

**SCAN! The Villas of Babcock (Summerwind) Homeowners Association, Inc.** \*

Resolution Control: #10072003-1 -



RECEIVED

APR 20 2004  
Notice of Design Guidelines Amended by majority vote of the Architectural Control Committee (ACC) at the ACC meeting of April 28, 2004 (See meeting minutes)

Subject: Architectural Control Committee- *Design Guidelines*

WHEREAS, Article V of the Declaration of Covenants, Conditions and Restrictions grants the Architectural Control Committee (ACC) the right to issue *Design Guidelines* from time to time which will contain the specific provisions applicable to all of the Lots regarding style, basic site design issues, aesthetics of each home, the use of quality exterior finish materials and minimum landscaping plans for the Lots.

WHEREAS, there is a need to provide guidelines for homeowners to follow when considering changes to the exterior of their homes and property.

WHEREAS, there is a need to assist homeowners in preparing acceptable applications to gain Architectural Control Committee approval, increase homeowners' and residents' awareness and understanding of the Covenants.

WHEREAS, there is a need to pass design guidelines regarding each home to help maintain a reasonably uniform and architecturally sound appearance for the Villas of Babcock (Summerwind) Community so that the investment of all homeowners will be maintained, and

WHEREAS, it is the intent that this Resolution shall be applicable to all homeowners, their tenants and/or visitors, from and after October 7, 2003, and shall remain in effect until otherwise rescinded, modified or amended by a majority of the Architectural Control Committee.

NOW, THEREFORE, BE IT RESOLVED that the following resolution has been adopted by the Association pursuant to the laws of the State of Texas, at a special meeting of the Board of Directors:

**RECITALS**

- A. The Architectural Control Committee desires to issue specific provisions, "*Design Guidelines*," applicable to all of the Lots regarding style, basic site design issues, aesthetics of each home, the use of quality exterior finish materials and minimum landscaping plans for the Lots.
- B. To address, in detail, the items that require an ACC Application Request and approval of the ACC before changes are made.
- C. To address, in detail, suggestions for items not requiring an ACC Application Request but may affect the aesthetics of the community.
- D. To address, in detail, items that are not acceptable due to specific safety and aesthetic concerns.
- E. The Architectural Control Committee desires to adopt a uniform and systematic procedure for the enforcement of the "*Design Guidelines*."

NOW, THEREFORE, BE IT RESOLVED that the ASSOCIATION hereby adopts the following "*Design Guidelines*" to guide all Lots of The Villas of Babcock (Summerwind) Homeowners Association, Inc. with regard to style, basic site design issues, aesthetics of each home, the use of quality exterior finish materials and minimum landscaping plans for the Lots.



LT2-10902-1670-9

## **1. Decks/Patios.**

Decks and patios must be located in the rear yard. When a deck or patio scheme includes other changes, such as lighting, hot tub, under-deck storage (applicable to elevated decks), etc., these changes must also be included on the ACC Application Request. Decks and patios should not wrap around the side or laterally protrude beyond the rear edge of a home. Placement of a deck or patio should not require the removal of any trees of more than 6 inches in base trunk diameter unless approved by the ACC. Decks and patios may not encroach upon property boundaries, easements or setback lines. The City of San Antonio's Building Department requires a permit for all outdoor major exterior construction.

Lattice, porch swings, or any accessories suspended below decks must be included in the ACC Application Request for approval by the ACC.

**Each ACC Application Request must include or address, without limitation each of the following items:**

### *Materials-*

All lumber used in constructing a deck or patio must be pressure treated. The type of material used in construction, be it lumber for a deck, or brick, flagstone, lumber, etc. for a patio, must be included on ACC Application Request.

### *Under-Deck Storage-*

When using an under-deck area for storage, the impact on neighbors must be kept in mind. If the under-deck area is to be used for storage, appropriate screening, such as pressure treated lattice will be required. Landscaping, as a screening, will be considered provided its placement effectively screens the storage area from view. Landscaping may be required to screen tall deck supports.

### *Drainage-*

If changes in grade or other conditions, which will affect drainage, are anticipated, they must be indicated on the application. An application will be denied if any adjoining properties may be adversely affected by changes in drainage.

### *Painting/Staining of Decks and Swing sets-*

Painting of wood decks and swing sets is prohibited. Clear wood preservatives are permitted and recommended for wood decks and swing sets. Some wood preservatives manufacturers make wood preservative with natural wood color tints/stains, such as redwood, cedar, etc. The wood tone preservatives may be permitted, but require ACC approval.

### *Privacy Screening-*

Pressure treated lattice is preferred for use as privacy screening. Other types of screening will be considered on an individual basis.

### *Additional Application Contents:*

- a. A detailed sketch or drawing of the deck or patio. For decks, a sketch of the railing must be included. Be sure to include in drawing any important details, such as lighting or hot tub placement.
- b. Indicate whether or not the under deck- area will be used for storage. If so, then a screening plan is required.
- c. Any mid-changes (changes or modifications in materials, design etc. while under construction) must be submitted to the ACC for approval.

## **Sheds/Playhouses/Dog Houses.**

Sheds/Playhouses/Dog Houses whether attached to the house or detached from the house must be compatible with the design standards for the community. These structures must be located in the rear yard of the property and may not encroach upon property boundaries, easements or setback lines.

The maximum allowable size for any of these items is ten feet (10') by ten feet (10'). Multistory sheds are specifically not allowed. Any larger shed requested will be decided on a case-by-case basis.

If constructed, sheds/playhouses/dog houses may be left natural, or finished in a natural clear or tinted stain/sealer. Tinted stain/sealer and/or aluminum/vinyl siding must be selected to fit with the color scheme of the home and must

be submitted with the ACC application request. If the homeowner prefers to paint these structures, the paint color must match the color of the home. Trim and roof materials and color must match those used in the existing home. Height, size, style and placement of the sheds/playhouses/dog houses must be approved by the ACC.

No dog pens are permitted.

**Major Exterior Changes.** *ACC approval is required for all major exterior changes*

Major exterior changes or alterations are generally considered to be those which substantially alter the existing structure either by subtraction or by addition. Major alterations include, but are not limited to addition or subtraction of garages, porches, greenhouses, rooms, fireplaces, chimneys, skylights, landscaping, etc. The City of San Antonio's Building Department requires a permit for all Major Exterior Construction Changes.

The design of these major changes must be compatible in scale, materials and color with the applicant's house and adjacent homes. The proposed structure must be aesthetically compatible with the original structure and in keeping with the existing lot size. If changes are made in grade or other conditions, which affect drainage, they must be indicated on the ACC Application Request. Approval will be denied if adjoining properties and/or common areas may be adversely affected by drainage alterations.

Construction materials must be properly stored and must not cause any impairment of views from neighboring properties. No construction materials or tools may be stored on driveways or along the side of homes. (Construction materials include without limitation, bricks, masonry tools, wheelbarrow etc.) Excess materials must be removed within 5 days of the completion of the project. Accumulation of debris during construction is strictly prohibited.

*A complete ACC Application Request for a major exterior change or alteration must include:*

- a. Detailed drawings and plans including exterior elevations, dimensions and specifications. A full set of architectural drawings must be included.
- b. It is the responsibility of the homeowner to get the necessary City of San Antonio permits for any home improvement requiring a permit. The architectural change application must be a duplicate of those documents that are required to be submitted to receive a city permit and must include colors, materials and drawings/photographs as required. This is necessary to illustrate the relation of the alteration to the applicant's house and adjacent houses where necessary.
- c. All Villas of Babcock (Summerwind) Covenants and Architectural Design Guidelines must be reviewed prior to completion of the ACC Application Request. Failure of the homeowner to submit a well-defined and detailed ACC Application Request could result in the ACC refusal to allow the proposed alteration.
- d. Any Exterior Mid-Changes. Homeowner must submitted a new ACC Application Request on any exterior mid-changes for ACC approval when making changes or modifications in material or design while under construction.

**Exterior Painting.**

Approval is automatically granted to any homeowner maintaining original house and trim colors. Any changes to house and trim color require a completed ACC Application Request and approval by the ACC. These color changes apply not only to siding and wood trim, but also to doors, shutters, and roofing materials.

**Fences.** *ACC approval is required for all fences.*

A boundary survey should be completed prior to completion of an ACC Application Request for construction of a fence. It is the responsibility of the homeowner to verify that they are within their property lines when constructing a fence. Failure to construct a fence within the property lines could result in the homeowner having to remove the fence.

Maximum height of fences (6') six feet. No fence over (6') six feet may be constructed without ACC approval. Any fence constructed must not extend nearer to any street than the front foundation wall of the dwelling situated on the lot (the fence can be constructed around the rear and side of the structure, but may not extend beyond the front of the structure). The tops of the fences must follow the slope of the elevation upon which the fence is constructed.

A fence can be stained with a natural clear wood preservative. All other finishes will be reviewed on case-by-case basis.

Where builder has provided partial fencing, additional fencing must match existing fencing in all relative details. All fences must be constructed of pressure treated wood or ground contact equivalent lumber. Gates should be compatible to fencing in design, material, height and color.

Homeowners will be held responsible for grass trimming along the outside of the fence bordering common areas.

**Flagpoles.**

Permanent (vertical) flagpoles are prohibited. Homeowners installing temporary flag staff attached to a front pillar or front wall of the dwelling which do not exceed six feet (6') in length, do not need to submit an ACC Application Request for approval.

**Detached Items (Including Decks and Greenhouses).** *All detached items require ACC approval.*

Detached decks and greenhouses will be considered on a case-by-case basis. The same rules apply here as those outlined for attached decks and storage sheds (workmanship, materials and color).

Greenhouses will be given special consideration for the special requirements of sun orientation.

*ACC Application Request Contents:*

- a. Applicant must comply with the requirements contained in the "Major Exterior Changes" section of this document. A detailed description of detached item being proposed must be given in addition to the completed ACC Application Request with location and architectural drawings included.

**Landscaping.** *The following types of landscaping require a completed ACC Application Request and approval from the ACC:*

Construction of flowerbeds, placement of shrubs, trees and other major landscaping improvements on front lawns. All major landscaping improvements must be neatly maintained.

Selection and location of planting any items requires consideration to be given to plant size at maturity in order to avoid future relocation.

When planting and maintaining trees and shrubs, consideration must be given to vehicular traffic line of sights, neighboring house views, effect of roots on landscape and foundations, and shade patterns.

**Lawns:**

- a. Lawns must to be maintained with proper edging and may not exceed a maximum height of 6 inches.  
[See footnote (i)]
  - b. Do not discard or blow grass clipping on street or sidewalks. Grass clippings must be disposed of properly.
  - c. Homeowners will be held responsible for grass trimming along the outside of the fence bordering common areas & along the foundation of the house.
  - d. Hedges located in the front of any single family home must to be maintained. Hedges may not exceed three feet (3') in height and eight feet (8') in width when fully mature.
  - e. Trees will be reviewed on a case-by-case basis, although the following trees are not recommended: Bamboo, Silver Maple, Female Ginko, Weeping Willow, Elm and Catalpa. Only three (3) trees can be planted in the front yard of single-family homes. The front yard is defined as the areas from the deepest point of the front building line forward.
  - f. Fruit trees can be planted in rear yards only and must be located a sufficient distance from property lines to avoid fruit littering on adjacent properties.
  - g. Flowering trees that produce berries must be located a sufficient distance from public sidewalks in order to avoid safety and maintenance problems.
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- h. Railroad Ties or Garden Timbers in the front yard: the homeowner is fully responsible for maintenance of these items. Railroad ties or garden timbers when rotten must be replaced. Architectural and location drawings are required in addition to the completed ACC Application Request in order to be considered.
- i. Small Landscaping Ponds or Pools may be permitted in the rear yard only and will be considered on a case-by-case basis. Once approved and constructed they must be properly maintained. They must not create unpleasant odors, unsightly algae growth or conditions conducive to mosquitos or other insects.
- j. Bird Baths may be permitted in the front lawn on a case-by-case basis.

*ACC Application Request is not required for the following items provided that the following restrictions are observed:*

- a. Vegetable Gardens:
  - 1) must be located between the rear line of the house, the rear property line and the side lines of the house,
  - 2) must not exceed one quarter (1/4) of the rear lot,
  - 3) must not be planted on a grade exceeding a ratio of five feet (5') to one hundred feet (100'), and
  - 4) must not damage any property located at a lower elevation through flow of water.
- b. Rock gardens must remain their natural color.

**Grills/ Barbeque Pits.**

All grills and barbeque pits must be placed and used in the rear of the house and must not be located within ten feet (10') of the side and/or rear property lines.

**Recreation & Play Equipment.**

Two types of recreation and play equipment are defined. The first is permanent and semipermanent equipment, including any/all equipment that remains in place even when not in active use. The second is nonpermanent equipment, including any/all equipment that remains in place during active use or for a short period of time during inactive use.

*Permanent & Semi-Permanent Equipment-*

Permanent and semipermanent equipment includes (but is not limited to) the following: swings, gymnastics sets, volleyball nets, portable basketball goals/systems, jungle gyms, etc. Permanent equipment must be located in the rear of property only, minimum of three (3) feet from the lot line, and must not be placed in easement area. Consideration must be given to lot size, equipment size and design, amount of visual screening, etc. Permanent and semipermanent equipment is not permitted in streets, sidewalks and/or common community areas. Portable basketball goals must be stored on the side of the house, immediately after each use.

All equipment must be properly maintained. Any equipment, which becomes a community eyesore due to lack of maintenance, must be removed.

All wood equipment must be constructed of pressure treated lumber or redwood (which must be treated with preservative). Metal equipment exclusive of wearing surfaces (i.e., slide poles, climbing rings, etc.) must be painted to inhibit rust.

*Non-Permanent Equipment-*

Nonpermanent equipment includes (but is not limited to) the following: bicycles, balls, miscellaneous toys, etc.

Nonpermanent equipment must be stored in the house, garage or shed when not being used. Nonpermanent equipment can be used anywhere within the homeowner's lot and/or common community recreational areas. *(With the exception of the use of bicycles in the community park area (Lot 46)).*

**Satellite Dishes.** *FCC regulation apply to all*

Dishes which are 18" in diameter or smaller are permitted per FCC regulation requirements. It is requested that such dishes be placed in the most unobtrusive location as possible (in the rear of the home). Larger dishes are prohibited unless approved by the ACC.

**Walkways/Pathways.**

Concrete, brick, and/or flagstone walkways/pathways are the only three types pre-approved. If a walkway/pathway is to be constructed in the rear of the lot behind the house of any other material, it will require an ACC Application Request.

For walkways/pathways to be constructed in the front or side of the lot an ACC Application Request is necessary. Walkways/pathways must be set back at least four feet (4') from the property line and generally installed flush with the ground. Brick walkways/pathways should match or blend with that on the house, if any. In addition to the completed ACC Application Request, the homeowner must describe the method of installation and a description of any grading changes required along with resulting impact on neighboring lots, if any. Any mid-changes: changes or modifications in material or design while under construction must be submitted to the ACC for approval.

#### Sky Lights.

Skylights will be reviewed on a case-by-case basis.

#### Solar Collectors/Panels/Water Heater.

Panels mounted on the front side of the roof must be flush with the roof. Panels mounted on the rear side of the roof may be flush or elevated. If elevated, they must not extend above the roof peak so far that they are visible to the public.

#### Entry, Storm & Screen Doors.

Storm and screen doors must be painted the same colors as the entry doors behind them or left white or black. Entry doors must match the architectural trim of the house or siding color and will be approved on a case-by-case basis.

#### Swimming Pools.

Pools are permitted only for lots containing single-family homes. All in-ground pools must be approved by the ACC. Swimming pools must be located in the rear of the lot and may not encroach upon property boundaries, easements or setback lines. Appropriate landscaping should be considered to lessen the visual impact of the pool by neighboring lots.

Inflatable pools or pools that are less than three feet (3') deep, less than fifteen feet (15') in diameter, and only erected between May 1<sup>st</sup> and October 1<sup>st</sup> are not subject to architectural review. Pools must be removed from the property and stored out of sight outside of this time frame.

Permanent above ground pools; will be reviewed on a case-by-case basis.

*In addition to the completed ACC Application Request, the following information is necessary for submission in order for construction of an in-ground pool:*

- a. A site plan showing location and dimensions of the pool and related equipment in relation to the house, property lines and adjacent lots/dwellings.
- b. Detailed drawings and plans for the pool, deck area, lighting, walkways, fences, etc.
- c. Pertinent information concerning water supply systems, drainage and water disposal systems.
- d. Landscaping plan for pool area.
- e. The ACC strongly recommends that a 3 foot safety fence around the perimeter of the pool be install and/or that a child protective cover be utilized at all times when the pool is not in active use.
- f. The City of San Antonio's Building Department requires a permit for all in-ground pool construction.

#### Gutters & Downspouts.

New gutters and or downspouts must match the trim color of the house. Replacement or additional gutters and/or downspouts must match those existing in color, design and materials. Guttering must not adversely affect drainage on adjacent properties. These requirements also apply to gutter covers, which keep leaves and other debris out of the gutters.

#### Exterior Lighting.

Exterior lighting must be directed downward and away from properties adjacent to the applicant's so as to prevent glare and spill over lighting. Light fixtures being proposed to replace existing fixtures must be compatible in style and scale with the applicant's house. Any homeowner/tenant installing new exterior light or altering existing exterior lighting must receive prior approval from the ACC.

## Miscellaneous Guidelines.

### *Items not requiring an ACC Application Request:*

#### *Electronic Insect Traps-*

Electronic insect traps are not recommended, but are allowed without completing an ACC Application Request subject to the following guidelines:

- 1) traps may not be located in an area of the lot causing a nuisance to adjacent owners, and
- 2) traps may not to be operated after 11:00 p.m. or when the area protected by the trap is not longer occupied.

#### *Firewood Storage-*

Firewood must be stacked neatly and located to the rear of the residence. Location of the firewood pile must minimize visual impact. [See footnote (iii) and (v)] Screening may be required in some cases. Piles larger than two cords require a completed ACC Application Request and will be considered on a case-by-case basis. Piles longer than six feet (6') should be stacked two or more rows deep. Piles must not exceed four feet (4') in height for safety reasons. No lumber, scrap wood, or other debris may be stacked on, within, or near the firewood piles. All rotted firewood must be removed from the lot.

#### *Exterior Decorative Objects-*

Decorative lawn ornaments are not recommended, but are allowed in some limited cases. Objects such as wagon wheels, sculptures, driftwood, large rocks, decorative fencing, etc., will be allowed if located in an appropriate place. The Board of Directors and ACC will review these items occasionally. If complaints are filed based on any such item they will be reviewed individually and the appropriate action will be taken. If too many complaints are filed, these items may be disallowed in the future.

#### *Lawn Furniture-*

All lawn furniture must be removed from the front of the residence after use and stored out of view. [See footnote (iii)]

#### *Real Estate Sales/Rental Signs-*

No more than one (1) real estate sign can be erected or place upon any lot or attached to any dwelling. Real Estate signs are not permitted at the entrance of Summerwind subdivision, (McLennan Oak Street). Real estate signs can only be placed in the front yard of properties. The frame size of real estate signs must not exceed 18 inches wide by 40 inches high and must meet the City of San Antonio regulations with respect to content and removal. Signs must be removed immediately upon sale/lease or rental of the property. During the time that the sign is placed on the lot, it must be properly maintained (i.e., cannot be visually damaged or improperly placed).

#### *Signs-*

Any and all signs must have approval from Summerwinds' Board of Directors before posting. No advertising signs and/or soliciting of any products or services are permitted on Summerwinds' common area. This includes signs advertising garage/yard sales. No advertising or soliciting signs are permitted at the entrance of McLennan Oak Street and the front (Babcock Road) perimeter of the common area of Summerwind subdivision. Signs are not permitted on any sign polls of Summerwind.

#### *Trash Containers-*

Trash must be placed in containers manufactured specifically for trash storage purposes only. Containers must have a lid, which is kept in place at all times. Paper bags, plastic trash bags, boxes, etc. are not acceptable as permanent trash containers. Plastic and paper trash bags, must be placed in trash containers for trash pick up.

Trash containers are not to be stored or kept in the front or side yard and/or driveway. Trash containers must be stored in garages, behind dwelling (screened from public view) or in storage sheds. [See footnote (ii)] Trash containers are not to be placed on curb side before 6:00 p.m., on the evening before trash pick up [See footnote (iv)] and must be

removed and stored [See footnote (v)] no later than the evening of the day of pick up. The same rules for storage and placement apply to recycling containers.

*Holiday Ornaments & Decorations-*

Temporary holiday yard ornaments (including ornamental lights) are permitted, however all ornamentation must be removed within 30 days following the holiday being celebrated (weather permitting).

*Oil Stains-*

Driveways and streets must be maintained free of oil stains.

***Items Requiring Special Approval:***

*Utility Easement-*

No improvement may be placed within an utility easements without approval. The Villas Babcock Summerwind Homeowners Association, Inc. may grant the homeowner a waiver from the Declaration of Covenants, Conditions and Restrictions only upon receipt of a notarized waiver executed by the homeowner. Homeowners making an improvement prematurely on utility easements, and failure to submit the sign notarized waiver will result in legal proceeding under Summerwinds' governing documents.

*Antennas: FCC regulations apply to all*

Except as otherwise allowed under any applicable FCC regulation, no outside or attic mounted television aerial or radio antennas or other aerial antenna for either reception or transmission shall be permitted upon the property or the exterior of the home. Exceptions may be reviewed on a case-by-case basis. Mini-satellite dishes (18" or less in diameter) are acceptable per FCC regulations; however, care should be taken to install mini-satellite dishes in a location that will have the less visual impact on the property.

***Items Never Approved:***

*Window Treatments-*

Unaltered bed sheets, plastic sheets, towels, newspaper, foil or other similar window treatments shall not be hung or placed in or on any dwelling located on any lot.

***ACC Application Request Form Required:***

If required, the ACC request must be submitted and approved prior to construction or installation of any improvement. Failure to submit an ACC Application Request for improvements and/or making improvements prematurely without ACC approval will result in enforcement action under Summerwinds' governing documents and applicable law.

***Homeowners that are found delinquent in payment of Summerwind Homeowners Association Annual Assessment-***

If any Summerwind homeowner is delinquent in the annual assessment, the ACC has the right to reject and deny the homeowners ACC Application Request for home improvements. The homeowner must make full payment of their annual assessment or make payment arrangements with the Property Manager before submitting an ACC application.

***Failure to Comply:***

Failure to comply with any of these requirements will result in enforcement actions in accordance with the governing documents of Summerwind and applicable law.

**(Footnotes)**

- i No runners over sidewalks.
  - ii With the exception of the use of bicycles in the park area (Lot 46).
  - iii Not to be stored along homes, or on driveways behind vehicles.
  - iv Wednesday and Saturday mornings.
  - v Not to be stored along homes, on porches or behind vehicles.
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Notice of Design Guidelines Amended by majority vote of the Architectural Control Committee (ACC) at the ACC meeting of April 28, 2004 (See meeting minutes)

The amended ACC Design Guidelines was presented to and accepted by the Board of Directors during the Villas of Babcock (Summerwind) Association monthly Board Meeting dated June 10, 2004 (see minutes).

*Angela M. Casas*

Angela M. Casas, President  
Villas of Babcock (Summerwind)  
Homeowners Association, Inc.

*Jesus E. De La Pena*

Jesus E. De La Pena, Chairman,  
Architectural Control Committee  
Villas of Babcock (Summerwind)  
Homeowners Association, Inc.

*Haydee Guzman*

Haydee Guzman, Secretary  
Villas of Babcock (Summerwind)  
Homeowners Association, Inc.

State of Texas, County of Bexar

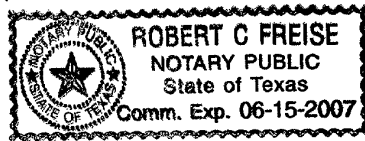
This instrument was Acknowledged before me this day 13<sup>th</sup> of July ~~2003~~ <sup>2004</sup> *RF*

By Angela M. Casas, Jesus E. De La Pena, Haydee Guzman,

*Robert C Freise*

Notary Public State of Texas

6/15/2007  
My Commission Expires



Any provision herein which restricts the sale, or use of the described real property because of race is invalid and unenforceable under Federal law  
STATE OF TEXAS, COUNTY OF BEXAR  
I hereby certify that this instrument was FILED in File Number Sequence on the date and at the time stamped hereon by me and was duly RECORDED in the Official Public Record of Real Property of Bexar County, Texas on:

Doc# 20040179965 Fees: \$30.00  
08/05/2004 3:12PM # Pages 9  
Filed & Recorded in the Official Public  
Records of BEXAR COUNTY  
GERRY RICKHOFF COUNTY CLERK

AUG 05 2004



*Gerry Rickhoff*  
COUNTY CLERK BEXAR COUNTY, TEXAS