

## ARTICLE VII COVENANTS AND RESTRICTIONS RELATING TO CLOW CREEK FARM

**Section 1. PURPOSE.** No lots shall be used except for residential purposes. A trade, business, or commercial enterprise may be permitted or maintained on a lot, or a home occupation may be permitted, if the use of the home is such that the average person (passerby) is not aware of its existence. The home occupation or business use is to be subordinate and incidental to the residential use. No signs regarding the home occupation, business, trade, or commercial use are permitted.

**Section 2. SQUARE FOOTAGE.** All dwelling units constructed in CLOW CREEK shall provide at a minimum the following square footage of finished living quarters (specifically not including basement, garage, or patio areas): LOTS 1 through 181

- A. one-story dwelling units 1500 square feet
- B. multi-story dwelling units 2200 square feet

**Section 3. REQUIREMENTS.** All dwelling units shall conform to the following requirements

- (a) All cedar, brick or any combination of brick and cedar is acceptable.
- (b) Aluminum, composite board or vinyl construction will be permitted, providing at least the first floor front elevation is brick or the entire front elevation is dryvit, excluding bays and dormers.
- (c) Fireplace and chimney flues need not be of masonry construction.
- (d) All plans must be approved by the architectural committee.

**CURRENT Section 4.** No camping trailers, boats, tractors, trucks, motorcycles, mobile homes, or other vehicles of any type whatsoever are to be parked, stored, or left unattended, permanently or temporarily, on any of the lots, except in the garages on the lots; provided that the operable automobiles being used by the owners, occupants, and their invitees of the lots may be parked on the owners' driveways and public streets as permitted by law.

**PROPOSED Section 4. VEHICLES AND STORAGE TRAILERS.** Camping trailers, boats, tractors, commercial trucks and vans, motorcycles, mobile homes, snowmobiles, personal water craft, trailers or other vehicles of any type whatsoever shall not be stored, permanently or temporarily, on any residential parcel of land, lot, or unit except in an enclosed garage. Operable vehicles being used by the owners, occupants, and their invitees of the lots may be parked on the owners' driveways and public streets permitted by law. Notwithstanding the foregoing, camping trailers, boats and mobile homes may be parked for loading/unloading purposes; said vehicles may be parked for a maximum of seventy-two (72) hours within a seven (7) day period.

Temporary or portable storage trailers are permitted for a period of up to seven (7) days. These portable storage trailers must be placed between the sidewalk and the residence with enough clearance to not create a blind spot causing a safety concern for pedestrians or cyclists using the sidewalk. Any additional days must be approved by the Board.

**Section 5. STORAGE OF ARTICLES.** No bicycles, carriages, or other articles shall be stored or left visible on any lot except when in use.

**CURRENT Section 6.** No signs of any kind shall be displayed to the public view on any lot except (a) one sign of not more than two square feet advertising the property for sale or rent or such other dimension approved by the Homeowners Association, and (1,) any and all signs used by MAF, in connection with developing and advertising lots in CLOW CREEK for sale.

**PROPOSED Section 6. SIGNS**

- a. No commercial sign of any kind shall be erected or displayed in CLOW CREEK, except “For Sale” and “For Rent” signs shall be permitted in accordance with the ordinances of the appropriate governmental authority.
- b. Security signs denoting security systems will be allowed as long as they are 80 square inches or less in size and are placed within ten (10) feet of the residence.
- c. Noncommercial signs (i.e., graduation, political) are limited to one sign of not more than 600 square inches in size and may be displayed for no more than thirty (30) days cumulative in a calendar year.

**CURRENT Section 7.** No animals, livestock, or poultry of any kind shall be raised, bred, or kept on any lot, except that dogs, cats, or other household pets may be kept, provided that they are not kept, bred, or maintained for any commercial purpose. No dog kennels of any type shall be kept or maintained on any of the lots and no household pets of any type whatsoever shall be kept, maintained, or housed anywhere on any of the lots except inside the dwelling unit.

**PROPOSED Section 7. ANIMALS AND PETS.** No animals, livestock, bees, or poultry of any kind shall be raised, bred, or kept on any lot, except that dogs, cats, or other household pets may be kept, provided that they are not kept, bred, or maintained for any commercial purpose. No dog kennels of any type shall be kept or maintained on any of the lots and no household pets of any type whatsoever shall be kept, maintained, or housed overnight anywhere on any of the lots except inside the dwelling unit.

**Section 8. PROPERTY MAINTAINENCE.** No weeds, underbrush, or other unsightly growths shall be permitted to grow or remain upon any of the lots, and no refuse pile or unsightly object shall be allowed to be placed or maintained on any of the lots. Trash, garbage, or other waste shall not be kept except in sanitary containers which must be properly maintained. No trash, garbage, or other waste containers shall be stored, kept, or maintained anywhere except within the dwelling units or the garages on each of the lots, except on such days as such trash, garbage, or other waste material is to be collected and removed.

**PROPOSED Section 8. PROPERTY MAINTAINENCE.** No weeds, underbrush, or other unsightly growths shall be permitted to grow or remain upon any of the lots, and no refuse pile or unsightly object shall be allowed to be placed or maintained on any of the lots. Grass shall be mowed and trimmed and may not exceed five (5) inches in height. Trash, garbage, or other waste shall not be kept except in sanitary containers which must be properly maintained. No trash, garbage, or other waste containers shall be stored, kept, or maintained anywhere except within the dwelling units or the garages on each of the lots, except on such days as such trash, garbage, or other waste material is to be collected and removed. An exception: approved leaf/yard waste bags may be stored out of sight until your next collection day.

**Section 9. DRILLING AND MINING.** No drilling or mining operations of any type whatsoever shall be permitted upon or in any of the lots, nor shall any wells, tanks, tunnels, excavations or shafts be permitted upon or in any of the lots. No derrick or other structure designed for use in boring for oil or natural gas shall be erected, maintained, or permitted upon any of the lots.

**Section 10. ANTENNAS AND SATELLITE DISHES.** No exterior television antennas, television satellite dishes, radio antennas, or lights of any type whatsoever shall be erected or installed and maintained, temporarily or permanently, except such antennas or lights which shall be erected or installed or approved by the or the Homeowners Association. See Amendment No. 2, which changes Section 10.

**CURRENT Section 11.** No above ground swimming pools shall be erected, placed, or maintained upon any of the lots. All in-ground pools must be approved by the Covenantor.

**PROPOSED Section 11 . SWIMMING POOLS AND HOT TUBS.**

**SWIMMING POOLS**

- a. No above ground swimming pools shall be erected, placed, or maintained upon any of the lots.
- b. All in-ground pools must have city permit as required.
- c. All in-ground pools must be approved by the Board.
- d. All in-ground pools shall require a perimeter fence as defined in Section 12.
- e. Pools may only be installed in the rear yard.
- f. All pools must be located a minimum setback of at least twenty (20') feet from any adjacent lot line.
- g. All pool mechanicals must be covered by skirting, lattice, or natural landscaping providing year round coverage.
- h. Inflatable kiddie pools are allowed provided they are no more than twenty-four inches (24") in height and do not include a pump and/or filtration system. Kiddie pools shall be filled and emptied on a daily basis.

**HOT TUBS**

Spas or hot tubs are permitted if incorporated into the deck or patio and are within 15 feet of the dwelling. All spa and hot tub additions must also be approved by the Board. All requests must have a city permit as required.

***CURRENT Section 12.*** No cyclone or stockade fences shall be erected on any lot. All fences shall have a maximum height limitation of four feet except where required by local municipal ordinances to be higher. All fences must be approved by the Covenantor.

***PROPOSED Section 12. FENCES.***

- a. No cyclone or stockade fences shall be erected on any lot. All fences shall have a maximum height limitation of four feet (4') except where required by local municipal ordinances to be higher. All fences must be approved by the Board and permitted by the City.
- b. Fences must have a minimum fifteen feet (15') setback from the front of the home.
- c. Fences may extend into utility easements at the owner's risk
- d. The decorative side of the fence shall face out to the public. Fences must be placed so the outside face of the fence is inside the property line.
- e. When constructing a new fence or replacing an existing fence, it shall be of similar style to adjoining fences. All fences must be approved by the Board prior to construction.
- f. Residents installing fences that extend beyond the back corners of the house towards the front of the property may be further restricted due to the location of dwellings on adjoining properties. Residents must get further approval from the board if the neighboring home is closer than fifteen feet (15') or the distance between the resident's property line and the neighboring home is less than 10 feet (10').
- g. Fence locations on corner lots and cul-de-sacs may be further restricted due to side yard visibility constraints, side yard setback restrictions, and the location of dwellings on adjoining property. Corner lots and cul-de-sacs will be handled on a case-by-case basis.

**CURRENT Section 13.** All structures to be erected shall comply with all government regulations, including zoning and building codes and must be approved by the Covenantor.

**PROPOSED Section 13. ADDITIONS, ACCESSORY BUILDINGS, AND DETACHED STRUCTURES**

All structures to be erected shall comply with all government regulations, including zoning and building codes, have city permits as required, and must be approved by the Board.

a. Additions. All exterior room additions, modifications and reconstruction, including porches, sunrooms, gazebos and decks must be of similar or compatible style and materials as the existing structure and shall comply with the architectural standards for said lot as set forth in the Declaration of Covenants and Restrictions and Design Review Guidelines. Plans must be submitted to the Board for review and approval and have city permits as required.

b. Accessory Buildings and Detached Structures. No sheds, barns, or other structures are allowed on any lot except as set forth below:

1). Gazebos and permanent masonry barbecues shall be permitted as accessory buildings or detached structures.

2). The following restrictions shall apply for gazebos:

a). City permits as required.

b). Gazebos shall be roofed in material suitable for a residence.

c). Gazebos shall be open or have windows or screens on all sides.

d). Gazebos shall be made of natural wood or simulated wood materials.

e). Gazebos shall be placed no closer than ten (10) feet from any side property line, and ten (10) feet from the rear property line.

f). Gazebos shall not exceed sixteen (16) feet in diameter or sixteen (16) feet on any one side, depth or width.

g). Gazebos shall only be located in the rear yard of any lot.

h). Gazebos shall have concrete footings.

3). The following restrictions shall apply for permanent, masonry barbecues or fireplaces:

a). Barbecues and fireplaces shall be of brick or stone.

b). Barbecues and fireplaces shall be placed near the residence and no closer than twenty (20') feet from the property line.

c). Barbecues and fireplaces shall be placed on a concrete slab.

d). Barbecues and fireplaces shall only be located in the rear yard of the lot.

e). City permits as required.

**Section 14. EASEMENTS.** There shall be a private easement of ingress and egress for the benefit of the Owners and occupants of the lots and their invitees over that portion of the lots where designated on the recorded plat of subdivision for CLOW CREEK.

**Section 15.** All easements created herein shall be subject to all public utility easements heretofore or hereafter granted.