

CANYON LAKE HILLS PROPERTY OWNERS ASSOCIATION

1045 Scenic Drive

Canyon Lake, Texas 78133-4070

In accordance with Texas Statute Section 209.015, dated June 13, 2013, I/we, the undersigned, requests to obtain approval from the Canyon Lake Hills Property Owners Association to use for residential purposes Lot \_\_\_\_\_ in Unit \_\_\_\_\_, which is adjacent to Lot \_\_\_\_\_, Unit \_\_\_\_\_ on which I/we have a dwelling.

I/we understand the requirements in paragraph 2d and 2e of Section 209.015 should I/we decide to transfer or sell the residential lot or adjacent lot.

I/we understand any adjacent lot use for residential purposes requires prior approval from the CLHPOA using the Permit Request process.

Lot owner(s) printed name: \_\_\_\_\_

Lot owner(s) signature: \_\_\_\_\_

Date signed: \_\_\_\_\_

Email address: \_\_\_\_\_

Daytime Phone: \_\_\_\_\_

CLHPOA Permits Director Signature: \_\_\_\_\_

Date of Approval: \_\_\_\_\_

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 committee 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.