

9.2.5. Construction of Improvements

(a) All buildings, structures, or other improvements on or with respect to any Lot shall be located only within the setback lines detailed at section 4.3.2 and as specified on the Site Plan. To assure that dwellings and other structures will be located so that the maximum view, privacy, and solar exposure will be available to each dwelling or structure, dwellings and structures will be located with regard to the topography of each Lot taking into consideration the location of trees and vegetation and other aesthetic and environmental considerations, as well as the location of any other dwellings or structures within the Development. No dwelling or other structure shall be constructed on a Lot that has a height to roof peak exceeding thirty-five (35) feet above the average finished grade measured at the Lot front property line or curb. All dwellings, except approved guest cottages or servants quarters, constructed on Lots shall have a minimum of one thousand seven hundred and fifty (1,750) square feet of living space and a minimum two-car attached garage. Total impervious site development shall not exceed forty-five percent (45%) lot coverage, and each Lot Owner shall be responsible for providing a calculation of their Lot impervious surface square footage, such calculation prepared by a licensed Professional Engineer and provided to the Board as required by section 9.2.3. In addition, all dwellings and other improvements may be subject to specific restrictions relating to the Community as may be promulgated by the Board of Directors, the Declarant, or both. The Board of Directors shall be empowered to grant variances with respect to setback, lot coverage, height, and bulk restrictions contained herein because of extraordinary circumstances, provided that such variances shall not violate local zoning or land use regulations, shall not be granted on an arbitrary basis, shall not unfairly discriminate between Owners and shall further the common purposes of the Community.

(b) No construction of improvements on any Lots shall be undertaken or conducted on any Sundays or holidays as established by the Board or Directors or Declarant, except for (i) construction activities of Declarant, (ii) emergency situations involving the potential loss, injury, or damages to persons or property, and (iii) as otherwise permitted by the Board of Directors.

(c) Dwellings may not be occupied either temporarily or permanently until the exteriors thereof have been completed. No temporary house, shack, tent, barn, or other outbuilding shall be permitted on any Lot at any time, except as provided in this Article and except for temporary structures for social functions as may be permitted by the Board. No stable, poultry house or yard, rabbit hut, or other similar yard structure shall be constructed or allowed to remain on any Lot.

(d) All construction of improvements shall conform in all respects with local, state, and federal land use, building, mechanical, electrical, plumbing, and environmental codes and regulations, as applicable. During the continuance of construction by a Lot Owner, the Lot at all times shall be maintained in a reasonably clean and uncluttered condition and, to the extent possible, all construction trash and debris shall be kept within refuse containers. Upon completion of construction, all equipment, tools, and construction materials and debris shall be removed from the Lot.

(e) Each Lot Owner is responsible for landscaping his lot using native and/or non-invasive plantings that enhance the overall community appearance. Any hardscape structures such as retaining walls, trellises, or decorative ponds must be approved by the Board prior to construction. Each Lot Owner shall submit three (3) copies of a landscape plan that includes hardscape structures to the Board prior to construction, consistent with the requirements provided at section 9.2.3. The front yard of each home (from the street to the building face) shall be covered with lawns, landscaping, decking and/or paving within thirty (30) days after occupancy, and all remaining landscaping must be completed within twelve (12) weeks after occupancy.