

**PROPOSED FIRST AMENDMENT**

**Red Line Version**

ARTICLE I - DEFINITIONS

"Public View" shall mean and refer to any area visible to a person standing at any point on any public sidewalk or named street.

"Total View" shall mean and refer to any area visible to a person standing at any point on any public sidewalk, alley, trail, named street, adjacent Lot or from the surface of the lake.

ARTICLE VIII - PROTECTIVE COVENANTS

8.1 Residential Purpose Only. Each Lot and Dwelling Unit shall be used exclusively for single-family residential purposes only. No building or structure intended for or adapted to business purposes, and no apartment house, double house, lodging house, rooming house, hospital, sanatorium or doctor's office, or other multiple-family dwelling shall be erected, placed, permitted or maintained on any Lot, or on any part thereof. No improvement or structure whatever, other than a private Dwelling Unit, patio walls, swimming pool, and customary outbuildings, garage, servants' quarters or guest house may be erected, placed or maintained on any Lot. All parking spaces shall be used exclusively for the parking of passenger automobiles, except as expressly permitted in Section 8.6.

8.2 Rubbish, Etc. No Lot shall be used in whole or in part for the storage of rubbish of any character whatsoever, nor for the storage of any property or thing that will cause such Lot to appear in an unclean or untidy condition or that will be obnoxious to the eye; nor shall any substance, thing or material be kept upon any Lot that will emit foul or obnoxious odors, or that will cause any noise that will or might disturb the peace, quiet, comfort or serenity of the occupants of the surrounding property. No weeds, underbrush or other unsightly growths shall be permitted to grow or remain upon the Lot, and no refuse pile or unsightly objects shall be allowed to be placed or suffered to remain anywhere thereon.

8.3 Animals. No animals, reptiles, livestock, poultry or birds of any kind shall be raised, bred or kept on any Lot, except that dogs, cats or other household pets may be kept in reasonable numbers, provided that they are not kept, bred or maintained for any commercial purpose. Horses, reptiles, ponies, goats, sheep, hogs, pigs,

monkeys, chickens, ducks, peacocks, pigeons, and Guinea fowl shall not be deemed as household pets and are expressly prohibited. Notwithstanding the foregoing, however, no individual dogs or other animals deemed by the Board in its sole discretion to be dangerous to persons or other animals shall be raised, bred or kept on any Lot.

8.4 Development Activity. Notwithstanding any other provision herein, Declarant and its successors and assigns shall be entitled to conduct on the Properties all activities normally associated with and convenient to the development of the Properties and the construction and sale of Lots within the Properties.

8.5 Signs and Picketing. No sign or emblem of any kind may be kept or placed upon any Lot or mounted, painted or attached to any Dwelling Unit, fence or other improvement upon such Lot so as to be visible from ~~public view~~Public View except the following:

(a) For Sale Signs. An Owner may erect no more than one (1) two (2) signs on his Lot, not exceeding 2' x 3' nine (9) square feet in area, ~~fastened only to a stake in the ground~~ and extending not more than ~~three (3) four (4)~~ feet above the surface of such Lot advertising the property for sale.

(b) Declarant's Signs. Declarant may erect and maintain a sign or signs deemed reasonable and necessary for the construction, development, operation, promotion, leasing and sale of the Lots.

(c) Builders' Signs. Any Dwelling Unit builder may utilize one professional sign (of not more than five (5) square feet in size) per Lot for advertising and sales promotion of such Dwelling Unit.

(d) 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 or 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 shall be removed within fifteen (15) days after such election.

(e) Organization Spirit Items. A resident may display no more than three (3) items not exceeding four (4) square feet in area advocating spirit for any organization. Such signs are to be in good taste and sportsmanship. The ACC, as designated in this Declaration, shall have the absolute authority to determine from time to time whether a sign is in good taste and sportsmanship.

8.6 Campers. Trucks, ~~Boats~~ and Recreational Vehicles. No campers, commercial vans, commercial pickup trucks, ~~boats, empty boat watercraft~~ trailers, recreational vehicles and other types of non-passenger vehicles, equipment, implements or

accessories may be kept on any Lot unless the same are fully enclosed within the garage located on such Lot and/or said vehicles and accessories are screened from ~~view~~Public View by a screening structure or fencing approved by the ACC (as provided in Article IX hereof), and such vehicles and accessories are in an operable condition. The ACC, as designated in this Declaration, shall have the absolute authority to determine from time to time whether a vehicle and/or accessory is operable and adequately screened from ~~public view~~Public View. Upon an adverse determination by said ACC, the vehicle and/or accessory shall be removed and/or otherwise brought into compliance with this paragraph.

8.7 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 non-residential purposes.

8.8 Building Standards. No building shall be erected or maintained on any Lot unless it complies with all applicable governmental requirements, including any applicable building codes and ordinances.

8.9 Detached Buildings. The ACC shall promulgate specific Design Guidelines governing the composition and location of detached accessory buildings to be located upon Lots. 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.

8.10 Fences.

(a) No fence, wall or hedge shall be erected, placed or altered on any Lot without the approval of the ACC. All clotheslines, wood piles, tool sheds, ~~air-conditioning equipment~~, sanitation facilities or other service facilities must be enclosed with fences, walls or landscaping, as may be required by the ACC, so as not to be ~~generally~~ visible ~~by the public~~from Public View unless otherwise approved by the ACC in writing.

(b) The ACC shall promulgate specific Design Guidelines governing the composition and location of screening walls, fences and hedges to be located upon Lots. Screening walls shall be incorporated into and be harmonious with the overall landscaping plan developed for the Properties. Fencing shall comply with the construction and location criteria described in Exhibit "D" attached hereto.

(c) No chain link, wire or other open fencing will be allowed unless expressly approved by the ACC.

(d) The foregoing restrictions shall not be applicable to the construction or erection of any fence, wall or hedge on any Lot or the Common Properties by Declarant.

8.11 Antennae, and 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' (a) 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 Dwelling Unit erected on such Lot, and (b) the Owner has received the prior written approval from the ACC to the size, location and screening of such apparatus.

8.12 Chimneys. All fireplace flues, smoke stacks and spark arrestors shall be completely enclosed and concealed from ~~public view~~ Total View in finished chimneys of materials architecturally compatible with the principal finish material of the exterior walls of the Dwelling Unit or as otherwise approved in writing by the ACC.

8.13 Clothes Hanging Devices. Exterior clothes hanging devices shall not be permitted unless completely screened from ~~public view~~ Total View.

8.14 Window Treatment. No aluminum foil, reflective film, ~~signs~~ or similar treatment shall be placed on windows or glass doors.

8.15 Front Entry Garages. Where applicable zoning ordinances and building codes permit garages with entrances directly facing the street, each such garage shall be equipped with an electrical or mechanical garage door opener/closer that can be opened and closed remotely from a device located in a vehicle outside the garage. In the case of Dwelling Units with such front entry garages, vehicles of the Owner or Resident and their respective families shall not be parked on a regular basis in the driveway providing access between the street and the garage. Vehicles continuously parked in the driveway for more than ~~twenty-four (24) hours~~ thirty (30) days shall be deemed in violation of this covenant.

8.16 Temporary Structures. No temporary structure of any kind shall be erected or placed upon any Lot. No trailer, mobile, modular or prefabricated home, tent, shack, barn or any other structure or building, other than the residential structure to be built thereon, shall be placed on any Lot, either temporarily or permanently, and no residence house, garage or other structure appurtenant thereto,

shall be moved upon any Lot from another location; except, however, that Declarant reserves the exclusive right to erect, place and maintain, and to permit builders and Owners to erect, place and maintain such facilities in and upon the Properties as in its sole discretion may be deemed necessary or convenient during the period of and in connection with the sales of Lots, construction and selling of residential structures and constructing other improvements on the Properties. Such facilities may include, but not necessarily be limited to, a temporary office building, storage area, signs, portable toilet facilities and sales office. Declarant and builders of residential structures on Lots shall also have the temporary right to use a residence situated on an Lot as a temporary office or model home during the period of and in connection with construction and sales or leasing operations on the Properties, but in no event shall a builder have such right for a period in excess of one (1) year from the date of substantial completion (as defined by the American Institute of Architects) of his last residential structure on the Properties.

8.17 Trash Receptacles and Collection. All trash receptacles shall be screened by fences or shrubbery so as not to be ~~generally visible by the public~~ from Public View, unless otherwise approved by the ACC in writing. Each and every Owner shall observe and comply with any and all regulations or requirements promulgated by the City of The Colony, Texas, and/or the Association, in connection with the storage and removal of trash and garbage. All Lots shall at all times be kept in a healthful, sanitary and attractive condition. No Lot shall be used or maintained as a dumping ground for garbage, trash, junk or other waste matter. All trash, garbage, or waste matter shall be kept in adequate containers which shall be constructed of metal, plastic or masonry materials, with tightly-fitting lids, and which shall be maintained in a clean and sanitary condition. No Lot shall be used for open storage of any materials whatsoever, except that new building materials used in the construction of improvements erected on any Lot may be placed upon such Lot at the time construction is commenced and may be maintained thereon for a reasonable time, so long as the construction progresses without unreasonable delay, until completion of the improvements, after which these materials shall either be removed from the Lot, or stored in a suitable enclosure on the Lot. No garbage, trash, debris, or other waste matter of any kind shall be burned on any Lot.

8.18 Swimming Pools. No above-ground swimming pools shall be permitted.

8.19 Truck Weight Limit. Trucks with tonnage in excess of ~~three-quarters~~one ton shall not be permitted to park overnight on the streets, driveways or otherwise within the Properties.

8.20 Utilities.

(a) Dwelling Units shall be connected to the water and sewer lines as soon as practicable after same are available at the Lot line. No privy, cesspool or septic tank shall be placed or maintained upon or in any Lot. The installation and use of any propane, butane, LP Gas or other gas tank, bottle or cylinder of any type, shall require the prior written approval of the ACC.

(b) All telephone, electric, cable or other service lines shall be installed underground and shall meet all requirements of the City of The Colony, Texas.

(c) A general utility plan for the construction and installation of all utility and other services, including, but not limited to, water, sanitary sewer, storm sewer, electric, telephone, cable and gas services must be submitted to the ACC for approval prior to installation.

8.21 Paint and Roofing. All painted improvements and other painted structures and roofing material on each Lot shall be repainted or replaced by the Owner thereof at his sole cost and expense as often as is reasonably necessary to ensure the attractiveness and aesthetic quality of such Lot or Dwelling Unit. The approval of the ACC otherwise required for improvements under Article IX, shall not be required for such repainting or replacement so long as neither the color scheme nor the arrangement of the colors of any improvements, nor the color of any paint or roofing material thereon ~~is~~are altered.

8.22 Planting and Maintenance of Trees: Automatic Irrigation of Landscaped Areas.

Prior to occupancy of a Dwelling Unit, trees shall be planted by the builder or Owner in accordance with the minimum criteria described on Exhibit "E" attached hereto, and thereafter maintained and replaced, if necessary, in order to continually comply with such criteria unless otherwise exempted by the ACC. Existing soils on which Dwelling Units will be constructed may be subject to movement caused by fluctuations in the moisture content of the soil. To minimize these fluctuations in moisture content of soils adjacent to foundations of Dwelling Units, and to maintain the attractiveness of landscaping installed in such areas, each builder of a Dwelling Unit or Owner shall install and continually maintain an automatically controlled irrigation system sufficient to maintain a relatively constant moisture content in all landscaped areas adjacent to the foundation of the Dwelling Unit.

8.23 Boats and Personal Watercraft. Boats and personal watercrafts (PWCs) on trailers may be stored on driveways in Public View from one (1) week before Memorial Day Weekend to one (1) week after Labor Day Weekend. Those boats and PWCs on trailers must (a) be in complete operational order, in one complete piece, and not in a state of disrepair while parked in the driveway, (b) not protrude into the sidewalk, (c) not be parked even partially on the grass, (d) be covered with a cover whose primary application is designed for watercraft, (e) not exceed a height of fifteen (15) feet from ground level, (f) not threaten public safety and (g) not violate any law. Anyone having a boat on a trailer in their driveway in Public View before or after the dates specified will be in violation of this covenant. Boats and PWCs not stored in Public View must still comply with items (a) thru (g) of this covenant.

8.24 Solar Energy Panels. For purposes of this covenant, the term "Solar Energy Panel" means a panel device or system designed primarily to collect solar energy, and collect and subsequently use solar energy as thermal, mechanical, or electrical energy. Solar Energy Panels may not be installed without prior written approval of the ACC. The installation of Solar Energy Panels will not be allowed if: (a) they threaten public safety; (b) violate any law; (c) are intended to be installed on or within property owned or maintained by the Association; (d) are intended to be installed on any area other than the Owner's roof or within the Owner's fenced yard or patio; (e) are intended to be installed where visible from Public View (f) are mounted on a device that is taller or more visually obtrusive than is necessary for the Solar Energy Panel to operate at not less than 90% of its rated efficiency. The intent of this restriction is to allow the installation of Solar Energy Panels but to maintain, to the greatest extent possible, the aesthetics of the community and the harmony established by the plan of development for the Association. In all circumstances where roof installation is contemplated, Solar Energy Panels shall conform to the slope of the roof and the top edge of the solar energy panels shall be parallel to the roof ridge. Solar Energy Panel frames, support brackets, or any visible piping or wiring must be painted and maintained to blend and coordinate with the existing roofing color and material.

8.25 Holiday Decorations. Holiday decorations may not be displayed earlier than 38 days and later than 14 days from the holiday.