

For your FILES

CUMBERLAND TRAILS BUILDING RESTRICTIONS

SECTION 1 PHASE 1

THE LOTS IN THE SUBDIVISION AND THE USE OF THE LOTS IN THIS SUBDIVISION BY PRESENT AND FUTURE OWNERS OR OCCUPANTS SHALL BE SUBJECT TO THE FOLLOWING CONDITIONS AND RESTRICTIONS, WHICH SHALL RUN WITH THE LAND.

1. NO LOT SHALL BE USED EXCEPT FOR RESIDENTIAL PURPOSES AND NO BUILDING SHALL BE ERECTED, ALTERED OR PLACED OR PERMITTED ON ANY LOT OTHER THAN THE ONE (1) SINGLE-DWELLING NOT TO EXCEED TWO (2) STORIES IN HEIGHT AND AN ATTACHED GARAGE AT LEAST 14 FEET IN WIDTH IS MANDATORY, AND A STORAGE BUILDING NOT TO EXCEED ONE STORY IN HEIGHT AND 160 SQUARE FEET OF FLOOR AREA, SAID STORAGE BUILDING SHALL CONFORM TO THE DESIGN AND EXTERIOR MATERIAL OR THE DWELLING.
2. NO BUILDING SHALL BE ERECTED, PLACED OR ALTERED ON ANY LOT UNTIL THE BUILDER'S CONSTRUCTION PLAN, SPECIFICATIONS AND PLOT PLAN HAVE BEEN APPROVED BY THE ARCHITECTURAL CONTROL COMMITTEE AS TO THE ACCEPTABILITY AND QUALITY OR WORKMANSHIP AND MATERIALS, HARMONY OR EXTERNAL DESIGN WITH EXISTING STRUCTURES FINISH GRADE ELEVATION. APPROVAL SHALL BE AS PROVED IN COVENANT NO 25. THE ARCHITECTURAL CONTROL COMMITTEE SHALL HAVE NO POWER TO APPROVE ANY CONSTRUCTION PLAN, SPECIFICATIONS OR PLOT PLAN, WHICH IS NOT IN CONFORMITY WITH THESE COVENANTS.
3. NO DWELLING SHALL BE PERMITTED ON ANY LOT UNLESS THE GROUND AREA OR THE MAIN STRUCTURE, EXCLUSIVE OF ONE STORY OPEN PORCHES AND GARAGED SHALL BE NOT LESS THAN 1100 SQUARE FEET FOR A ONE STORY DWELLING NOR LESS THAN 900 SQUARE FEET OF MORE THAN ONE-STORY. ALL DWELLING AND ATTACHED GARAGES SHALL HAVE ONLY MASONRY FOOTING AND FOUNDATIONS. NO WOOD FOUNDATIONS OR SLAB SHALL BE PERMITTED. SLABS WILL ONLY BE PERMITTED ON GARAGE FLOORS. IF A BASEMENT IS CONSTRUCTED, POURED WALL WILL BE REQUIRED. THE ROOF OF ALL DWELLINGS AND GARAGES, EXCLUDING PORCHES AND FORMS, SHALL HAVE A PITCH OF OR GREATER THAN SIX (6") INCHES OF RISE TO TWELVE (12") INCHES STUD WALLS, SIXTEEN INCH (16") ON CENTER MINIMUM.
4. NO BUILDING SHALL BE LOCATED ON ANY LOT NEARER TO THE FRONT LOT LINE OR NEARER TO THE SIDE STREET THAN THE MINIMUM BUILDING SET-BACK LINES SHOWN ON THE RECORDED PLATE. NO BUILDING SHALL BE LOCATED NEARER THAN 6 FEET TO A SIDE YARD LINE AND THE TOTAL SIDE YARD SET-BACK (BOTH SIDES) MUST BE AT LEAST 14 FEET (14') A SEVEN (7) FEET SIDE YARD SET-BACK SHALL BE REQUIRED FOR AN ACCESSORY BUILDING NOT EXCEEDING 18 FEET HIGH, AND IF DETACHED FROM THE PRINCIPAL IT SHALL BE LOCATED AT LEAST AS FAR BACK AS THE REAR OF THE PRINCIPAL (20) FEET TO REAR LOT LINE.

5. THE EXTERIOR FACING OF DWELLING PLACED ON LOTS IN THIS SUBDIVISION SHALL BE COMPRISED OF FORTY PERCENT (40%) MASONRY. THE AREA IN SQUARE FEET OF SAID DWELLING THAT IS TO BE COVERED BY MASONRY WILL BE DETERMINED BY MULTIPLYING EIGHT (8) TIMES FORTY (40%) TIMES THE TOTAL PERIMETER LENGTH OF THE DWELLING FOUNDATION. A MASONRY HOUSE ADDRESS NUMBER WILL BE REQUIRED AT ALL RESIDENCES AND APPROVED BY THE ARCHITECTURAL CONTROL COMMITTEE.

NO PRESSED BOARD MATERIAL OF MASONITE TYPE, OR VERTICAL ALUMINUM OR VERTICAL VINYL SIDING SHALL BE USED ON EXTERIOR FACE OF ANY DWELLING.

ONLY CEDAR, REDWOOD, OR COMPARABLE WOOD OF SAME QUALITY, OR HORIZONTAL VINYL OR HORIZONTAL ALUMINUM WILL BE PERMITTED IN CONJUNCTION WITH MASONRY FOR THE EXTERIOR FACE OR ANY BUILDING. DWELLING WHICH HAVE TOTAL MASONRY EXTERIORS ARE PERMITTED.

6. NO STRUCTURE OF A TEMPORARY CHARACTER, TRAILER, BASEMENT, TENT SHACK GARAGE, BARN OR OTHER OUTBUILDING SHALL BE USED ON ANY LOT AT ANY TIME AS A RESIDENCE. EITHER TEMPORARILY OR PERMANENTLY.

7. LOT OWNERS AND BUILDERS MUST FURNISH TO THE DEVELOPER FOR APPROVAL COMPLETED CONSTRUCTION PLANS AND A PLOT PLAN PRIOR TO COMMENCING CONSTRUCTION.

8. NO SIGN OF ANY KIND SHALL BE DISPLAYED TO THE PUBLIC VIEW ON ANY LOT, EXCEPT ONE PROFESSIONAL SIGN NOT MORE THAN ONE SQUARE FOOT, ONE SIGN OF MORE THAN FIVE SQUARE FEET ADVERTISE THE PROPERTY DURING THE CONSTRUCTION AND SALES PERIOD.

9. NO NOXIOUS OR OFFENSIVE ACTIVITY SHALL BE CARRIED ON UPON ANY LOT NOR SHALL ANYTHING BE DONE THEREON WHICH MAY BE OR MAY BECOME AN ANNOYANCE OR NUISANCE TO THE NEIGHBORHOOD.

10. NO OIL DRILLING, OIL DEVELOPMENT OPERATION, OIL REFINING, QUARRYING OR MINING OPERATIONS OR ANY KIND SHALL BE PERMITTED UPON OR IN ANY LOT, NOR SHALL OIL WELLS, TANKS, TUNNELS, MINERAL EXCAVATIONS OR SHAFTS BE PERMITTED UPON OR IN ANY LOT. NO DERRICK OR OTHER STRUCTURE DESIGNED FOR USE IN BORING FOR OIL OR NATURAL GAS SHALL BE ERECTED, MAINTAINED OR PERMITTED ON ANY LOT. ALL GAS AND OIL TANKS MUST BE CONCEALED.

11. NO ANIMALS, LIVESTOCK OR POULTRY OF ANY KIND SHALL BE RAISED, BRED OR KEPT ON ANY LOT EXCEPT THAT DOGS, CATS OR OTHER NORMAL HOUSEHOLD PETS MAY BE KEPT IN THEY ARE CONFINED IN A FENCED ENCLOSURE OR WITHIN THE PRINCIPAL BUILDING.

12. NO LOT SHALL BE USED OR MAINTAINED AS DUMPING GROUND FOR RUBBISH, TRASH OR GARBAGE. WASTE MATTER OR MATERIAL SHALL BE KEPT ONLY IN SANITARY CONTAINERS, AND ALL INCINERATORS OR OTHER EQUIPMENT FOR THE STORAGE OR DISPOSAL OF SUCH MATERIAL SHALL BE KEPT ONLY IN CLEAN AND SANITARY CONDITION. DURING THE CONSTRUCTION OF A RESIDENCE ALL CONSTRUCTION AND WASTE SHALL BE KEPT IN AN ENCLOSURE ON THE SUBJECT LOT AND NOT PERMITTED TO BE STREWN ABOUT AND ALL MATERIAL NOT DISPOSED OR ON THE SUBJECT LOT SHALL BE TRANSPORTED OUT OF CUMBERLAND TRAILS SUBDIVISION.

13. NO FENCE, WALL, HEDGE OR SHRUB PLANTING WHICH OBSTRUCTS THE SIGHT LINE AT ELEVATIONS BETWEEN TWO AND TWELVE FEET ABOVE ROADWAYS SHALL BE PLACED OR PERMITTED TO REMAIN ON ANY CORNER LOT WITHIN THE TRIANGULAR AREA FORMED BY THE STREET PROPERTY LINES AND A LINE CONNECTING THEM AT POINTS 25 FEET FROM THE INTERSECTION OF THE STREET PROPERTY LINES, OR IN THE CASE OF A ROUNDED PROPERTY CORNER, FROM THE INTERSECTION OR THE STREET PROPERTY LINES EXTENDED. THE SAME SIGHT LINE LIMITATIONS SHALL APPLY ON ANY LOT WITHIN 10 FEET FROM THE INTERSECTION OF A STREET PROPERTY LINE WITH EDGE OF A DRIVEWAY PAVEMENT.

14. ALL POWER AND TELEPHONE LINES ARE TO BE UNDERGROUND.

15. FENCES, TREES, AND SHRUBS ARE NOT PERMITTED WITHIN THE LIMITS OF THE STREET RIGHT-OF WAY, NOR ARE THEY PERMITTED WITHIN FOUR (4) FEET IN ANY DIRECTION OF A FIRE HYDRANT OR BETWEEN THE HYDRANT AND THE RIGHT-OF WAY LINE.

16. EACH LOT SHALL BE KEPT IN A NEAT AND PLEASING MANNER. SMALL BUSHES, SHRUBS OR SCREEN PLANTINGS BETWEEN 4 FEET AND 10 FEET ABOVE THE GROUND SHALL NOT BE PERMITTED. IT IS THE INTENTION OF THIS RESTRICTION TO ASSURE THAT ALL LOTS AND SURROUNDINGS PRESENT A PARK-LIKE APPEARANCE.

17. NO INDIVIDUAL WATER SUPPLY SYSTEM OR SEWAGE DISPOSAL SYSTEM SHALL BE PERMITTED ON ANY LOT.

18. ANY MOTOR VEHICLE WHICH IS INOPERATIVE OR UNLICENSED, AND NOT BEING USED FOR NORMAL TRANSPORTATION SHALL NOT BE PERMITTED TO REMAIN ON ANY LOT.

19. TRAILERS, BOATS, RECREATIONAL VEHICLES, AND SIMILAR EQUIPMENT SHALL NOT BE KEPT OR STORED IN THE FRONT SIDE YARDS OF ANY LOT.

20. DRIVEWAY LIGHTS WITH PHOTOELECTRIC SWITCHES SHALL BE INSTALLED AND MAINTAINED BY THE OWNER AT A LOCATION WITHIN SIX (6) FEET OF THE DRIVEWAY AND WITHIN ONE (1) FOOT OF THE STREET RIGHT-OF-WAY LINE. SAID LIGHTS SHALL BE APPROVED BY THE ARCHITECTURAL CONTROL COMMITTEE.

21. ALL DRIVES SHALL BE CONCRETE PAVED OR MATERIAL APPROVED BY THE ARCHITECTURAL CONTROL COMMITTEE AND NOT LESS THAN TEN (10) FEET IN WIDTH. DRIVEWAY ACCESS IS NOT PERMITTED TO ANY LOT FRONTING ON CUMBERLAND DR. OR WESTVIEW DR.

22. IN FRONT OF EACH LOT A MINIMUM OF TWO (2) TREES SHALL BE PLANTED AND ON CORNER LOTS, A MINIMUM OF FOUR (4) TREES SHALL BE PLANTED. LOTS FRONTING ALONG CUMBERLAND TRAILS OR WESTVIEW DRIVE WILL BE REQUIRED TO PLANT A MINIMUM OF AT LEAST TWO (2) TREES LONG SAID RIGHT-OF WAY. ALL TREES SHALL HAVE MINIMUM TREE DIAMETER OF 2" D.B.H. IF A TREE SHOULD DIE AFTER PLANTING, A NEW ONE WILL BE REQUIRED TO TAKE ITS PLACE. THE FRANKLIN CITY TREE ORDINANCE REQUIRED TREES IN RIGHT-OF-WAY OR FIVE (5) FEET BEHIND RIGHT-OF WAY. ANY QUESTIONS REGARDING PLANTING NUMBER OF TREES PER LOT, SIZE OR COMMITTEE OR MEMBERS OF THE HOME OWNERS ASSOCIATION.

23. THE ARCHITECTURAL CONTROL COMMITTEE SHALL BE RESPONSIBLE FOR THE CONSTRUCTION PLANES OF CUMBERLAND TRAILS. THE ARCHITECTURAL CONTROL COMMITTEE WILL BE THE RESPONSIBILITY OR THE CITY OF FRANKLIN, EITHER IN A DEDICATED STREET RIGHT-OF-WAY OR IN A SIDEWALK EASEMENT AFTER INSTALLATION AND INSPECTION. THE SIDEWALK WILL BE INSTALLED BY THE DEVELOPER ON EACH LOT AND BE IN PLACE PRIOR TO THE FINAL INSPECTION. THE ARCHITECTURAL CONTROL COMMITTEE SHALL ANSWER ANY QUESTIONS CONCERNING LOCATION OR EXTENT OR RESPONSIBILITY FOR INSTALLATION OR SAID SIDEWALKS.

24. ALL MAILBOX LOCATIONS AND STYLE SHALL BE APPROVED BY THE ARCHITECTURAL CONTROL COMMITTEE.

25. THE ARCHITECTURAL CONTROL COMMITTEE IS COMPOSED OF TWO MEMBERS APPOINTED BY THE DEVELOPER. A MAJORITY OF THE COMMITTEE MAY DESIGNATE A REPRESENTATIVE TO ACT FOR IT. IN THE EVENT OF DEATH OR RESIGNATION OR ANY MEMBER OF THE COMMITTEE. THE REMAINING MEMBER SHALL HAVE FULL AUTHORITY TO DESIGNATE A SUCCESSOR. NEITHER THE MEMBERS OF THE COMMITTEE, NOR ITS DESIGNATED REPRESENTATIVE SHALL BE ENTITLED TO ANY COMPENSATION FOR SERVICES PERFORMED PURSUANT TO THIS COVENANT. FOUR YEARS AFTER THE DATE OF RECORDATION, THE THEN RECORDED WRITTEN INSTRUMENT TO CHANGE THE MEMBERSHIP OF THE COMMITTEE OR TO WITHDRAW FROM THE COMMITTEE OR RESTORE TO IT ANY POWERS AND DUTIES.

26. THE ARCHITECTURAL CONTROL COMMITTEE APPROVAL OR DISAPPROVAL AS REQUIRED IN THESE COVENANTS SHALL BE WRITING, WITHIN THIRTY (30) DAYS, IF POSSIBLE. FAILURE TO DISAPPROVE PLANS AND SPECIFICATIONS IN WRITING SHALL COMPLY WITH THE INDIANA DRAINAGE CODE OF 1965, AND ALL AMENDMENTS THERETO.

27. ANY FIELD TITLE OR UNDERGROUND DRAIN WHICH IS ENCOUNTERED IN CONSTRUCTION OF ANY IMPROVEMENT WITHIN THIS SUBDIVISION SHALL BE PERPETUATED, AND ALL OWNERS OF LOTS IN THIS SUBDIVISION SHALL BE PERPETUATED, AND ALL OWNERS OR LOTS IN THIS SUBDIVISION AND THEIR SUCCESSORS SHALL COMPLY WITH THE INDIANA DRAINAGE CODE OF 1965, AND ALL AMENDMENTS THERETO.

28. SWALES DRAINAGE DITCHES, AND REAR OR SIDE YARD SWALES SHALL NOT BE OBSTRUCTED BY VEGETATION, SHRUBS, OR FILL WHICH OBSTRUCTS SURFACE WATER FLOW. ONLY OPEN CHAIN LINK TYPE FENCE (NO PRIVACY WEAVING) IS PERMITTED ON ANY DRAINAGE AND UTILITY EASEMENT.

29. IN SOME SITUATIONS THE COMMON AREAS WILL ALSO INCLUDE A LAKE. THE COMMON AREA INCLUDING THE AMENITIES WILL BE THE RESPONSIBILITY OF THE CUMBERLAND TRAILS HOMEOWNERS ASSOCIATION.

30. THESE RESTRICTIONS ARE HEREBY DECLARED TO BE COVENANTS RUNNING WITH THIS LAND AND SHALL BE BINDING ON ALL PARTIES AND ALL PERSONS CLAIMING UNDER THEM FOR A PERIOD OF TWENTY FIVE (25) YEARS FROM THE DATE THESE COVENANTS ARE RECORDED FOR SUCCESSIVE PERIODS FOR TEN YEAR, AT ANY TIME FOLLOWING OWNERS OF THE LOTS HAS BEEN RECORDED AGREEING TO CHANGE SAID COVENANTS IN WHOLE OR IN PART.

31. ALL RADIO AND TELEVISION ANTENNAS, INCLUDING SATELLITE AND TELEVISION ANTENNA SHALL ALSO COMPLY WITH ALL OF THE RADIO AND TELEVISION ANTENNA REGULATIONS OF THE CITY'S ZONING ORDINANCE.

32. ENFORCEMENT SHALL BE BY PROCEEDINGS AT LAW OR IN EQUITY AGAINST ANY PERSON OR PERSONS VIOLATING OR ATTEMPTING TO VIOLATE AND COVENANTS EITHER TO RESTRAIN VIOLATIONS OR TO RECOVER DAMAGES. INVALIDATION OF THE OTHER PROVISIONS SHALL REMAIN IN FULL FORCE AND EFFECT.

33. THESE COVENANTS MAY BE ENFORCED BY LOT OWNERS, HOMEOWNERS ASSOCIATION, OR OFFICIALS OF THE GOVERNMENTAL UNIT OF WHICH THE SUBDIVISION IS A PART.