

ARTICLE 2
GENERAL RESTRICTIONS

SINGLE FAMILY RESIDENTIAL BUILDINGS ONLY

All lots shall be used for single-family residential dwellings only. No business or profession of any nature shall be conducted on any Lot or in any residence constructed on any Lot in this subdivision, except the business of the sale of houses in the subdivision. No room or rooms in any residence, garage, or parts thereof may be rented or leased and no paying guest shall be quartered in any residence. Nothing contained in the paragraph, however, shall be construed as preventing the renting or leasing of an entire residence as a single unit to a single family.

None of said Lots as originally platted shall be divided or re-subdivided, except for the purpose of combining portions thereof with adjoining Lots, provided that no additional building area beyond that which would be allowed under the originally recorded final plat of subdivision. The intent of this provision being to prohibit the construction of a residence substantially larger than the predominant character of the subdivision.

Any single ownership or single holding by any person or persons which composes the whole of one of said Lots (as originally platted and subdivided) and a part or parts of one or more adjoining Lots shall, by all purposes of this Declaration, be deemed to constitute a single Lot upon which only one single residential building may be erected, constructed or allowed to exist. However, nothing herein contained shall prevent the construction of one house on each Lot.

Anything to the contrary notwithstanding, nothing herein contained shall be construed so as to prevent a Lot Owner from erecting a single family residential building on any Lot or Lots in the subdivision and using and maintaining, such building as a sales office, model home, business office, storage area, construction office, for the purpose of the development and sale of homes in said subdivision. Provided, however, that nothing herein shall preclude an Owner from:

maintaining a personal professional library on their Lot;
keeping personal or business records on their Lot;
handling their personal business or professional calls or correspondence therefrom.

2. THREE (3) CAR GARAGE REQUIRED

As appurtenant to the residential building permitted by Paragraph (1) hereof and to be used exclusively in connection with such residential building, a private garage of sufficient size to house not less than three (3) standard size American made automobiles shall be constructed or erected, which garage must be attached to such residential buildings as an integral part thereof. Such garage shall not be used at any time as a residence, whether temporary or permanent. Such garage shall, in architectural design and in proportionate construction cost, conform to said residential building. Garages larger than three (3) cars in width must be side loaded. Residences with three-car garages shall use side loading if at all possible. All front loaded three-car garages must have a break in the roofline by stepping one stall back a minimum of one (1') foot.

3. PERMITTED CONSTRUCTION MATERIALS

All residences constructed on any Lot of said subdivision shall be of brick, stone, masonry, or wood construction only. These materials shall be submitted to and approved by the ARC. No manufactured, prefabricated or modular homes shall be constructed on any Lot in said subdivision, and no plywood, including reverse board and batten, aluminum or vinyl siding, shall be used on any structure erected on any Lot in said subdivision.

Each one story home shall only be constructed of brick, stone, or masonry materials. All one and one-half, two, or multi-story structures shall have, at a minimum, the entire first floor level constructed of brick, stone or masonry material. In cases where sight grading creates a lookout or walkout basement, the exposed exterior walls of said lookout or walkout shall also be constructed of brick, stone, or masonry materials.

Access driveways and other paved areas for vehicular use on a Lot shall have a base of compacted gravel, crushed stone or other approved base material, and shall have a wearing surface of concrete, brick pavers, or other equivalent thereof. Asphalt driveways are prohibited.

4. ROOF CONSTRUCTION AND MATERIALS

Flat roofs shall not be permitted. No built-up roofs shall be permitted. The minimum roof pitch shall be 8/12 for all sizes of residences. Roofs shall be constructed of heavyweight architectural asphalt shingles, wood, slate or similar materials. Metallic roofing materials are prohibited.

5. MINIMUM LIVING AREA

In addition to all other requirements set forth in this Declaration, the following shall be the minimum living area sizes for residences in the subdivision:

A one-story residence shall contain at least twenty-eight hundred (2800) square feet of living area, exclusive of garage, breezeway, basement and porches.

A one and one-half story residence shall contain at least thirty-two hundred (3200) square feet of living area, not less than eighteen-hundred (1800) square feet of which shall be on the first floor, exclusive of garage, breezeway, basement and porches.

A two-story residence shall contain at least thirty two hundred (3200) square feet of living area, not less than two thousand (2000) square feet of which shall be on the first floor, exclusive of garage, breezeway, basement and porches.

6. EXTERIOR COLOR PLAN

The ARC shall have final approval rights of all exterior color plans. Each Owner must submit a color plan showing the color of the roof, exterior walls, shutters, trim, etc. to the ARC. The ARC shall consider the extent to which the color plan is consistent and in harmony with the homes in the surrounding areas and the extent to which the color plan conforms to the natural color scheme of and for the subdivision.

7. FOUNDATION, EXCAVATION AND SITE GRADING

The owner of any Lot in the Development on which any excavation or site grading activity is planned shall be solely responsible for ensuring that such excavation and/or grading activity takes place according to the Master Grading Plan submitted by the Developer to and approved by the Village of Frankfort; no building shall be constructed unless the top of the foundation, basement, and crawl space or base walls are in accordance therewith. Neither the Declarant nor the Developer can be held responsible for any failure of an individual owner to adhere to such Master Grading Plan. Individual Lot owners shall be fully responsible for adherence to the master grading plan and shall at all times develop and landscape their property in a fashion so as not to impede the uninterrupted flow of water to and from surrounding properties. It is strongly recommended that, prior to commencement of construction on any Lot, the owner of said Lot accord due caution and regard to the siting of the proposed dwelling unit, its attached garage and the driveway, and the elevation of the top of the foundation of said dwelling unit in connection with and as the siting of said structures may affect the grading of said Lot.

8. BURIED UTILITY LINES

All public utility, cable television and radio wires, pipes, mains, tiles, conduits, cables, lines and other appurtenances constructed, laid or installed in the subdivision must be buried beneath the ground, except the necessary pedestals and transformers required to serve the underground facilities in the subdivision.

9. CLEAN AND ORDERLY CONSTRUCTION SITE

All purchasers of a Lot or Lots in subdivision are required to maintain a clean and orderly construction site. Upon commencement of the construction of any structure on any Lot the following standards must be met:

A minimum depth of five inches (5") of crushed stone must be spread in that area from the concrete curb to the front of the garage. Said stoned area must be a minimum of 12 feet wide. This crushed stone must be in place prior to the start of any carpentry work.

The Lot area must be kept free of miscellaneous debris. All construction debris is to be placed in Lot owner's on-site dumpster.

10. COMMENCEMENT AND COMPLETION OF CONSTRUCTION, SIDEWALKS AND LANDSCAPING

The work of constructing, altering or remodeling any structure on any Lot shall be performed diligently from its commencement and until the completion thereof. The

complete exterior structure or shell, not including finished exterior wall materials (e.g. brick, stone or other approved material), must be completely erected and constructed within ninety (90) calendar days after the commencement date of construction of any such structure. Every structure in the subdivision, including roof and exterior walls, shall be completed within six (6) months after the commencement date of construction of such structure. The effect of this provision shall be to require that, on the exterior and from the view of the neighboring Lots, each such residence appear completed within said six (6) months. Reasonable extensions of the time periods expressed above in this paragraph nine (9) shall be allowed in the event that delays are caused by acts of God and/or labor strikes.

The Lot Owner shall install sidewalks in front of each residence prior to completion and occupancy of the residences. All sidewalks, regardless of construction schedules, shall be constructed within one (1) year issuance of eighty (80%) percent of occupancy permits for all Lots in the subdivision. In the event Developer is required by Village to install sidewalks fronting any lot owned by Lot Owner, Developer shall have the right to lien said lot for the cost of installation of sidewalk.

No site landscaping shall commence until a complete landscape plan is submitted to and approved by the Village in writing. The effect of this provision shall not limit the right of the Developer to install parkway trees in conformance with the parkway tree master plan, as approved by the Village, as required by Article II.12.

11. SIDEWALKS AND RESPONSIBILITY FOR REPAIR

All Owners shall be responsible for damage to any sidewalks, common elements and subdivision improvements caused by their agents or invitees. In the event the Village, after one (1) year from the date of the Village's acceptance of the subdivision's public improvements, not including roads, requires the replacement and or repair of curbs or sidewalks in front of a Lot, the Lot owner of the subject Lot shall, at his/her own expense, repair or replace such sidewalk in accordance with the requirements of the Village. Lot owner is responsible for preventing such damage from occurring by adequately protecting the curb and sidewalk during construction of his/her/their/its home.

12. LANDSCAPING, SOD AND PARKWAY TREES

The Owner shall provide landscaping for their Lot and shall comply with all Village Ordinances and policies regarding tree planting. No artificial trees or vegetation shall be permitted on any Lot or common area in the subdivision. Trees, shrubbery and other vegetation shall not be situated so as to obstruct the field of vision at vehicular intersections. Front and side yards must be landscaped and grassed with sod. Rear yards may be seeded. All landscaping and grass shall be maintained in a neat and sightly fashion. Dead vegetation shall be replaced within 30 days of discoloration, weather permitting.

The Lot Owner shall plant parkway trees every 35 feet, in accordance with the parkway tree master plan approved by the Village. Parkway trees shall be installed during the year in which the exterior construction of the residence, as expressed in Article II.10, is completed. In the event Developer is required by Village to install

parkway trees fronting any lot owned by Lot Owner, Developer shall have the right to lien said Lot for the cost of installation of parkway trees.

The parkway tree master plan shall identify the location, species and quantity of trees each Lot is required to provide. Unless otherwise specified by the approved parkway tree master plan, in no event shall a Lot provide less than two (2) overstory trees from a list of Village approved "street trees" planted in the parkway, and no less than five (5) overstory trees from a list of Village approved "street trees" planted in the parkway on corner Lots.

In the event that the approved parkway tree master plan conflicts with utilities, traffic control devices, and/or driveways, or a specific species becomes impractical to plant due to disease epidemics or parasitic infestation which may constitute a hazard to life and property, each home site shall provide street trees at a location, species, and quantity equivalent thereto the overall intent and design of the approved parkway tree master plan, as approved by the Village.

13. CURBSIDE MAILBOXES

In the event curbside mailboxes are required for delivery of the U.S. Mail in the subdivision, the Owner of each Lot upon which a residence shall be constructed shall install, erect or place on such Lot or within any other Lot or any right-of-way in the subdivision only such a mailbox or receptacle as the ARC shall approve or specify. Under no circumstances shall non-decorative, rural curbside mailboxes (sometimes referred as U.S. 1, 1½ or 2 etc.) be installed anywhere in the subdivision. The street number shall be affixed to the mailbox.

In those cul-de-sacs where there are landscape islands, the mailboxes for cul-de-sac Lots shall be clustered in the island. In all mailbox areas landscaping shall be located no closer than five (5) feet from the edge of the curb.

14. SIGNS

No Owner of a Lot may indicate that the Lot and/or residence thereon is for sale or for rent by posting a sign on the property. No other signs, banners or other manner of advertisement shall be permitted in the Subdivision without the express written consent of the Developer, or his successor or assigns. This provision shall not apply to any sign which the Developer may erect identifying or advertising the Subdivision. This provision shall not prohibit a homebuilder from advertising a model home or sales office in the Subdivision.

15. LOT CLEAN UP AND WEED CUTTING

At all times, each Lot shall be kept in a clean and sightly condition prior to, during and after construction. No burning of refuse shall be permitted outside the dwelling and no trash, litter, junk, boxes, containers, bottles or cans will be permitted to collect or remain exposed on any Lot except as is necessary during the period of

construction. Garbage shall be contained in refuse receptacles and protected from public view and refuse receptacles shall not be placed curbside for pickup more than twelve (12) hours prior to pickup and must be returned to their protected location within twelve (12) hours of pickup.

The Owner of each Lot shall be responsible for the cutting or removal of weeds each year on such Lot so as to conform to the requirements, ordinances and regulations of the Village of Frankfort. No plants or seeds, or other things or conditions harboring or breeding infectious plant diseases or noxious odors or insects shall be introduced, maintained, or permitted to exist upon any part of a Lot.

16. JUNK, MACHINERY, AND MATERIALS

No implements, machinery, lumber or building materials shall be permitted to remain exposed upon any Lot so they are visible from the streets or any neighboring Lot, except as necessary during the period of construction of a building thereon. No part of the subdivision shall be used for storage of junk or for wrecking yards.

17. NO TEMPORARY BUILDINGS, OUT BUILDINGS, CAMPERS, TRAILERS ETC.

No temporary house, pet enclosure, batting cage, shed, trailer, tent, stand, recreational appurtenance, shack, mobile home, or other structure or building of a temporary character shall be constructed, placed, allowed to exist or used on any Lot at any time. Said structures shall not be used at any time on any Lot as a residence.

No trucks, truck mounted campers, campers, commercial vehicles, recreational vehicles, trailers, house trailers, snowmobiles, aircraft, buses, boats, boat trailers, junk automobiles, dilapidated or disabled vehicles of any kind shall be maintained, stored or parked or stored on any dedicated or private street in the subdivision or on any part of the Lots in the subdivision unless the same is housed or garaged completely in a structure which complies with this Declaration and which received architectural approval by the ARC; provided, however, that commercial vehicles may be so parked when the same are engaged in delivery or service to any residence located in the subdivision. No repairs to motor vehicles or other machinery shall take place except inside a garage.

18. TANKS AND OUTSIDE AIR CONDITIONING UNITS

No elevated tanks of any kind shall be erected, placed or permitted to exist in the subdivision. All air conditioning units or other refrigeration, cooling or heating apparatus, which are placed outside of the residence in the subdivision, shall be located only on the side or rear yards of the Lot.

19. FENCES, SHEDS, POOLS AND EXTERIOR ANTENNAE

No fences shall be constructed on any Lot in the subdivision except as herein provided:

Fences are not permitted except where such fence is required by Village of Frankfort Ordinance (i.e. swimming pools, etc.). In such case the ARC shall only permit the enclosure of an area of sufficient size to incorporate the intended use;
A fence shall not be constructed without the prior written approval of the Architectural Review Committee. Said written approval must be submitted to the Village of Frankfort with the application for a fence permit;
All fences shall be of a uniform style, height, color and construction material as established by the ARC. The ARC shall establish a design standard of wrought iron or substantially similar style of like quality;
A fence permit must be obtained from the Village prior to construction and/or installation of any fence in the subdivision;
No fence shall be located closer to the street than the rear of the residence. In the case of corner Lots, no fence shall be located closer to the street than the rear of the residence and the side of the residence closest to the street;
Chain link fences are prohibited;
All fences shall be maintained by the Lot Owner in a condition that is comparable to the condition when new and shall not be permitted to deteriorate or become unsightly due to weathering, neglect, or otherwise.

No above ground pools, pool sheds, or exterior antennae shall be constructed on any Lot in the subdivision except as herein provided:

Outside television and radio antennas, satellite dishes greater than 18 inches in diameter, or other apparatus used to receive or transmit communication signals are prohibited. Said antennas, dishes, and other apparatus shall be mounted and sufficiently screened so as to not be visible from any adjacent public right of way.

20. NUISANCES AND PETS

No noxious or offensive activity shall be carried on, in or upon any premises, nor shall anything be done thereon which may be, or may become, an annoyance or nuisance to the neighborhood.

No animals, livestock or poultry of any kind shall be raised, bred or kept on any Lot, except that no more than two (2) bona fide household pets shall be permitted, provided that they are not kept, bred or maintained for any commercial purposes, and provided that they do not make any objectionable noises and do not otherwise create a nuisance or inconvenience to any of the residents of the subdivision. Any pets that cause objectionable noise or otherwise constitute a nuisance or inconvenience shall forthwith be removed from the premises by the person having custody of the same. Outdoor pet enclosures are prohibited.

21. OUTDOOR FURNITURE, PLAY FACILITIES AND CLOTHES DRYING

Outdoor furniture and play facilities shall be maintained in a "like-new" condition and shall not be stored or maintained so as to create an eyesore or nuisance to neighbors.

The outdoor drying of clothes and storage of furniture or toys is prohibited.

22. OUTDOOR LIGHTING AND ILLUMINATION

Should a Lot owner desire to install outside lighting of and/or on his/her/their/its Lot, such lighting shall not be installed at a location or be of a watt intensity that will cause a nuisance to neighbors or passersby. Said lighting shall be in full compliance with zoning code for the Village of Frankfort.