

Belmar North Homeowners' Association
Exhibit "C" - Use and Property Restrictions
Current Version¹

1. **Single Family Residences.** All Lots herein shall be occupied as single family residences only. No residence may be owned or occupied for any commercial purpose. All structures are limited to two (2) stories in height and must have an attached two (2) car garage. All residential structures must be constructed onsite.

2. **Minimum Square Footage.** Unless otherwise stated herein, no residence shall contain less than One Thousand Fourteen Hundred (1,400) square feet of living area (heated and cooled space). The first floor of any two story residence must contain a minimum of One Thousand (1,000) square feet of living area.

3. **Exterior Requirements: Foundations.** The exterior of any residence shall be at least eighty percent (80%) brick, stone or stucco, and twenty percent (20%) may be of a frame or other material which will blend together with the brick, stone or stucco. It is the intention of this restriction to allow panels of materials other than brick, stone or stucco to be used, but in no event shall a continuing wall consisting of eighty (80%) of the exterior of the residence be built of any material other than brick, stone or stucco. This restriction is intended to encourage the use on the principal exterior of residences of masonry construction, but may be modified to allow the use of other materials to blend with the environment to eliminate repetition of design. In no event shall out buildings be of a material other than the residence. Chimney materials must be brick, stone or stucco to the top of the first floor plate except where the chimney is on the interior or contained within a covered porch or patio, in which case it may be of other appropriate material. Foundations must be of footing and stem construction with no exposed stem walls. No pier and grade construction is allowed.

4. **Storage and Other Detached Structures.** DETACHED STORAGE BUILDINGS OR OTHER STRUCTURES ARE NOT ALLOWED UNLESS THE BUILDING OR STRUCTURE CONFORMS TO THE REQUIREMENTS OF THIS PARAGRAPH

(A) Detached storage buildings are permitted so long as the structure conforms to the exterior requirements contained in Section 4 above and the roofing requirements

¹ These include the original version included in the Declaration of Covenants, Conditions and Restrictions filed on May 11, 2010, and the cumulative impact of the amendments filed thereto.

contained in Section 6 below. It being the intent of this provision that the storage building conform exactly to the original home. Any storage building that does not conform to these requirements must be completely hidden from the street and any adjoining property owners.

5. **Driveways; Sidewalks; Mailboxes.** All Lots shall have a four foot concrete sidewalk across the front of the Lot (and the side of the Lot on any corner Lot), which sidewalk shall lie within six feet of the curb and adjoin to the existing sidewalk on adjacent Lots. All driveways must be of concrete construction. Mail boxes shall be of brick construction.

6. **Roofs.** Roofs shall be a twenty-five (25) year architectural composition roofing, weathered wood in color, with a minimum pitch of 7/12. No three tab shingles allowed. Any deviation from this standard must be approved in writing by the Declarant or if the Declarant no longer owns any lots by the Architectural Committee.

7. **Vents, Turbines; Ventilation.** All HVAC or other vents protruding through roof lines must protrude through the rear portion of the residence roof line, unless otherwise approved by the Declarant. All vent pipes must be painted to match roof color. No wind turbines shall be allowed on any roof. All attic ventilation shall be done by way of ridge vents, low profile static vents, or electric power vents.

8. **Fences.** Except as stated herein, all fences shall be of wood, rick, vinyl, rock or wrought iron construction and may not exceed 72 inches in height. All fences must be maintained in good condition with no visible holes or loose or missing pickets. No fencing shall be installed on the front portion of any Lot and must commence at least five (5') feet from the front of the main structure.

All fences abutting the golf course must be wrought iron and may not exceed five (5') feet in height. Wood fences that adjoin a five (5') wrought iron fence must be stepped down to five (5) by the time the two fences meet. Affected Lots in the Subject Property include the following:

Block 2: Lots Nin (9) through Seventeen (17).

However, five (5') wrought iron fencing is required along any lot line where more than one half of the fence abuts the golf course.

9. **Offensive or Noxious Use: Nuisance Activity. Unkept Lawn; Right of Entry to Maintain.** The Owner of any Lot shall not use or allow the use of such Lot for any purpose which will be noxious, offensive or detrimental to the use of the other Lots or which will create or emit any objectionable, offensive or noxious odors, dust, gases, fumes or other such material or which will in any manner violate any applicable zoning ordinance or other regulations enacted by any duly constituted governmental authority. No noxious or offensive activity shall be carried on, nor shall anything be done therein which may be or may become an annoyance or nuisance.

Every Lot shall be kept in a presentable condition as determined by the Board of Directors or Architectural Control Committee, if any. All Lots should be regularly mowed and trimmed, all landscaping shall be kept neat in appearance.

The Association by and through its Board of Directors, at its discretion, may mow any Lot that has not be kept presentable after three (3) days' notice to the Owner thereof, which notice shall be accomplished by hand delivery or posting on the properties front door. The Association may also trim trees and remove trash or debris. The cost for any of the aforesaid shall be borne by the Owner and shall be enforceable in the manner stated in the Declaration for unpaid fines.

10. **Mineral Drilling.** No drilling or puncturing of the surface for oil, gas or other minerals or hydrocarbons within the subject lands shall be permitted.

11. **Livestock.** The keeping of any poultry, cattle, horses or other livestock of any kind or character is prohibited within the Project.

12. **Refuse Storage, Growth; Lawns.** The storage of trash, ashes, or other refuse, except in normal receptacles is prohibited. Weeds, underbrush or other unsightly growths shall not be permitted to grow or remain in the Project. No trash, ashes or other refuse may be thrown in any other Owner's Lot. Lawns and shrubbery shall be kept mowed and trimmed.

13. **Sign and Billboards; Declarant's Right.** No signs or billboards advertising any commercial enterprise, except "for sale" or "for rent" signs, shall be permitted on any Lot without the prior written consent of the Declarant or the Board of Directors if control of the Association has been turned over to a homeowner elected Board; provided, this prohibition shall not apply to the Declarant in the initial sale of such Lot.

14. **Vehicle Parking and Storage.**

(A) No boats, trailers, trucks (other than one ton pickup trucks used for every day transportation), campers, recreational vehicles, motor homes or commercial vehicles, nor any vehicle in the process of being repaired or otherwise presently inoperable, shall be stored or parked within the subject lands.

(B) No overnight parking of any vehicle (whether owner, owner's family or guest) on the street or a Lot, other than a concrete driveway, is permitted.

15. **Views from Street or Lot.** All clotheslines, garbage cans, equipment, coolers, or storage piles shall be located as not to be visible from any other Lot within the Project. Garbage cans may be visible on the day of pick-up only and shall be hidden from sight at all other times.

16. **Tanks; Above Ground Swimming Pools.** No elevated tanks of any kind shall be erected, placed or permitted on any Lot. No above ground swimming pools are allowed.

17. **Radio or Television Device.** No radio or television transmitting or receiving device shall be allowed on any Lot or structure with an exposed antenna that exceeds five (5) feet in height and/or 24 inches in diameter. All satellite receivers must be located as close as possible to the rear of the structure so as to provide maximum concealment from the street and other lots.

18. **Wind Powered Generators.** No wind powered generators shall be allowed on the subject lands.

19. **Temporary Structure.** No trailer, tent or shack shall be erected, placed or permitted, nor shall any structure of a temporary character be used at any time as a residence without the prior written consent of the Declarant.

20. **Household Pets: Care and Restraint. Limit on Number.** No animal shall be kept except household pets. Such pets may not be kept or bred for any commercial purpose and shall have such care and restraint so as not to be obnoxious or offensive on account of noise, odor or unsanitary conditions. No savage or dangerous animal shall be kept. Pit Bull Terriers or any mix containing at least one-half pit bull parentage are not allowed in the Subject Property. No more than three (3) household pets may be kept without written permission of the Association. No pets may be permitted to run loose within the Project.

Household pets must be kept behind Cedar or White pine fencing at all times. Household pets must not be seen from the front of the house. Pet houses, Pet pens, and Pet runs of any

kind are not allowed in residents back or side yards unless completely hidden from view. Excessive barking or pet crying of any kinds will also not be permitted. Failure to comply with this restriction will be subject to a written warning and/or fines.

21. **Basketball goals.** Basketball goals are permitted but may not be attached to any structure. All basketball goals must be free standing on a structure designed for that purpose and must be kept in good repair. Any goal that becomes damaged or unusable must be removed. Basketball goals may only be used on the homeowner's driveway and may never be placed on sidewalks, homeowner's lawn or in the street.

22. **No Garage Conversions.** The garage of a residence may not be converted for any other use or purpose except parking of the Owner's vehicles. This prohibition does not apply to any conversion by the Declarant for use as a sales office, however, such conversion by the Declarant would be temporary and any garage so converted shall be returned to its original purpose.

23. **No Clear Cutting of Lots.** All trees which measure at least four (4") inches in diameter which are currently on the Lot, except those located within the footprint of the actual house, may not be cleared except upon written permission of Declarant.

24. **Landscape Lighting.** All exterior lighting in the front of every residence must utilize standard electrical power and be installed by a licensed electrician as part of the home's electrical system. Unless mandated by federal or state law no low voltage or solar powered lights are allowed.

25. **Lawn mowing.** Lawns shall be mowed each week by the homeowner during growing season and should be done very tastefully. Grass clippings may not be blown into the street or into your neighbor's lawn. Edging of streets, sidewalks and driveways and flower beds is required at least once every two (2) weeks. Lawn mowing is not permitted prior to 9:00 AM or after 8:00 PM week days, weekend mowing is permitted but not before 9:00 AM or after 5:00 PM.

26. **Vehicle Advertising.** Vehicle advertising of any type or kind is hereby prohibited unless approved in writing of the Board of Directors. Approvals must be requested in writing. Upon receipt of the written request the board will have 30 days to respond. All requests should include a photograph or other graphic rendering of the requested advertising.