

# Mountain View Shores Subdivision

Lakes District - Bedford County, Virginia

Restrictions - Sections I, II, III, IV

The real property subject to this Re-stated and Amended Declaration is located in Huddleston, Bedford County Virginia, (TAX MAP # 258D, TAX MAP # 258E, TAX MAP # 258G) and is more particularly described in previous Declarations recorded with the Clerk of Circuit Court for Bedford County Virginia, beginning with the original Declaration recorded June 20, 1978, in Plat Book 20, Page 309 and includes that property designated as Sections I and II in Mountain View Shores Subdivision; Section III in Mountain View Shores Subdivision recorded March 14, 1980, in Plat Book 21, Page 271; and Section IV in Mountain View Shores Subdivision recorded April 15, 1982, in Plat Book 22, Page 157.

1. All Mountain View Shores (MVS) lot owners shall be members of the MOUNTAIN VIEW SHORES HOMEOWNERS' ASSOCIATION, INC. (a Virginia Corporation). The term "owner(s)" used here and elsewhere in these restrictions shall mean and refer to the record owner whether one or more persons or entities of the fee simple title to any MVS Lot, except for those lots owned by BEDFORD REGIONAL WATER AUTHORITY (BRWA), its successors and assigns, those owned by the Association, or those having such interest merely as security for the performance of an obligation.
2. In all questions requiring a Membership vote the Members of the Association whose Association Dues and obligations are not in arrears shall be entitled to one (1) vote for each Lot owned. When title to any lot is held in more than one name, the owners shall vote as a unit.
3. Each lot owner shall pay dues and assessments made by the Association pursuant to its By-Laws, and in such amounts as the Association, acting by and through its Board of Directors, shall determine as just, fair, and equitable to meet the needs of the area for the upkeep and maintenance of the roads and other common areas.
4. The Association reserves unto itself, the right to erect and maintain communication facilities, power distribution facilities, conduits, equipment, sewer, gas, and water lines or to grant easements of right-of-way therefore, on, over or under a strip of land twenty (20) feet wide along the road right-of-way abutting said lots and further reserves an easement of right-of-way for the above mentioned purposes ten (10) feet in width along the sidelines of each lot taking five (5) adjacent feet from each lot.
5. Lot Improvements
  - a. Only one (1) dwelling may be erected on each lot and each dwelling shall be planned and erected for single-family occupancy only. No duplex or multiple family building may be constructed on any lot.
  - b. Construction on any lot shall conform to MVS restrictions and State and County laws, codas, and ordinances with the exception that sideline setback requirements will be fifteen feet.
  - c. No dwelling shall be constructed upon any lot, the commercial construction cost of which is less than \$120,000 according to 2005 construction costs and adjusted for inflation thereafter. A minimum of one thousand (1000) square feet of heated living area on the entry level is required for a one-story dwelling and 1,500 square feet distributed between

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the entry level and the higher level for a multi-story dwelling. Levels below the entry level, porches, decks, garages, or carports cannot be included in the calculations.

- d. Construction commences when excavation for footings begins. The house must be under roof within nine (9) months and completed (Certificate of Occupancy/ Final Inspection granted) within 18 months from the date excavation begins. Prior to construction the Association must receive the following documents:
  - i. Complete set of drawings showing floor plans and elevation.
  - ii. Site plan to scale showing location of the structure(s) relative to all property lines, setbacks, and the 795-foot contour at lakeside. Location of culvert(s), driveway, and the required off street parking area for at least four (4) vehicles should also be indicated.
    - The site plan shall conform to State and County laws, codes, and ordinances.
    - The site plan shall also conform to MVSHOA restrictions including the sideline setback requirement of fifteen (15) feet which is inclusive of the Bedford County setback requirement of ten (10) feet.
  - iii. Septic system approval.
  - iv. Building permits.
  - v. Building permit application showing valuation.
  - vi. Land disturbance permit.
- e. A non-refundable construction fee, as established by the Board of Directors, shall be paid to the Treasurer of MVSHOA prior to beginning construction. This fee is established for additional maintenance of MVS roads due to wear caused by heavy equipment used in construction. This construction fee shall apply for the initial 18-month construction period that commences with the date of excavation. Extenuating circumstances necessitating a construction period longer than 18 months will require approval of the Association's Board of Directors and will incur an additional construction fee.
- f. The construction fee is also imposed on remodeling or renovation projects, including landscape and hardscape, if the cost of the project exceeds \$60,000.00. Additions or modifications that change the footprint of your dwelling must have MVSHOA approval.
- g. For a period not to exceed eighteen (18) months, a contractor may place a temporary storage trailer or shed on the property for the purpose of holding construction materials, tools, and equipment only. Said structure should be removed on or before 60 days after completion of the project or issuance of a residential use permit, whichever comes first.

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- h. All accessory buildings, docks, fences, and boathouses shall be constructed of reasonable quality materials in a professional manner in keeping with the quality of this recreational and permanent home area. Installation of fences should respect "the viewsapes" of one's neighbors. Non-permanent garden storage structures and other accessory buildings are to be placed inside lot set back lines and made to blend with the residential character of the subdivision.
  - i. Each lot owner who builds upon the premises shall provide off-street parking, in driveways or parking areas designed and built to be parking areas, for four (4) or more vehicles.
  - j. Lot owners who maintain private driveways onto their respective lots shall install, prior to construction, a culvert pipe, according to state specifications along the street line where such driveways meet the street and shall place sufficient gravel or other protective materials on the driveway to prevent erosion onto community roads. Owners are responsible for cleaning and maintaining culverts and swales along their property lines to prevent said erosion.
  - k. Dwellings built or under construction prior to the recordation date of the conditions and restriction of this Declaration may rely on the previously recorded Declaration only in so far as the then completed and in-progress construction is concerned.
  - l. With approval from Bedford County and MVSHOA, a Lot owner may install or use solar energy collection devices attached to their house, garage, or boat docks. No new freestanding solar collection devices will be permitted as of October 17, 2018.
6. The Association is not responsible for installation, improvement, or maintenance of drainage paths on easements between lots.
7. No lot may be subdivided. Contiguous lots may be joined after formal surveys and their appropriate filings with the Bedford County Registrar of Deeds are approved. Lots so joined will count as a single lot for Association purposes including Assessments. Once so joined the lots cannot be separated. The Association must be notified promptly after the consolidation.
8. The owner of each lot shall be responsible for the neat and orderly maintenance of same. Owners shall provide for sanitary garbage disposal and shall not suffer or permit any garbage, sewage, refuse, waste, or other contaminated matter to unduly remain on said lot or to be drained or discharged from such lot directly or indirectly into the waters of Smith Mountain Lake. Storage of non-licensed vehicles, unsightly, inoperable vehicles, and vehicles on blocks is prohibited on MVS lots; this includes but is not limited to all types of trailers, motorcycles, off-road vehicles, trucks, boats, and watercraft.
9. No private wells may be drilled on any lot in this subdivision. Each lot owner shall be required to make connection with the central water system provided for the development within one hundred eighty (180) days of commencement of construction of the dwelling on the lot.

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10. No signs, billboards or advertising of any nature shall be erected, placed, or maintained on any residential lots or buildings erected thereon, or within other areas of the community. An exception is made such that one sign advertising a lot or residence for sale may be placed at roadside of residence/lot, and one such sign that is visible from the water is permissible. Such "For Sale" signs must contain the words "For Sale" or be on properties that are listed for sale on the locally applicable Multiple Listing Service. The dimensions of such "For Sale" signs shall conform to standard Realtor© signs deemed appropriate for the sale of single-family residential dwellings. During house construction one sign for the purpose of building site identification may be erected by either the Owner or the builder. For Sale or related signage must be removed within 30-days of sale closure.
11. The Association has no restrictions regarding erecting a flagpole on a resident personal property.
12. Nuisance, Annoyance, Offensive Activity
  - a. No activity that disturbs the peace and quietude or constitutes a nuisance shall be conducted on any property. Nuisances may include but are not limited to (i) installing high-intensity, or dusk-to-dawn lights that cause glare onto the property of others, (ii) shooting of firearms, except in the case of an emergency, and (iii) causing of electronic interference on neighbor's equipment.
  - b. No swine, cattle, horses, goats, sheep, fowl, other farm, or normally wild animals shall be kept on said lots.
  - c. Dogs and other household pets must always be under the animal owner's control and offer no threat to other residents.
13. Camping shall be prohibited on all residential lots. House trailers, campers, and RV's may not be stored on residential lots. Further details for using community Storage Areas can be found in Section 14.
14. Storage Areas and Boat Launch
  - a. Assigned storage spaces are not transferable to new owners. MVS property owners must return all keys for storage lots and boat ramp gate to MVSHOA before settlement.
  - b. Upon the Association's Board of Directors approval, a designated space will be assigned. There is no guarantee that a spot will be available at the time of request. One spot per Owner will be assigned on a first come, first serve basis. Additional spots may be available but will depend on current usage of the Storage Areas. If no space is available, the approved request will be placed on a waiting list.
  - c. Only MVS property owners shall use the Storage Areas.
  - d. Items are stored at the owner's risk and the Association shall be held harmless.

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- e. Items placed in the Storage Areas shall be maintained in operable condition and be clearly identified by a current, legible, and valid Association decal. Items not maintained in operable condition or properly identified are subject to removal and possible disposal by the Association's Board of Directors.
  - f. Use of the Boat Launch and Boat Launch Area as a construction material staging area is prohibited. This area is for exclusive recreational use by MVS owners and their guests.
15. Owners who rent their properties are responsible to ensure that rental occupants and their guests follow the same restrictions set forth for all MVSHOA property owners. MVS owners electing to rent their properties also must adhere to state of Virginia and Bedford County regulations, to include but not limited to noise, nuisance, safety, and rental permitting and occupancy restrictions.
16. The Association's Board of Directors may grant variances, not in conflict with Government regulations, to these restrictions with the documented concurrence of adjacent owners.
17. Roads in this sub-division are private and not intended for public use but shall provide free and unobstructed access by every lot owner and their invitees.
- a. Only vehicles that may be legally operated on the public roads of Virginia may be operated on the roads of the Association and must adhere to posted traffic signs.
  - b. Roads shall be maintained by the Association.
  - c. No vehicle shall be parked on any MVS road or road shoulder between the hours of 2:00 am and 6:00 am.
  - d. Lot owners of Forest Cove Subdivision shall share the cost of the maintenance and improvements of the roads leading into the Forest Cove Subdivision.
18. Those restrictions limiting the usage of lots for residential purposes, signs and advertising shall not apply to Lots owned by the Association or Bedford Regional Water Authority.
19. The conditions and restrictions of this Declaration shall run with the land. This Declaration may be amended in whole or in part, by vote of the majority of the eligible voting members of the Association. The above restrictions may be enforced in proceedings at law in equity against any owner violating or attempting to violate any covenant and to restrain violation, or to recover damages. The Association follows the guidelines set forth in the Virginia Property Owners' Association Act.
20. If any one provision of these restrictions is found to be invalid by judgment or court order or conflicts with county regulations or other applicable law, it shall in no way affect the remainder of these restrictions which shall remain in full force and effect. The provisions and definitions contained in this document will govern in the event of any conflict with the Association's Articles of Incorporation, its by-laws, or its adopted regulations and resolutions.