

POLL

Your voice matters

Your 2024 Board of Directors has been asked to investigate the possibility of updating our deed restrictions to eliminate the ambiguity and vagueness contained therein. When everyone purchased property in Shannon Ridge, whether you were aware or not, somewhere in those purchase documents you signed at a title company contained information that Shannon Ridge is a deed restricted community. The deed restrictions were set up by the developer and ***NOT*** the Shannon Ridge board of directors. In fact, the HOA was not created until six years after the development sold its first lots in unit one (up front by the entrance).

Our deed restrictions are now 27 years old, and a lot has changed over the years. At the time (1997) the developer put in place some sort of control (deed restrictions) outlining the use of property.

Use restrictions include:

- land uses and building type
- dwelling size
- type of construction materials
- lot lines/setbacks
- minimum lot area
- temporary structures and temporary occupancy
- fences
- driveways
- completion of construction
- water wells
- hunting/firearms
- storage, garbage, refuse, and prohibited items
- use of lot as roadway.

General provisions include:

- animals
- parking
- sewage treatment
- covenants running with the land
- developer not bound
- nuisances
- partial invalidity

Let's breakdown some of the ambiguities of our current deed restrictions and suggest the following updates to the deeds to reflect current times. [Click here](#) to view the current deed restrictions (Unit One). Note: As Shannon Ridge was developed totaling six units, the developer had to file with the county clerk 6 sets of deed restrictions – one for each developed unit. All the deed restrictions for units 2 through 6 are exactly the same. Unit one differs only in Article

III – Use Restrictions. Section 8 – Driveways. “All driveways shall access interior roads in the subdivision, and no driveway shall be constructed on any lot to access U.S. Highway 181.” This sentence was added to Unit One only for obvious reasons. Other than that additional sentence, units 1 through 6 are all the same.

ARTICLE I – Definitions. Section 5 – Shall/Should. Shall is defined as, an imperative command, usually indicating that certain actions are mandatory and not permissive. Should is defined as recommended, or suggest that something is the proper, reasonable, or best thing to do.

ARTICLE I – Definitions. Section 6 – Noise. Noise, as cited in the Texas Penal Code 42.01(5) and Texas Penal Code 42.01(c)(2), is defined to be in excess of 85 decibels. For our purposes, noise can be recorded via cell phone decibel application (which does not have to be calibrated) and is considered such between the hours of 10:00 pm and 8:00 am (CST). In the future, our deed restrictions will follow what Texas Penal Code 42.01(5) and Texas Penal Code 42.01(c)(2) dictates.

ARTICLE III – Use Restrictions. Section 1 – Land Uses and Building Types.

States: “All Lots shall be used for residential purposes only, and except as provided in the last sentence of this paragraph no structure shall be erected, altered, placed or permitted to remain on any Residential Lots other than one detached single-family or duplex dwelling not to exceed two (2) stories in height (excluding a basement), and a detached or attached garage or carport for not more than four (4) cars. In addition to the primary residence, either one garage apartment may be constructed above the garage or carport as described above, or one guest house may be placed on the lot. Any such guest house must be attached to the main dwelling by a common roof, which attachment may be by a common roof over an open breezeway or carport. There may be only one garage apartment or one connected guest house, but not both. After the construction of a residence, there also may be constructed greenhouses, barns, shop buildings and other outbuildings, so long as each is of neat appearance. No mobile home or manufactured home (single-wide or double-wide) may be placed on or used on any lot. As used herein the term “residential purposes” shall be construed to prohibit the use of said Lots for apartment houses and for commercial duplex houses or garage apartments, but duplex houses and garage apartments for non-commercial use and which meet all of the minimum size and other requirements of these subdivision restrictions, may be placed on lots. No residence shall be occupied until water service is connected and an approved private sewage is installed. Lot Owners shall not excavate, remove or sell the soil, nor cut, sell or remove timber other than as necessary for the construction of residential and associated improvements upon the property and as may be necessary for the reasonable use, upkeep and maintenance of the property. The undersigned and/or their designees may, on any lot and/or lots then owned by them or leased to them, construct, maintain, use and allow to be used by others, sales offices, parking areas storage and maintenance facilities and equipment, and the like, and this sentence shall take precedence over any conflicting provisions of these subdivision restrictions.”

Suggested Change: “All Lots shall be used for residential purposes only, and except as provided in the last sentence of this paragraph no structure shall be erected, altered, placed or permitted to remain on any Residential Lots other than one detached single-family or duplex dwelling not to exceed two (2) stories in height (excluding a basement), and a detached or attached garage or carport for not more than four (4) cars. In addition to the primary residence, either one garage apartment may be constructed above the garage or carport as described above, or one guest house may be placed on the lot. Any such guest house must be attached to the main dwelling by a common roof, which attachment may be by a common roof over an open breezeway or carport. There may be only one garage apartment or one connected guest house, but not both. After the construction of a residence, there also may be constructed greenhouses, barns, shop buildings and other outbuildings, so long as each is of neat appearance. No mobile home or manufactured home ~~(single-wide or double-wide)~~ may be placed on or used on any lot. As used herein the term “residential purposes” shall be construed to prohibit the use of said Lots for apartment houses and for commercial duplex houses or garage apartments, but duplex houses and garage apartments for non-commercial use and which meet all of the minimum size and other requirements of these subdivision restrictions, may be placed on lots. No residence shall be occupied until water service is connected and an approved private sewage is installed. Lot Owners shall not excavate, remove or sell the soil, nor cut, sell or remove timber other than as necessary for the construction of residential and associated improvements upon the property and as may be necessary for the reasonable use, upkeep and maintenance of the property. ~~The undersigned and/or their designees may, on any lot and/or lots then owned by them or leased to them, construct, maintain, use and allow to be used by others, sales offices, parking areas storage and maintenance facilities and equipment, and the like, and this sentence shall take precedence over any conflicting provisions of these subdivision restrictions.”~~

ARTICLE III – Use Restrictions. Section 7 – Fences.

States: “All fences must be constructed with new materials.”

Suggested Change: “All fences must be constructed with new materials, **except used stone, wooden rails, or metal may be used for antique effect if such use appropriately aligns with the appearance of the main housing structure and does not detract from the appearance of the subdivision.**”

ARTICLE III – Use Restrictions. Section 9 – Completion of Construction.

States: “Exterior construction of a dwelling shall be completed within 6 months.”

Suggested Change: “Exterior construction of **any** dwelling **(includes residence, barn, shop or any other outbuilding)** shall be completed within 6 months.

ARTICLE III – Use Restrictions. Section 11 – Hunting/Firearms.

States: “Hunting and discharging of firearms are expressly prohibited in the subdivision.”

Suggested Change: “Hunting and discharging of firearms is expressly prohibited in the subdivision **as defined by Wilson County Commissioners Court. The Commissioners Court forbids the discharge of firearms in the unincorporated areas of the County within the boundary of any platted subdivision any of whose tracts, as reflected on the plat, are ten acres or less. (August 13, 2012)**

ARTICLE III – Use Restrictions. Section 12 – Storage, Garbage, Refuse, and Prohibited Items.

States: “No Lot shall be used for the open storage of any materials whatsoever, which storage is visible from the road, except that any new building materials used in the construction of improvements erected upon any lot may be placed upon such Lot at the time construction is commenced and may be maintained thereon for a reasonable time, as long as the construction progresses without undue delay, until the completion of the improvements, after which those materials shall either be removed from the Lot or stored in a suitable enclosure on the Lot. No leaves, brush, timer, debris, or trash of any nature shall be permitted to be placed, disposed of or burned within the road right-of-ways. No inoperative or unsightly vehicles shall be stored or kept on any lot, and no automobile or other vehicle shall be kept on any lot for the purpose of repairs except in an enclosed garage or in facilities protected from the view of the public and other residents. No automobile, truck, trailer or other vehicle shall be abandoned on this property, nor shall there be any dumping or placing of unsightly objects of any kind on the property.”

Suggested Change: “No Lot shall be used for the open storage of any materials whatsoever, which storage is visible from the road, except that any new building materials used in the construction of improvements erected upon any lot may be placed upon such Lot at the time construction is commenced and may be maintained thereon for a reasonable time, as long as the construction progresses without undue delay, until the completion of the improvements, after which those materials shall either be removed from the Lot or stored in a suitable enclosure on the Lot. No leaves, brush, timer, debris, or trash of any nature shall be permitted to be placed, disposed of or burned within the road right-of-ways. ~~No inoperative or unsightly vehicles shall be stored or kept on any lot, and no automobile or other vehicle shall be kept on any lot for the purpose of repairs except in an enclosed garage or in facilities protected from the view of the public and other residents. No automobile, truck, trailer or other vehicle shall be abandoned on this property, nor shall there be any~~ dumping or placing of unsightly objects of any kind on the property.”

ARTICLE III – Use Restrictions. Section 14 – Vehicles

There shall be no more than 1 inactive vehicle parked on any lot. After 6 months, any inactive vehicle shall be moved out of view from the road. Repairs shall be done out of view from the road. (Repairs are defined as restoration work for when an asset breaks, gets damaged, or stops working.) Maintenance may be performed on vehicles. (Maintenance is defined as routine activities and/or corrective or preventive repair done on assets to prevent damage and prolong the life expectancy.) No automobile, truck, trailer or other vehicle shall be abandoned on this property.

Texas Department of Motor Vehicles unique vehicle code addresses the requirements for the operation of the following motorized vehicles on public roads: Unique vehicles include off-highway vehicles, Golf Carts, and Neighborhood Electric Vehicles (NEVs). Off-highway vehicles include All-Terrain Vehicles (ATVs), Recreational Off-Highway Vehicles (ROVs), Utility Vehicles (UTVs), and Sand Rails.

Unique vehicles may be used on private property unless it is a public nuisance (too noisy, raises too much dust, shines lights into the neighbor's windows, disturbs one's sleep if they are a shift worker, etc.). If a reasonable person would be seriously annoyed, harassed, or intimidated, operations shall be discontinued until an agreement between all parties involved can be made as facilitated by a board member.

ARTICLE IV – General Provisions. Section 1 – Animals.

States: “Provided that such use does not create any condition conflicting with the residential nature of the subdivision, the following animals may be raised or kept on the property:

1. Household pets, such as cats, dogs and birds.
2. Livestock raised as a supervised public school project, for so long as used for a school project.
3. Horses and cattle, provided that a total of no more than one head per acre of area (with the size of the lot rounded either up or down to the nearest even acre) is kept on the lot.

Otherwise, no animals may be raised or maintained on any lot. In no case shall any commercial feed lot operations be allowed, nor the breeding of animals as a commercial operation.”

Suggested Change: “Provided that such use does not create any condition conflicting with the residential nature of the subdivision, the following animals may be raised or kept on the property:

1. ~~Household~~ Pets, such as cats, dogs and birds (in this context birds do not include chickens/poultry/fowl).
2. Livestock raised as a supervised ~~public school~~ project, for so long as used for a school project, FFA, or 4H.
3. Horses or other members of the genus Equus, and cattle, provided that a total of no more than one head per acre of area (with the size of the lot rounded either up or down to the nearest ~~even~~ acre) is kept on the lot.
4. Chickens/Poultry/Fowl: (For the purposes of this document fowl shall be defined as domesticated birds raised for eggs and meat. The term covers a range of birds, from Muscovy and mallard ducks to turkeys, guinea fowl, geese, quail, pigeons, ostriches and pheasants.) Raising or keeping a total of six or fewer chickens/poultry/fowl, in aggregate, on a single-family residential lot (to include annexed lot(s) of same property owner). No breeding of chickens/poultry/fowl is allowed. No roosters are allowed. Said chickens/poultry/fowl are to be contained within a coop, which shall be fenced to prohibit free-ranging on the owner's property. Coop should be no less than 50 feet from adjoining neighbor property lines and neighboring residential structures. Coops shall be behind residential structure(s) where they will not be

visible from the road. Coops shall be kept clean from accumulated feces and debris. Fences around coops shall be no more than 80 linear feet.

[See Reasons for Support at the end of this document]

Otherwise, no animals may be raised or maintained on any lot. In no case shall any commercial feed lot operations be allowed, nor the breeding of animals as a commercial operation.”

ARTICLE IV – General Provisions. Section 2 – Parking.

States: “Both prior to and after the occupancy of a dwelling on any tract, the Owner shall provide appropriate space for off-road parking for his vehicles. All vehicles parked on Lots must have current inspection and license registration. No trucks or trailers of the 18-wheel tractor-trailer rig type or size shall be parked on or adjacent to any lot.”

Suggested Change: “Both prior to and after the occupancy of a dwelling on any tract, the Owner shall provide appropriate space for off-road parking for his vehicles. All **running** vehicles parked on Lots must have current inspection and license registration. No trucks or trailers of the 18-wheel tractor-trailer rig type or size shall be parked on or adjacent to any lot.”

ARTICLE IV – General Provisions. Section 6 – Nuisances.

States: “No noxious or offensive activity shall be carried on upon the above described property, nor shall any act be performed thereon which shall or may become an annoyance or nuisance to other owners of tracts in the above referenced property.”

Suggested Change: “No noxious, **obnoxious** or offensive activity shall be carried on upon the above described property, nor shall any act be performed thereon which shall or may become an annoyance or nuisance to other owners of tracts in the above referenced property. **No loud music will be played outside of a residence considered as noise.**”

Reasons for Support

ARTICLE IV – General Provisions. Section 1 – Animals.

4. Chickens/Poultry/Fowl: (For the purposes of this document fowl shall be defined as domesticated birds raised for eggs and meat. The term covers a range of birds, from Muscovy and mallard ducks to turkeys, guinea fowl, geese, quail, pigeons, ostriches and pheasants.) Raising or keeping a total of six or fewer chickens/poultry/fowl, in aggregate, on a single-family residential lot (to include annexed lot(s) of same property owner). No breeding of chickens/poultry/fowl is allowed. No roosters are allowed. Said chickens/poultry/fowl are to be contained within a coop, which shall be fenced to prohibit free-ranging on the owner’s property. Coop should be no less than 50 feet from adjoining neighbor property lines and neighboring residential structures. Coops shall be behind residential structure(s) where they will not be

visible from the road. Coops shall be kept clean from accumulated feces and debris.
Fences around coops shall be no more than 80 linear feet.

On multiple occasions the Texas Legislature has proposed legislation regarding keeping chickens. Each legislative session the bill gets closer to passing. House bill 276 and Senate bill 326 addressed the ability to keep chickens. Click the links to view current Texas Legislation introduced:

[HB 1191](#) “Chicken Freedom Act” – Author: Cain

[HB 92](#) – House Committee Report Version – Author Landgraf, et al.

[HB 92](#) – Engrossed Version – Author Landgraf, et al.

As introduced by Senator Hall, SB 326:

A BILL TO BE ENTITLED
AN ACT

relating to the authority of a municipality or a property owners' association to regulate the raising or keeping of chickens.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:

SECTION 1. Chapter 217, Local Government Code, is amended by adding Subchapter D to read as follows:

SUBCHAPTER D. MISCELLANEOUS REGULATORY AUTHORITY

Sec. 217.061. SIX CHICKENS ALLOWED ON SINGLE-FAMILY

RESIDENTIAL LOT. (a) Notwithstanding any other law and except as provided by Subsection (b), a municipality may not adopt or enforce an ordinance that prohibits the raising or keeping of six or fewer chickens on a single-family residential lot.

(b) A municipality may impose reasonable regulations on the raising or keeping of poultry on a single-family residential lot that do not have the effect of prohibiting the raising or keeping of six or fewer chickens, including:

- (1) a limit on the number of chickens that may be raised or kept in excess of six;
- (2) a prohibition on breeding poultry;
- (3) a prohibition on raising or keeping roosters; or
- (4) the minimum distance between a chicken coop and a residential structure.

(c) An ordinance adopted by a municipality that violates Subsection (a) is void.

SECTION 2. Chapter 202, Property Code, is amended by adding Section 202.024 to read as follows:

Sec. 202.024. SIX CHICKENS ALLOWED ON SINGLE-FAMILY

RESIDENTIAL LOT. (a) Notwithstanding Section 202.002(a), this section applies only to a restrictive covenant created on or after September 1, 2023.

(b) Notwithstanding any other law and except as provided by Subsection (c), a property owners' association may not adopt or enforce a restrictive covenant that prohibits the raising or keeping of six or fewer chickens on a single-family residential lot.

(c) A property owners' association may adopt and enforce a restrictive covenant imposing reasonable requirements on the raising or keeping of poultry on a single-family residential lot that do not have the effect of prohibiting the raising or keeping of

six or fewer chickens, including:

- (1) a limit on the number of chickens that may be raised or kept in excess of six;
- (2) a prohibition on breeding poultry;
- (3) a prohibition on raising or keeping roosters; or
- (4) the minimum distance between a chicken coop and another lot.

(d) A provision that violates Subsection (b) is void.

SECTION 3. This Act takes effect immediately if it receives a vote of two-thirds of all the members elected to each house, as provided by Section 39, Article III, Texas Constitution. If this Act does not receive the vote necessary for immediate effect, this Act takes effect September 1, 2023.

Comments taken from Texas legislature hearing:

- Texas is all about freedom!
- Chickens are less noisy than dogs, they are ideal to raise in backyards as their impact does not extend past the property line or negatively impact neighbors, and help Texans be more self-sufficient during natural disasters.
- Chickens are therapeutic companions and alleviate anxiety. They are great for providing fresh eggs, pest control management, high protein meat, and ecological liberation but they are also therapeutic for those suffering from anxiety, PTSD, isolation, loneliness, depression, and dementia. In fact, they are widely used as therapy animals in the US, Canada & the UK including nursing homes.
- Chickens provide a natural compost that aids in fertilization in the gardens for better yields of food to table as well as creating healthy soils that in return captures more carbon.
- Chickens are active foragers and will take care of many pests in the yard and garden including grubs & ticks.
- A small flock of chickens is much cleaner and quieter than a couple dogs and the chickens actually provide food for the family.
- I have never heard of a property value decreasing because of chickens, in fact people are looking for non-HOA neighborhoods where they have the freedom to do what they want in their backyard.
- They reduce waste, the litter is excellent compost for the garden, and they control pests, chickens will even eat snakes.
- This common-sense bill protects people's right to raise food, a basic necessity, for themselves without unreasonable restrictions.
- Require that sanitation be addressed in a manner that prevents the accumulation of animal waste in a quantity sufficient to create an offensive odor or pest problem.
- Backyard hens are no more of a bother to others than the neighbor's dog that is left out to bark 24/7.
- Raising chickens helps calm me and release stress. This helps me in my overall mental health and wellness. It is also very helpful and therapeutic listening to the hens cluck and purr as you take care of them. If it helps my mental well-being, I can only imagine how it could help others. It would be shameful to see HOAs be able to take this therapeutic tool away from others.

- HOAs are out of touch with the reality and the food supply chain is getting sketchy.
- Our pets are chickens and provide eggs for our family and friends. We do care for them . Dogs make more noise than chickens and usually cost more in vet bills.
- Hens are no louder than dogs or even geese, they can eat food scraps thereby reducing waste, and provide a bit of food.
- Times have changed and it's increasingly more difficult to afford to purchase even a dozen eggs. Prices continue to increase, making it difficult to eat right, and eat healthy.
- Chickens are a low maintenance pet which would not impact property values. They are less noisy and destructive than dogs or cats.