



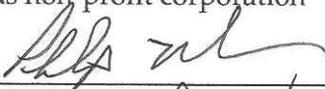
AFTER RECORDING RETURN TO:

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BELTERRA
MODIFICATION DESIGN GUIDELINES

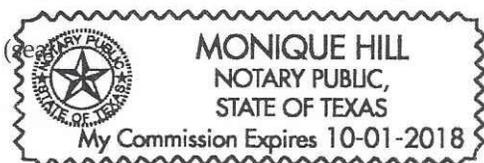
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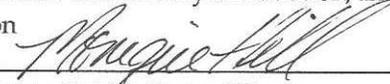
BELTERRA COMMUNITY ASSOCIATION., a
Texas non-profit corporation

By: 
Printed Name: PHILIP NOWLIN
Title: PRESIDENT, DIRECTOR

THE STATE OF TEXAS §
 §
COUNTY OF Dallas §

This instrument was acknowledged before me on this 16th day of April, 2015, by Philip Nowlin, President-Director of Belterra Community Association, Inc., a Texas non-profit corporation, on behalf of said non-profit corporation




Notary Public, State of Texas

Cross reference to Declaration of Covenants, Conditions and Restrictions of Belterra Community Association, Inc., recorded under Volume 2218, Page 1, Official Public Records of Hays County, Texas, as amended and those certain Beltterra Residential Design Guidelines, recorded under Volume 2218, Page 85, Official Public Records of Hays County, Texas.

BELTERRA
MODIFICATION DESIGN GUIDELINES

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I. Introduction

Any notice or information required to be submitted to the Modification Committee under these Modification Design Guidelines will be submitted to the CCMC, c/o Jeff Girardeau, 801 Belterra Drive, Austin, Texas 78737, Phone: (512) 301-7770.

A. **Background**

Belterra is a planned community located in Hays County, Texas which is subject to the terms and provisions of Declaration of Covenants, Conditions and Restrictions for Belterra Community Association, Inc., recorded under Volume 2218, Page 1 in the Official Public Records of Hays County, Texas (the “**Declaration**”) and those certain Belterra Residential Design Guidelines, recorded under Volume 2218, Page 85, Official Public Records of Hays County, Texas (the “**Design Guidelines**”). The Lots located in Belterra are subject to the terms and provisions of these Modification Design Guidelines (the “**Modification Design Guidelines**”).

B. **Modification Committee and Review Authority**

The Modification Committee consists of members who have been appointed by the **Board of Directors** (the “**Board**”). The Board has a substantial interest in ensuring that modifications within Belterra maintain and enhance the community’s aesthetic.

Article 8 of the Declaration includes procedures and criteria for the construction and/or modification of improvements within the Belterra community. *Section 8.02* of the Declaration provides that any and all improvements must be erected, placed, constructed, painted, altered, modified or remodeled in compliance with the requirements of the Design Guidelines, and *Section 6.03* of the Covenant and *Section 3.01* of the Development Area Declaration provides that no improvements may be constructed without the prior written approval of the Belterra Modification Committee. These Modification Design Guidelines constitute Design Guidelines as defined by the Declaration. The Modification Design Guidelines are intended to apply to modifications proposed for to be incorporated on a Lot after completion of residential improvements and after the Lot with a residential improvement constructed thereon has been conveyed by a homebuilder. Certain provisions of the Residential Design Guidelines recorded in Volume 2218, Page 86 of the Official Public Records of Hays County, Texas, may have applicability to modifications proposed by an Owner and the Residential Design Guidelines are incorporated herein by reference for such purpose. The Modification Committee may apply the Modification Design Guidelines and the Residential Design Guidelines to a proposed modification in the committee’s sole and absolute discretion; provided, however to the extent of a conflict between the terms and provisions of the Modification Design Guidelines and the Residential Design Guidelines, the terms and provisions of the Modification Design Guidelines shall control. Each Owner is advised to review the Modification Design Guidelines and the Residential Design Guidelines.

II. Governmental Requirements

Governmental ordinances and regulations are applicable to all Lots within Belterra, including, but not limited to federal, state, county and local requirements. It is the responsibility of each Owner to obtain all necessary permits and inspections. Compliance with these Modification Design Guidelines is not a substitute for compliance with the applicable ordinances and regulations. Please be advised that these Modification Design Guidelines do not list or describe each requirement that may be applicable to a Lot within Belterra. Each Owner is advised to review all encumbrances affecting the use and improvement of their Lot prior to submitting plans to the Modification Committee for approval. Furthermore, approval by the Modification Committee should not be construed by the Owner that any Improvement complies with the terms and provisions of all encumbrances that may affect the Owner's Lot.

The Modification Committee shall bear no responsibility for ensuring plans submitted to the Modification Committee comply with any applicable building codes, zoning regulation and other government requirements. It is the responsibility of the Owner to secure any required governmental approvals prior to construction on such Owner's Lot.

III. Interpretation

In the event of any conflict between these Modification Design Guidelines and the Declaration, the Declaration shall control. Capitalized terms used in these Modification Design Guidelines and not otherwise defined in this document shall have the same meaning as set forth in a Declaration.

IV. Amendments

Pursuant to *Section 8.03* of the Declaration, the Board shall have the authority from time to time to repeal and amend these Modification Design Guidelines. All amendments shall become effective upon recordation in the Official Public Records of Hays County, Texas. Amendments shall not apply retroactively so as to require modification or removal of work already approved and completed or approved and in progress. It is the responsibility of each Owner to ensure that they have the most current edition of the Modification Design Guidelines and the Residential Design Guidelines and every amendment thereto.

V. Architectural Review Overview

A. Responsibility for Compliance

An applicant is responsible for ensuring that all of the applicant's representatives, including the applicant's architect, engineer, contractors, subcontractors, and their agents and employees, are aware of these Modification Design Guidelines, the Residential Design Guidelines, and all requirements imposed by the Modification Committee as a condition of approval.

B. Approval and Review Fees

No Improvements may be commenced until the Owner has received a written approval from the Modification Committee. The Modification Committee may adopt a schedule of fees for plan review.

C. Inspection

Upon completion of all approved work, the Owner must notify the Modification Committee. The Modification Committee or the Board on behalf of the Modification Committee may inspect the work at any time to verify conformance with the approved submittals as outlined in *Section 8.08* of the Declaration.

VI. Architectural and Aesthetic Standards

A. Storage Sheds

Storage sheds are considered permanent structures and therefore must be constructed with materials equal in quality grade of those used for the construction of the home. The following restrictions are applicable for the construction of storage sheds:

- Color of both siding and trim must match the color of the paint on the home or another color approved by the Modification Committee.
- Storage shed shingles must match those used on the home.
- Storage sheds constructed of metal, plastic or plywood are prohibited.
- Maximum height permitted for storage sheds is nine (9) feet in height measured from the ground to the highest point of the structure.
- Maximum square footage of a storage shed should not exceed 120 square feet.
- No storage sheds shall be located nearer than ten (10) feet of the rear Lot line and five (5) feet of the side Lot line.

The height and square footage requirements will be determined by the Modification Committee in its sole and absolute discretion. Each Owner who submits a storage shed for approval acknowledges and agrees that the methodology used by the Modification Committee to measure height and square footage shall be conclusive.

B. Solar Energy Devices

The guidelines for the installation of Solar Energy Devices are set forth in Belterra Community Association, Inc. Statutory-Based Rules and Regulations which are recorded under Document No. 2012063529 of the Official Public Records, Travis County, Texas.

C. Satellite Dishes

See Section 7.01(j) of the Declaration.

D. Flag and Religious Displays

The guidelines for Flags and Religious Displays are set forth in Belterra Community Association, Inc. Statutory-Based Rules and Regulations which are recorded under Document No. 2012063529 of the Official Public Records, Travis County, Texas.

E. Arbors/Pergolas/Patio Covers/Decks

Plans shall be submitted to the Modification Committee for review and approval prior to the commencement of construction.

F. Pools

An application must be submitted to the Modification Committee in conjunction with the review of any application for any proposed swimming pool, spa, or hot tub. The materials, location and construction of all pools, spas and hot tubs must be approved in advance by the Modification Committee. Above ground pools are strictly prohibited within Belterra. Each Owner is advised that a separate permit must be obtained from Hays Water Control and Improvement District No. 1 and No. 2, which is a condition to approval by the modification Committee. Further information regarding the required permits may be found at www.hayswcid.org.

G. Playscapes, Trampolines and Sport Courts

Playscapes, swing sets, recreational or sport courts, basketball goals (temporary and permanent), batting cages, trampolines and any other recreational equipment to be located on a Lot must be approved in writing by the Modification Committee prior to the commencement of construction or placement. Homes adjacent to Common Area and boulevards may be subject to additional requirements as determined, from time to time or based on a particular application, by the Modification Committee.

- Location. Equipment must be installed and placed a minimum of ten (10) feet from rear Lot lines and five (5) feet from side Lot lines.
- Material. Equipment must be made of stained or painted wood, as to match the trim on the home, or a painted metal frame.
- Height. Equipment may not exceed nine and one half feet (9' 6") in height from the ground to the highest point.

The height requirements will be determined by the Modification Committee in its sole and absolute discretion. Each Owner who submits a storage shed for approval acknowledges and agrees that the methodology used by the Modification Committee to measure height shall be conclusive.

H. Fence Stain

Approved fence stains by Behr Premium Wood Coatings are as follows:

- ST-122- Redwood Natural
- ST-146- Cedar
- ST-533- Cedar Natural

Approved fence stains by Sherwin Williams are as follows:

- ST-3588 Decksapces Ext Deck Stain Oil Based Hawthorne Single Coat

Any part of the fence that is visible from any street shall be routinely re-stained (no less than every four years) in the approved stain color.

I. Rainwater Harvesting Systems

The guidelines for the installation of Rain Barrels are set forth in Belterra Community Association, Inc. Statutory-Based Rules and Regulations which are recorded under Document No. 2012063529 of the Official Public Records, Travis County, Texas.

J. Room Additions

Each Owner is advised that the Modification Committee may refuse to consider any request that proposes to convert an existing garage into a condition which would allow the garage to be used for living purposes, as determined in the sole and absolute discretion of the Modification Committee. In addition, for all proposed room additions, the proposed exterior materials and color must match the exterior materials and colors of the existing residence unless otherwise approved in advance by the Modification Committee.

VII. Landscape Guidelines

Significant landscaping changes from builders original landscaping require approval by the Modification Committee. Each Owner is advised to contact the Modification Committee prior to modifying or introducing additional landscaping on a Lot to determine if the modification or addition will require Modification Committee approval. If the modification or addition is deemed significant by the Modification Committee after installation, the Owner may be required to restore the Lot to the condition prior to modification or remove such additional landscaping. In addition: (i) all trees installed by an Owner must be located no closer than five (5) feet from an existing fence line; and (ii) all retaining walls must be approved in advance by the Modification Committee. The installation of native or drought-resistant landscaping or water-conserving turf on a residential lot, which is a landscaping procedure known as xeriscaping (“**Xeriscaping**”) will be allowed in certain instances in accordance with that certain Xeriscaping Policy which is recorded under Document No. 2014-14033383 in the Official Public Records of Hays County, Texas.