

**RULES AND REGULATIONS FOR DROUGHT RESISTANT LANDSCAPING
AT
BRODIE SPRINGS HOA**

WHEREAS, the Association desires to adopt the following resolution to meet State of Texas legal requirements.

BE IT RESOLVED, that the Association's Rules and Regulations, effective September 1, 2013, for Owners and Members are as follows.

Definitions

Brodie Springs defines the following terms for reference:

- Drought-Resistant Landscaping: Native and adapted plants, and ground cover other than grass turf that requires little to no irrigation, such as a mulched native plant bed. The advantages of Drought-Resistant landscaping include cost savings on water bills, and conservation of diminishing water resources during drought periods.
- Native & Adopted Plants: Plants that grow and sustain themselves with low water requirements and that can tolerate heat and drought conditions.
- Ground Cover: Ground hardwood mulch or rock materials. See "Ground Cover" paragraph below for restrictions on rock material.
- Front Yard: The portion of the property visible from the street, not including concrete walkways and driveway.
- Turf Grass: Approved grasses, which are Tifway-419 Bermuda, Zoysia, Buffalo and Habituurf.

Brodie Springs HOA will allow variances to the requirement for full green lawn (turf) areas up to 50% of available front yard. Conversely, at least 50% of the front yard must contain approved turf grasses, which includes the easement strip between the public sidewalk and the curb.

Ground Cover

If a variance is granted, non-turf ground cover in front yard can be ground hardwood mulch or rock material such as various types of river rock. *Rock material ground cover cannot be smaller than 1-inch in diameter, or larger than 5-inches in diameter, and must be at least 15 feet from the street.* No gravel or crushed stone of any kind is permitted in front yard. Ground cover must be maintained to prevent weed growth, preferably without using toxic or environmentally harmful chemicals. Flagstone may be used to create walkways. Concrete surfaces are limited to driveways and sidewalks only.

Borders

Drought-Resistant landscaping areas and beds must be surrounded by a border to clearly distinguish it from the grass areas. Borders can consist of metal edging or mortared masonry units. Approved masonry products are stone material that matches the owners' home construction. Any proposed masonry edging must receive approval of the Architectural Control Committee (ACC). All masonry products must be properly mortared in place to avoid displacement and weed encroachment or growth

between masonry units. If metal edging is used, it must be properly staked and set with top edge not more than 2 inches above grade.

Borders must be maintained as part of the landscaping, must be kept in attractive condition, and must be edged.

Plant Selections

For a list of approved plants for Brodie Springs, please refer to the City of Austin's free booklet *Native and Adapted Landscape Plants: An Earthwise Guide for Central Texas*, commonly known as the "Grow Green" book, available at most nurseries. You can also download the book in PDF form from the website www.growgreen.org. Certain plants determined by the City of Austin to be invasive should not be planted, and are listed in the Grow Green book. Common examples include berrying forms of *Nandina*, running varieties of bamboo, *Ligustrums* (Privet), *Photinia* plants, *Vitex*, and Chinaberry trees.

For public safety, no plants with thorns, spines, or sharp edges can be used within six feet (6') of the public sidewalks.

Turf Grass Suggestions

Approved turf grasses that work well in our area are Buffalo grass, Zoysia, Tifway 419 Bermuda, and a hybrid native grass called Habiturf. However, no one turf grass is ideal for all situations, so carefully consider the amount of sunlight your lawn receives before choosing a new turf grass. More information on these turf grasses can be found in the "Grow Green" booklet.

Hardscapes

Hardscapes can include large boulders or other natural materials that are used as part of Drought-Resistant landscaping design. Urns, pots, and other man-made ornamentation can add variety, but are not to exceed four (4) items in public view. Any proposed landscape "decorative items" such as birdbaths, statuary, or other similar non-vegetative items must be approved in advance.

Landscape Maintenance

Drought-Resistant landscaping areas are subject to the same maintenance requirements as other landscaping and must be maintained at all times to ensure an attractive appearance. Plants must be trimmed, beds must be kept weed-free, and borders must be edged. No plants may encroach on public sidewalks. Sickly and dying plants must be removed and replaced. Perennials that die back during winter must be cut back to remove dead material. This includes most ornamental grasses and other flowering perennials that go dormant to the ground in winter.

Approval for Changes

Prior to changing their landscape, homeowners must submit a request for variance to the ACC using the ACC Improvement Request Form available on the HOA website at <http://www.brodiespringshoa.com>. The request must include an outline of the project and a design plan, as well as details on the types of plants, the ground covers, border materials, and hardscape materials to be used. Allow up to 30 days for approval of the request; the ACC may request additional information or changes to the plan that may cause final approval to take longer. Installation of new Drought-Resistant landscaping cannot begin until the variance has been approved. Once landscape installation has commenced, the project must be completed within sixty (60) days of project approval. If the project is not completed within that time, homeowner will be subject to violations.

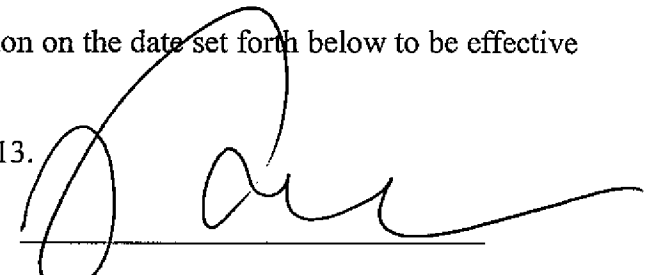
Summary of Enforcement Guidelines

- The ACC will allow variances for Drought-Resistant landscaping as long as 50% of publicly visible area is turfed and all other guidelines below are met.
- Homeowners must submit a request for variance to the ACC. The request must include details of the project and a design plan. Allow up to 30 days for approval of the request. Installation of new Drought-Resistant landscaping cannot begin until the variance has been approved.
- Non-turf planted areas and beds must be bordered to define the areas clearly from turfed areas, using metal or stone edging that matches the home.
- Drought-Resistant landscaping areas must be kept maintained at all times to ensure an attractive appearance. This includes trimming plants, keeping the area weed-free, and edging along borders.
- No rock material ground cover may exist within 15 feet of the street curb.
- Rock material ground cover cannot be smaller than 1-inch in diameter, or larger than 5-inches in diameter.
- No gravel or crushed rock of any kind is permitted in front yards.
- No plants may encroach onto or over public sidewalks.
- No plants with thorns, spines, or sharp edges can be used within six feet (6') of the public sidewalks.
- Urns, pots, and other manmade ornamentation cannot exceed four (4) items in public view.
- Sickly and dying plants must be removed and replaced.
- Perennials and ornamental grasses that die back in winter must be cut back to remove dead material.

To the extent these guidelines contradict with any previous guidelines, rules, covenants, or restrictions, these guidelines shall control. These guidelines are supplementary and are in addition to any and all other covenants, conditions, restrictions, rules, and guidelines in effect for the Association.

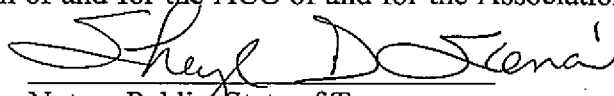
This resolution was adopted by the ACC for the Association on the date set forth below to be effective September 1, 2013.

Executed this the 9 day of NOVEMBER, 2013.

By: 
 Name: RICHARD NAVARRETE
 Title: Duly appointed chairperson of and for the ACC PRESIDENT

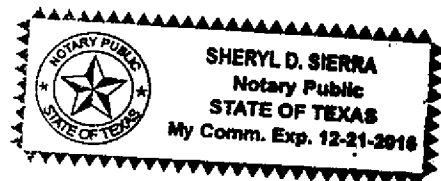
STATE OF TEXAS)
COUNTY OF TRAVIS)

This instrument was acknowledged before me on this the 9 day of November, 2013 ⁽⁵⁵⁾, by Richard Navarrete duly appointed chairperson of and for the ACC of and for the Association, for the purposes therein expressed.


 Notary Public, State of Texas

AFTER RECORDING PLEASE RETURN TO:

Goodwin Management, Inc.
11149 Research Blvd., Suite100
Austin, Texas 78759





**FILED AND RECORDED
OFFICIAL PUBLIC RECORDS**

Dana DeBeauvoir

**DANA DEBEAUVOIR, COUNTY CLERK
TRAVIS COUNTY, TEXAS**

November 19 2013 08:48 AM

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