

ATTACHMENT 1

WATERSMARK DESIGN GUIDELINES

Preamble

As has been the case since the creation of the Declaration of Condominium Regime for WatersMark at Barton Creek Condominium (the "Declaration"), these Guidelines must be read in conjunction with the provisions of the Declaration. To the extent there is a conflict, if any, between these Guidelines and the Declaration, the provisions of the Declaration shall control.

1) Introduction

Surrounded by the Tom Fazio Golf Course at the Barton Creek Country Club with its dramatic hill country views, WatersMark is a special place. In order to take advantage of these attributes each home site will require a different approach in design and construction. The intent of these guidelines is to preserve, protect and enhance the special environment that is WatersMark.

It is expected that the design of each residence will be tailored to the unique features of each lot, such as views, significant existing vegetation, topography, respect for the golf course, as well as to the view and privacy of neighboring residences. The purpose of the WatersMark Design Review Committee (W.D.R.C.) is to evaluate each proposed design for appropriateness to its own lot. The Committee may determine that what is appropriate in one situation may not be appropriate for another. The goal is for the appearance and character of all residences and improvements to harmonize with and enhance their natural surroundings rather than to dominate or contrast sharply with them.

The Austin Hill Country is unlike most others; although it appears rugged it is actually very fragile and requires attention to massing, texture, color, height, materials and landscape in order to create a residence compatible with the natural environment as well as the ability to provide the Owner with a comfortable, livable home to enjoy for many years.

The Owner is encouraged to read The Woods at Barton Creek Architectural Guidelines, Section 6 that traces the history of architecture in the Austin Hill Country. The Woods Guidelines were the basis for much of WatersMark Design Guidelines.

The W.D.R.C. hopes that the approval process, which is heavily reliant on interactive approval rather than lengthy, written rules, will inspire creativity.

2) Review and Approval Process

2.1 Recommended Architects List

The quality of design in WatersMark will be enhanced by the specialized design skills and attention to detail that the architect brings to your residence. The ultimate value of every home is increased if all homes are well designed and compatible.

The W.D.R.C. maintains a list of approved architects who are known to have demonstrated an ability to work successfully in the Austin Hill Country, achieving the goals of high quality and minimum visual impact.

It is essential that the architect have a thorough analysis and understanding of a particular home site, the owner's needs and wishes, and this guideline with the ability to translate these into an excellent building form. It is also important that the architect be able to convey to the W.D.R.C. the concept and design of a proposed residence.

To achieve these results, owners are required to use approved architects included in the WatersMark Approved Architects List.

2.2 Discourage stock plans

It is very probable that a specific design solution may be appropriate for one home site and very inappropriate for another. There is an inherent danger in selecting a stock, "off the shelf" plan from a book or service. Although appealing and functional, a stock plan may not be appropriate to the building footprint and exterior appearance expected in WatersMark. Therefore, before you invest in stock, "off the shelf" plans read these guidelines and consult a WatersMark approved architect as to the ability to modify the plan to meet these guidelines.

2.3 All approvals in writing

All approvals by the WatersMark Design Review Committee shall be in writing.

No verbal approvals or representations by the W.D.R.C. shall be valid or enforceable.

The W.D.R.C. has residents of WatersMark as its members. Because it may be uncomfortable for both the applicant and the W.D.R.C. the Committee reserves the right to discuss an application without the applicant or a representative of the applicant being present. The W.D.R.C. may also vote on an application in private without the applicant or an applicant's representative being present.

In order to ensure compliance with these guidelines, the W.D.R.C. may promulgate forms that must be completed by the applicant before submission of a house plan.

2.4 Variances and approvals not precedent setting

Because each Home site is different no variance that is granted or any house plan that is approved shall set a precedent. All house plans are approved or rejected on a case by case basis. If any member of the WDRC has a beneficial interest in a unit for which a variance is requested that member shall recuse him/herself from the vote.

2.5 Pre-design meeting

To initiate the review and approval process it is a requirement that an Owner and his Architect meet with the WatersMark Design Review Committee. This informal review is to offer guidance prior to the often-expensive design process. The Owner and Architect can discuss any questions about these Guidelines and discuss or present ideas about the proposed residence.

It would be helpful for the Owner to bring pictures of house exteriors that they like and want to borrow from. An owner can give the W.D.R.C. pictures and addresses of houses in Austin that they want their house to resemble.

An appointment for the Pre-design meeting should be made with the W.D.R.C.

2.6 Preliminary design review

After the pre-design meeting, Owners will develop and submit preliminary plans to the W.D.R.C. It is a requirement that an Owner and his Architect meet with the WatersMark Design Review Committee for the preliminary design review. The purpose of the preliminary design review is to ensure that the proposed design conforms to these guidelines before expensive construction drawing are produced.

The preliminary design review submittal shall include 3 copies of the following:

One set of plans of the proposed site plan at a minimum of 1"=10' and two mini sets showing the Home Site, the Construction Site, all building and improvement locations, driveway location, utility locations, air conditioner location, all hard wood trees over 6" in diameter, all cedars over 8" in diameter, existing and proposed site grades, and the location of adjacent home sites and golf cart paths.

Proposed elevations of all sides showing all roof heights from natural grade and finished grade, a roof detail, and floor plans at a minimum of ¼"=1' .

A description of the special place, exterior materials, and any variances or changes in the Home Site or Construction Site that may be requested.

These plans may be hand drawn provided that they convey the design effectively.

All inside and outside corners of the footprint must be staked for WDRC review before preliminary approval will be given.

A 3-D model made to scale or a 3-D computer generated model is required before preliminary approval will be given.

The W.D.R.C. may establish fees to defray the costs of the preliminary design review.

2.7 Final design review

The last step in the review process is the final design review. The final design shall be substantially the same as the preliminary design approved in writing by the W.D.R.C. If substantial changes are made between the Preliminary and Final Review, it is recommended that Preliminary be resubmitted. The final review submittal shall include 3 copies (one full size, two mini size sets) of the following:

- Updated requirements given by the W.D.R.C. upon approval of the preliminary design review
- Additionally, dimensions of all rooms, exterior doors and windows, heights of all chimneys and roof details shall be shown
- An 11 x 24 color copy of sample board will be reviewed and retained by the W.D.R.C. showing:
 - Roof material, color, manufacturer, style number
 - Window schedule, manufacturer, style number, and color
 - Exterior wall material, color, manufacturer, style number
 - Exterior trim material, color, manufacturer, style number
 - Chimney material, color, and chimney cap design
 - A picture of the front door, manufacture, style number
 - A picture of the garage door, manufacturer, style number
 - Stone or rock style and color, mortar color, description of laying technique, and mortar joint technique

The approval of the Design Review Committee of any plans and specifications, and any variances granted by the Design Review Committee shall be valid for a period of 180 days only. (Site owners are directed to page 29 the Declaration of Condominium Regime, Item 6.2(e), for clarification of the 180-day limited validity of WDRC approvals.)

2.8 Approval by the Barton Creek Master Property Owner's Association Architectural Control Committee

To ensure that all of the Barton Creek Community remains an attractive place to live Barton Creek has an overall design review committee that reviews all subdivisions in the entire area.

The Barton Creek Master Property Owner's Association Architectural Control Committee has reviewed and approved the WatersMark Design Guidelines and only if the WatersMark Design Review Committee fails to do its job will the Barton Creek Masters Design Review Committee turn down a house plan previously approved by the W.D.R.C.

At this time, they accept the WatersMark Design Review Committee recommendations and do not require plans be submitted to the Barton Creek MAC.

2.9 Inspections

During construction, the W.D.R.C. or an agent of W.D.R.C. may make inspections to ensure for compliance with the approved plans.

2.10 Changes

During construction no significant changes (i.e. change of façade, roof, window/door size/location) in the exterior plans or materials previously approved by the W.D.R.C. may be undertaken without prior written approval of the W.D.R.C.

Once the residence is completed, no exterior alterations including, but not limited to, colors, materials, additions, or deletions shall be undertaken which will result in significant changes, visible or apparent to the exterior appearance without prior written approval of the W.D.R.C.

2.11 The WatersMark Design Review Committee

The W.D.R.C. shall not be liable in damages to anyone submitting plans or other material to them for approval or to any Home Site Owner by reason of misjudgment or negligence in connection with the approval or disapproval or any plans or other material.

Every owner or other person who submits plans or other material to the W.D.R.C. agrees that he/she will not and waives any right to bring any action or suit against the W.D.R.C. and its members.

2.12 Modification and enforcement

The W.D.R.C. may at any time, amend these Guidelines. As the W.D.R.C. reviews house plans it is inevitable that situations not foreseen will require amendments to these guidelines. Every effort will be made to notify Owners of these changes; however, it is the Owner's responsibility to obtain the latest Guideline.

The WatersMark Association, the W.D.R.C. or any owner shall the right to enforce all terms and provisions of these guidelines any proceeding at law or in equity. The rights of enforcement are more specifically spelled out in Section 14.1 of the Declaration of Condominium Regime for WatersMark at Barton Creek Condominium.

2.13 Estoppel Certificate

Within 10 days after a written request to the W.D.R.C. by any Owner, the W.D.R.C. shall record an estoppel certificate executed by any two of its members certifying with respect to any home site that as of the date thereof either (a) all improvements made or done on said home site comply with these guidelines, or (b) such improvements do not comply, in which event the certificate shall also identify the non-complying improvements.

3) Site Design Guidelines

The natural topography, vegetation, and environment in WatersMark are unique and require special attention to site design and development. Each site has unique features of topography, slope, view, vegetation, and access that need to be analyzed in the design process. The impact of each residence on the golf course and neighboring residences must also be analyzed.

The Austin Hill Country is fragile and because of the exposed limestone, shallow soils, and lack of rain it will take years to naturally mitigate the impacts of disturbance that occurs during development and building. These Site Design Guidelines are intended to provide for the protection of the natural hill country areas. The added benefits are that areas left natural will not need revegetation saving construction dollars and long-term maintenance and that the natural understory vegetation provides screening and privacy from neighboring residences and roads.

3.1 The Home Site

A major modification to a Home Site is a change of more than five feet in any one direction or when a proposed modification moves a Home Site closer than twenty-five feet to an adjacent Home Site or existing home. If an owner requests a major modification all adjacent Home Site owners shall be notified. Approval requires consent of the WDRC, and the written consent of the neighbor adjacent to and affected by the requested variance.

All improvements must be within the Home Site. Roof overhangs may extend beyond the Home Site by a maximum of three feet.

There are circumstances in which to meet the intent of these guidelines that the Home Site should be changed in size, shape, or location. This may be true to preserve trees, rock outcroppings, as well as to design a more appropriate and architecturally pleasing house.

Some minor modifications to the Home Site may be allowed by the W.D.R.C. when justified in the W.D.R.C.'s sole opinion giving consideration to relevant issues such as views, privacy, vegetation, impacts on adjacent Home Sites, and architectural character. A minor modification is a change of no more than five feet in any one direction or when the change moves a Home Site no closer than twenty-five feet to an adjacent Home Site.

3.2 The Home Construction Envelope

The Home Construction Envelope acts as a limit beyond which no construction activity including grading, access and materials storage may take place. As a general rule The Home Construction Envelope is defined as the area located 10 feet outside of the home site and 5 feet outside of the driveway.

The W.D.R.C. understands that additional construction areas will be needed for materials storage, Dumpster location, and equipment access. In order to expand the Home Construction Envelope, the owner shall submit a written request with a drawing. The drawing shall show the locations of materials storage, equipment access areas, and Dumpster location. The drawing shall also show all trees in the proposed Home Construction Envelope and the location of neighboring home sites.

The W.D.R.C. will review the proposed Home Construction Envelope based upon its impact on existing vegetation, neighboring home sites, golf course, and size and practicality of the requested work area. Owners should ask their builders and architects to think out the construction sequence to minimize the area needed.

3.3 Cut and Fill

Typically, residences should be nestled into the land rather than perched on it. Because of the sloping topography of the Austin Hill Country cut and fill of the site may be necessary. Generally, houses that step down a slope should balance the cut and fill at 50% each. Generally, houses that are single level should have 65% cut and 35% fill. The W.D.R.C. may grant exceptions to the general cut and fill rule if the intent to have nestled buildings is met. No exposed fills are allowed; fills shall be contained by retaining walls where possible or revegetated if not. Exposed cuts are allowed if the result is a clean, solid limestone ledge; if not, exposed cuts shall be contained by retaining walls.

3.4 Driveways

Driveways shall be a maximum of 12 feet wide. The first 10 feet of the drive shall be made of exposed aggregate concrete.

Owners are encouraged to investigate the possibility of joint drives with neighboring home sites.

The Home Site Owner will submit the proposed driveway location as part of the preliminary design review. In locating the drive, consideration should be given to maintaining sight distances along the road, minimizing impervious cover, preserving natural vegetation, and the location of adjacent Home Sites.

Supplementary parking areas are considered common areas and may be used by all residents.

3.5 Utility connections

All utility lines connecting the house to the utility systems shall be located in the driveway. The W.D.R.C. may in its sole discretion grant variances to this provision if the proposed utility location preserves existing vegetation.

Before construction plans can be approved, the site owner must locate and record on the plans all utility lines -- gas, electric, water, sewer, phone -- that may be affected by construction. The owner also must demonstrate that construction will not damage the lines or agree to relocate those lines at the owner's expense. WatersMark will make every effort to assist in the location of these lines, but the responsibility for proper location of the lines is solely that of the site owner. Any damage to the lines caused by construction must be paid for by the site owner, and if there is a dispute the WDRC has the sole discretion to decide who is liable, and to deduct costs for line repair from the owner's construction deposit. A form indicating the site owner's agreement with this policy must be signed before construction will be authorized by the WDRC.

A 4" PVC sleeve shall be installed under the driveway, walkways, and all hardscape within 12" of the edge of the street.

3.6 Address Markers

Address markers will be provided by the W.D.R.C. These markers shall be used. No other address marker is allowed.

4) Architectural Guidelines

The intent of these guidelines is to provide a high level of design quality, compatibility, and appropriateness for what is built in WatersMark. The basic objectives are to create and protect real estate values and to create beautiful places to live on this beautiful land.

Each Owner is urged to read the Woods of Barton Creek Architectural Guidelines, Section 6. This Section gives examples of architecture styles appropriate for the Austin Hill Country. Article 5 of the "Declaration of Condominium Regime for WatersMark at Barton Creek" provides additional provisions and restrictions regarding use and occupancy that may further affect any plans to be submitted for approval under these guidelines.

4.1 House Sizes

Houses Built on Home Sites 1, 2, 8, 9, 10, 11, 12, 13, 14, 16, 16, 17, 18, 19, 20, 21, 23, 24, 33, 34, 35, 36, 37, 38, 39, 40, 41, 42, 43, 44, and 45 shall be no less than 2200 nor more than 4400 square feet excluding garages and unenclosed porches. Up to 200 square feet of screened porches or outside rooms may be included in the square footage to meet the minimum.

Houses built on Home Sites 3, 4, 5, 6, 7, 22, 25, 26, 27, 28, 29, 30, 31, 32, 46, 47, 48, 49, 50, 51, 52, and 53 shall be no less than 1900 square feet nor more than 3500 square feet excluding garages and unenclosed porches. Up to 200 square feet of screened porches or outside rooms may be included in the square footage to meet the minimum.

Smaller houses may be approved by the W.D.R.C. if in its sole opinion the design would not result in a residence that would be out of character. The square footage calculation for all homes shall be measured to outside stud dimension.

In addition to the air-conditioned square footage, all Home Sites are allocated a certain amount of impervious cover on which to build a Unit or Building. The allocated Home Site impervious cover is calculated by multiplying the length and width of the original Home Site for that Unit, which is noted on the Unit's survey. In addition, each Home Site is allowed one driveway that connects the garage and the street and one walkway that connects the Unit to the street or driveway. Impervious cover is any surface through which rainwater cannot be absorbed and includes but may not be limited to the footprint of the home, garages, patios, walkways (other than the one allowed), parking spaces (other than the driveway) that are made of stone, pavers or concrete. It also includes walls, stacked stones, pools, spas, and stone planter boxes. Impervious cover does not include landscape steppingstones that are not mortared, metal or wooden fencing, elevated wood decking, river rock, pea gravel, crushed granite, and fountains.

4.2 Special Place

Every residence must have at least one special place that is a personal retreat or refuge. Examples of special places are screened in porches off the master bed room, sleeping porches, private work shops, hidden attic reading rooms, private courtyards, inglenooks with built-in day beds by the fire place, a tower office off of the master bed room, or any other place inside or outside to which an owner may retreat for a quiet moment.

The W.D.R.C. realizes that every owner's idea of a special place is different; therefore, the W.D.R.C. will be very open minded when analyzing the Owner's designation of a place as "special".

4.3 Building Heights

The goal of the height restrictions is to have residences nestle into the land rather than loom above it.

The maximum building height shall be no more than 32 feet measured from natural grade at a point directly beneath the highest point.

A tower with a plate size that is no more than 20 feet in any plan dimension and is no more than 320 square feet may penetrate these height limits but may be no more than 42 feet high measured from natural grade at a point on the Home Site directly beneath the tower.

The W.D.R.C. may consider requests for adjustments to the building height limitations. The criteria for the variances will be the quality of building materials, overall design merit, logic, and common sense. All variances will be made at the sole discretion of the W.D.R.C.

4.4 Building Materials

The goal of the building material guideline is to have houses constructed of materials indigenous to Texas. It is also the goal to have the materials appear to be structural rather than applied to or glued onto the surface of the house.

Houses shall be constructed of stucco or stone quarried in Texas. Wood or brick may be used as an accent. The W.D.R.C. encourages the use of multiple materials, which will give a textural richness to the houses.

Changes in materials at a vertical line shall occur only at interior corners.

No wood or composite siding shall be allowed as a siding material.

No more than 12" at the bottom of the slab may be left exposed; the remainder must be covered with the same material as the exterior wall.

The W.D.R.C. may at its sole discretion allow other building materials but in no case shall brick or wood be allowed as the main building material. The W.D.R.C. will take into consideration the design of the house and structural permanence of the materials in considering variances for materials.

4.5 Roofs

Since roofscapes form an important part of the visual element, they must be carefully designed. The goal of this guideline is to encourage simple roof forms that do not overly add to the visual massiveness of a residence.

Multiple gables or hips facing the street or golf course are strongly discouraged. Mansard roofs are prohibited.

As a general rule all roofs should be standing seam metal of natural colors with a matte finish. Galvanized finishes are not allowed nor are colors such as blue, green, or red.

The W.D.R.C. may at its sole discretion grant variances for other types of metal, clay tile, or wood shake roofs. When considering the variance, the W.D.R.C. will consider the historical architectural style of the house and its compatibility with other residences. For example, clay tile is appropriate for a Spanish villa but not a Texas farmhouse.

Concrete tile roofs are not allowed.

The maximum roof pitch is 9 inches of rise in 12 inches of run. A mix of roof pitches that creates interest is encouraged.

4.6 Building Massing

The intent of these guidelines is to encourage breaking up the massing of the residence. This can be accomplished by separating functions into attached or detached structures. Many uses such as garages, workshops, offices, or guestrooms can be placed into accessory buildings. It can be accomplished by having the second story only cover part of the first level. It can be accomplished by varying the roof types for example mixing gable and shed roof designs.

4.7 Front Doors and Entries

The intent of these guidelines is to encourage entries and front doors that are human in scale and warmly inviting to guests. Entries should be architecturally a part of the house; they should not appear to be added or attached to the front of an otherwise independent structure. No two-story or oversized entries such as triumphant arches or enormous front door assemblies are allowed. The front door must be at least 50 years old or must be a reproduction of a door that is at least 50 years old.

4.8 Colors

The intent of this guideline is to avoid loud, obtrusive, excessively contrasting, or bold colors and to use color to enhance the design as opposed to overwhelm the architectural effect. Colors of paint and stain for stucco and wood trim include but are not limited to earth tone colors such as crème, beige, gray, gray-green, taupe, ecru, and other neutral colors. Muted pastels may also be used for accentuation of detail and to further enhance design motifs.

4.9 Stone

Stone for the residences shall be mined in Texas. Great attention should be paid to the quality of the workmanship and the laying technique. Stone laying techniques include informal rubble, uncoarsed, roughly squared, or randomly coarsed ashlar, running bond, and combinations and variations. The Owner is encouraged to read the Woods of Barton Creek Architectural Guidelines, Section 4.3, pages 47-48 for a more detailed explanation of stone laying techniques.

The peanut brittle stone laying technique is not allowed.

Generally, mortar color should match the stone.

4.10 Garages and Garage Doors

The appearance of the garage door offers an opportunity to enrich the texture, rhythm, and overall composition of the design and the W.D.R.C. expects that each home will capitalize on this opportunity.

The appearance of the garage must blend with the home design. No painted metal garage doors will be allowed. All garage doors must be architecturally treated. There are many manufacturers of carriage doors that will add to the appearance of a residence.

All garage doors shall be single bay (a maximum of 10 feet wide and 8 feet tall) types.

In an effort to reduce the impact of garages, no more than 2 garage stalls will be allowed together, and no more than 3 garage stalls will be allowed per residence.

4.11 Windows

No aluminum or metal windows or exterior door units are allowed. Exceptions to the prohibition on metal windows will be considered in specific conditions for architectural merit only.

Snap-in interior window grids are prohibited.

Windows shall be vertical in proportion. The W.D.R.C. must grant a variance for any horizontally proportioned windows.

At least 80% of the windows in each home must have operable panes.

4.12 Chimney Caps

All chimneys shall be finished with a chimney cap compatible with the design of the residence.

4.13 Screen Air Conditioning Units & Mechanical Equipment

All air conditioning units and mechanical equipment shall be screened from the view of the street and neighboring residences. If vegetative buffers are used the plant material shall be large enough at the time it is planted to screen the air conditioning unit within the next growing season.

4.14 Lighting

If exterior lighting is used it shall be indirect such as in trees or flooded against the house. All lighting shall be shielded so that no lighting source will be visible from the street or neighboring residences. If security lighting is used, it shall be shielded from view and light only the perimeter of the house no more than 15 degrees from the source. Once security concerns are met, these lights shall be extinguished.

5) Construction Guidelines

These construction guidelines are intended to ensure that the natural environment is not unduly damaged and that neighboring residents are not unduly disturbed during the construction process. The owner and the builder shall be bound by these guidelines; therefore, it would be wise to include these guidelines as part of the construction contract with the builder.

5.1 Time for Completion

The exterior of any improvement on a Home Site must be complete within 12 months following the start of construction, unless an extension is granted in writing by the W.D.R.C.

5.2 Compliance Deposit or Construction Bond

The W.D.R.C. may establish a deposit or bond amount to cover any damages that may occur during construction. Any damage during construction to streets, utilities, other building sites, or the common natural areas is the financial responsibility of the Owner.

Damage caused by construction discovered at any time is the financial responsibility of the Owner.

5.3 Fencing

To protect the natural areas, 6' chain link fence with green privacy screening must be placed around the perimeter of the approved Home Construction Envelop before any construction activity. Metal fence posts must be no more than 10 feet apart and corner posts are to be cemented. This fence must be kept in a good state of repair during construction. Unless previously approved by the W.D.R.C. the fence shall have only one entrance, with a gate, at the approved driveway location.

No construction activity or materials storage may take place outside of the construction fence.

5.4 Erosion Control Plan

Drainage during construction must be controlled so as to cause no erosion to the Home Site, adjacent Home Sites, or to the natural areas. Silt fencing or other erosion controls must be erected before any construction activity may begin.

The silt fence and the construction fence around the Home Construction Envelop may be combined into one fence with the approval of the W.D.R.C.

A stabilized construction entrance is required for each construction site. The design should minimize the amount of mud that is tracked onto the streets by construction vehicles.

5.5 Working Hours

Monday through Friday building activities shall be between 7:30 AM and 6:00 PM.

No construction involving power equipment shall be allowed on Saturdays or Sundays.

Non-power equipment construction, such as brush or roller painting, may be performed on Saturdays between 9:00 AM and 5:00 PM.

No construction shall be allowed on Sundays.

No construction shall be allowed on New Year's Day, Easter, July 4th, Labor Day, Memorial Day, Thanksgiving, or Christmas Day.

5.6 Sanitary Facilities

Each builder shall be responsible for providing and maintaining adequate sanitary facilities for his construction workers. Portable toilets shall be located only within the construction fence.

5.7 Vehicles and Parking Areas

Construction crews shall not park on or otherwise use other Building Sites or open spaces. Parking of construction vehicles shall only be within the approved Home Construction Envelope.

Because of the narrow streets on-street parking by construction crews is not allowed. The W.D.R.C. may approve common off-site parking areas for use by construction crews so that crews can shuttle to the construction site. The builder and architect are urged to think out parking needs. WatersMark will exist for many decades. A little inconvenience for construction crews during the few months of construction will preserve natural landscaping that will last for decades.

5.8 Debris and Trash Removal

Builders shall provide a container for debris and shall clean up all trash at the end of each day. Trash and debris shall be removed from the site frequently and shall not be allowed to overflow the container.

Washout of concrete trucks or cleaning of any equipment must be contained within the Home Construction Envelope. Washout or cleaning residue shall not be allowed to flow out of the Home Construction Envelope.

The street in front of the house shall be cleaned on a weekly basis. After rains or when mud is tracked onto the street, the streets shall be cleaned on a daily basis.

5.9 Noise and General Nuisance

The use of radios, tapes, and CD players must be restrained so as not to be heard from adjacent Home Sites.

Builders' subcontractors are not allowed to bring dogs and other pets to the site.

Builders' subcontractors are not allowed to use the natural areas for recreation.

No blasting is allowed.

5.10 Insurance

Builders shall furnish to the W.D.R.C. satisfactory proof of Builder's Risk Insurance and Workmen's Compensation Insurance

6) View Easement

Many of the Home Sites in Watermark have views of the golf course, the hill country, or the cliffs along Barton Creek. In order to preserve these views while protecting the natural landscape and the privacy of neighbors, view easements are given to the following Home Sites: 1, 2, 3, 4, 5, 6, 7, 8, 9, 10, 11, 14, 15, 19, 20, 23, 24, 26, 27, 28, 29, 30, 31, 37, 38, 39, 40, 41, 42, 43, 44, 45, 46, 47, 48, 49, 50, 51, 52, 53, 54, and 55.

6.1 Definition of View Easement

The view easement is an extension of the side lot lines of a Home Site and runs parallel to the side lot lines of the Home Site away from the street. The view easement stops at the golf course property for those sites on the course or stops 75 feet from the back line of the Home Site for those sites backing up to common open space.

The W.D.R.C. may at its sole discretion grant variances to this definition. The burden of proof is on the Owner to show that the privacy of the adjacent owner is not disturbed, and that the natural vegetation is preserved to the maximum extent.

6.2 Plant removal allowed

With the permission of the W.D.R.C. the Owner is allowed remove vegetation within the view easement to acquire or preserve a view.

No oaks or elms shall be removed. No cedars greater than 10 inches in diameter measure 3 feet from the ground shall be removed. Trees that remain may be pruned up to a height of 10 feet measured from natural ground.

7) Landscaping

The goal of these landscape guidelines is to ensure that the developed areas of WatersMark harmonize and blend with rather than dominate the natural environment or significantly change

its color, texture, or shape. Everyone loves the look of the Austin Hill Country but when most subdivisions are finished, and houses built the result is usually an expanse of St. Augustine grass with a few remaining oaks. The mix of under-story growth, cedars, oaks, and native grasses that give the Hill Country its color and texture are destroyed. The goal of these guidelines is first to limit the amount of natural vegetation that is destroyed and second to restore the disturbed areas in a manner that is compatible with the natural vegetation. Landscaping in WatersMark should be a transition between the manmade and the natural.

7.1 Landscape and Irrigation Plan Approval

A colored landscape plan including a plant list with both common and botanical names, and an irrigation plan must be submitted to and approved by W.D.R.C. before Final Design Approval. In order to speed the approval, process the W.D.R.C. may at its sole discretion grant Final Design Approval with the stipulation that the landscape plan be submitted at a later date. The Owner assumes full responsibility for proceeding with Final Design Approval without the concurrent approval of the landscape and irrigation plan.

7.2 Revegetation of Areas Disturbed During Construction

All areas within the Home Construction Site shall be landscaped and maintained at the expense of the Owner.

All landscaped areas shall be irrigated with underground systems that have automatic timers and rain sensors.

7.3 Irrigation

The undisturbed areas outside of the Home Construction Site are not required to have permanent irrigation. Unlike many imported plants native plants can be over-watered. Therefore, it is important that the irrigation contractor or landscape architect match the irrigation system with the selected plant material.

In order to prevent dangerous conditions for cars or pedestrians any irrigation heads near the streets must be designed to prevent water from being sprayed onto the pavement.

All irrigation systems must be automatic and shall have rain sensors. Drip irrigation or irrigation systems that minimize evaporation are encouraged. Irrigation systems should be timed for early morning use, generally from 11:00 PM to 6:00 AM.

The Owner shall coordinate with the golf course if any irrigation overlaps onto golf course land.

7.4 Landscape Planting

All Owners are encouraged to visit the National Wildflower Center in Southwest Austin. In the design of the Wildflower Center all native plants and grasses were used. Many great ideas for plants and planting schemes can be found there.

The use of native plants is encouraged. Native plants use less water and are more deer resistant. Owners who have not lived in the Austin Hill Country should be aware that deer could eat your newly planted pansies in one night.

Owners are encouraged to hire a landscape designer or landscape architect that has experience in the Austin Hill Country not one who has experience only in Tarrytown.

The W.D.R.C. allows plants recommended in "Native and Adapted landscape Plants" grow green for use in WatersMark.

7.5 Timing of Landscape Planting

All landscaping shall be planted no later than one month after occupancy of the house or one month after completion of the exterior of the house.

The W.D.R.C. may approve in its sole discretion other time limits requested by the Home Site owner.

8) Agave Court (Units #54 thru #65)

In order to support and reinforce the existing WatersMark Design Guidelines the WatersMark Board of Directors and the WatersMark Design Review Committee have decided to include these additional guidelines and restrictions specifically for Agave Court. These additional guidelines and restrictions are to protect the design integrity as a "whole" in which Agave Court was originally constructed and to provide assurances that this "concept" will be preserved. Sustaining the original commonality of colors and materials of Agave Court is imperative in the preservation of the original approved concept for this unique part of WatersMark. All sections of the WatersMark Design Guidelines still apply to Agave Court; these in this section are in addition to the other guidelines and specific to Agave Court.

8.1 Additions and Modifications

No unit's exterior shall be modified, altered, or increased in size without prior written approval of the WatersMark Design Review Committee. Approval is at the sole discretion of the WatersMark Design Review Committee. No unit will be allowed to exceed 4,400 square feet of conditioned space and any expansion/improvement must occur within the original footprint of the building. Additional courtyards, walled enclosure, fences, pools, and increases in impervious cover are strongly discouraged.

8.2 Exterior Colors and Materials

All exterior modifications and additions will match the original colors and materials of the units in Agave Court. This is also applicable to maintenance items which must be done from time to time. This restriction includes, but is not limited to; architectural style and detailing, roof tile style and color, stucco material and color, stone material and pattern, fascia color, garage door material and stain color, driveway pavers and color, window trim color and window style, light fixtures, and fences.

8.3 Landscaping

All landscaping will be maintained as originally planted. The commonality of species, color, and design is important in sustaining the original concept and design integrity of Agave Court as a "whole". Any modification or addition to a unit's landscaping cannot occur without prior written permission from the WatersMark Design Review Committee.