

Saddle Creek Forest

ARCHITECTURAL AND
SITE DESIGN GUIDELINES

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1.0 Introduction

1.01 Objective of the Guidelines

This document has been prepared for promoting the development of a residential community known as Saddle Creek Forest. The standards of design expressed in this document are intended to describe our "vision" of the Development through procedures that are clearly outlined and informative. Our intent is to expedite your process of building an exceptionally high quality residence. Throughout the course of the Development, we may review and revise these Guidelines, as necessary to reflect changing conditions. Any changes will be noted in a separate amendment with corresponding date in the corner of the original Guidelines.

1.02 Relationship to Legal Documents

These guidelines are supplementary to the Declaration of Covenants, Conditions and Restrictions for Saddle Creek Forest, which are of Record. The criteria are intended to complement the Covenants and should a conflict arise, the Covenants shall prevail.

1.03 Community Master Plan

Saddle Creek Forest is a planned gated community that includes approximately 1048 acres located on Riley Road in both Waller and Grimes Counties. The Community includes three ponds, Parks, Playgrounds, Picnic Areas, an RV Park, Stables with Riding Arena and Walking or Riding Trails.

Throughout the development of Saddle Creek Forest it is the intent of the developer to protect the natural features of the property. Consequently, these Design Guidelines will reflect that concern in its approach toward the Design Review and Construction of residences within Saddle Creek Forest.

2.0 Organization & Responsibilities of the Architectural Review Board (ARB)

2.01 Mission and Function

The Covenants state that no structure is to be erected in the Development without being approved by the ARB. Saddle Creek Forest ARB works with the design guidelines and Covenants to assure an attractive, compatible, and aesthetically pleasing community. The design guidelines are used by the ARB as guidelines for the evaluation of projects submitted to them. The final decision of the ARB may be based on purely aesthetic considerations. It is important to note that these opinions are subjective and may vary as committee members change over time. The developer reserves the right to revise and update the design guidelines as well as the performance and quality standards to respond to future changes.

2.02 Membership

The ARB is comprised of 3 to 5 members appointed by the Declarant, Bluegreen Southwest Land, Inc. A member of the corporation's staff will chair the committee. The right to appoint members to the ARB shall be retained by the Declarant until one hundred percent of the parcels have been developed and conveyed to purchasers in the normal course of development. At such time, the Board of directors of the Association shall appoint the members of the ARB in accordance with Article 9.2 of the Covenants.

2.03 Scope of Responsibility

The ARB has the following responsibilities:

1. Evaluating each of the plans submitted by an owner for adherence to the design guidelines and compatibility of the design with the adjoining sites and common spaces.
2. Approving all new construction.
3. Monitoring the design and construction process in order to ensure conformance with the Covenants and Guidelines.
4. Enforcing the Design Guidelines through special assessment or self-help as described in the Covenants.
5. Interpreting the Covenants and Design Guidelines at the request of the Owners.
6. Approving all modifications to existing structures, including but not limited to walls, fences, material replacements, renovations, additions and landscaping in some sections.

2.04 Enforcement Powers

Any structure or improvement that is placed on any home site without ARB approval is considered to be in violation of these guidelines and the Covenants. The ARB has the power to request that the non-conforming structure be brought into compliance at the owner's expense. Should the owner fail to comply with the requests of the board, the ARB will act in accordance with Article 9.9 of the Covenants to bring the non-conforming item into compliance.

2.05 Limitation of Liability

Approval by the ARB does not constitute a representation of warranty as to the quality, fitness, or suitability of the design or materials specified in the plans. Owners should work with their architect and or contractor to determine whether the design and materials are appropriate for the intended use. In addition, approval by the ARB does not assure approval by any governmental agencies that require permits for construction. Owners are responsible for obtaining or ensuring that their architect or contractor obtains all required permits before commencement of construction. The Declarant, the Association, the Board, any committee, or member of any of the foregoing shall not be held liable for any injury, damages, or loss arising out of the manner or quality of approved construction on or modifications to any home site. In all matters, the committees and their members shall be defended and indemnified by the Association as provided in Article 4.6 of the Covenants.

3.0 The Design Review Process

3.01 Review of Plans

The ARB will review design submissions at scheduled ARB meetings. There is one submission in the design review process. The submission reviews the architectural and site requirements. Submissions are due seven calendar days before each meeting. The ARB administrator will review submissions in advance of the scheduled meeting. Submission requirements are outlined in Section 9.3 of the Covenants and Section 5.01 of these guidelines.

3.02 Conditions of Approval / Rejection of Plans

Approval by the ARB shall in no way relieve the owner of responsibility and liability for the adherence to any applicable ordinances and codes. Plans submitted for review or any portion thereof, may be disapproved upon any grounds, which are consistent with the purpose and objectives of the ARB, including purely aesthetic considerations.

3.03 Architectural and Contractor Requirements

All plans for the construction of dwellings and other buildings or significant structures at Saddle Creek Forest must be designed and drawn by an architect who is registered and licensed in the State of Texas or a professional, experienced home designer.

3.04 Final Review

During final review, the designer submits a final set of construction drawings for the project. These drawings should address all the conditions imposed by the ARB and Restrictions. The ARB reserves the right to make design comments on any plan during this review.

3.05 Additional Meetings with the ARB

If an application for approval is denied or conditions are unacceptable, the applicant may request an additional meeting to discuss the plans with the ARB or an ARB representative.

3.06 Variances

From time to time, the design guidelines or existing site conditions may impose an undue hardship that may inhibit construction on a particular home site. In such case, the applicant may submit a written request for a variance to the ARB. The ARB will grant or deny the variance request in writing. No variances are allowed unless the applicant has received a written notice of approval from the ARB. Any variance granted is unique and does not set any precedent for future decisions of the ARB.

3.07 Builder "Clean Site" Bond

Builder "Clean Site" bond/deposit amount can be established and published by the ARB. The purpose of the deposit is to assure compliance to workplace clean site standards. The builder can be fined for violation of the "Clean Site" standards at the discretion of the Bluegreen construction superintendent. Said fines, if any, will be deducted from the builder deposit, and the balance or the deposit will be refunded to the builder upon completion of home construction.

3.08 Design Review Fees

Design review fees can be established and published by the ARB. The purpose of these fees would be to cover all expenses related to the processing of applications for construction. The Board reserves the right to change or waive these fees from time to time without prior notice. The "Clean Site" bond must be included with the submission. Submissions received without the "Clean Site" bond could be considered incomplete, and may be returned to the Owner. The ARB reserves the right to change the amount at any time without notice.

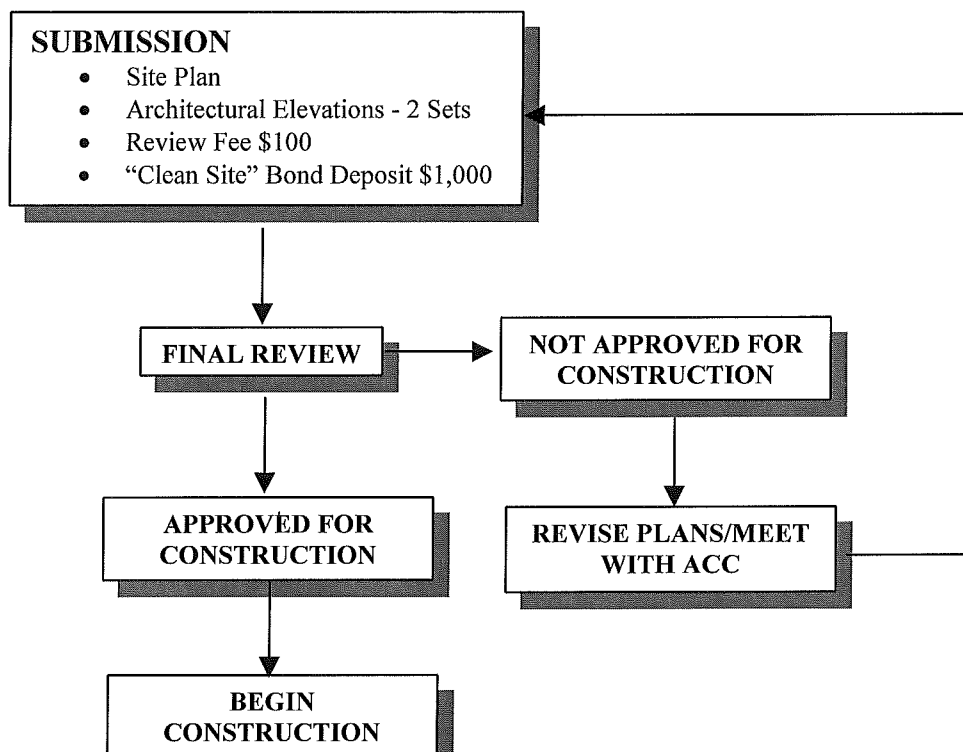
3.09 Renovation / Additions to Existing Structures

All renovations, additions, or improvements to existing structures shall be approved by the ARB. The applicant shall submit plans showing the nature of the work to be performed with the review fee, if any.

3.10 Final Approval

The final approval letter is issued after the board approves the submitted plans for construction.

THE ARCHITECTURAL REVIEW PROCESS



INCLUDE TIMELINE FOR SUBMITTAL

4.0 The Construction Process

4.01 Construction Time Limit

The exterior of all dwellings and other structures must be completed within one year after the construction of same has commenced, except where such completion is impossible or would result in great hardship to the owner or builder due to strikes, fires, national emergency, or natural calamities as deemed by the ARB. If an extension is needed, the builder may submit an extension request, including projected completion date, in writing to the ARB. Failure to complete the project within the deadline will result in either special assessment, self help measures, or other enforcement rights as set forth in the Covenants.

If construction has not commenced within six months after the date of the final approval, it shall be deemed to have expired unless applicant, prior to such expiration date, has requested and received an extension in writing from the ARB.

4.02 Builder's Sign

Builder signs shall be installed at the start of clearing and grading. The sign shall remain properly installed throughout construction. All signs must be approved by the developer.

All signs must be placed no closer than 10 feet from the front line and 25 feet from each sideline. The sign cannot be any higher than 48 inches from the ground to the top of the sign and shall be no larger than 36 inches by 36 inches.

Subcontractor signs are not allowed on the property. Any additional signage or displays found on a jobsite may be removed at any time without warning.

4.03 Port A John

A port a john will be required for each job site. The port a john must be placed behind the builder's sign.

4.04 Construction Entrance

A construction entrance must be installed prior to the start of any work on the lot. The entrance must be built to eliminate the tracking of mud onto paved roads.

4.05 Erosion Control

The Texas Commission on Environmental Quality (TCEQ) requires Bluegreen Southwest Land, Inc. to obtain a permit while constructing roads, installing utilities and performing construction activities. This permit authorizes us to discharge "*storm water associated with construction activity*". The TCEQ permit requires specific pollution prevention and control measures and reporting activities. Among the conditions and requirements of this permit, Bluegreen must prepare and implement a Storm Water Pollution Prevention Plan (SWP3) that is tailored to our construction activity. Additionally, the control measures must be inspected every 14 days and after every rainfall event greater than 0.5 inches.

As defined in the TCEQ regulations, "*storm water associated with construction activity*" includes storm water runoff from a construction activity where soil disturbing activities (including clearing, grading, excavating) result in the disturbance of one (1) or more acres of total land area, or are part of a larger common plan of development or sale that will result in disturbance of one (1) or more acres of total land area.

Bluegreen's general permit covers every lot in the subdivision for each section under construction. However, when title to a lot is conveyed to a purchaser, that lot is no longer under Bluegreen's general permit. Therefore, the individual lot owner, prior to starting any construction activity that includes any type of earth disturbing activity, must apply for a TCEQ permit to discharge storm water and develop a SWP3 that is tailored to that construction site. Typically, the SWP3 includes control measures such as rock berms and silt fences that trap sediments and keep them from leaving the construction site. Additionally, the control measures must be inspected every 14 days and after every rainfall event greater than 0.5 inches. After construction is complete, the permit

ADD REQUIREMENT
FOR BUILDER'S SIGN
NUMBER ON SIGN

must stay in effect until the site is stabilized or until 70% of the native background vegetative cover has been established. At that point, the permit should be terminated.

If you, the lot owner, hire a building contractor, that contractor should apply for the TCEQ permit, prepare the SWP3, supervise the implementation of the SWP3, perform the inspections and terminate the permit when the site is stabilized. However, if you perform the general contracting duties yourself, you would be the "operator" and would be responsible for these requirements.

For additional information concerning TCEQ permitting requirements, you can access their web site at <http://tnrcc.state.tx.us>.

If you require assistance in preparing your permit application, SWP3 or inspections you can also contact Berg Oliver and Associates at 281-589-0898. This firm specializes in Storm Water Compliance Management.

4.06 Site Maintenance

Only usable construction materials may be stored on a construction site. Discarded construction materials, refuse and debris must be removed daily from the site, or contained within a trash dumpster. Storage or placement of materials within any right of way or easement is not permitted at any time. If trash is not removed on a regular basis, Saddle Creek Forest will remove the trash and an invoice will be sent to the Owner. No fires are allowed on construction sites. No petroleum-based products or other potentially hazardous or toxic substances may be disposed of on any lot or any drainage ditch, stream, or lake.

4.07 Right to Enter and Inspect Property for Compliance

The right of entry and inspection is specifically reserved by the ARB, its agents, and representatives to visit all or any portion of the Owner's property for verifying compliance with the requirements of the ARB. A representative of the ARB will make periodic inspections during the entire construction period. The Owner will be notified in writing with a copy to the architect/designer and general contractor of any items and exceptions noted in the inspection report and all such items and exceptions must be completed or resolved by the next meeting of the ARB.

4.08 Conduct of Workers

No alcohol or drugs are permitted on site. Animals are prohibited. Firearms are prohibited. No harassing or loud behaviors are permitted. Workers shall not be allowed to travel the property unnecessarily or use the amenities. Additional violations may result in the contractor being denied access to the property.

4.09 Revisions and Changes During Construction

All revisions and changes made during construction shall be submitted in writing to the ARB for approval prior to the implementation of such change. All revised drawings must be submitted along with the revision request. The ARB will grant the request in writing. Failure to obtain written approval for any revision during construction will result in fines being deducted from the construction deposit.

4.10 Alterations / Remodeling / Improvements / Repainting of Approved Structures

Any exterior change to an existing structure requires approval from the ARB before commencing with work. All exterior changes or renovations shall be submitted to the ARB for approval as outlined in Article 9 of the Covenants. All construction shall be subject to the construction regulations set forth in Section 4.0 of these guidelines.

5.0 Specific Submission Requirements**5.01 Plan Submission Requirements for Design Review**

The following submission requirements must be met prior to obtaining final approval for construction. A design review checklist can be found on the last page of these guidelines.

- (1) **Existing conditions** – min scale 1"=20'. Must include the following information:
 - (a) Owner's name
 - (b) Designer's name
 - (c) North Arrow and scale
 - (d) Property lines with dimensions and bearings
 - (e) Setback lines
 - (f) Easement lines
 - (g) Adjacent street names
 - (h) Outline of exterior walls, decks and driveways on adjacent lots
- (2) **Site Plan** – min scale 1"=20'. Must include the following information:
(May be added to the existing conditions map.)
 - (a) Proposed location of home.
 - (b) Dimensions from corner of foundation to adjacent property line.
 - (c) Proposed driveway.
 - (d) Proposed fences.
 - (e) Proposed retaining walls.
 - (f) Proposed pool or spa location.
 - (g) Proposed accessory structures. (out building, trellis, etc.)
 - (h) Finish Floor Elevation (FFE) of first floor and garage.
 - (i) Proposed two-foot contour lines.
 - (j) Location of underground or above ground LP tank.
- (3) **Architectural Plans** – minimum scale of 1/4"=1'-0"
 - (a) **FLOOR PLANS**
 - (i) Interior rooms dimensioned and named.
 - (ii) All window and door openings shown.
 - (iii) Roof overhang with a dashed line.
 - (iv) Total square footage of structure.
 - (v) Heated square footage of structure. (Refer to your specific Section Supplemental Declaration of Covenants, Conditions and Restrictions.)
 - (b) **BUILDING ELEVATIONS**
 - (i) Front, rear and two side elevations.
 - (ii) All elevations labeled so they correspond with site plan.
 - (iii) Exterior finish shown, including paint color & samples.
 - (iv) All decks and terraces shown.

EXTERIOR LIGHTING
NEEDS TO SHOW
ON SITE PLAN IF
POLE MOUNTED,
ELEVATIONS IF
MOUNTED ON
WALLS OR
SOFFITS.

- (4) **Landscape Plans** – minimum scale of 1"= 20' (If Required)
 - (a) Owner's name.
 - (b) Designer's name, address, telephone and fax number.
 - (c) North arrow and scale.
 - (d) Property lines with dimensions and bearings.
 - (e) Location of all structures (including decks, trellises, fences, gazebos, etc.), pavement and utilities.
 - (f) Location of all lawn areas and shrub bed lines.
 - (g) Location of all proposed plant material.
 - (h) Plant list with quantities, botanical names, common names, sizes and specifications.
 - (i) Location and specifications of all exterior lighting fixtures.
 - (j) Total area of lawn in square feet.
 - (k) Total area of lawn as percentage of site.

6.0 ARCHITECTURAL GUIDELINES

6.01 General Standards

Homes must be designed in conformity with the standards; requirements and guidelines set forth in the Covenants and the Design Guidelines. All footprints and garages must be sited within the setbacks. Plans submitted for review, or any portion thereof, may be disapproved upon any grounds, which are consistent with the purpose and objectives of the ARB, including purely aesthetic considerations.

6.02 Modular Construction

No modular home or manufactured home shall be placed, erected, constructed or permitted within the development. "Modular home and manufactured home" shall include any prefabricated or pre-built dwelling which consists of one or more transportable sections or components and shall also be deemed to include manufactured building, manufactured home, modular building, modular home, modular construction, and prefabricated construction as defined by the Texas State Building Code. Prefabricated accessory structures, such as sheds and gazebos, must be reviewed and approved in strict accordance with Article 9 of the Covenants.

6.03 Dwelling Size / Minimum Standards

Refer to your specific Section Supplemental Declaration of Covenants, Conditions and Restrictions.

6.04 Setback & Building Height Requirements

See Appendix A.

6.05 Exterior Color Guidelines

All exterior colors of any structures must be natural or earth tones and must compliment the surrounding landscape. The Committee may, in its sole discretion, approve other color schemes so long as such colors compliment the subdivision.

7.0 SITE REQUIREMENTS: ACCESSORY AND DECORATIVE STRUCTURES

7.01 Outbuildings

Each home site is limited to outbuildings as defined in your specific Section Supplemental Declaration of Covenants, Conditions and Restrictions. The location and appearance of outbuildings shall be submitted and approved by the ARB prior to construction. Outbuildings should be architecturally compatible with the home, and similar in color. All outbuildings shall be within the building setback lines.

7.02 Arbors and Trellises

Arbors and Trellises are permitted. Location, elevations and finishes must be submitted to the ARB for approval prior to beginning construction.

7.03 Fences and Walls

Walls, fences and gates, if any, must be approved prior to commencement of construction by the Architectural Review Board or appropriate reviewing body and shall be on or within the Lot property line. No fence shall be more than six feet (6') high for fences outlined in "a" below, excluding fences surrounding tennis/sports courts whose proposed height shall be submitted to and subject to approval by the appropriate Architectural Control reviewing body on a case-by-case basis. All walls, fences and gates shall be constructed according to the following standards:

(a.) All walls and fences facing an interior road must be constructed of either (i) rock of the same type as the dwelling on the Lot, (ii) masonry of the same type as the dwelling on the Lot, (iii) wrought iron, or (iv) a combination of wrought iron, rock and/or masonry, which rock and masonry shall match the dwelling on the Lot, or (v) three rail white vinyl fence. Sideline privacy fences may not extend beyond the front of the house.

Pipe fencing may be permitted on any rear or side property line not facing an interior road and shall consist of two and three-eighths inch pipe with ten foot spacing and 52" in height. A single top rail consisting of the same size pipe will be placed on top of line posts. The area between the posts shall be Tightlock or Solidlock Mesh tensile steel class III galvanized wire or equal. All piping must be painted black with panels left in natural color. All gates that front a road must be of a decorative nature and constructed of wrought iron. Standard aluminum ranch gates are not permitted.

Chain link or like fencing material may not be constructed, used in the construction of, or maintained on any tract except in connection with tennis and/or sports courts. Tennis and/or sports court fencing must be constructed of the green-coated chain link fence material. The Architectural Review Board or other appropriate reviewing body reserves the right to disapprove any fence that, in its sole opinion, may not meet the intended plan for the area.

7.04 Swimming Pools / Hot Tubs

Above ground swimming pools are prohibited. Bubble covers for below ground swimming pools are prohibited. Pools may not be installed on the front or side yard of any home. All Plans for swimming pools must be submitted to the ARB for approval. Swimming pools which are installed in the rear yards of lots that are adjacent to other lots will be subject to additional screening requirements as imposed by the ARB.

Outdoor Hot Tubs are approved. Location of hot tub shall be shown on the site plan. Hot tubs shall not be installed on the front or side yard of any home. Hot tubs installed in the rear of lots adjacent to other lots will be subject to additional screening requirements as imposed by the ARB.

7.05 Clothesline

There shall be no outdoor clothesline on any home site.

7.06 Tennis Courts

Private tennis courts shall be permitted on tracts that are 3 acres or larger and must meet all set back requirements placed on the rear yard of the home and must be approved by the ARB. Basketball goals are permitted, if the goal is a permanent structure. The location and finish of basketball goals shall be submitted and approved prior to construction.

7.07 Camping

No camping is permitted on the property.

8.0 SITE REQUIREMENTS: DRIVEWAYS**8.01 Driveways**

Refer to your specific Section Supplemental Declaration of Covenants, Conditions and Restrictions for lots that require driveways.

9.0 SITE REQUIREMENTS: LANDSCAPING IRRIGATION & LIGHTING

9.01 Landscape and Submission Requirements

Refer to your specific Section Supplemental Declaration of Covenants, Conditions and Restrictions to determine if your home is required to be landscaped.

The landscape layout and plans must be approved in writing by the Architectural Review Board. Such landscape layout and plans shall include all landscaping, plant materials, irrigation, walls, walks, swimming pools, fences, or other features to be installed or constructed on any portion of the lot. The Architectural Review Board shall, in its sole discretion and authority, determine whether the landscape layout and plans submitted to it for review are acceptable.

Landscaping plans must be submitted for review by the Architectural Review Board at least thirty (30) days prior to home completion. Landscaping installation must be completed within ninety (90) days after the completion of home construction.

Landscaping shall be a well-designed balance of mature trees, shrubs, and lawn grass around the perimeter of each new home. Plants must screen most of exposed foundations. This area must be watered by an irrigation system. All new landscaping turf installed or planted must be Buffalo, Blue Grama, Zoysia or Bermuda Grass. Other low water requirement turf products will be considered and may be approved by the Architectural Review Board. All requirements for specific types of turf were included in the restrictions to encourage water conservation practices.

In the event of the failure of Owner to comply with the above requirements after ten (10) days written notice thereof, the Association or their designated agents may, without liability to the Owner, Contractor or any occupants of the Tract in trespass or otherwise, enter upon (and/or authorize one or more others to enter upon said Tract, cause to be removed, such garbage, trash and rubbish or do any other thing necessary to secure compliance with this Declaration. Payment for the charges shall be payable on the first day of the next calendar month.

9.02 Lighting

All exterior lights shall consist of fixtures that prevent light from escaping through the top and sides of the fixture. Down lighting is encouraged to reduce glare, better light drives and paths, and to protect neighboring properties from bright light sources.

Colored lights are prohibited. Spotlights / Floodlights will be considered on a case-by-case basis, depending on orientation and location. Pole lights will be reviewed on a case-by-case basis.

All path and landscape lighting must consist of low voltage lamps. Path and landscape lighting shall have a maximum height of 36". Landscape lighting must be concealed in daytime.

10.0 ADDITIONAL REQUIREMENTS

10.01 Storage of Recreational Vehicles and Equipment

Recreational Vehicles may not be kept on the property prior to the main dwelling being built. After dwelling is complete, said such items may be kept on property as long as they are parked only in garages serving the lots or behind the main dwelling out of site from the street.

10.02 Signage

No permanent or temporary sign(s) shall be constructed or placed upon any Lot covered by these Restrictions without prior written approval of the Architectural Review Board. In the event a permitted sign is not properly maintained, the Architectural Review Board may give the Lot Owner written notice thereof. Required repairs must be made within five (5) business days of notification or the Architectural Review Board shall have the right, but not the obligation, to have repairs made and charged to the sign Owner. Each Lot may have one professionally made "For Sale" sign while the house on the Lot is under construction. All builder's sign must be removed from the Lot within fourteen (14) days after the house is occupied. No other real estate signs shall be allowed in the subdivision including, but not limited to For Sale signs, Sold signs, For Lease

signs, Rented signs and/or For Rent signs. No signage of any type may be erected on an unimproved property. These provisions shall not apply to Declarant so long as Declarant shall own a Lot in the subdivision, unless Declarant shall have improved such Lot and occupies the same. Notwithstanding, however, nothing herein shall prevent the Association from establishing rules for permitting celebration or recognition of Religious or National Holidays.

No other signs, except as provided in Article 9.4(b)(I) of the Declaration of Covenants, are permitted on the property. This includes, but is not limited to, political signs, or any other type of advertising structure.

10.03 Propane Storage Tanks

Propane storage tanks for heating and fireplace starting must not be visible from the road and must be screened with vegetation and/or privacy fencing.