



Dana DeBeauvoir

Dana DeBeauvoir, County Clerk
Travis County, Texas

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STATE OF TEXAS §

COUNTY OF TRAVIS §

**NOTICE OF DEDICATORY INSTRUMENTS OF
BELVEDERE HOMEOWNERS ASSOCIATION, INC.**

Document reference. Reference is hereby made to that certain Declaration of Covenants, Conditions and Restrictions for Belvedere Homeowners Association, Inc., recorded as Document No. 2016036296 in the Official Public Records of Travis County, Texas (together with all amendments and supplemental documents thereto, the "**Declaration**").
Reference is hereby made to rules previously adopted by the Association, filed of record as Document No. 2017114020 in the Official Public Records of Travis County, Texas (together with all amendments and supplemental documents thereto, the "**Rules**").

WHEREAS the Declaration provides that owners of lots subject to the Declaration are automatically made members of Belvedere Homeowners Association, Inc. (the "**Association**");

WHEREAS the Association, acting through its board of directors (the "**Board**"), is authorized to adopt and amend rules and regulations governing the property subject to the Declaration and the operations of the Association pursuant to Section 2.1 of the Declaration and state law; and

WHEREAS the Board has voted to amend the Rules by adopting new sections XII through XX and modifying section VIII, all as set forth in Exhibit "A". To the extent of any conflict with previously-recorded rules, the rules on Exhibit "A" control.

THEREFORE, the attached amendment to the Rules has been, and by these presents is, adopted and approved.

Belvedere Homeowners Association, Inc.
Acting by and through its Board of Directors

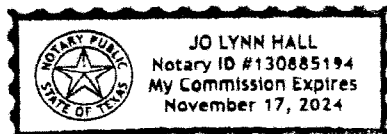
Mark J. Greene
NAME: Mark J. Greene
TITLE: President

Exhibit "A": Rules

Acknowledgement

STATE OF TEXAS §
COUNTY OF Travis §

This instrument was acknowledged before me on the 25 day of October, 2021,
by Mark J. Greene in the capacity stated above.



[Signature]
Notary Public, State of Texas

EXHIBIT "A"

**RULES OF
BELVEDERE HOMEOWNERS ASSOCIATION, INC.**

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SECTION VIII

EXTERIOR LIGHTING

- 8.1 **General:** The intent of this outdoor lighting rule is to maintain the visibility of the natural skylight of all Owners and to minimize outdoor light pollution. Outdoor lighting (home and landscape, except holiday lighting) previously approved and/or existing on or before March 23, 2016, are considered grandfathered with respect to the requirements in sections 3. and 4. of this rule. However, modifications to existing outdoor lighting made subsequent to March 23, 2016, are subject to all provisions of this rule.

- 8.2 **Prior approval required:** All outdoor lighting, whether new or a material modification to existing outdoor lighting, must receive the prior written approval of the Architectural Control Committee, must meet the requirements of this rule, and must comply with all local ordinances. A material modification includes the addition and/or repositioning of more than three (3) outdoor lighting fixtures per residence, whether in a single occurrence or in aggregate. An outdoor lighting plan ("Plan") is to be submitted to the ACC for review. The Plan is, at a minimum, to include:

- A site plan including the outline of all structures, indicating the location and type of each current and proposed outdoor lighting fixture.
- An itemized tabulation of all existing and proposed outdoor lighting fixtures, including their location (e.g. garage, front entry, doorways, walkways, foliage / trees, etc.), fixture type, whether or not the fixture is fully shielded / full cut-off, lamp type and lumen output by fixture. Tabulation is to include the total lumen output for all outdoor lighting at the residence, inclusive of existing and proposed fixture(s).
- For purposes of this rule, ceiling mounted, recessed can fixtures within the covered area of an outdoor patio are not to be included in Plan.

8.3 General requirements:

- All outdoor lighting fixtures are to be fully shielded and not exceed the allowed lumen output in Table A. Beyond the shielding requirements, all lighting fixtures are to be located, aimed and/or shielded (by the fixture itself or the immediate building structure) so that direct glare is not visible from, and light trespass is minimized to the extent practical onto, other Lots, HOA Lots, Common Areas and roadways. Outdoor lighting, whether mounted to a structure or placed along walkways or in landscaped areas, should not be overly concentrated in one area of the lot. The ACC can require that lighting fixtures be relocated or removed if it determines that lighting is too concentrated in any area.
 - Exceptions:
 - One or two partly shielded or unshielded fixtures at the main entry, not exceeding the allowed lumen output in Table A, row 1. Glare and light trespass requirements, as noted above, are applicable.
 - Underwater lighting in swimming pools and other water features.
 - Temporary lighting and seasonal lighting provided that individual lamps are less than 10 watts and 70 lumens.
- Sodium, mercury vapor, and bare High Intensity Discharge (HID) lighting, along with spot and flood lighting, is prohibited and not subject to the grandfathering provision in section 1 of this rule.
- Total lumens of all outdoor lighting are not to exceed 15,000 lumens per residence. Total lumens of a landscape / walkway lighting system alone are not to exceed 10,000 lumens per residence.
- Rated color temperature of light sources (luminaires) is not to exceed 3,200 Kelvin.

Table A – Outdoor Lighting Limits

Lighting Application	Max. Lumens per Fixture
Row 1: Maximum allowed lumens* for each partly shielded or unshielded fixtures at main entry only	420
Row 2: Maximum allowed lumens* for each fully shielded fixture	1,260
Row 3: Maximum allowed lumens* for each low voltage landscape / walkway lighting fixture	600

* Lumens equals Initial Lamp Lumens for a lamp, multiplied by the number of lamps in the fixture.

8.4 Landscape / Walkway Lighting: Lighting is to be low voltage-type and shielded. The use of solar-powered landscape lighting fixtures is discouraged; however, if utilized, such fixtures are subject to the same requirements as hard-wired lighting with regard to lumen output per fixture, fixture density, and color temperature as set forth in this Section. All such lighting requires prior approval by the ACC. Additional requirements beyond those in section 3 of this rule include:

- Lighting fixtures must be spaced at least five feet apart.
- Up lighting of structures and/or landscaping should be conservative. Up lighting of foliage is restricted to evergreen trees only. Up lighting of yard art and/or structures other than the primary residence is prohibited.
- Lighting of outdoor sporting or recreational facilities (e.g., sport courts, basketball courts, putting greens, etc.) is prohibited.
- Owners are required to maintain all lighting in good condition and repair.
- Landscape / Walkway lighting is encouraged to be off from 11:00 p.m. until sunrise.

8.5 Holiday lighting: Temporary lighting used for a specific celebration which may be one of the following types below. Said lighting is allowed as an exception to this provision, provided that all holiday lights are illuminated no sooner than 30 days before a holiday and removed no later than 14 days after said holiday.

- Festoon type low-output lamps (i.e., mini lights, C7/C9, and T8 type), limited to small individual bulbs on a string.
- Low-output lamps used to internally illuminate yard decorations (e.g., inflatable characters). Externally-mounted flood and spot lights are prohibited.
- Holiday lighting is encouraged to be off from 11:00 p.m. until sunrise.
- Flashing holiday lights are prohibited.

8.6 Definitions:

- Fixture: The complete lighting unit, consisting of a lamp, or lamps and ballast(s) (when applicable), together with the parts designed to distribute the light (reflector, lens, diffuser), to position and protect the lamps, and to connect the lamps to the power supply.
- Fixture - Fully Shielded: A fixture constructed and installed in such a manner that the emitted light, either directly from the lamp or a diffusing element, or indirectly by reflection or refraction from any part of the fixture, is projected.
- Fixture - Unshielded: A fixture capable of emitting light in any direction including downwards.
- Glare: Light entering the eye directly from a light source or indirectly from reflective surfaces that causes visual discomfort and/or reduced visibility.
- Light Trespass: Light that falls beyond the property it is intended to illuminate.
- Lumen: Unit of measure used to quantify the amount of light produced by a lamp or emitted from a fixture (as distinct from “watt,” a measure of power consumption).

SECTION XII**POOL ENCLOSURE FENCING**12.1 Definitions:

“Pool enclosure” means a fence that:

- a. surrounds an existing approved water feature including a swimming pool or spa;
- b. consists of transparent mesh or clear panels set in metal frames;
- c. is not more than 6’ tall at any point; and
- d. is designed not to be climbable.

12.2 General requirements:

- Subject to this rule, owners may install a pool enclosure around a water feature located solely on property wholly owned by the owner.
- All pool enclosures must be black in color absent express approval of alternate color(s) by the ACC. The ACC may approve an alternate color but has no duty to do so.
- All pool enclosures must consist of transparent mesh set in metal frames absent express approval of an alternate construction design by the ACC. The ACC may approve an alternate construction design but has no duty to do so.
- All pool enclosures must be maintained in a neat and attractive condition.
- All plans for any pool enclosure must be approved by the ACC prior to construction. All architectural requirements of the dedicatory instruments shall also apply, except to the extent expressly in conflict with this rule.

SECTION XIII
RELIGIOUS DISPLAYS

- 13.1 **General:** The following rule outlines the restrictions applicable to religious displays in order to permit them while also striving to maintain an aesthetically harmonious and peaceful neighborhood for all neighbors to enjoy. Allowed religious displays are limited to displays motivated by the resident's sincere religious belief¹.
- 13.2 **Prohibited Items:** No religious item(s) displayed may:
- a. threaten the public health or safety;
 - b. violate a law²;
 - c. contain language, graphics, or any display that is patently offensive to a passerby;
 - d. be installed on property owned or maintained by the Association;
 - e. be installed on property owned in common by two or more members of the Association;
 - f. be located in violation of any applicable building line, right of way, setback, or easement; or
 - g. be attached to a traffic control device, street lamp, fire hydrant, or utility sign, pole, or fixture.
- 13.3 **Parameters:** All religious displays must be located within 10' of the dwelling's frontmost building line (i.e., within 10' of the front facade of the dwelling). Displays may not be located within building setbacks. No portion of the display may extend above the lowest point of the dwelling's front roof line. All displays must be kept in good repair. Displays may not exceed 5' in height x 3' in width x 3' in depth. The number of displays is limited to three. This paragraph 3 shall not apply however to seasonal religious holiday decorations as described in paragraph 4. All displays other than seasonal religious displays must receive approval from the ACC prior to installation, except for up to one display on any exterior door or door frame of the home that is 25 square inches or smaller. For example, and without limitation, no prior permission is required from the Association to place a cross, mezuzah, or other similar religious symbol smaller than 25 square inches on the home's front door or door frame. If the dedicatory instruments do not designate an architectural reviewing body (such as the ACC), the approval must be received from the Board.
- 13.4 **Seasonal Religious Holiday Decorations:** Seasonal religious holiday decorations are temporary decorations commonly associated with a seasonal holiday, such as Christmas or Diwali lighting, Christmas wreaths, and Hanukkah or Kwanzaa seasonal decorations. The Board has the sole discretion to determine what items qualify as Seasonal Religious Holiday Decorations. Unless otherwise provided by the Declaration, Seasonal Religious Holiday Decorations may be displayed no more than 30 days before and no more than 14 days after the holiday in question.

¹ Religion relates to faithful devotion to a god or gods or the supernatural. Religious displays are different than signs or other figures related to a cause. For example, "Save the Whales" or other movements/causes are not considered religious displays.

² Other than a law prohibiting the display of religious speech. Please note that the First Amendment to the U.S. Constitution is not applicable to private organizations like clubs or community associations; the First Amendment protects certain speech from *governmental* restraints.

- 13.5 Other displays: Non-religious displays are governed by other applicable governing document provisions.
- 13.6 Removal: The Association may remove or cause to be removed any item in violation of the terms and provisions of this policy.

SECTION XIV
SECURITY MEASURES

- 14.1 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.
- 14.2 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 and/or outbuilding³, 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 possible⁴.
- 14.3 Perimeter fencing: Perimeter fencing when used in this Section means any ground-mounted fence or portion thereof that is installed on near a boundary line of the lot and that is installed in a contiguous manner around the entirety of the lot boundaries. Perimeter fencing does not include ornamental fencing. Ornamental fencing is defined as any fencing of which any portion thereof is less than 48" in height. A gate in a fence is part of the fence for all purposes considered. Except to the extent expressly provided in other dedicatory instruments, the Association may prohibit any fencing other than perimeter fencing. All fencing including perimeter fencing must receive prior written approval from the ACC. With regard to fencing adjacent to a street, alley, or other through-way, the Association may require a particular setback so as to maintain a more uniform aesthetic.
- 14.4 Security Bars: The style, material, size, color and appearance of all security bars/grates must be approved by the ACC prior to installation on any structure. Unless the ACC approves otherwise, security bars must be made of iron bars or similar material that are spaced six inches on center, and of a color that matches/complements the structure. Use of a release mechanism that allows emergency escape/rescue is strongly encouraged for all applications of security bars where it is not already required by code.

³ For example, cameras may not be mounted on a pole in the yard.

⁴ For example, Ring-type doorbell cameras often incidentally capture portions of properties across the street. This is not disallowed.

- 14.5 Parameters; Plans and specifications: Prior to installation of any security measure, owners must submit plans and specifications including dimensions, colors, materials, and proposed location on the owner's lot, scaled in relation to all boundary lines and other improvements on the lot. Plans must be approved by the ACC prior to installation of any improvements. 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.

SECTION XV

BID PROTOCOL FOR PROJECTS EXCEEDING \$50,000

In the event that the Association proposes to contract for services that contemplate more than \$50,000 in expenditures in a single contract scope of work⁵, the Association will solicit bids or proposals in accordance with the provisions of this Section. The Board or manager acting on behalf of the Board shall use good faith effort to obtain at least three bids⁶ for the project based on a consistent scope of work presented to the would-be bidders. The Board will review any bids and make a final decision on to whom to award the contract. Among the factors the Board may consider in its discretion when making its decision are: experience, reputation, pricing, past dealings, availability, warranties offered, ongoing warranties, and any other factor that the Board in its reasonable discretion considers relevant. The Board and manager will be deemed to have used good faith effort to obtain three bids if an agent of the Association has submitted a bid request to at least three vendors and given each vendor at least seven days to submit a bid or proposal. Notwithstanding, multiple bids need not be solicited if after good faith efforts multiple service providers cannot be found, or using a different service provider would void one or more warranties.

SECTION XVI

TRANSFER FEES

In addition to fees for issuance of a resale certificate and any updates or re-issuance of the resale certificate pursuant to Texas Property Code Ch. 207, transfer fees are due upon the sale of any property in accordance with the then-current fee schedule, including any fee charged by the Association's managing agent associated with a transfer of property. It is the owner/seller's responsibility to determine the then-current fees. Transfer fees not paid at or before closing are the responsibility of the purchasing owner and will be assessed to the owner's account accordingly. The Association may require payment in advance for issuance of any resale certificate or other transfer-related documentation.

⁵ This protocol is n/a for example to a contract payable monthly which over a number of months or years may eventually result in \$50,000 or more in expenditures.

⁶ But recognizing that it is not feasible to obtain bids from parties who choose not to bid, is not required to obtain three bids and is only required to make good faith effort to attempt to do so.

If a resale certificate is not requested and a transfer occurs, all fees associated with the transfer, including Association record update fees will be the responsibility of the new owner and may be assessed to the unit's account at the time the transfer becomes known. These fees will be set according to the then-current fee schedule of the Association or its managing agent and may be equivalent to the resale certificate fee or in any other amount⁷.

SECTION XVII
COLLECTION PROTOCOL

The Board of the Association is charged with overseeing the administration of the Association, including but not limited to the collection of assessments and other charges from the members. Late fees and collection costs may be charged for unpaid amounts. The Association has engaged the services of a professional association management company (including all agents of management company, "Manager") to perform day-to-day administrative tasks on behalf of the Association and may or has engaged a law firm ("Firm") to provide collection services through a licensed attorney. The timely collection of assessments is critical to ensuring that the Association can remain fully-funded and capable of fulfilling its duties to the members, and as such the Board desires that delinquent assessments be collected with a minimum of delay and expense.

The Board hereby authorizes Manager and any successor management companies/management company agents retained by the Association with the authority to communicate with any Firm engaged by the Association with regard to collection activity, and the Board hereby authorizes, once the account is turned over to the Firm, for all successive collection steps to be carried out by the Firm on behalf of the Association should amounts remain unpaid, without further vote or action of the Board. This authority includes without limitation all statutorily-required notices, all title searches, lien filing, and other steps consistent with Firm's standard collection protocol⁸. This authority notwithstanding, Manager, and any successor management company, shall communicate with the Board and/or certain designated officers on a regular basis with regard to collection actions, and the Board reserves the right to establish policies with regard to collection efforts generally and to make decisions about particular collection actions on a case-by-case basis if and when it deems appropriate. The Board may terminate collection action on any owner account at any time.

⁷ To the extent of any conflict with any prior transfer fee rule terms, the language of this rule supersedes.

⁸ This includes without limitation account set up, 30-day demand letter, response to Fair Debt Collection Act dispute letter, lien filing, lien release, payment plan administration, title reports, notice of intent to foreclose (notice of default statutory lien), foreclosure petition filing, and foreclosure sale.

SECTION XVIII
LEASING INFORMATION

To the extent leasing is authorized under other dedicatory instruments, in addition to any other information required by any dedicatory instrument to be provided regarding leasing, the following information must be provided to the Association promptly (within five business days) upon request by the Association:

- a. Contact information including name, mailing address, phone number and email address for each person who will reside at the property (all tenants and occupants); and
- b. Commencement date and term of the lease.

SECTION XIX
IMPERVIOUS COVER

19.1 **General:**

Following adoption of this rule, the following maximums will continue to apply for each lot:

- a. Impervious cover is 9,400 square feet;
- b. Number of out-buildings is one; and
- c. Size of a storage structure is 100 square feet.

Following adoption of this rule, the following additional maximums apply for each lot:

- Outbuilding size is 1,600 square feet; and
- If the outbuilding is primarily intended as a casita, its size is 1,200 square feet, and is limited to one story with a maximum 12-foot plate height.

- 19.2 **Impervious Cover Credits:** Credits from use of an ACC-approved rainwater harvesting system is limited to a maximum of 2,500 square feet per lot. Additional rainwater harvesting capacity can be installed but will not result in greater credit. Credits from rainwater harvesting can only be obtained through the use of rainwater harvesting systems as described in Section XX.

SECTION XX. RAINWATER HARVESTING SYSTEMS

- 20.1 **General Rules:** All rainwater that is harvested must be stored in closed tanks, either above or below ground. The maximum amount of above-ground storage is 10,000 gallons, and the maximum number of above-ground tanks is two (additional storage capacity must be below-ground). Above-ground tanks must not exceed 8 feet in wall height, and must be fully shielded from view from the street, neighboring lots, and common areas by wood or masonry cladding that covers the entire tank, excluding the roof, and matches or complements the exterior of the residence. The roof of the

tank should be standing-seam metal to match or approximate in color the roof of the residence. Alternatively, at its discretion, the ACC may allow a masonry wall that screens the entire tank (including the roof) and associated equipment from view. The storage tank pad and the pad for associated equipment, if any, must be included in all calculations of impervious cover.

20.2 Approval Required for All Rainwater Harvesting Systems: Prior to the installation of any rainwater harvesting system (or any part thereof), prior written permission must be received from the ACC.

Owners wishing to install such a system must submit plans showing the proposed location, color(s), material(s), shielding, dimensions of the proposed improvements, and whether any part of the proposed improvements will be visible from the street, another lot, or a common area. All elements of the system must be located within the building setbacks of the lot, and no above-ground element may be installed forward of the front facade of the home.

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