

Lake Arrowhead Subdivision No. 5

Building and Use Restrictions

A472629

Arrowhead Venture, a Michigan Co-Partnership, the owner of Lake Arrowhead Subdivision No. 5, Shelby Township, Macomb County, Michigan, as recorded in Liber 71, pages 22,23 &24 of Plats Macomb County Records does for the mutual benefit of all concerned hereby record these Building and use Restrictions which shall be binding on all subsequent owners of the lots sold in said subdivision.

1. No lot shall be used except for a single-family residential purpose, which is herein defined to be a family unit consisting of not more than a husband and wife and children or wards plus one other person. No building shall be erected, altered, placed or permitted to remain on any lot other than one single-family detached dwelling unit not to exceed two (2) stories in height above the ground level (grade) whose usable floor space exclusive of hallways, closets, porches, and basements. No one-story residence shall be smaller than 1500 square feet. Two story residences shall not be smaller than 2000 square feet. No residential building site shall be smaller than one lot as shown on the recorded plat and shall conform to or be greater than the lot area as required by the ordinance for Shelby Township. No dwelling together with an attached garage shall cover more than thirty percent (30%) of the lot area. Tri-level dwellings may be built in said subdivision subject to the above provisions. No old buildings may be moved into the subdivision and no used materials may be used for construction except reclaimed brick.
2. All dwellings erected on any lot shall be located no less than twenty five (25) feet from that front lot line which shall be established as the building line for the street. On any lot having a curved front lot line, the dwelling shall be located at a minimum of twenty- five (25) feet from the middle point of the front lot line.

Projections forming a part of the residence shall be construed as part of the residence and must be constructed within the building line. Bay windows, vestibules, sun parlors, enclosed porches and other attached and enclosed structures and projections shall be construed as part of the residence.

Recorded in Macomb county Records at: 8:36 a.m. Jan. 5, 1978

All single residential dwellings in this subdivision shall be erected as to provide a minimum of fifteen (15) feet of side yard with at least ten (10) feet on one side and five (5) on the other side. Garages shall be attached to the residence and shall not be allowed to encroach on the side yard requirements herein.

All houses shall face the street abutting said lot which shall be the front lot line for each lot and grade line of all residential building constructed on any street of this subdivision shall not be less than twelve (12) inches above established street grade.

3. All finished grades must be presented to the subdivider for inspection and construction shall not begin unless and until grades are approved by subdivider; and that any building used or capable of being used for residential purposes and occupancy within or affected by the plain shall:

Have lower floors, excluding basements, a minimum of one (1) foot higher than the elevation of the contour defining the flood plain limits as noted on Record of Plats.

Have openings into basements not lower than the elevation of the contour defining the flood plain limit.

Have basements walls and floors, below the elevation of the contour defining the flood plain limits, watertight and reinforced to withstand hydrostatic pressures from a water level equal to the elevation of the contour defining the flood plain limits.

Be equipped with a positive means of prevention storm sewer backup from lines and drains, which serve the building.

Be properly anchored to prevent floatation.

These restrictions shall be observed in perpetually and shall not be amended.

4. No fences shall be allowed nearer to the front lot line than the actual front of the building projected to the side lot line.
5. Structures of a temporary character are expressly prohibited within this subdivision, and no trailers, gasoline or electrically powered motor boats, tents, garages, basements, sheds or other out-buildings shall be stored or used on any lot at any time, provided, however, that sheds or workshops for use in connection with the building of permanent buildings which shall be used in the course on construction upon such lots may be erected but must be removed when the permanent structures are completed and occupancy permit issued. All structures such as tool sheds, pump houses, and other outdoor structures other than the residences, shall be approved by the building committee of the Lake Arrowhead Association as to plans, designs, and placement upon said lots.
6. No parking shall be permitted except upon the driveways and such parking shall only consist of pleasure motor vehicles. Any motor vehicle designating a business or any type of truck used in a business shall always be stored within and enclosed in a garage. Overnight storage of any type of truck shall not be permitted outside of an enclosed garage, unless approved by the association.
7. If any easement is reserved as shown on the recorded plat over any of said lots for public utilities, installation and maintenance, then no structures of any kind, other than temporary structures, approved by the said building committee, shall be erected or placed on such portion reserved for easement for public utilities, installation and maintenance or drains.
8. No noxious or offensive activity, including a business, shall be carried on upon any lot nor shall anything be done thereon which may be or may become an annoyance or nuisance to the neighborhood. No lot shall be used or maintained as a dumping ground for rubbish, trash, garbage, or other waste shall not be kept except in a sanitary container. All incinerators or their equipment for the storing or disposal of such materials shall be kept in a clean and sanitary condition.

No animal, livestock, or poultry of any kind shall be raised, bred or kept on any lot, except dogs, cats or other household pets may be kept provided that they are not kept, bred or maintained for any commercial purpose and provided that they are properly restricted so as not to be harmful or a nuisance to others in the subdivision.

9. No advertising sign, billboard, or any other advertising device shall be permitted, erected or placed at any time on any lot except for sale of premises. For Sale signs shall not exceed six (6) square feet and not more than one (1) sign shall be placed on one (1) lot. Signs for sale of the property by the sub divider shall be excepted from this paragraph.
10. These covenants and restrictions are to run with the land and shall be binding upon all parties hereto and all persons claiming under them for a period from the date these covenants are recorded, to 1997, with the exception of item three (3) after which time said covenants shall be automatically extended for successive periods of ten (10) years unless an instrument signed by a majority of the then owners of the lots has been recorded agreeing to change such covenants and restrictions in whole or part.
11. The restrictions and conditions contained in this instrument shall operate to the benefit of any of the owners of land in this subdivision and may be enforced by the parties hereto or the owners of any lot in said subdivision or by the Lake Arrowhead Subdivision No. 5 Association by proceedings at law against any person or persons violating or attempting to violate any covenant either to restrain violations or to recover damages.
12. All purchasers or owners of lots within this subdivision agree as to consideration of said ownership to join and subscribe to and become part of the Lake Arrowhead Subdivision No. 5 Association and to be governed by said Association's constitution, by-laws and articles.
13. Lots 1889, 190 and 191 of Lake Arrowhead Subdivision No. 3 are not to be used for residential purposes until the settling basin is removed and the building sites filled above the flood plain elevation, 654 (U.S.C.S. datum).
14. Invalidation of any of these covenants by Judgment of Court Order shall in no way affect any of the other provisions, which shall remain in full force and effect.
15. Specific approval must be secured from the Macomb County Health Department prior to initiating construction on each lot.

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