

maintained or permitted upon any Tract.

Section 3.21 Drainage. Natural established drainage patterns of streets, tracts or roadway ditches will not be impaired by any person or persons. Driveway culverts must be installed and shall be of sufficient size to afford proper drainage of ditches without backing water up into ditch or diverting flow. Drainage culvert installation is subject to the inspection and approval of the Architectural Control Committee and to County requirements.

Section 3.22 Re-subdivision. Except as provided below or as otherwise permitted in these restrictions, no Tract shall be re-subdivided or split below twenty (20) acres. Notwithstanding, Developer reserves the right to re-subdivide any Tract owned by Developer into smaller lots, so long as such resulting lots are no less than ten (10) acres in size.

In the event of the failure of Owner to comply with the above requirements after ten (10) days written notice thereof, the Association or their designated agents may, without liability to the Owner, Contractor or any occupants of the Tract in trespass or otherwise, enter upon (and/or authorize one or more others to enter upon) said Tract, cause to be removed, such garbage, trash and rubbish or do any other thing necessary to secure compliance with this Declaration at the expense of Owner. Payment for the charges by such Owner shall be payable on the first day of the next calendar month.

ARTICLE IV
COMMERCIAL LOTS

The following Article shall apply only to the Tract attached hereto as Exhibit B. If the owner of the Tract, described in Exhibit B, determines that it is in that Tract Owners best interest to use the Tract for residential purposes instead of commercial purposes, such Tract shall follow the guidelines and comply with all restrictions set forth in Article III of the Restrictions.

Section 4.01 Construction. Except as provided below, no building shall be erected, altered, placed or permitted to remain on any Tract other than one commercial building per acre containing no less than 1500 square feet of interior space. No building shall have more than two (2) stories and in no event shall any building exceed twenty-eight (28) feet in height measured from the highest point of the natural soil of such building(s). All buildings must be constructed using new materials.

Notwithstanding, the Architectural Control Committee, at the Architectural Control Committee's sole discretion, may allow the owner of a Tract to construct rental cabins, which cabins contain less than 1500 square feet.

Section 4.02 Use of Lot. The following uses shall be allowed on the lots

- a. Administrative and professional offices including:
 - (1) Insurance sales
 - (2) Real estate sales or leasing
 - (3) Attorney offices
 - (4) Accounting offices
 - (5) Architectural offices
 - (6) Engineering/Surveying offices
 - (7) Investment services
 - (8) Travel agencies
 - (9) Flower shop
 - (10) Photography studios, so long as such studios are not used in conjunction with adult only entertainment.
 - (11) Doctor's offices
 - (12) Dentist's offices
 - (13) Non-profit organizations

- (14) Civic uses
- (15) Religious assemblies
- (16) Title Companies
- b. Retail sales and services including:
 - Clothing/shoe stores
- c. Child care services
- d. Small Appliance Repair services
- e. Restaurants, excluding fast food restaurants
- f. Pet stores and/or grooming
- g. Arts and crafts sales and/or instructions
- h. Private school
- i. Bank and/or savings and loan offices
- j. Single Family residential
- k. Bed and Breakfasts
- l. Rental cabins

Other business uses may be approved as is determined in the sole discretion of the Architectural Control Committee. Under no circumstances shall the Architectural Control Committee approve "adults only" houses including but not limited to photography, video, movie, modeling or other type facilities. Furthermore, no mobile home sales lots shall be permitted.

Section 4.03 Impervious Cover. The maximum impervious cover shall not exceed seventy percent (70%) of the Net Site Area, which Net Site Area shall be defined as that portion of the lot area inside the setback lines.

Section 4.04 Composite Building Site. Any Owner of one or more adjoining Tracts (or portion thereof) may, with the prior written approval of the Architectural Control Committee, and with approval of the County Commissioner's Court, if required, consolidate such Tracts or portions into one building site, with the privilege of placing or constructing improvements on such resulting site, in which case the side setback lines shall be measured from the resulting side Property lines rather than from the Tract lines as indicated on the Plat. Public utility and drainage easements are exempt from this provision.

Section 4.05 Location of Improvements upon the Tracts. Except as set forth in Section 4.14 below, no building or other improvements of any kind, including but not limited to outbuildings, parking areas and driveways, shall be located on any tract nearer than twenty-five feet from the front or rear property line and no nearer than 100 feet from any side property line. No more than two entry driveways shall be allowed to cross the setback area. The Architectural Control Committee in the exercise of the Architectural Control Committee's sole discretion, may waive or alter such setback lines, if such waiver or alteration is necessary to permit effective utilization of a tract. Any such waiver or alteration must be in writing and recorded in the Official Public Records of Hays County, Texas. All buildings placed on a Tract must be equipped with a Class I Aerobic Septic tank system that meets all applicable laws, rules, standards and specifications, and all such buildings must be served with water and electricity.

Section 4.06 Repair of Buildings. All improvements upon any of the Property shall at all times be kept in good condition and repair and adequately painted or otherwise maintained by the Owner thereof.

Section 4.07 Alteration or Removal of Improvements. Any construction, other than normal maintenance, which alters the exterior appearance of any improvement, or the removal of any Improvements, shall be performed only with the prior written approval of the Architectural Control Committee.

Section 4.08 Roofing Materials. The surface of all principal structures shall be of slate, stone, concrete tile, clay tile, or other tile of a ceramic nature or composition shingles with a twenty-five (25) year or more warranty. Natural or painted metal with standing or battened seams may be used, so long as the color of the painted metal is approved by the Architectural Control Committee.

Section 4.09 Construction in Place. All buildings constructed on the Property shall be built in place on the applicable Lot. The use of prefabricated materials for any improvements, including but not limited to outbuildings and fences, shall be only allowed with the prior written approval of the Architectural Control Committee.

Section 4.10 Appearance. All improvements shall be of such design, color, quality and construction so as to compliment the subdivision.

Section 4.11 Masonry. Each exterior wall of the main buildings shall be at least seventy-five (75%) masonry, inclusive of all doors, windows and eaves. As herein used, masonry shall be defined as brick, cast stone, rock, marble, granite or stucco. Rental cabins shall have no masonry requirement, but all construction and exterior materials used must be approved by the Architectural Control Committee prior to construction.

Section 4.12 Parking. All off-street parking, maneuvering, loading and storage areas shall be surfaced in accordance with normal engineering specifications for hot mix asphaltic paving surface or as otherwise approved by the ACC. No parking shall be permitted on grass, within landscaped areas or on other unimproved surfaces. Parking on an unimproved commercial lot shall be permissible during construction phase activity only. Permanent paved parking spaces shall be in accordance with design standards complying with all federal, state and local laws or ordinances. Specific parking space sizes shall be nine feet by eighteen feet and clearly identified by stripes, buttons, tiles, curbs, barriers, or other approved methods. Parking shall not be permitted to encroach upon the public right-of-way nor impede the free access through to adjacent non-residential parking areas.

Section 4.13 Walls, fences and Mail boxes. All walls, fences and mailboxes must be approved, prior to construction, by the Architectural Control Committee.

Section 4.14 Antennas, Towers, and Satellite Dishes. Antennas, towers, or satellite dishes of any kind shall not exceed ten feet above the roof of any main building or accessory building, whichever is higher. Any antennae, tower or satellite dish must be located to the side or rear of the building and not within 25 feet of any side property line or 25 of any rear property line. Nothing herein shall be construed to conflict with the latest rules and regulations set forth by the Federal Communications Commission.

Section 4.15 Garbage and Trash Disposal. Garbage and trash or other refuse accumulated in this Subdivision shall not be permitted to be dumped at any place upon adjoining land where a nuisance to any residence of this Subdivision is or may be created. No Tract shall be used or maintained as a dumping ground for rubbish. Trash, garbage or other waste shall not be allowed to accumulate, shall be kept in sanitary containers and shall be disposed of regularly. All equipment for the storage or disposal of such material shall be kept in a clean and sanitary condition.

Section 4.16 Trailers, RVs, Boats. All trailers, travel trailers, graders, recreational vehicles, trucks (other than pickups of a size one (1) ton or less), boats, tractors, campers, wagons, buses, motorcycles, motor scooters and lawn or garden maintenance equipment shall be kept at all times, except when in actual use, in enclosed structures or screened from view from common areas, public or private thoroughfares and adjacent properties.

Section 4.17 Signs. No sign shall be installed in such a manner as to not exceed twelve feet in height

from the finish grade elevation. All signs must be approved by the Architectural Control Committee, in writing, prior to installation. Factors to be considered by the Committee may include, but shall not be limited to the following criteria:

- a. Identification of the name and business of the occupant.
- b. The size and shape when compared to the building or buildings on the Tracts.
- c. Color of sign
- d. Do not block or detract from adjacent Tracts
- e. Preserve the quality and atmosphere of the area.
- f. Compliance with Hays County regulations, if any.

Neon signs and signs of a flashing or moving character shall not be permitted.

The Architectural Control Committee shall have the right to limit the number of signs and the size of any sign installed on any Tract.

Section 4.18 Mineral Development. No commercial oil drilling, oil development operations, oil refining, quarrying or mining operation of any kind shall be permitted upon or in any Tract. No derrick or other structures designed for the use of boring for oil or natural gas shall be erected, maintained or permitted upon any Tract.

Section 4.19 Drainage. Natural established drainage patters of streets, tracts or roadway ditches will not be impaired by any person or persons. Driveway culverts must be installed and will be of sufficient size to afford property drainage of ditches without backing water up into such ditch or diverting flow. Drainage culvert installation is subject to the inspection and approval of the Architectural Control Committee and to County requirements.

Section 4.20 Re-subdivision. Except as otherwise permitted in these restrictions, the tract shall be re-subdivided or split. Developer reserves the right to re-subdivide the tract, so long as such tract is owned by Developer, into smaller lots, so long as such resulting lots are no less than ten (10) acres in size. Two or more Lots may be combined into one Lot for building purposes and the interior common boundary line shall be extinguished by filing a recordable document of record, joined by the Developer or Architectural Control committee, or its duly authorized representative, declaring the same to be extinguished. Thereafter, all setback lines shall refer to the exterior property lines. Combined Lots shall nevertheless be considered as separate lots for assessment purposes, unless otherwise determined by the Architectural Control Committee. Public utility and drainage easements are exempt from this provision.

ARTICLE V ARCHITECTURAL CONTROL COMMITTEE

Section 5.01 Basic Control.

- (a) No building or other improvements of any character shall be erected or placed, or the erection or placing thereof commenced or changes made in the design or exterior appearance thereof or any addition or exterior alteration made thereto after original by construction, or demolition or destruction by voluntary action made thereto after originally constructed, on any tract in the Subdivision until the obtaining of the necessary approval (as hereinafter provided) from the Committee of the construction plans and specification for the construction or alteration of such improvements or demolition or destruction of existing improvements by voluntary action. Approval shall be granted or withheld based on matters of compliance with the provisions of this instrument.
- (b) Each application made to the Committee, or to the Developer, shall be accompanied