

**SEVENTH AMENDMENT**  
**TO THE AMENDED AND RESTATED DECLARATION OF COVENANTS,**  
**CONDITIONS AND RESTRICTIONS FOR RIVER GLEN SUBDIVISION**

THIS AMENDMENT is made this 29<sup>th</sup> day of June, 2020

**RECITALS**

- A. On June 12, 2014, the River Glen Homeowners' Association ("Association") recorded an Amended and Restated Declaration of Covenants, Conditions and Restrictions for River Glen Subdivision, in the real property records of the County of Larimer, State of Colorado, at Reception No. 20140030765 (the "Declaration").
- B. The Declaration provides for and allows for this Limited Amendment to the Amended and Restated Declaration of Covenants, Conditions and Restrictions for River Glen (the "Amendment") in Article VII, Section c, which provides as follows:

This Declaration may be amended at any time upon proper notice, by the affirmative approval of 66% of all the Members in good standing or under any authorized procedure to amend covenants set forth in the Act, as amended. Members in good standing means Members that have not had voting privileges suspended for failure to timely pay Assessments.

- C. All Owners are aware of the provisions of the Declaration allowing for amendment, by virtue of the record notice of the Declaration, by acts and disclosures, newsletters or notices of the Association and by other means.
- D. This Amendment has been prepared and determined by the Association and by the Owners that have approved this Amendment to be reasonable and not burdensome.
- E. The purpose of this Amendment is to add metal buildings and metal roofs as allowed construction materials to Article VI Architectural Review Committee, as well as to reorder some of the language for better clarification.
- F. The undersigned, being the President and Secretary of the Association, hereby certify that the Association has obtained the affirmative approval of 66% of all the Members in good standing.

NOW, THEREFORE, the Association hereby approves and adopts the following:

I. Amendment. The Declaration is hereby amended as follows:

ARTICLE VI.  
ARCHITECTURAL REVIEW COMMITTEE

No building, Ancillary Structure, Outbuilding, animal enclosure, fence, shop, greenhouse, roofing, barn or garage shall be erected, placed, or altered on any site, until the construction plans and specifications; along with a plan showing the location of the structure have been approved in writing by the Architectural Review Committee (ARC). The ARC shall be composed of a minimum of three (3) HOA members, appointed by the Board of Directors. The ARC shall review plans as to quality of workmanship and materials, harmony of exterior design with the existing home, and design and as to location with respect to topography and finish grade elevation. Building shall be constructed per the specifications submitted by the Owner and agreed to by the ARC. Construction shall be reviewed by the ARC on completion to assure compliance with approved plans. Homeowner shall obtain a Larimer County Building Permit when required by the Land Use Code of Larimer County.

In the event the ARC or its representative fails to reply in regard to plans and specifications submitted to it within 21 days of receipt of complete plans and specifications, approval will not be required and the related covenants shall be deemed to have been fully complied with. However no building or other structure shall be erected or allowed to remain on any Lot which violates the provisions of this Declaration or the Larimer County Land Use Code.

Buildings or construction performed which do not comply with these articles, or for which no plan was submitted, or for which the plans were rejected shall be removed or modified to comply with changes required by the ARC. Fines may be applied and/or a suit to enjoin to enforce compliance may be brought by the Association for construction performed for which no plan was submitted or for construction that does not match a submitted plan or for any other violation of this Article. In the event that a plan is rejected by the ARC, the homeowner may appeal to the Board of Directors. An appeal request must be submitted to the Board of Directors, in writing, within 14 days of receiving a rejected plan from the ARC.

**Section A. Building Type and Occupancy.**

No part of said subdivision shall be occupied or used by an owner thereof for any use other than residential purposes. No building shall be erected, altered, placed or permitted to remain on any lot other than one single family dwelling, the Primary Structure, not to exceed two (2) stories in height.

Two Outbuildings, not connected to the Primary Structure, shall be permitted. The ARC may reject a building plan if the location, height and size, of the planned construction would cause a significant impact to the adjacent Owner's view or enjoyment of property.

A garden shed not to exceed 120 sq ft. shall be permitted in addition to the two Outbuildings. Garden sheds shall have a roof eave overhang that complements the roof eave overhang of the Primary Structure. Garden sheds shall be built on a level foundation. Plastic or metal garden sheds are not permitted.

Additions, such as garage space or a workshop, may be added to the Primary Structure and shall be connected directly, or via a "breezeway," to the Primary Structure and shall not count as an Outbuilding. Additions shall be constructed in harmony with the primary residence structure and shall have the same color scheme, roofing materials and architectural characteristics as or complements the primary residence. Any building or addition to be placed, erected, or maintained upon any Lot in the tract must be constructed thereon. No complete or substantially complete building, metal or wood storage sheds or containers, "modular/mobile home", or similar building or addition may be

constructed elsewhere and moved or placed onto the Lot. All set backs and building envelopes must be obeyed.

Outbuildings and Ancillary Structures shall be constructed in harmony with the Primary Structure. Ancillary Structures such as permanently constructed patio covers, pergolas, decks, pools, hot tubs, saunas and gazebos are considered part of the main structure as long as they are within 30 feet of the Primary Structure, whether or not they are connected to the Primary Structure. Ancillary structures shall be constructed of a size and material in keeping with the harmony and appearance of the main structure. Ancillary Structures constructed within 30 feet of the Primary Structure shall not be counted as Outbuildings. Ancillary structures construction materials should match or complement the types of materials used in the coverings and roof of the primary residence.

**Section B. Primary Residential Structure Construction Materials.** No residence shall be built of any kind of material that is commonly known as "boxed" or "sheet metal" construction unless the same shall be covered over upon the outside walls with weatherboard, siding, brick, stone, or other equivalent veneer material. All buildings shall complement the residence structure.

**B1. Outbuildings Construction and Materials.** Outbuilding construction materials should match or complement the types of materials used in the coverings and roofs of the primary residence. Steel sided ancillary buildings are permitted provided the following minimum criteria are met:

- a. The steel siding is 29 gauge or thicker.
- b. Buildings must be constructed using Larimer County's wind and snow load specifications. The building must have a soffit, gutters and other architectural elements that match or harmonize with the Primary residence design, such as wains coating, decorative veneers or other architectural features that match or harmonize with the primary residence.
- c. Building color must complement or approximate the primary residential structure.
- d. Homeowner's must provide engineering plans certified by a licensed engineer as part of an application for ARC approval.
- e. Application for the proper permits through Larimer County shall be made after ARC approval of the Outbuilding request. Changes to the ancillary building plans that alter the size, location or physical appearance of ARC approved plans require ARC review and written approval prior to construction.

**B2. Roofing Materials Residential and Outbuildings.** All roofing materials whether new construction or replacement roofs on any structure covered in Section B must meet the criteria in this section and requires ARC approval. A garage, breezeway and Primary Structure that are all attached or connected shall have one type roofing material. Roofing material on Outbuildings may differ from the primary residence structure and attached structures provided approval of the roofing materials by the ARC. Primary residential structures may use metal roofing as a roofing replacement. All roofing material shall be of high quality material and may be of the following types or materials:

- Clay tile, concrete tile or stone tile,
- Laminated or composite shingles that imitate shake or tile appearance,
- Metal roofing in tile or shake like or composite like design or standing seam design are allowed provided it is 26 gauge or thicker and the roof color is cohesive or harmonizes with the other current structures on the property,
- Shake roofs (wood) are permitted, but not required. The use of shake roofing material for *new construction* is discouraged. Larimer County fire retardant requirements must be met for replacement roofs. Existing shake roofs may be repaired.

**Section c. Dwelling Size.** No one-story ("ranch style") house shall be erected on any part of the above-described property unless the ground floor area thereof shall be a minimum of 1,200 square feet. In the case of a structure of a bi-level or two-story construction, the ground level of said

structure must have a minimum area of 900 square feet. In the case of a structure of "split-level", "multi-level", or "trilevel" construction, the ground level (main level) and the upper level (or level immediately above the ground level in the case of a multi-level house) must have a total minimum area of 1,200 square feet. Garages, basements, crawl spaces, and unenclosed or screened spaces such as porches, breezeways, or carports are excluded from the computation of such area.

Section d. Building Location. The location of any building upon the site must meet the Larimer County Land Use Code and have prior written approval of the Architectural Review Committee. No building shall be placed so as to interfere with any easements, without the prior written consent to such variance by the ARC and the easement owner. Buildings shall be located on properties such that they have a minimal impact to adjoining properties.

Section e. Fencing. No fence or wall shall be erected, placed, or altered on any site unless approved in writing by the Architectural Review Committee.

Section f. Temporary Structures. No structure of a temporary character such as a mobile home, trailer, shack, barn or outbuilding shall be used on any Lot as a residence, temporarily or permanently.

II. No Other Amendments. Except as amended by the terms of this Amendment and previous amendments, the Declaration shall remain in full force and effect.

IN WITNESS WHEREOF, this Amendment is executed by the undersigned.

RIVER GLEN HOMEOWNERS'  
ASSOCIATION,  
a Colorado nonprofit corporation

By: 

President

By: 

Secretary

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STATE OF COLORADO )

) ss,

COUNTY OF Laimer )

The foregoing was acknowledged before me this 29<sup>th</sup> day of June, 2020  
by Tom Dempsey President of the River Glen Homeowners' Association, a  
Colorado nonprofit corporation.

Witness my hand and official seal.

My commission expires: 3-25-2022

Notary Public

Janet M. Demott

JANET M DEMOTT  
NOTARY PUBLIC  
STATE OF COLORADO  
NOTARY ID 19944002787  
MY COMMISSION EXPIRES MARCH 25, 2022

STATE OF COLORADO )

) ss,

COUNTY OF Laimer )

The foregoing was acknowledged before me this 29<sup>th</sup> day of June, 2020  
by Lynette Anderson Secretary of the River Glen Homeowners' Association, a  
Colorado nonprofit corporation.

Witness my hand and official seal.

My commission expires: 3-25-2022

Notary Public

Janet M. Demott

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MY COMMISSION EXPIRES MARCH 25, 2022