

**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 1/2) 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.
- 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.** 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.
- 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.
- 7.1 **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.
- 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.

- 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.
- 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.
- 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.
- 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, plastic 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.
- 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.** 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.
- 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.
- 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.
- 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.
- 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.