



**ARCHITECTURAL
AND
SITE DESIGN GUIDELINES**

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Mystic Shores at Canyon Lake Architectural and Site Design Guidelines

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- ACC Form 101 – Request for Variance
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1.0 Introduction

1.01 Guidelines Objectives

These Architectural and Site Design Guidelines (the “Guidelines”) have been prepared to promote development of the Mystic Shores residential community (“Mystic Shores”). The design standards in the Guidelines are intended to describe the original developer’s and the historic "vision" of Mystic Shores through procedures that are clearly stated and informative. Throughout the development of Mystic Shores it was the intent of the developer to protect the natural features of the Hill Country. Consequently, the Guidelines reflect that concern in their approach toward the design review and construction of residences within Mystic Shores. The intent of the Mystic Shores Architectural Control Committee (“ACC”) is to assist Mystic Shores property owners in building exceptionally high quality residences and to maintain standards consistent with the Mystic Shores Covenants (defined below).

The ACC and the Board of Directors (“Board”) of the Mystic Shores Property Owners Association (“Association”) may review and revise the Guidelines, as necessary to reflect changing conditions.

1.02 Relationship to Legal Documents and Applicable Laws

The Guidelines are supplementary to the master Declaration of Covenants, Conditions and Restrictions for Mystic Shores, as amended (“Master DCCRs”), and all supplemental unit Declarations of Covenants, Conditions and Restrictions, as amended (the “Supplemental DCCRs” and together with the Master DCCRs, collectively, the “Covenants”). The Covenants are of record in the Comal County real property records and available on the Association’s website.¹ The Guidelines are intended to complement the Covenants and, should a conflict arise, the Covenants shall prevail. The Board and the ACC believe that the Guidelines comply with current applicable Texas laws. To the extent there is any conflict between the Guidelines and applicable Texas laws at any time, applicable Texas laws shall control.

2.0 ACC Organization and Responsibilities

2.01 Mission and Function

The Covenants state that no exterior structure or improvement may be built or installed in Mystic Shores without prior approval by the appropriate reviewing body, which currently is the ACC. The ACC evaluates projects submitted to the ACC to ensure compliance with the Covenants and Guidelines and to promote an attractive, compatible, and aesthetically pleasing community. In accordance with the Covenants, the final decision of the ACC may be based on solely aesthetic considerations.² It is important to note that these opinions are subjective and may vary as ACC members change over time.

¹ http://www.mysticshorespoa.com/sub_category_list.asp?category=6&title=POA+Documents

² Section 9.3(a) of the Master DCCRs states: "Decisions of the Declarant or the ACC may be based solely on aesthetic considerations."



2.02 Membership

The ACC is comprised of three (3) or more members appointed by the Board in accordance with Section 9.2 of the Master DCCRs and Section 5.2 of the Association's Amended and Restated By-Laws (the "By-Laws").

2.03 Scope of Responsibility

The ACC has the following responsibilities:

1. Evaluate plans submitted by owners for compliance with Covenants and Guidelines and compatibility of the design with adjoining sites and common areas.
2. Approve submitted plans when in compliance with Covenants and Guidelines.
3. Monitor design and construction processes to ensure compliance with Covenants and Guidelines.
4. Interpret Covenants and Guidelines with respect to submitted plans.
5. Approve all exterior modifications to existing structures including, but not limited to, walls, fences, material replacements, renovations (not intended to include repairs to existing structures), additions and landscaping.

2.04 Enforcement Authority

Any structure or improvement placed on any Mystic Shores lot without ACC approval is considered to be in violation of the Covenants and the Guidelines. The ACC has the authority to request that the non-conforming structure or improvement be brought into compliance at the owner's expense. Should the owner fail to comply with the ACC request, the ACC will act in accordance with Section 9.9 of the Master DCCRs to bring the non-conforming item into compliance. In addition, the ACC has the authority to assess fines against owners and builders for non-compliance with the Covenants and Guidelines in accordance with Appendix H and Appendix K hereto. The fine schedules outlined in Appendix H and Appendix K shall remain in force and effect unless the Guidelines are revised by the Board and the ACC, and notice is provided to the entire membership of the Association (which may be in an Association newsletter or otherwise as determined by the ACC or the Board). Fines levied will be deducted from the Owner Deposit (see Section 3.06(a) hereof) or Builder Deposit (see Section 3.06(b) hereof), if existing, as provided in Appendix H and Appendix K, respectively. If the fines exceed the amount of the applicable Deposit, the owner or the builder will be billed for any remaining amount due, as provided in Section 3.06, Appendix H and Appendix K.

2.05 Limitation of Liability

Approval by the ACC does not constitute a representation or warranty as to the quality, fitness, or suitability of the design or materials specified in the plans. Owners should work with their architects, designers and/or contractors to determine whether the design and materials are appropriate for the intended use. In addition, approval by the ACC does not assure approval by any governmental agencies that require permits for construction or compliance with any applicable laws or regulations. Owners are responsible to obtain or to ensure that their architects, designers or contractors obtain all required permits for construction. None of the Association, the Board, any Association committee, or any member of any of the foregoing shall be held liable for any injury, damages, or loss arising out of the manner or quality of, or in any other way related to, approved construction on, or modifications to, any lot. ACC members shall be defended and indemnified by the Association as provided in



Section 4.6 of the Master DCCRs and Section 8.6 of the By-Laws.

3.0 Design Review Process

3.01 Review of Applications and Plans

An application and plans for any proposed *exterior* structure or other improvement must be submitted to the Association management company, currently Diamond Association Management & Consulting, 14603 Huebner Rd., Building 40, San Antonio, TX 78230, using the application forms in Appendix B, C, D, E or F attached hereto, as applicable.³ Incomplete applications will be returned to the owner by the management company and will not be considered by the ACC. Submission requirements are stated in Section 9.3 of the Master DCCRs and Section 5.01 hereof. The ACC will review complete applications submitted in accordance with the Covenants and Guidelines and advise property owners whether the application has been approved or denied. The ACC may request additional information from owners during its review of applications and plans.

If the ACC fails to approve or to disapprove any application within thirty (30) days after submission of all information and materials reasonably requested by the ACC, the application shall be deemed approved. No approval, whether expressly granted or deemed granted pursuant to the foregoing, shall be inconsistent with the Covenants or Guidelines unless a variance has been granted in writing by the ACC pursuant to Section 9.7 of the Master DCCRs.⁴ See also Section 3.05 hereof. If an application is disapproved, in whole or in part because additional information requested by the ACC has not been received, the owner may request that the ACC reconsider the application if the requested information is provided to the ACC within thirty (30) days after the date of the disapproval letter. A new application, with all required information, will be required for reconsideration more than thirty (30) days after such date; however, a new application fee (if applicable) will not be required for new applications submitted within one year of such date.

As used in the Guidelines and application forms, “contractor” means the general contractor for the improvement (which may in some cases be the owner). For new residences, the general contractor is sometimes referred to as the builder.

3.02 Conditions of Approval / Rejection of Plans

Approval by the ACC shall not in any way relieve the owner of responsibility and liability for adherence to any applicable laws, regulations, ordinances, codes, and generally accepted construction standards and materials. Plans submitted for review, or any portion thereof, may be disapproved upon any grounds which are consistent with the purpose and objectives of the Covenants and Guidelines, including solely aesthetic considerations.

³ Copies of individual appendices and forms are available on the Association’s website at:
http://www.mysticshorespoa.com/item_list.asp?subcat=18&subtitle=Construction+Application+Packages

⁴ See Section 9.3(b) of the Master DCCRs.



3.03 Architect or Professional Designer Requirement

All plans for construction of dwellings and other buildings or structures at Mystic Shores should be designed and drawn by an architect or a professionally qualified and experienced home designer.

3.04 Meetings with ACC Representative

If an application for approval is denied or conditions required by the ACC are unacceptable to the owner, the owner may request a meeting to discuss the plans with an ACC representative.

3.05 Variances

In rare cases, as described in Sections 9.3(b) and 9.7 of the Master DCCRs, circumstances may exist that require a variance for a particular lot. In such case, the owner may submit a written request for a variance to the ACC on ACC Form 101, attached hereto, with the owner's application and plans. A variance request will not be considered unless a construction application and plans have been submitted to the ACC. A variance request must be acted upon by the ACC. No such request will be deemed approved or denied until appropriate action is taken by the ACC to either grant or deny the request in writing. Any variance granted is unique and does not set any precedent for future decisions of the ACC. No variance request shall be considered unless a construction application and plans have been submitted to the ACC. Any variance granted will be valid for one year only from the approval date. Any work remaining incomplete after the one year time line has passed requires a resubmission of the variance request to the ACC or an extension request in writing.⁵ It is the responsibility of the architect/designer, contractor, and owner to identify any required variance. Approval of plans containing a variance will not constitute approval of such variance unless a separate Variance Request form is completed for the proposed variance and is submitted to and approved by the ACC. See also Section 3.01 hereof.

3.06 Home Construction Deposits

- (a) **Owner Deposit.** A home construction deposit (the "Owner Deposit") of \$1,500.00 (check payable to Mystic Shores Property Owners Association) must be deposited by the owner with the Association management company when a new residence application is submitted to the ACC. The purpose of the Owner Deposit is to ensure compliance with the Master DCCRs and Design Guidelines, including the workplace and "Clean Site" standards, which are included in the Contractors Acknowledgment attached hereto as part of Appendix C. The owner may be fined for a violation of the workplace and "Clean Site" standards at the discretion of the ACC or the Board, in accordance with Appendix H hereto. Said fines, if any, will be deducted from the Owner Deposit. The balance of the Owner Deposit, if any, will be refunded to the owner upon completion of the following, as determined in the sole discretion of the ACC: (1) completion of the dwelling in accordance with Section 9.5 of the Master DCCRs, (2) completion of any required landscaping, in compliance with the Covenants and Guidelines, (3) site cleanup, which shall include, without limitation, removal of all construction debris and equipment, builders sign, trash dumpster, port-a-john and any

⁵ See Sections 9.2(b) and 9.7 of the Master DCCRs.



construction drive (unless covered by a permanent drive in accordance with plans previously approved by the ACC) and (4) storing any remaining building materials that the owner wishes to keep in an inconspicuous location.

- (b) **Builder Deposit.** A Builder Deposit (as defined in Appendix K hereto) may be required for a new home application. See Appendix K for terms and conditions of Builder Deposits. The purpose of the Builder Deposit is to ensure compliance by the builder with the Master DCCRs and Design Guidelines, including workplace and "Clean Site" standards, which are included in the Contractors Acknowledgment attached hereto as part of Appendix C. The builder may be fined for a Builder Violation (as defined in Appendix K) at the discretion of the ACC or the Board, in accordance with Appendix K. Said fines, if any, will be deducted from the Builder Deposit. The balance of the Builder Deposit, if any, will be refunded to the builder upon completion of the following, as determined by and at the sole discretion of the ACC: (1) completion of the dwelling in accordance with Section 9.5 of the Master DCCRs, (2) completion of any required landscaping, in compliance with the Covenants and Guidelines, if the builder is the landscaping contractor, (3) site cleanup, which shall include, without limitation, removal of all construction debris and equipment, builders sign, trash dumpster, port-a-john and any construction drive (unless covered by a permanent drive in accordance with plans previously approved by the ACC) and (4) storing any remaining building materials that the owner wishes to keep in an inconspicuous location.

3.07 Design Review Fees

Design review fees ("Review Fees") may be established and published by the ACC. The purpose of these fees is to cover all expenses related to processing applications. The Board and the ACC reserve the right to change or waive these fees on a case-by-case basis without prior notice. The applicable Review Fee, if any, is stated in the application forms and must be included with the application (check payable to Mystic Shores Property Owners Association). Applications received without the required Review Fee, Owner Deposit or Builder Deposit (if applicable) will be considered incomplete and will be returned to the owner.

3.08 Alterations / Remodeling / Improvements / Repainting of Approved Structures

Any *exterior* change to an existing structure requires approval from the ACC before commencing work. Plans for any exterior changes or renovations shall be submitted to the ACC for approval as outlined in Article 9 of the Master Covenants using the appropriate application package from Appendices C, D, E or F hereto. Repairs to existing structures with substantially the same materials and quality of construction and repainting of existing structures with the same color as previously approved by the ACC for the existing structure do not require ACC approval.

3.09 Final Approval or Denial

Upon completion of the review of the submitted application and plans the ACC will issue an approval or denial letter.



3.10 Appeals

If an application is denied by the ACC, the owner may appeal to the Mystic Shores Board of Directors by following the Appeals to the Board process found on the Association's website at: https://www.mysticshorespoa.com/editor_upload/File/MSPOA%20Governing%20Documents/POA%20Policies%20%26%20Rules/Appeals%20to%20Board%20Process.pdf.

4.0 Construction Process

4.01 Construction Time Limit and Exterior Construction Hours

All new homes must be completed within one (1) year, and all other projects must be completed within 180 days, after the construction of same has commenced, except where there are extenuating circumstances, as determined by the ACC. If an extension is needed for a project because of extenuating circumstances, the owner shall submit an extension request, to include the projected completion date, in writing to the ACC for review. The ACC will advise the owner of the approval or denial of the extension as soon as practicable and, in any case, within thirty (30) days after receipt of the extension request. Failure to complete the project within the deadline may result in specific assessments, fines or other enforcement rights as set forth in the Covenants or Guidelines.

Exterior construction activities are permitted in Mystic Shores only between the hours of 7 am and 7 pm, Monday through Saturday, *except*: (a) concrete pours may begin at 6 am, Monday through Saturday; and (b) no exterior construction activities are permitted on New Year's Day, Memorial Day, July 4th, Thanksgiving Day or Christmas Day. The foregoing limitations do not apply to *interior* construction activities by contractors or owners or maintenance activities by owners.

4.02 Builder's Sign

A single builder sign shall be installed on the lot promptly after approval of the application for construction of a new residence and prior to the start of clearing and grading for such construction. The builder sign must:

- Include the builder's name and telephone number (email, street address and website are optional);
- Be placed near the construction entrance, but no closer than 10 feet to the street and side property lines;
- Be a maximum of 4 feet high by 4 feet wide and no higher than 6 feet from the ground to the top of the sign (may be smaller);
- Be installed so that it will be stable during construction; and
- Be professionally designed and constructed and remain in good repair throughout construction, as determined by the ACC.

Builder signs for projects other than new homes and subcontractor signs are not allowed on the property. Any additional signage or displays found on a jobsite may be removed at any time without notice.

The builder's sign must be removed from the property within 14 days of the completion of construction or occupancy of the home (including if occupied only part-time), whichever comes first.



4.03 Port-A-John and Dumpster

A port-a-john and a commercial trash dumpster are required for each job site for new home construction and may be required by the ACC for other major projects, such as home additions, secondary dwellings, guest houses or outbuildings. The port-a-john and the dumpster must be placed on the site at least twenty (20) feet from the front property line and at least ten (10) feet from the side property lines. Discarded construction materials, trash, refuse and other debris must be contained within a commercial trash dumpster throughout the construction period.

4.04 Construction Entrance

A construction entrance must be installed prior to the start of construction of a new home. The ACC may also require a construction entrance to be installed prior to beginning construction for other major projects, such as home additions, secondary dwellings, guest houses or outbuildings. The construction entrance must be of 3" – 5" diameter rock, a minimum of 25 feet in length, begin at the paved road, and be built to eliminate the tracking of dirt and mud onto paved roads. Any and all tracking of mud and excessive dirt shall be removed by the contractor at the end of each work day.

4.05 Erosion Control

Under certain circumstances, the Texas Commission on Environmental Quality (TCEQ) requires owners to obtain a permit while active construction is ongoing. This permit authorizes the discharge of "storm water associated with construction activity". The TCEQ permit requires specific pollution prevention and control measures and reporting activities. Among the conditions and requirements of this permit, owners must prepare and implement a Storm Water Pollution Prevention Plan (SWP3) that is tailored to their construction activity. Additionally, the control measures must be inspected every 14 days and after every rainfall event greater than 0.5 inches.

As defined in the TCEQ regulations, "storm water associated with construction activity" includes storm water runoff from a construction activity where soil disturbing activities (including clearing, grading, excavating) result in the disturbance of one (1) or more acres of total land area, or are part of a larger common plan of development or sale that will result in disturbance of one (1) or more acres of total land area.

Each individual lot owner, prior to starting any construction activity that includes any type of earth disturbing activity, must apply for a TCEQ permit to discharge storm water and develop a SWP3 that is tailored to that construction site if required by TCEQ regulations. Typically, the SWP3 includes control measures such as rock berms and silt fences that trap sediments and keep them from leaving the construction site. Additionally, the control measures must be inspected every 14 days and after every rainfall event greater than 0.5 inches. After construction is complete, the permit must stay in effect until the site is stabilized or until 70% of the native background vegetative cover has been established. At that point, the permit should be terminated.

When TCEQ permits are required, the contractor, under contract to the owner, shall apply for the TCEQ permit, prepare the SWP3, supervise the implementation of the SWP3 requirements, perform



the inspections, keep the control measures in compliance at all times, terminate the permit when the site is stabilized following all construction completion, and remove all temporary control measures. However, if an owner performs the contractor duties outlined herein, the owner is responsible for meeting these TCEQ permit requirements.

For additional information concerning TCEQ permitting requirements, access to their website can be found at <http://tceq.state.tx.us>.

4.06 Site Maintenance

Only usable construction materials may be stored on a construction site. Discarded construction materials, refuse and debris must be contained within a trash dumpster. Storage or placement of materials within any right of way or easement, or on a street, is not permitted at any time. If trash is not removed on a regular basis, the Association's management company may remove the trash and an invoice will be sent to the owner. No fires, including in grills, are allowed on construction sites. No petroleum-based products or other potentially hazardous or toxic substances may be disposed of on any lot or in any drainage ditch, stream, or lake.

4.07 Right to Enter and Inspect Property for Compliance

The right of entry and inspection is specifically reserved by the ACC, its agents, and representatives to visit all or any portion of the owner's property to verify compliance with the approved plans, Covenants and Guidelines. A representative of the ACC may make periodic inspections during the entire construction period. The owner will be notified in writing of any items and exceptions noted in the inspection report and all such items and exceptions must be completed or resolved by the owner prior to the deadline given by the ACC.

4.08 Conduct of Workers

No alcohol or drugs are permitted on any job site. Animals, other than wildlife or a service animal accompanying a person with a handicap (as defined in the Federal Fair Housing Act) requiring the service animal, are prohibited. Firearms are prohibited. No harassing or loud behaviors or music are permitted. Workers shall not be allowed to travel within Mystic Shores unnecessarily or use the Mystic Shores amenities. Violations may result in the contractor being denied access to Mystic Shores.

4.09 Revisions and Changes During Construction

All exterior, and any significant structural interior, revisions and changes in approved plans made during construction shall be submitted in writing to the ACC for approval prior to implementation of any such revision or change. All revised drawings must be submitted along with the revision request. If approved, the ACC will issue a written approval. Failure to obtain written approval for any revision during construction may result in fines being deducted from the Owner Deposit or Builder Deposit or billed to the owner or builder if the applicable Deposit is depleted.

5.0 Specific Submission Requirements

5.01 Plan Submission Requirements for Design Review

The submission requirements for each type of application indicated below must be met to obtain ACC approval for construction. Refer to the appropriate Appendix for the respective Application



Package, which includes Plan Submission Requirements, Agreement and Contractor's Acknowledgement:

- Appendix B: Preliminary Site Plan Review – Residence Only
- Appendix C: New Residence, Secondary Dwelling or Modifications to Existing Residence
- Appendix D: Outbuildings (including Barns or Sheds)
- Appendix E: Landscaping or Similar Project, Pool, Fencing or Retaining Wall
- Appendix F: Other Projects or Uses (including water wells, play equipment, energy generating devices and rainwater collection systems)

5.02 Lot Clearing

An application is not required for removing cedars, brush, and dead trees from lots so long as dirt is not moved and the contours of the lot are not changed. Notice for this type of clearing should be given to the Association's management company (see Section 3.01) for information only. Such notice may be emailed to ACC@damctx.com. The management company will notify the ACC.

Any additional lot clearing, prior to beginning construction, beyond removing ashe junipers or other types of cedars, brush, and dead trees is considered part of the construction process and is not permitted until an application for construction is approved by the ACC. Brush piles must be removed or burned within a reasonable time. Burning is subject to any Comal County burn ban and applicable Comal County and TCEQ regulations, which may be found at http://www.co.comal.tx.us/fire_marshall/burn_information.htm. See also Section 10.04 regarding possible Golden-cheeked Warbler habitat for certain lots.

6.0 Architectural Guidelines

6.01 General Standards

Homes must be designed in conformity with the standards, requirements and guidelines set forth in the Covenants and Guidelines. All building footprints and garages must be sited within the setbacks. A form survey generally will be required if submitted plans show that a building will be near a required setback.

Lots will be assumed to have front setbacks from the property line closest to the road or street of the property address stated in the Comal County "Final Address Plat" as of April 2, 2009 (date of turnover of the Association from developer to property owners), unless otherwise expressly provided in the Supplemental DCCRs (for Units 1, 2 and 3 front setbacks will be measured from where the public road pavement ends). Changing the address of the property with Comal County does not change the front of the lot for purposes of the Covenants and Guidelines. References to "rear of the house" or "behind the house" mean at least as far from the front property line as the part of the house closest to the rear property line. Plans submitted for projects to be constructed on a corner lot will be considered on a case-by-case basis and the Guidelines will be applied based on the uniqueness of each lot and plans submitted.

Plans for all lots submitted for review may be disapproved upon any grounds which are consistent with the purpose and objectives of the ACC, including incompatible positioning with neighboring



houses and solely aesthetic considerations.

6.02 Modular Construction

No modular home or manufactured home shall be placed, erected, constructed or permitted within Mystic Shores. "Modular home and manufactured home" shall include any prefabricated or pre-built dwelling which consists of one or more transportable sections or components and shall also be deemed to include manufactured building, manufactured home, modular building, modular home, modular construction, and prefabricated construction as defined by the Texas State Building Code.

Prefabricated accessory structures, such as sheds and gazebos, must be reviewed and approved in strict accordance with Article 9 of the Master Covenants and the Guidelines.

Prefabricated Accessory Buildings ("PABs") such as tool sheds and playhouses, constructed on skids off-site and delivered already assembled to a lot, and similar buildings built on site and not exceeding the maximum size specified below ("Small Buildings") may be approved by the ACC with the following limitations:

- a. PABs and Small Buildings must comply with the provisions of Article 9, and specifically Section 9.4(b)(iv) Accessory Structures, of the Master DCCRs and shall not include buildings for habitation such as cabins.
- b. PABs and Small Buildings are allowed only in those units where a similar structure not on skids would be permitted by the Covenants.
- c. PABs and Small Buildings are limited to a maximum size of 14 feet wide, 24 feet long and 12 feet high.
- d. PABs and Small Buildings must not be in contact with the ground. One of the following three foundation options must be installed:
 - (1) Pier foundation constructed with concrete and rebar;
 - (2) Concrete pavers (Trailer Base) minimum 4x16x16 on 4 foot centers under each skid; or
 - (3) Concrete slab.
- e. PABs and Small Buildings may not be installed on cinder blocks (CMUs) or concrete pavers other than those described above in d(2).
- f. Approval for a PAB or Small Building will be for installation at a specified location on the owner's property. If the owner desires to move the PAB or Small Building from the approved location to a different location, prior approval must be obtained from the ACC.

6.03 Dwelling Size / Minimum Standards

See applicable Supplemental DCCRs.

6.04 Setback & Building Height Requirements

See Appendix A hereto and applicable Supplemental DCCRs.





6.05 Exterior Color Guidelines

All exterior colors of any structures must be natural or earth tones and must complement the surrounding landscape. Earth tone is a color scheme that draws from a color palette of browns, tans, warm grays, and greens. The colors in an earth tone scheme are muted and flat in an emulation of the natural colors found in dirt, moss, trees and rocks. The ACC may, in its sole discretion, approve other color schemes so long as such colors complement Mystic Shores.

6.06 Roof Requirements

See applicable Supplemental DCCRs. In cases where the applicable Supplemental DCCRs require that shingle roofs have at least a thirty (30) year life, the ACC has determined that roofing industry standards have changed so that a “limited lifetime warranty” is now considered equivalent to the prior thirty (30) year life standard. The ACC therefore will accept a limited lifetime warranty for shingle roofs as meeting the thirty (30) year life requirement.

6.07 Home Orientation on Lot

Mystic Shores is a custom home community. The ACC recognizes that owners may want to place their homes on their lots to take advantage of a certain view, for cost savings or for other reasons. When reviewing submitted plans, if a home is oriented so that it is not parallel or substantially parallel to the street, the ACC will consider potential adverse effects on adjacent and neighboring homes and lots. Owners who wish to orient their homes other than parallel or substantially parallel to the street are encouraged to take advantage of the Preliminary Site Plan review before investing in a complete set of house plans. See Appendix B hereto.

6.08 Masonry

The Covenants require homes, most outbuildings and certain other structures in Mystic Shores be constructed with a specified percentage of masonry. The ACC considers masonry to be brick, natural stone or stucco. The ACC will not approve products manufactured with other materials to meet the masonry requirements.

7.0 Site Requirements: Accessory and Decorative Structures

7.01 Outbuildings

Each home site is limited to outbuildings (sometimes referred to in the Covenants and the Guidelines as accessory buildings) as defined in the building site’s specific Supplemental DCCRs. Outbuildings include, without limitation, barns, workshops, detached garages, sheds and other structures not connected to the main dwelling. The location and appearance of outbuildings shall be submitted to and approved by the ACC prior to construction. Outbuildings should be architecturally compatible with the home, and similar in color. In some cases, an outbuilding application being submitted by the owner as a shed, or a barn, may have door openings wide enough (over 7 ft), and have an open area large enough (10’ x 20’ or larger) to allow passenger or other vehicles (*e.g.*, cars, pickups, RVs, trailers, etc.) to be stored inside. In this situation, if the outbuilding has the potential to store a vehicle, the proposed outbuilding will be subject to the Unit’s DCCR requirements for garages (*e.g.*, certain percent masonry, a driveway, etc.). However, if such an outbuilding includes the internal features of a barn (stalls, tack rooms, etc.) the ACC may determine the garage requirements do not apply. All outbuildings shall be within the building setback lines and no portion of the outbuilding may be closer to the front property



line than the part of the house that is closest to the rear lot line. The buildings shall be oriented so that access is indirect and they do not open on to the street, except for detached garages in Units where the Supplemental DCCRs do not restrict the garage position (Units 6, 8, 12, 14, 18 and 20). The ACC may also consider proposed use of outbuildings and other structures to ensure they will be consistent with the single family residential use restrictions in the Covenants (except for permitted commercial or multifamily use in Unit Six).

Where Units allow construction/installation of outbuildings prior to construction of the primary residence, and an outbuilding is to be installed prior to construction of the residence, the site plan must show the placement of the outbuilding and the future primary residence.

7.02 Arbors and Trellises

Arbors and trellises are permitted. Location, elevations and finishes must be approved by the ACC prior to beginning construction.

7.03 Fences and Walls

All walls and fences must be approved by the ACC prior to beginning construction. The ACC reserves the right to disapprove any fence that, in its sole opinion, does not meet the intended plan for the area.

Units One (1), Three (3), Six (6) and Seven (7) - See applicable Supplemental DCCRs.

Unit Two (2) - See applicable Supplemental DCCRs and the following requirements:

Materials for Perimeter Fencing and Tennis/Sports Court Fencing

No wood, chicken, vinyl, chain link or like fencing material may be constructed, used in the construction of, or maintained on any lot except in connection with tennis and/or sports courts. Tennis and/or sports court fencing must be constructed of green-coated chain link fence material.

Perimeter fencing

Walls, fences and gates if any, must be approved by the ACC prior to beginning construction and shall be constructed on or within the lot property line. Pipe fencing, adhering to the following standards, shall be used on any property line that fronts a road (hereinafter "road lot line"):

- a. Fence posts shall consist of two and three-eighths (2-3/8) inch drill stem pipe.
- b. Each fence post shall be spaced ten feet (10') apart.
- c. A single top rail consisting of the same size pipe shall be placed on top of line posts.
- d. The area between the posts shall consist of tight lock or solid lock mesh tensile steel Class III galvanized wire or equal.
- e. Maximum fence height shall be seventy-two inches (72").

All additional fencing beyond this point will be subject to ACC approval. Smooth, barbed wire and electrical fencing may be permitted on rear and side property lines and for cross fencing.



Regardless of the lot line on which it is used, all piping must be painted black with panels and/or tight lock or solid lock mesh left in natural color. All gates that front a road must be of a decorative nature and be constructed of steel or wood. Standard aluminum ranch gates are not permitted.

Privacy Fencing

Privacy fencing may be allowed on non-perimeter fencing within the lot setbacks. Privacy fencing may be allowed at the **front** of the house (facing the street) for purposes of establishing courtyards or entryways. Privacy fencing materials at the **front** of the house should be compatible with the materials and style of the residence. Privacy fencing may be allowed at the **side or rear** of the house, proximal to the house, for the purposes of preventing visibility from the street or adjacent properties. Privacy fencing at the **side or rear** of the house may be of stone or like material that prevents visibility from the street or adjacent properties. Properties on corner lots may be allowed to have privacy fencing, and will be evaluated on a case-by-case basis for materials that are compatible with the materials and style of the residence facing the streets. No chicken, vinyl, chain link or like fencing material may be used in privacy fencing.

Units Four (4), Eight (8), Twelve (12), Fourteen (14), Eighteen (18) and Twenty (20) - See applicable Supplemental DCCRs and the following requirements:

Materials for Perimeter Fencing and Tennis/Sports Court Fencing

No wood, barbed, single strand smooth, hog, chicken, vinyl, chain link or like fencing material may be constructed, used in the construction of, or maintained on any lot except in connection with tennis and/or sports courts. Tennis and/or sports court fencing must be constructed of green-coated chain link fence material.

Perimeter Fencing

Walls, fences and gates if any, must be approved prior to beginning construction by the ACC and shall be constructed on or within the lot property line. Pipe fencing, adhering to the following standards, shall be used on any property line that fronts a road (hereinafter "road lot line") and for a minimum of one hundred (100) feet along each property line adjoining the road lot line:

- a. Fence posts shall consist of two and three-eighths (2-3/8) inch drill stem pipe.
- b. Each fence post shall be spaced ten feet apart.
- c. A single top rail consisting of the same size pipe shall be placed on top of line posts.
- d. The area between the posts shall consist of tight lock or solid lock mesh tensile steel Class III galvanized wire or equal.
- e. Maximum fence height shall be seventy-two inches (72").

All additional fencing beyond this point will be subject to ACC approval.

Regardless of the lot line on which it is used, all piping must be painted black with panels and/or tight lock or solid lock mesh left in natural color. All gates that front a road must be of a decorative nature and be constructed of steel. Standard aluminum ranch gates are not permitted.



Privacy Fencing

Privacy fencing may be allowed on non-perimeter fencing within the lot setbacks. Privacy fencing may be allowed at the **front** of the house (facing the street) for purposes of establishing courtyards or entryways. Privacy fencing materials at the **front** of the house should be compatible with the materials and style of the residence. Privacy fencing may be allowed at the **side or rear** of the house, proximal to the house, for the purposes of preventing visibility from the street or adjacent properties. Privacy fencing at the **side or rear** of the house may be of stone or like material that prevents visibility from the street or adjacent properties. Properties on corner lots may be allowed to have privacy fencing, and will be evaluated on a case-by-case basis for materials that are compatible with the materials and style of the residence facing the streets. No chicken, vinyl, chain link or like fencing material may be used in privacy fencing.

Unit Nine (9) -Walls, fences and gates, if any, shall be on or within the lot property line. No fence shall be more than six feet (6') high for fences outlined in "a" below, or no more than fifty-two inches (52") high for fences outlined in "c" below, excluding fences surrounding tennis/sports courts whose proposed height shall be submitted to and subject to approval by the ACC on a case-by-case basis. All walls, fences and gates shall be constructed according to the following standards:

- a. Lots 1023-1025, 1037-1057, 1088, 1089, & 1098: All walls and fences must be constructed of either (i) rock of the same type as the dwelling on the lot, (ii) masonry of the same type as the dwelling on the lot, (iii) wrought iron⁶, or (iv) a combination of wrought iron, rock and/or masonry, which rock and masonry shall match the dwelling on the lot.
- b. Lots 1005-1022, 1061-1065, 1074-1087, 1090-1097: Any fence adjacent to Starling Pass or Grosbeak Dr. and sidelines to the front of the house must follow "a" above. Sidelines extending beyond the front of the house towards the rear of the property may be constructed with pipe in accordance with "c" below.
- c. All other Lots: All walls and fences may be constructed in accordance with "a" above or may be constructed with pipe fencing. For those lots on which pipe fencing is used, the fence posts shall consist of two and three-eighths inch (2-3/8") drill stem pipe with a ten foot (10') spacing. A single top rail consisting of the same size pipe will be placed on top of line posts. The area between the posts shall be a solid-lock high-tensile wire or ranch panel welded to the vertical pipe and top rail. All piping must be painted black with panels and/or solid lock high-tensile wire left in its natural color.

Unit Ten (10) and Unit Seventeen (17) - All Lots: All walls and fences may be constructed in accordance with "a" above or may be constructed with pipe fencing. For those lots on which pipe fencing is used, the fence posts shall consist of two and three-eighths inch (2-3/8") drill stem pipe with a ten foot (10') spacing. A single top rail consisting of the same size pipe will be placed on top

⁶ For purposes of these Guidelines, the ACC defines "wrought iron" as a generic term describing picket fences, gates and railings made of various metals, which are considered an upgrade from pipe metal fencing.



of line posts. The area between the posts shall be a solid-lock high-tensile wire or ranch panel welded to the vertical pipe and top rail. All piping must be painted black with panels and/or solid lock high-tensile wire left in its natural color.

Unit Eleven (11) -Walls, fences and gates, if any, shall be on or within the lot property line. No fence shall be more than six feet (6') high for fences outlined in "a" below, or no more than fifty-two inches (52") high for fences outlined in "c" below, excluding fences surrounding tennis/sports courts whose proposed height shall be submitted to and subject to approval by the ACC on a case-by-case basis. All walls, fences and gates shall be constructed according to the following standards:

- a. All walls and fences adjacent to Starling Pass and sidelines to the front of the house must be constructed of either (i) rock of the same type as the dwelling on the lot, (ii) masonry of the same type as the dwelling on the lot, (iii) wrought iron, or (iv) a combination of wrought iron, rock and/or masonry, which rock and masonry shall match the dwelling on the lot. Sidelines extending beyond the front of the house towards the rear of the property may be constructed with pipe in accordance with "c" below.
- b. Lot 1365 shall have any fence or wall adjacent to Starling Pass and extending 50' towards the rear of the property constructed according to "a" above. Sidelines extending beyond 50' feet towards the rear may be constructed with pipe in accordance with "c" below.
- c. All lots that do not have a property line adjacent to Starling Pass: All walls and fences may be constructed in accordance with "a" above or may be constructed with pipe fencing. For those lots on which pipe fencing is used, the fence posts shall consist of two and three-eighths inch (2-3/8") drill stem pipe with a ten foot (10') spacing. A single top rail consisting of the same size pipe will be placed on top of line posts. The area between the posts shall be a solid-lock high-tensile wire or ranch panel welded to the vertical pipe and top rail. All piping must be painted black with panels and/or solid lock high-tensile wire left in its natural color.

Rivers Edge - Walls, fences and gates, if any, shall be on or within the lot property line. No fence shall be more than six feet (6') high, for fences outlined in "a" below, or no more than fifty-two inches (52") high, for fences outlined in "b" below, excluding fences surrounding tennis/sports courts. All walls, fences and gates shall be constructed according to the following standards:

- a. All Lots: All walls and fences adjacent to Mystic Parkway or Riverbend Place or Bentwater Place and sidelines to the front of the house must be constructed of either (i) rock of the same type as the dwelling on the lot, (ii) masonry of the same type as the dwelling on the lot, (iii) wrought iron, or (iv) a combination of wrought iron, rock and/or masonry, which rock and masonry shall match the dwelling on the lot. Sidelines extending beyond the front of the house towards the rear of the property may be constructed with pipe in accordance with "b" below.
- b. All walls and fences that are not adjacent to Mystic Parkway or Riverbend Place or Bentwater Place and sidelines to the front of the house (which must be in accordance with



“a” above) may be constructed in accordance with "a" above or may be constructed with pipe fencing. For those lots on which pipe fencing is used, the fence posts shall consist of two and three-eighths inch (2-3/8") drill stem pipe with a ten foot (10') spacing. A single top rail consisting of the same size pipe will be placed on top of line posts. The area between the posts shall be a solid-lock high tensile wire or ranch panel welded to the vertical pipe and top rail. All piping must be painted black with panels and/or solid lock high-tensile wire left in its natural color.

Unit Thirteen (13), Unit Fifteen (15), Unit Sixteen (16), Unit Nineteen (19) - Walls, fences and gates, if any, shall be on or within the lot property line. No fence shall be more than six feet (6') high for fences outlined in "a" below, or no more than fifty-two inches (52") high for fences outlined in "b" below, excluding fences surrounding tennis/sports courts whose proposed height shall be submitted to and subject to approval by the appropriate ACC on a case-by case basis. All walls, fences and gates shall be constructed according to the following standards:

- a. All walls and fences adjacent to Mystic Parkway and sidelines to the front of the house must be constructed of either (i) rock of the same type as the dwelling on the lot (ii) masonry of the same type as the dwelling on the lot, (iii) wrought iron, or (iv) a combination of wrought iron, rock and/or masonry, which rock and masonry shall match the dwelling on the lot. Sidelines extending beyond the front of the house towards the rear of the property may be constructed with pipe in accordance with “b” below.
- b. All lots that do not have a property line adjacent to Mystic Parkway: All walls and fences may be constructed in accordance with "a" above or may be constructed with pipe fencing. For those lots on which pipe fencing is used, the fence posts shall consist of two and three-eighths inch (2-3/8") drill stem pipe with a ten foot (10') spacing. A single top rail consisting of the same size pipe will be placed on top of line posts. The area between the posts shall be a solid-lock high-tensile wire or ranch panel welded to the vertical pipe and top rail. All piping must be painted black with panels and/or solid lock high-tensile wire left in its natural color.

Rio Central/Unit Twenty-One (21) -Walls, fences and gates, if any, shall be on or within the lot property line. No fence shall be more than six feet (6') high for fences outlined in "a" below, or no more than fifty-two inches (52") high for fences outlined in "b" below, excluding fences surrounding tennis/sports courts whose proposed height shall be submitted to and subject to approval by the ACC on a case-by-case basis. All walls, fences and gates shall be constructed according to the following standards:

- a. All walls and fences adjacent to any street and sidelines to the front of the house must be constructed of either (i) rock of the same type as the dwelling on the lot, (ii) masonry of the same type as the dwelling on the lot, (iii) wrought iron, or (iv) a combination of wrought iron, rock and/or masonry, which rock and masonry shall match the dwelling on the lot. Sidelines extending beyond the front of the house towards the rear of the property may be constructed with pipe in accordance with "b" below.



- b. Lots 2283-2288 sidelines beyond twenty feet (20') from front line and extending to flood plain line (948' elevation) on each lot may be constructed in accordance with "a" above or may be constructed with pipe fencing. For those lots on which pipe fencing is used, the fence posts shall consist of two and three eighths inch (2-3/8") drill stem pipe with a ten foot (10') spacing. A single top rail consisting of the same size pipe will be placed on top of line posts. The area between the posts shall be a solid-lock high-tensile wire to the vertical pipe and top rail. All piping must be painted black with panels and/or solid lock high-tensile wire left in its natural color.
- c. For all lots with property lines below the flood plain line (948' elevation): No permanent, immovable structure of any type shall be installed below the flood plain line (948' elevation).

7.04 Swimming Pools / Hot Tubs

Above ground swimming pools are prohibited. Bubble covers for in ground swimming pools are prohibited. Pools may not be installed on the front or side yard of any home. All plans for swimming pools must be submitted to the ACC for approval. Swimming pools which are installed in the rear yards of lots that are adjacent to other lots may be subject to additional screening requirements as imposed by the ACC. Swimming pool equipment, i.e. pumps, filters, plumbing, etc., shall be screened by privacy fencing not to exceed six (6) feet in height, and shall be composed of the same masonry as the main dwelling. Vegetation does not constitute adequate screening of these items. Subject to prior written approval of the ACC, outdoor hot tubs are allowed. Location of hot tub shall be shown on the site plan. Hot tubs shall not be installed on the front or side yard of any home. Hot tubs installed in the rear of lots adjacent to other lots, or visible from the street, may be subject to additional screening requirements as imposed by the ACC.

7.05 Clothesline

Outdoor clotheslines are not permitted on any lot.

7.06 Tennis Courts

Private tennis courts shall be permitted on lots that are three (3) acres or larger and must meet all setback requirements in accordance with Appendix A and must be approved by the ACC.

7.07 Basketball Goals

Basketball goals are permitted if the goal is a permanent structure. The location and finish of basketball goals shall be submitted and approved by the ACC prior to construction. A movable basketball goal is permitted if it is located no closer to the street than the front edge of the home closest to the street.

7.08 Camping

No camping is permitted in Mystic Shores, including the Nature Preserve area. This includes parking recreational vehicles in the driveway or on the street adjacent to the residence, even if temporary in nature. Recreational vehicles may be parked in the driveway no longer than forty-eight (48) consecutive hours, and only for pre/post use preparation.



7.09 Energy Generation Systems

Wind Turbines, Windmills

No wind turbine, windmill or other wind-powered system shall be installed without the prior approval of the ACC. No wind turbine, windmill or other wind-powered system shall be installed on any lot less than ten (10) acres in size. Energy generation systems shall not produce more than 10 kilowatts at any given time of operation for on-site consumption. Towers for wind-powered systems shall not exceed forty (40) feet in height and must be placed in the rear yard with a setback of at least one (1) tower height from any property line. Roof-mounted systems must not extend more than five (5) feet above the highest point on the roof. Unused or abandoned wind-powered systems must be promptly removed. Documentation from the applicable utility company to certify that all specifications required to tie-in to the local utility system have been or will be met shall be supplied to the ACC prior to beginning construction.

Solar Panels and Solar Screens

No solar panels shall be erected, installed or placed on any lot or home without the prior approval of the ACC. Roof-mounted systems shall have no portion of the system visible from the street (viewed from the front of the residence) on which the residence is located, unless otherwise approved by the ACC based on consideration of the solar panel design, materials and proposed placement. For ground-mounted systems, the solar panel array and energy storage unit must be placed at the rear of the home, within the lot setback lines, and in an inconspicuous location. The ACC may require ground-mounted solar panels to be in a fenced yard, unless screened in a manner acceptable to the ACC. The ACC generally will accept screening using the same criteria as for propane tanks, as applicable to the Unit where the system is located (see Section 10.03 below). Documentation from the utility company, if applicable, to certify that all specifications required to tie-in to the local utility system have been or will be met shall be supplied to the ACC prior to commencement of construction. The ACC will consider the requirements of Texas Property Code Section 202.010 when evaluating and approving installation of solar panels. See also Appendix I hereto.

Solar screens being installed on the outside of a window require prior ACC approval and should be an earth tone color matching the masonry or fascia colors on the house as closely as possible.

Generators and Back-up Power Systems

No generators or back-up power systems shall be installed or placed on any lot or the exterior of a home without the prior approval of the ACC. A generator or other back-up power system must be placed within the lot setback lines, in an inconspicuous location, and must be screened using the same criteria as for pool equipment (see Section 7.04 above).

7.10 Water Wells and Pump Houses, Stock Ponds, Water Troughs, Rainwater Storage Tanks

Water Wells and Pump Houses

No water well or pump house shall be installed without prior approval by the ACC. The owner will be responsible for obtaining any applicable County or State permits that may be required. Property owner shall be responsible for plugging water well(s) according to applicable State and County



regulations, removal of pump house, slab and piping associated with water well(s) if abandoned, unserviceable, or unused. This obligation shall be transferable with property title.

All water wells must meet the following requirements:

- a. In accordance with Texas regulations, a standard well annulus must be 50 feet from property lines, 50 feet from septic tanks, and 100 feet from any aerobic spray field on that lot or any adjacent lots. With respect to adjacent vacant lots and the requirement for future placement of septic facilities on those lots, well heads should be placed no closer than 80 feet from a property line shared with a vacant adjacent lot. Texas regulations permit a well to be five feet from the property line if the well is pressure cemented. However; both the septic field and the septic tank must still maintain the 50 foot setback from the well head and the ACC will consider whether the proposed well location will unreasonably limit septic placement on adjacent lots when determining whether to approve the proposed well.
- b. Well pressure tanks must be located behind the front line of the house (in side or back yard), and if above ground, must not be visible from street upon which the residence is located (viewed from in front of the house or future house location), discreetly concealed within a well pump house or similar enclosure. Construction materials and appearance of pump house shall be the same masonry as the main dwelling, and cannot exceed five feet (5') in height. Water well pump houses shall be constructed in such a manner as to cover the slab and surround the pump equipment and piping. Alternative methods of concealment may be approved such as placement in excavated well pits or burial, in accordance with any applicable federal, state or county rules and regulations.
- c. Water wells (well heads) must be located in the rear of the lot unless in accordance with subsection "d" below.
- d. Well heads may be located in the front yard provided the "*Pitless Adapter*" or similar method is used to reduce the profile of the well head. The "*Pitless Adapter Method*" allows below ground installation of piping from the wellhead to the remotely concealed pressure tank(s). If such a low-profile installation method is used, the well cap or well head may extend no higher than 18" above ground level and must be screened with vegetation (evergreen to prevent visibility in winter) and/or privacy fencing, or covered with a discreet enclosure, such as artificial landscaping rocks.

Stock Ponds, Water Troughs, Rainwater Storage Tanks

Stock ponds, water troughs and water storage tanks or receptacles must be located in the rear of the lot, be located at least ten (10) feet from any property line and have prior approval of the ACC. Stock ponds, water troughs and water storage tanks or receptacles that are above ground shall be located no closer than one hundred (100) feet from any aerobic spray field on that lot or adjacent lots. Water storage tanks may be either above ground or buried. The exterior of above ground water troughs and water storage tanks must be screened using the same criteria as for propane tanks, as applicable to the Unit where they will be located (see Section 10.03 below). Above ground water storage tanks shall be at least five (5) feet in height to prevent ingress of wildlife. Water troughs and water storage tanks shall be equipped with some type of sanitation device to prevent formation of algae and



manifestation of flying insect larvae. The owner shall be responsible for the removal of water troughs and water storage tanks if abandoned or unused. This obligation shall be transferable with property title. See also Appendix I hereto.

8.0 Site Requirements: Driveways and Garages

8.01 Driveways

See applicable Supplemental DCCRs. In some Supplemental DCCRs the driveway requirement refers to “concrete pavers” and does not include concrete as a permitted type of driveway. The ACC believes this was an inadvertent error by the developer and the ACC therefore will allow concrete driveways in those units. In units where “(2) two course chip and seal” driveways are permitted, (2) course chip and seal shall mean 4-6” base material, followed by a 2-step application of liquid asphalt and chip, followed by a second coat of liquid asphalt and chip.

8.02 Garages

Supplemental DCCRs for Units 1 and 2 require garage door openings to face the side lot lines. Supplemental DCCRs for Units 3 and 4 require garage door openings to face side or rear lot lines, except for lots 357-365, 493-497, 498, 499 and 505-509 in Unit 4, where the garage must be positioned such that the garage door opening is not visible from Hwy 306 or the front property line. Supplemental DCCRs for River’s Edge and Units 7, 9, 10, 11, 13, 15, 16, 17, 19 and 21 require that garages “face away from all roadways.” After consultation with the Association’s attorney, the ACC has determined that “face away from all roadways” means facing away at least ninety (90) degrees from the road, as viewed from any road in front of or alongside the house. Where the road is not substantially straight or ends in a cul-de-sac, additional factors may be considered to determine whether the garage meets the requirement to “face away from all roadways.” All other Units (6, 8, 12, 14, 18 and 20) do not restrict the garage position.

9.0 Site Requirements: Landscaping, Irrigation & Lighting

9.01 Landscape, Irrigation and Submission Requirements

See applicable Supplemental DCCRs to determine landscaping requirements, if any. All landscape plans must be approved in writing by the ACC. Such landscape plans shall include all landscaping, plant materials, irrigation, walls, walks, swimming pools, fences, or other features to be installed or constructed on any portion of the lot. The ACC shall, in its sole discretion, determine whether the landscape plans submitted to it for review are acceptable. If landscaping is required by the applicable Supplemental DCCRs, landscaping plans must be submitted for review by the ACC at least thirty (30) days prior to home completion. Landscaping projects must be completed within 180 days after ACC approval.

If landscaping is required by the applicable Supplemental DCCRs, landscaping shall include a well-designed balance of trees, shrubs, and lawn grass around the perimeter of each new home. Plants must screen most of exposed foundations. This area must be watered by an irrigation system. All new landscaping turf installed or planted must be Buffalo, Blue Grama, Zoysia or Bermuda grass. Other low water requirement turf products will be considered and may be approved by the ACC. All requirements for specific types of turf were included in the restrictions to encourage water



conservation practices. No more than ten percent (10%) of any front yard area on any property, excluding driveway(s) and sidewalk(s), may be covered by rock material. Any deviation must have prior written approval by the ACC.

If landscaping is to be installed on a lot where the DCCRs do not require landscaping, a landscape plan still must be submitted to the ACC and approved in writing by the ACC.

Minor changes to or replacement of existing landscaping with similar plants do not require prior ACC approval.

9.02 Lighting

The ACC approves exterior lighting under Section 9.4(b)(ii) of the Master DCCRs, which provides, among other things, that “All lights shall be installed or aimed so that they do not present a disabling glare to drivers or pedestrians or create a nuisance by projecting or reflecting objectionable light onto a neighboring property.” Pictures of proposed exterior light fixtures must be submitted to the ACC for prior approval before installation. Owners are encouraged to obtain prior approval of exterior fixtures before committing to purchasing them. To meet the Master DCCR requirement, exterior light fixtures must prevent light from escaping through the top, and should limit the amount of light escaping from the sides, of the fixture. Down lighting is required for floodlights, spotlights and pole lights and is encouraged for other lighting fixtures to reduce glare and protect neighboring properties from bright light sources. See Appendix J hereto for examples. The ACC will consider other proposed methods of meeting the exterior lighting requirements, such as opaque (instead of clear) glass covering, dimmers, shielding or low wattage or “dark sky” compliant light bulbs.

In addition:

- Colored lights are prohibited, except that colored holiday lights may be installed for a reasonable time before and after holidays without prior ACC approval.
- Spotlights / floodlights will be considered on a case-by-case basis, depending on orientation and location.
- Pole lights will be reviewed on a case-by-case basis.
- Landscape lighting may "wash" walls, large trees or areas of dense vegetation as long as light does not escape above the house or trees or vegetation.
- All path and landscape lighting must consist of low voltage lamps.
- Free-standing path and landscape lighting shall have a maximum height of 24".
- Low voltage down lighting in trees will be considered as part of landscape lighting.

10.0 Additional Requirements

10.01 Storage of Recreational Vehicles, Marine Craft and Equipment

Units (2, 4, 8, 12, 14, 18, & 20) - Recreational vehicles, marine craft and equipment, may not be kept on the property prior to the main dwelling being built. After the dwelling is completed, such items may be kept on the property as long as they are placed in an area of the property that is not visible from any road, right-of-way, or any abutting property and kept in a clean and tidy manner at all times.



Units (1, 3, 7, 9, 10, 11, Rivers Edge, 13, 15, 16, 17, 19, & 21/Rio Central) - Recreational vehicles, marine craft, and equipment may not be kept on the property prior to the main dwelling being built. After the dwelling is completed, such items may be kept on the property as long as they are parked only in garages serving the lots.

Unit 6 - See Section 3.07 of the Unit 6 DCCRs, as amended.

10.02 Signage

No permanent or temporary sign(s) shall be constructed or placed upon any lot without prior written approval of the ACC, except as permitted by this Section, Section 4.02 hereof, the Association's Model Home Rules and Open House Rules, or as required to be permitted by Texas Property Code Section 202.009 (regarding display of political signs; see Appendix I hereto). In the event a permitted sign is not properly maintained, the ACC may give the property owner where the sign is displayed written notice thereof. Required repairs must be made within five (5) business days of notification or the Board shall have the right, but not the obligation, to have repairs made and the costs charged to the property owner or to remove the sign.

Each home that is either under construction or completed may have one (1) industry standard size "For Sale" sign as indicated in Appendix G hereto. For Sale signs must be removed within three (3) days of closing on the sale of the property.

See Section 4.02 for builder's sign requirements.

No other real estate signs shall be allowed in Mystic Shores including, but not limited to, For Sale signs (except as permitted above), Sold signs, For Lease signs, Rented signs and/or For Rent signs; provided that such signs may be approved by the ACC for commercial buildings in Unit Six.

Each completed home may have:

- one (1) Texas Backyard Wildlife Habitat sign upon the owner's receipt of certification by Texas Parks and Wildlife and (2) one (1) National Wildlife Foundation Certified Wildlife Habitat sign, as indicated in Appendix G hereto;
- one (1) double-sided blue reflective address marker with white reflective numbering for each driveway for the purpose of enabling emergency responders as indicated in Appendix G hereto; and
- one sign provided by their security monitoring company located near their home.

Each vacant lot may have one (1) double-sided blue reflective address marker with white reflective numbering for the purpose of enabling emergency responders as indicated in Appendix G hereto.

10.03 Propane Storage Tanks

Units (1, 2, 3, 4, 6, 7) - See applicable Supplemental DCCRs.

Units (8, 12, 14, 18, & 20) - Propane storage tanks, if above the ground, must not be visible from street the residence is located on, and must be screened with evergreen vegetation and/or privacy



fencing.

Units (9, 10, 11, Rivers Edge, 13, 15, 16, 17, 19, & 21/Rio Central) - Propane tanks must be buried in the ground or be enclosed by a solid privacy fence, built with the same masonry as the main dwelling, and cannot exceed 6' in height. In these units shrubbery or vegetation does not constitute a privacy fence.

All Units - For safety reasons, if an above-ground propane tank is painted, it must be painted a light reflective color as recommended in National Fire Protection Association 58.

10.04 Golden-cheeked Warbler Habitat

The following information was provided by the Mystic Shores developer (Bluegreen) to many Mystic Shores property owners:

“Lots 1326-1338, 1347-1371 and 1374-1387 in Unit Eleven; Lots 1430-1433, 1440-1446, 1457-1465, 1485-1487 and 1492-1510 in Unit Twelve; Lots 1680-1689, 1696 and 1697 in Unit Thirteen; Lots 1766-1770 and 1772-1774 in Unit Fourteen; Lots 1930-1932, 1937-1941, 1943, 1944 and 1955-1978 in Unit Sixteen; and Lots 2275-2277 in Unit Twenty-One contain and/or abut woodland that is a possible habitat for the federally endangered golden-cheeked warbler. Specific conservation measures may be required in connection with construction of improvements or other site work.”

The Golden-cheeked warbler is an endangered species under federal and Texas laws and regulations. Each property owner is responsible for compliance with any applicable federal and state laws and regulations that may affect the owner's lot. Additional information may be obtained from:

Texas Parks and Wildlife Department
Wildlife Diversity Branch
4200 Smith School Road
Austin, Texas 78744
(800) 792-1112

or

U.S. Fish and Wildlife Service
Ecological Services Field Office
10711 Burnet Road, Suite 200
Austin, Texas 78758
(512) 490-0057

See also <http://www.tpwd.state.tx.us/huntwild/wild/species/gcw/>.



**APPENDIX A
BUILDING HEIGHT AND SET BACK REQUIREMENTS**

UNIT	LOT #	MAX. BLDG HEIGHT*		SETBACK		
				FRONT	REAR	SIDE
		HOME	ACCESSORY BUILDINGS	LEFT/RIGHT	LEFT/RIGHT	LEFT/RIGHT
1	All Lots	35	25	50	50	10
2	All Lots	35	25	100	50	50
3	All Lots	35	25	50	50	10
4	All Lots	35	25	100	50	25
5	N/A	No Unit 5	N/A	N/A	N/A	N/A
6-Residences	**All Lots	35	25	25	25	25
6-Commercial Buildings		35	25	25	25	25
7	**All Lots	35	25	50	50	10
7	747	35	25	150	50	10
7	749	35	25	Between 50 & 150	50	10
7	750	35	25	Between 50 & 135	50	10
7	751	35	25	Between 50 & 110	50	10
7	752	35	25	Between 50 & 150	50	10
7	753	35	25	Between 50 & 120	50	10
7	754	35	25	Between 50 & 115	50	10
7	755	35	25	Between 50 & 150	50	75 off of Lot 754
7	760	35	25	75	50	10
7	761	35	25	75	50	10
7	762	35	25	125	50	10
7	763	35	25	125	50	10
8	All Lots	35	25	100	50	25
9	**All Lots	35	25***	50	25	10
9	1006	35	25***	125	25	10
9	1007A	35	25***	25	468.19/354.34	10
9	1007B	35	25***	300/275	25	10
9	1008	35	25***	125	25	10
9	1009	35	25***	150	25	10/35

*Determined from the finished floor elevation.

**Unless differently designated for a specific lot.

*** Unit DCCRs provide that workshops, barns and detached garages may be same height as dwelling, but no taller.



**APPENDIX A
BUILDING HEIGHT AND SET BACK REQUIREMENTS**

UNIT	LOT #	MAX. BLDG HEIGHT*		SET BACK		
				FRONT	REAR	SIDE
		HOME	ACCESSORY BUILDINGS	LEFT/RIGHT	LEFT/RIGHT	LEFT/RIGHT
9	1010	35	25***	100	200	10
9	1012	35	25***	50	25	10
9	1014	35	25***	150	25	10
9	1064	35	25***	150	25	10
9	1066	25 at street level	25***	50	25	10
9	1067	25 at street level	25***	50	25	10
9	1068	25 at street level	25***	50	25	10
9	1069	25 at street level	25***	50	25	10
9	1082	35	25***	75	25	10
9	1083	35	25***	50	225	10
9	1084	35	25***	50	220	10
9	1085	35	25***	50	225	10
10	All Lots	35	25***	50	25	10
11	** All Lots	35	25***	50	25	10
11	1399	35	25***	225/100	25	10
11	1400A	35	25***	30	947.81/50	10
11	1400B	35	25***	225/100	847.81/563.95	10
12	All Lots	35	25	100	50	25
13	All Lots	35	25**	50	50	10
14	All Lots	35	25	100	50	25
15	All Lots	35	25***	50	50	10
16	All Lots	35	25***	50	50	10
17	All Lots	35	25***	50	50	10
18	All Lots	35	25	100	50	25
19	All Lots	35	25***	50	50	10
20	All Lots	35	25	100	50	25
21	All Lots	35	25***	50	50	10
Rivers Edge	** All Lots	35	25***	50	25	10
Rivers Edge	1276	35	25***	50	311.38/264.38	10
Rivers Edge	1283	35	25***	50	265.96/283.68	10
Rivers Edge	1284	35	25***	50	248.24/265.96	10
Rivers Edge	1285	35	25***	50	230.52/248.24	10

*Determined from the finished floor elevation.

**Unless differently designated for a specific lot.

***Unit DCCRs provide that workshops, barns and detached garages may be same height as dwelling, but no taller.



APPENDIX B
Mystic Shores Property Owners Association, ACC Design Guidelines
Preliminary Site Plan Review – Residence Only

Introduction

The Mystic Shores Architectural Control Committee (ACC) offers an informal, optional, preliminary house site plan review for property owners. This review, which is not required, is intended to give property owners an opportunity to discuss with an ACC representative any unique circumstances that may be applicable to their lots and obtain a preliminary, non-binding, indication of the ACC's likely response to those circumstances. This process typically includes a visit to the subject lot.

Background

Construction within Mystic Shores is governed by two documents, the Declaration of Covenants, Conditions and Restrictions, including supplements and amendments (the DCCRs), and the Architectural and Site Design Guidelines (Guidelines). These documents describe the "vision" of the development and provide explicit requirements and guidance on how the vision is to be applied to construction projects. When you purchased your Mystic Shores property, a copy of the documents applicable to your property should have been provided to you by your title company. All DCCRs and the Guidelines are also available from the Mystic Shores Property Owners Association website: www.mysticshorespoa.com.

The ACC is comprised solely of volunteer property owners who are giving their time for our community. It is their duty to ensure that our DCCRs and Guidelines are followed in the construction process.

Application Process

Owners should first read the DCCRs, including the DCCRs that apply to their unit, and the Guidelines. **The ACC assumes that all applicants have read and understood these documents and have considered them in designing their project.** We realize that this is a lot of documentation to read; however, for most owners, their home in Mystic Shores will be a significant investment. Your contractor and designer should be able to help you understand the DCCRs and Guidelines and an ACC member will be available for questions during your preliminary site plan review. **Please note that the owner is responsible for proper completion of the application and compliance with the DCCRs and Guidelines.**

Owners should then read through the preliminary site plan review application package to determine the documents that must be submitted for their review. The preliminary site plan review is not considered to be a submission of plans for construction and the thirty (30) day review period does not apply.

The completed package should be sent to the Association's manager, at the address indicated on the application package. There is not a fee for a preliminary plan review.

A member of the ACC will be assigned to manage the preliminary site plan review process and to contact the owner for discussion. After that discussion and review by the ACC of the preliminary site plan, the owner will receive an email regarding the preliminary, non-binding, findings of the ACC. Final plans must subsequently be submitted by the Owner for review and must be approved by the ACC prior to beginning any construction.



**APPENDIX B
Preliminary Site Plan Review – Cover Page**

Date Submitted: _____

One paper copy to: Mystic Shores Property Owners Association c/o Diamond Association Mgmt & Consulting 14603 Huebner Rd, Bldg 40 San Antonio, TX 78230	A pdf (digital) copy for entry into the ACC tracking system to: ACC@damctx.com
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Type of Application	
<input type="checkbox"/> New Submission	<input type="checkbox"/> Resubmission

Type of Construction or Use
<input type="checkbox"/> Preliminary Site Plans (New Residence Only)

Lot Number:	Unit Number:	Address:
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Property Owner Name:	_____
Mailing Address:	_____
Telephone/Fax:	_____
Email:	_____

Contractor Name:	_____
Address:	_____
Telephone/Fax:	_____
Email:	_____

Architect/Designer Name:	_____
Address:	_____
Telephone/Fax:	_____
Email:	_____



APPENDIX B
Preliminary Site Plan Review
 Page 1 of 1

The purpose of a Preliminary Site Plan Review is to resolve issues, such as orientation and site placement, prior to the development and expense of a final residence design. This review is not required. Please indicate the information being submitted by checking the boxes and indicating the pages in the submittal that provide the information. Your submission must contain the information required below and any additional information you want to have considered in the preliminary review. All documents should indicate the names of the Owner and the Architect or Designer.

Documents	Page Number	Office Use
Existing conditions , with the following information: <input type="checkbox"/> North Arrow and Scale <input type="checkbox"/> Property lines with dimensions and bearings <input type="checkbox"/> Setback lines <input type="checkbox"/> Easement lines <input type="checkbox"/> Street names <input type="checkbox"/> Outline of exterior walls, decks and driveways on adjacent lots, if any		
Site Plan , with the following (may be added to existing conditions diagram) <input type="checkbox"/> Proposed location of building <input type="checkbox"/> Proposed exterior dimensions of building <input type="checkbox"/> Dimensions from corner of closest foundation wall or overhang to nearest property line <input type="checkbox"/> Garage (indicate if proposed, existing or none) <input type="checkbox"/> Driveway (indicate if proposed, existing or none) <input type="checkbox"/> Fencing (indicate if proposed, existing or none) <input type="checkbox"/> Outbuildings (indicate if proposed, existing or none)		
Attach a document that describes the issues for which preliminary site plan review is requested, and attach relevant documents or drawings.		
Preliminary Site Plan Review Fee: None		



APPENDIX C
Mystic Shores Property Owners Association, ACC Design Guidelines
Information for Construction Applicants
New Residence, Secondary Dwelling or Modifications to Existing Residence

Introduction

The purpose of this document is to provide property owners a better understanding of the Construction Application process and the forms that must be completed and documents that must be provided as part of that process.

Background

Mystic Shores is a planned community that includes approximately 7500 acres located on Canyon Lake and the Guadalupe River. Throughout the development of Mystic Shores, protection of the natural features of the Hill Country has been a priority, first for the developer and now for the Property Owners Association (Association).

Construction within Mystic Shores is governed by two documents, the Declaration of Covenants, Conditions and Restrictions, including supplements and amendments (the DCCRs), and the Architectural and Site Design Guidelines (Guidelines). These documents describe the “vision” of the development and provide explicit requirements and guidance on how the vision is to be applied to construction projects. When you purchased your Mystic Shores property, a copy of the documents applicable to your property should have been provided to you by your title company. All DCCRs and the Guidelines are also available from the Association website: www.mysticshorespoa.com.

The Architectural Control Committee (ACC) review process is a very important part of maintaining the character of our Mystic Shores community. The ACC is comprised solely of volunteer property owners who are giving their time for our community. It is their duty to ensure that our DCCRs and Guidelines are followed in the construction process.

Projects that Require Review

The scope of construction and *exterior* changes that are subject to review are described in the DCCRs, Sections 9 and 10, and in the Guidelines. The scope includes, but is not limited to, any construction, excavation, grading or other site work, land contour changes, storage or other sheds, fencing and landscaping. The scope is extensive, and owners should consult these documents before beginning any *exterior* projects to determine if review is necessary and to avoid the possible imposition of fines for unapproved projects.

Application Process

Owners should first read the DCCRs, including any supplemental DCCRs that apply to their unit, and the Guidelines. **The ACC assumes that all applicants have read and understood these documents and have considered them in designing their project.** We realize that this is a lot of documentation to read; however, for most owners, their home in Mystic Shores will be a significant investment. Your contractor



APPENDIX C

New Residence, Secondary Dwelling or Modifications to Existing Residence

and designer should be able to help you understand the DCCRs and Guidelines and an ACC member will be available for questions during your submittal and construction process. **Please note that the owner is responsible for proper completion of the application and compliance with the DCCRs and Guidelines.**

Owners should read the appropriate application package to determine the forms, documents, drawings, materials samples and fees and deposit(s) that must be submitted for their project.

The completed package with required fees and deposit(s) should be sent to the Association's manager, at the address indicated on the application package.

Upon receipt, the package is reviewed by the manager to determine if it is complete. An incomplete package will be returned to the owner and the review period will not start until a completed package is received.

Complete packages for most projects will be provided concurrently to the Association's architectural consultant and to the ACC for review. A member of the ACC will be assigned to manage the application through the review process and to contact the owner if there are questions regarding the application. The purpose of the review is to confirm that the project complies with the requirements and guidance of the DCCRs and Guidelines and to identify any changes needed to bring the project into compliance.

At the conclusion of the review process, or within 30 days, whichever occurs first, the owner is advised of the ACC's decision:

- In the case of approvals, an approval letter will be sent to the owner and the ACC will monitor the progress of the project until it is completed.
- If additional information is needed, an ACC representative will contact the owner. The 30 day review period will begin again when the requested additional information is submitted by the owner.
- In the case of denials, owners may modify their application to comply with requirements and resubmit it. In these cases, the review process begins again. Owners may also appeal denials to the Board as provided in the Guidelines.

Conclusion

It is the goal of the Board and the ACC to make the application and review process understandable and consistent, to provide prompt and efficient service to owners, and to protect the interests of the Mystic Shores POA and community, while recognizing the constraints of the volunteers who serve on the Board and ACC.

The ACC welcomes constructive suggestions on how the process can be improved. These suggestions can be submitted through the Mystic Shores website.



APPENDIX C
New Residence, Secondary Dwelling (Where Permitted) or Modifications to Existing Residence
Cover Page

Date Submitted: _____

One paper copy to: Mystic Shores Property Owners Association c/o Diamond Association Mgmt & Consulting 14603 Huebner Rd, Bldg 40 San Antonio, TX 78230	A pdf (digital) copy for entry into the ACC tracking system to: ACC@damctx.com
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Type of Application		
<input type="checkbox"/> New Submission	<input type="checkbox"/> Resubmission	
Type of Construction or Use		
<input type="checkbox"/> New Residence	<input type="checkbox"/> Secondary Dwelling (Where Permitted)	
<input type="checkbox"/> Modifications to Existing Residence		
Lot Number:	Unit Number:	Address:

Property Owner Name:	_____
Mailing Address:	_____
Telephone/Fax:	_____
Email:	_____
Contractor Name:	_____
Address:	_____
Telephone/Fax:	_____
Email:	_____
Architect/Designer Name:	_____
Address:	_____
Telephone/Fax:	_____
Email:	_____



APPENDIX C
 Application for Construction of New Residence, Secondary Dwelling **(Where Permitted)**
 or Modifications to Existing Residence
 Page 1 of 3

Your application must contain the following information. Please ensure that you have submitted a complete package of information by checking the boxes and indicating the pages in the submittal that provide the required information. Please be sure your plans meet the requirements for your Unit before submitting them. All documents should indicate the names of the Owner and the Architect or Designer.

Required Documents	Page Number	Office Use
Existing conditions , minimum scale 1" = 20', with the following information: <input type="checkbox"/> North Arrow and Scale <input type="checkbox"/> Property lines with dimensions and bearings <input type="checkbox"/> Grade contours indicated at 2' intervals <input type="checkbox"/> Setback lines <input type="checkbox"/> Easement lines <input type="checkbox"/> Street names <input type="checkbox"/> Outline of exterior walls, decks and driveways, if any, on adjacent lots		
<input type="checkbox"/> Color board (exterior paint and stain samples, such as exterior doors and trim), roof and masonry. Note: Digital photographs, showing true colors , of construction materials may be emailed to ACC@damctx.com . The ACC may request actual samples if true colors are not shown.		
<input type="checkbox"/> Photo of existing building(s) if applicable		
Site Plan , minimum scale 1" = 20', with the following (may be added to existing conditions diagram) <input type="checkbox"/> Proposed or existing location of residence including modifications to existing residence <input type="checkbox"/> Distance from corner of closest foundation wall or overhang to nearest property line <input type="checkbox"/> Garage (indicate if proposed, existing or none) <input type="checkbox"/> Driveway (indicate if proposed or existing and materials and finish that will be used) <input type="checkbox"/> Fencing materials, finish and color (indicate if existing or none) <input type="checkbox"/> Outbuildings (indicate if existing or none) <input type="checkbox"/> Accessory structures, hardscaping, terracing, pool, spa (indicate if existing or none) <input type="checkbox"/> Location of LP tank (indicate if proposed or existing, above- or below-ground – if none, confirm that residence is/will be all-electric) <input type="checkbox"/> Location of septic tank and drainage or spray field (existing or planned)		



APPENDIX C
 Application for Construction of New Residence, Secondary Dwelling **(Where Permitted)**
 or Modifications to Existing Residence
 Page 2 of 3

Required Documents	Page Number	Office Use
Architectural Plans – minimum scale of ¼" = 1 foot, with the following information <input type="checkbox"/> Interior rooms, dimensioned and named <input type="checkbox"/> Window and door openings <input type="checkbox"/> Roof overhang (dashed line) <input type="checkbox"/> Total square footage of structure <input type="checkbox"/> Heated square footage of structure <input type="checkbox"/> Percentage of exterior masonry		
Building Elevations – minimum scale of ¼" = 1 foot <input type="checkbox"/> Exterior finish must be shown on all drawings <input type="checkbox"/> Existing grades must be projected on all exterior elevations <input type="checkbox"/> Exterior grade differentials must be shown on the foundation in all elevations <input type="checkbox"/> Finished Floor Elevation of first floor and garage <input type="checkbox"/> Proposed two-foot finished contour lines <input type="checkbox"/> Front, rear and two side elevations, labeled to correspond with site plan		
<input type="checkbox"/> Plans for any decks, terraces, balconies, and other structures to be constructed as part of residence construction		
<input type="checkbox"/> Description of proposed exterior lighting – must comply with Section 9.02 of Design Guidelines		



APPENDIX C
 Application for Construction of New Residence, Secondary Dwelling (**Where Permitted**)
 or Modifications to Existing Residence
 Page 3 of 3

Required Documents	Page Number	Office Use
<p>Landscape Plan Submission (not required for Units 2, 4, 8, 12, 14, 18, 20 and specified lots in Unit 7; however, if owner chooses to landscape, landscaping plans must be submitted for prior approval by the ACC)</p> <p><input type="checkbox"/>Landscape plans are submitted with this residence application – OR- <input type="checkbox"/>Landscape plans will be submitted no later than 30 days before residence construction is complete – OR- <input type="checkbox"/>Landscape plans are not required for this Unit or Lot</p>		
<p>Required Landscape Plan Contents</p> <p>North Arrow and Scale (minimum 1"=20ft)</p> <p><input type="checkbox"/>Property lines with dimensions and bearings</p> <p><input type="checkbox"/>Location of all structures (including decks, trellises, fences, gazebos, pavement and utilities)</p> <p><input type="checkbox"/>Location of all lawn areas and shrub bed lines</p> <p><input type="checkbox"/>Location of all proposed plant material</p> <p><input type="checkbox"/>Plant list with quantities, common names, sizes and specifications</p> <p><input type="checkbox"/>Total area of lawn in square feet and as a percentage of the site</p> <p><input type="checkbox"/>Illustrations of how exposed foundation walls exceeding 8" will be treated</p> <p><input type="checkbox"/>Description of exterior lighting (must comply with Section 9.02 of Design Guidelines)</p> <p><input type="checkbox"/>Irrigation plan</p>		
Plan Review Fee, Main Residence: \$300* (non-refundable)	Ck #	
Plan Review Fee, Secondary Dwelling or Addition to Existing Residence: \$100* (non-refundable)	Ck #	
<p>Owner Deposit (new residence only): \$1,500*</p> <p>Check must come from property owner, and will be refunded, less any fines, when construction has been completed according to approved plans, and all construction material, equipment and signage has been removed.</p>	Ck #	
<p>Builder Deposit (new residence only, if applicable): *</p> <p>Please consult Association website under POA Documents/Construction Application Packages or contact management company for list of builders requiring Builder Deposit and amount of any required Builder Deposit.</p>	Ck #	

*Check, money order or cashier's check payable to Mystic Shores Property Owners Association



APPENDIX C: AGREEMENT

As the property owner and contractor of the described construction project, we acknowledge and agree that the improvements will be constructed in accordance with the plans and specifications approved by the Architectural Control Committee.

We further acknowledge that:

1. We have read and understand the Declaration of Covenants, Conditions and Restrictions, including any supplemental covenants, and Design Guidelines applicable to the property, and will follow and obey said Covenants and Guidelines.
2. We are responsible for completing this project as described by the drawings, plans and specifications approved by the ACC. Any change to the approved drawings, plans and specifications will be submitted to the ACC for approval prior to beginning construction for the change.
3. We will maintain a clean construction site at all times and install a builder sign (for new residence only), commercial trash dumpster, job toilet, and construction entrance in conformance with Design Guidelines and Workplace Standards. We understand that if contractors do not comply with standards, we (the property owner/s and builder) is/are subject to fines for any violations at the discretion of the ACC and/or Board. Said fines will be taken out of the Owner Deposit or Builder Deposit and, if fines exceed the applicable Deposit, owner or builder will be billed for the amount due, in each case in accordance with Appendix H and Appendix K.
4. We (and any subcontractors) will conduct *exterior* construction activities in Mystic Shores only between the hours of 7 am and 7 pm, Monday through Saturday, *except*: (a) concrete pours may begin at 6 am, Monday through Saturday; and (b) no exterior construction activities are permitted on New Year's Day, Memorial Day, July 4th, Thanksgiving Day or Christmas Day. The foregoing limitations do not apply to *interior* construction activities by contractors or owners or maintenance activities by owners.
5. We are responsible for the conduct of all workers and subcontractors performing services on this project at all times while construction is underway on the lot.
6. We understand that the contractor and/or property owner is responsible for applying for all utilities (including, but not limited to, electricity, water and propane) in a timely manner. Mystic Shores POA and the ACC will not be held responsible for construction delays due to the contractors/owners failure to apply for utilities in a timely manner or for any other reason. Furthermore, Mystic Shores POA and the ACC will not be held liable for the failure of any utility to provide their services to the contractor/owner in a timely manner.
7. We understand that we are responsible for obtaining all applicable permits from the county (for example, septic and driveway permits), or from any other government agency as required, and providing a copy of said permits to the ACC to demonstrate compliance.

Property Owner(s): _____ Date: _____

_____ Date: _____

Contractor: _____ Date: _____



APPENDIX C: CONTRACTOR'S ACKNOWLEDGEMENT

All contractors are required to follow these **Workplace Standards** in this Community.

Mystic Shores is a "Clean Site" Community

All contractors are required to do the following **prior** to starting construction and **throughout** the construction process:

- Place a commercial trash dumpster on the lot as required by Section 4.03 of the Mystic Shores Architectural and Site Design Guidelines (Guidelines)
- Place a port-a-john on the lot as required by the Section 4.03 of the Guidelines
- Install a construction entrance and driveway (minimum of 3" to 5" diameter rock) as required by the Section 4.04 of the Guidelines
- For a new residence only, install and maintain a builder sign with contact information, maximum size 4' by 4', maximum height 6' as required by the Section 4.02 of the Guidelines

All contractors are required to do the following **throughout** the construction process:

- Site must be kept clean at all times – trash must be picked up daily and removed or placed in dumpster
- Keep all paved roads clear of construction site mud or debris
- Prohibit and prevent fires of any size, for any reason; comply with county or other relevant jurisdiction fire prevention requirements

Contractors are required to continuously abide by these **Workplace Standards** while in the Community.

Violations are subject to fines, at the discretion of the Architectural Control Committee, and/or the Board of Directors.

Acknowledged:

Contractor: _____

Date: _____

Owner: _____

Date: _____



APPENDIX D
Mystic Shores Property Owners Association, ACC Design Guidelines
Information for Construction Applicants
Outbuildings (including Detached Garages, Barns or Sheds)

Introduction

The purpose of this document is to provide property owners a better understanding of the Construction Application process and the forms that must be completed and documents that must be provided as part of that process.

Background

Mystic Shores is a planned community that includes approximately 7500 acres located on Canyon Lake and the Guadalupe River. Throughout the development of Mystic Shores, protection of the natural features of the Hill Country has been a priority, first for the developer and now for the Property Owners Association (Association).

Construction within Mystic Shores is governed by two documents, the Declaration of Covenants, Conditions and Restrictions, including supplements and amendments (the DCCRs), and the Architectural and Site Design Guidelines (Guidelines). These documents describe the “vision” of the development and provide explicit requirements and guidance on how the vision is to be applied to construction projects. When you purchased your Mystic Shores property, a copy of the documents applicable to your property should have been provided to you by your title company. All DCCRs and the Guidelines are also available from the Association website: www.mysticshorespoa.com.

The Architectural Control Committee (ACC) review process is a very important part of maintaining the character of our Mystic Shores community. The ACC is comprised solely of volunteer property owners who are giving their time for our community. It is their duty to ensure that our DCCRs and Guidelines are followed in the construction process.

Projects that Require Review

The scope of construction and *exterior* changes that are subject to review are described in the DCCRs, Sections 9 and 10, and in the Guidelines. The scope includes, but is not limited to, any construction, excavation, grading or other site work, land contour changes, storage or other sheds, fencing and landscaping. The scope is extensive, and owners should consult these documents before beginning any exterior projects to determine if review is necessary and to avoid the possible imposition of fines for unapproved projects.

Application Process

Owners should first read the DCCRs, including any supplemental DCCRs that apply to their unit, and the Guidelines. **The ACC assumes that all applicants have read and understood these documents and have considered them in designing their project.** We realize that this is a lot of documentation to read; however, for most owners, their home in Mystic Shores will be a significant investment. Your contractor



APPENDIX D Outbuildings (including Detached Garages, Barns or Sheds)

and designer should be able to help you understand the DCCRs and Guidelines and an ACC member will be available for questions during your submittal and construction process. Owners should read the appropriate application package to determine the forms, documents, drawings, materials samples and fees that must be submitted for their project. **Please note that the owner is responsible for proper completion of the application and compliance with the DCCRs and Guidelines.**

The completed package with required fees should be sent to the Association's manager, at the address indicated on the application package.

Upon receipt, the package is reviewed by the manager to determine if it is complete. An incomplete package will be returned to the owner and the review period will not start until a completed package is received.

Complete packages for most projects will be provided concurrently to the Association's architectural consultant and to the ACC for review. A member of the ACC will be assigned to manage the application through the review process and to contact the owner if there are questions regarding the application. The purpose of the review is to confirm that the project complies with the requirements and guidance of the DCCRs and Guidelines and to identify any changes needed to bring the project into compliance.

At the conclusion of the review process, or within 30 days, whichever occurs first, the owner is advised of the ACC's decision:

- In the case of approvals, an approval letter will be sent to the owner and the ACC will monitor the progress of the project until it is completed.
- If additional information is needed, an ACC representative will contact the owner. The 30 day review period will begin again when the requested additional information is submitted by the owner.
- In the case of denials, owners may modify their application to comply with requirements and resubmit it. In these cases, the review process begins again. Owners may also appeal denials to the Board as provided in the Guidelines.

Conclusion

It is the goal of the Board and the ACC to make the application and review process understandable and consistent, to provide prompt and efficient service to owners, and to protect the interests of the Mystic Shores POA and community, while recognizing the constraints of the volunteers who serve on the Board and ACC.

The ACC welcomes constructive suggestions on how the process can be improved. These suggestions can be submitted through the Mystic Shores website.



**APPENDIX D
Outbuildings (including Detached Garages, Barns or Sheds)
Cover Page**

Date Submitted: _____

One paper copy to: Mystic Shores Property Owners Association c/o Diamond Association Mgmt & Consulting 14603 Huebner Rd, Bldg 40 San Antonio, TX 78230	A pdf (digital) copy for entry into the ACC tracking system to: ACC@damctx.com
--	---

Type of Application	
<input type="checkbox"/> New Submission	<input type="checkbox"/> Resubmission
Type of Construction or Use	
<input type="checkbox"/> Barn	<input type="checkbox"/> Detached Garage (not built with residence)
<input type="checkbox"/> Shed	<input type="checkbox"/> Other - Describe:

Lot Number:	Unit Number:	Address:
-------------	--------------	----------

Property Owner Name:	_____
Mailing Address:	_____
Telephone/Fax:	_____
Email:	_____
Contractor Name:	_____
Address:	_____
Telephone/Fax:	_____
Email:	_____
Architect/Designer Name:	_____
Address:	_____
Telephone/Fax:	_____
Email:	_____



APPENDIX D
 Application for Outbuilding (including Detached Garage, Barn or Shed) Approval
 Page 1 of 4

Your application must contain the applicable information. Please ensure that you have submitted a complete package of information by checking the boxes and indicating the pages in the submittal that provide the required information. Please be sure your plans meet the requirements for your Unit before submitting them. All documents should indicate the names of the Owner.

Outbuilding Type		
<input type="checkbox"/> Outbuilding that will be constructed on site (Complete Pages 1 & 2 for "Constructed Outbuildings")	<input type="checkbox"/> Prefabricated Accessory Building on Skids (Complete pages 3 & 4 for "Prefabricated Outbuildings" in Units Where Permitted)	
Required Documents for <u>Constructed</u> Outbuildings (including Detached Garage, Barn or Shed)	Page Number	Office Use
Existing conditions , minimum scale 1" = 20', with the following information: <input type="checkbox"/> North Arrow and Scale <input type="checkbox"/> Property lines with dimensions and bearings <input type="checkbox"/> Grade contours indicated at 2' intervals <input type="checkbox"/> Setback lines <input type="checkbox"/> Easement lines <input type="checkbox"/> Street names <input type="checkbox"/> Outline of exterior walls, decks and driveways on adjacent lots		
<input type="checkbox"/> Color board or small samples for proposed building materials (exterior paint and stain samples, such as exterior doors and trim, roof and small masonry samples). Note: Digital photographs, showing true colors , of construction materials may be emailed to ACC@damctx.com . The ACC may request actual samples if true colors are not shown. <input type="checkbox"/> Color photo of any existing buildings (see above regarding submitting digital photographs; ACC may subsequently request samples) -OR- <input type="checkbox"/> No existing building on lot		
Site Plan , minimum scale 1" = 20', with 2 ft contour lines and showing the following (may be added to existing conditions diagram) <input type="checkbox"/> Proposed location of building <input type="checkbox"/> Location of residence (indicate if building exists, or will be future construction) <input type="checkbox"/> Driveway location and materials (existing, proposed or none) <input type="checkbox"/> Proposed exterior dimensions of building <input type="checkbox"/> Distance from corner of closest foundation wall or overhang to nearest property line		



APPENDIX D Application for Outbuilding (including Detached Garage, Barn or Shed) Approval Page 2 of 4		
Required Documents for <u>Constructed</u> Outbuildings (including Detached Garage, Barn or Shed), continued	Page Number	Office Use
Proposed Building Plans <input type="checkbox"/> Foundation <input type="checkbox"/> Walls <input type="checkbox"/> Windows and Doors <input type="checkbox"/> Roof <input type="checkbox"/> Electrical, Plumbing, HVAC <input type="checkbox"/> Exterior Lighting (must comply with Section 9.02 of Design Guidelines)		
Building Elevations <input type="checkbox"/> Exterior finish must be shown for all surfaces <input type="checkbox"/> Existing grades must be projected on all exterior elevations <input type="checkbox"/> Exterior grade differentials must be shown on the foundation in all elevations <input type="checkbox"/> Front, rear and two side elevations, labeled to correspond with site plan		
Describe intended use of outbuilding, including business use, if any, which must comply with the applicable DCCRs: 		
Will outbuilding be used as living quarters at any time by the owners or other persons? (Note that using outbuildings as living quarters except for servants or temporary guests, is not a permitted use.)	___ Yes ___ No	
Plan Review Fee, Outbuilding: \$100 (check, money order or cashier's check payable to Mystic Shores Property Owners Association; non-refundable) If more than one non-residential project is requested, and all requested changes are shown on a single site plan, a single, non-refundable Plan Review Fee may be paid with multiple application forms.	Ck #	



APPENDIX D Application for Outbuilding Approval Page 3 of 4		
Required Documents for <u>Prefabricated</u> Outbuildings (in Units Where Permitted)	Page Number	Office Use
Existing conditions , minimum scale 1" = 20', with the following information: <input type="checkbox"/> North Arrow and Scale <input type="checkbox"/> Property lines with dimensions and bearings <input type="checkbox"/> Grade contours indicated at 2' intervals <input type="checkbox"/> Setback lines <input type="checkbox"/> Easement lines <input type="checkbox"/> Street names <input type="checkbox"/> Outline of exterior walls, decks and driveways on adjacent lots		
<input type="checkbox"/> Color board or small samples for proposed building materials (exterior paint and stain samples, such as exterior doors and trim, roof and small masonry samples). Note: Digital photographs, showing true colors , of construction materials may be emailed to ACC@damctx.com . The ACC may request actual samples if true colors are not shown. <input type="checkbox"/> Color photo of any existing buildings (see above regarding submitting digital photographs; ACC may subsequently request samples) -OR- <input type="checkbox"/> No existing building on lot		
Site Plan , minimum scale 1" = 20', with the following (may be added to existing conditions diagram) <input type="checkbox"/> Proposed location of building <input type="checkbox"/> Location of residence (indicate if building exists, or will be future construction) <input type="checkbox"/> Driveway location and materials (Existing, proposed or none) <input type="checkbox"/> Exterior dimensions of proposed building <input type="checkbox"/> Distance from corner of closest foundation wall or overhang to nearest property line		
Proposed Building – provide description of materials and photos or drawings of prefabricated building <input type="checkbox"/> Walls <input type="checkbox"/> Windows and Doors <input type="checkbox"/> Roof <input type="checkbox"/> Electrical, Plumbing, HVAC <input type="checkbox"/> Exterior Lighting (must comply with Section 9.02 of Design Guidelines)		



APPENDIX D Application for Outbuilding Approval Page 4 of 4		
Required Documents for <u>Prefabricated</u> Outbuildings, continued	Page Number	Office Use
Building Foundation <input type="checkbox"/> Pier foundation constructed with concrete and rebar -OR- <input type="checkbox"/> Concrete pavers (Trailer Base) minimum 4x16x16 on 4-foot centers under each skid -OR- <input type="checkbox"/> Concrete slab		
Describe intended use of outbuilding, including business use, if any, which must comply with the applicable DCCRs:		
Will outbuilding be used as living quarters at any time by the owners or other persons? (Note that using outbuildings as living quarters, except for servants or temporary guests, is not a permitted use.)	___ Yes ___ No	
Plan Review Fee, Outbuilding: \$100 (check, money order or cashier's check payable to Mystic Shores Property Owners Association; non-refundable) If more than one non-residential project is requested, and all requested changes are shown on a single site plan, a single, non-refundable Plan Review Fee may be paid with multiple application forms.	Ck #	



**APPENDIX D
AGREEMENT**

As the property owner and contractor of the described construction project, we acknowledge and agree that the improvements will be constructed in accordance with the plans and specifications approved by the Architectural Control Committee.

We further acknowledge that:

1. We have read and understand the Declaration of Covenants, Conditions and Restrictions, including any supplemental covenants, and Design Guidelines applicable to the property, and will follow and obey said Covenants and Guidelines.
2. We are responsible for completing this project as described by the drawings, plans and specifications approved by the ACC. Any change to the approved drawings, plans and specifications will be submitted to the ACC for approval prior to beginning construction for the change.
3. We will maintain a clean construction site at all times and install a builder sign (for new residence only), commercial trash dumpster, job toilet, and construction entrance in conformance with Design Guidelines and Workplace Standards. We understand that if contractors do not comply with standards, we (the property owner/s) is/are subject to fines for any violations at the discretion of the ACC and/or Board and we will be billed for the amount due.
4. We (and any subcontractors) will conduct *exterior* construction activities in Mystic Shores only between the hours of 7 am and 7 pm, Monday through Saturday, *except*: (a) concrete pours may begin at 6 am, Monday through Saturday; and (b) no exterior construction activities are permitted on New Year's Day, Memorial Day, July 4th, Thanksgiving Day or Christmas Day. The foregoing limitations do not apply to *interior* construction activities by contractors or owners or maintenance activities by owners.
5. We are responsible for the conduct of all workers and subcontractors performing services on this project at all times while construction is underway on the lot.
6. We understand that the contractor and/or property owner is responsible for applying for all utilities (including, but not limited to, electricity, water and propane) in a timely manner. Mystic Shores POA and the ACC will not be held responsible for construction delays due to the contractors/owners failure to apply for utilities in a timely manner or for any other reason. Furthermore, Mystic Shores POA and the ACC will not be held liable for the failure of any utility to provide their services to the contractor/owner in a timely manner.
7. We understand that we are responsible for obtaining all applicable permits from the county (for example, septic and driveway permits), or from any other government agency as required, and providing a copy of said permits to the ACC to demonstrate compliance.

Property Owner(s): _____ Date: _____
 _____ Date: _____

Contractor: _____ Date: _____



**APPENDIX D
CONTRACTOR'S ACKNOWLEDGEMENT**

All contractors are required to follow these **Workplace Standards** in this Community.

Mystic Shores is a "Clean Site" Community

All contractors are required to do the following **prior** to starting construction and **throughout** the construction process:

- Place a commercial trash dumpster on the lot as required by Section 4.03 of the Mystic Shores Architectural and Site Design Guidelines (Guidelines)
- Place a port-a-john on the lot as required by the Section 4.03 of the Guidelines
- Install a construction entrance and driveway (minimum of 3" to 5" diameter rock) as required by the Section 4.04 of the Guidelines

All contractors are required to do the following **throughout** the construction process:

- Site must be kept clean at all times – trash must be picked up daily and removed or placed in dumpster
- Keep all paved roads clear of construction site mud or debris
- Prohibit and prevent fires of any size, for any reason; comply with county or other relevant jurisdiction fire prevention requirements

Contractors are required to continuously abide by these **Workplace Standards** while in the Community.

Violations are subject to fines, at the discretion of the Architectural Control Committee, and/or the Board of Directors.

Acknowledged:

Contractor: _____

Date: _____

Owner: _____

Date: _____



APPENDIX E
Mystic Shores Property Owners Association, ACC Design Guidelines
Information for Construction Applicants
Landscaping or Similar Project, Pool, Fencing or Retaining Wall

Introduction

The purpose of this document is to provide property owners a better understanding of the Construction Application process and the forms that must be completed and documents that must be provided as part of that process.

Background

Mystic Shores is a planned community that includes approximately 7500 acres located on Canyon Lake and the Guadalupe River. Throughout the development of Mystic Shores, protection of the natural features of the Hill Country has been a priority, first for the developer and now for the Property Owners Association (Association).

Construction within Mystic Shores is governed by two documents, the Declaration of Covenants, Conditions and Restrictions, including supplements and amendments (the DCCRs), and the Architectural and Site Design Guidelines (Guidelines). These documents describe the “vision” of the development and provide explicit requirements and guidance on how the vision is to be applied to construction projects. When you purchased your Mystic Shores property, a copy of the documents applicable to your property should have been provided to you by your title company. All DCCRs and the Guidelines are also available from the Association website: www.mysticshorespoa.com.

The Architectural Control Committee (ACC) review process is a very important part of maintaining the character of our Mystic Shores community. The ACC is comprised solely of volunteer property owners who are giving their time for our community. It is their duty to ensure that our DCCRs and Guidelines are followed in the construction process.

Projects that Require Review

The scope of construction and *exterior* changes that are subject to review are described in the DCCRs, Sections 9 and 10, and in the Guidelines. The scope includes, but is not limited to, any construction, excavation, grading or other site work, land contour changes, storage or other sheds, fencing and landscaping. The scope is extensive, and owners should consult these documents before beginning any exterior projects to determine if review is necessary and to avoid the possible imposition of fines for unapproved projects.

Application Process

Owners should first read the DCCRs, including any supplemental DCCRs that apply to their unit, and the Guidelines. **The ACC assumes that all applicants have read and understood these documents and have considered them in designing their project.** We realize that this is a lot of documentation to read; however, for most owners, their home in Mystic Shores will be a significant investment. Your contractor



APPENDIX E Landscaping or Similar Project, Pool, Fencing or Retaining Wall

and designer should be able to help you understand the DCCRs and Guidelines and an ACC member will be available for questions during your submittal and construction process. Owners should read the appropriate application package to determine the forms, documents, drawings, materials samples and fees that must be submitted for their project. **Please note that the owner is responsible for proper completion of the application and compliance with the DCCRs and Guidelines.**

The completed package should be sent to the Association's manager, at the address indicated on the application package.

Upon receipt, the package is reviewed by the manager to determine if it is complete. An incomplete package will be returned to the owner and the review period will not start until a completed package is received.

Complete packages will be sent to the ACC for review. A member of the ACC will be assigned to manage the application through the review process and to contact the owner if there are questions regarding the application. The purpose of the review is to confirm that the project complies with the requirements and guidance of the DCCRs and Guidelines and to identify any changes needed to bring the project into compliance.

At the conclusion of the review process, or within 30 days, whichever occurs first, the owner is advised of the ACC's decision:

- In the case of approvals, an approval letter will be sent to the owner and the ACC will monitor the progress of the project until it is completed.
- If additional information is needed, an ACC representative will contact the owner. The 30 day review period will begin again when the requested additional information is submitted by the owner.
- In the case of denials, owners may modify their application to comply with requirements and resubmit it. In these cases, the review process begins again. Owners may also appeal denials to the Board as provided in the Guidelines.

Conclusion

It is the goal of the Board and the ACC to make the application and review process understandable and consistent, to provide prompt and efficient service to owners, and to protect the interests of the Mystic Shores POA and community, while recognizing the constraints of the volunteers who serve on the Board and ACC.

The ACC welcomes constructive suggestions on how the process can be improved. These suggestions can be submitted through the Mystic Shores website.



**APPENDIX E
Landscaping or Similar Project, Pool, Fencing or Retaining Wall
Cover Page**

Date Submitted: _____

One paper copy to: Mystic Shores Property Owners Association c/o Diamond Association Mgmt & Consulting 14603 Huebner Rd, Bldg 40 San Antonio, TX 78230	A pdf (digital) copy for entry into the ACC tracking system to: ACC@damctx.com
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Type of Application		
<input type="checkbox"/> New Submission	<input type="checkbox"/> Resubmission	
Type of Construction or Use		
<input type="checkbox"/> Landscaping or Similar Project (including Patios, Gazebos, Water Features, etc.)	<input type="checkbox"/> Fencing and/or Retaining Wall	
<input type="checkbox"/> Pool	<input type="checkbox"/> Other	
Lot Number:	Unit Number:	Address:
Property Owner Name: _____		
Mailing Address: _____		
Telephone/Fax: _____		
Email: _____		
Contractor Name: _____		
Address: _____		
Telephone/Fax: _____		
Email: _____		
Architect/Designer Name: _____		
Address: _____		
Telephone/Fax: _____		
Email: _____		



APPENDIX E: Application for Landscaping or Similar Project, Pool, Fencing or Retaining Wall
Page 1 of 2

Your application must contain the applicable information. Please ensure that you have submitted a complete package of information by checking the boxes and indicating the pages in the submittal that provide the required information. Please be sure your plans meet the requirements for your Unit before submitting them. All documents should indicate the names of the Owner.

Type of Project		
<input type="checkbox"/> Landscaping, Plant Installations	<input type="checkbox"/> Ponds, Fountains or Other Water Features	
<input type="checkbox"/> Swimming Pool	<input type="checkbox"/> Perimeter and Privacy Fencing	
<input type="checkbox"/> Gazebo, Pergola, Arbor or Other Exterior Structure with Open sides and a Solid or Latticed Roof	<input type="checkbox"/> Retaining or Free-Standing Walls	
	<input type="checkbox"/> Patios or Terraces	
	<input type="checkbox"/> Other (Describe):	
Required Documents	Page Number	Office Use
For All Projects: Existing conditions, minimum scale 1" = 20', with the following information: <input type="checkbox"/> North Arrow and Scale <input type="checkbox"/> Property lines with dimensions and bearings <input type="checkbox"/> Grade contours indicated at 2' intervals <input type="checkbox"/> Setback lines <input type="checkbox"/> Easement lines <input type="checkbox"/> Street names <input type="checkbox"/> Existing improvements, including buildings, landscape features, driveways, etc <input type="checkbox"/> Outline of exterior walls, decks and driveways on adjacent lots		
For All Projects: Site Plan , minimum scale 1" = 20', with the following (may be added to existing conditions diagram) <input type="checkbox"/> Proposed location of improvements <input type="checkbox"/> Distance from corner of closest improvement to nearest property line <input type="checkbox"/> Proposed changes to lot contours or grades		
Pool or Spa Plans Only <input type="checkbox"/> Detailed computer-generated drawing of pool and pump/filter equipment areas (Scale 1/4"=1 foot) <input type="checkbox"/> Detailed plans for any privacy fences, decking, landscaping, trellises, equipment screening walls (Scale 1/4"=1 foot) <input type="checkbox"/> List of materials, including type of materials for pool construction and representative color samples for pool materials. Note: Digital photographs, showing true colors , of materials may be emailed to ACC@damctx.com . The ACC may request actual samples if true colors are not shown.		



APPENDIX E: Application for Landscaping or Similar Project, Pool, Fencing or Retaining Wall
Page 2 of 2

Pool or Spa Plans, Continued <input type="checkbox"/> List of materials for landscaping, decking, fences, etc. associated with pool construction and representative material and color samples	Page Number	Office Use
Landscaping and Plant Installation Plans Only (minimum 1"=20ft) (may be added to site plan) <input type="checkbox"/> Location of all structures (including decks, trellises, fences, gazebos, pavement and utilities) <input type="checkbox"/> Location of all lawn areas and shrub bed lines <input type="checkbox"/> Location of all proposed plant material <input type="checkbox"/> Plant list with quantities, botanical names, common names, sizes and specifications <input type="checkbox"/> Total area of lawn in square feet and as a percentage of the site <input type="checkbox"/> Illustrations of how exposed foundation walls exceeding 8" will be treated <input type="checkbox"/> Irrigation plan		
Fencing Only <input type="checkbox"/> Privacy fencing: Indicate fence and gate locations on site plan <input type="checkbox"/> Perimeter fencing: Describe fence location in terms of setback from lot lines and indicate gate locations Perimeter and Privacy Fencing: <input type="checkbox"/> Describe fence and gate materials and color <input type="checkbox"/> Describe fence and gate dimensions <input type="checkbox"/> Provide photo or drawing of gate(s)		
All Other Projects <input type="checkbox"/> Indicate project location on site plan <input type="checkbox"/> Indicate project dimensions <input type="checkbox"/> Provide other descriptions, pictures, photographs and drawings as needed to describe project		
Other Comments (Optional)		
Plan Review Fee: None, unless project includes a roofed structure that must be reviewed by the ACC's design consultant (contact an ACC representative if you are not sure if a fee is required). Plan Review Fee if required: \$100 (check, money order or cashier's check payable to Mystic Shores Property Owners Association; non-refundable)		



**APPENDIX E
AGREEMENT**

As the property owner and contractor of the described construction project, we acknowledge and agree that the improvements will be constructed in accordance with the plans and specifications approved by the Architectural Control Committee.

We further acknowledge that:

1. We have read and understand the Declaration of Covenants, Conditions and Restrictions, including any supplemental covenants, and Design Guidelines applicable to the property, and will follow and obey said Covenants and Guidelines.
2. We are responsible for completing this project as described by the drawings, plans and specifications approved by the ACC. Any change to the approved drawings, plans and specifications will be submitted to the ACC for approval prior to beginning construction for the change.
3. We will maintain a clean construction site at all times and install a builder sign (for new residence only), commercial trash dumpster, job toilet, and construction entrance in conformance with Design Guidelines and Workplace Standards. We understand that if contractors do not comply with standards, we (the property owner/s) is/are subject to fines for any violations at the discretion of the ACC and/or Board and we will be billed for the amount due.
4. We (and any subcontractors) will conduct *exterior* construction activities in Mystic Shores only between the hours of 7 am and 7 pm, Monday through Saturday, *except*: (a) concrete pours may begin at 6 am, Monday through Saturday; and (b) no exterior construction activities are permitted on New Year's Day, Memorial Day, July 4th, Thanksgiving Day or Christmas Day. The foregoing limitations do not apply to *interior* construction activities by contractors or owners or maintenance activities by owners.
5. We are responsible for the conduct of all workers and subcontractors performing services on this project at all times while construction is underway on the lot.
6. We understand that the contractor and/or property owner is responsible for applying for all utilities (including, but not limited to, electricity, water and propane) in a timely manner. Mystic Shores POA and the ACC will not be held responsible for construction delays due to the contractors/owners failure to apply for utilities in a timely manner or for any other reason. Furthermore, Mystic Shores POA and the ACC will not be held liable for the failure of any utility to provide their services to the contractor/owner in a timely manner.
7. We understand that we are responsible for obtaining all applicable permits from the county (for example, septic and driveway permits), or from any other government agency as required, and providing a copy of said permits to the ACC to demonstrate compliance.

Property Owner(s): _____ Date: _____
 _____ Date: _____

Contractor: _____ Date: _____



APPENDIX E
CONTRACTOR'S ACKNOWLEDGEMENT

All contractors are required to follow these **Workplace Standards** in this Community.

Mystic Shores is a "Clean Site" Community

All contractors are required to do the following **prior** to starting construction and **throughout** the construction process, unless the approval letter states otherwise:

- Place a commercial trash dumpster on the lot as required by Section 4.03 of the Mystic Shores Architectural and Site Design Guidelines (Guidelines)
- Place a port-a-john on the lot as required by the Section 4.03 of the Guidelines
- Install a construction entrance and driveway (minimum of 3" to 5" diameter rock) as required by the Section 4.04 of the Guidelines

All contractors are required to do the following **throughout** the construction process:

- Site must be kept clean at all times – trash must be picked up daily and removed or placed in dumpster
- Keep all paved roads clear of construction site mud or debris
- Prohibit and prevent fires of any size, for any reason; comply with county or other relevant jurisdiction fire prevention requirements

Contractors are required to continuously abide by these **Workplace Standards** while in the Community.

Violations are subject to fines, at the discretion of the Architectural Control Committee, and/or the Board of Directors.

Acknowledged:

Contractor: _____

Date: _____

Owner: _____

Date: _____



APPENDIX F
Mystic Shores Property Owners Association, ACC Design Guidelines
Information for Construction Applicants
Other Projects or Uses

Introduction

The purpose of this document is to provide property owners a better understanding of the Construction Application process and the forms that must be completed and documents that must be provided as part of that process.

Background

Mystic Shores is a planned community that includes approximately 7500 acres located on Canyon Lake and the Guadalupe River. Throughout the development of Mystic Shores, protection of the natural features of the Hill Country has been a priority, first for the developer and now for the Property Owners Association (Association).

Construction within Mystic Shores is governed by two documents, the Declaration of Covenants, Conditions and Restrictions, including supplements and amendments (the DCCRs), and the Architectural and Site Design Guidelines (Guidelines). These documents describe the “vision” of the development and provide explicit requirements and guidance on how the vision is to be applied to construction projects. When you purchased your Mystic Shores property, a copy of the documents applicable to your property should have been provided to you by your title company. All DCCRs and the Guidelines are also available from the Association website: www.mysticshorespoa.com.

The Architectural Control Committee (ACC) review process is a very important part of maintaining the character of our Mystic Shores community. The ACC is comprised solely of volunteer property owners who are giving their time for our community. It is their duty to ensure that our DCCRs and Guidelines are followed in the construction process.

Projects that Require Review

The scope of construction and *exterior* changes that are subject to review are described in the DCCRs, Sections 9 and 10, and in the Guidelines. The scope includes, but is not limited to, any construction, excavation, grading or other site work, land contour changes, storage or other sheds, fencing and landscaping. The scope is extensive, and owners should consult these documents before beginning any exterior projects to determine if review is necessary and to avoid the possible imposition of fines for unapproved projects.

Application Process

Owners should first read the DCCRs, including any supplemental DCCRs that apply to their unit, and the Guidelines. **The ACC assumes that all applicants have read and understood these documents and have considered them in designing their project.** We realize that this is a lot of documentation to read; however, for most owners, their home in Mystic Shores will be a significant investment. Your contractor



APPENDIX F Other Projects or Uses

and designer should be able to help you understand the DCCRs and Guidelines and an ACC member will be available for questions during your submittal and construction process. Owners should read the appropriate application package to determine the forms, documents, drawings and materials samples that must be submitted for their project. **Please note that the owner is responsible for proper completion of the application and compliance with the DCCRs and Guidelines.**

The completed package should be sent to the Association's manager, at the address indicated on the application package.

Upon receipt, the package is reviewed by the manager to determine if it is complete. An incomplete package will be returned to the owner and the review period will not start until a completed package is received.

Complete packages for most projects will be sent concurrently to the Association's architectural consultant and to the ACC for review. A member of the ACC will be assigned to manage the application through the review process and to contact the owner if there are questions regarding the application. The purpose of the review is to confirm that the project complies with the requirements and guidance of the DCCRs and Guidelines and to identify any changes needed to bring the project into compliance.

At the conclusion of the review process, or within 30 days, whichever occurs first, the owner is advised of the ACC's decision:

- In the case of approvals, an approval letter will be sent to the owner and the ACC will monitor the progress of the project until it is completed.
- If additional information is needed, an ACC representative will contact the owner. The 30 day review period will begin again when the requested additional information is submitted by the owner.
- In the case of denials, owners may modify their application to comply with requirements and resubmit it. In these cases, the review process begins again. Owners may also appeal denials to the Board as provided in the Guidelines.

Conclusion

It is the goal of the Board and the ACC to make the application and review process understandable and consistent, to provide prompt and efficient service to owners, and to protect the interests of the Mystic Shores POA and community, while recognizing the constraints of the volunteers who serve on the Board and ACC.

The ACC welcomes constructive suggestions on how the process can be improved. These suggestions can be submitted through the Mystic Shores website.



**APPENDIX F
Other Projects or Uses – Cover Page**

Date Submitted: _____

One paper copy to: Mystic Shores Property Owners Association c/o Diamond Association Mgmt & Consulting 14603 Huebner Rd, Bldg 40 San Antonio, TX 78230	A pdf (digital) copy for entry into the ACC tracking system to: ACC@damctx.com
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Type of Application	
<input type="checkbox"/> New Submission	<input type="checkbox"/> Resubmission
Type of Construction or Use	
<input type="checkbox"/> Water well <input type="checkbox"/> Energy generation – including solar and wind <input type="checkbox"/> Rainwater collection	<input type="checkbox"/> Small screening project <input type="checkbox"/> Play equipment such as swing sets or basketball hoops <input type="checkbox"/> Other – Describe:

Lot Number:	Unit Number:	Address:
-------------	--------------	----------

Property Owner Name:	_____
Mailing Address:	_____
Telephone/Fax:	_____
Email:	_____
Contractor Name:	_____
Address:	_____
Telephone/Fax:	_____
Email:	_____
Architect/Designer Name:	_____
Address:	_____
Telephone/Fax:	_____
Email:	_____



APPENDIX F

Application for Other Projects or Uses Page 1 of 3

Your application must contain two sets of the following information. Please ensure that you have submitted a complete package of information by checking the boxes and indicating the pages in the submittal that provide the required information. Please be sure your plans meet the requirements for your Unit before submitting them. All documents should indicate the names of the Owner.

<input type="checkbox"/> Water well <input type="checkbox"/> Energy generation – solar or wind <input type="checkbox"/> Rainwater collection <input type="checkbox"/> Small screening project	Type of Project <input type="checkbox"/> Play equipment such as swing sets or basketball hoops <input type="checkbox"/> Other – Describe:	
Required Documents – Play Equipment, Small Screening	Page Number	Office Use
<input type="checkbox"/> Play equipment: Describe equipment and indicate location on lot <input type="checkbox"/> Screening for garbage cans, utility meters, and similar projects that are 8 feet or less (length and width) and less than 3 feet high: Describe screening and indicate location on lot		
Required Documents – Water Wells, Energy Generation, Rainwater Collection and Other	Page Number	Office Use
Existing conditions , minimum scale 1" = 20', with the following information: <input type="checkbox"/> North Arrow and Scale <input type="checkbox"/> Property lines with dimensions and bearings <input type="checkbox"/> Setback lines <input type="checkbox"/> Easement lines <input type="checkbox"/> Street names <input type="checkbox"/> Existing improvements, including buildings, landscape features <input type="checkbox"/> Color board of existing building(s), if applicable (exterior paint and stain samples, roof and masonry or photos of existing buildings). Note: Digital photographs, showing true colors , of construction materials may be emailed to ACC@damctx.com . The ACC may request actual samples if true colors are not shown. <input type="checkbox"/> Outline of exterior walls, decks and driveways on adjacent lots		
Site Plan , minimum scale 1" = 20', with the following (may be added to existing conditions diagram) <input type="checkbox"/> Proposed location of improvement(s) <input type="checkbox"/> Location of residence <input type="checkbox"/> Distance from corner of closest improvement to nearest property line		



APPENDIX F

Application for Other Projects or Uses
Page 2 of 3

	Page No.	Office Use
<p>Additional Existing Conditions and Site Plan Information for Water Wells Water wells must meet all the requirements of Section 7.10 of the Design Guidelines.</p> <p>Will proposed water well be installed within 80 feet of any lot line, other than a lot line that is immediately adjacent to a road? <input type="checkbox"/> No <input type="checkbox"/> Yes</p> <p>If Yes, the following information must be submitted: <input type="checkbox"/> For all lots with lot lines adjacent to the applicant's lot, including offset lots and lots adjacent only at corners: <input type="checkbox"/> Show any existing buildings on the other lots. <input type="checkbox"/> Show any existing septic tanks and drain or spray septic fields on the other lots, and the distance from the closest corner of such tank or field to the proposed location of the water well.</p> <p>Note that water wells: (1) must be located at least 100 feet from any septic spray field, (2) must be located 50 feet or more from any septic tank, and (3) may not be located closer than 80 feet to any vacant lot, unless well is pressure cemented to meet state regulations.</p> <p>Will any part of the well be located closer to the front property line than the front of the house? <input type="checkbox"/> No <input type="checkbox"/> Yes</p> <p>If Yes, the following information must be submitted: <input type="checkbox"/> Show proposed location and dimensions of wellhead and tanks. <input type="checkbox"/> Show proposed method of concealment for wellhead.</p> <p>Note that: (1) Wells located closer to the front property line than the front of the house must have a wellhead no greater in height than 18". (2) Wellheads must be concealed.</p> <p>Pressure tanks cannot be installed closer to the front property line than the front of the house and must be concealed in accordance with Section 7.10 of the Design Guidelines.</p>		



APPENDIX F Application for Other Projects or Uses Page 3 of 3		
Description, Pictures and Illustrations of Other Improvement(s)	Page No.	Office Use
<i>Water well, pump, and/or tank:</i> <input type="checkbox"/> Provide dimensions of pad, pump, water tanks and well house. <input type="checkbox"/> Describe and illustrate well house materials. Note: Digital photographs, showing true colors , of construction materials may be emailed to ACC@damctx.com . The ACC may request actual samples if true colors are not shown. <input type="checkbox"/> Describe and illustrate screening that will be installed		
<i>Rainwater collection:</i> <input type="checkbox"/> Describe and illustrate equipment and tank locations and screening that will be installed		
<i>Solar collection:</i> <input type="checkbox"/> Describe equipment and screening that will be installed <input type="checkbox"/> If rooftop solar collection will be used, provide a diagram of the roof and describe and illustrate sight lines from roads		
<i>Other:</i> <input type="checkbox"/> Provide description and illustration		
Plan Review Fee: None		



**APPENDIX F
AGREEMENT**

As the property owner and contractor of the described construction project, we acknowledge and agree that the improvements will be constructed in accordance with the plans and specifications approved by the Architectural Control Committee.

We further acknowledge that:

1. We have read and understand the Declaration of Covenants, Conditions and Restrictions, including any supplemental covenants, and Design Guidelines applicable to the property, and will follow and obey said Covenants and Guidelines.
2. We are responsible for completing this project as described by the drawings, plans and specifications approved by the ACC. Any change to the approved drawings, plans and specifications will be submitted to the ACC for approval prior to beginning construction for the change.
3. We will maintain a clean construction site at all times and install a builder sign (for new residence only), commercial trash dumpster, job toilet, and construction entrance in conformance with Design Guidelines and Workplace Standards. We understand that if contractors do not comply with standards, we (the property owner/s) is/are subject to fines for any violations at the discretion of the ACC and/or Board and we will be billed for the amount due.
4. We (and any subcontractors) will conduct *exterior* construction activities in Mystic Shores only between the hours of 7 am and 7 pm, Monday through Saturday, *except*: (a) concrete pours may begin at 6 am, Monday through Saturday; and (b) no exterior construction activities are permitted on New Year's Day, Memorial Day, July 4th, Thanksgiving Day or Christmas Day. The foregoing limitations do not apply to *interior* construction activities by contractors or owners or maintenance activities by owners.
5. We are responsible for the conduct of all workers and subcontractors performing services on this project at all times while construction is underway on the lot.
6. We understand that the contractor and/or property owner is responsible for applying for all utilities (including, but not limited to, electricity, water and propane) in a timely manner. Mystic Shores POA and the ACC will not be held responsible for construction delays due to the contractors/owners failure to apply for utilities in a timely manner or for any other reason. Furthermore, Mystic Shores POA and the ACC will not be held liable for the failure of any utility to provide their services to the contractor/owner in a timely manner.
7. We understand that we are responsible for obtaining all applicable permits from the county (for example, septic and driveway permits), or from any other government agency as required, and providing a copy of said permits to the ACC to demonstrate compliance.

Property Owner(s): _____ Date: _____
 _____ Date: _____

Contractor: _____ Date: _____



**APPENDIX F
CONTRACTOR'S ACKNOWLEDGEMENT**

All contractors are required to follow these **Workplace Standards** in this Community.

Mystic Shores is a "Clean Site" Community

All contractors are required to do the following **prior** to starting construction and **throughout** the construction process, unless the approval letter states otherwise:

- Place a commercial trash dumpster on the lot as required by the Mystic Shores Architectural and Site Design Guidelines (Guidelines)
- Place a port-a-john on the lot as required by the Guidelines

All contractors are required to do the following **throughout** the construction process:

- Site must be kept clean at all times – trash must be picked up daily and removed or placed in dumpster
- Keep all paved roads clear of construction site mud or debris
- Prohibit and prevent fires of any size, for any reason; comply with county or other relevant jurisdiction fire prevention requirements

Contractors are required to continuously abide by these **Workplace Standards** while in the Community.

Violations are subject to fines, at the discretion of the Architectural Control Committee, and/or the Board of Directors.

Acknowledged:

Contractor: _____

Date: _____

Owner: _____

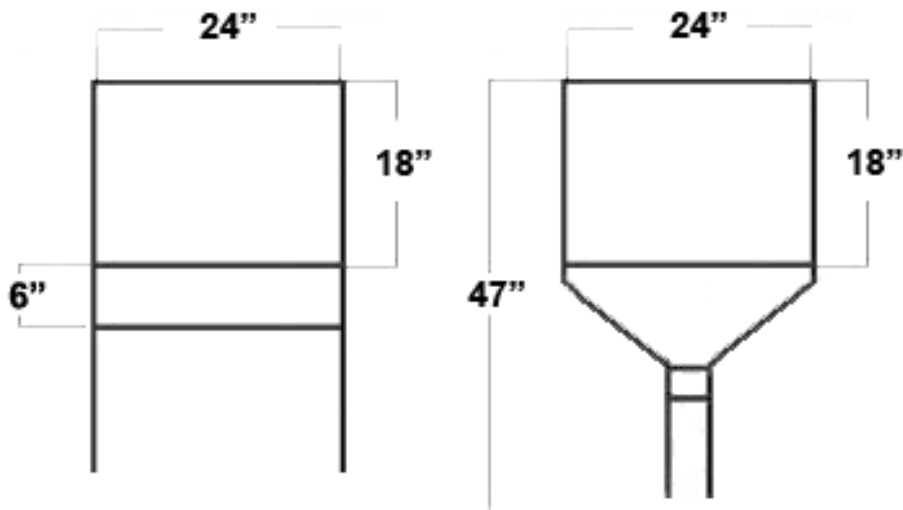
Date: _____



APPENDIX G
Mystic Shores Property Owners Association
Signs

In accordance with Section 10.02 of the ACC Design Guidelines, each home that is either under construction or completed may have one (1) industry standard "For Sale" sign. The sign must be placed by the lot's road frontage. Allowable signage is indicated in the following:

FOR SALE SIGN SAMPLE



Two Industry Standard "Banjo" Style For Sale Signs
Also known as "Picture Frame" signs



For Sale Sign w/out Rider



For Sale with Rider





Maximum For Sale Sign Dimensions: 18" x 24"

Allowance for a 24" x 6" rider is optional.

All Colors Allowed For Text. No Handwritten Signs

The use of weather resistant, rigid poster material such as corrugated plastic, aluminum or other metal is required. No cardboard or paper.

Metal frame should consist of 3/8" round rod and 1/8" x 3/4" flat bar or greater, for rigidity.

Sign must be affixed in the ground and must be placed no closer than 10 feet from the front property line and 25 feet from each sideline of the property.

Wildlife Habitat Signs



In accordance with Section 10.02 of the ACC Design Guidelines, each home may have one (1) Texas Wildlife Backyard Habitat sign or one (1) National Wildlife Federation Certified Habitat sign. The sign must be placed by the lot's road frontage. Allowable signage is indicated in the following:



Signs supplied by Texas Parks and Wildlife, indicating certification of the individual property as a Texas Backyard

Wildlife Habitat. The aluminum sign is designed to be fastened to a wooden post/stake and driven into the ground for display in the property owner's front yard, no closer than 10 feet from the front property line facing the roadway and near the driveway. It should be no greater than 24" in height above the ground. These signs are approximately 8" x 11" and are available for purchase after obtaining Backyard Wildlife Habitat certification from TP&W.

Signs sold by the National Wildlife Federation, indicating certification of the individual property as a National Wildlife Federation Certified Wildlife Habitat. The aluminum sign is designed to be fastened to a wooden post/stake and driven into the ground for display in the property owner's front yard, no closer than 10 feet from the front property line facing the roadway and near the driveway. It should be no greater than 24" in height above the ground. These signs are approximately 9" x 12" and are available for purchase after becoming a Certified Wildlife Habitat.



Emergency Response Signs

4
2
9

In accordance with Section 10.02 of the ACC Design Guidelines, each home or lot may have one (1) Emergency Response address sign or marker for each driveway. Allowable signage is indicated in the following:

Signs issued by the relevant local Emergency Service District for the purpose of facilitating emergency responders. The signs are currently double-sided reflective blue with 4" white reflective numbering. The white lettering on blue background format of the signs is designed to enable emergency workers such as local fire or EMS to locate addresses quickly. These markers are installed by the provider near the lot's road frontage.



POA Committee Event Signs

Mystic Shores POA Committees may display signs at the main North and South entrances for POA committee events, such as Yard Sale, Arts/Craft/Bake Sale, community mixers or other social events, and National Night Out, if the signs comply with the following:

- Maximum size of signs 28" x 37"
- One sign may be placed at each of the North and South main entrances to Mystic Shores (Mystic Parkway), or, alternatively, at each mailbox location, during the weekend prior to the event and up to two days prior to the event
- One sign may be placed at each of the mailbox locations on Friday and Saturday on the second and third weeks before the event
- An additional sign may be placed at the event location on the day of the event
- If the event is at the Mystic Shores Community Center or the South mailbox area, no parking and enter and exit signs may be placed along Mystic Parkway on the day of the event
- All signs shall be removed no later than the day after the event



**APPENDIX H
MYSTIC SHORES PROPERTY OWNERS ASSOCIATION
FINES PROCESS**

The following fine procedures and specific assessments are instituted to maintain adherence to the DCCRs and Architectural and Site and Design Guidelines of the Mystic Shores Property Owners Association.¹

Property owners shall initially be notified of violations by the ACC by either email or other written notice. The notice will give the property owner a “reasonable” amount of time to cure the violation(s); provided that burning or fires of any kind on the project site during construction shall be deemed an incurable violation and subject to a \$250.00 fine per occurrence. For all other violations, the ACC, at its sole discretion, shall determine what a reasonable cure time is for each violation and shall follow the process described below.

If the violation is not cured in the designated amount of time, notification of the violation shall be in writing and delivered by certified mail or as otherwise permitted by Texas law, and shall include:

- (i) the nature of the alleged violation and the specific date by which the violation must be cured;
- (ii) the proposed sanction to be imposed;
- (iii) a statement that the alleged violator may present a written request for a hearing to the Board or to the covenants committee, if one has been appointed pursuant to Article 5 of the Association’s By-laws, within thirty (30) days of the notice;
- (iv) a statement that the hearing, if held before the covenants committee, may be appealed to the Board as set forth in the By-Laws;
- (v) a statement that the owner may have special rights or relief related to the enforcement action under federal law, including the Servicemembers Civil Relief Act (50 U.S.C. app. Section 501 et seq.), if you are serving on active military duty; and
- (vi) a statement that the proposed sanction shall be imposed as contained in the notice unless a request for a hearing is received within the thirty (30) day period.

If a timely request is not received, the sanction stated in the notice shall be imposed; provided, however, the Board or covenants committee may, but shall not be obligated to, suspend any proposed sanction if the violation is cured within the thirty (30) days period. Such suspension shall not constitute a waiver of the right to sanction future violations of the same or other provisions and rules by any property owner. In the event of a continuing violation, each day the violation continues beyond the thirty (30) day period shall constitute a separate offense, and fines may be imposed on a per diem basis without further notice to the violator. It is the responsibility of the violator to contact the ACC for verification that the violation has been satisfactorily resolved. Fines shall continue to accrue until the ACC is notified. In the event a violation recurs within six (6) months from the date of any notice hereunder, the Board or covenants committee may impose a sanction without further notice to the violator.²

Restrictive Covenant/Architectural and Site Design Guidelines Violation	Compliance Required Within	Initial Fine Assessed on 31st day and Per Diem every day thereafter
Residence Construction Initiating construction without prior ACC approval	30 Days	Initial Fine = \$2,500 Per Diem Fine = \$200
Residence Construction Plan modification without prior ACC approval	30 Days	Initial Fine = \$1,500 Per Diem Fine = \$150
Residence Construction Not completed within 1 year without prior ACC approval	30 Days	Initial Fine = \$1,500 Per Diem Fine = \$150



Residence Construction Exterior Modifications to residence without prior ACC approval	30 Days	Initial Fine = \$1,500 Per Diem Fine = \$150
Additional Structure Construction Initiating construction without prior ACC approval	30 Days	Initial Fine = \$1,500 Per Diem Fine = \$150
Additional Structure Construction Plan modification without prior ACC approval	30 Days	Initial Fine = \$1,500 Per Diem Fine = \$150
Driveway No driveway or driveway not in compliance with ACC Specifications	30 Days	Initial Fine = \$1,000 Per Diem Fine = \$100
Fence Construction Initiating construction without prior ACC approval	30 Days	Initial Fine = \$250 Per Diem Fine = \$50
Fence Construction Plan modification without prior ACC approval	30 Days	Initial Fine = \$250 Per Diem Fine = \$50
Deck Construction Initiating construction without prior ACC approval	30 Days	Initial Fine = \$250 Per Diem Fine = \$50
Deck Construction Plan modification without prior ACC approval	30 days	Initial Fine = \$250 Per Diem Fine = \$50
Pool Construction Initiating construction without prior ACC approval	30 Days	Initial Fine = \$250 Per Diem Fine = \$50
Pool Construction Plan modification without prior ACC approval	30 Days	Initial Fine = \$250 Per Diem Fine = \$50
Landscaping Not supplying plans to ACC at least 30 days prior to residence completion	30 Days	Initial Fine = \$250 Per Diem Fine = \$50
Landscaping – Plan Variance Plan modification without prior ACC approval	30 Days	Initial Fine = \$250 Per Diem Fine = \$50
Construction Projects Other Than New Residence Not completed within specified time without prior ACC approval	30 Days	Initial Fine = \$250 Per Diem Fine = \$50
Excessive Build-up of Building Materials and Trash Excess discarded building materials and trash on worksite	30 Days	Initial Fine = \$150 Per Diem Fine = \$50
Dumpster not on Building Site At time of site work	30 Days	Initial Fine = \$150 Per Diem Fine = \$50
Dumpster not Emptied In overflowing condition for more than 3 days	30 Days	Initial Fine = \$150 Per Diem Fine = \$50
Improper or No Builders Sign on Building Site At time of site work	30 Days	Initial Fine = \$150 Per Diem Fine = \$50
Port-a-John not on Building Site At time of site work	30 Days	Initial Fine = \$150 Per Diem Fine = \$50
Improper or No Construction Road At time of site work	30 Days	Initial Fine = \$150 Per Diem Fine = \$50
Leaving Debris, Dirt or Mud on Subdivision Roadways By Contractor or Subcontractor vehicles	30 Days	Initial Fine = \$150 Per Diem Fine = \$50
Unauthorized Signs Signs not authorized by ACC or not removed in approved timeframe	30 Days	Initial Fine = \$150 Per Diem Fine = \$50
Propane Tank Visible from Street of Residence or closure not in adherence to Guidelines	30 Days	Initial Fine = \$150 Per Diem Fine = \$50
Other Violation	30 Days	Initial Fine = \$150 Per Diem Fine = \$50

¹ Bylaws, Article 3.24 (a), Association Authority

² Bylaws, Article 3.24 (b), Notice.



APPENDIX I
MYSTIC SHORES PROPERTY OWNERS ASSOCIATION
TEXAS LAWS: FLAG DISPLAYS, SOLAR ENERGY DEVICES,
RAINWATER HARVESTING SYSTEMS, POLITICAL SIGNS. RELIGIOUS SYMBOLS

The following is a summary of certain Texas laws that is intended to assist the ACC in evaluating applications for certain projects in Mystic Shores. It is not intended to be legal advice to any property owner. In case of any errors in this summary or any future amendments to the laws, applicable Texas law shall control. Any exterior improvement to a structure or lot in Mystic Shores must be approved by the ACC, unless Texas law prohibits the ACC from regulating or approving such improvement. See Article 9 of the Master DCCRs, especially Sections 9.1 and 9.4.

Flag Displays

POAs must permit owner to display the US, Texas, or military branch flag, with permissible limitations.

The ACC may require that:

- U.S. and Texas flags be displayed in accordance with the US/Texas flag code;
- a flagpole (freestanding or attached to a dwelling) be constructed of permanent, long-lasting materials, with an appropriate finish that is harmonious with the dwelling;
- the display comply with all applicable zoning ordinances, easements, and setback requirements;
- the flag and flagpole be maintained in good condition and any deteriorated flag or structurally unsafe flagpole be repaired, replaced, or removed;

The POA also may regulate:

- the size, number, and location of flagpoles displayed (except the regulation must allow a minimum of at least one flagpole per property that is not more than 20 feet in height);
- the size of a flag;
- the size, location, and intensity of any lights used to illuminate a flag; and
- reasonable restrictions on noise caused by an external halyard (hoisting rope) or flagpole.

The POA may prohibit owners from locating flags or flagpoles on common areas or common elements.

[Texas Property Code Section 202.011]

Solar Energy Devices

POAs must permit owners to install solar energy devices with certain permissible limitations.

The ACC may prohibit installation of a device that:

- is found by a court to threaten public health or safety or violate a law;
- is located on property owned or maintained by the POA;
- is located in common elements;



- is located anywhere but on the owner's roof (on home or other allowed structure) or in owner's fenced yard or patio;
- if mounted on the roof:
 - extends beyond the roofline,
 - has an edge that is not parallel to the roofline,
 - does not conform to the slope of the roof, or
 - is located in an area other than as designated by the ACC, unless the alternate location desired by the owner would increase the estimated annual energy production by more than 10%;
- has a frame, support bracket or visible piping or wiring that is not a silver, bronze or black tone commonly available in the marketplace;
- is taller than the fence line;
- is installed in a manner that voids material warranties;
- is installed without prior approval by the ACC; or
- would "substantially interfere with the use and enjoyment of land by causing unreasonable discomfort or annoyance to persons of ordinary sensibilities."

[Texas Property Code Section 202.010]

Rainwater Harvesting Systems

POAs must permit owners to install and use rainwater harvesting systems if they meet certain architectural requirements.

The ACC may prohibit installation by owners of a system on:

- property owned by the POA,
- common elements, or
- an owner's property between the front building line and the street.

The ACC also may:

- prevent owners from installing devices that are a different color than or inconsistent with the home's color scheme;
- prohibit devices that display language or other content that is not typically displayed as manufactured; and
- regulate the size, type, shielding of, and materials used in the construction and/or installation of the device(s) if located on side of house or visible from the street, another lot or common area.

However, the regulations cannot make it economically impossible to install the device(s) on the owner's property if there is a reasonably sufficient area on the owner's property to install the device.

[Texas Property Code Section 202.007(d)(6) & (7)]



Political Signs

POAs must permit owners to display signs advertising a political candidate or ballot item for an election:

- on or after the 90th day before the date of the election to which the sign relates; or
- before the 10th day after that election date.

The ACC may:

- require a sign to be ground-mounted; and
- limit a property owner to displaying only one sign for each candidate or ballot item.

The ACC also may prohibit signs that:

- contain roofing material, siding, paving materials, flora, one or more balloons or lights, or any other similar building, landscaping, or nonstandard decorative component;
- are attached in any way to plant material, a traffic control device, a light, a trailer, a vehicle, or any other existing structure or object;
- include the painting of architectural surfaces;
- threaten the public health or safety;
- are larger than four feet by six feet;
- violate a law;
- contain language, graphics, or any display that would be offensive to the ordinary person; or
- are accompanied by music or other sounds or by streamers or is otherwise distracting to motorists.

The POA may remove a sign displayed in violation of ACC regulations permitted by this section.

[Texas Property Code Section 202.009]

Religious Symbols

POAs must permit an owner or resident to display on the entry to their dwelling one or more religious items the display of which is motivated by the owner's or resident's sincere religious belief; provided, that the ACC or the Board may, to the extent allowed by the constitutions of Texas and the United States, prohibit any such display that:

- threatens the public health or safety;
- violates a law;
- contains language, graphics, or any display that is patently offensive to a passerby;



- is in a location other than the entry door or door frame or extends past the outer edge of the door frame of the owner's or resident's dwelling; or
- individually or in combination with each other religious item displayed or affixed on the entry door or door frame has a total size of greater than 25 square inches.

Except as otherwise provided by Texas law, an owner or resident is not authorized to use a material or color for an entry door or door frame of the owner's or resident's dwelling or make an alteration to the entry door or door frame, unless approved by the ACC.

The Association may remove an item displayed in violation of these Design Guidelines.

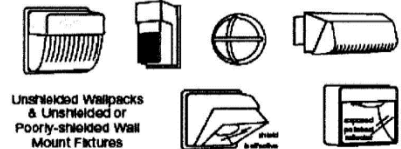
[Texas Property Code Section 202.018]

Note: Texas Property Code Section 202.018 only addresses religious symbols on entries as stated above. The DCCRs and Design Guidelines require prior ACC approval of exterior improvements as stated in Section 9.1 of the DCCRs. Nothing in the DCCRs or Design Guidelines requires prior ACC approval of temporary religious or other holiday displays in Mystic Shores.

APPENDIX J
MYSTIC SHORES PROPERTY OWNERS ASSOCIATION

Better Lights for Better Nights

Help eliminate light pollution. Select the best fixture for your application using this guide. Use the lowest wattage bulb appropriate for the task and turn off the light when it's not being used.

Unacceptable / Discouraged Fixtures that produce glare and light trespass	Acceptable Fixtures that shield the light source to minimize glare and light trespass and to facilitate better vision at night
 <p>Unshielded Floodlights or Poorly-shielded Floodlights</p>	 <p>Full Cutoff Fixtures</p>
 <p>Unshielded Wallpacks & Unshielded or Poorly-shielded Wall Mount Fixtures</p>	 <p>Fully Shielded Wallpack & Wall Mount Fixtures</p>
 <p>Drop-Lens & Sag-Lens Fixtures w/ exposed bulb / refractor lens</p>	 <p>Fully Shielded Fixtures</p>
 <p>Unshielded Streetlight Unshielded Bollards Unshielded Barn Light</p>	 <p>Full Cutoff Streetlight Fully Shielded Barn Light Fully Shielded Walkway Bollards</p>
 <p>Louvered 'Marine' style Fixtures Unshielded 'Period' Style Fixtures</p>	 <p>Fully Shielded Decorative Fixtures Fully Shielded 'Period' Style Fixtures</p>
 <p>Unshielded PAR Floodlights Drop-Lens Canopy Fixtures</p>	 <p>Shielded / Properly-aimed PAR Floodlights Flush Mounted or Side Shielded Under Canopy Fixtures</p>

Presented by Green Earth Lighting LLC

Illustrations by Bob Crelin used with permission. May be copied and freely distributed.



APPENDIX K
MYSTIC SHORES PROPERTY OWNERS ASSOCIATION
BUILDER DEPOSITS AND FINES PROCESS

The following deposit requirements, fines and process shall apply to builders building a new home in Mystic Shores, effective thirty (30) days after Mystic Shores Architectural and Site Design Guidelines (“Design Guidelines”) including this Appendix K are filed in the real property records in Comal County, Texas (the “Effective Date”).

1. Builder Violations.

- a. The following are “**Potential Deposit Violations**” with respect to properties in Mystic Shores:
 - i. Starting new home construction activities before Mystic Shores Architectural Control Committee (“ACC”) approval of the new home application.
 - ii. Starting modifications to new home before ACC approval.
 - iii. Failure to have a commercial dumpster, port-a-john, builder’s sign and construction drive, as required by the Design Guidelines.
 - iv. Failure to keep a clean site, empty a full dumpster or clean road adjacent to construction site, as required by Design Guidelines.
 - v. Builder subcontractor signs on construction site.
 - vi. Failure to complete home by the approved deadline (including any approved extensions).
- b. The following are “**Immediate Deposit Violations**” with respect to properties in Mystic Shores:
 - i. Failure to stop prohibited activities immediately upon receipt of a cease and desist notice from a representative of the Mystic Shores Property Owners Association (the “Association”).
 - ii. Failure to submit a form survey prior to pouring foundation, when form survey is required by the ACC (due to home location being close to setback lines).
 - iii. Foundation poured in location not approved by the ACC.
 - iv. Temporary restraining order to stop construction on a new home obtained due to builder violation of Mystic Shores Declaration of Covenants, Conditions and Restrictions (“DCCRs”) or Design Guidelines.
 - v. Failure to complete new home within 18 months from date of ACC approval, regardless of approved extensions.
 - vi. Having more than one Potential Deposit Violation within two consecutive years.
- c. Potential Deposit Violations and Immediate Deposit Violations are collectively referred to as “**Builder Violations.**”

2. Builder Deposit Required.

- a. Builders receiving a violation notice from the Association’s management company for a Builder Violation after the Effective Date will be required to deposit with the Association a Builder Deposit with any subsequent application for which they are named as the builder, until that builder has not had a Builder Violation for at least two consecutive years.



- b. The Builder Deposit amount will be \$5,000.00 the first time a Builder Deposit is required and will increase by \$5,000.00 each time there is another Builder Violation by the builder until at least two consecutive years have passed without a Builder Violation.
3. Builder Violation and Deposit Requirement Notices.
 - a. *Potential Deposit Violations:*
 - i. For an approved project with a Potential Deposit Violation, the ACC project manager (“PM”) will send one friendly reminder email to the owner and builder stating the Potential Deposit Violation and giving a reasonable time (usually 10 days) to cure. This friendly reminder email will not result in a Builder Deposit requirement, *provided* the Potential Deposit Violation is cured by the deadline stated in the email and the builder has not had a prior Builder Violation. If the Potential Deposit Violation is not cured by the deadline stated in the email, the PM will notify the management company to send a violation notice letter to the owner and builder, stating the Potential Deposit Violation and giving a reasonable time to cure the violation (usually at least 15 days). This notice letter will result in a Builder Deposit being required as stated above, even if the Potential Deposit Violation is cured within the specified time. The notice letter will advise the builder of the Builder Deposit requirement for future new home applications.
 - ii. For a Potential Deposit Violation where there is not an approved project, the management company will send a violation notice letter to the owner and builder, stating the Potential Deposit Violation and giving a reasonable time to cure the violation (at least 15 days). This notice letter will result in a Builder Deposit being required as stated above, even if the Potential Deposit Violation is cured within the specified time. The notice letter will advise the builder of the Builder Deposit requirement for future new home applications.
 - b. *Immediate Deposit Violations:* The management company will send a letter to the builder advising of the Immediate Deposit Violation and the requirement for a Builder Deposit for future new home applications.
 4. Fines Process.
 - a. *Final Notice:* Before any fine is imposed by the Association on a builder, the management company will send a final notice via certified mail, return receipt requested, to the builder. This notice will include, without limitation:
 - i. the nature of the Builder Violation and the specific date by which the violation must be cured;
 - ii. the proposed fine(s) to be imposed;
 - iii. a statement that the builder may present a written request for a hearing to the Board within thirty (30) days of the notice; and
 - iv. a statement that the proposed fine(s) shall be imposed as contained in the notice unless a request for a hearing is received within the thirty (30) day period.
 - b. If a timely request for a hearing is not received, the fine(s) stated in the notice shall be imposed; *provided, however*, the Board may, but shall not be obligated to, suspend any proposed fine(s) if the violation is cured within the thirty (30) day period. Such suspension shall not constitute a waiver of the right to impose fine(s) for future violations by the builder. In the event of a



continuing violation, each day the violation continues beyond the thirty (30) day period shall constitute a separate offense, and fines may be imposed on a per diem basis without further notice to the builder. It is the responsibility of the builder to contact the ACC for verification the violation has been satisfactorily resolved. Fines shall continue to accrue until the ACC is notified. In the event a violation recurs within six (6) months from the date of any notice hereunder, the Board may impose fine(s) without further notice to the builder.

- c. Fine amounts are stated below. Fines will be deducted from the Builder Deposit. If the fines exceed the deposit, the builder will be invoiced for additional fines.
 - d. The owner construction deposit and the fines process in Appendix H of the Design Guidelines will continue to apply. If there is a Builder Deposit for the project; however, the owner will not be fined for Builder Violations until the fines exceed the Builder Deposit amount and the builder does not pay any additional fines within 30 days after receiving the invoice for the additional fines.
 - e. The Builder Deposit will be refunded when the new home is completed, unless fines have been imposed. The refund will not depend on landscaping being completed unless the builder is the landscaping contractor.
 - f. A list of builders which must furnish a Builder Deposit will be maintained by the management company and posted on the Association’s website. The list will contain only the builder name and amount of Builder Deposit required. The list will not include any details such as the owner name and address where the violation(s) occurred or the nature of any violation.
5. Fine amounts. Fines shall be as follows:

Restrictive Covenant/Architectural and Site Design Guidelines Violation	Compliance Required Within	Initial Fine Assessed on 31st day and Per Diem every day thereafter
Residence Construction Initiating construction without prior ACC approval	30 Days	Initial Fine = \$2,500 Per Diem Fine = \$200
Residence Construction Plan modification without prior ACC approval	30 Days	Initial Fine = \$1,500 Per Diem Fine = \$150
Residence Construction Not completed within 1 year without prior ACC approval	30 Days	Initial Fine = \$1,500 Per Diem Fine = \$150
Residence Construction Exterior Modifications to residence without prior ACC approval	30 Days	Initial Fine = \$1,500 Per Diem Fine = \$150
Excessive Build-up of Building Materials and Trash Excess discarded building materials and trash on worksite	30 Days	Initial Fine = \$150 Per Diem Fine = \$50
Dumpster not on Building Site At time of site work	30 Days	Initial Fine = \$150 Per Diem Fine = \$50
Dumpster not Emptied In overflowing condition for more than 3 days	30 Days	Initial Fine = \$150 Per Diem Fine = \$50



Restrictive Covenant/Architectural and Site Design Guidelines Violation	Compliance Required Within	Initial Fine Assessed on 31st day and Per Diem every day thereafter
Improper or No Builders Sign on Building Site At time of site work	30 Days	Initial Fine = \$150 Per Diem Fine = \$50
Port-a-John not on Building Site At time of site work	30 Days	Initial Fine = \$150 Per Diem Fine = \$50
Improper or No Construction Road At time of site work	30 Days	Initial Fine = \$150 Per Diem Fine = \$50
Leaving Debris, Dirt or Mud on Subdivision Roadways By Contractor or Subcontractor vehicles	30 Days	Initial Fine = \$150 Per Diem Fine = \$50
Unauthorized Signs Signs not authorized by ACC or not removed in approved timeframe	30 Days	Initial Fine = \$150 Per Diem Fine = \$50
Other Builder Violation	30 Days	Initial Fine = \$150 Per Diem Fine = \$50



FORM 101
MYSTIC SHORES PROPERTY OWNERS ASSOCIATION
REQUEST FOR VARIANCE

Due to the importance of adhering to the Declaration of Covenants, Conditions and Restrictions, and for the continuity of the community, variances are discouraged. However, when property owners believe they meet the requirements for a variance, they may complete and submit this form to the Architectural Control Committee with their application and plans. The ACC will review variance requests on a case by case basis. Any variance granted is unique and does not set any precedent for future decisions of the ACC.

Date: _____

Homesite (Section/Lot/Property Address): _____

Type of Variance: Set Back _____ Other: _____

Property Owner Name: _____

Mailing Address (if different than above): _____

Telephone: _____

Fax: _____

Email Address: _____

Describe the variance being requested with a short explanation why it will be needed:

(Attach additional pages if needed)

Property Owner Signature: _____

Note: Property owner must mail completed form to: Mystic Shores Property Owners Association, 14603 Huebner Rd, Bldg 40, San Antonio, TX 78230, or email to ACC@damctx.com.



Form 102
MYSTIC SHORES PROPERTY OWNERS ASSOCIATION
REQUEST TO COMBINE ADJOINING LOTS

Date: _____

Homesite (Section/Lots/Property Address): _____

Property Owner: _____

Mailing Address (if different than above): _____

Telephone: _____ **Fax:** _____

Email Address: _____

Property owners must submit a copy of the document from Comal County verifying that they have combined their lots.

Property Owner Signature: _____

Note: Property owner must mail completed form and supporting documents to: Mystic Shores Property Owners Association, c/o Diamond Association Management & Consulting, 14603 Huebner Rd, Bldg 40, San Antonio, TX 78230, or email to ACC@damctx.com.

a/cs

NOTICE OF FILING
OF BOARD OF DIRECTORS
OF MYSTIC SHORES PROPERTY OWNERS ASSOCIATION
ARCHITECTURAL AND SITE DESIGN GUIDELINES



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STATE OF TEXAS §
§
COUNTY OF COMAL §

KNOW ALL PERSONS BY THESE PRESENTS:

WHEREAS, the Declaration of Covenants, Conditions and Restrictions for Mystic Shores (the "DCCRs") was recorded on August 14, 2002 as Clerk's Document No. 200206027138, in the Official Real Property Records of Comal County, Texas; and

WHEREAS, Article 9 of the DCCRs and Article 5 of the By-Laws authorize the Architectural Control Committee ("ACC") and the Board of Directors ("Board") of the Mystic Shore Property Owners Association (the "Association") to amend the Architectural and Site Design Guidelines ("Design Guidelines") for the Mystic Shores subdivision; and

WHEREAS, at duly called meetings of the ACC and the Board on February 24 and March 29, 2021, respectively, at which a quorum was present for each meeting, the ACC and the Board approved the Design Guidelines amendments attached hereto as Exhibit A;

NOW, THEREFORE, notice is hereby given to any persons with any interest in or claims to any parts of the property within the Mystic Shores subdivision of the amendments to Design Guidelines, attached hereto as Exhibit A.

Thus executed this 31 day March 2021

MYSTIC SHORES PROPERTY OWNERS ASSOCIATION



By: Joe Cavanaugh, Secretary

ACKNOWLEDGMENT

STATE OF TEXAS

COUNTY OF COMAL

This instrument was acknowledged before me on the 31st day of March 2021, by Joe Cavanaugh, Secretary of the Mystic Shores Property Owners Association, a Texas non-profit corporation, on its behalf, who stated before me the foregoing was true and correct to the best of his knowledge and belief.


NOTARY, STATE OF TEXAS



AFTER RECORDING, PLEASE RETURN THIS INSTRUMENT TO:

Mystic Shores Property Owners Association * 14603 Huebner Road, Building 40
San Antonio, Texas 78230

Exhibit A

AMENDMENT TO THE MYSTIC SHORES ARCHITECTURAL SITE AND DESIGN GUIDELINES

Section 7.01 of the Mystic Shores Architectural Site and Design Guidelines is hereby amended and restated in full to read as follows:

7.0 Site Requirements: Accessory and Decorative Structures

7.01 Outbuildings

Each home site is limited to outbuildings as defined in the building sites' specific Unit Supplemental Declaration of Covenants, Conditions, and Restrictions. The location and appearance of outbuildings shall be submitted to and approved by the ACC prior to construction. Outbuildings should be architecturally compatible with the home, and similar in color. All outbuildings shall be within the building setback lines and no portion of the outbuilding may be closer to the front property line than the part of the house that is closest to the rear lot line. The building shall be oriented so that access is indirect and their overhead type doors do not open to the street.

Filed and Recorded
Official Public Records
Bobbie Koepf, County Clerk
Comal County, Texas
04/01/2021 11:59:28 AM
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Bobbie Koepf