

GREENWOOD ACRES PROPERTY OWNERS ASSOCIATION

ARCHITECTURAL REVIEW COMMITTEE APPROVAL APPLICATION

Applicant Name: _____ HM Ph: _____

Address: _____ WK Ph: _____

Email: _____ CELL Ph: _____

Lot # _____

APPROVAL REQUESTED

<input type="checkbox"/> Storage Building	<input type="checkbox"/> Carport	<input type="checkbox"/> Fence Replacement (Exact)	<input type="checkbox"/> Pool/Spa
<input type="checkbox"/> New Construction/ Room/Garage Addition	<input type="checkbox"/> Deck/Patio	<input type="checkbox"/> Fence-NEW	<input type="checkbox"/> Other

DESCRIBE PROJECT DETAILS: _____

Please submit formal building plans or an informal blueprint/drawing of proposed construction with dimensions of construction and identification of the property lines. The plans/blueprints/drawings must show specifically what presently exists and the proposed change(s). It is recommended a copy of Applicant's survey be included as well.
(Note: There is NO ENCROACHMENT of common area or easements permitted.)

NOTICE TO APPLICANT:

1. The authority of the Architectural Review Committee (ARC) is derived from The Greenwood Acres Subdivision Amended Deed Restrictions ("Restrictions") # 7 which states: "No building or structure shall be occupied as a permanent residence or used as such until the exterior thereof is completely finished. All buildings must be completed no later than six (6) months after laying foundations and no structures of any kind may be moved on to the property. **All building plans are to be approved by association officials.**"
2. The purpose of the Architectural Review Committee Policy and Procedures is to ensure that any additions or modifications to property adhere to the requirements of the Restrictions, maintain the appearance and property values of the community and do not unreasonably impact the rights of the surrounding neighbors who may be

affected by the modification/addition. (A copy of the Architectural Review Committee Policy and Procedures may be obtained from the Association Secretary)

3. Applicant acknowledges that all improvements must be constructed in accordance with the guidelines set forth in the Restrictions in addition to any guidelines or rules adopted by the Association or ARC from time to time. In addition, all improvements must be constructed in accordance with the laws, rules, regulations, and building codes of governmental authorities having jurisdiction. Approval of this application does not constitute approval by any governmental authority.
4. If building on an adjacent lot to the lot your residence is on, refer to Sec. 209.015 of the Texas Property Code.
5. Approval of this application does not give Applicant the right to enter upon the property of any other owner or the common areas in order to perform the construction contemplated by this application.
6. The Applicant is solely responsible for ensuring that proposed improvements do not encroach upon a public utility easement located on the property. Applicant hereby releases the Association, ARC and each of its Board of Directors, committee members, and agents from and against any liability caused or occasioned by the location of such improvements. Applicant acknowledges that in the event an improvement encroaches upon a public utility easement located on the property and a public utility provider requires access to such easement, Applicant may be required to remove such improvements to the extent they encroach upon or interfere with use of the public utility easement.
7. No work on this request shall commence until approval of the ARC has been received. Any construction or alteration to the subject property prior to approval of the ARC is strictly prohibited. If construction has commenced or been completed or any alteration to the subject property has taken place or any part of this application is disapproved, Applicant may be required to return the subject property to its original condition at APPLICANT'S OWN EXPENSE. If Applicant refuses to do so and the Association incurs any legal fees related to the construction and/or application, Applicant will reimburse the Association for all such legal expenses incurred.
8. Any variation from the original Application must be resubmitted for approval.
9. By virtue of the purchase of property in the subdivision, Applicant has subjected themselves to the legal documents of the Association and to the jurisdiction of the ARC.
10. Approval of this Application expires after 6 months and a new Application will be required.

Applicant Signature

Date

SUBMIT THIS APPLICATION TO:

Greenwood Acres Property Owners Association

P O Box 132, Bluffton, TX 78609

Or

greenwoodacrespoa@gmail.com

For ARC Use Only

Date Application received by Committee: _____

Date Inspection made by Committee: _____ (within 1 week of receipt of Application)

Is construction 30 feet from front property line?	<input type="checkbox"/> YES	<input type="checkbox"/> NO	<input type="checkbox"/> N/A
Is construction 30 feet from 1020' elevation line?	<input type="checkbox"/> YES	<input type="checkbox"/> NO	<input type="checkbox"/> N/A
Is construction 5 feet from side property lines?	<input type="checkbox"/> YES	<input type="checkbox"/> NO	<input type="checkbox"/> N/A
If construction is on a corner lot:			
Is construction 10 feet from side property lines adjacent to streets?	<input type="checkbox"/> YES	<input type="checkbox"/> NO	<input type="checkbox"/> N/A

If construction is on an adjacent lot:

Has Applicant been provided a copy of Section 209.015 of the Texas Property Code?	<input type="checkbox"/> YES	<input type="checkbox"/> NO	<input type="checkbox"/> N/A
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Date Recommendation given to Board: _____ (within 2 weeks of receipt of Application)

☐ Approved☐ Disapproved☐ With Conditions

Application APPROVED with the following conditions: _____

Application DISAPPROVED at this time with the following conditions: _____

ARC Committee Signature_____
ARC Committee Signature_____
ARC Committee Signature

For Board Use Only

Date Recommendation received by Board: _____

Board:

☐ Agrees with recommendation☐ Disagrees with recommendation because _____

Board Member Signature_____
Board Member Signature_____
Board Member Signature_____
Board Member Signature

Date Application returned to Applicant with Approval/Disapproval _____

GREENWOOD ACRES PROPERTY OWNERS ASSOCIATION

Adjacent Lot Requirements Section 209.015 of the Texas Property Code

Sec. 209.015. REGULATION OF LAND USE: RESIDENTIAL PURPOSE.

(a) In this section:

(1) "Adjacent lot" means:

- (A) a lot that is contiguous to another lot that fronts on the same street;
- (B) with respect to a corner lot, a lot that is contiguous to the corner lot by either a side property line or a back property line; or
- (C) if permitted by the dedicatory instrument, any lot that is contiguous to another lot at the back property line.

(2) "Residential purpose" with respect to the use of a lot:

- (A) means the location on the lot of any building, structure, or other improvement customarily appurtenant to a residence, as opposed to use for a business or commercial purpose; and
- (B) includes the location on the lot of a garage, sidewalk, driveway, parking area, children's swing or playscape, fence, septic system, swimming pool, utility line, or water well and, if otherwise specifically permitted by the dedicatory instrument, the parking or storage of a recreational vehicle.

(b) Except as provided by this section, a property owners' association may not adopt or enforce a provision in a dedicatory instrument that prohibits or restricts the owner of a lot on which a residence is located from using for residential purposes an adjacent lot owned by the property owner.

(c) An owner must obtain the approval of the property owners' association or, if applicable, an architectural review authority, as defined by Section 209.00505(a), established by the association or the association's dedicatory instruments, based on criteria prescribed by the dedicatory instruments specific to the use of a lot for residential purposes, including reasonable restrictions regarding size, location, shielding, and aesthetics of the residential purpose, before the owner begins the construction, placement, or erection of a building, structure, or other improvement for the residential purpose on an adjacent lot.

(d) An owner who elects to use an adjacent lot for residential purposes under this section shall, on the sale or transfer of the lot containing the residence:

- (1) include the adjacent lot in the sales agreement and transfer the lot to the new owner under the same dedicatory conditions; or
- (2) restore the adjacent lot to the original condition before the addition of the improvements allowed under this section to the extent that the lot would again be suitable for

the construction of a separate residence as originally platted and provided for in the conveyance to the owner.

(e) An owner may sell the adjacent lot separately only for the purpose of the construction of a new residence that complies with existing requirements in the dedicatory instrument unless the lot has been restored as described by Subsection (d)(2).

(f) A provision in a dedicatory instrument that violates this section is void.

Added by Acts 2013, 83rd Leg., R.S., Ch. 219 (H.B. 35), Sec. 1, eff. June 14, 2013.

Amended by: Acts 2021, 87th Leg., R.S., Ch. 951 (S.B. 1588), Sec. 19, eff. September 1, 2021.

GREENWOOD ACRES PROPERTY OWNERS ASSOCIATION

Swimming Pools

Section 202 of the Texas Property Code

Sec. 202.002. APPLICABILITY OF CHAPTER. (a) This chapter applies to all restrictive covenants regardless of the date on which they were created.

(b) This chapter does not affect the requirements of the Community Homes for Disabled Persons Location Act (Article 1011n, Vernon's Texas Civil Statutes).

Added by Acts 1987, 70th Leg., ch. 712, Sec. 1, eff. June 18, 1987.

Sec. 202.022. SWIMMING POOL ENCLOSURES. (a) In this section, "swimming pool enclosure" means a fence that:

- (1) surrounds a water feature, including a swimming pool or spa;
- (2) consists of transparent mesh or clear panels set in metal frames;
- (3) is not more than six feet in height; and
- (4) is designed to not be climbable.

(b) A property owners' association:

(1) may not adopt or enforce a provision in a dedicatory instrument that prohibits or restricts a property owner from installing on the property owner's property a swimming pool enclosure that conforms to applicable state or local safety requirements; and

(2) may adopt and enforce a provision in a dedicatory instrument establishing limitations related to the appearance of a swimming pool enclosure, including limitations establishing permissible colors for a swimming pool enclosure, provided that the provision does not prohibit a swimming pool enclosure that is black in color and consists of transparent mesh set in metal frames.

Added by Acts 2021, 87th Leg., R.S., Ch. 951 (S.B. 1588), Sec. 3, eff. September 1, 2021.

Sec. 202.023. SECURITY MEASURES. (a) This section does not apply to:

- (1) a condominium as defined by Section 81.002 or 82.003; or
- (2) a master mixed-use property owners' association subject to Chapter 215.

(b) Except as provided by Subsection (c), a property owners' association may not adopt or enforce a restrictive covenant that prevents a property owner from building or installing security measures, including but not limited to a security camera, motion detector, or perimeter fence.

(c) This section does not prohibit a property owners' association from:

- (1) prohibiting the installation of a security camera by a property owner in a place other than the property owner's private property; or
- (2) regulating the type of fencing that a property owner may install.

Added by Acts 2021, 87th Leg., R.S., Ch. 716 (H.B. 3571), Sec. 1, eff. June 15, 2021.

Added by Acts 2021, 87th Leg., R.S., Ch. 951 (S.B. 1588), Sec. 4, eff. September 1, 2021.