

Area Preservation and Building Standards

for the Plat of and Designated Preserve Areas Adjacent to

Thirtieth Street

Part Of The Northeast And Southeast Quarters, Section 8, Town 3 South, Range 13 West, Antwerp Township, Van Buren County, Michigan. (See attached exhibit Page 5).

PURPOSE:

The following standards and restrictions shall apply to any and all construction on or use of any lot in the THIRTIETH STREET Plat, and any designated Preserve Areas adjacent thereto. They are designed to assure uniformity of quality and preservation of property values.

LOT & OPEN SPACE DEVELOPMENT STANDARDS:

- 1) **Set back Requirements:** The minimum set-back from the front Lot line shall be 40 feet. The minimum set-back from any side or rear line shall be 20 feet.
- 2) **Lot Preparation:** Any substantial change in the contour of a Lot must be approved by the Architectural Committee hereinafter described and any soil removed during site preparation shall be used on that lot or shall be placed in an area of the Plat designated by said Architectural Review Committee.
- 3) **Common Areas:** The portions of land adjacent to the Plat, designated Thirtieth Street Preserve (See attached exhibit Page 5) are to maintain the rural, natural and scenic qualities and to promote the preservation of open space. As such, this land shall always remain undeveloped open space, dedicated to open space in perpetuity, and no type of building shall be built on the open space areas, unless so approved by a majority of the lot owners and the Antwerp Township Board. Motorized vehicles shall be prohibited in open space areas, except for landscaping equipment being used to maintain the area, as approved by the majority of the lot owners. The easements over part of the plat or adjacent open space shown as PRIVATE EASEMENT FOR STORM WATER DRAINAGE shall remain in undisturbed condition except by order of the Van Buren county Road Commission or the Van Buren County Drain Commissioner. No building shall be allowed within any easement area.
- 4) **Architectural Review Committee:** The Architectural Review Committee shall consist of two or more members appointed by James Boven and Mark or Penny Boven, the Plat Developers, until such time as they no longer have ownership of any lot in the Plat, at which time the Architectural Review Committee shall consist of members appointed by the associated property owners of Thirtieth Street.
- 5) **Variances:** The Architectural Review Committee shall have the power to grant variances from any architectural requirement if the requesting party demonstrates a legitimate hardship in adhering to these standards required herein, and the variance does not detract from these intended purposes and permitted uses mentioned herein, and does not violate any government ordinances.

- 6) **Lot Use:** All lots in the Plat shall be used for single family residences only. Extra storage buildings and other out-buildings will be allowed only if approved in writing by the Architectural Review Committee.
- 7) **House Construction:** All houses shall be constructed according to plans approved by the Architectural Review Committee and shall meet the minimum floor space requirements set forth hereafter. Construction shall proceed to completion without unreasonable delay once excavation has started. Construction work must be completed, according to the approved plans within twelve months of ground breaking.
- 8) **House Plan Review:** Prior to undertaking any excavation or construction a complete set of plans must be submitted to the Architectural Review Committee and written approval of same must be obtained. House plans submitted for approval shall be professionally drafted and must include foundation and basement plans, floor plans, exterior and roof elevations, patio and deck designs, and a site plan. The committee will respond to requests for approval within ten days of receipt of complete plans. Approval or denial by the Committee of any building request may be based on any grounds, including purely aesthetic reasons, which at the sole discretion of the Committee shall be considered sufficient. The Committee shall retain a complete copy of all approved plans.
- 9) **Dwelling Size** Single story and bi-level homes must have a main level of at least 1200 Square feet of finished habitable floor area. All multi level homes shall have a total finished habitable square footage of 1200 square feet.
- 10) **Other size requirements:** No finished areas in basements or sub-grade levels will be counted to arrive at the minimum square footage calculations, unless otherwise specified. Square footage of any house may be decreased up to 15% when the house includes an attached covered front porch with painted posts, rails and balusters. The total square footage of the habitable area of the house may be decreased 1 square foot for each 2 square feet of floor area within the porch. In no instance shall the total finished habitable square footage be decreased more than 100 square feet, regardless of covered porch size. All posts, rails, balusters, and skirt boards of said porches shall be painted white (or any color approved by the Architectural Review Committee) within 6 months of occupancy.
- 11) **Roof requirements:** All roofs, dormers and gables visible from the road shall comply with the following minimum roof pitch requirements:
- | | |
|-------------------------------------|----------------|
| a) Gable lengths less than 4': | Not permitted. |
| b) Gable lengths 4'-6' in length: | 12/12 |
| c) Gable lengths 6'-12' in length: | 10/12 |
| d) Gable lengths 12'-20' in length: | 8/12 |
| e) Gable lengths 20'-30' in length: | 6/12 |
| f) Gable lengths 30' and greater: | 5/12 |
- g) Porch roofs with pitches as low as 4/12 will be permitted when the following criteria are met: The gable ends of the porch face the side or rear, the eave faces the front, and the roof plane intersects with either a roof with a minimum pitch of 8-12, or the front wall of the second story in a two story home. Rear facing dormers and shed type roofs not visible from the front with pitches of 4/12 and up will be permitted.
- 12) **Outbuildings:** Accessory buildings of pole or footing type construction are allowed, but must meet the following requirements: No more than two outbuildings per dwelling, per lot. The total square footage of all outbuildings shall not exceed 1200 square feet. The measurement from the finished exterior grade to the eaves on the sides of all outbuildings shall not exceed 12' in height. All outbuildings shall be sided and trimmed with brick, painted wood, aluminum, vinyl, or steel, and shall have finished eaves, fascia, and shingled roofs, with colors matching or complimentary to the dwelling. Roof pitches and decorating shall adhere to the requirements set forth in the roof requirement section above. No outbuilding shall be placed on any lot until construction of the dwelling is well under construction, and shall not be used as housing under any circumstances. All outbuilding construction plans, colors, and decorating features and site plans shall be approved by the Architectural Review Committee.
- 13) **Square footage Measurements:** The above required square footage shall be determined by the exterior perimeter measurements and shall specifically exclude garages, breezeways, porches, decks, and similar areas.

- 14) **Fences:** Only wood, or chain link fences will be allowed when placed at the rear portion of the yard, behind the dwelling. A fence design and placement plan shall be submitted to the Architectural Review Committee for approval prior to placement of the fence.
- 15) **Signs:** No sign, other than one advertising the house or lot for sale shall be permitted, except, the developer may place and maintain additional signs at or near the entrances to said Plat at P Avenue and 1st Street. All signs must be professional in appearance. Developer retains the right to remove non compliant signs.0
- 16) **Model Homes:** The developer may construct and maintain one or more model homes in the Plat, and may use such models to promote the sale of houses and lots in the Plat.
- 17) **Subletting:** No owner of any lot shall lease or sublet less than the whole of any dwelling.
- 18) **Domestic Animals and Livestock:** No livestock or poultry shall be raised, bred or kept on any lot or parcel except for dogs, cats, or other domestic pets which are confined to the owner's lot. All animals shall be kept in a clean and healthy environment, and boarded in such a manner as not to cause a nuisance to neighboring properties, such as odors, stripped vegetation, noise, barking, etc. Outdoor animals must be confined to the rear area of the lot in a committee approved fenced area or outbuilding, and shall not be allowed to run free off the owners lot. No more than 3 dogs or 5 cats shall be allowed at each home. Under no circumstances shall there be more than a total of 6 animals per household.
- 19) **Trucks, trailers, equipment, boats, pleasure vehicles & R.V.s:** No semi tractor, freight trailer, or trucks greater than a 1 ton rating, or any other equipment shall be allowed to park in the plat or designated adjacent parcel areas at any time, (unless stored in an Architectural Review Committee approved outbuilding, or completely screened by a double row of evergreen trees of sufficient size so as to not make the item visible from the road or adjacent lots,) except for the purposes of delivering materials, supplies, construction service, or furnishings to a premises located in the plat or designated parcels. R.V.s, pleasure vehicles and boats must be stored off the premises, (unless stored in an Architectural Review Committee approved outbuilding, or completely screened by a double row of evergreen trees of sufficient size so as to not make the item(s) visible from the road or adjacent lots,) except that they can be parked on the driveway of the premises for up to 24 hours a month for packing and unpacking for uses off premises. All equipment used to maintain premises within plat and designated adjacent areas shall be stored inside an approved garage or shed. The operation of pleasure vehicles, such as motorcycles, go-carts, A.T.V.s, snowmobiles, etc., is prohibited within the plat and designated adjacent areas, except for the purpose of loading and unloading to use off premises.
- 20) **Automobile storage:** All automobiles at each home site shall be stored inside a garage or outbuilding, except for the following circumstances: Up to two automobiles may be stored outside in the driveway as long as they are, licensed, kept clean looking and free of rust or collision damage, and kept in good repair. Short term parking for periods of less than 48 hours shall be permitted for family gatherings and neighborhood meetings.
- 21) **Blight:** All owners of lots in the plat and designated adjacent parcels shall maintain their premises by regular mowing, landscape maintenance, repairs, painting, or any other maintenance required to keep the premises in a generally accepted state of attractiveness. Stockpiling of garbage, auto parts, building materials, or any other odd items shall be strictly prohibited.
- 22) **Nuisances and illegal activities:** No nuisance, such as excessively loud noise, offensive acts, etc., or illegal activities, such as keeping and discharging of illegal firearms, manufacturing, use and sales of illegal drugs, etc., will be allowed within the plat and designated adjacent areas.
- 23) **Thirtieth Street Preserve:** The common areas adjacent to the plat, designated as Thirtieth Street Preserve, shall be deemed to be under the collective ownership of the owners of lots 1-11 in the Plat, for purposes of maintenance, taxes, and liability. The ownership of Thirtieth Street Preserve shall be proportional to the number of lots owned in the Plat. Subject to paragraph 3, uses of Thirtieth Street Preserve shall be determined by the majority of lot owners in the Plat.
- 24) **Septic Systems:** A Sanitation Permit for an on-site sewage disposal system shall be obtained from the Van Buren County Public Health Department before construction begins on any lot.
- 25) **Water Wells:** A Water Well Permit for an on-site water supply system shall be obtained from the Van Buren County Public Health Department before construction begins on any lot. Water Wells shall be

drilled to reach a minimum depth of 112 feet below the surface or they must pass through a protective barrier of at least 10 feet in thickness. *Robert A. Boven*

The invalidation of any one or more of these standards and restrictions by any court shall not affect the remainder of these standards and restrictions and they shall remain in full force.

Any person, persons, or entities owning any lot or building site within said Plat may take legal action against the person or persons violating or attempting to violate any of these standards and restrictions and prevent them from doing so and/or recover damages for their breach. In the event legal action is taken to enforce these restrictions, then the prevailing party in addition to the relief requested, will also recover their actual attorney fees.

Also in the event that any of these restrictions are violated and the owner of any parcel fails to cure the violation, the owners of a majority of the lots in the Plat may vote to have the violation cured, cause the work to be performed on the parcel and place a lien on the parcel for the total cost to cure the violation. This lien shall be recorded and bear interest at the then highest allowable rate of interest in Michigan and may be foreclosed upon in the same manner as a mortgage on the premises.

Restriction 23 is effective in perpetuity and cannot be amended. All deeds for lots in the plat shall convey said undivided collective ownership in the preserve area directly to the West of the plat designated as Thirtieth Street Preserve, and stipulate that said ownership can not be severed from the lot. Restriction 3 is effective in perpetuity and can not be amended. Restrictions 24 and 25 are effective in perpetuity and can be amended only with the written consent of the Van Buren County Public Health Department All other restrictions and covenants are to run with the land and shall be binding on all parties and persons claiming under them for a period of ten (10) years from the date these restrictions and covenants are recorded, after which time said restrictions and covenants shall be automatically extended for successive periods of (5) years unless an instrument signed by a majority of the then owners of the lots has been recorded, agreeing to modify these restrictions in whole or part.

SIGNED BY:

James A. Boven

JAMES A. BOVEN, TRUSTEE OF THE JAMES A. BOVEN TRUST, DATED 8-28-1998, LIBER 1282 PAGES 967-971, VAN BUREN COUNTY

Mark A. Boven

MARK A. BOVEN

Penny M. Boven

PENNY M. BOVEN

STATE OF MICHIGAN)
) ss.

COUNTY OF VAN BUREN)

The foregoing instrument was acknowledged before me, Dated 4-22-03, by MARK A. BOVEN, PENNY M. BOVEN, and JAMES A. BOVEN, trustee of the JAMES A. BOVEN TRUST, dated 8-28-1998, Liber 1282 Pages 967-971, Van Buren County.

James M. Hancock

Notary Public
Van Buren County, Michigan

My Commission expires 07-09-2006

This document prepared by Mark Boven (co-owner), 27772 CR 358, Lawton, MI. 49065

THIRTIETH STREET SUBDIVISION

PART OF THE NORTHEAST QUARTER AND THE SOUTHEAST QUARTER OF SECTION 8, TOWN 3 SOUTH, RANGE 13 WEST, ANTWERP TOWNSHIP, VAN BUREN COUNTY, STATE OF MICHIGAN DESCRIBED AS:

BEGINNING AT THE EAST 1/4 CORNER SECTION 8, TOWN 3 SOUTH, RANGE 13 WEST; THENCE S01°36'20"E ALONG THE EAST LINE OF SAID SECTION 8 662.92 FEET; THENCE N89°19'37"W PARALLEL WITH THE EAST AND WEST 1/4 LINE OF SAID SECTION 8 283.00 FEET; THENCE N01°36'20"W PARALLEL WITH THE EAST LINE OF SAID SECTION 8 662.92 FEET TO THE EAST AND WEST 1/4 LINE OF SAID SECTION 8; THENCE N01°33'41"W PARALLEL WITH THE EAST LINE OF SAID SECTION 8 609.80 FEET; THENCE N75°14'59"E 290.47 FEET TO THE EAST LINE OF SAID SECTION 8; THENCE S01°33'41"E ALONG THE EAST LINE OF SAID SECTION 8, 687.11 FEET TO THE POINT OF BEGINNING. CONTAINING 8.51 ACRES MORE OR LESS.

THIRTIETH STREET PRESERVE

LAND SITUATED IN THE TOWNSHIP OF ANTWERP, COUNTY OF VAN BUREN, STATE OF MICHIGAN DESCRIBED AS:

FROM THE EAST 1/4 CORNER SECTION 8, TOWN 3 SOUTH, RANGE 13 WEST, MEASURE S01°36'20"E, ALONG THE EAST LINE OF SAID SECTION 8, 662.92 FEET; THENCE MEASURE N89°19'37"W PARALLEL WITH THE EAST AND WEST 1/4 LINE OF SAID SECTION 8 283.00 FEET TO THE POINT OF BEGINNING OF THE LAND HEREIN DESCRIBED: THENCE CONTINUE N89°19'37"W, PARALLEL WITH SAID QUARTER LINE, 216.25 FEET; THENCE N01°33'41"W, 1213.77 FEET; THENCE N75°14'59"E, 221.41 FEET; THENCE S01°33'41"E, PARALLEL WITH THE EAST SECTION LINE, 609.80 FEET TO THE EAST AND WEST QUARTER LINE OF SAID SECTION 8; THENCE S01°36'20"E, PARALLEL WITH THE EAST LINE OF SAID SECTION 8, 662.92 FEET TO THE POINT OF BEGINNING. CONTAINING 6.16 ACRES MORE OR LESS. SUBJECT TO ANY EASEMENTS OR RESTRICTIONS OF RECORD

**VAN BUREN/CASS COUNTY
DISTRICT PUBLIC HEALTH DEPARTMENT**

Van Buren County Office
57418 CR 681, Suite A
Hartford, MI 49057
(269) 621-3143

Robert E. Hause, R.S., Chief Sanitarian
Director Environmental Health Division

Cass County Office
201 M-62 North
Cassopolis, MI 49031
(269) 445-5280

ENVIRONMENTAL HEALTH SERVICES

March 11, 2003

Virgil Hendrickson
Antwerp Township Clerk
24821 Front Avenue
Mattawan, MI 49071-9501

Re: Preliminary Plat "Thirtieth Street"
Antwerp Township, Section 8

Dear Mr. Hendrickson:

This office has recently completed its review of the proposed "Thirtieth Street." This review was done in accordance with Section 105G of Act 288, P.A. 1967 as amended.

This plat will be composed of 11 lots, all of which will be served by on-site water supply and sewage disposal systems.

As per the water supply system, a test well was installed in the plat. This well revealed acceptable water quantity and quality at a depth of 112'. Therefore, all wells in this plat must pass through a 10' impervious layer or they must be at least 112' in depth and have at least 50' of submergence.

As per the sewage disposal systems, soil information gathered by this department, on January 17, 2003, revealed acceptable soil and water table conditions for the installation of subsurface sewage disposal systems. This department shall require that a sanitation permit be obtained prior construction beginning on any lot.

With the aforementioned items being considered, this department has approved this preliminary plat for single-family residential development. Should you have any questions regarding this matter, please feel free to contact me at the Hartford office.

Sincerely,



Robert E. Hause, R.S., Chief Sanitarian
Director Environmental Health Division

REH/mac

cc: Register of Deeds
MDEQ
MDCI