

On July 10, 2023, the Brodie Springs HOA Board of Directors adopted a revised rule that clarifies and adds more detail to our rules on homeowner fences.

Before this rule change, our rules on fences were found in a document titled "Notice of Dedicatory Instruments of Brodie Springs Homeowners Association Inc., Rules 2021" dated Feb. 28, 2022. This was filed by the Travis County Clerk on March 9, 2022.

The new amendment modifies Exhibit A, section titled "Security Measures", by deleting subsections 3 and 4 in their entirety and replacing them with new subsections 3 and 4 below and adding a new subsection 5. Subsections 1 and 2 are unchanged but included here to provide the full text of the "Security Measures" section.

## SECURITY MEASURES

1. **General.** The following rule outlines the restrictions applicable to security measures in order to permit them while also striving to maintain an aesthetically harmonious and peaceful neighborhood for all neighbors to enjoy. "Security measure" means any improvement designed to prevent criminals access to the home or criminal acts involving the home. In the event of a question as to whether a requested installation is a security measure, the answer will be determined by the board in its sole reasonable discretion.
2. **Cameras.** Owners may not place cameras in any area other than their own lot. For example, owners may not install cameras in any common area of the association. All cameras must be mounted on the owner's home, may not extend above the lowest portion of the roof line and may not extend from the façade of the home more than 2°. Cameras must be oriented so as to capture as little of a neighbor's property as reasonably possible.
3. **Security Fencing and Gates.** A security fence is fencing in the front yard (any portion of fencing in line with or in front of the front-most building line of the home) that controls access to a courtyard or main entrance. Except to the extent expressly provided in other dedicatory instruments, the association may prohibit any fencing other than perimeter fencing. All security fencing must receive prior written approval from the ACC. With regard to fencing adjacent to a street, such as a corner lot, the association may require a particular setback so as to maintain a more uniform aesthetic.

Unless otherwise approved in writing by the ACC, all security fencing must consist of wrought iron or aluminum material. All portions of security fencing must be

gloss black in color and must be within the following specification ranges: Vertical Pickets 0.50" to 0.75" square; Horizontal Rails 1" to 1.5" square; Vertical Posts 2" to 2.5" square; Vertical Picket Spacing 3" to 5" on center; Maximum Height 48". No ornamentation on the fence is permitted, such as finials.

Gates that control access to a courtyard or front door may be 48" to 72" in height, may be constructed of different materials and/or use ornate design features like finials and curved rails, but are subject to ACC approval via clearly drawn depictions of the finished product.

#### **4. Perimeter Fences and Walls.**

##### Definitions

- a. Fence(s). Fences (which includes metal fences and masonry walls) are ground-mounted barriers enclosing or bordering a homeowner's yard, or enclosing items that must be screened from view.
- b. Materials. Materials refer to what the fence is constructed of, such as metal, stucco and stone.
- c. Height. Height is the distance between the ground to the top-most portion of the fence.
- d. Fence Coverings. Any material that covers, is attached to, or modifies a fence.

##### General Provisions

- a. Fences are Improvements that require ACC approval.
- b. Fences are not required on the property except for the purposes of (1) Screening air conditioning compressor units, pool equipment, generators, solar equipment, other mechanical equipment, trash can storage spaces, or any other object(s) the ACC deems to be unsightly, so as to obscure view from the street, and (2) enclosing pool yards or spa yards of exterior pools, spas, and hot tubs with a fence in accordance with applicable ordinances.
- c. Fences adjacent to a street shall be no closer than ten feet from the lot boundary line. Fences on corner Lots shall not be placed closer to the street right-of-way than ten feet.
- d. Any and all new fences, including their design, material and location, must be approved by the ACC in accordance with this amendment, and must not breach any City of Austin, Travis County or State of Texas regulations.

- e. No fence coverings are permitted. No fence may be modified by attaching manufactured screenings, such as faux vines, canvases, tarps, plastics, cloth or any non-organic material screening that is not growing in the ground.
- f. No fence may be painted, except for the maintenance of metal fences and stucco walls using approved colors.
- g. Metal fences must be aluminum or wrought iron. Masonry walls must be stone and/or stucco on the exterior. No other materials are allowed in Brodie Springs, with the exception of legacy wooden fences in the back yards of homes along Raspberry Road with house numbers 3100, 3104, 3108 and 3112 (which pre-date the formation of the Brodie Springs HOA), and perimeter concrete fences originally constructed by the developer along Squirrel Hollow.
- h. All portions of metal fencing must be gloss black in color and must be within the following specification ranges: Vertical Pickets 0.50" to 0.75" square; Horizontal Rails 1" to 1.5" square; Vertical Posts 2" to 2.5" square; Vertical Picket Spacing 3" to 5" on center; Height 48" to 72". No ornamentation on the fence is permitted, such as finials.
- i. Stucco walls must always match color of house. Stone walls must use stone that matches the stone on the house when applicable. The tops of all masonry walls and posts must be cleanly capped off. The ACC will use existing neighborhood precedents when approving style.
- j. Unless otherwise approved in writing by the ACC, all fencing in the front yard (any portion of fencing in line with or in front of the front-most building line of the home) must consist of metal fencing only.
- k. No fence may be higher than six feet, with the exception of certain wall posts and gates, subject to ACC approval.
- l. Gates that control access to a side yard or back yard must be under 96" in height, may be constructed of different materials and/or use ornate design features like finials and curved rails, but are subject to ACC approval via clearly drawn depictions of the finished product.
- m. No fence, or obstructions at its base, may impede water drainage in accordance with the construction plans for Brodie Springs. Each Owner is responsible for keeping fence openings free at all times of grass, leaves, berms, branches, debris and any other obstruction in the vicinity of the fence base that impedes drainage. Masonry walls must include ground-level drainage holes, 4 inches in diameter or larger, and be present every 8 feet of the wall at a minimum. Homeowner will be responsible for installing more drainage holes and/or increasing size of drainage holes if water is pooling on either side of wall. The Board has the right to inspect,

- and when necessary, to maintain such areas and assess the Owner for any fees or costs associated with fence maintenance that the Owner fails to do.
- n. Homeowners are responsible for the upkeep of their fences in order to maintain their aesthetic quality and structural integrity.
  - o. Notwithstanding the foregoing, the ACC may in its discretion prohibit the construction of any proposed fence, modify the requirements of a fence's location, specify the material of which any proposed fence must be constructed, require that any proposed fence be screened by vegetation so as not to be visible from the public view, or review and require changes to an existing fence when it does not conform to the rules stated in this amendment.
  - p. Homeowners who have installed any "manufactured screenings", and who provide the ACC with clear written documentation that the manufactured screening was previously approved by the ACC, are grandfathered from the application of this rule for a period of no more than 3 years from the date this rule is adopted, so long as the screening remains in good condition. In the event of change of ownership of a property within the 3-year grandfather period, the Board may at its discretion end or further limit the grandfather period. No manufactured screenings may be replaced. Manufactured screenings not previously approved by the ACC must be removed within 30 days of the adoption of this rule.

**5. Parameters, Plans and Specifications.** Prior to installation of any security measure, owners must submit plans and specifications including dimensions, color, material, accurate depictions, and proposed location on the owner's lot, scaled in relation to all boundary lines and other improvements on the lot. Plans must be submitted to the association's ACC, and owners must receive prior written approval prior to installation of any improvements. All proposed installations must be of a type, material, color, design and location that is approved by the ACC. The ACC may require or prohibit the use of specific materials, colors, and designs and may require a specific location(s) for the security measure.