

DESIGN REVIEW MANUAL



Aspen Park Phase I at Mountain View Meadows

Helena, Montana

February 4, 2013

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Design Review Committee and Enforcement

Section 6. of the Declaration of Covenants, Conditions and Restrictions provides that all buildings, structures, fencing, landscaping and other improvements be subject to, and shall conform to the Design Review Manual and that the Home Owner's Association is bound to the Design Review Manual as part of the obligations, burdens and benefits of ownership of a residential lot.

1. INTRODUCTION

1.1. Intent and Purpose

In order to achieve the purposes set forth in Declaration of Covenants, Conditions and Restrictions (CC&R's), a Design Review Committee (DRC) will review all proposed improvements to a residential lot. The DRC will use this Design Review Manual as a guideline for their evaluations, recommendations and approvals, thereby assuring each lot owner that:

- their lot investment will be protected to the greatest degree possible; and not otherwise impaired by other Association Member's improvements;
- design flexibility will be maximized within the guidelines appropriate for the continuity of the Aspen Park Phase I Neighborhood;
- the improvements a lot owner desires to make to their individual lot(s) will be evaluated fairly, reasonably, consistently and in a timely fashion.

The Design Review Manual sets forth specific procedures, guidelines and requirements governing the DRC's review of plans for all proposed alterations of land or buildings on the owner's residential lots. The Design Review provisions are intended to invite variety, originality and authenticity of style in both architectural and landscape architectural design in a way that further promotes the intent of the Aspen Park Phase I Neighborhood.

1.2. Relationship to other MVM Governance Documents

The Design Review Manual is subject to all provisions of the Mountain View Meadows Declaration of Covenants, Conditions and Restrictions and Home Owners Association Articles of Incorporation and By-Laws. It shall conform to and be consistent with these documents.

1.3. Organization of this Document

Following this introduction (Section 1), this Design Review Manual includes the following sections:

Section 2 – Design Review Committee (DRC)

This section covers the DRC's organization and procedural activities, including make-up, meetings, and responsibilities and general service commitment to Members. It also discusses competency standards and enforcement provisions.

Section 3 – Design Standards and Guidelines

This section covers residential lot use and improvement requirements, the design submittal and review process, and specific standards and guidelines for Architectural Design, Site Planning, Landscape Architectural Design, and Construction.

In matters of compliance for each of these areas, the goal of the Design Review Manual is to clearly set forth:

- What a Lot Owner is entitled to do.
- What a Lot Owner is not entitled to do.
- Areas where the Owner is entitled to have the DRC work collaboratively with them to accommodate Member creativity and innovation.

Section 4 – Appendix

Examples of preferred Aspen Park Phase I Neighborhood Homes are included in Appendix A to this Manual. These examples are included to help better clarify and interpret the architectural design standards of this manual for the lot owners.

2. Mountain View Meadows Design Review Committee (DRC)

2.1. Organization

2.1.1. Make Up and Appointments

2.1.1.1. Appointments to the Committee

The Declarant (as defined in the Mountain View Meadows Declaration of Covenants, Conditions and Restrictions) shall appoint, and may replace, the members of the Design Review Committee until Declarant has sold ninety-five percent (95%) of the residential lots. Thereafter, the Home Owners Association Board of Directors shall appoint, and may replace, the members of the Design Review Committee.

2.1.1.2. Committee Make Up

Until ninety-five percent (95%) of residential lots have been sold, make up of the DRC shall be at the Declarant's discretion. At turnover, after the sale equivalent to 95% of the lots, the MVM HOA Board of Directors shall empanel the DRC to consist of three (3) persons with the following qualifications:

- One (1) Members of the Association. A Member serving on the DRC may or may not also be a member of the Board of Directors or other Association governance committees.
- One (1) Architect licensed to practice Architecture in the State of Montana.
- One (1) Landscape Architect licensed to practice Landscape Architecture in the State of Montana.

The Architect and Landscape Architect may or may not be Members of the Association.

Members of the Committee shall elect a presiding Chairman, who shall be approved by the MVM HOA Board of Directors.

2.1.1.3. Term

After ninety-five percent (95%) of the lots have been sold, persons serving on the Design Review Committee shall be appointed to serve for a term of three (3) years, up to a maximum of four (4) terms.

2.1.2. Meetings

2.1.2.1. Annual Meeting

The DRC shall meet each year on the same day as the Annual Member's Meeting, at the Association's principal office, to address administrative matters and any proposed changes to the Design Submittal and Review Process.

2.1.2.2. Ad Hoc

The DRC shall meet or conference as necessary to review application packages submitted by lot owners.

2.1.3. Reimbursement

Design professional DRC members (Architect or Landscape Architect) shall be reimbursed at their normal professional rate for services. The DRC may consult with other professionals who are not members of the DRC to assist it in making decisions. The reasonable cost of such

consultation shall be borne by the lot owner-applicant, provided the lot owner-applicant is advised in advance of the approximate cost of proposed services.

2.1.4. DRC Responsibilities

2.1.4.1. To the Association

The DRC is authorized by the Home Owner Association's Board of Directors, for the benefit of the Aspen Park Phase I Neighborhood to review all proposed improvements to individual lots. The Committee's oversight activities shall have as their primary objective ensuring that the Purposes set forth in Section 6 of the Declaration of Covenants, Conditions and Restrictions are met.

The DRC shall report to the Board of Directors as necessary, and coordinate with and support both the Board in all matters relating to community governance.

2.1.4.2. To Aspen Park Phase I Neighborhood HOA Members

Part of the DRC mission shall be to help lot owners enjoy the improvement process for their lots. Through the Standards and Guidelines set forth in this Design Review Manual, the DRC shall help lot owners pre-plan their lot improvements in a manner that will allow those improvements to succeed for them and their neighbors.

The DRC and the Design Review Manual shall assure lot owners of predictability and fair play in the Design Submittal and Review Process, and thereby make this process as convenient and pleasant as possible.

2.1.5. No Improvement without Committee Approval

No site, building, building addition, exterior alteration or other structural improvement, including, but not limited to, grading, roads, landscaping, and fencing, shall be erected, placed, added to, altered or reconstructed upon any lot owners property until the location and the plans and specifications thereof have been approved in writing by the DRC. Any such approval may be made subject to conditions. When the DRC issues an approval, a copy of the plans shall be returned to the DRC for permanent record. The DRC may establish categorical exemptions from review.

2.1.6. Timely, Sensible, Collaborative Process

The DRC's Submittal and Review Process shall provide each lot owner with a collaborative environment that incorporates a common-sense approach to applying the Design Standards and Guidelines set forth in this

Design Review Manual. Deliberations shall in all cases be undertaken in good faith to meet deadlines in a timely fashion.

2.1.7. Failure to Comply

If a lot owner or other applicant fails to comply with a written directive from the DRC, the DRC shall have the right and authority to cause the performance of the subject matter of such directive. Such right and authority shall include, if necessary, the right to enter upon the lot or house exterior to correct any non-compliance with approved plans and specifications of this manual. The cost of performance of the subject matter shall be charged to the lot owner in question. Such charges shall be due within fifteen (15) days after receipt of written demand, and may be recovered by the Association in the same manner as a delinquent assessment in accordance with Section 3. of the Declaration of Covenants, Conditions and Restrictions. Failure to comply with the requirements for DRC approval shall be deemed sufficient basis for the DRC to refuse to review the submission.

2.2. Competency Standards

2.2.1. Minimum Credentials for Design Professionals

To assure quality design and competent performance, professionals to be engaged by the DRC in reviewing design documents, plans and construction specifications must have the following minimum credentials unless otherwise approved by the DRC: Landscape Architects – licensed in the State of Montana to practice Landscape Architecture; Architects – licensed in the State of Montana to practice Architecture; Engineers – licensed in the State of Montana licensure to practice Engineering.

2.3. Enforcement

2.3.1. Reasonable Enforcement

The Design Review Committee shall reasonably implement and enforce the policies and terms of the Design Review Manual in accordance with Section 11. of the Declaration of Covenants, Conditions and Restrictions, Articles of Incorporation, and By-Laws.

2.3.2. Required Conformance

All structures, improvements and landscaping on the Aspen Park Phase I lots shall conform to the Design Review Manual and the Declaration of Covenants, Conditions and Restrictions.

2.3.3. Amendment

The procedures, design requirements, design guidelines and construction guidelines set forth in the Design Review Manual may be amended, with

the express written consent of Declarant, by the Board of Directors so long as the amendments conform to the purposes and intent of the Design Review Manual and the Declaration of Covenants, Conditions and Restrictions. At such time as Declarant has sold ninety-five percent (95%) of the Lots, the express written consent of Declarant shall no longer be required for the Board of Directors to amend the Design Review Manual.

3. Improving the Member's Lot

3.1. Lot Use and Improvement

3.1.1. Permitted Uses

3.1.1.1. Private Residential Purposes Only

In order to protect and sustain the purposes and character of Aspen Park Phase I, all lots shall be used exclusively for private residential purposes. No dwelling unit or associated outbuilding erected or maintained within the lot boundary shall be used or occupied for any other primary purpose. No business, professional or other commercial enterprise involving meeting with the general public or regular commercial deliveries shall be conducted on any lot, or in any dwelling unit or other improvement located thereon. No more than one single family dwelling unit shall be constructed, erected or maintained on any lot.

3.1.1.2. Home Business Activities

Lot owner business activities of a limited nature and secondary to residential use are permitted, providing that they are consistent with the Declaration of Covenants, Conditions and Restrictions and the City of Helena, MT zoning regulations. Such uses would include a home office or an artist's studio contained within the residence or an associated structure. No business activities shall be allowed which interfere with other lot owner's enjoyment of their lots.

3.1.2. Community Goals for Design and Construction

Design concepts and plans for all proposed residential structures shall conform to the Community's goals for consistent architectural and landscape architectural themes that are representative of the Aspen Park Phase I home design criteria and requirements and existing home designs.

3.1.3. No Temporary Structures

Consistent with the Mountain View Meadows Declaration of Covenants, Conditions and Restrictions, no structure of a temporary character including any trailer, tent, camping quarters, garage, barn, or other out-

building shall be used upon any Member's lot at any time as a residence, either temporary or permanently.

The foregoing shall not be deemed to preclude temporary backyard and camping activities of children, or the erection of temporary play houses otherwise complying in all respects with the terms and conditions of the Declaration of Covenants, Conditions and Restrictions.

No dwelling residence or other structure or improvement placed or erected on any lot shall be occupied in any manner at any time during the course of original construction.

3.2. Design Submittal and Review Process

The following plan review stages invite clear and open communication and reduce the chance that plans will be developed that are not appropriate for Aspen Park Phase I. This will benefit each lot owner by minimizing redesign and revisions during the review process. The DRC review process will involve the following steps and submittals. See Appendix B for a summary of the process.

3.2.1. Preliminary Review

3.2.1.1. Informal Discussions

Informal discussions prior to submittals are encouraged to provide an opportunity for the lot owner, or lot owner's design team, and the DRC to have an informal discussion of the Design Review Manual and the specific requirements. These discussions also provide the lot owner and their design team an opportunity to share their initial design concepts. No formal submittals will be required.

Pre-Application meetings may be conducted either in person or via telephone conference call at any time mutually convenient to the Member and the DRC.

3.2.1.2. Conceptual Improvement Plan Submittal

A Conceptual Improvement Plan submittal is the first part of the formal submittal process. This submittal shall include schematic design of the residential structure and site plan in accordance with section 3.3.1. 8 of this document. The submission may be mailed or hand-delivered to any member of the DRC. In addition to the plans an anticipated construction timeline shall also be submitted. The DRC will review the completeness of the lot owner's submittal within ten (10) business days of receipt and provide the lot owner and/or the design team with a list of outstanding issues.

As part of their Conceptual Improvement Plan Submittal, lot owners are encouraged to include photographs, illustrations and/or any other reference materials that may assist the DRC in visualizing the proposed lot and building improvements.

3.2.1.3. Conceptual Improvement Plan Preliminary Approval

Conceptual Improvement Plans will be reviewed by the DRC for compliance with all applicable Design Standards and Guidelines of this Design Review Manual. If the Standards and Guidelines are met and the lot owner has successfully responded to all DRC concerns previously communicated preliminary approval will be granted in writing by the DRC. Proposed designs that have not responded to DRC concerns, or are otherwise inconsistent with this Manual's stated Design Standards and Guidelines will be denied in writing by the DRC. In the event of a denial, the DRC will provide the lot owner with a written explanation of the DRC's specific reason(s) for withholding approval within ten (10) business days of the submittal. The owner may then resubmit plans after addressing the DRC written explanation for denial.

3.2.2. Final Review

3.2.2.1. Final Improvement Plans and Documents Submittal

Upon lot owner receipt of preliminary approval from the DRC, the following material shall be submitted by the lot owner to the DRC for final review:

3.2.2.1.1. Final Design and Construction Documents

This shall include building and site plans in accordance with the requirements of section 3.3.1.8 of this document.

3.2.2.1.2. Construction Management Plan

This shall include a summary of planned construction activities, the anticipated construction schedule (not to exceed twelve (12) months without approval of the DRC for special circumstances), and the name of the Builder or General Contractor to be employed.

The purpose of this review is to ensure that final construction plans and documents are consistent with the conceptual plans approved at Preliminary Review.

The DRC will review the completeness of the final plans and documents submitted within ten (10) business days of receipt and provide the lot owner with a list of any specific outstanding issues, if any, that must be addressed prior to issuance of a Notice to Proceed.

A formal meeting between the lot owner and the DRC will not be required for final approval.

3.2.2.2. Final Approval and Notice to Proceed by DRC

A written "Notice to Proceed" will be issued by the DRC for all plans that are consistent with plans initially approved at Preliminary Review.

3.2.2.3. Member Responsibility for Permits

Prior to initiating construction, the lot owner shall be responsible for obtaining any applicable permits required by the City of Helena, Montana.

3.2.2.4. Variances

The DRC shall strive to interpret and apply the Design Standards and Guidelines of this Design Review Manual consistently for the benefit of the community and all lot owners. However it is recognized that the location and physical characteristics of some lots may allow them to uniquely support certain design variables, or require additional flexibility to accomplish reasonable use of the lot.

The DRC may, therefore, grant specific variances as individually warranted; but in no case shall any variance be granted that is inconsistent with the Declaration of Covenants, Conditions and Restrictions.

3.2.3. Construction Inspections

3.2.3.1. Compliance Inspections by the DRC

Inspection of work and correction of defects therein shall proceed as follows:

Upon completion of any work for which approved plans are required, the lot owner or other responsible party shall give written notice of completion to the DRC.

Within five (5) business days thereafter the DRC, or its authorized representative, shall inspect such improvement. If the DRC finds that such work was not done in substantial compliance with the approved plans, it shall notify the responsible party in writing of such non-compliance within such five (5) business day period, specifying the particulars of non-compliance and requiring the responsible party to remedy the non-complying elements.

If, upon expiration of twelve (12) days from the date of such notification, the responsible party has failed to either remedy such non-compliance or provided sufficient assurance of, and an acceptable

schedule for, compliance, the DRC, at its option, may remedy the non-compliance and bill the lot owner or other responsible party for all expenses incurred. The DRC shall be entitled to levy a Limited Special Assessment against the lot owner for any such expenses which are not promptly repaid to the DRC by the responsible party.

3.2.3.2. Change Orders

The design of planned improvements may be refined during the construction process. Any substantial changes to approved plans that may be expected to alter the appearance of the final improvement shall require review and approval by the DRC. Members are required to contact the DRC prior to initiating such changes. Submittal requirements and the review process will vary depending upon the nature and extent of the proposed changes.

3.2.3.3. Violations

If a violation occurs, the DRC shall give written notice thereof to the lot owner. If the violation is not cured, or work commenced to cure the same within five (5) days after notice is mailed, the DRC may cause the violation to be corrected. The responsible party shall pay the said correction costs to the DRC.

3.2.4. Certificate of Occupancy

Before occupying a new home, the lot owner must request and receive a Certificate of Occupancy from the DRC. If all improvements are completed in accordance with approved design and construction plans, the DRC shall issue a Certificate of Occupancy. A lot owner may occupy a new home prior to the completion of final landscaping and site improvements, however, the landscaping and site improvements must be completed within the first three months of the next available spring/summer construction season (or no later than July 15th).

3.2.5. Rebuilding of Destroyed Homes

Any residence or other structure or improvement which may be destroyed in whole or in part by fire, windstorm or from any other cause or act of nature or natural disaster may be rebuilt and reconstructed in a substantially similar fashion so long as the lot owner complies with the Final Review portion of the Design Submittal and Review Process. Rebuilding shall be completed within twelve (12) months of the time the damage occurred.

If it is desired to rebuild the residence with a new design, or off of the destroyed structure's original foundation, a new application for Conceptual Improvement Plan will need to be submitted to the DRC, and all elements and requirements of the Design Submittal and Review Process of this Manual will apply.

If the buildings are not to be rebuilt, the lot shall be fully cleared and restored to native dry land grass vegetation by the lot owner within six (6) months of the time the damage occurred.

3.2.6. No Waiver

The DRC's approval of any proposals, plans or work undertaken shall not constitute a waiver of its right to withhold its approval of similar proposals, plans or work undertaken on any other project.

3.2.7. No Liability

Neither the DRC, nor any lot owner or authorized representative of the DRC, shall be liable to the Association or to any lot owner for any loss, damage or injury arising out of or in any way connected with the performance or non-performance of the DRC's duties hereunder, unless due to the willful misconduct, bad faith or professional malfeasance of the DRC or its individual lot owners. The DRC shall review and approve, disapprove or approve conditionally, all plans submitted to it for any proposed improvement, alteration or addition, on the basis of aesthetic considerations and the overall benefit or detriment which would result to Aspen Park Phase I at Mountain View Meadows. The DRC shall not be responsible for reviewing, nor shall its approval of any plan or design be deemed approval of, any plan or design from the standpoint of structural safety or conformance with building or other governmental codes or regulations.

3.3. Design Standards and Guidelines

3.3.1. Architectural Improvement Guidelines

3.3.1.1. Intent, Philosophy and Purpose



Figure 1 – Typical Two-Story Aspen Park Home



Figure 2 – Typical On-Story Aspen Park Home

1) Mountain View Meadows recognizes the need for each Home Owner, through his/her architect or builder, to design a home that satisfies the unique requirements of the Member's lifestyle and aesthetic desires. The intent of these architectural design requirements is to encourage individual expression consistent with Aspen Park architectural style and requirements. The identifying features that define the Aspen Park home include:

- Craftsman Details
- Additive Form Massing
- Multiple Gabled Roof Structure
- 9' Main Floor Ceilings
- Specific Interior Finish Requirements
- Specific Exterior Finish Requirements
- Specific Landscape Requirements

These requirements are detailed in the following text. In addition, Appendix A (at the end of this manual) shows photographs of a number of homes that would be considered appropriate for the Aspen Park Phase I Neighborhood at Mountain View Meadows. Appendix B follows and provides a summary of the plan approval and permitting process.

3.3.1.2. Mandatory Structures

- Principal Residence (one or two story)
- Two-Car Garage (must be attached)

3.3.1.3. Buildings

3.3.1.3.1. Scale, Massing and Setbacks

The minimum areas of built footprint and lot coverage are as follows: Would a 3 story house really be marketable?

- 1 Story Residence – 1600 sq. ft. minimum building footprint area is required independent of the garage. The garage minimum is 528 SF with required dimensions of 22' wide x 24' deep. A third bay is permissible with a minimum dimension of 11' wide x 20' deep.

- 2 Story Residence – 900 sq. ft. minimum building footprint area is required independent of garage. In addition, both stories of the home must have a minimum combined square footage total of 2200 sq. ft. independent of the garage. The garage minimum is 528 SF with required dimensions of 22' wide x 24' deep. A third bay is permissible with a minimum dimension of 11' wide x 20' deep.
- Setbacks - All homes and garages must have a minimum setback from the edge of the sidewalk (within the right-of-way) of 23'.
- Overall Home Width and Depth Requirement – All homes, including garages, must have a minimum width of 48' In addition, all homes independent of garages must also have a minimum depth of 36'. These requirements promote a fairly square footprint rather than a longer rectangular footprint.
- Garage Requirements - Front loaded garages cannot dimensionally be more than 50% of the front façade. In addition a front loaded garage cannot protrude more than 8' from the main house front façade. Side load garages do not need to conform to these requirements. It is the intent that the garage does NOT become the major architectural element of the front of the house; rather the entry porch and front door should be featured.
- Building height shall be limited to a maximum of 35' from the closest adjacent average sidewalk finish grade along the street right-of-way.

3.3.1.4. Foundations

Due to existing topography some homes may have first floors that are elevated above the exterior grade by several feet. This elevated front porch condition will allow the home to be placed close to existing grades with minimal site retaining walls. If more than the mandatory 12" of foundation wall is exposed, this area must be finished with the home's siding material or masonry to match the rest of the house. Stepped foundations for walk out basement may be exposed up to 24" where the steps occur, but no more than 12" along horizontal runs. In addition, any exposed foundation walls (more than 12") on the home's sides or back must also be sided as specified above.

3.3.1.5. Roof Design

3.3.1.5.1. Design

The roof form is normally the single most dominant visual architectural element of residential design. Homes in Aspen Park should have interesting multi-gabled roof forms. The main roof and subsequent gable forms should have roof pitches in the range of 6:12 to 10:12 with 8:12 being preferred. In addition to the main roof form the front façade design of each home should include at least two additional gables. Also, the back of each home should feature at least one additional gable form in addition to the main roof structure. All prominent gables, including sides are to have Craftsman details (see examples on page 21).

Roof pitches of less than 6:12 should be avoided, except for secondary roof planes. Secondary roof planes, such as those over porches, etc. may include shed or hip roofs if appropriate.

Second stories should be designed into roof forms where possible utilizing dormers and skirt roofs to avoid uninteresting two story wall surfaces and to create visual interest within roof compositions. All roofs should include a minimum of a 12" overhang. Exposed rafter tails and other Craftsman details such as braces and supports are encouraged.

3.3.1.5.2. Materials

Aspen Park homes are required to have concrete tile shingle roofs with a minimum of a 75 year warranty. All roof structures should be engineered to accept the weight of this type of roof system.

Other materials may be acceptable for secondary roof planes as long as they are free from bright or reflective surfaces. This may include a variety of roof materials as long as the finish is dull and non-reflective. Bright colored or reflective metals, clay tile roofs, wood shakes and any type of flat roof shall be prohibited.

Fascias are required to be metal, have a minimum width of 8" and must also be a dark bronze color.

3.3.1.5.3. Colors

Roof colors shall be predominantly charcoal gray with some allowance for gray-brown earth-toned shades.

The developer will provide a list of acceptable shingle manufacturers, models and colors in advance upon request.

3.3.1.6. Walls

3.3.1.6.1. Scale and Massing

Walls define the human scale of structures. Uninterrupted, tall and long walls are imposing to human perception, while low, broken wall planes are easily comprehended and help to create a sense of shelter. Wall surfaces normally should not exceed twelve (12) feet in height without interruption of doors, window or trim boards. In addition, walls should not be longer than sixteen (16) feet in a continuous plane without a dimensional change in wall plane (jut-out) or fenestrations such as windows and doors.

All main floor walls should have a minimum of a 9' floor to ceiling interior "finished" height. Include allowances for drywall and flooring materials to obtain the full 9' finished height. While second story and basement walls are encouraged to be 9' tall, they may be brought down to an 8' floor to ceiling "finished" height. Shorter heights are not acceptable.

3.3.1.6.2. Surfaces

Concrete based horizontal siding products, stucco and stone are permitted. Concrete siding products must have a minimum of a 45 year warranty. Stone and stucco-type products are permitted, however, all trim boards and Craftsman details are required to be stained wood. Other materials, if utilized as a secondary siding product may be considered by the DRC. Prohibited materials include any type of vinyl, brick, aluminum, steel siding or fiber/masonite board-based wood products.

Each home is required to have natural or manufactured stone on the front facade. Minimum area requirements include stone for a height of 30" covering a width of at least 2/3 of the front facade excluding garage door openings. Stone must be wrapped around the sides of the home at least 4'. Other stone configurations will be considered by the DRC as long as they do not have less square footage than the above specified amounts.

3.3.1.6.3. Colors

Houses color schemes must include a minimum of three (3) colors. Different colors should be provided for the walls, the gable

ends and the trim boards. In addition no more than four (4) colors can be utilized on any one home. Stained wood is required for Craftsman type details on the porches and other small architectural details including main trim boards.

In order to maintain variety and interest within each neighborhood a similar color schemes must be located at least 4 lots away from one another. All colors must be muted earth tones. Color schemes should be submitted to the DRC during the Conceptual Plan Approval Process.

3.3.1.7. Windows

Windows should be organized as compositions from the exterior and should maximize views, light and passive solar warmth within. Colors should blend with the exterior and trim colors and not be over contrasting brighter or highly reflective colors.

Windows may be double hung or casement in style and decorative panes are acceptable (i.e. stained glass). Fixed windows are acceptable if other means of ventilation exists within the room where the fixed window is located.

Window materials may include wood or high quality vinyl clad with steel. Allowable colors include bisque, almond, tan, or brown. White red, green, etc. are not permitted.

Architectural Detailing

While the general character of a building is created by its form and massing of the roof shape and wall composition; the lasting impression is derived from the detailing. Simple gable forms can be enhanced through the detailing of porches, railings, window frames, fascia boards, and exposed structural elements. These details are often borrowed from turn-of-the-century homes. The following key detail elements are required to be included in each Aspen Park home's design:

Porches - Front entry porches are required for all homes to present an inviting appearance and entry to the street side of the house. These porches are to have Craftsman type details which include columns, piers, railings and other structural details such as braces and exposed beams. Porches must also include decorative pavement. The minimum requirement is for colored concrete. However, exposed aggregate, stamped/colored concrete or stone

tiles are preferred. The following are acceptable examples of entry porch designs:



Figure 3 – Craftsman Posts and Braces on Porch.



Figure 4 – Craftsman Columns and Stone Piers.

Gable Ends – All end gables should be detailed with Craftsman style details which includes bracing and exposed structural members. The following are acceptable examples of end gable detailing:



Figure 5 – Craftsman Exposed Structure Detail on End Gable.



Figure 6 – Craftsman Exposed Brace on End Gable.

Trim Boards and Beams - Window and door openings within exterior walls should have trim boards to accent the composition. The minimum required sizes for trim around windows is 4", while belly boards are to be 9" to 12" and trim at the bottom of gables is to be 6" to 9". In addition to the trim boards, the exposed structural details of a home can greatly add interest. This can be accomplished the introduction of beams, trusses, rafter tails and columns. Careful attention should be given to the proportions of each element to avoid oversized or undersized beams, or columns that are too thin. The following are acceptable examples of trim boards and beams:



Figure 7 – Typical Trim Board and Beams.



Figure 8 – Typical Trim Board Details.

Garages – Front load garages are a dominant element of the front façade and where possible side load garage doors are encouraged. All garage doors (front or side load) should be detailed to break up the garage door massing. Windows are required unless a highly detailed carriage type door is utilized. In addition, all homes with 3 bays of garage doors must break the door massing up by providing a separate wall plane for the third bay. Also, no garage door may protrude more than 8' beyond the main house front façade or be larger than 50% of the front façade's width. However, if the garage doors are side loaded the 50% requirement is void. The following examples are of garage doors that would be appropriate at Aspen Park:



Figure 9 – Third Garage Bay Offset from Main Garage.



Figure 10 – Third Garage Bay in an Offset Wall Plane.



Figure 11 – Carriage style garage doors.

Other Required Exterior Details

- Craftsman or Traditional style exterior light fixtures are required at all entry doors locations, and both sides of each garage door. However, a home with two adjacent garage doors only requires three fixtures.
- If a building lot has a walkout or daylight basement condition, the house must be designed for the lot grade condition.
- Garage Doors must not be left open for extended periods of time as they are an important part of the home's façade.

Other Required Interior Detail Requirements

- All garage walls must be finished with dry wall and painted.
- Basements with 9' ceilings are required on all homes; however, they may be left unfinished.
- Each home should include a master bedroom suite with walk-in closet. The bathroom within the master suite should include a separate shower and tub, and also a double vanity.
- All homes must have Energy Star rated appliances.
- All heating and air conditioning systems must be a minimum of 95% efficient.
- All doors must be solid (no hollow core doors).
- All main and second story floors must be finished with wood, tile or carpeting. Vinyl flooring is only permitted in the basement.
- All interior walls must be finished with styles other than orange-peel finish
- Baseboard and other trim boards are to be a minimum width of 4" or larger.
- Air conditioning is required for all above-ground or finished interior spaces (including basements if finished). Garages are exempt from this requirement.
- All homes must have passive Radon mitigated pipes installed.

3.3.1.8. Architectural Plan Requirements

Preliminary Approval Submittal

The plan set should include floor plans and all elevations at a scale of no less than 1/8" = 1'-0" and no larger than 1/4" = 1'-0". Any additional information such as color schemes, window and door details are suggested but not mandatory.

Final Approval Submittal

The plan set shall be at the scale of the Preliminary Submittal and shall include, at a minimum:

- Site Plan - see section 3.3.2.8 for additional requirements.
- Landscape Plan - see section 3.3.2.8 for additional requirements.
- Foundation Plan
- Framing Plan
- Floor Plan
- Roof Plan
- Building Elevation (all sides)
- Specifications, Colors and Materials Selections

The above plans shall include all relevant dimensions, door and window locations and sizes and location of mechanical systems. Elevations shall illustrate the exterior appearance of all views including finished exterior grades for each elevation.

3.3.1.9. Local Ordinance and/or Building Code Compliance

Approval and a Notice to Proceed obtained from the DRC for construction of any built improvement does not substitute for compliance with any federal, state county or City ordinance, code or other controlling requirement. Such compliance is the full responsibility of the Home Owner and Builder.

3.3.2.Site Planning and Landscape Architectural Design Improvements Guidelines

3.3.2.1. Intent, Philosophy and Purpose

The non-architectural elements of the Aspen Park Phase I neighborhood are key in creating and sustaining a desirable neighborhood in which to live. Therefore, site planning and landscape architectural design of each lot are of key importance to the neighborhood. These elements can be defined as the process of assessing all aspects of the physical site and subsequently the arrangement of the house, garage, sidewalks, driveways, amenities outdoor spaces and plant materials in harmony with the home and neighborhood.

Please note that a master grading and drainage plan for each lot has been established. This plan shows the suggested home and garage finish floor elevations along with general site drainage patterns that must be followed. The intent of this plan is to eliminate site retaining walls and any storm drainage issues that often could negatively impact adjacent lots.

All home owners must install complete landscape improvements within one year of closing of the initial sale of a home. As an option if approved in advance by the DRC (Design Review Committee), contractors may elect to install only the front yard landscape upon completion of the home. The following Site Planning and Landscape Architectural Guidelines pertain to the above issues and associated exterior items.

3.3.2.2. Parking Areas and Entry Sidewalks

All garages are to be accessed from the front or side yard, however all garages are required to have a minimum set back from any public sidewalk by 23'. This will provide ample room for driveway parking spaces. All driveways should provide ample loading and backing space to eliminate the need for 3 point turns for garage access. All driveways and parking areas are to be constructed of concrete. All concrete driveway surfaces and gravel bases are to be structurally capable of handling vehicular traffic weights. In addition, all concrete drives should be built with construction and expansion joints per industry standards to reduce the amount of cracking. Unit pavers and other paving products may be acceptable and will be reviewed by the DRC on a case by case basis.

All homes must provide a concrete sidewalk to the street with a minimum width of 42". A sidewalk to the driveway is also required;

however, the minimum width for this sidewalk is 36". The minimum requirement is for colored concrete with 6" contrasting trim color. However, exposed aggregate, stamped/colored concrete, modular pavers or stone tiles are preferred.



Figure 12 – Typical curved entry sidewalk with 6" color trim.



Figure 13- Typical Curved Driveway of Modular Pavers.



Figure 14 – Typical Curved Sidewalk of Exposed Aggregate.

All homes must include a concrete front porch and steps. The minimum width for the entry steps is 6'. The minimum surface requirement is for colored concrete. However, exposed aggregate, stamped/colored concrete, modular pavers or stone tiles are preferred. Stone porch walls and piers are also encouraged. No prefabricated or off site constructed porches are permitted.



Figure 15 – Stone Porch with Decorative Concrete.

Curvilinear forms are required for both the sidewalks and driveways; however, a minor amount of angular geometry may be used when

physical constraints do not permit curvilinear forms to properly function. The following pictures show several examples of curved entry sidewalks.



Figure 16 – Concrete Sidewalk.



Figure 17 – Stone Sidewalk.



Figure 18 – Paver Sidewalk.

3.3.2.3. Plant Materials and Landscape Irrigation

All landscape plans and plant materials should be designed to be in scale with the home and lot. No plant material should be placed that will have an adverse affect on a neighboring lot in the future (such as overhanging tree limbs or evasive roots). All plant materials should be deer resistant and all trees should have protective deer barriers.



Figure 19 – Typical Deer Protection for Trees

All landscapes should be designed as semi-xeriscape with low water usage and low maintenance in mind. All landscapes are required to have an efficient underground irrigation system that is fully automatic. The semi-xeric designs must include 50% to 70% of the yard area as a mowed lawn turf grass area with the remaining spaces designed as planting beds or outdoor amenity/entertainment spaces. The minimum xeriscape planting bed area must be at least 30% of the yard area (not including the sidewalks and driveways).



Figure 20 – Typical Xeric Bed.



Figure 21 – Perennials, Shrubs and Trees in Rock Mulch.



Figure 22 – Typical xeriscape bed with screening plant materials.



Figure 23 Typical gravel mulch curved bed along house.

All planting beds, landscape features and amenity areas must be designed in a curvilinear fashion. Planting beds may vary in size and shape but should be in proportion to the lot and house. All plants will be required to be placed within the beds (as opposed to being placed within the lawn areas). All landscape elements should be contained with a curvilinear edging such as concrete, aluminum or steel. Plastic edging is not permitted. In addition, all landscapes must include the minimum required mulch planting beds and house/lot borders which are:

- House Perimeter Border Bed – minimum of 12” wide gravel, rock or bark mulch.
- Front of House bed – minimum of 36” wide with 8’ returns on the side yards (rock, gravel or bark mulch).
- Side and Rear Property Lines – minimum of 36” width - must be rock mulch.
- All gravel and rock mulch must be between ¾” and 4” diameter of earth tone colors including tans, grays and browns. Bright, white, red or shiny rocks, or dyed color mulches are not permitted.

The following minimum tree planting standards are required for each landscape:

- Boulevard – Three Redmond Linden Trees (1-1/2” caliper min.) with 25’ to 30’ spacing (some home’s lot dimensions and layout may only allow for two trees which is acceptable for certain lots).
- Front Yard – One Ornamental Tree (1-1/2” caliper min.) placed on the opposite side of the garage.
- Rear Yard – One Shade Tree (1-1/2” caliper min.) to be placed within the main yard area. And, two groups of Three Single-Stem Aspen Trees (1-1/2” caliper min.) to be placed within the rear yard border at the corners of the yard. Please note that three single stem Aspen Trees can be replaced with one Multi-Stem Aspen of equal or greater caliper size.

Typical deer resistant plants include:

Deciduous Trees – Green Ash, Black Ash, Hawthorn, Honey Locust, Maple, Mountain Ash & Oak.

Ornamental Trees - Few deer resistance ornamental trees are currently sold in the nursery trade. Therefore, all ornamental trees must be protected with deer proof fence or trunk wrap.

Evergreen Trees – Douglas Fir, Bristlecone Pine, Scotch and Austrian Pine, Colorado and Engelmann Spruce.

Shrubs – Barberry, Buffaloberry, Caragana, Caryopteris, Chokecherry, Currant, Elderberry, Bird’s Nest Spruce, Gooseberry, Honeysuckle, Juniper, Lilac, Mockorange, Mugo Pine, Potentilla, Red-Twigged Dogwood, Rabbitbrush, Silverberry, Spirea & Viburnum.

Perennials – Alchemilla, Aster, Astilbe, Bee Balm, Black-Eyed Susan, Bleeding Heart, Heliopsis, Campanula, Catmint, Columbine, Coneflower, Coral Bells, Dianthus, Gaillardia, Gayfeather, Goldenrod, Hen and Chicks, Iris, Monkshood, Pasqueflower, Pearly Everlasting, Penstemon, Peony, Perennial Geranium, Poppy, Prairie Coneflower, Russian Sage, Salvia, Sedum, Shasta Daisy & Yarrow.

3.3.2.4. Outdoor Living Areas

Outdoor living areas should be designed to blend with and enhance the building architecture.

3.3.2.4.1. Decks, Patios, Terraces and Courtyards

The materials used should compliment the house as well as the site. The use of neutral-colored, natural materials such as wood, stone or gravel are preferred. Other materials such as natural and colored concrete and neutral colored unit pavers may be approved provided they are consistent with the design of the home.

Wood Decks (or fabricated plastic wood products such as Trex) should have minimum dimensions of 10' x 16'. All wood decks must be stained (no painted decks or railings are permitted). Acceptable deck colors include light, medium and dark brown tones. All Walkout Basements are required to have a deck at the main floor living space level. All decks and railings must meet the City of Helena, Montana code requirements.

3.3.2.4.2. Exterior Appurtenances

Exterior appurtenances such as pools, hot tubs/spas and play structures may be approved if landscaped and screened from view within a back yard area. Service areas for mechanical equipment, yard maintenance equipment, temporary materials

storage, tools and the like should be entirely screened from neighboring lots and public right of ways.

Other landscape amenities and furnishings, their placement, and any required screening shall be subject to the approval of the DRC. This includes, but is not limited to: water features, sculpture, flag poles, gazebos, benches, shade structures or tents, dog kennels, flower or vegetable gardens, or other decorative landscape elements.

3.3.2.4.3. Fences

Limited back yard and side yard fences are permitted. Permitted fence materials include black metal or a combination of black metal with stone or stucco-type piers. No wood, brick, vinyl or chain length fences are permitted. Side yard fences must be transparent and be set back at least eight (8') from the front corner of the house. Rear yard property line fences may be a solid stone or stucco-type material. All fences must be located and sized per City of Helena, Montana regulations. No fence may exceed 6' in height. In addition, all fences are subject to the approval of the DRC. The following are examples of appropriate back and side yard fences:



Figure 24 – Typical Metal Fence.



Figure 25 – Metal Fence with Stone Columns.



Figure 26 - Stucco-Type Wall with Stone Piers.



Figure 27 – Stone Wall with Stone Columns.



Figure 28 – Stone Wall with Metal Railing.

3.3.2.5. Landscape and Exterior Lighting

Standard City of Helena street lights will be placed throughout all public street rights-of-ways. However, on a lot the owner may place low level landscape lighting as long as it is in scale with the home in regard to number and usage. Low level lighting should not adversely affect a neighboring lot with glare. Seasonal and Holiday lighting is permitted and encouraged from Thanksgiving until the 15th of January and during the week of the 4th of July.

The following lighting types are not permitted:

- 1) Post lights over 8' tall.

- 2) High intensity security lighting.
- 3) Any colored type of light.
- 4) Lighting of flags or banners.
- 5) Non traditional lights from windows

3.3.2.6. Trash Containers

Trash containers must be kept within a screened fence or garage area except for the day of pick-up. During that day they may be placed adjacent to the street for pick-up. The containers must be removed from the street within twelve (12) hours after pick-up.

3.3.2.7. Signage

Standard address identification signage is required for each home and should be legible from the street. Other signs of reasonable dimension and character that may be needed to inform the public of the existence of a burglar alarm or similar device shall be permitted.

Decorative banners or seasonal signage are permitted from Thanksgiving until January 15th and during the week of the 4th of July. However, in all circumstances the City of Helena code supersedes these requirements.

3.3.2.8. Site and Landscape Plan Requirements

Landscape Plans shall be produced at a scale not smaller than 1" = 10', with topographic contour intervals not greater than 1'. The developer will provide 1' topographic contour data for each Fee Parcel in AutoCAD format for a nominal fee upon request. The plan shall show, at a minimum the previously mentioned site plan elements including:

- existing topography
- proposed grading and drainage
- building footprints with finished floor grades
- driveways and sidewalks
- location of fences and walls
- fence construction details
- location of patios, decks and other walkways
- location of any other yard amenities

- material specifications

Plans shall also include the following:

- locations, sizes and names (common & botanical) of plant materials including trees, shrubs, ground cover, mulch and turf. Perennial and annual beds need to be identified, but plant species do not need to be identified. Owners should strive to design with deer resistant and xeric plant materials where possible.
- Specifications for plant bed and mulch bed containment edging.
- location, model and wattage of all landscape lighting.
- irrigation plan schematic showing water connection and back-flow prevention, main line location and types and locations of heads to be utilized in each area.

3.3.2.9. Local Ordinance and/or Building Code Compliance

Approval and a Notice to Proceed obtained from the DRC for construction of any built improvement does not substitute for compliance with any federal, state county or City ordinance, code or other controlling requirement. Such compliance is the full responsibility of the Home Owner and Builder.

3.3.3. Construction Guidelines

3.3.3.1. Definition

Construction Guidelines apply to any and all clearing of vegetation, grading, filling, utilities, foundation work, building construction, and finish work including installation of fixtures, painting and final landscaping.

3.3.3.2. Construction Scheduling Requirements

In order to assure that all construction related activities receive thorough, prompt review and approval, the DRC should be advised of all construction activities prior to any work being undertaken.

3.3.3.3. Contractor Meeting

An on-site review of the Construction Plan will be held between the contractor and a representative of the DRC. The meeting will

address issues detailed in the Design Review Manual including the “construction boundary or limits,” contractor’s field office, project sign, temporary sanitary facilities, handling of construction waste, employee parking, noise, construction and workers’ pets.

3.3.3.4. Diligence in Construction Required

Construction and erection of any building or site improvement shall be advanced diligently. All construction activities are required to be approved by the DRC through the Submittal and Review Process of this Design Review Manual. And, furthermore, are required to be completed with twelve (12) months of their commencement. For these purposes, commencement is defined as the beginning of any approved site preparation or excavation activities.

3.3.3.5. Compliance Responsibility

It shall be the sole responsibility of the lot owner (or future lot owner of contract) to maintain all the tenets of these Design Requirements. Failure to do so may result in halting construction. The DRC shall have the authority to make judgments in the best interests of all the neighborhood land owners.

3.3.3.6. Construction Activity / Builder Regulations

The DRC will provide Contractors with a current set of Contractor Regulations upon commencement of any construction project. These Regulations will address the baseline issues, as well as any additional issues specific to the individual building site.

3.3.3.6.1. Goal

These regulations are designed to allow construction on a residential lot to move along as efficiently as possible, while assuring neighbors that inconveniences caused to them by construction operations shall be minimized.

3.3.3.6.2. Construction Site Access

Contractors and their subcontractors shall follow existing roads to access any building site. Drivers will be expected to follow all posted speed limits and drive in a safe and cautious manner.

3.3.3.6.3. Daily Operating Hours

By Helena City ordinances, construction projects shall be subject to the maximum permissible noise levels specified for industrial districts for the period within which construction is to be completed. Industrial districts are limited to 80 dB(A) from 6:00 AM till 11:00 PM and 75 dB(A) from 11:00 PM till 6:00 AM. However, to avoid disturbances to neighboring properties, construction should be limited to enclosed interior work between 10:00 PM and 6:00 AM.

3.3.3.6.4. Construction Vehicles

All vehicles shall be parked so as not to inhibit traffic or damage adjoining property. Vehicles shall not be left on roads overnight. Utility trailers may be parked on the street in front of a lot for use as a contractor's office or storage during construction as long as they do not inhibit traffic flows.

3.3.3.6.5. Dust, Noise, Odor

Every effort shall be made by the Contractor to control dust, noise and odor emitted from a construction site. The Contractor will be responsible for watering or screening dust problem areas as well as controlling noise and offensive odors from the fee parcel.

3.3.3.6.6. Debris

Construction debris or mud may not be dumped or left on any residential lot, public street or on any portion of the development's open space.

3.3.3.6.7. Materials Storage

No building materials (including excess fill from excavation) shall be stored on any lot or open space except temporarily during continuous construction of a residential improvement.

3.3.3.6.8. Fire Safety

The contractor and subcontractors shall be responsible for providing adequate fire protection at each construction site.

3.3.3.6.9. Construction Signage

Contractor signage displayed during construction shall be limited to one sign of a reasonable size upon which the names of the Contractor and Architect are displayed.

3.3.3.6.10. Sanitary Facilities

A portable toilet shall be provided by the Contractor as necessary and placed on the lot under construction.

3.3.3.7. Green Building Practices

All homes built at Aspen Park should strive to adhere to green building practices as appropriate. At a minimum all homes must provide Energy Star rated materials and equipment.

The leading national authority on green building practices is the U.S. Green Building Council (USGBC) which is a non-profit organization committed to a prosperous and sustainable future for our nation through cost-efficient and energy-saving green buildings. Complete information on green building practices can be found at their website which is www.usgbc.org

The USGBC measures green building practices through a program called LEED for Homes which is a voluntary rating system that promotes the design and construction of high-performance green homes, including affordable housing, mass-production homes, custom designs, stand-alone single-family homes, duplexes and townhouses, suburban and urban apartments and condominiums and lofts in historic buildings.

LEED utilizes the following categories to measure the success of green building practices:

Indoor Environmental Quality The quality of the air indoors is often two to five times worse, and occasionally more than 100 times worse, than outdoor air, according to the U.S. Environmental Protection Agency. A LEED home is designed to maximize fresh air indoors and minimize exposure to toxins and pollutants.

Energy Efficiency The average American household spends around \$1,500 every year on energy bills, according to the U.S. government's ENERGY STAR program. Based on average ENERGY STAR scores of LEED homes built so far, they have the potential to use 20-30% less energy, and some up to 60% less energy, than a home built to the International Code Council's standards for minimum energy efficiency. Less energy use means lower utility bills every month through the life of a house.

Water Efficiency Wasteful water use is both costly and risky, as population growth and a changing climate make clean, safe water an increasingly scarce resource. It is also directly tied to wasteful energy use: As much as 1/4-1/2 of the electricity used by most U.S. cities is consumed at municipal water and

wastewater treatment facilities according to the U.S. Department of Energy. LEED homes use innovative strategies to reduce a home's water use and to find creative ways to reuse water.

Site Selection The old truism about prime real estate – location, location, location – is especially true of green homes. LEED encourages homes that are close to schools, shopping, work and transit, maximizing your quality of life and reducing the amount of time you waste in traffic.

Site Development During construction and beyond, a home can cause erosion, interfere with natural habitats and pollute waterways through storm water runoff. LEED homes avoid destructive construction practices and have landscaping and other elements that protect the land where the home sits.

Materials Selection The materials and resources that go into a home can be carefully selected from sustainably harvested, responsibly processed sources – or they can be wasteful and contribute to habitat destruction. LEED homes use recycled, reclaimed and responsibly obtained materials everywhere possible.

Residents' Awareness LEED is proactive in educating homeowners and renters about a home's green features and how to get the highest performance from them. A LEED home also stands as an example to the community of a well-built home and encourages others to live the same.

Innovation LEED encourages builders and designers to find innovative ways to increase a home's performance, taking into account local and regional needs and

4. Appendix “A”

The following pictures are included to serve as a guideline for builders and owners that are beginning the design process of their homes. The following homes represent a variety of home styles with massing and design elements that are appropriate for Aspen Park Phase I Neighborhood at Mountain View Meadows. Please note that not all paint schemes and material selections in the pictures are in compliance with these design guidelines. And, to be acceptable they would need to be slightly modified.



Figure 29 – House 1



Figure 30 – House 2.



Figure 31 – House 3.



Figure 32 – House 4.



Figure 33 – House 5.



Figure 34 – House 6.



Figure 35 – House 7.



Figure 36 – House 8.



Figure 37 – House 9.



Figure 38 – House 10.



Figure 39 – House 11



Figure 40 – House 12.



Figure 41 – House 13.



Figure 42 – House 14.



Figure 43 – House 15.



Figure 44 – House 16.



Figure 45 – House 17.



Figure 46 – House 18



Figure 47 – House 19



Figure 48 – House 20

Appendix “B”

Step 1 – Preliminary Approval

- a) Informal Discussions with DRC to help program design.
- b) Concept Plan Submittal
- c) DRC reviews of Concept Plans (within 10 days they send “Letter of Preliminary Approval” or letter of “Issues to be Corrected” for resubmittal).

Step 2 – Final Review

- a) Submit Construction Documents
- b) DRC Review of Construction Documents (within 10 days they will send “Notice to Proceed” or letter of “Issues to be Corrected” for resubmittal).

Step 3 – Local Permits

- a) Owner and Builder submit and acquire all Local Permits.

Step 4 – Construction and Change Orders

- a) Build and complete house, site work and landscape.
- b) Any change orders along the way must be submitted to the DRC in advance for approval or denial.

Step 5 – City of Helena Inspections

- a) Builder completes all required local inspections throughout the construction process.

Step 6 – Letter of Completion

- a) Builder and Owner submit Letter of Completion to the DRC.
- b) DRC then inspects house within a 5 day time period. They will write a letter that states the built house, site and landscape are in compliance with the Construction Documents, or issue a letter of non-compliance.
- c) The builder then has twelve (12) days to remedy any issues of non compliance.

Step 7 – Certificate of Occupancy

- a) Builder and Owner then request a Certificate of Occupancy from the DRC.
- b) DRC issues the Certificate of Occupancy within 5 days.