

Article X

USE RESTRICTIONS

Section 10.1.

No generating of noise which can be heard beyond the boundary of a Lot between the hours of 9:00 P.M. and 7:00 A.M. per the laws and regulations of Lexington Police Department.

Section 10.2.

No owner shall permit anything to be done or kept on his Lot which would result in the cancellation of insurance.

Section 10.3.

Development Activity.

Notwithstanding any other provision herein, homeowners shall be entitled to conduct on the Property all activities normally associated with and convenient to the development of the Property and the construction and sale of dwelling units on the Property.

Section 10.4

Temporary Structures.

No temporary structure, including any trailer, tent, shack, garage, barn, motor home or mobile home or other outbuilding and no prefabricated or relocated structure shall be used on any lot at any time as a residence, either temporarily or permanently.

Section 10.5.

Signs.

No sign or emblem of any kind may be kept or placed upon any Lot or attached to any Unit, fence or other anywhere on the Lot that is visible from public view except the following:

a. For Sale Signs.

An Owner may erect one (1) sign not exceeding 2' x 3' in area, fastened only to a stake in the ground and extending not more than three (3) feet above the surface of the ground advertising the property for sale.

b. Declarant's Signs.

Signs or billboards may be erected by the Declarant.

c. Political Signs.

Political signs may be erected upon a Lot by the Owner of such Lot advocating the election of one or more political candidates or the sponsorship of a political party, issue or proposal provided that such signs shall not be erected more than ninety (90) days in advance of the election to which they pertain and are removed within fifteen (15) days after the election.

Section 10.6.

Campers, Trucks, Boats, Commercial and Recreational Vehicles.

No boat, trailer, recreational vehicle, commercial vehicle, camper or camper truck shall be parked, stored or left (a) on any part of a Common Areas, Recreational Amenities or Flood Plain Area, (b) in any driveway or (c) on any other part of a Lot unless the same are fully enclosed within the garage located on the Lot, or are kept behind the front line of the house on the Lot and behind a fence no less than six (6) feet in height which screens them from the view of the public walking by such Lots. In the event a Lot Owner is required by his or her employer to bring a commercial vehicle home, then that Lot Owner must obtain a waiver of this restrictive covenant from the Board of Directors pursuant to such reasonable requirements as the Board of Directors shall deem appropriate. Commercial vehicles shall not include any vehicles which are passenger cars, pick-up trucks or mini vans (whether or not business advertisements or information is displayed thereon). Police vehicles are not included in the definition of commercial vehicles. Any automobile, motorcycle or truck shall be parked, stored or left wholly within the garage located upon the Lot, except to the extent a garage is already occupied to capacity or in the event a home does not have a garage, in which case such vehicle may be parked in the driveway. This restriction shall not apply to sales trailers, construction trailers, or other vehicles which may be used by Declarant and its agents and contractors in the conduct of their business. No boat, truck, trailer, camper, recreational vehicle or tent shall be used as a living or dwelling area within the Property. No repairs to or maintenance of any automobile or other vehicle shall be made or performed on any driveway or front, side or back yard of a Lot. Such repair and maintenance work shall be confined to the garage and done in such a manner as to allow the garage door to be closed, except in the event of a home which does not have a garage, the Owner may conduct such repair and maintenance work behind the front line of the house on the Lot and behind a fence no less than six (6) feet in height which screens them from the view of the public walking by such Lots.

Section 10.7.

Pets, Livestock and Poultry.

No animals, livestock or poultry of any kind shall be raised, bred or kept on any Lot, except for cats, dogs or other generally recognized household pets of a reasonable number, provided that they are not kept, bred, or maintained for any commercial purpose; and provided further, than no more than three (3) adult animals may be kept on a single Lot except for newborn offspring of such household pets which are under nine (9) months of age. All such animals shall be kept in strict accordance with all local laws and ordinances (including leash laws) and in accordance with all rules established by the West Brook Homeowner's Association.

Section 10.8.

Garbage and Refuse Disposal

Trash, garbage or other waste should only be kept except in sanitary containers. All equipment for the storage or disposal of such material shall be kept in a clean and sanitary condition. No cans, bags, containers or receptacles for the storing or disposal of trash, garbage, refuse, rubble, or debris shall be stored, kept, placed or maintained on any Lot where visible from any street except solely on a day designated for removal of garbage and rubbish and on which days only such cans, bags, containers, and receptacles may be placed in front of a residence and beside a street for removal but shall be removed from view before the following day.

Section 10.9.

Sight Distance at Intersections.

No object or thing which obstructs sight lines at elevations between two(2) and six (6) feet above the roadways within the triangular area formed by the intersecting street curb lines and a line connecting them at points twenty-five (25) feet from the intersection of the street curb lines or extensions thereof (the "Sight Obstruction Area") shall be placed, planted or permitted to remain on any corner Lots. The same sight line limitations shall apply on any Lot within ten (10) feet from the intersection of a curb line with the edge of a driveway or alley pavement. No tree shall be permitted to remain within such distances of such intersections unless the foliage line is maintained at sufficient height to prevent obstruction of such sight lines.

Section 10.10.

Parking.

No vehicles, trailers, implements or apparatus may be driven or parked in the Common Areas, Recreational Amenities, Flood Plain Area, Right-of-Way Maintenance Areas or on any easement, other than while in use for maintaining such Common Areas, Recreational Amenities or Right-of-Way Maintenance Areas.

In order to enhance the aesthetic image of the community and to create a safer community for children, Lot Owners are requested not to park vehicles, trailers, implements or apparatus in the street and whenever possible to park such in the garage or driveway of Lot Owner's property.

Section 10.11.

Commercial or Institutional

Use. No Lot, and no building erected or maintained on any Lot shall be used for manufacturing, industrial, business, commercial, institutional or other nonresidential purposes, except for construction offices, model homes and sales offices as set forth in Article IX. Nothing in this Section shall prohibit all Owner's use of a residence for quiet, inoffensive activities such as tutoring, giving music or art lessons, or in home day care (babysitting), so long as such activities do not materially increase the number of cars parked on the street or interfere with adjoining homeowners' use and enjoyment of their residences and yards.

Section 10.12.

Detached Buildings.

No detached accessory buildings, including, but not limited to, detached garages and storage buildings, shall be erected, placed or constructed upon any Lot without the prior consent of the ACC. Every outbuilding, inclusive of, but not limited to such structures as a storage building, greenhouse or children's playhouse shall be compatible with the dwelling to which it is appurtenant in terms of its design and material composition. In no instance shall an outbuilding, excluding a detached garage, exceed one (1) story in height or have total floor area in excess of ten percent (10%) of the floor area of the main dwelling.

Section 10.13.

Fences.

a. Fences in General.

No fence or wall shall be erected or maintained on the side yard of any Lot nearer to the street than the front building line of the house. No fences or walls shall be constructed in the front yard of any Lot, except for fences erected in conjunction with model homes or sales offices. All fences constructed require prior written consent of the ACC. Chain link or other similar metal fencing is expressly prohibited, except as and where constructed by Declarant along ditch/canal easements bordering the Property and except that 2" x 4" mesh may be used with split rail fencing to contain animals within the yard. Perimeter fencing and privacy fencing around patios, decks or pools may not exceed six (6) feet in height.

b. Pool Fences.

It shall be a requirement within the Property that any pool constructed within the Property, whether above ground or inground shall be surrounded by a non-climbable Perimeter fence of at least five (5) feet in height and equipped with a self-closing mechanism on all gates. The design for swimming pool and fence construction must be submitted to the ACC for prior approval, and said approval will not be given unless the plans therefore include a perimeter fence in compliance with this section. The minimum fence requirements contained in Section 10.12(a) shall apply to any pool fences constructed within the Property.

Section 10.14.

Vegetation.

No weeds or vegetation, of any kind whatsoever shall be placed or permitted to accumulate on any Lot or any portion of the Property which would render it unsanitary, unsightly, Offensive, or detrimental to any property in the vicinity thereof or to the occupants of any property in such vicinity. Grass, hedges, shrubs, vines and mass planting of any type on any Lot or any portion of the Property shall be kept trimmed and shall at regular intervals be mowed, trimmed and cut so as to appear neat and attractive. Trees, shrubs, vines and plants which die shall be promptly removed from a Lot.

Section 10.15.

Antennae, Satellite Dishes and Solar Collectors.

No Owner may erect or maintain a television or radio receiving or transmitting antenna, satellite dish or similar implement or apparatus, or solar collector panels or equipment upon any Lot unless such apparatus is erected and maintained in such a way that it is screened from public view at a point in the center of the public street right-of-way directly in front of the house erected on such Lot; and no such apparatus shall be erected without the prior written consent of the ACC.

Section 10.16.

Exterior Finish.

All exterior walls of all dwellings, garages and approved accessory buildings shall be completely finished with vinyl siding, wood, stucco, brick, stone, paneling or other material acceptable to the ACC.

Section 10.17.

Clothes Hanging Devices.

Clothes hanging devices exterior to a dwelling shall not be visible from outside the Lot.

Section 10.18.

Window Treatment.

No aluChimneys. All fireplace flues, smoke stacks and spark arresters shall be completely enclosed and concealed from public view in finished chimneys of materials architecturally compatible with the principal finish material of the exterior walls of the dwelling or otherwise approved by the ACC. All aluminum foil, newspaper, reflective film or similar treatment shall be placed on windows or glass doors.

Section 10.19.

Oil and Mining Operations.

No oil drilling, oil development operations, oil refining, quarrying or mining operation of any kind shall be permitted upon or in any Lot, nor shall oil wells, tanks, tunnels, mineral excavations, or shafts be permitted upon any Lot. No derrick or other structure designed for use in boring for oil or natural gas shall be erected, maintained or permitted upon any Lot. No tank for the storage of oil or other fluids may be maintained on any of the Lots above the surface of the ground other than commercially marketed propane or natural gas tanks used for outdoor grills or pool or spa heating equipment.

Section 10.20.

Mail Boxes.

Mail boxes shall be erected and maintained upon areas determined by the U.S. Postal Service in accordance with the current postal authority standards and the approval of the ACC.

Section 10.21.

Roof Exposed

roof surfaces on any principal and/or secondary structures shall be of composition shingles. The ACC shall have the authority to approve roof treatments and materials when in its determination such treatments and materials, in the form utilized will not be a detriment to the quality of the neighborhood.

Section 10.22.

Setback Lines.

All buildings or other structures, permanent or temporary, habitable or uninhabitable, must be constructed, placed and maintained in conformity with setback lines as required by the recorded plat. Notwithstanding the foregoing, the ACC shall have the right and authority to approve variances from the setback requirements for reasonable cause or to alleviate a hardship.

Section 10.23.

Water and Sewer Systems.

No individual water supply system or sewage disposal system shall be permitted on any Lot, including but not limited to water wells, cesspools or septic tanks.

Section 10.24.

Recreational Facilities.

Recreational facilities such as swing sets, trampolines, swimming pools, basketball goals or sport courts, either permanent or temporary, shall not be placed on any Lot without the prior written consent of the ACC.

Section 10.25.

Unlawful Activity.

No unlawful activity shall be conducted on any Lot or in any other part of the Property. Nothing shall be done within the Property that is an unreasonable annoyance, inconvenience or nuisance to the residents of the Property, or that unreasonably interferes with the quiet enjoyment by occupants of Lots within the Property.

Section 10.26.

Flood Plain Areas.

Certain portions of the Property have been designated as a Flood Plain by the Federal Emergency Management Agency ("FEMA"). Declarant will convey the portion of the Property designated as a Flood Plain Area to the Association in fee simple title and the Association shall assume all responsibilities with respect to the Flood Plain Area. Owners of Lots are hereby put on notice that Flood Plain Areas will be included within the Common Areas to be owned by the Association which may border on Lots and may not be disturbed or improved in any manner.

Section 10.26 Cont.

Owners shall be prohibited from improving, cutting, pruning, disposing of trash, filling, planting, removing of plants, draining or dumping upon any of the Flood Plain Areas. The association, unless provided otherwise by laws, applicable rules, ordinances, regulations, law or the like, shall be permitted to remove any trash deposited in or blown onto any of the Flood Plain Areas, but no vegetation or soils may be added thereto without the prior approval of FEMA. Failure of Owners of homes in the Property to adhere to the policies and procedures of the Flood Plain Areas pertaining to the use, misuse and maintenance of Flood Plain Areas may result in the implementation of fines or other penalties against violators from Federal or State governmental agencies.