

**RULES AND REGULATIONS OF  
ARCHITECTURAL CONTROL COMMITTEE OF  
ASBURY FARM HOMEOWNERS' ASSOCIATION, INC.  
AS AMENDED AUGUST 29, 2016**

**ARTICLE I. AUTHORITY**

The Architectural Control Committee (hereafter "ACC") is appointed by the Board of Directors of Asbury Farm Homeowners' Association, Inc. (the "Association") in accordance with Article 9, Section 1 ~~IX~~ of the Bylaws of the Association as amended April 18, 2016, (the "Bylaws"). The ACC was granted authority to act by Article VIII, Section 1, of the Declaration of Covenants, Conditions and Restrictions recorded April 30, 1974, in Book 9, Page 353 in the office of the Cerro Gordo County Recorder (the "Declaration").

**ARTICLE II. DEFINITIONS**

The definitions contained in Article I of the Declaration and in Article II of the Bylaws are incorporated in these Rules and Regulations by reference. For purposes of these Rules and Regulations, the term "other structure" as used in Section 1, Article VIII, of the Declaration means any tangible object proposed to be built or installed on or within any lot in the properties. This definition of "other structure" is intended to include, but is not limited to exterior television or radio equipment including, but not limited to, dishes (subject to the exception in Article IV (1) (a) below), antennae, and appurtenances; landscaping and exterior architectural arrangement for the lot; kennels; storage sheds; clothes lines; tree houses; mailboxes; utilities; fences; hedges; propane tanks; driveways; lawn ornaments; bird baths; additions; and improvements of every kind and nature. The color scheme for any building, fence, wall or other structure must be approved by the Architectural Control Committee. Recreational vehicles are defined as a temporary dwelling for travel or vacation use whether self-propelled or towed, any vehicle such as snowmobile, boat, jet-ski, 4 wheel all terrain, etc. and the trailer required to transport or store said vehicle, pick-up coach, open or enclosed trailer for use of transporting goods and services.

**ARTICLE III. APPROVAL PROCEDURE**

Section 1. Any person requesting ACC approval shall file the following information with the Chairman of the ACC. All projects shall be submitted to the ACC with either a "New Construction" or "Improvement Projects" form as found on the Asbury Farm Association website. The forms must be included with the required supporting information. [www.asburyhoamasoncity.org](http://www.asburyhoamasoncity.org)

**New construction shall include a new home or addition to an existing home.**

**Information submitted for "New Construction" projects may include the following:**

- (a) Electronic format or one printed copy of the completed plans and specifications. The ACC suggests that the plans and specifications be prepared by an architect or competent house designer. The ACC shall retain one complete set of the plans

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and specifications for its permanent records. The plans and specifications shall be dated and shall show the following:

- (1) The nature, kind, shape, height, materials and location of the project;
- (2) Color scheme, including the paint, stain, masonry color, if any;
- (3) Name and address of proposed contractor;
- (4) Topography;
- (5) Elevation of proposed project relative to surroundings;
- (6) Existing building lines on the lot and relative locations of all other structures within the lot;
- (7) The name and address of the property owner and the name and address of the person or firm preparing the plans and specifications;
- (8) The legal description and street address of the property;
- (9) The location with purpose and limitation of any easement near the project;
- (10) Any other pertinent information deemed necessary by the ACC;
- (11) Floor plans for each level of the dwelling showing dimensions of living space.
- (12) Proposed and/or existing pavement including the street curb, sidewalks, driveway, and patio area.
- (13) Landscaping plan meeting or exceeding the requirements outlined in the Mason City Zoning Ordinance.

**Improvement projects shall include all other types of work such as changing paint color, new shingles, modification to pavement, replacement windows or doors, landscaping, fences, deck or patio replacement, and playground equipment.**

Information submitted for "Improvement Projects" may include the following:

- (a) Electronic format or one printed copy of a site plan or similar drawing indicating the desired improvement. The ACC shall retain a complete set of the plans and specifications for its permanent records. The plans and specifications shall be dated and shall show the following:
  - (1) The nature, kind, shape, height, materials and location of the project;
  - (2) Color scheme, including the paint, stain, masonry color, if any;
  - (3) Name and address of proposed contractor;
  - (4) Existing building lines on the lot and relative locations of all other structures within the lot;
  - (5) The name and address of the property owner and the name and address of the person or firm preparing the plans and specifications;

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- (6) The legal description and street address of the property;
- (7) The location with purpose and limitation of any easement near the project;
- (8) Any other pertinent information deemed necessary by the ACC;
- (9) Proposed and/or existing pavement including the street curb, sidewalks, driveway, and patio area as applicable.
- (10) Landscaping plan indicating all requested changes. Documented existing conditions may be required by the ACC for review.

Section 2. The ACC shall review the plans and specifications in accordance with the following criteria:

- (a) The harmony of external design and location of the project in relation to surrounding structures and topography;
- (b) Avoidance of repetitive design and/or styles;
- (c) Suitability;
- (d) Material;
- (e) Exterior color scheme;
- (f) Impairment of view of surrounding building sites;
- (g) Location of the project with respect to topography, finished grade elevation and building setback restrictions; and
- (h) Compliance with zoning ordinances of the City of Mason City and private restrictions contained in the Plat of the subdivision and the Declaration.

Section 3. The ACC must approve or disapprove the plans and specifications within thirty (30) days of submission although it may extend the period for its consideration of the plans and specifications for up to an additional thirty (30) days for good cause. The ACC must notify the member of any such extension in writing. If the ACC fails to approve or disapprove the plans and specifications within thirty (30) days (or during the additional extension period, if extended), the ACC shall be deemed to have approved the plans and specifications and the applicant shall be deemed to have complied with this rule.

If the plans and specifications are approved, the ACC shall endorse its approval on one set of the plans and specifications and deliver the endorsed plans and specifications to the applicant. The applicant is required to keep the endorsed set of plans and specifications on the project site at all times during construction and installation.

The applicant may appeal from a decision of the ACC to the Board of Directors of the Association by delivering written Notice of Appeal to the secretary of the Board of

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Directors within ten (10) days of the date of the decision by the ACC. The Board of Directors shall schedule a hearing on the appeal to be held within twenty (20) days from the date of the Notice of Appeal and shall give written notice of the hearing to the applicant no less than three (3) days prior to the scheduled hearing. The Board of Directors will issue a written decision following hearing on the appeal. The decision of the Board of Directors shall be final.

Section 4. The approval of the plans and specifications by the ACC shall be effective for nine (9) months thereafter, after which such approval shall be void. All projects shall be completed within nine (9) months after ACC approval. The ACC may extend this time period for good cause.

- After approval is given, a review of the project progress and/or modification shall be done prior to project completion.
- After approval is given, the ACC shall contact the owner or contractor within the original approval period for Projects with incomplete submittal information, such as landscape plan with a new home.

**ARTICLE IV. PROHIBITIONS**

The following prohibitions apply to the properties:

- (1) No exterior television or radio equipment, including, but not limited to, dishes, antennae, and appurtenances shall be constructed or installed within the properties unless the plans and specifications therefore are submitted to and receive the written approval of the ACC in accordance with these Rules and Regulations, subject to the following exception:
  - (a) Members are not required to obtain approval of the ACC if only one dish of 24 inches or less in diameter is installed on a residence (either the house or garage). Written approval prior to construction or installation of other exterior television or radio equipment must be obtained from the ACC.
- (2) No garbage, garbage cans, ashes, refuse, or trash receptacle shall be allowed to be exposed to view except immediately preceding scheduled trash removal. No outside incinerator is permitted.
- (3) No liquid propane gas container of any type other than tanks for gas cooking grills, either portable or stationary, shall be allowed on the properties exposed to view.
- (4) There shall be no fences erected except patio privacy fences and landscape fences upon approval of the ACC. Property line fences or hedges which describe property lines or boundaries are prohibited. This also includes the use of snow fences.
- (5) No signs of any kind shall be displayed unless written approval is received from the ACC. Temporary signs such as political or "For Sale" and "For Rent" signs are allowed. Signage of any kind, permanent or temporary, is not allowed on Asbury common area property except for the Asbury Farm sign at the entrance to the properties.

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- (6) No permanent exterior clothes lines exposed to view shall be allowed. However, temporary umbrella or retractable type clothes lines shall be permitted provided they are removed from sight when not in use.
- (7) No recreational vehicles or motorized vehicles (i.e. snowmobiles, 4 wheel all terrain, scooters, dirt bikes, etc.) are allowed on common grounds, walkways or other properties owned by the association.
- (8) Structures within vegetation as tree houses or components of playground set assemblies shall not be allowed.
- (9) Parking on grass or lawn shall be prohibited.
- (10) Recreation vehicles (see Article II Definitions) belonging to the property owner or their guest shall only be allowed on a temporary basis in the driveway or street immediately in front of said residence for a maximum of 3 consecutive days. Temporary construction trailers are allowed to be stored on the residential property during the extent of the construction process and are to be removed immediately following the construction completion.
- (11) Building materials can be found under Article V.

**ARTICLE V. SPECIFIC REQUIREMENTS**

The ACC requires the following:

- (1) Lots shall be used for residential purposes only. On each lot a family residence structure with an attached garage will be permitted. No lot shall have garage or other structure detached from the residence.
- (2) No dwelling shall be of the "Earth Shelter" type, "A-Frame" type, or "Split-Entry" type. No dwelling or garage shall be constructed off site and transported onto the property. Relocated dwellings shall be brought before the ACC for review and may require to be brought to the Asbury Board of Directors. No trailer, mobile home, motor home, tent, shack, garage, barn or basement house shall be used as a dwelling either temporarily or permanently.
- (3) Exterior Building Materials – All exterior building materials on vertical and horizontal surfaces shall comply with the following:
  - Siding/Masonry: wood or engineered wood; fiber cement board; minimum 29-gauge steel siding horizontal lap design with an insulation backing adhered directly to siding to strengthen the material and minimize oil canning; composite siding of solid construction at least 1/4" thick with a wood grain image; associated siding trim material of similar composition made of solid material and with a wood grain finish is acceptable; brick; natural or manufactured stone;
  - Windows/ patio doors shall have wood structure with painted/stained wood, steel or vinyl clad exterior.

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- Garage overhead doors and exterior walk doors with metal exterior and insulated core are acceptable.
  - Fascia covered with metal is acceptable ONLY when steel siding is used and upon approval by the ACC.
  - Metal soffit material is acceptable with all siding materials.
  - Deck surfaces may be wood or resin board material with finish approved by the ACC. Railings shall be of similar material, aluminum or metal is acceptable, vinyl railings are not allowed.
  - Fencing used for patio/deck privacy may be wood or resin board material with finish approved by the ACC. Landscape fence may be black metal or as outlined in Article V Item 13 Garden Fencing. Vinyl fence material is not allowed.
  - Roofing materials – Each residence shall be shingled with either (i) architectural style asphalt or metal shingles, or (ii) wood shingles. Roof vents and accessories shall match roofing color.
- (4) All driveways, approaches, and sidewalks shall be paved with Portland cement or sustainable materials per City code and upon approval from the ACC from the edge of the paved street to the paved surface of the garage. Sidewalks required by zoning ordinance shall be per City code. Patio materials shall be of the same nature as driveways and sidewalks
- (5) Mailboxes – All mailboxes must be acceptable to U.S. Postal Authorities and located in those areas designated by the U.S. Postal Department. All structures containing mailboxes must be approved by the ACC.
- (6) Utilities Buried – All utilities on the properties, including water, sewer, storm sewer, natural gas, communication, and television shall be installed underground in compliance with all governmental regulations.
- (7) All construction shall be of a design, quality and style which enhances and complements the area.
- (8) Each lot shall be suitably landscaped to promote the aesthetics of the area. Landscaping shall comply with the City of Mason City zoning ordinance.
- (10) Each lot and building shall at all times be maintained in a neat condition and appearance commensurate with the character of the area.
- (11) Minimum Living Space – For each single-level dwelling, there shall be no less than 1,600 square feet of living space, excluding porches, garage, and basement. For each multi-level dwelling, there shall be no less than 1,800 square feet of living space, excluding porches, garage, and basement, with at least 1,200 square feet of such living space on the first floor; provided, however, that if the multi-level dwelling contains at least 2,000 square feet of living space, excluding porches, garage, and basement, a first floor with a minimum of 1,000 square feet of living space is acceptable.
- (12) Playground Sets – A playground set assembly shall be limited to an overall footprint of 20 feet by 28 feet; majority of the materials including structural elements must be made

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out of natural materials such as stained wood or masonry; be located in the third tier of the property as described in the City of Mason City zoning ordinance; be outside of all utility easements; and located no closer than 5 feet from any property line. Only one playground set unit shall be allowed on a property and shall not be incorporated into any vegetation. Information submitted to the ACC for review shall include a general description and picture of the equipment along with a drawing of the property with the size, location and distances from the property lines and house.

- (13) Garden Fencing – Garden fencing shall be limited to an overall footprint of 200 square feet; constructed from only temporary materials that minimize obstruction of view such as wire cattle fencing and steel posts; be a maximum of 60 inches in height; be located in the third tier of the property as described in the City of Mason City zoning ordinance; be outside of all utility easements; located no closer than 5 feet from any property line, and be removed at the end of a growing season or as directed by the ACC or Asbury Board of Directors. No permanent structural or gate components will be allowed. Only one garden fence shall be allowed on a property. Information submitted to the ACC for review shall include a general description and picture of the materials along with a drawing of the property with the size, location and distances from the property lines and house.

**ARTICLE VI. ENFORCEMENT**

Asbury Farm Homeowners' Association, Inc. shall have the right to enforce any decision or requirement of the ACC, and the violators shall be liable for all costs, including attorney fees incurred by the Association to enforce the decision or requirement of the ACC.