



Book 2011 Page 5648

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Chad Airhart, Recorder
Dallas County IOWA

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Prepared by / Return to: David L. Wetsch, 974 73rd Street Ste 20, Des Moines IA 50324 515-223-6000

**FIRST AMENDMENT TO DECLARATION OF COVENANTS, CONDITIONS AND
RESTRICTIONS FOR PAINTED WOODS PLAT 3
WAUKEE, DALLAS COUNTY, IOWA**

THIS FIRST AMENDMENT is made this 5th day of May, 2011,
by American Trust & Savings Bank, the successor declarant and the owner of the
following lots located in Painted Woods Plat 3, an Official Plat, now included in and
forming a part of the City of Waukee, Dallas County, Iowa:

Lots 7, Outlot 7A, Lot 8, Lot 9, Outlot 9A, Lot 12, Outlot 12A, Lots 13, 14,
15, 16, 17, 18, 19, 20, 21, 22, 23, 24, 25, 26, 27, 28, 29 and 30 all in PAINTED
WOODS PLAT 3, an Official Plat, Waukee, Dallas County, Iowa.

RECITALS:

WHEREAS, the original Declaration of Covenants was recorded with the Dallas
County Recorder's Office in 2006; and

WHEREAS, the original Declaration of Covenants provides that the Declaration
may be amended in writing by not less than two-thirds (2/3) of the Lot Owners within
the Development; and

WHEREAS, American Trust & Savings Bank is the owner of more than two-thirds
(2/3) of the lots located within the Development.

NOW, THEREFORE, American Trust & Savings Bank does hereby modify the
original Declaration of Covenants, Conditions and Restrictions for Painted Woods Plat
3, Waukee, Dallas County, Iowa, in the following particulars:

1. Article III, paragraphs A through D, inclusive, are deleted, and in lieu thereof, the
following is inserted:

III. BUILDING TYPE AND AREA:

- A. No building or structure shall be constructed, altered, or maintained on any Lot or Building Plot other than a single-family home or any structure allowed by the Zoning Ordinance of the City. The following requirements shall also be met, except as set forth below, regarding Lots 1 through 11, inclusive, of Painted Woods Plat 3:
- i. One-story dwelling must have a ground floor finished area of not less than 2,600 square feet.
 - ii. One and one-half story dwellings must have 2,000 square feet of finished area on the first floor and a total on the first floor and second floor of not less than 3,000 square feet.
 - iii. Two-story dwellings must have 1,700 square feet of finished area on the first floor and a total on the first floor and second floor of not less than 3,000 square feet.
 - iv. Split entry dwellings must have 3,000 square feet of finished area on the upper level but a 70% credit will be given for finished area of lower level which is 50% exposed over finished grade.
 - v. Split level dwellings must have not less than 3,000 square feet of finished area directly under the roof, but 70% credit will be given for finished area of lower level which is 50% exposed over finished grade.
 - vi. No building shall be erected on any Lot or Building Plot unless the design and location is in harmony with existing structures within the Property.
 - vii. In the computation of floor area under this paragraph, any porches, breezeways, attached or built-in garages, or finished basement areas shall be excluded.

In regard to Lots 12 through 30, inclusive, in Painted Woods Plat 3, the following requirements shall be met:

- i. Ranch dwellings must have 1,800 square feet of finished area.
- ii. One and one-half story dwellings must have a total on the first floor and second floor of not less than 2,500 square feet.

- iii. Two-story dwellings must have a total on the main floor and second floor of not less than 2,700 square feet.
- iv. Split entry dwellings must have 3,000 square feet of finished area on the upper level but a 70% credit will be given for finished area of lower level which is 50% exposed over finished grade.
- v. Split level dwellings must have not less than 3,000 square feet of finished area directly under the roof, but 70% credit will be given for finished area of lower level which is 50% exposed over finished grade.

In determining the required finished area of any dwelling, a maximum of 25% of the finished area of a basement or a level below the exterior grade may be included in calculating the total required finished area.

- B. All structures built in Painted Woods shall blend in with the terrain rather than contrast with it. The use of natural materials is encouraged, i.e., stained wood, stone, brick and warm-toned shingles as well as soft, earth-tone colors. All exposed concrete block or tile foundations must be brick, stone, veneered or stucco textured. All structures built in Painted Woods shall be shingled with wood shakes, wood shingles, architectural grade textured and/or shadowed composition shingled or slate or tile roof shingles, or the architectural grade metals and colors acceptable to the Declarant or Executive Committee described below in paragraph IV.
- C. All residences shall have at a minimum, an attached 3-car garage. All driveways shall be constructed of Portland cement concrete. Each dwelling shall provide off-street parking for a minimum of three cars, in addition to the attached garage. No garage doors over eight feet in height will be permitted.
- D. No fences may be built forward of the centerline of the house built on a Building Plot or Lot. Yard fencing is discouraged. There shall be no fencing or other obstructions on any conservancy district easement, trail easement, sanitary sewer easement, drainage easement, landscape buffer easement or Outlot. All fences shall be no more than six feet in height and shall either be of wood, stained or painted in soft, earth-toned colors, or left natural so as to blend in with the terrain, or, be made of steel or iron and painted either black or dark brown in color so as to blend in with the terrain. No chain link fences will be permitted.

2. Article VI is deleted, and in lieu thereof, the following is inserted:

VI. LANDSCAPING AND CARE:

~~When dwellings are constructed, all Building Plots or Lots upon substantial completion of construction shall be fully sodded, from the front Lot line to a point seventy-five (75) feet back of the dwelling, except where the topography or tree cover does not make the same practical. The balance of the Lot shall be either sodded, seeded, planted in wildflowers or left in natural vegetation.~~

When dwellings are constructed on a Building Plot or Lot, if the same are not already in place, the following trees must be planted thereon:

A minimum of three (3) one and one-half inch (1½") caliper trees, of which a minimum of two (2) shall be planted in the front yard.

3. The Architectural Standards attached to the original Declaration as Addendum "A", are deleted, and in lieu thereof, the attached Architectural Guidelines, marked Addendum "A", are adopted.

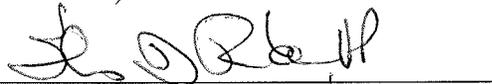
In all other respects, the terms and conditions of the original Declaration still remain in full force and effect.

Dated this 5th day of May, 2011.

American Trust & Savings Bank as Successor Declarant and owner of the Lots as set forth on Page 1 above.

AMERICAN TRUST & SAVINGS BANK

By: 

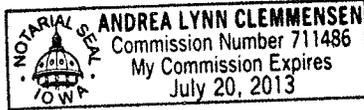
By: 

STATE OF IOWA)
)ss
COUNTY OF Dallas)

On this 5th day of May, 2011, before me, the undersigned, a Notary Public in and for the State of Iowa, personally appeared Eric T. Wilson and Thomas D. Rude, to me personally known, who being by me duly sworn, did say that they are the Sen. Vice President and Vice President, respectively, of the corporation executing the within and foregoing instrument, that no seal has been procured by the

corporation; that said instrument was signed on behalf of the corporation by authority of its Board of Directors; and that Eric T. Wilson and Thomas D. Rude as such officers, acknowledged the execution of the foregoing instrument to be the voluntary act and deed of the corporation, by it and by them voluntarily executed.

Andrea Lynn Clemmensen
NOTARY PUBLIC - STATE OF IOWA



ARCHITECTURAL GUIDELINES
FOR
PAINTED WOODS PLAT 3, WAUKEE, IOWA
April 2011

ARCHITECTURAL REVIEW PROCESS

The Executive Committee of the Painted Woods Homeowners' Association (the "Committee") will review all designs, plans and construction for:

- Consideration of primary site design issues.
- Sensitivity to the special landscape potential of the home site.
- Compatibility in architectural design.
- Compliance with the Building Restrictions and Protective Covenants and the Declaration of Covenants, Conditions and Restrictions applying to Painted Woods Plat 3.

These Guidelines have been created to provide property owners, architects and contractors with a set of parameters for the preparation of their drawings and specifications. These Guidelines may and will be changed from time to time by the Committee, upon approval of the Board of Directors of the Association, to meet the spirit and intent of the Declaration of Covenants, Conditions and Restrictions for Painted Woods Plat 3.

By encouraging quality and attention to detail, the aesthetic harmony as well as natural tranquility and overall property values in Painted Woods Plat 3 should be enhanced and preserved for the benefit of all present and future homeowners.

ARCHITECTURAL STYLES

These Guidelines are not intended to dictate specific architectural styles that must be used within the community, but rather to give property owners, their architects or designers a set of guidelines that will make the entire community a more attractive place in which to live. These Guidelines are created to encourage a community of individual outstanding architectural statements that, when viewed together, produce a pleasant environment.

Architectural designs should be customized for each home site to maximize the natural features that exist, especially the heavily wooded nature of the area. Traditional styles such as Colonial, English Country or French Country are preferred. Contemporary styling is also acceptable when it is consistent with traditional features such as roof lines and materials.

EXECUTIVE COMMITTEE

Painted Woods Plat 3 is designed to be a unique community of homes. The community's Covenants, Conditions and Restrictions do not list specific design items necessary for plan approval. Rather, the power to approve or disapprove individual building plans is the responsibility of the Executive Committee of the Association (the "Committee"). The Committee does not seek to restrict individual creativity or preferences, but rather to maintain within the overall community the aesthetic relationship among homes, natural amenities, the wooded areas, and surrounding neighbors.

The Committee will use these Guidelines for the purpose of review but may individually consider the merits of any design due to special conditions that, in the opinion of the Committee, provide benefits to the adjacent areas, the specific site, or to the community as a whole.

Prior to the commencement of any construction activity, (including any grading or excavation), an APPLICATION FOR APPROVAL for the work must be submitted by the property owner or their representative to the Committee. Applications are available from the Association Manager. Approval by the Committee must be received prior to the start of any clearing, grading or construction. The authority to approve or disapprove building and landscape plans is set forth in the Covenants, conditions and Restrictions for Painted Woods Plat 3.

BUILDING TYPE AND AREA

- A. No building or structure shall be constructed, altered, or maintained on any Lot or Building Plot other than a single-family home or any structure allowed by the Zoning Ordinance of the City. The following requirements shall also be met, except as set forth below, regarding Lots 1 through 11, inclusive, of Painted Woods Plat 3:
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tone colors. All exposed concrete block or tile foundations must be brick, stone, veneered or stucco textured. All structures built in Painted Woods shall be shingled with wood shakes, wood shingles, architectural-grade textured and/or shadowed composition shingled or slate or tile roof shingles, or the architectural grade metals and colors acceptable to the Declarant or Executive Committee described below in paragraph IV.

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DESIGN REVIEW PROCEDURE

Pre-Application Research

The property owner is responsible to acquaint his or her building team with the Committee, these Guidelines and process for approval.

The City of Waukee has jurisdiction over Painted Woods Plat 3. The City should be contacted at the beginning of the planning process to insure compliance with its requirements. Compliance with all governmental regulations is the obligation of the property owners.

Preliminary Design Review

To establish the design concept, the owner or designer may meet informally with the Committee to discuss and consider approaches, ideas, designs, and to review any preliminary design sketches which they may have had prepared. If the owner so chooses, a submittal of the exterior elevation drawings and a site plan showing existing grades, property lines, and building setbacks should be provided for a preliminary review. After the preliminary review of the materials and design concept, the owner or his or her representative must submit a final set of blueprints (working drawings), a

detailed site plan of the home and a landscaping plan showing type, size and quantity of plant material, for the final design approval.

The home site owner may elect to waive the preliminary review and go directly to the submittal of a final plan; however, the Committee strongly encourages those who are building in the community for the first time to prepare a preliminary design for review. These Guidelines outline the basic requirements and characteristics of design employed by the Committee in reviewing (and approving) plans, including architectural, site, and landscaping.

For the Committee to begin the preliminary design review, a submittal package for preliminary design review should contain one (1) set of the following prepared by a civil engineer licensed in the State of Iowa and sealed by said engineer:

- a) Floor plans, drawn to $1/4" = 1'0"$ scale.
- b) Four (4) exterior elevations, with enough detail to allow the Committee to make an effective review of the plan. Items that should be included in the elevation drawings are: identification of exterior materials, roof pitches, window and door treatments, decks, chimneys, posts and railings, etc.

NOTE: Items (a) and (b) may be in sketch form, that is, drawings of a preliminary nature, and need not be totally dimensioned and detailed, although room sizes and overall building dimensions should be included.

- c) A site plan drawn to scale of $1" = 20'$, showing:
 - Property lines.
 - Contours, existing grades, proposed finish grades and drainage plan including ditches, swales and storm water retention areas.
 - Home location and setbacks.
 - Driveway and turn-around locations and dimensions.
 - Culverts, pipes, headwalls, the standard curb cut and mailbox location, sidewalks, patios, A/C and garbage enclosure locations.
 - Proposed top of foundation and basement floor elevations.
 - Rear deck size and location.
 - All trees and designating those which must be removed and describing a tree replacement plan.

- d) The Application for Approval form.

Final Design Review and Approval.

The Committee's design review procedure is structured to achieve a prompt review period from the final plan submittal to final plan approval. This procedure is as follows:

- a) Submit one set of final plans as further defined below in paragraph (f), two copies of the Application to the Committee at the office of the Committee, and with a check in the amount of \$1,300.00, of which \$300.00 is a processing or application fee, and the balance of \$1,000.00 of this fee is held as an expense reimbursement deposit (non-interest bearing account). In the event the Association must expend funds in order to cure an owner's failure to meet its obligations under the Covenants, this \$1,000.00 will be drawn upon to reimburse the Association for such expenditures. Any balance remaining upon completion of construction will be refunded to the owner.
- b) Submit the exterior color scheme.
- c) If the Committee or the applicant so desire, meetings between the property owner and/or his agent, and the Committee shall be held as soon as is practical to review the Committee's comments.
- d) When the Committee requires only minor revisions, the owner will be informed of the Committee's action by letter. Plans needing to be extensively modified will require the Buyer and/or Builder to meet with the Committee to review all issues.
- e) **SITE INSPECTION:** Following plan approval and prior to construction, each home site owner or his agent shall request the Committee to make a site inspection for permission to clear the site once their home is staked in the field. Staking shall be done with a continuous ribbon, delineating the boundaries of the residence, any other improvements (such as pools, decks, detached sheds or garages) and side property lines. Any individual trees to be removed outside the delineated area shall be marked with ribbons individually or in groups. Inspection shall be made within three (3) working days, weather permitting, of the request. Authorization to proceed with grading and construction operations will be issued immediately thereafter, provided the staking complies with the approved plans.
- f) **CONSTRUCTION PLANS:** Final plans should be submitted on 24" x 36" maximum sheet size, be in the order as stated below, and consist of the following information:

SHEET ONE: SITE PLAN 1" = 20' (minimum scale)

- Show the existing topography and the proposed finish grades. The grading plan must include all drainage information including swales, storm water retention areas and ditches. This grading plan will need to be approved by the Committee before any earth is moved on the property.
- First floor and basement floor elevations must be shown with respect to the size and grades.
- Indicate driveway widths and length, drainage culverts, pipe and headwalls, standard curb cut, mailbox location, sidewalks, patios, air conditioning and garbage enclosure locations. The standard curb and mailbox detail are available from the Committee.
- Show rear deck size with stairs to the lower grade.
- Indicate the garage back-up distance, at least 28' (30' recommended), with a minimum of 3' between the edge of the driveway and property line.
- Indicate ability of driveway to accommodate at least two regular sedan automobiles back to back without encroaching on street right-of-way, including any sidewalk.
- Show any extreme site conditions including terrain, trees to be retained and trees to be removed on the plan.
- Show all the proposed structures, improvements and the proposed and actual setback lines.
- Landscape plans must be submitted no later than the time the house goes under roof, but are encouraged to be submitted with the site plan. The landscape plan shall show the name, size, spacing, quality and quantity of plants to be planted drawn to scale and spaced to scale. A plant list is required designating the proposed landscape material.
- Show the lengths, designs, height, finish and location of retaining walls. Walls are encouraged to be concrete and faced with the same finish as the exterior wall material of the home.
- Attach the application form to the upper left corner of Sheet 1. All forms should be completely filled out and signed. Exterior color scheme and material selections must be submitted with the plans.

SHEET TWO: BASEMENT PLAN: 1/4" - 1'0"

- Walkout basements must indicate windows, doors, patio areas, stoops, deck columns, retaining walls, and all interior spaces.
- All floor plans are to correspond with the site plan's orientation.

SHEET THREE: FIRST FLOOR PLAN: 1/4" - 1'0"

- Indicate decks, patios, stoops, retaining walls, trash enclosures, air conditioning screening, front entry step sizes, materials and finishes, driveway areas and all interior spaces of the first floor.

SHEET FOUR: SECOND FLOOR PLAN: 1/4" = 1'0"

- Indicate lower roof projections, roof overhangs, chimney locations and all interior spaces.

SHEET FIVE: ROOF PLAN: 1/4" = 1'0"

- Indicate all roof areas and corresponding slopes.

SHEETS SIX AND SEVEN: BUILDING ELEVATIONS: 1/4" = 1'0"

- Building elevations should be drawn along with floor plans to match the site plan orientation.
- Articulate all elevations, including hidden elevations, with finishes, window types, trims and fascia details. Show the proposed finish grades against elevations, garbage screens, air conditioning location, screens, decks, rear stairs and the maximum height from the first floor to the uppermost roof peak. Also show exterior post and rail system details.

SHEET EIGHT: SPECIFICATIONS AND SCHEDULES: Scale is required.

- Final construction specifications may be included on drawings or in book form on 8 1/2" x 11" sheets.
- g) The Committee will retain the final drawings for a maximum period of 180 days subsequent to approval. If work has not started or a continuance not received by the owner or owner's agent within the above time period, the approval will then automatically expire.
- h) Any requests for a meeting or discussions with the Committee are to be directed to Tom Rude of American Trust & Savings Bank, and Mark Trost,

until such time as successor Committee members are designated by the Association.

- i) Any questions concerning the Association should be directed to the Association Manager.
- j) It is requested that a realistic construction schedule be provided as to the start and finish dates of construction. This should be submitted when final plan approval is obtained.
- k) Contractors are reminded of the requirement to keep sites clean. **Weekly clean-up is required.** The street right-of-way is also to be maintained and kept free of mud and debris. Silt fencing must be installed to prevent mud runoff into the street or onto neighboring property. Moreover, owners and contractors shall be responsible to prepare and implement a Storm Water Prevention Plan as described in the Covenants and as required by Federal and State law. If sites are not kept up or any damage to adjoining property or Common areas occurs through the construction process, the owner will be notified by phone, e-mail or letter of the violations, by the Association. Owners or their contractors will have three (3) days to respond before the work is performed by the Association, the cost of which will be collected from the owner or contractor or assessed against the owner's lot as permitted by the Covenants.

CONSTRUCTION

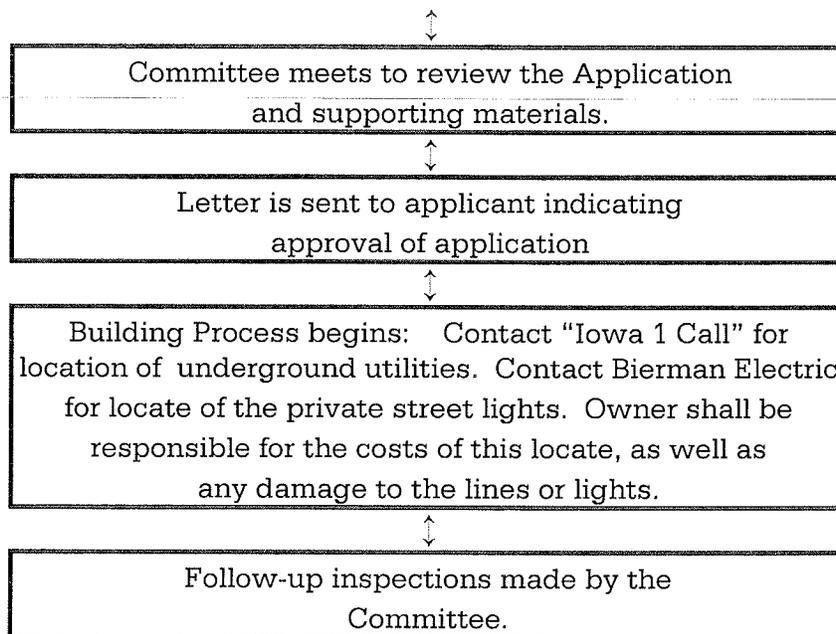
The Committee will promptly offer its comments on the preliminary review. Upon final design approval, the plans will be ready for building permit application to the City and commencement of construction.

In addition to the final design approval from the Committee, the owner must obtain a Building Permit from the City of Waukee. Staking of the home prior to clearing and construction must be done in accordance with the site inspection requirements noted above. Owner must provide a copy of the Building Permit to the Association Manager prior to the commencement of any construction activity.

PROCEDURAL FLOW CHART

The following flow chart represents the steps necessary to building a residence in Painted Woods Plat 3. Any deviation from these procedures could cause unnecessary delays or additional costs if approvals are not obtained prior to construction.

| |
|---|
| Submit Application with the required supporting supporting materials and fees |
|---|



REMODELING AND ADDITIONS

Remodeling and additions to existing improvements are required to meet the same criteria as new construction. All criteria concerning aesthetics, color, site location, architecture, landscaping, grading and excavations, roofs, height limit, solar collectors, satellite television, setback, lighting, hot tubs and spas, pools, etc., will be of significant concern to the Committee. An approval from the Committee is required for this work just as it is for new construction.

LANDSCAPE

A strong emphasis is placed on landscaping in the architectural review process. Quality landscaping is important to both the appearance of each individual home and the overall continuity of the community.

To insure that the overall beauty of the community is preserved and enhanced, the Committee has the authority to approve or disapprove landscape plans for individual residences.

Painted Woods Plat 3 has been designed utilizing the natural elements as much as possible, especially the heavily wooded nature of the area. Various hardwood trees are prolific within the community and it is the intent of the Committee to maintain this landscape integrity.

The determining factor of good landscape design should always be the architecture and location of the residence. The Committee will take into account the various relationships between the home, the site, and adjacent homes, views, and other amenities in making decisions regarding prospective landscape plans.

Landscape plans should be fully detailed and accurately drawn to an appropriate scale on a full-sized site plan. The plans should clearly show contours and elevations, drainage, and all pertinent site and architectural information including an accurate outline of the building with doors, windows, stoops, decks and other features accurately located and drawn. The particulars of outdoor surfaces such as walks, decks, patios, driveways, courtyards, etc., should also be specified. If spas or retaining or head walls are to be installed, architectural drawings of installations must be provided with a listing of the materials to be used.

VACANT HOME SITES

Some home site owners may not elect to start construction at Painted Woods Plat 3 for several years. While vacant, these home sites must be kept clear of dead material (including trees), fallen branches, debris, shrubs, and other noxious vegetation. Maintenance of a manicured lawn (sod) will not be required prior to building but yard areas must not restrict views from the street or adjacent home sites.

Existing grass and lawn areas must be trimmed or cut to a height of 6" or less and be clear of all weeds and unsightly vegetation except for areas designated to be kept in their natural state or except for maintenance of wildflowers. Any plans to remove trees, must be reviewed by the Committee prior to their extraction. Failure to maintain property in an acceptable condition will result in notification to the owner by the Committee of the infraction. The owner will have five (5) days to complete the corrective work. If the property is not properly cleared or maintained, then the Committee will have the work performed at the expense of the owner and assessed against the owner's lot as permitted by the Covenants.

SITE DEVELOPMENT

The Committee will consider each site independently, but will give extensive consideration to the individual impact of each plan upon adjacent home sites and view corridors. Care must be taken to locate each structure, whenever possible, so as not to infringe upon view corridors, adjacent structures and home sites and natural amenities of the land.

Special consideration should be given to the topographical features of the home site. It is important to the community that homes are located on the property in a manner that does not adversely affect views from the adjacent homes. Proper treatment must be given to the site's natural amenities including existing vegetation, environmentally

sensitive areas and drainage channels. The Committee will give specific attention to driveway access points and the height of structures.

SITE PLANNING

The specific location of a house on a building lot is a critical and important design decision. The site plan concept developed for each homeowner should reflect functional needs, but also be sensitive to the site's unique characteristics and inherent design opportunities.

Site surveys and topographical information are the responsibility of the home site owner. The owner is encouraged to use a surveyor to obtain this information, and also to plot significant trees and site conditions.

Site and drainage plans will be closely studied to insure that proper storm water retention areas and/or diversion routes are designed to prevent run-off into sensitive areas or other home sites.

GRADING AND EXCAVATING

The design and development concepts of Painted Woods Plat 3 call for the maintenance of the existing grades in as much of the original condition as possible.

The Committee is particularly conscious of site utilization and desires not to disrupt the natural terrain in most cases. The Committee is keenly aware that, whenever possible, structures should be designed around the specific home site. It is important to remember that the beauty of the Development is the land and its natural features, and that the architecture should complement and enhance rather than compete with or destroy this beauty.

In order to help insure compliance with the above philosophy, as part of the final design submittal, a grading plan will be required. Grading approval must be obtained from the Committee before earth is moved or removed from a specific home site. Absolutely no grading whatsoever shall be permitted without first obtaining this authorization.

All grading reviews shall be subject to the jurisdiction of the Committee and shall be considered individually for each lot. Recommendations or demands will be based upon individual home site locations, terrain, soil conditions, drainage, cuts and fills, and whatever other conditions the Committee feels impact upon the site grading design.

DRAINAGE

Drainage considerations for individual sites play an important part of the overall ecological balance of the site. Water runoff for each individual building site must be

handled by adequately sloping all area so that runoff can be directed to the natural drainage areas or to storm drainage facilities. Such drainage shall be designed so that it does not cause future erosion.

BUILDING SETBACKS

The City of Waukee and the Homeowners' Association have established minimum standards for building setbacks for various types of residential structures. In some instances, the setback and other standards of the Association may be more restrictive than the City standards and setbacks.

"Outdoor" elements of the house which are attached to the home (such as decks, porches, wing walls and such), are considered to be part of the house proper and will not be allowed to encroach into side or rear yard setbacks, except as variations in the case of unique site characteristics, which the Committee may consider on a case-by-case basis. Patios, driveways, and walks may usually encroach into setback areas.

MAILBOXES

Individual mailboxes are not permitted by the United States Postal Service. All mail will be delivered to the central mailbox unit location.

WALLS AND FENCES

Walls and fences should be considered as an extension of the architecture of the residence. They should serve to make a transition between the mass of the architecture and the natural forms of the site. All walls and fences should be designed to be compatible with the total surrounding environment and should not block natural views. Fences, walls and hedges should be considered as design elements to enclose and define courtyards, to extend and relate the building forms to the landscape, as well as to assure security and privacy elements. Yard fencing is discouraged. If the homeowner desires some screening of his boundary, he shall use natural bushes or shrubs, as approved by the Committee.

The specific locations and designs of walls and fences must be submitted to the Committee for approval before installation. Maximum height for walls and fences is 6 feet.

Any retaining walls that attach to the residence should utilize the same materials that the wall comes in contact with. Landscape retaining walls comprised of natural stone or boulders may be acceptable to the Committee.

EXTERIOR LIGHTING

Lighting should be used to enhance the overall design concept of the home in an aesthetically pleasing manner. Exterior pool and landscape lighting must not infringe upon adjacent neighbors. Therefore, glare shields are required to eliminate bright spots and glare sources. Exterior lighting should utilize low-voltage or similar non-glare direct task type fixtures and they should be as close to grade as possible. Bare light bulbs are not permitted. All lighting conduit and fixtures must be as inconspicuous as possible, especially by day if lights are above grade level. Exterior lighting must meet all City Building Codes and must be approved by the Committee prior to installation.

TENNIS COURTS

Tennis courts must be located so that they will not infringe upon view corridors. Courts should be naturally screened from adjacent home sites and wind screens should be kept to moderate heights.

A plot plan showing the tennis court location shall be subject to review by the Committee showing any and all proposed grading and screening. Design and color of fencing materials should blend naturally into the surrounding area and plant materials should be added where necessary to soften the visual impact. Approval by the Committee of the surface color is required before construction. Night lighting of tennis courts is permitted if the light does not intrude on adjacent property. Tennis courts will be permitted only when they can be constructed so they do not constitute an intrusion upon the adjoining residents.

POOLS, THERAPY POOLS, SPAS

The location of swimming pools, therapy pools and spas (including hot tubs) should address the relationships between indoor and outdoor features, setbacks, screening and the site's terrain.

The size, shape and location of swimming pools must be carefully considered to achieve a feeling of compatibility with the surrounding natural and man-made elements. Pool and equipment enclosures must be architecturally related to the house and other structures in their placement, mass and detail. Pool decks at or within two feet of grade may encroach into setback areas, but not closer than 10' to any property line.

GARAGES

Front loading garages are permitted, however, side-loading garages are strongly encouraged. In either case, adequate screening should be provided.

DESIGN FEATURES

- a) The main roof should be a minimum 8' vertical to 12' horizontal pitched roof, either gabled, hipped or a combination of the two. Roof forms should be well organized and demonstrate the same character on all sides of the residence. Shed roof forms are discouraged. Eave lines should align whenever possible. Special attention should be given to eaves and rakes by articulating fascia boards and adding cove moldings, gutters and crown moldings. Gutters and downspouts shall be used at all eave lines unless deemed inappropriate. All roof structures such as attic vents, plumbing vents, gutters, etc., should be painted to match the roof colors and be positioned behind the roof crown.
- b) Windows and doors should reflect restraint in the number of types, styles and sizes. Consistency of detailing on all elevations should be maintained.
- c) The main entrance should have a sense of prominence that is reflected on the design. It should include either a pair of doors with or without sidelights or a single door with sidelights. The main entrance should contain more detail than other openings but be consistent in styling.
- d) Intentionally omitted.
- e) Quoins, when utilized in the design, should be expressed on the side elevations as well as the front and on all elevations when used.
- f) Bay windows should be carried down to grade or express visual support of a cantilevered condition. When bay windows are stacked in a 2-story condition, the blank panel between all bays should be articulated.
- g) Masonry or stone facing used as veneer material on the front of a residence should return around a corner to a logical point of termination such as an inside corner. Ending the veneer at an outside corner that would expose the edge of the material is not acceptable. It would be preferable to carry the material completely around the residence.
- h) Flue pipes are required to be encased with a chimney enclosure. Roof vents and skylights should be on the rear side of the roof ridge.
- i) Chimneys should be properly located and substantial in mass. Chimneys should be designated with appropriate breaks for character.
- j) Dormers should be designed in keeping with the architectural style. Dormers must be correctly located on the roof and not be large or disproportional.

MATERIALS

- a) Exterior walls may incorporate any of the following: a minimum of 50% brick, stucco or stone. Bricks should be earth-toned in color. Brick textures should not have contrived surfaces. In calculating the 50% requirement, this 50% shall not include windows or doors and applies only to the front elevation of the residence.
- b) Acceptable roofing materials are slate, tile, cedar shingles, cedar shakes, standing steamed copper, and heavy architectural multi-tab asphalt shingles.
- c) Windows and doors shall be wood, vinyl-clad or aluminum-clad wood; glazing shall be clear or gray tinted only. NO reflective glass will be accepted.
- d) Siding should be constructed from redwood, cedar or Hardi-plank® board. Vinyl siding will not be permitted. Where siding is to be painted, composition wood products may be used. However, the Committee strongly encourages the use of only the highest quality products with the greatest longevity available. Siding must be "individual lap" units that will not wave or warp and must be "blind nailed". Suggested products are Werzalit® Cladding and Hardi-plank® Fiber Cement Siding.
- e) Concrete or brick paving with concrete or asphalt setting bed should be used in the construction of all driveways and parking areas.

All color material selections will be reviewed during final design review. Colors and materials should be consistent with traditional architectural values.

Dated this 29th day of April, 2011.

AMERICAN TRUST & SAVINGS BANK

By: 

By: 