

DECLARATION OF COVENANTS AND RESTRICTIONS FOR
SANDY CREEK SUBDIVISION, FOURTH FILING
LOCATED IN ZACHARY, LA

7. PROTECTIVE COVENANTS

- 7.1 **Residential Use.** All Lots are for residential purposes only and no part of the Property shall be used for any commercial purpose except as expressly permitted by these restrictions. Apartment houses and lodging houses are prohibited. Not more than one single family residence, with permitted necessary buildings and outbuildings, shall be built or constructed on each Lot or resubdivided Lot which resubdivision has been approved by the Committee. No school, church, assembly hall, or group home of any kind (including, without limitation, any “community home” as defined in La. R.S. 28:477 or “special home” as defined in the City-Parish Unified Development Code), shall be built or permitted to be built on any Lot nor shall any Lot or existing structure be permitted to be used as such. The owner of any two (2) or more adjoining Lots which front on the same street may erect a single residence on said Lots, in which case the two Lots shall be considered as one Lot for the purpose of these restrictions.
- 7.2 **Resubdivision of Lots.** No resubdivision of one or more Lots shall be allowed without the prior written consent of the Committee, which consent may be withheld for any reason. The provisions of this paragraph shall not apply to the Developer.
- 7.3 **Approval of Plans by Architectural Control Committee.** Prior to commencement of any work on a Lot, including grading or clearing (other than weed or trash removal) the Owner thereof shall have received approval of all plans in accordance with Section 4 of these restrictions.
- 7.4 **Building Size.** No residence may be built or occupied having less than one thousand, four hundred (1,400) square feet of heated and cooled living area on any Lot. In computing or determining the “heated and cooled living area”, open porches, screened porches, porches with removable windows, breezeways, patios, landings, outside unfinished storage or utility areas, garages, carports and any other area having walls, floors or ceilings not completed as interior living space shall not be included. No building on a Lot shall exceed two-and-one-half (2 ½) stories. Homes having more than one story shall have a minimum of one thousand (1,000) square feet of living area on the ground floor.
- 7.5 **Car Storage.** Each residence built or constructed on a Lot shall have a garage or carport which shall accommodate not less than two (2) nor more than three (3) cars. Carports shall be located on the rear one-third (1/3) of the Lot and shall not face the street. Corner lots shall have a garage with a closing garage door (electronically operated) and must be enclosed from all street views and load from the street side. The Committee shall have the right to approve car storage to fit lot dimensions. Garages located on the front one-third (1/3) of the Lot must load from the side only and may not open to the street. **All garages must have a closing garage door (electronically operated) that is kept closed when the garage is not in use. Glass may not be used in any garage doors. No garage or carport may be remodeled or enclosed as living area without construction of an additional garage or carport as approved by the Committee. The enclosure of any garage or carport, as well as the added garage or carport, must be of colors and materials consistent with the residence.**

- 7.6 **Windows.** All windows shall be white or taupe, unless they are stained wood windows. Unpainted or unstained wood windows are not acceptable.
- 7.7 **Roofing.** Roof materials shall be 20-year asphalt or fiberglass or any architectural shingle. Metal roofing for a shed roof may be used not to exceed eight (8) squares. All roofing color selections shall be approved in writing by the Committee prior to delivery to the job site.
- 7.8 **Exterior Materials/Colors.** A minimum of sixty-five percent (65%) of the total exterior wall area of the house must be brick or other approved masonry. Garage and carport walls visible from the street shall be faced with brick or stucco. The exterior of all buildings constructed on a Lot must be approved by the Committee. **The Committee recommends the use of subdued, earth-tone colors. No bright or “strong” colors will be allowed. Painting of brick is not allowed.**
- 7.9 **Driveways and Sidewalks.** Driveways shall be constructed of concrete. Sidewalks shall be constructed of concrete or brick or approved paving stones. Asphalt and granular materials such as gravel, crushed limestone or dirt may not be used on driveways or sidewalks. **Non-standard concrete finishes (eg., stained and scored concrete, small exposed aggregate, stamped and stained concrete) may be allowed for driveways, but must be approved by the Committee. Brick or stone ribbons may be allowed on driveways upon Committee approval. No painted driveways, sidewalks or porches are allowed. No driveway, or any portion thereof, shall be constructed or altered on any Lot without the prior written approval of the Committee of plans and specifications for such driveways. Such specification shall include the proposed substance to be used in constructing such driveways, which substance shall be satisfactory to the Committee.**
- 7.10 **Servitudes and Rights-of-Way.** Servitudes and rights-of-way shown on the Final Plat are dedicated to and subject to the uses as shown by the dedication language contained on the Final Plat and as set forth herein.
- 7.11 **Building Setback Lines.** Unless approved in advance by the Committee (and provided that the placement on said Lot does not violate any zoning or subdivision ordinance or regulation), no residence, car storage structure or outbuilding shall be built nearer than eight feet (8') from the sideline of a lot except as may otherwise be shown on the official Final Plat. Front and rear minimum building setback lines shall be in accordance with the Final Plat and in accordance with the Subdivision Regulations and Zoning Ordinances of the City of Zachary and East Baton Rouge Parish, Louisiana, in effect on the date of these restrictions, where applicable.
- 7.12 **Accessory Buildings.** All accessory buildings shall be subject to approval by the Committee prior to their construction and, if approved, must be located on the rear one-third (1/3) of the Lot and not visible from the street. Plans for all such accessory buildings must be submitted to the Committee. No metal or prefabricated accessory buildings shall be permitted. **All accessory building plate heights are not to exceed the plate height of the residence and shall conform in exterior design, quality, materials and color to the residence on the same Lot. The Committee has the right to approve or disapprove the plans and specifications for any accessory building on any Lot, and the construction of any accessory building may not be commenced until plans and specifications have been submitted to and approved by the Committee.**

- 7.13 **Single Residence.** No trailer, basement, shack, garage, garage apartment, barn or other outbuildings shall at any time be used as a residence, temporarily or permanently, except that garage apartments (where the Committee has approved construction of such) may be occupied as a residence for domestic servants for, or family members of the occupants of the main residential premises. No structure may be occupied as a residence until its exterior is completely finished.
- 7.14 **Animals.** No animals, livestock, poultry or birds of any kind shall be raised, bred or kept on any Lot, except that dogs, cats and other ordinary household pets may be kept, provided that they are not kept, bred or maintained for any commercial purposes or in such numbers or conditions as may be offensive to other Lot owners and further provided that they are kept, bred or maintained otherwise in accordance with law. **All pets must be maintained in a fenced area, approved by the Committee. All pets shall be kept on leashes, not longer than six feet (6') when outside the designated area and shall not be allowed to run free in the subdivision.**
- 7.15 **Refuse.** No trash, ashes or any other refuse may be thrown or dumped on any vacant Lot. No building materials may be stored on any Lot except during the construction period of a residence thereon. **All outdoor garbage receptacles must be visually screened from the street and Common Properties. Any such visual barrier shall consist of either a portion of the residence, fencing or landscaping and planting which the Committee approves.**
- 7.16 **Lot Maintenance.** The Lot Owner of each Lot shall keep the grass, weeds and vegetation on said Lot mowed at regular intervals so as to maintain the same in a neat and attractive manner. If the Lot is not mowed and kept clean by the Owner, then said Lot may be mowed as required by the Committee and the Owner of such Lot shall be billed by the Committee for the actual cost thereof but in no case less than Forty Dollars (\$40.00) per mowing. **Each Owner shall be responsible for maintaining the Owner's Lot (including, without limitation, the residence, driveway, approved accessory buildings and all landscaping) and the Common Property located between the Lot line and the hard-surfaced streets located in the Common Properties, in good repair and in a clean and orderly fashion at all times, and the Owner shall be responsible for paying all costs of said maintenance and for any such repairs which may be necessary. This shall include, but is not limited to, the painting and replacement of roofs, gutters, downspouts and exterior building surfaces and any other necessary maintenance.**
- 7.17 **Commercial, Noxious or Offensive Activities.** No commercial, business, trade, noxious or offensive activities shall be conducted on any Lot nor shall anything be done thereon, which may become an annoyance or nuisance to the neighborhood. This restriction, however, shall not prohibit a builder from erecting temporary storage buildings and/or offices on any Lot during the construction of a house on the same Lot. Upon completion of a residence, all debris and temporary structures shall be removed from the premises immediately. The Developer shall be entitled to locate a temporary sales office on any Lot. Garden compost may be kept in quantities required by one household only, provided it is not visible from any street and is kept free from obnoxious odors and insects. Under no circumstances shall any Owner of a Lot change the natural color of any plants on said Lot by painting or any other method or hang any items from shrubbery or trees and no other items shall be placed in the front yard except for shrubbery and trees and holiday decorations which the Committee finds not to be noxious or offensive. The sole determination of whether plantings or decorations are noxious or offensive shall be vested in the Committee and its decisions in such matters shall be final and nonappealable. **No firearms shall be discharged upon any property. No**

open fires shall be lighted or permitted on any Lot except in a contained barbeque unit while attended and in use for cooking purposes or within a safe and well-designed interior or exterior fireplace or fire pit or unless otherwise approved in writing by the Association.

- 7.18 **Signs.** No signs of any kind or description, other than “Real Estate For Sale” signs and signs designating those involved in the construction of any residential homes in the Subdivision (all not exceeding six (6) square feet in size), shall be displayed on any Lot. The Developer is excepted from this restriction.
- 7.19 **Fences.** No fence or wall shall be constructed on any Lot without the approval of the Committee. No fence or wall shall be constructed nearer to the street than the appropriate building setback line and in no case nearer to the street on which the house faces than the front of the house, regardless of setback lines. No fence or wall shall exceed six (6) feet in height. Chain link, **welded wire**, plastic or PVC fences and concrete block fences not covered by stucco are prohibited. In the case of fences which may be erected by the Developer, it shall be the responsibility of each Lot Owner to maintain and keep in good repair that portion of such fence which the Developer has constructed along said Owner’s Lot line. **The materials used, the design and location of any fence must be approved by the Committee. Wood fences are to remain unpainted. All wood fences shall have three (3) horizontal members. All fence posts shall be on the inside of any wood fence. No posts should be visible from the street or any adjacent properties. Wood fences shall be constructed with wood or metal posts. Metal posts must not be visible from outside of the fence. Wood posts shall have a copper or black plastic cap on top of each post. Wrought iron, simulated wrought iron, anodized aluminum, or painted aluminum fences are also allowed, but must be painted black. All fences and gates must be maintained at all times. Any fence or gate that begins to sag, lean, bow, bend, etc. must be repaired within a timely manner.**
- 7.20 **Ceiling Heights.** All residences shall be constructed with the ceiling on the ground floor not less than nine (9) feet in plate height. All garages shall have a plate height not to exceed the plate height of the ground floor of the house.
- 7.21 **Roof Pitch.** The minimum roof pitch shall be 7/12, except for shed roofs, which shall be at least 4/12, unless otherwise approved by the Committee.
- 7.22 **Satellite Dishes.** No satellite dishes larger than three (3) feet in diameter shall be allowed without the prior written approval of the Committee. Satellite dishes shall not be visible from the street.
- 7.23 **Mailboxes/Address numbers.** The Developer will designate a type of mailbox, including mounting post (the “Sandy Creek Mailbox”), as to design, construction, material and color, to be used for all Lots in the Subdivision. When a house is built on any Lot, the Owner thereof shall use only a Sandy Creek Mailbox, the purchase and maintenance thereof to be the sole responsibility and at the sole costs of each respective Owner. **Address numbers shall be displayed both on mailboxes and residences. Mailboxes are to be maintained, at all times, by each Owner.**
- 7.24 **Parking, Trailers and RV’s.** No cars of residents of a house on any Lot and no mobile homes, recreational vehicles, trailers, school buses, boats, motor homes or trucks or other vehicles shall be kept, stored, parked, repaired or maintained on any Lot, servitude or right-of-way, in such a manner as to be visible from any street (front or side) contiguous to the Lot.

All recreational vehicles, trailers, boats, trucks, other vehicles and all movable equipment and machinery shall be kept, stored, and parked only in garages, carports or behind Committee approved fencing, so as not to be visible from any street (front or side) contiguous to the Lot. In no case shall they be merely stored in a driveway. The keeping of a mobile home or trailer, either with or without wheels, within the subdivision is prohibited. Commercial washing or detailing of vehicles on the Lot is prohibited. Vehicles shall never be parked on the grass/lawn of any Lot. No vehicles may be parked on or within the driving surface or shoulders of any street in the subdivision on a frequent, regular or permanent basis. Parking of vehicles on the street should be avoided at all times. Vehicles shall not be parked on the street overnight. Sec. 32- 143 in the City of Zachary Code of Ordinances says that No person shall stand, or park a vehicle, except when necessary to avoid conflict with other traffic, or in compliance with law or the directions of a police officer or traffic control device, in any of the following places: On a sidewalk; In front of a public or private driveway; Within an intersection; Within 15 feet of a fire hydrant.

- 7.25 **Antennas, Outside Lighting and Outside Sound.** No outside television, radio antennas or similar structures or devices shall be allowed without the prior written consent of the Committee. Antennas will under no circumstance be permitted on any Lot in such a manner as to be visible from any street (front or side) contiguous to the Lot. No antennas, outside lighting or outside sound shall be used in such a manner as to create an offensive condition for the neighbors or neighborhood. **Utility poles are prohibited.**
- 7.26 **Fireplace Flues.** Uncovered metal fireplace flues and chimneys are not permitted. Any metal chimney flue must be completely enclosed on all sides with brick or stucco. All fireplaces must have a chimney cap made of brick, anodized aluminum, copper or other material previously approved by the Committee.
- 7.27 **Concrete Trucks.** Washing out of concrete trucks shall be done on the Lot being poured and not on any other area of the property or any other Lot. Failure to comply with this restriction shall be considered a violation of these restrictions and each Owner (including their agents and/or assigns) who violates this restriction agrees to pay the Association the sum of Five Hundred and No/100 Dollars (\$500.00) for each violation of this restriction as liquidated damages. However, this monetary damage provision shall not prohibit the Developer, the Association or any other Owner from seeking other relief, including injunctive relief, to enforce this restriction. The obligation to pay such a fine shall be a real obligation incidental to ownership of the Lot affected and personal obligation of the Owner of the Lot at the time of such violation. If such fine is not paid within thirty (30) days after the dated notice thereof is given or mailed to the Owner or Owners responsible, the fine shall bear interest at twelve percent (12%) per annum plus the Owner or Owners shall bear responsibility for costs and reasonable attorney's fees, and the Association may enforce payment thereof, all in the same manner as provided for in the case of non-payment of an assessment set forth in Section 6.9 of these restrictions.
- 7.28 **Gardening.** No Lot shall be used for commercial gardening or farming purposes. Flowers and shrubbery may be grown for non-commercial purposes and a non-commercial vegetable garden for use by a single household may be located on a Lot provided that it is not visible from any street.

- 7.29 **Soil Conditions.** It shall be the sole responsibility of each Lot Owner, prior to construction of any structure on any Lot, to satisfy himself regarding the nature and bearing capacity of the soils on the Lot for the particular purpose being considered. The Developer, Committee and Association make no warranty regarding and shall have no responsibility for any soil conditions nor for any damage caused by any soil conditions, such being the sole responsibility of the Lot Owner.
- 7.30 **Landscaping.** Upon completion of improvements and prior to occupancy, the front yard shall be solid sodded and landscaping shall conceal air conditioning condenser units otherwise visible from any street. **Artificial plant material (e.g., plastic flowers) may not be incorporated in the landscaping of any Lot or any Common Property. No hedge or shrubbery planting shall be placed or permitted to remain on any Lot where such hedge, shrubbery, or tree interferes with traffic sight-lines, including sight-lines at the intersection of a driveway and a road or street. The same sight-line limitation shall apply to any Lot within ten feet (10') from the intersection of a street property line with the edge of a driveway. No trees shall be permitted to remain within such distances of such intersection unless the foliage line is maintained at sufficient height to prevent obstruction of such sight-lines. Each Owner shall be responsible for the maintenance of all landscaping on his Lot and for maintaining said landscaping in a clean and orderly fashion at all times, and the Owner shall be responsible for paying all costs of said maintenance and for any such repairs which may be necessary.**
- 7.31 **Underground Utilities.** All electric, telephone, cable television service and other utility services to the buildings on a Lot shall be underground from the utility company's source of supply.
- 7.32 **Oil and Mineral Development.** No oil drilling, oil development operations, oil refinery, quarrying or mining operations of any kind shall be permitted upon or in any Lot, nor shall oil wells, tanks, tunnels, mineral excavations or shafts be permitted upon or in any Lot. No derrick or other structures designed for the use in boring for oil, natural gas or other minerals shall be erected, maintained or permitted on any Lot. However, the provisions of this paragraph shall not be construed as prohibiting the extraction of oil or natural gas from under the surface of the Lots by means of directional drilling from a location outside the Lots which are subject to these restrictions.
- 7.33 **Licensed Contractors Required.** Any home constructed on any Lot subject to these restrictions shall be built by a residential contractor licensed by the State of Louisiana and acceptable to the Committee.
- 7.34 **Exterior Appearance.** Foil or other reflective materials, paper or other inappropriate materials shall not be used on any windows for sunscreens, blinds, shades or other purpose on a temporary or permanent basis. Window air conditioning or heating units may be used in non-living area space ONLY, such as garages. No window air conditioning units can be visible from the street.
- 7.35 **Vehicular Traffic.** All vehicular traffic on the streets and roads in the Subdivision is subject to the laws of the State of Louisiana, East Baton Rouge Parish, and the City of Zachary concerning the operation of motor vehicles on public streets. Only licensed, street-legal vehicles shall be operated on the streets within the Subdivision. No motorized vehicles of any kind shall be operated on the sidewalks within the Subdivision. Only licensed drivers may operate any type of motor vehicle, within the Subdivision.

- 7.36 **Pools and Spas.** The Committee must approve the size, location and orientation of each pool or spa on a Lot as well as any related equipment. No pools or spas are allowed closer than five feet (5') to any property line. The equipment must be visually screened from the street, adjacent Lots and Common Properties. Any such visual barrier shall consist of either fencing or landscaping and planting which the Committee approves. All pools or spas must be completely enclosed by security fencing and gates meeting the safety requirements of East Baton Rouge Parish ordinances and design guidelines. This applies to all pools and spas including, but not limited to in-ground pools, above-ground pools, and spas.
- 7.37 **Seasonal Decorations.** Prior approval of the Committee is not required for the placement of seasonal decorations on Lots. Promptly after the end of the season, all seasonal decorations visible from any street, Lot or Common Area will be removed.
- 7.38 **Clothesline.** No outside clothesline shall be placed on any Lot. No clothing, rugs or other items can be hung from any fence, railing, hedge or wall.
- 7.39 **Recreational Equipment.** Playground Equipment and swing sets may be made of wood or metal. Metal equipment must be kept in good condition that is free of rust and chipping paint. Wood is recommended. No recreational and playground equipment shall be placed or installed on any Lot such that it is visible from any street (front or side) contiguous to the Lot. Any such equipment must be visually screened from the street and Common Properties via a visual barrier consisting of either fencing or landscaping and planting which the Committee approves. Basketball goals are permitted, however, under no circumstances are basketball goals allowed to be attached to any part of the residence or other structures. Basketball goals should not be in the street.
- 7.40 **Skylights/Solar collectors.** Skylights shall not be located on the front elevation or portion of the residence. Only flat skylights/solar collectors shall be allowed. No bubble skylights will be permitted. Solar collectors may be placed on the rear of homes only. Any skylights or solar collectors must be approved by the Committee prior to installation.
- 7.41 **Compliance with Laws.** Nothing shall be done or kept on any Lot within the subdivision in violation of any law, ordinance, rule or regulation of any governmental authority having jurisdiction.
- 7.42 **Restoration in the Event of Damage or Destruction.** In the event of damage or destruction of any improvement on any Lot, the Owner thereof shall promptly cause the damages or destroyed improvement to be (a) restored or replaced to its original condition or such other condition as may be approved in writing by the Committee or (b) demolished and the Lot suitable be cleared and landscaped subject to the approval of the Committee as to present a pleasing and attractive appearance.
- 7.43 **Screen porches, Enclosures and Awnings.** No prefabricated metal or other material awnings or enclosures can be attached to any residence or installed upon any Lot. All screen porches, enclosures and awnings shall be designed as to be compatible with the residence. The shape of such enclosure, etc. shall blend and be in harmony with the proportions of the residence and its rooflines. The framing and other materials of such screen porches, enclosures and awnings must match the existing residence. Materials considered should be wood, brick, stucco, and matching siding. No aluminum, steel or other metal structure, may be exposed except for a minimal amount to hold a screen. However, any such framing members shall be bronze, black or a dark color that blends with the screen. Any screen used

must be a dark color screen. No bright silver screens may be used. Flat roofs are strongly discouraged and may be rejected by the Committee.

- 7.45 **Additions or Renovations.** The Committee, prior to commencement of construction, must approve any addition to or renovation of any residence on any Lot that will affect the exterior appearance of said residence. This includes, but is not limited to, addition of living space, addition of a garage or carport, enclosure or a garage or carport, changing of exterior materials, changing of paint color, changing of posts or columns, etc.