GMHF Sample Document

_____(Development)

Declaration of Covenants, Conditions
And Restrictions

_____ (Development)
Declaration of Covenants, Conditions and Restrictions

This Declaration of Covenants, Conditions and Restrictions (the "Declaration") is made this _____ day of _____, by _____, a _____.

ARTICLE I-DEFINITIONS

The following words, when used in this Declaration, shall have the following meanings:

A. Accessory Structures: A structure other than the Home allowable by City zoning regulation that may be used for storage or recreation.

B. ARC: The Architectural Review Committee consists of one representative from _____ (Developer), the City of _____, and _____ (any others).

C. BBN Home: The ___ (#) Homes within the Development that are under the GMHF's affordability guidelines as provided in the Development Agreement.

D. City: City of _____

E. Declaration: This Declaration of Covenants, Conditions and Restrictions.

F. Design Criteria Requirements: Criteria executed to ensure that all Homes and the overall community meet intended expectations of the compatible characteristics of the Traditional Neighborhood Design. See Design Criteria Requirements attached as Exhibit A.

G. Developer: _____

H. Development: The real property owned by Developer and described and depicted on the Plat.

I. Development Agreement: That certain Development Agreement between Developer and City of _____ dated _____, _____.

J. Home: A single residential housing unit consisting of a group of rooms and hallways that are designed and intended for use as living quarters for one family and located on a Lot.

K. GMHF: Greater Minnesota Housing Fund, a Minnesota non-profit corporation.

L. Lot: Any legally subdivided individual Lot as contained in the Plat.

M. Market Rate Home: Any Home in the Development that is not a BBN Home.

N. New Construction: Construction created for the Lot, the Home is designed to fit versus something built for a different location and transported.

O. Parcel: An area identified for multifamily, senior or commercial/office as illustrated in the approved PUD.

P. Plat: That certain _____ Plat of Subdivision recorded _____ as document no. _____.

ARTICLE II – USE AND DESIGN CRITERIA

Use and design criteria are hereby established for all Lots and Parcels within the Development. The use and design criteria included in this Declaration do not replace or supersede state or local codes. Where a conflict between these guidelines and state or local regulations occurs, the stricter standard is to be used. No changes shall be made to this covenant without the approval of the ARC. The ARC shall be in effect for a period of _____ from the date of this agreement. After the initial _____ period the duties of the ARC may be transferred to a Homeowners Board that will be formed by the Homeowners of the _____ (Development). The City shall remain an active participant if they so choose.

Section 1. Subdivision.

A. No Lot, Market Rate or BBN, may be combined, subdivided or split by any means whatsoever into any greater or lesser number of Lots than that shown in the Plat without the prior written consent of ARC for a period of ____ years from the date of this agreement; after the initial ____ years, the duties of the ARC will be transferred to a Homeowners Board that will be formed by the Homeowners.

Section 2. Use.

A. No Lot and no Home thereon may be used except for private residential purposes (except for in-Home occupations as defined and permitted by the City in the subject zoning district).

B. All uses of the Lots must, at a minimum, comply with zoning and other applicable ordinances and regulations of the City and the State of Minnesota. The standards and requirements contained in this Declaration are in addition to said zoning and other applicable ordinances and regulations.

C. No temporary structure, trailer, tent or similar temporary quarters shall be used for living purposes on any Lot.

D. When altering Home or Lot in any fashion including but not limited to changes in orientation of the Home or driveway, addition of Accessory Structures or fences, changing of exterior colors or landscaping refer to Exhibit A – _____ (Development) Design Criteria Requirements for further guidance and restrictions.

Section 3. Home Standards.

A. The Homes and Accessory Structures located on a Lot must be of new construction and according to the Design Criteria Requirements.

B. The exterior of all Homes and Accessory Structures located on a Lot must be completed within one (1) year after the commencement of construction, except where completion is impossible due to strikes, fires or other casualties, or national emergency. If not so

completed, the unfinished portion thereof will be deemed a nuisance and must be removed forthwith by and at the cost of the Lot owner.

C. Each Lot is limited to two Accessory Structures.

D. Utility and recreational vehicles shall be stored in a garage as to not be viewable from public areas or off site.

F. Window air conditioning units and central air conditioning units will not be placed in the front of Homes.

G. Satellite dishes, antennae and other similar devices are only allowed in locations on each Lot that are no closer than ten (10) feet to all common Lot lines and shall be screened from view.

H. No signs, signal, illuminations, advertisements, notice or any other lettering or equipment shall be exhibited, inscribed, painted, affixed or exposed on or at the windows or any part of the outside or inside of the Home, with the exception of political signs which are to be removed within 2 days after elections.

I. All window coverings must appear a neutral color from the outside. Sheets, blankets, towels, foil, etc., shall not be used in place of traditional window coverings.

J. Exterior of the Home, any accessory building, and all other structures, lawns and landscaping, walks and driveways, shall be maintained in good condition and shall be repaired as the effects of damage or deterioration become apparent. Exterior building surfaces and trim shall be repainted periodically and before the surfacing becomes weather-beaten or worn off.

Section 4. Landscaping Standards.

A. Minimum landscaping requirements for each Lot are as follows:

1. There shall be sod in the front yard and the rear and other yards shall be sodded or hydro-seeded. A lawn shall be established within one growing season.
2. There shall be one ornamental or shade tree (minimum caliper of 2 “) for every 30’ of frontage. Trees must be placed in a public area viewable from the street.
3. Native trees and shrubs to landscape each Lot where practical and appropriate.

B. Plant Locations:

1. All landscape features and plantings located on each Lot shall be placed to ensure adequate visibility to and from the adjoining driveways and streets, both at the time of planting and as the plants mature.
2. Trees and shrubs shall be planted to provide summer shade and to block winter winds where practical and appropriate on each Lot.

C. Maintenance:

1. All lawn areas on each Lot within the development shall be maintained on a regular basis. Minimum maintenance includes:

a. Mowing before the grass length reaches 6 inches

b. Reseeding of dead patches larger than 12 inches in diameter
c. Weed control; using weed control chemical legally
d. Regular watering

2. Small compost piles shall be acceptable on the Lots if they do not exceed 3 feet in diameter. The locations shall not be visible or shall be screened from public view. Any composting area must be located and maintained to prevent odors from adversely affecting the surrounding Lots.

3. Litter must be picked up from the view at all times. Garbage may not be stored outside of the garage or Home unless it is placed at the end of the driveway no more than 12 hours before garbage/recycling pick up. Garbage and recycling must be placed in a City authorized container or enclosed, hard sided, plastic containers when no City authorized container exists.

4. Leaf bags must be removed from the property or stored in the garage within 24 hours of filling, except for seasonal decoration and will be removed 15 days past the end of the season.

5. Woodpiles, logs, split-logs, and kindling may not be stored in the front yard or in any portion of a side yard of a Lot viewable from a public street. Any woodpile maintained on any Lot must be kept in a neat and stable condition. Wood may not be stacked in a location or manner that will cause damage to any structure (fence, house, etc.). The wood in all woodpiles within the Development must meet all state and local regulations and the owner of a Lot upon which a woodpile is located must ensure that best disease management practices are followed with respect to such woodpile.

Section 5. Design Review Process.

The home builders or homeowners must submit the designs, including but not limited to the plans and specifications for each type of Home along with exterior color and landscaping plans for the Homes to be built or modified in the Development to the ARC for approval prior to pulling a building permit or starting construction or modification of any Home. The ARC will oversee all aspects of the design of the Development, including but not limited to site design, Home design, neighborhood amenities, exterior treatments and colors of the Homes.

A. Variances may be granted by the ARC if extenuating circumstances prevail that do not compromise the Traditional Neighborhood Design or obligations and agreements made to the City.

B. The ARC consists of one representative from _____ (Developer), the City of _____, and _____ (any others). Majority of representatives must agree on ARC approvals and/or variances from covenants and Design Criteria Requirements.

IN WITNESS WHEREOF, the Developer has executed this Declaration as of the date first above written.

Developer:

_____
By:_____
Its:_____

_____)

) ss.
_____)

The foregoing Declaration of Covenants, Conditions and Restrictions was acknowledged before me this _____ day of _____, by _____, the _____ of _____, a _____ on behalf of the _____.

_____
Notary Public

Exhibit A

GMHF Sample Document

_____(Development)

Design Criteria Requirements

Purpose
_____ (Developer) believes it is critical for the immediate and long-term integrity of _____ (development) of _____ (City) that certain Design Criteria Requirements be established and adhered to by all approved builders. This criteria has been created to ensure that Homes and the overall community meet the intended expectations of the Developer, builders and homeowners.

The Community
_____ (development) of _____ (City) is a trans-generational community consisting of traditional single family homes, twin homes, association maintained townhomes, senior suites, and other rental and condominium Homes. _____ (development) will be a pedestrian oriented neighborhood that incorporates sidewalks, public parks and paths, ponds, tree lined streets and alleys. The neighborhood will emphasize the home and deemphasize automobiles. The development will include a variety of traditional home designs with front porches and traditional architectural detailing.

Design Style Emphasis
The community of _____ (development) has been developed to feature the unique characteristics and requirements associated with architecturally themed traditional neighborhoods. Simple home massing on narrow and house-dominant configurations support a wide variety of Traditional Neighborhood Design (TND) styles, including:

Arts & Crafts Bungalows	French County Cottage
Cape Cod	Italianate
Coastal	New England
Colonial	Prairie
Craftsman	Stick
Farm House	Victorian
Federal Two-stories	

The Architectural Review Committee (ARC)
Approved home builders must submit the following items to the ARC prior to pulling a building permit or starting construction of any Home:

- Home design elevations and floor plans and Lot layout,
- Home specifications
- landscaping plans
- exterior color choices

The ARC will oversee all aspects of the design of the Development, including but not limited to site design, Home design, neighborhood amenities, exterior treatments and colors of the Homes.

Variances may be granted by the ARC if extenuating circumstances prevail that do not compromise the Traditional Neighborhood Design or obligations and agreements made to the City.

The ARC consists of one representative from _____ (Developer), the City of _____, and _____ (any others). The majority of ARC representatives must agree on ARC approvals and/or variances from the _____ (Development) Covenants and Design Criteria Requirements. Other builders approved for the Development will also be allowed, upon request, to review Home plan elevations and site plans and comment to the ARC.

The ARC approval process will take approximately _____ (10 days recommended) days once the full set of plans have been delivered to the ARC. ARC will provide written approval to the builder. Requests for clarification to the builder from the ARC on submittal documents may extend approval dates within a reasonable time period.

Pre-selected Home designs from the _____ (Development) Home Pattern Book shall not require an Architectural Review Committee (ARC) approval process if no deviations are made to the style, color and layout pre-selections. However, Home plans and site plans should be submitted to the ARC to insure the Home plan fits properly into the Design Location Matrix and meets Lot setback requirements. Custom built and/or other Homes being built that are not part of the _____ (Development) Home Pattern Book will require ARC approval. Every effort has been made to provide all criteria for ARC approval; however some details such as architectural symmetry and scale are subjective by nature and can not be outlined in this document. The ARC shall reserve the final right approve or deny any Home being proposed by an approved builder.

ARC submissions and communication should be directed to:
_____ (Name)
_____ (Organization
_____ (Address)
_____ (Telephone)
_____ (e-mail)

The ARC retains the right to amend the _____ (Development) Architectural Design Requirements to benefit the development.

_____ (Development) Home Pattern Book
(_____) Development will have a Home Pattern Book of Home designs that are pre-approved by the ARC and will require less review by the ARC. Builders that intend to build a Home plan more than once may request the ARC add that Home plan to the _____ (Development) Home Pattern Book. Custom Homes are allowed, however they must be pre-approved by the ARC.

Design Considerations

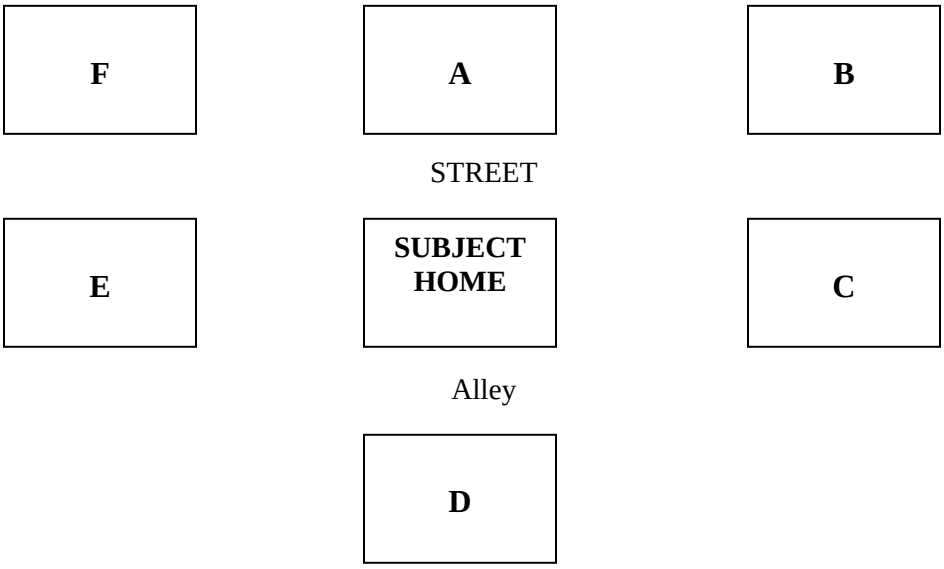
The following requirements will assist you in planning for ARC submission:

Homes

Variety of Home Styles:

To insure a variety of Home plans, styles, and colors, Homes must consider the existing Homes adjacent to the new Home being proposed and follow the Design Location Matrix.

Design Location Matrix



Matrix Relating to Subject Home	Yes	No
Must Be Different Home & Elevation	A,E	B, C, D, F
May Be Identical Plan & Elevation	D, B	A, C, E, F
May Be Identical Plan & Alternate Elevation	B, C, D, F	A, E
May Be Identical Color Pattern on Identical Plan	D	A, B, C, E, F

1. The Developer shall provide a mix of vibrant and muted color Homes within the Development.
2. Accent color shall relate to the main color of the Home.
3. Homes are to be built with a maximum of four colors per Home including the roof. All accessory structures are to conform to the colors selected for the Home on the same Lot.
4. Exterior trim should consist of window wrapping, and other detail to the approval of the ARC.

Maximum Setback Requirements:

Home structures, excluding porches, shall not be set back further than __ (minimum front set back required by City code) feet from the front property line.

Height:

The maximum building height single family and twin Homes is 2 and ½ stories. No element of the structure, including top ridge of roof may exceed 35 feet.

Size:

The _____(Development) Covenants and Design Criteria Requirements do not have a minimum square footage requirements for Homes. See City ordinance for minimum size requirements.

Roof Pitch:

Homes should not have a roof pitch less than 5:12 on the majority of the Home. The ARC may allow a pitch of less than 5:12 on some Homes for architectural design purposes.

Trim and Details:

All Homes shall have the following trim and details on all side of the Homes.

1. 5-8” eave trim under roof soffit
2. 5-8”” trim to separate shake and siding
3. 5-8” trim between siding color change, if applicable
4. 3.5” corner trim
5. 5” trim on Head and 3.5” trim on jambs and sill on all windows
6. 5” trim on Head and 3.5” trim on jambs on all exterior doors

ILLUS. 1 - HOUSE TRIM & DETAILS

Soffit:

Maintenance free soffit materials are required.

Interior Layout:

Main living areas such as the living room, dining room and kitchen within each Home should face front and back yards when possible to enhance connections to front and rear yards.

Windows:

Double hung windows are strongly recommended to provide design appropriate to Traditional Neighborhood Design (TND). Quality of manufacturers and consistency in design style are major considerations during the review process. Windows must be proportional and consistent in style. Large windows are required on the front and rear of Homes on the main level of the Home to provide visual connections to front and rear yards.

ILLUS. 2 - WINDOW SIZE, STYLE AND PLACEMENT

Fireplaces

Fireplaces may either be vented directly upward, or may be horizontally vented through structure wall. Wall vented fireplaces shall not be placed on exterior front wall of the Home without ARC approval.

Front Porches

Front porches should be the main focal point of Homes and are a required architectural feature for the front of the Home and shall be incorporated into the Home plans for each Home.

Spot Grade Minimum:

There shall be 18” minimum from the top of the entry sidewalk to the top of the porch decking.

Porch Location

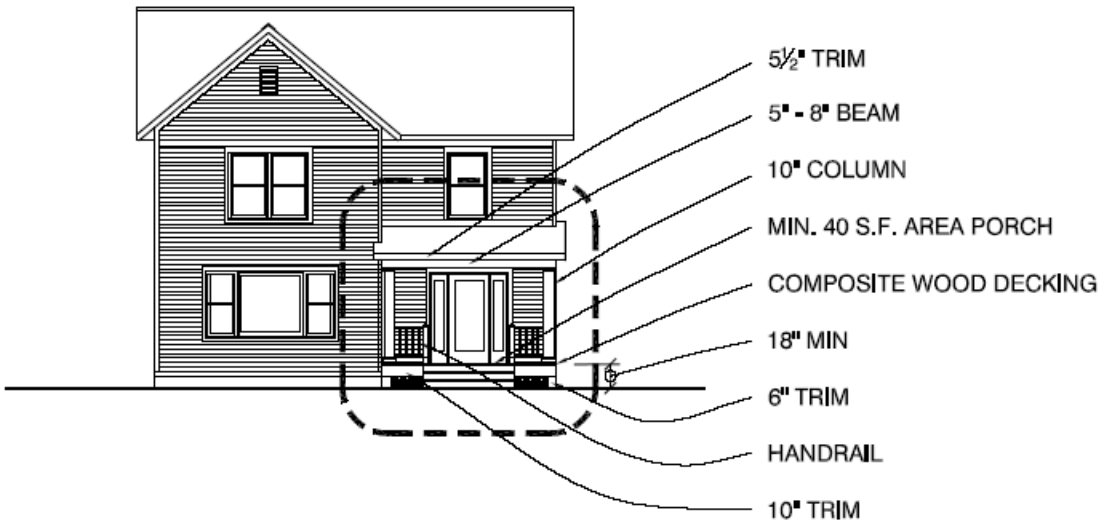
All single family Homes must have a porch that is visible from the front street. Porches should be placed in front of the front façade of Homes and should for the most part not be recessed within the Home structure or placed flush to or behind the front façade of the garage or Home.

Porch Size

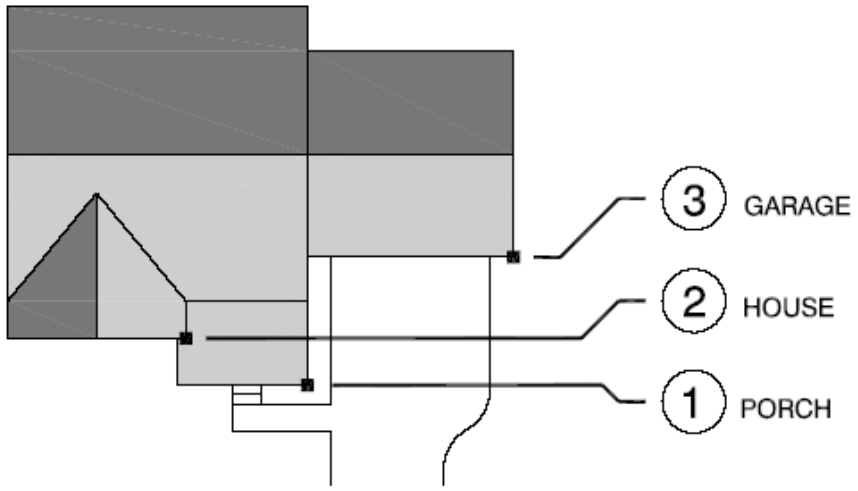
Each front porch must have a minimum square footage of 40 square feet unless part of the pre-approved _____ (Development) Home Pattern Book. No single dimension, (overall width or depth) may be less than 4 feet. The porch is considered part of the house for setback purposes.

Porch Design

Porch columns should be a minimum of 10” diameter. Porches should have hand rails where appropriate.



ILLUS. 3 - FRONT PORCH LOCATION AND SIZE



ARRANGE THE FRONT PORCH CLOSEST TO THE STREET, THEN THE HOUSE AND FINALLY THE GARAGE, WHICH IS RECESSED FURTHEST FROM THE STREET.

ILLUS. 4 - PLAN

Garage

Garage Size Consideration:

Garages shall not exceed more than 55 percent of the horizontal front façade of the Home. Example: Front façade of the Home is 20' wide, the front façade of the garage should be under 25' wide. Consider placing the second or third garage stall in the rear of primary garage stall (s) to minimize garage impact on curb appearance.

Garage Placement:

Homes constructed on Lots serviced by alleys should have garage doors facing the alley. Homes constructed on Lots without an alley should construct garages with the garage set back five (5) feet from the front the front façade of the Home. The front porch is not considered the façade of the Home for this placement.

Garages that are more than 2 stalls wide are discouraged. However, if a wider garage with doors facing the front street is to be constructed that is more than two stalls wide, one or two stalls must be set back at a minimum of 5' from the front façade of the primary garage stall(s).

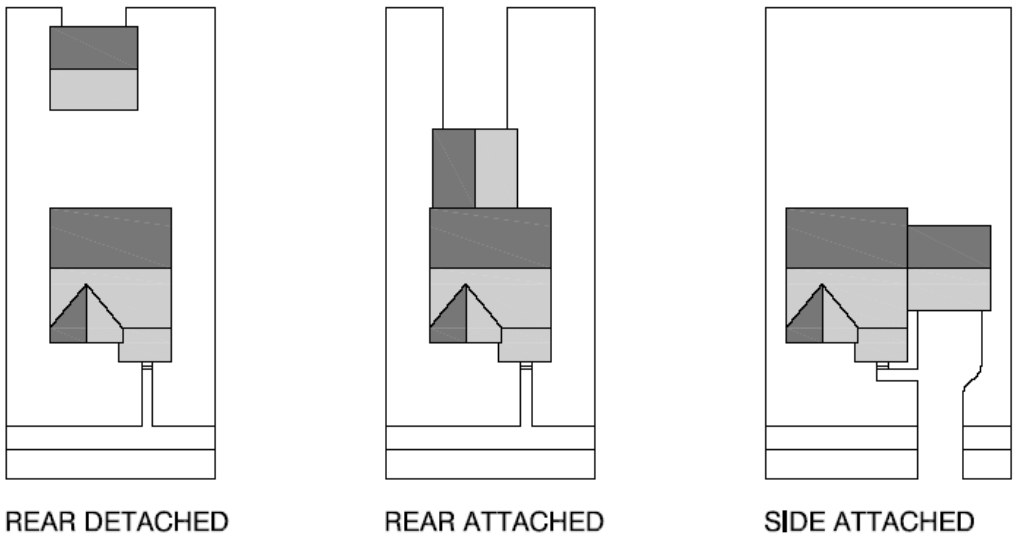
If three stall wide garages are built, the optimal place for those garages are as detached garages located in the rear of Lots serviced by alleys.

Garage Placement Options:

a. Side of house (set a back a minimum of 5' from the front façade of Home)
b. Rear of Home
c. Garage doors face rear Lot line on alley Lots
d. Consider detached garages to provide more yard and increase window options on Home.

Garage Placement Considerations:

a. Side load garages on corner Lots allowed by special ARC approval and City permit
b. Massing of bonus rooms is encouraged above garage where allowed by City ordinance.



ILLUS. 5 - GARAGE SIZE AND PLACEMENT

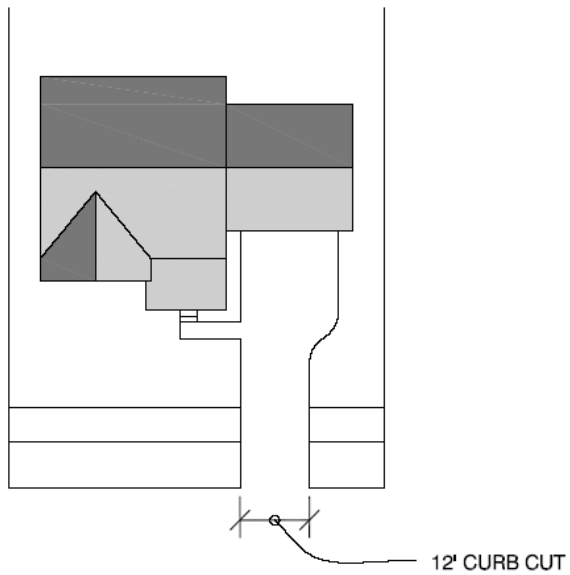
Driveways

Driveway Location:

Driveway will be reviewed for desired variation from other neighboring driveways. No front yard or side yard driveway curb cuts will be permitted on Lots that abut an alley.

Driveway Width:

For Lots that do not abut an alley, driveway curb cuts must not exceed twelve (12) feet in width as measured at the curb line. Driveways may fan out from the curb for necessary width.



ILLUS. 6 - DRIVEWAY WIDTH

Driveway Materials:

All completed Homes must have a hard surface driveway running from the garage door to a public street or an alley connecting to a public street. Only driveway materials of asphalt, concrete, exposed aggregate concrete, pattern stamped colored concrete, interlocking concrete pavers, brick, or stone may be used to construct or replace any driveway within the Development.

Driveway Grading:

Additional parking on the side of the garages must be paved and graded for positive slope.

Entry Sidewalks

Sidewalks should extend from the street or community sidewalk to the front entry so visitors may access the Home directly from the street or community sidewalk without stepping on the lawn or landscaped areas. It's preferred that sidewalks use slip-resistant finish materials that are consistent with the design of the Home.

Accessory Structures and Storage Sheds

All structures including Accessory Structures and storage sheds must be consistent with and conform to covenants and the Design Criteria Requirements of all main structures, including overall design, windows and doors, and exterior siding and roofing materials.

Miscellaneous

Combining and Subdividing of Lots:

No Lot may be combined, subdivided or split by any means whatsoever into any greater or lesser number of Lots than that shown in the Plat without the prior written consent of ARC.

Fences:

Fences may be allowed only on side and rear yards of each Lot where appropriate and necessary for screening, security, containment or aesthetic purposes subject to compliance with local ordinances and the review and approval of the ARC. Fences placed in near amenities such as the ponds and walking trails should be constructed with a semi-transparent material such as chain link or picket fencing to minimize impact. Additional criteria for fences are detailed in the Covenants.

Patios and Decks:

When patios and decks (as opposed to front porches) are included in a Home Plan, such features are preferred in the back yard rather than in the side yard or front yard. Patios are preferred to decks when feasible because of environmental impact and long-term maintenance issues.

Landscaping

Minimum landscaping requirements for each Lot are as follows:

1. The front and rear yard shall be sodded or hydro-seeded. A lawn shall be established within one growing season.
2. There shall be one ornamental or shade tree (minimum caliper of 2 ") for every 30' of frontage. Trees must be placed in a public area viewable from the street.
3. Unless otherwise approved by the ARC builders must have at least a $500 landscaping budget for foundation plantings and must plant a minimum one (1) shrub for every five (5) feet in house width (excluding garage) per Home. Said shrubs must be planted in area viewable from the public street.

4. Native trees and shrubs should be used landscape each Lot where practical and appropriate.
5. All landscape features and plantings located on each Lot shall be placed to ensure adequate visibility to and from the adjoining driveways and streets, both at the time of planting and as the plants mature.
6. Trees and shrubs shall be planted to provide summer shade and to block winter winds where practical and appropriate on each Lot.
7. Utilities must be placed an adequate distance from the space reserved for boulevard trees to prevent damage to existing trees root systems and damage to the utilities by tree roots as the trees mature.
8. To the extent possible, and as allowed through City ordinances, natural landscape elements shall be used for storm water management facilities, such as rain gardens, bio-retention areas and drainage swales.

Architectural Covenants

Architectural Covenants and Design Criteria have been created and recorded for _____ (Development). The _____ (Development) Design Criteria Requirements are meant to provide direction to approved Home builders on how to meet the covenants and get approval of Home designs from the ARC. Every effort has been made to provide all criteria for ARC approval; however some details such as architectural symmetry and scale are subjective by nature and can not be outlined in this document. The ARC shall reserve the final right approve or deny any Home being proposed by an approved builder. The ARC approval does not represent that the Home meets building codes and other City, state and federal requirements.