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1.0 INTRODUCTION

This publication is intended as an information resource for Owners of *Cimarron Hills* homesites and their Architects, Contractors, and Landscape Consultants. It is a critical component of the step-by-step interactive process required when planning the development of a homesite within the *Cimarron Hills* residential community. It is intended to be used with related documents referenced herein as a part of the approval process.

This book focuses on the physical and environmental elements of design that support the *Cimarron Hills* Vision. It addresses the architecture and landscape elements that will offer contributions to, and support of, the overall vision of the *Cimarron Hills* community. Furthermore, the *Community Design Book* should be viewed by individual Owners as their dedication and agreement to preserve the unique environment of *Cimarron Hills* over time.

The requirements included herein, combined with the governing structure for *Cimarron Hills*, as set forth in the CC&Rs, present a vision for the evolution and development of *Cimarron Hills*. This vision, properly applied to all residential improvements within *Cimarron Hills*, is guided by mechanisms for comprehensive architectural control and governance that extend well beyond the more typical practices of the past. Ultimate success will be a function of the creativity and cooperation of the Owners, their Architects, and consultants, along with the interactive nature of the approval process, and the guiding vision of the *Cimarron Hills* Design Review Committee (“DRC”).

(The DRC is an alternative name for the entity called the Architectural Review Committee, or “ARC”, in the CC&Rs.)

The text and illustrations describe the visual and environmental goals as well as the procedures required when planning a home at *Cimarron Hills*. Included in these goals and procedures are the minimum acceptable levels of site planning, architecture, detailing, landscape design, and construction beneath which approvals to build may not be granted by the *Cimarron Hills* DRC.

The DRC is equally concerned with both precluding inappropriate design and development and encouraging the creative input and diversity of ideas from Owners and their consultants in the design and construction of homes within *Cimarron Hills*. Successful implementation of these objectives will create and maintain the finest overall manifestation of the *Cimarron Hills* Vision.

This book was updated August 2006.

1.1 GOVERNANCE

PLANNING & DESIGN

All issues relating to design will be decided and administered by the DRC in accordance with the procedures set forth in this document and the Covenants, Conditions and Restrictions.

COVENANTS, CONDITIONS AND RESTRICTIONS (CC&Rs):

- A legal document, referencing the specifications and criteria (“Improvement Requirements”) that governs all residential design activity, among other things, within *Cimarron Hills*.
- Establishes the *Cimarron Hills* Architectural Control Committee aka Design Review Committee.

COMMUNITY DESIGN BOOK IMPROVEMENT REQUIREMENTS:

- Promotes design excellence and a comprehensive and interactive design process while maintaining the discretionary authority of the *Cimarron Hills* DRC.
- Establishes design standards, and Improvement Requirements, for all homesite construction.

CIMARRON HILLS DESIGN REVIEW COMMITTEE:

- A group empowered by the CC&Rs to maintain the architectural and environmental character of *Cimarron Hills*.
- Administers and enforces the design review and construction process.
- Goal is to provide assistance to all homeowners and their design professionals and to ensure that the design process is a smooth, efficient, and satisfactory experience for all parties.

APPLICABLE TO HOMESITES ONLY

This *Community Design Book*, including its Improvement Requirements, applies only to *Cimarron Hills* homesites. These Improvement Requirements do not apply to other uses proposed at *Cimarron Hills*, including but not limited to all Golf Club amenities such as the Driving Range, Putting Green, Gate House, Golf Club structures or Swim/Racquet Club, Community Hiking/Biking Trail, Community Park, Common Area Greenbelts, Karst features, roads and utilities.

OPERATIONS & MANAGEMENT

The Board of Directors of the *Cimarron Hills* Community Association manages the relationships between and among the property Owners and the various entities in accordance with the *Cimarron Hills* CC&Rs. It is the responsibility of the property Owners and their consultants to read and be familiar with the entire contents of the *Community Design Book*. Furthermore, those portions of the CC&Rs pertaining to construction projects and other applicable related documents should be read prior to beginning any planning or design work and prior to scheduling a Pre-Design Conference with the *Cimarron Hills* DRC.



2.0 THE CIMARRON HILLS VISION

Situated within the pastoral ranch lands of Williamson County, interspersed with mature stands of ancient oaks, *Cimarron Hills* offers an idyllic Hill Country environment with rich contrasts in topography and an abundance of vegetation, wildlife, and distant vistas. Time has created a magnificent place.

The *Cimarron Hills* vision is grounded in the lush rolling Hill Country where the Texas ranching heritage made its home. The name honors the cowboys who pursued a dream from the heart of Texas to the far horizons of Kansas, and the Hill Country is where nature found each other.

The development of homesites at *Cimarron Hills* begins with a respect and consideration of this natural environment. Dedicated respect for these natural surroundings as well as continuity in the built environment form the basis of any planning at *Cimarron Hills*.

Architecture and landscape, in all their subtle detail, must work within the context of *Cimarron Hills*' natural palette. While the intent of the Design Guidelines is not to dictate a single architectural expression, it does encourage design styles in character with the historical "Old World/Texas" vernacular. Styles that are timeless and organic, emphasizing the use of materials and textures rooted in the surrounding natural environment.

Rather than being viewed as individual structures, the homes at *Cimarron Hills* are considered part of a cohesive fabric that weaves together the places where people live with the natural beauty that draws people to this community. Putting living spaces outdoors and incorporating elements of the outdoors in the buildings helps to establish this marriage of environment and domicile, and is considered a core element of every home at *Cimarron Hills*.

While character and variety are encouraged, strong contrasts and differences among form, size, massing, color, and materials from one homesite to the next are discouraged by the *Cimarron Hills* DRC. The purpose is not to create a homogenous community where all colors and materials are identical, but to create an environment where architecture and landscape are in harmony and serve to celebrate and complement the existing natural landscape. No particular residential project should stand apart in its design or construction so as to detract from the overall appearance of *Cimarron Hills*.

3.0 SITE PLANNING

3.1 GENERAL CONSIDERATIONS

Site planning prior to specific home design is a critical component of successful homes at *Cimarron Hills*. Careful evaluation of existing site features, neighboring land uses, views, and view shed contribute to architecture that is subservient to the natural beauty of *Cimarron Hills*. Other considerations including automobile access to the home, landscape desires, grading, and drainage significantly shape the design and placement of the home. Advance consideration of these items is the foundation for a successful marriage between the Owner's programmatic needs and the production of an integral piece of the *Cimarron Hills* Vision.

3.2 SITE ANALYSIS

Site planning for individual homesite improvement projects at *Cimarron Hills* relies heavily on site analysis efforts. The location and design of proposed structures must relate to existing terrain and preserve the natural features of the site. The design process must take into account grade changes, locations of trees, boulders, and orientation of the proposed improvements to sun, wind and views. Privacy to and from and the impact on adjacent neighbors, nearby rights-of-way and common areas should be considered both in site planning and in designing the architectural elements of the structure.

A design that grows from the findings of a thorough Site Analysis helps to shape a building that is sensitive to its natural surroundings and contributes positively to the built community. The analysis is a method to evaluate the existing conditions on or near the homesite through the use of a topographic survey prepared by a registered Civil Engineer or a license Land Surveyor.

Every project shall begin with a Site Analysis. The analysis is used at the Pre-Design Conference to aid in the establishment of the home location on the site. At a minimum, the location and type of the following items must be identified and sketched onto a copy of the survey.

- Topography and landform
- Aspect and orientation (sun and shadow patterns)
- Property boundaries
- Best access
- Required setbacks from all boundaries
- Adjacent land uses with activity zones
- Slope and drainage of the land
- Places attractive to people (unique places) and natural features
- Approximate locations of major existing rock outcroppings, trees, and other vegetation (Consulting a Landscape Professional is suggested).
- Graphic and quantitative drip lines of all trees near anticipated improvements (distance from trunk edge to outermost canopy)
- Contextual setting (neighboring land uses, building footprint locations, style, height, mass and form)

The analysis of each of these elements should be further evaluated in terms of design opportunities

and design constraints. The opportunities and constraints identified in the Site Analysis should be used as design determinants in the design and development stages of the homesite.

3.3 OFF-SITE VIEW CONSIDERATIONS

All site plan patterns should gently enhance, not detract from, the views from nearby rights-of-way and common areas. In planning homesite improvements, it is important to consider not only the views from the adjacent street, neighbor's homes and the Golf Course, but also to be considerate of the distant vistas.

Due to topography, landform and the outstanding natural landscape features in the region, views and view sheds take on added importance as design features. The importance of views and view sheds is an essential part of the home and homesite's value. View shed analysis is an important tool in the site design process.

When analyzing views and view sheds, the goal should be to identify the location and extent of views from a homesite as well as views to a homesite. A good rule-of-thumb is as follows: If a person can see a particular place, such as a road or a recreation area or even a neighbor's home from a site, then a person in any of those locations will most likely have a view of the site in question.

There is a great diversity of views within *Cimarron Hills*. It is important to identify and map all the views as part of the Site Analysis. It is at least as important to consider views to a homesite from community places such as roads, hiking trails and the Golf Course as it is to consider views away from a homesite. The visual impact of a residence when viewed from other areas will, in the long run, be critically important to maintaining the scenic quality of and visual access to those resources which contribute to the unique quality of this community.

While the view sheds are an important consideration under these Community Design Guidelines, no Owner is granted a view easement over any other lot or part of *Cimarron Hills*, and the definitive responsibility falls on each Owner to consider and make themselves aware of all factors that may impact their individual homesites. Neither the *Cimarron Hills* Community Association nor the *Cimarron Hills* Design Review Committee is liable to any Owner for the eventual homesite views from any particular lot.

3.4 LANDSCAPE PLANNING

The existing landscape at *Cimarron Hills* is one of the community's most compelling and apparent features. As homes are added, care must be taken to preserve the natural beauty intrinsic to this site.

The native vegetation and unique site features are the fabric that weaves together a cohesive and distinct character for the community.

Home placement on the site as well as any outdoor programmatic needs must be sensitive to the preservation and continuation of the existing natural fabric. Mature native trees and all other irreplaceable site features should be incorporated and utilized to enhance the overall appearance of the home. Landscaping desires should be taken into account at the Programming and Site Planning phases. Failure to consider these elements during the planning phase and a subsequent proposal of tree/feature replacement after the design has been established will not likely result in a solution that meets both the *Cimarron Hills* DRC's and the Owner's requirements.

It is strongly suggested that a Landscape Professional be retained at the Site Planning stage to aid in a range of areas including programming, delineating and designing Landscape Zones, as discussed in Chapter 4, *LANDSCAPE*, and placement of garden amenities, i.e.: swimming pools, and garden structures.

3.5 MINIMUM SETBACKS AND BUILDING ENVELOPES

The Building Envelope and Setbacks is the portion of each lot within which the architectural structure and architectural outbuildings must be built. The Building Envelope provided on many homesites may be more restrictive than the minimum building setbacks based on the natural features, views, relationship to other lots or the golf course, and drainage and topography identified on each site. Minor modifications to the Building Envelope may be approved when justified in the DRC's opinion, giving consideration to relevant issues such as privacy, views and the overall character of the development. Increases in the size of Building Envelopes are strongly discouraged and will only be allowed upon exceptional circumstances, if approved in the sole discretion of the *Cimarron Hills* DRC. Patios, decks, pools, and other impervious cover less than 24" in height will be allowed to within 10' of rear property lines on homesites that adjoin open space, common areas, or the golf course. The typical Building Envelope based on required minimum setback distances from homesite property lines are as follows:

Front (applicable to all homesite boundaries that abut rights-of-way).....	35' or by Variance if Applicable
Side (applicable to all homesite boundaries that abut rights-of-way).....	25'
Side.....	7.5'
Rear.....	35' or by Variance if Applicable
Golf Course Frontage (includes rear and sides adjacent to Golf Course)	35'

The setbacks indicated above are applicable to the majority of the homesites. When the side

setbacks intersect with the front or rear setbacks, the restrictions associated with both types of setbacks apply. Some properties may contain setbacks that are more or less restrictive than the distances shown above. If a 100-year flood plain encroaches on the property, the limits of the flood plain shall be considered as building setback lines unless a greater setback is required by other conditions.

Residences proposed for corner parcels must address both frontages with the overall architectural composition. These houses will be viewed as if there are two front elevations. In all cases, it is the responsibility of the applicant to comply with City of Georgetown in regards to the specific setbacks for each homesite.

3.6 EASEMENTS

Homesites at *Cimarron Hills* may contain easements. Homesite owners place, erect, or construct any structure or pavement in these easements at their own risk and liability.

3.7 DRIVEWAYS

Cimarron Hills DRC prefers each homesite be accessed by a single driveway. A circular driveway may be proposed if the impervious cover of the driveway material does not exceed 40% of the front building setback area. All homesites located at intersections must have access only from the minor street frontage. Access drives must be located to preserve and protect important natural features, such as large or significant plant materials, trees, drainage ways, and rock outcroppings. The driveway must be designed to allow for two uncovered parking spaces, these spaces may be achieved by parking cars in tandem.

For safety considerations, most driveway slopes should be less than 8 percent overall and may not exceed a 12 percent gradient at their steepest part. Additionally, there must be provided a near-level transition area of at least 16 feet between slopes and garage doors and a near-level transition area of at least 8 feet between slopes and the edge of the pavement at the roadway.

The paved surface of a driveway must be at least 10 feet wide and must not exceed 14 feet in width where it crosses the street right-of-way. The Driveway shall intersect the street at a right angle. Driveway paving should have flared aprons where it intersects the roadway pavement. Flared sections at the road may not exceed an 8-foot wide radius. Driveways and parking surfaces may not encroach into any side or rear setback without specific approval of the *Cimarron Hills* DRC. Some limited encroachment may be considered where unique terrain, vegetation constraints, a limited building envelope or the homesite width may warrant. *Cimarron Hills* recommends a minimum of 28' depth from garage doors for vehicular regress.

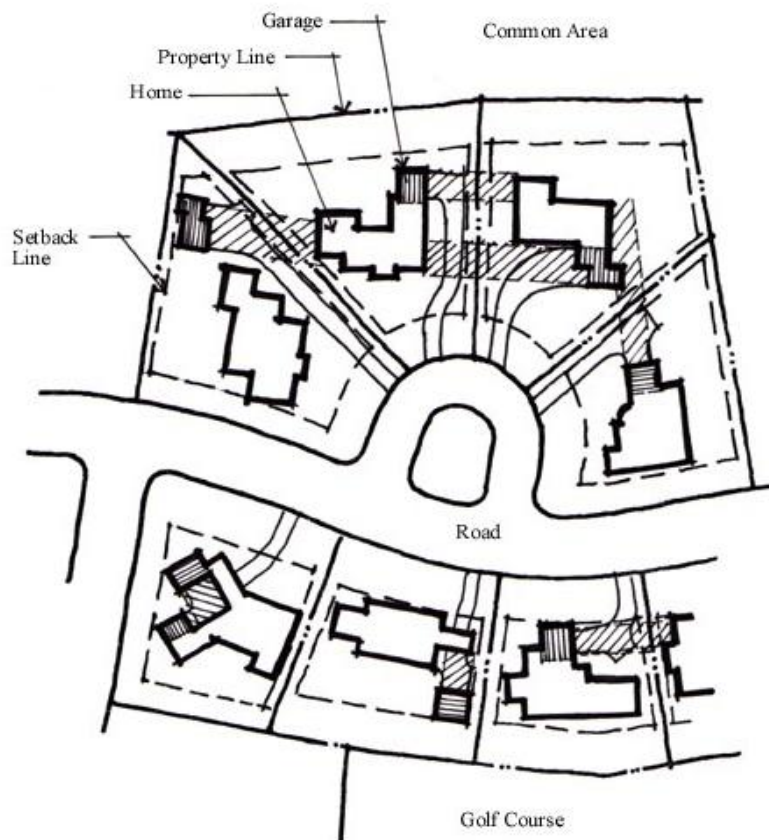
All driveways must comply with the City of Georgetown Subdivision Regulations. Proposed driveway surfaces are subject to approval by the *Cimarron Hills* DRC

Also, refer to Chapter 5.14 *ARCHITECTURE, Garages and Driveways*, for more information.

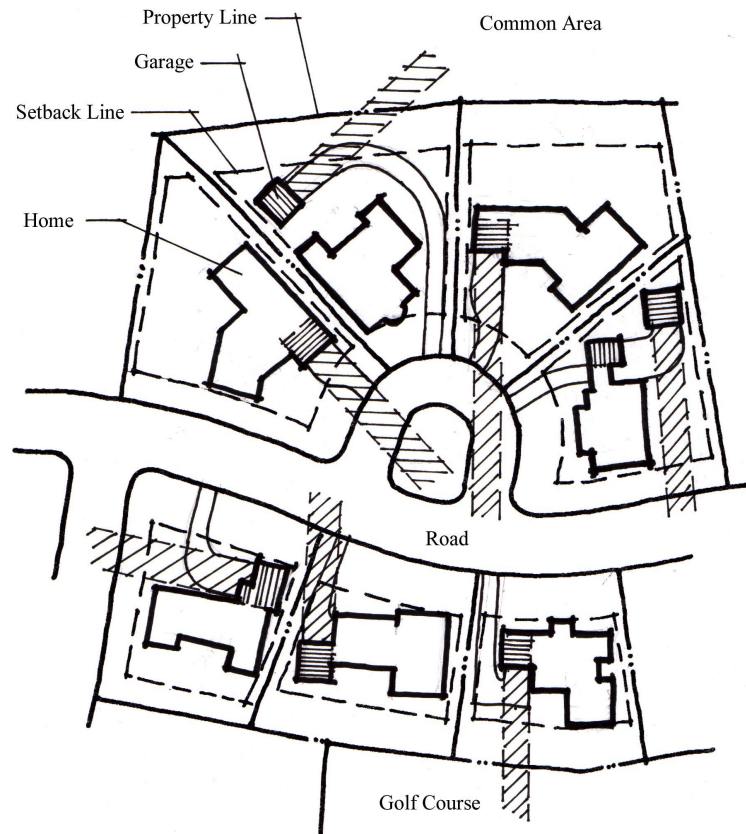
3.8 GARAGE LOCATION

Driveway access and garage location lend significant shape to the design and placement of the home. One of the greatest contributors to negative feelings about residential subdivisions is the often-present row of garages oriented to the street with oversized driveways leading to them. Every effort must be made to keep this view from being prevalent at *Cimarron Hills*. Single garage doors may face street if it is set back from the front plane of the house by at least a 25' wall or landscaping. Because of the geological compositions that exist within much of *Cimarron Hills*, driveways should be located where the least amount of cut or fill is required.

To determine whether a garage entrance faces a potentially unacceptable direction, project lines perpendicular to each side of the garage door openings until they cross a built structure, an undeveloped neighboring buildable area, or an area not on *Cimarron Hills* property. If one of these lines crosses into a street, Golf Course, or common area, the garage doors are not meeting the proposed *Cimarron Hills* objective.



Potential Directions Garage Door May Face



Potential Directions Garage Door May Not Face

An exception to this rule may be made on homesites with insurmountable obstacles and for homesites, which can accommodate a garage in the rear portion of the property. In these cases, the intent is to recall a carriage house behind the main house. Also, the use of architectural extensions, or wing walls, when architecturally appropriate, may be incorporated to help mitigate the visual impact of the garage doors and meet the *Cimarron Hills* objective. The front entry or entry for people should appear dominant over any entry for vehicles. Overhangs above the doors and significant architectural detailing should be included, as well, to reduce the visual impact of the garage doors.

3.9 UTILITIES

Utility services are stubbed to the property lines of each homesite. Utility service locations are generally clustered in the utility easement located on one of the front corners of each homesite. The location of the water and sanitary sewer point-of-connections vary from homesite to homesite.

The extension of services from these stub locations to the residence is the responsibility of each Owner, and must be routed to minimize disruption to any existing natural landscape. These routes must be considered in the site planning phase, and where possible, combined with other disturbance through the front setback, such as alongside the driveway.

All utilities extending from the point of connection to a home must be placed underground. All areas of the site disturbed from utility trenching operations must be restored to their natural condition as nearly as possible immediately following backfilling activity.

Information regarding current tap and service fees, as well as connection procedures, may be obtained by contacting the serving utility companies. Liquefied petroleum gas (propane) is allowed on all homesites. Installation of propane tanks must be underground and installation procedures must be in compliance with all local and county applicable codes.

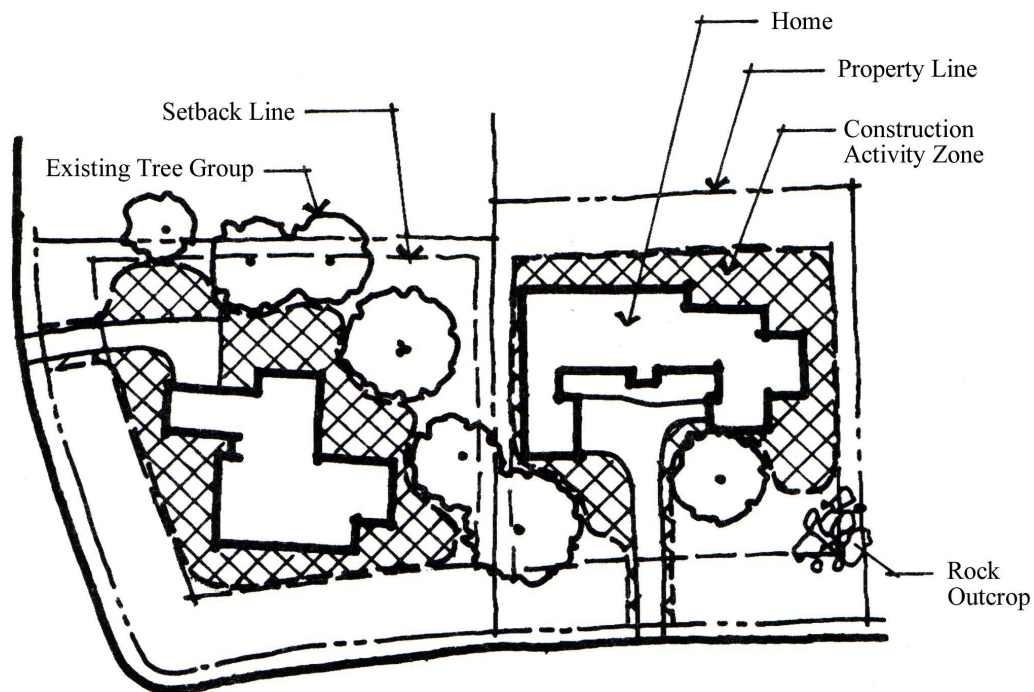
Utility connections, meter boxes, etc. must be screened from view or located on a side of the building that cannot be viewed from offsite of the homesite. Meters and connections must be integrated into the architectural design of the dwelling by using similar materials and colors. Careless placement and design of utility connection details can significantly detract from an otherwise satisfactory design by creating unnecessary soil disturbance and needlessly exposing equipment. Connections and boxes must be indicated on the plans.

3.10 CONSTRUCTION ACTIVITY ZONE

When planning and designing for a homesite at *Cimarron Hills*, it is important to keep the building process in mind. Construction activity will be tightly monitored so that the intrinsic beauty of *Cimarron Hills'* natural landscape is preserved. Generally, the construction activity zone is held within the building setbacks, but may be more restrictive in certain areas. Restrictiveness of the Activity Zone will be relative to the number of unique natural features occurring on the homesite. Also, construction techniques may be limited in certain areas. For example, trenching may have to be performed manually in areas where existing plant species are too sensitive to accommodate heavy machinery. In situations like this bridging areas of a foundation can also help preserve root systems of existing trees. Instructions for these techniques must be noted in the plans.

The objective of these restrictions and requirements are to preserve the maximum amount of surrounding natural landscape, while still allowing for the appropriate area necessary for construction. The existing native landscape at *Cimarron Hills* is irreplaceable and essential to the *Cimarron Hills* Vision. Many of the species found at *Cimarron Hills* cannot be transplanted and are unable to absorb the impact caused by construction activity. Refer to Chapter 3.11, *SITE PLANNING, Preservation of Trees and Other Site Features*.

The storage of construction equipment and materials, and vehicle access during construction may only occur within this zone. Vehicle access route must be clearly marked and bull rock must be used in the first 25 feet from the curb to prevent soil/dirt erosion from lot onto street areas. Construction Activity Zone must be demarcated by a minimum of five (5) foot chain link fence, which must be installed and maintained along all sides and rear of property/lot lines. The *Cimarron Hills* DRC and the Owner or his representative will mutually determine the specific Construction Activity Zone (total area of disturbance) for each homesite during the Pre-Design Meeting. The Restrictiveness of the Activity Zone will be relative to the number of unique natural features occurring on the homesite. The common objective is to protect and preserve the natural landscape features of the homesite. The Construction Activity Zone must be noted on the plans and not deviated from.



Construction Activity Zone

Temporary construction activity may occur outside the Construction Activity Zone to accommodate bringing underground utility lines to the home. The boundaries of such disturbance must be minimized so as not to impact important vegetation or site features and must be clearly marked on the plans.

Planning for construction activities, including pools and spas, garden and cabana structures, during the site planning and design phases is critical to the successful implementation of a project. Areas within the Construction Activity Zone must be allocated for staging, refuse disposal and collection, a sanitary closet, material deliveries and storage and circulation between these areas. All deliveries must access the homesite and be contained within the Construction Activity Zone. If a home is to be built near the edge of the Construction Activity Zone or in an area that requires extensive protection of existing landscape, access to that area may be restricted. In order to work within the restricted area, the order of tasks and techniques used to build the home must be carefully considered as part of the project design. For example, stone may need to be delivered by heavy machinery to the rear of the site prior to foundation excavation activities. For additional information on construction requirements and restrictions, please refer to Chapter 9, *CONSTRUCTION REGULATIONS* or contact the *Cimarron Hills* DRC for clarification regarding specific homesites.

3.11 PRESERVATION OF TREES AND OTHER SITE FEATURES

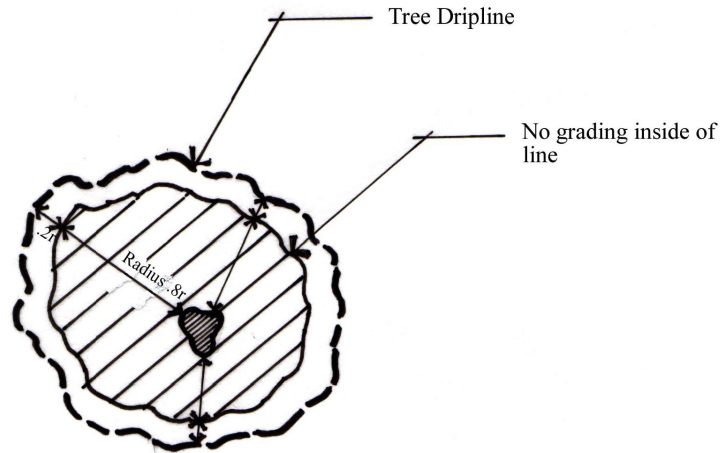
If the Construction Activity Zone infringes upon site features that are to be preserved, they must be appropriately protected.

During construction, soil around tree root systems must be protected from compaction and erosion at the drip line of each tree. The protection must keep construction traffic off the soil while still allowing for water and air to reach the roots. Where tree trunks are exposed to construction activity, lumber must be strapped to the trunks to protect them from damage. Excavation may occur within the outermost 20 percent of the radius distance from the drip line to the tree trunk. Impervious surfaces may be approved to encroach further into the drip line if no grading occurs. The DRC may require that additional site features be protected by other specific means. All protection and mitigation must be graphically indicated on submitted plans.

It is very important to know which tree species occur on each homesite for some species have more restrictive encroachment requirements. Homeowner or Builder will be required to enlist an arborist or other qualified landscape consultant to aid in identification of specific plant species.

An example of more restrictive encroachment requirements:

- *Quercus stellata*, Post Oak. Their roots are extremely sensitive to disturbance. Compacting the soil, raising the soil level, or over watering will remove oxygen from the soil and seriously affect the health of the tree. To insure preservation of this species strict drip line enforcement will occur.



Tree Drip line Encroachment

3.12 BEST MANAGEMENT PRACTICES

To insure the protection and preservation of the natural resources that exist within *Cimarron Hills* the DRC requires the implementation of Best Management Practices (BMPs). The term comes from the Federal Clean Water Act of 1972. The Act defines BMPs as methods to control non-point source pollution (pollution which has no single identifiable source). BMP is now a universal term used to describe a variety of non-point source pollution control methods.

BMPs are defined as structural and non-structural practices proven effective in the control of soil erosion and surface water runoff, management of lawn and plant fertilizers, and the reduction of oil and grease pollutants caused by motor vehicles. The only way we can control this source of pollution at *Cimarron Hills* is to implement BMPs at all homesites. BMPs do not have to be complicated to be effective.

The following are ways to achieve the goals of soil stabilization, erosion prevention and diverting runoff from impervious surfaces into infiltration system within each homesite:

Soil Stabilization and Erosion Control

The first two items can usually be satisfied through new plantings or revegetation of disturbed and barren areas. Natural and Transitional Landscape Zones, where sparser vegetation will occur, can be supplemented by bark mulches, wattling, or brush matting. Steeper areas can be addressed by the use of retaining walls. Refer to Chapter 3.15, *Grading, Foundations, & Retaining Walls at Sloping Sites*.

Runoff from Impervious Surfaces

Rainfall on roofs and other impervious surfaces must be collected and transported into rock-lined infiltration trenches, or diverted by swales, sub-surface drains, or French drains into dry wells. Dry wells must be installed with filter fabric within the top 6 inches for maintenance purposes. These measures must be installed concurrent with the installation of the impervious surface i.e.: driveways, walkways, patios, etc., that they support.

At *Cimarron Hills* temporary BMPs are required while construction is underway and permanent BMPs must be graphically located on the plans. The Owner is responsible for implementing and maintaining the Best Management Practices at all times. If the Owner is unsure whether the homesite is in compliance, it is suggested that the Owner contact the *Cimarron Hills* DRC.

It is critical that erosion and surface water runoff be controlled at all times, before, during and after the development of a homesite. For temporary Best Management Practices during construction please refer to Chapter 9.6, *CONSTRUCTION REGULATIONS, Temporary Best Management Practices*.

The *Cimarron Hills* DRC reserves the right of entry onto a property for the purpose of inspecting Best Management Practices. In the event of non-compliance, the Board may, upon 24 hours notice, enter the site to perform corrective work, the cost of which may be charged to the Owner of the property.

3.13 SITEWORK

In order to protect the natural landscape, the location and design of proposed structures and landscape must relate to existing terrain. Where established native plant material exists, the disturbance of soil and vegetation on each homesite must be limited to that required for necessary access construction and landscaping purposes.

Any tree removal is highly discouraged except when removal is deemed reasonably necessary for the construction of a home. Consultation with the *Cimarron Hills* DRC is required when removal is proposed for any tree with a 6" caliper or larger to insure the removal does not compromise the *Cimarron Hills* Vision set forth in the Community Design Book. No clear cutting of trees within any building envelope will be permitted; however, it is understood that some selective pruning or removal of trees and shrubs will be necessary for the development of any homesite.

Any cutting of trees must first be reviewed and approved by the *Cimarron Hills* DRC. A few exceptions exist that do not require pre-approval of the *Cimarron Hills* DRC. These are the pruning of dead limbs, removal of dead trees, and the cutting and removal of trees with a trunk diameter of 5 inches or less (measured at 2 feet above ground level) that are bowed, leaning, severely misshapen, or diseased.

Any excavation adjacent to a tree's root zone will be limited to manual methods and moisture blanketing will generally be required to preserve and protect exposed root systems. Backfill material must include loose soil of proper characteristics to promote healthy regrowth in all disturbed areas.

3.14 GRADING AND DRAINAGE

Site drainage and spring runoff should be carefully considered. Plans for site grading and drainage must be consistent with minimum disruption to the homesite, without altering natural drainage patterns as runoff leaves the homesite, and without causing conditions that could lead to soil erosion.

In order to protect water quality, all runoff from impervious surfaces, such as paving and roofs, must be absorbed on each homesite. Refer to Section 3.12, *Best Management Practices*, for ways to mitigate additional surface runoff caused by the addition of impervious surfaces. Mitigation must occur clear of setbacks except for that related to the driveway or if prior approval has been granted by *Cimarron Hills DRC*.

The *Cimarron Hills DRC* will work closely with Owners of homesites that contain designated drainage easements to ensure that a reasonable building envelope is achievable.

3.15 GRADING, FOUNDATIONS, & RETAINING WALLS AT SLOPING SITES

Beyond the purely functional and environmental aspects of grading and drainage, the aesthetic goal is to preserve the existing natural landforms. Where these existing landforms must be altered as a part of the construction process, the altered areas should be re-created in a manner that replicates the existing natural conditions found before the construction disturbance.

Where necessary to produce the desired results, the *Cimarron Hills DRC* may approve grading as well as the use of multiple small retaining walls. However, awkward or steep slopes that are neither architectural nor natural in their final appearance will not be approved. Cut and fill slopes may have a maximum ratio of 3:1 horizontal to vertical unless supported by an approved retaining wall.

In addition to basic grading, sloping sites should employ designs that take up the grade changes within the dwelling's footprint; the location and design of the proposed structures must relate to the existing terrain. Topographic transition from building locations to setbacks must appear natural. All homesite grading must be limited to construction of driveways and that reasonably necessary for authorized construction. Except for driveway access, pedestrian circulation, erosion control, or utilities, no significant grading is allowed within the setback areas of any homesite.

No excessive excavation or fill will be permitted on any homesite. On some sensitive sites, grading may not be allowed at all. Every attempt must be made to minimize cut and fill necessary for the construction of a home. Excess fill may not be placed on a homesite, it must be legally disposed of outside of *Cimarron Hills*. Retaining walls and level building pads may be utilized only where necessary. Any grading on homesites must comply with the requirements in the Community Design Book. For homesites located adjacent to the 100 year floodplain or any permanent or intermittent stream within *Cimarron Hills*, the finished house pad elevation must be a minimum of two feet above (or finished floor three feet above) the 100 year flood plain elevation.

Excavation for foundations may not exceed 5 feet in vertical depth. Grading must be limited to that reasonably necessary for the construction of a home. Pad grading for the intention of providing concrete slab foundation is prohibited except for garages, terraces, outbuildings and basements.

Excavation or fill must be limited to 4 feet vertically outside of structure where exposed to view. However, the *Cimarron Hills* DRC reserves the authority to disapprove of any exposed excavation or fill transition that is abrupt, awkward or unnatural in appearance.

All cut and filled areas must be re-vegetated with approved plant material. Retaining systems are required at vertical cuts. No excavation, fill, or removal of trees and other vegetation will be permitted until the applicant's final Construction Documents have been approved in writing by the *Cimarron Hills* DRC and the Pre-Construction requirements have been fulfilled. Actual wall heights and ground slopes will vary by location. Retaining surfaces greater than 4 feet high, where allowed, must occur by way of multiple retaining walls, separated by a minimum planting width of 2 feet. When constructing vertical retaining walls, consider sloping the base about 15 degrees from vertical to soften the impact of an otherwise vertical wall.



Grading near the setbacks may not result in abrupt transitions to adjacent homesites or streets. No structures may be constructed on portions of a homesite where the slope exceeds 30 percent.

The intent of these Community Design Guidelines is to promote and protect the aesthetic and natural quality of this community. Ultimately, the individual Homeowner and their consultants must be aware of and responsible for the impact their building and grading improvements have on their homesite and the adjacent land around it. Neither the *Cimarron Hills* Community Association nor the *Cimarron Hills* Design Review Committee can be held responsible for the impact individual homesite improvements have on adjacent properties.

Grading Transition with Retaining Walls



4.0 LANDSCAPE DESIGN

4.1 GENERAL OVERVIEW

The rolling meadow pastures and oak glen environments compose the setting that makes *Cimarron Hills* one of the most magnificent and desirable communities in this region. Every

effort must be made to protect the unparalleled beauty found in this unique setting. Great care must be taken in the planning and construction of each home. The goal of each project shall be to create the image of complete integration of the natural and manmade environment.

It is the intent of the *Cimarron Hills* DRC through the Community Design Book to ensure the highest standard of preservation and landscape design excellence for *Cimarron Hills*. All homesite development must respect, rather than dominate, the natural environment. The transition between individual homesites, open space areas, and the golf course buffer must be treated with the utmost care. All homesites, improved open space, and natural open space should be woven into a unified landscape based upon a palette of limited introduced plant material, selected native plantings and existing vegetation.

Success will be measured by our ability to maintain, over time, as much of the existing landscape as possible. To accomplish this, preservation techniques must be combined with a thoughtful approach to homesite landscape enhancement and transition into the natural environment. Leakage of non-native species into the natural landscape, which forms the fabric and continuity of the community, must be avoided.

Every effort must be made to minimize the negative effects of construction on the environment. Disturbed areas are not only unsightly but also susceptible to erosion. To needlessly destroy and damage the very elements that attract us to *Cimarron Hills* violates the interests of all property owners. Everyone involved in *Cimarron Hills* – homeowner, architect, contractor, or subcontractor – is charged with the responsibility to care for and keep the inherent beauty of this environment in its natural state.

Landscape construction plans should show how the design has considered existing vegetation and site features, and what steps will be taken during construction to protect them. Preserving and incorporating prominent natural features of a site into a design helps reduce the impact of new construction and increases the compatibility and harmony of the new landscape with the existing. The following are examples of incorporating natural features into the site design:

- Step a building around mature trees and large boulders rather than remove them.
- Build a terrace around rock outcroppings and incorporate them into the space.
- Bend a driveway around trees and large boulders rather than removing them or other features in order to create a straight driveway.

The Preliminary Landscape Plan must be submitted concurrent with the Preliminary Design Submittal. Final landscape plan must be submitted concurrent with final design submittal.

4.2 PRINCIPALS OF DESIGN

- **Reinforce the Community's Natural Character:** In addition to adding aesthetic charm and interest to *Cimarron Hills*, the primary goal for landscape improvements should be to

preserve and enhance the landscape character of the homesite and vicinity. The designs should be sensitive to the natural environment as evidenced in the open space, common areas, and golf course. Remember the existing landscape found at *Cimarron Hills* is not overly complex; landscape designs should be simple and avoid looking overworked.

- **Establish a Design Concept:** A strong Landscape Design provides the unifying framework that pulls together architecture, garden, and existing site features into a cohesive, aesthetically pleasing outdoor environment. *Cimarron Hills* endeavors to maintain its use of four sided architecture and carries this concept through to its requirement of four sided landscaping. The Landscape Plan must consider sun exposure, wind direction, privacy, existing site elements, view corridors, circulation patterns and family needs in order to establish a comprehensive and successful design. Hardscape is a major design element, as such, its use must be sympathetic to grass and vegetation upon whose domain it encroaches. Plant materials should be utilized in a sensitive organic ordering which defines the site's spatial organization and function, relates to the buildings and structures, and incorporates the various site elements. Designs should be especially sensitive to the existing natural vegetation, approved landscaping on adjacent properties, and to the landscape character of the immediate area. Plant species should always be selected to match conditions specific to a particular site. Typical considerations should be soil types, shade vs. sun, and wet vs. dry locations. The use of natives should be considered wherever possible; they have the best chance of long-term survival, are most adaptable to the specific climate and soil conditions, and are least disruptive to the local ecology.

4.3 CHARACTER

Within the boundaries of *Cimarron Hills* is a rich diversity of environmental and topographical experiences. Homesites are nestled within the stately shadow of Oak woodlands or stretched out upon meadow pastures. Each homesite provides unique visual images and site features that require identification and proper consideration. In order to reinforce the richness of character the existing natural landscape provides and to insure compatibility and continuity throughout *Cimarron Hills* the landscape guidelines have designated three landscape zones: Natural, Transitional, or Enhanced. The desired image or character of each planned landscape design must fit into one or more of these classifications. The appropriateness of each classification will be determined by the existing environmental conditions on the homesite, i.e.: natural vegetation and proximity to open space, common areas, and golf course.

4.4 LANDSCAPE ZONES

A homesite may consist of one or more Landscape Zones and each zone must be identified on the Landscape Plan. Each zone is intended to fulfill a particular function. Therefore, certain plant species are only acceptable for use in specific zones. The Plant List in Section 4.19 *Plant List*, is keyed to indicate the zone(s) where each plant may be utilized. The three landscape zones are Enhanced Landscape, Transitional Landscape, and Natural Landscape.

Natural Landscape

Natural Landscapes are suitable for use within all residential areas. The Natural Zones are part of the fabric that provides continuity within *Cimarron Hills*. These areas increase the feasibility of preserving significant tracts of pristine vegetation throughout the community.

The Natural Landscape designs will generally simulate landscape conditions that occur in adjacent undisturbed landscape areas. Planting arrangements must be random to replicate the natural patterns of this region's grassy meadows and oak glens. Plant densities should be similar to the adjacent natural area. Plant species indigenous to the immediate area are appropriate for these landscapes. Use of these natural-appearing landscapes will minimize water demand and long-term maintenance.



A temporary drip irrigation system will be required to aid establishment of potted nursery stock and transplanted specimens. In order to avoid conspicuously verdant and lush growth in the Natural Landscape Zone, permanent and spray irrigation is not permitted.

The Natural Landscape zone includes a limited palette of plant types, restricted to the list in Section 4.19 *Plant List*. With proper attention to environmental needs these species are also suitable to use within the Transitional and Enhanced Landscape zones.

Transitional Landscape

Transitional Landscape areas will generally occur where a buffer zone is necessary to protect native vegetation from the additional irrigation and increased maintenance needs that normally occur in the Enhanced Landscape Zone.

This landscaping zone includes plant species, which while still indigenous, provide an obvious bridge between the Natural Landscape Zone and the Enhanced Landscape Zone. Plantings in this zone provide the opportunity, while simulating the character of the natural landscape, to add human enhancement to the existing vegetation. This zone will more likely require more maintenance and limited permanent irrigation. Refer to Section 4.19 *Plant List*, for available species.

Enhanced Landscape

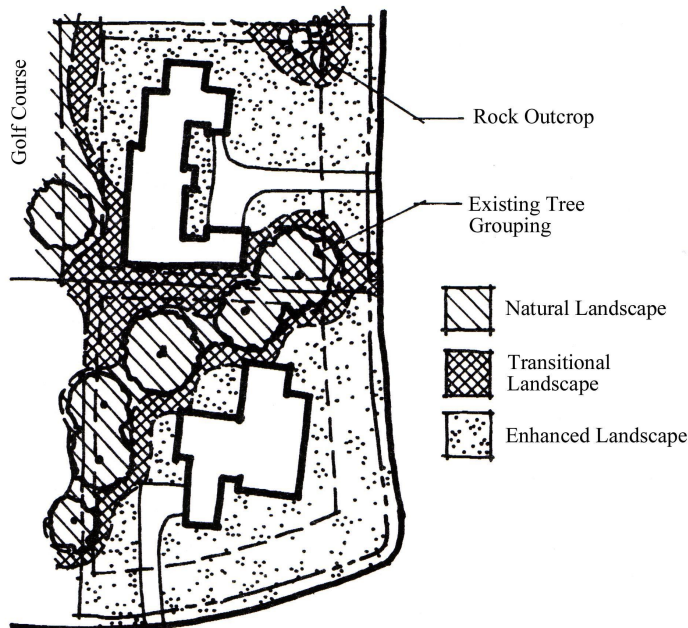
Enhanced Landscapes are those areas adjacent to the structure(s) and are more intended for use in the high intensity use areas near streets, entries, porches, terraces, swimming pools and decks. Landscaping in the Enhanced zone must have a direct relationship with the built environment and should never appear isolated from the home. Enhanced Landscapes are not intended to replace the natural landscape and the Natural Landscape Zone must be respected in relationship to the preservation of established native vegetation on the homesite.

Enhanced Landscape designs require the facilitation of a Landscape Architect or other licensed landscape professional. This professional is encouraged to attend the Pre-Design Meeting. The intent behind this requirement is that Enhanced Landscape design be considered in the early stages of design and with as much importance as the design of the home.

This landscaping zone, which offers the broadest use of plant species, provides a more finished appearance and usually requires regular maintenance and irrigation. Although an expanded choice of species are allowed in the Enhanced Landscape, designs should remain simple and conservative. Plants that stand out from the native landscape must be used purposefully and be thoughtfully placed as accents. Moreover, the Enhanced Landscape must, like the architecture of the home, remain subservient to the natural character of the Hill Country landscape. It may be useful to reference Chapter 5, *ARCHITECTURE*, since landscape designs will also be evaluated as part of the building design. Height, massing, asymmetry, seasonal color, subtlety, and topography are some of the issues that will be considered.

The purpose of the Enhanced zone is to allow for the Owners who wish to provide personalized landscaping to do so as long as it relates to the structures, and are not isolated from them. The Enhanced plantings should not be separated from the home by use of large horizontal planes

such as a patio or turf. Vegetation height should be considered. The intent is that this landscaping be clearly linked to the house and that it be used as an extension of the living area. It can also be used as an opportunity to bring some of the outdoors into the home.



Landscape Zones

See the illustration to the left for example of appropriately placed Enhanced Landscape zones.

The Enhanced Landscape zone is by no means a requirement for all homesites. Homes located in the meadow pastures of *Cimarron Hills* may rely more heavily on Enhanced Landscape than homes within the

Oak Woodlands, who have a lush foundation of natural vegetation to utilize. Owners who wish to

omit this zone are encouraged to do so.

4.5 LANDSCAPE PALETTE

The Landscape Palette plays a significant role in establishing and maintaining the character that binds a community. For this reason the Landscape Palette leans heavily toward plants that are native to Texas and the Hill Country region. Other plants may be included that have proven, over the test of time, to be compatible and adaptable to the conditions typical of this region.

The introduction of species not normally occurring in an area alters the aesthetic and historic quality of that area, and may prove unsuited and ill-adapted limiting its survival. For those reasons, and for the long term ability to maintain landscape standards, plants other than those listed in Section 4.19 *Plant List*, will not be allowed without the specific approval of the *Cimarron Hills* DRC.

It is always important to remember that the use of native plants are appropriate because of their ability to withstand heat, their tolerance to drought, their adaptability to the soil conditions and the continuity they provide between the planned areas and the natural background of the Hill Country. Although, one must remain aware native plants, flowers and grasses go through seasonal cycles and are affected by climatic conditions. Periods of renewal and bloom are followed by periods of decline, falling off and seed dispersal; this is the natural process and cannot be avoided in order to maintain healthy plant life.

Plant lists that conform to the approved Landscape Palette must be submitted for review as a part of the Final Design Submittal process. The *Cimarron Hills* DRC reserves the right to refuse any plant material that, in their discretion, will not be compatible with the existing natural landscape or is not beneficial to the aesthetic quality of the community, and to add to the Plant List species made newly available on the commercial market.

4.6 PLANTING COMPOSITION

The applicant must create a landscape that will remain healthy in this climate over time. Care must be taken to select planting methods that best assure the growth and fulfillment of the concept portrayed by the approved Landscape Plans. A local nursery may provide advice on the various species and whether these species are best propagated by the use of seed, seedlings, potted specimens, or transplantation. If potted specimens are to be used, special attention should be given to the size of the specimen. The largest specimen that has a decent survival rate should be used. With the climatic and soil conditions at *Cimarron Hills*, large potted and transplanted specimen do not always have survival rates that are as high as smaller specimens.

For the Natural Landscape Zone, care must be taken to select plants that are not only a species listed in Section 4.19 *Plant List*, but also that the actual plant specimens appear similar to those already on site. For example, trees grown in a nursery may appear manicured in shape and blue in color whereas trees transplanted from land nearby tend to be more rugged, irregular, and green.

Plant composition should include sizes and quantities of material that are appropriate to the scale of the home and the specific homesite. The goal is to enhance or recreate a landscape that appears harmonious with the existing setting and flows seamlessly from one homesite to the next.



In addition to consideration for community-wide design, it is important to compose a landscape that complements and supports the design of the home. Selection and location of plants should not block views from windows or entries, nor should it result in overcrowding or the need for excessive pruning to maintain appropriate plant sizes.

4.7 TURF

Turf lawns are permitted within homesite yards. However, *Cimarron Hills* encourages its thoughtful placement because of the common excess that accompany a turf lawn, i.e. over maintenance and over watering, as well as the use of herbicides and fertilizer necessary in maintaining an attractive, healthy lawn. Its recommended turf areas physically adjoin outdoor living spaces to enhance accessibility and to avoid creating small isolated areas of lawn not connected to the overall landscape concept.

It is not recommended that turf be planted directly next to the exterior walls of a home; a landscape element of some vertical proportion should ease the transition. Turf may border a patio or terrace.

Turf must be bordered by a landscape element that is connected to the structure of the home. Turf edges should not be visible. The turf must be visually and physically contained to prevent the potential of leakage over time of non-native grasses into the Natural Landscape. Please refer to Section 4.8 below for more information on containment devices.

Turf areas shall be drought resistant species only, such as Bermuda hybrids, Zoysia, or Buffalo grass. Any exceptions to this rule must be cleared by the Golf Course Manager prior to submittals to the *Cimarron Hills* DRC. Fertilizers must also be approved by the Golf Course Manager.

4.8 ENHANCED LANDSCAPE CONTAINMENT DEVICES

The wide range of lot conditions found at *Cimarron Hills* creates many types of homesite enclosure options. See Chapter 6.2 *DETAILS, Walls, Screens, and Fences* for options and fencing types. Many homesites are provided the opportunity for no fencing at all. In order to protect, in these cases, the community's natural landscape identity the *Cimarron Hills* DRC requires landscape containment devices.

If homeowners desire no fencing, the Enhanced Landscape area must be clearly bounded by a physical containment device. The purpose of containment is threefold:



- First, it prevents the spread of species not native to the site.
- Second, the containment device allows the boundaries of the Enhanced Landscape to remain clearly visible over time so that no future owner will mistake the intended location and boundaries of this landscape.
- Third, it visually claims the Enhanced Landscape as part of the occupied area of a home.

In order to contain the Enhanced Landscapes described above, containment devices should stand the test of time: weather, normal foot traffic, and recreational activities, especially those of children at play. The materials, workmanship, and location must be consistent with and appear to belong to the home. The containment element must be complete from end to end without holes or breaks. These site walls should be concentrated around areas of the home that contain Enhanced Landscape rather than encircling the entire home.

Containment devices should be mortar set, a minimum width of 6 inches, with minimum depth below grade of 6 inches, and have a minimum height of 6 inches.

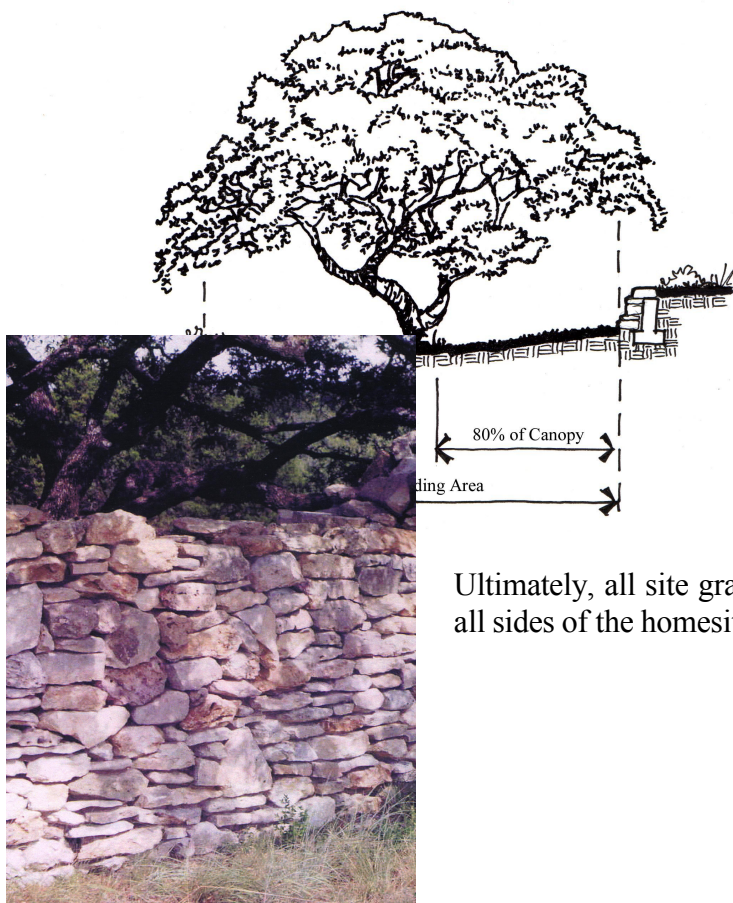
For hardscape or turf to qualify as a containment device it must be a minimum width of 60 inches. Stepping stones, any wooden element (i.e.: fences and bender board), row of rocks placed on top of the soil, or metal fences cannot be considered containment devices.

4.9 SITE GRADING

Site grading is the reshaping of the ground forms for the purpose of accommodating structures and for maintaining drainage patterns. Site grading is often overlooked or overdone. When complete, the site should reflect pleasing, natural forms that take shape gradually. Abrupt mounds or sharp forms do not appear natural.

A conceptual grading and drainage plan must be prepared and included in the Site and Landscape plans for all homesites to ensure every consideration is given to producing a design that is well integrated into the adjacent landscape as a single composition. The completed composition of landforms should appear natural within their setting. Terracing of homesites must not be apparent in the finished appearance of the landscape. All grading must take place within the setbacks for the purpose of creating a natural-appearing transition between homesites and other adjoining parcels. Where retaining systems are required, they should follow the height requirements and special considerations addressed in Chapter 3.15, *SITE PLANNING, Grading, Foundations, and Retaining Walls on Sloping Sites*.

Caution must be observed when altering the existing grades around trees. Two common disturbances which will likely kill trees is compaction of the roots from heavy equipment driving over them and the cutting or filling of an unnatural grade within the drip line. Should the proposed grade level change near existing trees, the level of the ground inside the tree's drip line should not be disturbed. If necessary, grading may encroach within the outermost 20 percent of the radius drip line as measured from the edge of the tree trunk. If excavating occurs in this area, it must be done by hand. If a major root is encountered, it must be wrapped in a material that keeps it moist and dark until the soil can be replaced. When roots must be removed, they should be cut cleanly and not left ragged. Refer to Chapter 3.11, *SITE PLANNING, Preservation of Trees and other Site Features*, for requirements of special trees.



All site grading must be kept to the absolute minimum necessary to accommodate the construction of the residence. Additional grading of homesites is not permitted other than is necessary structurally for buildings and other site elements. Abrupt transitions between the undisturbed natural ground and the graded area should be avoided. Contoured areas must incorporate a variety of slope gradients to provide a natural appearance to the landscape. All graded slopes must be revegetated. Temporarily stored topsoil and other fill materials must be covered until placed and vegetated.

Ultimately, all site grading must provide for transitions into grades on all sides of the homesites to create a flowing, continuous landscape.

4.10 RETAINING WALLS IN THE LANDSCAPE

There may be instances where retaining walls are required in the Landscape. These walls should be used only where necessary and must not protrude above grade. Refer to Chapter 3.15, *SITE PLANNING, Grading, Foundations, and Retaining Walls on Sloping Sites*.

The preferred stone material for use in retaining walls is stone native to the region and readily available. The stonework should appear organic in nature, using a variety of stone sizes and not displaying much mortar. Small walls may be dry stacked, constructed with stones sufficiently large enough to insure their stability over time. Prefabricated or modular concrete retaining wall systems, railroad ties, and landscape timbers are not allowed as retaining walls.

4.11 SITE DRAINAGE

On-site drainage must be designed to reintroduce as much water back into the groundwater system as possible and to keep the adjacent lands in their natural state. Existing natural drainage corridors must not be altered. On-site drainage, including roof drainage, must be directed away from all structures via infiltration trenches and dry wells. Water generated on any homesite may not flow onto adjacent property but has to be retained on site. Drainage may not be altered to create any condition that could lead to on or off-site soil erosion.

Rock lined swales should be designed to appear as a natural stream with large boulders and rock outcropping randomly placed at edges going to more gravel type rock in center. This will also slow the flow of water where necessary. In addition, it should not travel in a straight line. A meandering course will slow flow and allow better infiltration and less erosion. All drainage channels installed by the homesite owner shall be maintained by the owner.

For more information on drainage as it relates to Best Management Practices, please refer to Chapter 3.12, *SITE PLANNING, Best Management Practices*, Chapter 9.6, *CONSTRUCTION REGULATIONS, Temporary Best Management Practices*.

4.12 HARDSCAPE

The configuration of hardscape areas should be dictated by circulation patterns, the landscape design concept, and in some cases the shape or configuration of the chosen paving material. Natural building materials like stone, clay bricks or concrete pavers are a logical selection for exterior ground surfaces. Where possible, colors should blend into the existing natural ground plane. All hardscape selections must be presented to and approved by the *Cimarron Hills* DRC as part of the regular submittal process. The weathering capability of all proposed paving materials should be considered to insure long term durability of the hardscape design.

4.13 SOFTSCAPE

Softscape treatments include permeable surfaces such as ground covers, decomposed granite, or native limestone rock. Softscape elements are typically porous, allowing water to filter into the soil. Circulation patterns, amount of use and desired level of formality should be considered when

selecting a surface treatment. For example, brick or stone laid on sand are appropriate materials for patios and outdoor seating areas.

4.14 IRRIGATION

The use of underground drip irrigation systems rather than traditional spray type systems are encouraged for most landscape situations. Spray irrigation should be limited to turf areas and may not be used in the Natural or Transitional Landscape zones. Installation and use of rotary heads is not allowed. Automatic irrigation systems are required for all designed landscapes.

In order to establish vegetation, Natural Landscapes zones may be temporarily irrigated. Special attention must be given to the monitoring of these areas so as to insure the healthy establishment of the plantings, while not promoting an artificially moist environment that limits plant's adaptability and life and encourages invasive weed growth.

Upon establishment of the plant materials, the irrigation system can be gradually reduced until the system can be disconnected and removed. Permanent irrigation is not allowed in Natural Landscape zones.

A qualified landscape designer will be able to recommend a watering schedule for both the establishment period and beyond. Consider watering schedules as a guide and adjust as necessary to compensate for climatic changes, soil characteristics, location and exposure and season. Watch plants for signs of stress and adjust water accordingly. Just as many plants die from over watering than under watering. A regular fertilizing and mulching regimen is also critical for nutrient supply, water retention and soil conditioning.

All irrigation systems must be installed by a licensed irrigator within the State of Texas and must comply with all regulatory requirements set forth by the Texas Commission on Environmental Quality, which is the regulating agency. All irrigation systems should include rain sensors, at a minimum, so as to minimize unnecessary waste of water and runoff.

4.15 LANDSCAPE PLAN DOCUMENTATION

The applicant should submit, as part of the Preliminary Design Submittal, a Preliminary Landscape Plan that distinguishes which areas are to remain protected, which areas will be disturbed and revegetated, and which areas are designated to receive new Enhanced Landscape. Plants to be salvaged must also be indicated. The plan must illustrate all items identified on the Landscape Checklist.

In addition to the information required for the Preliminary Submittal, the Final Landscape Plan must include specific information about the locations, types, quantities, and sizes of proposed plants. The use of any plants not contained within the *Cimarron Hills* Landscape Palette must be denoted as such and submitted to the *Cimarron Hills* DRC with the Final Design Submittal for approval. Irrigation systems must be indicated as well as locations and details (elevations or sections) of features such as address markers, landscape lighting and site walls. Final Landscape Plan must satisfy the Landscape Checklist and the intent of the design guidelines prior to final approval of the

Final Landscape Plan.

Landscaping of home site after completion of home construction must occur at the earliest possible time. A 90 day time limit for landscape installation has been established in order to insure completion in a timely manner, protect against erosion, and protect property values. The time limit commences from time of issuance of occupancy permit. If the Owner fails to comply with this schedule, or if the diligent and earnest pursuit of the completion of the improvement ceases, then the *Cimarron Hills* DRC may, upon the passage of 60 days after written notification to the Owner, proceed to have the exterior of the improvement completed in accordance with the approved plans. All costs relating to the completion shall be borne and reimbursed to the *Cimarron Hills* DRC by the Owner, to be secured by a continuing lien on the home site.

The owner is responsible for maintaining the landscape on the home site per the approved plans. Any changes must be approved by the *Cimarron Hills* DRC prior to installation.

4.16 OAK LEAF DROP

Within the Natural Landscape Zone it is recommended that the fallen oak leaves and other native floor material be left on the ground rather than removed. The leaves are beneficial to the natural landscape by serving many important functions including: erosion control, dust control, decomposition into fertilizer, retention of soil moisture (this is especially important in the establishment of new vegetation), and protection for plants, especially perennials.

4.17 LANDSCAPE LIGHTING

Landscape lighting is only allowed when approved in advance by the *Cimarron Hills* DRC and when the submittal indicates the lighting scheme is limited in area and in intensity. The purpose of landscape lighting is to provide for safety and diffused mood lighting only, not for decoration. Lighting may not pollute the night sky nor trespass onto neighboring properties or rights of way. Downlighting is the most desired illumination effect. This concept places fixtures high in the branch structure of trees with the light source directed downwards through the foliage and branch structure creating the dramatic shadow patterns of moonlighting.

Uplighting may accompany downlighting to highlight the residential architecture and significant landscape features of the homesite. It is highly recommended that low voltage lighting be utilized; any line voltage proposed may not spill onto any adjacent lot, creating a neighborhood nuisance. All uplighting shall utilize fixture shields or similar devices to control the direction and flow of the light into the appropriate direction. View of the light source from the street and/or any adjacent lot is prohibited. The lighting submittal must indicate the exact number of lights, location, direction (up or down), voltage, type (metal halide, mercury vapor, halogen, etc.), color, and purpose.

Additional lighting requirements are as follows:

- Steps lights, pole and pilaster mounted fixtures are allowed when placed appropriately. Refer to Chapter 6.3 DETAILS, *Exterior Lighting*, for additional information.
- Lighting must be limited to circulation, to those areas that are occupied by people or moonlight areas held close to the home.
- Filters and shields are required to hide light source. Nuisance light from unshielded spot or bullet fixtures will not be allowed.
- Fluorescent, metal halide, or low pressure sodium lamps are not allowed.
- Rope lighting is prohibited.
- Low voltage lighting is allowed when use adheres to the same application as noted above.
- No fixtures are allowed in setbacks.

Light fixtures, finishes, and lamp size intention must be submitted along with proposed fixture locations as part of the Final Design Submittal. The use of a professional lighting consultant is recommended.

4.18 EXISTING TREES

No trees 6 inches d.b.h. or larger may be removed without specific approval from the *Cimarron Hills* DRC. In general, trees of any size outside of the footprint of the building will not be approved for removal. Limbing of live branches is allowed up to ten feet above ground level without approval. Trees 12 inches in diameter and greater may be limbed up to 12 feet off the ground. Trees 4 inches d.b.h. and smaller should not be limbed. Limbing above these levels requires specific approval prior to performing the work. Due to its sensitivity to environmental changes, Post Oaks, should remain untouched if possible, but, some pruning may be considered if performed by a qualified professional.

Depending on soil type and conditions discovered on an individual homesite, Owner may be encouraged to transplant rather than cut down trees 4 inches in diameter and smaller that are in conflict with the home's construction. The best time to transplant trees is when they are dormant in the spring or fall.

4.19 PLANTS LISTS

The following list should be used as a starting point for selecting plants at *Cimarron Hills*. Requirements for specific homesites may be more or less restrictive depending on landscape indigenous to the immediate site and the location of the site within the community.

NATURAL LANDSCAPE ZONE

The plants listed in this category are appropriate for use on all parts of the homesite.

TREES

Botanical Name	Common Name
<i>Aesculus arguta</i>	Texas Buckeye*
<i>Chilopsis linearis</i>	Mountain Laurel*
<i>Cercis canadensis</i>	Redbud
<i>Cornus drummondii</i>	Roughleaf Dogwood*
<i>Diospyros texana</i>	Texas Persimmon*
<i>Fraxinus texensis</i>	Texas Ash
<i>Leucaena retusa</i>	Goldenball Leadtree*
<i>Quercus fusiformis</i>	Escarpment Live Oak
<i>Rhus lanceolata</i>	Flameleaf Sumac*
<i>Sophora secundiflora</i>	Mountain Laurel*
<i>Ulmus crassifolia</i>	Cedar Elm
<i>Ungnadia speciosa</i>	Mexican Buckeye*

SHRUBS

Botanical Name	Common Name
<i>Anisacanthus wrightii</i>	Flame Aacanthus*
<i>Lantana horrida</i>	Texas Lantana*
<i>Opuntia spp.</i>	Cactus*
<i>Rhus virens</i>	Evergreen Sumac*
<i>Salvia greggii</i>	Autumn Sage*

ANNUALS, PERENNIALS & GRASSES

Botanical Name	Common Name
<i>Amblyolepis setigera</i>	Huisache Daisy
<i>Aster oblongifolius</i>	Autumn Aster*
<i>Bouteloua gracilis</i>	Blue Grama
<i>Buchloe dactyloides</i>	Buffalograss
<i>Carex planostachys</i>	Cedar Sedge
<i>Castilleja indivisa</i>	Indian Paintbrush
<i>Coreopsis tinctoria</i>	Calliopsis
<i>Gaillardia pulchella</i>	Indian Blanket
<i>Liatris subsp.</i>	Gayfeather
<i>Linum lewisii</i>	Blue Flax
<i>Lupinus texensis</i>	Bluebonnet
<i>Melanopodium leucanthum</i>	Blackfoot Daisy
<i>Melica nitens</i>	Threeflower Melic
<i>Muhlenbergia reverchonii</i>	Seep Muhly
<i>Malvaviscus arboreus</i>	Turks cap*
<i>Rudbeckia hirta</i>	Black-eyed Susan
<i>Salvia coccinea</i>	Scarlet Sage
<i>Salvia engelmannii</i>	Englemann Sage
<i>Salvia Farinacea</i>	Mealy Blue Sage

TRANSITIONAL LANDSCAPE ZONE:

The following selection of plants is appropriate for use in landscaped areas that provide a buffer between the Natural and the Enhanced Landscape Zone.

All the plants in the Natural Zone List may be used in the Transitional Zone in addition to the following:

TREES

<u>Botanical Name</u>	<u>Common Name</u>
<i>Cotinus obovatus</i>	Smoke Tree
<i>Ilex vomitoria</i>	Yaupon Holly*
<i>Quercus texana</i>	Texas Red Oak
<i>Sophora affinis</i>	Eve's Necklace
<i>Taxodium distichum</i>	Bald Cypress

SHRUBS

<u>Botanical Name</u>	<u>Common Name</u>
<i>Berberis thunbergii</i>	Redleaf Barberry*
<i>Berberis trifoliolata</i>	Agarita*
<i>Cotoneaster dammeri</i>	Coral Beauty Cotoneaster*
<i>Hypericum</i> spp.	Hypericum*
<i>Hesperaloe parviflora</i>	Red Yucca*
<i>Ilex vomitoria</i>	Dwarf Yaupon*
<i>Nandina</i> spp.	Heavenly Bamboo*
<i>Rhus virens</i>	Evergreen Sumac*
<i>Rosmarinus officinalis</i>	Rosemary*
<i>Yucca</i> spp.	Yucca

GROUND COVERS

<u>Botanical Name</u>	<u>Common Name</u>
<i>Oenothera speciosa</i>	Pink Evening Primrose
<i>Verbena canadensis</i>	Sweet William

VINES

<u>Botanical Name</u>	<u>Common Name</u>
<i>Bignonia capreolata</i>	Crossvine
<i>Campsis radicans</i>	Trumpet Vine
<i>Clematis texensis</i>	Scarlet leatherflower
<i>Lonicera sempervirens</i>	Coral Honeysuckle
<i>Parthenocissus quinquefolia</i>	Virginia Creeper
<i>Passiflora incarnata</i>	Passion Flower

ENHANCED LANDSCAPE ZONE:

The following selection of plants is appropriate for use in landscaped areas that have a direct relationship with the home. The Enhanced Landscape must be contained within clear boundaries, beyond which only plants for the Native and Transitional Zones are allowed. Please reference Section 4.8 *LANDSCAPE, Enhanced Landscape Containment Devices*, for more information on Landscape Containment Devices.

TREES

<u>Botanical Name</u>	<u>Common Name</u>
<i>Aesculus arguta</i>	Texas Buckeye*

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Chilopsis linearis
Cercis canadensis
Cornus drummondii
Cornus florida
Cotinus obovatus
Diospyros texana
Fraxinus texensis
Ilex deciduas
Ilex vomitoria
Lagerstroemia indica
Leucaena retusa
Prunus mexicana
Quercus fusiformis
Quercus macrocarpa
Quercus texana
Rhus lanceolata
Sophora affinis
Sophora secundiflora
Taxodium distichum
Ulmus crassifolia
Ulmus parvifolia sempervirens
Ungnadia speciosa
Vitex agnus-castus

*Mountain Laurel**
Redbud
*Roughleaf Dogwood**
Flowering Dogwood
Smoke Tree
*Texas Persimmon**
Texas Ash
Possumhaw
*Yaupon Holly**
Crepe Myrtle
*Goldenball Leadtree**
Mexican Plum
Escarpment Live Oak
Bur Oak
Texas Red Oak
*Flameleaf Sumac**
Eve's Necklace
*Mountain Laurel**
Bald Cypress
Cedar Elm
Lacebark Elm
*Mexican Buckeye**
Vitex

SHRUBS

Botanical Name

Abelia spp.
Anisacanthus wrightii
Aspidistra elatior
Aucuba japonica
Berberis thunbergii
Berberis trifoliolata
Buxus microphylla
Cotoneaster dammeri
Elaeagnus spp.
Fatsia japonica
Hypericum spp.
Hesperaloe parviflora
Ilex cornuta
Ilex vomitoria
Lantana horrida
Ligustrum lucidum 'Variegated'
Leucophyllum spp.
Myrica cerifera
Nandina spp.
Nerium oleander

Common Name

*Abelia**
*Flame Acanthus**
*Cast-Iron Plant**
*Japanese Aucuba**
*Redleaf Barberry**
*Aagarita**
*Boxwood**
*Coral Beauty Cotoneaster**
*Elaeagnus**
*Japanese Aralia**
*Hypericum**
*Red Yucca**
*Dwarf Chinese Holly**
*Dwarf Yaupon**
*Texas Lantana**
Variegated Ligustrum
*Texas Sage**
*Southern Wax Myrtle**
*Heavenly Bamboo**
*Oleander**

Cimarron Hills January 2017

Pyracantha coccinea
Raphiolepis indica
Rhus virens
Rosmarinus officinalis
Salvia greggii
Santolina chamaecyparissus
Yucca spp.

*Pyracantha**
Indian Hawthorn
Evergreen Sumac*
Rosemary*
*Autumn Sage**
Gray Santolina
Yucca

PERENNIALS & GRASSES

Botanical Name

Achillea spp.
Aster oblongifolius
Malvaviscus arboreus
Melampodium leucanthum
Nolina texana
Pennisetum spp.
Poliomenantha longiflora
Rudbeckia hirta
Salvia leucanthia
Salvia roemeriana

Common Name

Yarrow*
*Autumn Aster**
*Turks cap**
*Black-Foot Daisy**
Sacahuista*
Fountain Grass
Mexican Oregano*
Black-eyed Susan*
Mexican Bush Sage*
*Cedar Sage**

FLOWERS, FERNS, & HERB

Botanical Name

Ageratum spp.
Begonia spp.
Coreopsis grandiflora
Coreopsis lanceolata
Cosmos bipinnatus
Echinacea spp.
Iris spp.
Lupinus texensis
Nephrolepis spp.
Salvia farinacea
Salvia spp.
Senecio cineraria
Tagetes spp.
Thelypteris kunthii
Verbena tenuisecta
Vinca rosea
Zinnia spp.

Common Name

*Ageratum**
*Begonia**
*Coreopsis**
Lanceleaf Coreopsis*
*Cosmos**
Purple Cone Flower*
*Iris**
*Bluebonnet**
Sword Fern*
Mealy Blue Sage
Indigo Spires*
Dusty Miller*
Mexican Mint Marigold*
*Wood Fern**
*Moss Verbena**
Periwinkle*
*Zinnia**

GROUND COVERS

Botanical Name

Ophiopogon japonica
Thymus spp.

Common Name

Mondo Grass
Creeping Thyme
Asian Jasmine

VINES

Botanical Name

Common Name

Bignonia capreolata

Crossvine

Campsis radicans

Trumpet Vine

Clematis texensis

Scarlet leatherflower

Ficus pumila

Fig Ivy

Gelsemium sempervirens

Carolina Jessamine

Lonicera sempervirens

Coral Honeysuckle

Parthenocissus quinquefolia

Virginia Creeper

Passiflora incarnata

Passion Flower

Wisteria sinensis

Wisteria

*Plants identified with an asterisk at the end of the common name have shown some resistance to deer grazing, but there is no such thing as deer-proof. Drought conditions and other situations may cause a food shortage and all plant material may be susceptible to deer grazing.

Plants highlighted in italics are Texas Natives



5.0. ARCHITECTURAL DESIGN

5.1 INTRODUCTION

Cimarron Hills provides a wide range of topography and landscape options and Owners should carefully consider the style, size and scale of their residence prior to selecting a lot.

It is the intent of *Cimarron Hills* to encourage architecture rooted in Texas but with “old world” elegance through the use of good design and natural materials. There is not a *Cimarron* style, but it is the intent to create a unifying philosophy of design. Homes should reflect regional traditions and respond to the unique character of the Texas Hill Country. These guidelines reflect the desire to foster a thoughtful and comprehensive approach to creating a community that shares among its many goals consistent quality design and construction.

Classic structures utilize strong sheltering roof forms with deep overhangs, large covered verandas, shed and gable dormers, divided-light windows, rustic rough sawn beams and trusses with oversized detail cut rafter tails and extensive use of “native” materials.

While structures should be well developed, expression is to be honest and uncomplicated, never modern. Extensive use of spaces for outdoor living such as interior courtyards, large porches, verandas, terraces and trellises are encouraged both for the human factor and the softness of shade and shadow resulting from the articulated massing and details these features provide.

Cimarron Hills’ development plan established a layout of roads, a pattern of open spaces, neighborhood areas, golf course, clubhouse/swim racquet facilities and the protection of views and land. Most home sites will share both tremendous views and a sense of privacy. In consideration of this, homes should be sited in consideration of the landscape, topography, golf course and other adjacent lots. Therefore, it is important to realize that not all designs may be appropriate on every lot and the DRC will have authority to reject, adjust or modify any design. In addition, some home sites on selected highly visible parcels may be required to use special features and massing.

5.2 DESIGN CHARACTER

These Guidelines do not intend to dictate an architectural style within *Cimarron Hills* although all designs must be of a character appropriate to the “Old World/Texas” vernacular. Architectural styles such as French Country, Spanish Mediterranean, Tuscan, Southwest, or Texas Hill Country are strongly encouraged as is the use of natural materials.

The design character should create a residence that blends with its environment instead of standing out against it. The design of residences should be considered from all four sides, including roofs, not just from the front or rear. All four elevations should maintain the design integrity, material usage and visual interest as the front.

Creative use of shade and shadow and the avoidance of long uninterrupted wall or roof surfaces are required. Monochromatic color schemes are not encouraged unless they are the result of the use of natural material such as stone. The requirement for at least two (2) different complimentary exterior materials will naturally create complimenting color variations.

Structures that consist of only a bold mass or block forms are discouraged, as are those that are avant guard or otherwise intentionally conspicuous.



5.3 DIVERSITY AND CONTINUITY

The principal objective of *Cimarron Hills*' Design Guidelines is to encourage the addition of elements with an architectural richness and variety without creating flashy, ostentatious or intentionally attention-grabbing designs.

Most all neighborhoods in the area suffer from a "sameness" of design and detail resulting from the fast paced growth patterns created by developers interested in a fast buck and quick sale. *Cimarron Hills* is intended to be a neighborhood rich in a patina of architecture, details and natural materials created over a span of decades, not months or years. Homes should appear to have been built individually or changed over the years by their respective owners.

Although rhythm and pattern are encouraged, large areas of symmetrical massing will not be allowed. Although historical precedent provides examples of symmetry in both rhythm and massing, the use of symmetry as an organizing principal of design can lead to a home that appears formal, traditional or simply institutional.

Homes that use neutral colors for most all materials and have well developed outdoor spaces, shade, shadow and detail will be considered as the basis from which to provide continuity. Design continuity may be achieved through the appropriate use of massing, height, materials, colors and other design elements. Therefore, a more organic composition is preferred, one that can coexist within the context and view of other homes in the neighborhood.

5.4 BUILDING ENVELOPE

The Building Envelope and Setbacks is the portion of each lot within which the architectural structure and architectural outbuildings must be built. The Building Envelope provided on many homesites may be more restrictive than the minimum building setbacks based on the natural features, views, relationship to other lots or the golf course, and drainage and topography identified on each site. Minor modifications to the Building Envelope may be approved when justified in the DRC's opinion, giving consideration to relevant issues such as privacy, views and the overall character of the development. Increases in the size of Building Envelopes are strongly discouraged and will only be allowed upon exceptional circumstances, if approved in the sole discretion of the *Cimarron Hills* DRC.

One of the first goals of all Owners and their Architects should be to create the highest quality home in the minimum space possible consistent with the satisfaction of the Owner's need for space. The minimum square footage for living area is three thousand five hundred (3,500) and maximum living area for all custom lot home sites will be nine thousand (9,000) square feet. Declarant has the right to reduce the minimum square footage in the designated non-custom lots areas. For the purposes of this section, living area is defined as habitable space that is heated and/or cooled, other than garages and below grade basements with no walls exposed to the exterior greater than 6 feet in height.

5.5 BUILDING MASS AND FORM

To help blend the residence with its environment, building massing will be an important part of the design review process. Residences shall be composed of several building masses as viewed from any elevation. For example, a separate garage structure might incorporate some living area above it.



Homes larger than five thousand (5,000) square feet shall be composed of at least four visual masses. Any single mass over two thousand five hundred (2,500) square feet shall be composed of at least two (2) masses. All side and rear elevations are expected to be articulated to break up the façade into smaller elements, as well as adding the richness of shade and shadow. Large blank walls will not be allowed.

When two contiguous home sites are owned by the same person(s), a Lot Line Adjustment may be applied for with the City of Georgetown. If granted, the maximum living area may be increased if it is demonstrated that the increased size of the home remains consistent with the landscape and scale of adjacent homes.

5.6 BUILDING HEIGHT

Generally, the maximum height limit established is thirty-four (34) feet to the ridge point of the roof, sufficient for a two-story building with a pitched roof. Maximum height limit for the ridge point of a single-story shall be thirty (30) feet. There may be instances in which the smaller footprint from a two-story building would cause less disturbance to desirable natural features than would a single-story of the same square footage. Creative design solutions which seek to maximize views and privacy for the surrounding neighborhood and which retain natural resources of the site will be given consideration by the DRC.

Architects and Owners should keep in mind that the DRC considers each home within the context of a complete build out at *Cimarron Hills* and not just necessarily any single home. Maximum building heights shall be measured vertically above the average existing natural terrain, as solely determined by the DRC, prior to grading. If any doubt exists as to the base starting elevation, the DRC should be consulted prior to the start of any elevation studies.



5.7 BUILDING ELEVATIONS

In addition to other provisions in this section, it is the articulation of the three-dimensional elevations of each home that may more than any other element, contribute to an overall pleasant neighborhood environment. Homes must be considered and designed with all “four” elevations in mind. The design of homes within *Cimarron Hills* is expected to capture those qualities of richness and detail that are often associated with an earlier, more handcrafted time. The emphasis placed on the front elevation by many homeowners and builders will be used on all elevations by the DRC.

Structures that complement the natural environment, as well as those having interesting and varied mass are required. Whether or not a home is intended as modest or large, the use of proportion, light, shade and shadow must be clearly evident in the design. Homes will be evaluated by the DRC from every potential direction.

Building walls may extend a maximum of 20 feet in height without an offset in the vertical plane.

Single story walls may extend no more than 28 feet without an offset in the horizontal plane with a minimum 2' depth. Two story walls and gable ends may extend no more than 20 feet without an offset in the horizontal plane. An offset must typically be more than just a change in material, it must occur within the structural framework of the design. The offset must be 1'-2' minimum depth.

In addition to the scale and proportion of the overall home design, details must also display the same sense of proportion relative to the rest of the building. For example, rafter tails are typically 2" X 4" lumber, often even simply just extensions of the pre-manufactured truss system supporting the roof. However, were these elements given the attention to detail that this section seeks to encourage, they would more often be of 3" X 6" or 4" X 8" rough sawn material.

5.8 ROOF DESIGN

Since roofs will form an important part of the visual environment, they must be carefully designed. Large, unbroken expanses of single-pitched roof will not be approved by the DRC. Pitched roofs may be gable, shed, hipped or tie into building masses and may be a maximum of 8 in 12 and a minimum of 4 in 12. Flat roofs may be permitted if the overall design of the home is consistent within *Cimarron Hills*. Mansard roofs are not permitted. Exposed roof mounted mechanical equipment is not permitted and all penetrations, antennas, satellite dishes and flashing shall be painted to match the roof color. Two satellite dishes are allowed for multiple languages if required. The satellite dish must be small in scale and affixed to the home. Placement must be approved by the DRC.

Allowable roof materials include clay tile, slate, and concrete tile. Metal roofing may be permitted by the DRC where specifically approved based upon the design of the residence.

Covered terraces, porches and verandas are strongly encouraged but must be fully integrated into the design. Changing both the slope and material on these areas is one way to create diversity and asymmetry.

The roof area of all two-story homes must include single-story elements. On both one and two-story residences, the roof profile should be richly varied with individual masses and asymmetrical design. The use of deep, heavy fascias often built up out of smaller pieces of lumber help to create necessary shade and shadow. Overhangs should be substantial on eave ends.



5.9 EXTERIOR WALLS AND FINISHES

The exterior walls of any building are not to be surfaced with more than three (3) materials. One (1) material should be dominant over the other(s) and they should express logical structural relationships.

All building facades must include a significant degree of texture/depth such as that provided by stone and rock, integrally colored stucco, rough-sawn wood and brick. All exterior finish materials including stucco on all building walls, foundations, site walls and screen walls must be continued down to a maximum of twelve (12) inches of exposed foundation. Drop masonry ledges are required. Underpinning is not an acceptable wall surface to meet the twelve (12) inch exposed foundation requirement. Where code restricts the continuance of any major wall material below grade then the wall(s) must be detailed to include the introduction of stone, rock or brick down below finished grade.

The use of natural and high quality “faux” stone is encouraged as well as integral color stucco. Use of exterior insulation and finish systems (E.I.F.S.) is highly discouraged and will have very



limited approval. When used, the total amount shall not exceed 25% of the total exterior surface area. Although brick is an allowable material it must either have a mortar, slurry or a weathered painted finish similar to a traditional French Country look. Where brick is used as an accent material it may be unfinished.

Traditional wood siding is not expressly prohibited, however it must be in keeping with the “old world” architectural intent of *Cimarron Hills* as discussed in earlier sections. In no cases will simulated wood siding be permitted.

5.10 COLOR PALETTE

Because of the emphasis on natural materials in *Cimarron Hills* finishes that compliment and enhance the material’s intrinsic qualities are encouraged. Colors should complement and blend with, rather than contrast, with the surrounding natural pallet. Colors should generally be recessive, particularly those used for roofs and walls. A minor amount of contrasting trim work may be considered appropriate at the discretion of the DRC.

5.11 DOORS AND WINDOWS

Doors and windows should not appear as openings cut into the side of a box, but rather as architectural features with their glass face recessed, projected or surrounded by projections that provide relief and shadow. While elevations will differ on the individual elevations, all sides must be treated the same as the front elevation. All facades shall include an appropriate degree of doors, windows or openings in the wall.

Large expanses of clean glass are permitted under covered verandas and porches by shadow lines.

Aluminum double pane windows are permitted at bath wet areas for moisture protection if the aluminum color is consistent with the clad wood windows. Nominal sized recessed aluminum double pane windows are permitted if they are under a maximum of 6 square feet in total area; and the aluminum color is consistent with the clad wood window color of the house. The use of stained wood windows is highly encouraged. Finished, clad wood windows are required. White cladding will not be permitted. All metal clad wood windows must be color anodized or factory pre-finished in a color approved by the DRC. Raw components, especially aluminum and clear anodized finishes are prohibited.

Attention to door and window placement and their relationship to one another and the overall context of the elevation is critical. Although attention to interior location and views is important,

location on the exterior is as important. Windows in combination are generally more appealing than a number of individual units repeated across a wall and repetition of consistent sizes and shapes are better than an unrelated assortment of windows.

Glass may be coated or tinted to control solar heat gain, but a reflective mirrored appearance will not be approved. Skylights may be approved in inconspicuous locations only. Skylights, where approved, must have a low profile above the roof plane no more than 4" and glazing must be flat rather than bowed. The frames of skylights must be the same color as the windows.

5.12 FRONT ENTRIES, PORCHES AND DECKS



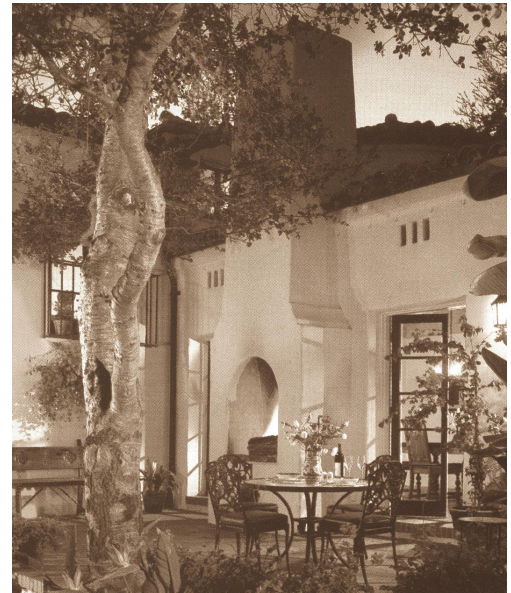
Although it is understood that the front entry should be expressed as an obvious element it should be understated. Traditional front porches that are overly vertical in relation to the area of the porch will not be permitted. Generally, the height of porches should be no more than one and one-half the width. Entries that are too ornate, monumental or imposing will not be approved. Trellised entries can be used as a soft transition between indoor and outdoor space. Entrances should be part of a covered front terrace or porch. Although the entry must be scaled in

relation to the overall mass and also pedestrians, from the street, it should appear more dominant than the garage doors.

Decks that extend off of upper levels above grade should be designed as an integral element of the building and not an appendage. Columns supporting such elements must be over-scaled and include the use of stone or brick. Wood columns may be used as an integral element but must be a minimum of an 8" X 8" member or a combination of four (4) 4" X 4"s.

5.13 FIREPLACES AND CHIMNEYS

Well-proportioned fireplace masses and their chimneys can be used as both a sculptural and overall massing element. Fireplace masses should be integrated with and blend well with the materials and character of the home and must always be faced with stone, brick or stucco. In no case will exposed metal flues, or spark arrestors, be allowed.



5.14 GARAGES AND DRIVEWAYS (Amended July 2009. See Appendix D)

~~Entrance driveways should be located so as to minimize the impact on natural features. Driveways should be a maximum of fourteen (14) feet wide at the street right-of-way and shall intersect the street at a right angle. Driveway depth as measured from garage doors shall be a minimum of twenty-eight (28) feet. Other restrictions on design imposed by the City of Georgetown shall govern. Where feasible, driveways should undulate from the road to the residence. Driveway shall be no closer than 3 feet to adjacent property line.~~

~~Where culverts are required at the street connection, they shall be decorative in nature and faced with stone or similar material matching the residence. If required by local ordinance or desired by the owner, entry pilasters shall be of similar design and materials as the residence. Lighting, if incorporated shall be designed to a scale appropriate to the pilaster.~~

~~Driveway material may be of natural gray concrete, integrally colored concrete, exposed aggregate concrete, pattern stamped concrete, or natural materials such as such stone or brick.~~

~~Every effort should be made to minimize the impact of the “garage.” Careful siting and driveway orientation can ensure that the visibility of the garage is minimized from the street and Adjacent Lots. Appropriate measures that will minimize the impact of garage doors include side entries out of direct view of the street, and overhangs or columns that add depth, creating desired shade and shadow.~~

~~Garages must blend with the residence and should incorporate windows to avoid large expanses of unarticulated surfaces. Large or unarticulated areas above garage doors will not be approved. Windows and a change in horizontal planes or materials are recommended. In all cases garages should be attached to the main residence at a minimum with an arbor or breezeway element.~~

~~Garage doors must relate to the remainder of the home’s design elements and materials. Only wood garage doors are accepted by the Design Review Committee. Doors should be either the same color as the home’s body or wood accents and generally should not call attention to themselves. Double garage doors 16’ to 18’ in width are permitted. Refer to Section 3.9 for more information. Garages will not be allowed to orient directly to the street. However a single garage will be permitted to face the street in the event that it is setback a minimum of 24’ from the front plane of the house closest to the street. No more than 2 garage stalls will be allowed directly adjacent to each other. The third door must occur in a secondary building plane, offset by a minimum of 2 feet from the primary wall. No more than 3 doors will be permitted in an elevation. A maximum of four (4) stalls will be allowed.~~

~~Carports may be considered in place of enclosed garage spaces but must be designed as an integral feature of the architecture. It must be constructed to the same level of detail, material and scale as the other portions of the home. Thin posts, bland detail and a change or reduction in materials will not be approved. Where approved, carports may only be used for the short-term storage of vehicles and neatly stacked firewood. The design and orientation of carports must screen the space from the street, common areas, golf course and neighboring home sites.~~

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~~If owner possesses large SUVs, recreational vehicles or equipment it is encouraged at the design process stage to develop garage and storage structures within the architectural composition of the home or homesite that can facilitate them.~~

~~Please reference Chapter 3.7, *SITE PLANNING, Driveways* and 3.8, *Garage Location*, for additional specifications and requirements regarding Driveways and Garages.~~



6.0 DETAILS

6.1 GENERAL OVERVIEW

The assumption that governs the *Cimarron Hills* DRC's review of improvement plans is that nothing takes care of itself and even the smallest details are important to the texture and appearance of *Cimarron Hills*. This chapter addresses a variety of related elements, but is not intended to be a full list of considerations that will be subject to the *Cimarron Hills* Design Review Committee's review. Design Review Committees historically have experienced difficulty with these more detailed issues, because homeowners often instruct their Architects and Contractors to undertake the work prior to seeking approval. Consulting with the *Cimarron Hills* DRC prior to commencing with detail-related activities will reduce conflict and will establish and maintain the quality of *Cimarron Hills*.

6.2 WALLS, SCREENS, AND FENCES

Fences and walls may be approved within *Cimarron Hills* when needed for security, screening, and containment or sound attenuation. Generally, the design and materials used for fencing shall be architecturally compatible with the building exteriors and consistent with the architectural style of the home. The exception is where the fences are exposed to open space, common area, or collector roads. In those conditions the exterior side of the fence becomes an extension of the community architectural character. More restrictive guidelines will be applied in these locations in order to maintain a unified architectural theme throughout highly visible areas of the community.

Maximum height of all fence and walls shall be limited to 6 feet above adjacent grade. In all cases, solid vertical wood fence or chain link fence will not be permitted. When fences are located along property lines, homeowners should work with the adjacent residences to ensure a cohesive design.

Where homesites abut the golf course, fencing is prohibited along property lines. Fencing, if necessary, for pool or animal enclosures shall be set a minimum of ten feet from property line. Additionally, rear yard fencing is discouraged where properties abut common and open space features. For interest, fencing along back of properties that abut golf course, common and open spaces should not be a continuous plane.

All fence and wall locations and designs are subject to approval by the *Cimarron Hills* DRC to ensure community cohesiveness, protect view corridors, and assure harmony with *Cimarron Hills'* overall vision.

6.3 EXTERIOR LIGHTING

The principal objective of these standards is to recreate the traditional low-level ambiance of a rural community. Secondly, the objective is to limit ambient light and reduce light trespass across property lines. If a shadow of light is cast onto a neighboring property from a homesite the light is originating from, then light trespass is occurring.

Lighting's primary consideration should be for safety. Simple traditional fixtures that throw a soft glow are recommended. One overly bright exposed front porch light can change the feel of an entire neighborhood.

Lighting a homesite or the exterior of a building as an accent or for any other reason is prohibited. Consistent with considerations for safety and security, the desire is to maintain a rural feeling by keeping the night landscape as dark as possible.

Area floodlighting and recessed can lighting is generally prohibited. A maximum of one recessed can fixture may be proposed for each garage bay. Bulb wattage may not exceed 100 watts per fixture.

Exterior wall and building mounted light fixtures must be integrated into the architectural composition of the house. Light fixture enclosures must be constructed to conceal or substantially diffuse the light source. Lighting a homesite or the exterior of a building as an accent or for any other reason is prohibited. Uplighting of any kind is prohibited.

Landscape lighting is allowed in limited quantity and intensity. Refer to Chapter 4.17, *LANDSCAPE, Landscape Lighting* for more information on landscape lighting.

Catalog sheets or photographs, lamp size intentions, finishes, and fixture locations in plan and elevation must be submitted as part of the Final Design Submittal.

6.4 UTILITY ELEMENTS AND ACCESSORIES

Unless specifically approved to the contrary, whether for functional or aesthetic purposes, materials such as chimney flues, vents through roofs or exterior walls, louvers, flashing, chimney caps, railings, utility boxes, exterior mounted mechanical equipment and metal work of any kind must be finished to match one of the other colors in the building's color palette. The color selected for these elements must result in an inconspicuous blending of the element into the surrounding materials and finishes.

Electrical service meters, gas meters, air conditioners and any other utility or mechanical equipment must be screened from the street, the Golf Course, common areas and neighboring homesites. They may be placed behind wing walls or located behind unlocked doors in a manner acceptable to the serving utility company. Please refer to Chapter 3.9, *SITE PLANNING, Utilities* for more utilities requirements.

6.5 ANTENNAE AND SATELLITE DISHES

The *Cimarron Hills* experience revolves around outdoor activities and enjoyment of the natural beauty which abounds in the community. The visual appearance of technological apparatus must be minimized to maintain the vision of rural lifestyle and traditional architectural expression.

Antennas are generally discouraged.

Owners desiring a supplemental dish or receiving device may have a dish up to 1 meter in diameter provided that its location is approved by the *Cimarron Hills* DRC in the Final Design Submittal. The dish must be positioned in a location such that it appears unobtrusive when visible from nearby homesites, rights-of-way, common areas, and Golf Course. The placement of such a dish must be designed into the home; it must not appear as an afterthought. Catalog cut sheets of such devices, and their locations on the Roof Plan and Elevations must be provided in the Final Design Submittal. Where appropriate, the dish may need to be painted to blend with adjacent building materials.

It is the responsibility of the homeowner to meet all FCC guidelines and requirements if an antenna is proposed.

6.6 RELATED STRUCTURES AND STORAGE BUILDINGS

Properly designed guesthouses, gazebos, playhouses, tree houses, storage buildings, or other accessory structures can add interest, but care is necessary to avoid a miscellaneous or cluttered look. They must be designed as integral elements of and be complementary to the main structure. Materials, colors and finishes must be similar on all such structures, and visually related by way of connecting walls, pergolas, terraces, or other landscape treatments. Accessory buildings must meet all setback and easement requirements.

Small storage buildings that are designed specifically for the homesite and are built on site may be allowed if they are complementary to the main structure and are approved in advance by the *Cimarron Hills* DRC. Prefabricated storage buildings will not be approved.

6.7 FLAGPOLES & EXTERIOR SCULPTURE

Flags may not be visible from the Golf Course because of the potential distraction they pose. Flagpoles should be in proportion to the modest size of the flag. Flagpoles must be attached to the structure finished in a color that blends with the surroundings when viewed from neighbors' homes, rights-of-way and common areas. All exterior sculptures must be approved by the DRC and submitted in conjunction with the final landscape plan. No sculptures may be placed in 10' right-of-way between the curb and property line.

6.8 ADDRESS IDENTIFICATION

Simple and well-designed small-scale numerals must be affixed to each home or related site elements for identification purposes. House numbers must be of a contrasting color. Such additional identification may be included if consistent with the residence's materials, finishes and color palette.

If address identification numerals attached to the home are not visible from the street, a single marker near the driveway may be approved. The marker must either be of (1) a stone that blends in with the surrounding topography and landscape character or (2) constructed materials that are consistent with the residence's materials, finishes, and color palette. No address marker may exceed a height of more than three feet above natural grade. The marker may be located within ten feet of the edge of the driveway and constructed in a manner as to not block visibility when exiting driveway. Address marker designs and details must be approved by the *Cimarron Hills* DRC in conjunction with the landscape plan and

prior to being constructed.

6.9 EXTERIOR RECREATIONAL OR PLAY EQUIPMENT (Amended May 2008. See Appendix D)

~~Basketball hoops will be allowed on a case-by-case basis where the hoop, backboard and all related hardware are finished to match the structure and are mounted directly to the home or an accessory structure such as detached garage. In addition to the color-matched backboards, clear backboards are also allowed.~~

~~Play structures, trampolines, swing sets, slides or other such devices will not be allowed on homesites visible from common areas such as the Golf Course and roads without proper screening. Additionally, play equipment in these areas must be limited to 8 feet or less. Colors must be in keeping with the intent of these guidelines. Bright colors will not be allowed.~~

6.10 SPORT AND TENNIS COURTS

These uses tend to impact neighbors and neighborhoods. Due to the significant site alteration, grading and fencing required for such land uses, sport and tennis courts will usually not be approved for homesites unless special mitigating measures are applied. Approval by *Cimarron Hills* DRC will be on a case-by-case basis.

6.11 OUTSIDE SPEAKERS

Sound cannot be amplified in any way on the exterior of any residence, if in the judgment of the *Cimarron Hills* DRC, it can be heard by neighboring residents, or anyone on the Golf Course, common areas, or rights-of-way. Speakers must be designed into the home so that they cannot be seen.

6.12 SWIMMING POOLS, SPAS, AND PONDS

Swimming pools, spas, and ponds, if any, should be designed as being visually connected to the residence through the use of walls or courtyards and must be positioned with consideration for visual and noise impact with respect to adjacent lots, the Golf Course, streets and public spaces. The same care applies to the location of all pool equipment areas, which must be screened from view from all surrounding properties. The pool equipment screen must be opaque. Screening with plant material must be large enough at time of planting to form a solid hedge; architectural screening must be of a material and color that is complimentary to the house. Enclosure fencing for pools and spas must meet all applicable local codes.

Pool backwash is not permitted to be disposed into any natural areas on the site. Applicable regulations shall be followed at all times and disposal method and location shall be approved by the DRC prior to installation.

6.13 REFUSE CAN ENCLOSURES

Refuse cans must be stored within an enclosure so as to be out of sight of adjacent properties, street right-a-ways and open spaces. Enclosures must conform to the guidelines set forth in Sections 6.4,

Utility Elements and Accessories and 6.6, Related Structures and Storage Buildings.

6.14 PET AND DOG RUNS

Dog runs may be provided on homesites when approved in advance. Dog runs must be integrated to the fullest extent possible with the home and may not be freestanding. Locator flags for buried electrical pet enclosure devices must be removed within 12 months after installation. Chain link fencing is not allowed at *Cimarron Hills*.



7.0 DESIGN REVIEW PROCEDURES

7.1 GENERAL OVERVIEW

Site-sensitive and site-specific design is fundamental at *Cimarron Hills*. The Architect's planning process and the design and construction documents should evolve from the careful and thorough analysis of a site's specific setting and features. Therefore, Owners, their Architects, and other consultants must refrain from approaching a homesite with a predetermined design expecting to make it fit with little regard for the site's existing features and constraints. *Cimarron Hills* has established this review procedure to assist the applicant through the design process in an appropriate sequence.

Plans and specifications must be submitted to the *Cimarron Hills* DRC in accordance with the following conference, submittal requirements, and review procedures. A flow chart outlining the Design Review process is located in Appendix A and may be a useful reference.

Plans will not be considered/or brought before the DRC board without complete submittal of Design Review package.

7.2 ORIENTATION/PRE-DESIGN CONFERENCE

Prior to beginning preliminary plans for any proposed homesite improvement at *Cimarron Hills*, an Orientation/Pre-Design Meeting with a representative of the *Cimarron Hills* DRC is required. This meeting is intended to fulfill several objectives: Is designed to informally discuss the Improvement Requirements and to resolve any question regarding building requirements at *Cimarron Hills*, as well as, provide a site-specific discussion that includes a visit to the homesite and an agreement on the approximate location of the future home.

Together, the Owner and/or Architect and a member of the DRC will visit the site and determine the area in which the construction will occur. Site specific issues should be discussed at this time, prior to the commencement of design. If any questions arise after this meeting, the Owner and/or Architect are obliged to contact the Design Review Administrator for clarification.

7.3 SUBMITTALS AND DEADLINES

Submittals must be made to the Design Review Administrator's office at least 7 working days prior to a scheduled *Cimarron Hills* DRC meeting in order to be reviewed at that meeting. Design Review Administrator will verify completeness of package within 10 working days of submittal. Late or incomplete submittals will not be accepted. Applicants must make submittal appointments and should plan accordingly. A schedule of submittal deadlines, orientation dates, and *Cimarron Hills* DRC meetings is available from the Design Review Department of the *Cimarron Hills* Community Association.

A completed Submittal Information Sheet (in the Design Review Checklist) must accompany all submittals so that they may be correctly processed.

All submittals must include two (2) sets of plans at each stage of design submittal.

All requirements listed in the Design Summary Checklist that corresponds to the type of submittal, including the Site Staking, must be complete at the time of the submittal. Homesite numbers must be affixed to all exhibits including the color board and model.

7.4 PRELIMINARY DESIGN SUBMITTAL

When the Preliminary Design is complete, two sets of plans on 24x36 inch (or larger) sheets must be submitted. Only drawings that address the requirements set forth in the Preliminary Design Summary will be accepted. These are a Site Plan, Floor Plans, all four Exterior Elevations, and Preliminary Landscape Plan. Drawings should be submitted bound and stapled. All drawings must have Lot Number, Block, Section and Address identified.

The onsite staking functions as an important component of the submittal and is necessary to determine whether the proposed home is well sited and whether the drawings accurately depict the proposal.

It is critical for the project to conform to height, setback restrictions, and all other requirements of the *Community Design Book* to receive Preliminary Design Approval. Any project that does not conform cannot be considered for approval.

In the event of any changes between the Preliminary and Final Design Submittals, the applicant who has submitted an application to the City of Georgetown prior to finalizing the design will bear any additional City costs associated with submitting a changed design to the City. If the project schedule allows, it may be more prudent to submit plans to the City after receiving Final Design Approval from the *Cimarron Hills* DRC.

7.5 PRELIMINARY DESIGN REVIEW

Once the submittal of the preliminary materials is complete, a representative of the *Cimarron Hills* DRC will visit the site to verify the site staking and to make sure that the home will be appropriately located on the site.

The *Cimarron Hills* DRC will meet from time to time as reasonably necessary to review Preliminary Design Submittals and will respond to specific submittals, in writing, no later than 15 days after each meeting. The Owners and/or Architects are encouraged to attend the Preliminary Design Review meeting. Points of deviation from the design guidelines and clarification of design intent may be discussed in order to provide a complete and thorough review of each submittal.

An Owner or Architect may wish to make additional inquiries regarding the results of a design review by contacting the *Cimarron Hills* DRC by telephone, or in writing, and, if necessary, the supplementary issues will be reviewed at the following meeting.

Therefore it is prudent, but not required, to wait until *Cimarron Hills* Final Design Approval prior to seeking City approval.

7.6 FINAL DESIGN SUBMITTAL

When the Final Design is complete, one set of plans on 24x36 inch (or larger) sheets must be submitted. Only drawings that address the requirements set forth in the Final Design Summary Checklist will be accepted. These are a Site Plan, Floor Plans, Exterior Elevations, Roof Plan, Building Sections, Final Landscape plan, and Exterior and Landscape Details that communicate aesthetic issues. Drawings should be submitted bound and stapled. All drawings must have Lot Number, Block, Section, and Address identified.

An 18x24 inch Exterior Materials and Color Board is among the Final Design Submittal requirements. Actual samples of all exterior materials (roof, wall, and ground plane materials, light fixture finishes, flashing, stone, wood, metal, landscape materials, etc.) must be securely affixed to a stiff board. All samples must be clearly labeled, and the lot number and physical address must identify the board.

Please refer to the Design Review Checklist for specific information on all submittal requirements.

7.7 FINAL DESIGN REVIEW

The Design Review Committee will meet to review the plans and will respond to specific submittals, in writing, no later than 15 days after each meeting. Points of deviation from the design guidelines may be discussed in order to provide a complete and thorough review of each submittal.

An Owner or Architect may wish to make additional inquiries regarding the results of a design review by contacting the *Cimarron Hills* DRC by telephone, or in writing, and, if necessary, the supplementary issues will be reviewed at the following meeting.

Please refer to Chapter 8, *CONSTRUCTION PROCEDURES*, for information on the construction phase of the review process.

7.8 RESUBMITTAL OF PLANS

In the event of any disapproval by the *Cimarron Hills* DRC of either a Preliminary or a Final Submittal, a resubmittal of plans and other materials must follow the same procedure as an original submittal, and is subject to the same time frames as the original submittal.

All changed items on a resubmittal must be clearly itemized in writing and highlighted and noted on the drawings so that they correspond to the itemized list. The *Cimarron Hills* DRC will not approve any changed items that do not conform to this procedure. If non-itemized changes are discovered, the submittal will be voided. If these items are not discovered at the time of the submittal, any approvals for itemized changes will not apply to non-itemized changes. The Committee may request that these items be built as approved until such time as Final Release and a Certificate of Compliance have been issued.

The *Cimarron Hills* DRC may assess an additional design review fee (which correlates to the relative consulting costs for duplicious review efforts) upon subsequent submittals which diverge substantially from previously reviewed applications for the same site, whether previously approved or denied.

7.9 DESIGN VARIANCE REQUEST PROCEDURE

If a requirement set forth in this book cannot be met, a Variance may be requested. Variances require that a hardship is demonstrated and that benefit to the community as a whole is the outcome of the variance. Mitigation may need to be proposed and permission from adjacent homesite Owners may be required, which can sometimes slow the approval process.

Requests must be submitted within the standard submittal schedule along with any necessary materials to clearly communicate the request. The regulation from which the Variance is being requested must be identified, and the extent and parameters of the Variance must be clearly defined.

When possible, requests will be processed and written responses given within 30 days of the submittal and 10 days of the meeting, provided that outside agency approval is not necessary.

The Design Variance Request fee is \$750, payable to *Cimarron Hills* Design Review, regardless of whether the variance is granted. This fee is in addition to any other fees that may be assessed for processing of additional procedure. A variance must be requested in writing to the *Cimarron Hills* Design Review Committee.

7.10 ADDITIONS, EXTERIOR REMODELS, AND REFINISHING

If a structural addition is to be added or the exterior of the home is to be remodeled any time after Final Release, the following Design Review procedures must be followed.

The charge for the review services for major work is \$500. Minor additions that also require the submittal of drawings, however, requires a \$50-\$200 review fee.

All additions, exterior remodels, and refinishing are subject to a construction deposit of \$1,000 - \$2,500 as determined by the DRC.

The Owner must contact the office of the Design Review Administrator for more specific instructions prior to adding, remodeling or refinishing any item on the home. For more information on fees associated with Post Final Release additions or remodels, please refer to Appendix B.

7.11 NON-WAIVER

The approval by the *Cimarron Hills* DRC of any plans, drawings, or specifications for any work done or proposed shall not be deemed to constitute a waiver of any right to withhold approval of any similar plan, drawing or specification subsequently or additionally submitted for approval. Failure to enforce any provision of these Improvement Requirements shall not constitute a waiver of the same.

Moreover, approval granted to a project does not constitute approval of each element within that project.

If an element that does not comply with the guidelines is discovered in a future submittal, or during construction of the same project, modification of the non-compliant element may be required. The *Cimarron Hills* DRC, the Design Review Administrator, the Community Association, Developer, or any employee or member thereof may not be held liable for any costs or inconveniences incurred to

remedy such a situation.

The Owner shall assume responsibility for compliance with all of the Community Design Book, Improvement Requirements and the CC&R.



8.0 CONSTRUCTION PROCEDURES

8.1 GENERAL OVERVIEW

In order to establish and maintain clear communication between homesite projects and the *Cimarron Hills* DRC, communication shall be conducted solely through the office of the Design Review Administrator and the Owner, copying the General Contractor.

8.2 PRE-CONSTRUCTION PACKAGE REQUIREMENTS

After Final Design Approval has been granted by the Cimarron Hills DRC, a Pre-Construction Package consisting of the necessary documentation and other Cimarron Hills forms must be submitted in full at the Pre-Construction Conference. As the Owner's Agent, the Contractor must provide the following requirements as a prerequisite in obtaining Permission to Begin Construction.

- A Construction Deposit written to *Cimarron Hills*
- Construction Insurance [For more insurance information, reference the following section.]
 - Copy of Certificate of Minimum \$1,000,000 Liability
- A completed Pre-Construction Information Sheet and Summary Checklist [See Design Review Checklist]
- A copy of the City of Georgetown Building Permit [Permission will not be granted to begin construction until the building permit has been provided]
- A PDF version of the final approved Architectural and Landscape Plans saved to a CD
- An 11x17 copy of the Final Plans (to be returned to home owner upon completion of construction)

8.3 INSURANCE REQUIREMENTS

All contractors must provide evidence of insurance with the *Cimarron Hills* DRC and the homesite Owner prior to entering the construction premises. Confirmation shall be evidenced in the form of a valid Certificate of Insurance naming both the Owner and Declarant as the certificate holders. The required insurance must provide coverage not less than the applicable limits of coverage relating to comprehensive general liability. Proof of liability insurance is required as a condition to begin and continue construction.

The minimum limits are \$1,000,000 each for general liability. General liability coverage must contain provisions for contractual liability and broad form property damage. The certificate shall

provide for a 30-day notice to the certificate holders in case of cancellation or material change in the limits of coverage.

8.4 SITE PREPARATION AND STAKING

The following items must be included. [Many of the items may be previously completed as part of the Final Design Submittal.]

- Limits of Construction with a 5' chain-link fence.
- Elements to be Saved Within the Construction Activity Zone Protected [include tree root protection]
- Trees to be Removed Marked
- Equipment Access Marked
- Utility Trenching Locations
- Building Footprint Staked and Labeled
- Paving Limits Strung
- Sanitary Closet Location Indicated
- Materials Storage Site[s] Indicated
- Dumpster Location Indicated

8.5 CONSTRUCTION DEPOSIT

The Design Review Committee reserves the right to establish a Construction Deposit in the amount of \$2,500, \$5,000, \$10,000 or other amount as it sees fit for new home construction. Additions and Modifications will be subject to a construction deposit as determined by the DRC. The deposit will be returned without interest to the Owner upon Final Release unless fines have been levied for non-compliance with the Improvement Requirements or deviations from the approved plans have occurred. The DRC may request an additional deposit be paid in the event that the balance falls below \$1,000. Failure to replenish the deposit within 30 days of the request may result in a lien on the property. For more information on inspections, enforcement of regulations and deposits, please refer to section 8.9, *Inspection of Work and Enforcement*.

8.6 COMMENCEMENT OF CONSTRUCTION

Upon receipt of final approval from the *Cimarron Hills* DRC, and after having satisfied all applicable City of Georgetown review and permit processes, the Owner must satisfy all conditions

of approval and begin the construction of the work pursuant to the approved plans. This work must begin within one year from the date that Final Design Approval was granted. If the Owner fails to begin construction within this time period, any approval given shall be automatically revoked.

8.7 COMPLETION OF CONSTRUCTION AND ACTIVE SITES

The Owner shall, in any event, complete all construction of improvements to the homesite within 24 months after commencing construction, except when such completion is impossible or would result in hardship to the Owner due to labor strikes, fires, national emergencies or natural calamities.

If the Owner fails to comply with this schedule, or if the diligent and earnest pursuit of the completion of the improvement ceases, or if the site is abandoned for a period of one calendar month, or a cumulative period of 4 weeks during any 8-week span, the *Cimarron Hills* DRC may, upon the passage of 60 days after written notification to the Owner, proceed to have the exterior of the improvement completed in accordance with the approved plans. The DRC may also remove the improvement and restore the homesite to its pre-construction condition or to the greatest degree possible. All costs relating to the completion or removal shall be borne and reimbursed to the *Cimarron Hills* DRC by the Owner, to be secured by a continuing lien on the homesite.

An active construction site, one that will not be considered abandoned, must not only have work crews present, it must also have, at all times, a dumpster, a sanitary toilet, correctly placed and complete vegetation protection fencing.

8.8 CONSTRUCTION VARIANCES

If construction cannot be legitimately completed within the regulations set forth in Chapter 9, *CONSTRUCTION REGULATIONS*, the Contractor may apply for a Construction Variance at a cost of \$200, regardless of the outcome. A written response will be given within 10 days of the *Cimarron Hills* DRC meeting in which the request is reviewed. The DRC will respond to these requests as quickly as possible, however, some time will be needed for a representative to visit the site, evaluate the request, present the request to the DRC, and respond with the Committee's decision, in writing, to the Owner. Needs for variance should be anticipated well in advance of the scheduled dates of the variance activity.

8.9 INSPECTIONS OF WORK AND ENFORCEMENT

A representative of the *Cimarron Hills* DRC may regularly inspect all work in progress and give Notices of Non-Compliance when applicable. The Notice of Non-Compliance will usually be associated with a fine as described below:

The Owner is liable for violations of all regulations by all parties involved in the construction of all improvements. The Owner is responsible for making sure that all parties, including the general contractor, sub-contractors and crew members, abide by the rules set forth.

All notices will be directed toward the Owner, who bears responsibility for all persons entering

Cimarron Hills property on behalf of the homesite project. A copy of the Notice of Non-Compliance may also be distributed to the General Contractor.

In the event of a violation of the governing documents, a warning may, but not necessarily will, be given for less serious breaches. Violations will be subject to the fines and other corrective action in Appendix B, as amended from time to time. These fines and actions may be imposed by the *Cimarron Hills* Community Association and/or the *Cimarron Hills* DRC and their agents. Fines double for each successive similar or uncured violation, regardless of any third party involvement, such as a sub-contractor.

In the unlikely event of an egregious or flagrant violation, the *Cimarron Hills* DRC or the Association may impose a fine of up to 10 times the penalties listed in Appendix C or previous fine amount.

The *Cimarron Hills* DRC shall review all Notices of Non-Compliance at regularly scheduled meetings, at which time any written response regarding a violation will be considered. The associated fine will be levied against the Construction Deposit upon affirmation by the Committee.

The *Cimarron Hills* DRC and/or *Cimarron Hills* Community Association and their agents may take corrective action at any time including, but not limited to, increasing fines as described herein, entering the site to correct the problem, issuing a Notice of Non-Compliance and/or a Stop Work Order, ordering of mitigation measures, or enforcement by any proceeding at law or as otherwise allowed under the law.

Absence of such inspection or Notification of Non-Compliance during the construction period does not constitute an approval by the *Cimarron Hills* DRC of work in progress or compliance with these Improvement Requirements. Please refer to Appendix C for additional information.

8.10 SUBSEQUENT CHANGES

Any changes to an approved design proposal that occur after the Final Design Approval and before Final Release must be submitted as follows. Additional construction or other improvements to a residence or homesite, changes during construction, including, but not limited to, landscaping, any re-staining or color modification must be submitted to the *Cimarron Hills* DRC for approval prior to beginning any work.

A Subsequent Change Request form and any supporting material must be submitted to the DRC. A \$200 processing fee, payable to *Cimarron Hills* Design Review, will be required, regardless of the outcome. The *Cimarron Hills* DRC shall review and respond in writing to a Subsequent Change Request within 10 working days of the meeting at which it was reviewed.

All changes from the Final Approved Design made to the exterior of the building or to the amount of heated, livable space must conform to the following procedure prior to the initiation of their construction.

- A completed Subsequent Change Request form [in the Design Review Checklist]

- A check payable to *Cimarron Hills* Design Review
- Modified drawings and any other exhibits such as material samples or photographs necessary to clearly communicate the requested changes must be submitted for review at the next scheduled DRC meeting. Please note that all changes must be specifically noted in writing [such as a list], and highlighted on plans and other exhibits. The highlighted items must be noted so that they correspond to the list.

Implementation of the change may only occur if and when approval is granted. Fines for initiating construction on unapproved elements of a design range from \$100 - \$1,500 per change, depending on the severity of the change. Two changed windows would constitute two changes and would result in two fines.

Fines levied against the deposit for unapproved changes do not constitute approval, and changes will still be required to be requested as part of the above-mentioned procedure. In the event that a change is not approved, it must be built as originally approved in the Final Design. The fees and Subsequent Change Request fees will not be refunded. These stringent requirements help to ensure that the Design Review Committee maintains control over all exterior elements of a home.

For additions, remodels, and exterior refinishing after Final Release is granted, please refer to Section 7.10, *DESIGN REVIEW PROCEDURES, Additions, Exterior Remodels, and Refinishing*.

8.11 NOTIFICATION OF COMPLETION AND FINAL RELEASE

Upon completion of any home or other improvement, the Owner or Contractor shall give written notice of completion to the *Cimarron Hills* DRC.

Within 10 business days of such notification, a representative of the *Cimarron Hills* DRC may inspect the residence or other improvements for compliance. If all improvements comply with these Improvement Requirements, the *Cimarron Hills* DRC may issue a written approval to the Owner, constituting a Final Release of the improvements by the *Cimarron Hills* DRC. The release is to be issued within 60 days of the final inspection and shall be accompanied by the remaining balance of the Construction Deposit.

If it is found that the work was not done in strict compliance with the approved plans or any portion of these Improvement Requirements, the *Cimarron Hills* DRC may issue a written Notice of Non-Compliance to the Owner, specifying the particulars of non-compliance. This notice is to be issued within 60 days of the final inspection.

The Owner shall have 30 days from the date of Notice of Non-Compliance within which to remedy the non-complying portions of the improvements. If, by the end of this time period the Owner has failed to remedy the non-compliance, the *Cimarron Hills* DRC may take action to remedy or remove the non-complying improvements as provided for in these Improvement Requirements, including, without limitation, injunctive relief or the imposition of a fine.

If the Committee fails to issue a Notice of Non-Compliance to the Owner, within 60 days receipt of the Owner's written notice of completion, the complete improvements shall be deemed to be in compliance with plans as approved by the *Cimarron Hills* DRC, and in compliance with these Improvement Requirements. The remaining balance of the Construction Deposit shall be returned and a Certificate of Compliance issued.



9.0 CONSTRUCTION REGULATIONS

9.1 GENERAL OVERVIEW

Cimarron Hills is situated in a magnificent natural place. Respect and consideration of this serene and idyllic environment form the basis of our community. In order to ensure that the natural landscape of each homesite is preserved and the nuisances inherent to any construction process are kept to a minimum, the following regulations will be enforced during the construction period of all residential improvements at *Cimarron Hills*. They are designed to protect the current residents, their golf and recreation experience, and the overall integrity of the natural landscape.

The construction regulations at *Cimarron Hills* are strict. The purpose of these rules is to limit as much negative and destructive activity as possible while allowing for the reasonable construction and completion of residential improvements. Compliance with all of the regulations requires a sincere effort to familiarize oneself with the rules and continued diligence to abide by them.

9.2 CONSTRUCTION ACCESS

Each homesite must have a clearly defined construction access with 3-4" bull rock entrance, which must not encroach into protected site features, such as, existing tree root zones, rock outcropping, and natural drainage swales. Securely installed chain link protection fencing shall delineate the access.

Homeowner must take steps as delineated in Chapter 3.12, *SITE PLANNING, Best Management Practices*, and section, 9.6, *Temporary Best Management Practices*, to stabilize this access and control dust and erosion.

9.3 CONSTRUCTION ACTIVITY ZONE

The Construction Activity Zone is the area in which all activities related to building a home must occur. No construction activity may take place outside of this area at any time. It is established during the Design phase of the project and then reviewed at the Pre-Construction meeting. Construction Activity Zone must be demarcated by a minimum of five (5) foot chain link fence, which must be installed and maintained along all sides and rear of property/lot lines. Failure by the owner to maintain vegetation protection fencing will likely result in fines and possible corrective action. For more information on the Construction Activity Zone and Fines, please refer to Chapter 3.10 *SITE PLANNING, Construction Activity Zone*.

9.4 PRESERVATION OF PROPERTY

Because of the delicate nature of the soils and the vegetation that it sustains, the use of, or transit over, any other homesite or common area, as defined in the CC&Rs, is prohibited. Similarly, in the interest of preserving as much of the natural landscape as possible, the use of, or transit over, the natural area or setbacks outside the limits of construction on any homesite is also prohibited, where existing vegetation deems it appropriate. Construction personnel must refrain from parking, eating, and depositing rubbish or scrap materials [including concrete washout] on any neighboring homesite, tract, or right-of-way, common area, Golf Course, or anywhere outside of the building or paving footprint.

9.5 CONSERVATION OF NATIVE LANDSCAPING

Trees or other significant natural features within the Construction Activity Zone that are to be preserved must be marked and protected by four foot high orange vegetation protection fencing placed along the drip lines of trees. Trees too close to construction activity will require dimensional lumber strapped [not nailed] to the trunk. Removal of this protection may result in fines. Trees with drip lines that fall within the Construction Activity Zone must have the soil and roots protected from erosion and compaction. At no time are construction vehicles allowed to park beneath any existing tree on site. The *Cimarron Hills* DRC has the right to flag major terrain features or plants which are to be fenced for protection. Any trees or branches removed during construction must be promptly cleaned up and removed from the construction site. Please refer to the following section for more information on Temporary Best Management Practices.



In order to avoid compaction and erosion, tree root bridging is required where the Construction Activity Zone infringes upon the drip line of a tree. All construction site traffic must be elevated above the soil by means that allows both water and air to reach the soil. If tree roots are encountered during excavation they should either be covered immediately with burlap and kept moist until the soil can be replaced or the smaller roots should be trimmed and the ends coated with a substance that reduces the uptake of pathogens through the roots. Please refer to Chapter 3.11, *SITE PLANNING, Preservation of Trees and Other Site Features*, for more information on excavating near trees.

9.6 TEMPORARY BEST MANAGEMENT PRACTICES

Cimarron Hills is at the cutting edge of a new generation of communities that work to preserve the pristine landscape that attracts such strong development interest.

Much of *Cimarron Hills* drains into the ecologically sensitive Edwards Aquifer which is strictly protected by the Texas Commission for Environmental Quality. Protection of these sensitive areas is a condition of development at *Cimarron Hills*. The delicate ecological balance can be disturbed by a minimal amount of sediment, such as topsoil, water-borne pollutants, and a few drops of oil from a piece of machinery. In short, there are strict sets of requirements that are designed to keep fertile soil from eroding and pollutants carried by surface water runoff into ecologically sensitive areas.

With modification and mitigation of construction methods most of the impacts can be significantly reduced. The mitigation measures are called Best Management Practices, or BMPs. Although not complicated, the proper installation and associated regular maintenance can be expensive and labor intensive.

Temporary BMPs include:

Temporary Soil Stabilization Practices

- Hydro-mulch
- Jute Netting
- Wood excelsior blanket
- Erosion control blankets or geotextiles
- Approved chemical mulches or tackifiers

Straw should not be used as a temporary soil stabilizer because invasive weeds that generally exist within the straw will be introduced to the site.

Temporary Runoff Control [Diversions] and Slopes

- Silt fence (TNRCC approved)
- Diversion dikes and swales
- Perimeter dikes and swales
- Interceptor dikes and swales

Temporary Grade Stabilization Structures

- Flexible down drain
- Pipe slope drain
- Section down drain
- Chutes, flumes, spillways

Dirt compacted by the single pass of a vehicle, or by repeated foot traffic, makes inhospitable soil for planting. Foot and vehicle traffic often kills existing shrubs and can disable root systems from being able to deliver oxygen and water, eventually killing trees. Ground covers, shrubs, and tree

roots help stabilize soil, which when disturbed can be carried off the homesite and deposited into sensitive areas. Even a minimal amount of sediment, such as topsoil, and water-borne pollutants, such as oil drips from a piece of machinery must be avoided.

Rainwater must be allowed to percolate where practical into the ground rather than running along the top, where it can carry pollutants. The percolation can help to clean the water. Soil exposed by construction activity must be stabilized, so that it cannot be eroded off the site by seasonal rain runoff.

It is the responsibility of the Owner and Contractor to effectively implement Temporary Best Management Practices. If there are any questions about compliance, it is recommended that a private consultant be hired. Failure to implement and maintain these measures may result in fines and possible corrective action by *Cimarron Hills*. If a representative of *Cimarron Hills* does enter the site to remedy the situation, the Owner will be charged for expenses related to that action. For information regarding Permanent Best Management Practices, please refer to Chapter 3.12 *SITE PLANNING, Best Management Practices*.

9.7 VEHICLES AND PARKING AREA

Construction crews may not park on, or otherwise use, neighboring homesites or open space. All vehicles should be parked within the Construction Activity Zone. During busy construction periods involving multiple trades such that all construction vehicles cannot be confined to the Construction Activity Zone, the overflow vehicles may be temporarily parked along the edge of the roadway. Vehicles may park along one side only to allow continual unconstrained access by normal traffic, and emergency vehicles such as fire trucks.

Changing oil or other vehicle maintenance is not allowed. The discharge of any petrochemical substance is strictly forbidden. Vehicles that leak oil must not be brought onto *Cimarron Hills* property. This is strictly monitored by local agencies and therefore also by the *Cimarron Hills* DRC.

9.8 MATERIAL DELIVERIES

All building materials, equipment, and machinery required to construct a residence on any homesite at *Cimarron Hills* must be delivered to and remain within the Construction Activity Zone of each homesite, clear of all setbacks. This includes all building materials, earth-moving equipment, generators, mixers, cranes and any other equipment or machinery that will remain at *Cimarron Hills* overnight. Material delivery vehicles may not drive across adjacent homesites or common areas to access a construction site or drop deliveries in a roadway or right-of-way.

9.9 REFUSE RECEPTACLES AND DEBRIS REMOVAL

Owners and Contractors shall clean up all refuse and debris at the end of each day; a commercial

dumpster, movable trailer or wood frame dump box must remain on the site at all times during active construction for the purpose of containing all waste materials or packaging. All trash must be contained within the receptacle. Overflowing or unsightly receptacles will be fined accordingly. The receptacle must be positioned on the site in the location depicted on the approved Final Plan Submittal. It should be clear of setbacks, rights-of-way, and neighboring properties.

Refuse receptacles must be emptied on a timely basis to avoid overflow of refuse. Disposal must be at a suitable off-site facility. Owners and Contractors are prohibited from dumping, burying, or burning refuse anywhere on the homesite or in *Cimarron Hills*. Heavy debris, such as broken stone, wood scrap, or the like must be removed from the site and legally disposed of upon completion of the work of each trade that has generated the debris.

All concrete washouts, from both trucks and mixers, must occur within the building envelope of the homesite in a location where it will ultimately be concealed by structure or covered by paving. Washout in road rights-of-way, setbacks, natural areas or on adjacent properties is strictly prohibited.

During the construction period, each construction site must be kept neat and be properly policed to prevent it from becoming a public eyesore or detriment to other homesites or open space. Any clean-up costs incurred by the *Cimarron Hills* Community Association or DRC in enforcing these requirements shall be payable by the Owner. Dirt, mud, or debris resulting from activity on each construction site must be removed daily from public or private roads, open spaces and driveways or other portions of *Cimarron Hills*.

9.10 EXCAVATING, EXCESS MATERIALS, AND BLASTING

Excavations for foundations may not exceed 5 feet. Trenching must be confined to those areas indicated on the Site Plan. Manual excavation methods and moisture blanketing will generally be necessary to preserve root systems. Backfill materials must include loose soil of proper characteristics to promote re-vegetation of all disturbed areas. For more information on excavation and grading, please refer to Chapter 3.14, *SITE PLANNING, Grading and Drainage*, 3.15, *Grading, Foundations and Retaining Walls on Sloping Site* and Chapter 4.9 *LANDSCAPE, Site Grading*.

All excess materials resulting from blasting as well as all other excess excavation materials must be removed and legally disposed of. Temporary storage of these materials must occur within the Construction Activity Zone.

For the safety of the community, if any blasting is to occur, five written notifications must occur at a minimum of forty-eight hours [two working days] in advance and appropriate approvals must be obtained from all appropriate governmental agencies. The Director of Security at the Gatehouse, the Manager of the Golf Club, the Director of Sales at the Information Cottage, the Infrastructure Construction Manager, and the Design Review Administrator must be notified. The form in Design Review Checklist must be used to communicate the procedures to the appropriate department.

Blasting may only be performed by licensed demolition personnel, with all requisite insurance coverage as mandated by governmental statutes, specific to their blasting activity at *Cimarron Hills*.

The *Cimarron Hills* DRC has the authority to require a pre-blast survey and written documentation of anticipated seismic effects on improvements on all adjoining properties, with confirmation that

such effects will not be injurious to other persons or properties, public or private, and that all appropriate protection measures have been utilized.

9.11 DUST AND NOISE CONTROL

The Contractor is responsible for controlling dust and noise from the construction site, including the removal of dirt and mud from rights-of-way daily that is the result of construction activity on the homesite. Contractors must cover materials or provide sufficient irrigation to eliminate any fugitive dust. The use of radios or of other audio equipment must not be audible beyond the property perimeter of any homesite in *Cimarron Hills*; especially adjacent to the Golf Course or other common parcels. Repeated violations of this provision will result in the total prohibition of any on-site use of radios or audio equipment during construction.

9.12 TEMPORARY POWER

Utilize existing power supply sources when available and temporary power generators only when necessary.

9.13 DAILY OPERATION

Construction activity at *Cimarron Hills* is allowed Monday through Friday from 7:00 am until 6:00 pm. Saturday hours of construction activity are 9 am to 5 pm. There is no construction allowed in *Cimarron Hills* on Sunday. Excessive noise can be defined as activities such as heavy equipment usage, hammering, power sawing, concrete delivery, etc. Quiet outdoor construction activities such as hand landscaping, construction activity within an enclosed dwelling, and staining, is permitted on Saturdays. Construction is not permitted on Sundays.

9.14 OSHA

All applicable National Occupational Safety and Health Act [OSHA] regulations and guidelines must be observed at all times.

9.15 SANITARY FACILITIES

Contractors are responsible for providing adequate sanitary facilities for their construction workers on each homesite at all times. Portable toilets must be located within the Construction Activity Zone, clear of all setbacks. For a construction site to be considered active, a sanitary closet must be on site and in the location approved at the Pre-Construction Conference.

9.16 ALCOHOL AND CONTROLLED SUBSTANCES

The consumption of alcohol or the use of a controlled substance by any construction personnel anywhere on *Cimarron Hills* property is prohibited.

9.17 FIREARMS

The possession or discharge of any type of firearm by construction personnel anywhere on *Cimarron Hills* property is prohibited.

9.18 FIRES AND FLAMMABLE MATERIALS

No on-site fires are allowed.

Careless disposal of cigarette and other flammable materials, as well as the build-up of potentially flammable materials constituting a fire hazard, is prohibited.

9.19 SITE VISITATIONS

Due to the inherent danger associated with an active construction site, visitors to any homesite are limited to those persons with official business relating to the construction activity, such as construction workers and tradesmen, building officials, security staff, design review administrators, *Cimarron Hills* DRC members, sales personnel, and the Owner. Construction personnel may not invite or bring family members or friends, especially children, to the project site.

9.20 PETS

No pets, particularly dogs, may be brought onto the property by anyone other than the Owner. If the Owner brings a pet to the site, that animal must be properly contained within the homesite.

9.21 SIGNS

No signs (including, without limitation, "For Sale" signs, "For Lease" signs, political signs, contractor signs or any other signs), billboard, advertisement, or flagpole shall be erected except as otherwise specifically permitted by the DRC. Lot signs are permitted; however, the lot sign's design, color, style, text, duration of display and location upon the homesite must be the approved *Cimarron Hills* DRC lot sign. Specs for this sign can be acquired by contacting the Design Review Committee Administrator. The sign may not be erected on a site earlier than two weeks prior to the onset of continuing construction activity. Furthermore, all signs must be removed immediately upon the passage of 30 calendar days without significant construction activity or upon occupancy. The Architect or Contractor of a newly completed but unoccupied market home may apply to the *Cimarron Hills* DRC for a continuation of the signage for advertising and sales purposes after construction has been completed, until such time that a contract for sale has been executed.

Individual signs, or construction sign attachments identifying individual sub-contractors, trades, or suppliers are prohibited. Additional signage when required by statute shall be confined to the posting location of the building permit.

Attachment of any signs or similar material to trees is strictly prohibited. Placement of any sign facing the Golf Course or any non-street common areas is not allowed.

Separate home and homesite sale signage is not permitted in *Cimarron Hills*.

9.22 CONSTRUCTION TRAILERS, JOB OFFICES, AND MATERIALS STORAGE

Construction trailers, portable job offices, and commercial storage containers are permitted at *Cimarron Hills* by approval of the DRC upon special request. Trailers must be depicted on the site plan for review. Trailers are not permitted overnight on residential construction sites. Temporary site built storage or shelter facilities that blend in with the construction site may be proposed to the *Cimarron Hills* DRC. Size and placement of construction trailers, portable job offices, commercial storage containers, and temporary storage or shelter facilities must be approved by the DRC.

9.23 RESTORATION OF PROPERTY

Upon completion of construction, each Owner and Contractor shall clean the construction site and repair all property that has been damaged. This includes, but is not limited to, restoring grades, planting shrubs and trees as approved or required by the *Cimarron Hills* DRC, streets, driveways, pathways, drains, culverts, ditches, signs, lighting and fencing.

In addition, the Owner and Contractor will be held financially responsible for the cost of site restoration/re-vegetation and refuse removal necessary on any and all adjacent properties as a result of trespass or negligence by their employees or sub-contracted agents.



10.0 GENERAL POLICIES AND PROCEDURES

10.1 RIGHT OF WAIVER OR VARIANCE

The *Cimarron Hills* DRC reserves the right to waive or vary any of the procedures or standards set forth herein at its discretion, for good cause shown, and subject to findings as may be required by CC&R's. Upon submittal of a written narrative request for a variance or waiver of one or more provisions of these Improvement Requirements, the *Cimarron Hills* DRC may, from time to time, at its sole discretion, permit Owners to construct, erect, or install improvements, which are in variance with these Improvement Requirements.

No member, representative, or employee of the *Cimarron Hills* DRC shall be liable to any Owner or other person for any claims, causes of actions, or damages arising out of the granting or denial of any variance request by Owners or their other agents. Each request for a variance submitted hereunder shall be reviewed separately and apart from other such requests and the grant of a variance to any Owner shall not constitute a waiver of the *Cimarron Hills* DRC's right to strictly enforce these Improvement Requirements against any other Owner. Each such written request must identify and set forth in narrative detail the specific guidelines or standard from which a variance is sought, describe in detail the exact nature of the variance sought and be accompanied by the appropriate fee, as prescribed by the *Cimarron Hills* DRC. Any grant of variance by the *Cimarron Hills* DRC must be in writing and must identify in narrative detail both the standard from which a variance is being sought and the specific variance being granted.

10.2 EXEMPTIONS

Association and Golf Club owned utility and maintenance buildings, structures located on non homesite parcels and the developer are exempted from the Improvement Requirements portion of this document.

However, the *Cimarron Hills* DRC will endeavor to attain as high a level of conformance with these standards as is practical for these types of facilities.

10.3 NONLIABILITY

NEITHER THE CIMARRON HILLS DRC, ITS AGENTS AND EMPLOYEES, ANY MEMBER HEREOF, EMPLOYEE THEREOF, NOR THE DECLARANT, SHALL BE LIABLE TO THE ASSOCIATION OR TO ANY OWNER, ANY CONTRACTOR, OR OTHER PERSON FOR ANY LOSS OR DAMAGE CLAIMED ON ACCOUNT OF ANY OF THE FOLLOWING IF THE PARTY ACTED IN GOOD FAITH.

- ***THE APPROVAL OR DISAPPROVAL OF ANY PLANS, DRAWINGS AND SPECIFICATIONS, WHETHER OR NOT DEFECTIVE OR IN COMPLIANCE***
- ***THE CONSTRUCTION OR PERFORMANCE OF ANY WORK, WHETHER OR NOT PURSUANT TO APPROVED PLANS, DRAWINGS, AND SPECIFICATIONS AND WHETHER OR NOT DEFECTIVE***
- ***THE DEVELOPMENT, OR MANNER OF DEVELOPMENT, OF ANY HOMESITE WITHIN CIMARRON HILLS***
- ***PROCESSING AND ENFORCEMENT OF THE GOVERNING DOCUMENTS,***

INCLUDING THE COMMUNITY DESIGN BOOK

EVERY OWNER OR OTHER PERSON, BY SUBMITTAL OF PLANS AND SPECIFICATIONS TO THE CIMARRON HILLS DRC FOR APPROVAL, AGREES NOT TO BRING ANY ACTION OR SUIT AGAINST THE CIMARRON HILLS DRC, ANY OF ITS MEMBERS, AGENTS, OR ADMINISTRATOR, THE ASSOCIATION, THE BOARD OF DIRECTORS OF THE ASSOCIATION, OR THE DECLARANT, REGARDING ANY ACTION TAKEN BY OR ON BEHALF OF THE CIMARRON HILLS DRC.

Approval by the *Cimarron Hills* DRC of plans and specifications by or on behalf of the *Cimarron Hills* DRC, or of the construction of any improvement at *Cimarron Hills*, refers only to the *Cimarron Hills Community Design Book*, and in no way implies, and shall not be deemed to be a representation or warranty that, the submitted plans or specifications for the improvement comply with applicable governmental ordinances or regulations including, but not limited to, zoning ordinances and building codes.

10.4 SEVERABILITY

If any provision of these Improvement Requirements, or any section, clause, sentence, phrase or word, or the application thereof in any circumstance, is held invalid, the validity of the remainder of these Improvement Requirements, and the application of any such provision, section, sentence, clause, phrase or work in any other circumstances, shall not be affected thereby, and the remainder of these Improvement Requirements shall be construed as if such invalid part were never included therein.

10.5 CIMARRON HILLS DRC ORGANIZATION

The *Cimarron Hills* DRC shall initially consist of three members. Each member shall hold their office until such time as they resign or have been removed or their successor has been appointed. Procedures for appointment, replacement and terms of office are as stated in the CC&Rs.

The *Cimarron Hills* DRC may appoint a Design Review Administrator to assist the Committee in handling routine processing procedures. The Design Review Administrator shall have the authority to act on behalf of the *Cimarron Hills* DRC; however, actions requiring approval or disapproval and non-routine procedures must be presented to the Committee. In matters of enforcement, the Design Review Administrator is authorized to act on behalf of the Committee except as otherwise limited by the Committee.

10.6 DUTIES

It shall be the duty of the *Cimarron Hills* DRC to consider and act upon such proposals or plans related to the development of *Cimarron Hills* that are developed pursuant to the Improvement Requirements, and to amend those Improvement Requirements, when and in a manner deemed appropriate by, the *Cimarron Hills* DRC.

10.7 MEETINGS

The *Cimarron Hills* DRC shall meet from time to time as necessary to properly perform its duties. The vote of a majority of the members shall constitute an act by the *Cimarron Hills* DRC. The *Cimarron Hills* DRC shall keep on file all submittals and copies of all written responses to Owners to serve as record of all actions taken.

10.8 COMPENSATION

The Administrator of the *Cimarron Hills* DRC shall receive compensation from the homesite owner for the processing of all applications for homesite improvements. The Administrator shall also be entitled to reimbursement for reasonable out-of-pocket expenses incurred in connection with the performance of duties.

Professional consultants or representatives of the *Cimarron Hills* DRC retained for assistance in the review process shall be paid such compensation as the *Cimarron Hills* DRC determines.

10.9 AMENDMENT OF COMMUNITY DESIGN BOOK AND IMPROVEMENT REQUIREMENTS

Until the designated turnover date as referenced in the CC&Rs, the *Cimarron Hills* DRC may, from time to time and at its sole discretion, amend or revise any portion of these Improvement Requirements. All such amendments or revisions shall be appended to and be made a part of the Community Design Book. Subsequent to the turnover date, administrative changes may be made in like manner by the *Cimarron Hills* DRC; changes of a substantial nature may be recommended by the *Cimarron Hills* DRC for consideration by the Board of Directors of the *Cimarron Hills* Community Association.

Prior to undertaking any improvement on a homesite, each Owner, Architect, and General Contractor is responsible for obtaining a copy of the most current *Community Design Book* from the *Cimarron Hills* DRC.



APPENDIX A -FEES AND DEPOSITS

The following is a list of the standard Design Review Fees and additional Service Fees.

DESIGN REVIEW FEES..... \$1200.00

ADDITIONAL SERVICES FEES.....

Design Variance..... \$750 per submittal

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Subsequent Changes.....	\$200 per submittal
Construction Variances.....	\$750 per submittal
Additional Design Books**.....	\$25 each

*** The sale of each homesite includes one Design Book in the purchase documents and a copy of any subsequently released revisions. Cimarron Hills homesite owners and professionals who have design and construction contracts with these homesite owners may purchase additional copies.*

The following is a list of deposits required during the construction of improvements.

CONSTRUCTION DEPOSIT*

Standard Construction Deposit*.....	\$2,500, \$5,000, \$10,000, or more
Additional Deposit for Inactive Site	\$2,000
Deposit for Finishing Work after Conditional Release: 150% of the value of the estimated work to be completed in addition to remaining deposit balance.....	

** Interest will not be returned with the Deposit.*

The following services are available for Owners that already have a completed home on their homesite.

FEES FOR POST DRC FINAL RELEASE ADDITIONAL SERVICES (payment due at time of request for review and approval)

Minor Changes/Additions	\$50-\$200
Major Changes/Additions	\$500

A Construction Deposit may be required for any Minor or Major Changes/Additions



APPENDIX B - FINES

Included in this Appendix are two fine schedules: a Construction Site Violation Fine Schedule applicable to projects that are or will be under construction and a Post Occupancy Violation Fine Schedule applicable to projects that have received Final Release. They are partial lists of the standard fines for the violation of the Improvement Requirements. The purpose of the fines is to help ensure that the requirements set forth in this *Community Design Book* and other governing documents are followed. Actual fines may vary depending on the severity of the offense as determined by the Design Review Committee and/or Board of Directors of *Cimarron Hills*. The Design Review Committee or Board of Directors reserves the right to vary from this fine schedule and assess fines on a case-by-case basis. Each fine may be assessed on a onetime, daily, weekly or monthly basis as determined by the DRC or Board of Directors.

CONSTRUCTION VIOLATION FINE SCHEDULE

BEST MANAGEMENT PRACTICES

Failure to maintain vegetation protection	\$250
fencing	
Failure to maintain soil retention barriers.....	\$500
Failure to stabilize construction entrance.....	\$100
Excess fugitive dust.....	\$100

CONSTRUCTION VIOLATIONS

Initiating construction without DRC approval (and/or potential suspensions of building privileges at <i>Cimarron Hills</i>).....	\$2,000
Unauthorized earthwork or site alteration/ unauthorized blasting.....	\$500
Minor change without DRC approval.....	\$200
Major change without DRC Approval.....	\$500
Failure to turn in Final Landscape Plan.....	\$250-\$500
Failure to complete improvements per the approved plan.....	\$500
Failure to install/complete landscaping per the approved plan	\$500

TREE, BRUSH, AND LIMB REMOVAL

Unauthorized tree killing or removal from a common area, neighboring property, or homesite.....	\$15,000 per tree
Unauthorized removal of live limbs or.....	\$1,500
otherwise endangering a tree.....	per tree
Unauthorized removal of brush or other.....	\$500
significant vegetation	
Unauthorized removal of a significant site	\$500
feature.....	per feature
Failure to properly dispose of vegetative	\$250
debris	

TRAILERS AND SIGNAGE

Unauthorized trailer.....	\$250
Unauthorized sign or sign location.....	\$250

COMPLETION OF CONSTRUCTION

Failure to restore site as described in Section 9.26 of the Improvement..... Requirements	No Final Release
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REFUSE RECEPTACLES AND DEBRIS REMOVAL

Refuse receptacle missing.....	\$100
Sanitary closet missing.....	\$100
Failure to remove daily refuse, debris, mud..... or excess dirt from public or private roads, open space, or driveways	\$100
Failure to pick up refuse or loose debris at the end of each work day	\$100
Failure to empty the refuse receptacle and/or sanitary closet as needed.....	\$100

VEHICLES, ACCESS AND PARKING AREAS

Parking location disruptive to residents, traffic..... or landscape	\$100
Dripping petrochemicals from vehicles.....	\$250
Damage to streets (scraping pavement, etc.).....	\$500

NOISE AND NUISANCE

Construction outside of approved hours.....	\$250
Radios or other audio equipment audible beyond property lines	\$100

JOBSITE SAFETY

Possession or discharge of firearm or other weapon	\$1,500
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OTHER CONSTRUCTION RELATED ACTIVITIES

Use of neighboring lots and right of way..... ... for construction site access	\$500
No bull rock access.....	\$250
No chain link fence on property line..... ... or failure to maintain	\$250
No orange barrier or failure to maintain.....	\$250

**THE FOLLOWING ITEMS APPLY TO BOTH THE CONSTRUCTION FINE
SCHEDULE AND THE POST- OCCUPANCY FINE SCHEDULE**

OTHER VIOLATIONS

The *Cimarron Hills* DRC and/or Board of Directors may assess additional fines for unlisted actions resulting in environmental degradation, nuisance, safety or violation of non-compliance to the community design book declaration or any restriction governing the *Cimarron Hills* Community being compromised on a case-by-case basis.

ADDITIONAL SIMILAR VIOLATIONS

Fines for repeated or uncured violations of similar nature, regardless of third party involvement (such as a subcontractor), may result in fines that are double the amount of the previous fines. For example, if a violation results in a \$100 fine, and that violation goes uncured beyond the compliance date specified on the Notice of Non-Compliance, a second fine of \$200 could be imposed, and in the unlikely event of a second failure to cure the violation by the second compliance date, a third fine of \$400 could be imposed.

EGREGIOUS OR FLAGRANT VIOLATIONS

Additionally, and not in lieu of the above-described doubling fines, fines for egregious or flagrant violations (at the discretion of the *Cimarron Hills* DRC and/or Board of Directors) may be increased by a factor of up to 10-fold. When evaluating the fine amount the *Cimarron Hills* DRC and/or Board of Directors will consider all relative circumstances including intent, whether a violation adversely impacts the community, such as the unauthorized cutting of a mature tree, etc.

OUTSIDE AGENCY FINES

If an outside agency levies a fine against *Cimarron Hills* DRC, *Cimarron Hills* Community Association or *Cimarron Hills* Golf Club, and fine is related to a particular homesite, the amount of the agency fines will be the obligation of the Owner.

DEPOSITS, FINES AND COSTS, FINAL RELEASE

Upon affirmation by the *Cimarron Hills* DRC and/or Board of Directors, fines, fees and costs may be deducted from the Construction Deposit. All fines and associated *Cimarron Hills* Community Association and DRC costs and attorneys' fees are the obligation of the Owner, and may be added to the homesite Owner's Community Association billing statement if they exceed the Construction Deposit balance. Final Release will not be given until full compliance with the Community Design Book is achieved and all accounts are paid.

OTHER CORRECTIVE ACTION

These scheduled fines may be imposed in addition to other corrective actions that may be taken by the *Cimarron Hills* DRC and/or Board of Directors. With 24 hours notice, the *Cimarron Hills* DRC and/or Board of Directors may in emergency or chronic situations, authorize at the Owner's expense, an outside party to correct situations that have not been remedied by the Owner or General Contractor.

POST OCCUPANCY VIOLATION FINE SCHEDULE

Adding or changing a minor new building element without DRC Approval (windows, doors, minor landscaping, exterior materials, etc.)	\$200 per element
Initiating major new construction without DRC Approval.....	\$1,500
Failure to maintain permanent Best Management Practices.....	\$1,000 per day
Unauthorized removal of live limbs (6" in diameter) from trees or..... otherwise endangering a tree	\$1,500 per tree
Unauthorized removal or killing of a tree 6" in diameter and greater.....	\$15,000 per tree
Unauthorized clearing of brush or other significant vegetation.....	\$500
Unauthorized removal of a significant site feature.....	\$500
Parking violations.....	\$1,000
Failure to mow/maintain landscaping.....	\$250
Failure to make necessary repairs.....	\$250
Excessive noise.....	\$100
Placement of unapproved items in public view (trampolines, basketball goals, etc.).....	\$100

APPENDIX C – DESIGN REVIEW CHECKLIST

Contact the Design Review Committee Administrator for a copy of the checklist.

APPENDIX D – AMENDMENTS

6.9 EXTERIOR RECREATIONAL OR PLAY EQUIPMENT (Amended May 2008)

Temporary or permanent play structures, trampolines, swing sets, slides, or other such devices are only allowed on home sites with proper screening from neighbors as well as visible common areas, such as roads, trails, and the Golf Course. A temporary structure shall be less than 6'-0" in total height, movable, and typically made of plastic. A permanent structure shall be fastened in place, comprised of wood and immovable.

Prior to the installation of any exterior recreational or play equipment, a site plan indicating placement of proposed improvements and a corresponding landscape plan with adequate screening for the proposed improvements must be submitted to and approved by the Cimarron Hills DRC. The site plan and landscape plan documents may be combined if more convenient. The DRC also reserves the right to request additional information in the form of color brochures, photographs, or samples of wood colors and accessories necessary to provide final approval.

The maximum footprint of any play structure should fall within a 20'x30' area. This 20'x30' footprint area should comply with all setback requirements of the individual lots in Cimarron Hills. Additionally, play equipment with incorporated towers may have a roof or other protective cover as long as the overall height does not exceed 13'-6" in total height. Furthermore, the roofed portion of a play structure may have a combined floor area not in excess of 60 total square feet.

All permanent playscape equipment, as well as play structures, should be primarily constructed of wood. The roof of any play structure must be made of wood, wood shingles or dimensional lumber of like species and all should be stained to match the base. No canvas covers, tents, awnings, or nylon fabric will be approved. All hardware or accessories shall be installed in natural colors such as brown or green. No bright colors for hardware, accessories, or roof covers will be approved for installation.

5.14 GARAGES AND DRIVEWAYS (Amended July 2009)

Entrance driveways should be located so as to minimize the impact on natural features. Driveways should be a maximum of fourteen (14) feet wide at the street right-of-way and shall intersect the street at a right angle. Driveway depth as measured from garage doors shall be a minimum of twenty-eight (28) feet. Other restrictions on design imposed by the City of Georgetown shall govern. Where feasible, driveways should undulate from the road to the residence. Driveway shall be no closer than 3 feet to adjacent property line.

Where culverts are required at the street connection, they shall be decorative in nature and faced with stone or similar material matching the residence. If required by local ordinance or desired by the owner, entry pilasters shall be of similar design and materials as the residence. Lighting, if incorporated shall be designed to a scale appropriate to the pilaster.

Driveway material may be of natural gray concrete, integrally colored concrete, exposed aggregate concrete, pattern stamped concrete or natural materials such as stone or brick.

Every effort should be made to minimize the impact of the “garage.” Careful siting and driveway orientation can ensure that the visibility of the garage is minimized from the street and Adjacent Lots. Screening the garage doors from adjacent lots/homes is required and can be accomplished by appropriately scaled landscape or an architecturally complimentary wall. Appropriate measures that will minimize the impact of garage doors include side entries out of direct view of the street, and overhangs or columns that add depth, creating desired shade and shadow.

Garages must blend with the residence and should incorporate windows to avoid large expanses of unarticulated surfaces. Large or unarticulated areas above garage doors will not be approved. Windows and a change in horizontal planes or materials are recommended. In all cases garages should be attached to the main residence at a minimum with an arbor or breezeway element.

Garage doors must relate to the remainder of the home’s design elements and materials. Only wood garage doors are accepted by the Design Review Committee. Doors should be either the same color as the home’s body or wood accents and generally should not call attention to themselves. Double garage doors 16’ to 18’ in width are permitted. Refer to Section 3.9 for more information. Garages will not be allowed to orient directly to the street. However a single garage will be permitted to face the street in the event that it is setback a minimum of 24’ from the front plane of the house closest to the street. No more than 2 garage stalls will be allowed directly adjacent to each other. The third door must occur in a secondary building plane, offset by a minimum of 2 feet from the primary wall. No more than 3 doors will be permitted in an elevation. A maximum of four (4) stalls will be allowed.

Carports may be considered in place of enclosed garage spaces but must be designed as an integral feature of the architecture. It must be constructed to the same level of detail, material and scale as the other portions of the home. Thin posts, bland detail and a change or reduction in materials will not be approved. Where approved, carports may only be used for the short-term storage of vehicles and neatly stacked firewood. The design and orientation of carports must screen the space from the street, common areas, golf course and neighboring home sites.

If owner possesses large SUVs, recreational vehicles or equipment it is encouraged at the design process stage to develop garage and storage structures within the architectural composition of the home or homesite that can facilitate them.

Please reference Chapter 3.7, *SITE PLANNING, Driveways* and 3.8, *Garage Location*, for additional specifications and requirements regarding Driveways and Garages.