

ISSUE #1

MARKUP #1 ->

Section 1: [Shenandoah Estates Building Restrictions, Filing Covenants Section 3] Architectural Committee Approval

No building, fence, patio cover, or other structure shall be erected, placed, or altered on any lot in this subdivision until the construction plans and specifications and a plan showing the location of the structure have been approved in writing by the Architectural Control Committee as to quality of workmanship and materials, harmony of external design with existing structures, and location with respect to topography and finish grade elevation.

Section 2: [Shenandoah Estates Building Restrictions, Section 11] Prohibition on Outbuildings, Metal Storage Sheds, and

No trailer, basement, tent, shack, garage, barn, metal storage shed, or other outbuilding erected on any lot shall at any time be used as a residence, temporarily or permanently, nor shall any detached structure be erected without written Architectural Control Committee approval.

MARKUP #1 · SUBJECTIVE OR OVERBROAD WORDING

BOARD & COUNSEL REVIEW

Sec. Shenandoah Estates Building Restrictions, Filing Covenants Section 3 (p. 1): Architectural restriction relies on subjective aesthetic discretion, neighbor pocket-veto signatures, or standardless finality without objective guidelines.

Statutory / Legal Reference: La. R.S. 9:1141.1 to 9:1141.9 (Louisiana Homeowners Association Act); La. R.S. 9:1121.101 to 9:1124.117 (Louisiana Condominium Act); La. R.S. 9:1255 (Solar Collector Prohibition Ban); Restatement (Third) of Property... Statutory Comparison: Under Louisiana servitude law (La. R.S. 9:1141.1 to 9:1141.9 (Louisiana Homeowners Association Act); La. R.S. 9:1121.101 to 9:1124.117 (Louisiana Condominium Act)) and Restatement (Third) of Property: Servitudes § 6.13, restrictive covenants are construed in favor of free use of land, and an association may not enforce architectural restrictions based purely on subjective aesthetic discretion unless anchored in published, objective architectural standards applied in good faith.

CURRENT WORDING IN DOCUMENT:
[Shenandoah Estates Building Restrictions, Filing Covenants Section 3] Architectural Committee Approval Required Without Fixed Review Deadline in Early Filings - No building, fence, patio cover, or other structure shall be erected, placed, or altered on any lot in this subdivision until the construction plans and specifications and a plan showing the location of the structure have been approved in writing by the Architectural Control Committee as to quality of workmanship and materials, harmony of external design with existing structu

SAMPLE DISCUSSION WORDING (FOR HOA ATTORNEY REVIEW):
All architectural review decisions shall be governed by and strictly evaluated against the written, objective Architectural Planning Criteria adopted by the Association and recorded in the public records. The Board or Committee may not deny applications on subjective aesthetic grounds or delegate veto power to adjoining neighbors outside published criteria.