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SUSAN SMITH RECORDER
O'Brien County, Iowa

Prepared by and return to: Sheldon Chamber & Development Corporation
PO Box 276, Sheldon, Iowa Phone: 712-324-2813

**PROTECTIVE COVENANTS AND DEVELOPMENT AND DESIGN STANDARDS
FOR BLOCK 2, PRAIRIE TRAIL ADDITION TO THE CITY OF SHELDON, IOWA**

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

Block Two (2) of Prairie Trail Addition to the City of Sheldon, Iowa, O'Brien County, Iowa.

WHEREAS, the SCDC desires, for the mutual benefit and protection of future owners of the above-described real estate, to attach certain terms, conditions, and standards for the development and design of said property ("Block 2")

NOW, THEREFORE, these Protective Covenants and Development and Design Standards for Block 2, Prairie Trail Addition to the City of Sheldon, Iowa ("Covenants") shall be binding on all successors in interest to any portion of Block 2 and shall be perpetual from this date forward. If any provision of these Covenants contradicts the Sheldon, Iowa Zoning Ordinance (Ordinance No. 10-3195) or any amendment or successor zoning ordinance thereto, then that contradiction shall be resolved in favor of the zoning ordinance. However, a provision that merely imposes more stringent requirements than (rather than says the opposite of) the aforementioned zoning ordinance shall not be deemed to be in contradiction to the zoning ordinance.

INTRODUCTION

These Covenants are intended to insure the proper use and most appropriate development of Block 2 through the implementation of uniform standards. Accordingly, all development of Block 2 shall conform to the Covenants and to all pertinent requirements of the City of Sheldon, Iowa (the "City"). Moreover, all plans for development of a specific site within Block 2 shall be approved by the Design Review Committee ("DRC") and by the City. The DRC shall consist of the SCDC's Community Development Director / Executive Director, the City of Sheldon's City Manager, and one to three individuals from the SCDC Board of Directors and/or

Development Committee as appointed from time-to-time by the President of the SCDC Board of Directors.

ARTICLE I. REVIEW OF PLANS BY DESIGN REVIEW COMMITTEE

1.1 PROCEDURES. Prior to the commencement of any site improvements such as grading, paving, drainage, or construction or alteration of any buildings, fences, signs, or any other permanent improvements on any site within Block 2, the owner, lessee, or occupant of any site shall first submit plans and specifications 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 of which shall be retained for the DRC's files. The following plans shall be submitted:

- Preliminary plan
- Site plan and landscaping
- Construction documents
- Building design and materials
- 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. 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 shall be issued to the owner of a developed site within Block 2 upon completion of construction. The Certificate of Compliance provides assurance to the owner that the requirements of the Covenants have been met, and also provides assurance to the owner that its improvements been built according to plans approved by the DRC.

To obtain a Certificate of Compliance, an owner must apply for a Certificate of Compliance via a signed, written request to the DRC. The written request must indicate compliance with the major items listed below, pursuant to the plans previously approved

by the DRC.

If landscaping cannot be completed before occupancy, the request must indicate a completion date. One (1) full planting season will be the maximum time permitted to complete such landscaping. Violation of this deadline will be considered as a violation of the Covenants.

The following items will be subject to inspection in conjunction with a request for a Certificate of Compliance:

1. Building(s) is located according to approved site plan.
2. Building(s) is of approved architecture, materials, and approved color.
3. The approved seeding 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. Approved signs have been installed.
7. Air conditioning, utility equipment, and trash collection areas have been screened according to approved plans.
8. Grading, 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 II of the Covenants. 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. The intent in reviewing the above items is

to assure that the highest quality of compatible development is consistently achieved within Block 2.

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.

1.5 PUBLIC APPROVALS. All pertinent requirements of public agencies shall be followed in the development of Block 2, and all plans must be approved by the City. Each owner is independently responsible for verifying all applicable building code, zoning code, and other applicable rules, regulations, and laws affecting the owner's property at the time of purchase and development.

Although based on local zoning and subdivision regulations, these Covenants 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.

ARTICLE II. BUILDING

2.1 OVERALL APPROACH. It is intended that all buildings constructed in Block 2 be carefully designed to ensure their individual attractiveness, their compatibility with each other, and with the environment.

Buildings within Block 2 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 Block 2 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 Block 2.

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 the

other standards identified in these Covenants. Lot coverage shall be subject to the approval of the DRC.

2.4 EXTERIOR MATERIALS

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

1. Brick masonry
2. Natural stone masonry
3. Architectural concrete block
4. Concrete with an approved architectural finishes (e.g., sand blasted or board formed). Paint may be an approved finish.
5. Glass (use of highly reflective coating may be limited).
6. 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").
7. Wood (limit use to trim members, door and window framing and soffits).
8. Plaster and gypsum board (limit use to soffits).
9. Sheet metal (limit use to copings, flashings, trim and soffits).
10. Plaster (stucco) (trim only).
11. EFIS (trim only).

B. The following list of materials and finishes are prohibited and may not be used on exterior surfaces of any building. The DRC 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.

1. Plywood
2. Composite siding such as hardboard siding
3. Composite building panels such as metal faced plywood or wood core panels.
4. Pre-engineered metals installed with exposed fasteners
5. Metal siding
6. All plastics (except signs)
7. Common concrete block, except for rear building walls which are not visible from a public street.

C. Roofing materials shall be limited to the following:

1. Copper standing seam or standing seam with battens
2. Steel or aluminum Sheet metal systems with a long life, high performance paint finish

3. Built up or single ply membranes with natural gravel or concrete paving block ballast
4. Slate shingles
5. Asphalt shingles.

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

1. Asbestos cement 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 applicable zoning ordinance.

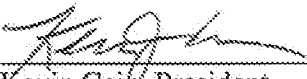
2.11 LANDSCAPING. There must be at least two trees and three shrubs per 3,000

square feet of undeveloped lot space. Trees, at the time of planting, shall be at least 1" caliper, and shrubs, at the time of planting, must be at least 18" in height and balled and burlapped or in a container. Notwithstanding the foregoing, for every three shrubs that are planted in excess of the aforementioned minimum requirements, one tree may be reduced from the minimum tree requirements (not exceed two tree substitutions per acre). No plantings (other than grass or similar groundcover) shall be allowed over or on any public right-of-way or any easement area that has been dedicated to public use pursuant to the dedication deed for Prairie Trail Addition to the City of Sheldon, Iowa, on July 17, 2017, at Instrument No. 2017-1610 in the office of the O'Brien County Recorder.

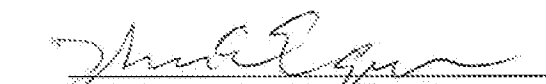
2.12 BUILDING SIGNAGE AND GRAPHICS. All building signs attached to any building within Block 2 shall be subject to review and approval of the DRC.

- 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: 
Kevin Cain, President

ATTEST:

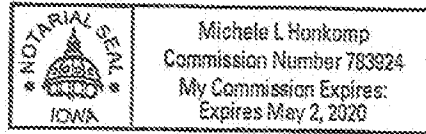

Tom Eggers, Secretary/Treasurer

STATE OF IOWA

§
O'BRIEN COUNTY

On this 15th day of September, 2017, before me the undersigned a Notary Public in and for the State of Iowa, personally appeared Kevin Cain and Tom Eggers, to me personally known, who, being by me duly sworn, did say that they are President and Secretary/Treasurer, respectively, 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 Kevin Cain and Tom Eggers as such officers acknowledge

the execution of said instrument to be the voluntary act and deed of said corporation, by it and by them voluntarily executed.



Michele L. Honkomp
Notary Public in and for said State