

**APPENDIX B
TO
POLICIES, PROCEDURES, AND RULES
OF THE MARIANA GLEN HOMEOWNERS ASSOCIATION**

ARCHITECTURAL AND COVENANT GUIDELINES

The Association hereby adopts the following Guidelines for landscaping and structural improvements to Lots in the Mariana Glen Community and for complying with the covenants and restrictions within the Mariana Glen Community:

1. General Policy. It is the general policy of the Association to provide for flexible application of covenants and restrictions within the Mariana Glen Community. The strict application of limitations and restrictions in any specific case may be modified or waived, in whole or part, by the Board of Directors if such strict application would be unreasonable or unduly harsh under the circumstances. Any such modification must be in writing and approved by the Board of Directors. *Declaration, page 13, Section 5.1.*
2. Architectural Criteria. The Architectural Review Committee (ARC) shall exercise its reasonable judgment to the end that all attachments, improvements, construction, landscaping and alterations to improvements on a Lot or landscaping of a Lot shall comply with the requirements set forth in the Declaration and this Appendix. The approval or consent of the ARC on matters properly coming before it shall not be unreasonably withheld, and actions taken shall not be arbitrary or capricious. Approval shall be based upon, but not limited to, conformity and harmony of exterior appearance of structures with neighboring structures, effective location with respect to topography and grade and use of improvements on nearby Lots, preservation of aesthetic beauty, and conformity with the specifications and purposes generally set out in the Declaration. *Declaration, page 19, Section 6.4*
3. Variances. The Committee may recommend reasonable variances or adjustments from any conditions and restrictions imposed by the Declaration in order to overcome practical difficulties and unnecessary hardships arising by reason of the application of the conditions and restrictions contained in the Declaration or in architectural guidelines. Any such variance must be in writing and approved by the Board of Directors. *Declaration, page 20, Section 6.11.*
4. General. The following guidelines are meant to clarify or expand on the Declaration. These guidelines do not replace or reduce limitations or restrictions in the Declaration.
5. Architectural Guidelines. The Architectural Review Committee is the committee appointed by the Board of Directors for the purpose of implementing the architectural review provisions of the Declaration and architectural guidelines for the Community to insure proper use, appropriate improvement, and harmonious additions, alterations and improvements within the Community. *Declaration, page 5, Section 1.2.*
 - a. *Declaration, page 7, Section 2.3.* The right and easement of enjoyment in and of any Common Area does not include the use of motorized recreational vehicles. Motorized recreational vehicles (i.e. ATVs, snow machines, motorcycles, etc.) are not permitted in the Common Areas.

b. *Declaration, page 16, Section 5.17.* Screens erected at the side of a residence for the purpose of storing garbage receptacles must conform to the harmony of exterior appearance of the residence structure and neighboring structures. The screens must be solid (i.e. not lattice) and be at least as high as the tallest trash/garbage receptacle or be at least four feet high, whichever is higher.

c. *Declaration, page 17, Section 6.1.*

Major landscaping includes, but is not limited to, anything that changes the contours of the Lot, planting trees, xeriscaping, and installing water features. If an Owner elects to employ xeriscaping there must be at least 50% turf in both front and back yards of the Lot. Fifty percent of the turf requirement may be some other living ground cover.

Xeriscape landscaping is landscaping designed specifically for areas that are susceptible to drought or for properties where water conservation is practiced. Note that "xeriscape" is pronounced as if it began with the letter, Z. This sometimes leads to the misspelling and misunderstanding that "xeriscape" means "zeroscape." Xeriscape landscaping in the Mariana Glen community can't be simply rocks nor need be limited to desert plants, such as cacti. The Association xeriscape landscaping policy allows an Owner to use the plants the Owner wants and suggests common-sense measures that will help conserve water, such as grouping plants with similar water requirements together. A common element in xeriscape landscaping is the reduction of lawn grass areas, since lawn grass is often one of the worst offenders against water conservation. However, to preserve the harmony of Lots within the community, some turf must be in the yard areas. This turf does not have to be blue grass, which is a heavy water consumer, but can be other turf grasses.

Improvements which make significant permanent impact include, but are not limited to, anything external to the dwelling that would require a building permit from the City of Loveland. Also included are gazebos, in ground or above ground pools (except "kiddie" pools), and play sets. Improvements which do not make significant permanent impact include, but are not limited to, staining deck flooring, replacing missing roof shingles, and repairs and maintenance of the residence. **If the Owner is not sure if the improvements are considered to make significant permanent impact, the Owner should contact the ARC or Board of Directors.**

d. Lot boundary fencing shall be two or three rail, white vinyl that is of the same height and configuration as the fencing of adjoining Lots. This guideline does not apply to any existing or any future fence(s) installed, maintained, repaired, or replaced by the Association. Privacy fencing is permitted with ARC approval. Contact the ARC for an example of approved privacy fencing.

e. The wire mesh selected for the lot boundary fencing or Association maintained fencing must be no higher than the top rail of the fence and must be attached on the home owner's side of the fence.

f. Dog runs will be approved only if they are located in the back yard of the Lot and only if the Lot has an installed perimeter fence. Dog runs must be at least five feet from the perimeter fence. Two options exist for dog runs: (1) the dog run must be made from the same type of material as the perimeter fence and must be no higher than the perimeter fence, or (2) the dog run may be made using five foot chain link fencing materials.

g. Flag poles on Lots for the purpose of flying the United States flag shall be no more than twenty five feet high, if self standing, or longer than eight feet if attached to the dwelling. Flags may not be more than four feet by six feet.

6. Covenant Guidelines. The Covenant Committee is the committee appointed by the Board of Directors for the purpose of investigating alleged violations of Association covenants. Upon receipt of a written allegation of covenant violation at least two members of the committee will investigate to determine if a violation exists.

a. *Declaration, page 14, Section 5.5.* The landscaping of each Lot shall be maintained by the Owner in a good, neat, attractive and well-kept condition, whether xeriscaped or with turf, which shall include lawns mowed to no more than five inches, hedges, shrubs, and trees pruned and trimmed, and removal of weeds and debris. Feces left by Pets upon the Owner's Lot must be removed promptly by the owner of the Pet or the person responsible for the Pet.

b. Shrubs, etc., that intrude on the greenbelt and interfere with the maintenance of the greenbelt will not be permitted.

c. *Declaration, page 15, Section 5.11 (a).* Prohibited classes of self-contained motorized recreational vehicles include most vehicles that include built-in eating or sleeping facilities, e.g. truck campers with cooking and sleeping facilities, toterhomes, toy haulers, Class A motorcoachs, and Class C motorhomes. Also prohibited from outside storage are snow machines, all terrain vehicles, and motorcycles. Permitted classes of self-contained motorized recreational vehicles include truck campers with a shell over the truck bed and without cooking or sleeping facilities and Class B campervans including those with cooking and sleeping facilities.

Truck Camper - a camper unit that is affixed to the bed or chassis of a pickup truck. Does not include truck with a shell over the truck bed that is not intended for camping, i.e. no sleeping or cooking facilities.

Toterhome - an uncommon term indicating a motorhome built around a semi truck chassis (such as a Freightliner). This type of motor home allows the pulling of large and heavy trailers.

Toy hauler - a motor home, 5th wheel or travel trailer, it is designed to be part living space, and part garage for storing things such as motorcycles and ATV's.

Class A Motorcoach - constructed on a commercial truck chassis, a specially designed motor vehicle chassis, or a commercial bus chassis.

Class B Campervan - built using a conventional van, to which either a raised roof has been added or had the back replaced by a low-profile body (compared to a Class C).

Class C Motorhome - built on a truck chassis with an attached cab section, which is usually van based, but may also be pickup truck based or even large truck (freightliner) based. They are characterized by a distinctive cab-over bunk. Also referred to as "mini-Motorhomes."

d. An oversized vehicle is defined as one with an empty weight of 8,000 pounds or more.

e. *Declaration, page 15, Section 5.11(b).* An "abandoned or inoperable vehicle" shall be defined as a vehicle that cannot be started and moved at any time.

f. *Declaration, page 16, Section 5.14.* Drying areas include any area that is visible when viewed from outside the Lot. If drying racks are used the racks must not be visible when viewed from outside the Lot.

g. *Declaration, page 16, Section 5.17.* Garbage cans, trash bags, trash cans or receptacles, and recycle bins must be returned to approved storage within 24 hours of trash or recycle pickup. Garbage cans, trash cans or receptacles, and recycle bins must not be placed outside more than 24 hours prior to trash or recycle pickup.

The undersigned Secretary of the Mariana Glen Homeowners Association does hereby certify that the above and foregoing Architectural and Covenant Guidelines were duly approved and adopted by the Board of Directors of the Mariana Glen Homeowners Association at a duly called and held meeting of the Board of Directors on the ____th day of ____, 2007 and will be effective immediately.

____ Secretary's Signature