

**BUILDER AND DESIGN  
GUIDELINES  
FOR  
BLUESTEM RESERVE**

**Date of Adoption:**

**March 20, 2019**

## **LIMITING CONDITIONS**

Bluestem Reserve has been thoughtfully planned and designed by the Declarant. In an effort to establish Bluestem Reserve as a successful community, the Bluestem Reserve Owners Association (POA) has been formed. The POA establishes the Architectural Reviewer or POA Board of Directors appointed committee, which has the authority to oversee all policies, procedures, building requirements and design standards for all construction within Bluestem Reserve as directed by the POA Board of Directors.

The Declarant has produced these Builder and Design Guidelines for building and landscaping within Bluestem Reserve. All property owners are required to distribute a copy of these guidelines to all selected builders prior to any construction and will be solely responsible for their builder's actions. The requirements contain building program requirements to which each builder must adhere, such as home design and maintenance, as well as the suggested standards of construction materials and architectural design that will be acceptable to the Architectural Reviewer. To facilitate these procedures property owners must assure that all selected builders submit their architectural plans for review and approval by the Architectural Reviewer prior to the commencement of home construction and as further specified in the Declaration of Covenants, Conditions and Restrictions for Bluestem Reserve (Declaration). All builders must sign and return the attached acknowledgment sheet attached to and made a part of these Builder and Design Guidelines to the Architectural Reviewer prior to the start of any construction.

As development within Bluestem Reserve progresses, revisions and updates may be added from time to time by the POA's Board of Directors and forwarded to all property owners. These guidelines may be changed from time to time by the Declarant or the POA.

Declarant and/or POA authorized representatives reserve the right to enter any tract, driveway, pedestrian pathway and road right-of-way for purposes of cleaning or clearing debris or rectifying any situation found to be in violation of the Declaration. Costs incurred by the Declarant will be charged to the respective builder responsible for the violations plus any fee and/or direct cost incurred by the Declarant.

## DEFINITIONS

***Architectural Reviewer*** means the committee established under the authority of the Declaration charged with architectural review.

***Bluestem Reserve*** means all property that is now or in the future may be annexed into the property developed as Bluestem Reserve in accordance with the Declaration.

***Community*** means the development of 29 residential tracts known as Bluestem Reserve as per the tract map attached to the Declaration.

***Contract for Sale and Purchase of Residential Lots (Contract)*** means the contract executed, or to be executed, between the Declarant and the Purchaser concerning the purchase of a residential tract or tracts.

***Declarant or Developer*** means Gaskin Ranch No. 5 LLC, a Texas limited liability company, or any of its subsidiaries or assigns.

***Declaration*** means the Declaration of Covenants, Conditions and Restrictions for Bluestem Reserve recorded or to be recorded in the Official Public Records of Guadalupe County, Texas, as it may be amended from time to time.

***Selected Builder*** means the builders who have been selected to build homes, currently or in the future, in Bluestem Reserve.

***Speculative Home*** refers to those homes constructed by a Selected Builder prior to the Selected Builder's execution of a contract with a home buyer.

## **SELECTED BUILDER REQUIREMENTS**

### **Local Code or Building Requirements.**

Selected Builder must meet all Guadalupe County, Texas restrictions or guidelines for driveway connections to main roads, as well as proper water connections from the supply to the improved structure and on-site sewage disposal systems.

### **Selected Builder Tract Improvements.**

Selected Builder is required to perform the following improvements to all tracts purchased:

Fill – Selected Builder is required to add or remove fill dirt, or any other material needed to alter the final grading of the tract to provide for adequate stormwater drainage from the tract to avoid directing drainage onto tracts owned by others.

Driveways – Selected Builder is required to install driveway approaches that conform to all applicable regulatory requirements and community guidelines.

Landscaping – All landscaping plans must be submitted to the Architectural Reviewer prior to any installation.

### **Design Approval**

Selected Builder must submit all architectural and site plans to the Architectural Reviewer prior to the commencement of construction. Failure to comply with this requirement may necessitate the removal of any improvements installed on the tract at owner's expense.

### **Construction Commencement / Completion of Construction**

Construction of a home must commence within 60 days of receipt of design approval. All homes must be substantially completed within 12 months from the date of the start of construction.

### **Signage**

Selected Builder will be permitted to install one sign on its client's tract, but not within the right-of-way of any street or road which provides access to Bluestem Reserve. Signs must comply with the Declaration. No subcontractor signs are allowed.

### **Construction Trailer**

Selected Builder will be permitted to maintain a trailer on its client's tract for use by the Selected Builder's personnel in the construction of a home on the tract. However, the location, appearance, size and maintenance of the trailer will be subject to Declarant's/POA's prior approval. In no case may any trailer be used for overnight accommodations. Non-hazardous equipment and items used in the course of construction may be stored for short periods.

## **CONSTRUCTION SITE STANDARDS**

### **Start of Construction**

No clearing or other activities will be permitted on a tract until the tract closing has occurred and written approval of a site plan has been granted.

### **Portable Toilets**

Prior to the commencement of any work, a portable toilet must be placed on the construction site in a manner facing away from all streets and other residences to avoid the disturbance of other owners and the marketing of Bluestem Reserve. Portable toilets must be cleaned once a week and must not create noxious or offensive odors.

### **Construction Site Appearance – Clean Roads and Utilities – Litter Control**

Selected Builder must ensure that the construction site is in a neat and clean condition at the end of each work day. Building materials used for the construction of the home must be stored in a neat condition so as not to detract from the appearance of the community. All personnel working in Bluestem Reserve are required to keep all areas in which they are working free and clear of debris and other materials such as trash and packaging of building materials. Selected Builder must protect pavements, swales, drainage courses, shoulders, utility structures and other property contiguous to or in the vicinity of each tract from damage. Selected Builder must keep pedestrian

and equestrian pathways and all rights-of-way, driveways and other property clean and clear of equipment, building materials, dirt, debris and similar materials. Scrap materials and trash must always be confined to a particular area of the tract and stored in a wire trash enclosure, a lined enclosure, or other approved receptacle. Trash enclosures must be cleaned once a week, or when full. Windblown paper, cans, bottles and food must not be allowed to accumulate on the tract or off-site of the tract. Selected Builder is required to clean and remove debris from the vacant tracts, construction sites and roadways which side or front its tract. In the event Selected Builder fails to clean and remove debris from tracts and areas surrounding its building program as required, Declarant/POA reserves the right to enter the tract and clean the tract/site/roadway and charge back all related costs to Selected Builder, plus reasonable management fees.

### **Materials Storage**

Scaffolding, framing units, lumber, equipment and other materials must not be allowed to lean against any fencing or trees. Stockpiled mortar sand and/or grading soil may not be stored on adjacent tracts, in open space reserves, or on cul-de-sac islands.

### **Erosion Control**

The street and stormwater drainage system must be kept free of excess silt. Temporary erosion control devices must be erected and maintained as required and monitored by the Environmental Protection Agency, Texas Commission on Environmental Quality, or other agency with authority.

### **Noise**

Construction on tracts can only be performed during the hours permitted by the Declarant/POA; this will aid in minimizing any disturbance to neighboring homes which are occupied. Loud radios, noise, or speakers mounted on vehicles, or outside of homes under construction, are prohibited. Common courtesy is always encouraged to be shown in Bluestem Reserve.

### **Construction Traffic**

Parking of construction vehicles on both sides of a street or on swales, lawn areas, or on improved or unimproved tracts is prohibited. From time to time, the Declarant/POA may designate roadways upon which construction traffic will be prohibited with an alternate access being designated, to provide school bus access or to eliminate traffic on completed streets.

### **Construction Hours**

Construction working hours are from 7:00 a.m. to 7:00 p.m. Monday through Saturday and are subject to change based on seasons. No work is allowed on Sundays or Holidays without specific, advanced, approval. Additional hours may be provided upon approval of the Architectural Reviewer. In any event, construction may not begin before dawn, or continue after dusk. Construction equipment, tools, etc. may not be accessed during non-construction hours.

### **Site Clean-Up**

All construction sites must be maintained in a neat and orderly fashion. The Selected Builder is responsible for trash that blows off the site and shall always retrieve such trash immediately and store it in a trash enclosure. There will be no stockpiling or dumping of trash on adjacent tracts, streets or in lakes. Trash removed by the Declarant/POA will be billed to the responsible Selected Builder. Selected Builders will use only the utilities provided on the immediate site on which they are working, not from tracts, which have been closed to homebuyers or are owned by the Declarant. The removal of trash is required as noted herein and may not be removed on weekends or holidays. Burning of refuse, other than trees or brush is not allowed.

### **Construction Damage**

Any damage caused during construction to streets, drainage inlets, street lights, street markers, mailboxes, walls, landscaping, lawns, trees, shrubs, and irrigation of common areas, etc. will be the responsibility of the Selected Builder. Any items not repaired on a timely basis may be repaired by the Declarant/POA and all such costs billed to the Selected Builder along with reasonable management fees.

### **Established Speed Limit**

Unless posted otherwise, the established speed limit within Bluestem Reserve is 30 miles per hour for all vehicles.

### **Construction Spillages / Concrete Washouts**

Operators of vehicles are required to clean up if spillage of a load occurs while within Bluestem Reserve. Clean-ups performed by the Declarant/POA will be billed to the responsible party.

Selected Builders are required to report any spills as soon as possible. Concrete washouts will be permitted only on areas designated by the Declarant/POA.

### **Telephone / Cable TV Lines**

If any telephone, cable television, electrical, water, gas, etc., lines are cut or damaged during construction, it is the Selected Builder's responsibility to report the accident to the appropriate utility provider and to the Declarant's/POA's field representative within thirty (30) minutes. Costs incurred to repair such damages will be the responsibility of the Selected Builder.

### **Vehicles and Equipment**

Construction equipment may be left on the site while needed but must not be kept or stored on any roadway, unless prior permission has been granted. Construction vehicles may not park in front of occupied houses, or block driveways or entryways at any time.

Parking of vehicles and equipment on roadways is restricted to one side of the roadway. Any vehicle blocking a roadway will be towed at the owner's expense.

### **Hazardous and Toxic Wastes**

No hazardous or toxic substances, chemicals, pesticides, fertilizers or any other matter not required for home construction and approved in advance by the Architectural Reviewer are to be located on or deposited within the properties of Bluestem Reserve.

Discarded paint, similar materials and their containers must be properly disposed of as required by law. Dumping into vegetation areas, lakes, or into the storm water drainage system is absolutely prohibited.

## **PLAN SUBMITTAL AND APPROVAL**

In order to provide a systematic and uniform review of the proposed construction, specific design documents are required. Electronic versions of the plans noted below are allowed in lieu of printed drawings if the Declarant/POA agrees to such. Otherwise, three copies of each of the following plans are required for submittal to the Architectural Reviewer.

Initial construction plan review must include:



### **Floor Plans**

Scale ¼ inch = 1 ft. 0 in. Submittals should be not less than 11" x 17" in size and designate square footage of net interior living area.

### **Exterior Elevations**

Submittals should be not less than 11" x 17" in size and include front, side and rear elevations.

### **Building Sections**

Scale ½ inch = 1 ft. 0 in. Detail roof sections, pitch, shingle type.

## **LANDSCAPING**

It is the goal of the Developer that all efforts be made to maintain the natural beauty of the community. Therefore, no specific landscape guidelines have been established if all improvements are improved in advance by the Architectural Reviewer. In no event may landscaping be installed that by its very nature may cause harm to the natural vegetation and wildlife within the community.

Site Plan Review must include:

### **Tract Site Plan**

Scale 1" = 20 feet

Property lines

Setback lines, easements and rights-of-way

Driveways, sidewalks and walkways

Drainage plan

Foundation outline

Patios

Roadways

Existing grade/finished floor elevations

Fence layout

### **Exterior Colors and Materials**

Samples must be submitted in a size large enough for the Architectural Reviewer to have a full understanding of the selected colors, materials and area of application. The Architectural Reviewer retains the right to have Selected Builder apply a sample color on the finished exterior wall prior to actual applications.

## **DESIGN STANDARDS AND CRITERIA**

### **Intent**

As set forth in the Declaration of the Covenants, Conditions and Restrictions for Bluestem Reserve, the Architectural Reviewer is vested with the power to review and approve all new construction on behalf of the Board of Directors of the POA, as well as any alterations and improvements to existing residential tracts and dwellings in Bluestem Reserve. Such improvements include, without limitation, additions, modifications and alterations to residential dwellings, signs, fences, walls, screens, patios, patio covers and any other alterations to the tract. Upon completion of the work the Architectural Reviewer, or its duly appointed representatives, may inspect any improvement for which approval of plans were required and reject such improvement if not constructed in accordance with approved plans at the owner's expense.

The Architectural Reviewer does not seek to restrict individual creativity or personal preferences, but rather to assure continuity in design which will help preserve and improve the appearance of the community and enhance the individual property values within the community. Prior to commencement of any new residential construction work of any type, the Property Owner must first receive written approval from the Architectural Reviewer. Failure to obtain the approval constitutes a violation of the Declaration and may require modification or removal of any unauthorized work or improvements at the Owners expense.

### **Applicability of Design Standards and Criteria**

The following standards and criteria apply (1) to any and all construction, improvement, or alteration of any structure, (2) to any change to the exterior of any structure, and (3) to grading, excavating, tree removal, landscaping or any other change to the ground of a tract within Bluestem Reserve.

## **Architectural Philosophy**

Architecture at Bluestem Reserve must present an overall style of country and ranch homes, incorporating a mix of brick, wood, stucco and stone-sided facades and other materials approved by the Declarant/POA. Gable and hip roof styles, with or without the incorporation of dormers, are allowed.

## **Chimneys**

All Chimneys located on an exterior wall must be constructed of brick, masonry, or wood siding which must be painted to match the primary color of the residence.

## **Garage Doors**

Garage doors must be constructed of non-reflective material and painted to match the primary colors of the residence.

## **Driveways**

Driveway widths may not exceed twenty-four feet (24') at the intersection of roads and must be located no closer than fifty (50) feet to side property lines.

Each Selected Builder must construct a driveway extending from the garage to the abutting street. All driveways must be a minimum of 12 feet wide from the right-of-way to the garage.

All driveways must be certified as being adequate to permit normal drainage from the tract and along the abutting street. Circumstances such as tree locations, circular driveways, etc., which may preclude conformance to this guideline, will be taken into consideration by the Architectural Reviewer at the time of site plan review.

## **Elevations**

The architectural style of homes in the community should blend with the community architectural theme and ambiance by incorporating such natural materials as brick, wood, stucco and stone. Cementitious siding may be used subject to approval of the Architectural Reviewer. Accents of metal, durable woods and ceramic must harmonize with the architectural theme and compliment the design and color of the home. The following specific criteria are applicable to floor and building elevations:

1. Minimum Floor Elevation - Shall be in conformance with the requirements on the face of the plat. All air-conditioned floors shall be a minimum of one foot above the 100-year flood plain elevation (if such exists) and all structural improvements must comply with minimum Guadalupe County flood plain building requirements. No more than 8" of any concrete foundation is to be exposed to view.
2. Maximum Building Height - The maximum acceptable building height will be thirty-five feet (35') from existing grade unless the home has been provided with an approved fire sprinkler system.
3. All elevation treatments such as entrances, windows, roof lines, etc., shall follow the common architectural design of the residence as nearly as possible.
4. Elevation approval shall consist of review of front, rear and side elevations of all buildings, garages and any other vertical improvements.

### **Exterior Lighting**

Light fixtures should be of a sufficient size to compliment the entry statement. Any "security" or "flood" lighting should be of a wattage or lumen count, which does not indiscriminately illuminate neighboring property.

Standard commercial grade landscape lights are permitted in landscape beds, along walkways and driveways only. Locations must be approved by the Architectural Reviewer, and wiring must be buried and concealed from view. Low voltage lights using white or frosted bulbs powered by small solar cells will be permitted.

### **Exterior Materials, Colors and Finishes**

1. General - Selections of specific brick, roofing material or paint colors shall be submitted for consideration based on a home's location. Each application for architectural approval will be evaluated on its own merit based on compatibility with the surrounding environment.
2. Exterior Color Scheme - The palette of exterior paints and stains for each residence shall be selected to compliment, coordinate and harmonize with the colors of masonry materials being used. Exterior colors selected for a residence may be modified or changed in order to respond to adjacent homes. Exterior colors that, in the opinion of the Architectural

Reviewer, would not be in harmony with the existing or planned architectural design of Bluestem Reserve shall not be permitted. Bright colors (other than white) as the dominant exterior color scheme are prohibited. Certain colors such as purple, orange, turquoise, pink, chartreuse, bright green, camouflage, etc., are specifically prohibited. White and black paint are allowed with the prior approval of the Architectural Reviewer. Brick color and areas of paint application will be taken into consideration in the approval process. Each applicant must submit selections of all colors to be used on exterior improvements. Repainting of any unsold home requires approval by the Architectural Reviewer.

3. Type of Brick and Percentage of Coverage - All homes and garages constructed in this Neighborhood must contain a minimum of 75% brick, wood, stucco, or stone coverage. Cementitious siding may also be used for exterior siding subject to approval of the Architectural Reviewer. Barns and other structures will be determined as a case-by-case basis but must carry elements of the design found on the home. Use of the following items are approved where appropriate:
  - a. Brick - All mortar joints shall be tooled. "Slump" joints are not acceptable. Mortar shall be natural and not colored unless prior approval is given by the Architectural Reviewer. The use of dark mortar is discouraged.
  - b. Stucco or Light Weight Concrete – Stucco or light weight concrete may be used as an exterior wall finish only if the quality and method of construction are acceptable to the Architectural Reviewer. When stucco or light weight concrete is used as an exterior wall material Architectural Reviewer has the right to require that stucco or light weight concrete be painted, if it is not uniform in color. All paint applied to stucco finishes must contain a mildew retardant.
  - c. Metals - Factory finished aluminum in durable anodized or baked-on enamel paint, wrought iron or copper metals are acceptable. Galvanized or mill finish materials are not permitted, unless approved by the Architectural Reviewer.
  - d. Wood - All exterior wood, except cedar, must have a painted or stained finish. Applications of a high gloss finish, such as from varnish or high sheen enamels, are prohibited. Non-reflective finishes may be used on exterior surfaces (except for hardware items). Non-pigmented wood sealant is permitted. Wood siding shall be horizontal or vertical lap type with a

weather exposure of no less than four and one-half inches (4½") and no more than seven and one-half inches (7½"). No diagonal siding shall be used except by special consent. It is required that all wood trim be smooth, high quality, finish-grade stock, stained or painted as approved by the Architectural Reviewer. Soffits made of hardboard, Masonite or cementitious siding requires special approval of the Architectural Reviewer.

- e. Synthetic Materials - Use of synthetic materials such as aluminum, vinyl siding or cementitious siding requires the approval of the Architectural Reviewer.

### **Fencing**

All fencing materials and location must receive prior approval of the Architectural Reviewer.

### **Garages**

All buildings shall have a minimum of a two (2) car garage. Carports are permitted subject to approval by the Architectural Reviewer placed in such a manner so as not to be visible to any street, common area or adjoining property. All garages must be large enough to accommodate both cars with garage doors closed. Unless specifically approved by Architectural Reviewer, garages and barns must be located in such a manner that they are not to be the primary structure viewed from streets, common areas or neighboring tracts.

### **Mechanical Equipment**

All air-conditioning compressors, electrical power boxes, gas meters, pool equipment, water-conditioning equipment, and other exterior equipment must be completely screened from public view. Screening may consist of architectural or planting elements to be approved by the Architectural Reviewer prior to installation.

### **Patio Covers or Extended Porches**

All structures must be of wood or galvanized metal construction. If a patio cover is attached to the house, then it must be integrated into the existing roofline and installed flush with the eaves. If the cover is to be shingled, the shingles must match the color and quality of those used on the residence. Supports for the covers must be painted wood, treated wood, or painted metal columns. Unfinished metal or corrugated fiberglass will be strictly prohibited from use. Pipe material used as a structural support must be painted. Frames must be painted to match the trim of the house

when untreated wood is used. Exposed surfaces must match or harmonize with the existing colors and materials of the home. Patio covers may not encroach into any utility easements. Patio covers must be situated to provide drainage solely into the owner's tract.

### **Unacceptable Patio Cover Materials**

- Metal structures (other than those mentioned above)
- Corrugated plastic or plastic webbing
- Fiberglass
- Wood shingles or reed or straw-like materials
- Built up roof cover or any bituminous materials

### **Acceptable Patio Cover Materials**

- Baked enameled finish aluminum
- Painted wood (to match trim of house)
- Natural pressure treated wood such as cedar, fir or redwood
- If canvas is used as a roofing material, it must be an earth tone color and the structure must be located where it is not visible from the street. The canvas must be maintained in a quality condition and replaced as wear and/or fading becomes visible or its replacement will be requested.

### **Roofs**

1. Roof Pitch, Form and Materials - Roofs may take on a variety of forms, however gabled and hipped roofs of uniform pitch are preferred. Mansard roofs, gambrel and other types of "exotic" roof forms are not permitted without the prior written permission of the Architectural Reviewer. All roof edges will have a minimum of six inches (6") overhang. Asphalt shingles, standing seam metal roofing and roof tiles are allowed, provided they complement the architectural style and color of the house. Wood shingles of any kind will not be permitted. Painting of roof materials is also prohibited.
2. Exposed Roof Metal - Since the roof material is an integral part of the exterior color scheme of a home, all roof penetrations including flashing and ventilators shall be painted to match the approved roof colors. Roof stacks, attic ventilators and plumbing vents shall be placed on rear slopes of the roofs where possible, and mounted perpendicular to the ground plane. The use of copper roofing on accent areas is permitted.

3. Skylights - The location and design of all skylights must receive approval from the Architectural Reviewer. Skylights on the front slope of any roof shall not be permitted without special approval from the Architectural Reviewer.
4. Solar Devices - Solar devices are permissible only on rear or side elevations, excluding those side elevations on corner tracts or rear elevations facing a greenbelt, and must not be visible from streets or adjoining neighbors.

### **Setback Criteria**

The placement of any building shall be in the most advantageous position to ensure that the views and privacies of surrounding residences are not adversely affected, but in no case will a structure/building be closer than 75 feet from any property line, unless a different setback line is shown on the Plat.

### **Size of Residence**

The minimum acceptable size of the primary residence must contain 2,000 square feet of heated and cooled living area.

### **Barns and Storage Buildings**

Barns and storage buildings will be permitted if they carry elements of the architectural design, materials and color of the home (including roofing). All auxiliary structures must be in the rear yard behind the back wall of the residence and may not exceed thirty feet (30') in height. Storage buildings may not be visible from streets, public areas or adjacent properties.

### **Swimming Pools**

Swimming pools and pool decking will be permitted but must be located behind the primary residence. Pool pumps and equipment must be located next to the main structure of the home and must not be visible from public area or adjoining property. Draining or back washing of pool water will not be permitted onto public streets or common areas. During construction of pool improvements, the site must be kept secure from public access.



**Window Treatments**

1. Windows - Aluminum windows, screens and sliding doors, as well as frames for fixed glass, shall have a factory applied baked enamel or anodized finish. Bronze, white or other colored finishes are acceptable finishes. The use of foil or reflective mirror finishes on windows is prohibited. Vinyl or aluminum clad and wood windows will be permitted subject to color approval.
  
2. Window Shades/Awnings - Canvas awnings are permitted to be installed on windows to reduce solar exposure. When allowed, they must be earth tone in color and must always be well maintained. Those awnings found unacceptable by the Architectural Reviewer will be subject to immediate replacement or removal upon notification by the Association or Architectural Reviewer at owner’s cost. Awnings will be allowed for use on patio covers, provided they comply with requirements for proper location and color and have received approval. Shades made of paper, bed sheeting, foil or other such temporary forms of material are not allowed.
  
3. Glazing / Glass Tinting – Non-reflective glazing or glass tinting will be considered by the Architectural Reviewer on a case-by-case basis; however, mirror finishes will not be permitted.

ADOPTED AS OF MARCH 20, 2019.

**BLUESTEM RESERVE  
OWNERS ASSOCIATION, INC.**

By: \_\_\_\_\_  
Name: Henry C. Schmidt, III  
Title: President

THE STATE OF TEXAS     §

COUNTY OF COMAL       §

This instrument was acknowledged before me on March \_\_\_\_\_, 2019, by HENRY C. SCHMIDT, III, President of BLUESTEM RESERVE OWNERS ASSOCIATION, INC., a Texas non-profit corporation, on behalf of same and in the capacity herein stated.

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Notary Public, State of Texas