THE RESIDENCE AT ELK CREEK
THIRD AMENDED AND RESTATED
DESIGN GUIDELINES
EFFECTIVE OCTOBER 23, 2026

ARTICLE I.
THE DESIGN REVIEW COMMITTEE AND
THE DESIGN REVIEW PROCESS

1. **Design Review Committee**. The Design Review Committee (the "**DRC**") is established pursuant to the Declaration of Covenants, Conditions and Restrictions dated July 23, 2021 and filed for record by Elk Creek Development, LLC (the "**Declarant**") on August 4, 2021 as Instrument No. 2021-10801 in the records of the Woodbury County Recorder's Office, as amended from time to time (the "**Declaration**") for the development known as the Residence at Elk Creek. Compliance with these Third Amended and Restated Design Guidelines (the "**Design Guidelines**") and the provisions of the Declaration will help preserve the inherent architectural and aesthetic quality of the Residence at Elk Creek. By following these Design Guidelines and obtaining approvals for all improvements to the property from the DRC, homeowners will be protecting their financial investment and will help ensure that all improvements to the property are compatible with standards established for the Residence at Elk Creek. To further the foregoing, the DRC's functions include, but are not limited to, the following:

A. The DRC will evaluate each of the plans submitted by an owner for adherence to standards set forth in the Design Guidelines and this Declaration and based upon criteria that it deems important to the quality image of the Residence at Elk Creek.

B. The DRC will interpret the standards at the request of the lot owner. If conflicts arise in meeting these standards, the DRC will review and evaluate the conditions; however, in the event of any conflict between these Design Guidelines and the Declaration, the Declaration shall control, provided, however, the DRC has the right to grant variances from the Design Guidelines provided it uses its reasonable discretion and the variance is in writing, especially when doing so will enable a homeowner to avoid an unnecessary hardship or to overcome practical difficulties.

C. The DRC has the right, but not the obligation, to monitor the design and construction process in order to assure conformance with the approved documents and the standards set forth in the Declaration and these Design Guidelines; provided, however, the owner has the ultimate responsibility of for the conformance with the approved documents and the standards set forth in the Design Guidelines and in this Declaration and to promptly correct any deficiencies.

D. The DRC will review each submittal and respond within seven (7) calendar days of each submittal. Unapproved or incomplete submissions shall be revised and resubmitted by the owner for review and approval. The DRC's approval will be communicated in writing. Approval by the DRC will not constitute assurance that improvements comply with applicable governmental requirements or regulations or that a permit or approvals are not also required from applicable governmental bodies.

E. Information or questions may be submitted by e-mail at info@elkcreeksiouxcity.com.

2. **Design Review**. For the design review, two (2) sets of complete design development drawings and specifications are required by the DRC (sometimes referred to herein as the "**Final Plans**"), which shall include the following:

A. A site plan at a minimum scale 1"=20' to show property line, building footprint, setbacks, driveway, sidewalks, patios, fencing and lot utilities. The drawings shall show the existing and proposed grading contours (at one foot (1') intervals), walkways, lighting, easements, rights of way and lot lines.

B. A utility plan at a minimum scale of 1" = 20' to include (which may be incorporated into the site plan):

i. Sanitary sewers, sizes and materials.

ii. Water lines.

iii. Telephone, gas and electric, including meter locations.

C. A grading and drainage plan at a minimum scale of 1"=20' which shall show: (i) existing and proposed contours (at one foot (1') intervals), spot grades, finished floor elevations and drainage patterns with percentage of slope, (ii) existing grades twenty feet (20') outside the property lines into the adjoining property and (iii) the location of the silt fence to be installed in compliance with these Design Guidelines.

D. A landscape plan showing all new planting and any existing trees. The quantities and sizes of plant materials must be noted and in compliance with these Design Guidelines.

E. A schematic building floor plan with sections and elevations, patios, and decks at a minimum scale of 1/8" = 1' - 0".

F. Specification cut sheets and color samples for items including siding, roofing, deck materials, pools, fencing, exterior paint, roof vents, skylights, flag poles, and exterior lighting.

G. A soils report for the building site, based on soil borings, analyzing the condition of the soils from a qualified party and stamped by a licensed, professional engineer.

3. **Final Plan Approval**. Final Plan approval must be granted by the DRC. Any subsequent changes required to comply with applicable codes must be re-submitted to the DRC for approval. The DRC may request a meeting to discuss modifications of the drawings or in the specifications. Upon approval of the re-submitted Final Plans, the DRC will return one set of approved documents to the lot owner. After completion of the improvements shown on the Final Plans, any changes or modifications to the improvements shown on the approved Final Plans, including but not limited to color changes, structures, fencing, landscaping or additions to the house, must be approved by the DRC.

4. **City of Sioux City Ordinances and Standards**. Approval by the DRC will not constitute assurance that improvements comply with applicable governmental requirements or regulations or that a permit or approvals are not also required from applicable governmental bodies, including but not limited to the City of Sioux City. Each owner and the owner's builder must comply with all applicable zoning regulations, building codes, and any other regulations applicable at the time of construction, including but not limited to the current Iowa Statewide Urban Design and Standards (SUDAS) as adopted and supplemented by the City of Sioux City. In addition, owner or owner's builder shall obtain all necessary permits required for the work to be performed on a lot, including but not limited to building permits issued by the City of Sioux City. Upon completion of work on newly constructed homes, the owner must obtain a Certificate of Occupancy from the City of Sioux City prior to occupancy. Where applicable

requirements and codes overlap or appear to be in conflict with the requirements of the Design Guidelines, the more stringent provisions shall govern. The DRC is not responsible for review of structural, mechanical, electrical, or civil engineering design, architectural design, or any related building or building code issue not expressly covered in these Design Guidelines.

5. **Disclaimer**. Notwithstanding anything herein to the contrary, the DRC shall review the required submissions in compliance with these Design Guidelines but shall in no way be liable for or otherwise responsible for any part of the design or construction of the house which shall solely be the lot owner's responsibility.

ARTICLE II.
STANDARDS

1. **Lot Layout**. The DRC shall consider each site independently, but shall give extensive consideration to each individual site plan's impact upon adjacent houses and view corridors. The minimum building setbacks for each lot (which may be greater than those currently required by the City of Sioux City) shall be as follows:

For single family homes:

Front yard: 25 feet.

Side yard: 6 feet.

Back yard: 25 feet.

Side yard adjacent to street: 20 feet.

For duplex and triplex buildings:

Front yard: 25 feet.

Side yard: 7 feet.

Back yard: 25 feet.

Side yard adjacent to street: 15 feet.

Setbacks shall be measured from the road or street right-of-way to the finished face of the building foundation. Customary roof overhangs may occur inside the setback. The DRC may require setbacks greater than the distances shown above based upon the circumstances of each lot taking into account that: (i) corner lots shall site and orient the house in a manner that takes into consideration the adjoining house; (ii) care must be taken to locate each house, whenever possible, so as not to infringe upon view corridors, adjacent houses and natural amenities of the area; (iii) staggering building setbacks from road or street rights-of-way may be utilized to eliminate a regimented and monotonous streetscape; and (iv) such other circumstances that the DRC deems necessary to create an appropriate site envelope for each lot. All buildings and other structures shall be located within the building site envelope provided by the DRC; provided, however, gazebos or other recreational facilities may be located outside the building site envelope provided they are approved in writing by the DRC.

2. **Minimum House Size**. Houses shall have the following minimum square footages:

Type of Dwelling	**Minimum Square Footage Minimum House Size (S.F.)**
Townhome	1,200 square feet finished main floor
Single Family - Ranch	1,100 square feet finished main floor
Single Family - Two Story	1,100 square feet finished main floor
	500 square feet finished second floor

The square footages required above are exclusive of porches, garage, decks, patios or basements. Notwithstanding the above minimum square footage requirements, the DRC has the discretion to allow a minimum of 800 square feet for the main floor in those Townhomes with two stories and double garages, provided the plans otherwise meet the requirements set forth in these Design Guidelines and the Declaration.

3. **Building Materials**. In keeping with the planning and design considerations given to the natural environment as well as the upscale image of the development, certain building materials are more appropriate than others. Materials not listed herein or new building materials, as they are developed or become available, will be given special consideration provided their use harmonizes with the development's appearance. In the use of these materials, it is important to avoid large, uninterrupted planes in both facades and roof areas. However, the use of too many different materials or textures can create confusion and distract from otherwise good design.

4. **Foundations**. Exposed foundations must be painted to match the house.

5. **Roofs**. All plans for roof, roof pitches and overhangs must be submitted to and approved in writing by the DRC, prior to construction. Roof colors and textures shall be an integral part of the exterior color scheme of the house.

Permitted:

- Concrete tiles with natural texture and color
- Natural clay tiles
- Ribbed metal of warm colored finish (specialty areas only)
- Fiberglass shingles
- Asphalt shingles in warm earth tones
- Masonite shingles
- Standing seam metal

Not permitted:

- Asphalt shingles in bright colors
- Rolled asphalt
- Asbestos cement shingles
- Brightly colored metal

- Hallmark shingles

6. **Gutters and Vents**. All gutters (except copper) shall be painted or colored to match the approved roof colors or trim. Roof stacks and plumbing vents shall be placed on rear slopes where possible. Powered or turbine vents are not acceptable.

7. **Garages**. Each house shall have, as a minimum, an attached two (2) car garage with either a single door or two overhead doors (which is highly encouraged), except that any triplexes may have among the three units therein, one unit with a single car garage. All doors should be compatible with the exterior design. A maximum size of garage may be established at the discretion of the DRC.

8. **Siding Materials**. Siding materials bear the same consideration as roofing materials. Natural materials such as stone and wood inherently work well with their surroundings, as do man-made materials of natural color and material such as brick. In addition, large expanses of a single material, especially if unbroken by detail or depth, can become overpowering to the rest of the building form and surroundings. However, the use of too many different materials or textures can create confusion and distract from an otherwise good design.

Permitted:

- Wood or masonite lap siding or shingle
- Masonry
- Brick
- Stucco
- Architectural finished plywood
- Architectural metal panels

Not Permitted:

- Aluminum or steel siding
- Plywood (except as panel infill)
- Siding and trim colors in bright, harshly contrasting ranges
- Cement asbestos siding, unless DRC approval is given
- All plastics, including without limitation vinyl
- Simulated brick, unless DRC approval is given

9. **Decks and Porches**. The detail of all patios and decks must be architecturally compatible with the house. Patios and decks shall be designed to serve as an extension of the house. All decks shall be constructed with concrete or composite materials from brands such as Trex and TimberTech and in no instance shall pressure-treated wood, cedar or redwood other wood products be used for the decking. Required screening and materials will be at the discretion of the DRC. Outdoor carpeting is not allowed. Porch screening colors shall complement and blend with the house (green is not allowed). No mill-finish aluminum will be allowed as framing for a porch.

10. **Energy Conservation Equipment**. Any energy conservation equipment utilized must be an integral and harmonious part of the architectural design of a house as determined by the DRC. Unless written approval from the DRC is first obtained, no solar energy collector panels or attendant hardware or other energy conservation equipment shall be constructed or installed on any structure.

11. **Skylights**. The use of skylights is acceptable only when used on the side or rear elevation of the house. The skylights should be designed as an integral part of the roof, parallel to the roof plane. The glazing should be clear or solar bronze, and the frame and sash should closely match or blend in with the roof.

Permitted:

- Glass skylight integral with the roof and closely matched in color
- Rectangular or square with sides parallel to roof members
- Skylights on side or rear elevations only
- Operable skylights for ventilation

Not Permitted:

- White glazing, plastic bubble skylights
- Solar collectors (except where prior written approval is granted in accordance with Section 10 above)

12. **Grading**. To preserve the development goals, site grading of a specific lot shall be kept to a minimum and alterations to existing drainage systems shall be prohibited. Any grading necessary will maintain a natural appearance. Grading should produce graceful contours, not sharp angles and provide smooth transitions at the head and toe of the slopes.

13. **Retaining Walls**. Retaining walls are acceptable where proposed grades are in excess of 3:1. No railroad ties are allowed, but landscape ties are acceptable.

14. **Antennas**. Exterior antennas or aerials are not allowed except satellite dishes for television or data. If an antenna is required for a particular electrical function it shall be mounted inside the house, attic, or garage. The dish, antenna structure, and all electronic and ancillary equipment shall be located in a portion of the house, away from the front street, or adjacent properties if possible, and screened from view as much as possible. The materials and color of the screening must be compatible with the surrounding landscaping or houses and blend in with the surrounding area. Trees, other natural foliage, and ornamental features, as approved by the DRC, may be considered acceptable screening. All plans for dishes and antenna together with a location map, proposed screening, and colors must be submitted to and approved in writing by the DRC prior to installation.

15. **Flagpoles**. Flagpoles, if any, shall be residential in size and shall be reviewed and approved in writing by the DRC.

16. **Lighting**. No exterior lighting shall be permitted, which, in the opinion of the DRC, would create a nuisance to the adjoining property owners. No glare or hot spots will be allowed to be seen from adjacent properties. Flood lights shall be shielded fixtures. Exposed lamps are not acceptable. Pole mounted yard lights shall be permitted in front yards, styles to be reviewed by the DRC. Front yard luminaries shall be an incandescent type light. Any exterior house lighting, for security or aesthetic purposes, shall be kept close to the house. Lighting fixtures shall be carefully oriented to avoid directing unwanted light toward adjacent property and the roads and streets. No color light sources shall be allowed unless seasonal or temporary in nature.

17. **Recreational Items**.

A. In-ground pools and any related pool house/cabanas must be reviewed and approved in writing by the DRC prior to installation. All pools shall contain appropriate covers in compliance with all applicable laws. No above-ground swimming pools shall be erected, constructed, or installed upon any lot. Jacuzzis, hot tubs, spas, or any similar apparatus may be permitted upon prior written approval of the DRC if in accordance with these guidelines and such additional guidelines as may be established by the DRC. No above ground spas are permitted unless built into a deck system with spa flush to top of deck or enclosed in a courtyard area completely screened from adjoining properties. Equipment for pools, spas, and the like shall be reasonably screened from adjoining properties as determined by the DRC.

B. Basketball hoops and backboards, if used, shall be located away from the street; provided, however, they should not be visually obtrusive to the community (i.e. bright colors, advertising, etc.). Pole mounted basketball hoops and backboards are acceptable.

C. Play equipment shall be allowed as a free standing structure but shall be restricted to backyards and only installed after approved by the DRC. The DRC may establish guidelines relating to the size, style and location of all play equipment.

D. No decorative items such as sculptures, birdbaths, fountains and the like shall be placed or installed on the front or street side of any house without the prior approval of the DRC.

18. **Site Utilities**. Site utilities such as pool equipment, gas meters, etc. should be located to minimize their visibility. All exterior utility equipment shall be reasonably screened from the view of other houses and street. Window mounted air conditioners are not permitted.

19. **Accessory Buildings/Structures**. Dog runs and accessory buildings for storage of lawn equipment, fertilizer, etc. shall not be free standing but instead shall be an integral part of the house design and must be approved in writing by the DRC. Free standing gazebos and pool houses/cabanas are permissible only if they are approved in writing by the DRC. The DRC shall require, to the extent reasonably possible, that these structures are built of materials consistent with the overall design of the house and located within an acceptable location within the site envelope.

20. **Driveways**. Driveways shall be concrete only. Other materials must be approved by the DRC. Every driveway shall provide positive drainage away from the house and garage. Driveway aprons must be paved and patterned in the same manner as the driveway. No curb-side parking areas may be created by extending any portion of the street pavement. Driveway layouts with landscaped courtyards and/or curvilinear alignment are encouraged. Driveways must have an appropriate side yard setback to accommodate reasonable grading, landscaping and irrigation.

21. **Sidewalks.** Sidewalks shall be five feet (5') in width and concrete only. The sidewalk shall be one foot (1') from the property line. Corner lots will be responsible for sidewalks on all street frontages, including pedestrian ramps pursuant to City of Sioux City specifications.

22. **Mailboxes.** Only community mailboxes in compliance with the Unites States Postal Service are allowed.

23. **Furnaces**. Only furnaces using natural gas shall be allowed.

24. **Fences**. Any and all proposed fences must be approved in writing by the DRC prior to installation as to both location and material; provided, however, only black chain link and black wrought iron fences may be used.

ARTICLE III.
LANDSCAPE GUIDELINES

1. **Minimum Planting Requirements**. Each Parcel shall have at least three (3) new trees planted which shall be at least four feet (4') tall. The five (5) trees may be any combination of shade, evergreen, ornamental or deciduous trees. In addition, each Parcel shall have at least fifteen (15) new shrubs planted which shall be a minimum container size of 2-3 gallons. The fifteen (15) shrubs may be any combination of evergreen or deciduous shrubs. These quantities are minimums and additional plants beyond these numbers are encouraged. The quantities for trees were established for residential lots with no existing vegetation. Those lots with existing trees may be given credit for those trees preserved and the minimum requirements would be specific to that lot and decided by the DRC. All planting beds shall have only: (i) two (2) inch river rock; or (ii) black mulch. All planting beds shall be edged with only: (i) black rubber edging; or (ii) concrete edging. No natural edges shall be allowed. There shall be no plants or landscaping located outside of any planting beds.

2. **Courtyard Walls**. Any and all proposed walls must be approved in writing by the DRC prior to installation. Courtyard walls must be constructed of approved materials such as wood, brick, stone, or wrought iron. In addition, screening developed from masses of plantings are encouraged to enclose the private and service areas of a lot. Materials selected must be compatible with the style of each house and conform to the natural character of the lot. Low walls can be used to help the house "hug" the site.

Permitted:

- Courtyard walls with accent trim repeating fascia or trim details used on the house
- Courtyard walls using the same brick or stone used on the house
- Wood courtyard walls using materials, details and colors used on the house
- Courtyard walls - 3' maximum in height
- Poured-in-place concrete, or pre-finished modular masonry landscaping unit retaining walls. Color approved by the DRC.
- Any other type subject to review and approval by the DRC.

Not Permitted:

- Simple stucco walls, unless part of entry monument, for short runs
- Railroad tie retaining walls

3. **Landscape Completion**. The yard for each Parcel shall be completely seeded or sodded with turf grass such that a lawn is established within six (6) months after the earlier of the substantial completion of construction or the date a Certificate of Occupancy for the home constructed on the Parcel is issued. All remaining landscaping for the Parcel, as required by the Design Guidelines, shall be completed within one (1) year after the earlier of the substantial

completion of construction or the date a Certificate of Occupancy for the home constructed on the Parcel is issued. Notwithstanding the foregoing or anything herein to the contrary, all landscaping for each Parcel shall be completed within eighteen (18) months following the issuance of a building permit for the Parcel.

ARTICLE IV.
EROSION CONTROL

Each lot owner shall undertake all activities necessary to comply with any applicable storm water and/or erosion control statutes, rules and ordinances, including but not limited to installing silt fences until each lot has fully established vegetative cover. There exists for the Residence at Elk Creek a National Pollutant Discharge Elimination System General Permit No. 2 (the "**General Permit**"), bearing the Department of Natural Resources Authorization No. IA-38680 - 38314. A copy of the General Permit can be found at http://www.iowadnr.gov – NPDES General Permits. Immediately upon the transfer of each lot from Elk Creek Development, LLC, each lot owner shall become the sole responsible permittee for its lot with respect to compliance with all terms, provisions and requirements of the General Permit, including, but not limited to preventing the loss, transfer or migration of any soil, silt, sediment, petroleum product, hazardous substance or solid waste from or beyond the boundaries of its lot. All silt fences located on the lot shall, at a minimum, meet IDOT specifications.

ARTICLE V.
CONSTRUCTION PROCEDURES

Construction must be conducted so as not to be injurious or offensive to adjacent properties by reason of the emission or creation of noise, vibration, smoke, dust or other particulate matter, toxic or noxious waste materials, odors, fire and explosive hazard or glare. All construction sites are to be maintained in a clean and orderly fashion throughout the construction process. Abutting lots may not be used during construction unless the adjoining lot owner has given prior written permission. If the abutting lot owner(s) grants permission, no vegetative cover shall be removed or otherwise disturbed during said use. Construction materials are to be neatly piled on site; debris and rubbish are to be contained and periodically removed; tall, unsightly weeds are to be routinely cut back, streets adjoining a construction site are to be frequently swept clean of dirt and construction trash. Any debris left by a builder on public streets shall be cleaned up by the builder. Adjacent properties may not be used for the dumping of construction debris, dirt, trash or such items. There will be no washing of any truck or car on the streets of the development. Infractions of these procedures may be cause for a $500 fine to the owner and/or builder per infraction, and/or suspension of builder or builder's subcontractor from the project.

1. **Parking**. All construction shall not unreasonably interfere with the free passage of traffic through and around the site or with parking within the community. Construction traffic must be sensitive to the traffic patterns, speed limits, access to community mailboxes and the needs of the community.

2. **Noise**. Loud radios or noise will not be allowed within the development. This is often distracting and discomforting to property owners. Normal radio levels are acceptable. Do not mount speakers on vehicles or outside houses under construction. Remember that sound travels a long way on a windy day.

3. **Temporary Structures/Signs**. The installation and location of all temporary structures such as site trailers and leasing offices must be approved by the DRC. These structures must be promptly removed upon the completion of construction. Building permit boxes shall not be attached to existing trees. The installation of signs by contractors and subcontractors must be approved by the DRC.

4. **Deliveries**. No deliveries of equipment or material should be made before 7:00 A.M. or after 8:00 P.M. Operators of vehicles are required to see that they do not spill any damaging materials while within the development. If spillage occurs, operators or their contractors are responsible for the clean up. They are also required to contact governing agencies governing these occurrences. Clean-up done by the Association will be billed to the responsible party. Please report any spills as soon as they occur.

6. **Dumpsters and Trash**. Effective on May 4, 2022, all dumpsters, roll-offs and similar receptacles to collect trash and debris generated by all construction at the building site must be obtained exclusively from **K & M Disposal, LLC** (712-258-0051) unless a waiver is obtained from the Declarant which such waiver shall be in the Declarant's sole and absolute discretion. They shall be emptied regularly and before trash is higher than the sidewall of the dumpster to prevent overfilling. Dumpsters shall also be emptied or covered if winds are such that debris is blowing out of the dumpsters.

7. **Work Hours**. Construction work shall not begin before 7:00 A.M. nor continue after 8:00 P.M. Construction is allowed seven (7) days a week. However, it is preferred that construction not occur on Sundays and major National Holidays. Special permission is required from the DRC to move equipment or make deliveries on Sunday. All attempts should be made to coordinate construction work that may cause disruption to adjoining residents.

8. **Protecting Vegetation**. Trees and other vegetation that is to be saved according to the approved landscape plan must be flagged and, if necessary, protected by temporary barriers such as temporary chain link fences or other suitable barrier. The builder shall not store equipment or materials within the dripline of existing vegetation to remain.

9. **Vacant Property**. All vacant property shall be kept neat and cleared of debris, and shall be well and continuously maintained in its natural condition until construction commences on the property. Storing material on any vacant lots is not permitted unless permission is given by the owner and the DRC.

10. **Damage to Structures/Utilities**. Any damage to streets and curbs, drainage inlets, street lights, street markers, mailboxes, walls or any other property must be repaired to original condition by the responsible party. Repairs made by the Association will be billed to the responsible party. Any party who cuts any utility line such as water, sewer, electricity, cable TV or telephone shall be responsible for immediately reporting the incident to the appropriate utility.

11. **Portable Toilets**. Portable toilets must be provided by the builder at the site and shall be removed promptly upon substantial completion of construction of the home.

12. **Open Burning**. No open burning is allowed unless written permission is given by the DRC.

ARTICLE VI.
MISCELLANEOUS

These Design Guidelines amend and restate the design guidelines last dated June 4, 2024 and may be further amended from time to time by the Declarant during the Control Period (as defined in the Declaration) in the Declarant's sole discretion and thereafter by the Association.

[SIGNATURE PAGE FOLLOWS]

Declarant:

ELK CREEK DEVELOPMENT, LLC
By: Koskovich & Murphy Developments, LLC, Its Manager

By: Paul Koskovich
Paul Koskovich, Manager