

INDIAN TRACE

PROTECTIVE COVENANTS AND RESTRICTIONS

"The restrictions and covenants hereinafter set out are to run with the land and shall be binding upon all the parties and all persons owning lots in Indian Trace, section one, or claiming under them.

If the owners of such lots or any of them, or their heirs or assigns, shall violate any of the covenants and/or restrictions hereinafter set out shall be lawful for any other person owning real property situated in such subdivision, to prosecute any proceeding at law or in equity against the person or persons violating any of such covenants and either to prevent them from doing so or to recover damages for such violation, or both."

These covenants and restrictions shall remain in full force and effect until the year 2023 and shall be automatically extended for successive five (5) year periods provided, however, that these restrictions may be terminated or modified in the year 2023 or on the commencement of any successive five-year period, by filing for record in the office of the county clerk of Montgomery County Ohio, a written statement of election to terminate or modify these restrictions, executed and acknowledged by the owners of a majority of the area of the lots in the area of the lots in the subdivision. Such statement must be filed prior to the commencement of the five-year period for which the restrictions would otherwise be in effect.

No lot shall be used except for residential purposes at any time. No lot shall be subdivided to create additional building sites. This shall not limit a residence to one lot.

LOTS 1 THROUGH 24

1. Only single-family dwellings shall be permitted, not to exceed two (2) stories, not including basement or attic spaces. Also limited to one (1) garage, either attached or detached, limited to not less than 400 sq. ft. or more than 900 sq. ft.
2. Roof pitch on all residences, porches, patio covers, utility sheds, and garages shall not be less than 6/12.
3. The living area of the residence shall not be less than 1800 sq. ft. in a single story building nor less than 2100 sq. ft. in a two story.
4. Each lot shall be landscaped and planted within three (3) months of occupancy with at least four (4) hardwood shade trees and fifteen (15) other bushes or shrubs, excluding flowers.
5. No trucks, boats, campers, R.V.'s, trailers, tractors or equipment storing vehicles, shall be parked in the driveway or any other unenclosed covered portion of the lot, except pickup trucks used as general family transportation. Any removable camper shell, R.V. unit or cap shall also be stored in an enclosed (covered) area. I.E.- Garage or auxiliary storage building.
6. No fence shall exceed six feet in height nor be closer to the front of the lot than the front of the residence, excluding porches and garages, no galvanized, mill finished, or uncoated wire fence shall be installed. All wired fence shall be of color (I.E. Black, green, white, tan, etc.)

7. There shall be no above-ground swimming pools. There shall be no auxiliary storage buildings exceeding 125 sq. ft. Said building shall be of appearance and design and materials similar to the construction of the residence on the same lot – limit one per lot.
8. In the event oil or propane (bottled gas, LP) if the fuel of choice, all tanks shall be placed underground.
9. Only one free-standing radio tower or television antenna will be permitted on the lots and shall be constructed within three (3) feet of the building. No television antenna or radio tower, either free-standing or roof construction type shall be permitted to extend more than 10 feet above the ridge lines of the roof upon which it is constructed. Any roof mounted television antenna or radio tower shall be attached to a masonry chimney. No lines, wires or other devices from the communication or transmission of electric current or power, including telephone, television and radio signals, shall be constructed, placed or maintained anywhere in or upon any lot other than within a building unless the same shall be contained in conduits or cables constructed, placed and maintained underground or concealed in or under the building. Television dish antennas will be allowed in rear yard areas only and according to municipal regulations.
10. Any building on the land that is destroyed partially or totally by fire, storm or any other means shall be repaired or demolished within a reasonable period of time, and the land restored to an orderly and attractive condition.
11. The invalidity, violation, abandonment, or waiver of any one or more of or any part of the reservations, restrictions, or other provisions hereof, either as to all or any part of the land, shall not affect or impair such reservations, restrictions or other provisions hereof as to the remaining parts of the land and shall not affect or impair the remaining reservations, restrictions or other improvements hereof or parts thereof as to all the land.
12. All walkways to street, approach sidewalk or driveway must be at least five (5) feet in width.
13. All utility easements, as dedicated on the face of the plat, shall be kept free of permanent structures, trees, shrubbery, fences, or other installations thereon, whether temporary or permanent, and the removal thereof by a utility company shall in no way obligate the utility company in damages or to restore the obstruction to its original form.
14. All sidewalks within the right-of-way must be constructed within five (5) years from the date of the recording of the plat.
15. No lot in this subdivision may be used or built on until a zoning permit is obtained from the city zoning enforcement officer.
16. No building or house constructed on any lot or tract in this subdivision shall be used or occupied as a dwelling or as otherwise provided in the subdivision regulations before the developer or any subsequent owner of such lot or tract shall install all improvements serving the lot or tract is provided in the plans and specifications filed with the planning commission.
17. No building or house constructed on any lot in this subdivision shall be used or occupied until a certificate of occupancy has been obtained from the city zoning enforcement officer, no lot in this subdivision shall be split, subdivided, or combined with another lot without the review and approval of the planning and zoning commission. All lots in this subdivision shall be served by public sanitary sewers.
18. No animals, poultry or livestock shall be kept on the premises except up to two (2) dogs or two (2) cats or one (1) dog and one (1) cat customarily kept as pets.