

STATE OF TEXAS §

COUNTY OF HAYS §

AMENDMENT OF RULES AND REGULATIONS
OF
THE POLO CLUB AT ROOSTER SPRINGS HOME OWNERS ASSOCIATION, INC.
(regarding Solar Systems and Rainwater Harvesting Guidance)

Document reference. Reference is hereby made to that certain Fourth Amended and Restated Declaration of Covenants, Conditions, and Restrictions for The Polo Club at Rooster Springs filed as Document No. 70026796, Vol. 3246 Page 685, in the Official Public Records of Hays County, Texas (together with all amendments thereto, the "**Declaration**").

Reference is further made to those certain Amended and Restated Bylaws of The Polo Club at Rooster Springs Home Owners Association, Inc., filed as Document No. 70012593 in the Official Public Records of Hays County, Texas (together with all amendments thereto, the "**Bylaws**").

Reference is further made to that certain Polo Club at Rooster Springs Home Owners Association, Inc. Architectural Rules and Regulations, filed as Document No. 05037602, Vol. 2835 Page 284, and further reference is made to the Adoption Of Rules And Regulations Of The Polo Club At Rooster Springs Home Owners Association, Inc., filed as Document No. 11028761, Vol. 4239 Page 730 in the Official Public Records of Hays County, Texas (together with any amendments, the "**Rules**").

The Declaration provides that persons owning lots subject to the Declaration ("Owner" or "Owners") are automatically made members of The Polo Club at Rooster Springs Home Owners Association, Inc. (the "**Association**");

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 Board has voted to amend and adopt the Rules as provided herein at a duly noticed Board meeting on December 15, 2015.

The following Rules are approved and adopted, to replace the previously-adopted Rules regarding Solar Energy Devices and Rain Barrels and Rainwater Harvesting Devices which are repealed.

1. **Section II of the Adoption Of Rules And Regulations Of The Polo Club At Rooster Springs Home Owners Association, Inc. ("Solar Energy Devices") is hereby REPEALED and REPLACED with the following:**

"Solar Systems Guidance
For
The Polo Club at Rooster Springs

Solar energy systems present a sustainable alternative to conventional energy technologies, having the potential to provide homeowners with a significant portion of their energy needs while safeguarding human health and the environment and enhancing property values and economic opportunities within our community. However, the Architectural Committee (AC) needs to ensure that such systems/equipment is/are reasonably controlled as to appearance and location of installation so as to protect neighbors and the community as a whole from unsightly equipment and/or installation. Therefore, the following has been developed to aid homeowners

in their efforts to install “solar energy systems” regardless if they are for photovoltaic or solar heating and/or cooling.

Guideline Applicability

For purposes of these guidelines, the phrase “solar energy system” includes both photovoltaic and solar heating and/or cooling technologies.

Application Process

All solar energy systems require:

- Review and approval by the Architectural Committee (AC) prior to installation.
- Payment of a \$750 refundable deposit prior to beginning work.
- The following documents must be included along with the application to the AC and the deposit:
 - Plans showing visibility of the system and its components from areas open to common or public access (e.g., streets, neighboring lots, association common properties);
 - A drawing (giving dimensions) showing the proposed location of the system and how the equipment will be mounted, as well as a description of any potentially visible equipment;
 - Photographic or manufacturer’s literature for all proposed system components including specifications, color, materials, etc.;
 - Written approval/non-objection from all adjoining property owners within the Polo Club if requested by the AC.
- Following submission of the above materials the AC will have 30 days to approve, deny or approve with modifications the design or location as proposed.
- If the AC does not act on the submission within 30 days after all required documents (in the sole discretion of the AC) are submitted, approval is automatically granted
- If the AC requires that the system be moved to another location, the applicant has the right to challenge the movement by demonstrating that the move will result in decrease in system output by 10% or more.

System Design and Placement

The following applies to all solar energy systems installed within the Polo Club:

- Placement of a solar energy system within or on a common areas of the Polo Club will not be permitted.
- Only commercially or professionally made devices will be allowed. “Home made” devices will not be permitted due to the safety and aesthetics aspects of such devices.
- To the maximum extent possible, a roof-mounted system will be installed so as to minimize its exposure when viewed from areas open to common or public access (e.g., streets, neighboring lots, association common properties).
- Generally, ground- or pole-mounted systems will not be approved.
- Unless otherwise approved by the AC, solar systems will not be permitted on front-facing/street-facing roofs and/or structure walls or windows
- All systems must be mounted:
 - In the plane of the roof surface minimizing stand-off distance from the roof;

- So that the top edge of the panel(s) do not extend above the roof peak;
- With all panels located entirely within a boundary defined by the roof eaves and peak;
- Minimizing the visibility of the underside of the panels from areas open to common or public view.
- Efforts must be made to make the solar energy system an integral and harmonious part of the architectural design of the residence.
- Visibility of any associated equipment (e.g., wires, plumbing, auxiliary equipment, etc.) should be minimized as much as possible.
- All system components visible from public/common areas are to be painted to blend with the color of the roof.
- Solar panels need to maximize the solar output of one roof line before any panels are placed on another roof line.
- The panels must not produce a significant amount of heat as to cause harm to other homes.
- The panels must have sufficient glare resistance as to not cause a discomfort to other home owners.

Trees

Because trees or other taller vegetation may reduce access to sunlight and so decrease system performance, the AC will give consideration to limited removal of trees. Any approved tree removal will require replacement of the tree(s) removed to assure no net loss of trees.

The homeowner will not be allowed to request that neighboring properties be compelled to accommodate for their solar system efficiency (i.e. trimming or removal of trees).

Exceptions

Exceptions to the System Design and Placement section will be considered if compliance with one or more of the requirements would result in a significant increase in cost or a significant decrease in efficiency or performance. For purposes of this exception, "significant" is defined as an amount exceeding 10% of the cost of the system or decreasing the efficiency of the system by 10%, as originally specified and proposed. The AC may require the applicant to provide a written statement by an independent solar energy expert documenting these costs or energy performance impacts.

On-going Maintenance

Maintenance of solar systems is important for their ongoing efficiency and to assure the continued attractiveness of the Polo Club. Therefore, the following is required:

- Homeowners will ensure that all surfaces of such devices and equipment, whether painted or colored materials, are properly and timely maintained to prevent peeling and cracking of paint or loss of coloration or other deterioration to the point where the equipment becomes unsightly and/or incompatible with the aesthetic standards of the Polo Club.
- The equipment must be maintained to continue to meet the requirements of the HOA and/or the AC as existing at the time of the approval of the system.

- Any required screening must be maintained to assure that the equipment cannot be seen from any adjacent Polo Club properties (private and public).
- The homeowner will prevent any unsightly and unkempt condition by properly maintaining a clean appearance of the system and its structure (i.e., no accumulation of debris or animal infestation under the panels, immediate replacement of damaged panels and/or damaged or rusted frame).
- All equipment will be painted and maintained to assure it does not detract from the appearance of the house.
- If the equipment is taken out of service for more than 120 consecutive days it must be removed within 30 days thereafter, and the location where it was installed be returned to its original look (i.e., prior to installation of the solar equipment)."

2. Section III of the Adoption Of Rules And Regulations Of The Polo Club At Rooster Springs Home Owners Association, Inc. ("Rain Barrel And Rainwater Harvesting Systems") is hereby REPEALED and REPLACED with the following:

“Rainwater Harvesting Guidance For The Polo Club at Rooster Springs

Rainwater catchment is a benefit to the environment and specifically aids in water conservation, and the Polo Club fully supports the concept. However, the Architecture Committee (AC) needs to control its application in our community to protect the values and beauty of the neighborhood. Therefore, the following has been developed to aid homeowners in their efforts to install rainwater harvesting systems.

Tanks – Size and Type

- Tanks can be either buried or above ground.
- Tanks should be constructed of self-supporting ridged materials:
 - Above ground tanks can be made of: metal; wood; polyethylene; concrete; or, stone & masonry.
 - Buried tanks can be made of: metal; fiberglass; polyethylene; concrete; or, stone & masonry.
- Above ground tanks should be limited in size so that they do not exceed the height of the first story eaves of the main structure of the house.
- Generally, above ground tanks should not exceed 9ft. tall by 9 ft. in diameter.
- Tanks should be opaque to inhibit algal growth.

Equipment and Associated Inlets/Outlets

- In general, most tanks will have inlet, outlet and overflow.
- Tanks should only have one inlet, one outlet and one overflow (additional inlets would be considered, however, as part of the overall system).
- Inlets will have first-flush and screening devices prior to water reaching the tank to keep it as fresh and clean as possible.

- Outlets will be as needed to deliver water for irrigation
- All inlets/outlets/overflows will be designed to prevent insects and or animals from entering the tank.
- Overflow(s) will be designed to avoid erosion off of property.
- Supporting equipment will be designed to meet the needs of the system – i.e., pads, pumps, valves, sanitation devices, etc.

Location of Tanks and Equipment

- Tanks should only be permitted in the rear of the house or in a fenced in side yard and screened from view from all adjacent Polo Club properties (private and public)
- If tanks cannot be located in the rear of the house, they should be screened from view from all adjacent Polo Club properties (private and public)
- Above ground connections from gutters directly to the tank should be limited to one and must come from the closest point on the gutter to the tank to minimize visible piping. Any other connections from the gutter system should be done underground.
- Collection tanks must be placed as close as possible to the structure from which rainwater is being harvested.
- All supporting equipment must also be screened from view from all adjacent Polo Club properties (private and public)
- All piping leading to or from the tanks must be below ground with the exception of the one inlet from the gutter to a tank
- Screening can take the form of enclosure in a structure that matches the house, fencing or landscaping. All screening must be submitted to the AC for review and approval prior to any installation

Use of System for Other than Irrigation

- The HOA and the AC will not review or approve a system to be used for anything other than irrigation.
- If a system is to be used for potable water or recharge of an aquifer, then the home owner must obtain approval for such usage from the appropriate governmental authority. However, the system must still meet the applicable requirements of the Polo Club HOA and of these Guidelines

On-going Maintenance

- The equipment (tanks, inlet, outlet, overflow and associated mechanical equipment) must be maintained in order to continue to meet the requirements of the HOA.
- The screening must be maintained to assure that the equipment cannot be seen from any adjacent Polo Club properties (private and public).
- Because we live in a very hot climate, the likelihood of biological growth is high. Therefore, if the system causes an offensive odor that can be detected at the edge of the property, the system must be shut-down and the odor eliminated as soon as possible.”

Subject solely to the amendments contained herein, the Rules remain in full force and effect.

Filed of record in accordance with Chapter 202, Texas Property code by:

**THE POLO CLUB AT ROOSTER SPRINGS
HOME OWNERS ASSOCIATION, INC.**

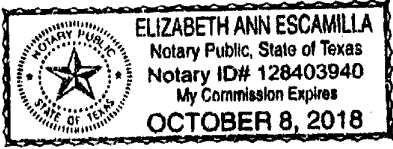
By Niemann & Heyer, L.L.P., attorneys-in-fact and authorized agents

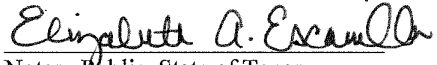
SIGNATURE: 
Connie Heyer

STATE OF TEXAS §

COUNTY OF Travis §

This instrument was acknowledged before me on the 2 day of September,
2016 by Connie Heyer in the capacity stated above.




Notary Public, State of Texas

After recording, please return to:

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Liz Q. Gonzalez, Hays County Clerk, Texas Rec \$50.00 Deputy Clerk: MCASTRO