

Date: June 1, 2021

To: Aviara Homeowners

From: Architectural Control Committee

The Board of Directors and the Architectural Control Committee (ACC) present to you these revised guidelines and application designed to assist in complying with covenants of the Aviara Homeowners Association (HOA). These guidelines supersede any guidelines and/or applications developed prior to June 1st, 2021. Changes to these guidelines will be made periodically and without notice to homeowners, expect a revision every three months or as needed to adopt new guideline. Every effort will be made to reissue the guidelines when significant changes occur, but will be made available at all times on the Aviara TownSquare website or by other electronic means such as Facebook, email, etc.

Homeowners must obtain prior *written approval for any exterior change*, which includes but not limited to: additions to the property, i.e. hot tub, outside storage, extensive signage, etc.; change to exterior elements, i.e. paint color, changing garage door, drastic changes in landscape, etc.; removal of exterior elements, i.e. removal of trees or other major landscaping items which significantly alters the landscape, removal of fencing, removal of architectural/structural items, etc.; and, any changes which are out of character or architecture for the neighborhood.

Additionally, property must be maintained in compliance with the following guidelines to follow.

The primary purpose of the ACC guidelines is to maintain and enhance the appearance of the community by assuring that any newly added accessories, as well as basic changes to the property, are evaluated and approved in accordance with covenants and standards as well as that which is structurally sound and does not adversely affect others in the community directly or indirectly-financially, physically, or otherwise.

These guidelines are binding on all homeowners. *All changes, additions, removals, alterations, etc. require written approval from the ACC before any exterior change, addition or alteration on*

any property is begun. It requires that the plans and specifications show the nature, kind, shape, height, materials, and location of the same be submitted in writing so that they may be reviewed as to the harmony in external design and location in relation to surrounding structures and topography.

Provided the homeowner has no outstanding monetary obligations to the HOA, the application will be accepted and stamped as to the date received. Three days after this date will be the first day of the 30 day review and approval period. Because the ACC is made up of part-time volunteers, 30 days is required to act upon an application, so do not commit labor or materials until you have received approval.

The ACC is charged with conducting the review of all applications for exterior changes and to render a decision to the applicant between 30 days of receipt of the application. If an application is denied, a reason for denial that is explicit as possible will be provided; and, the applicant may appeal to the Board of Directors with a reason as to why the application should be reconsidered. The Board may reverse or modify the committee's decision by a majority vote.

It is important to note that some violations exist to these adopted guidelines and/or items in the Aviara HOA covenants. In the circumstances surrounding each case, the homeowners may be protected by a "grandfather" clause or were granted exceptions by the Board. As a general rule, exceptions will not be approved by the ACC, but will come before the Board of Directors for consideration and decided upon then. In addition, any fines levied against a homeowner will not be approved by the ACC but will come before the Board of Directors and decided upon then.

Please keep in mind that many additions to your property may require also require the approval of the City of Austin and may require certain permits. The City of Austin and State of Texas regulations will take precedence over the Aviara Guidelines and Covenants. If you have any questions concerning this, please contact the City of Austin or State of Texas directly.

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Aviara Community Architectural Improvement Request Form

In accordance with the recorded covenants, conditions and restrictions of the association, and in order to protect each individual owners rights and values, it is required that any owner who is considering improvements of his deeded property to include, but not be limited to, patio covers, decks, outside buildings, fencing, build-ons, etc. submit the following to the Architectural Control Committee and allowing 30 days for proper approval notification prior to initiating any work on the planned improvements. A more comprehensive list of guidelines can be found on TownSq under ACC Application.

The following three items need to be included in the upload into TownSquare:

- this completed Improvement Request Form
- detailed building plans, material listing, and specifications (with dimensions)
- the property site/plot plan showing the location of the proposed improvements

FALURE TO SUBMIT THE REQUESTED ATTACHMENTS (ALL THREE) PRIOR TO CONSTRUCTION MAY RESULT IN DENIAL OF YOUR REQUEST FOR IMPROVMENT. If any changes are made without approval, the Committee has the right to tell the homeowner to remove the improvement from their property. Any homeowner considering any exterior improvement to their property is urged to review the recorded deed restrictions prior to initial request.

Please provide the following information:

Owners Name:

Address:

Home Phone:

Mobile Phone:

EMail Address:

Briefly describe the proposed improvment:

Who will do the actual work on this improvment?

Homeowner:

Contractors Name:

Contractors Phone:

I understand that the Architectural Control Committee (ACC) will act on this request within 30 days of receipt and contact me in writing regarding their decision. I agree not to begin property improvment without written approval from the ACC. I understand that all construction will meet City of Austin codes and that the ACC approvals do not override city codes but rather, are intended to work with them.

Homeowners Full Name:

Homeowners Signature:

Requested start date:

Date:

SUBMITTAL & APPROVAL PROCESS

Homeowners must complete an Application for Approval of Exterior Design Change prior to making any changes, additions, or deletions to their home or property. The process will be the same for all submittals with the required details varying dependent upon the type of change.

Items to be submitted:

- Application for Approval of Exterior Design Change completed in its entirety.
- Plot plan from the site survey.
- Drawings / plans showing the construction of the change or addition.
- Samples of paint, siding, or any other items that may be helpful in making a decision.

Upload your completed Application to TownSquare within your application request. Incomplete forms will not be considered for review. If a homeowner has any outstanding financial obligations to the Association the Application will not be accepted until that obligation is satisfied.

Completed forms will be opened to the Architectural Control Committee (ACC) to be reviewed for compliance with guidelines. Within 30 days, the ACC will render a decision and notify the homeowner. You will hear from the ACC in one form or another within 30 days.

Exceptions to the guidelines will not generally be made by the ACC, but can be submitted to the Board of Directors for consideration at the next scheduled meeting.

Any changes to the application must be resubmitted for consideration. If the construction or changes do not comply with the application, the committee may request that the homeowner correct the changes in order to comply at cost to the homeowner.

Reminders:

No construction shall begin without written approval.

City of Austin permits may need to be obtained prior to changes that require said permit and will be the responsibility of the homeowner even if the work is contracted out.

MAINTENANCE & REPAIRS

Owners are responsible for maintenance to property, existing structures, and additions in a way that does not detract from the overall beauty of the neighborhood. No application to effect repairs and restoration to original condition are needed. Property that is left in disrepair for extended periods of time is considered a violation of the Covenants and Guidelines. If a homeowner is contacted by the Property Manager and continues to leave property in disrepair, the Association will fine homeowners in accordance with applicable laws until the property is returned to original condition. Following is a list of areas that should be reviewed on a regular basis to insure that your home is in good repair and includes but is not limited to:

- Shrubbery, trees and lawns
- Driveways and sidewalks
- Decks
- Fences
- Play equipment
- Roofing
- Shutters
- Wood, particular attention should be paid to wooden decks, railings, and other wood items on the exterior of the home. Periodic maintenance is required to maintain the original appearance of the wood.
- Paint and stain
- Garbage can or recycle bin storage

CLOTHESLINES

Clotheslines are not permitted.

PARKING

The parking of car(s) or motorcycle(s) is only allowed in the driveway or garage. Storage of boats, trailers, campers, and commercial vehicles (other than which is used for work regularly) is not allowed on the street, driveway, or any unpaved portion of a homeowner's property. Parking for extended periods of time in visitor parking spaces is not permitted. Unless an exception is

granted by the board a vehicle may not be parked in visitor parking for more than 72 hours. Failure to abide by this may result in the vehicle being towed, the homeowner fined, or both.

STORAGE

No trade materials or inventories may be stored upon residential lots. Temporary storage of materials for projects should be stored discreetly, orderly maintained, and removed from the property within 60 days of starting the project, 45 days to complete the project and 15 days to remove the materials when finished.

GARBAGE CANS, RECYLCE BINS, & COMPOST PILES/CONTAINERS

Garbage cans and recycle bins are permitted on the exterior of the home provided they are hidden from sight. Hedges or bushes and walls are acceptable items by which garbage cans or recycle bins may be hidden with.

Compost piles or composting bins are permitted in the backyards and preferred to be concealed.

GUTTERS, RAIN CHAINS, & RAIN BARRELS

Gutters are approved without the need for application to the ACC unless painted with a color which was not an option when building the home.

Rain chains are approved without the need for application to the ACC.

Rain barrels are approved without the need for application to the ACC and preferred to be concealed. Rain barrels must be properly maintained on a regular basis as to avoid an infestation of mosquitos.

RADIO / TV ANTENNAS & SATELLITE DISHES

All exterior-mounted radio/TV antennas and satellite dishes require ACC approval. Please see the Aviara community manual as well as amendments for further information.

SWING SETS, PLAY HOUSES, JUNGLE GYMS & BASKETBALL GOALS

Permanent play equipment may be installed on the homeowner's property. Any play equipment should be located out of sight from the street, in the back of the property.

The ACC reserves the right to request that a homeowner remove play equipment if surrounding neighbors complain about disrepair or otherwise. (Disrepair constitutes noticeable missing and/or broken parts, rust and/or peeling paint.) A site inspection will be conducted by the ACC to verify if the complaints are valid and if action needs to be taken.

Temporary sports equipment is allowed so long as it is stored appropriately and not in disrepair.

DOG HOUSES, DOG PENS, & DOG DOORS

Dog pens or anything used to permanently house animals outdoors is not allowed.

Doghouses are approved without the need for application to the ACC.

Dog doors are approved without the need for application to the ACC.

AWNINGS or ARBORS

All permanently mounted awnings and arbors require ACC approval. Please include a plot plan showing the location of the awning, elevation-showing location of awning and a description and sample of materials to be used.

Freestanding awnings or arbors are not permitted unless for temporary purposes and removed within a reasonable amount of time.

SHEDS, STORAGE BUILDINGS, & STORAGE CONTAINERS

Outside storage sheds or buildings are *not* allowed unless they are attached to the home and adhere to the architecture of the home. Paint color should be that of the house with matching trim and of the same material which the house is made.

Outside storage containers are allowed so long as they are less than approximately 60”W x 36”D x 48”H and located against the house. No rogue freestanding outside storage containers. This is an example of acceptable storage devices:



http://www.rubbermaid.com/Category/Pages/ProductDetail.aspx?CatName=Outdoor&SubcatId=HorizontalSheds&Prod_ID=RP091379&Redirect=5

DECKS & PATIOS

All new or expanded decks, patios, arbors, screening and under-deck enclosures require approval from the ACC. Any appearance change or addition requires ACC approval.

With your application, please include a plot plan showing the location of the deck and patio in relationship to other structures and property lines, elevation drawings showing style of deck and patio, including railings, steps, etc..., description of materials to be used including samples of stain or paint if applicable.

SWIMMING POOLS & HOT TUBS

Individual built in swimming pools or above ground pools are not permitted. Small plastic store bought pools for temporary use are permitted provided they are not left in the same location for more than 72 hour.

Hot tubs are permitted provided they are built-in to the ground or are professionally manufactured and completely skirted. Please include plans and specifications showing the

nature, kind, shape, height, materials and location; include a plot plan showing the location of the hot tub; include plan for screening (either fencing or live screening). The hot tub must be screened from view from any street.

The materials used to construct the hot tub exterior must be the same as that of the house or wooden decking along with same color, main paint and trim.

FENCES

Fences are approved without the need for application to the ACC and must comply with the specifications to follow. Even though fences are approved without the need for application to the ACC neighbors *should* be made aware of your intent to fence in your property.

Specifications:

- Black enameled iron at four feet in height, even with grade present.
- Must be the same as all other fences in the neighborhood.
- Gates must be the same as all other fences in the neighborhood.
- Gates are permitted at the back of the property provided they do not interfere with access to other properties or infringe on other property.
- The fence and/or gate cannot extend past $\frac{3}{4}$ length of the home unless it is to encase or protect your AC unit.
- *There are no exceptions or variance allowed for color, material, height, or any other specification.*

EXTERIOR PAINTING

All exterior painting or staining of your home must have approval from the ACC. Acceptable colors are the options which Meritage or Caprock provided during the construction of the homes. There are exceptions which will be made provided colors chosen are not extreme changes, i.e. orange and purple neon stripes.

Periodic touch-up/maintenance painting does not require approval; only changes in color require approval.

Staining of wood for decks is permitted with ACC approval of color. The staining of concrete is permitted with ACC approval of color.

SIGNS

Except as listed below, no sign of any kind shall be displayed to the public view on any lot or house.

- Any sign required by the City of Austin.
- A single real estate sign (which includes For Sale by Owner signs) of not more than six square feet.
- Signs of not more than six square feet expressing support of, or opposition to, a political candidate or other issue which will appear on the ballot of a primary, general or special election, provided that such political signs shall not be placed on a lot earlier than sixty days before such election and shall be removed within two days after such election.
- Temporary signs spreading good news.
- Small signs indicating the existence of a home security system, maximum 8 square inches.
- Any sign which is related to religion.

LANDSCAPING

Minor landscaping changes are approved without the need for application to the ACC. Good examples of changes which not be submitted for approval are the addition of low growing shrubs, bedding flowers, and trees.

However, plants which are deemed invasive for Bee Caves or Austin are not permitted and will require immediate removal and disposal. A list of invasive plants can be found at <http://austintexas.gov/invasive>

After initial construction, no tree having a trunk diameter exceeding six (6) inches at a height of four feet above the ground level shall be removed without the approval by the ACC, approval by the Board, approval by the City of Austin, and notification of neighbors. Exceptions are made if the tree is dead or diseased or poses an imminent threat or danger to person or property.

Other types of landscaping that are structural, or change the contour of the land, or are adjacent to a property line, or obstruct a neighbor's view, will require ACC approval. Any planting in hedge or row form in front or side yards that will act as a fence require ACC approval.

Gardens are approved without the need for application to the ACC and must be kept in the backyard rear yard. Gardens include those which are raised or in the ground.

Compost piles or composting containers are permitted in the backyards of homes and preferred to be concealed.

All plantings must be maintained. There should be now overgrown grass or weeds, and all dead trees and shrubbery should be removed. Grass and weeds are not allowed to be over 12 inches according to City of Austin Code, see <http://austintexas.gov/page/common-code-violations>

Changes to the topography of your lot could cause flooding or improper drainage into a neighbor's yard. Grading changes must be approved prior to being started. As part of the approval process an expert on drainage will be required to sign-off on the changes and contact information is necessary. The ACC will contact the drainage expert to determine the extent of changes and whether or not the changes will be permitted.

The ACC may contact City of Austin Planning and Development Department to determine if the proper permits have been obtained, <http://austintexas.gov/department/permits>

Before, during, or after construction, if it has been determined that the homeowner did not obtain the correct permits, the homeowner will have to apply for a permit. If a permit is not given to the

homeowner within the time allotted by the City of Austin the homeowner may be fined and/or asked to remove items.

Neither the Board nor the ACC accepts liability for any damage caused by such grading action, whether approved by the ACC or not.

NOTE: Refer to the City of Austin code for the necessary permits and/or applications for construction. When in doubt please contact the Planning and Development Review Department at <http://www.austintexas.gov/department/planning/about>

IMPERVIOUS COVER

Any changes to the exterior of the home which has impervious cover needs to be approved by the ACC. If a change to the exterior of the home is made which contains impervious cover then the homeowner may be fined and required to submit for approval. If the homeowner is denied approval of an exterior change which contains impervious cover then the homeowner may have to remove the impervious cover.

If the City of Austin recalculates the impervious cover and there are associated increases in fees paid to the City for violations then the homeowner will be responsible for any and all fees; the homeowner may be required to remove the impervious cover. A definition of impervious cover may be found at City of Austin.

BUILDING PERMITS

Any addition to a property such as a deck, retaining wall, or anything which contains impervious cover requires a building permit per City of Austin Code.

Failure to obtain a permit by either yourself or general contractor may results in fees from the city, fees from the HOA, and the potential to have the construction removed from the property.

Abide by City of Austin code and acquire the proper building permits prior to construction and/or verify that your subcontractor has acquired the correct permits.

To determine if a property has been permitted for construction or apply for a permit go to <http://austintexas.gov/department/permits>