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**PROTECTIVE COVENANTS AND DEVELOPMENT AND DESIGN
STANDARDS
FOR SHELDON CROSSING, PLAT I**

WHEREAS, the Sheldon Chamber and Development Corporation (SCDC), a non-profit corporation in the State of Iowa, has subdivided and platted certain real estate legally described as follows, to-wit:

A parcel of land located in the Northwest Quarter (NW $\frac{1}{4}$) of Section 33, Township 97 North, Range 42 West of the 5th P.M., O'Brien County, Iowa, more particularly described as follows:

Parcel "F", Commencing at the Northwest Corner of the Northwest Quarter (NW $\frac{1}{4}$) of said Section 33, thence North 90°00'00" East 1200.00 Feet along the North line of the Northwest Quarter (NW $\frac{1}{4}$); thence South 00°28'26" East 60.00 Feet to the Point of Beginning; thence North 90°00'00" East 782.65 Feet along the South R.O.W. line of Hwy 18; thence South 64°00'32" East 91.25 Feet along the West R.O.W. line of Hwy 60 Bypass; thence South 07°56'15" East 581.52 Feet along the said West R.O.W. line; thence South 86°03'36" West 444.28 Feet; thence 152.77 Feet along a 435.00 Foot radius curve concave Westerly; the chord of said curve bears South 09°55'22" East, 151.98 Feet; thence North 89°51'43" West 70.00 Feet; thence 119.34 Feet along a 365.00 Foot radius curve concave Southwesterly, the chord of said curve bears North 09°13'42" West, 118.81 Feet; thence North 89°51'43" West 623.61 Feet; thence North 00°28'47" West 309.89 Feet; thence North 90°00'00" East 190.38 Feet; thence North 00°28'26" West 367.00 Feet to the Point of Beginning. Said parcel contains 15.10 acres and is subject to easements of record.

WHEREAS, said real estate has been platted and is now known as Sheldon Crossing, Plat I, and

WHEREAS, the SCDC desires for the mutual benefit and protection of future owners of the above-described real estate to attach certain terms and conditions for the development and design standards of said property.

NOW, THEREFORE, the following stated Development and Design Standards for Sheldon Crossing Business Park, Plat I shall be binding on all heirs, executors, signs and successors in interest to said real estate and shall be perpetual from this date forward. Any conflict these covenants may create with Chapter 166 Zoning Regulations as contained in the Code of Ordinances for the City of Sheldon, Iowa (Ordinance No. 098-3096 as amended) or successor Zoning Ordinance enacted in the future shall be resolved in favor of the Sheldon Zoning Ordinance.

INTRODUCTION

Sheldon Crossing Business Park in Sheldon, Iowa is subject to a Declaration of Protective Covenants and Restrictions ("Declaration") intended to insure the proper use and most appropriate development of the Park through the implementation of uniform standards. All development shall conform to the Declaration. Furthermore, all pertinent requirements of public agencies shall be followed in the development of this property and all plans for development of a specific site shall be approved by the Design Review Committee ("DRC") and by the City of Sheldon and the public agencies having jurisdiction.

To implement the Declaration, the following development and design standards have been created. These criteria and standards shall be no less strict than the requirements set by the Declaration or by public agencies having control over development of this property. The requirements contained in these criteria have been based on reliable sources; however, we do not preclude the potential of later modifications. Each buyer shall be responsible for verification of all code requirements at the time of purchase and development:

ARTICLE I. REVIEW OF PLANS BY DESIGN REVIEW COMMITTEE

1.1 PROCEDURES. Prior to the commencement of any site improvements such as construction or alteration of buildings, enclosure fences, paving, grading, drainage, sign erection, or any other permanent improvements on any site, the owner, lessee, or occupant of any site shall first submit plans and specifications ("plans") for such improvements to the DRC for its written approval.

1.2 DOCUMENT AND SUBMITTAL REQUIREMENTS. Three (3) complete sets of plans shall be submitted for each review. One (1) set shall be retained for the Design Review Committee's files.

The following plans shall be submitted:

1. Preliminary plan
2. Site plan and landscaping
3. Construction documents
4. Building design and materials
5. Signage and lighting

A. PRELIMINARY REVIEW

1. Master plan submittal for phased construction.

Submission of the site master plan will be required only when ultimate site development is scheduled to occur in stages, such as when a site owner will be developing a site for future building expansion. The master plan is to be reviewed and approved before or simultaneously with other submittals.

2. Preliminary plans.

The preliminary plans shall be submitted to the DRC no later than the date of submittal to the City of Sheldon. Approval of the plans must be given by the DRC prior to construction document submittal.

B. CONSTRUCTION DOCUMENT REVIEW

Architectural, engineering and landscape construction drawings and specifications shall be submitted to the DRC for review and approval prior to the commencement of any site improvement work.

C. CERTIFICATE OF COMPLIANCE

A Certificate of Compliance is issued to the owner upon completion of construction. The Certificate of Compliance provides assurance to the developer that the requirements of the protective covenants have been met, and also provides assurance to the owner that the building(s) has been built according to plans approved by the DRC.

At the time the owner desires to apply for a Certificate of Compliance inspection, the owner will apply for a Certificate of Compliance and forward a written request to the DRC. This should be at the same time that application is made for a Use and Occupancy Permit from the City of Sheldon. The written request, signed by the owner, will indicate compliance with the major items listed below, pursuant to the plans approved by the DRC. Where items,

usually related to landscaping cannot be installed before occupancy, the request must indicate a completion date. One (1) full planting season will be the maximum time permitted. Violation of this deadline will be considered as a violation of the Declaration.

The following items and the following items only, will be covered by the Certificate of Compliance inspection:

1. Building(s) is located according to approved site plan.
2. Building(s) is of approved architecture, materials and approved color.
3. The approved landscaping has been installed or is scheduled to be completed prior to the expiration of the first full planting season.
4. The approved lighting has been installed
5. The roof pipes, vents, louvers, flashing and utility equipment match the surface from which they project.
6. That any approved signs have been installed.
7. Air conditioning, utility equipment, and trash collection areas have been screened according to approved plans.
8. Grading, seeding, paving and drainage have been completed according to plans.

1.3 BASIS FOR APPROVAL. Review and approval will be based on standards set forth in Article VIII of the Declaration. Evaluation will be made of spatial relationships among buildings and between buildings and other surrounding elements.

Careful concern will be given to the location and treatment of utility and service facilities with the intent of minimizing detrimental visual and environmental impact.

Site ingress and egress shall be reviewed for efficient flow of traffic within the site and on abutting streets.

If plans and specifications are not sufficiently complete or are otherwise inadequate, the DRC may reject them as being inadequate or may approve or disapprove part, conditionally or unconditionally, and may reject the balance.

1.4 INTERPRETATION AND WAIVER. Interest in reviewing the above items is to assure that the highest quality of compatible development is consistently achieved.

When questions of judgment or interpretation arise, the decision of the DRC is final and binding on all parties.

Any revisions, additions, or alterations to any portion of approved plans shall be subject to review and approval (and correction) prior to advancement with development.

1.05 PUBLIC APPROVALS. All pertinent requirements of public agencies shall be followed in the development of this property, and all plans must be approved by the City of Sheldon. Each buyer must verify code requirements at the time of purchase and development.

Although based on local zoning and subdivision regulations, Sheldon Crossing Business Park design standards may be more restrictive in land use, site development standards, landscape requirements, or in other matters. In every case in which these criteria are at variance with public agency requirements, the more restrictive regulations shall govern. In the event of any inconsistency between the Declaration and this design criteria, the provisions of the Declaration shall control.

ARTICLE II. BUILDING

2.1 OVERALL APPROACH. It is intended that all buildings constructed in the park be carefully designed to ensure their individual attractiveness, their compatibility with each other and with the environment.

Buildings within Sheldon Crossing Business Park shall be constructed of permanent materials such as brick, architectural precast panels, tilt-up concrete panels, stone, and glass. Material innovation and progressive structural design are encouraged when permanency and structural building strength are the result.

The specific requirements of this document are intended to guide individual site developers and ensure the overall quality and attractiveness of the park as a whole.

Variations from the specific requirements will only be allowed by the DRC and all proposed designs will be reviewed by and are subject to the approval of the DRC.

Developers should be aware that their proposed building designs must be consistent in terms of material usage and detail on all elevations and that special attention must be paid to roof design to ensure the overall attractiveness of the park.

2.2 APPLICABLE CODES. It is the responsibility of the individual site developer to verify and conform to all applicable requirements of governing agencies and to obtain all necessary permits and approvals prior to commencement of construction.

2.3 LOT COVERAGE. Lot coverage of buildings shall be determined based upon building and parking setbacks, ingress and egress, landscaping, required parking areas, and as defined in this design standards. Lot coverage shall be subject to the approval of the DRC.

2.4 EXTERIOR MATERIALS. Exterior wall finish materials (unless otherwise approved by the DRC) shall be limited to the following:

- a. Brick masonry
- b. Natural stone masonry
- c. Architectural concrete block
- d. Concrete with an approved architectural finishes (i.e. sand blasted, board formed). Paint may be an approved finish.
- e. Glass (use of highly reflective coating may be limited).
- f. Aluminum (limit use to trim members, framing for glass, doors and panels that are a minimum of 1/8" thick, and designed to ensure absence of any "oil canning").
- g. Wood (limit use to trim members, door and window framing and soffits).
- h. Plaster and gypsum board (limit use to soffits).
- i. Sheet metal (limit use to copings, flashings, trim and soffits).
- j. Plaster (stucco) (trim only).
- k. EFIS (trim only).

1. The following list of materials and finishes are prohibited and may not be used on exterior surfaces of any building. The Design Review Committee may allow minor exceptions where the architectural design demonstrates a unique and innovative approach to which such materials are especially well suited. For example, building accents and architectural detail, or when the project is of sufficient size and scale to create its own distinct environment.

- a. Plywood
- b. Composite siding such as hardboard siding
- c. Composite building panels such as metal faced plywood or wood core panels.

- d. Pre-engineered metals installed with exposed fasteners
- e. Metal siding
- f. All plastics (except signs)
- g. Common concrete block, except for rear building walls which are not visible from a public street.

1. Roofing materials shall be limited to the following:

- a. Copper standing seam or standing seam with battens
- b. Steel or aluminum Sheet metal systems with a long life, high performance paint finish
- c. Built up or single ply membranes with natural gravel or concrete paving block ballast
- d. Slate shingles

The following roofing materials may not be used on any building:

- a. Asbestos cement shingles.
- b. Asphalt shingles.

2.5 EXTERIOR COLORS. Allowable colors include earth tones and other muted colors. Vibrant primary colors will be allowed to accent architecturally significant building detail, but must contribute to the buildings overall attractiveness and design.

Same building materials shall be of consistent color, tone, and quality. Noticeable variations in color, pattern and texture resulting from casting, manufacturing, fabrication, etc. of exterior building materials will not be allowed.

Walls built with common concrete block shall be painted. The DRC shall have the right to require that tilt-up concrete panels be painted.

2.6 SCREENING OF MECHANICAL AND ELECTRICAL EQUIPMENT. All mechanical and electrical equipment necessary for the development of an individual site or building shall be selected and located in a manner consistent with the architecture of the project. It is encouraged that enclosing walls, louvers, and grills will be utilized to conceal from view all equipment on site or on the roofs of buildings. Exceptions may be made by the DRC for equipment that, by nature of simple geometric shape, blends well with the architecture of the project (i.e. some transformers, switches, and metering cabinets). Satellite dishes and other communication equipment (including antennas) must also be integrated with the architecture or screened in a manner acceptable to the DRC.

2.7 SCREENING OF BUILDING SERVICE AREAS. Loading docks, trash containers, lawn care equipment, storage areas and other service areas necessary for the development of a site or building shall be integrated into the overall architecture of the park by being fully enclosed or effectively screened from view in a manner acceptable to the DRC.

2.8 BUILDING MAINTENANCE. It shall be the responsibility of the owner to maintain the exterior of their building in a manner acceptable to the DRC. Painted materials in particular must be maintained in an acceptable manner.

2.9 SITE PAVING. All parking surfaces and drives within the park will be constructed of Portland or asphalted concrete cement.

2.10 PARKING DESIGN STANDARDS. Off-street parking and loading areas shall conform to the zoning ordinance.

2.11 LANDSCAPING. Street trees shall not be mandatory and therefore not a requirement of any submitted plans. The minimum landscape planting requirements for individual lots shall be two trees and three shrubs per 3,000 square feet of open space. Plant materials sizes shall be as follows:

Trees: 10% = 3 -3 1/2' caliper
30-40% = 2- 2 1/2" caliper
Balance = 8-10' ornamental or 1 1/2" caliper

Shrubs: 18 to 24", balled & bur lapped or container**

** Substitutions; for every three (3) shrubs in excess of the minimum requirements, one (1) 1 1/2" caliper tree may be reduced from the requirements, not to exceed two (2) trees substitution per acre.

2.12 BUILDING SIGNAGE AND GRAPHICS. All building signs attached to any building within the park shall be subject to review and approval of the DRC.

Each lot shall have a minimum of one entrance sign located at a primary site entrance from a public street.

Signs on each lot shall be complimentary in style and design within such lot.

Signs shall conform to the zoning ordinance.

SHELDON CHAMBER & DEVELOPMENT
CORPORATION

BY *Mark Gaul*
Mark Gaul, Executive Director

STATE OF IOWA

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O'BRIEN COUNTY

On this 28th day of March, 2005, before me the undersigned, a Notary Public in and for the State of Iowa, personally appeared MARK GAUL, to me personally known, who being by me duly sworn, did say that he is the Executive Director, of said corporation executing the within and foregoing instrument; that said instrument was signed on behalf of said corporation by authority of its Board of Directors; and that the said MARK GAUL as Executive Director acknowledge the execution of said instrument to be the voluntary act and deed of said corporation, by it and by him voluntarily executed.



Angela Beckman
Notary Public in and for the
State of Iowa