

ARTICLE VIII
USE RESTRICTIONS

1. Purpose. The primary purpose of this Declaration and the foremost consideration in the origin of same has been the creation of a fee simple patio home and townhome development which is aesthetically pleasing and functionally convenient.

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2. Residential Use. Each Lot and the Patio Home or Townhome constructed thereon shall be used for residential purposes exclusively. No business or commercial activity of any nature shall be maintained in any Patio Home or Townhome, including by way of illustration and not by way of limitation, telephone answering services, manufacturer's representatives, interior decoration services and such other activities as do not directly constitute or necessitate the transfer of goods or merchandise from, in or about a Patio Home or Townhome. However, until such time as Declarant has sold all of the Lots in The Commons, it may use any Patio Home or Townhome which it owns as a model unit or as a sales office.

3. Permitted Structures. No structure shall be erected, placed or permitted to remain on any Lot other than the following:

- (a) One single-family Patio Home or Townhome to be used as a dwelling.
- (b) Landscaping structures of the type compatible with the Patio Homes and Townhomes built in The Commons including, but not limited to, garden walls, walks, fences, driveways and parking areas.

4. Landscaping. If trees or shrubbery located on such portion of a Lot should die, the Association shall be responsible for its removal (unless the Owner shall have insurance proceeds available for such removal, in which event the Owner shall be responsible for its removal), but the Owner shall, at his expense, replace dead trees or shrubbery with reasonably similar trees or shrubbery; provided, however, that any such replacements may be of a lesser age. The Association shall be responsible for the maintenance and upkeep of the landscaping in the front and side yard of each Lot.

5. Antennas. No radio or television transmission or reception towers, antennas, satellite dishes or disks shall be erected on any structure or within the property within the property. Notwithstanding the above, satellite dishes or disks which are not greater than eighteen (18") inches in diameter may be installed on Lots provided they are adequately screened from the streets and adjoining Lots.

6. Air Conditioning Units and Other Objects Located Outside of Patio Home or Townhome. No Owner shall install or permit to be installed window or roof-top air conditioning units or similar machines or objects outside of the Owner's Patio Home or Townhome or which protrude through the walls, windows or roof of a Patio Home or Townhome.

1. 7. No Signs. Except for the rights given Declarant under the Declaration, no signs, advertisements, or notices shall be erected, exhibited, maintained, inscribed, painted or affixed on any portion of a Lot or on any Patio Home or Townhome by anyone including, but not limited to, an Owner, a realtor, a contractor, or subcontractor, except with the prior written consent of the Association or except as may be required by legal proceedings. If such consent is granted, the Association shall have the right to restrict the size, color and content of such signs. Residential property identification and like signs not exceeding a combined total of more than one (1) square foot may be exhibited and

maintained without the written consent of the Association. Likewise, one sign of not more than five (5) square feet advertising a Lot for sale may be exhibited or maintained during the period for which it is for sale without the consent of the Association.

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8. No Burning. No outside burning of wood, leaves, trash, garbage or other refuse shall be permitted on any Lot.

9. Pets. Except as in this section permitted, no animals, livestock or poultry of any kind shall be kept, raised or bred on any Lot; provided, however, that an Owner may be permitted to keep no more than two (2) normal household pets (i.e., dogs or cats) on his Lot. In the event that pets are kept on a Lot, such pets shall not be kept, maintained or bred for any commercial purposes and must be secured by a leash or lead at any time they are permitted outside a Patio Home or Townhome. In no event shall an Owner maintain on a Lot any pet which causes distress to other Owners by barking, howling, whining, biting, scratching or damaging

10. No Outbuildings or Temporary Structures. No mobile home, tent, barn, shed, pet pen, pet house, above ground pool, basketball goal, or other similar outbuilding or structure shall be placed on any Lot at any time, either temporarily or permanently. No structure of a temporary character shall be placed upon any Lot at any time.

11. Parking of Vehicles. No vehicle of any type (including, but not limited to, boats, trailers, trucks, buses, motor homes, recreational vehicles, motor scooters, go carts, motor bikes and campers) other than conventional automobiles and pick-up trucks not used for commercial use, shall be parked or maintained on any Lot except as the Association shall permit in an area specially designated for such purpose. None of the aforesaid vehicles shall be parked or stored overnight on the streets or other Lots located in The Commons, nor shall they be used as a living area while located on the Property nor shall any of the aforesaid vehicles be repaired or serviced on any portion of the property. Each Lot shall be entitled to no less than two (2) assigned parking spaces.

12. Activities Causing Disorderly Conditions. The pursuit of hobbies or other activities which might lead to disorderly, unsightly or unkept conditions shall not be pursued or undertaken on any Lot.

13. Disturbing Others. Each Owner shall be responsible for and shall regulate the occupancy and use of such Owner's Lot and Patio Home or Townhome so as to not unreasonably disturb other residents of The Commons or to interfere unreasonably with the peace and enjoyment of the other Lots, Patio Homes and Townhomes by the Owners thereof. No noxious or offensive activity shall be carried on upon any Lot nor shall anything be done on a lot which creates an annoyance or nuisance to the Owners or residents within The Commons. No Owner shall allow any disturbing noises on such Owner's Lot to interfere with the rights, comforts or conveniences of other owners. No Owner shall permit any musical instrument to be played or any phonograph, television, radio or other sound-making equipment to be operated on such Owner's Lot at a volume which disturbs or annoys other residents of The Commons.

14. Rubbish and Trash. No portion of a Lot shall be used or maintained as a dumping ground for rubbish, trash or garbage. Trash, garbage or other waste shall be stored only temporarily awaiting pickup and must be kept in adequate sanitary containers. All equipment for the storage or disposal of trash, garbage or other waste shall be kept in a clean and sanitary condition.

15. Interior Window Coverings. All interior window coverings or treatments as viewed from the exterior shall be white or off-white in color. No bed sheets, towels, newspaper or any other product not specifically designed for window treatment application shall be used for temporary or permanent interior window coverings or treatments.

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16. Mailboxes. No mailbox shall be erected or installed on any Lot unless the Owner shall have received prior written approval from the Declarant as to the design, style and location of the mailbox.

17. Trees: Screening. Trees which have a diameter in excess of six (6") inches measured two (2') feet above ground level, and distinctive flora, shall not be intentionally destroyed or removed except with the prior written approval of the Architectural Control Committee of the landscape plan. Garbage cans and equipment shall be screened to conceal them from view of neighboring Lots and streets. Swingsets may be installed on the Lots only after receiving the prior written approval of the Architectural Control Committee. No clotheslines shall be permitted on the Lots.

18. Fences. All fences must be approved pursuant to Article VII, Section 1 prior to installation. Chain link fences are not allowed.