

## MARION'S GARDEN CONSTRUCTION, ADDITION, AND ALTERATION GUIDELINES

1. Prior to the commencement of any construction, addition, improvements, or alteration work of any type structure - including, but not limited to, any home, building, addition, boat dock, fences, dog kennel, dog run, fountains, sheds, swing sets, jungle gyms, park equipment, docking systems, landscaping, lawn irrigation, retaining walls, gazeboes, lighting, exterior painting or staining, or any permanent or semi-permanent structures or improvements on any property within Marion's Garden, whether residential or commercial property, the property site owners are required to apply and obtain the written approval of the Architectural Committee before commencement of construction.
2. The application will submit written plans in person to the architectural Committee chairperson.
3. The Architectural Committee shall review and approve and / or disapprove the plans presented.
4. The Architectural Committee shall recommend such conditions as are appropriate and necessary to protect the objectives of these guidelines, that is: to enhance the long term development and maintenance, to enhance the aesthetic value, to protect the safety and welfare, to minimize congestion of vehicular and pedestrian travel, and to otherwise enhance the architectural plan and design of all structures and improvements within Marion's Garden.
5. The Architectural Committee shall give due consideration in its review of all plans to the following:
  - a) The location, character and natural features of the property;
  - b) The location, character, architectural style and design of structures within Marion's Garden;
  - c) Proposed construction materials, design fencing, screening, and landscaping;
  - d) Proposed canal, dock, boat dock cover improvements;
  - e) Proposed vegetation, topography, and drainage;
  - f) Proposed vehicular and pedestrian traffic, access, circulation and parking;
  - g) Proposed signage and lighting;
  - h) The integration of the structure or improvement with public utilities and services;
  - i) That the proposed plan conforms to the Marion's Garden Covenants, By-Laws and these Guidelines herein;
  - j) The degree to which conditions imposed upon applicant's plan will mitigate any probable adverse impacts that such proposed structure or improvement will have upon Marion's Garden and its membership, and the objectives of these guidelines;
  - k) No action or activity of Architectural Committee shall supersede existing ordinances of the City of Fort Pierre, likewise, the City of Fort Pierre will not issue a required building permit without the written approval of MGHOA's architectural committee for properties under the covenants, by-laws, and guidelines of MGHOA.
6. The applicant's plans shall be filed with the Architectural Committee, drawn to scale, and showing the following:
  - a) Proposed structure or improvement and relevant elevations together with the desired locations of improvements to, or building of any structures;
  - b) Complete dimensions of any proposed structure or improvements;
  - c) A description of materials to be used including proposed color schemes and samples;
  - d) Floor plans showing overall the dimensions and area of the structure or improvements, reflecting the design concept;
  - e) Description of proposed construction schedule;
  - f) Landscape plan and working drawings, and
  - g) Any other information or documentation deemed to be necessary by the committee in evaluating the request.
  - h) The plans will be returned to the owner when the building project is completed.
7. Color. The principal exterior color of structures will be naturally toned and not bright colors. This includes the color of trim, roofs, etc.
8. Roof. Structures shall have complex pitched roof design, with no less than 3 rooflines. See illustration, below.
9. No Basements. Marion's Garden covenants do not allow basements. A 4' split foyer home may be permitted with the prior written consent to be obtained from the Marion's Garden Architectural Committee. Structures may not have more than two stories.
10. One Year to Complete. Once construction on a structure or improvement has commenced, it is expected that, as with landscaping, it will be completed within one year. Failure to do so shall constitute a violation of the Declaration of Protective

and Restrictive Covenants affecting the structure and may require the Homeowners Association to take action: modification, completion or removal of the works at the owner's expense.

11. Square Footage. Marion's Garden Covenant #1 states that 1200 sq. ft. is the minimum house size. The first floor living area of the structure shall be a minimum of 1200 sq. ft.

12. Set Backs. No structure (for example, a dwelling or other building) shall be erected closer than 25' from the canal wall. No structure shall be erected closer than 7 1/2 feet from any side property line, nor closer than 25' from any front property line.

13. Irrigation. Except ladders and boat dock hardware, no piping, wiring, or other objects shall extend over the top of the canal wall.

14. Dock, Boat Dock Covers, or Any Other Dock or Canal side Improvements.

Boat docks, dock covers or any other improvements adjoining the canal wall shall not extend farther than 35' from the canal wall, nor extend higher than 10' above the canal wall. Lot owners shall submit a written plan for a boat dock and / or cover design and shall not install it prior to approval by the Architectural Committee.

A. Docks:

Boat docks shall be floating poly modular boat docks or boat dock systems. Fabrication of boat docks shall generally conform to the specification, marked Specification 1, and attached hereto.

B. Boat Dock Covers:

Lot owners shall submit a written plan and boat dock cover design and shall not install it prior to approval by the Architectural Committee. Boat dock covers shall be constructed of welded aluminum frames covered with canopy fabric. The top of any boat dock cover shall be no higher than 10' above the top of the canal wall on the subject lot. Canopy cover colors shall be an approved white, tan, or gray. No additional lettering, logos, or characters allowed. Fabrication of boat dock covers shall generally conform to the specification, marked Specification 2, and attached hereto.

C. Other Dock or Canal side improvements:

Other dock or canal improvements shall include plans and specifications that give consideration to use of the canal, lot views, set-back, materials, and capacity. No detached structures allowed. Homeowners shall strictly maintain any improvements constructed or installed upon their lot such as necessary repairs to cracked or damaged dock modules, broken frames or fasteners, ripped canopy fabric, and shall take reasonable diligence to keep all such improvements in good working order and clear of clutter or debris. Failure to maintain improvements will yield in revoking the authorization from MGHOA to the lot owner to enjoy such improvements. Removal of the deficient improvements will be ordered and the lot owner will remove it at their expense.

15. Fences. Fences are disfavored. A dog run or kennel shall enclose an area not to exceed 200 square feet, with a maximum of 16' on any one side, and must be attached to the principle structure. Any such dog run shall have Architectural Committee approval.

16. Build Level. The minimum build level for the first floor of any house in Marion's Garden is 1432.2 msl (as recommended by the US Army Corps of Engineers). This amounts to approximately 18" above street level on the average. The City of Fort Pierre has exact street elevations and measurements for sewer and water taps in their offices. Any structures shall comply with the FEMA Flood Plain Elevation Plan, adopted by the City of Fort Pierre that is in effect.

17. Approval shall be sought from the Architectural Committee before the City or County are approached for permit permissions to undertake work. Failure to obtain approval shall constitute a violation of the Declaration of Protective and Restrictive Covenants affecting home / building and may require modification or removal of unauthorized work at the owner's expense.

18. A building permit is required by the city of Fort Pierre prior to the commencement of any work. The Architectural Committee does not assume any responsibility for failure to obtain such permits. Obtaining such permits does not waive the obligation of the property owner to obtain Architectural Committee approval prior to commencement of construction. It is expected that plans and specifications for works of construction or improvements will be prepared in accordance with applicable building codes with sufficient clarity and completeness to allow the Architectural committee to make an informed decision about the request.



19. No construction or installation of a structure or improvement shall be commenced without having first obtained the prior approval of the Architectural Committee, or as maybe duly granted by the MGHOA Board of Directors upon the successful appeal of the disapproval.

20. Any variance from the recommendation of the Architectural Committee and variance from these Guidelines contained herein shall require the prior written consent and approval of the Marion's Garden Owners Association Board of Directors.

21. Any structure or improvement granted under these guidelines shall be constructed in conformity with the terms and conditions of the plan submitted and any conditions required by the Architectural committee, or upon successful appeal, by the MGHOA Board of Directors.

22. Effective Date. These amended guidelines are effective May 8, 2018 and apply to the construction of any improvement or structure within the Marion's Garden subdivision which has not been previously approved by the Association by and through the Architectural Committee or the Association's Board; any plans which have been submitted and are now pending review and approval shall remain subject to the Construction Guidelines in effect at the time the plans were submitted to the Architectural committee.