

ARCHITECTURAL GUIDELINES AND STANDARDS FOR ALTERATIONS TO EXISTING HOMES, PROPERTY, YARDS, OR LOTS; AND FOR NEW CONSTRUCTION HOMES IN CAT MOUNTAIN VILLAS

The purpose of this document is to set forth the policies and procedures for alterations to existing homes, property, yards, or lots--essentially any construction which affects the exterior surfaces of the house or property; and for the construction of new homes.

The authority and responsibility for the implementation and enforcement of these controls rests with the Cat Mountain Homeowners Association through the Environmental Control Committee (ECC). This committee derives its authority from the Declaration of Covenants, Conditions, and Restrictions which were placed on file by the developer at the time this planned unit development was created.

The committee may establish rules for the submittal and processing of plans such as a written application, multiple copies of drawings, reasonable fees, samples of materials to be used etc.

The Board of Directors appoints the members of the Committee and the address of the Committee shall be the address of the Association office, 6007 Mount Bonnell Road, Austin, TX 78731.

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

I. CONSTRUCTION WHICH MUST BE REVIEWED BY THE COMMITTEE

- A. All construction affecting the exterior of a house and or lot which includes but is not limited to **remodeling/upgrades/additions to the existing house or property or landscaping**. This includes accessory buildings, garage, fences, retaining walls, mailbox, steps, awnings, trellises, decks, pools/spa, recreational apparatus, etc.
- B. All construction affecting the exterior of the house and or lot which includes, but is not limited to, the **initial construction of a new house**, and accessory buildings, garage, retaining walls, mailbox, steps, awnings, trellises, decks, pools/spa, recreational apparatus, etc.
- C. Installation of hard surfaces and or grading of the lot which will affect existing drainage.
- D. Remodeling or removal of existing structures which will change their original approved appearance.
- E. Removal of existing structures which will change their original approved appearance.
- F. Homeowners who fail to submit proposals to the ECC in advance of the work for remodeling/upgrades as described in this document (also including new construction homes) will be subject to actions by the HOA Board of Directors. Clear violations may involve legal action by the Board on behalf of the HOA.

II. SUBMITTAL PROCEDURE

- A. A Proposal form must be submitted for **all** types of review for alterations on existing property (house, yard, lot). The Proposal should be delivered to the HOA office/HOA Manager.
- B. As a courtesy, property owners/neighbors (generally within 200 feet) may be notified of the pending construction/projects by the HOA Manager or designee. One purpose of this is to alert neighbors of workers on site and potential noise. Copies of the proposal and descriptions will be available for review.
- C. **For remodel/repair on existing properties:** A proposal form plus a detailed description of the proposed projects should be submitted. The ECC will be able to process and approve proposals faster if the homeowner provides needed information.
 1. Information may include a copy of the property plat or survey; sketches; photos; samples of materials; color swatches or links to colors online; and other similar items.
 2. Approval of the committee does not imply that the proposed project or construction meets with the applicable City building codes.
 3. Neither the HOA nor the ECC is able to make a determination as to City of Austin permitting, ordinances, or code compliance. It is the homeowner's obligation to determine whether City approval or permits are required, and to obtain any necessary approvals from the City. ECC or HOA approval does not mean that you are exempt from following all laws and ordinances related to construction.
 4. In select cases, the ECC may choose to expedite a proposal once it is submitted. Examples may include but are not limited to:
 - a. Water damage into the house.
 - b. Repainting the exterior of the house in the exact same colors and location that have been approved in the past. (Per the HOA *Declaration of Covenants, Conditions and Restrictions*, Article XI, Environmental Control: ECC approval for "the repainting of any paint surfaces and the painting of formerly unpainted surfaces" is required).
 - c. Replacement of the roof in the exact same color and materials.
 5. When any property in Cat Mountain Villas is surveyed and the data is recorded with Travis County, a plat is generated which describes the dimensions of the property which is then called a "lot". Generally, a lot will have setbacks and easements that must be considered in modifying structures. The CMHOA ECC will use the plat in review of proposals as needed.
 6. If the design is changed from the approved plan, the committee must be notified with a revised plan and rationale.
 7. The ECC has a recommended color palette that homeowners may use to expedite approval. Please contact the HOA Manager or check HOA website for more information.

D. **For a new construction home:**

1. **Preliminary Sketches and Plans:** Two (2) copies of the architectural plans must be submitted that describe the desired location of the house on the lot, the various living levels, the outside dimensions, the requested ridge line height and location, easements, and setbacks. The ECC will meet within 15 days to start review and will preliminarily approve, modify, or disapprove the sketches/plans within 30 days after that per the HOA Declaration (total of 45 days).
 2. **Final Construction Plans:** The applicant must submit the following for final approval and sign off by the ECC Chair or designee:
 - a. Two (2) copies of the architectural plans and specifications. After approval, one copy will be retained by the HOA.
 - b. According to best practices based on past experiences by the ECC, a letter from a registered Engineer, Architect, or Surveyor that states that the structure described in the final plans will meet the approved ridge line height described in the Preliminary sketches.
 - c. After completion of the home, a similar letter must certify that the ridge line height is in compliance with the approved plans submitted to the ECC,
- E. The ECC aims to process Proposals in a timely manner and either approves or disapproves the Proposal within 45 days after submission as per HOA Declaration. The average time for review and approval of proposals that don't include construction of new homes or major remodel projects is 2 weeks.
- F. Final approval by the ECC must be granted before construction begins.
- G. The final plans must conform to the Preliminary sketches that were approved earlier. The approved ridge line heights and other main features are to be clearly presented on the final plans submitted to the ECC.
- H. Approval of the committee does not imply that the proposed construction meets with the applicable City building codes.
- I. Neither the HOA nor the ECC is able to make a determination as to City of Austin permitting, ordinances, or code compliance. It is the homeowner's obligation to determine whether City approval or permits are required, and to obtain any necessary approvals from the City. ECC or HOA approval does not mean that you are exempt from following all laws and ordinances related to construction.
- J. When any property in Cat Mountain Villas is surveyed and the data is recorded with Travis County, a plat is generated which describes the dimensions of the property which is then called a "lot". Generally, a lot will have setbacks and easements that must be considered in constructing structures. The CMHOA ECC will use the plat in review of proposals as needed, particularly with architectural drawings/plans submitted for approval prior to construction.

- K. During reasonable hours, any member of the ECC or member of the Board of Directors or any other representative of them (ex., HOA Manager) shall have the right to enter upon and inspect any Lot or Common Area for the purpose of ascertaining whether or not the provisions of these restrictions have been or are being complied with, and such persons shall not be deemed guilty of trespass by reason of such entry (Source: *Declarations of Covenants*, Article VIII. Permitted Uses and Restrictions, Section 13).
- L. Likewise, proposals for changes, additions to and removal of existing structures must be reviewed and approved by the ECC prior to implementation.
- M. If the design is changed from the approved plan, the committee must be notified with a revised plan and rationale.

III. DEVELOPMENT STANDARDS

- A. Zero Lot Line- in instances where the plat does not reflect a building setback on one side of the lot (zero lot line), the committee will require that the structure be built with one side, or wall, on the lot line intended for that purpose.
 - 1. It is the intent of these criteria to create privacy for the occupants adjacent to the “zero” side of the house. The overall design should accommodate this concept.
 - 2. The committee will not approve plans which include windows in the wall which are placed on the lot line (zero side).
 - 3. A fence or wall may be constructed on the balance of the lot line not occupied by the wall of the house. This fence must be compatible with the finish of the house, not to exceed six (6) feet from the virgin ground.
 - 4. The Austin City Building Code currently requires that the surfaces of a wall or roof overhang on or over the lot line (“zeroed”) must have a minimum of a one-hour fire rating.
- B. The setbacks are noted on the property plat. A structure may not extend beyond the rear setback or property line into any Common Area. However, decks and roofs over decks may be cantilevered five feet into a Common Area lot or easement. These decks must not be supported outside the property line of the lot.
- C. **Fences, walls, or hedges exceeding six (6) feet in height will not normally be permitted.** The design of the fence or wall must be approved by the ECC and **the structural supports of the fence, i.e., the “skeleton framing” shall not be exposed to public view.** Specifics as to height and location must be approved by the ECC prior to construction.
- D. Patios, Sunshades and Gazebos - in general, these structures must complement the architectural features of the house. The design, materials, location, and height will be subject to the approval of the committee.

- E. Garages and Carports - Will be reviewed at the time the plans for construction are submitted. Additions after construction will require separate sets of plans illustrating the method by which these structures will be integrated with the existing residential structure .
- F. Electrical, electrical panels, gas meters, AC units, etc - These items shall be screened from view and/or painted to match the existing wall or dominant color which surrounds them.
- G. Paved Areas - Walks and driveways which are exposed to the public view shall consist of concrete (trowel finished or exposed aggregate), wood, masonry units or combination of these.
- H. Mailboxes- Shall be designed to complement the architectural style and color of the house. Mailbox structures shall be subject to the approval of the committee.
- I. In the event that posts or columns are used to support the structure (as sloping sites), the underside of the building and the support must be hidden from view by walls or acceptable covering.
- J. The use of Common Areas for access to construction sites is prohibited without prior written approval of the Board of Directors or the HOA Manager.
- K. Lighting- No lighting or illumination shall be placed on a lot in such a manner as to cause unreasonable glare or illumination of another property.
- L. Standby electric generators or whole house generators are allowed and will be reviewed by the ECC using the Texas Property Code 202.019 regulations as guidelines.

IV. BUILDING MATERIALS

- A. Exterior surfaces shall be wood, masonry materials, stucco, engineered wood siding, vinyl siding, Hardie board siding, fiber cement siding, or combinations of these. Masonry materials include brick, stone, marble, or granite.
 - 1. Exposed concrete block is unacceptable.
 - 2. Wood trim, siding, and beams are to be stained or sealed.
 - 3. Shingle siding may be weathered.
- B. Exposed sheet metal:
 - 1. Gutters and downspouts shall be painted to match or blend with the colors on the house. Gutters will be required on any roof overhang which extends past the property line.
 - 2. All flashing such as at the chimney or sidewall and all metal caging at the eave line shall be painted an appropriate color to blend with the predominant color surrounds the flashing.

- C. Preferred roofing materials are composition shingles, wood, clay, or concrete tile. Metal roofs may be used on certain architectural design only if non-reflective. Built up roofs will be permitted on flat surfaces only. Composition shingles shall be equivalent to 300 lb shingle or like quality or better. Roof pitch (gradient) shall be a minimum of 4 in 12 (4:12) or flat.
- D. Roof shingles with any of the following features ('Permitted Features') described below may be used on roofs if such shingles comply with all of the Qualifying Criteria described below, or alternatively, if approved by the Environmental Control Committee. (Source: Roof Material Regulations- Statutory-Based Regulations which were codified by the Board of Directors for the Association in 2016 to be congruent with applicable laws--Texas Property Code Section 202.011).
 - 1. Roof shingles that are designed primarily to be wind and hail resistant;
 - 2. Roof shingles that are designed primarily to provide solar generation capabilities; and
 - 3. Roof shingles that are designed primarily to be more heating and cooling efficient than customary composite shingles.
- E. Walls and Fences- shall be of wood, slump block, stucco, wrought iron, plexiglass panels or a continuation of the same materials used on the residence. All fence or wall details are subject to committee approval including the colors used. Any other materials which are desired must receive a specific exception to the above by the ECC.
- F. Patio structures, sunshades, trellises, gazebos, and sun decks shall follow the architectural detailing of the house. Roofing materials shall essentially match the materials used on the house and follow existing practices of construction in the city. Any deviation from this material specification shall require an exception from the ECC.
- G. Venting of plumbing, heating equipment or kitchen hoods shall be directed to the rear behind the ridge line, except in cases of conflict with city requirements. All such vents must be painted to match the color of the exterior as closely as possible.
- H. Drainage- It is the responsibility of each lot owner to provide for drainage from his/her lot so as not to create large amounts of water runoff across adjacent lots.
- I. Antenna for receiving electromagnetic waves can be located inside or outside of residence.

V. LANDSCAPING

- A. All landscaping plans and designs including upgrades in landscaping for existing homes must receive prior approval before installation. (source: HOA *Declaration of Covenants, Conditions, and Restrictions*, Article XI, Section 1).
- B. It is recommended that the front of each new construction home be landscaped within six months of completion.

- C. Drainage affecting neighbors or HOA Common Areas must be considered in all landscaping designs.
- D. Homeowners may remove plants, bushes, and trees from their own property. If a tree is over 10 feet, high, ECC approval is required before removal (source: Article IX of the HOA Covenants). Tree trimming including those 10 feet high or more, does not require approval.

VI. RECOMMENDED BEST PRACTICES AFTER APPROVAL

- A. Construction operations on the exterior shall be confined to reasonable daylight hours. Construction activities cannot start earlier than 7:30 a.m and must cease by darkness. No construction activities on Sundays, holidays, or during non-daylight hours.
- B. All debris from construction must be properly disposed of promptly. The construction site and materials must be cleaned up and kept orderly each day. Trash must be removed at the end of the day to comply with this requirement.
- C. During major renovation projects or new construction, a container should be maintained on site to hold trash and debris and emptied when full. This includes trash from the workers-- food wrappers/drink containers. Ensure that trash and debris does not get on adjacent properties.
- D. If signs are posted by builders or realtors, the signs must be clean and freshly painting and property maintained. See Article VII, Section 18 of the Declaration of Covenants, Conditions and Restrictions for the Cat Mountain Homeowners Association for other requirements.
- E. No loud music at construction sites.
- F. Homeowners and their workers must obtain prior permission from adjacent homeowners if there is a need to trespass on their properties.
- G. Do not use adjacent homeowner's water without prior permission.
- H. Parking for workers and placement of equipment must be planned to ensure that driveways and mailboxes are not blocked. Ensure that workers' vehicles and construction vehicles/equipment do not leave concrete or oil stains on the street.

VII. SOLAR PANEL REGULATIONS

(These Texas Statutory-Based Rules & Regulations are from Chapter 202 of the Texas Property Code and were adopted by the HOA Board of Directors for the Cat Mt Homeowners Association, Inc, on July 20, 2016)

- A. Installation of Solar Panels. To the extent permitted and protected by applicable law (Texas Property Code Section 202.010), a property owner may install solar energy devices defined by Texas Property Code Section 202.010 ("Solar Energy Devices") on the roof or in a fenced yard or patio on his or her lot, subject to the requirements of these Solar Panel Regulations.

- B. Environmental Control Committee Approval. **A property owner must apply to the Environmental Control Committee for prior written approval of a Solar Energy Device and its proposed location**, pursuant to the provisions of the Declaration or other Governing Documents of the Association. Environmental Control Committee approval may not be withheld if the Solar Energy Device meets or exceeds the requirements and limitations of these Solar Panel Regulations, unless the Environmental Control Committee determines in writing that placement of the Solar Energy Device as proposed by the property owner constitutes a condition that substantially interferes with the use and enjoyment of land by causing unreasonable discomfort or annoyance to persons of ordinary sensibilities. The written approval of the proposed placement of the Solar Energy Device by all property owners of adjoining property constitutes prima facie evidence that such a condition does not exist.
- C. Yard Installation. A Solar Energy Device may be installed in a fenced yard or patio owned and maintained by the property owner, provided the Solar Energy Device is not taller than the fence line.
- D. Roof Installation. A Solar Energy Device may be installed on the roof of a residential dwelling or other structure allowed under the Declaration if installed in full compliance with all of the following requirements:
1. The Solar Energy Device **may not extend higher than or beyond the roofline, the Solar Energy Device must conform to the slope of the roof, and the top edge of the Solar Energy Device must be parallel to the roofline;**
 2. The color of the Solar Energy Device's frame, support bracket, and visible piping or wiring must be a silver, bronze, or black tone commonly available in the marketplace; and
 3. The Solar Energy Device must be installed on a portion of the roof designated by the Environmental Control Committee, which **should generally be a portion of the roof that is not readily visible from a street or common area**. A property owner may install a Solar Energy Device in a location on the roof other than the location designated by the Environmental Control Committee only if installation of the Solar Energy Device at such alternative location will increase the estimated annual energy production of the Solar Energy Device by more than ten percent (10%), as determined by using a publicly available modeling tool provided by the National Renewable Energy Laboratory.
- E. Prohibited Installations. A property owner may not install a Solar Energy Device in a common area; nor may a property owner install a Solar Energy Device in a manner that, as installed, would violate material warranties. A property owner is also prohibited from installing a Solar Energy Device that has been held by a court to violate a law or threaten public health or safety.

VIII. AMENDMENT PROCEDURE

These guidelines are for use by the Environmental Control Committee (ECC) and may be modified by them as needed at any time unless they are actual restrictions from the HOA Declaration. If there is a restriction noted in Article VIII in the Declaration, a deviation or variance from it requires approval of 2/3 of the homeowners, complying with quorum requirements under Article VI of the Bylaws.

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