

DESIGN GUIDELINES

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DRIFTWOOD VISTA

*Driftwood, Texas*

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**AFTER RECORDING RETURN TO:**  
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# DRIFTWOOD VISTA

## DESIGN GUIDELINES

### DECLARANT:

**VINEYARD II LTD.,**  
a Texas limited partnership

By: DRIFTWOOD 198 LLC,  
a Texas limited liability company  
its General Partner

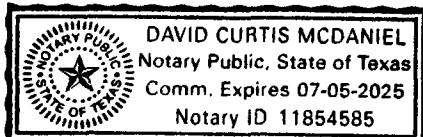
By: Steve Wimberly  
Steve Wimberly, Managing Member

THE STATE OF TEXAS §

COUNTY OF TRAVIS §

This instrument was acknowledged before me this 27 day of September, 2023, by Steve Wimberly, Managing Member, of DRIFTWOOD 198 LLC, a Texas limited liability company, General Partner of VINEYARD II LTD., a Texas limited partnership, on behalf of said entities.

(SEAL)



David Curtis McDaniel  
Notary Public Signature

Adopted by Declarant in accordance with that certain Declaration of Covenants, Conditions and Restrictions for Driftwood Vista, recorded as Document No. 23035885, Official Public Records of Hays County, Texas (the "Declaration"). In accordance with Section 7.2.3 of the Declaration, these Design Guidelines may be amended from time to time by the Declarant.

# **DRIFTWOOD VISTA**

## **DESIGN GUIDELINES**

### **I. Introduction**

Any notice or information required to be submitted to the ACC under these Design Guidelines hereunder will be submitted to the ACC, c/o Driftwood Vista ACC c/o Turner Wimberly, 300 Baylor Street, Austin, Texas 78703.

#### **1. Background**

Driftwood Vista is a master planned community located in Hays County, Texas subject to the terms and provisions of that certain Declaration of Covenants, Conditions and Restrictions for Driftwood Vista, recorded in the Official Public Records of Hays County, Texas (the "**Declaration**"). Capitalized terms used but not defined in these Design Guidelines shall have the meaning ascribed to such terms in the Declaration.

#### **2. ACC and Review Authority**

The ACC consists of a member or members who have been appointed by **VINEYARD II LTD**, a Texas limited partnership (the "**Declarant**"). Declarant has a substantial interest in ensuring that Improvements within the Driftwood Vista development maintain and enhance the Declarant's ability to market and sell all or any portion of the community, and as a consequence thereof, the ACC acts solely in the Declarant's interest and shall owe no duty to any other Owner or to Driftwood Vista Community Association, Inc. (the "**Association**").

*Article 7* of the Declaration includes procedures and criteria for the construction of Improvements within the Driftwood Vista community. *Section 3.1 and Section 7.1* of the Declaration provides that no Improvements may be constructed on any Lot without the prior written approval of the ACC.

### **II. Governmental Requirements**

Governmental ordinances and regulations are applicable to all Lots within Driftwood Vista. It is the responsibility of each Owner to obtain all necessary permits and inspections. Compliance with these Design Guidelines is not a substitute for compliance with the applicable ordinances and regulations. Please be advised that these Design Guidelines do not list or describe each requirement which may be applicable to a Lot within Driftwood Vista. Each Owner is advised to review all encumbrances affecting the use and improvement of their Lot prior to submitting plans to the ACC for approval. Furthermore, approval by the ACC 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. Certain encumbrances may benefit parties whose interests are not addressed by the ACC.

### **III. Interpretation**

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

### **IV. Amendments**

During the Development Period, the Declarant, acting alone, may amend these Design Guidelines. Thereafter, the ACC may amend these 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 Design Guidelines and every amendment thereto.

### **V. Architectural Review Overview**

#### **1. 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.

#### **2. 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 Design Guidelines and all requirements imposed by the ACC as a condition of approval.

#### **3. Submittals, Approval and Review Fees**

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. No Improvements may be commenced until the Owner has received a written "Approval" from the ACC. The ACC may adopt a schedule of fees for plan review.

#### **4. Inspection**

Upon completion of all approved work, the Owner must notify the ACC. The ACC may inspect the work at any time to verify compliance with the approved submittals and these Design Guidelines.

#### **5. Plan Review and Approval Process**

The ACC will review plans in a five-phase process:

- i. **Boundary and Tree Survey.** Please see *Section VI.4. "Mapping and Surveys"* for further details.

- ii. **Required Pre-Design Meeting.** Each Owner, along with their approved architect, is required to schedule and attend a pre-design meeting with the ACC or a representative designated by the ACC. This meeting is designed to save the Owner time and money by establishing an understanding of the Owner's vision for their future home, answering any design questions the Owner/architect may have, and generally streamlining the process at its outset to avoid delays and costly redesigns. Please see the Pre-Design Meeting Form in Attachment 1 for further details and a checklist for the Pre-Design Meeting.
- iii. **Preliminary Plans.** For further details and a checklist of required submittals, please see the Preliminary Plan Review Application in Attachment 2.
- iv. **Final Plans.** The Design Guidelines discusses requirements for final plans in detail. A checklist of required submittals can be found in Attachment 3.
- v. **Landscape, Hardscape, Pool, and Fencing Plans.** Please see *Section VIII, "Landscape Design and Installation"* for further details. Additionally, a checklist of required submittals can be found with the application in Attachment 4.
- vi. **Timing of Completion of Improvements.** The architectural review process outlined above, including the submission of plans, commencement and completion of Improvements, shall conform to the schedule provided in Attachment 9 (the "**Construction Timeline**"). Failure to comply with the Construction Timeline may result in fines levied by the ACC. The ACC may, in its sole and absolute discretion, adjust the deadlines provided therein on a case-by-cases basis, provided that such adjustment be made by the ACC in writing, and such writing shall identify the new deadline.

Landscaping, materials/color samples, pools, recreation facilities, fences/gates, and other improvements may be submitted after the start of home construction but must be approved prior to their installation.

All approvals of the ACC shall be in writing.

## **VI. Architectural and Aesthetic Standards**

1. **Stock Plans Prohibited.** All plans must be prepared by an approved, licensed architect and be designed for the specific features of the homesite. "Off-the-shelf" plans or stock plans are not permitted. Custom plans that were designed for another lot and built in other neighborhoods are discouraged, but if such plans are modified to fit the lot then acceptance will be considered on a case-by-case basis by the ACC at the ACC's sole and absolute discretion. The ACC reserves the right to deny any plans it determines to be inappropriate for the lot or determines are too similar to existing homes built in the development or other areas of Central Texas.

2. **Architect Approval.** Any home design in Driftwood Vista must be prepared by a reputable architect who has been approved by the ACC and is licensed in the State of Texas, and has extensive experience designing custom homes in the Austin area or Central Texas. A copy of the Approved Architects List and the Architect Approval Application can be obtained from the ACC. The ACC may remove an architect from the approved list in the event the architect violates the Design Guidelines. Approval or denial of an application is at the sole discretion of the ACC and/or the Board of Directors.

3. **Builder Approval.** Any builder intending to build in Driftwood Vista must be approved by the ACC. A copy of the Approved Builder List and the Builder Approval Application can be obtained from the ACC. The ACC will not approve any builder who does not have strong track record of building custom homes in the Austin area or Central Texas. The ACC reserves the right to approve a builder on a single lot basis only, and as a contingent approval, and not grant such builder full builder privileges in the neighborhood or add them to the list of approved builders. The ACC, in its sole discretion, can also remove a builder from the list of pre-approved builders at any time (but such removal shall not impact existing construction contracts). Approval or denial of an application is at the sole discretion of the ACC and/or the Board of Directors.

4. **Mapping and Surveys.** An electronic copy of the subdivision plat is available upon request from the ACC. Arrangements should be made separately with the surveyor who created the plat if electronic site data is required.

- **Field Survey.** A field topographic survey (the "**Topo Survey**") conducted on-site by a registered land surveyor for the homesite is required, such survey shall have one-foot (1') contour intervals.
- **Tree Survey.** A tree survey conducted on-site by a registered land surveyor (the "**Tree Survey**") is required and should include dimensions and species of all hardwood trees 3" in diameter or larger and all cedar trees having a single trunk more than 12" diameter. Multiple trunk hardwood trees and oak motts shall be identified when the total caliper inches of all the trunks exceed 6". The Tree Survey must be done from the front property line through the buildable portion of the lot and any portion of the lot that is included in future improvements or landscape area.
  - Tree surveys should be done in a manner where trees are numbered on the survey with a legend showing the species and size of the tree. Trees should also be tagged in the field with the corresponding tree number as referenced by the

Tree Survey.

- The ACC requires the Tree Survey be completed prior to any formal home design being done by the approved architect. Homes designed without the tree and Topo Survey will not be approved. The ACC will not review or approve any plans for a homesite until a copy of the Topo Survey and Tree Survey, signed by the surveyor, have been field verified by a designated ACC representative.
- Tree Surveys over 3 years old will not be accepted.

5. **Building Setbacks.** Building Setbacks shall be in accordance with the chart below. The ACC shall have the right to amend, modify and supplement the Buildings Setbacks from time to time:

Lot	Address	Street Name	Acreage	Front Yard Setback	Side Yard Setback	Rear Yard Setback
8		Tuscany Dr.	3.67	60'	20'	50'
9		Tuscany Dr.	3.49	60'	20'	50'
10		Tuscany Dr.	2.69	60'	20'	50'
11		Tuscany Dr.	2.13	60'	20'	50'
12		Tuscany Dr.	1.99	60'	20'	50'
13		Tuscany Dr.	2.17	60'	20'	50'
14		Tuscany Dr.	2.46	60'	20'	50'
15		Tuscany Dr.	2.82	60'	20'	50'
16		Tuscany Dr.	3.06	60'	20'	50'
100		Tuscany Dr.	2.67	60'	60'	50'
101		Tuscany Dr.	1.78	60'	20'	30'
102		Tuscany Dr.	2.18	60'	20'	50'
103		Tuscany Dr.	2.26	60'	20'	50'
104		Tuscany Dr.	2.22	60'	20'	50'
105		Tuscany Dr.	2.31	60'	20'	50'
106		Tuscany Dr.	2.30	60'	20'	50'

6. **Limits of Construction.** The limits of construction shall be designated on the preliminary and final plans, and the ACC reserves the right to require such limits of construction to be fully protected by a minimum five foot (5') high chain link fence that shall be installed prior to the start of construction and shall be maintained throughout the construction of the residence and landscaping. If required by the ACC, this perimeter fencing may be required on the sides and rear of the limits of construction. Builders,

at their option, may also install fencing and a lockable gate on the front side of the site for security purposes.

7. **Replacement Trees.** Site plans must indicate which existing trees, if any, are to be removed. The ACC reserves the right to require replacement trees on a formula determined and adopted by the ACC if:

- (i) In the ACC's opinion, an alternative design solution which saves specimen trees should be considered, and the Owner elects to remove the existing trees. The ACC also reserves the right to deny a set of plans if it determines that the architect did not adequately account for these trees during the design process.
- (ii) In the event any portion of a homesite is cleared of trees or vegetation without the ACC's prior written approval.
- (iii) In the event any trees shown on the approved site plan to remain do not survive construction.

8. **Cut and Fill Limitations.** Sites should be balanced cut and fill; the ACC reserves the right to require a grading or cut and fill plan be provided as part of the final plan submission or have the builder provide a grading plan signed and sealed by an engineer. Cut, fills, grading or retaining walls should not extend into building setbacks unless approved by the ACC in writing. All retaining walls should be detailed on the plans with materials and heights. The design and construction of these retaining walls are the sole responsibility and liability of the builder. It is required that any major retaining walls be designed by an engineer and shown on a plan that is signed and sealed by the engineer. Any cuts that are left unfinished must be re-vegetated and screened with landscaping from neighboring properties.

9. **Driveway Layout.** Driveway aprons must be constructed in accordance with the Hays County Driveway Standard, a copy of which can be found in Attachment 7. Where possible, driveways shall be flush with the finish grade. In the event a culvert is necessary to convey water from one side of the drive to another, such culvert shall conform to the Hays County Driveway Standard, a copy of which can be found in Attachment 7. Plans must include a driveway profile.

Once a driveway extends beyond the Right of Way and onto the Owner's private Lot, an Owner is permitted to transition from the concrete required in the Right of Way to pavement or stone pavers. Any pavement or stone pavers used for driveways or parking areas are required to be captured within poured in place concrete curbs with a minimum width of 18 inches.

Any portions of the driveway which are more than 18" out of grade must be faced with stone or stucco to match the home. Any out of grade portions of the driveway must also be screened with landscaping or planting beds.

Driveways and parking courts must be located within the Building Setbacks with driveways intersecting the street at as close to 90 degrees as feasible. Driveways that are less than 15' from a building setback shall be heavily screened from adjacent properties with a variety of appropriate native plant materials. If

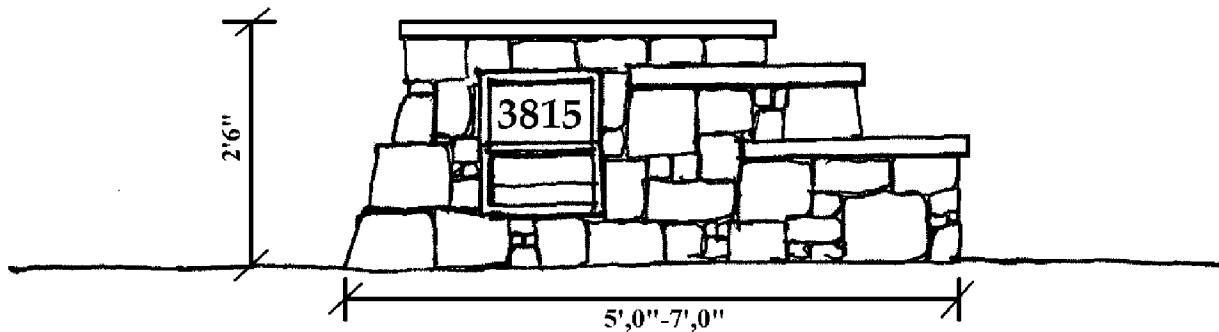
the location and shape of a Lot dictate the necessity for a driveway or parking court to extend into a Building Setback, it will be allowed only with the written approval of the ACC.

Circular drives and two drives per residence are not permitted.

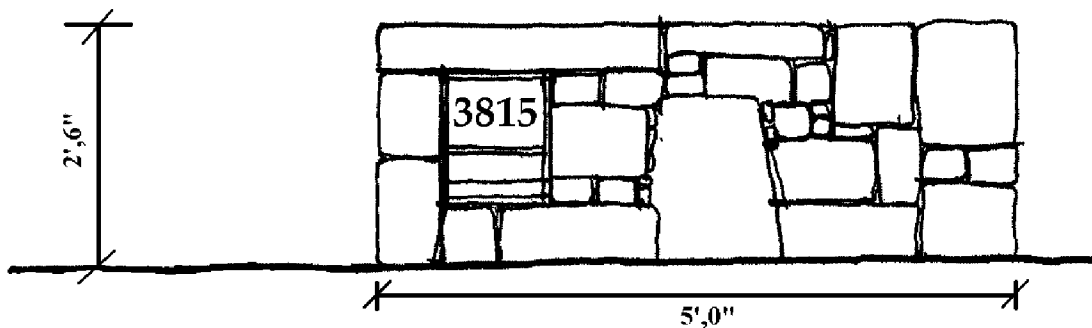
10. **Visitor Parking.** Each residence shall provide a minimum of two guest parking spaces per bedroom that may not be located in the front or side building setbacks. Where the topographic constraints of a homesite cause a home to be located closer to the street, a variance from this requirement may be granted at the sole discretion of the ACC. Guest parking spaces shall be located so as to permit the installation of substantial landscaping to screen the guest parking area from the street and adjacent properties.

11. **Address Markers.** In order to provide continuity to the streetscape, an address marker shall be located on one side of the driveway, parallel to the back of the driveway apron. The builder must provide power to the site of the address marker to provide for illumination of the marker. All address markers must be constructed with Texas lime stone and illuminated at night with LED lighting. The style and design of the address marker shall conform with the following:

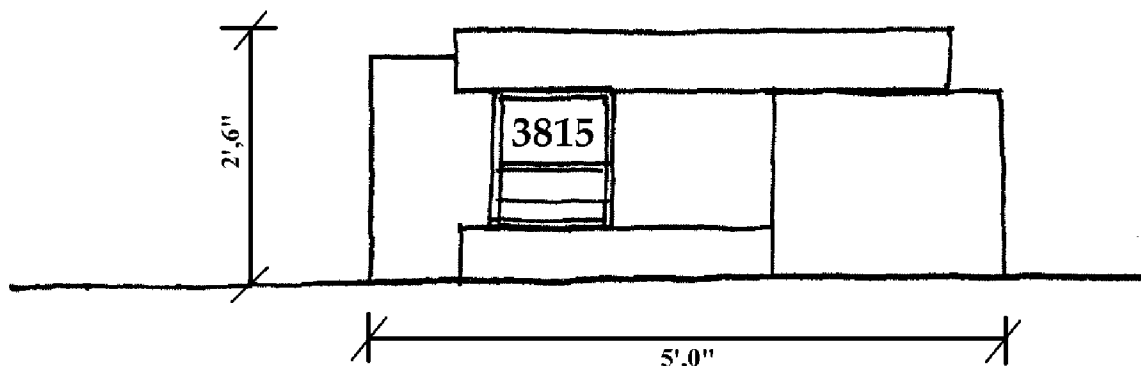
Option 1 – Texas Limestone with 2.25" Sawn Limestone Cap



Option 2 – Texas Limestone



### Option 3 – Sawn Texas Limestone



12. **Drainage.** Responsibility for proper site drainage rests with the Owner, their contractor and architect. No site or roof drainage should be directed on to neighboring lots. In the event that roof or site drainage is taken underground on a lot, the drains shall exit in a manner where concentrated flow is not directed on to any neighboring property or street lot. Additionally, drains should be daylighted in a manner where there is no erosion on the lot at the drain outfall.

13. **Rainwater Harvesting Systems and Solar Energy Devices.** Rainwater harvesting systems and solar energy devices shall be governed by Article 3 of the Declaration.

14. **Swimming Pools.** Swimming pools shall be in-ground, or a balanced cut and fill, and shall be designed to be compatible with the site and the dwelling. Pool equipment must be screened with masonry walls. Any pool walls, raised decking or planters over 18" out of grade must be faced with stone or stucco to match the house. Adequate screening, security, and maintenance shall be provided. Fences must meet all governmental regulations for safety.

Pool plans should be submitted with as much detail as possible, including, but not limited to, scaled drawings, the pool location, pool equipment with screening, and fencing on the scaled site plan, detailed out of grade elevations for the pool and decking and elevations of the pool from all sides out of grade.

The ACC reserves the right to require a cross section through the pool, should such detail aide in the review process for the facility. The ACC also reserves the right to require the pool builder provide an sealed engineered drawing of the pool foundation and construction.

15. **Playscape and Sport Courts.** Playscapes are permissible at the sole discretion of the ACC. If allowed by the ACC, the playscape must be properly sited and adequately screened so as to minimize the visual and audio impact of the equipment on adjacent properties. Playscapes must be of natural colors (tan, brown or green), and should be high quality workmanship. The ACC requires that all playscapes have existing or added landscape to screen the structure from neighboring properties.

Tennis courts and hard surface sports areas are generally discouraged, but the ACC will consider approval on a case-by-case basis. In order to be considered for approval, any tennis court or hard surface sports area must be thoughtfully designed so as to be compatible with the architectural design of the

house and the surrounding natural landscape. Appropriate hardscape and landscape features approaching and surrounding the tennis court or hard surface sports area are encouraged in order to blend the area into the design of the dwelling and its landscaping. Substantial landscaping to screen the tennis court or hard surface sports area from the street and adjacent properties is required. Lighting or illumination of a tennis court or hard surface sports area is strictly prohibited. Any fence surrounding a tennis court or hard surface sports area may extend no higher than three feet above natural grade, and substantial landscaping to screen any such fence from the street and adjacent properties is required. Final determination of approval or denial of any tennis court or hard surface sports area shall be at the sole and absolute discretion of the ACC on a case-by-case basis, and any individual approval granted by the ACC shall not be construed as creating a precedent for any subsequent approval.

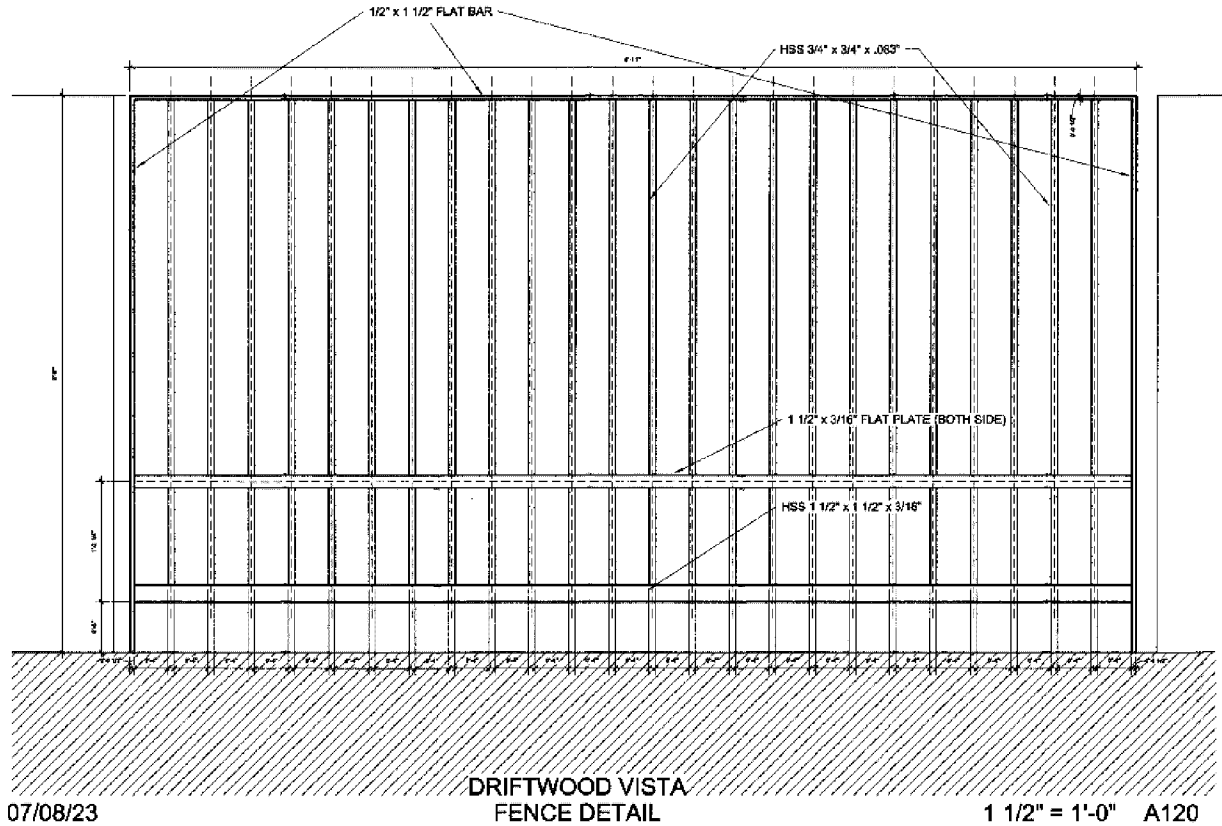
The ACC shall have the authority to establish additional guidelines for the placement and design of basketball goals, backboards, or any other similar sporting equipment and the same shall be kept and maintained out of view from any street, except in accordance with any such established guidelines.

**16. Fencing and Walls.** Except as provided in the Association's Pool Enclosures and Security Measures Policy, front yard walls, fences and gated driveways are prohibited, with the exception of very low landscape or retaining walls as approved by the ACC. Walls and fences are permitted rear and side yards to the front façade of the home, but may not encroach upon any utility, drainage, water quality easement, or Building Setbacks.

In the event a home is designed with a motorcourt, the ACC reserves the right to allow the motorcourt to be gated, as long as the walls or fencing of the motorcourt do not extend in front of the front façade of the home, any included fencing/gates conform to the fence detail shown below, and the motorcourt is designed in accordance with the architectural style of the home.

Fencing shall be brown, bronze or black wrought-iron style pickets, five feet (5') high above natural grade. Such fences shall consist of a flat top rail style fence, as shown in the detail below.

**Fig. 2 – Required Fence Detail – See Following Page:**



17. **HVAC, Pool Equipment, Tankless Water Heaters, and Utility Connections at the Home.** Air conditioning compressors and pool equipment shall be enclosed by a masonry structural screening wall that matches the house and is landscaped. This screening wall should screen the HVAC or Pool Equipment from the street and neighboring properties. Air conditioning compressors shall be screened to a minimum of 48" above grade and a maximum of 60". Screening is to be located a minimum of 18" vertical distance from the unit, or as Applicable Law requires (whichever is greater). Pool equipment shall be screened within a fully enclosed structure. These screening walls should be open to the rear of the property. If such walls do not open to the rear, or the equipment is visible from neighboring properties, they should be enclosed with a solid gate at the access point. In the event HVAC or pool equipment is not located adjacent to the home or an accessory building, the ACC reserves the right to have it enclosed on four sides for screening purposes.

The powerlines in Driftwood Vista are buried in conduit at the street with transformers installed on the ground near the street for providing service to the Lots. Each transformer has a meter pedestal for electric meter placement. No switch gear, breaker panels, or other electric service equipment shall be allowed at the transformer or meter pedestal. All such switch gear, breaker panels, and other electric service equipment must be located on the house and connected to the transformer and meter by electrical cable buried in conduit. Any other utility hookups must also be placed on the home where not readily visible from neighboring properties. All switch gear, breaker panels, and any other utility service equipment on the home should be screened with landscaping, and painting of such equipment to match the home is required. All junction boxes and exterior plugs on the home should be painted to match the home.

Tankless water heaters either flush mounted or externally mounted on the home should be screened with landscaping and have the enclosure painted to match the house.

It is required that the builder run conduit with pull string from the Cable and Telephone risers to the location on the home where the tie-ins will occur.

18. **Architectural Styles.** Architectural styles may vary, subject to compatibility with surrounding properties and to the appropriate use of allowable exterior materials and colors. Certain home styles are prohibited, including, but not limited to, Georgian, Colonial, Cape Cod, and Tudor.

19. **Aesthetic Appeal.** The ACC may disapprove the design or exterior materials and colors of a home on purely aesthetic grounds, where, in its judgment, the disapproval is required to protect the continuity of design or values of the neighborhood and of other homeowners.

Any prior decisions of the ACC regarding matters of design or aesthetics shall not be deemed to have set a precedent if the ACC feels that the repetition of such actions would have any adverse effect on the community.

20. **Encouraged Design Elements.** The following architectural features are generally appropriate to the community:

- Arcades, colonnades, loggias, and covered passages between structures.
- Outdoor spaces, which extend living functions seasonally.
- Semi-enclosed courtyards.
- Designs which retain as many large caliper trees as possible.
- Hip roofs complementing the architectural style of the home.
- Non-reflective standing seam metal or tile roofs in muted colors (galvanized or galvalume roofing is prohibited).
- Roof overhangs of 18" or wider measured from exterior cladding.
- Roof vents and other penetrations that are as unobtrusive as possible, which are located on the rear-facing side of the roof (i.e. not facing the street).

21. **Prohibited Design Elements.** The following architectural elements are expressly prohibited as determined in the sole discretion an interpretation of the ACC:

- Excessively pitched roofs.
- Mansard, gambrel or chalet roofs.
- Flat roofs and roofs that appear flat, unless they are architecturally consistent and complementary to the style of the home.
- Roofs that are too steep or too shallow for the style of the home.
- Enormous entries and front door assemblies, such as triumphant arches.
- Over-scaled doors.
- Excessively over-scaled arch openings, or the use of arched openings as the primary design characteristic of the home.
- Random roof penetrations, vents or skylights facing the street.
- Columns that are not in scale with other elements of the residence.
- Expanses of unbroken masonry equal to or exceeding 24' in length.
- Galvanized or galvalume roofing.

- Large expanses of unbroken masonry over 16' in height.
- Inappropriate use of a variety of styles in columns, windows and accessory elements.
- Excessively formal or ornate gates, fencing and ironwork.
- Long, linear eaves on roofs, unless they are architecturally consistent and complementary to the style of the home.
- Long, linear roof ridges, unless they are architecturally consistent and complementary to the style of the home.
- Very symmetrical massing designs.

**22. Minimum Square Footage.** The minimum square footage for each residential dwelling constructed on a Lot shall be 3,000 square feet of heated/air conditioned space. For the purpose of calculating square footage, open or screened porches, terraces, patios, decks, driveways, garages, storage facilities and walkways shall be excluded. Plans submitted for review shall clearly indicate the heated/air conditioned square footage of the residence. The ACC reserves the right to approve the construction of a residential dwelling under 3,000 square feet of heated/air conditioned space if the ACC determines in its sole and absolute discretion that specific circumstances warrant such approval, which if given in any individual instance shall not be construed to create a precedent for any subsequent approval.

**23. Height, Massing and Scale.** In no case shall the height of any portion of any structure exceed 35' above average natural grade. Average natural grade is the average of the highest and lowest grades adjacent to the building. Three-story structures are prohibited.

Designs should follow existing contours, and achieve a balance of cut and fill so that when construction is finished, the earth around the residence should be as near as possible to the natural contours. In the event retaining walls are used, they must conform with all Applicable Law. Any retaining walls must be shown on the site plan for the home. The ACC reserves the right to require a builder to submit a grading or cut and fill plan on a home as part of the final plan submittal.

Cuts, fills, grading or retaining walls should not extend into building setbacks unless approved by the ACC in writing. All retaining walls should be detailed on the plans with materials and heights. The design and construction of these retaining walls are the sole responsibility and liability of the builder. It is required that any major retaining walls be designed by an engineer and shown on a plan that is signed and sealed by the engineer. Any cuts that are left unfinished must be re-vegetated and screened with landscaping from neighboring properties.

Owners are encouraged to break down the mass and/or undulate their homes. Many uses can be placed in accessory structures: garages, workshops, offices, cabanas, and recreational uses.

Roof plates and roof peaks should not be long and linear; these should be broken up and undulated to assist in the breaking up of the massing of the home.

**24. Floor Area Ratio.** The second story of any residence shall not exceed 60% of the enclosed first floor of the residence (heated or air-conditioned), including garages, but not including covered outdoor spaces. Two story interior spaces are included as second floor area in calculating the percentage of second floor area to be built. The intent of this regulation is to avoid "box-on-box" massing. Elevations that cause the house to appear to be a full two-story house or a portion of the home to be a full two-story house are

prohibited. Determination that an elevation appears to be box-on-box shall be at the sole discretion of the ACC.

**25. Garages.** Garages must be integrated into the design of the dwelling. Detached garages must be architecturally composed to complement the main house. Garages shall accommodate a minimum of three cars. If more than three garage bays are to be constructed, the massing shall be broken up by separating the large mass into smaller independent volumes. These smaller volumes may be used to enclose or define a motor court.

Garage doors may not face the street and shall be oriented so as to be as inconspicuous as possible. If garage doors face a side property line, the ACC may require additional setback to allow for the installation of appropriate screening from adjacent properties.

**26. Accessory Buildings.** Accessory buildings, including pool cabanas, detached garages and guesthouses, shall be constructed of the same materials with the same architectural style and with the same quality of construction as the primary residential structure. Metal buildings and pre-engineered buildings are prohibited. Prior to the start of construction of accessory buildings, plans must be submitted to and approved by the Architectural Control ACC for review.

**27. Prohibited Building Materials.** The following materials are prohibited for the construction of a dwelling and related structures on a Lot:

- Red brick, Masonite or other synthetic wall materials, including EIFS stucco.
- Stone which appears glued on.
- Wood siding (unless used sparingly as an architectural detail and only with ACC approval)
- Metal panels or siding (unless used sparingly as an architectural detail and only with ACC approval)
- Vivid, inappropriate colors.
- Large areas of white surface such as white or very light stucco, unless it is integral to the architectural style of the home.
- White or bubble skylights.
- Mirrored glass or glass block.

**28. Masonry.** Stone or stucco shall comprise 100% of the exterior building material. The ACC encourages the restrained use of a variety of materials, which can add textural richness to the structure. Changes in materials at a vertical line shall occur only at interior corners.

Use of metal or wood Siding as an architectural detail is allowed, but shall be used sparingly. The determination of the amount of metal or wood siding as an architectural detail is up to the sole discretion of the ACC and will be made on a case-by-case basis.

The use of regionally native stone is required. The mortar should match rather than contrast with the masonry.

Red, orange or reddish-toned, or very dark brick is not permitted. The use of beige brick native to the Hill Country will be allowed only with the prior written approval of the ACC. The determination of whether any such proposed brick is appropriate shall be made at the sole discretion of the ACC and will be made on a case-by-case basis.

Stucco must be of a muted, understated color approved in advance by the ACC. White or very light stucco should be used only as an accent color; large expanses of stucco and the use of stucco as the primary exterior material are prohibited, unless it is integral to the architectural style of the home. The determination of the amount of stucco allowed is up to the sole discretion of the ACC and will be made on a case-by-case basis.

No more than 18" at the bottom of the slab may be left exposed; the remainder must be covered with the same material as the exterior wall (a maximum 18" allowable exposed lug). Plans shall indicate actual grade and show masonry treatment of slab.

Masonry samples shall be provided to the ACC for approval. Final stucco approval will be provided only after 3'x3' samples are provided. Exterior materials must be shown on a sample board on the site.

**29. Windows and Doors.** Combinations of double hung, casement, or fixed wood windows, wood or metal entry doors, French doors, and patio doors are encouraged. Windows shall be high quality windows made of wood, metal, or fiberglass. Snap-in window grids are prohibited. Builders should submit their window manufacturer specifications as part of their final plan submittal. Builder grade windows and doors are not allowed. No windows or doors are allowed to have reflective or mirrored glass.

**30. Roof Materials and Chimneys.** Roof materials are limited to non-reflective standing seam metal, terra cotta tiles, concrete tiles or slate in muted colors. Composition, shingle, and shake roof materials are not allowed. In the event a low-pitched roof or flat roof is approved on an individual home, these roofs must be clad in the same roof material as the rest of the house.

All chimneys shall be clad in masonry of the same type used on the exterior walls. All spark arrestors must be covered by a chimney cap. The design of the chimney cap must be submitted on the final plans or approved by the ACC prior to installation.

## **VII. Construction Rules**

Builders working within Driftwood Vista shall conduct all construction activity in a manner that is respectful of adjacent property owners and the neighborhood as a whole. In order to maintain the quality of the neighborhood, builders shall comply with the following construction rules. Periodic inspections may be made by a representative of the ACC in order to identify non-complying construction activities. If violations of these rules are not remedied in a timely manner, fines will be levied and deducted from the \$5,000 Compliance Deposit, which shall be held in accordance with the Compliance Deposit Agreement attached hereto as Attachment 3.

**1. Erosion Control.** It is the responsibility of the builder to install erosion control measures prior to the start of construction and to maintain them throughout the entire construction process. This

includes proper location, installation and use of designated concrete washout areas located within the Building Setbacks during all foundation, flatwork, and pool pours.

Prior to the commencement of any clearing, erosion control measures must be installed and inspected by a representative of the ACC. Owners shall contact the ACC to request an erosion control inspection 48 hours prior to the inspection. The ACC is not responsible for inspections and reporting to the applicable environmental regulatory authority (i.e. TCEQ or TPDES). All reporting requirements are the sole responsibility of the builder.

Each construction site shall have one designated construction entry that shall have a 30' long by 15' wide section of 3" to 5" diameter stone placed upon it with a corrugated metal pipe culvert installed if required for drainage. It is required that the construction entry must be in the same location as the permanent driveway in order to avoid re-vegetation of the right of way at the end of construction. The purpose of the stone is to clean the tires of vehicles exiting the site, in order to limit the amount of mud and sediment that is brought onto the street. The Builder should anticipate that heavy construction vehicles will crush and embed the stone during construction and that additional stone will be required in order to protect the integrity of the entry. Builder is responsible for clearing all tracking off the street on a daily basis.

A silt fence compliant with TCEQ standards is required to be properly installed and maintained to protect the low sides of all disturbed areas, where stormwater 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. The builder should anticipate that built-up sediment will need to be removed from the silt fence after heavy or successive rains. 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, please contact the ACC prior to the removal.

**2. Foundation Survey.** A foundation form survey is required to be submitted for all house construction.

The survey shall:

- Be prepared and sealed by a registered land surveyor.
- Indicate the distance in feet from the property line to the closest portion(s) of the foundation measured perpendicular to the property line.
- Be submitted for approval of the ACC or its designee prior to pouring the foundation.

**3. Utilities.** The powerlines in Driftwood Vista are buried in conduit at the street with transformers installed on the ground near the street for providing service to the Lots. Each transformer has a meter pedestal for electric meter placement. No switch gear, breaker panels, or other electric service equipment shall be allowed at the transformer or meter pedestal. All such switch gear, breaker panels, and other electric service equipment must be located on the house and connected to the transformer and meter by electrical cable buried in conduit. Any other utility hookups must also be placed on the home where not readily visible from neighboring properties. All switch gear, breaker panels, and any other utility service equipment on the home should be screened with landscaping, and painting of such

equipment to match the home is required. All junction boxes and exterior plugs on the home should be painted to match the home.

4. **Security**. Neither the Association, Declarant nor the ACC shall be responsible for the security of construction sites or completed homes. If theft or vandalism occurs, the builder should first contact the Hays County Sheriff's Department and should then notify the ACC. A record of vandalism will be kept and other builders will be notified as to the nature of the problem.

5. **Chain Link Fence**. The ACC reserves the right to require the installation of temporary, minimum five foot (5') high chain link fencing around the sides and rear of construction and to require such temporary fencing to be maintained throughout construction. The purpose of the fencing is to limit disturbance of soils and to protect vegetation outside the limits of construction, and to stop construction debris from blowing outside the construction site. Orange plastic fencing may be used to protect trees to be saved within the construction limits, but may not be used in lieu of chain link fence for the perimeter of the construction limits if chain link fencing is required by the ACC.

Although not required, the builder may wish to consider adding a front side chain link and a gate across the construction entry, in order to provide an extra measure of security for the construction site.

If for any reason the fence is to be temporarily removed, an Owner must contact the ACC prior to the removal.

6. **Construction Hours**. Unless otherwise approved in advance by the ACC, construction may take place only during the following hours: Monday-Friday, from 7:30 am until 6:00 pm, and on Saturdays from 8:00 am to 5:00 pm.

There shall be no construction on Sundays or the following holidays: New Years Day, Memorial Day, July 4<sup>th</sup>, Labor Day, Thanksgiving Day, or Christmas Day.

Any construction on holidays and outside of construction hours is subject to immediate fines to be taken from the Construction Compliance Deposit.

7. **Noise, Animals**. The use of wireless speakers, radios, tape and CD players must be restrained, so as not to be heard on an adjoining lot or street. Contractors and subcontractors may not bring dogs to construction sites.

8. **Construction Parking, Material and Equipment Storage**. In order to maintain vegetation along the roadways, parking off the asphalt and on the vegetated shoulders is prohibited. Any damage to the right-of-way by vehicles parking or crossing the right of way will be repaired by the Association and the cost associated therewith shall be automatically deducted from the Construction Compliance Deposit. All construction parking shall be within the construction site, on riprap or gravel, and not on the street. Vehicles parked on the street are subject to towing without notice. Further, the unloading of materials shall take place within the construction site, and not on the street. There shall be no parking beneath the crown of existing trees in order to avoid soil compaction and damage to the tree.

A designated material storage area shall be indicated on the approved final plans. All construction materials and equipment shall be neatly stacked, properly covered, and secured. Any storage of material

or equipment shall be at the Owner's or builder's own risk. No construction equipment may be unloaded or operated on the street.

Builders may place storage containers or temporary office trailers on active construction sites. The location, size and design of these structures must be approved by the ACC in advance of installation.

No materials may be staged or stored outside of the approved limits of construction, on the street, or neighboring lots. No vehicles or trailers may be parked on the street, and those in violation are subject to immediate towing. Any delivery trucks should not block traffic while offloading materials. The builder is solely responsible for keeping traffic open and flowing while any materials are being delivered.

Owners and builders may not disturb, damage, or trespass on other lots or adjacent property.

**9. 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. Any fill not removed from the site must be piled neatly and any brush left on site must be chipped.

Owners and builders are required to provide a dumpster for debris and shall clean up all trash and debris on the construction site on a daily basis. Trash and debris shall be removed from each construction site on a timely basis. Dust control shall be the responsibility of the builder, including the vegetation as necessary, and the watering of disturbed areas to control dust. Lightweight material, packaging and other items shall be covered or weighted down to prevent wind from blowing such materials off the construction site.

The dumping, burying or burning of trash is not permitted anywhere in Driftwood Vista.

When moving heavy equipment it is imperative that precautions be taken to prevent damage to pavement, curbs and vegetation. Any damage to such structures will be assessed against the Construction Compliance Deposit without notification to the builder. Crawler tractors are not to be operated on paved or concrete surfaces.

Mud, dirt and other construction debris that is tracked off site shall be cleaned on a daily basis.

**10. Sanitary Facilities.** A temporary sanitary facility (chemical toilet) shall be provided and maintained by the builders within the limits of construction fencing around the construction site, and be situated to the rear of the site.

**11. Marketing and Builder Signage.** All builder and marketing signage must conform to the established sign criteria for the community. Any non-conforming signs will be removed without notice. No sub-contractor signs are allowed. Please contact the Architectural Control Committee for more information.

**12. Schedule of Fines.** Regular inspections by a representative of the ACC shall take place in order to identify non-complying construction activities. If violations of the regulations are not remedied in a timely manner (generally by the close of the second business day after the notification of the violation has been delivered), fines will be levied and deducted from the \$5,000 Compliance Deposit. In the event a fine is levied and deducted from the Compliance Deposit, the violating party must, within 10 days after

receipt of notice from the ACC, restore the Compliance Deposit to the full amount of \$5,000. In the event that fines exceed \$5,000, and fines remain unpaid by the builder or Owner, the ACC reserves the right to file a lien against the subject property.

Violation	Fine
Premature Clearing	\$1,000
Construction without ACC Approval	\$1,000
Inadequate Construction Entry	\$500
Inadequate/Removed Silt Fence	\$250
Inadequate/Removed Construction Fence	\$250
Excessive mud/debris on street	\$250 plus \$50 per day
Excessive construction debris	\$250 plus \$50 per day
No dumpster provided	\$250 plus \$50 per day
No chemical toilet provided	\$250 plus \$50 per day
Encroachment on buffers	\$500 plus tree replacement
Encroachment on adjacent properties	\$500 plus cost of repair
Damage to streets, curbs infrastructure	\$500 minimum
Miscellaneous violation of construction rules	TBD
Failure to commence construction	TBD
Parking, violations(Per Vehicle/Incident)	\$250

13. **Submittal Fees.** The following chart provides the submittal fees and deposits required by the Association and the ACC:

Type of Submittal	Cost	Notes
New Construction	\$1,250	Covers New Construction, including Initial Landscape, Pool, Hardscape and Fencing
Addition/Remodel	\$1,250	Covers Additions and Exterior Remodels Including Landscape, Pools, Hardscape and Fencing associated with the project
Pool/Hardscape	\$1,000	Covers new pool or hardscape additions after home is initially built
Landscape/Fencing	\$750	Covers Landscape or Fencing Renovations after home is initially built
Construction Compliance Deposit	\$5,000	Required on all Projects (can be waived at the discretion of the ACC if the project is minor)

The ACC reserves the right to require fees for resubmittals of plans that were previously not approved if it is determined at the ACC's discretion that the previously rejected submittal was inadequate to such a

degree that would require the ACC to substantially redo its review process for the subsequent submittal as opposed to simply reviewing a reasonable number of corrections or changes.

## **VIII. Landscape Design and Installation**

1. **Maximum Landscape Areas.** The maximum area of any lot that may be turf or landscaped is 15% of the total lot acreage. It's encouraged that landscape designs minimize turf areas by using a combination of turf, planting beds and natural areas. Natural areas should be designated as areas that remain generally undisturbed during home construction. It is recommended that natural areas be mulched with organic material mulch, and weeds removed. Depending upon the extent of existing vegetation, some additional plant material may be appropriate. Natural areas should not be surrounded by metal landscape edging, but allowed to naturally transition to other areas of the landscape. Any areas of the lot that are disturbed during construction and not included in the formal landscape area must be re-vegetated with native grasses and temporarily irrigated until established.

2. **Turf Grasses.** Turf areas should be minimized. It is the intent of these design guidelines to have the sites conform with the native landscape of the Hill Country, thus front yards should not be 100% turf, and should contain not only planting beds around the house, but between the street and the house also. Turf areas that are visible from the street should be screened or at least partially screened with landscape plants and planting beds in order to create a transition between the installed irrigated turf and the native grasses and vegetation growing on the Property. The intent of this requirement is to avoid a harsh transition from bright green irrigated turf directly into the unirrigated natural Hill Country landscape.

Turf species may be zoysia, Bermuda, buffalo grass or other water conserving turf grasses. **St. Augustine grass is not permitted.** It is recommended that areas that receive less than six hours of sunlight should be included in shrub, groundcover or natural areas.

3. **Design Criteria.** Landscape designs should contain a variety of native and adapted plant materials arranged in a manner consistent with the native Hill Country landscape. Plants should consist of plantings that can be found on the City of Austin's Grow Green List or the Lady Bird Johnson Wildflower Center Plant List. Informal, natural groupings are suitable; long linear hedges and large expanses of single plant species are not appropriate.

3.1 **Minimum Design Criteria.** The following is a summary of the minimum design criteria that should be met on the landscape designs.

- Landscape plans must show the location of all proposed plant materials and include a plant legend comprised of plant species, quantities, and sizes at the time of planting on a full size plan sheet.
- Landscape designs shall anchor buildings and other vertical improvements with dense foundation plantings.
- Turf areas should be minimized.
- All structures should have foundation planting beds around all areas anticipate flatwork at natural grade.
- Landscape designs shall not emphasize or draw attention to property lines.
- Plant material both inside and outside of enclosed areas should be deer resistant.

- The use of rock or crushed rock as a ground cover or bed cover shall only be permitted at the sole discretion of the ACC and should be minimized.
- Driveways and guest parking should be anchored by screening plants.
- Landscape plans must include vegetative screening for above ground utility connections, including reduced pressure zone valves, visible from the street or adjacent properties, and to soften masonry screen walls of pool equipment and air conditioning condensers. All utility connections on the home, including tankless water heaters and meters should be screened with landscaping.
- All areas disturbed during construction not part of the formal landscape area should be noted and re-vegetation plans described.
- The ACC 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.
- Hardscape elements should be noted on the plans and must be in scale with the home and associated structures. Landscape sculptures, fountains and structures are subject to approval by the ACC and details should be submitted with the plans.

3.2 Required Notes to Landscape Plan. All landscape plans must have the following required notes on the plans:

- All landscape areas not covered with plant materials shall be covered with mulch composed of organic materials.
- All above ground utility connections shall be screened with landscaping so that they are not visible from the street or adjacent properties.
- An automatic irrigation system with separate zones for turf and bedding areas shall be installed for all proposed landscape area. This system will be on an automatic timer with attached rain and freeze sensor.
- Maintaining proper site drainage is the responsibility of the Owner and builder
- All areas disturbed during construction and not part of the formal landscape area will be re-vegetated with native grass mix and temporarily irrigated until established.

4. Address Marker Planting. Landscaping around required address markers should be used to accent the drive entry as well as to soften the address marker within the landscape.

Only species noted as Texas natives on the City of Austin Grow Green List ([www.growgreen.org](http://www.growgreen.org)) or the Ladybird Johnson Wildflower Center list ([www.wildflower.org](http://www.wildflower.org)) shall be planted around the address markers.

5. Landscape Inspection. The ACC shall, upon completion of the installation of landscaping, conduct an on-site inspection of the property to ensure compliance with the approved plan. Silt fences and construction fences must remain in place pending a site visit with the landscape contractor, general contractor and ACC representative.

6. Prohibited Plants. The following list contains species of plants that are not permitted at Driftwood Vista. This list is by no means fully inclusive. The ACC may consider any non-native species as inappropriate, depending upon the proposed location within the landscape.

- Bradford Pear
- Italian Cypress (may be used only to anchor the home, not in open areas or along drives, or to define a property line)
- Palm Trees (except Sago Palm)
- English Ivy
- Bamboo
- St. Augustine Grass
- Boxwoods

7. **Exterior Lighting.** Exterior lighting must be kept to a minimum, but consistent with good security practices and accomplished exclusively with LED lighting. 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. Moonlighting down from and up lighting of trees from the ground is recommended, but shall be shielded to eliminate off-site glare and source visibility. Flood lighting a house façade is prohibited. Use of other than white or color corrected high intensity lamps and exterior lights will not be allowed. Holiday lighting is an exception. Sodium, mercury vapor, or bare HID yard lights are not allowed. Approval of the proposed illumination plan is required as part of the required landscape plan.

**ATTACHMENT 1**  
**DRIFTWOOD VISTA**  
**PRE-DESIGN MEETING FORM**

Deliver two (2) copies to:  
 Driftwood Vista ACC c/o Turner Wimberly  
 300 Baylor Street  
 Austin, Texas 78703  
 512-478-8512

Date: \_\_\_\_\_  
 Property Address: \_\_\_\_\_  
 Lot: \_\_\_\_\_ Block: \_\_\_\_\_  
 Property Owners Name: \_\_\_\_\_  
 Property Owners Address: \_\_\_\_\_  
 Phone #: \_\_\_\_\_ Work No. \_\_\_\_\_  
 Architect: \_\_\_\_\_ Phone No. \_\_\_\_\_  
 Contractor (if selected): \_\_\_\_\_ Phone No. \_\_\_\_\_

Applicant's Signature: \_\_\_\_\_

**NOTES:**

1. The purpose of the Pre-Design meeting is to informally discuss the design process, to review the applicant's general vision for the Lot and future home and for the ACC to answer any questions the applicant may have relating to the Design Guidelines and construction procedures at Driftwood Vista.
2. It would be helpful, though it is not required, for the applicant to bring copies of any schematic plans, photos, or additional information that would help convey the proposed home design to the ACC.
3. Please review and complete the checklist below prior to submission of this form.

**Required Items:**

- \_\_\_\_\_ Topo Survey showing contours at 1' intervals
- \_\_\_\_\_ Tree Survey in accordance with the specifications found in the Design Guidelines

**Recommended Items to Display in the Survey or Separate Site Analysis Plan:**

- \_\_\_\_\_ North arrow
- \_\_\_\_\_ Property lines with dimensions of entire lot
- \_\_\_\_\_ Easements of any kind
- \_\_\_\_\_ View corridors
- \_\_\_\_\_ Rock outcroppings
- \_\_\_\_\_ Location of adjacent residences (if applicable)
- \_\_\_\_\_ Prevailing seasonal breezes
- \_\_\_\_\_ Any other information deemed important to the future location of the residence
- \_\_\_\_\_ Building Setbacks

**APPROVED BY:**

ACC:  
 \_\_\_\_\_  
 (signature)  
 \_\_\_\_\_  
 (printed name)

Approval Date: \_\_\_\_\_

**ATTACHMENT 2**  
**DRIFTWOOD VISTA**  
**PRELIMINARY PLAN REVIEW APPLICATION**

Deliver two (2) copies to:  
 Driftwood Vista ACC c/o Turner Wimberly  
 300 Baylor Street  
 Austin, Texas 78703  
 512-478-8512

Date: \_\_\_\_\_  
 Property Address: \_\_\_\_\_  
 Lot: \_\_\_\_\_ Block: \_\_\_\_\_  
 Property Owners Name: \_\_\_\_\_  
 Property Owners Address: \_\_\_\_\_  
 Phone #: \_\_\_\_\_ Work No. \_\_\_\_\_  
 Architect: \_\_\_\_\_ Phone No. \_\_\_\_\_  
 Contractor (if selected): \_\_\_\_\_ Phone No. \_\_\_\_\_

I \_\_\_\_\_ do \_\_\_\_\_ do not wish to schedule an appointment to attend the ACC meeting for review of the attached plans.

What is the architectural style of the home? \_\_\_\_\_

Applicant's Signature: \_\_\_\_\_

**NOTES:**

1. Preliminary plan applications will only be accepted after completion of the required Pre-Design Meeting.
2. Incomplete plans will be returned for completion prior to a full review by the ACC and inclusion on an ACC meeting agenda.
3. Please review and complete the checklist below prior to your submission of this application.

**Preliminary Site Plan (can be drawn on base mapping of the required Tree and Topo Survey)**

- \_\_\_\_\_ 1"=40' or larger scale, as appropriate to the acreage
- \_\_\_\_\_ Building location and top of foundation elevations
- \_\_\_\_\_ Locations of drives, walks, and the required address marker
- \_\_\_\_\_ Building Setbacks
- \_\_\_\_\_ Trees to remain
- \_\_\_\_\_ Trees to be removed
- \_\_\_\_\_ Easements
- \_\_\_\_\_ Patios and porches
- \_\_\_\_\_ Accessory site development
- \_\_\_\_\_ Pool, tennis court, sports court locations (if applicable)
- \_\_\_\_\_ North arrow
- \_\_\_\_\_ Approximate boundary of areas to be turf and/or landscape
- \_\_\_\_\_ Required visitor parking
- \_\_\_\_\_ Limits of construction

**Preliminary Construction Documents**

Elevations:

- \_\_\_\_\_ 1/4" = 1' scale
- \_\_\_\_\_ Roof pitches identified
- \_\_\_\_\_ Roof peak height above foundation labeled
- \_\_\_\_\_ Exterior Materials: walls and roof materials labeled with colors indicated
- \_\_\_\_\_ Windows
- \_\_\_\_\_ Actual grade at foundation indicated
- \_\_\_\_\_ Foundation properly concealed (maximum of 18" of exposed foundation)

Floor plans:

- Conditioned First Floor Square Footage: \_\_\_\_\_
- Conditioned Second Floor Square Footage: \_\_\_\_\_
- Total Conditioned Square Footage: \_\_\_\_\_
- Unconditioned Second Floor Square Footage: \_\_\_\_\_
- Garage Square Footage: \_\_\_\_\_
- Covered Porch Square Footage: \_\_\_\_\_

**APPROVED BY:**

ACC:

\_\_\_\_\_  
(signature)

\_\_\_\_\_  
(printed name)

Approval Date: \_\_\_\_\_

**ATTACHMENT 3**  
**DRIFTWOOD VISTA**  
**FINAL PLAN REVIEW APPLICATION**

Deliver two (2) copies to:  
 Driftwood Vista ACC c/o Turner Wimberly  
 300 Baylor Street  
 Austin, Texas 78703  
 512-478-8512

Date: \_\_\_\_\_  
 Property Address: \_\_\_\_\_  
 Lot: \_\_\_\_\_ Block: \_\_\_\_\_  
 Property Owners Name: \_\_\_\_\_  
 Property Owners Address: \_\_\_\_\_  
 Phone #: \_\_\_\_\_ Work No. \_\_\_\_\_  
 Architect: \_\_\_\_\_ Phone No. \_\_\_\_\_  
 Contractor: \_\_\_\_\_ Phone No. \_\_\_\_\_

I \_\_\_\_\_ do \_\_\_\_\_ do not wish to schedule an appointment to attend the ACC meeting for review of the attached plans.

What is the architectural style of the home? \_\_\_\_\_

Applicant's Signature: \_\_\_\_\_

**NOTES:**

1. Plans will not be reviewed without the required submittal fee.
2. Incomplete plans will be returned for completion prior to a full review by the ACC and inclusion on an ACC meeting agenda.
3. Please deliver no less than 2 copies of plans so that one may be returned to applicant with response.
4. Please review and complete the checklist below prior to your submission of this application.

**Submittal Fee**

\_\_\_\_\_ Check in the amount of \$1,250 payable to Driftwood Vista Residential Community, Inc.

**Site Plan (can be drawn on base mapping of the required Tree and Topo Survey)**

- \_\_\_\_\_ 1"=40' or larger scale, as appropriate to the acreage
- \_\_\_\_\_ Site dimensions
- \_\_\_\_\_ Existing Contours
- \_\_\_\_\_ Property lines
- \_\_\_\_\_ Chemical toilet location
- \_\_\_\_\_ Silt fence location
- \_\_\_\_\_ Chain link fence location (if required)
- \_\_\_\_\_ Construction entry with dimensions of entry and size of stone
- \_\_\_\_\_ Dumpster location
- \_\_\_\_\_ Materials storage location(s)
- \_\_\_\_\_ HVAC units and appropriate screening material
- \_\_\_\_\_ Building Setbacks
- \_\_\_\_\_ Easements
- \_\_\_\_\_ Utility connections at street and residence with trench locations shown
- \_\_\_\_\_ Building location and top of foundation elevations

**Site Plan (continued)**

- \_\_\_\_\_ Drives, walks, and other hardscape
- \_\_\_\_\_ Address marker
- \_\_\_\_\_ Accessory site development (such as pool, cabana, playscape, sports court)
- \_\_\_\_\_ Trees to remain
- \_\_\_\_\_ Trees to be removed
- \_\_\_\_\_ Patios and porches (both covered and uncovered)
- \_\_\_\_\_ Pool location (if applicable)
- \_\_\_\_\_ North arrow
- \_\_\_\_\_ Boundary of area to be turf or landscape
- \_\_\_\_\_ Required visitor parking area
- \_\_\_\_\_ Required driveway profile indicating culverts and any utilities

**Preliminary Construction Documents**

Elevations:

- \_\_\_\_\_ 1/4" = 1' scale
- \_\_\_\_\_ Roof pitches
- \_\_\_\_\_ Roof peak height above foundation labeled
- \_\_\_\_\_ Exterior Materials: walls and roof materials labeled with colors indicated
- \_\_\_\_\_ Window specifications and manufacturer
- \_\_\_\_\_ Actual grade at foundation indicated
- \_\_\_\_\_ Foundation properly concealed (maximum of 18" of exposed foundation)

Floor plans:

- Conditioned First Floor Square Footage: \_\_\_\_\_
- Conditioned Second Floor Square Footage: \_\_\_\_\_
- Total Conditioned Square Footage: \_\_\_\_\_
- Unconditioned Second Floor Square Footage: \_\_\_\_\_
- Garage Square Footage: \_\_\_\_\_
- Covered Porch Square Footage: \_\_\_\_\_

**Other**

- \_\_\_\_\_ Grading or Cut and Fill Plans

**APPROVED BY:**

ACC:

\_\_\_\_\_  
(signature)

\_\_\_\_\_  
(printed name)

Approval Date: \_\_\_\_\_

**ATTACHMENT 4**  
**DRIFTWOOD VISTA**

**PLAN REVIEW APPLICATION FOR LANDSCAPE, HARDSCAPE, POOLS, AND FENCING/WALLS**

Deliver two (2) copies to:  
Driftwood Vista ACC c/o Turner Wimberly  
300 Baylor Street  
Austin, Texas 78703  
512-478-8512

Date: \_\_\_\_\_  
Property Address: \_\_\_\_\_  
Lot: \_\_\_\_\_ Block: \_\_\_\_\_  
Property Owners Name: \_\_\_\_\_  
Property Owners Address: \_\_\_\_\_  
Phone #: \_\_\_\_\_ Work No. \_\_\_\_\_  
Landscape Architect: \_\_\_\_\_ Phone No. \_\_\_\_\_  
Contractor: \_\_\_\_\_ Phone No. \_\_\_\_\_

I \_\_\_\_\_ do \_\_\_\_\_ do not wish to schedule an appointment to attend the ACC meeting for review of the attached plans.

Applicant's Signature: \_\_\_\_\_

**NOTES:**

1. Please submit plans for this application with a copy of the approved site plan.
2. Incomplete plans will be returned for completion prior to a full review by the ACC and inclusion on an ACC meeting agenda.
3. Please review and complete the checklist below prior to your submission of this application.

**Submittal Fee**

\_\_\_\_\_ Check in the amount of \$1,250 payable to Driftwood Vista Residential Community, Inc.

**Landscape, Hardscape, Pools, and Fencing/Walls**

- \_\_\_\_\_ 1"=40' or larger scale, as appropriate for the acreage
- \_\_\_\_\_ Lot lines, site dimensions, and Building Setbacks
- \_\_\_\_\_ Existing contours
- \_\_\_\_\_ Trees to remain
- \_\_\_\_\_ Trees to be removed
- \_\_\_\_\_ Replacement trees, if required
- \_\_\_\_\_ Areas reserved for future hardscape, pool, or recreation facilities
- \_\_\_\_\_ Drives, parking areas, and walks
- \_\_\_\_\_ House and accessory structures
- \_\_\_\_\_ Required Address Marker and Planting
- \_\_\_\_\_ Easements
- \_\_\_\_\_ Boundaries of turf areas
- \_\_\_\_\_ Type of turf noted
- \_\_\_\_\_ Location of all proposed plants
- \_\_\_\_\_ Plant legend indicating species, quantities, and sizes at planting
- \_\_\_\_\_ Screening of all required elements of the residence and lot, including but not limited to: utility boxes, transformers, utility connections, masonry screen walls, tankless water heaters, HVAC units, and pool equipment

**Landscape, Hardscape, Pools, and Fencing/Walls (continued)**

- \_\_\_\_\_ Location, height, detail, material, and color of fencing, walls, and gates
- \_\_\_\_\_ Lighting plan per the requirements of the Design Guidelines
- \_\_\_\_\_ Sculpture and/or fountain locations, dimensions, and photograph or specifications
- \_\_\_\_\_ Locations of proposed pool, hardscape, sports/tennis court, or playscape
- \_\_\_\_\_ Screening of playscape and hard surface sports area as required by the Design Guidelines
- \_\_\_\_\_ Detail of playscape and hard surface sports area with size, color, design, and materials

**Pool Plan**

- \_\_\_\_\_ 1" = 20' or larger Site Plan showing pool location
- \_\_\_\_\_ Detailed plans of pool
- \_\_\_\_\_ Cross section of pool
- \_\_\_\_\_ Out of grade measurements of pool decking, pool coping, or planters from natural grade
- \_\_\_\_\_ Pool equipment location with required screening
- \_\_\_\_\_ Decking, coping, and pool plaster materials and colors
- \_\_\_\_\_ Fencing plan if required by state code showing detail of fence
- \_\_\_\_\_ Engineered drawings noting pool is in compliance with cut and fill and any other applicable regulatory codes with engineer's stamp and signature

**APPROVED BY:**

ACC:

\_\_\_\_\_  
(signature)

\_\_\_\_\_  
(printed name)

Approval Date: \_\_\_\_\_

**ATTACHMENT 5**  
**DRIFTWOOD VISTA**  
**ARCHITECT APPROVAL APPLICATION**

Deliver two (2) copies to:  
Driftwood Vista ACC c/o Turner Wimberly  
300 Baylor Street  
Austin, Texas 78703  
512-478-8512

Date: \_\_\_\_\_  
Architect Name: \_\_\_\_\_  
Name of Architect's Company/Firm (if applicable): \_\_\_\_\_  
Architect or Firm's Website (if applicable): \_\_\_\_\_  
Texas Board of Architectural Examiners License Registration #: \_\_\_\_\_  
Work Address: \_\_\_\_\_  
Phone #: \_\_\_\_\_ Work #: \_\_\_\_\_

Architect Applicant's Signature: \_\_\_\_\_

**Past Experience**

How many years of experience do you have as an architect? \_\_\_\_\_  
How many custom homes have you previously designed that were built to completion? \_\_\_\_\_  
How many custom homes have you designed that are currently under construction? \_\_\_\_\_  
How many of the homes listed in the previous two answers are in Austin or the Texas Hill Country? \_\_\_\_\_  
Please provide the address(s) of any examples you believe are indicative of your work? \_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

**Please Include with this application (hard copies or digital copies):**

- \_\_\_\_\_ A current resume
- \_\_\_\_\_ A portfolio of previous work
- \_\_\_\_\_ Three client references
- \_\_\_\_\_ A current or most recent banking reference
- \_\_\_\_\_ Documentation of lawsuits involving the architect or the architect's company, resolved or ongoing, over the past 5 years.
- \_\_\_\_\_ List of any currently unresolved liens involving the architect or the architect's company.
- \_\_\_\_\_ Copy of \$2 million General Liability Policy

**APPROVED BY:**

ACC:  
\_\_\_\_\_  
(signature)  
\_\_\_\_\_  
(printed name)

Approval Date: \_\_\_\_\_

**ATTACHMENT 6**  
**DRIFTWOOD VISTA**  
**BUILDER APPROVAL APPLICATION**

Deliver two (2) copies to:  
Driftwood Vista ACC c/o Turner Wimberly  
300 Baylor Street  
Austin, Texas 78703  
512-478-8512

Date: \_\_\_\_\_  
Builder Company Name: \_\_\_\_\_  
Name of Owner(s): \_\_\_\_\_  
Work Address: \_\_\_\_\_  
Phone #: \_\_\_\_\_ Work #: \_\_\_\_\_

Builder Applicant's Signature: \_\_\_\_\_

**Past Experience**

How many years of experience do you have in residential construction? \_\_\_\_\_  
Do you belong to a home builders association (please indicate which)? \_\_\_\_\_  
How many custom homes have you previously built to completion? \_\_\_\_\_  
How many custom homes are you building that are currently under construction? \_\_\_\_\_  
How many of the homes listed in the previous two answers are in Austin or the Texas Hill Country? \_\_\_\_\_  
Please provide the address(s) of any examples you believe are indicative of your work? \_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

**Please Include with this application (hard copies or digital copies):**

- \_\_\_\_\_ Current resumes for principals/owners and key staff members
- \_\_\_\_\_ A portfolio of previous work (if not accessible via the company website)
- \_\_\_\_\_ Three client references
- \_\_\_\_\_ A current or most recent banking reference
- \_\_\_\_\_ Contact information for the company's top four suppliers and/or subcontractors
- \_\_\_\_\_ Profit and Loss Statements for the last 2 years, along with a current balance sheet (ACC will provide a confidentiality agreement if desired by builder).
- \_\_\_\_\_ Documentation of lawsuits involving the company, resolved or ongoing, over the past 5 years.
- \_\_\_\_\_ List of any currently unresolved liens involving the company.
- \_\_\_\_\_ Copy of \$2 million General Liability Policy
- \_\_\_\_\_ Copy of \$1 million Umbrella Policy
- \_\_\_\_\_ Copy of \$1 million Worker's Compensation Policy (with a waiver of subrogation)
- \_\_\_\_\_ Copy of \$1 million Hired/Non-Owned Vehicle Policy

**APPROVED BY:**

ACC:  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_ (signature)  
\_\_\_\_\_ (printed name)

Approval Date: \_\_\_\_\_

**ATTACHMENT 7**  
**DRIFTWOOD VISTA**  
**DRIVEWAY AND CULVERT STANDARD**

*PLEASE SEE THE HAYS COUNTY  
RESIDENTIAL DRIVEWAY STANDARD  
ON THE FOLLOWING PAGE*

**ATTACHMENT 8**  
**DRIFTWOOD VISTA**  
**COMPLIANCE DEPOSIT AGREEMENT**

This Compliance Deposit Agreement (the "**Agreement**") is entered into by and between Driftwood Vista Architectural Control Committee (the "**ACC**") and \_\_\_\_\_ ("**Owner**"), the owner of Lot \_\_\_\_, Block \_\_\_\_\_ of Driftwood Vista and is as follows:

1. Capitalized terms used but not defined herein shall have the meaning ascribed to such terms in that certain Declaration of Covenants, Conditions and Restrictions for Driftwood Vista, recorded as Document No. \_\_\_\_\_, Official Public Records of Hays County, Texas, as may be amended from time to time.

2. Owner agrees: (i) to repair any damage to any property or improvements which may be caused by the Owner or by any contractors, subcontractors, materialmen or invitees, or the subcontractors, suppliers, materialmen or invitees of Owner (collectively, the "**Owner Parties**"), and in connection with Owner's construction of improvements within the Property, and to pay the full cost of repairing and restoring any streets, curbs, sidewalks, utilities, trees or other subdivision improvements or landscaping of any kind or nature which may be damaged by any one or more of the Owner Parties; and (ii) to pay all penalties which may be imposed on one or more of the Owner Parties for any violation of any applicable restrictions and/or rules administered by the Driftwood Vista Residential Community, Inc. and/or the ACC (collectively, the "**Restrictions**"). The agreements and obligations of Owner under this paragraph are referred to herein collectively as the "**Obligations**."

3. In order to secure the Owner's performance of the Obligations, and in addition all applicable submission fees, Owner has deposited with the ACC the sum of \$5,000.00 (the "**Deposit**"). The ACC shall have the right to make disbursements out of the Deposit to cover any costs or expenses incurred in connection with any failure by the Owner Parties to comply with the Obligations. Without limitation on the foregoing, ACC may use all or any portion of the Deposit to repair any damage caused by any of the Owner Parties and/or to pay any penalties which may be imposed under the Restrictions.

4. The ACC shall give the Owner written notice of any payments made out of the Deposit. The amount deposited by the Owner under this Agreement shall not limit the liability of the Owner for the damages or other sums payable by the Owner Parties in the event such funds are not sufficient to cover any damage or penalties which may be imposed under the Restrictions. Within ten (10) days after the Owner has been notified that a draw from the Deposit has been made, Owner shall pay to the ACC both: (i) such sums as may be required to restore the Deposit to a balance of \$5,000.00; and (ii) such additional sums, if any, as the Owner or the Owner Parties may owe in excess of those already drawn from the Deposit. If both such sums are not paid within such ten (10) day period, then all unpaid sums will bear interest at the rate of eighteen percent (18%) per annum from and after the expiration of such ten-day period until the date upon which payment is received by the ACC. The Deposit will be returned to the Owner within sixty (60) days after the earlier to occur of the following: (i) Owner no longer owns the Lot; or (ii) the Owner notifies the ACC that the Improvements on the Lot are complete, and the ACC has confirmed the Improvements conform to the approved plans.

IN WITNESS WHEREOF, this Agreement has been duly executed by the undersigned to be effective as of the \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_.

**ACC:**

**DRIFTWOOD VISTA ARCHITECTURAL  
CONTROL COMITEE**

By: \_\_\_\_\_

Printed Name: \_\_\_\_\_

Title: \_\_\_\_\_

Date of Execution: \_\_\_\_\_

**Owner:**

Signature: \_\_\_\_\_

Printed Name: \_\_\_\_\_

Date of Execution: \_\_\_\_\_

## ATTACHMENT 9

**DRIFTWOOD VISTA  
CONSTRUCTION TIMELINE**

Upon the transfer of title of an unimproved Lot to an Owner (“Closing”), such Owner shall begin the architectural review, design, and construction process for the landscaping, dwelling, and all other initial Improvements to be constructed upon such Lot in accordance with the following timeline. The ACC shall have the right, but not the obligation, to adjust the timeline on a case-by-case basis, and in its sole and absolute discretion. Failure to comply with the timeline may result in violation fines levied by the Association, which fines may be levied on a daily, weekly, or monthly basis and in variable amounts depending on the frequency and severity of the violation.

<b>Action</b>	<b>Deadline</b>
Obtain a Boundary and Tree Survey of the Lot	Not later than two (2) months after Closing.
Schedule Pre-Design Meeting with ACC	Not later than two (2) months after Closing.
Submit Preliminary Plan to ACC	Not later than six (6) months after Closing. *All resubmittals shall be due thirty (30) days from the date the Owner receives notes from the ACC requiring changes to the preliminary plan.
Submit Final Plan to ACC	Not later than nine (9) months after Closing. *All resubmittals shall be due forty-five (45) days from the date the Owner receives notes from the ACC requiring changes to the final plan.
Commence Construction on all Improvements approved by the ACC in the Final Plan	Not later than one (1) year after Closing.
Submit Landscaping, Fencing and Hardscape Plans	Not later than sixty (60) days after the date construction commences on the primary residential dwelling. All resubmittals shall be due forty-five (45) days from the date the Owner receives notes from the ACC requiring changes to the landscaping, fencing or hardscape plan.
Completion of Construction	Not later than two (2) years from the date the final plan was approved by the ACC.

**THE STATE OF TEXAS  
COUNTY OF HAYS**

I hereby certify that this instrument was FILED on the date and the time stamped hereon by me and was duly RECORDED in the Records of Hays County, Texas.

23035928 RESTRICTIONS  
09/28/2023 02:38:44 PM Total Fees: \$162.00

Elaine H. Cárdenas, MBA, PhD, County Clerk  
Hays County, Texas

