

# *Lindale Park Civic Club, Inc.*

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March 13, 2010

## **Scaled-back Version of Proposed Deed Restriction Modifications Declaration Attached**

Dear Residents of Lindale Park:

Attached for your review and consideration is a revised and considerably scaled back, even less ambitious version of the proposed deed restriction modifications for Lindale Park, reflecting input the board received from some Lindale Park residents complaining about the scope and breadth of the version that was mailed previously to residents of Section 5, the first part of Lindale Park to vote on the modification under rules established in the 1980 deed restrictions, and reflecting additional feedback that was received at the LPCC quarterly meeting on March 8, 2010.

Your board understands the concerns expressed by some residents, and has endeavored to address them in good faith, and in the interest of achieving community consensus on this important step in preserving our quality of life and our property values in Lindale Park as we face the advent of the new light rail line and increasing development pressures all around us. Many thanks to all who have participated in this process!

**Please remember to attend the deed restriction meeting at 7:00 PM Tuesday, March 16<sup>th</sup> at the clubhouse!** The newly revised deed restriction modification proposal will be available in case you haven't received it by then.

**Here is a summary of changes adopted by the LPCC board since the document was mailed out to section 5:**

- **Deletion of the “Architectural Review Committee” and the “Architectural Guidelines”** provisions of the former version, removing their broad subjective authority regarding variances, approval of color schemes, finishes, proportions, style of architecture and appropriateness of any improvement. In short—no more “taste police.”
- **Adoption of a new “Deed Restriction Compliance Committee” with much-reduced authority** to review and approve or disapprove of proposed improvements based *only* upon their compliance with the limited objective criteria set forth in the Declaration—mainly residential character and use restrictions, number of structures permitted on a Lot or Building Site, and the height, setbacks, permitted protrusions in setbacks, garages, minimum site area and street frontage requirements. This will greatly simplify both the improvement submittal and approval process.
- **Further limitation on the ability to amend the Deed Restrictions.** In the revised Article 7.3, at least sixty-six percent (66%) of Owners bound by the Deed Restrictions must approve amendments for them to become effective—as is the case with our current 1980 restrictions.
- **Removal of the board’s authority to approve Annual Assessment increases up to 15% per year.** In the revised Article 6.2, any increase above the initial \$25 per year will now require the approval of 66% of total votes of the members voting by proxy or in person at a meeting of the Association called for the purpose of authorizing it.
- **Further limitations on the board’s authority to approve Special Assessments.** In the revised Article 6.3, any Special assessment less than two (2) times the annual assessment will now require the approval of 66% of total votes of the members voting by proxy or in person at a meeting of the Association called for the purpose of authorizing it, and any Special Assessment greater than two (2) times the annual assessment will require the approval of 75% of the total votes of the members voting by proxy or in person at a meeting of the Association duly called for this purpose.
- **Addition of an Over-65/Disabled Individuals Exemption** in Article 6.8. Owners who qualify for and receive a residence homestead exemption (under the Texas Property Code and recognized by the Harris County Appraisal District) for individuals 65 years of age or older or for disabled individuals—are now exempted from paying annual and special assessments.

- **Removal of the requirement for written authorization to alter Lot lines** in Article 2.2. The prohibition against further subdividing Lots and the Minimum Building Site requirements of 5,300 square feet with 50 foot minimum Lot width remain, as do the protections afforded by Chapter 42 of the Code of Ordinances of the City of Houston.
- **Removal of the board’s authority to issue further regulations for Home Occupations** in Article 2.4.
- **Simplification of the “Exterior Maintenance” provisions** of Article 2.13 to reduce the board’s subjective authority over exterior repairs and maintenance.
- **Removal of the restrictions on the use of firearms** in Article 2.16. Restrictions on the use of fireworks remain.
- **Addition of restrictions on signs.** Article 2.17 was added almost verbatim from the current 1980 restrictions.
- **Revision to the Deed Restriction Compliance Committee related response times.** Articles 3.2, 3.5 and 3.6 were revised to reduce the committee’s required submittal response times, improvement inspection times and the board’s appeal response time from 30 days to 21 days in each case. This will shorten the improvement submittal and approval process.
- **Removal of height restriction on decks, porches and patios allowed in side and rear setbacks** in Article 4.4.4.