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**LAND USE DEVELOPMENT AND MAINTENANCE PROVISIONS
AND
PROTECTIVE AND RESTRICTIVE COVENANTS
Southern Glen Addition to the City of Spirit Lake, Iowa**

The following provisions shall control the construction, development, use and maintenance of property improvements in Southern Glen Addition to the City of Spirit Lake, Dickinson County, Iowa. These provisions shall run with the land and shall be binding upon all parties and all persons who may now own, or who may later become the owner or owners, or lienholders as to any of the lots in Southern Glen Subdivision and all parties claiming under them for a period of twenty-one (21) years. These provisions shall become void and of no effect twenty-one (21) years after the date of recording, unless extended pursuant to the provisions of Section 614.24 and 614.25 of the Code of Iowa.

These provisions may be enforced by the Developer or its successor in interest, by any owner of property in the subdivision, or by the City of Spirit Lake, Iowa.

In any court proceeding to enforce these provisions, the successful party shall be entitled to an award of reasonable attorney fees and litigation expenses as determined by the court.

I. DEVELOPMENT RULES.

These provisions shall be applicable to all platted lots in the Subdivision, except platted lots or parts thereof that are dedicated or conveyed to the City of Spirit Lake, Iowa.

A. SPIRIT LAKE LAND USE AND ZONING REGULATIONS. All lots shall be subject to the City of Spirit Lake zoning and land use ordinances and set back regulations now or hereafter applicable to property located in the R-1 Residential Zoning District under the Spirit Lake Zoning Code. The following provisions shall be in addition to those ordinances. In the event of any conflict between these provisions and the ordinances of the City of Spirit Lake, the more restrictive provision shall control.

B. FENCES. The Developer has or will construct perimeter fences in the Subdivision using white PVC material. The owner of any lot upon which

the Developer has placed fencing shall be responsible to maintain such fencing in good condition and appearance. Any additional fencing to be placed on the boundary of the Subdivision in the Plat of Southern Glen shall also be of white PVC material in order to provide a consistent appearance. All fences constructed shall be maintained in good repair and appearance at all times.

C. DRAINAGE. The Plat of Southern Glen has been designed and will be constructed incorporating "environmentally low-impact" drainage features, including drainage retention ponds and rain gardens. No property owner in the Subdivision shall modify or impede a drainage feature constructed or established in the Subdivision. The property owner shall be responsible for restoring the drainage feature to the original condition if modified or impeded.

Each property owner shall further be obligated to develop and improve their property in such a manner that no storm water will be discharged onto adjacent private property. Any storm water discharged off a lot shall be directed to established drainage areas, such as drainage swales, rain gardens or retention ponds.

D. LIVESTOCK AND PETS. No livestock or animals shall be permitted to be kept in the Plat of Southern Glen, except typical household pets. Domestic fowl, reptiles, wild or formally wild animals, or otherwise dangerous animals shall not be kept in the Subdivision.

No kennel or run may be constructed with dimensions in excess of 10'x20'. Only one kennel per dwelling shall be allowed, and it shall be attached to a building and shall not extend more than 10' beyond the attached building in any direction and shall not be closer than 8' to any lot line. Kennels shall not be permitted in the front yard.

E. ACCESSORY BUILDINGS. No more than two (2) detached accessory buildings may be constructed on each lot in the Subdivision. One small accessory building not exceeding 200 square feet in floor area, such as a lawn and garden storage building or a gazebo, may be constructed and placed in accordance with applicable City of Spirit Lake ordinances.

One larger garage or storage building may also be constructed in accordance with City of Spirit Lake ordinances.

However, the colors, architectural style, appearance and height of each accessory building that is in excess of 200 square feet in floor area shall also be subject to the advance written approval of the Developer or their designated representative. The purpose for this requirement is to insure compatibility and consistency in the appearance and style of detached accessory buildings in the Subdivision.

Subject to these requirements, accessory buildings may be of masonry, metal or wood frame construction. The front wall of an accessory building which is larger than 200 square feet in floor area shall incorporate not less than 25% of the wall area as door and window openings and masonry or equivalent architectural features. The 25% area shall be calculated without reference to the area above the eave. The front wall of the accessory building

shall be that wall facing the front lot line or, on corner lots, facing the same lot line as the main entrance.

F COMMERCIAL ACTIVITIES. Commercial activities may not be conducted in accessory buildings in the Subdivision, but storage of inventory or materials for use by the property owner of an accessory building in connection with a business shall be permitted.

G TREES. The Developer will provide to each property owner a list of approved species of trees that may be planted in the Subdivision. Trees other than from the approved species list will not be permitted unless written approval from the Developer is obtained by the owner.

H Screening. Each lot owner shall provide or construct and maintain vegetative screening or fencing to screen from view potentially offensive vehicles or structures such as commercial vehicles, recreational vehicles, satellite dishes, kennels, or exterior storage. The Developer shall have the authority to require and approve appropriate screening features.

II. PROTECTIVE AND RESTRICTIVE COVENANTS.

A. SINGLE FAMILY USE. Only one (1) single family residence shall be permitted on each lot. For purposes of this paragraph, the term "lot" includes the entire tract under common ownership, which may include more than one platted lot. However, either the residential structure or an accessory building may include an apartment or separate living quarters for a family member.

Each single family residence shall have a minimum of a two car attached garage.

Each single story residence shall be constructed with a minimum of 1400 square feet of finished interior ground-floor area.

Each split foyer residence shall have a minimum of 1200 square feet of interior finished floor area on the main floor and 600 square feet of interior finished floor area on the other floor.

Each residence of 1½ story shall have a minimum of 1200 square feet of interior finished floor area on the main floor and 600 square feet of interior finished floor area on the additional floor.

Each two story residence shall have a minimum of 1000 square feet of interior finished floor area on each floor.

B. RECREATIONAL VEHICLE STORAGE; TRUCKS. No recreational vehicles shall be parked within the subdivision, except in the rear yard or inside a building. Recreational vehicles shall be defined as, but not limited to, travel trailers, motor homes, campers, boats and snowmobiles and shall include trailers.

C No basement home, earth sheltered home, or shack may be placed or

erected upon a lot at any time, nor may a residence of a temporary nature be permitted. All manufactured homes shall be built in compliance with the Uniform Building Code. The minimum roof pitch on any residential structure shall be 5:12. All structures shall be built in compliance with the Uniform Building Code. Eave height shall not be less than eight (8) feet above top of finish floor. Inside ceiling height shall be at least eight (8) feet.

D. The Developer reserves the right to use a residence located within the subdivision as a sales office in connection with development of this property. Developer also reserves the right to locate a temporary sales office within the property.

E. All attached garages shall be used only for cars, pick-ups, recreational vehicles and storage of small residentially used items; no commercial storage shall be allowed. This shall not prohibit use of any garage for a personal workshop.

F. All lots are subject to easements as shown on the attached plat.

G. No owner, except the Developer, may at any time replat, or subdivide any lot or any other portion of the Property or in any manner change the plat which has been filed for the Property. However, a lot owner may acquire land from an adjacent lot for the purpose of increasing the size of the acquiring party's lot, but any lot so increased in size may never contain more than one detached single family dwelling. No lot that is to be built upon, or has been built upon, shall be reduced in size by this process.

H. Owners of all lots shall at all times keep the same free and clear from all obstructions, debris, obnoxious growth, refuse piles, junk vehicles or other unsightly objects. All lots shall be well maintained. So long as the Developer remains an owner of any property in the subdivision, if the owner of a lot fails to comply with the provisions of this paragraph, the Developer may give written notice of such failure to the owner and if the failure is not corrected within ten (10) days from receipt of such notice the Developer may perform such mowing or remove such objects and the owner of the Lot shall be responsible to Developer for the expenses thus incurred.

I. The exterior portions of all construction shall be completed within one (1) year of the date of beginning of construction. No advertising or billboards shall be permitted on any lot except a "For Sale" sign no larger than five (5) square feet in area which shall pertain only to the premises upon which it is located and there shall be no more than two (2) in number.

The Developer reserves the right to construct signs and identifying monuments or structures in the subdivision, at its discretion.

Property owners may place an identification sign including only the owner's name and street number. The identification sign shall have a surface area no greater than six (6) square feet.

J. No propane, heating oil tanks, gasoline or other fuel tanks of any kind shall be permitted, except for outdoor cooking.

K. No exterior lighting shall be installed or maintained which unreasonably disturbs the occupants of the other lots.

L. **NO COMMERCIAL USE.** No business, trade or commercial activity of any kind may be conducted upon a lot, except a one person, one room professional office or service office operated by a lot occupant or as provided under Section I, Paragraph F, above.

M. **DRIVEWAYS.** Driveways and parking areas established on lots in the Subdivision may be surfaced with limestone, asphaltic concrete or Portland cement concrete.

N. **TOWERS; COMMUNICATION EQUIPMENT.** Flag poles and towers for use by a resident not exceeding seventy-five feet (75') in height are permitted. No structures exceeding seventy-five feet (75') in height are permitted. Satellite reception "dishes" not exceeding thirty inches in diameter are permitted without screening. Larger satellite receiving dishes shall be screened by fencing or vegetation from view from adjacent properties.



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