 6 of the Master Covenant includes procedures and criteria for the construction of improvements within La Cima. *Section 6.04(b)* of the Master Covenant provides that the La Cima Reviewer may adopt Design Guidelines to govern the standards for design, construction of Improvements, landscaping, and the placement of exterior items within La Cima which may consist of multiple written design guidelines applying to all or specific portions of the Development. These Master Design Guidelines shall constitute “**Design Guidelines**” as such term is defined and used in the Master Covenant. *Section 3.06* of the Development Area Declaration provides that any and all improvements must be erected, placed, constructed, painted, altered, modified or remodeled in strict compliance with the requirements of the Design Guidelines, and *Section 6.04* of the Master Covenant and *Section 3.06* of the Development Area Declaration provides that no improvements may be constructed without the prior written approval of the La Cima Reviewer.

These Master Design Guidelines have been adopted by the La Cima Reviewer and will apply only to Lots within the Development which will be used for residential purposes. Supplements to these Master Design Guidelines may be adopted for specific Development Areas within the

Development. Each supplement shall be in addition to the terms and provisions of the Master Design Guidelines. In the event of a conflict between the terms and provisions of any supplement to these Master Design Guidelines and the supplement(s) to the Master Design Guidelines, the terms and provisions of the supplement will control.

ARTICLE 2 GOVERNMENTAL REQUIREMENTS

Governmental ordinances and regulations are applicable to all Lots within La Cima, including, but not limited to federal, state, county and local requirements, and universal building codes, if adopted.

It is the responsibility of each Owner to obtain all necessary permits and inspections and to comply with all Applicable Law (as further defined in the Master Covenant). Compliance with these Master Design Guidelines and approval by the La Cima Reviewer is not a substitute for compliance with the applicable ordinances and regulations and other requirements set forth in the Documents. Please be advised that these Master Design Guidelines do not list or describe each requirement which may be applicable to a Lot within La Cima. Each Owner is advised to review all encumbrances affecting the use and improvement of their Lot prior to submitting plans to the La Cima Reviewer for approval. Furthermore, approval by the La Cima Reviewer should not be construed by the Owner that any Improvement complies with the terms and provisions of all encumbrances which may affect the Owner's Lot.

The La Cima Reviewer shall bear no responsibility for ensuring plans submitted to the La Cima Reviewer comply with any applicable building codes, zoning regulation and other government requirements, including but not limited to the Development Agreement. It is the responsibility of the Owner to secure any required governmental approvals prior to construction on such Owner's Lot.

ARTICLE 3 INTERPRETATION

In the event of any conflict between these Master Design Guidelines and a Development Area Declaration, the Development Area Declaration shall control. Capitalized terms used in these Master Design Guidelines and not otherwise defined in this document shall have the same meaning as set forth in a Development Area Declaration.

ARTICLE 4 AMENDMENTS

During the Development Period, the Declarant, acting alone, may amend these Master Design Guidelines. Thereafter, the La Cima Reviewer may amend these Master Design Guidelines. All amendments shall become effective upon recordation in the Official Public Records of Hays County, Texas. Amendments shall not apply retroactively so as to require modification or removal of work already approved and completed or approved and in progress. It is the responsibility of each Owner to ensure that they have the most current edition of the Master Design Guidelines and every amendment thereto.

ARTICLE 5 ARCHITECTURAL REVIEW OVERVIEW

5.01 Objective. The objective of the review process is to promote aesthetic harmony in the community by providing for compatibility of specific designs with surrounding buildings, the environment and the topography. The review process strives to maintain objectivity and sensitivity to the individual aspects of design.

5.02 Responsibility for Compliance. An applicant is responsible for ensuring that all of the applicant's representatives, including the applicant's architect, engineer, contractors, subcontractors, and their agents and employees, are aware of these Master Design Guidelines and all requirements imposed by the La Cima Reviewer as a condition of approval.

5.03 Inspection. Upon completion of all approved work, the Owner must notify the La Cima Reviewer. The La Cima Reviewer may inspect the work at any time to verify conformance with the approved submittals.

5.04 Submittals. Requests for approval of proposed new construction, landscaping, or exterior modifications must be made by submitting the information and materials outlined in the Plan Review Process, set forth herein.

5.05 Timing of Completion. The construction of a residence by a Homebuilder must be started promptly after receiving approval from the La Cima Reviewer and completed with due diligence. Unless otherwise approved in advance by the La Cima Reviewer, each single family residence must be completed on or before the expiration of one hundred and eighty (180) days after commencement of construction.

ARTICLE 6 ARCHITECTURAL AND AESTHETIC STANDARDS

6.01 Plan Repetition. The La Cima Reviewer may, in its sole and absolute discretion, deny a plan or elevation proposed for a particular Lot if a substantially similar plan or elevation exists on a Lot in close proximity to the Lot on which the plan or elevation is proposed. The La Cima Reviewer may adopt additional requirements concerning substantially similar plans or elevations constructed in proximity to each other. For Example:

- There must be three homes in between homes with the same plan and same elevation on the same side of the street.
- There must be two homes in between the same plan with a different elevation, on the same side of the street.
- The same plan with a different elevation on the opposite side of the street must be offset by one full lot.

6.02 Brick Color and Masonry Stone Repetition. The La Cima Reviewer may, in its sole and absolute discretion, deny proposed brick or masonry for a particular Lot if substantially similar brick or masonry exists on a Lot in close proximity to the Lot on which the brick or masonry is proposed. The La Cima Reviewer may adopt additional requirements concerning substantially similar brick or masonry constructed in proximity to each other. For Example:

- There must be two homes in between homes of the same brick or masonry.
- Same brick or masonry cannot be placed on a Lot across the street or diagonal from any other brick or masonry.

6.03 Siding and Masonry. A Texas Hill Country style should be reflected through the use of natural materials and textures. All building materials must be approved in advance by the La Cima Reviewer, and only new building materials (except for antique brick if approved in writing) may be used for constructing any Improvements.

(a) **Exteriors.** The exterior of each primary residence on a Lot shall be constructed of a certain minimum of masonry construction as set forth on the Master Design Guidelines table below.

Masonry Requirements	Masonry
Single Family Residential Estate Lots	100%
Single Family Residential Rural Lots	80%
Single Family Residential Manor Lots	80%
Single Family Residential Cottage Lots	80%

(b) **Material Choice:** Masonry, as used herein, consists of brick, stone, cultured stone or stucco or other similar products approved by the La Cima Reviewer. All brick colors must be approved in advance by the La Cima Reviewer and must comply with the approved brick list. Hardi-Plank and other cementitious materials are not considered masonry; however, in areas where it is not structurally feasible to support brick, stone or stucco, then cementitious siding products may be used only if approved in writing by the La Cima Reviewer. Roofs, eaves, soffits, windows, gables, doors, garage doors and trim work are not required to be constructed of masonry. Exterior facades shall have a variety of earth tone colors including, but not limited to, reds, browns, light tans, natural and warm whites (white stone is allowed), buffs, beiges, creams and regionally quarried stone colors. The number of primary exterior materials used, however, shall be limited to three (3) excluding architectural accent features, roof materials, and windows or doors. All facades of a building shall be of consistent design and treatment unless the building facade is not visible from public view.

(c) **Exposed Foundations.** Exposed portions of the foundation on all sides of the house must be concealed by extending the exterior stone or brick to within: (1) at least eighteen inches (18") of the finished grade on the front of the dwelling, (2) at least twenty-four inches (24") of the finished grade on the sides of the dwelling, and (3) at least thirty six inches (36") of the finished grade on the rear of the dwelling. If the exterior of the elevation adjacent to the exposed foundation is constructed of stucco, the La Cima Reviewer will have the authority to require the use of stone, in a color approved in advance by the La Cima Reviewer, to conceal the exposed portion of the foundation. Remaining exposed slab area must be parged/sand finished. Exposed areas of slabs visible from streets may require textured/painted finish at the sole discretion of the La Cima Reviewer.

(d) **Projections.** All single family detached dwellings are encouraged to have front porches or porticos. Corner dwelling units are encouraged to have wrap around porches. The use

of window awnings, overhangs and shutters is also encouraged. Materials and colors shall be the same or complimentary to the exterior of the building. All projections from a dwelling or other structure, including but not limited to chimney flues, vents, gutters, downspouts, porches, railings and exterior stairways must match the color of the surface from which they project, unless otherwise approved by the La Cima Reviewer.

(e) Prohibited Elements:

- (i) Highly reflective finishes on exterior surfaces (other than non-mirrored glass or on surfaces of hardware fixtures).
- (ii) Mirrored glass.
- (iii) No vivid/bright colors.
- (iv) No red, white, or gray brick.
- (v) The use of unusual shapes, colors, and other characteristics that cause disharmony in the Community.

6.04 Alternating Building Lines. Every third residence shall be set back an additional four (4') feet from the front yard minimum setback requirements.

6.05 Temporary/Accessory Structures. Detached accessory structures (which are in compliance with the Development Area Declaration) are permitted if approved in advance by the La Cima Reviewer.

(a) Permitted Structures. Such accessory structures must be constructed with colors similar to the primary residence, neutral, or earth tone colors, including the roof (as determined by the La Cima Reviewer); and no larger than 8' x 8' x 8', unless otherwise approved. Such accessory structures may be located no closer than the side or rear setback requirements.

(b) Square Footage Calculations. Permitted accessory structures do not count toward the minimum square footage requirements of these Master Design Guidelines.

(c) Variances. The La Cima Reviewer may, at its sole discretion, approve variances on an individual basis.

6.06 Building Height. Proposed heights must be compatible with adjacent structures and be compatible with existing or anticipated structure heights on Lots located above or below the Lot on which the proposed residence will be constructed and must be approved in writing by the La Cima Reviewer, prior to commencement of construction.

(a) Structure Height. Unless otherwise approved in advance by the La Cima Reviewer, no building or residential structure may exceed thirty-five (35') feet in height as measured as the vertical distance between the finished floor elevation at any point within the structure and the highest ridge, peak or gable (exclusive of chimneys and ventilators).

(b) Eaves. In addition, the height of any eave on any structure may not exceed thirty-four (34') feet above the natural grade (as measured from the center point of the home finished floor elevation) at any point on the exterior wall of the residence.

(c) Views. Views are neither guaranteed, preserved nor protected within La Cima.

6.07 Roofs and Chimneys. The pitch, color and composition of all roof materials must be approved in writing by the La Cima Reviewer, prior to commencement of construction. Roof vents and other penetrations shall be as unobtrusive as possible and must match the principal color of the roof unless approved in advance by the La Cima Reviewer.

(a) Accepted Roof Pitch: The roof pitch of the primary residence erected on a Lot must be appropriate for the style of the home with a pitch of no less than 6:12 unless otherwise approved in advance by the La Cima Reviewer. The roof pitch of dormers, porches and other similar accessory structures attached to the primary residence shall be exempt from this requirement, but nonetheless subject to approval by the La Cima Reviewer.

(b) Accepted Roof Materials: Roofing materials shall be limited to approved 3-dimensional composition shingles of a color approved by the La Cima Reviewer and with a rating of 25 years or more that conform to or exceed applicable local, FHA and VA requirements. Metal roofing is allowed only as an accent and only upon the written approval of the La Cima Reviewer.

(c) Energy Efficiency Roofing. In addition, roofs of buildings may be constructed with “**Energy Efficiency Roofing**” with the advance written approval of the La Cima Reviewer. For the purpose of this Section, “Energy Efficiency Roofing” means shingles that are designed primarily to: (a) be wind and hail resistant; (b) provide heating and cooling efficiencies greater than those provided by customary composite shingles; or (c) provide solar generation capabilities.

The La Cima Reviewer will not prohibit an Owner from installing Energy Efficient Roofing provided that the Energy Efficient Roofing shingles: (i) resemble the shingles used or otherwise authorized for use within the community; (ii) are more durable than, and are of equal or superior quality to, the shingles used or otherwise authorized for use within the community; and (iii) match the aesthetics of adjacent property. An Owner who desires to install Energy Efficient Roofing will be required to comply with the architectural review and approval procedures set forth the Restrictions. In conjunction with any such approval process, the Owner should submit information which will enable the La Cima Reviewer to confirm the criteria set forth in this Section.

(d) Chimneys. Chimney style must be appropriate for the style of the home and may be brick, hardi-plank, or other masonry matching with the same permitted colors and materials as permitted on the body of the house; provided however, that any chimney located on the interior portion of the roof may also include cementitious materials solely or in addition to the brick or other masonry.

(e) Other Materials. Any other type of chimney or roofing material shall be permitted only with the advance written approval of the La Cima Reviewer.

(f) Prohibited Elements:

- (i) Excessively pitched roofs.
- (ii) Mansard, gambrel or chalet roofs.
- (iii) Flat roofs (less than 3:12).
- (iv) Non-dimensional or three tab composition shingles.

- (v) Roofs that are too steep or too shallow for the style of the home.
- (vi) Shed roofs except as incidental to the main roof.
- (vii) Glossy metal and/or reflective materials or bright colors.
- (viii) Natural or silver Galvalume.
- (ix) Roof vents on the front plane of the home.
- (x) Stove-pipe chimneys, prominent chimneys or other random roof penetrations.
- (xi) Vents or skylights facing the street.
- (xii) White or bubble skylights.

6.08 Driveways. The design, construction materials, and location of: (i) all driveways, and (ii) culverts incorporated into driveways for ditch or drainage crossings, must be approved by the La Cima Reviewer.

(a) Width. Other than the flair in the driveway necessary to connect to the garage and, for side-entry garages area required for turning/maneuvering, the minimum width of a driveway is twelve (12') feet and the maximum width of a driveway path is eighteen (18') feet within five (5') feet from the curb (to allow for connecting radius to street). The maximum width of driveway area for a turnout shall be no more than thirty (30') feet wide.

(b) Setbacks. All driveways must be at least two (2') feet from adjacent property lines except when side-entry garages oppose one another, in which case the minimum is two and one-half (2 ½') feet from adjacent Lot lines.

(c) Finishes. All driveways shall be surfaced with brushed concrete. Asphalt and stained concrete driveways are prohibited.

(d) Features. Drives shall intersect the street at as close to 90 degrees as possible. Driveways must permit entry by standard mid-size vehicles without "bottoming out" in the transition area between the curb and property line as well as the driveway area between the property line and the garage. Each Lot is permitted only one driveway access from the street. Driveways on corner lots abutting a cul-de-sac and another roadway must access off the cul-de-sac.

(e) Raised Driveway. If the driveway is raised significantly above finished grade (which will be determined by the La Cima Reviewer in its sole and absolute discretion), the exposed sides of the driveway must be underpinned (parged) and painted. When practical, landscaping to screen the raised area is recommended, upon approval in writing by the La Cima Reviewer.

(f) Ramps. Where driveways conflict with pedestrian walks, curbs must be saw cut and handicap ramps installed. Handicap ramps must be constructed to comply with all Texas Department of Licensing and Regulation Architectural Barriers Texas Accessibility Standards and American Disabilities Act (ADA) requirements.

6.09 Sidewalks. Each Owner of a Lot must build or cause to be built on such Owner's Lot, in a location designated by the La Cima Reviewer, a concrete sidewalk complying with the specifications set forth in the applicable plat, approved subdivision plans, the Documents or any other requirements in conjunction with and at the time of construction of the residence thereon.

(a) Pedestrian Sidewalks. Sidewalks that run generally parallel with the street and are considered part of the overall community sidewalk or trail system are "Pedestrian Sidewalks." Pedestrian sidewalks must be constructed in accordance with the approved subdivision plans. Pedestrian sidewalks shall be surfaced with brushed concrete. Exposed aggregate or stained concrete is prohibited.

(b) Lead Walk. The portion of sidewalk that may connect from the Pedestrian Sidewalk to the home is called the "Lead Walk." Lead Walks may be surfaced with brushed concrete or exposed aggregate or other surfaces as may be approved by the La Cima Reviewer.

(c) Compliance. All sidewalks must comply with designated widths as set forth on the Plat and must be adjacent to the back of the curb and comply with all Texas Department of Licensing and Regulation Architectural Barriers Texas Accessibility Standards.

6.10 Garages. All garages shall be approved in advance of construction by the La Cima Reviewer.

(a) Enclosed Garage. Improvements constructed on each Lot must include a private, enclosed garage capable at all times of housing at least two (2) standard size automobiles. On Lots designated as fifty foot (50') lots, there is a two car bay maximum with the option for one (1) tandem garage bay so long as such bay is fully enclosed within the garage. On Lots designated as sixty foot (60') lots or greater, three (3) car garage bays are permitted.

(b) Features. Interior walls of all garages must be finished with sheetrock, textured and painted at a minimum. Each garage shall have garage doors that are wired so as to be operated by electric door openers.

(c) Prohibited Elements:

- (i) Carports.
- (ii) Open (not enclosed) automobile storage.

6.11 Exterior Lighting. Exterior lighting must be approved in advance by the La Cima Reviewer and must comply with Applicable Law, including but not limited to Article 5 (Lighting and Glare Standards) of the San Marcos City Code

(a) Brightness. No exterior light whose direct source is visible from a street or neighboring property or which produces excessive glare to pedestrian or vehicular traffic will be allowed. Exterior mounted lamp housings must shield lamp from view and the direct light.

(b) Number. The number of exterior light fixture for the house and the landscape may be limited in order to prevent excessive lighting. When landscape lighting is being installed on the site, a night time inspection and written approval may be required prior to final installation.

(c) Prohibited Elements:

- (i) Use of other than white or color corrected high intensity lamps and exterior lights (except holiday lighting which may not be installed more than twenty-

one (21) days before a holiday and must be removed no more than fourteen (14) days after the holiday).

- (ii) Sodium, mercury vapor, or bare HID yard lights.

6.12 Setbacks. Applicable minimum setbacks are set forth on the table below.

Setback Requirements	Front Yard	Side Yard Interior	Side Yard Corner	Rear Yard
Single Family Residential Estate Lots	20'	10'	20'	20'
Single Family Residential Rural Lots	20'	10'	10'	20'
Single Family Residential Manor Lots	20'	5'	10'	10'
Single Family Residential Cottage Lots	10'	5'	10'	10'

6.13 Address Markers and Mailboxes. Address markers must be readily visible from the street. The painting of addresses on the curb is not allowed. Centralized mailbox units will be provided in the community for mail pick-up and delivery.

6.14 Solar Energy Devices. "Solar Energy Device" means 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. The term includes a mechanical or chemical device that has the ability to store solar-generated energy for use in heating or cooling or in the production of power. Solar Energy Devices may be installed with the advance written approval of the La Cima Reviewer, subject to the following provisions.

(a) **Application.** To obtain approval of a Solar Energy Device, the Owner shall submit the following information: (i) the proposed installation location of the Solar Energy Device; and (ii) a description of the Solar Energy Device, including the dimensions, manufacturer, and photograph or other accurate depiction (the "**Solar Application**"). A Solar Application may only be submitted by an Owner. The Solar Application shall be submitted in accordance with the provisions of *Article 6* of the Master Covenant.

(b) **Approval Process.** The La Cima Reviewer will review the Solar Application in accordance with the terms and provisions of *Article 6* of the Master Covenant. The La Cima Reviewer will approve a Solar Energy Device if the Solar Application complies with *Section 6.15(c)* below **UNLESS** the La Cima Reviewer makes a written determination that placement of the Solar Energy Device, despite compliance with *Section 6.15(c)*, will create a condition that substantially interferes with the use and enjoyment of property within the Development by causing unreasonable discomfort or annoyance to persons of ordinary sensibilities. The La Cima Reviewer's right to make a written determination in accordance with the foregoing sentence is negated if all Owners of Lots immediately adjacent to the Owner/applicant provide written approval of the proposed placement. Any proposal to install a Solar Energy Device on property

owned or maintained by the Association or property owned in common by Members of the Association must be approved in advance and in writing by the Board, and the Board need not adhere to this *Section 6.15* when considering any such request.

(c) Approval Conditions. Unless otherwise approved in advance and in writing by the La Cima Reviewer, each Solar Application and each Solar Energy Device to be installed in accordance therewith must comply with the following:

(i) The Solar Energy Device must be located on the roof of the residence located on the Owner's Lot, entirely within a fenced area of the Owner's Lot, or entirely within a fenced patio located on the Owner's Lot. If the Solar Energy Device will be located on the roof of the residence, the La Cima Reviewer may designate the location for placement unless the location proposed by the Owner increases the estimated annual energy production of the Solar Energy Device, as determined by using a publicly available modeling tool provided by the National Renewable Energy Laboratory, by more than ten percent (10%) above the energy production of the Solar Energy Device if installed in the location designated by the La Cima Reviewer. If the Owner desires to contest the alternate location proposed by the La Cima Reviewer, the Owner should submit information to the La Cima Reviewer which demonstrates that the Owner's proposed location meets the foregoing criteria. If the Solar Energy Device will be located in the fenced area of the Owner's Lot or patio, no portion of the Solar Energy Device may extend above the fence line;

(ii) If the Solar Energy Device is mounted on the roof of the principal residence located on the Owner's Lot, then: (A) the Solar Energy Device may not extend higher than or beyond the roofline; (B) the Solar Energy Device must conform to the slope of the roof and the top edge of the Solar Device must be parallel to the roofline; and (C) the frame, support brackets, or visible piping or wiring associated with the Solar Energy Device must be silver, bronze or black.

6.15 HVAC Screening. Air conditioning compressors and pool equipment shall be enclosed by a structural screening element constructed of cedar wood or materials approved by the La Cima Reviewer or screened by privacy fencing.

6.16 Flags. Owners are permitted to display certain flags on the Owner's Lot, as further set forth below.

(a) Approval Requirements. An Owner is permitted to display the flag of the United States of America, the flag of the State of Texas, an official or replica flag of any branch of the United States Military, or one (1) flag with official insignia of a college or university ("**Permitted Flag**") and permitted to install a flagpole no more than five (5') feet in length affixed to the front of a residence near the principal entry or affixed to the rear of a residence ("**Permitted Flagpole**"). Only two (2) permitted Flagpoles are allowed per residence. A Permitted Flag or Permitted Flagpole need not be approved in advance by the La Cima Reviewer. Approval by the La Cima Reviewer is required prior to installing vertical freestanding flagpoles installed in the front or back yard area of any Lot ("**Freestanding Flagpole**").

(b) Installation and Display. Unless otherwise approved in advance and in writing by the La Cima Reviewer, Permitted Flags, Permitted Flagpoles and Freestanding Flagpoles, installed in accordance with the Flagpole Application, must comply with the following:

(i) No more than one (1) Freestanding Flagpole OR no more than two (2) Permitted Flagpoles are permitted per Lot, on which only Permitted Flags may be displayed;

(ii) Any Permitted Flagpole must be no longer than five feet (5') in length and any Freestanding Flagpole must be no more than twenty feet (20') in height;

(iii) Any Permitted Flag displayed on any flagpole may not be more than three feet in height by five feet in width (3'x5');

(iv) The flag of the United States of America must be displayed in accordance with 4 U.S.C. Sections 5-10 and the flag of the State of Texas must be displayed in accordance with Chapter 3100 of the Texas Government Code;

(v) The display of a flag, or the location and construction of the flagpole must comply with Applicable Law, easements and setbacks of record;

(vi) Any flagpole must be constructed of permanent, long-lasting materials, with a finish appropriate to the materials used in the construction of the flagpole and harmonious with the dwelling;

(vii) A flag or a flagpole must be maintained in good condition and any deteriorated flag or deteriorated or structurally unsafe flagpole must be repaired, replaced or removed;

(viii) Any flag may be illuminated by no more than one (1) halogen landscaping light of low beam intensity which shall not be aimed towards or directly affect any neighboring property; and

(ix) Any external halyard of a flagpole must be secured so as to reduce or eliminate noise from flapping against the metal of the flagpole.

6.17 Signs. Except for those permitted signs as set forth below or otherwise permitted by Applicable Law, no sign of any kind may be displayed or visible to Ordinary Public View on any Lot without the prior written approval of the La Cima Reviewer.

(a) Permitted under the Documents. Signs which are expressly permitted pursuant to the Design Guidelines or Rules and Regulations may be displayed on a Lot.

(b) Sales and Marketing. Signs which are part of Declarant's or a Homebuilder's overall marketing, sale, or construction plans or activities for the Property shall be permitted on any Lot.

(c) School Spirit. One (1) temporary school "spirit" sign may be placed on any Lot so long as the sign: (i) is professionally made; (ii) is limited to maximum face area of five square

feet (*e.g.*, 2' x 2.5') on each visible side; (iii) is mounted on a single or frame post if free standing; (iv) does not exceed four feet (4') in height from finished grade at the location where the sign is located; and (v) is removed within five (5) business days following the athletic season for which the sign relates.

(d) For Sale. One (1) temporary "For Sale" sign placed on any Lot so long as the sign: (i) is professionally made; (ii) is limited to a maximum face area of five square feet (*e.g.*, 2' x 2.5') on each visible side; (iii) is mounted on a single or frame post if free standing; (iv) does not exceed four feet (4') in height from finished grade at the location where the sign is located; (v) is removed within two (2) business days following the sale of the Lot; provided, however, that "For Lease" and "For Rent" signs are expressly prohibited.

(e) Elections. Political signs may be displayed on any Lot provided that: (i) the sign is erected no earlier than the 90th day before the date of the election to which the sign relates; (ii) the sign is removed no later than the 10th day after the date of the election to which the sign relates; (iii) the sign is ground-mounted; (iv) only one sign may be erected for each candidate or ballot item; and (v) signs which include any of the components or characteristics described in Section 202.009(c) of the Texas Property Code are strictly prohibited.

(f) Religious Items. A religious item may be displayed on the entry door or door frame of a residence (which may not extend beyond the outer edge of the door frame) provided that the size of the item(s), individually or in combination with other religious items on the entry door or door frame of the residence, does not exceed twenty-five square inches (*e.g.*, 5" x 5").

(g) Permits. Permits may be displayed on any Lot as may be required by: (i) legal proceedings; or (ii) a governmental entity

(h) No Solicitation. A "no soliciting" and "security warning" sign may be displayed on or near the front door to a residence, provided that the sign does not exceed twenty-five (25) square inches (*e.g.*, 5" x 5").

6.18 Antennas. The installation of only certain antennas shall be permitted in the Development, as further set forth below.

(a) Prohibited Antennas; Permitted Antennas. Except as expressly provided below, no exterior radio or television antennae or aerial or satellite dish or disc may be erected, maintained or placed on a Lot without the prior written approval of the La Cima Reviewer; provided, however, that:

(i) an antenna designed to receive direct broadcast services, including direct-to-home satellite services, that is one meter or less in diameter; or

(ii) an antenna designed to receive video programming services via multipoint distribution services, including multichannel multipoint distribution services, instructional television fixed services, and local multipoint distribution services, that is one meter or less in diameter or diagonal measurement; or

(iii) an antenna that is designed to receive television broadcast signals;

(collectively, (i) through (iii) are referred to herein as the “**Permitted Antennas**”) will be permitted subject to reasonable requirements as to location and screening as may be set forth in rules adopted by the La Cima Reviewer, consistent with Applicable Law, in order to minimize obtrusiveness as viewed from streets and adjacent property. Declarant and/or the Association will have the right, but not the obligation, to erect an aerial, satellite dish, or other apparatus for a master antenna, cable, or other communication system for the benefit of all or any portion of the Development.

(b) Location of Permitted Antennas. A Permitted Antenna may be installed solely on the Owner’s Lot and may not encroach upon any street, Common Area, Special Common Area, or any other portion of the Development. A Permitted Antenna may be installed in a location on the Lot from which an acceptable quality signal can be obtained and where least visible from Ordinary Public View. In order of preference, the locations of a Permitted Antenna which will be considered least visible from Ordinary Public View by the La Cima Reviewer are as follows:

(i) attached to the back of the principal single-family residence constructed on the Lot, with no part of the Permitted Antenna any higher than the lowest point of the roofline and screened from view of adjacent Lots and the street; then

(ii) attached to the side of the principal single-family residence constructed on the Lot, with no part of the Permitted Antenna any higher than the lowest point of the roofline and screened from view of adjacent Lots and the street.

The La Cima Reviewer may, from time to time, modify, amend, or supplement the rules regarding installation and placement of Permitted Antennas.

Satellite dishes one meter or less in diameter, e.g., DirecTV or Dish satellite dishes, are permitted; provided, **HOWEVER**, you are required to comply with the rules regarding installation and placement. These rules and regulations may be modified by the La Cima Reviewer from time to time. Please contact the La Cima Reviewer for the current rules regarding installation and placement.

6.19 Aesthetic Appeal. The La Cima Reviewer may disapprove the construction or design of a home on purely aesthetic grounds. Any prior decisions of the La Cima Reviewer regarding matters of design or aesthetics shall not be deemed to have set a precedent if the La Cima Reviewer feels that the repetition of such actions would have any adverse effect on the community.

ARTICLE 7 LANDSCAPE GUIDELINES

7.01 Landscape. General landscaping guidelines for each Lot are set forth below. All landscapes and landscaping must be approved in writing prior by the La Cima Reviewer prior to installation. An approved list of plants and turf is set forth on the Plant List attached hereto as Attachment 1.

(a) Plans. Detailed landscape plans for each Lot must be submitted to the La Cima Reviewer for consideration at least thirty (30) days before installation is planned. Builders may submit a generic landscape plan that meets the requirements and does not have to be specific.

No significant (*i.e.*, major changes in the plant list, plant and plant bed locations, plant count, hardscape design, materials) revisions may be made to approved plans without submission to, and further approval by the La Cima Reviewer of the revised plans. Landscape plans must include vegetative screening for above ground utility connections visible from the street or adjacent properties. Hardscape elements in the landscaping must be in scale with the home and associated structures. Corner lots shall have landscaping that is consistent in design and treatment on both street frontages.

(b) Materials. All introduced vegetation shall be trees, shrubs, vines, ground covers, seasonal flowers or sodded grasses which are commonly used in Central Texas for landscaping purposes and which are approved by the La Cima Reviewer. An emphasis should be placed on utilizing native plants that are drought tolerant as well as deer resistant. A minimum of 2" of mulch is required for all shrub and bed areas. Turf grass shall have a minimum of 4" of native soils or improved soils. Caliche is not considered soil. An Owner must plant grass within three (3) days after top-soil for planting grass has been delivered to the Lot.

(c) Installation and Maintenance. Landscaping of new homes must be installed within thirty (30) days of completion and in any event, landscaping in accordance with the approved plans shall be completely installed prior to occupancy of a residence. Builders are required to install landscaping in the front of homes and side yards to return fences. Builders are only required to install sod in rear lots and side yards. Modifications of existing landscaping must be completed within fourteen (14) days of commencement. Extensions to the time limit may be granted by the La Cima Reviewer but may require a deposit. After installation, landscaping (including temporary landscaping) shall be properly maintained at all times.

(d) Gardens; Sculptures and Fountains. Any Owner who wishes to plant one or more gardens upon their Lot must obtain the approval of the La Cima Reviewer. All gardens shall be no larger than 10' x 10' and be located in the backyards. Any structures used to support the weight of a plant shall be no taller than four (4') feet. Sculptures are subject to approval by the La Cima Reviewer. Ponds and fountains are prohibited.

(e) Reservation of Future Approvals. The La Cima Reviewer reserves the right to require additional landscaping for pools, cabanas and other hardscape elements that may be constructed after completion of the residence and associated landscaping.

(f) Prohibited Elements.

(i) Rock other than crushed granite as a ground cover (unless approved in advance by the La Cima Reviewer).

(ii) St. Augustine Grass.

7.02 Trees and Tree Protection. All residential Lots in La Cima are required to have two (2) trees planted in the front yard. The minimum tree size for such trees shall be a two and one-half inch (2.5") caliper hardwood tree. Protection and preservation of trees is of significant importance to the aesthetics of the community and the environment of La Cima.

(a) Vegetative Fencing. Whenever possible and economically feasible, all trees should be preserved and protected during construction with vegetative fencing.

(b) Oak Wilt. Sound horticultural practices, as recommended by the Texas Forest Service, are required to prevent the establishment or spread of oak wilt. Specific requirements include:

(i) Tree pruning tools and blades shall be sterilized prior to and between cutting any oak trees.

(ii) Oak tree pruning is discouraged from February 1st to June 15th.

(iii) Pruned trees and/or wounds shall be immediately protected with tree paint (approved example: Treekote Tree Compound).

(iv) All firewood shall be covered.

7.03 Irrigation. The La Cima Reviewer must approve all irrigation systems prior to installation.

(a) Irrigation Systems. Any approved irrigation systems must be installed and maintained pursuant to all water requirements under Applicable Law, as well as any applicable Texas Commission on Environmental Quality (“TCEQ”) regulations.

(b) Backflow Prevention Device. Each Owner is advised that TCEQ regulations require the installation of a backflow prevention device at any connection to a public drinking water supply. If a backflow prevention device is required, the Owner will be obligated to have performed a yearly inspection by a licensed TCEQ Backflow Prevention Assembly Tester.

(c) Drip Systems. The use of drip irrigation is encouraged. Irrigation sprinkler systems must use heads that emit large drops rather than a fine mist. All irrigation systems shall be zone based on plant watering requirements.

(d) Drought Management Plans. Drought management plans may be implemented, as necessary, by the La Cima Reviewer.

7.04 Xeriscaping. As part of the installation and maintenance of landscaping on an Owner’s Lot, an Owner may submit plans for and install drought tolerant landscaping (“**Xeriscaping**”) upon written approval by the La Cima Reviewer, subject to the following provisions.

(a) Application. Approval by the La Cima Reviewer is required prior to installing Xeriscaping. To obtain the approval of the La Cima Reviewer for Xeriscaping, the Owner shall provide the La Cima Reviewer with the following information: (a) the proposed site location of the Xeriscaping on the Owner’s Lot; (b) a description of the Xeriscaping, including the types of plants, border materials, hardscape materials and photograph or other accurate depiction and (c) the percentage of yard to be covered with gravel, rocks and cacti (the “**Xeriscaping Application**”). A Xeriscaping Application may only be submitted by an Owner unless the Owner’s tenant provides written confirmation at the time of submission that the Owner consents to the Xeriscaping Application. The La Cima Reviewer is not responsible for: (a) errors or omissions in the Xeriscaping Application submitted to the La Cima Reviewer for approval; (b) supervising installation or construction to confirm compliance with an approved Xeriscaping Application or (c) the compliance of an approved application with Applicable Law.

(b) Approval Conditions. Unless otherwise approved in advance and in writing by the La Cima Reviewer each Xeriscaping Application and all Xeriscaping to be installed in accordance therewith must comply with the following:

(i) The Xeriscaping must be aesthetically compatible with other landscaping in the community as reasonably determined by the La Cima Reviewer. For purposes of this Section, "aesthetically compatible" shall mean overall and long-term aesthetic compatibility within the community. For example, an Owner's Lot plan may be denied if the La Cima Reviewer determines that: a) the proposed Xeriscaping would not be harmonious with already established turf and landscaping in the overall community; and/or b) the use of specific turf or plant materials would result in damage to or cause deterioration of the turf or landscaping of an adjacent property owner, resulting in a reduction of aesthetic appeal of the adjacent property Owner's Lot;

(ii) No Owners shall install gravel, rocks or cacti that in the aggregate encompass over ten percent (10%) of such Owner's front yard or ten percent (10%) of such Owner's back yard; and

(iii) The Xeriscaping must not attract diseases and insects that are harmful to the existing landscaping on neighboring Lots, as reasonably determined by the La Cima Reviewer.

(c) Process. The decision of the La Cima Reviewer will be made within a reasonable time, or within the time period otherwise required by the specific provisions in the Design Guidelines, if adopted or other provisions in the Documents which govern the review and approval of improvements. A Xeriscaping Application submitted to install Xeriscaping on property owned by the Association or property owned in common by members of the Association will not be approved. Any proposal to install Xeriscaping on property owned by the Association or property owned in common by members of the Association must be approved in advance and in writing by the Board, and the Board need not adhere to the requirements set forth in this Section when considering any such request.

(d) Approval. Each Owner is advised that if the Xeriscaping Application is approved by the La Cima Reviewer installation of the Xeriscaping must: (a) strictly comply with the Xeriscaping Application; (b) commence within thirty (30) days of approval; and (c) be diligently prosecuted to completion. If the Owner fails to cause the Xeriscaping to be installed in accordance with the approved Xeriscaping Application, the La Cima Reviewer may require the Owner to: (a) modify the Xeriscaping Application to accurately reflect the Xeriscaping installed on the property; or (b) remove the Xeriscaping and reinstall the Xeriscaping in accordance with the approved Xeriscaping Application. Failure to install Xeriscaping in accordance with the approved Xeriscaping Application or an Owner's failure to comply with the post-approval requirements constitutes a violation of the Master Covenant and may subject the Owner to fines and penalties. Any requirement imposed by the La Cima Reviewer to resubmit a Xeriscaping Application or remove and relocate Xeriscaping in accordance with the approved Xeriscaping Application shall be at the Owner's sole cost and expense.

7.05 Rainwater Harvesting Systems. Rain barrels or rainwater harvesting systems (a “Rainwater Harvesting System”) may be installed with the advance written approval of the La Cima Reviewer, subject to the following provisions.

(a) Application. To obtain La Cima Reviewer approval of a Rainwater Harvesting System, the Owner shall provide the La Cima Reviewer with the following information: (a) the proposed installation location of the Rainwater Harvesting System; and (b) a description of the Rainwater Harvesting System, including the color, dimensions, manufacturer, and photograph or other accurate depiction (the “Rain System Application”). A Rain System Application may only be submitted by an Owner.

(b) Approval Process. The decision of the La Cima Reviewer will be made in accordance with *Article 6* of the Master Covenant. Any proposal to install a Rainwater Harvesting System on property owned by the Association or property owned in common by Members of the Association must be approved in advance and in writing by the Board, and the Board need not adhere to this Section when considering any such request.

(c) Approval Conditions. Unless otherwise approved in advance and in writing by the La Cima Reviewer, each Rain System Application and each Rainwater Harvesting System to be installed in accordance therewith must comply with the following:

(i) The Rainwater Harvesting System must be consistent with the color scheme of the residence constructed on the Owner’s Lot, as reasonably determined by the La Cima Reviewer;

(ii) The Rainwater Harvesting System does not include any language or other content that is not typically displayed on such a device;

(iii) The Rainwater Harvesting System is in no event located between the front of the residence constructed on the Owner’s Lot and any adjoining or adjacent street;

(iv) There is sufficient area on the Owner’s Lot to install the Rainwater Harvesting System, as reasonably determined by the La Cima Reviewer. See *Section 7.05(d)* for additional guidance.

(d) Guidelines. The La Cima Reviewer may regulate the size, type, shielding of, and materials used in the construction of the Rainwater Harvesting System. Accordingly, when submitting a Rain System Application, the application should describe methods proposed by the Owner to shield the Rainwater Harvesting System from the view of any street, common area, or another Owner’s Lot. When reviewing a Rain System Application for a Rainwater Harvesting System that will be installed on or within the side yard of a Lot, or would otherwise be visible from a street, the Common Area, Special Common Area, or another Owner’s Lot, any additional requirements imposed by the La Cima Reviewer to regulate the size, type, shielding of, and materials used in the construction of the Rainwater Harvesting System, may not prohibit the economic installation of the Rainwater Harvesting System, as reasonably determined by the La Cima Reviewer.

(e) Limitations. Rainwater Harvesting Systems shall be: (i) only two 55 gallon tanks shall be permitted which must be two feet (2') in diameter and four feet (4') in height; and (ii) only located within the fenced yard of the Lot and not visible from the street.

7.06 Landscape Inspection. The La Cima Reviewer may, upon the Owner's completion of the installation of landscaping, conduct an on-site inspection of the property to ensure compliance with the approved plan.

7.07 Drainage. There shall be no interference with the established drainage patterns except by Declarant, unless adequate provision is made for proper drainage and such provision has been certified by a professional engineer and approved in advance by the La Cima Reviewer.

(a) Site Drainage. Responsibility for proper site drainage rests with the Owner. Each Owner is solely responsible for correcting any change in water flow or drainage caused by the construction of Improvements on such Owner's Lot.

(b) Area Drains. No area drains are allowed to extend through the curb, and any area drain opening must be behind the curb within the Lot and cannot extend to the street or right-of-way.

(c) Drainage Improvements. All drainage improvements within any right-of-way must be submitted to the La Cima Reviewer for consideration and must be constructed in accordance with stamped engineered plans by a licensed engineer. Drainage improvements must be maintained by each Owner unless maintenance has been accepted by the Association in a Recorded written instrument.

7.08 Fencing and Walls. The materials, height, location and construction of all fences must be approved in advance by the La Cima Reviewer.

(a) Lot Fencing. Fencing is required on the sides and rear of the lot. Courtyard walls that are architectural walls and designed for individual house plans will be considered for approval by the La Cima Reviewer.

(b) Retaining Walls. All retaining wall plans over 48" must be submitted to the La Cima Reviewer for consideration and must be constructed in accordance with stamped engineered plans by a licensed engineer if required by Applicable Law.

(c) Plans. Plans submitted for fences or walls must be drawn on an accurate copy of the site plan.

(d) Greenbelt Fencing. Unless otherwise approved in writing at the sole discretion of the La Cima Reviewer, all lots backing up to a greenbelt must utilize ornamental view fencing (painted black) without columns along the property line adjacent to the greenbelt.

(e) Construction. All fencing between Lots must be wood fencing that alternates the side the panel faces every eight feet (8') ("Good Neighbor Fencing"). Fences shall utilize metal posts and must have at least three horizontal boards for attaching the pickets. Pickets must be 3/4" x 6" x 6'. Fences that side onto collector roads or otherwise identified high visibility locations will require the fence to be capped.

(f) Setbacks. The side yard fence at the point where it connects to the house must be setback a minimum distance as set forth in Attachment 4. All side yard fences must be installed so that they are perpendicular to the house unless circumstances on site dictate otherwise. Side yard fences must be installed so that all pickets are facing toward the street and no fence rails are seen from the street.

(g) Stain. All fence stains must be approved in advance by the La Cima Reviewer. Any part of the fence that is visible from any street shall be routinely re-stained (no less than every four years) in the approved stain color and La Cima Review and/or the Association shall have the right to re-stain such visible portion of the fence and charge the expense to the Owner pursuant to the terms and provisions of the Master Covenant.

(h) Prohibited Elements:

- (i) Shadowbox or "Pallet" type fencing.
- (ii) Fencing of front yards.
- (iii) Solid walls enclosing an entire site.

7.09 Pools, Spas and Hot Tubs. An application must be submitted to the La Cima Reviewer in conjunction with the review of any application for any proposed swimming pool, spa, or hot tub. The materials, location and construction of all pools, spas and hot tubs must be approved in advance by the La Cima Reviewer.

(a) In Ground. Swimming pools and accompanying spas shall be in-ground, or a balanced cut and fill, and shall be designed to be compatible with the site and the dwelling. All exposed concrete on "Infinity Edge" swimming pools must be properly screened through the use of landscaping and no more than three (3') feet of exposed concrete may be visible. All pools and accompanying spas may be no higher than two (2') feet above the existing grade of the land. Self-contained above-ground hot tubs require approval by the La Cima Reviewer.

(b) Location. All permitted swimming pools and spas shall be located behind the front fence line. Pool equipment on corner lots shall be located on the interior side or rear yards. All pool or spa improvements, including but not limited to all decking, must comply with the setback requirements.

(c) Screening; Fencing. Screening, fencing, security and maintenance are required of all swimming pools, spas and hot tubs. Additional fencing, if any is proposed in addition to the yard fencing, and/or walls around the swimming pool, spa or hot tub must be approved in advance by the La Cima Reviewer and integrated into the design of the dwelling and site. Fences must meet all governmental regulations and no pool, spa, hot tub or other similar water containing basin shall be filled with water until proper fencing is installed.

(d) Plans. The swimming pool, spa or hot tub plan must be drawn on a copy of an accurate site plan and shall include specific indications of distances from the water containing basin(s) and surrounding slab walks to the lot lines and building setbacks.

(e) Backwash. Unless otherwise expressly approved by the applicable governmental agency or utility service provider, backwash from a swimming pool, spa or hot tub drain with a backwash filtering system must be contained within the Lot on which the swimming

pool, spa or hot tub has been constructed and is not permitted to be discharged into any street, adjoining Lot or drainage easement.

(f) Construction Deposit. A construction deposit is required for all swimming pool, spa or hot tub construction (except for any Homebuilder that has already provided a construction deposit for the construction of the home).

(g) Lot Access. No access across another Lot, Common Area, Open Space or greenbelt for the purpose of building or maintaining a swimming pool, spa or hot tub is permitted.

7.10 Playscapes, Trampolines, Basketball Goals and Sport Courts. Playscapes, basketball goals, recreational or sport courts and trampolines must be approved in writing by the La Cima Reviewer prior to the commencement of construction or placement.

(a) Features. If allowed, these facilities must be properly sited and screened so as to minimize the visual and audio impact of the facility on adjacent properties. Special attention will be placed on color schemes and on the visibility of the equipment from the street and neighboring Lots. Playscapes shall be no higher than nine (9') feet.

(b) Plans. Plans for playscapes and sport courts must be drawn on an accurate copy of the site plan and must include proposed screening.

(c) Basketball Goals. Portable basketball goals are only allowed between the street right of way and the front of a residence on a Lot and must not be placed, at any time, on any street or right of way located within a Development Area. When not in use, portable basketball goals must be stored in a garage or in the rear of the Lot (i.e., out of public view).

(d) Prohibited Elements:

- (i) Direct or indirect lighting of the playscape, trampoline or sport court.
- (ii) Netting enclosures (except safety netting around a trampoline).
- (iii) Tennis courts.

ARTICLE 8 EROSION CONTROL AND CONSTRUCTION REGULATIONS

The following restrictions shall apply to all construction activities at La Cima. **It is the responsibility of all Owners and/or contractors to adhere to State and Federal stormwater runoff protection and prevention requirements that may be applicable to their construction activities and to obtain proper permits as may be required.** Periodic inspections by a representative of the La Cima Reviewer may take place in order to identify non-complying construction activities. If items identified as not complying with the regulations are not remedied in a timely manner, fines will be levied.

8.01 Erosion Control Installation and Maintenance. Upon written approval by the La Cima Reviewer, it is the responsibility of the Owner to install erosion control measures prior to the start of construction and to maintain the measures throughout construction.

(a) Silt Fencing. Silt fencing installed to all applicable standards is required to be properly installed and maintained to protect the low sides of all disturbed areas, where storm-water will flow during construction. The purpose of the silt fence is to capture the sediment from the runoff and to permit filtered, clean water to exit the site.

(b) Sediment Removal. Built-up sediment will need to be removed from the silt fence after heavy or successive rains, and that any breach in the fencing will need to be repaired or replaced immediately. If for any reason the silt fence is to be temporarily removed, a representative of the La Cima Reviewer must be contacted prior to the removal.

8.02 Security. Neither the La Cima Reviewer, the Association, nor the Declarant shall be responsible for the security of job sites during construction. If theft or vandalism occurs, the Owner should first contact the Hays County Sheriff's Department and then notify the La Cima Reviewer.

8.03 Construction Hours. Unless a written waiver is obtained from the La Cima Reviewer, construction may only take place as follows:

(a) Hours. Monday through Saturday from 7:00 a.m. until 7:00 p.m.. No construction work is allowed on Sunday.

(b) Holidays. There shall be no construction on New Year's Day, Easter, Memorial Day, July 4th, Labor Day, Thanksgiving Day, or Christmas Day.

(c) Waivers. Waivers may be given for the pouring of concrete slabs during the summer months.

8.04 Noise, Animals, Children. The use of music devices and noise must be restrained so as not to be heard on an adjoining Lot or street. Any noise in excess of 85 decibels shall be considered a violation of these restrictions. Contractors and subcontractors may not bring dogs or children under 16 years of age to construction sites.

8.05 Material and Equipment Storage. All construction materials and equipment shall be neatly stacked, properly covered and secured. Any storage of materials or equipment shall be the Owner's responsibility and at their risk. Owners may not disturb, damage or trespass on other Lots or adjacent property.

8.06 Insurance. The La Cima Reviewer may require an Owner to procure adequate commercial liability insurance during construction naming the Association, the Declarant and the La Cima Reviewer as additional insureds in an amount to be determined, from time to time, by the La Cima Reviewer.

8.07 Site Cleanliness. During the construction period, each construction site shall be kept neat and shall be properly policed to prevent it from becoming an eyesore.

(a) Fencing. Brightly colored construction fence must be installed before the start of construction on all side lot lines where a home is being constructed next to an existing occupied home.

(b) Trash Containers. Owners and Homebuilders shall clean up all trash and debris on the construction site. Trash and debris shall be removed from each construction site on a timely basis. A trash receptacle approved in advance by the La Cima Reviewer will be located on each lot during construction. Trash receptacles must be emptied periodically and will not be permitted to overflow. Chain link fencing is not an acceptable enclosure material for temporarily containing trash. Lightweight material, packaging and other items shall be covered or weighted down to prevent wind from blowing such materials off the construction site.

(c) No Dumping or Burning. The dumping, burying or burning of trash is not permitted anywhere in La Cima.

(d) Heavy Equipment and Debris. When moving heavy equipment, precautions must be taken to prevent damage to pavement, curbs, and vegetation. Track loaders are not to be operated on paved or concrete surfaces. Mud, dirt and other construction debris that is tracked off the construction site shall be cleaned on a daily basis. Skid steer loaders are not to be used to clean the streets by scraping them.

(e) Each Owner who is a Homebuilder must comply with the Concrete Truck Clean-Out Site provisions set forth in Section 3.15 of the Development Area Declaration.

8.08 Sanitary Facilities. A temporary sanitary facility (chemical toilet) shall be provided and maintained for the use of construction workers on or within three (3) Lots of the construction site.

8.09 Construction Parking & Construction Trailers. Construction crews shall not park on, or otherwise use, other Lots. No construction vehicle will be permitted to leak oil or otherwise damage or deface any street located within the community. The Documents permit Declarant to maintain and locate construction trailers and construction tools and equipment within the Development Area. Upon written approval from the La Cima Reviewer, a Homebuilder may be permitted to establish a construction trailer, field office or similar temporary structure by submitting along with the application for approval, a copy of the site plan with proposed locations of trailer, field office or similar temporary structure with a trash receptacle noted thereon. The trash receptacle shall be of an approved size. Such temporary structure, if approved, must be removed immediately upon completion of construction. Approval by the La Cima Reviewer shall not relieve Homebuilder from the obligation to apply for and obtain any other governmental permits before moving any such construction trailer, field office, etc. onto the Development Area.

8.10 Schedule of Construction Fines. Periodic inspections by a representative of the La Cima Reviewer may take place in order to identify non-complying construction activities. Fine amounts will be set forth in the Fine and Enforcement Policy in the Policy Manual (as defined in the Master Covenant).

ARTICLE 9 PLAN REVIEW PROCESS

The construction or installation of any improvements, changes to existing improvements, or the reconstruction of improvements, will require the submission of plans and specifications for approval of the La Cima Reviewer before any such construction or installation activity is commenced. The La Cima Reviewer may waive plan and specification requirements for certain modifications or improvements at its discretion.

9.01 Submittals. The Plan Review Process includes three stages of review, plus Final Approval by the La Cima Reviewer:

Stage 1 – Pre-approval of standard sets of plans, elevations for multiple homes that will be allowed to be built by each builder. Alterations to the plans and plans not included in the pre-approved list must be independently approved in advance of construction.

Stage 2 – Submittal of a site plan showing the specific home on the specific lot upon which it is proposed to be built. Must show compliance with all set-backs, easements, etc. Also must show location of and material to be used for driveway, sidewalks, patios, decks, and any ancillary improvements along with house siding, roof, trim colors, and siding and trim materials.

Stage 3 – (Can be submitted during Stage 2) Diagram showing placement of required landscaping plants and any additional landscape improvements.

Final Approval - To obtain final approval, a completed Final Plan Application attached hereto as Attachment 2 must be submitted to the La Cima Reviewer, including any information or materials requested but not previously provided or submitted (can be submitted at any Stage above). Improvements on a Lot may not commence until such Final Plan Application has been submitted and executed by the La Cima Reviewer.

9.02 Timing. The La Cima Reviewer will attempt to review all applications and submittals within thirty (30) days after submission. Please plan construction activities to allow sufficient time for submittals and review as outlined above, and for obtaining Final Approval prior to commencement.

ARTICLE 10 MODEL HOMES

The Documents permit Declarant to create and allow certain Lots and areas within La Cima to be used for the non-residential purpose of creating sales offices and model homes ("**Model Homes**"). A Model Home allows a Homebuilder the opportunity to showcase a residence plan type to potential purchasers as well as maintain a sales office within La Cima. The Declarant's goal is to contain Model Homes to certain areas of each Development Area to maintain continuity and minimize disruption to the overall Development. Model Homes are not constructed to conform to the requirements of the Documents or these Master Design Guidelines, and require certain alterations thereto, such as but not limited to requirements regarding the construction of garages and/or driveways. NO MODEL HOME MAY BE CONVEYED TO AN OWNER (UNLESS THAT OWNER HAS ENTERED INTO A RENTAL AGREEMENT WITH BUILDER) WITHOUT COMPLYING WITH ALL COVENANTS, CONDITIONS AND RESTRICTIONS SET FORTH IN THE DOCUMENTS, INCLUDING THESE MASTER DESIGN GUIDELINES. At such time that a Model Home is no longer intended to be used for non-residential purposes, any Improvements undertaken to bring such Model Home into conformance with residential uses and/or compliance with the Documents MUST BE APPROVED by the La Cima Reviewer in writing prior to the commencement of such Improvements.

In an effort to maintain continuity within the Development, the La Cima Reviewer DOES NOT INTEND TO APPROVE any plans for Improvements to any Model Home until the earlier of the following to occur (i) the termination of the Development Period; or (ii) the Homebuilder seeking to improve or alter their Model Home has conveyed at least seventy-five percent (75%) of the Lots owned by such Homebuilder to Owners other than another Homebuilder or a new model location has been identified

and agreed upon. Notwithstanding the foregoing, the La Cima Reviewer is not prohibited from approving any such requests.

ATTACHMENT 1
PLANT LIST

The attached list should be used as a starting point for selecting plants in the La Cima. Requirements for specific Lots may be more or less restrictive depending on landscape indigenous to the immediate site and the location of the site within the Development.

COMMON NAME	BOTANICAL NAME	NOTES	QTY.
TREES			
Afghan Pine	Pinus eldarica		
Bald Cypress	Taxodium distichum		
Burr Oak	Quercus macrocarpa		
Cedar Elm	Ulmus crassifolia		
Deodara Cedar	Cedrus deodara		
Live Oak	Quercus virginiana		
Shumard Oak	Quercus shumardii		
Texas Ash	Fraxinus texensis		
ORNAMENTAL TREES			
Bradford Flowering Pear	Pyrus calleryana "Bradford"		
Crape Myrtle "Bashams Party Pink"	Lagerstroemia indica light pink		
Crape Myrtle "Catawba"	Lagerstroemia indica bright purple		
Crape Myrtle "Natchez"	Lagerstroemia indica white flowered		
Desert Willow	Chilopsis linearis		
Flameleaf Sumac	Rhus lanceolata		
Golden Rain Tree	Koelreuteria bipinnata		
Mexican Buckeye	Ungnadia speciosa		
Mexican Plum	Prunus mexicana		
Possomhaw Holly (Female)	Ilex decidua		
Red Bud	Cercis canadensis		
Texas Mountain Laurel	Sophara secundiflora		
Texas Persimmon	Diospyros texana		
Yaupon Holly	Ilex vomitoria "Pride of Houston"		

SHRUBS			
Agarita	Berberis trifolioata		
American Beautyberry	Callicarpa americana		
Autumn Sage - Burgundy	Salvia greggii		
Autumn Sage - Coral	Salvia greggii		
Autumn Sage - White	Salvia greggii		
Bird of Paradise Shrub	Caesaipinia gilliesii		
Burford Holly	Ilex cornuta "Bufordii"		
Butterfly Bush	Buddleia alternifolia		
Cotoneaster	Cotoneaster glaucophyllus		
Damianita	Chrysactinia mexicana		
Dwarf Burford Holly	Ilex cornuta "Bufordii Nana"		
Dwarf Chinese Holly	Ilex cornuta "Nana"		
Dwarf Yaupon Holly	Ilex vomitoria "Nana"		
Eleagnus	Elaeagnus x Ebbingei		
Flame Acanthus	Anisacanthus quadrifidus var. wrightii		
Indian Hawthorne	Paphiolepis indica "Springtime"		
Mexican Bush Sage	Salvia leucantha		
Oleander, Hardy Red	Nerium oleander "Hardy Red"		
Oleander, Hardy Pink	Nerium oleander "Hardy Pink"		
Mexican Oregano	Poliomintha loniflora		
Pavonia	Pavonia lasiopetala		
Pink Abelia	Abelia grandiflora "Edward Goucher"		
Primrose Jasmine	Jasminum mesnyi		
Pomegranate, Dwarf	Punica granatum "Nana"		
Rosemary	Rosmarinus officinalis		
Rose of Sharon, Bluebird	Hibiscus syriacus "Bluebird"		
Rose of Sharon, Diana	Hibiscus syriacus "Diana"		
Rose of Sharon, Red Heart	Hibiscus syriacus "Red Heart"		
Red Yucca	Hesperaloe parviflora		

Sotol, Texas Blue	Dasyllirion texanum		
Texas Sage	Leucophyllum frutescens "Silverado"		
Yucca, Blue	Yucca recurvifolia		
Soft-leaved Yucca	Yucca pendula		
Yucca, Thompson's	Yucca rupicola		
VINES AND GROUNDCOVERS			
Artemesia	Artemesia "Powis Castle"		
Carolina Yellow Jessamine	Gelsemium sempervirens		
Coral Honeysuckle	Lonicera serperirens		
Cross Vine	Bignonia capreolata		
Gregg Dalea	Dalea greggi		
Climbing Fig	Ficus pumila		
Lantana, Irene	Lantana camara "Irene"		
Lantana, Dallas Red	Lantana camara "Dallas Red"		
Lady Banks Rose	Rosa banksaea		
Liriope, Giant	Liriope gigantea		
Liriope, Big Blue	Liriope muscari "Big Blue"		
Liriope, Silver Sunproof	Liriope muscari "Silver Sunproof"		
Monkey Grass	Ophiopogon japonicus		
Queen's Wreath	Antigonon leptopus		
New Gold Trailing Lantana	Lantana montevidensis "New Gold"		
Purple Trailing Lantana	Lantana montevidensis "Purple Trailing"		
White Trailing Lantana	Lantana montevidensis "White Trailing"		
Trumpet Vine, Madame Galen	Campsis radicans "Madame Galen"		
GRASSES AND PERENNIALS			
Sacahuista, Bear Grass	Nolina erumpens		
Copper Canyon Daisy	Tagetes lemmonii		
Gulf Coast Muhly	Muhlenbergia capillaris		
Indigo Spires Salvia	Salvia longispicata x farinacea		
Lindheimer Muhly	Muhlenbergia lindheimerii		

Japanese Maiden Grass	Miscanthus japonicus "gracillimus"		
Periwinkle, Big Leaf	Vinca major		
Purple Fountain Grass	Pennisetum atropurpureum		
Purpleleaf Honeysuckle	Lonicera japonica atropurpurea		
Zebra Grass	Miscanthus japonicus "zebrinus"		
Zexmenia, Orange	Zexmenia hispida		
SOD			
Bermuda Grass			
SEEDS			
Bermuda Grass			
NATIVE GRASS/WILDFLOWER MIX			
Blue Grama			
Treated "Top Gun" Buffalo Grass			
Texas Bluebonnets			
Prairie Verbena			
Greenthread			
Plains Coreopsis			
Perennial Rye Grass			
ANNUALS			
Variety to be approved by landscape artist			

ATTACHMENT 2
LA CIMA
FINAL PLAN APPLICATION

Deliver to:

La Cima Reviewer

11612 FM 2244, Building 1, Suite 140, Austin, TX 78738

Phone: (512) 402-1790 Fax: (512) 402-1791

Date:

Address:

Lot: _____ Block: _____ Phase: _____ Section: _____

Plan #: _____ Elevation: _____

Square Footage: _____

Brick Manufacturer and Color: _____

Stone Type and Color: _____

Stucco Color: _____

Roof Pitch: _____ Roof Color: _____

Paint Color: _____

Trim Color: _____

Site plan must be attached to include the following items:

- ☐ Site dimensions
- ☐ Square footage of all enclosed improvements
- ☐ Impervious Cover
- ☐ Property Lines with dimensions
- ☐ Building Setbacks
- ☐ Proposed finish floor elevation
- ☐ Utility boxes
- ☐ Drives, parking areas, and walks
- ☐ House and accessory structures
- ☐ Easements
- ☐ Boundaries of turf areas with type of turf noted
- ☐ Locations of all proposed plants
- ☐ Plan legend including species, quantity and sizes at time of planting
- ☐ Fence location

Comments: _____

Builder Name: _____

By: _____

APPROVED BY:

La Cima Reviewer: _____ (signature)

Approval Date: _____