

## **ARTICLE EIGHT - RESTRICTIONS**

The following restrictions are meant to supplement the applicable local and state ordinances, regulations, and restrictions enacted in and in effect for the Town of Covert, Seneca County, New York in which the Property is located, and to the extent that any restrictions or regulations made herein are more lenient or less restrictive than the applicable regulations, ordinances, or other restrictions in effect in the Town of Covert, Seneca County, New York, the latter shall govern and apply. This Property is also subject to any applicable additional regulations of the Town of Covert or any other governing agency or jurisdiction, and further subdivision or development of the Property known as Oak Harbor Subdivision is restricted and controlled thereby:

### **Section 8.01 Use Restriction**

The land and buildings of each Lot shall be used only for residential purposes with a dwelling unit for one family and there shall also be permitted one subordinate apartment dwelling within such residential building or with a garage or carriage house building which may be occupied by a family (meaning persons related by blood or marriage), or by not more than two unrelated people. Not more than one residential building shall be erected on each Lot and no Lot shall be subdivided.

### **Section 8.02 Building Height and Location.**

No part of any building with the exception of chimneys and/or plumbing vents or stacks, shall exceed a height of thirty-five (35) feet as measured vertically from the lowest finished grade abutting the building to the height which is level with the highest part of the building roof. The location of each building on its Lot is subject to design review approval (see covenant No. 8.11 herein) to assure the best views are maintained from each Lot. All chimney and/or plumbing vents or stacks shall be no higher than five (5) feet above the highest part of the building roof.

### **Section 8.03 Trailers/Mobile Homes/Vehicles.**

Construction trailers may be used only during actual construction. No mobile home shall be kept on the premises. No unregistered motor vehicle shall be kept outside on the premises. At any one time, one boat and one recreation vehicle or camper may be stored on a Lot, provided the boat is on a trailer, the recreational vehicle or camper is not occupied overnight, and the surroundings are kept in a neat and orderly fashion. Notwithstanding this paragraph, no construction trailer shall remain on the premises for more than 365 days in any 3-year period.

### **Section 8.04 Construction and Storage on Lots.**

The exterior construction of buildings shall be completed within two (2) years of commencement and final completion, together with grading and seeding of the lawn, shall be done within six (6) months thereafter. With the exception of Lot 7 which is currently used for the storage of road maintenance equipment the Lots shall not be used for the storage of any construction materials, machinery, equipment or supplies of any kind or nature, except during the course of actual construction of improvement to the Lots.

#### Section 8.05 Signs.

No signs owned or authorized by individual Lot Owners shall be permitted on the Property nor within buildings built on the Property which are exposed to the outside. Temporary signs indicating premises are "For Sale" or "For Rent" or setting forth names of contractors or other trades actually involved during the construction of improvements may be placed on an Owner's Lot provided such signs are no larger than ten (10) square feet and with no side being longer than four (4) feet, and provided there is never more than two (2) such signs at any given time on such Lot.

#### Section 8.06 Pets.

No livestock, chickens, pigs, or other animals other than usual household pets shall be kept on the Property subject to the remaining portions of this paragraph. A kennel for two pets may be maintained by an owner on his Lot. Any such kennel shall not be visible from any street adjoining the Lot, shall be screened or landscaped so as to minimize its visibility from adjoining Lots, the exterior appearance shall be maintained and the design of such kennel shall be submitted to the Home Owners' Association.

#### Section 8.07 Outside Facilities or Equipment.

No satellite dishes or other devices designated to receive radio, television, or related reception shall be placed on any Lot at a height greater than five (5) feet above the highest roof line of the dwelling on the Lot, and in all events, no satellite dishes greater than three (3) feet in diameter will be placed on any Lot. No propane or other types of fuel tanks shall be permitted on the Lots, except for such tanks as are necessary for outdoor grill or other barbecuing purposes or for appliances in the residence. Any such tanks as are necessary shall be buried or closed and screened and not visible from any street or other Lot, nor shall they be located closer than fifty (50) feet to any boundary line of any Lot.

#### Section 8.08 Garbage or Trash.

Unless the Association approves any such structure, no structure separate from the main residence shall be erected or maintained for the storage of garbage or other equipment or material, except that structures of no more than 100 square feet commonly used to store house/garden equipment shall be permissible. Garbage and trash or other refuse shall be kept in secure containers with covers and shall be outside the residence only on evenings before or days when such garbage, trash or other refuse is to be picked up.

#### Section 8.09 Pools.

Any outdoor pools shall be in ground so that the water level is below grade and no closer than fifty (50) feet from any boundary line of any Lot and shall be located in the backyard of any Lot. All such pools shall be fenced in by a fence at least four (4) feet high and as otherwise required by applicable code.

#### Section 8.10 Architectural Approval.

Before construction, exterior alteration, or any other exterior improvements on a Lot, the contractor or Lot Owner shall obtain a written certificate from the Association, or the Association's designated agent, that in the determination of the Association the planned action or actions are suitable and proper for the location and compatible with the residences in the subdivision, and the Lot Owner will provide any reasonable information sought by the Association or the Association's designated agent to make such a determination, including, but not necessarily limited to, the cost of the action, sketch plans showing the intended action, survey map showing the proposed location of the action, and the type of construction and materials that will be used in any such action. The approval of the Association shall not be unreasonably withheld.

#### Section 8.11 Mailboxes.

All street side mailboxes, news paper receptacles and street side house and/or lawn lights shall be of a uniform type that has been approved by the association and maintained in a neat and orderly fashion.

#### Section 8.12 Size and Location of Dwellings.

All dwellings constructed shall have a minimum above grade area of 2500 square feet of habitable space, excluding the garage, basement, and attic area of any such dwelling. All such dwellings and other improvements shall be constructed no closer than thirty (30) feet from all boundary lines on the Lot and shall be constructed in such a way so as to not encroach upon or otherwise interfere in any way with any easements or rights-of-way that may exist on the Lot. There shall be no white or light colored roofing materials. Siding shall be of natural materials, including cementitious board, but not vinyl.

#### Section 8.13 Commercial, Business, or Professional Use.

No commercial, business, or professional use or office or business may be operated or maintained on the Lots, except that Lot occupants who reside in the dwelling as their primary residence for at least six (6) months out of each calendar year may operate a professional office or other business from the Lot, provided such operation is solely from within the dwelling unit and there is no evidence on the exterior of the dwelling indicating any such professional or business use.

#### Section 8.14 Boat Houses and Lifts:

All lifts shall be installed at the common seawall and constructed in accordance with a common design approved by the Sponsor who shall construct and install the same at an additional cost. Each member shall be entitled to purchase a boat lift.