

SEAVIEW
SUBDIVISION DECLARATION OF PROTECTIVE
COVENANTS, CONDITIONS, EASEMENTS AND RESTRICTIONS

Existing Language:

THIS DECLARATION, made this 8th day of May, 2002 by Shore Land Trust, Ltd., a Virginia Corporation, hereinafter referred to as "Declarant".

RECITALS

Declarant is the owner and developer of certain lots or parcels of real estate situated in Lee Magisterial District, Accomack County, Virginia and designated and shown as Lots 1 through 76, inclusive, as shown on two certain plats of survey captioned " 'SEAVIEW' Located: Custis Neck, Lee District, Accomack County, Virginia", dated June 26, 1989 and revised April 19, 2002 to reflect road name changes, and " 'SEAVIEW' Located: Custis Neck, Lee District, Accomack County, Virginia", dated June 29, 1989, made by Shore Engineering Company, Inc., which plats are recorded in the Clerk's Office of the Circuit Court for the County of Accomack in Plat Book 2002, Pages 69, 70, 71, 72, 73, 74 and 75 and Plat Book 2002, Page 76, respectively

Proposed Language:

THIS DECLARATION, made this 8th day of May, 2002 and **May 8th, 2003** by Shore Land Trust, Ltd., a Virginia Corporation, hereinafter referred to as "Declarant".

RECITALS

Declarant is the owner and developer of certain lots or parcels of real estate situated in Lee Magisterial District, Accomack County, Virginia and designated and shown as Lots 1 through 76, **and 77-92**, inclusive, as shown on **three** certain plats of survey captioned " 'SEAVIEW' Located: Custis Neck, Lee District, Accomack County, Virginia", dated June 26, 1989 and revised April 19, 2002 to reflect road name changes, " 'SEAVIEW' Located: Custis Neck, Lee District, Accomack County, Virginia", dated June 29, 1989, **and "SEAVIEW NORTH", dated May 8, 2003** made by Shore Engineering Company, Inc., which plats are recorded in the Clerk's Office of the Circuit Court for the County of Accomack in Plat Book 2002, Pages 69, 70, 71, 72, 73, 74, 75, and 76 **and in Plat Book 2003, Pages 59, 60 and 61 respectively.**

Change Rationale: *Update the Declarant to reflect current Seaview development.*

ARTICLE ONE RESTRICTIONS

Existing Language:

1.1 All lots shown on said plats shall be known and described as residential lots and shall be used only for residential purposes. No structures shall be erected, altered, placed or permitted to remain on any residential lot other than one detached single family dwelling, not to exceed three stories in height. A single detached guest cottage and the usual and customary out buildings shall be permitted. Inground swimming pools, tennis courts and cabanas shall be permitted so long as there are no commercial uses of same. No commercial uses of the lots are permitted, except home occupational businesses such as an artist, a writer, a stock trader and other businesses that are non-disruptive in nature and that do not require continual and ongoing business visits by the public. These non-disruptive home occupational businesses shall be permitted so long as they are in accordance with the applicable zoning ordinances of Accomack County, Virginia.

Proposed Language:

1.1 All lots shown on said plats shall be known and described as residential lots and shall be used only for residential purposes. No structures shall be erected, altered, placed or permitted to remain on any residential lot other than one detached single family dwelling, not to exceed three stories in height **or 35 feet in height as per Accomack County requirements**. A single detached guest cottage and the usual and customary out buildings shall be permitted. Inground swimming pools, tennis courts and cabanas shall be permitted so long as there are no commercial uses of same. No commercial uses of the lots are permitted, except home occupational businesses such as an artist, a writer, a stock trader and other businesses that are non-disruptive in nature and that do not require continual and ongoing business visits by the public. These non-disruptive home occupational businesses shall be permitted so long as they are in accordance with the applicable zoning ordinances of Accomack County, Virginia.

Change Rationale: *In order to conform with Accomack County requirements.*

Existing Language:

1.3 The minimum square footage of heated living area per dwelling shall be no less than 2,000 square feet for a single story home and 2,400 square feet for a one and one-half story, two story or three story home. All dwellings shall be constructed on a basement, foundation or crawl space with brick, stone, drivit or a cedar face shirting. All dwellings and buildings shall be constructed at least twenty-four inches (24") above the finished ground level. No cinder block or asbestos siding exteriors will be permitted. All buildings shall have a roof pitch of not less than six-twelve (6-12). Wood shingles, slate (natural or artificial) or tin roofs are encouraged.

The exterior of the dwelling shall be horizontal cedar or other wood clapboard, brick, stone or wood shingle. No vinyl, aluminium or plastic siding shall be permitted on any building. No log cabins, log homes, metal sheds, metal structures, metal fences, trailers, double wides, manufactured housing, modular homes or manufactured homes as defined in Va. Code Ann. Sec. 46-85.3 shall be permitted anywhere on the premises.

Proposed Language:

1.3 The minimum square footage of heated living area per dwelling **must be no less than 1800 square feet** for a single story home **and 2,200 square feet** for a one and one-half story, two story or three story home. All dwellings shall be constructed on a basement, foundation or crawl space with brick, stone, drivit or a cedar face shirting. All dwellings and buildings **must** be constructed at least twenty-four inches (24") above the finished ground level. No cinder block or asbestos siding exteriors will be permitted. All buildings **must** have a roof pitch of not less than six-twelve (6-12). **Roof** wood shingles, slate (natural or artificial) or tin roofs are encouraged. **A porch roof pitch must be no less than four-twelve (4-12). All applications must have Architectural Review Committee approval.**

The exterior of the dwelling **must** be horizontal cedar or other wood clapboard, brick, stone or wood shingle, 'Hardie Siding' **or equivalent fiber-cement shingles or siding, or vinyl 'Cedar Impressions' shingles or equivalent.** No **Aluminum** or plastic siding shall be permitted on any building. **The Architectural Review Committee shall determine if fiber-cement products, vinyl products or any newly marketed shingles or sidings are consistent with the stated goals of Seaview Covenants.**

No log cabins, log homes, metal sheds, metal structures, **chain-link fences, wire fences,** trailers, double wides, manufactured housing, or manufactured homes as defined in Va. Code Ann. Sec. 46-85.3 shall be permitted anywhere on the premises. **Modular homes are permitted as long as they meet the Seaview POA guidelines and are approved by the Architectural Review Committee (ARC). Fences are to be no higher than four feet (48") in accordance with the BOCA code. Fences such as tubular Aluminum (comparable to 'Jerith' fences) or vinyl fences are permitted as long as they are approved by the Seaview ARC.**

Pilings are allowed up to a height not to exceed 11 feet. Pilings must be suitably encased/ concealed so that the resulting structure has an appearance similar to existing houses in Seaview. Break-out walls must be installed. Construction on pilings must meet all Seaview POA guidelines, ARC approval and Accomack County building standards.

Change Rationale: *This updates language to expand siding alternatives, fence alternatives, allows for modular homes and provides additional detail for homes built in a flood plain.*

Existing Language:

1.5 To maintain the aesthetic appearance and natural beauty of the property, exterior items such as heat pumps, air conditioners, propane cylinders and other such items shall be placed in the rear of the building and further shielded from view by natural plantings of trees or shrubs or decorative fencing. All oil and fuel tanks shall be buried and no barrels or tanks of any nature shall be permitted as storage tanks in any exposed place except during the construction period as defined in 'Section1.14.

Proposed Language:

1.5 To maintain the **aesthetic** appearance and natural beauty of the property, **all undeveloped lots must be mowed every two weeks from April through October.** Exterior items such as heat pumps, air conditioners, propane cylinders and other such items shall be placed in the rear of the building and further shielded from view by natural plantings of trees or shrubs or decorative fencing. All oil and fuel tanks shall be buried and no barrels or tanks of any nature shall be permitted as storage tanks in any exposed place except during the construction period as defined in 'Section1.14.

***Change Rationale:** This provides additional detail for lot mowing. Language now reflects commitments made to homeowners during initial phase of Seaview creation and improves overall "curb appeal" of the Community. See Section 5.1 for charges.*

Existing Language:

1.8 No boat, trailer, commercial vehicle, recreational vehicle, bus, or automobiles (Not registered or used on a regular basis), shall be parked on any lot or driveway so as to be visible from the street. No structures of a temporary character, trailer, basement, tent, shack, garage, barn or other outbuilding shall be used on any lot as a residence either temporarily or permanently. In addition, there shall be no outside laundry lines of any kind on the said property. No outside roof-mounted or ground-mounted satellite dish or antennas for television, radio, or any other purpose shall be constructed, placed or permitted to be placed upon any lot unless the dish or antenna is not visible from the front of the lot and not more than 24 inches in diameter. Items such as swing sets, playground equipment, basketball hoops and the like shall be located out of sight behind the main dwelling and shielded from view by plantings or decorative fencing.

Proposed Language:

1.8 No commercial trailer, commercial vehicle, recreational vehicle, bus or unregistered automobile shall be parked on any lot or driveway so as to be visible from the street. A boat and the trailer for the boat is permitted to be parked on the side or rear of a lot provided there is also a house on said lot. No boat or trailer for the boat is allowed to be parked on any street. No structures of a temporary character, trailer, basement, tent, shack, garage, barn

or other outbuilding shall be used on any lot as a residence either temporarily or permanently. In addition, there shall be no outside laundry lines of any kind on the said property. No outside roof-mounted or ground-mounted satellite dish or antennas for television, radio, or any other purpose shall be constructed, placed or permitted to be placed upon any lot unless the dish or antenna is not visible from the front of the lot and not more than 24 inches in diameter. Items such as swing sets, playground equipment, basketball hoops and the like shall be located out of sight behind the main dwelling and shielded from view by plantings or decorative fencing.

Change Rationale: *This allows Homeowners the ability to store their boat on the side or rear of the house.*

Existing Language:

1.10 "For Sale" signs shall be allowed on the lots for sale within Seaview. Only one sign shall be permitted and it shall be no larger than 12" wide by 18" tall. Any such signs shall be uniform in appearance with a white background and green or red lettering. Seaview entrance signs shall be installed by the Declarant. No tradesman, building or other type of advertising signs shall be placed upon any lot.

Proposed Language:

1.10 "For Sale" signs shall be allowed on the lots for sale within Seaview. **Only one "For Sale" sign is permitted on the lot to be sold. A standard Real Estate sign (approximately 12" by 18") is required.** No tradesman, building or other type of advertising signs shall be placed upon any lot.

Change Rationale: *This conforms with common practice.*

ARTICLE FIVE PROPERTY OWNER'S ASSOCIATION

5.1 Declarant covenants and agrees to establish a Seaview Property Owners Association, a Virginia non-profit corporation. It is anticipated that the Association will be established prior to January 1, 2004 and will begin its duties at that time.

The purpose of the Association is to maintain the aesthetic beauty of the property and provide the services that the lot owners deem necessary. It is planned for the Association to provide the following services; maintain the entrance and security of the property; plant and maintain

grass, flowers and trees to promote the natural beauty of the development; hire, supervise and pay a caretaker and other contractors who will provide services for the Association; provide boat transportation to Cedar Island for Association members and their guests that may accompany them during the summer season on an on-call basis; own and maintain the two natural areas and roads with the development and pay the taxes on them; be the responsible party to pay the property taxes on Lot # 93 on Cedar Island which is owned jointly by the individual property owners; maintain and supervise the community dock(s) (if ultimately approved by the required regulatory authorities); maintain and promote the natural beauty of the wooded areas including removing dead and diseased trees; maintaining an insect control project that includes the use of non-chemical using methods such utilizing the Mosquito Magnet devices; owning and maintaining the roads; maintaining drainage ditches; owning, granting and maintaining the utility easements; providing trash pick-up on a regular basis to property owners; owning and maintaining the caretakers cottage/ office when built; owning, renting and / or leasing whatever equipment and tools that is required to accomplish these responsibilities and to pay and personal property tax due on these items; reviewing and approving the building plans of the members to make sure they are in accordance with the protective covenants, conditions, easements and restrictions; monitoring and enforcing same; and to provide other such services that will enhance the overall enjoyment, security and beauty of the property for the benefit of the members.

During the construction and development phase of Seaview, which will be the years 2002 and 2003 the Declarant shall endeavor to provide the services that shall ultimately be provided by the Association for a fee of \$800 per annum for each lot beginning the year 2003. The Association by Laws and regulations shall be prepared by the Declarant and Association pursuant to the laws of the Commonwealth of Virginia prior to January 2, 2004.

Proposed Language:

5.1 Declarant covenants and agrees to establish a Seaview Property Owners Association, a Virginia non-profit corporation. It is anticipated that the Association will be established prior to January 1, 2004 and will begin its duties at that time. **Beginning in 2003 the minimum annual dues will be \$800.**

The purpose of the Association is to maintain the aesthetic beauty of the property. The Association shall hire a Caretaker and/or hire contractors to mow, weed, mulch and trim the Cottage and Development Gate Entries on a weekly basis during the growing season, mow all common areas, easements and all undeveloped lots every two weeks from April through October. (All properties must be maintained and mowed on a regular basis to prevent grass from exceeding 6 inches in height at any time.) Dead or hazardous trees within the easements to the docks shall be removed.

The Caretaker shall provide security by driving through the development twice a day and monitoring the gate camera when necessary. The Caretaker shall captain the boat which will

transport Members and their guests from the Community Dock to the Barrier Island Saturdays, Sundays, and Holidays from May to September, and shall monitor the docks for maintenance or repair.

The Association owns and maintains Lot 18, the “Caretaker’s Cottage”, all equipment used in support of the Community and the boat. Lot 93 on Cedar Island, utility easements, two natural areas, roads and drainage ditches within the Development are owned by the Association and the Association pays taxes on them. Lot 93 is owned jointly by the individual property owners.

***Change Rationally:** This clarifies and updates verbiage*

Existing Language:

5.4 The Association shall have the authority to assess annual or special charges, which charges shall be used exclusively for maintaining and improving the common property.

Proposed Language:

5.4 The Association shall have the authority to assess annual or special charges, which charges shall be used exclusively for maintaining and improving the common property **and to mow undeveloped lawns. The charges related to mowing undeveloped properties must be determined at the Annual Meeting.**

***Change Rationale:** Inclusion of the mowing of all grass enhances the aesthetic appearance of Seaview. Additional charges are noted.*

New Language:

5.9 Hunting is prohibited in Seaview.

***Change Rationale:** This addresses safety concerns.*