

THE CLUB AT WELLS POINT OWNERS ASSOCIATION Architectural Committee

Deed Restriction Guidelines and Clarifications (2007)

GENERAL GUIDELINES:

To better serve our neighborhood and assist us in enhancing the image and the property values of The Club at Wells Point, the Architectural Committee (AC) has drawn together some general guidelines addressing the most commonly asked questions regarding the DECLARATION OF COVENANTS, CONDITIONS AND RESTRICTIONS for The Club at Wells Point (DCCR) as they pertain to AC issues.

Often, residents do not get a chance to read the DCCR thoroughly resulting in unintentional violations which create awkward situations that can be expensive for both the Association and the individual lot owner to rectify. These guidelines are not intended to replace or supercede the DCCR and written approval of the AC.

All improvements as defined in Article 1, section 1.22 of The Club at Wells Point Declaration of Covenants, Conditions and Restrictions, must be approved by the AC before construction begins. Approval by the AC does not waive any municipal permit requirement. Please check with your contractor or the City of Pflugerville prior to construction.

2.6 Garbage, Rubbish and Debris.

GUIDELINES:

The Deed Restrictions state that your container must be appropriately screened from view except on trash pick-up day. There are a number of ways to accomplish this. Summarized below are four acceptable alternatives:

- 1) **Fence.** Placing your container behind the existing privacy fence is an easy and inexpensive alternative.
- 2) **Landscaping.** Some residents in the neighborhood have already created foliage screens that add greenery to their yard and inexpensively screen their garbage container.
- 3) **Garage.** After garbage day, return the container inside your garage. This again is an inexpensive solution that does not require AC approval or notification.
- 4) **Fence Enclosure.** The AC recommends a structure constructed as follows: An area surrounded by a six (6) foot high wood privacy fence, constructed of material compatible with the home's existing fencing material, where the area is against the side or rear wall of the residence (with no roof) and is no larger than four (4) feet deep and six (6) feet wide. If the opening to the enclosure faces the street or if your neighbors on the side or rear of your home can see the garbage container when it is inside the fenced enclosure, the enclosure should have a gate. (Also see separate set of guidelines for trash can screens.)

2.8 Animals - Household Pets.

GUIDELINES:

1. All domestic household pets when not confined within a structure or within a confinement structure on the lot of the owner should be on a leash and not allowed to run free.
2. Permanent pet containment/confinement structures or fences to be constructed on a lot require AC approval.
3. Any pet confinement fence should be constructed according to section 2.24. Chain link fences are not allowed per that section.

2.10 Exterior Lighting.

GUIDELINES:

The spirit of our restrictions is to help homeowners ensure that improvements made are tasteful and do not detract from the livability and/or value of our neighborhood.

1. Temporary holiday decorations/lighting are not considered an improvement and therefore do not require the AC approval prior to use.
2. The following are examples of what is considered permanent exterior lighting requiring pre-approval from the AC:
 - a. Backyard flood lights
 - b. Walkway/driveway decorative or safety lights.
 - c. Lampposts – no more than one per front yard. Should be wired and functional.
3. Please consider whether your planned exterior lighting improvement is compatible with the décor of our neighborhood.
4. Please consider whether the type of exterior lighting you are planning to install is not too bright for its intended use. For example, using the long fluorescent tube lighting for patio lighting illuminates more than the patio area and can be a nuisance to surrounding neighbors.
5. Also take into consideration the number of light fixtures needed for adequate lighting. Too many light fixtures can also be a nuisance to surrounding neighbors.

2.11 Antennae; Satellite Dishes.

GUIDELINES:

In harmony with Federal Communications Commission (FCC) regulations and requirements, the following applies:

1. AC approval is not required for the installation of a satellite dish less than one (1) meter in diameter. Notification of such installation to the Architectural Committee is required within 10 days subsequent to such installation.
2. The location of and requirements for the installation of a satellite dish:
 - a. A location where the dish is least visible from the street in front of the lot and yet where an adequate signal can be received by the dish. When feasible, we request that the dish be located below the fence line and where possible, screened from view from side streets or adjacent lots. Painting the dish to

match the surface on which it is mounted is another good way to obscure it from view.

3. The installation should be performed in accordance with all applicable electrical and municipal codes

2.14 Unsightly Articles; Vehicles.

GUIDELINES:

Trashcan screens: see GUIDELINES following section 2.6.

Vehicle Parking:

1. No automobiles or other vehicles may be parked overnight for more than two (2) consecutive nights on any roadway within the Property.
2. Parking vehicles in the street creates unsafe conditions for pedestrians and drivers who are driving through our neighborhood and residents who are backing out of their driveways.
3. Vehicles should be parked in the garage and on the driveway.

2.16 Athletic and Recreational Facilities

GUIDELINES:

1. The HOA provides a recreational facility that includes a basketball goal. We highly encourage the use of this facility by all residents. However, we understand parents' concern for having their children remain on their own property while enjoying recreational activities.
2. The principal guideline that we will consider is the safety of the individuals using the basketball goals. This guideline is the reason for requesting that basketball goals remain 20' feet back from the curb as it allows safe reaction time for drivers observing balls and children moving towards the street.
3. The second guideline is the ease with which residents and visitors can access public thoroughfares. All vehicle operators should continue to exercise caution while driving on our public streets.
4. Approval by the AC does not waive a municipality's permit requirement. Please check with your contractor, with the City of Pflugerville prior to the construction of any building or addition.
5. The spirit of our restrictions is to help homeowners ensure that improvements made are tasteful and do not detract from the livability and/or value of our neighborhood.
6. Regardless of the material selected, please keep the improvement maintained, free of corrosion, clean and attractive. (DCCR Section 2.18)
7. **Permanent goals** require AC Approval
 - a. The metal pole must be permanently mounted into the ground to the side of the driveway in a full upright position a minimum of 20' back from the curb.
 - b. The basketball goal must be properly maintained and painted, with the net and backboard maintained in good repair at all times.
 - c. Poles or backboards may not be installed on the house, in front of the garage or facing into the street.
8. **Portable goals** are acceptable when in actual use and do not require AC Approval
 - a. The goal must be properly maintained and painted, with the net and backboard maintained in good repair at all times.

- b. The goal must be placed to the side of the driveway and in a full upright position 20' back from the curb.
- c. Goals may not be rolled into the street or any other public right-of-way.

2.18 Construction, Repair, Alteration and/or removal of improvements

GUIDELINES:

Arbors/Patio Covers, Decks, Room Additions

1. Require AC Approval.
2. Approval by the AC does not waive a municipality's permit requirement. Please check with your contractor and with the City of Pflugerville prior to the construction of any building, addition or improvement.
3. Although DCCR Section 2.27 specifically addresses Detached Accessory Buildings, we believe it adds clarity to our understanding of the spirit of our DCCR. We interpret the term "compatible" to mean closely resembling the physical appearance and material quality of the home on the lot as well as homes in the neighborhood.
4. Exposed metal tends to corrode and become unsightly; we encourage you to select building materials that will remain visibly pleasing for an extended period of time. (DCCR Section 2.18)
5. Exposed metal tends to be highly reflective and can easily become a nuisance to your neighbors. Therefore, we encourage you to be mindful of your neighbors as you design and construct your improvements. (DCCR Section 2.20)
6. Wooden materials will also deteriorate over time. We ask that you keep the improvement maintained as you would your home. (DCCR Section 2.18)
7. Shingle roof material must match in color and composition the shingles on the house.
8. Regardless of the material selected, please keep the improvement maintained, free of corrosion, clean and attractive. (DCCR Section 2.18)
9. No garage may be enclosed or otherwise used for habitation. (DCCR Section 2.26)

Decorative Outdoor Fountains

1. Require AC Approval.
2. Should be installed to be functional as a fountain.
3. No more than one per front yard.

Exterior Paint

1. See separate set of guidelines for exterior paint.

Flag Poles (freestanding)

1. Require AC Approval
2. No more than one per lot.
3. No more than two flags on a pole.

Landscape curbing, retaining walls, planters, etc.

1. Landscape curbing, retaining walls, planters, etc. that are installed permanently (cemented in place, etc.) require AC approval.
2. As a general rule, brick curbing and low landscaping walls should be level and follow the lines of the house.

Ponds

1. Require AC Approval.
2. May be installed in the backyard only.
3. Waterfall features may not be attached to the exterior walls of the house.
4. Must have a functioning pump and filter system so that water does not become stagnate.

2.20 Building Materials

GUIDELINES:

1. Approval by the AC does not waive a municipality's permit requirement. Please check with your contractor and with the City of Pflugerville prior to the construction of any building, addition or improvement.
2. The spirit of our restrictions is to help homeowners ensure that improvements made are tasteful and do not detract from the livability and/or value of our neighborhood.
3. We interpret the term "compatible" (DCCR Section 2.27) to mean closely resembling the physical appearance and material quality of the home on the lot as well as homes in the neighborhood.
4. Exposed metal tends to corrode and become unsightly; we encourage you to select building materials that will remain visibly pleasing for an extended period of time. (DCCR Section 2.18)
5. Exposed metal tends to be highly reflective and can easily become a nuisance to your neighbors. Therefore we encourage you to be mindful of your neighbors as you design and construct your improvements.
6. Wooden materials will also deteriorate over time. We ask that you keep the improvement maintained as you would your home. (DCCR Section 2.18)
7. Storage sheds are NOT REQUIRED to be constructed of 50% masonry.
8. Regardless of the material selected, please keep the improvement maintained, free of corrosion, clean and attractive. (DCCR Section 2.18)

2.24 Fences.

GUIDELINES:

1. Any fence addition or fence line reposition requires AC approval. (The minimum distance between the front fence line and the front wall of the house is 10 feet.)
2. Chain link fence is not permissible.
3. Approval by the AC does not waive a municipality's permit requirement. Please check with your contractor, with the City of Pflugerville prior to the construction of any building, addition or improvement.
4. The spirit of our restrictions is to help homeowners ensure that improvements made are tasteful and do not detract from the livability and/or value of our neighborhood.
5. To maintain "compatibility" we recommend #1 grade cedar slats that match in color, width and height of the existing fence structure on the property.
6. Wooden materials will deteriorate over time. We ask that you keep the improvement maintained as you would your home. (DCCR Section 2.18)

2.25 Lawns and Plantings.

GUIDELINES:

1. The spirit of our restrictions is to help homeowners ensure that improvements made are tasteful and do not detract from the livability and/or value of our neighborhood.
2. Please keep “compatibility” in mind when selecting your lawn furniture, lawn decorations, and other landscaping improvements. We interpret the term “compatible” to mean closely resembling the physical appearance and material quality of the home on the lot as well as homes in the neighborhood.
3. Wooden materials will deteriorate over time. We ask that if your improvement includes wooden material, please keep the improvement maintained as you would your home. (DCCR Section 2.18)
4. Regardless of the material selected, please keep the improvement maintained, free of corrosion, clean and attractive. (DCCR Section 2.18)
5. Masonry or stone borders, fountains and ponds and other similar projects are considered significant landscaping improvements in that there is potential impact on drainage and city water usage restrictions as well as the importance of visual compatibility. In order to assist homeowners in identifying potential conflict, pre-approval of these improvements is required by the AC.
6. Proper lawn maintenance includes the following:
 - a. St. Augustine grass should be maintained between a height of 2 ½ to 3 inches.
 - b. Bermuda and similar grass should be maintained between a height of 2 to ½ inches.
 - c. It is acceptable to vary mowing heights to accommodate uneven grade in the landscape and professional landscaping recommendations.
 - d. Grass should be kept trimmed from sidewalks, curbs, driveways, buildings and flowerbeds. We suggest the use of line trimmers, edgers, and chemicals to maintain the desired appearance.
 - e. Grass clippings should be properly disposed of, not blown into the street.
 - f. All weeds should be removed and prevented from growing in the yard.
 - g. Dead grass will need to be replaced with new grass sod or grass seed.
 - h. It is imperative that, for safety reasons, all Sight Distance requirements (DCCR Section 2.32) be adhered to when designing landscaping improvements. Please consider the growth that foliage will experience and remain committed to maintaining all landscaping that affects the defined area.
7. Garden maintenance equipment and supplies should not be left in open view of your neighbors when not actively in use. Please be considerate in storing these items appropriately.
8. We understand that certain maintenance projects require supplies and/or equipment to remain in open view temporarily and that storing these items is not feasible (for example, bulk delivery of mulch or topsoil). Please make every effort to either complete your project or store these items within 30 days.

Please be mindful of Section 2.9 Hazardous Activities; Fertilizers, Pesticides and Herbicides

2.26 Garages.

GUIDELINES:

1. Each single-family residential structure constructed upon a Lot shall have sufficient garage space to accommodate at least two (2) automobiles. All garages shall be maintained for the storage of automobiles, and no garage may be enclosed or otherwise used for habitation.

2.27 Detached Accessory Buildings.

GUIDELINES: (Please see separate set of guidelines for sheds.)

2.28 Driveways.

GUIDELINES:

1. Extensions to driveways including extensions along the side, decorative brick or stone, etc. and added walkways require AC approval.

These guidelines are not intended to replace or supercede the Deed Restrictions and/or final written approval of the AC. In all cases the AC will have final approval, as per Section 6.5 of the Deed Restrictions and the Deed Restrictions will be the final authority.

Site plans and descriptions of proposed improvements can be submitted, along with the AC Application, to the Architectural Committee at the following address:

The Club at Wells Point Architectural Committee
c/o PAMco
PO Box 200145
Austin, TX 78720
Fax: 512-918-8121
office2@pamcotx.com

Additional information regarding the Deed Restrictions can be found on our website at www.theclubatwellspoint.com.