

An Addendum to the  
SUPPLEMENTARY DECLARATION  
OF  
EASEMENTS, COVENANTS, CONDITIONS AND RESTRICTIONS  
OF  
BRIARWOOD  
A SUBDIVISION  
IN THE CITY OF COUNCIL BLUFFS  
POTTAWATTAMIE COUNTY, IOWA

Voted on and approved by over two thirds  
at the Annual Meeting of the  
Briarwood Housing Association  
Oct., 12, 2021

## **Section 8.7 (k) Swimming Pools, Hot Tubs, and Spas**

The main purpose of this covenant is to prevent installation of above ground pools, Spas, and hot tubs of any type. It is not intended to prevent homeowners from filling their small kiddie pools for a special treat or holiday. The Architecture Committee will not take any independent action for enforcement for small pools and hot tubs under 500 gallons. The Architecture Committee will not take any independent action for enforcement for small pools and hot tubs over 500 gallons erected for less than 7 days.

No in ground pool or hot tub or spa may be placed or maintained on any Lot without the prior written approval of the Architecture Committee. The requirements for approval in addition to City/County Ordinance compliance is: An approved 4 ft fence must be installed around said in ground pool, hot tub, or spa with a lockable gate. The fence must be in compliance with City Code 17.02.065. In ground pool, spa or hot tub may only be placed in a resident's back yard. Pump and filter equipment must be placed at a location that will not be a disturbance to neighboring properties. Installation must be done by a credited professional Pool Company. All pools, spas, or hot tubs shall be clean and maintained in operational condition. Above ground pools will not be approved.

### **ARTICLE 8**

#### **ARCHITECTURAL AND LANDSCAPE CONTROL**

Section 8.7 **Residence Design.** Without limiting the requirement that improvements conform to any Design Standards, the following shall apply:

(c) **Windows, Solar Panels and Awnings, Window or wall Air Conditioning and**

**Heating Units.** No unpainted aluminum will be permitted for window framing. Wood frames shall be painted, sealed, stained or have another coating approved by the Architectural Committee. Without limiting the foregoing, the Architectural Committee has the authority to require the use of certain types of divided light windows (such as bronzed, white or black), to prohibit or regulate the use of Renewable Energy Source Systems or heating panels and to regulate the construction, location, appearance and maintenance of awnings. Solar system installations must conform to the City of Council Bluffs Municipal Zoning Code Section 1, Chapter 15.34 (Renewable Energy) with the following exceptions: (1.) Freestanding/Ground-Mounted Systems are prohibited, (2.) Street-Facing Building-Integrated Systems are prohibited. Wind turbines are prohibited within the City's limits in the City of Council Bluffs. (per Section 15.03.685 of the City Code)

No window or wall air conditioning or heating units will be permitted; provided however. Developer may permit such heating and air conditioning units in a marketing office within a model home.

## ARTICLE 9

### Section 9.1 Residential Use.

#### From current Covenants

(b) Each residence may be occupied by only one: (1) family consisting of persons related by blood, adoption or marriage or no more than two (2) unrelated persons living and cooking together or in the same residence as a single housekeeping unit; PROVIDED, HOWEVER, that nothing contained herein shall prevent occasional temporary occupancy by guests of the family or occupancy by full-time domestic servants or medical assistants employed by the family; and FURTHER PROVIDED, nothing contained herein shall prevent the owner of a residence from renting a residence as long as the residence is occupied by only one (1) family as set out in this paragraph. Short-term Rentals of less than (1) one month are prohibited.

In WITNESS WHEREOF, President of the Briarwood Housing Association has executed this Declaration as of this date below.

DECLARENT:

G. Tom Quigley

President of the Briarwood Housing Association

State of Iowa

County of Pottawattamie

On This \_\_\_\_ day of \_\_\_\_\_, 2021, before me appeared G. Tom Quigley, did say that he is the President of the Briarwood Housing Association. And said instrument was signed on behalf of the Briarwood Housing Association, Voted on and approved by over two thirds at the Annual Meeting of the Briarwood Housing Association Oct., 12, 2021.

Notary Public \_\_\_\_\_

My Commission Expires \_\_\_\_\_