

FALCONE FOREST Section Three (III) Deed Restrictions

Polk County, Texas

All applicable local, state and federal regulations governing the development of home construction, public utilities, on-site sewage facilities, private drinking water supplies, etc. shall control to the extent that they be more restrictive than the Deed Restrictions listed below.

1. All lots in the Falcone Forest Section Three subdivision shall be used, improved, and devoted for residential purposes.
2. At-home businesses which do not generate excessive vehicular traffic, excessive noise, unsightly views, or foul odors are permitted. No exterior signs indicating a commercial or non-residential use shall be placed on any part of the lots or affixed to the structures thereon.
3. All residential structures must contain a minimum of 1,200 square feet of heated/cooled space, be site-built according to International Residential Code (IRC) standards, and be properly permitted by all applicable jurisdictions.
4. Multifamily residential structures are not allowed on any lot in this subdivision. Multifamily residential structures are defined as buildings containing at least two housing units which share common walls and/or roofs. A housing unit is defined as a house, apartment, group of rooms, or a single room intended for occupancy as a separate living quarters. Separate living quarters are defined as those in which the occupants live separately from any other individuals in the building and which have direct access from the outside of the building or through a common interior area.
5. Modular Homes, as commonly defined, are a permitted exception as a residential structure, subject to the following requirements:
 - a. Must be brought onsite and affixed to a permanent foundation within twenty-four (24) months from the date of manufacture.
 - b. Must be built to International Residential Code (IRC) standards.
 - c. Must be selected from a pre-approved list of specific products and manufacturers. Developer will provide list to lot owners upon written request. Modular Homes that are not pre-approved may be submitted for approval by the developer, and such approval shall not be unreasonably withheld provided the proposed Modular Home meets the same or better standards of quality afforded in the pre-approved list of products and manufacturers.
6. Tiny Homes, as commonly defined, are a permitted exception as a residential structure, subject to the following requirements:
 - a. Must be brought onsite and affixed upon a permanent foundation within twenty-four (24) months from the date of manufacture.
 - b. Must be built to International Residential Code (IRC) standards.
 - c. Must be selected from a pre-approved list of specific products and manufacturers. Developer will provide list to lot owners upon written request. Tiny Homes that are not pre-approved may be submitted for approval by the developer, and such approval shall not be unreasonably withheld provided the proposed Tiny Home meets the same or better standards of quality afforded in the pre-approved list of products and manufacturers.
 - d. Tiny Homes that are approved by the developer shall be exempt from the minimum square footage requirement described in restriction #3 above, but shall in no case exceed four hundred (400) square feet in size.

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7. Manufactured or Mobile homes, as commonly defined, of any type built to HUD or lesser code standards, will not be allowed as residential structures. RV's and campers may only be used as temporary living quarters for up to one hundred and twenty (120) calendar days per rolling twelve (12) month period or for up to three hundred and sixty (360) calendar days during the construction of a residential structure.
8. The number of Residential Structures on lots within this subdivision are subject to the following:
 - a. All lots less than five (5.00) acres in size shall be limited to one (1) Residential Structure.
 - b. Lots greater than five (5.00) acres are allowed one (1) additional Residential Structure, for a maximum of two (2) Residential Structures on any lot in the subdivision.
 - c. In any case, the number of Residential Structures shall not exceed that allowable by the governing regulations to which the Property is subject.
9. All Residential Structures must be connected to their own individual septic system and ensure adequate water capacity is available, unless otherwise permitted by the governing regulations, or a variance thereof, to which the Property is subject.
10. Ownership of all residential structures constructed on a lot remains the property of the titled land owner. Ownership of structures of any type, including residential structures, cannot be conveyed to another party unless the land on which the structure(s) is/are located is first subdivided in accordance with Polk County subdivision regulations and a deed transferring ownership of the new property is recorded in the Polk County Public Record.
11. All improvements, including residential and non-residential structures, as well as water wells and OSSF facilities, must adhere to the setbacks specified on the subdivision plat.
12. An accessory/non-residential structure may be built prior to building a residential structure. However, said structure must be placed a minimum of one hundred and fifty (150) feet from the front property line and twenty-five (25) feet from any other property line. Shipping Containers, as commonly defined, are prohibited as accessory structures.
13. Once started, all construction of any improvements, including residential and accessory structures must be completed within three hundred and sixty (360) calendar days.
14. All farm equipment, boats, trailers, RVs, Campers, ATVs, and non-running vehicles must be kept inside or underneath a permanent or accessory structure or otherwise screened from view along the adjacent roadways.
15. Hog or poultry, razor-wire, and corrugated metal fencing are prohibited.
16. Firearms/archery are allowed only in strict accordance with County and State law. Hunting is strictly limited to lot owners, lot owners' immediate family, and guests accompanied by a lot owner in strict accordance with County and State law. Hunting rights to any lot in this subdivision may not be leased or given to another party. Shooting ranges, as defined by the frequent and sustained shooting of firearms for periods longer than one (1) hour per day is limited to a maximum of one (1) day per calendar month.
17. Open trash pits or burning of rubbish is prohibited. Burning of brush and other organic matter is permitted. Owners must adhere to County burn ban regulations.
18. All lots are restricted against cell towers, water towers, commercial buildings, and commercial feed lots.

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19. Swine is limited to FFA or 4H school projects. Poultry will be limited to five (5) animals per acre. Large animals such as horses, cattle, and other livestock maybe kept on any lot so long as they are fenced and maintained in a clean and sanitary condition. No more than two (2) large animals per acre are permitted. Dogs must be confined to the owner's lot. No commercial breeding of any animals are permitted.
20. No noxious or offensive activity shall be permitted upon any tract, nor shall anything be done thereon which may become an annoyance or nuisance to the surrounding lots.
21. 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, State, or other applicable governing bodies.
22. Lot owners are required to follow the guidelines of the Texas A&M Forest Service's Best Management Practices (BMPs), specifically those of the Streamside Management Zone (SMZ) when applicable.
23. No resubdivision of any tract is permitted unless by a recorded vote of a 3/5th majority of the then-current owners of the subdivided or ten (10) years following the date these deed restrictions are filed, whichever first occurs.
24. 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.
25. These restrictions run with the land and are binding and effective until December 31, 2031 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 3/5th majority of the then-current owners of the subdivided property in the section or survey of which this property comprises a part.

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

BY SIGNING BELOW, ALL LISTED PERSONS ACKNOWLEDGE THEIR RECEIPT AND UNDERSTANDING OF, AS WELL AS THEIR ONGOING LEGAL OBLIGATIONS UNDER, THE DEED RESTRICTIONS DETAILED HEREIN AND AGREE TO THE STRICT PERFORMANCE AND ENFORCEMENT OF SAME.

<name>	Date
Lot __	

<name>	Date
Lot __	

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