

TWIN GATES TOWNHOME OWNERS ASSOCIATION
Regulation 2014 - 001
Process for the Creation and Adoption of Regulations

WHEREAS, Article VII, Section 1 of the Twin Gates Townhome Owners Association's Bylaws grant the Board of Directors (Board) the power to adopt and publish rules and regulations. To effectively exercise that power, a process is required to identify, define and administer the regulations.

Let it be resolved that the Board establishes the following process and procedures for the creation and adoption of regulations governing the Twin Gates Townhome Owners Association (Association).

- 1 Proposal of Rules and Regulations**
The Board or a member of the Association may submit a proposed regulation at a scheduled meeting of the Board, either in writing or by oral request, which subsequently will be drafted in writing.
- 2 Publication and Review**
Once a proposed regulation (new adoption or modification/deletion) has been drafted in writing, the Board will communicate to the Association the details of the regulation and that the proposal will be discussed and voted upon at the next scheduled Board meeting. The mode of communication to the Association membership will be determined by the Board. No regulation addition, deletion or modification may be adopted without opportunity given to the Membership for discussion at the Board meeting.
- 3 Approval and Implementation**
At the scheduled Board meeting and after consideration, the Board will vote through 'motion' by a majority to approve or disapprove the proposed regulation/rule. If approved the regulation will be adopted and distributed in final form to all Association Members either by US mail, electronic mail, Web site or within the newsletter. The Board will maintain a compilation of the adopted rules and regulations.

The rules and regulations will be enforceable by the Board in accordance with the Declaration and Bylaws of the Association.
- 4. Effective Date**
All Regulations are effective on the date following the day of approval by the Board of Directors.

Date of Adoption: March 8, 2014
Effective Date: March 9, 2014
Certified By: Tom Senn, President, Twin Gates Townhome Owners Association Board of Directors

Twin Gates Townhome Owners Association
Regulation Number 2014 – 002
Architectural Review

WHEREAS, the Twin Gates Townhome Owners Association's Declaration and Bylaws grant the Board of Directors (Board) the power to establish, maintain and enforce all necessary Regulations, the following Regulation is established by majority vote of the Board of Directors.

- 1 Purpose**
LET IT BE RESOLVED THAT the Board of Directors (Board) for the Twin Gates Townhome Owners Association (Association) has deemed it necessary to establish an Architectural Review Regulation to 1) preserve and enhance the values of the owner's property; 2) avoid activities deleterious to the aesthetics or property values; 3) maintain a harmonious relationship among the structures; and 4) promote the general welfare and safety of the Association Members (Member), occupants and their households.
- 2 Introduction**
The Declaration of Covenants (Declaration) for Twin Gates Townhomes places limitations on the exterior changes owners may make to their townhome and to the common property. This Regulation is provided as a supplement to the Declaration and has been approved by the Board. The intent of this Regulation is to facilitate the owner in obtaining approval for any modifications and/or additions, which he or she may contemplate for his/her property.

This Regulation includes review requirements, review procedures and principles of criteria used in determining the achievement of the required objectives. The Regulation is intended to assist the Board and the owners in the ongoing process of community design. The requirement may be modified and supplemented from time to time, subject to the approval of the Board.

All applying Member(s) are responsible for assuring that changes and/or additions to their property are made only in accordance with the provisions of the Declaration and this Regulation.

The Board will only consider written requests as outlined herein. Oral requests will not be considered.

Any approval by the City of Ankeny does not constitute approval by the Board.

The Board will operate in such a manner as to ensure that review of applications received by Association Members (Members) are carried out in a fair, consistent and expeditious manner.

3 Requirements

Owners and residents are prohibited from making changes, modifications or alterations to the exterior of their townhomes or yard without first submitting plans or proposals to the Board and receiving written approvals as to 1) safety; 2) harmony and uniform appearance of external design; 3) location to surrounding structures and topography; and 4) conformity to the uniform community design concept.

Members need not seek approval from the Board to change annual or perennial flowers or plants. However, significant landscaping changes, including stone or other edging and plantings, must be submitted to the Board for approval.

4 General Review Criteria

All applications will be evaluated on the basis of restrictions contained in the Declaration, this Regulation and on the individual merits of the application. Besides evaluation of the design proposal, this includes consideration of the characteristics of the community and individual site. Design decisions are not based on personal opinion or taste. The following are various criteria that may be used to determine if an application is acceptable. Please note that these are not exclusive factors and the Board has the authority to exercise its discretion in any matter, subject to all provisions in the Regulation, Declaration and Bylaws.

- 4.1 Validity of Concept – All applications will be reviewed as to the soundness of the basic idea and the appropriateness to the surroundings and the character of the community.
- 4.2 Design Compatibility – The proposed change must be compatible with the applicant's unit, adjoining homes and the neighborhood setting. Compatibility is defined as similarity in the architectural style and design elements, quality of workmanship, materials and construction details.
- 4.3 Materials – Continuity is established by using the same or compatible materials that were used on the original construction.
- 4.4 Workmanship – The quality of work should be equal to, or better than, used in the community. The Member assumes all responsibility for the safety of new construction.

5 Application Procedures

Owners wishing to make any of the changes permitted by the Covenants and the Regulation must submit the Application for Architectural & Landscape Change form to the Board. Forms may be obtained by submitting a request to:

Twin Gates Townhome Owners Association
PO Box 936
Ankeny, IA 50021
twingates1@gmail.com

- 5.1 An application should include a detailed construction drawing showing the measurements of your unit, measurements of your proposed project in relation to your unit, and any related distances to any other objects (such as trees, fire hydrants, sidewalks, etc.). You may also include any supporting material such as photos, etc.
- 5.2 The applicant may request an opportunity to appear before the Board, along with any experts, to present the proposal.
- 5.3 Oral requests alone will not be considered.
- 5.4 Any application submitted by a lessee must contain the signature of the owner and contain written indication that the owner has approved the requested change.
- 5.5 Each change must be specifically approved even if the intended change conforms to all governing documents, even when a similar or substantially identical change has been previously approved.
- 5.6 Approval of any project by the Board does not eliminate the requirement for the applicant to obtain any required governmental permits or approvals. And obtaining any required governmental permits does not eliminate the requirement for the applicant to obtain Board approval.
- 5.7 Compliance with all City of Ankeny building codes, zoning requirements, licenses, permits and construction drawings are the responsibility of the applicant. The Board will not knowingly approve a project that is in violation of local building or zoning codes.
- 5.8 Upon receipt, a copy of the form and supporting documents will be distributed to Board Members. The Board will act on the initial submission and respond to the applicant within sixty (60) days of receipt of the required information. However, the Board will make every effort to reduce this response period.
- 5.9 If the initial application does not contain sufficient information for the Board to render a decision, the Board will deny the request and the applicant may resubmit the application with any missing information.
- 5.10 An application will be automatically denied if any dues or other financial responsibilities to the Association are not current.

6 Results of Review

- 6.1 The Board shall inform the applicant in writing of the Board decision. Decisions will be sent by US mail or electronically.
- 6.2 If the application is not approved, the Board may make suggestions for modifications to make it acceptable and the application may be resubmitted.
- 6.3 An applicant may appeal an adverse decision to the Board at the next regularly scheduled meeting. An appeal must be filed with the Board in writing prior to the scheduled meeting and will be added to the meeting agenda.
- 6.4 If the proposed change has not been started and completed within six (6) months from the date of approval, the approval shall expire and the incomplete project shall be considered in violation of this Regulation.
- 6.5 An approval shall be automatically rescinded if information furnished in the initial application is found to be inaccurate.

7 Monitoring Compliance and Corrective Actions

The Board shall periodically inspect the community and properties for compliance with this Regulation and the Declaration. The following corrective measures will be followed for alleged violations.

- 7.1 If the change was approved, but improperly constructed, the applicant will be notified in writing by the Board. The Board shall instruct the applicant why the item is improperly constructed and, if feasible, make suggestions for modifying to make it acceptable. The applicant shall have forty-five (45) days from the date of receipt of the written notice to take appropriate action.
- 7.2 If the change was not approved, the owner will be notified in writing by the Board. The board shall instruct the Owner to either correct the item in violation or advise the Owner to remove the change/improvement.
- 7.3 In the case of a maintenance violation, the Owner will be notified in writing by the Board. The Board shall instruct the Owner how to correct the violation. The Owner shall have thirty (30) days from the date of receipt of the written notification to take appropriate action.
- 7.4 In all of the above instances, if the Owner fails to respond or properly act within the allotted time, the Board will consider proper action in accordance with this Regulation and the Declaration.
- 7.5 Corrective action may include any or all of the following.
 - A. Issuing a cease and desist request.
 - B. Requiring the Owner to modify or remove the unacceptable change or restore the affected area to its original condition prior to the change.
 - C. Having the Association correct the violation by obtaining competitive bids and contracting for the correction, taking into consideration quality of work to be done and price, with any associated expense to the Association billed to the Unit Owner via a Restoration Assessment. Failure to pay expenses incurred may result in a lien against the property.
 - D. Notifying the mortgagee of the violation.
 - E. Taking legal action that results in a suit filed against the Owner requesting injunctive relief.
 - F. In all cases, the Owner shall be responsible for all the costs incurred by the Association in enforcing the provisions, including costs of correcting any violations. Such costs include, but are not limited to, all charges from contractors, attorney fees and other costs incurred, such as filing fees, and charges for secretarial services, postage, etc. The Owner shall also be responsible for all charges permitted by law.
- 8 **Construction Requirements**
 - 8.1 The Applicant is responsible for keeping the external appearance of the unit and the surrounding common elements neat and clean and is specifically responsible for removal of any debris generated during the course of any change.
 - 8.2 Damage to the common property or another Member's property due to construction is the sole responsibility of the Owner who has done, or had done, the construction. Damages are to be repaired to original condition. This includes, but is not limited to, excess dirt and rocks, dead plants, dead trees, etc.
 - 8.3 Workmanship applies to all exterior alterations. The quality of work should be equal to, or better than, that otherwise used in the community. The Association assumes no responsibility for the safety of new construction related to design and workmanship.
 - 8.4 No sawing, hammering or other noisy construction activities are permitted except between the hours of 8:00 a.m. and 9:00 p.m. as declared in Ankeny city ordinance 1660 It is the responsibility of the applicant to communicate these hours of construction to their respective contractors.
 - 8.5 It is the responsibility of the applicant to ensure that the normal access of other owners and traffic not be impeded.
- 9 **Unit Exterior Surfaces**
 - 9.1 The unit exterior surface materials and colors have been designed to present an attractive and uniform architectural theme and appearance. Changes to siding and trim are prohibited. Damage to siding and trim should be reported to the Board for repair.
 - 9.2 Painted surfaces may only be re-painted using the same color. Unpainted and unstained surfaces (such as concrete steps) must remain unpainted and unstained, except decks, which may be stained.
 - 9.3 No front window awnings are permitted.
 - 9.4 Storm and screen doors are permitted and must be maintained by the Owner.
- 10 **Patios and Decks**
 - 10.1 Additions to patios shall be constructed so that there is proper drainage and no ground level drainage problems are created on either the adjoining properties or common grounds.
 - 10.2 Tinted stains/protectants must be approved by the Board. Clear or natural wood colored stains and protectants are pre-approved. No decks shall be painted.
- 11 **Front Doors**
 - 11.1 Front doors must be properly maintained by the Owner so as not to present an unsightly appearance
 - 11.2 Installation of standard doorknockers, deadbolt locks and peepholes is permitted without prior approval of the Board.
 - 11.3 Front door color must remain as provided by the Builders.
- 12 **Exterior lighting**

Decorative holiday seasonal lighting is permitted between October 15 and January 15, weather permitting.
- 13 **Yards**
 - 13.1 Vegetable/fruit gardens are prohibited in the front or sides of units. No gardens are permitted in the back yards unless approved by the Board.
 - 13.2 All flower and plant gardens must be approved by the Board following this Regulation. All Board approved flower and plant gardens in the front of units must be kept free of weeds and debris and be properly maintained, including mulch and or rock, plant trimming, etc. as needed.
 - 13.3 No plantings, or other materials may be placed or permitted to remain that may damage or interfere with other Members, use of the common grounds, easements intended for drainage purposes or maintenance of utilities and common areas.
 - 13.4 No trellises are permitted in the front of units or placed in common areas, including trellises that would be against the building or that are free-standing, unless approved by the Board.

13.5 Trees planted within the common area of the Association must meet the same standards as all other trees within the common area. All future trimming, determination of removal and/or replacement, etc. shall be determined by the Board.

14 Other Guidelines

14.1 Window air conditioners are prohibited.

14.2 Garden hoses are to be stored and maintained in a neat manner.

14.3 With the exceptions noted below, no signs may be placed on any lot. Any additional exceptions require Board approval.
A. "For Sale" and "For Rent" signs are permitted provided that they include the name and address of the person(s) to whom inquiries are to be addressed.

B. Event-specific, occasional, temporary signs that are designed to signal the location of an event, including, but not limited to, signs for birthday parties, congratulatory events and yard/garage sales.

14.4 Flag poles and flags must be approved by the Board prior to attachment to a unit by following this Regulation. Flags must be maintained in good condition so as to not be torn, frayed, etc. The Board can require that they be repaired, replaced or removed.

14.5 Antennas, including satellite dishes must be placed on the rear of roof tops, be properly installed to ensure no wiring is hanging loose or interferes with unit maintenance and appearance. The Board can require that antennas and or satellite dishes and/or connecting wires be repaired, replace or removed.

14.6 Outside water connections owned by the Association cannot be used without prior approval of the Board. If used without permission, you will be asked to stop immediately and you will be charged the amount of the water usage for that faucet, for the month used.

15 Sale of Property

All maintenance, upkeep and repair of an approved modification is the sole responsibility of Owners, successors, and/or assignees associated with the sale of a unit, or any tenants. If this obligation is not met, the owner, successors or assignees will be subject to the cost to have the area maintained or restored to its original condition.

16 Effective Date

The Architectural Review Regulation is effective on the date following the day of approval by the Board of Directors.

17 Adoption of Regulation

Date of Adoption: April 15, 2014

Effective Date: April 16, 2014

Certified By: Tom Senn, President, Twin Gates Townhome Owners Association Board of Directors

APPENDIX A

**Twin Gates Townhome Owners Association
Application for Architectural & Landscape Change**

Submit to:

Twin Gates Townhome Owners Association
Board of Directors
PO Box 936
Ankeny, IA 50021
Twingates1@gmail.com

Owner's Name: _____

Unit's Address: _____, Ankeny, IA 50023

Owner's Address (if different than above) _____

Owner's Phone Number: _____ Owner's Email: _____

Describe the modification, alteration or addition and include drawings on additional pages, as necessary. Include such information on dimensions, materials, design, location, etc.

I (We) acknowledge and agree that I (we) will be solely liable for any claims, including without limitation, claims for property damage or personal injury, which result from the requested addition or modification. I (we) hereby indemnify the Association from and against any and all such claims. I (we) understand and acknowledge that I (we) am (are) responsible for complying with all applicable codes and ordinances, and for obtaining all necessary permits and inspections for the requested addition or modification. I (we) agree to adhere to Association Regulation 2013-002 and to the construction details provided in this application. I (we) agree that no construction will begin until final approval is provided by the Board of Directors, and further that I (we) am (are) responsible for all maintenance, repair and upkeep of said addition or modification.

Print Name of Owner

Print Name of Co-Owner

Signature of Owner

Signature of Co-Owner

Date