

## **CROSSINGS RESTRICTIVE COVENANTS SIMPLIFIED**

The Crossings POA's Declarations of Reservations and Restrictive Covenants seek to promote the values and amenities of the Crossings community and enhance the health, safety, and welfare of the owners. The governing documents of the Crossings POA, including the restrictive covenants, provide for self-government of the community as a non-profit corporation and a Limited Expense Liability Planned Community homeowners association under state law.

This means that the owners and its elected Board of Directors enforce the covenant restrictions as well as any rules or regulations they may establish related to the use of Crossings POA common properties or conduct of owners on their individual lots. In addition, owners and the Board of Directors coordinate with local and state governmental authorities to seek compliance with local and state laws and ordinances. Information about Crossings POA rules and regulations and selected local and state laws and ordinances is provided elsewhere on our website.

This document provides a handy summary of many restrictions contained in the Crossings POA covenants to inform owners of their rights and responsibilities under those documents. Owners are encouraged to read and understand the covenants, the Crossings rules and regulations, and local and state ordinances and laws. Of note, the restrictive covenants do not provide a procedure for approving variances or waivers to the restrictions. The language of the restrictive covenants takes precedence over any inconsistency in the summary provided below. Finally, some of the properties may have undergone construction or other improvements before the establishment of the association. The covenants may contain "grandfather clauses" that exempt those properties from certain restrictions, or the individual property deeds from the developer may exempt a property from restrictions.

### **LAND USE**

1. Flora within flood plain. There are specific rules and regulations regarding properly maintaining property that lies in the flood plain that is depicted on the 1990 subdivision plat. Removing any trees within 20 feet of the riverbank requires Architectural Control Committee approval. Please refer directly to the Covenants for specifics.

2. Short and long term rentals and commercial use. The Lots thereby created [by the developer] shall be for residential purposes only. Lots 7 through and including 11 of Phase 1 of The Properties shall be permitted to be used for limited commercial purposes

as well as for residential use. Long term rentals for residential purposes constitute residential property and are allowed. Short term rentals, weekly or weekends, constitutes commercial activity and is prohibited.

3. Signage. No advertising signs or billboards of any nature shall be erected, placed or maintained on any Lot (except for lots 7-11 in Phase one, in regards to commercial advertising), with the exception of address identifications signs, builder's job location signs and real estate signs offering the premises for sale. Architectural Control Committee approval is required for placement of any signs.

4. Storage of vehicles and equipment. There shall be no trailers, buses, mobile homes, double-wide mobile homes, prefabricated all metal homes, or any derivative of the foregoing situated on any Lot as a residence or for the storage of materials therein, either temporarily or permanently. Junk, inoperative or unlicensed vehicles may not be stored or kept on Lots, unless housed in a garage, for more than 30 days. All registered trailers on the Crossings properties shall be inspected when required by law.

5. River and Common Area. In the area of the 100-year flood plain as designated on the 1990 subdivision plat(s), referenced earlier, no structures or improvements with concrete foundations or footers, or otherwise permanently affixed to the ground, are permitted on any Lot at any time.

6. Private gardens, lawns, and decorative trees and shrubbery are encouraged so long as they do not interfere with established utility, road, and water easements and are properly maintained in a neat and presentable fashion. Removing trees on designated slopes exceeding 45 degrees is prohibited.

7. Noxious, noisy or offensive activities are prohibited, as is anything which may be or which may become an annoyance or nuisance to the neighborhood.

8. Certain lots on the north side of the Cacapon River (Lots 34-50) make up Conservation Area No. 1, from their low-water river mark to the north property lines of those Lots. The Covenants impose additional restrictions on use of properties in Conservation Area No. 1.

## **CONSTRUCTION**

1. Setback minimums. No building or any part thereof shall be erected on any Lot closer or nearer to any street lines, side, or rear boundary lines than thirty feet (30').

2. Utility Easements. The Covenants indicate that a utility easement is 30 feet from the front of each property's front and rear lot lines and 15 feet on the side lot lines. No contruction of improvements, including fences, shrubbery or trees, are to be permitted within the utility easements. These are more fully detailed with the ACC requirements for building found on the community website.

3. ACC. No building, dwelling or other structure or construction, temporary or permanent, shall be commenced, erected, placed or maintained upon The Properties, nor shall any exterior addition be made until the plans and specifications showing the nature, kind, shape, height, materials, and location of the same shall have been submitted to and approved in writing as to their compliance with the contents of this Declaration and the First Declaration by the Architectural Control Committee. Such plans and specifications shall be sent by certified mail, return receipt requested, or shall be personally delivered to each member or his successor of the Architectural Control Committee. The ACC requirements for building may be found on the community website.

4. Fences must be approved by the ACC as to location and materials prior to commencement of construction. No new fencing shall exceed 6 feet in height, except for a tennis court. Although the Board in some instances has approved deer exclusion fences and decorative features of certain materials above the 6' restriction in the Covenants, homeowners are encouraged to contact the ACC and BOD before considering any fence above 6'.

5. Each single-family dwelling must contain a minimum of 800 square feet exclusive of porch, basement and garage. Only one dwelling may be constructed on each lot.

6. A private garage may be built separately or attached to and made part of any dwelling, but must be of the same materials and conform in construction to the dwelling. The garage may precede the construction of the dwelling but may be used only for storage and not as a residence, either temporarily or permanently.

7. All construction must be completed and closed within one year of the commencement date of excavation.

8. Tree removal. Refer to the Covenants on tree removal within the 90' environmentally sensitive area from the river. Tree removal within the 20' buffer from the river is extremely environmentally sensitive and you must seek ACC approval as well as an

environmental study by an independent expert. No tree removal is permitted within the Crossings from designated slopes exceeding 45% in grade.

## **HEALTH AND SAFETY**

1. Trash and Rubbish. All Lots shall be kept free and clear of trash and rubbish at all times and shall be kept mown. No trash, waste, or rubbish shall be kept except in sanitary containers. No salvage or junk yard operations are permitted within the Properties. No waste shall be disposed of in the river at any time.

2. Hunting. No trapping or hunting of wildlife shall be permitted within the subdivision, except on those Lots, if any, in excess of twenty-five (25) acres.

3. Hazardous Materials. No toxic or hazardous materials shall be stored within the Crossings.

4. Pets and Domesticated Animals. No swine or poultry can be raised or bred, nor dogs and cats bred for commercial purposes on any Lot. Household pets may not be permitted to run at large so as to become an annoyance.

## **RECREATION AND BEHAVIOR**

1. Camping. Temporary camping is permitted upon Lots by the owner thereof only through the period March 1 to December 31 annually. Camping is permitted upon the subdivision Lots during January and February annually, but only if residential construction is actively underway and ongoing on the Lot where persons are camping. Otherwise, campers must be removed during January and February of each year.

2. Off road driving. No trail bikes, mini-bikes, or similar all-terrain vehicles, or snowmobiles shall be permitted to be driven upon the riverbanks or the roads within the properties unless duly licensed, with mufflers, and then only for ingress and egress.

3. River access and use. No vehicles of any kind shall be washed or cleaned in the Great Cacapon River, and only boats and other devices manufactured for water use are permitted in the river at any time.

4.

Nuisance. No noxious, noisy or offensive activity shall be carried on within the properties, nor shall anything be done therein which may be or which may become an annoyance or nuisance to the neighborhood.

## **COMMON PROPERTIES**

1. Use of common properties. Every Member's use of the recreation areas within The Properties is subject to that Member's good standing with the Association. Every Member of the Association shall ensure that the assessment due for each Lot owned is current with the Association. The total annual assessment for each Crossings property is Three hundred dollars (\$300), as may be adjusted for inflation.
2. Members who are delinquent in paying their annual assessment (failure to pay by the due date) are not in good standing, and their right to use community recreational areas is suspended.
3. Parking on Roads. No automobiles or other motor vehicles shall be parked in or within twenty-five (25) feet from the rights-of way or roads of the subdivision, and no on-street parking is permitted by lot owners. Visitors, guests, delivery vehicles or others legitimately using said roads and streets are accepted and are permitted to temporarily park along said streets.