

# Osprey Hill Development Standards

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AUDREY KOLTISKA, SHERIDAN COUNTY CLERK

The following Development Standards are adopted by Three Left Handers, LLC, "Declarant", as Owner of the Osprey Hill Subdivision.

## Article I Definitions

The following words and terms, when used in these Development Standards shall have the following meanings:

- (a) "Declarant" means Three Left Handers, LLC, which is the owner and the developer of Osprey Hill.
- (b) "The Homeowners' Association" or "Association" shall consist of all of the members designated in accordance with the Covenants. The Homeowners' Association shall be operated by the Homeowners' Association Board (the "Board").
- (c) "Property", shall mean and refer to the lands platted as the Osprey Hill Subdivision by Three Left Handers, LLC.
- (d) "Lot" shall mean and refer to any Lot shown on any recorded Subdivision map(s) or plat(s) of the property as amended from time to time, which is designed as a Lot therein, and which is or can be improved with a residential dwelling in conformity with these Covenants.
- (e) "Owner" means a person or entity who or which is a record owner of a fee or undivided fee interest in any Lot subject to these Covenants, excluding any person or entity who holds a lien or interest in a Lot as a security for the performance of an obligation.
- (f) "Dwelling" shall mean any building located on a Lot intended for the shelter and housing of a single-family.
- (g) "Single-family" shall mean one or more persons each related to the other by blood, marriage or adoption, or a group maintaining a common household in a dwelling.
- (h) "Story" shall mean that portion of building included between the surfaces of any floor and the surface of the floor next above, or, if there is no floor above, the space between the floor and the ceiling next above.
- (i) "Living Area" shall mean that portion of a dwelling which is enclosed and customarily used for dwelling purposes and having not less than six feet (6') of headroom, but shall not include open porches, open terraces, breezeways, attached garages, carports or dwelling accessory buildings. It shall include those areas of

the building, which are no more than 3½ feet below the exterior grade and considered as living area by the City of Sheridan Engineering Department.

- (j) "Structure" shall mean any building or other improvement erected or constructed, the use of which requires more or less permanent location on or in the ground, or attached to something having a permanent location on or in the ground.
- (k) "Committee" shall mean the Design Review Committee which is appointed by the Homeowners' Association Board.
- (l) "Maintenance" shall mean exercise of reasonable care of buildings, roads, landscaping, lighting, and other related improvements and fixtures in a condition comparable to their original developed condition, normal wear and tear accepted.
- (m) "Maintenance of Landscaping" shall mean the exercise of generally accepted lawn and garden management practices necessary to promote a healthy weed-free environment for optimum plant growth.
- (n) "Supplemental Declaration" is a future document that may be added in conjunction with the development of future phases of Osprey Hill.

## **Article II Architectural Review Process**

### Section 2.01 Objective:

The Declarant's objectives are: 1) to carry out the general purposes expressed in this Declaration; 2) to assure that any improvements or changes in the properties will be good and attractive design and in harmony with the natural setting of the area and will serve to preserve and enhance existing features of natural beauty; and 3) to assure that materials or workmanship of all improvements are of high quality and comparable to other improvements in the area.

### Section 2.02 Design Review Committee Authority:

The Committee may revise the Osprey Hill Development Standards, provided that a majority of the Committee approves the proposed revisions.

### Section 2.03 Matters Requiring Approval:

Prior written approval shall be obtained from the Committee with respect to all matters stated in the Declaration as requiring such approval. A matter requiring approval of the Committee shall be submitted to its Chairman, or as the Committee otherwise designates. Building plans must include floor plans, foundation design, a color scheme, a site plan (with building locations and grades,) a landscaping plan including mailbox design, and a proposed construction schedule, and must show back, side and front elevations, indicating roof design, window size and placement, an exterior style and finish. Building units that are to be pre-fabricated off-site must have the

preliminary or sales plan submitted to the Committee for a preliminary review to determine if the construction and the design and the style, windows, roof lines, and details or meet the minimum criteria, provided that the preliminary review does not relieve the Owner from the obligation to meet the remaining review requirements applicable to all Dwellings. No building, fence, wall or other structure shall be commenced, erected or maintained upon the Properties, nor shall any exterior addition to or change in or alteration of any Lot or the improvements located thereon be made, nor shall any clearing of trees or change of property grade be made, until the plans and specifications showing the nature, kind, shape, elevations, heights, location and grade, design and proposed location on a Lot have been submitted to and approved in writing by the Committee.

The submitted plans and specifications shall be 11x17 inches for convenient reproduction.

Section 2.04 General Provisions:

- (a) The Committee will assess reasonable fees (currently \$400.00) in connection with its review of plans and specifications.
- (b) The Committee may delegate its plan review responsibilities to one or more of its members or architectural consultants retained by the Committee. Upon such delegation, the approval or disapproval of plans and specifications by such member or consultants shall be equivalent to approval or disapproval by the entire Committee.
- (c) The address of the Committee shall be: TLH, LLC Design Review Committee, c/o Rucki & Marshall, 109 South Main Street, Sheridan, WY 82801, unless otherwise specified in the Development Standards. Such address shall be the place for the submittal of plans and specifications and the place where the current Development Standards will be kept.
- (d) The establishment of the Committee and the procedures herein for architectural approval shall not be construed as changing any rights or restrictions upon Owners to maintain or repair their Lots as may otherwise be specified in this Declaration.
- (e) The Committee shall approve or disapprove any plans and specifications submitted to it in accordance with the Development Standards within such period as may be specified in the Development Standards or the Declaration.
- (f) Whenever approval is required of the Committee, appropriate building plans and specifications shall be submitted to the Committee. Construction plans shall identify the general contractor and all subcontractors, all of whom shall be licensed by the City of Sheridan. The Committee shall either approve or disapprove such design and location and proposed construction and clearing activities within thirty (30) days after said plans and specifications have been.

submitted to it; except that, if such plans and specifications are disapproved in any respect, the applicant shall be notified wherein such plans and specifications are deficient. The Committee may withhold approval for any reason deemed by it to be appropriate, including aesthetic reasons, except that approval will not be withheld for capricious or unreasonable reasons. If such plans and specifications are not approved or disapproved with thirty (30) days after submission, approval will not be required and this Article will be deemed fully complied with; provided that nothing herein shall be deemed to waive the obligation of each Owner to comply with the substantive Covenants and restrictions of these Development Standards. At the discretion of the Committee, a reasonable filing fee established by the Committee shall accompany the submissions of such plans to defray expenses. No additional fee shall be required for resubmission of plans revised in accordance with Committee recommendations. A copy of each approved set of plans and specifications shall be kept on file by the Committee.

Section 2.05 Minimum Criteria for Architectural Review Approval:

No Dwelling shall be permitted to be constructed upon the Property, nor shall the Committee be required to approve any construction, which does not comply with the following minimum requirements:

- (a) No one-story Dwelling shall be constructed having less than 1,400 square feet of living area. No bi-level Dwelling shall be constructed having less than, 1,600 square feet of living area. No two-story Dwelling shall be constructed having less than 2,000 square feet of living area.
- (b) Except for Lots 12, 13, and 14, Block 1, Phase 1, all homes must have the front facade facing the street and the longest ridgeline parallel to the street unless specifically allowed otherwise by the Design Review Committee.
- (c) Any Dwelling constructed must have a 6:12 or steeper pitch for roof slope and a front elevation that is aesthetically pleasing and compatible with other Dwellings in the area. A flatter roof that is aesthetically pleasing and is compatible with other dwellings in the area may be considered by the Committee on a case by case basis. The front elevation must include a roof design with various breaks created by eaves and overhangs, consideration of window size and placement, and an appealing exterior style and finish.

- (e) The elevations of all foundations and the location of all dwellings or detached garages shall be approved by the Committee. The Geotechnical Evaluation Report required by the Final Plat shall be submitted with the foundation drawings.
- (f) Access driveways and other areas for vehicular use on a Lot must have a base of compacted gravel, crushed stone, or other approved base material and paved with asphalt, concrete, or other materials approved by the Committee. Driveways must be completed prior to occupancy subject to weather consideration.
- (g) Front yard landscape plan shall accompany the Dwelling drawings. Front yard landscape plan shall be completed as soon as practicable after occupancy.

Section 2.06 Structure Height:

- (a) As a rule, no portion of the structure (except for chimney elements) may exceed a true vertical height of the thirty-four feet (34') above existing natural grade directly below or be greater in height than allowed by the building code for the City of Sheridan. On difficult steeper lots where the average slope across the proposed structure footprint exceeds ten percent (10%), the Design Review Committee may allow additional two feet of height for a limited unobtrusive ridge projection at its downslope terminus. Such relief will be considered on a case-by-case basis, and may not be construed as a blanket waiver for sloping lots in general. It is the intent of these Development Standards that roof forms for homes on sloping sites step down with the grade to integrate with the natural setting.
- (b) Parapet wall at flat roof may not exceed a true vertical height of twenty-two feet (22') above existing natural grade directly below.
- (c) Homes on Lots 15 – 20, Block 1, Phase 1, shall be no more than twenty-six feet (26') above final grade.

Section 2.07 Foundations:

All visible surfaces of concrete, masonry, or concrete foundation walls and piers exceeding twelve (12) vertical inches must receive a stucco or mortar-wash finish and shall be painted or pigmented to blend unobtrusively with adjacent materials. Exposed aggregate, concrete, or textured concrete block with an approved integral or applied color may be considered in lieu of stucco/mortar-wash appliqué.

- (a) Foundation walls must step down with the grade change of sloping sites so that its exposed surface does not exceed vertical height of five feet (5') above finish grade at its greatest exposure; as an alternative to stepping the top of the foundation, the wall may be faced with siding, in the same plane as the wall surface above to minimize foundation wall exposure.

- (b) Where the vertical distance from the underside of a ground floor deck structure (along its perimeter edge) exceeds thirty inches (30") above the finish grade below, the deck edge must be skirted with wood latticework or wood siding to screen the cavity beneath the deck except at walk out or daylight basement. Foundation walls, which occur under a skirted deck such that they are no longer visible, are exempt from facing requirements stated above.

#### Section 2.08 Setbacks:

Setback distances shall conform to the Final Plat, City ordinances, and geotechnical recommendations. One side yard set back will be at least ten feet (10'). Setbacks shall apply to all primary residences and buildings designed to store vehicles and structures exceeding three hundred square feet (300') in footprint.

#### Section 2.09 Exterior Materials:

Traditional western styles of architecture are encouraged, as well as certain southwest region and European-adaptations. Predominantly, exterior wall materials will consist of native stone, brick, and wood materials including shingles, natural logs, beveled or tongue-in-groove board siding, board-on-board and board-on-batt.

- (a) As an alternative to individual board natural wood sidings, the Committee may consider, on a case-by-case basis, the higher quality synthetic sidings, including, but not limited to, vinyl, aluminum, steel, and wood or fiber composition products, which would be virtually indistinguishable from their natural wood counterpart when viewed from the street or adjacent properties. Prefinished siding products must have a low-gloss wood-grained finish; wood and/or fiber composition products, and must possess a porous wood-grained texture suitable for the application of stain or paint.
- (b) Stucco may be used as an accent material, or may be considered for use as the predominant exterior finish material, in tasteful combination with other allowed materials, when warranted by the particular design style of the submittal. The extent of stucco, which is acceptable, shall be determined by the Committee on a case-by-case basis.
- (c) A minimum of 10% of the square footage of the front of the home shall consist of masonry. The use of textured masonry block as an exterior finish material will be considered on a case-by-case basis, and should be limited to accent segments of the building façade. Simulated or cultured stone will only be allowed when, in the opinion of the Committee, the product and pattern proposed for use resembles its natural native counterpart to the degree that it will not appear obtrusive.

Masonry grouts would be of a non-contrasting color to blend unobtrusively with its masonry counterparts.

- (d) The aesthetic merits of any combination of exterior materials are subject to review and approval by the Committee in order to maintain the architectural integrity and consistent visual experience of a community of homes.

#### Section 2.10 Exterior Colors:

The color combination of exterior materials should generally be subtle and tasteful to blend with the neighborhood and landscape. However, brighter accent colors which are used judiciously and with restraint may be permitted. Traditional white, muted pastels, beiges, earthtones and greys are acceptable wall colors. Colors approaching the primary range (red, blue and yellow) are discouraged, as are drastic contrasts in value (light to dark). Extreme contrast in colors of individual masonry units or between masonry units and their grout matrix should be avoided. Roofing materials should be of darker tones, avoiding whites, off-whites, bright colors, light pastels, or highly reflective metal surfaces.

All color schemes must be approved by the Design Review Committee prior to their application to any portion of a residential structure. It is the intent of the Board to preclude the use of colors that would appear garish or out of place and, therefore, offensive to the eye.

#### Section 2.11 Windows, Doors, and Skylights:

Highly reflective glazing material and reflective sun screening films are prohibited for use in windows, glazed doors, skylights, or for other exterior applications. In addition, all metal windows, doors, skylights frames, etc. must be painted anodized or pre-finished with baked enamel; raw metal components, especially aluminum or galvanized iron, are prohibited.

#### Section 2.12 Roofs:

- (a) All structures shall have pitched roofs with a minimum pitch of six feet (6') in twelve feet (12') and a maximum pitch of twelve-in-twelve (except for a barn style gambrel roof, which may have a fifteen feet (15') in twelve feet (12') pitch for a starter panel on each side). Exceptions may be considered. Up to one-third of the horizontal roof area of any residence may be flat, in combination with pitched roofs across the remainder.
- (b) Allowable sloped roof forms include gable, hip, dutch-hip, gambrel, or shed (in contemporary styles, or in combination with other traditional roof forms). Geodesic domes, mansard roofs, and A-frames are prohibited. All portions of flat roofs must be screened by perimeter parapet walls.

- (c) Allowable roofing materials include fire retardant wood shakes or shingles, slate, flat concrete or clay tiles, non-reflective metal roofing with standing seams or battens, or premium dimensional asphaltic shingles with a minimum 30-year warranty. The use of composition shingles of standard or medium thickness, any type of barrel or "S" tiles, asphalt roll roofing (except on limited flat roof elements), reflective metal roofing or roofing accessories, is prohibited.
- (d) All exposed metal on the roof (except for approved pre-finished products), including, but not limited to, flashing, vent pipes, spark arresters, chimneys, ridge or eave vents, and skylight frames, shall be primed and painted to blend unobtrusively with adjacent materials.
- (e) All roof forms, both pitched and flat, are subject to the height limitations prescribed by Section 2.12.
- (f) Eaves must extend a minimum of eighteen inches (18") beyond the exterior siding and stone or brick. A narrower eave that is aesthetically pleasing and is compatible with the other dwellings in the area may be considered by the Committee on a case-by-case basis.

#### Section 2.13 Building Projections:

All projections from a dwelling or other structure including, but not limited to, chimney flues, vents, flashing, louvers, gutters, downspouts, utility boxes, mail boxes, porch railings and exterior stairways shall match the surface from which they project, or must be painted or stained an approved color to blend unobtrusively with adjacent materials.

#### Section 2.14 Garages:

Each dwelling shall provide a garage suitable for the shelter of two or more automobiles. The garage must be attached to the primary dwelling, and must not protrude more than twelve feet (12') from the adjacent front wall of the home facing the street. A garage structure with a prominent visual connection to the primary residence (in the form of a connecting breezeway, privacy wall or landscape link), may be allowed by the Committee on a case-by-case basis.

- (a) Garage doors may be wood, wood composition, insulated panel, or heavy-gauge metal panel; lightweight hollow metal overhead doors, which are vulnerable to damage from even moderate potential impacts (such as a baseball), will not be allowed. Garage doors shall be painted or stained to blend appropriately with the approved color scheme of the residence.
- (b) Each garage shall have no more than two garage doors, only one of which can exceed nine feet (9) in width.

Section 2.15 Lighting:

Street lighting will be installed by the Declarant. Owner may erect supplemental lighting in accordance with their landscaping plan provided that such lighting is directed downward and does not result in excessive glare toward the street and neighboring properties. All exterior lighting must be of a low-level subdued intensity and is subject to approval by the Design Review Committee.

Section 2.16 Mailboxes:

The Committee has reviewed alternative plans for mailbox configuration with the US Postal Service and Sheridan Safety Officials. Given the configuration of streets within the Osprey Hill Subdivision, there may be curbside delivery or cluster box delivery at various locations.

Development Standards for curbside mailboxes and cluster boxes are:

- (a) Curbside mailboxes will be considered as part of the landscape plan approved by the Committee. It is recommended that the mailbox be of pedestal constructed of brick, stone, or stucco. The mailbox enclosure should be painted steel, aluminum, copper, brass or iron. The mailbox must have the house number as an integral part of the assembly, and must be forty-one to forty-five inches (41" – 45") from the ground to the bottom of the mailbox. The front of the mailbox must be even with the back of the curb.
- (b) Cluster box units when required or appropriate will be designed by the Committee and will follow the guidelines in Section 2.16 (a). Their locations will be determined by the joint decision of the U S Postal Service, Sheridan Safety Officials, and the Committee.

Section 2.17 Sidewalks:

All lots facing Osprey Boulevard south of its intersection with Kingfisher Avenue and all lots facing Kingfisher Avenue east of its intersection with Osprey Boulevard will have sidewalks five feet (5') wide and located immediately adjacent to the street curb. All sidewalks shall be constructed by the Declarant.

All sidewalks facing Kingfisher Avenue west of Osprey Boulevard intersection will be boulevard style. From the back of street curb to the sidewalk there will be a six foot (6') landscaped area. The sidewalks will be a minimum of four feet (4') wide. These sidewalks shall be constructed by the Declarant. The Lot owner will be responsible for the irrigation and maintenance of the area between the curb and sidewalk.

Section 2.18 Fences:

Only approved fences shall be permitted upon any Lot. The fences shall not exceed five feet (5') in height and shall be placed three feet (3') or more behind the front corner of the dwelling. Special consideration may be given for corner lots, where one of the fence lines may be extended to the front building line, but no closer than twenty-five feet (25') from the Lot corner nearest the adjacent street intersection. Site walls and fences must appear as a visual extension of the residence, incorporating similar or compatible materials, color and finish when ever possible. Fences or privacy walls may be constructed of brick or stone masonry, stucco over concrete masonry, wood board "cedar or redwood," split rail, natural log, ornamental iron, or tasteful combinations thereof. Other fencing types can be allowed upon committee approval. Galvanized chain-link and wire fencing are prohibited. Wood fences may be treated posts with three poles or double faced so that stringer and post are partially concealed. Wood slats shall be of cedar or redwood, four to eight inches wide, installed vertically or horizontally. Wood fences must have a continuous horizontal wood cap, uncapped slat ends will not be allowed. Fences may be left natural with linseed oil base preservative application or be stained or painted. Structural retaining walls may not exceed above grade height of six feet. Multiple terrace retainage walls must be utilized with the overall height of retained earth six feet or less. Retaining walls may be constructed of cast concrete, or engineered brick or concrete masonry; however, all exposed walls services and edges must be treated with approved finish, such a brick or stone veneer, painted stucco, or split face texture with custom color so as to blend unobtrusively with its natural surroundings. All retaining walls must include suitable drainage systems and weep holes to relieve ground water and hydrostatic pressure. Dry stack retaining wall of native stone does not require supplemental facing or finish. All stack retaining walls over two feet in height must slope against the grade a minimum of 4:1 (one foot back for each four feet in height). Dry stack retaining walls must not be subject to watershed runoff.

#### Section 2.19 Miscellaneous Structures:

- (a) All pools and spas must be constructed clear of all required setbacks and in accordance with City of Sheridan regulations. All pools must be fenced and all spas skirted with related equipment screened from view.
- (b) Free standing or wall-mounted basketball backboards are allowed, subject to the Committee approval.

#### Section 2.20 Outdoor Storage:

Outdoor areas housing trash containers, clotheslines, maintenance and service equipment such as lawnmowers or overflow storage shall be screened from all adjacent properties by a wall or fence conforming to Development Standards. No detached storage buildings are allowed on Lot Numbers 15 - 20, Block 1, Phase 1. All detached storage buildings must be approved by the Committee.

Section 2.21 Chimneys, Outdoor Fires, and Fireplaces:

Chimney elements are subject to the same material limitations described in preceding Section 2.09 or constructed of brick or stone. Zero-clearance chimneys must be concealed with a chimney enclosure; freestanding exposed chimney pipes will not be allowed, except for the rare exception as an element of a contemporary design style.

- (a) All chimneys must be equipped with a U.L. or I.C.B.O. approved spark arrestor, including chimneys for outdoor fireplaces. Open outdoor fire pits are prohibited; barbecues are permitted, provided they are lidded cookers.
- (b) Wood burning stoves and fireplaces are allowed. Coal burning is prohibited.

Section 2.22 Solar Applications:

Passive solar design is encouraged. Active solar applications can result in excessive reflective glare, and would only be approved by the Committee if the hardware is sufficiently integrated into the structure or landscaping of a Lot so as to appear unobtrusive from any other lot or property.

Section 2.23 Photovoltaic and Wind Energy:

Systems relying on renewable energy are allowed provided that appurtenances are camouflaged. Alternative energy systems must be reviewed for aesthetic compatibility and approved by the Committee.

Section 2.24 Mechanical Equipment:

Roof mounted mechanical equipment is prohibited. Any exterior mechanical equipment must be wall, or ground mounted adjacent to residence. Wall/window mounted equipment must be painted to blend unobtrusively with the adjacent wall material. Television, radio and other communication antennas or any satellite system (24" maximum dish diameter), if approved by the Design Review Committee, shall be placed upon the rear of any Dwelling roof. If no signal can be received on the backside roof, then a dish can be placed on an end wall below eave. All lines or wires shall be buried in conduit.

Section 2.25 Signage:

Signs shall not be displayed on any lot or any common area except that:

- (a) Each general contractor, during construction of a major addition to an existing home or during active construction of new home until a contract sale is executed,

may display a single construction sign, no larger than four square feet, in accordance with these standards.

- (b) Individual Lot Owners may, with the consent of the Committee, display a single tasteful "For Sale" sign, no larger than four square feet.
- (c) Signs indicating security protection will be permitted, with the consent of the Committee, provided that such signs are ground or wall mounted, no larger than one square foot, limited to two per lot (one for the front yard and one for the rear yard);
- (d) One (1) sign for temporary single events, such as a garage sale sign, may be permitted for up to one (1) week.
- (e) All signs, regardless of type, are subject to the approval of the Design Review Committee for style design, color, location, and duration of exhibit.
- (f) Development-related signs owned and erected by the Declarant shall be permitted without limitation.

### Article III General Restrictions

#### Section 3.01 Controls Applicable During Construction:

Each Owner shall be responsible for the conformance with all such rules by the Owner's builder and contractors:

- (a) Each Owner shall retain the services of a general contractor and subcontractors that are pre-qualified by the Declarant. Approval of general contractors and subcontractors engaged in the construction of homes in the Osprey Hill subdivision rests in the sole discretion of the Committee. Approval criteria may consist of, but not be limited to, a thorough review of the general contractor's and major subcontractor's experience, references, proof of adequate ability to properly oversee the construction, warranty fulfillment and future customer service, and history of litigation pertaining to construction activities. All contractors shall have a contractor license with the City of Sheridan and be covered with at least One Million Dollars (\$1,000,000) of liability insurance per incident with the Declarant named as co-insured. Each owner shall sign an agreement to abide by the Covenants and the Development Standards.
- (b) During the course of construction of any structure or landscaping, the Committee shall have the right, but not the obligation, at all reasonable time to inspect the work to ensure that it conforms with the approved plans and with government regulations. The Committee or its designated inspector shall have the right to

inspect the building site prior to and during and at the end of all construction phases.

- (c) The commencement of any construction before approval has been granted by the Committee shall be a violation of the Covenants and these Development Standards.
- (d) Violation of the Covenants or these Development Standards will allow the Committee representative to stop construction immediately and prepare a statement of violation.
- (e) At all times during the construction period, a trash dumpster shall be located on the site and all construction debris shall be placed in dumpster.
- (f) The roads shall be kept clean at all times. Any dirt or debris which is deposited on any road or other Lot by any vehicle entering or leaving the Owners' site shall be cleaned and removed immediately.
- (g) Building materials shall be stacked neatly on the site and shall not be stored on adjoining property. Adjoining property shall be restored if damaged.
- (h) Except as otherwise provided herein, no signs of any kind or description shall be displayed on any Lot except for one (1) sign of reasonable size, but not to exceed four square feet (4'), to advertise the property for sale or signs used by the Declarant or its assigns to advertise the property during the construction and/or initial sales period.
- (i) All equipment which is used in excavating or construction and which is not rubber-tired shall only be loaded or unloaded within the boundary lines of each respective Lot where excavating or construction is being performed.
- (j) Proper and adequate barricades shall be provided for protection of any open excavation, formed and/or poured foundation wall prior to back-filling and/or completion of first floor, horizontal openings in any floor (such as stair-wells) prior to the completion of proper railings, stairs or other uses.
- (k) Construction must begin within three (3) years after Lot purchase unless the Declarant agrees to a time extension. Any construction undertaken on any Lot shall be continued with diligence toward the completion thereof and construction of any dwelling shall be completed within one (1) year from commencement of construction, except that such period may be extended for a reasonable time by reason of act of God, labor disputes or other matters beyond the Owner's control. No structure shall be deemed completed until installation of approved landscaping.

### Section 3.02 Easements Reserved with Respect to Lots:

Easements under and through each Lot are dedicated to the public and reserved for utilities and access as so noted on the plat approved and filed with the County Clerk. Declarant reserves the right to ingress and egress as reasonably necessary to exercise such easements as follows:

- (a) To the extent that utility easements are not shown on any Osprey Hill Plat, then a five foot (5') strip running along side Lot lines, front Lot line and rear Lot line of Dwelling Lots, contained by setback lines, is reserved for drainage, the installation and maintenance of utility facilities, and incidental usage related thereto.
- (b) The Owner shall not place any structure, with the exception of fencing, on any easement or setback area and shall be responsible for maintaining the easement. Any damages caused by an easement user of right to the easement shall be repaired and restored by such user.
- (c) No Owner shall have any claim or cause of action against Declarant, Homeowners' Association, and the Design Review Committee or its successors, assigns, or licensees arising out of exercise or non-exercise of any reserved easement except in cases of willful or wanton misconduct.

### Section 3.03 Motor Vehicles:

No trailer, recreational vehicle, motorcycle, all-terrain vehicle, snowmobile, boat or other powered assisted vehicle or unlicensed vehicle shall be stored on any Lot except within the garage erected upon the Lot.

The occasional, temporary use of motor homes or travel trailers for extra space when there are guests or in emergencies shall be permitted. The vehicle must be parked on a paved surface on the lot and shall not be parked for more than ten (10) days in any calendar year or more than three (3) consecutive days.

## **Article IV**

### Section 4.01 Deviations from Covenants and Restrictions:

The Design Review Committee shall have the power to enter into agreements with the Owner of any Lot, without the consent of the Owner of all adjoining Lots, to deviate from the provisions of the Covenants within the jurisdiction of the Committee for reasons of practical difficulty or particular hardship which otherwise would be suffered by such Owner. Any such deviation, which shall be manifested by written agreement, shall not constitute a waiver of any such Development Standards as to other Lots in the Property.

