

resident from keeping business or professional records or accounts, from telecommuting, from engaging in business or professional telephone calls, correspondence, or computer communications, or from conducting such other activities for hire as are reasonably private and customary in a residential setting (including limitation such activities as giving individual music lessons, tutoring academic subjects to full time students in accredited institutions, doing or teaching arts and crafts on an individual basis), all of which uses are expressly declared customarily incidental to the principal residential use, whether occurring full-time or part-time.

MARKUP #1 ->

Easements. All easements, including easements for utilities and drainage facilities, are reserved as indicated or shown on the recorded plat of the Section. There is also dedicated an unobstructed aerial easement five (5) feet wide from a plane twenty (20) feet above the ground upward, located adjacent to all aerial easements shown on the recorded plat of the Subdivision.

Minimum Size. For New Construction, the ground floor area of a main structure, exclusive of open porches and attached or detached garages, shall be not less than 2000 square feet for a one-story dwelling, nor less than 1600 square feet for a dwelling of more than one story. (For the purpose of this paragraph, 50% of up to 60 square feet of the area of a screened porch may be included in the ground floor area of the main structure).

Maximum Size. For New Construction or Major Renovation, no structure shall exceed two (2) stories in height. For New Construction or Major Renovation, the ground floor area of a main structure, exclusive of open porches shall not be more than 40% of the size of the entire Lot. (For the purpose of this paragraph, 50% of the area of a screened porch and 100% of the area of an attached garage must be included in the ground floor area of the main structure.)

Garages. The materials and design of any garage shall be in harmony with the main dwelling. For New Construction, all homes must include a private garage for storing two (2) or three (3) cars, and no garage shall exceed 800 square feet.

ISSUE #1

Signs. No sign of any kind shall be displayed to the public view on any Lot except (i) one sign of not more than five square feet advertising the property for sale or rent, (ii) signs used by a builder to advertise property during the construction and sales period, (iii) temporary signs, such as political signs, not to exceed six (6) square feet, to be set up no more than ninety (90) days in advance of a particular political event (if applicable) and to be removed within seven (7) days after the conclusion of the event, (iv) small warning or notice signs such as home address signs, "No Soliciting," "Beware of Dog," security signs, etc., or (v) small temporary signs advertising construction or repair work in progress. Other than the foregoing, no signs shall advertise any type of commercial activity taking place on or off the Lot.

Oil & Gas Operations. No oil drilling, oil development operations, oil refining, quarrying, or mining operations of any kind shall be permitted upon or in any Lot, nor shall oil wells, tanks, tunnels, mineral excavations, or shafts be permitted upon or in any Lot. No derrick or other structure designed for use in boring or drilling for oil or natural gas shall be erected, maintained, or permitted upon any Lot.

Trash Storage. No Lot shall be used or maintained as a dumping ground for rubbish refuse, rubbish, or trash. Garbage or other waste shall not be kept except in sanitary containers. All incinerators or other equipment for the storage or disposal of such material shall be kept in a clean and sanitary condition.

Animals. No animals, livestock, or poultry of any kind shall be raised, bred, or kept on any Lot, except that dogs, cats, or other household pets may be kept, provided that they are not kept, bred, or maintained for any commercial purposes.

Temporary Buildings. No trailer, basement, tent, shack, garage, barn, or other outbuilding erected, stored or placed on any Lot shall at any time be used as a residence, temporarily or permanently, nor shall any structure of a temporary character be used as a residence, or office, temporary or permanent.

Water Systems. No individual water supply system shall be permitted on any Lot, nor shall individual sewage disposal systems be permitted thereon.

MARKUP #1 · CONFLICTS WITH MANDATORY STATE STATUTE BOARD & COUNSEL REVIEW

Sec. 20 (p. 3): Protected Political/Real-Estate Signage, Flag, or Religious Display Restriction: Clause bans all yard signs without a statutory political/election sign carve-out or restricts protected U.S./military flags or religious displays under TX and federal law.

Statutory / Legal Reference: 4 U.S.C. § 5 Note (Freedom to Display the American Flag Act of 2005) & Tex. Prop. Code Ch. 209 (Texas Residential Property Owners Protection Act) & 22 TAC § 535.401 (TREC Management Certificate Rules)

Statutory Comparison: Under Tex. Prop. Code §§ 202.012, 202.018; Tex. Elec. Code § 259.002; 4 U.S.C. § 5, associations may not prohibit the display of the United States flag (4 U.S.C. § 5) or enforce blanket bans on residential yard signs that fail to carve out statutorily protected political election signs, religious door displays, or owner "For Sale/For Lease" signs where preempted by TX statute.

CURRENT WORDING IN DOCUMENT:
Signs. No sign of any kind shall be displayed to the public view on any Lot except (i) one sign of not more than five square feet advertising the property for sale or rent, (ii) signs used by a builder to advertise property during the construction and sales period, (iii) temporary signs, such as political signs, not to exceed six (6) square feet, to be set up no more than ninety (90) days in advance of a particular political event (if applicable) and to be removed within seven (7) days after the conclusion of the event, (iv) small war

SAMPLE DISCUSSION WORDING (FOR HOA ATTORNEY REVIEW):
Amend Section 20 to carve out statutorily protected political signs during election periods, U.S./State/Military flags under 4 U.S.C. § 5, and religious displays in accordance with Tex. Prop. Code §§ 202.012, 202.018; Tex. Elec. Code § 259.002; 4 U.S.C. § 5.