

Apache Shores Deed Restriction Interpretation

§, ¶	Category	Deed Restriction	Interpretation
§§1-4, ¶ 2; §§5-7, ¶ 1	Single Family Dwelling	“Not more than one single family dwelling may be erected or constructed on any one lot, nor more than one other building for garage or storage purposes and provided further that no building shall be erected prior to the erection of a dwelling house. No accessory or temporary building shall be used or occupied as living quarters... No [house trailers], ¹ tents, shacks or other similar structures shall be erected, moved to or placed upon any lot. [No house trailers or mobile homes shall be permitted on any lots, except...] ² [No mobile homes shall be permitted on any lots in any Blocks except...] ³ [No mobile homes or house trailers shall be permitted on any lot.] ⁴ ”	<ul style="list-style-type: none"> ● No more than one single family dwelling will be allowed on any one property lot, including not more than one other building for garage or storage usage. ● No buildings shall be erected prior to the erection of a dwelling house (except for adjacent lots as permitted by Section 209.015 of the Texas Property Code). ● No accessory or temporary structure, including a recreation vehicle, shall be used or occupied as a primary living quarters on a temporary or permanent basis.
§§1-4, ¶ 2; §§5-7, ¶ 1	Building Materials	“No building shall be constructed or erected on any lot unless built of solid or permanent material. Wood exterior shall be stained or painted with at least two coats of paint. [No structure shall have tar paper, roll brick siding or similar material on the outside walls.] ⁵ ”	<ul style="list-style-type: none"> ● Structures require solid and permanent materials. ● Exteriors must have two coats of stain or paint. ● No tar paper, roll brick siding or similar materials.
§§1-4, ¶ 3; §§5-7, ¶ 2	Square Feet	“No residence shall have less than 650 [1200] ⁶ square feet of living space on the ground or first floor, exclusive of porch area.”	<ul style="list-style-type: none"> ● 650 [or 1200] square feet of living space is required on the ground or first floor of the residence.
§§1-4, ¶ 3; §§5-7, ¶ 2	Building Permit	“All building plans are subject to approval of [the Association].”	<ul style="list-style-type: none"> ● New construction to any improved or unimproved property must be approved. ● All building plans must meet the requirements of the deed restrictions, including compliance with the laws, rules, regulations and building codes of governmental authorities having jurisdiction.

¹ Bracketed language is not in deed restrictions for Sections 3, 5, 6 and 7.

² Bracketed language is contained in deed restrictions for Section 3.

³ Bracketed language is contained in deed restrictions for Section 5.

⁴ Bracketed language is contained in deed restrictions for Sections 6 and 7.

⁵ Bracketed language is not in deed restrictions for Sections 6 and 7.

⁶ Bracketed language is in deed restrictions for Sections 6 and 7.

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<p>§§1-4, ¶ 3; §§5-7, ¶ 2; Plats</p>	<p>Setback</p>	<p>“No porch or other projection of any building shall extend nearer than [10]⁷ [25]⁸ feet from any road right-of-way, nor nearer than 5 feet from the property line of any abutting property owner, nor within 50 [30]⁹ [10]¹⁰ feet from the normal high water line of Lake Austin, without the written permission of [the Association].” Additionally, there is a 15 foot setback from side streets on corner lots in Sections 2-7.</p>	<ul style="list-style-type: none"> ● All structures shall be 10 [or 25] feet from the road right-of-way. ● All structures will be 5 feet from the property line of any abutting property owner. ● All structures will be 50 [or 30 or 10] feet from the normal high water line of Lake Austin. ● Corner lots in Sections 2 through 7 will have a 15 foot setback on the side street.
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⁷ Bracketed language is for Section 1.

⁸ Bracketed language is for Sections 2, 3, 4, 5, 6 and 7.

⁹ Bracketed language is for Sections 2, 3, 5, 6 and 7.

¹⁰ Bracketed language is for Section 4.

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<p>§§1-4, ¶4; §§5-7, ¶3</p>	<p>Noxious or Offensive Annoyance or Nuisance</p>	<p>“No noxious or offensive trade or activity shall be permitted on any lot, nor shall anything be done thereon which shall be or become an annoyance or nuisance to the neighborhood.”</p>	<p>The following shall be considered noxious or offensive trade or activity which constitutes an annoyance or nuisance:</p> <ul style="list-style-type: none"> ● excessive noise, including from construction, machinery, music, vehicles, animals, and fowl. ● excessive odors, including from septic, pet waste and trash. ● uninhabitable residence that is used as a residence, unsecured, or is in danger of collapse. ● excessive or unsafe parking of vehicles such that a portion of the roadway is obstructed. ● storage of junked vehicles visible from the street. “Junked vehicle” means a motor vehicle as defined in Section 1, Chapter 42, General Laws, Acts of the 41st Legislature, 2nd Called Session, 1929 (Article 6701d-11, Vernon's Texas Civil Law Statutes): (1) that is inoperative; and (2) that does not have lawfully affixed to it either an unexpired license plate, or a valid motor vehicle safety inspection certificate, that is wrecked, dismantled, partially dismantled, or discarded, or that remains inoperable for a continuous period of more than 45 days. Apply the following: <ul style="list-style-type: none"> ○ Travis County Code Section 261.016. Prohibition (a) Declared to be a Nuisance. Because junked vehicles are detrimental to the safety and welfare of the general public, tending to reduce the value of private property, to invite vandalism, to create fire hazards, to constitute an attractive nuisance creating a hazard to the health and safety of minors, and are detrimental to the economic welfare of the city, county, and state by producing urban blight which is adverse to the maintenance and continuing development of the County, such vehicles that are visible from a public place or public right-of-way are hereby declared to be a public nuisance and subject to abatement as provided in these Rules. (b) Prohibited on Private Property. The Commissioners Court hereby orders that the owner or occupant or person in control of any real property within the County shall keep such property free of, and shall not permit or suffer the presence of any junked vehicles on such property in violation of these Rules. ○ Texas Transportation Code Section 683.072. Junked Vehicle Declared to be Public Nuisance. A junked vehicle, including a part of a junked vehicle, that is visible at any time of the year from a public place or public right-of-way: <ol style="list-style-type: none"> (1) is detrimental to the safety and welfare of the public; (2) tends to reduce the value of private property; (3) invites vandalism; (4) creates a fire hazard;
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			<p>(5) is an attractive nuisance creating a hazard to the health and safety of minors;</p> <p>(6) produces urban blight adverse to the maintenance and continuing development of municipalities; and</p> <p>(7) is a public nuisance.</p>
<p>§§1-4, ¶ 4; §§5-7, ¶ 3</p>	<p>Non-Customary Animals or Fowl</p>	<p>“No animals or fowl shall be kept or maintained on said lots except customary household pets.”</p>	<ul style="list-style-type: none"> • Dogs, cats and hens are customary household pets.
<p>§§1-4, ¶ 4; §§5-7, ¶ 3</p>	<p>Signs</p>	<p>“No signs of any kind shall be displayed on any lot without the written permission of [the Association].”</p>	<ul style="list-style-type: none"> • No advertising signs. • Political Signs may be erected provided the sign is erected no earlier than the 90th day before the date of the election to which the sign relates and removed 10 days after the election. Only a ground-mounted sign is permitted, and only one sign may be erected for each candidate or ballot item. Signs which include any of the components or characteristics described in Section 259.002(d) of the Texas Election Code as signs that are not authorized and are not protected by statute are prohibited.
<p>§§1-4, ¶ 4; §§5-7, ¶ 3</p>	<p>Septic Tank</p>	<p>“No septic tanks shall be installed on any lot without prior approval of all appropriate governmental authorities.”</p>	<ul style="list-style-type: none"> • Septic tanks must have appropriate approvals.
<p>§§1-4, ¶ 5; §§5-7, ¶ 4</p>	<p>Boat Docks</p>	<p>“No boat docks, floats, or other structures shall be constructed or placed into or on Lake Austin without having first complied with all the rules and regulations of the City of Austin, Texas and/or the Lower Colorado River Authority, but in no event shall such structure extend into the Lake from the property line more than 20 feet.”</p>	<ul style="list-style-type: none"> • Boat docks, floats and other structures must comply with applicable rules and regulations.
<p>§§1-4, ¶ 7; §§5-7, ¶ 6</p>	<p>Subdivided Lots</p>	<p>“No dwelling shall be placed or erected on any tract of land or re-subdivided lots smaller than the lots as subdivided and shown on the recorded plat.”</p>	<ul style="list-style-type: none"> • No dwelling shall be placed on re-subdivided or smaller lots.

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<p>§§1-4, ¶ 8; §§5-7, ¶ 7</p>	<p>Oil Drilling</p>	<p>“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 for oil or natural gas shall be erected, maintained or permitted on any lot.”</p>	<ul style="list-style-type: none"> ● No oil drilling.
<p>§§1-4, ¶ 9; §§5-7, ¶ 8</p>	<p>Trash</p>	<p>“No lot shall be used or maintained as a dumping ground for rubbish. 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.”</p>	<ul style="list-style-type: none"> ● Trash includes storage of the following when visible from the street: <ul style="list-style-type: none"> ○ construction materials. ○ landscaping debris (e.g., limbs, grass clippings, weeds, etc.). ○ inoperable vehicles (e.g., cars, trucks, ATVs, recreational vehicles, boats, trailers, etc.). ○ inoperable appliances. ○ discarded furniture. ● Trash overflowing from the sanitary containers.