



AFTER RECORDING RETURN TO:

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BALCONES CREEK

AMENDMENT

TO DESIGN GUIDELINES – 55' GARDEN LOTS

Bexar County, Texas

Cross reference to Balcones Creek Design Guidelines – 55' Garden Lots, recorded as Document No. 20140190375, in the Official Public Records of Bexar County, Texas, as amended.

**BALCONES CREEK
AMENDMENT TO DESIGN GUIDELINES – 55' GARDEN LOTS**

This Amendment to Design Guidelines for Balcones Creek – 55' Garden Lots (“**Amendment**”) is made by the **LHM BALCONES CREEK DEVELOPMENT, INC.**, a Texas corporation, (the “**Declarant**”) and is as follows:

RECITALS:

A. Declarant previously adopted the Balcones Creek Design Guidelines – 55' Garden Lots, recorded as Document No. 20140190375, in the Official Public Records of Bexar County, Texas, as amended (the “**Design Guidelines**”).

B. Pursuant to the Design Guidelines, Balcones Creek Reviewer, acting alone, may amend these Design Guidelines. The Balcones Creek Reviewer means Declarant until the expiration or termination of the Development Period.

C. The Development Period means the period of time beginning on the date when the Covenant has been recorded and ending seventy-five (75) years thereafter. The Covenant was Recorded on March 21, 2013, hence the Development Period is still effective.

D. The Declarant desires to amend and modify the Design Guidelines as set forth in this Amendment.

NOW THEREFORE, the Declarant hereby amends and modifies the Design Guidelines as follows:

1. Greenbelt/Open Spaces Lots. The below language is hereby deleted in its entirety from the Section entitled “Greenbelt/Open Space Lots” on page 9 thereof:

“Shed or outbuildings will not be permitted on any Lot adjacent to Greenbelt/Open Space Lots”

2. Greenbelt/Open Spaces Lots – Access. The below language is hereby added to the Section entitled “Greenbelt/Open Space Lots” on page 9 thereof:

“The use of Greenbelt/Open Space Lots for access to a Lot is not permitted without the written consent of the Balcones Creek Reviewer”

3. Exterior Lighting. The below language is hereby added to the Section entitled “Exterior Lighting” on page 12 thereof:

“Permanent decorative soffit lighting must be approved by the Balcones Creek Reviewer and shall not display unreasonably excessive colors or flashing modes as determined by the Balcones Creek Reviewer.”

4. **Landscape Guidelines.** The first paragraph from the Section entitled "Landscape Guidelines" on page 12 thereof is hereby deleted in its entirety and replaced with the following:

"Detailed landscape plans for each Lot may be submitted to the Balcones Creek Reviewer for consideration after construction of the principal residential structure thereon has begun, so long as such submission occurs at least ninety (90) days before completion of the residence. Upon written request, however, the Balcones Creek Reviewer may waive the requirement of landscape plans for any Lot by a Homebuilder. There shall be no revisions made to approved plans without submission to, and approval by, the Balcones Creek Reviewer of the revised plans. All introduced vegetation shall be trees, shrubs, vines, ground covers, seasonal flowers or sodded grassed which are commonly used in South Central Texas for landscaping purposes and which are approved by the Balcones Creek Reviewer. Landscaping in accordance with the approved plans shall be installed within ten (10) days after issuance of a certificate of occupancy with respect to the principal residential structure. Extensions to the time limit may be granted by the Balcones Creek Reviewer for up to an additional thirty (30) days on a case by case basis. The approved plans shall include permanent sodded zoysia grass or "ground cover" in all sodded areas. Winter rye shall be considered a temporary measure to reduce soil erosion through the winter season, and shall be completely removed and replaced with sodded grass according to the approved plans. Each Lot shall be landscaped, at a minimum, with: (i) full sodded front and side yards (in front of fences), with backyards to be fully sodded by the Owner within thirty (30) days after acquiring occupancy of the Lot for residential purposes; provided, however, a Lot may contain no less than forty percent (40%) sod in the front and side yards with the prior written approval of the Balcones Creek Reviewer, (ii) the following number of hardwood shade trees--two (2) per Lot on all Lots other than corner Lots and four (4) per corner Lot (with two (2) in the front portion of the Lot, and two (2) in the side of the Lot adjacent to the street), and ten (10) shrubs sized five gallons or more. The hardwood shade trees required by this Section shall be no smaller in size than 3" caliper. Trees and other foliage over 3' tall need Balcones Creek Reviewer approval. After installation, landscaping (including temporary landscaping) shall be properly maintained at all times. Any Owner who wishes to plant one or more gardens upon their Lot must obtain the approval of the Balcones Creek Reviewer of any such garden and must follow applicable requirements as to size of the Lot, visibility of the Lot from other Lots, streets or common areas, and such other matters as the Balcones Creek Reviewer may specify in any written approval. Artificial turf is permitted in the rear yard of a Lot with the prior written approval of the Balcones Creek Reviewer."

4. **Landscape Guidelines – Maintenance.** The seventh paragraph from the Section entitled "Landscape Guidelines" on page 14 thereof is hereby deleted in its entirety and replaced with the following:

"Grass will be trimmed away from sidewalks, the principal residential structure, planted areas and other obstacles. It is suggested that line trimmers, mechanical edger and chemicals are employed to keep a neat, tidy appearance. Owners shall keep sidewalks, streets and curbs free of grass and weeds."

5. **Irrigation.** The following is hereby added to the Section entitled "Irrigation" on page 15 thereof:

"Irrigation Requirements:

- A. Watering landscaping by hose end sprinklers or permanently installed automatic sprinkler systems between 10am and 7pm is prohibited.
- B. Watering by hand-held hose, drip irrigation, or soaker hose is allowed at any time. No more than 3 hours per day.
- C. Watering or irrigating of any landscaping in a manner that causes or allows excessive water flow or runoff onto adjoining sidewalk, driveway, parking area, street, or ditch is prohibited.
- D. All restrictions herein are in addition to any restrictions placed by any municipality or utility regulator."

6. **Fencing.** The first paragraph from the Section entitled "Fencing" on page 15 thereof is hereby deleted in its entirety and replaced with the following:

"Fencing of front yards is not permissible. Solid walls enclosing an entire site are not permitted. All Lots shall have fencing of six feet (6') in height. Fences shall be constructed of wood, finished in Behr #503 Semi-Transparent Natural Cedar Tone and approved by the Balcones Creek Reviewer. The Fence must be located ten feet (10') pastern to the front elevation of the principal residential structure and no farther from the front elevation than the midpoint of the principal residential structure. In the event of any dispute or disagreement as to the location of a fence on a Lot, the decision of the Balcones Creek Reviewer, in its sole and absolute discretion, will be final."

7. **Basketball Goals and Sporting Equipment.** The Section entitled "Basketball Goals and Sporting Equipment" is hereby deleted in its entirety and replaced with the following:

Basketball goals, or backboards, or any other similar sporting equipment of either a permanent or temporary nature shall not be placed on any Lot or street

or where same would be visible from an adjoining street or Lot without the prior written consent of the Balcones Creek Reviewer.

Permanent goals must meet the following criteria:

- the metal pole must be permanently mounted into the ground to the side of the driveway in a full upright position at least 25' back from the curb;
- the pole, backboard and net must be maintained in good condition at all times; and
- poles may not be installed in front of the garage or facing into the street.

Portable goals are permitted provided the following criteria are met:

- the goal must be placed to the side of the driveway at least 15' back from the curb;
- the pole, backboard and net must be maintained in good condition at all times;
- goals may not be rolled into the street or any other public right-of-way; and
- goals may not be placed in front of the garage or facing the street; provided, however, goals may be retracted or disassembled if the disassembled pieces are placed out of view from the street and adjacent Lots.

The Balcones Creek Reviewer shall have the authority to establish additional guidelines for the placement and design of basketball goals, backboards, or any other similar sporting equipment and the same shall be kept and maintained out of view from any street, except in accordance with any such established guidelines.

8. **Miscellaneous.** Any capitalized terms used and not otherwise defined herein shall have the meanings set forth in the Master Covenant or the Design Guidelines. Unless expressly modified by this Amendment, all other terms and provisions of the Design Guidelines remain in full force and effect as written, and are hereby ratified and confirmed.

[signature page to follow]

EXECUTED TO BE EFFECTIVE on this 7 day of March, 2025.

THE BALCONES CREEK REVIEWER:

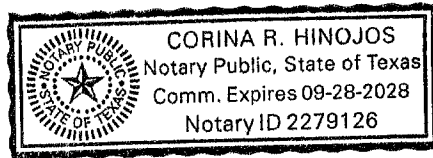
LHM BALCONES CREEK DEVELOPMENT,
INC., a Texas corporation

By: Jay Hanna
Name: JAY HANNA
Title: PRESIDENT

THE STATE OF TEXAS §
COUNTY OF Travis §

This instrument was acknowledged before me on this 7th day of March, 2025, by Jay Hanna, President of LHM Balcones Creek Development, Inc., a Texas corporation, on behalf of said corporation.

(Seal)



Corina R. Hinojos
Notary Public Signature

File Information

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LUCY ADAME-CLARK, BEXAR COUNTY CLERK**

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Any provision herein which restricts the sale or use of the described real property because of race is invalid and unenforceable under Federal law

STATE OF TEXAS, COUNTY OF BEXAR

I hereby Certify that this instrument was eFILED in File Number Sequence on this date and at the time stamped hereon by me and was duly eRECORDED in the Official Public Record of Bexar County, Texas on: 3/10/2025 10:15 AM



Lucy Adame-Clark
Lucy Adame-Clark
Bexar County Clerk