

**DECLARATION OF COVENANTS, CONDITIONS, AND RESTRICTIONS  
FOR COLONIAL SUBDIVISION  
A NEIGHBORHOOD DEVELOPMENT OF WEST TRACE  
DEVELOPMENT**

**DESIGN GUIDELINES**

These Design Guidelines shall apply to all Lots located within the Colonial Subdivision of West Trace, Development (the “**Neighborhood**”). Capitalized term, not otherwise defined within this instrument, shall have the meaning ascribed to them in that certain Declaration of Covenants, Conditions, And Restrictions for Whispering Woods, Mixed Use Development (the “**Declaration**”), executed on the \_\_\_\_ day of \_\_\_\_, 2009, by **The Westlake Real Estate Board**, a political subdivision of the State of Louisiana (the “**Declarant**”). These Design Guidelines shall be in addition to the restrictions contained in the Declaration and in the event of a conflict between these Design Guidelines and the Declaration, these Design Guidelines shall govern.

1. Development Setback Criteria. The Development design submittal requirements/procedures for residential application to achieve approval from the Colonial Subdivision Colonial Subdivision Design Review Board prior to acquisition is available for review.
  - 1.1 Front building line for lots shall be thirty (30’) feet from the property line.
  - 1.2 Side building lines shall be five (5’) feet from the property line.
  - 1.3 Rear building lines shall be twenty five (25’) feet from the property line for Lots 1-12, and shall be fifteen (15’) feet from the property line for Lots 12-28.  
Note: Lot 12 has two different setbacks on back property line. Refer to Plat of Subdivision.
2. Minimum Square Footage. Residences build in the Neighborhood shall contain minimum square footage of living space, exclusive of all porches, storerooms, and garages as follows:
  - (a) Lots 1-11 and 17-28 shall have a minimum square footage of 2000 sq. feet;
  - (b) Lots 12, 13, 14, 15, 16 shall have a minimum square footage of 2400 sq. feet.
3. Exterior Materials. Any residence erected, placed or altered on a lot within the Neighborhood shall not have an exterior constructed of imitation brick or stone, or aluminum or vinyl siding, and not more than forty percent (40%) of the exterior may be wood, hardy board or similar building material. All painted exteriors must have a least two (2) coats of pain in a color approved by the Colonial Subdivision Colonial Subdivision Design Review Board. Outside wall

materials shall be beveled wood or hardy board, stone, brick, old brick, stucco covered masonry, or any combination thereof.

4. Sidewalk. Any residence erected, placed or altered on a lot within the Neighborhood shall have a four (4') foot wide walking path from the front entrance of the residence to the curb. This walking path shall be constructed of materials approved by the Colonial Subdivision Design Review Board in addition to being approved by the Westlake Design Review Board(WLDRB) and Westlake Real Estate Board (WLREB)
5. Colors. A list of recommended colors for residences in the Neighborhood shall be made available to Owners by the Colonial Subdivision Design Review Board, and shall be referred to as the “**Colonial Subdivision Color Palette.**” Blocks of residences bearing the same color shall be prohibited, except for the color white, which shall be permitted irrespective of the color of adjacent residences. Subject to the Colonial Subdivision Color Palette and the approval requirements contained in the Declaration, use of a variety of coloring in trim, tiles and exterior surfaces and expressions on each individual residence is encouraged. The Colonial Subdivision Design Review Board, the WLDRB and WLREB shall have authority when appropriate to reject color schemes to prevent redundancy from one residence to the next.
6. Exterior Lighting. The number and style of exterior lighting fixtures shall be submitted to and approved by the Colonial Subdivision Design Review Board prior to installation. The number of exterior light fixtures, including landscape lighting and path lighting, shall be limited. All lighting should be architecturally integrated with attached structures. Security lighting including motion activated flood lights shall, at a minimum, be located beneath eave overhangs. Mercury vapor lights and colored light bulbs shall not be permitted. No lighting shall be installed which is aimed at surrounding properties, or which will adversely intrude on surrounding property. Exterior lights shall be mounted on building surfaces so as not to interfere with the neighbors' use of his Lot. All exterior light sources shall be directed away from view by adjoining Lots.
7. Windows and Doors. All windows shall be of a traditional wood frame, vinyl, vinyl clad, or aluminum clad. Metal or aluminum windows are not allowed. All doors and windows shall be consistent with the architectural style chosen for the residence. Each front door must make an entry statement of quality, substance and durability. Mirrored or reflective glass is absolutely prohibited.
8. Window Coverings.
  - 8.1 The only acceptable window coverings that may be affixed to the interior of any window visible from any street or other portion of the Property are drapes, blinds, shades, shutters or curtains. The side of such window coverings that is visible from the exterior of any improvements must be white or off-white in

color, except that any window coverings consisting of wooden blinds or shutters may be a natural wood or white color. Notwithstanding the foregoing, the Colonial Subdivision Design Review Board may, from time to time, approve additional colors as acceptable for the portions of the window coverings visible from streets, Common Area or other Lots.

8.2 No window tinting, reflective coating, stickers or decals may be affixed to any window that is visible from any street, alley or other portion of the Property, without the prior written approval of the Colonial Subdivision Design Review Board.

9 Other Building Features.

9.1 Any residence erected, placed or altered on a lot within the Neighborhood should be of a French Acadian style, and further front porches are desired.

9.2 Any residence erected, placed or altered on a lot within the Neighborhood shall be built on a slab, which slab shall be completed at thirty (30") inches above the back/top of the street curb.

9.3 Any residence erected, placed or altered on a lot within the Neighborhood should be built with a front porch, which porch shall be a minimum of twenty-one (21") inches above the finished grade of the lot.

9.4 Any residence erected, placed or altered on a lot within the Neighborhood shall have incorporated into it a garage sufficient to fit two (2) vehicles, with a minimum eave height of ten (10') feet, and a maximum eave height of twelve (12') feet. It is suggested that garages do not face the street, and where the garages must face the street, such a garage must be set back a minimum of thirty (30') feet from the closest portion of the improvement to the street. No detached carports or garages are allowed in the Neighborhood.

9.5 Masonry, wood, stucco, brick masonry, cast concrete, and metal columns shall be in proportion with the overall design of the residence and their dimensions shall be approved by the Colonial Subdivision Design Review Board.

9.6 Storage areas and storage sheds must be approved by the Colonial Subdivision Design Review Board and if approved, shall be screened from view from the street and neighboring Lots. All storage areas and storage sheds should be of the same architectural design and style as the main dwelling and must be located on a concrete slab. Portable or movable buildings are not permitted on any Lot.

10 Ceiling Height. Minimum exterior plate heights are ten (10') feet for the first (1<sup>st</sup>) floor and 8'0' for the second (2<sup>nd</sup>) floor.

- 11 Fireplace Materials. Uncovered galvanized metal fireplace flues and chimneys are not permitted. Any metal chimney flue must be screened from view with brick or stucco. The top of the chimney must be covered by a chimney cap made of stucco, brick, slate or copper approved by the Colonial Subdivision Design Review Board. An exposed spark arrester on a manufactured fireplace flue is not permitted.
- 12 Fences and Walls. All fences, walls and gates (collectively, the “**Fences**”) shall be designed to complement the character and style of the residence. The design and specifications of each Fence must be approved in writing by the Colonial Subdivision Design Review Board, the WLDRB and the WLREB. Approved materials include pre-cast concrete blocks and caps-“dacart” or equal, brick, stone, wrought iron and stucco covered masonry. No chain link, cinder block (without exterior finishing material, such as stucco), or split rail Fences are allowed. Wooden fences, where permitted, should be constructed of western red cedar pickets as approved by the Colonial Subdivision Design Review Board, the WLDRB and the WLREB. Where a fence is constructed by the developer, an owner of any lot abutting said fence cannot alter or modify the fence constructed by the Developer in any manner.
- 12.1 Rear and side yard Fences shall be permitted as approved by the Colonial Subdivision Design Review Board, All rear yard Fences shall be constructed on the rear property line of the Lot, except where the easement for the Lake/Pond Maintenance is in effect. Rear yard fence lines shall be constructed along the setback lines or easement line for the Lake/Pond Maintenance and designated on the Plat of Survey as Lots 4 – 12 and Lots 14 – 18 and shall not intrude beyond or into said setback or easement line. Rear yard fences constructed on Golf Course Lots shall be constructed of decorative metal or wrought iron, with or without masonry columns pursuant to Section 3, as approved by the Colonial Subdivision Design Review Board.
- 12.2 Front yard Fences, such as wood picket fences, are not permitted except in the case of a partially enclosed courtyard. Front yard fences, where permitted, should be constructed of decorative metal or wrought iron, as approved by the Colonial Subdivision Design Review Board.
- 12.3 The height of Fences shall be subject to the discretion of the Colonial Subdivision Design Review Board.
- 12.4 In no event, unless otherwise specifically granted herein, shall any Owner of any lot be permitted to build a fence that encroaches upon any easement granted by the Developer, whether such easement is granted herein or in a subsequent writing.
- 13 Roofs.

- 13.1 The minimum roof pitch shall be 8/12. Lower pitches for minor areas may be considered by the Colonial Subdivision Design Review Board, the WLDRB and the WLREB. All roofing shingles must be Architectural Style, such as Prestique Brand or equivalent.
- 13.2 Permitted roofing materials shall consist of architectural grade composition shingles, tile and slate. Standing seam copper roofing is permitted, subject to the approval of the Colonial Subdivision Design Review Board, the WLDRB and the WLREB, When concealed from view by cornices or parapets, sheet roofing may be employed if approved by the Colonial Subdivision Design Review Board, the WLDRB and the WLREB.
- 13.3 No skylights permitted.
- 13.4 All roof accessories shall be painted to match the color of the roof.
- 13.5 Soffits shall be constructed of wood or hardy board and shall be finished in wood or stucco finishes.
- 13.6 Exposed gutters and down spouts shall be copper or an approved material and color selected from the color palate provided by the Colonial Subdivision Design Review Board. Gutters shall be half-round and down spouts shall be full-round.
- 13.7 Mansard and flat roofs are prohibited.
- 13.8 Exterior chimneys shall be stucco or masonry to match exterior finishes of the residence.
- 13.9 Roofing colors shall be muted, and must be within the range of colors indicated on the Colonial Subdivision Color Palette.

14 Sports and Play Equipment.

- 14.1 Swing sets or other play structures are permitted; however, they must meet the approval of the Colonial Subdivision Design Review Board.
- 14.2 Basketball goals or backboards shall be permitted, provided such goals and backboards are not mounted directly to the residence. Basketball goals shall be located on the inside of the driveway in an area close to the residence on the rear one-third (1/3) portion of the Lot. Basketball goal poles or other mounting materials shall be painted to match the color of the residence, the color of the wall or fence in its closest proximity, or the color black. Backboards shall be primarily clear or white.

14.3 Driveways should remain as constructed during the original construction for access to garages. Driveways shall be not expanded for the sole purpose of accommodating sports or play equipment.

15 Mail Boxes and Addresses.

15.1 Each owner of each lot is required to purchase a single post, black iron mailbox, with decorative Fleur-de-Lis. The required mailbox can be purchased and installed locally, and a photograph of the required mailbox can be reviewed prior to acquisition, by written request to the Colonial Subdivision Design Review Board.

15.2 The front style for address numbers shall be established by the Colonial Subdivision Design Review Board for each Development. Specification, supply, display requirements and installation specifications will be provided to the owner.

15.3 Each Owner is required to beautify the area around the mailbox, in accordance with the Landscaping requirements of Article 20.

16 Yard Ornaments. Artificial flamingos, deer, spinners, gazing balls, pirogues, garden gnomes and such other tableau are prohibited in front and side yards. Typical seasonal decorations are permitted within season at the discretion of the Colonial Subdivision Design Review Board, which reserves the right to limit such decorations so as not to cause undue traffic, light, noise or other nuisance to neighboring Lots.

17 Flagpoles. Flagpoles not the exceed six (6) feet are permitted if mounted within brackets that place the flagpole diagonally to the residence. Not more than two (2) flags shall be displayed at any given time.

18 Swimming Pools. Swimming pools must comply with the following requirements:

18.1 No pool may be constructed, placed, installed or used above grade and all pools must be of constructed with rebars and gunite, or such other materials as approved by the Colonial Subdivision Design Review Board, the WLDRB and the WLREB.

18.2 The edge of pool decks shall conform to building setbacks as listed in Section 1.

18.3 Pools shall not be drained onto adjacent property or open space.

- 18.4 Those Owners of Golf Course Lots wishing to construct a pool are hereby warned of the peril associated therewith and agree to indemnify the Declarant and associated parties as described in the Covenants, Conditions and Restrictions.
- 18.5 Ornamental fountains, Jacuzzis, hot tubs or similar elements are permitted upon the approval of the Colonial Subdivision Design Review Board, the WLDRB and the WLREB.
- 19 Awnings and Canopies. Awnings and canopies are not permitted on the front of any residence. Awnings and canopies may be constructed or installed on the side and/or rear of a residence upon the approval of the Colonial Subdivision Design Review Board, the WLDRB and the WLREB and in accordance with the provisions of Section 9.5. No metal awnings or coverings are permitted.
- 19.1 Bright colored awnings or canopies are prohibited, and all awnings and canopies should be of a color and design to compliment the exterior color of the residence.
- 19.2 All discolored, faded, torn or worn awnings and canopies must be promptly replaced.
- 19 Patios and Gazebos. Covered patios shall be architecturally integrated with the design of the residence. Covered patios shall be supported by columns as described above. Any roofing material used shall be the same as used for the roof of the residence, except that copper may also be used. The location of the Gazebos shall be approved by the Colonial Subdivision Design Review Board. Patios, terraces, gazebo trellises, arbors and related site improvements, shall meet the approval of the Colonial Subdivision Design Review Board.
- 20 Landscaping.
- 20.1 A comprehensive landscape plan shall be a requirement of the submittal of the design for any improvement on a Lot. Each Owner is encouraged to save as much of the existing vegetation as possible. Each owner is also encouraged to select plant material from the “**Recommended Plant List**”, made available by the Colonial Design Review Board. The Recommended Plant List is available for inspection by Owners.
- 20.2 Each Owner shall be required to sod the portions of the Lot which is not covered by a structure or plant bed with a sod approved by the Colonial Subdivision Design Review Board, the WLDRB, and the WLREB. All plant beds shall be mulched.
- 20.3 All landscape plans must receive the approval of the Colonial Subdivision Design Review Board, the WLDRB and the WLREB.

- 20.4 Low voltage landscape lighting integrated with the landscaping for a Lot is encouraged, but not required.
- 21 Grading.
- 21.1 Should a significant alteration to the elevation of a Lot be contemplated, the Owner shall submit a grading plan for approval by the Colonial Subdivision Design Review Board, the WLDRB and the WLREB.
- 21.2 Grading with a maximum of 4:1 slopes and a maximum of two feet (2') in height or sufficient height to meet requirements of building slab elevation, as designated at Item 9.2 or such height as required by FEMA is permitted.
- 21.3 Smooth slope transitions are encouraged where grading is necessary.
- 21.4 All grading shall be contained inside the lot property line with no overlaps, unless approved by the Colonial Subdivision Design Review Board.
- 21.5 If retaining walls are necessary, the walls should be of a material and color to match the contiguous or connected buildings/structured.
- 22 Fill to Lot. No Owner shall add fill to a Lot which adversely affects the drainage of a contiguous Lot/Property or which increases the cost of installing foundation footings on any contiguous Lot.
- 23 Drainage. The Owner of a Lot shall provide positive storm water drainage in the direction indicated on the drainage plan for **WEST TRACE DEVELOPMENT** on file with the City of Westlake. Drainage may be surface and/or subsurface as approved by the Colonial Subdivision Design Review Board, the WLDRB and the WLREB. An Owner shall not impede or modify the natural drainage flow of any Lot in any manner that will adversely affect other Owners who are in compliance with the drainage plan. The Colonial Subdivision Design Review Board, the WLDRB, the WLREB or any aggrieved Owner shall have the right to bring legal action to enforce this restriction.
- 24 Garbage, Trash and Recycling. Garbage, trash and recycling containers shall be stored when not placed on the street for collection so as not to be visible from the streets or adjoining Lots.
- 25 Noise Abatement. All exterior mechanical equipment, including natural gas powered generators, HVAC and pool equipment, shall be situated in a manner so as to also screen the noise and sounds generated by such equipment.



26. Switch Pads and Transformers. Switch pads and transformers shall not be constructed more than six inches (6”) above finish grade. All such pads should be flush with adjoining walkways. Transformers shall be situated in a manner so as not to be visible with landscaping to the extent permitted by the utility company serving the Lot.

27. Servitudes. Servitudes for installation, maintenance of utilities and drainage facilities are reserved as shown on the final plat.

27.1 Servitude for Lake and Pond Maintenance. The Declarant reserves for itself, its heirs, successors and assigns, a non-exclusive right, easement and servitude, but not the obligation, to enter upon bodies of water and wetlands located within, around or abutting to the Neighborhood to (a) install, operate, maintain and replace pumps to supply irrigation water to the same; (b) construct, maintain and repair structures and equipment used for retaining water; and (c) maintain such areas in a manner consistent with the Declarant’s adopted standards. The Declarant, its heirs, successors and assigns, shall have an access easement over and across any of the Lots in the Neighborhood to the extent reasonably necessary to exercise the rights under this Section 27.1.

The Declarant further reserves for itself, its heirs, successors and assigns, a perpetual, non-exclusive right and easement of access and encroachment over the land adjacent to and within (but not to include any dwelling situated thereon) 25 feet of the bodies of water or wetlands in the Neighborhood on Lots 4 – 12 and 15 feet on Lots 14 – 18, as shown on Plat of Colonial Subdivision to (a) temporarily flood and back water upon and maintain water over such portions of the Neighborhood; (b) alter in any manner and generally maintain the bodies of water and wetlands within the Neighborhood; and (c) maintain and landscape the slopes and banks pertaining to such areas. All persons entitled to exercise these easements shall use reasonable care and repair any damage resulting from the intentional use of such easements. Nothing contained herein shall be construed or interpreted to make Declarant or any other person liable for damage resulting from flooding due to a naturally occurring event.

28. Underground Utilities. This subdivision will be served by underground utilities only, except where an overhead electric distribution system is previously existing or has been installed by Declarant. Electric service from the electric distribution system to each residence shall be underground.

29. Miscellaneous Restrictions.

29.1 Cleaning of tools, supplies or equipment by concrete suppliers, painters, other subcontractors, or homeowners on any public street or other Common Area is prohibited.

29.2 Each Owner’s contractor is required to maintain a clean and orderly construction site. Each contractor shall place a construction debris

dumpster behind the footprint of the residence and dispose of waste and debris immediately. Sites which are not maintained shall be subject to fines per the laws of the City of Westlake, Louisiana.

29.3 The Owners of Golf Course Lots are prohibited from altering any golf course property without the express written consent of the Golf Course owner and the Colonial Subdivision Design Review Board.

30. Louisiana Law. These restrictions shall be interpreted and administered in accordance with the Law of the State of Louisiana, in all respects.

[Remainder of Page Intentionally Left Blank]

Signature Page to Follow

WITNESSES:

\_\_\_\_\_  
Name: \_\_\_\_\_

\_\_\_\_\_  
Name: \_\_\_\_\_

THE CITY OF WESTLAKE

By: \_\_\_\_\_  
Name: BOB HARDY  
Title: MAYOR

WESTLAKE REAL ESTATE BOARD

BY: \_\_\_\_\_  
Name: \_\_\_\_\_  
Title: President

DEVELOPER:

JD DEVELOPMENT SOUTHWEST, LLC

\_\_\_\_\_  
J. David Morrison, Manager

\_\_\_\_\_  
STEVEN DWIGHT

NOTARY PUBLIC  
NOTARY ID NO./BAR ROLL NO. \_\_\_\_\_  
MY COMMISSION EXPIRES AT DEATH