

THE PENINSULA AT MYSTIC SHORES

ARCHITECTURAL AND SITE DESIGN GUIDELINES

10/15/24 FINAL

Version 3.8



The Peninsula at Mystic Shores ACC Mission Statement

Mission

The Mission of the Peninsula ACC is to preserve, enhance and protect the property values of owners by enforcing these Guidelines. It is the goal of the Committee to represent the common interest of homeowners in achieving and maintaining architectural compatibility and continuity and enhancing the overall quality and value of our neighborhood. We will do this by guiding and monitoring the construction of new homes, landscaping, renovations and additions. We will also do this through management of common areas, enforcing guidelines and covenants of the DCCRs and support of initiatives that strengthen bonds among all residents and property owners in our community.

Vision

The Peninsula ACC envisions a neighborhood community collaboratively working with current and future residents. We are a volunteer association seeking to achieve a higher quality of life and increasing property values. We envision a neighborhood where all residents and non-residents alike consider the Peninsula to be a desirable place in which to live and enjoy the benefits of family, friends and community.

Values

In fulfilling our Mission and achieving our Vision, we will value honesty, fairness, equity, safety, common sense, collaboration, respect, cooperation and neighborliness in all our actions. We will also value high quality construction that demonstrates stewardship and conservation of resources, including existing trees, night sky and wildlife habit. We will supervise compliance with the rules in a fair, reasonable and equitable manner, while maintaining the integrity, aesthetic quality and value of the Peninsula community.

The Declaration of Covenants, Conditions and Restrictions (DCCRs) and Architectural and Site Design Guidelines of The Peninsula at Mystic Shores are different from those of Mystic Shores.

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1.0 INTRODUCTION

1.01 Objective of the Guidelines

This document has been prepared for promoting the development of a residential community known as the Peninsula at Mystic Shores. The standards expressed in this document are intended to describe our “vision” of our community through procedures that are clearly outlined and informative. Our intent is to expedite your process of building an exceptionally high quality residence. Throughout the course of the development, we may review and revise these Architectural and Site Design Guidelines as necessary to reflect changing conditions.

1.02 Relationship to Legal Documents

These guidelines are supplementary to the Declaration of Covenants, Conditions, and Restrictions for Mystic Shores and to the Declaration of Covenants, Conditions, and Restrictions (DCCRs) for The Peninsula at Mystic Shores, which are of record. The criteria are intended to complement the Covenants and should a conflict arise, the Covenants shall prevail. *(DCCRs for Mystic Shores, Article 9, Section 9.3 (a), page 25)*

1.03 Community Master Plan

Mystic Shores is a planned community that includes approximately 7500 acres located on Canyon Lake and the Guadalupe River. The Community includes a 30 acre park on a lakeside peninsula with a junior Olympic swimming pool and other recreational features. Additional amenities include a gated RV storage area and a nature preserve.

The Peninsula at Mystic Shores is an exclusive area of custom homes of high quality with private roads and a gated entry. It has its own property owners association and architectural control committee.

Throughout the future development of the Peninsula at Mystic Shores, it is the intent of the property owners to protect the natural features of the Hill Country. Consequently, these Architectural and Site Design Guidelines will reflect that concern in its approach toward the design, review, and construction of residences within the Peninsula at Mystic Shores.

1.04 Residential Use

Residential Use. All lots may be used only for residential purposes of a single family and ancillary business or home office. Except as expressly permitted in Article IV of the DCCRs for The Peninsula at Mystic Shores Unit 1, no activity shall be conducted on any lot which is not related to single family residential purposes, unless said activity meets the following criteria (further defined in Article III, Section 3.06 of the DCCRs for The Peninsula at Mystic Shores Unit 1 under “**Prohibition of Offensive Activities**”):

- (a) no exterior sign of additional activity is present,
- (b) no additional traffic, that would not be there normally, is created, and
- (c) nothing dangerous (as defined by the Association) is present.

- (d) no excessive noise or other condition is created that will or might disturb the peace, quiet, safety, comfort, or serenity of the occupants of surrounding property, all of which shall be determined by the Board, in its sole discretion.
(Ref Section 10.8 Mystic Shores DCCRs)

Nothing herein shall prevent a home office so long as the requirements of (a), (b), (c) and (d) above are met. Further, this restriction is waived in regard to the customary sales activities required to sell homes in the Subdivision.

No “business” or “trade” activity shall be conducted upon a lot without prior written approval of the Board. For clarification purposes, the terms “business” and “trade”, as used in this provision, shall be construed to have their ordinary, generally accepted meanings and shall include, without limitation, any occupation, work or activity undertaken on an ongoing basis which involves the provision of goods or services to persons other than the provider’s family and for which the provider receives a fee, compensation, or other form of consideration, regardless of whether:

- (a) such activity is engaged in full or part-time
- (b) such activity is intended to or generates a profit, or
- (c) a license is required

Leasing. Lots may be leased for residential purposes of a single family only. All leases shall require, without limitation, that the tenant acknowledge receipt of a copy of the DCCRs and the Architectural and Site Design Guidelines of the Association. The lease shall also obligate the tenant to comply with the foregoing. The Board may require notice of any lease together with such additional information deemed necessary by the Board and may grant exceptions and/or variances on a case-by-case basis. (Ref Section 10.5 Mystic Shores DCCRs.)

The leasing of a Lot shall not be considered a business or trade within the meaning of this section. However, if a lease does not meet the following it is considered a business:

- (a) “Lots may be leased for residential purposes only” and
- (b) “Lots may be used only for residential purposes of a single family” and
- (c) Does not meet the “work or activity undertaken on an ongoing basis which involves the provision of goods or services to persons other than the provider’s family”

Vacation Rentals. A Vacation Rental is defined as the renting of an apartment or house on a temporary basis to occupants and is typically short in duration from 1-2 days to a week. The intent of the DCCRs is clear regarding the lease / rental of a property being for single-family residential purposes only for an extended period, and not as short-term (less than 6 months) vacation rental. Short term vacation lease/rentals are in violation of the DCCRs and are not allowed.

2.0 ORGANIZATION /RESPONSIBILITIES OF THE PENINSULA AT MYSTIC SHORES ARCHITECTURAL CONTROL COMMITTEE (ACC)

2.01 Mission/Function

The covenants state that no structure is to be erected in the Peninsula without being approved by the Peninsula ACC. The ACC works with the Architectural and Site Design Guidelines and the Declaration of Covenants, Conditions, and Restrictions to assure an attractive, compatible, and aesthetically pleasing community. The Architectural and Site Design Guidelines are used by the ACC as guidelines for the evaluation of projects submitted to them. The final decision of the ACC may be based on purely aesthetic considerations. It is important to note that these opinions are subjective and may vary as committee members change over time. The Peninsula Property Owners Association Board and the ACC reserve the right to revise and update the Peninsula Architectural and Site Design Guidelines as well as the performance and quality standards to respond to future changes. (*DCCRs for Mystic Shores, Article 9, page 24; and DCCRs for The Peninsula Unit 1, Article V, Section 5.02, page 9*)

2.02 Membership

The ACC is comprised of members appointed by the Peninsula Property Owners Association Board. A member of the committee will serve as the Administrator. (*DCCRs for Mystic Shores, Article 9, Section 9.2, page 25*)

2.03 Scope of Responsibility

The ACC has the following responsibilities:

- (a) Evaluating each of the plans submitted by an owner for adherence to the Architectural and Site Design Guidelines and compatibility of the design with the adjoining sites and common spaces.
- (b) Approving all new construction.
- (c) Monitoring the design and construction process in order to ensure conformance with the covenants and Architectural and Site Design Guidelines.
- (d) Enforcing the Architectural and Site Design Guidelines through special assessment or self-help as described in the covenants.
- (e) Interpreting the covenants and Architectural and Site Design Guidelines at the request of the owners.
- (f) Approving all modifications to existing exterior structures or improvements, including but not limited to walls, fences, material replacements, renovations, additions and landscaping.

(*DCCRs for Mystic Shores, Article 9, page 24; DCCRs for The Peninsula Unit 1, Article V, Section 5.02, page 9*)

2.04 Enforcement Powers

Any structure that is placed on any home site without ACC approval is considered to be in violation of these Architectural and Site Design Guidelines and the covenants. The ACC has the power to request that the non-conforming structure be brought into compliance at the owner's expense. Should the owner fail to comply with the requests of the ACC, the ACC will act in accordance with Article 9, Section 9.9, page 29 of the Mystic Shores DCCRs to bring the non-conforming item into compliance. In addition,

finances may be imposed for non-compliance in accordance with Article 4, Section 4.3 page 9 of the Mystic Shores DCCRs. Refer to Section 3.07 hereof.

2.05 Limitation of Liability

Approval by the ACC does not constitute a representation of warranty as to the quality, fitness, or suitability of the design or materials specified in the plans. Owners shall work with their architect and or contractor to determine whether the design and materials are appropriate for the intended use. In addition, approval by the ACC does not assure approval by any governmental agencies that require permits for construction. Owners are responsible for obtaining or ensuring that their architect or contractor obtains all required permits before commencement of construction. The Peninsula at Mystic Shores Property Owners Association, Board, any committee, or member of any of the foregoing shall not be held liable for any injury, damages, or loss arising out of the manner or quality of approved construction on or modifications to any home site. In all matters, the committees and their members shall be defended and indemnified by the Association as provided in Article 9, Section 9.8, page 29 of the Mystic Shores DCCRs.

3.0 BUILD/ DESIGN REVIEW PROCESS

Figure 3-1 Build Process Timeline provides an overview of the process:

- (a) Initial Contact and Preliminary Review
- (b) Design Review Process,
- (c) Construction Process, and
- (d) Landscape and Submission Requirements.

This timeline is in accordance with the Architectural and Site Design Guidelines and provides the maximum duration for each process.

The Build Process Timeline was developed for construction of a new home. However, the timeline and building review requirements for renovation, modifications and additions will be determined at the preliminary review based on a case-by-case basis.

3.01 Initial Contact and Preliminary Reviews of Plans

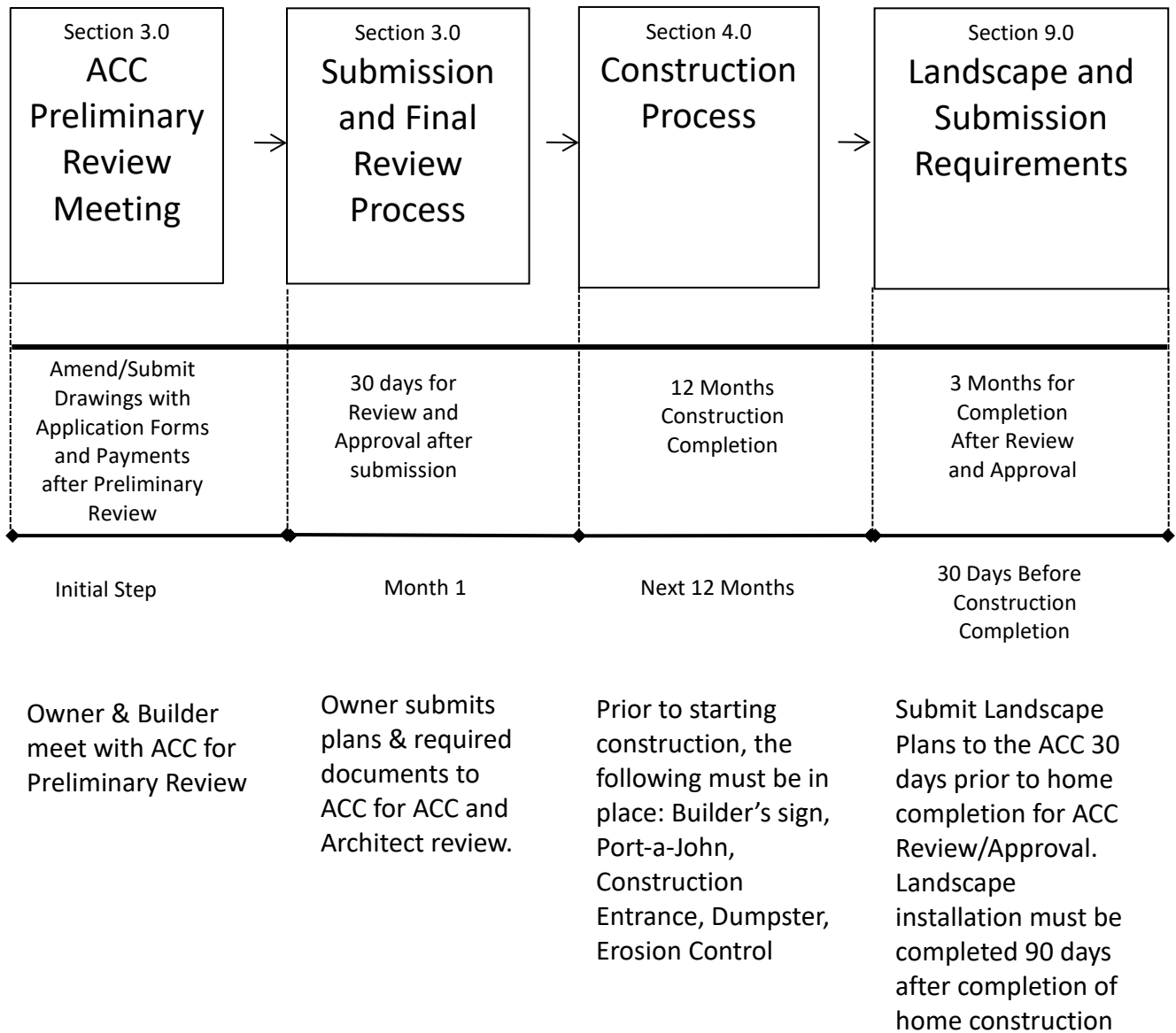
Owners should contact the ACC prior to selecting their design and build team at <https://peninsulapoa.com/acc-step-one/>. See requirements in [section 3.03](#). Owners, builders and designers are encouraged to contact the Peninsula ACC early in the design process. An ACC liaison will be assigned who will be the Owner/Owner Representative's main point of contact.

Following selection, the owner shall submit an initial set of plans for early review. These shall be at a design development stage of completion and include the site plan, the floor plan(s), and all four exterior elevations with general material notes. The site plan shall include existing topography contours at 2 foot intervals, existing significant trees, and the footprint of adjoining homes/drives/pools/patios if any of these play a role in the design considerations for the property.

The ACC is available to informally meet or answer questions during the design process and can help determine if modifications need to be made, or whether a variance is required. The Peninsula ACC Process document in Appendix B hereto provides a summary of the ACC process.

When a complete set of drawings is available and prior to the Final Review process outlined in Section 3.04 hereof, the Owner, Architect/Designer, plan submitter and Builder must meet with the ACC for a Preliminary Review of plans. This review is required prior to submittal of the formal Application for approval. To schedule this review meeting, contact the ACC Administrator or the assigned Liaison. If the number of review comments generated in this meeting are sufficient in number or importance, a second preliminary meeting may be required prior to final submission. The Peninsula at Mystic Shores Owner/ACC Preliminary Review form at [Appendix D-2](#) must be signed at the end of the meeting and submitted with your application.

Figure 3-1 Build Process Timeline



Note: This Timeline is in accordance with the Architectural and Site Design Guidelines and provides the maximum duration for each process.

Note: Preliminary review with ACC is required prior to submittal of formal Application.
Note: Disapproval of plans returned to owner for correction restarts 30 day Design Review process

The ACC liaison is also responsible for contacting the Peninsula POA Property Manager (“Property Manager”) and establishing a unique gate code for the building timeline. Property Manager will directly provide the homeowner with a specific gate code to be used for the build. Once the construction is complete, the ACC liaison will contact Property Manager and delete the code from the system. Once the code has been deleted, the builder and all subcontractors will be required to contact the homeowner for access. This includes access for all warranty work following the completion of the home.

The builder or contractor will be asked to sign a Builder’s Acknowledgement Form at this meeting. See [Appendix D](#) hereto.

The document submission requirements are outlined in Article 9, Section 9.3, page 25 of the Mystic Shores DCCRs and Section 5.01 hereof.

3.02 Conditions of Approval/Rejection of Plans

Approval by the ACC shall in no way relieve the owner of responsibility and liability for the adherence to these guidelines, as well as to any applicable ordinances and codes. Approval by the ACC of any plans, drawings or finish selections shall not be deemed to constitute a waiver of any right to withhold approval of any similar plan, drawing or finish selection subsequently submitted for approval. Failure to enforce any provisions of these improvement requirements shall not constitute a waiver of the same. Plans submitted for review or any portion thereof, may be disapproved upon any grounds which are consistent with the purpose and objectives of the ACC, including purely aesthetic considerations. In assessing aesthetic considerations, the ACC may consider among other items, the following:

- (a) All portions of the exterior of the home shall have a similar level of detail.
- (b) Building walls extending in an unbroken line horizontally more than 30 feet (including 3 or 4 stall garages) or vertically more than 22 feet
- (c) Changes in roof slopes without corresponding wall offsets
- (d) Windows and doors not aligned from first to second floor, without a wall offset in the vertical plane.
- (e) Wall materials shall wrap outside corners and stay consistent on flat walls.
- (f) Residences without division into more than one exterior mass, i.e., avoid rectangular boxes

[DCCRs of Mystic Shores section 9.3 a) and b)]

If the plans are disapproved, the 30 day period for review and approval restarts when a revised plan is received.

3.03 Designer Requirements

All plans for the construction of dwellings and other buildings or significant structures at the Peninsula at Mystic Shores must be designed and drawn by a licensed architect unless otherwise approved in advance in its sole discretion by the ACC.. For review of potential use of unlicensed experienced professional designers, the ACC may consider items including but not limited to, years in business, professional association memberships, listing of recently designed homes with sizes and prices, references from clients with recently completed custom homes (including plans), etc.

[DCCRs of Mystic Shores section 9.1]

3.04 Final Review

During final review, the property owner submits a final set of construction drawings for the project with the formal Application. These drawings shall address issues raised by the ACC during the Preliminary Review Meeting. The ACC and the Property Manager's reviewing Architect will make design comments as necessary during this review.

Contractor shall furnish, prior to site mobilization (as indicated in sections [4.02](#), [4.03](#), [4.04](#), and [4.05](#)), a certificate of liability insurance with adequate coverage.

Please note that Application Fee, Infrastructure Fee, Review Fee and Owner Deposit must be paid by the Owner before the ACC and Architect reviews can take place.

3.05 Additional Meetings with the ACC

If an application for approval is denied or conditions are unacceptable, the applicant may request a meeting to discuss the issues with the ACC or an ACC representative.

3.06 Variances

From time to time, the Architectural and Site Design Guidelines or existing site conditions may impose unique circumstances (as defined in the DCCRs) that may inhibit construction on a particular home site. In such case, the applicant may submit a written request using the form provided in [Appendix D-7](#) for a variance directly to the ACC. The ACC will review the request and will grant or deny the variance. The ACC response will be in written form. Any variance granted is unique and does not set any precedent for future decisions of the ACC. Any variance granted will be valid for one year only from the approval date. Any work remaining incomplete after the one year timeline has passed requires a resubmission of the variance request to the ACC or an extension request in writing.

[Master DCCRs of Mystic Shores section 9.7]

3.07 Deposits

- (a) **Owner Deposit** A deposit (the "Owner Deposit") (check payable to Peninsula at Mystic Shores Property Owners Association) must be deposited by the owner with the Property Manager when a new residence application or an application for renovation/addition is submitted to the ACC. Refer to the applicable form [D-5 or D-6](#) for amount required. The purpose of the Owner Deposit is to ensure compliance with the workplace Site Standards, which are included in the Contractors Acknowledgment attached hereto as part of Appendix [D-3 or D-4](#) depending on the type of project. The owner may be fined for a violation of the Site Standards at the discretion of the ACC or the Board, in accordance with [Appendix E](#) hereto. Said fines, if any, will be deducted from the Owner Deposit. Costs to repair specific damage to curbs and pavement may also be charged against the Owner Deposit. If the fines exceed the amount of this Owner Deposit, the owner will be billed for any remaining amount due. The balance of the Owner Deposit, if any, will be refunded to the owner upon completion of the following, as determined in the sole discretion of the ACC: (1) completion of the dwelling in accordance with Section 9.5 of the Master DCCRs, (2) completion of any required landscaping, in compliance with the Covenants and Guidelines, (3) site

cleanup, which shall include, without limitation, removal of all construction debris and equipment, builders sign, trash dumpster, port-a-john and any construction drive (unless covered by a permanent drive in accordance with plans previously approved by the ACC) and (4) storing any remaining building materials that the owner wishes to keep in an inconspicuous location.

The Owner Deposit for a new home will cover all work such as landscaping or a pool that is done concurrently with the initial home construction.

- (b) **Builder Deposit.** In the event the actions of a Builder or Contractor cause a fine to be levied against an Owner Deposit or has been notified of a Builder Violation (as defined in [Appendix E-2](#)), said Builder or Contractor will be required to post a Builder Deposit (as defined in Appendix E-2) for any future projects. Refer to the ACC web home page for a current listing of Contractors and amounts required. The purpose of the Builder Deposit is to ensure compliance by the builder with the Master DCCRs and Design Guidelines, including workplace and Site Standards, which are included in the Builders Acknowledgment attached hereto as part of [Appendix D-3 or D-4](#), depending on the type of project. The builder may be fined for a Builder Violation at the discretion of the ACC or the Board, in accordance with [Appendix E-1](#) or [Appendix E-2](#). Said fines, if any, will be deducted from the Builder Deposit. The balance of the Builder Deposit, if any, will be refunded to the builder upon completion of the following, as determined by and at the sole discretion of the ACC: (1) completion of the dwelling in accordance with Section 9.5 of the Master DCCRs, (2) completion of any required landscaping, in compliance with the Covenants and Guidelines, if the builder is the landscaping contractor, (3) site cleanup, which shall include, without limitation, removal of all construction debris and equipment, builders sign, trash dumpster, port-a-john and any construction drive (unless covered by a permanent drive in accordance with plans previously approved by the ACC) and (4) storing any remaining building materials that the owner wishes to keep in an inconspicuous location.

3.08 Infrastructure, Application, and Design Review Fees

Infrastructure and Design review fees are established and published by the ACC. Refer to the applicable form [D-5 or D-6](#) for amounts required. The purpose of the Application and Design Review Fees is to cover all expenses related to the processing of applications and Architect review. The Infrastructure Fee is intended to help mitigate the general wear and tear to roads and pavements caused by heavy trucks to the Peninsula's private road system. The Infrastructure Fee is not intended to cover specific damage to curbs and pavements caused by Builders or Contractors. Specific damage to curbs and pavement may be charged against the Owner or Builder Deposit, as applicable, or billed to the owner if the deposits are depleted. The Peninsula Property Owners Association Board reserves the right to change or waive these fees from time to time without prior notice.

3.09 Renovations/Additions to Existing Structures

All renovations, additions, or improvements to the exterior of existing structures require approval by the ACC using the same basic process described in Appendix B. Repairs to

existing structures with substantially the same materials, quality of construction and colors as previously approved by the ACC for the existing structure do not require ACC approval. Repainting with the same, previously approved colors does not require ACC approval.

3.10 Final Approval or Denial

The final approval or denial letter is issued by the ACC after all reviews are completed.

3.11 Appeals

- (a) A decision by the architectural review authority denying an application or request by an owner for the construction of improvements in the subdivision may be appealed to the board. A written notice of the denial must be provided to the owner by certified mail, hand delivery, or electronic delivery. The notice must:
 - (1) describe the basis for the denial in reasonable detail and changes, if any, to the application or improvements required as a condition to approval; and
 - (2) inform the owner that the owner may request a hearing under Subsection (b) on or before the 30th day after the date the notice was mailed to the owner.
- (b) The board shall hold a hearing under this section not later than the 30th day after the date the board receives the owner's request for a hearing and shall notify the owner of the date, time, and place of the hearing not later than the 10th day before the date of the hearing. Only one hearing is required under this subsection.
- (c) During a hearing, the board or the designated representative of the property owners' association and the owner or the owner's designated representative will each be provided the opportunity to discuss, verify facts, and resolve the denial of the owner's application or request for the construction of improvements, and the changes, if any, requested by the architectural review authority in the notice provided to the owner under Subsection (a).
- (d) The board or the owner may request a postponement. If requested, a postponement shall be granted for a period of not more than 10 days. Additional postponements may be granted by agreement of the parties.
- (e) The property owners' association or the owner may make an audio recording of the meeting.
- (f) The board may affirm, modify, or reverse, in whole or in part, any decision of the architectural review authority as consistent with the subdivision's declaration.

3.12 Changes or Modification to Approved Plans

Changes, revisions, or modifications to approved exterior must be submitted to the ACC for approval prior to their construction. Please contact your ACC Liaison for submittal requirements.

4.0 CONSTRUCTION SITE STANDARDS (“Site Standards”)

4.01 Construction Time Limit/Restrictions

The work must begin within one year from the date of the ACC formal approval letter. If work is not substantially begun in this time period, approval is automatically revoked. If owner decides to build after this 12 month period, plans must be resubmitted for approval. Review will be based on the guidelines in force at the time of resubmittal. All dwellings and other structures must be completed within one (1) year after the construction of same has commenced, except where such completion is impossible or would result in great hardship to the owner or builder due to strikes, fires, national emergencies, or natural calamities as deemed by the ACC. If an extension is needed, the owner may submit an extension request, including the projected completion date, in writing to the ACC. Failure to complete the project within the deadline may result in either special assessments or other enforcement rights as set forth in the DCCRs.

It is the responsibility of each owner and occupant to prevent the development of any unclean, unhealthy, unsightly, or unkempt condition on their property. This is to include any noise or other condition that will or might disturb the peace, quiet, safety, comfort, or serenity of the occupants of surrounding property. Any and all construction access is restricted to the hours of 7:00 AM to 7:00 PM. Monday – Saturday except: (a) concrete pours may begin at 6 am, Monday through Saturday; and (b) no construction activities are permitted on New Year's Day, Memorial Day, July 4th, Thanksgiving Day or Christmas Day. The foregoing limitations do not apply to maintenance activities by owners. Waivers to this time restriction may be approved by the ACC on a case-by-case basis. (DCCRs for Mystic Shores, page 32 Section 10.8 Nuisance)

4.02 Builder's Sign

A single Builder sign must be installed after an Application has been approved by the ACC and prior to the start of grading and construction. The sign shall contain the Builder's name and telephone number as well as the property address of the project (in letters a minimum of six inches (6”) in height). The sign shall remain properly installed throughout construction. All signs shall meet the following requirements. Signs shall be approximately 4 foot by 4 foot (approximately 16 square feet and may consist of all colors or shapes. They shall be installed with skids or posts no closer than 10 feet from the front property line and 25 feet from each sideline. The sign cannot be higher than 72 inches from the ground to the top of the sign. The builder's sign can remain on the property until 14 days after completion of the dwelling.

Subcontractor signs are not allowed on the property. If required by a builder's insurance company, an additional “No Trespassing” or similar warning sign is permitted. Warning signs shall be no larger than eighteen inches by twenty four inches (18”x 24”) and shall



be professionally painted. Any additional signage or displays found on a jobsite may be removed at any time without warning. (*Article 9, Section 9.4 (b)(i), page 27 of the Mystic Shores DCCRs*)

4.03 Port-a-John

A portable toilet (port-a-john) is required for each job site. The port-a-john must be placed rearward of the builder's sign i.e.: further than 10 feet from the front property line.

4.04 Construction Entrance

A construction entrance must be installed prior to the start of any work on the lot and must be maintained throughout construction process. The entrance must be of sufficient size and material to eliminate the tracking of mud or debris onto paved roads and shall serve as the point of ingress and egress for all vehicles serving the site. Any and all tracking of mud and excessive dirt shall be removed by the contractor at the end of each workday

Driveway culverts must be installed and will be of sufficient size to afford proper drainage of ditches without backing water up into a ditch or diverting flow. Drainage culvert installation must meet County requirements.

4.05 Erosion Control

Natural established drainage patterns of streets, tracts, or roadway ditches shall not be impaired by any person or persons. No creeks or natural drainage areas may be dammed, or water impounded, diverted or used for any purpose without prior written consent of the ACC.

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

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

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

the site is stabilized or until 70% of the native background vegetative cover has been established. At that point, the permit shall be terminated.

When TCEQ permits are required, the contractor, under contract to the owner, shall apply for the TCEQ permit, prepare the SWP3, supervise the implementation of the SWP3 requirements, perform the inspections, keep the control measures in compliance at all times, terminate the permit when the site is stabilized following all construction completion, and remove all temporary control measures. However, if an owner performs the contractor duties outlined herein, the owner is responsible for meeting these TCEQ permit requirements. For additional information concerning TCEQ permitting requirements, access to their website can be found at <http://tceq.state.tx.us>.

4.06 Site Management

All Owners, Builders and Contractors are required to follow the Site Standards set forth in [Appendices D-3 or D-4](#), depending on the type of project. This shall include:

- (a) orange net perimeter fencing on all 4 sides, which shall remain intact, unmoved, and complete (except construction entrance) until construction and site improvements including landscaping are complete.
- (b) Only usable construction materials may be stored on a construction site. Discarded construction materials, refuse, and debris must be removed daily from the site, or contained within a trash dumpster. If trash is not removed on a regular basis, the ACC will contact the builder and or owner to facilitate site cleanup.
- (c) Provide an 8' x 8' x 2' high plastic lined concrete truck washout location within the property line.
- (d) Storage or placement of materials within any right of way or easement is not permitted at any time.
- (e) No fires, including grills, are allowed on the construction sites.
- (f) No petroleum-based products or other potentially hazardous or toxic substances may be disposed of on any lot or any drainage ditch, stream, or lake.
- (g) Trespassing/driving on adjacent lots or properties is prohibited.
- (h) Trees to remain and their root zones within the construction area must be fenced for protection during construction.

Fines may be levied for violation of items in this Section 4. Refer to [Appendix E-1](#) and [E-2](#) hereto.

4.07 Right to Enter and Observe Property for Compliance

The right of entry and inspection is specifically reserved by the ACC, its agents, and representatives to visit all or any portion of the Owner's property for verifying compliance with the requirements of the ACC. A representative of the ACC may make periodic observation visits during the entire construction period. The Owner will be notified in writing with a copy to the architect/designer and general contractor of any items and exceptions noted in the visit; all such items and exceptions must be completed or resolved to the satisfaction of the ACC.

4.08 Conduct of Workers

No alcohol or drugs are permitted on site at any time. Animals are prohibited. Firearms are prohibited. No abusive, harassing or loud behaviors are permitted. Workers shall not be allowed to travel the neighborhood unnecessarily or use the amenities. Violations may result in fines and/or the builder, contractor, subcontractor or individual being denied access to the property. All traffic signs in The Peninsula are to be followed. The speed limit throughout The Peninsula is 30 mph.

4.09 Revisions/Changes During Construction

All revisions and changes made during construction shall be submitted with an Application for Renovation/Addition/Change to the ACC for approval prior to the implementation of such change. All revised drawings must be submitted along with the revision request. The ACC will grant or disallow the request in writing. Failure to obtain written approval for any revision during construction may result in fines being levied and deducted from the Owner or Builder Deposit, as applicable, or billed to the owner if the deposits are depleted. Refer to Appendix E hereto.

4.10 Alterations/Remodeling/Improvements/Repainting of Approved Structures

Any exterior change to an existing structure requires approval from the ACC before commencing with work. All exterior changes or renovations shall be submitted to the ACC for approval as outlined in Section 9 of the Mystic Shores DCCRs. (Maintenance/Renovation, with matching replacement material and same color is exempt; contact an ACC member for confirmation.) All construction shall be subject to the construction regulations set forth in Section 4 herein.

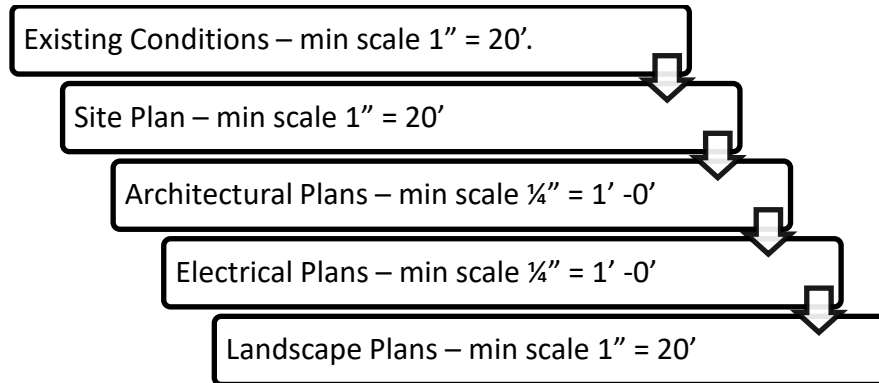
5.0 SPECIFIC PLAN SUBMISSION REQUIREMENTS

5.01 Plan Submission Requirement for Design Review

Figure 5-1 represents the typical plans required and [Appendix A](#) lists the specific submission requirements that must be met prior to obtaining final approval for new home or outbuilding construction.

Refer to the Peninsula ACC Process document in Appendix B for specific instructions on applications and submittals. Please note that Infrastructure Fee, Review Fee and Owner Deposit and Builder Deposit, if applicable, must be paid before the ACC and Architect Final Review can take place.

Figure 5-1 Typical Plans Required



Note: Existing Conditions and Site Plan may be combined into one plan

Failure to submit required documents may result in a delay in obtaining approvals. Application for Construction and Application for Variance forms are provided in [Appendix D](#) hereto.

Submission requirements for Renovation, Addition or Changes will be determined by the ACC based on the type of project. Contact the ACC or your ACC Liaison for more information. Application for Renovation/Addition form is provided at Appendix D-6 hereto.

5.02 Lot Clearing

An application is not required for removing cedars, brush, and dead trees from lots so long as dirt is not moved and the contours of the lot are not changed. Notice for this type of clearing shall be given to the ACC for information only.

Any additional lot clearing, prior to beginning construction, beyond removing ashe junipers or other types of cedars, brush, and dead trees is considered part of the construction process and is not permitted until an application for construction is approved by the ACC. Construction is deemed to have begun as described in [section 4](#) and figure [3-1](#). Brush piles must be removed or burned within a reasonable time. During construction of a new home, however, fires are not permitted for any reason.

Burning at any time is subject to any Comal County burn ban and applicable Comal County Fire Marshall hot work procedures and TCEQ regulations, which may be found at http://www.co.comal.tx.us/fire_marshall/burn_information.htm. Additionally, an adequate water supply must be available at the burn site and a fire watch provided until fully extinguished.

Oak Wilt is a serious issue in the Hill Country. Avoid any pruning or wounding of oak trees from February through June. Immediately paint any wounds to oak trees year-round. Destroy infected red oaks by burning, burying or chipping. Practice caution with firewood by moving and storing only thoroughly dried wood, burning all wood before spring, never storing wood near healthy oaks, and covering firewood with clear plastic and burying the edges. Refer to <https://texasoakwilt.org/oakwilt/> for more information.

6.0 ARCHITECTURAL GUIDELINES

6.01 General Standards

Homes must be designed in conformity with the standards; requirements, and guidelines set forth in the DCCRs and the Architectural and Site Design Guidelines herein. All footprints and garages must be sited within the setbacks. A form survey, including slab elevation, must be submitted to the ACC demonstrating compliance with the approved plans a minimum of seven (7) days prior to placing concrete. The dimensions from the property lines shown on the form survey shall be taken from the same locations as the dimensions shown on the Site Plan.

For any project governed by this document which includes mechanical, electrical, or plumbing (MEP) work in which the property owner is acting as their own contractor, or using a contractor/builder which does not have full contractual responsibility for all trades, copies of current master trade licenses for each of the MEP trades shall be provided to the ACC prior to the project's approval. If master licensed MEP contractors are not used, the work of each trade shall be inspected and approved by a master licensed tradesman for the trade(s) in question and their written report submitted to the ACC. Only after the ACC reviews and gives written acknowledgement of each trade report, may the project proceed. Failure to comply could result in the removal of any additional work, i.e. drywall/insulation, at the property owner's expense, in order to have the MEP work properly inspected.

In addition to the prohibition of trespassing during the construction phase, Owners shall locate the house and accessory buildings so that there is a pathway within their property to access the rear of the house for maintenance or future addition/renovation purposes.

Plans submitted for projects to be constructed on a corner lot will be considered on a case-by-case basis and the Guidelines will be applied based on the uniqueness of each lot and plans submitted.

Plans submitted for review, or any portion thereof, may be disapproved upon any grounds which are consistent with the purpose and objectives of the ACC, including purely aesthetic considerations.

6.02 Modular Construction

No modular home or manufactured home shall be placed, erected, constructed, or permitted within the development. "Modular home and manufactured home" shall include any prefabricated or pre-built dwelling which consists of one or more transportable sections or components and shall also be deemed to include manufactured building, manufactured home, modular building, modular home, modular construction, and prefabricated construction as defined by the Texas State Building Code. Prefabricated accessory structures, such as sheds and gazebos, must be reviewed and approved in strict accordance with Article 9 of the Mystic Shores DCCRs.

6.03 Dwelling Size/Garage Standards

Refer to your specific Unit Supplemental DCCRs.

DWELLING SIZE/GARAGE STANDARDS

| | 1 Story House | 1-1/2 to 2 Story House | Garage Spaces* |
|------------------|---------------|------------------------|----------------|
| Peninsula Unit 1 | 3000+ sq ft | NA | 2-4 car |
| Peninsula Unit 1 | NA | 3500+ sq ft | 3-4 car |
| Peninsula Unit 2 | 3000+ sq ft | 3500+ sq ft | 2-4 car |
| Peninsula Unit 3 | 3000+ sq ft | 3500+ sq ft | 2-4 car |
| Peninsula Unit 4 | 3000+ sq ft | 3500+ sq ft | 2-4 car |

*Carports are not allowed.

6.04 Setback/Building Height Requirements

Refer to the table below for specific Peninsula Unit Supplemental Declaration of Covenants, Conditions and Restrictions.

Very few building sites within the Peninsula are level, and the slope of the terrain presents some challenges when selecting a building site. Setback dimensions are taken from property lines. All lots also include public utility and drainage easements on all four sides. No change in grade, or raised driveways, are allowed within 5 feet of the side or rear property line or within the front(s) easement. [DCCRs of Mystic Shores section 11.8] The terms of the easements (which run with the land) remain in effect for the full width of the easement.

The maximum height shall be two stories, but not to exceed thirty-five (35) feet per dwelling from the first floor elevation, which is the measurement taken from the footprint of the proposed home's first floor slab at the highest point on virgin soil. Height of any accessory building shall not exceed twenty-five (25) feet in Unit 1 or no taller than the dwelling in Units 2, 3 and 4.

In addition, the ACC may waive or alter any such setback or height restriction, if the ACC believes, in the exercise of the ACC sole discretion, such waiver or alteration, is necessary to permit effective utilization of a tract. Any such waiver or alteration must be in writing and recorded in the Deed of Records of Comal County, Texas.

SETBACK & BUILDING HEIGHT REQUIREMENTS

| Unit | Lot# | MAX BUILDING HEIGHT | | SETBACKS | | |
|-------------|----------|---------------------|------------------|----------|------|------|
| | | Home | Accessory Bldgs. | Front | Side | Rear |
| Peninsula 1 | All Lots | 35 | 25 | 50 | 10 | 50 |
| Peninsula 2 | All Lots | 35 | * | 50 | 10 | 25 |
| Peninsula 2 | 1312 | 35 | * | 50 | 10 | 100 |
| Peninsula 2 | 1313 | 35 | * | 50 | 10 | 100 |
| Peninsula 3 | All Lots | 35 | * | 50 | 10 | 25 |
| Peninsula 4 | All Lots | 35 | * | 50 | 10 | 25 |

* Workshops, barns and detached garages may be the same height as the dwelling, but no taller (*Peninsula Supplemental DCCRs Units 2,3 & 4, Section 3.1 Lot Construction*)

6.05 Exterior Color Guidelines

All exterior colors of any structure must be natural or earth tones and must compliment the surrounding landscape. The ACC may, in its sole discretion, approve other color schemes so long as such colors compliment the Peninsula community.

6.06 Building Orientation on Lot and Improvements on Lot

It is the responsibility of the ACC to apply the Architectural Standards as outlined in the Mystic Shores DCCRs. Section 9.3, Guidelines and Procedures, provides guidance in reviewing location in relation to surrounding structures, topography, and finish grade elevation among other considerations. The ACC recognizes owners may want to place their homes on their lot to take advantage of a certain view, for cost savings, or for other reasons. The owner, builder and designer must consider the impact of the location of the home on the views of surrounding properties, as well as the potential impacts of the views to and from surrounding future construction. In locating home orientation and all renovations or improvements on the lot, owner/builder/designer must also consider the location of all trees. When reviewing submitted plans, if a home is oriented so that it is not parallel or substantially parallel to the street, the ACC will consider potential adverse effects on adjacent and neighboring homes and lots. Owners who wish to orient their homes other than parallel or substantially parallel to the street are required to submit a Request for Variance Application that can be found at [Appendix D-7](#) hereto. (*Article 9, Section 9.3 (b), page 26 of the Mystic Shores DCCRs*).

6.07 Garages

DCCRs for Peninsula Unit 1 require that garage door openings “must face rear or side lot lines.” Supplemental DCCRs for Peninsula Units 2, 3 and 4 require that garages “face away from all roadways.” (*Article III, Section 3.01, page 4 of the Peninsula Mystic Shores Unit One DCCRs and Article 3, Section 3.1, page 3 of the Peninsula Mystic Shores Supplemental DCCRs for Units 2, 3 and 4*)

After consultation with the Association’s attorney, the ACC has determined that “face away from all roadways” means facing away at least ninety (90) degrees from the road, as viewed from any road in front of or alongside the house. Where the road is not

substantially straight or ends in a cul-de-sac, additional factors may be considered to determine whether the garage meets the requirement to “face away from all roadways.”

6.08 Exposed Foundations

Given the topography of the Peninsula, it is likely that there will be areas of exposed foundation walls between finished grade and the main floor. Ledges for brick or stone application shall extend to within two feet (2') of finished grade. All areas of exposed foundation areas shall be parged to within eight inches (8") of finished grade and finished to match the stone/brick or stucco as applicable.

6.09 Roofs

All roofing material must be standing metal seam, slate stone, concrete tile, clay tile, or other tiles of a ceramic nature. No composition or wood shingles will be permitted. Roof fans, attic fans, attic ventilators or other roof penetrations shall be installed on the portion of the roof having the least visibility from the street or other adjoining lots. (*Article III, Section 3.01, page 4 of the Peninsula Mystic Shores Unit One DCCRs and Article 3, Section 3.1, page 2 of the Peninsula Mystic Shores Supplemental DCCRs for Units 2, 3 and 4*)

Large unbroken expanses of roof, Mansard Roofs, and exposed roof mounted mechanical equipment are prohibited.

6.10 Exteriors

Refer to Section 3.02 for aesthetic consideration topics. All dwellings must be built with new construction materials and be built on a concrete slab or on a pier foundation with exteriors being comprised of 100% masonry, excluding, eaves, windows, shutters, covered porch structural members and doors. Porch structural members may be naturally highly insect and rot resistant wood such as cedar, (with column minimum size of 6" x 6", and eave brackets or truss members not less than 4" x 6"). Porch ceilings may be nominally 1x6 natural wood. All porch wood shall have natural or stain finish. 3 1/2" thick fired clay brick, 3 1/2" thick natural stone or 3/4" thick 3 coat cement plaster on metal lath qualify as masonry. Hardiplank material does not qualify as masonry. No aluminum, asbestos, plywood, concrete block, vinyl or metal siding is allowed. All exterior chimneys, accessory buildings and/or detached: garages must be built of the same materials as the main dwelling unless otherwise approved by the Architectural Control Committee. (*Article III, Section 3.01, page 4 of the Peninsula Mystic Shores Unit One DCCRs and Article 3, Section 3.1, page 2 of the Peninsula Mystic Shores Supplemental DCCRs for Units 2, 3 and 4*)

7.0 SITE REQUIREMENTS: ACCESSORY/ DECORATIVE STRUCTURES

7.01 Outbuildings

Each home site is limited to outbuildings as defined in the specific Unit Supplemental Declaration of Covenants, Conditions, and Restrictions. The location and appearance of outbuildings shall be submitted and approved by the ACC prior to construction and must be built after or while the main dwelling is being built. Outbuildings shall be architecturally compatible with the home, and similar in color. All outbuildings shall be

within the building setback lines. The buildings shall be oriented so they do not open toward the street and they do not have a direct access path from the street. (*Article III, Section 3.01, page 4 of the Peninsula Mystic Shores Unit One DCCRs and Article 3, Section 3.1, page 2 of the Peninsula Mystic Shores Supplemental DCCRs for Units 2, 3 and 4*)

7.02 Arbors/Trellises/Pergolas/Pavilions

Arbors, trellises and similar structures are permitted. Location, elevations, and finishes must be submitted to the ACC for approval prior to beginning construction.

7.03 Walls/Fences/Gates/Exterior Railings

Walls, fences, gates and exterior railings must be approved by the ACC prior to installation or construction and shall be on or within the Lot property line. All fences, walls and gates are to be constructed of: (a) all rock or masonry or; (b) all wrought iron or; (c) any combination of wrought iron and masonry or; (d) any other material that, in the opinion of the ACC is compatible with the style of the main dwelling. The maximum height of the fence/wall shall be six (6) feet, excluding fences surrounding tennis/sports courts, which may be higher. No wood, barbed, smooth, hog, chicken, chain link, or like fencing material may be constructed, used in the construction of, or maintained on any tract except in connection with tennis and/or sports courts. Pipe railings are prohibited. The ACC reserves the right to disapprove any fence that, in the ACC's opinion, may not meet the intended plan for the area.

Gates on all lots must be of a decorative nature and be constructed of metal and or steel. Standard metal ranch gates are not permitted.

7.04 Swimming Pools/Hot Tubs

Fully above ground swimming pools are prohibited. Bubble covers for below ground swimming pools are prohibited. Pools may not be installed in the front or side yard of any residence. All plans for swimming pools must be submitted to the ACC for approval. Swimming pools which are installed in the rear yards of lots that are adjacent to other lots will be subject to additional screening requirements as imposed by the ACC. Pool filtering, heating, and plumbing equipment must be screened from the street and must be located within the setbacks.

It is strongly recommended that all pools be within an ACC approved fence and gated area. Reference: Section 7.03 Walls/Fences/Gates/Exterior Railings hereof.

Outdoor hot tubs are permissible, so long as the above ground portion is no taller than 3'-5" above natural ground, or the top of the hot tub is within 18" of fully recessed in a patio or fully skirted deck. The top of such patio or deck must be at or below the first floor level of the house and attached to the house. Location of hot tubs shall be shown on the site plan. Hot tubs shall not be installed on the front or side yard of any home. Hot tubs installed in the rear of lots adjacent to other lots will be subject to additional screening requirements as imposed by the ACC.

7.05 Clotheslines

There shall be no outdoor clothesline on any home site.

7.06 Tennis Courts/ Basketball Goals/Swing Sets/Trampolines

Private tennis courts shall be permitted on tracts that are 3 acres or larger and must meet all set back requirements. They must be placed in the rear yard of the home and must be approved by the ACC.

Portable basketball goals are permitted as long as the equipment is well maintained, not set up near a street or cul-de-sac, and is not a nuisance to neighbors. Permanent basketball courts are permitted on tracts that are 3 acres or larger. If a basketball court/goal is to be a permanent structure, the location and design of basketball goals/court shall be submitted to and approved by the ACC prior to construction.

Swing sets, similar sports and play equipment are permitted but must be approved by the ACC.

No equipment shall be visible from the street at the front of the residence. All equipment must follow the color requirements for outbuildings, compatible with the home and similar in color.

7.07 Camping

No camping is permitted on any property within any of the units of the Peninsula.

7.08 Flags and Flagpoles

Flagpoles: An Owner may have one flagpole, or one residence-mounted flag mount, but not both. There are three types of flagpoles: 1) wall mounting (flag mount), 2) residential telescoping and 3) in-ground. The maximum of one flagpole is permitted. Placement of all flagpoles and flag lighting must be approved by the ACC before being installed. Plans must be submitted to the ACC for each installation, detailing the dimensions, type, location, materials, and style/appearance of the flagpole, flag mount(s), lighting and related installations. Flag poles must meet applicable zoning ordinances, easements, and setbacks, and to be allowed in the front yard, if the front has a setback of at least (15) fifteen feet. The ACC shall have the sole discretion of determining whether such items and installations comply. (Reference House Bill 680)

In addition to the US Flag, the Texas State Flag and other state flags, the following flags may be flown in accordance with the flag code: Army, Navy, Marine Corps, Air Force, Coast Guard, POW/MIA and Veteran Flags. All other flags must be approved by the ACC and are expected to be in keeping with the integrity of the neighborhood.

Requirements for Flagpoles - The following additional requirements shall apply to flagpoles installed on Lots:

- (a) No more than one flagpole may be installed on a Lot;
- (b) The flagpole must be free-standing and installed vertically;
- (c) The flagpole must be no greater than 20 feet in height measured from grade level;
- (d) The location and construction of the flagpole must comply with applicable zoning ordinances, may not be located in any easements (including drainage easements), and comply with all setback requirements;

- (e) Unless otherwise approved by the ACC, flag poles must meet applicable zoning ordinances, easements, and setbacks, and to be allowed in the front yard, if the front has a setback of at least (15) fifteen feet.; and
- (f) An Owner must ensure that external halyards (hoisting ropes) used in combination with a flagpole do not create an unreasonable amount of noise.
- (g) The American Flag may be displayed with other flags as long as its display follows the rules specified by the Flag Code. These rules were set to make sure the American Flag is in a position of prominence over other flags. The flag represents the government of the United States, and on American soil, the government is the highest authority. The American Flag is even displayed above church flags, except in rare instances. Up lighting the American Flag is expressly authorized.
- (h) The Flag Code can be found under “Members Only” at www.peninsulapoa.com

7.09 Greenhouses

Greenhouses may be placed on a lot for the sole purpose of non-commercial gardening. The structure must comply with all requirements for accessory structures with regard to setback lines and placement. Refer to [Section 6.04](#) herein.. In addition, the construction of such greenhouses shall employ aluminum exterior framing and either glass or rigid polycarbonate glazing materials. No corrugated panels or plastic sheeting may be used. The maximum height may not exceed sixteen (16) feet, and the maximum area may not exceed five hundred (500) square feet. Any auxiliary equipment must be kept within the noise restriction guidelines as set forth in the DCCRs. *Reference Mystic Shores DCCRs page 32 Section 10.8 Nuisance and Peninsula Mystic Shores Unit One DCCRs page 8 Section 3.17 Noise.*

7.10 Lawn Art

All lawn art that is visible from the street must be approved by the ACC prior to placement. It may fall in one of two categories, artificial vegetation or sculpture. Sculptures may range from water features, likeness of animals, and address markers to old wagons. If lawn art is known during the construction phase it can be identified in the landscape submittal with either a sketch or photo. If it is post construction, either a sketch or photo must be submitted for approval. (Ref. Mystic Shores DCCRs Section 9.4 (a) Exterior Structures and Improvements)

The following guidelines apply during the holidays (4th of July, Halloween, Christmas, Hanukah etc.). Your “Holiday Art” selection does not require ACC approval however, if the art is considered offensive the ACC will require its removal within 24 hours of notification. Holiday Lawn Art may be placed 30 days prior to the holiday and must be removed within 14 days after the holiday.

8.0 SITE REQUIREMENTS: DRIVEWAYS

8.01 Driveways

Driveways in all four units of the Peninsula must be surfaced with either concrete, exposed aggregate, brick pavers, or a combination thereof. Driveways must be surfaced upon completion of the main dwelling unit. *(DCCRs for The Peninsula at Mystic Shores Unit 1 Section 3.15, page 7; First Amendment to the DCCRs of Unit Two, 16 May 2005; First Amendment to the DCCRs of Unit Three, 18 May 2005; Supplemental Declaration of DCCRs for Unit Four, 27 October 2005)*

The total amount of impervious cover on the lot shall be limited; except for maneuvering areas or parking areas, the maximum driveway width shall be 16'. Driveways shall be located relative to road intersections and medians, consistent with traffic safety.

9.0 LANDSCAPE REQUIREMENTS

9.01 Landscape Requirements

All homes that are built in the Peninsula must be landscaped. Landscaping shall be a **well-designed balance** of landscape elements which may include trees, shrubs, limited areas of rock/gravel, planting beds, ground cover and lawn grass. Plants, preferably evergreen, must screen most of the exposed foundation. This area, along with sodded areas must be watered by an irrigation system. All new landscaping turf installed or planted must be Buffalo, Blue Grama, Zoysia, or Bermuda Grass. Other low water requirement turf products will be considered and may be approved by the ACC. All requirements for specific types of turf were included in the restrictions to encourage water conservation practices. Plants considered invasive shall not be used in the landscape design. A list of Central Texas invasive plants is provided at [Appendix F](#) hereto.

No more than ten (10) percent of any front area on any property may be covered by rock materials. Any deviation must have prior written approval by the ACC.

[Peninsula at Mystic Shores Unit 1 DCCRs section 3.16]

While completing the landscaping, naturally vegetated areas of the lot must be restored from construction phase damage utilizing native or adapted plants selected for the particular site conditions. Newly seeded areas and plantings are to be temporarily irrigated until established. If permanent irrigation is utilized for these areas, it shall be with separate zones. Refer to Appendix H for details

9.02 Landscape Submission Requirements

The landscape layout and plans must be approved in writing. Such landscape layout and plans shall include all landscaping, planting beds, plant and non-plant materials, irrigation, walls, walks, swimming pools, fences, or other features to be installed or constructed on any portion of the lot and shall include specific plant and material names and descriptions. Plant quantities, and sizes are required for each planting area.

Generally full 5-gallon plants are required along the foundation. The landscape plan must address all areas disturbed by construction of improvements. The ACC shall, in its

sole discretion and authority, determine whether the landscape layout and plans submitted to it for review are acceptable. The ACC will not prohibit drought-resistant landscaping. Refer to *Tex. Prop. Code § 202.007* in Appendix G.

Landscaping plans that are complete and compliant with requirements of this section and [Appendix A](#), must be submitted for review by the ACC at least thirty (30) days prior to home completion. Landscaping installation must be completed ninety (90) days after the completion of home construction.

(DCCRs for The Peninsula at Mystic Shores Unit 1 Article III, Section 3:16, page 7; Supplemental Declaration of DCCRs for Unit Two dated 1 March 2005, Article 3, Section 3.3; Supplemental Declaration of DCCRs for Unit Three dated 21 March 2005, Article 3, Section 3.3; Supplemental Declaration of DCCRs for Unit Four dated 27 October 2005, Article 3, Section 3.3)

9.03 Exterior and Landscape Lighting

The ACC approves exterior lighting under the Master DCCRs, which provides, among other things, that “All lights shall be installed or aimed so that they do not present a disabling glare to drivers or pedestrians or create a nuisance by projecting or reflecting objectionable light onto a neighboring property.”

Pictures of proposed exterior light fixtures must be submitted to the ACC for prior approval before installation. Owners are encouraged to obtain prior approval of exterior fixtures before committing to purchasing them.

To meet the Master DCCR requirement, exterior light fixtures must prevent light from escaping through the top and shall limit the amount of light escaping from the sides, of the fixture. Down lighting is required for floodlights, spotlights and pole lights and is encouraged for other lighting fixtures to reduce glare and protect neighboring properties from bright light sources.

See [Appendix C](#) hereto for more information and examples of Dark Sky fixtures. Please note that certification of fixtures being dark sky compliant by the International Darksky Association is generally more reliable than manufacturer or distributor opinions that are not verified by a third party

In addition:

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

- (h) Exterior lighting shall be manually switched and may be motion activated. “Dusk-to-dawn” photocells are not allowed. Lights on time clocks shall go off by 11pm.
- (i) Fixture lamping shall not have higher than 3000-degree K Color Temperature (warm coloration). Single head fixtures shall not exceed 1000 lumens (less than 75 watt incandescent) and double headed fixtures such as flood lights shall not exceed 750 lumens per lamp (less than 60 watt incandescent).
- (j) the ACC may require a nighttime review prior to closeout approval of the lighting. *(DCCRs for Mystic Shores, Section 9.4 (b)(ii), page 27; DCCRs for The Peninsula at Mystic Shores Unit 1, Section 3.18, page 8)*

10.0 ADDITIONAL REQUIREMENTS

10.01 Storage of Recreational Vehicles/Equipment

Recreational vehicles may not be kept on the property prior to the main dwelling being built. After the dwelling is complete, said such items may be kept on the property as long as they are parked only in garages serving the lots. *(DCCRs for Mystic Shores, Section 10.4 (b) page 31; DCCRs for The Peninsula at Mystic Shores Unit 1, Section 3.01, page 5)*

10.02 Signage

Only signs approved by the ACC may be placed upon any Lot in the Peninsula, except that ground mounted signs advertising a political candidate or ballot item for an election on or after the 90th day before the date of the election to which the sign relates and before the 10th day after that election date are permitted. Only one sign for each candidate or ballot item is permitted. Also refer to [Appendix G](#).

The ACC approves that each lot in the Peninsula may have one professionally made “Custom Builder’s” sign while the house on the lot is under construction and such signs must be removed upon completion of the dwelling. Professionally made does not include pre-made, store bought signs. For restrictions regarding Builder’s signs, see [Section 4.02](#) hereof.

No other real estate signs shall be allowed in the Peninsula including, but not limited to, For Sale signs, Sold signs, For Lease signs and/or For Rent/Rented signs.

The ACC approves a small Security Sign provided by a security company of the homeowner’s choice to be placed in the yard or in a flowerbed as close as possible to the front door or front porch of the home.

The ACC approves a Conservation Committee recommended 8” x 11” - TP&W, Texas Wildscapes Backyard Wildlife Habitat sign to be placed in the yard or in a flowerbed as close as possible to the front door or front porch of the home.

No signs will be allowed near the roadway except for approved address markers and the blue address marker available through the fire department.

In the event that a permitted sign is not properly maintained, the ACC may give the sign owner written notice that repairs must be made within five (5) business days of

notification. The ACC shall have the right, but not the obligation to have repairs made and charged to the sign owner.

Nothing herein shall prevent the Peninsula at Mystic Shores Property Owners Association from establishing rules for permitting signage in celebration or recognition of religious or national holidays. (*Mystic Shores DCCRs, Article 9, Section 9.4 (b)(i), page 27*)

Religious Displays:

(a) Except as otherwise provided by this section, a property owners' association may not enforce or adopt a provision in a dedicatory instrument, including a restrictive covenant, that prohibits a property owner or resident from displaying or affixing on the owner's or resident's property or dwelling one or more religious items the display of which is motivated by the owner's or resident's sincere religious belief.

(b) This section does not prohibit the enforcement or adoption of a provision in a dedicatory instrument, including a restrictive covenant, that, to the extent allowed by the constitution of this state and the United States, prohibits the display or affixing of a religious item on the owner's or resident's property or dwelling that:

- (1) threatens the public health or safety;
- (2) violates a law other than a law prohibiting the display of religious speech;
- (3) contains language, graphics, or any display that is patently offensive to a passerby for reasons other than its religious content;
- (4) is installed on property:
 - (A) owned or maintained by the property owners' association; or
 - (B) owned in common by members of the property owners' association;
- (5) violates any applicable building line, right-of-way, setback, or easement; or
- (6) is attached to a traffic control device, street lamp, fire hydrant, or utility sign, pole, or fixture.

[Texas Property Code Section 202.018, September 2021]

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

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

Seasonal Religious Holiday Decorations: This rule will not be interpreted to apply to otherwise-permitted temporary seasonal religious holiday decorations such as Christmas lighting or Christmas wreaths. The ACC has the sole discretion to determine what items

qualify as Seasonal Religious Holiday Decorations and may impose time limits and other restrictions on the display of such decorations. This is addressed in Section 7.10 hereof.

Other displays: Non-religious displays in the entry area to an owner's dwelling and all displays (religious or otherwise) outside of the entry area to an owner's dwelling are addressed in [Section 7.10](#) hereof.

10.03 Propane Storage Tanks

All propane tanks in the Peninsula must be located within the setbacks and buried in the ground or be enclosed by a solid masonry wall built with the same masonry (as used on the main dwelling), and six (6) feet in height. An ornamental gate is to be used for entry. For purposes of safety, location(s) must be in accordance with the National Fire Protection Association code NFPA 58, Chapter 6, Annex I, Figure I.1(c): 10 feet minimum to the nearest line of adjoining property that can be built upon, 10 foot minimum from any source of ignition (such as central A/C compressor) and 10 foot minimum from any crawl space opening, window or exhaust fan.

10.04 Satellite Dishes

No satellite dishes or similar apparatus shall be placed on any dwelling in such a way that they are visible from the street. No huge ground satellite dishes shall be erected or installed. Small modern ground satellite dishes utilized by high-definition televisions shall not be placed on property without the prior written approval of the ACC. (*Mystic Shores DCCRs, Article 9, Section 9.4 (a), page 26 and (DCCRs for The Peninsula at Mystic Shores Unit 1, Article III, Section 3.13, page 7)*)

10.05 Energy Generation Systems/Solar Panels and Screens

Wind Turbines, Windmills

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

Solar Panels and Solar Screens

No solar panels shall be erected, installed or placed on any lot or home without the prior approval of the ACC. Roof-mounted systems shall have no portion of the system visible from the street (viewed from the front of the residence) on which the residence is located, unless otherwise approved by the ACC based on consideration of State property code referenced calculation or the solar panel design, materials and proposed placement. For ground-mounted systems, the solar panel array and energy storage unit must be placed at the rear of the home, within the lot setback lines, and in an inconspicuous location. The

ACC may require ground-mounted solar panels to be in a fenced yard, unless screened in a manner acceptable to the ACC. The ACC generally will accept screening using the same criteria as for propane tanks, as applicable to the Unit where the system is located (see Section 10.03 above). Documentation from the utility company, if applicable, to certify that all specifications required to tie-in to the local utility system have been or will be met shall be supplied to the ACC prior to commencement of construction. The ACC will consider the requirements of Texas Property Code Section 202.010 when evaluating and approving installation of solar panels. See also Appendix G hereto.

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

Generators and Back-up Power System

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

10.06 Air Conditioning Units

Air conditioning or HVAC units must be located within the setbacks. Units that are visible from the front street must be hidden by a wall consisting of the same masonry material used in the construction of the dwelling.

10.07 Drainage/Grading

No owner or occupant may obstruct or re-channel the flows of drainage swales, storm sewers, or storm drains. No person shall alter the grading of any lot without prior approval pursuant to Article 9 of the Mystic Shores DCCRs. No person may fill in or pipe any roadside or lot-line swale used to meet Comal County regulations. Construction site driveways must include a culvert if said driveway crosses an area of drainage. *(Mystic Shores DCCRs, Article 10, Section 10.10, page 33)*

10.08 Sight Distance at Intersections

No fence, wall, hedge, or shrub planting which obstructs sight lines at elevations between two feet and six feet above the roadways shall be placed or permitted to remain on any corner lot within the triangular area formed by the street property lines and a line connecting them at points twenty-five feet from the intersection of the street lines, or in the case of a rounded property corner, from the intersection of the street property lines extended. The same sight line limitations shall apply on any lot within ten feet from the intersection of a street property line with the edge of a driveway pavement. No tree shall be permitted to remain within such distances of such intersection unless the foliage line is maintained at sufficient height to prevent obstruction of such sight lines. *(Mystic Shores DCCRs, Article 10, Section 10.11, page 33)*

10.09 Water Wells/Storage Tanks/Rainwater Harvesting & Collection Systems

Water Wells and Pump Houses

No water well or pump house shall be installed without prior approval by the ACC. The owner will be responsible for obtaining any applicable permits that may be required by the County, State or Comal Trinity Water Conservation District (CTWCD). Property owner shall be responsible for plugging water well(s) according to applicable State and County regulations, removal of pump house, slab and piping associated with water well(s) if abandoned, unserviceable, or unused. This obligation shall be transferable with property title.

All water wells must meet the following requirements:

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

Storage Tanks. Storage tanks serve multiple functions such as back up water systems, improving pressure and flow, and gravity flow when needed. In this type of requirement booster pumps may be used. Storage tanks also come in various forms and applications -- above ground, buried, decorative and low profile. In all cases, any storage tank selected must be completely enclosed and concealed if seen from the road at the front of the house. If a storage tank is placed where it cannot be seen from the road, it is recommended that screening be put in place to compliment the surrounding area. This may be planters, shrubbery, flowerbeds, etc.

Maximum size and configuration of storage tanks must be approved by the ACC prior to installation.

Rainwater Harvesting & Collection. The most common method of collecting rainwater is from roof water runoff. This method, as well as others, can be very elaborate requiring modification to gutter systems and various types of storage tanks. Any and all modifications to the exterior residence require ACC approval. A simple method used is a collection barrel at selected down spouts. An important aspect of rainwater harvesting is prevention of mosquitoes and other insects. Insect screens and flap valves installed at the end of all inlets and outlets are required. Placement of Rainwater harvesting and collection systems must meet the same setback requirements as wells and storage tanks. (Reference Senate Bill 198)

Prohibited Locations: Owners are prohibited from installing rain barrels or rainwater harvesting systems, or any part thereof, on property between the front of the Owner's home and an adjoining or adjacent street.

Owners wishing to install such systems must submit plans showing the proposed location, color(s), material(s), shielding, dimensions of the proposed improvements, and whether any part of the proposed improvements will be visible from the street, another lot, or a common area (and if so, what part(s) will be visible). The location information must provide information as to how far (in feet and inches) the improvement(s) will be from the side, front, and back property line of the Owner's property.

Backflow preventers or other contamination protection must be used for rainwater harvesting systems with a capacity of over 500 gallons if they have an auxiliary public water supply. (Reference House Bill 2781)

Color and Other Appearance Restrictions: Owners are prohibited from installing rain barrels or rainwater harvesting systems that:

- (a) are of a color other than a color consistent with the color scheme of the Owner's home;
- (b) display any language or other content that is not typically displayed by such a barrel or system as it is manufactured; or
- (c) are not constructed in accordance with plans approved by the Association.

Additional Restrictions if Installed in Side Yard or Improvements are Visible: If any part of the improvement is installed in a side yard, or will be visible from the street,

another lot, or common area, the Association may impose restrictions on the size, type, materials, and shielding of, the improvement(s).

ACC Approval Required Prior to Installation. No water well, storage tank or Rainwater Harvesting/Collection Systems can be installed without prior approval of the ACC. Following are the submission requirements for all applications. The 2 page Application for Renovation/Addition form must be completed and submitted with any application, including a check for the Construction Deposit if required.

- (a) Type of Construction: Check Renovation/Addition (a well would be considered an addition)
- (b) Fill in property owner data
- (c) Fill in Contractor information
- (d) Put “not applicable” for architect / designer information
- (e) Complete Application Checklist: Check Site Plan (submit two (2) copies showing well location and screening). Site Plan must also show location of septic tank and all aerobic spray heads. This also applies to adjoining lots.
- (f) Homeowner Infrastructure Use Fee and Review Fee are NOT REQUIRED
- (g) Read and sign Application. Applications are to be submitted to the ACC for review and approval. Once the application is approved, work may begin.
- (h) For wells, a copy of the CTWCD permit shall be attached for record purposes as a condition of completion.

10.10 Outdoor Burn Rules for Comal County

The Comal County Fire Marshal’s information Webpage provides general requirements for allowable outdoor burning at www.co.comal.tx.us. Click on the printable version. This is adopted by the Texas Commission on Environmental Quality, Title 30 Texas Administrative Code #111.219. All property owners, builders and any persons hired by said owners or builders are responsible for adherence to these requirements. See Section 4.06 hereof.

10.11 Septic Systems

Septic systems shall be designed and installed in accordance with Texas and Comal County regulations. A copy of the Comal County septic permit package including an engineered copy of the septic system design shall be provided to the ACC as a condition of completion. Septic system equipment visible from the front street shall be shielded.

11.0 CONCERNING THE BUILDING OF STRUCTURES ON GOVERNMENT OWNED PROPERTY AND/OR PRIVATE PROPERTY ON FLOWAGE EASEMENT:

This instruction applies to property owners whose property extends to the shores of Canyon Lake and/or the Guadalupe River in the Peninsula at Mystic Shores.

Any property owner who wishes to make improvements, fill, or build a structure below the elevation 948 contour line in the flowage easement on the edge of Canyon Lake and/or the Guadalupe River must obtain all required permits from Comal County, the U.S. Army Corps of Engineers (Corps), the State of Texas and other authorities prior to

submitting a request for approval by the Peninsula Architectural Control Committee (ACC).

The ACC requires that the detailed design plans of any structure submitted to the Corps be attached to the ACC submittal in order that the committee can perform its review function for approval or disapproval of the proposed structure. In addition, copies of all required permits must be attached. It is the property owner's responsibility to obtain all necessary permits and it is not the function of the ACC to determine what permits are required.

More information is available here:

<http://www.swf-wc.usace.army.mil/canyon/Realestate/Adjland.asp>

The initial point of contact is:

U.S. Army Corps of Engineers - Canyon Lake Office
601 C. O. E. Road
Canyon Lake, TX 78133
830.964.3341 phone
830.964.2215 fax

Appendix A: Specific Submission Requirements

The following information, along with necessary applications, must be provided prior to obtaining final approval for construction for a home or outbuilding. Please contact your ACC Liaison for submission requirements for additions, renovations or changes.

The title block on each drawing must have at a minimum the Designer's name and contact information, the Owners' names, street address of the project, drawing title, drawing number and date. Each change or revision submitted to the ACC must have a revision date and the changed area must be "clouded" or circled.

Existing Conditions Plan* – min scale 1" = 20'. Must include the following information: (Note: May be combined with Site Plan)

- (a) Owner's name
- (b) Designer's name
- (c) North Arrow and scale
- (d) Property lines with dimensions and bearings
- (e) Setback lines
- (f) Easement lines
- (g) Adjacent street names
- (h) Outline of exterior walls, decks and driveways on adjacent lots
- (i) Topographic survey with minimum two-foot contours and include spot elevations at the front property corners, ditch flow lines and curb.

Note: In order to facilitate the design process and minimize costly layout and design changes, we STRONGLY recommend that trees of interest within fifty feet (50ft) of any improvements be shown on the Existing Conditions Plan

Site Plan* – min scale 1" = 20' Must include the following information: (Note: May be added to the existing conditions plan.)

- (a) Proposed location of home
- (b) Dimensions from foundation to adjacent front and side property lines
- (c) Proposed driveways and sidewalks; dimension drive width (must be no more than sixteen feet)
- (d) Proposed fences
- (e) Proposed retaining walls
- (f) Proposed pool or spa location
- (g) Proposed accessory structures (out building, trellis, etc.)
- (h) Proposed location of AC Units
- (i) Finish Floor Elevation (FFE) of first floor and garage
- (j) Proposed two-foot contour lines. Areas being cut and/or filled shall be identified.
- (k) Location of LP tank (Specify if buried or masonry screened)
- (l) Location of Septic tank and spray fields / leach fields
- (m) Location of well (if applicable)

* If lot is too large to plot at 1"=20', a smaller overall plan may be submitted along with a 1"=20' partial plan showing the house and street

Architectural Plans – min scale 1/4" = 1' -0"

Floor Plans

- (a) Interior rooms dimensioned and named
- (b) All windows and door openings shown (to include garage door opening)
- (c) Roof overhang with dashed line
- (d) Total square footage of structure
- (e) Heated square footage of structure (Refer to your specific Unit, Section 6.03 hereof)
- (f) Verify compliance with section 3.02

Roof Plans – min scale 1/4" = 1' -0"

- (a) Slopes for all areas
- (b) Note all vents on rear and show general locations of vents

Building Elevations

- (a) Front, rear and two side elevations
- (b) All elevations labeled so they can correspond with the Site Plan
- (c) Exterior finishes shown and labeled
- (d) All decks and terraces shown
- (e) Outside light fixtures
- (f) Existing and proposed ground elevations. Existing and proposed ground elevations shall be shown for a minimum of 10' beyond the edge of the structure. Dimension heights of lowered stone lugs (no more than two feet above finished grade). Label areas of foundation to parge and color (by paint or integral pigment) to match exterior wall finish material above
- (g) Overall height dimension

Electrical Plans - min scale 1/4" = 1' -0"

- (a) First Floor
- (b) Second Floor
- (c) Exterior Lighting
- (d) Outbuildings
- (e) Air Conditioning
- (f) Pool, Spa

Landscape Plans – min scale 1" = 20'

- (a) Owner's Name
- (b) Designer's name, address, telephone
- (c) North arrow and scale
- (d) Property lines with dimensions and bearings
- (e) Location of all structures (including decks, trellises, fences, gazebos, etc.) driveways, sidewalks, and utilities including septic fields,
- (f) Location of lawn areas and shrub bed lines
- (g) Location of proposed plant material
- (h) Plant list with common names and sizes
- (i) Location and specifications of all exterior lighting fixtures

- (j) Irrigation system
- (k) Damaged areas to be restored and method of restoration
- (l) Added landscape light fixtures including Manufacturer/model, bulb lumens and color temperature. Refer to Appendix C for examples of acceptable and unacceptable fixtures

Exterior Finish Selection Sheet(s), including material types and colors

- (a) Stucco
- (b) Stone
- (c) Fascia and trim
- (d) Roofing
- (e) Fences/Railings
- (f) Front door and garage doors
- (g) Exterior lighting fixtures including Manufacturer/model, bulb lumens and color temperature. Must be Dark Sky compliant
- (h) Driveway and sidewalk
- (i) Exterior ceilings (1x6 natural wood with stain finish)
- (j) porch exposed structural members

Appendix B: Peninsula ACC Process

Introduction: The purpose of this document is to provide property owners a better understanding of the construction application process, the forms that must be completed and the documents that must be provided as part of that process. **Please note that The Peninsula at Mystic Shores has a separate POA and ACC process than Mystic Shores.**

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

The following process is applicable to a new home, large renovation or addition. For small renovations or addition projects, please contact the Peninsula ACC Administrator for guidance.

1. Initial Contact:

- a. Owners should contact the ACC prior to selecting their design and build team. This is applicable for any type of project (i.e., new construction, renovation, addition, etc.);
- b. Contact the Peninsula ACC Administrator at: <https://peninsulapoa.com/acc-step-one/> **Please do not contact First Service Residential (FSR), the current Property Manager for The Peninsula at Mystic Shores POA;**
- c. The Peninsula ACC Administrator will assign a Liaison who will be the primary contact throughout the duration of the project. Depending on the type of project (e.g., small addition), The Peninsula ACC Administrator may waive preliminary steps and/or meetings.
- d. The Peninsula ACC is available to informally meet or answer questions during the design process and can help determine whether a variance may be required. This review, which is not required, is intended to give property owners and their builders or designers an opportunity to discuss with an ACC representative any unique circumstances that may be applicable to their lots and obtain a preliminary, non-binding, indication of the ACC’s likely response to those circumstances. This process may include a visit to the subject lot.

2. Variances:

- a. If the Peninsula ACC advises that a variance is required, a signed Request for Variance and any supporting documents shall be submitted in PDF format to the

Peninsula ACC Liaison. Please use the attached Submittal [Form D-7](#) and the file protocol in Paragraph 6.b.v. below.

- b. The Peninsula ACC will determine by majority vote if the Request for Variance is approved and will notify the applicant of the Peninsula ACC's decision.
- c. Variances for setbacks or building height must be recorded by Comal County. When any conditions of the approved variance are satisfied, the ACC will provide a notarized approval letter for the Owner to record with Comal County.

3. Early Review

- a. Following selection, the Owner/Architect/Contractor team shall submit an initial set of plans for early review. These shall be at a design development stage of completion and include the site plan, the floor plan(s), and all four exterior elevations with general material notes. The site plan shall include existing topography contours, existing significant trees, and the footprint of adjoining homes/drives/pools/patios if any of these play a role in the design considerations for the property.
- b. Please use the Submittal Form ([Appendix D-1](#)) and the file protocol described in Paragraph 5.b.v. below.
- c. It is likely that some revisions to the documents may be needed as a result of the Early Review.

4. Preliminary Review Meeting:

- a. To verify the design documentation has been completed, the ACC liaison will furnish a checklist of the documents listed in [Appendix A](#) of the Architectural and Site Design Guidelines. The party responsible for developing the design documentation shall initial the items on the list to indicate compliance, then send it to the ACC Liaison. A Preliminary Review Meeting can then be scheduled. **PLEASE DO NOT FILL OUT ANY FORMS PRIOR TO THE MEETING;**
- b. If applicable, a copy of any Request for Variance and ACC approval letter shall be included in the above package;
- c. Two (2) sets of full-size plans must be brought to the Preliminary Review Meeting;
- d. At the Preliminary Review Meeting, the Preliminary Meeting Review form and the Builder's Acknowledgement form will be signed. Scanned copies are to be distributed to the parties;
- e. It is likely that some revisions to the documents may be needed as a result of the Preliminary Review Meeting. Any changes to documents must be "clouded", given a revision number and revised date;

- f. The applicability of any fees and deposits will be established at the Preliminary Review Meeting as well as the need for project review by Property Manager's architect.
- g. The appropriate Application Form will be provided to the Owner at the Preliminary Review Meeting.

5. Application:

- a. After the Preliminary Review Meeting and after any requested revisions have been made to the documents, the actual Application can be made. **Please send all documents in one, combined PDF format file and list each of the included documents using the Submittal Form.**
- b. The Application PDF package shall include the following items and be sent to the Peninsula ACC Liaison:
 - i. Application [Form D-5 or D-6](#) (signed and scanned) with copies of the Preliminary Review Meeting (form D-2) and Builders Acknowledgement form D-3;
 - ii. Documents listed in [Appendix A](#) of the Architectural and Site Design Guidelines;
 - iii. If applicable, a copy of any Request for Variance and Peninsula ACC approval letter shall be included in the above package;
 - iv. Any other documents requested by the Peninsula ACC in the Preliminary Meeting Review;
 - v. **Please use the following filename protocol when submitting documents: *Last name address lot# description yymmdd.pdf* (e.g., Frey 156 Riddle 1549 Application Package 150829.pdf; etc.)**
- c. The Peninsula ACC Liaison will send the Application package to Property Manager, who will then send the package on to the reviewing architect if required.
- d. **Checks for fees and/or deposits shall be made payable to Peninsula POA but sent directly to Property Manager along with the signed original of the Application form (only).**

**FirstService Residential ACC; 3424 Paesanos Parkway, Suite 100
Shavano Park, TX 78231 (210) 829-7202; fax (210) 829-5207**

Please do not send checks to the Peninsula ACC. Please note that the review of the Application package will not start until Property Manager acknowledges receipt of any applicable fees and/or deposits.

- e. The Peninsula ACC will notify the applicant of the results of the review by ACC and/or POA reviewing Architect including any items that must be revised and resubmitted if rejected, or any qualifications or stipulations that apply to approval.

- f. The applicant may start construction when notified by the Peninsula ACC. Please note that land clearing activities do not require Peninsula ACC approval.
- g. The Peninsula ACC Liaison arrange for a contractor gate code with Property Manager. Property Manager will send the code directly to the Owner.
- h. Prior to the start of construction, the Peninsula ACC Liaison shall perform a photo documentation of the infrastructure along the property frontage for new construction or projects where the infrastructure, pavement and curbs may be damaged.

6. During Construction:

- a. A form survey, including slab elevation, must be submitted to the ACC demonstrating compliance with the approved plans a minimum of seven (7) days prior to placing concrete.
- b. Inevitably, not all exterior details/finishes are finalized at the time of the Application for new construction projects. It is the responsibility of the applicant to review these details/finishes with the Peninsula ACC Liaison even if they have not been stipulated or qualified in the Peninsula ACC approval letter. All revisions and changes made during construction shall be submitted with an Application for Renovation/Addition/Change to the ACC for approval prior to the implementation of such change.
- c. If not included in the original Application package, subsequent addition/renovation applications must be made for items such as landscaping, fences, outbuildings, pools, etc. Depending on the project and timing, additional fees and/or deposits may be required.
- d. The Peninsula ACC will do periodic project observations as they deem necessary and notify the applicant and Builder and Owner of any violations. If violations continue, the Peninsula ACC will instruct Property Manager to issue fines in accordance with Appendix E hereto.

7. Upon Completion:

- a. The applicant shall notify their Peninsula ACC Liaison when the project has been completed.
- b. The Peninsula ACC will then do a final review, noting any observed deviation from approvals and/or damage to pavement, curbs or infrastructure.
- c. The Peninsula ACC will issue a completion letter and instruct Property Manager to return the balance of the Deposit. The builder's access code will also be cancelled.

Appendix C: Recommended Exterior Lighting

RESOLUTION NO. 2018-26



STATE OF TEXAS

§

IN THE COMMISSIONERS COURT

COUNTY OF COMAL

§

SUPPORTING EFFORTS TO PRESERVE NIGHT SKIES

WHEREAS, Comal County residents recognize the importance of the Texas Hill Country for its diverse ecosystems, ethics for land stewardship, rich cultural heritage, and breathtaking scenic beauty; and

WHEREAS, the influx of people into the region over the years and accompanying light trespass from area lighting fixtures and billboards has been steadily on the rise, and these factors have impacted the natural environment and the quality of life of the people of this region by, among other things, reducing night sky visibility and enjoyment for residents and visitors alike; and

WHEREAS, in recent years greater focus has been placed on the economic and financial benefits of preserving the scenic beauty in Comal County in order to maintain its unique historic heritage and the beauty of our Texas Hill Country night skies; and

WHEREAS, the Comal County Commissioners Court recognizes that preserving the rich historic heritage and starry night skies of Comal County is important to its citizens; and

WHEREAS, the Comal County Commissioners Court approved an Order in 2008 regulating outdoor lighting within three miles of Camp Bullis, pursuant to Local Government Code Chapter 240, to minimize or eliminate glare and light trespass with the intent to avoid interference with the night training of Camp Bullis; and

WHEREAS, outdoor lighting fixtures are readily available that are designed to direct light only where it is needed, distribute light more efficiently and effectively, and thereby reduce glare, power consumption and cost; and

WHEREAS, Comal County is committed to supporting practices that limit or minimize light trespass, glare, and skyglow from outdoor lighting in order to protect the beauty of the night skies and allow others the full benefit and use of their property.

NOW, THEREFORE BE IT RESOLVED THAT, the Commissioners Court of Comal County, Texas, encourages outdoor lighting fixtures and practices that follow up-to-date guidelines and use available technologies for efficient, non-intrusive lighting and will endeavor to educate and encourage landowners, businesses, residential neighborhoods, and public entities to join in this commitment to reduce energy consumption, save money, reduce light trespass and preserve our starry night skies.

PASSED AND APPROVED this 20th day of December 2018.


SHERMAN KRAUSE, COUNTY JUDGE


DONNA ECCLESTON
COUNTY COMMISSIONER, PCT. #1


SCOTT HAAG
COUNTY COMMISSIONER, PCT. #2


KEVIN WEBB
COUNTY COMMISSIONER, PCT. #3


JEN CROSWOVER
COUNTY COMMISSIONER, PCT. #4

ATTEST: 
BOBBIE KOEPP, COUNTY CLERK



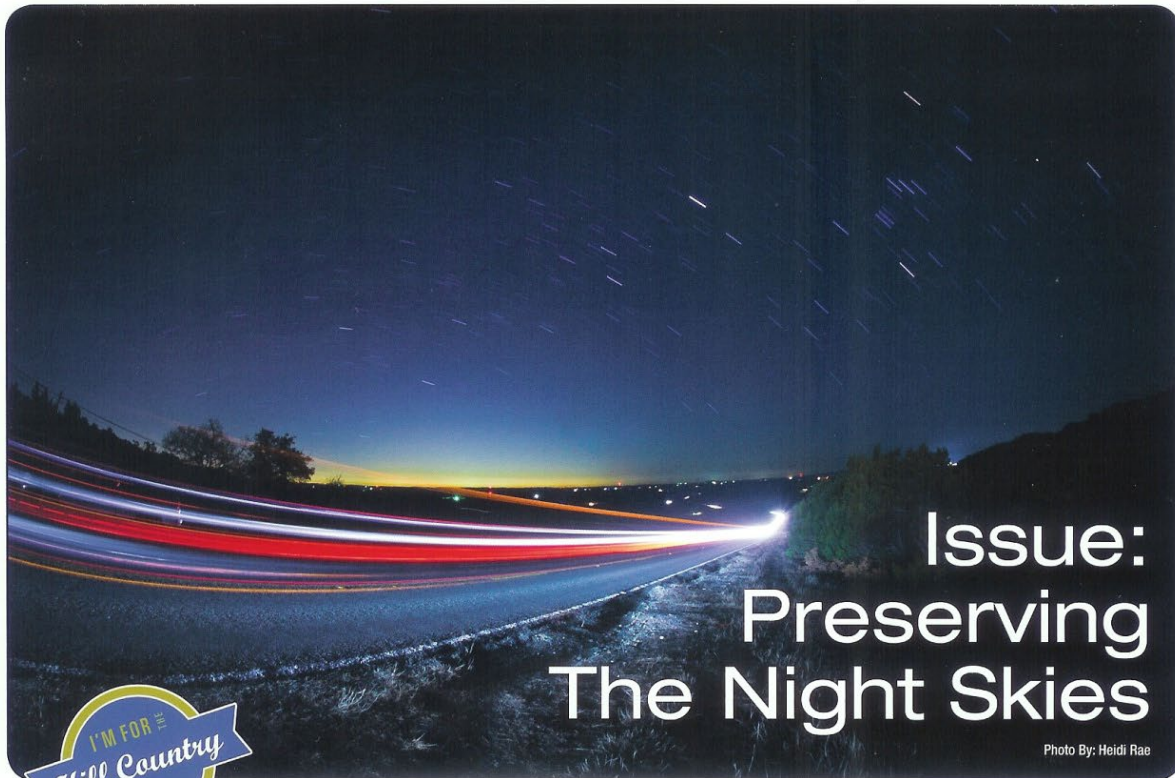
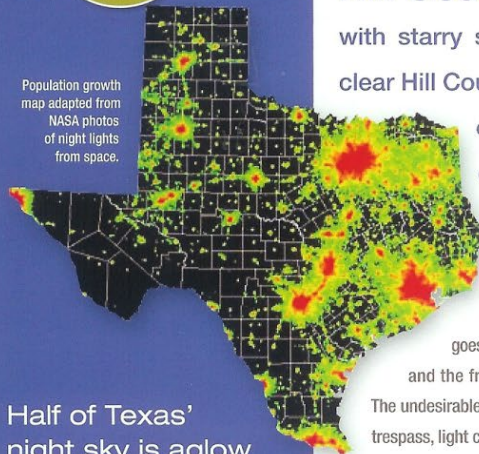


Photo By: Heidi Rae



Population growth map adapted from NASA photos of night lights from space.



Half of Texas' night sky is aglow

The darkest skies in North America belong to the McDonald Observatory, located in the Davis Mountains of West Texas. As responsible neighbors, the Hill Country is obliged to help protect this unique scientific and cultural resource.

Hill Country night skies have a certain magic with starry skies blanketing the region. Stepping outside on a crisp, clear Hill Country night to gaze at the stars helps us escape the fast pace of our daily lives for a few precious minutes. It is essential to ensure that our awe-inspiring night sky is not lost due to ever increasing lights.

Outdoor lighting has unintentionally created light pollution. The trend goes hand in hand with population growth and the fragmentation of land ownership. The undesirable effects of light pollution – glare, light trespass, light clutter and sky glow – can make our region less attractive to visitors who play an important role in many local economies. There is good news – this problem is relatively easy to control and to “fix”.

Hill Country cities and counties are already taking steps to reduce light pollution. For example, Dripping Springs, Boerne, Blanco and Helotes have passed outdoor lighting ordinances; Marble Falls' is in the works. The Texas Legislature has also granted some counties the authority to deal with light pollution around observatories and certain military bases. Importantly, voluntary actions to reduce light trespass can also be taken by individuals, businesses and other entities.

Let's debunk the myth that bigger and brighter lights are better!



hill country alliance

How to Preserve Night Skies

- **Aim lights down** – light will project below and out to the sides of the fixture, not letting any light escape above the horizon. Install lights so the fixture is above the area to be illuminated. Light an area from below only when all of the light will be blocked from shining above the horizontal plane.
- **Shield every light** – all lights should be installed and shielded to hide the source of light from any normal viewing point. Eliminate glare and protect eyes from directly viewing the light source. Light trespass is usually solved when outdoor lights are shielded so the source of light cannot be seen from neighboring properties. Shielded, concentrated light requires less wattage than an unshielded fixture to achieve the same amount of illumination to light the area of interest. Thus, it saves money.
- **Reduce the amount of light** – select the light's wattage, or more accurately, the number of lumens, for the desired application. Consider that very bright light can make nearby areas dangerously dark, actually degrading security.
- **Use lighting only when needed** – leaving lights on when no one is there to use them wastes energy and money. Use a switch, timer, or motion detector to conserve valuable resources. Lighting unoccupied areas has not been shown to keep criminals away and may even attract them. But all lights, even those on timers or switches, still need to be shielded.
- **Work with electric power suppliers and local governments** – encourage utilities and local governments to start taking steps now to reduce light pollution and implement smarter night lighting policy as a standard business practice. Help educate citizens, consumers, institutions and businesses on the importance of preserving the quality of the Hill Country night sky.

Night Skies Partnerships

In summer 2011, with assistance from the Hill Country Alliance, the Board of Directors of the Pedernales Electric Co-op (PEC) approved a resolution affirming the Co-op's commitment to "protecting the beauty of the night skies" and pledged to "work together with landowners, businesses, residential communities and public entities in an effort to reduce the use of outdoor light fixtures that hinder Hill Country residents' ability to enjoy the night skies."

Recently, PEC and Kimble County entered into a first-of-its-kind, Night Skies Partnership to develop common sense solutions to light pollution problems. The Partnership will work to "protect the beauty of the night skies and allow others the full benefit and use of their private property."

Big starry night skies are an important part of the region's scenic beauty which brings significant economic benefits to the community. Voluntary efforts to reduce light pollution are being encouraged. As an initial step, PEC has agreed to install light shields, free of charge, for its Kimble County members with PEC light fixtures. However, the customer must request the shields. The PEC offer remains in effect until October 2012. This partnership will serve as a pilot project while PEC explores other ways to protect the night skies.

More Hill Country region partnerships are needed. Citizens, businesses, churches, schools and government entities can take simple steps to reduce outdoor lighting nuisances and preserve the magic of our night skies.

Others Are Working to Preserve Night Skies

A Local Hill Country Town Sets Example

The Hill Country town of Dripping Springs entered into a development agreement for several large commercial additions recently built within the community. The lighting portion of the agreement called for shielded lighting to reduce glare and light trespass. Reducing glare not only increases safety on the development property, but also enhances traffic safety on nearby roadways. Lighting fixtures with exposed bulbs produce glare making it harder to see. Imagine a car coming at you with its bright lights on. Beyond the glare are the darkest shadows where unseen dangers can hide.

Reducing light trespass with modern and appropriately directed fixtures keeps light on the property and eliminates energy waste. This approach exemplifies energy conservation, respect for private property rights, makes for good business and good neighbors.

The Dripping Springs agreement meets or exceeds lighting specifications as recommended by the Illuminating Engineering Society of North America. The finished construction is currently saving about 25% on energy consumption compared to the normal usage for the types of stores involved.

At HEB's fuel service station, the under canopy fuel pump area uses about 1120 watts, compared to the 2538 watts in the original conventional lighting plan, saving over 50% energy costs. The pumps and under canopy area are attractive and safely lit.

Customers don't encounter dangerous areas of blinding glare that could keep them from seeing pedestrians or other hazards in the surrounding area. Drivers passing by are not subjected to dangerous glare that usually accompanies unshielded outdoor lighting.

Home Depot reduced their outdoor lighting installation from about 47,700 watts in the original lighting plan to about 37,400 watts after implementing requirements of the development agreement. Besides realizing significant cost savings, control of glare and light trespass onto neighboring properties is virtually eliminated.

Chase Bank, Whataburger, McDonalds and other businesses have also installed the same fully shielded fixtures as Home Depot and HEB, achieving overall similar cost savings in electrical usage and reductions in glare. The development agreement creates safer areas as the community moves to the future and helps to preserve the night sky.



Friendly Outdoor Lighting Saves Money

FACT: Approximately 30% of the energy cost powering unshielded bulbs is uselessly illuminating the night sky. This wasted energy costs \$2.2 billion annually in the United States alone. The immense volume of wasted light contributes to light pollution and the steady loss of a treasured Hill Country resource, our brilliant starry skies.

PROBLEM: Consider the popular outdoor halogen floodlight. We commonly see these everywhere, aimed willy nilly, often illuminating areas that neither need nor want the light ...such as a neighbor's bedroom window or the night sky.



Typical floodlighting with two 90-watt halogen bulbs

Floodlights can be a big problem, even if you live out in the country.

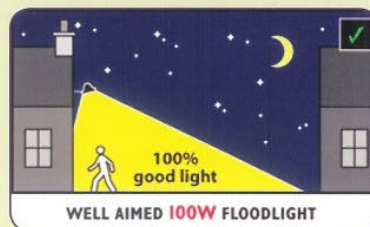


SOLUTION: By taking a couple of simple steps, this homeowner could do his neighbors and the night sky a big favor...and save money in the process! The homeowner could shield the light, redirect it to shine downward inside his own yard, reduce the wattage of the light bulbs, and still have the same amount of useable light within the desired area.

In this example, the homeowner could replace the two 90 watt halogen floodlights with two 50 watt halogen bulbs, put on a couple of Parshield Glare Visors and aim fixtures downward. These simple steps concentrate light where it is needed and save energy.

So not only is glaring light trespass onto the neighbor's property and our night sky eliminated, he also saves big on money.

Be considerate to your neighbors, turn off or shield your lights. It's easy!



Learn how to make your outdoor lighting night sky-friendly while saving yourself money, visit <http://www.hillcountryskies.com/>

DOLLARS AND SENSE:

If the homeowner in our example is a customer of the Pedernales Electric Power Co-operative (PEC), he is paying 7 cents per kilowatt-hour for his electricity. Every hour the light is on costs him 1.3 cents (180 watts/1000 watts times 7 cents). Assuming the light is on dusk-to-dawn all year, it would be on some 4100 hours and he would pay PEC almost \$52 a year to run it. Wow! Those cents add up quickly. Now how many of these lights does he have around his house? You do the math for multiple lights.

But this homeowner is smart. He shielded and redirected the light and was able to replace the two 90 watt halogen bulbs with two 50 watt bulbs. Now every hour it shines only costs him 7/10th of a cent. Big difference. If he still runs it all night all year, his electric bill will be \$28.70 – almost half of what he was paying before just by having the light properly sized, aimed and shielded. He stopped wasting energy by not shining it into the sky or onto his neighbor's property. If he used 15 watt LED bulbs instead of the halogens, his annual cost would tumble to just \$8.61.

The homeowner saves even more energy and money if he puts the light on a timer or, better yet, a motion detector. Did you know artificial night-lights stop almost all living creatures, including humans, from producing melatonin needed for health? The light may make you feel safer, but studies show that it does not stop crime. Why light all night when it's so easy to save energy, money, make better neighbors, and preserve the night sky? Anyway you cut it, it's a "win-win" situation.

SAVE ENERGY, SAVE MONEY, SAVE WATER:

Homeowners might also be happy to learn that, in the big scheme of things, you are also saving water. Forty percent of all surface water in Texas, at some point along the way, is used for cooling or for generating steam for electricity provided on the state's grid. Every watt saved actually translates to water conservation. So, by curbing light pollution, we're also helping preserve another precious Hill Country resource, our water.

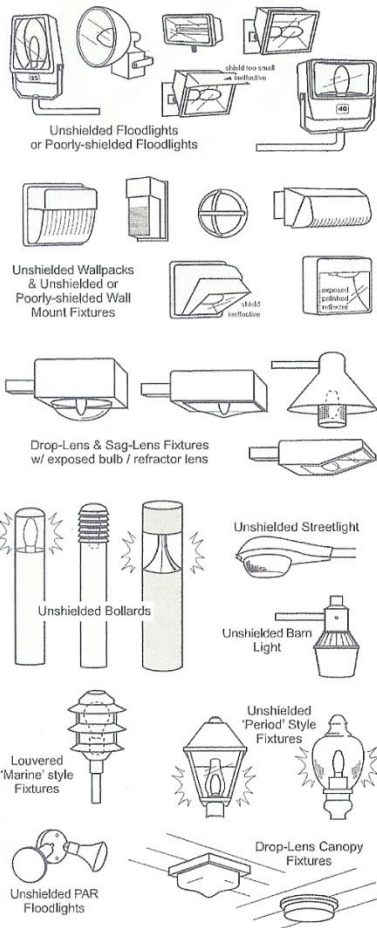


Better Lights for Better Nights

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

Unacceptable/Discouraged

Fixtures that produce glare and light trespass.



Acceptable

Fixtures that shield the light source to minimize glare and trespass and to facilitate better vision at night.



Helpful night sky resources, articles and links can be found at:
www.hillcountryalliance.org/HCA/NightSkies

"The stars are the jewels of the night,
 and perchance surpass anything
 which day has to show."

— Henry David Thoreau

15315 Hwy 71 West
 Bee Cave, TX 78738
 512-263-9147
info@hillcountryalliance.org
www.hillcountryalliance.org

Make a pledge— Join the Co-op! Hill Country Night Sky Co-op

Hill Country landowners, businesses and communities who would like to advance a spirit of Co-operation and commitment to protecting night skies have created the Hill Country Night Sky Co-op. All it takes to join is a simple promise to be a good neighbor and responsible with outdoor lighting choices. Sign up today!
www.hillcountrynightskycoop.org

Helpful Resources

Texas Dark Sky Association
 (Texas IDA): A helpful clearing house of resource information to spread the word about skyglow and how to reduce light pollution in Texas. www.texasida.org

Pedernales Electric Co-operative:
 A hill country electric Co-operative that has made protecting night skies a priority. www.pec.coop

Hill Country Alliance (HCA): HCA is a passionate community caring for the unique features, spring-fed streams, heritage ranch lands, spectacular beauty and culture of the Texas Hill Country for the benefit of future generations. www.hillcountryalliance.org

Hill Country Night Skies:
 A resource developed by HCA to provide ongoing current information about night skies news, events, issues and information. www.hillcountrynightskies.org



hill country alliance

Appendix D: Forms

These documents are included in Appendix D:

1. D-1 Submittal Form (with Example)
2. D-2 Owner / ACC Preliminary Review Meeting
3. D-3 Builder's Acknowledgement – New Home Construction
4. D-4 Builder's Acknowledgement – Renovation/Addition
5. D-5 Application for New Home Construction (2 pages)
6. D-6 Application for Renovation/Addition (2 pages)
7. D-7 Request for Variance Application



**APPENDIX D-1
THE PENINSULA AT MYSTIC SHORES
SUBMITTAL FORM**

PHYSICAL ADDRESS: _____

DATE: _____

UNIT/LOT: _____

The following documents are being submitted for _____

| Document Name or Number | Description | Date | Revision |
|-------------------------|-------------|------|----------|
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Note: Any changes to drawings shall be clouded or highlighted in some way and identified with a revision number and date to avoid having different drawings with the same date.



APPENDIX D-1 THE PENINSULA AT MYSTIC SHORES SUBMITTAL FORM

PHYSICAL ADDRESS: 156 Riddle Rd

DATE: _____

UNIT/LOT: 3/1549

The following documents are being submitted for Approval

| Document Name or Number | Description | Date | Revision |
|-------------------------|---------------------------|---------|----------|
| D-1 | Submittal list | 7/29/15 | |
| D-2 | Preliminary Review | 7/15/15 | |
| D-3 | Builder's Acknowledgement | 7/15/15 | |
| D-5 | Application | 7/15/15 | |
| S1 | Existing Conditions Plan | 6/10/15 | |
| S2 | Site Plan | 7/28/15 | 1 |
| A1 | Floor Plan | 6/10/15 | |
| A2 | Elevations | 6/10/15 | |
| A3 | Elevations | 6/10/15 | |
| A4 | Details and Sections | 7/28/15 | 2 |
| A5 | Roof Plan | 6/10/15 | |
| E1 | Electrical Plan | 6/10/15 | |
| Exterior Finishes | Exterior Finishes | 6/10/15 | |
| Exterior Finishes | Photos (3 pages) | Undated | |
| | | | |
| | | | |
| | | | |

Note: Any changes to drawings shall be clouded or highlighted in some way and identified with a revision number and date to avoid having different drawings with the same date



APPENDIX D-2
THE PENINSULA AT MYSTIC SHORES
OWNER / ACC PRELIMINARY REVIEW MEETING
(Required For All Projects)

PHYSICAL ADDRESS: _____

DATE: _____ UNIT/LOT: _____

The Owner / Owner Representative and/or Builder will schedule a meeting with the ACC to conduct a Preliminary Review of your construction project. The purpose of this meeting is to assist the homeowner in addressing the requirements of the Peninsula Architectural and Site Design Guidelines and preparing their final plans for submittal in the Design Review Process. There are no review fees for the Preliminary Review.

THIS FORM MUST BE SIGNED AND SUBMITTED ALONG WITH THE APPROPRIATE NEW HOME OR RENOVATION/ADDITION APPLICATION. Applications cannot be processed without a Preliminary Review.

NOTE: If the builder is not responsible for work such as pool, fence, landscape, rock work, etc., you will be required to submit a subsequent Application for Renovation/Addition/Change identifying the builder/contractor along with any associated fees. A subsequent Preliminary Review meeting may be required with that contractor.

PROPERTY OWNER(S): _____

Mailing Address: _____

City, State, Zip: _____

Telephone: _____ Fax: _____

Email Address: _____

BUILDER: _____

Address: _____

City, State, Zip: _____

Telephone: _____ Fax: _____

Email Address: _____

DESIGNER: _____

Address: _____

City, State, Zip: _____

Telephone: _____ Fax: _____

Email Address: _____

Please send an initialed checklist to the ACC Liaison not less than 7 days prior to the Preliminary Review Meeting. Two complete sets of full-size drawings and selections shall be brought to the Preliminary Review Meeting.

| | |
|--|-------------|
| Property Owner(s) or Representative | Date |
|--|-------------|

| | |
|----------------|-------------|
| Builder | Date |
|----------------|-------------|

| | |
|-----------------|-------------|
| Designer | Date |
|-----------------|-------------|

| | |
|--------------------|-------------|
| ACC Liaison | Date |
|--------------------|-------------|



APPENDIX D-3 THE PENINSULA AT MYSTIC SHORES BUILDER'S ACKNOWLEDGEMENT (New Home Construction)

All Owners and Builders are required to follow these Site Standards.

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

- Place a commercial trash dumpster on the lot
- Place a port-a-john on the lot, as described in Section 4.03
- Install a construction entrance and driveway as described in Section 4.04
- Provide trash barrier along sidelines to back of house to shield adjoining properties and prevent trespassing. This shall include orange net perimeter fencing on all 4 sides, which shall remain intact, unmoved, and complete (except construction entrance) until construction and site improvements including landscaping are complete as described in Section 4.06
- Install and maintain a builder sign with emergency contact information and property address, maximum size 4' by 4', maximum height 6'
- Provide an 8' x 8' x 2' high plastic lined concrete truck washout location within the property line as described in Section 4.06
- Trees to remain and their root zones within the construction area, must be fenced for protection during construction as described in Section 4.06.

All builders are required to do the following throughout the construction process:

- Site must be kept clean at all times-trash must be picked up daily and removed or placed in dumpster
- Keep all paved roads clear of construction site mud or debris
- Prohibit and prevent fires of any size, for any reason; comply with county or other relevant jurisdiction fire prevention requirements
- Conform, observe and inform all employees and sub-contractors to obey the traffic laws and 30 mph speed limit within The Peninsula
- Trespassing on adjacent properties is prohibited
- Respect Monday-Saturday 7:00AM-7:00PM working hours (except concrete pours)
- Owner and Builder are responsible for any specific damage to the Peninsula infrastructure including, without limitation, curbs and pavement.
- Fines for violations to Site Standards will first be deducted from Builder Deposit, if existing, and then from Owner Deposit. If the fines exceed the amount of these deposits, the owner will be billed for any remaining amount due.
- Deviations from approved plans may result in fines. Refer to Appendix E-1 and E-2 hereto

Signatures on following page

Owners, Builders and Sub-Contractors agree to continuously abide by these Site Standards.

| | |
|-----------------------------|------|
| Property Owner(s) (signed) | Date |
| Property Owner(s) (printed) | |
| Builder (signed) | Date |
| Builder (printed) | |



APPENDIX D-4 THE PENINSULA AT MYSTIC SHORES CONTRACTOR'S ACKNOWLEDGEMENT (Renovation/Addition)

All Contractors are required to follow these Site Standards.

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

- Place a commercial trash dumpster on the lot if debris cannot be removed on a daily basis
- Place a port-a-john on the lot, as described in Section 4.03 if Owner does not provide sanitary facilities

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

- Site must be kept clean at all times-trash must be picked up daily and removed or placed in dumpster
- Keep all paved roads clear of construction site mud or debris
- Prohibit and prevent fires of any size, for any reason; comply with county or other relevant jurisdiction fire prevention requirements
- Conform, observe and inform all employees and sub-contractors to obey the traffic laws and 30 mph speed limit within The Peninsula
- Trespassing on adjacent properties is prohibited
- Respect Monday-Saturday 7:00AM-7:00PM working hours
- Owner and Contractor are responsible for any specific damage to the Peninsula infrastructure including, without limitation, curbs and pavement.
- Fines for violations to Site Standards will first be deducted from the Builder Deposit, if existing, and then from the Owner Deposit. If the fines exceed the amount of these deposits, the owner will be billed for any remaining amount due. Refer to Appendix E-1 and E-2 hereto.
- Deviations from approved plans may result in fines. Refer to Appendix E hereto.

Specific Project Requirements (ACC Liaison to fill in as needed):

Property Owner(s) (signed)

Date

Property Owner(s) (printed)

Contractor (signed)

Date

Contractor (printed)



APPENDIX D-5
THE PENINSULA AT MYSTIC SHORES
Application for New Home Construction

PHYSICAL ADDRESS: _____

DATE: _____

UNIT/LOT: _____

PROPERTY OWNER(S): _____

Mailing Address: _____

City, State, Zip: _____

Telephone: _____ Fax: _____

Email Address: _____

BUILDER: _____

Address: _____

City, State, Zip: _____

Telephone: _____ Fax: _____

Email Address: _____

ARCHITECT/DESIGNER: _____

Address: _____

City, State, Zip: _____

Telephone: _____ Fax: _____

Email Address: _____

Fees and Owner Deposit to be paid by owner. Make all checks payable to Peninsula POA. All checks along, with a copy of this form only, must be sent directly to FirstService Residential ACC; 3424 Paesanos Parkway, Suite 100 Shavano Park, TX 78231

- ☐ Review Fee \$300 (Non-Refundable) Check #: _____
- ☐ Owner Deposit \$2,000 Check #: _____
(For compliance with Site Standards - To be refunded upon completion of home construction less any fines for Site Standard violations and/or costs of damaged infrastructure.)
- ☐ Homeowner Infrastructure Use Fee (Non-Refundable) \$2,000 Check #: _____
- ☐ Application Fee (Non-Refundable) \$75 Check #: _____

Note: non-refundable Fees may be combined into one check. The Owner Deposit shall be a separate check.

THE PENINSULA AT MYSTIC SHORES
Application for New Home Construction (continued)

Area Calculations:

Heated Square Footage: _____

Total Covered Area: _____

Agreement:

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

We further acknowledge that:

1. We have read and understand the **DCCRs** applicable to the property, all **Architectural and Site Design Guidelines** and will follow and obey said Covenants, Restrictions and Guidelines.
2. We are responsible for completing this project as described by the drawings and specifications approved by the ACC. Any change to the approved drawings, plans and specifications will be submitted to the ACC for approval prior to beginning construction for the change. Deviations from approved plans may result in fines.
3. We will maintain a clean construction site at all times and install a job sign, commercial dumpster, job toilet, construction entrance and follow Site Standards stated in **Peninsula Architectural and Site Design Guidelines** and **Builder's Acknowledgement**. We understand that if contractors do not comply with Site Standards, we (the property owner/s and builder) is/are subject to fines for any violations at the discretion of the ACC and/or Board. Said fines will be taken out of the Builder Deposit, if existing, and then from the Owner Deposit. If the fines exceed the amount of these deposits, the owner will be billed for any remaining amount due. Refer to Appendix E-1 and E-2 hereto.
4. We (and any subcontractors) will conduct construction activities in The Peninsula at Mystic Shores only between the hours of 7 am and 7 pm, Monday through Saturday, except: (a) concrete pours may begin at 6 am, Monday through Saturday; and (b) no construction activities are permitted on New Year's Day, Memorial Day, July 4th, Thanksgiving Day or Christmas Day. The foregoing limitations do not apply to maintenance activities by owners.
5. We are responsible for the conduct of all workers and subcontractors performing services on this project at all times while construction is underway on the lot.
6. The builder and or property owner is responsible for applying for all utilities (including, but not limited to electricity, water, and propane) immediately upon receiving approval for construction. The Peninsula at Mystic Shores will not be held responsible for construction delays due to the builder's/owner's failure to apply for utilities in a timely manner. Furthermore, The Peninsula at Mystic Shores will not be held liable for the failure of any utility to provide their services to the builder/owner in a timely manner.
7. We understand that we are responsible for obtaining all applicable permits from the county (e.g., septic), or from any other government agency as required, and providing a copy of said permits to the ACC to demonstrate compliance and as a condition of completion.

Property Owner(s) (signed)**Date****Property Owner(s) (printed)****Builder (signed)****Date****Builder (printed)**



APPENDIX D-6
THE PENINSULA AT MYSTIC SHORES
Application for Renovation/Addition/Change

PHYSICAL ADDRESS: _____

DATE: _____

UNIT/LOT: _____

TYPE OF PROJECT : Renovation _____ Addition _____ Change to Approved Drawings _____

TYPE OF RENOVATION/ADDITION/CHANGE

____ FENCE

____ MAINTENANCE/IMPROVEMENTS

____ POOL

____ OTHER _____

____ LANDSCAPE

PROPERTY OWNER(S): _____

Mailing Address : _____

City, State, Zip: _____

Telephone: _____ Fax: _____

Email Address: _____

CONTRACTOR: _____

Address: _____

City, State, Zip: _____

Telephone: _____ Fax: _____

Email Address: _____

ARCHITECT/DESIGNER: _____

Address: _____

City, State, Zip: _____

Telephone: _____ Fax: _____

Email Address: _____

Fees and Owner Deposit to be paid by owner. Make all checks payable to Peninsula POA. All checks along, with a copy of this form only, must be sent directly to FirstService Residential ACC; 3424 Paesanos Parkway, Suite 100 Shavano Park, TX 78231

- ☐ Review Fee (Non-Refundable) \$150 Check #: _____
- ☐ Owner Deposit \$500 Check #: _____
(For compliance with Site Standards - To be refunded upon completion of home construction less any fines for Site Standard violations and/or costs of damaged infrastructure.)
- ☐ Homeowner Infrastructure Use Fee (Non-Refundable) \$550 Check #: _____
- ☐ Application Fee (Non-Refundable) \$75 Check #: _____

Note: non-refundable Fees may be combined into one check. The Owner Deposit shall be a separate check.

THE PENINSULA AT MYSTIC SHORES
Application for Renovation/Addition/Change (continued)

Area Calculations (if applicable):

Heated Square Footage _____

Total Covered Area: _____

Description of Project:

Agreement:

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

We further acknowledge that:

1. We have read and understand the **DCCRs** applicable to the property, all **Architectural and Site Design Guidelines** and will follow and obey said Covenants, Restrictions and Guidelines.
2. We are responsible for completing this project as described by the drawings and specifications approved by the ACC. Any change to the approved drawings, plans and specifications will be submitted to the ACC for approval prior to beginning construction for the change. Deviations from approved plans may result in fines.
3. We will maintain a clean construction site at all times and install a job sign, commercial dumpster, job toilet, construction entrance and follow Site Standards stated in **Peninsula Architectural and Site Design Guidelines** and **Contractor's Acknowledgement**. We understand that if contractors do not comply with Site Standards, we (the property owner/s and contractor) is/are subject to fines for any violations at the discretion of the ACC and/or Board. Said fines will be taken out of the Builder Deposit, if existing, and then from the Owner Deposit. If the fines exceed the amount of these deposits, the owner will be billed for any remaining amount due. Refer to Appendix E-1 and E-2 hereto.
4. We (and any subcontractors) will conduct construction activities in The Peninsula at Mystic Shores only between the hours of 7 am and 7 pm, Monday through Saturday, except: (a) concrete pours may begin at 6 am, Monday through Saturday; and (b) no construction activities are permitted on New Year's Day, Memorial Day, July 4th, Thanksgiving Day or Christmas Day. The foregoing limitations do not apply to maintenance activities by owners.
5. We are responsible for the conduct of all workers and subcontractors performing services on this project at all times while construction is underway on the lot.
6. The builder and or property owner is responsible for applying for all utilities (including, but not limited to electricity, water, and propane) immediately upon receiving approval for construction. The Peninsula at Mystic Shores will not be held responsible for construction delays due to the builder's/owner's failure to apply for utilities in a timely manner. Furthermore, The Peninsula at Mystic Shores will not be held liable for the failure of any utility to provide their services to the builder/owner in a timely manner.
7. We understand that we are responsible for obtaining all applicable permits from the county (e.g., septic), or from any other government agency as required, and providing a copy of said permits to the ACC to demonstrate compliance and as a condition of completion.

Property Owner(s) (signed)

Date

Property Owner(s) (printed)

Contractor (signed)

Date

Contractor (printed)

Page 2 of 2



**APPENDIX D-7
THE PENINSULA AT MYSTIC SHORE
REQUEST FOR VARIANCE APPLICATION**

PHYSICAL ADDRESS: _____

DATE: _____

UNIT/LOT: _____

Due to the importance of adhering to the DCCRs, and for the continuity of the community, the ACC is restricted in granting variances. However, in cases of severe hardship on your lot, complete and submit this form to the Architectural Control Committee. The ACC will review variance requests on a case-by-case basis. Any variance granted is unique and does not set any precedent for future decisions of the ACC. **THIS FORM MUST BE SIGNED AND SUBMITTED TO** The Peninsula ACC for approval.

PROPERTY OWNER(S): _____

Mailing Address: _____

City, State, Zip: _____

Telephone: _____ Fax: _____

Email Address: _____

TYPE OF VARIANCE: ___ Setback: ___ Other: _____

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

(Attach additional pages and supporting documentation if needed)

Property Owner(s) (signed)

Date

Property Owner(s) (printed)

Appendix E-1: Owner Fine Process

In accordance with Article 4, Section 4.3, page 9 of the Mystic Shores DCCRs and the Bylaws of Mystic Shores and the Peninsula at Mystic Shores the following fine procedures and specific assessments are instituted. The objective is to maintain adherence to the DCCRs and Architectural and Site and Design Guidelines of the Peninsula at Mystic Shores Property Owners Association.

Property owners shall initially be notified of violations by the ACC by either email or other written notice. The notice will give the property owner a “reasonable” amount of time to cure the violation(s); provided that trespassing, abusive behavior, consumption of alcohol, marijuana, or any controlled substance, work outside of designated construction times and burning or fires of any kind on the project site during construction or burning at any time without required safety measures shall be deemed incurable violations and subject to an immediate \$250.00 fine per occurrence. For all other violations, the ACC, at its sole discretion, shall determine what a reasonable cure time is for each violation and shall follow the process described below.

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

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

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

| NON-CONSTRUCTION RELATED VIOLATIONS AND FINES | | |
|--|----------------------------|---|
| Restrictive Covenant Violation | Compliance Required Within | Initial Fine Assessed on 31st day and Per Diem every day thereafter |
| Poorly maintained (unsightly) Residence Exterior As determined by Property Manager on a case-by-case basis | 30 Days | Initial Fine = \$100 Per Diem Fine = \$50 |
| Poorly maintained (unsightly) Front or Side Yard As determined by Property Manager on a case-by-case basis | 30 Days | Initial Fine = \$100 Per Diem Fine = \$50 |
| Excessive Common Household Pets As determined by Board on a case-by-case basis | 30 Days | Initial Fine = \$100 Per Diem Fine = \$50 |
| Garbage, Trash or Debris on porch, in yard or on side of house Remaining for more than one week and not put out for regular trash pick up | 30 Days | Initial Fine = 100 Per Diem Fine = \$50 |
| Swing sets, Playhouse, Trampolines, Wading or Swimming Pools, etc. In front yard or visible from street in front of residence | 30 Days | Initial Fine = \$100 Per Diem Fine = \$50 |
| Bicycles, ATV's, Go-Carts, Motorized Scooters or Toys Stored or left continuously in front yard, visible from street in front of residence | 30 Days | Initial Fine = \$100 Per Diem Fine = \$50 |
| Garden Tools, Yard Implements, etc. Stored or left continuously in front or side yard or visible from street in front of residence | 30 Days | Initial Fine = \$100 Per Diem Fine = \$50 |
| Parking Recreational Vehicles, Junked Vehicles, 18-Wheelers, Water Craft, Equipment or Trailers on lot, residence driveway, or on roadway <i>[Mystic Shores DCCRs section 10.4]</i> When for more than 72 hours continuously | 30 Days | Initial Fine = \$100 Per Diem Fine = \$50 |
| Living in Campers or Recreational Vehicles On Lot, Residence Driveways, or on Roadways Unless previously approved by Board | 30 Days | Initial Fine = \$100 Per Diem Fine = \$50 |
| Unauthorized Livestock and/or Poultry unless otherwise permitted by DCCRs Unless otherwise permitted by DCCRs or approved by Board ; Certification document must be provided to the Board that the livestock or poultry are being used for valid educational program | 30 Days | Initial Fine = \$100 Per Diem Fine = \$50 |
| All Other Violations | 30 Days | Initial Fine = \$100 Per Diem Fine = \$50 |

| CONSTRUCTION RELATED VIOLATIONS AND FINES | | |
|---|-----------------------------------|---|
| Restrictive Covenant/Architectural and Site Design Guidelines Violation | Compliance Required Within | Initial Fine Assessed on 1st day after Compliance period and Per Diem every day thereafter |
| 1. Residence Construction Uncurable Violation \$250 Per Occurrence | | |
| 2. Residence Construction Initiating construction without prior ACC approval | 30 Days | Initial Fine = \$2,500 Per Diem Fine = \$200 |
| 3. Residence Construction Plan modification without prior ACC approval | 30 Days | Initial Fine = \$1,500 Per Diem Fine = \$150 |
| 4. Residence Construction Not completed within 1 year without prior ACC approval | 30 Days | Initial Fine = \$1,500 Per Diem Fine = \$150 |
| 5. Residence Construction Exterior Modifications to residence without prior ACC approval | 30 Days | Initial Fine = \$1,500 Per Diem Fine = \$150 |
| 6. Additional Structure Construction Initiating construction without prior ACC approval | 30 Days | Initial Fine = \$1,500 Per Diem Fine = \$150 |
| 7. Additional Structure Construction Plan modification without prior ACC approval | 30 Days | Initial Fine = \$1,500 Per Diem Fine = \$150 |
| 8. Driveway No driveway or driveway not in compliance with ACC Specifications | 30 Days | Initial Fine = \$1,000 Per Diem Fine = \$100 |
| 9. Fence Construction Initiating construction without prior ACC approval | 30 Days | Initial Fine = \$250 Per Diem Fine = \$50 |
| 10 Fence Construction Plan modification without prior ACC approval | 30 Days | Initial Fine = \$250 Per Diem Fine = \$50 |
| 11. Deck Construction Initiating construction without prior ACC approval | 30 Days | Initial Fine = \$250 Per Diem Fine = \$50 |
| 12. Deck Construction Plan modification without prior ACC approval | 30 days | Initial Fine = \$250 Per Diem Fine = \$50 |
| 13. Pool Construction Initiating construction without prior ACC approval | 30 Days | Initial Fine = \$250 Per Diem Fine = \$50 |
| 14. Pool Construction Plan modification without prior ACC approval | 30 Days | Initial Fine = \$250 Per Diem Fine = \$50 |

| | | |
|--|----------------|--|
| 15. Landscaping Not supplying compliant plans to ACC at least 30 days prior to residence completion | 30 Days | Initial Fine = \$250 Per Diem Fine = \$50 |
| 16. Landscaping – Plan Variance Plan modification without prior ACC approval | 30 Days | Initial Fine = \$250 Per Diem Fine = \$50 |
| 17. Construction Projects Other Than New Residence Not completed within specified time without prior ACC approval | 30 Days | Initial Fine = \$250 Per Diem Fine = \$50 |
| 18. Excessive Build-up of Building Materials and Trash Excess discarded building materials and trash on worksite | 7 Days | Initial Fine = \$150 Per Diem Fine = \$50 |
| 19. Dumpster not on Building Site At time of site work | 7 Days | Initial Fine = \$150 Per Diem Fine = \$50 |
| 20. Dumpster not Emptied In overflowing condition for more than 3 days | 7 Days | Initial Fine = \$150 Per Diem Fine = \$50 |
| 21. Improper or No Builders Sign on Building Site At time of site work | 7 Days | Initial Fine = \$150 Per Diem Fine = \$50 |
| 22. Port-a-John not on Building Site At time of site work | 7 Days | Initial Fine = \$150 Per Diem Fine = \$50 |
| 23. Improper or No Construction Road At time of site work | 7 Days | Initial Fine = \$150 Per Diem Fine = \$50 |
| 24. Leaving Debris, Dirt or Mud on Subdivision Roadways By Contractor or Subcontractor vehicles | 7 Days | Initial Fine = \$150 Per Diem Fine = \$50 |
| 25. Unauthorized Signs Signs not authorized by ACC or not removed in approved timeframe | 7 Days | Initial Fine = \$150 Per Diem Fine = \$50 |
| 26. Propane Tank Visible from Street of Residence or closure not in adherence to Guidelines | 30 Days | Initial Fine = \$150 Per Diem Fine = \$50 |
| 27. Other Violations | 30 Days | Initial Fine = \$150 Per Diem Fine = \$50 |

Appendix E-2: Builder Deposit and Fine Process

The following deposit requirements, fines and process shall apply to builders building a new home in The Peninsula at Mystic Shores, effective thirty (30) days after The Peninsula at Mystic Shores Architectural and Site Design Guidelines (“Design Guidelines”) including this Appendix E-2 are filed in the real property records in Comal County, Texas (the “Effective Date”).

1. Builder Violations.
 - a. The following are “**Potential Deposit Violations**” with respect to properties in The Peninsula at Mystic Shores:
 - i. Starting new home construction activities before The Peninsula at Mystic Shores Architectural Control Committee (“ACC”) approval of the new home application.
 - ii. Starting modifications to new home before ACC approval.
 - iii. Failure to have a commercial dumpster, port-a-john, builder’s sign and construction drive, as required by the Design Guidelines.
 - iv. Failure to keep a clean site, empty a full dumpster or clean road adjacent to construction site, as required by Design Guidelines.
 - v. Builder subcontractor signs on construction site.
 - vi. Failure to complete home by the approved deadline (including any approved extensions).
 - b. The following are “**Immediate Deposit Violations**” with respect to properties in The Peninsula at Mystic Shores:
 - i. Failure to stop prohibited activities immediately upon receipt of a cease-and-desist notice from a representative of The Peninsula at Mystic Shores Property Owners Association (the “Association”).
 - ii. Failure to submit a form survey prior to pouring foundation, when form survey is required by the ACC (due to home location being close to setback lines).
 - iii. Foundation poured in location not approved by the ACC.
 - iv. Temporary restraining order to stop construction on a new home obtained due to builder violation of Mystic Shores Declaration of Covenants, Conditions and Restrictions (“DCCRs”) or Design Guidelines.
 - v. Failure to complete new home within 18 months from date of ACC approval, regardless of approved extensions.
 - vi. Having more than one Potential Deposit Violation within two consecutive years.
 - c. Having caused a fine to an Owner Deposit under Appendix E-1.
 - d. Items a., b., and c. above are collectively referred to as “**Builder Violations.**”
2. Builder Deposit Required.
 - a. Builders receiving a violation notice from the Property Manager for a Builder Violation after the Effective Date will be required to deposit with the Association a Builder Deposit with any subsequent application for which they are named as the builder, until that builder has not had a Builder Violation for at least two consecutive years.
 - b. The Builder Deposit amount will be \$5,000.00 the first time a Builder Deposit is required and will increase by \$5,000.00 each time there is another Builder Violation

by the builder until at least two consecutive years have passed without a Builder Violation.

3. Builder Violation and Deposit Requirement Notices.

a. *Potential Deposit Violations:*

- i. For an approved project with a Potential Deposit Violation, the ACC Administrator will send one friendly reminder email to the owner and builder stating the Potential Deposit Violation and giving a reasonable time (usually 10 days) to cure. This friendly reminder email will not result in a Builder Deposit requirement, *provided* the Potential Deposit Violation is cured by the deadline stated in the email and the builder has not had a prior Builder Violation. If the Potential Deposit Violation is not cured by the deadline stated in the email, the ACC Administrator will notify the Property Manager to send a violation notice letter to the owner and builder, stating the Potential Deposit Violation and giving a reasonable time to cure the violation (usually at least 7 days). This notice letter will result in a Builder Deposit being required as stated above, even if the Potential Deposit Violation is cured within the specified time. The notice letter will advise the builder of the Builder Deposit requirement for future new home applications.
- ii. For a Potential Deposit Violation where there is not an approved project, the Property Manager will send a violation notice letter to the owner and builder, stating the Potential Deposit Violation and giving a reasonable time to cure the violation (at least 7 days). This notice letter will result in a Builder Deposit being required as stated above, even if the Potential Deposit Violation is cured within the specified time. The notice letter will advise the builder of the Builder Deposit requirement for future new home applications.

b. *Immediate Deposit Violations:* The Property Manager will send a letter to the builder advising of the Immediate Deposit Violation and the requirement for a Builder Deposit for future new home applications.

4. Fines Process.

a. *Final Notice:* Before any fine is imposed by the Association on a builder, the Property Manager will send a final notice via certified mail, return receipt requested, to the builder. This notice will include, without limitation:

- i. the nature of the Builder Violation and the specific date by which the violation must be cured;
- ii. the proposed fine(s) to be imposed;
- iii. a statement that the builder may present a written request for a hearing to the Board within thirty (30) days of the notice; and
- iv. a statement that the proposed fine(s) shall be imposed as contained in the notice unless a request for a hearing is received within the thirty (30) day period.

b. If a timely request for a hearing is not received, the fine(s) stated in the notice shall be imposed; *provided, however*, the Board may, but shall not be obligated to, suspend any proposed fine(s) if the violation is cured within the thirty (30) day period. Such suspension shall not constitute a waiver of the right to impose fine(s) for future violations by the builder. In the event of a continuing violation, each day the violation continues beyond the thirty (30) day period shall constitute a separate offense, and fines may be imposed on a per diem basis without further notice to the builder. It is the

- responsibility of the builder to contact the ACC for verification the violation has been satisfactorily resolved. Fines shall continue to accrue until the ACC is notified. In the event a violation recurs within six (6) months from the date of any notice hereunder, the Board may impose fine(s) without further notice to the builder.
- c. Fine amounts are stated below. Fines will be deducted from the Builder Deposit. If the fines exceed the deposit, the builder will be invoiced for additional fines.
 - d. The Owner Deposit and the fines process in Appendix E-1 of the Design Guidelines will continue to apply. If there is a Builder Deposit for the project; however, the owner will not be fined for Builder Violations until the fines exceed the Builder Deposit amount and the builder does not pay any additional fines within 30 days after receiving the invoice for the additional fines.
 - e. The Builder Deposit will be refunded when the new home is completed unless fines have been imposed. The refund will not depend on landscaping being completed unless the builder is the landscaping contractor.
 - f. A list of builders which must furnish a Builder Deposit will be maintained by the Property Manager and posted on the Association's website. The list will contain only the builder's name and amount of Builder Deposit required. The list will not include any details such as the owner's name and address where the violation(s) occurred or the nature of any violation.
5. The Fines List included in Appendix E-1 is applicable to this Appendix E-2

Appendix F: Invasive Plants

The following provides the Central Texas Invasive Plants listing as published in the Volunteer Field Guide, Watershed Protection Development Review.

| | |
|----------------------|-----------------------|
| Chinaberry | Chinese Parasol Tree |
| Chinese Pistache | Chinese Tallow |
| Common Privet | Common Water Hyacinth |
| Elephant Ear | Eurasian Watermilfoil |
| Giant Cane | Holly Fern |
| Hydrilla | Japanese Honeysuckle |
| Johnson Grass | Kudzu |
| Mimosa, Silk Tree | Nandina |
| Paper Mulberry | Photinia |
| Poison Ivy | Pyracantha |
| Running Bamboo | Russian Olive |
| Tamarisk, Salt Cedar | Tree of Heaven |
| Vitex | Wax leaf Ligustrum |
| White Mulberry | Wisteria |

Appendix G State Legislation

TEXAS LAWS: FLAG DISPLAYS, SOLAR ENERGY DEVICES, RAINWATER HARVESTING SYSTEMS, POLITICAL SIGNS. RELIGIOUS SYMBOLS

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

Flag Displays

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

The ACC may require that:

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

The POA also may regulate:

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

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

[Texas Property Code Section 202.011]

Solar Energy Devices

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

Texas Property Code Section 202.010

- (a)** In this section : *omitted for brevity*
- (b)** Except as otherwise provided by Subsection (d), a property owners' association may not include or enforce a provision in a dedicatory instrument that prohibits or restricts a property owner from installing a solar energy device.
- (c)** A provision that violates Subsection (b) is void.
- (d)** A property owners' association may include or enforce a provision in a dedicatory instrument that prohibits a solar energy device that:
 - (1)** as adjudicated by a court:
 - (A)** threatens the public health or safety; or
 - (B)** violates a law;
 - (2)** is located on property owned or maintained by the property owners' association;
 - (3)** is located on property owned in common by the members of the property owners' association;
 - (4)** is located in an area on the property owner's property other than:
 - (A)** on the roof of the home or of another structure allowed under a dedicatory instrument; or
 - (B)** in a fenced yard or patio owned and maintained by the property owner;
 - (5)** if mounted on the roof of the home:
 - (A)** extends higher than or beyond the roofline;
 - (B)** is located in an area other than an area designated by the property owners' association, unless the alternate location increases the estimated annual energy production of the device, as determined by using a publicly available modeling tool provided by the National Renewable Energy Laboratory, by more than 10 percent above the energy production of the device if located in an area designated by the property owners' association;
 - (C)** does not conform to the slope of the roof and has a top edge that is not parallel to the roofline; or
 - (D)** has a frame, a support bracket, or visible piping or wiring that is not in a silver, bronze, or black tone commonly available in the marketplace;
 - (6)** if located in a fenced yard or patio, is taller than the fence line;
 - (7)** as installed, voids material warranties; or
 - (8)** was installed without prior approval by the property owners' association or by a committee created in a dedicatory instrument for such purposes that provides decisions within a reasonable period or within a period specified in the dedicatory instrument.

- (e) A property owners' association or the association's architectural review committee may not withhold approval for installation of a solar energy device if the provisions of the dedicatory instruments to the extent authorized by Subsection (d) are met or exceeded, unless the association or committee, as applicable, determines in writing that placement of the device as proposed by the property owner constitutes a condition that substantially interferes with the use and enjoyment of land by causing unreasonable discomfort or annoyance to persons of ordinary sensibilities. For purposes of making a determination under this subsection, the written approval of the proposed placement of the device by all property owners of adjoining property constitutes prima facie evidence that such a condition does not exist.

[Texas Property Code § 202.010]

Certain Restrictive Covenants Prohibited

(a) A property owners' association may not include or enforce a provision in a dedicatory instrument that prohibits or restricts a property owner from:

- (1) implementing measures promoting solid-waste composting of vegetation, including grass clippings, leaves, or brush, or leaving grass clippings uncollected on grass;
- (2) installing rain barrels or a rainwater harvesting system;
- (3) implementing efficient irrigation systems, including underground drip or other drip systems; or
- (4) using drought-resistant landscaping or water-conserving natural turf.

(b) A provision that violates Subsection (a) is void.

(c) A property owners' association may restrict the type of turf used by a property owner in the planting of new turf to encourage or require water-conserving turf.

(d) This section does not:

- (1) restrict a property owners' association from regulating the requirements, including size, type, shielding, and materials, for or the location of a composting device if the restriction does not prohibit the economic installation of the device on the property owner's property where there is reasonably sufficient area to install the device;
- (2) require a property owners' association to permit a device described by Subdivision (1) to be installed in or on property:
 - (A) owned by the property owners' association;
 - (B) owned in common by the members of the property owners' association; or
 - (C) in an area other than the fenced yard or patio of a property owner;
- (3) prohibit a property owners' association from regulating the installation of efficient irrigation systems, including establishing visibility limitations for aesthetic purposes;
- (4) prohibit a property owners' association from regulating the installation or use of gravel, rocks, or cacti;
- (5) restrict a property owners' association from regulating yard and landscape maintenance if the restrictions or requirements do not restrict or prohibit turf or landscaping design that promotes water conservation;

(6) require a property owners' association to permit a rain barrel or rainwater harvesting system to be installed in or on property if:

(A) the property is:

(i) owned by the property owners' association;

(ii) owned in common by the members of the property owners' association;
or

(iii) located between the front of the property owner's home and an adjoining or adjacent street; or

(B) the barrel or system:

(i) is of a color other than a color consistent with the color scheme of the property owner's home; or

(ii) displays any language or other content that is not typically displayed by such a barrel or system as it is manufactured;

(7) restrict a property owners' association from regulating the size, type, and shielding of, and the materials used in the construction of, a rain barrel, rainwater harvesting device, or other appurtenance that is located on the side of a house or at any other location that is visible from a street, another lot, or a common area if:

(A) the restriction does not prohibit the economic installation of the device or appurtenance on the property owner's property; and

(B) there is a reasonably sufficient area on the property owner's property in which to install the device or appurtenance; or

(8) prohibit a property owners' association from requiring an owner to submit a detailed description or a plan for the installation of drought-resistant landscaping or water conserving natural turf for review and approval by the property owners' association to ensure, to the extent practicable, maximum aesthetic compatibility with other landscaping in the subdivision.

(d-1) A property owners' association may not unreasonably deny or withhold approval of a proposed installation of drought-resistant landscaping or water-conserving natural turf under Subsection (d)(8) or unreasonably determine that the proposed installation is aesthetically incompatible with other landscaping in the subdivision.

(e) This section does not apply to a property owners' association that:

(1) is located in a municipality with a population of more than 175,000 that is located in a county in which another municipality with a population of more than one million is predominantly located; and

(2) manages or regulates a development in which at least 4,000 acres of the property is subject to a covenant, condition, or restriction designating the property for commercial use, multifamily dwellings, or open space.

[Texas Property Code § 202.007]

Amended by Acts 2013, 83rd Leg. - Regular Session, ch. 736, Sec. 1, eff. 9/1/2013.

Political Signs

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

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

The ACC may:

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

The ACC also may prohibit signs that:

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

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

[Texas Property Code § 202.009]

Religious Symbols

(a) Except as otherwise provided by this section, a property owners' association may not enforce or adopt a provision in a dedicatory instrument, including a restrictive covenant, that prohibits a property owner or resident from displaying or affixing on the owner's or resident's property or dwelling one or more religious items the display of which is motivated by the owner's or resident's sincere religious belief.

(b) This section does not prohibit the enforcement or adoption of a provision in a dedicatory instrument, including a restrictive covenant, that, to the extent allowed by the constitution of this state and the United States, prohibits the display or affixing of a religious item on the owner's or resident's property or dwelling that:

- (1) threatens the public health or safety;
- (2) violates a law other than a law prohibiting the display of religious speech;
- (3) contains language, graphics, or any display that is patently offensive to a passerby for reasons other than its religious content;

- (4) is installed on property:
 - (A) owned or maintained by the property owners' association; or
 - (B) owned in common by members of the property owners' association;
- (5) violates any applicable building line, right-of-way, setback, or easement; or
- (6) is attached to a traffic control device, street lamp, fire hydrant, or utility sign, pole, or fixture.

[Texas Property Code § 202.018, September 2021]

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

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

Appendix H Landscape Restoration

During the process of residential, swimming pool, landscaping or other improvement construction, a substantial area of disturbance often occurs on the homesite. One of the requirements of the landscaping process is restoring those areas that are disturbed, but not otherwise landscaped (for example, bed areas and lawn grass), back to the native grass character that existed before any construction began.

In order to restore and achieve the native character, the area will require an adequate amount of soil, seed, fertility and moisture in order to reestablish itself to an acceptable level, which is 80% established grass cover over all disturbed areas. As part of the landscape approval process your landscaper or engineer is required to submit a Restoration Plan for written approval. A method of restoration for your landscaper/engineer to consider is the following: apply a minimum of 2" of topsoil, the appropriate grass seed mix (stated below) and approximately 1/4-1/2" of +/- 6 month old (or older/aged) fine cut cedar mulch over the entire area requiring restoration. Care must be taken to not put down too thick a layer of the cedar mulch that might inhibit seed germination. This method (Restoration Method A) may be considered for all areas disturbed that are relatively flat to slightly sloping (0 - +/- 6% slopes).

For areas with steeper slopes (greater than +/- 6%), consult with your landscaper or engineer to determine if the above method will hold up to heavy rainfall. In order to prevent the erosion of topsoil on to adjacent property or washing off the area of intended restoration, hydro-seeding with a blanket of "Flexterra" or its equivalent should be considered and may be required (Restoration Method B).

For steep areas where water concentration may occur, vegetation mats are encouraged and may be required in order to prevent erosion of topsoil and loss of seed (Restoration Method C). Due to varying site conditions, your landscaper, engineer or a landscape architect should be consulted so a method is chosen and approved that will result in restoration in the shortest amount of time and one that will prevent erosion.

In order for restoration to be complete and in compliance, the areas to be restored must be 80% established with the approved grasses. If at the time of inspection, the approved Restoration Plans and methods have been followed but 80% establishment has not been achieved, the ARC may return, subject to terms of the Landscape Deposit Agreement, the balance of the Deposit in full with the good faith understanding that the Owner will manage and monitor the restoration and add topsoil, seed and approved mulch as needed to achieve establishment within six months. Areas that require restoration will not be in compliance until restoration is completed, inspected and approved in writing. Once approved, the Landscape Compliance Letter will be issued.

Approved grasses and grass mix

Seed Mix

Cordillera's native seed mix is composed of: Blue Grama, Texas Panicum, Sideoats Grama, Little Bluestem, Green Sprangletop, Indiangrass, and Buffalograss. The application rate and timing of seeding are as follows:

Cordillera Native Seed Mix - grasses native to our area and found throughout the hill country

- Plant no less than 1.25 lbs. /1000 sq. ft. (approximately 86 lbs./acre)
- Planting can be done anytime of the year
- Full establishment may take a year or more

Nurse Grass - grass that germinates quickly (with moisture) and helps to stabilize the top soil; will likely die back due to cold or hot temperatures. Not a permanent grass.

- German Foxtail Millet - (warm season grass)
 - Plant at 5 lbs. /1000 sq. ft.
 - Plant from mid-March through mid-September, subject to seasonal conditions
- Annual Ryegrass (cool season grass)
 - Plant at 5 lbs/1000 sq. ft.
 - Plant from late September through early March

Gap Grass - native grass that fills the gap between the nurse grass and the native grasses, germinates readily and provides grass cover and stable soil conditions (with moisture) until the other native grasses mature. A second grass to be considered for a gap grass is Blue Grama.

- Green Sprangletop
 - Plant at 1.0 lbs /1000 sq. ft.
 - Plant with native mix, anytime of the year

The native seed mix can be purchased from the Bergheim General Store, ph. (830) 336-2112 or from King Seed in San Antonio, ph. (210) 661-4191. Ask for the “Cordillera Ranch Native Seed Mix”. The German Fox Tail Millet can also be purchased separately from Atkinson Seed in Comfort, ph. (830) 995-2186. Other grass mixes are available seasonally from other commercial establishments such as Tractor Supply.