

AMENDED & RESTATED
DECLARATION OF COVENANTS, CONDITIONS AND RESTRICTIONS
OF LEGENDARY OAKS PROPERTY OWNERS ASSOCIATION, INC.

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C. Construction Standards

The following provisions shall be applicable to all Subdivision Lots and Land.

1. Structural

No building material, building, fence, patio, or other structure shall be erected, altered, added to, placed or permitted to remain on any Lot or Land until and unless the plans showing floor areas, external design, structural details and plot plan showing the ground location of the intended structure have been first delivered to the Architectural Committee and approved in writing, but not limited to, the external design including color and quality, the conformity and harmony with existing or proposed structures in the Subdivision and the height of the structure insofar as it may obstruct the view of the surrounding Lots, the location of the structure on the Lot, the quality and type of materials and aesthetic qualities.

No alterations in the exterior appearance of an existing building or structure shall be made without approval of the Architectural Committee. These requirements also extend to ornamental structures, fences and walls, including but not limited to the location, design, height, length, and type of construction or the moving of a significant amount of soil. No natural draining shall be changed, altered or diverted without approval of the Architectural Committee.

Notwithstanding any other provisions of this Declaration, it is and shall remain the sole right and duty of the Board to review applications and grant approvals for any variances to this Declaration. Exceptions to and variances from this Declaration and, in general, other forms of deviations from these restrictions imposed by this Declaration may be made when and only when such exceptions, variances, and deviations do not in any way detract from the appearance of the premises and are not in any way detrimental to the public welfare or to other property Owners in the Subdivision.

Any exception and/or variances made or permitted by the Board shall apply only to the specific instance for which such exception or variances is made or permitted and shall not be deemed to apply to any other situation. Without limitation, the designated, maximum building height and maximum yard requirements and/or any other provision herein, may be waived by the Board, when in their opinion, such structures relate to the sound architectural planning and conform to the overall design of the Subdivision.

2. Elevated Structure Design

Other than buildings and structures constructed by the Association, no structure on any Lot shall be constructed or placed upon stilts, pilings, piers, etc.

3. Building Area

No structure shall be erected, placed or maintained on any portion of any Lot which portion has an area of less than a full Lot as designated on the applicable Plat. If one structure is constructed on an area consisting of more than one (1) Lot, the combined area, for the purpose of setback requirements shall be considered one (1) Lot.

4. Maximum Building Height

No structure shall exceed thirty-two (32) feet above the natural contour line of the Lot.

5. Minimum Yard Requirements

Except as specified to the contrary of the Plat, which specification shall control, the following shall apply:

- a) Front yard setbacks shall conform to a minimum depth of twenty-five (25) feet from the front property line to the closest structural projections, including porches, but not including eaves, overhangs, planters, or fireplaces.
- b) A principal structure shall provide total side yards of not less than fifteen (15) feet with not less than five (5) feet on one (1) side. Corner Lots shall maintain a minimum setback of twenty-five (25) feet from the side street line.
- c) A rear yard shall be maintained of at least fifteen (15) feet from the property line to the nearest building line.

6. Maximum Area of Dwelling

Notwithstanding uses permitted herein, no more than fifty percent (50%) of the total Lot area shall be used for the dwelling and other structures.

7. Minimum Dwelling Unit Size

All residences constructed on Lots 3 through 15 shall require a minimum of two thousand (2,000) square feet of living area. All other Lots shall require a minimum of two thousand, five hundred (2,500) square feet of living area. The requirements shall exclude area for a garage, covered porches, covered contiguous patios or other similar appendages for all Lots.

8. Building Exterior

Except for buildings and structures constructed by Association, all structures must have an exterior wall of at least seventy-five percent (75%) masonry on the street fronting walls and shall not have less than fifty percent (50%) masonry covering on the total of all exterior walls. Stucco shall be considered as "masonry" for the purpose of this paragraph. The exterior portion of all walls, that are not masonry, shall be painted or stained immediately upon completion or shall have color mixed in the final structural application, excepting acceptable woods that are commonly used without such finishes, so that all such materials shall have a finished appearance. The final color of all exterior surfaces must be approved by the Architectural Committee prior to application.

The change of any exterior paint colors must be the same color or one of a similar hue of the original color. Any changes to an existing color hue must be approved by the Architectural Committee prior to application.

9. Roofs

The roof of each structure shall be covered with composition type shingles of a weight and color approved by the Architectural Committee, other architecturally compatible roofing materials may be approved at their discretion. All roof stacks and flashing must be painted to match the approved roof color. Any replacement roof must be approved by the Architectural Committee.

10. Garages and Carports

All Lots shall provide for at least one (1) garage capable of housing at least two (2) full size automobiles. Such structure shall be connected to the main structure. The connection may be by a breezeway. All garages shall be enclosed. Carports are not allowed on any Lot.

11. Utilities

All utilities and utility services on all Lots or Land shall be installed underground, and no above surface utility wires will be installed on any Lot outside any structure.

12. Plumbing and Sewage

All structures shall have completed and approved plumbing and sewerage installation before occupancy, and shall comply with all laws, ordinances, rules and regulations of governmental authorities having and asserting jurisdiction.

13. Air Conditioning Units

No air conditioning unit, evaporative cooler, or other object shall be placed upon or above the roof of any dwelling or other building except and unless the same is architecturally concealed from view in plans submitted to and approved by the Architectural Committee.

14. Tanks, Butane, Etc.

No butane or other tank used for the storage of gases and liquids for fuel shall be placed on any Lot.

15. Fences

No fence shall be constructed on any Lot nearer to any front street than is permitted for the house or building on said Lot. Any fence constructed on any Lot shall be of wrought iron and not exceed five (5) feet in height. The Owners of Lots 3 thru 15 can construct a privacy fence along the back-Lot line of said Lots. Such privacy fence shall not exceed seven (7) feet in height. The height, construction, material and style of all fences shall be subject to approval of the Architectural Committee. The construction of any fence shall be completed within forty-five (45) days unless additional time is requested and approved by the Board.

16. Signs

A residential builder may erect one (1) standard professional sign on their Lot. The sign shall not exceed 2x3 feet in area, fastened only to a stake in the ground and extending not more than 3 feet above the surface of the ground.