

## **FALCONE FOREST Section Two (II)**

### **Deed Restrictions for Commercial/Residential Lots**

#### **Polk County, Texas**

1. All Lots and Tracts in Falcone Forest Section Two shall be used, improved, and devoted for residential purposes, except for those lots fronting on Highway 190 (Lots 1-17). Nothing in this restriction is intended to prohibit the owner of a residential lot or lots (Lots 18-27) for business or commercial activities, so long as the general public is not invited to the premises. No signs shall be placed in any part of those residential lots indicating a commercial or non-residential use thereof.
2. No junk or junk yards of any kind or character shall be permitted, nor shall accumulation of scrap, used materials, inoperable vehicles, or machinery, or other unsightly storage of personal property be permitted, unless these materials are stored inside a Permanent Structure (further defined).
3. No portion of the property shall be used in a manner that adversely affects adjoining property owners or creates an annoyance or nuisance to other property owners. This shall include noise pollution such as barking dogs, loud music, or any animal or foul odor that causes a nuisance.
4. Lots in this subdivision shall be restricted from constructing and operating the following types of uses:
  - (a) Any use that is unlawful or is offensive by reason of odor, gas, fumes, dust, smoke, noise pollution that otherwise constitutes a nuisance or is hazardous by reason of excessive danger of fire or explosion.
  - (b) Dumping, disposal, incineration, or reduction of garbage, sewage, dead animals, or refuse.
  - (c) Storage in bulk of used materials, a junkyard, a scrap metal yard, or auto salvage yard.
  - (d) Any adult bookstore or other establishment selling, renting, or exhibiting pornographic materials or any sexually oriented business.

The above use restriction can be amended by a recorded vote of a 3/5<sup>th</sup> majority of the then-current owners of the subdivided property in the section or survey of which this property comprises a part.

5. Dwelling Type and Size Guidelines. The total ground floor area of a dwelling structure on the Property ("Dwelling Structure"), defined as a permanent and enclosed structure intended as living quarters to persons residing on the Property, shall be a minimum of one thousand four hundred and fifty (1,450) square feet, exclusive of open porches, garages and carports, and shall be setback a minimum of seventy-five (75) feet from the Property boundary adjacent to the public right-of-way and twenty-five (25) feet from all other Property boundaries. Metal-

fabricated buildings designed for residential use (sometimes referred to as “barndominiums”), are a permissible Dwelling Structure to the extent allowed by the County. All Dwelling Structures must either be newly-built onsite OR if built offsite, in whole or part, the property owner must be the first owner and occupant of record (excluding the builder).

The number of Dwelling Structures and residents therein that are located within the boundaries of a particular lot of the subdivided Property shall not exceed the lesser of that allowable by the zoning laws of which the Property is governed by OR one (1) Dwelling Structure per two (2.0) acres. All buildings of any type constructed on the Property shall be properly permitted and conform to all County regulations. Once begun, all onsite construction of any type (i.e. buildings, fences, roads, septic systems, water wells, etc.) will be built to a finished state within a reasonable time period not to exceed eighteen (18) months from commencement of construction, as defined by the date the first related material(s) were delivered or installed in any manner onto the Property.

6. Permanent Structures. Permanent Structures that are not attached to the Main Dwelling shall be similar in construction and design to the Main Dwelling, such as complimentary exterior paint color and design scheme, and must be located at least one hundred (100) feet from the front property line. Outbuildings of corrugated iron or other metal construction must be primed and painted to a finished state in accordance with the above guidelines.
7. Foundations. All Dwelling Structures and Permanent Structures located on the Property must rest on and be affixed to a permanent foundation which meets all applicable State, County, and Federal housing regulations.
8. Sanitary Facilities. Each Dwelling or Permanent Structure containing a toilet must be connected to an approved septic system. All septic tanks must conform to the regulations of the State and County concerning septic systems. No outside toilets, privies, or cesspools will be permitted, and no installation of any type of sewage disposal device shall be allowed which would result in raw or untreated or unsanitary sewage being carried into any water body. One (1) temporary portable toilet, commonly referred to as a “port-o-let”, is permitted onsite during the period of construction for a permanent Dwelling Structure but must coincide with active onsite construction activity and is limited to the maximum construction period duration of eighteen (18) months.
9. Recreational Vehicles. Recreational Vehicles (including motor homes, 3/4- wheelers, travel trailers, motorcycles, boats, jet-skis, and other vehicles of similar recreational character) are allowed on the Property. The use of a Recreational Vehicle as a permanent Dwelling Structure is explicitly prohibited. The use of a Recreational Vehicle as a temporary Dwelling Structure is limited to a period of fifteen (15) days per calendar month, unless the Recreational Vehicle is enclosed in a permanent structure. However, the temporary occupation of a Recreational Vehicle during the period of construction for a permanent Dwelling Structure is permitted but must coincide with active onsite construction activity and is limited to the maximum construction period duration of eighteen (18) months.

Recreational vehicles that are not in regular use, as defined by remaining in a state of inactivity or immobility, shall be located in a manner such that the recreational vehicle is not visible to the unaided eye from the public right-of-way, such as behind or within a Permanent Structure, enclosure, or fence system.

10. Animals. Domestic livestock (i.e. horses, cattle, goats, chickens, etc.) and household pets (i.e. dogs, cats, etc.) are permitted on the Property to the extent allowable by the County. Domestic livestock and household pets must be permanently constrained to ensure the animals remain within the lot boundaries of their respective owners, unless expressly permitted otherwise by neighboring property owners. Animals may not be constrained in any manner generally considered to be harmful or neglectful, including restraint by leash or held in under-sized pens or kennels for extended periods. All animals must be actively cared for and tended to by the property owners or the owners' leasehold tenants to the standard of care commonly accepted by local, licensed veterinary science physicians. Shelter for these animals must be a minimum of fifty feet (50) from the side property line, and neatly maintained.
11. Perimeter Fences. Perimeter Fencing is limited to privacy and security purposes of the lot. Acceptable fence designs include the commonly accepted definitions for wooden vertical and horizontal board, split-rail, metal pipe, chain link and barbed-wire fencing along the front of the property. Hog or poultry, razor-wire, and corrugated metal fencing are expressly prohibited. The maximum permissible height of the fence line is 7 feet, and fence posts shall be no further apart than 1 rod (16 and 1/2').
12. Hunting. Firearm and bow hunting shall be permitted on tracts containing a minimum of ten acres (10) contiguous acres or portions of land containing at least ten (10) contiguous acres of adjoining property whose owners have consented to such use. This restriction does not apply to actions taken by property owners to manage nuisance animals on their property (i.e. snakes, hogs, armadillos, etc), to the extent allowable by State and County regulations.
13. Drainage. There may be no interference with the established drainage patterns over any of the subdivision, unless adequate provisions are made for proper drainage and approved by the County and State regulations.
14. Architectural Design. All Permanent Structures to be located on the Property must be complimentary in nature and meet reasonable standards in quality of materials and harmony of existing design with respect to existing Permanent Structures located within the Subdivision and the surrounding community of Polk County, Texas.
15. Maintenance. Regular maintenance is required for all improvements to the land. The exterior surfaces of all built structures, whether painted, stucco, stained or otherwise improved, must be kept in good condition. Any visible metal surfaces must be free of excessive rusting and deterioration. Areas visible from all roads shall remain free of clutter and debris, both natural

and man-made. Burning of brush and vegetation, whether piled or not, is subject to State and County regulations.

16. Resubdivision. No resubdivision of any tract is permitted unless by a recorded vote of a 3/5<sup>th</sup> majority of the then-current owners of the subdivided property in the section or survey of which this property comprises a part OR ten (10) years following the date these deed restrictions are filed, whichever first occurs.
17. Duration. These restrictions run with the land and are binding and effective until January 1, 2030 after which time said restrictions shall be automatically extended for successive 10 year periods unless and until terminated or changed by a recorded vote of a 3/5<sup>th</sup> majority of the then-current owners of the subdivided property in the section or survey of which this property comprises a part.
18. Conveyances. At the time that a purchaser of a lot or lots within the Subdivision shall become entitled to a conveyance of all or part of such property covered by such purchase, these restrictions shall be incorporated in such conveyance as covenants and restrictions running with the land.
19. Enforcements. If these restrictions and covenants are violated, all other owners within the Subdivision, and any other affected parties, may pursue any remedies provided by State and County law. Even if one or more of these restrictions is invalidated, the rest will continue in force.

**These Deed Restrictions are filed with the Polk County Clerk's office in Livingston, Texas.**