



MARKUP #1 ->

MARKUP #1 · CONFLICTS WITH MANDATORY STATE STATUTE

BOARD & COUNSEL REVIEW

Control Committee in instances where considerable greenspace or recreation space is proposed.

3.04 Minimum Standards for Approval of Proposed Improvements to Primary Development Tracts:

(i) Residence within Visual Zone. Residences within the Visual Zone shall have a minimum fully enclosed ground floor area devoted to living purposes, exclusive of porches, terraces and garages ("living area") of 2,000 square feet; and if the said residence is a 1½ story Cape Cod, the minimum living area shall be 2,200 square feet with a minimum of 1400 square feet on the ground floor; and if the said residence is 2-story, the minimum living area shall be 2,400 square feet with a minimum of 1200 square feet on the ground floor.

(ii) Requirements Applicable to All Residential Units. The exterior walls of all residential units shall be of brick, stone or wood. All roofing shall be of the type hereinabove stated and shall be dark (black, slate gray or dark brown); with only such other colors as may be approved by the Architectural Control Committee in its sole discretion.

(iii) Farm Structures. No barns, sheds or other outbuildings shall be permitted in the Visual Zone except for existing structures which have been remodeled and/or landscaped to meet the requirements of the Architectural Control Committee for such existing structures. No such farm structure shall exceed 30,000 square feet on the ground floor nor shall any such structure exceed 60 feet in height. Provided, however, larger structures may be approved by the Architectural Control Committee for construction on tracts of more than 100 acres. All exterior materials and colors shall be only as approved by the Architectural Control Committee, which shall be in harmony with other colors approved for use on improvements on the tract in question.

(iv) Mobile Homes, Trailers, Modular Units and Construction Buildings. No structures of the type above stated shall be permitted within the Visual Zone at any time. Such structures may exist outside the Visual Zone only by permit from and upon such conditions as may be established by the Architectural Control Committee.

(v) Other Structures and Improvements.

i. Signage. No sign of any kind shall be displayed within one hundred fifty (150) feet of the right-of-way of any roadway shown by the Original Plats on any Primary Development Tract except one (1) sign advertising the property for sale or rent, and except for one (1) sign at each entrance identifying the farm, development or other use or occupant thereof. All signs and sign locations within the area described in the preceding sentence must be approved by the Architectural Control Committee prior to installation on any tract. Such signs shall not exceed the maximum size requirement of three feet by four feet, with a maximum of fifty-four (54) inches above grade at top of sign with only such larger signs as may be specifically approved by the Architectural Control Committee. The signage limitations contained herein shall not prevent the use

Sec. 3.04 (p. 9): Clause prohibits the display of political yard signs or United States/military flags in violation of KRS § 381.800 and 4 U.S.C. § 5. Statutory / Legal Reference: 4 U.S.C. § 5 Note (Freedom to Display the American Flag Act of 2005) & KRS §§ 381.785 - 381.801 (Kentucky Planned Communities Act - HB 50 / SB 11)

Statutory Comparison: Under KRS § 381.800 (enacted by HB 324, effective June 29, 2023), a planned community shall not include or enforce a provision in any governing document that prohibits the outdoor display of political yard signs by a lot owner or resident on the owner's property starting thirty (30) days before any primary, regular, or special election until seven (7) days after that election (though the association may adopt reasonable rules regarding size and maximum number of signs). Additionally, 4 U.S.C. § 5 protects the right of every residential owner to display the flag of the United States.

CURRENT WORDING IN DOCUMENT:

Signage. No sign of any kind shall be displayed within one hundred fifty (150) feet of the right-of-way of any roadway shown by the Original Plats on any Primary Development Tract except one (1) sign advertising the property for sale or rent, and except for one (1) sign at each entrance identifying the farm, development or other use or occupant thereof. All signs and sign locations within the area described in the preceding sentence must be approved by the Architectural Control Committee prior to installation on any tract. Such signs

SAMPLE DISCUSSION WORDING (FOR HOA ATTORNEY REVIEW):

Pursuant to KRS § 381.800 and 4 U.S.C. § 5, nothing in the Governing Documents shall prohibit an Owner or resident from displaying the flag of the United States or from displaying political yard signs on the Owner's property during the period beginning thirty (30) days before any primary, regular, or special election and ending seven (7) days after that election.

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