

# **RESTRICTIONS**

## **STONE RIDGE SUBDIVISION**

WHEREAS WISCHT DEVELOPMENT HERIN-AFTER REFERRED TO AS THE DEVELOPERS, ARE OWNERS OF THE LAND CALLED STONE RIDGE SUBDIVISION IN THE TOWNSHIP OF ROOTSTOWN, PORTAGE COUNTY, OHIO WHICH INTENDS TO DEVELOP INTO A RESIDENTIAL DEVELOPMENT OF SINGLE FAMILY RESIDENCES.

WHEREAS, THE DEVELOPERS DEEM IT NECESSARY IN ORDER TO PROMOTE AND PROTECT THE HEALTH, SAFETY, MORALS, INVESTMENTS AND GENERAL WELFAR OF FAMILIES AND TO INSURE ORDERLY GROWTH AND DEVELOPMENT TO IMPOSE AND PROVIDE RESTRICTION, COVENANTS, EASEMENTS AND LIMITATIONS UPON THE LAND OF SAID STONE RIDGE.

### **I. DWELLINGS**

- a. ALL LOTS CONVEYED SHALL BE USED EXCLUSIVELY FOR SINGLE FAMILY RESIDENCE PURPOSES.
- b. THE LIVING AREA OF ANY DWELLING, UNLESS APPROVED BY DEVELOPER, SHALL BE NOT LESS THAN FINISHED HABITABLE AREA AS SET FORTH BELOW, AND SHALL NOT INCLUDE GARAGES, ATTICS, BASEMENTS, BREEZEWAYS, UTILITY ROOMS, PATIOS OR ANY ENCLOSED AREA NOT HEATED FOR YEAR-ROUND LIVING.
  1. ONE STORY WITH BASEMENT                      2,000 SQUARE FEET
  2. TWO STORY WITH BASEMENT                      2,200 SQUARE FEET
  3. SPLIT LEVEL    2,400 SQUARE FEET
- c. THESE RESTRICTIONS SHALL PROHIBIT ANY RESIDENCE WHICH HAS BEEN PREASSEMBLED OR TRANSPORTED AS A UNIT OVER PUBLIC HIGHWAYS.
- d. ALL PRINTS, HOME SITE AND SEPTIC SYSTEM LOCATION SHALL BE APPROVED BY THE DEVELOPERS, OR IN THEIR ABSENCE, AN ARCHITECT REGISTERED IN THE STATE OF OHIO.
- e. ALL UTILITIES WILL BE UNDERGROUND
- f. EXPOSED CONCRETE BLOCK SHALL NOT BE SEEN FROM THE STREET. OPTIONS SUCH AS BRICK VENEER OR SPLIT FACE UNITS SHOULD BE USED OR OTHERS AS APPROVED BY DEVELOPER.
- g. ALL DRIVEWAYS SHALL BE PAVED WITHIN 2 YEARS OR DWELLING OCCUPANCY.

## II. YARDS

- a. ANY FENCE, WALL, OR HEDGE WILL BE HARMONIOUS, WELL MAINTAINED AND APPROPRIATE IN APPEARANCE WITH EXISTING CHARACTER OF THE IMMEDIATE AREA IN WHICH IT IS TO BE LOCATED AND WILL NOT BE HAZARDOUS OR DISTURBING TO EXISTING OR FUTURE NEIGHBORING USES. STOCKADE FENCE, WIRE FENCE OR ANY FENCE OVER SIX (6) FEET IN HEIGHT SHALL BE PROHIBITED.
- b. NO UNSIGHTLY GROWTH SUCH AS WEEDS, UNDERBRUSH OR THE LIKE SHALL BE PERMITTED TO GROW OR REMAIN UPON ANY LOT AND NO REFUSE, PIPE OR UNSIGHTLY OBJECTS SHALL BE ALLOWED TO BE PLACED OR SUFFERED TO REMAIN ANYWHERE THEREON. HOWEVER, THE NATURAL WOODED AND GROUND COVER CONDITIONS OF PORTIONS OF THE LOT MAY REMAIN PROVIDED THAT THEY ARE AESTHETICALLY PLEASING TO THE APPEARANCE OF THE DEVELOPMENT AS A WHOLE. IN THE EVENT THAT ANY LOT OWNER SHALL FAIL OR REFUSE TO KEEP HIS LOT FREE FROM WEEDS, UNDERBRUSH OR REFUSE PILES OR OTHER UNSIGHTLY GROWTHS OR OBJECTS, THE DEVELOPER AND THE OTHER LOT OWNERS WITHIN THE DEVELOPMENT SHALL HAVE THE RIGHT UPON SEVEN (7) DAYS WRITTEN NOTICE TO THE OFFENDING LOT OWNER, BY CERTIFIED MAIL, TO REMOVE THE SAME AT THE EXPENSE OF THE LOT OWNER, WHICH EXPENSE SHALL BY AFFIDAVIT, BE CERTIFIED TO THE COUNTY A LIEN AGAINST SAID TO. ENTRANCE ONTO SUCH OWNER'S LOT FOR SUCH PURPOSE SHALL BE DEEMED IRREVOCABLY LICENSED OR PERMITTED HEREBY AND NOT DEEMED A TRESPASS.
- c. EACH LOT SHALL BE PROPERLY LANDSCAPED AND HARMONIOUS WITH SURROUNDING USES. ALL AREAS SHALL BE REHABILITATED PROGRESSIVELY AND BLENDED WITH GENERAL GROUND FORM SO AS TO APPEAR REASONABLY NATURAL. SUCH WORK SHALL BE COMPLETED AS SOON AS POSSIBLE, WEATHER PERMITTING, AND NOT TO EXCEED A SIX MONTH PERIOD. PROVISION FOR CONTROL OF EROSION AND SEDIMENTATION DURING AND AFTER DEVELOPMENT OF CONSTRUCTION OR OTHER USE OF THE SITE SHALL BEGIN AS SOON AS POSSIBLE. THE SMALLEST PRACTICAL AREA OF LAND SHALL BE EXPOSED AT ANY ONE TIME. SUCH EXPOSURE SHOULD BE KEPT AS THE SHORTEST PRACTICAL PERIOD OF TIME. TEMPORARY VEGETATION MULCHING, OR BALES OF STRAW SHALL BE USED TO PROTECT CRITICAL EXPOSED AREAS. PROVISION SHALL BE MADE TO EFFECTIVELY CONTROL THE INCREASE RUN-OFF OF WATERS FROM EXPOSED AREAS. THE OHIO EPA (330) 425-9171 SHALL BE CONTACTED FOR MORE INFORMATION AND INDIVIDUAL LOT NOTICE OF INTENT PERMIT BEFORE TIME OF CONSTRUCTION.

### **III PROHIBITED**

- a. ALL MINERAL RIGHTS REMAIN WITH WISCHT DEVELOPMENT UNLESS DEEDED OTHERWISE. DRILLING OF OPERATING OIL OR GAS WELLS ON LAND DESIGNATED FOR SINGLE FAMILY LOTS.
- b. ANIMALS KEPT, BRED OR MAINTAINED FOR COMMERCIAL PURPOSES, OR KEPT IN A MANNER AS TO CONSTITUTE A NUISANCE OR DISTURBANCE.
- c. NUISANCES AND NOXIOUS OR OFFENSIVE ACTIVITIES OF ANY KIND.
- d. ANY UNLICENSED AND/OR INOPERABLE VEHICLE, REGARDLESS OR VALUE LOCATED OUTSIDE OF THE ENCLOSED PORTION OF THE DWELLING UNIT AND GARAGE.
- e. FOR THE PURPOSE OF THE RESOLUTION "AGRICULTURE" SHALL INCLUDE AND PROHIBIT FARMING, DAIRYING, PASTURAGE, APICULTURE, HORTICULTURE, FLORICULTURE, VITICULTURE, ANIMAL AND POULTRY HUSBANDRY. PRIVATE VEGETABLE GARDENS ARE PERMITTED.
- f. WASTEFUL USE OF PROPERTY TO BE USED FOR SEPTIC FIELDS. (CONTACT DEVELOPER OR PORTAGE COUNTY HEALTH DEPARTMENT FOR PROPER LAND UTILIZATION).

### **IV. GENERAL PROVISIONS**

- a. ALL THE LOTS AND LAND IN THIS SUBDIVISION ARE SUBJECT TO ALL EASEMENTS AND RIGHTS OF WAY OR RECORD AND ZONING ORDINANCES. IF AN ACT IS PERMITTED, HOWEVER, BY LOCAL ZONING, IT DOES NOT MEAN THAT IT IS PERMISSIBLE IN THIS SUBDIVISION. NOR DOES THE FACT THAT THESE RESTRICTIONS DO NOT PROHIBIT AN ACT OR ASSURE COMPLIANCE WITH THE ZONING CODE. THE MOST RESTRICTIVE OF THE TWO GOVERN YOUR CONDUCT; THEREFORE, YOU MUST CONSULT THE ZONING CODE WHICH CHANGES FROM TIME TO TIME, PRIOR TO PROCEEDING WITH ANY REGULATED CONDUCT. VIOLATIONS OF THESE RESTRICTIONS MAY ONLY BE PURSUED BY A LOT OWNER OR OWNERS. THE TOWN OR A LOT OWNER CAN REQUEST ENFORCEMENT OF THE ZONING CODE.
- b. THE DEVELOPERS RESERVE THE RIGHT FOR THEMSELVES, THEIR AGENTS, EMPLOYEES, SUCCESSORS, AND ASSIGNS TO ENTER UPON ANY LOT FOR THE PURPOSE OF CARRYING OUT AND COMPLETING THE DEVELOPMENT OF THE PROPERTY. INCLUDING BUT NOT LIMITED TO THE COMPLETION OF ANY FILLING, GRADING OR INSTALLATION OF DRAINAGE FACILITIES, ENTRY ONTO SAID PROPERTY FOR SUCH PURPOSES SHALL NOT BE DEEMED A TRESPASS, WHETHER DURING DEVELOPMENT OR THEREAFTER.

**IV. GENERAL PROVISIONS (CONTINUED)**

- c. THE PROVISIONS HEREIN SHALL RUN IN FAVOR OF AND SHALL BE ENFORCEABLE BY ANY PERSON, AND THEIR HEIRS AND ASSIGNS OF SUCH PERSON, WHO IS OR BECOMES AN OWNER OF ANY LOT IN THIS DEVELOPMENT AS WELL AS THE SUCCESSORS, OR ASSIGNS.
- d. ALL OF THE PROVISION OF THIS INSTRUMENT SHALL BE DEEMED AS COVENANTS RUNNING WITH THE LAND AND NOT AS CONDITIONS, AND SHALL BE BINDING ON ALL OWNERS OF ANY PART OF THIS DEVELOPMENT AND ALL PERSON CLAIMING UNDER THEM UNTIL JANUARY 1, 2020, AND SHALL BE AUTOMATICALLY EXTENDED BEYOND THE DATE FOR SUCCESSIVE TEN YEAR PERIODS UNLESS AN APPROPRIATE INSTRUMENT SIGNED BY MAJORITY OF THE OWNERS OF THE LOTS IN THIS DEVELOPMENT HAS BEEN RECORDED, AGREEING TO CHANGE SAID COVENANTS IN WHOLE OR IN PART.
- e. INVALIDATION OR UNENFORCEABILITY OF ANY ONE OR MORE OF THE PROVISIONS HEREIN BY JUDGEMENT OR COURT ORDER SHALL IN NO MANNER AFFECT ANY OF THE OTHER PROVISIONS HEREOF, AND SUCH OTHER PROVISIONS SHALL REMAIN IN FULL FORCE AND EFFECT.
- f. IN THE EVENT OF A VIOLATION OF ANY OF THE RESTICTIONS HEREIN CONTAINED, THE DEVELOPERS RESERVE UNTO THEMSELVES, THEIR SUCCESSORS OR ASSIGNS, FOR SO LONG AS THE DEVELOPERS OWN ANY PART OR THE PREMISES, THE RIGHT (BUT NOT THE DUTY) TO ENFORCE SAID RESTRICTIONS BY APPROPRIATE LEGAL ACTION AGAINST ANY PERSON OR PERSONS WHO VIOLATE STUCTURE, USE OR CONDITION THAT MAY BE DEEMED GUILTY OF TRESPASSING FOR SUCH ENTRY, ABATEMENT, OR REMOVAL. FAILURE OF THE DEVELOPERS TO ENFORCE ANY OF THE RESTRICTIONS CONTAINED HEREIN, SHALL IN NO EVENT BE CONSTRUED TO BE IN ANY MANNER A WAIVER OF, ACQUIESCENCE IN, OR CONSENT TO A FURTHER OR SUCCEEDING VIOLATION OF THESE RESTRICTIONS. HOWEVER, THE FAILURE, REFUSAL OR NEGLECT OF THE DEVELOPERS TO ENFORCE SAID RESTRICTIONS OR TO PREVENT VIOLATIONS THEREOF SHALL IN NO EVENT MAKE THE DEVELOPERS LIABLE FOR SUCH FAILURE, REFUSAL, OR NEGLECT TO ANY THIRD PERSON OR PERSONS.
- g. THE TERMS, CONVENANT, CONDITIONS AND RESTRICTIONS OR THIS DECLARATION SHALL CREATE PERPETUAL, MUTUAL, AND RECIPROCAL BENEFITS AND SERVITUDES UPON THE PROPERTY, RUNNING WITH THE LAND. THE TERMS, COVENANTS, CONDITIONS AND RESTRICTIONS OF THE DECLARATION SHALL BE BINDING UPON ANYONE HAVING ANY RIGHT TITLE OR INTEREST IN A LOT OR ANY PART THEREOF AND SHALL INSURE TO THE BENEFIT OF THE DEVELOPER AND EACH OWNER.