

Deed Restrictions

1. Land Use: No part of the Property shall be used except for single family residential purposes. No building or improvement shall be erected, altered, placed or permitted to remain on any part of the Property other than one single-family dwelling, not to exceed two and one-half (2 1/2) stories and not to exceed thirty-five (35) feet in height, together with an attached garage for not less than two (2) automobiles, except as provided for herein.

2. Lot Split: Except as Declarant may find necessary, no lot shall be split, divided or subdivided for sale, resale, gift, transfer or otherwise so as to create a new lot within the sub-division.

3. Minimum Building Size: No building shall be constructed unless the finished living space (exclusive of porches, patios, garages and basements) shall have no less than one thousand (1,000) square feet for one (1) stories, twelve hundred (1,200) square feet for two (2) stories, and one and one half (1 1/2) stories, one thousand fifty (1,050) square feet for Bi-levels or Split Levels.

Within the easement area and no build areas, if any, designated on the recorded plat of the subdivision no structure, improvement, planting or other materials shall be placed or permitted to remain which may damage or interfere with the installation or maintenance of utilities or the direction of the flow of the drainage channels or water over said areas. The easement areas of each lot and all surface improvements thereon shall be maintained continuously by the owner of said lot, except those improvements for which a public authority or public utility company is responsible.

NOTE: Storage sheds were made an exception in a letter addressed to the Kensington Place Home Owner Association, dated September 24, 2003 by David A. Dye, Legal Counsel to Beazer Homes. Sheds must be made of wood or other building material(s) of style and finish color comparable to the materials used in the construction of the primary residence on the lot, has a pitched, residential roof with shingles matching those on the home, and does not exceed 100 square feet of floor space or thirteen (13) feet in height. Sheds are subject to the approval of the Association's Architectural Design Review Board.

4. Temporary Structure: No structure of a temporary character, trailer, basement, tent, shack, garage, barn or other outbuilding shall be used on the Property at any time as a residence, either temporarily or permanently; provided, however, for the purpose of a sales office for the sale of lots and new homes, Declarant may permit temporary structures during the construction and sales period.

5. Miscellaneous Structures: No above-ground pools shall be placed on any lot without the expressed written consent of Declarant except it is not the intent of this provision to prohibit the installation of a hot tub or sauna that does not hold more than eight (8) persons. No storage shed shall be used on any lot at any time. (see NOTE under #3)

NOTE: Above-ground pools require the approval by the Association. You must submit an Architectural Review form to the Association's Architectural Design Review Board. In addition, all pools must be enclosed by a wall or fence having a minimum height of four (4) feet. For more specifications, see city of Delaware Ordinance 1156.03.

6. Building Location: Except as provided for herein, no building shall be located on any lot nearer to the lot line than the minimum building lines as shown on the recorded plat. For the purposes of this covenant, eaves, steps and open porches shall not be considered as part of a building; provided, however, that this shall not be construed to permit any portion of the building on a lot to encroach upon any other lot.

7. Animals: No animals, birds, insects, livestock or poultry of any kind shall be raised, bred, or kept on the Property except that dogs, cats or other household pets may be kept for domestic purposes only, provided that they are not kept, bred or maintained for any commercial purpose. No more than two (2) dogs or two (2) cats may be kept on any Lot except such dogs or cats in excess of such numbers that are less than three (3) months of age.

8. Soil Removal: No soil shall be removed for any commercial purpose.

9. Signs: Other than subdivision entrance features approved by Declarant and street signs, no sign of any kind shall be displayed to the public view on the Property, except one professional sign of not more than five square feet solely for the purpose of advertising the Property for sale or rent, or signs used by a builder to advertise the Property or provide directions to subcontractors and inspectors during the construction and sales period.

10. Waste Disposal: The Property shall not be used or maintained as a dumping ground for rubbish. Trash, garbage or other waste shall not be kept except in sanitary containers. All incinerators or other equipment for the storage or disposal of such material shall be kept in a clean and sanitary condition.

11. Vehicles Not in Use: No automobile or motor driven vehicle shall be left upon or in front of the Property for a period longer than thirty (30) days in a condition wherein it is not able to be operated upon the public highway. After such period, the vehicle shall be considered as a nuisance and detrimental to the welfare of the neighborhood and shall be removed from the Property.

12. Nuisances: No obnoxious or offensive activity shall be carried on upon any lot, nor shall anything be done thereon which may be or become an annoyance or nuisance to the neighborhood, no window air conditioning units facing the street or solar panels shall be permitted as improvements on any lot in the subdivision.

13. Boat, Trailer and Vehicle Parking and Storage: No truck, trailer, boat, camper, recreational vehicle or commercial vehicle shall be parked or stored in front of or on any lot unless it is in a garage or other vehicle enclosure out of view from the street and abutting properties; provided, however, that nothing herein shall prohibit the occasional and nonrecurring temporary parking of such truck, trailer, mobile home, boat, camper, recreational vehicle or commercial vehicle on the Property for a period not to exceed seventy-two (72) hours in any period of thirty (30) days or the use of a temporary trailer during the initial construction period as described herein.

14. Garage: No dwelling may be constructed on any lot unless an enclosed attached garage for at least two (2) automobiles to be parked side-by-side is also constructed thereon.

15. Antennas: Television and radio antennas, including dish-type satellite signal receiving earth stations over twenty-four (24") inches in diameter shall be prohibited on the exterior of any house or Lot. No towers of any kind, including but not limited to, television, radio and/or microwave tower, shall be erected, placed or maintained on any Lot in the Subdivision. This prohibition against satellite receiving dishes shall also apply to those receivers designed or disguised to appear to have multiple uses. Any apparatus which is permitted hereby shall be located on the rear portion of the lot behind the residence so as not to be visible from the street.

NOTE: The Federal Communications Commission rules for Over-the-Air-Reception Devices – OTARD. This protects a property owner or tenant’s right to install, maintain or use an antenna to receive video programming from direct broadcast satellites, broadband radio services and television broadcast stations. OTARD rules also apply to rental property where the renter has exclusive use of an area, and to customer-end antennas that receive and transmit fixed wireless signals.

The following antennas or dishes are covered by these rules:

- * A dish antenna one meter (3.28 feet) or less in diameter, designed to receive direct broadcast satellite service, including direct-to-home satellite service, or to receive or transmit fixed wireless signals via satellite.
- * An antenna that is one meter or less in diameter and designed to receive video programming services via broadband radio service (wireless cable), or to receive or transmit fixed wireless signals other than via satellite.
- * An antenna that is designed to receive local television broadcast signals.

Prior approval by the Association’s Architectural Design Review Board is not required.

16. Fencing: No fence or structure shall be built or drainage plan altered to the detriment of the other owners within the subdivision. Any fence, hedge, planting or structure placed within a utility easement is subject to the use of such easement and is the sole responsibility of the owner of the lot. The finish grade of any lot shall substantially comply with the finish grade and drainage plan as set forth for the master plan of the subdivision. Notwithstanding any other provision hereof, no chain link or plastic

fencing shall be permitted upon any of the lots within the subdivision. No fence shall be erected on any lot other than an all wood fence or a split rail fence which may have thin mesh wire backing. No fence shall exceed four feet in height nor shall be closer to the street than the structure building line. Except that six (6) foot privacy fences are allowed around decks or hot tubs.

NOTE: Kensington Place Association, Inc., Board of Trustees passed a Resolution on August 1, 2009 – Chain link fencing is not permitted. Fences of other high-quality materials including but not limited to wood, vinyl, wrought iron and aluminum are intended to be permitted in the subdivision, subject to prior review by the Association’s Architectural Design Review Board.

17. Sight-Line Limitations: No fence, wall, hedge, tree or shrub which obstructs sight lines between the heights of two and six feet above the roadways shall be placed or permitted to remain on any corner lot nearer than twenty-five (25) feet from the intersection of the centerlines of two streets or alleys, or so as to obstruct the view of traffic approaching the intersection. The same sight-line limitations shall apply to plantings or structures near points where a driveway enters a street.

18. Entry Feature(s): Any entry features, landscaping, or common fencing for the subdivision constructed by or approved by the Declarant shall be exempt from the size, location and use provisions hereof.