

DECLARATION OF COVENANTS AND RESTRICTIONS
PEMBROOK SUBDIVISION PHASE 2

FOR THE PURPOSES OF ENHANCING AND PROTECTING THE VALUE, ATTRACTIVENESS, AND DESIRABILITY OF THE LOTS IN PEMBROOK SUBDIVISION PHASE 2, THE FOLLOWING CONDITIONS, RESTRICTIONS AND COVENANTS SHALL RUN WITH THE LAND AND THEREBY BE IN EFFECT IN PERPETUITY AND INURE TO THE BENEFIT OF THE HEIRS, EXECUTORS, ADMINISTRATORS, AND ASSIGNS OF THE GRANTEE. INVALIDITY OF ANY ONE OF THESE COVENANTS OR RESTRICTIONS EITHER BY JUDGEMENT, OR BY ORDER OR DECREE OF COURT SHALL IN NO WAY EFFECT ANY OF THE OTHER PROVISIONS, ALL OF WHICH SHALL REMAIN IN FULL FORCE AND EFFECT.

ARTICLE I
BUILDING REQUIREMENTS

SECTION 1 A CLOSED GARAGE MUST BE BUILT ATTACHED TO THE DWELLING, NOT LESS THAN TWO CARS NO MORE THAN THREE.

SECTION 2 NO DWELLING ERECTED ON ANY LOT IN SAID SUBDIVISION SHALL EXCEED TWO STORIES IN HEIGHT. NO OLD HOMES OR ANY TYPE OF OLD BUILDING SHALL BE MOVED UPON SAID DESCRIBED PROPERTIES FOR BUILDING OR REMODELING.

SECTION 3 NO BOAT, BOAT ACCESSORIES BOAT TRAILERS, U-HAULS, COMMERCIAL VEHICLES, RECREATIONAL VEHICLES OR SIMILAR ITEMS SHALL BE ALLOWED TO BE STORED OUTSIDE ON SAID PREMISES FOR MORE THAN TWO CONSECUTIVE WEEKS.

SECTION 4 NO ABANDONED OR INOPERABLE VEHICLES ARE TO BE ALLOWED ON THE PREMISES. ANY VEHICLE THAT CANNOT BE DRIVEN FOR A PERIOD OF SEVEN (7) DAYS IS HEREBY DECLARED INOPERABLE. ANY VEHICLE STORED IN A CLOSED GARAGE AT ALL TIMES SHALL NOT BE CONSIDERED INOPERABLE OR ABANDONED.

SECTION 5 NO TRAILER, BASEMENT, TENT, SHACK, GARAGE, BARN OR OTHER OUTBUILDING ERECTED ON ANY LOT OF THE FORESAID TRACT SHALL AT ANY TIME BE USED AS A RESIDENCE OR LIVING QUARTERS TEMPORARILY OR PERMANENTLY, NOR SHALL ANY STRUCTURE OF A TEMPORARY CHARACTER BE USED AS A RESIDENCE OR LIVING QUARTERS.

SECTION 6 NO LOT SHALL BE USED OR MAINTAINED AS A DUMPING GROUND FOR RUBBISH, TRASH, GARBAGE OR OTHER WASTES AND SHALL NOT BE KEPT EXCEPT IN SANITARY CONTAINERS. EQUIPMENT FOR THE DISPOSAL AND STORAGE OF SUCH MATERIAL SHALL BE KEPT IN A CLEAN AND SANITARY CONDITION AT ALL TIMES.

SECTION 7 NO EXCESS EXCAVATED EARTH SHALL BE REMOVED FROM THE DEVELOPMENT UNLESS WRITTEN APPROVAL IS OBTAINED FROM PAUL PIKE*. ALL SUCH MATERIAL SHALL BE DEPOSITED AT A LOCATION WITHIN THE DEVELOPMENT AS MAY BE DESIGNATED BY PAUL PIKE* AT THE LOT OWNER'S EXPENSE.

SECTION 8 ALL BUILDING PLANS MUST BE APPROVED AND INITIALED BY PAUL PIKE*.

SECTION 9 MINIMUM LIVING AREA
THE GROSS INTERIOR LIVING SPACE OF THE HOUSE MUST MEET THE FOLLOWING MINIMUM AREA REQUIREMENTS. PORTIONS OF THE HOUSE WHICH ARE BELOW THE FINISHED GRADE ELEVATION OR ARE UNFINISHED WILL NOT BE INCLUDED WITHIN THE MINIMUM AREA CALCULATION. GARAGES, PORCHES, AND BALCONIES WILL NOT BE INCLUDED WITHIN THE MINIMUM LIVING AREA CALCULATION.

ONE STORY - 1450 SQUARE FEET
OTHER THAN ONE STORY - 1800 SQUARE FEET

SECTION 10 EXTERIOR OF THE RESIDENCE MUST BE COMPLETE WITHIN SIX MONTHS OF EXCAVATION START. ALL DRIVEWAYS SHALL BE PAVED WITH CONCRETE, BITUMINOUS PAVING OR DECORATIVE BRICK. DRIVEWAYS, SIDEWALKS, AND LANDSCAPING MUST BE COMPLETED WITHIN ONE YEAR. ALL FOUNDATIONS SHALL BE DESIGNED TO CONFORM TO FINISHED GROUND ELEVATIONS AND A MAXIMUM OF 6" OF EXPOSED FOUNDATION SHALL BE VISIBLE IN THE FRONT FROM THE STREET. BRICK LEDGE OR HAULER STRIPS SHALL BE PROVIDED TO ASSURE THAT THE SIDING MATERIAL CONFORMS TO THIS.

SECTION 11 ALL OF THE LOTS ARE TO BE KNOWN AS RESIDENTIAL LOTS, AND NO BUILDING SHALL BE ERECTED OR MAINTAINED THEREON UNLESS IT BE A DWELLING HOUSE EQUIPPED FOR OCCUPANCY AS A PRIVATE RESIDENCE BY A SINGLE FAMILY ONLY.

SECTION 12 NO FENCE, HEDGE, OR ENCLOSURE MORE THAN 6' IN HEIGHT SHALL BE BUILT OR GROWN UPON ANY LOT IN SAID SUBDIVISION, AND ANY SUCH FENCE, HEDGE, OR ENCLOSURE SHALL BE OF AN ORNAMENTAL TYPE.

SECTION 13 NO BUSINESS OF ANY KIND SHALL BE CONDUCTED ON ANY RESIDENCE. PROVIDED, HOWEVER, A HOME OCCUPATION AS HEREIN DEFINED SHALL NOT BE CONSTRUED AS A BUSINESS. HOME OCCUPATION SHALL BE DEFINED AS AN OCCUPATION CARRIED ON ONLY BY MEMBERS OF THE FAMILY RESIDING ON SAID LOT WITHIN A RESIDENTIAL BUILDING AND SHALL NOT INCLUDE THE USE OF ANY MECHANICAL EQUIPMENT OTHER THAN THAT WHICH IS USUAL FOR PURELY DOMESTIC OR HOBBY PURPOSES AND FURTHER SHALL NOT INCLUDE EXTERIOR DISPLAY OR EXTERIOR SIGNS. THERE SHALL BE NO EXTERIOR STORAGE OF EQUIPMENT OR MATERIALS USED IN SUCH HOME OCCUPATIONS. HOME OCCUPATIONS SHALL NOT INCLUDE ANY WHOLESALE OR RETAIL BUSINESS UNLESS CONDUCTED ENTIRELY BY MAIL OR TELEPHONE WHICH DO NOT INVOLVE THE SALE, RECEIPT OR DELIVERY OF MERCHANDISE ON THE PREMISES AND SHALL FURTHER NOT INCLUDE ANY MANUFACTURING BUSINESS, ANY SERVICE ESTABLISHMENT OF ANY KIND OPERATING ON OR FROM THE PREMISES, ANY CLINIC, HOSPITAL, BARBER SHOP, BEAUTY SHOP, PUBLIC STABLE, DOG KENNEL, RESTAURANT, VETERINARY OR ANIMAL HOSPITAL NOR ANY OTHER ACTIVITY WHICH PRODUCES NOXIOUS MATTER, AS A PUBLIC HAZARD OR NUISANCE OR IN ANY MANNER DEPRECIATES THE VALUE OF SURROUNDING PROPERTY.

SECTION 14 IF ALL OR ANY PORTION OF A RESIDENCE IS DAMAGED OR DESTROYED BY FIRE OR OTHER CASUALTY, IT SHALL BE THE DUTY OF THE OWNER THEREOF, WITH ALL DUE DILIGENCE, TO REBUILD, REPAIR, OR RECONSTRUCT SUCH RESIDENCE IN A MANNER WHICH WILL SUBSTANTIALLY RESTORE IT TO ITS APPEARANCE AND CONDITION IMMEDIATELY PRIOR TO THE CASUALTY. RECONSTRUCTION SHALL BE UNDERTAKEN WITHIN SIX MONTHS AFTER THE DAMAGE OCCURS AND SHALL BE COMPLETED WITHIN TEN MONTHS AFTER THE DAMAGE OCCURS UNLESS PREVENTED BY CAUSES BEYOND THE CONTROL OF THE OWNER OR OWNERS.

SECTION 15 ALL UTILITIES SERVED FROM PUBLIC EASEMENT ARE TO BE UNDERGROUND.

SECTION 16 THERE SHALL BE NO SATELLITE DISHES OVER 24" IN DIAMETER VISIBLE FROM THE ROAD OR ADJACENT PROPERTIES.

SECTION 17 NO OFF THE ROAD VEHICLES SUCH AS DIRT BIKES, SNOWMOBILES, ETC. SHALL BE OPERATED OFF THE ROADWAYS, OR ON ANY COMMON AREAS.

SECTION 18 THE DEVELOPER MAY MODIFY THESE RESTRICTIONS PRIOR TO THE TIME ALL LOTS ARE SOLD AS MAY BE REQUIRED TO MEET THE REQUIREMENTS OF GOVERNMENTAL AGENCIES, LENDING INSTITUTIONS, OR FOR ANY OTHER REASON DEEMED BY THE DEVELOPER TO BE IN THE BEST INTEREST OF PEMBROOK PROPERTY OWNERS. AFTER ALL LOTS ARE SOLD, ANY MODIFICATION WILL REQUIRE THE WRITTEN APPROVAL OF AT LEAST 75% OF THE PROPERTY OWNERS (ONE VOTE PER LOT).

SECTION 19 DRAINAGE SWAILS SHALL BE CONSTRUCTED ALONG THE SIDE AND REAR LOT LINES AS REQUIRED TO PROVIDE POSITIVE SURFACE DRAINAGE FROM EACH LOT.

SECTION 20 NO PREFABRICATED HOUSES. ALL CONTRACTORS AND BUILDERS OF NEW HOUSE CONSTRUCTION MUST BE APPROVED BY PAUL PIKE*.

SECTION 21 ALL MAILBOXES WILL BE UNIFORM IN SIZE, SHAPE AND MATERIAL AND APPROVED BY PAUL PIKE*.

SECTION 22 GRASS, WEEDS AND VEGETATION SHALL BE KEPT MOWED AT REGULAR INTERVALS SO AS TO MAINTAIN THE GROUNDS IN A NEAT AND ATTRACTIVE MANNER.

SECTION 23 NO OUTBUILDING WHICH CONTAINS MORE THAN ONE HUNDRED SIXTY (160) SQUARE FEET SHALL BE CONSTRUCTED ON ANY LOT. THE FORESAID OUTBUILDING MUST BE CONSTRUCTED OF THE SAME EXTERIOR MATERIALS AS USED IN THE MAIN DWELLING ON SAID LOT, AND SAID OUTBUILDINGS MUST BE IN ARCHITECTURAL HARMONY WITH THE MAIN DWELLING ON SAID LOT. NO MORE THAN ONE OUTBUILDING MAY BE CONSTRUCTED ON ANY ONE LOT. OUTBUILDING PLANS MUST BE APPROVED BY PAUL PIKE*.

SECTION 24 SIDEWALKS, NUISANCE. EVERY SIDEWALK WHICH IS SO MUCH WORN OR OUT OF REPAIR AS TO ENDANGER THE SAFETY OF PERSONS PASSING OVER THE SAME, IS HEREBY DECLARED TO BE A NUISANCE. NO PERSONS SHALL SUFFER OR PERMIT SUCH NUISANCE TO EXIST IN FRONT OF OR ADJOINING PREMISES OWNED BY HIM AFTER BEING NOTIFIED IN WRITING BY THE COMMISSIONER OF THE DEPARTMENT OF STREETS AND PUBLIC IMPROVEMENTS, THE CHIEF OF POLICE, OR AN AGENT OF EITHER, TO REMEDY OR ABATE SAID NUISANCE. SUCH ABUTTING OWNER IS LIABLE FOR INJURIES SUSTAINED BY LACK OF REPAIR, IF THE PROPERTY OWNER FAILS TO REPAIR THE SIDEWALK AFTER NOTICE, THE CITY MAY DO SUCH WORK AND CHARGE THE PROPERTY OWNER FOR THE COST OF THE WORK.

SECTION 25 SNOW ON SIDEWALKS. THE OWNER OF ANY LOT SHALL REMOVE THE SNOW AND ICE ACCUMULATING ON THE ADJUTING SIDEWALKS WITHIN 24 HOURS AFTER ANY SNOWFALL HAS CEASED. IF SNOW OR ICE CANNOT BE REMOVED, THE SURFACE SHALL BE SANDED OR OTHERWISE TREATED TO LESSEN THE HAZARD FOR PEDESTRIANS UNTIL THE CLIMATE PERMITS REMOVAL.

THESE COVENANTS ARE TO BE CONSIDERED SUPPLEMENTARY TO CITY AND ALL OTHER APPLICABLE ORDINANCES AND LAWS. IN CASES WHERE THE CITY OR OTHER ORDINANCES OR LAWS ARE MORE RESTRICTIVE THAN THESE COVENANTS THE OTHER ORDINANCES OR LAW SHALL APPLY.

*NOTE: IN THE EVENT OF PAUL PIKE'S DEATH UNIONBANK TRUST 1990 SHALL APPOINT A PERSON TO REPLACE HIM.