

# Design Review Manual



**The Uplands**

at

**Mountain View Meadows**

Revised 6-20-17

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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 the 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 Uplands neighborhood;
- the improvements lot owners desire 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 lot. 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 Uplands 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 responsibilities and general service commitment to Members.

## **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 The Uplands Neighborhood Homes and architectural features are included in Appendix B 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 all single-family residential lots in Mountain View Meadows. 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 all single-family residential lots in Mountain View Meadows 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 qualifications consistent with responsibilities.

##### **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 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**

Members of the DRC shall not be paid for their services. However, the DRC may consult with 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, 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 the Board in all matters relating to community governance.

### **2.1.4.2. To The Uplands 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, fencing, porches and patios 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 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. The DRC will use reasonable judgement in interpreting the Design Standards and Guidelines which, in rare cases, includes determining that plans that appear to meet the standards as stated may not meet the standards as intended.

### **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. Enforcement**

### **2.2.1. Reasonable Enforcement**

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

### **2.2.2. Required Conformance**

All structures, improvements and landscaping on The Uplands neighborhood lots shall conform to the Design Review Manual and the Declaration of Covenants, Conditions and Restrictions.

### **2.2.3. 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 all single-family building lots at Mountain View Meadows, 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 The Uplands neighborhood, 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. Homes divided within the same dwelling to accommodate a separate living area, such as a mother-in law suite or studio apartment above a garage are permitted so long as the home is otherwise owner occupied.

##### **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 Uplands neighborhood home design criteria and requirements and existing home designs.

#### **3.1.3. No Temporary Structures**

Consistent with the 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 or adjacent to any Member's lot at any time as a residence, either temporarily 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 or adjacent to 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 The Uplands neighborhood. 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 A 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. If the request for preliminary review is for the construction of a new home, (as opposed to an improvement to an existing home or other lot improvement), it is recommended during the informal discussions that lot owner or lot owner's design team provide the name of the proposed Builder or General Contractor to be employed. Home Builders and General Contractors require pre-approval by the DRC to build new homes at Mountain View Meadows.

##### **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 3.4 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 attempt to review the completeness of the lot owner's submittal within seven (7) 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 in the judgment of the DRC the intended purposes of the Standards and Guidelines are met and the lot owner or lot owner's design team has successfully responded to all DRC concerns previously communicated, preliminary approval will be granted.

##### **3.2.1.4. Conceptual Improvement Plan Denial and Re-Submittal**

Proposed designs that have not responded to DRC concerns, or are otherwise inconsistent with this Manual's stated Design Standards and Guidelines or in the judgement of the DRC have not met the intended purposes of this Manual's stated Design Standards and Guidelines will likely be denied by the DRC. In the event of a denial, the DRC will, in good faith, endeavor to provide the lot owner or the lot owner's



design team with an explanation of the DRC's specific reason(s) for withholding approval within ten (10) business days of the submittal. However, a failure by the DRC to provide an explanation for withholding approval within ten (10) business days does not grant automatic approval. After addressing the DRC's specific reason(s) for withholding approval, the owner or lot owner's design team may resubmit plans for reconsideration for preliminary approval.

### **3.2.2. Final Review**

#### **3.2.2.1. Final Improvement Plans and Documents Submittal**

Upon lot owner's 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 3.4 of this document.

##### ***3.2.2.1.2. Construction Management Plan***

This shall include the anticipated completion date of construction (not to exceed nine (9) months without approval of the DRC for special circumstances), and the name of the approved Builder or General Contractor. 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 seven (7) business days of receipt and provide the lot owner, or at the owner's request, the Builder or General Contractor, 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 "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 or approved Builder or General Contractor 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 of such noncompliance 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 noncompliance or provided sufficient assurance of, and an acceptable schedule for, compliance, the DRC, at its option, may remedy the noncompliance 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 notice thereof to the lot owner or responsible party. If the violation is not cured, or work commenced to cure the same within five (5) days after notice is received, 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 receive 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 one year of closing of the initial sale of a home unless granted an extension by the DRC.

### **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 a 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 The Uplands neighborhood 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**

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 The Uplands architectural styles and requirements including:

- Placement of Similar Structures
- Additive Form Massing
- Complex Roof Structure
- Minimum Ceiling Height and other interior specifications
- Minimum Exposed Foundation
- Specific Exterior Finish Requirements
- Specific Landscape Requirements

These requirements are detailed in the following text. In addition Appendix A (page 23) provides a summary of the plan approval and permitting process. Appendix B (beginning on page 24) shows photographs of a number of homes that would be considered appropriate for The Uplands neighborhood at Mountain View Meadows.

### 3.3.1.2. Mandatory Structures

- Principal Residence
- Minimum Two-Car Attached Garage

### 3.3.1.3. Buildings

#### ***3.3.1.3.1. Placement of Similar Structures***

Principal structures with the same or distinctly similar architectural design may not be replicated on either side of the street within the same block or to the rear of a home with the same or distinctly similar architectural design. Further, approval and placement of a new principal residential structure with the same or distinctly similar architectural design of an existing principal structure within The Uplands neighborhood is at the sole discretion of the DRC. This does not include buildings with the same floorplan provided the exterior of the structure, particularly the roof design, has been significantly altered in such a way that it does not appear to be of the same or distinctly similar design.

#### ***3.3.1.3.2. Scale, Massing and Setbacks***

- 1 Story Residence – 1400 sq. ft. minimum building footprint area is required independent of the garage. The garage minimum is 528 sq. ft. with minimum dimensions of 22' wide x 24' deep. A third bay is permissible with a minimum dimension of 11' wide x 20' deep. A variance of the minimum requirements may be considered on lots less than 7,000 sq. ft.
- 2 Story Residence – 700 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 1600 sq. ft. independent of the garage. The garage minimum is 528 sq. ft. with minimum dimensions of 22' wide x 24' deep. A third bay is permissible with a minimum dimension of 11' wide x 20' deep. A variance of the minimum requirements may be considered on lots under 7,000 sq. ft.
- 3 Story Residence – Considered on a case by case basis.
- Setbacks - All homes and garages must have a minimum front yard setback from the edge of the sidewalk (within the right-of-way) of twenty-three feet (23'). Eight feet (8') side setbacks are required. Rear setbacks should be no less than ten feet (10'). A variance of the minimum set-back requirements may be considered on lots under 7,000 sq. ft. and on lots with configurations that may affect the reasonable ability to meet minimum set-back requirements so long as they remain consistent with Helena building codes and regulations.

- Overall Home Width and Depth Requirement – All homes, including garages, must have a minimum width of 40' and a minimum depth of 32' unless specifically approved by the DRC. In addition, the width to depth ratio must be approved by the DRC to avoid wide shallow homes or narrow deep homes that may not conform to the architectural intent of the neighborhood.
- Garage Requirements – Minimum 2-car attached; 3-car permitted on accommodating lots; 4-car permitted with design approval only. Front loaded garages cannot dimensionally be more than 60% of the front façade. In addition a front loaded garage cannot protrude more than 12' from the main house front façade. Side load garages may be exempt from the 60% requirement with design approval provided the garage is architecturally designed to appear as part of the main house façade. The intent is 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. Garage floors must be concrete and meet industry standards for vehicular weights.

#### 3.3.1.4. Foundations

No less than 12" of foundation wall must be exposed. If more than the mandatory 12" of foundation wall is exposed, this area must be finished with the home's siding material or approved masonry coating. This includes stepped foundations for walk out basements and exposed foundations walls on sides or backs of homes.

#### 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 The Uplands should have interesting complex roof forms. Varying styles of the primary roof structure are permitted as follows:

- Gable: The main roof line should run horizontal to the street with roof pitches in the range of 6:12 to 12:12 but no less than 6:12 nor greater than 12:12 without DRC approval. In addition to the main roof, the front façade design of each home should include at least two additional gables. A span no greater than 16' is permitted in the primary front and rear roof structures without a break in the roof plane. However, for rear roofs only, a covered deck integrated into and as part of the design of the rear roof may be considered as an alternative with DRC approval. Secondary roof planes, such as those over porches, etc. may include shed or hip roofs if appropriate. All roofs must include a minimum of a 12" overhang and 6" fascia.
- Hip: The main roof line should run horizontal to the street with roof pitches in the range of 6:12 to 10:12 but no less than 6:12 or greater than 10:12 without DRC approval. A span no greater than 16' is permitted in the primary front and rear roof structures without a break in the roof plane. However, for rear roofs only, a covered deck integrated into and as part of the design of the rear roof may be considered as an alternative with DRC approval. Secondary roof planes, such as those over porches, etc. may include gabled roofs if appropriate. All roofs must include a minimum of a 12" overhang and minimum 6" fascia.

- Prairie and Shed Roofs: Permitted with design approval by the DRC. Minimum 16" overhang. Breaks in roof plane required. Minimum roof pitches and fascia to be considered relative to roof design.

#### **3.3.1.5.2. Materials**

A variety of roof materials that include asphalt, aluminum or steel shingles as well as concrete tile are approved for homes in The Uplands neighborhood so long as they are free from bright and reflective surfaces. Other materials, including metal or steel panels are acceptable for secondary roof plans with approval by the DRC to assure that style and color conforms to the architectural intent of the neighborhood.

#### **3.3.1.5.3. Color**

Generally, darker tones and blends in browns, grays and blacks are approved roof colors for The Uplands neighborhood. Green and tan tones must be approved by the DRC. Red roof tones and bright or reflective colors whether blended or true, are not permitted.

### **3.3.1.6. Walls**

#### **3.3.1.6.1. Scale and Massing**

Wall surfaces normally should not exceed twelve (12) feet in height without interruption of doors, windows, trim boards or belly bands. 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. While second story and basement walls are encouraged to be 9', they may be brought down to an 8' floor to ceiling "finished" height. Shorter heights are not permitted.

#### **3.3.1.6.2. Surfaces**

Concrete based siding products such as Hardie plank siding or the equivalent as well as stucco, brick and stone are permitted. Wood and engineered wood LP Smart Side or the equivalent is also approved. Other materials, including non-reflective aluminum and steel, if utilized as a secondary siding product, may be considered with approval by the DRC. Prohibited materials include vinyl and any Masonite board-based wood products such as CanExcel. Natural or manufactured stone accents on front facades are encouraged but not required.

#### **3.3.1.6.3. Colors**

A selection of approved color schemes consisting of three (3) colors, one each for siding, trim, and gable or other architectural details are available through the DRC and are to be selected in consultation with the DRC Director of Design or DRC representative. Additional color schemes consisting of a minimum of three (3) and a maximum of four (4) colors may be submitted for approval by the DRC during the Conceptual Plan Approval Process. Bright colors, pastels and natural whites are not permitted. Color schemes containing the same siding color may not be repeated on either side of the street within the same block or to the rear of a home with the same siding color or within six lots between blocks on the same street.

### 3.3.1.7. Windows

Windows should be organized as compositions from the exterior and should maximize views, light and passive solar warmth within. Windows may be single or double hung or casement in style, and have clear or decorative panes such as grids and 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 and should blend with exterior and trim colors and not appear over-contrasting. On rare occasion, white or black may be approved if it is determined to meet the criteria that it blends and is not over-contrasting with exterior and trim colors.

### 3.3.1.8. 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.

#### ***3.3.1.8.1. Porches and Entryways***

All homes must include a covered concrete front porch or entryway. Colored or stamped concrete, exposed aggregate or porches or entryways finished with modular pavers or stone tiles are encouraged but not required. The entryway must be a minimum 10' in width and minimum 6' in depth unless extended behind or off a porch. The minimum width for entry steps is 6'. No prefabricated or off-site constructed porches or steps are permitted. Porches and entryways should include architectural details such as columns, pillars, timber or other features consistent with the overall design of the home. Porch and stair railings, whether required by code or selected for architectural enhancement, may be of painted or stained wood or black or dark bronze aluminum or steel with square as opposed to round balusters. Porch railings incorporating steel wire, glass or similar non-standard materials are acceptable with approval by the DRC.

#### ***3.3.1.8.2. Gable Ends***

It is recommended that gabled roofs be detailed with shakes, board and batten, bracing (corbels), decorative vents or exposed structural members. At minimum, as part of the approved color scheme, gable ends should be of a different color from the siding and include minimum 6" contrasting trim boards or 8" belly bands boards separating the siding and gable colors.

#### ***3.3.1.8.3. Trim Boards and Beams***

Window and door openings within exterior walls must have trim boards to accent the composition. The minimum required size for trim around windows is 3", while belly boards are to be 8" to 12" and trim at the bottom of gables 6" to 8". In addition to the trim boards, the exposed structural details of a home can greatly add interest. This can be accomplished by 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.

#### **3.3.1.8.4. 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. In addition, all homes with 3 bays of garage doors must break the door massing by providing a separate wall plane for the third bay. Also, no garage wall may protrude more than 12' beyond the main house front facade or be larger than 60% of the front façade's width. However, if the garage doors are side loaded and have an appearance of being part of the house and not a garage, the maximum 12' protrusion and maximum 60% restrictions may be waived upon approval of design.

#### **3.3.1.8.5. Exterior Lighting**

Decorative exterior lighting on porches, at entryways and on both sides of garage doors add architectural interest to a home and are strongly encouraged.

#### **3.3.1.8.5. Other Required Exterior Details**

- If a building lot has a walkout or daylight basement condition, the house must be designed for the lot grade condition.
- Siding and trim joints must be caulked and painted, not clipped
- Solar panels, if used, must be installed flush to the roof surface and be of dark, non-reflective materials except as necessary for functionality.
- Outdoor Electrical Outlets – A minimum of one electrical outlet rated for outdoor/wet environments required for each attached outdoor living space, porch or deck.
- Outdoor Plumbing – A minimum of one outside water spigot is required and must be located within reasonable access to the garage. Spigots at or near outdoor living spaces and decks should also be considered.
- UG Irrigation support – In support of the UG irrigation system, a 1" pipe to the backflow and an external alleviator irrigation system shut-off valve is required. In addition, 3" diameter sleeves (3" PVC tubes) are required for access to "contained" landscape areas such as boulevards (including areas within crosswalks), lawns and planting beds and must be laid prior to the installation of sidewalks, driveways or parking pads. Ends of sleeves must be taped closed to keep dirt or other debris from filling the insides.

#### **3.3.1.8.6. Other Interior Detail Requirements**

- All homes must have Energy Star rated appliances.
- All heating and air conditioning systems must be a minimum of 92% efficient.
- All homes must be wired for cable and internet services. Small exterior satellite dishes on the rear of a home may be acceptable and will be reviewed by the DRC on a case by case basis. No other exterior antennas are permitted.



### 3.3.2. Architectural Plan Requirements

#### 3.3.2.1 Preliminary Plan 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.

#### 3.3.2.2 Final Plan Approval Submittal

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

- Site Plan
- Landscape Plan
- Foundation Plan
- Framing Plan
- Floor Plan
- Roof Plan
- Building Elevation (all sides)
- Specifications, Colors and Exterior 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.

### 3.3.3. Site Planning and Landscape Architectural Design Improvement Guidelines

#### 3.3.3.1. Intent, Philosophy and Purpose

The non-architectural elements of The Uplands 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. A master grading and drainage plan for each lot will be provided by the developer. 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 wherever possible and any storm drainage issues that often could negatively impact adjacent lots. All home owners must install complete landscape improvements as further described in 3.3.2.3 within one year of closing of the initial sale of a home.

### 3.3.3.2. Driveways, Entry Sidewalks and Parking Areas

#### **3.3.3.2.1. Driveways**

All garages are to be accessed from either the front or side yard. All garages are required to have a minimum set back from any public sidewalk by 23' unless specifically approved by the DRC based on lot size or configuration. All driveways must be constructed of concrete and extend to the corners of the garage façade to provide ample loading and backing space. All driveway and parking surfaces are to be structurally capable of handling vehicular traffic weights and built with construction and expansion joints per industry standards to reduce the amount of cracking. Unit pavers and other paving products (with the exception of asphalt) may be acceptable and will be reviewed by the DRC on a case by case basis.

#### **3.3.3.2.2. Entry Sidewalks**

All homes must provide a concrete sidewalk or concrete connection from the driveway to the front porch or entryway. Colored or stamped concrete, exposed aggregate, modular pavers or stone tiles are encouraged but not required.

#### **3.3.3.2.3. Extended Parking Areas**

Extended Parking areas for up to two (2) vehicles, (in addition to those that may be parked in the street to garage driveway), are permitted provided they are constructed of concrete, structurally capable of handling vehicular traffic weights and built with construction and expansion joints per industry standards to reduce the amount of cracking. Unit pavers and other paving products (with the exception of asphalt) may be acceptable and will be reviewed by the DRC on a case by case basis. Extended parking areas must be accessed from the primary street to garage driveway and may extend the full depth of the home but may not encroach into side-yard setbacks. Parking areas extended beyond the depth of the home may be acceptable and will be reviewed by the DRC on a case by case basis.

### 3.3.3.3. Plant Materials and Landscape Irrigation

Home owners are provided one year to complete landscape improvements following the initial sale of a home. The contracting and installation of landscaping improvements are the responsibility of the home owner whether or not negotiated by contract with the builder. Xeriscaping is permitted but all xeric landscape plans must be submitted and approved by the DRC before installation commences. The following are minimal requirements for landscaping in The Uplands neighborhood:

1. Trees, shrubs and other plant material should be placed to avoid future adverse effect on a neighboring lot.
2. All trees and plant materials should be deer resistant and suited for landscape hardiness zone 4.
3. All landscapes are required to have an efficient, professionally designed underground irrigation system that is fully automatic.

4. Semi-xeric designs that include no less than 40% and no more than 70% yard area as a mowed turf grass area are recommended to reduce water consumption. Concrete curbing or aluminum or steel edging is required to separate mowed turf grass areas from planting beds and xeric landscaping. Plastic or rubber edging is not permitted in The Uplands neighborhood.

5. Xeric landscape plans must include planting beds with significant plant coverage. Plants may be set in bark, gravel or rock mulch. All gravel and rock planting bed mulch should be between  $\frac{3}{4}$ " and 3" diameter. All bark, gravel or rock mulch should be of earth tone colors. Bright, white, red or shiny rocks are not permitted. Only one color and type of mulch may be used in planting beds on any given lot unless approved by the DRC. Concrete curbing is required to separate planting beds from surrounding xeric areas.

6. In Xeric landscape plans, areas outside planting beds, without plant coverage of any kind, may be no greater than 4' in width at any given point with the exception of areas contained within a closed fence. Decorative rock mulch is required in areas outside planting beds. This decorative rock mulch should be between 1" and 4" diameter of earth tone colors including tans, grays and browns. Bright, white, red or shiny rocks are not permitted. No more than two decorative rock mulch products may be used outside planting beds on any given lot. Large rock or boulder features within the decorative rock mulch areas may be acceptable and will be reviewed by the DRC on a case by case basis.

7. It is preferred that planting beds, landscape features and amenity areas 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).

8. The landscaping and maintenance of boulevards in front of and adjacent to lots are the responsibility of the lot owner. All boulevards by Helena City Code require a minimum of 60% green coverage as determined by expected growth over a three year period. A combination of the required boulevard trees for The Uplands neighborhood as described below along with spreading junipers, perennial plants and shrubs (as opposed to sod) are to be used to meet the 60% required green coverage. Boulevard trees, junipers, and perennial are to be set in approved rock mulch between 2" and 4" diameter of earth tone colors including tans, grays and browns. Bright, white, red or shiny rocks are not permitted. Boulevard landscaping is to be serviced by drip lines as part of the lot's underground irrigation system. The required tree landscaping for boulevards is as follows:

Front Yard Boulevard– The number of boulevard trees required in the boulevard that fronts the lot is determined by the width of the lot and the following spacing guidelines: trees should be spaced approximately 30' apart. Driveways, utilities and light poles may interfere with spacing. In such cases, trees should be spaced no less than 20' apart but no greater than 35' apart. When determining spacing of trees, care should be taken as to the location of trees on adjoining lots. Avoid placing trees closer than 20' to one another on either side of a shared lot line. When possible, determine which lot is better suited for a lot line tree.

Side Yard Boulevard – Trees are required in boulevards located to sides of lots. Trees in side boulevards should be evenly spaced approximately 30'-35' apart with the first tree located 20' from the center of ADA ramps and crosswalks. When determining spacing of trees, care should be taken as to the location of trees on adjoining lots. Avoid placing trees closer than 25' to one another on either side of a shared lot line. When possible, determine which lot is better suited for a lot line tree.

Required Boulevard Tree Species – All boulevard trees in The Uplands neighborhood are of the same species and variety: Norway Maple. (Subject to change.)

Minimum Required Caliper – All boulevard trees must be a minimum of one and one half inch caliper (1-1/2" caliper) with a minimum two inch (2") recommended.

Protective Deer Barriers – 4' high protective black mesh deer barriers are required around trunks of all boulevard trees.

### 3.3.3.4. Outdoor Living Areas

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

#### **3.3.3.4.1. Decks/Porches, Patios, Terraces and Courtyards**

Materials used for decks, patios, terraces and courtyards should complement the home as well as the site. While front porches must be constructed of concrete, rear and side yard decks may be constructed of wood or fabricated plastic wood products such as Trex in light, medium and dark brown tones. Painted white, red or bright colored decks are not permitted. All decks and railings must meet the City of Helena, Montana code requirements. Patios should be constructed of concrete, pavers or stone in neutral colors. Colored or stamped concrete and other finished coatings in neutral colors are encouraged but not required. Decomposed granite and gravel may be used to create paths and add character to terraces and courtyards.

#### **3.3.3.4.2. Exterior Appurtenances**

Exterior appurtenances such as pools, hot tubs/spas and play structures should be screened within a back yard. Service areas for mechanical equipment, yard maintenance equipment, temporary materials storage, tools and the like should be entirely screened from neighboring lots and public rights of ways. Other landscape amenities and furnishings, such as shade structures, dog kennels, and flower or vegetable gardens should be contained within a privacy fence.

#### **3.3.3.4.3. Fences**

Fencing is permitted in the rear and side yards only in The Uplands neighborhood and may not exceed six feet (6') in height. Fences should tie into sides of homes a minimum of 4' back from front wall facades and not enclose utilities unless an access gate is provided. Approved fencing materials include dark gray-toned, black and dark bronze aluminum or steel "open rail" fence as well as gray-toned, tan, brown or almond colored vinyl. Wood framed fences with "rusted" corrugated steel panels are acceptable with approval by the DRC. Black chain-link fencing not to exceed four feet (4') in height will be considered for approval by the DRC depending on style and design. No white or reflective fencing of any type is permitted. Solid wood fences are strongly discouraged but may be considered with design and color approval by the DRC.

#### **3.3.3.4.4. Storage and Garden Buildings**

Storage and garden buildings at sides and rear of homes, (lot size and coverage permitting), are acceptable in The Uplands neighborhood so long as they adhere to the following and meet all City of Helena building codes.

- They are constructed on concrete pads and are contained within a privacy fence
- They do not infringe upon side-yard setbacks or located within eight feet (8') of rear property lines.
- They do not exceed the maximum wall height of eight feet (8').
- They do not exceed a maximum width of ten feet (10') or a maximum length of sixteen feet (16').
- They have a minimum 4:12 and maximum 6:12 roof pitch
- Storage and garden buildings should be constructed of materials similar to the existing home and painted to match the existing home color.
- Pre-fabricated storage and garden buildings must be submitted for approval by the DRC and will be evaluated based on size, style, design and color.

#### **3.3.3.5. Landscape and Exterior Lighting**

Standard City of Helena street lights will be placed throughout all public street rights-of-ways. However, lot owners may place low-level landscape lighting on lots 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. Post lights over eight feet (8') tall and high-intensity security lighting are not permitted.

#### **3.3.3.6. Address Signage**

Standard address identification signage is required for each home and should be legible from the street.

#### **3.3.4. Site and Landscape Plan Requirements**

All home owners must install complete landscape improvements within one year of closing of the initial sale of a home. Landscape plans that meet the Site Planning and Landscape Architectural Design Standards contained in the Design Review Manual for The Uplands neighborhood do not require submission for approval by the DRC. Any landscape plan that contains any elements, materials, or designs requiring review for approval of the DRC as contained in the Site Planning and Landscape Design Standards or that may have the potential to be construed as not meeting the Site Planning and Architectural Design Standards must be submitted to the DRC for approval a minimum of thirty (30) days before the intended start date of construction or installation. Landscape plans submitted for approval shall include a site plan and show, at minimum:

- building footprints and locations
- 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
- perennial and annual planting beds (plant species do not need to be identified)
- tree locations (tree species identified)
- specifications for plant bed and mulch bed containment (edging)
- location, model and wattage of all landscape lighting
- any other details related to request for approval

### **3.3.5. Construction Guidelines**

#### **3.3.5.1. 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.

#### **3.3.5.2. 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.

#### **3.3.5.3. Contractor Meeting**

Contractor and a representative of the DRC should meet prior to the onset of construction activities to 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.

#### **3.3.5.4. 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 within nine (9) months of their commencement unless granted an extension by the DRC. For these purposes, commencement is defined as the beginning of any approved site preparation or excavation activities.

#### **3.3.5.5. Compliance Responsibility**

It is in the responsibility of the lot owner (or future lot owner of contract) and the Contractor 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.

### **3.3.5.6. Construction Activity / Builder Regulations**

Contractor regulations address baseline issues as well as any additional issues specific to the individual building site that may occur in the construction process. These regulations are designed to allow construction of a residential lot to move along as efficiently as possible while assuring neighbors that inconveniences caused to them by construction operations shall be minimized. The following regulations apply to all construction activities in The Uplands neighborhood but do not preclude the need for adjustment and additions if issues arise as a result of such activities:

#### **3.3.5.6.1. 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.

#### **3.3.5.6.2. Daily Operating Hours**

Working hours for each Construction Site shall be between 7:00 A.M. and 7:00 P.M. Monday through Saturday and Sunday 10:00 A.M until 6:00 PM. Enclosed interior work is permitted at all times as long as it does not adversely affect adjacent land owners.

#### **3.3.5.6.3. 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. Permission to park in unimproved lots adjacent to construction site may be granted on a limited basis with approval by the DRC.

#### **3.3.5.6.4. 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.

#### **3.3.5.6.5. Debris**

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

#### **3.3.5.6.6. 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.

#### **3.3.5.6.7. Fire Safety**

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

#### **3.3.5.6.8. 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 may be displayed.

### 3.3.5.6.9. Sanitary Facilities

A portable toilet shall be provided by the Contractor as necessary and placed on the lot under construction or in a legal parking space as long as it does not inhibit traffic flows or affect the reasonable access to parking by adjoining lot owners.

### 3.3.5.7. Green Building Practices

All homes built in The Uplands neighborhood 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](http://www.usgbc.org).

### 3.3.6. 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.

## 4. Appendix "A"

The following is a summary of the submittal and review process:

- **Informal Discussions** in person or via telephone or email for lot owner or representative to share initial design concept for improvement and the DRC to provide feedback as to Design Standards and Guidelines relevant the concept. No formal submittals required.
- **Conceptual Improvement Plan Submit** is the first part of the formal submittal process. This submittal shall include schematic design of improvement along with photographs, illustrations and/or any other reference materials that may assist the DRC in visualizing the proposed lot and building improvements. If improvement is for the building of a new home, the name of the builder or general contractor should be submitted at this time.
- **Conceptual Improvement Plan Preliminary Approval** will be reviewed by the DRC for compliance with all applicable Design Standards and Guidelines of the Design Review Manual. If the Standards and Guidelines are met, preliminary approval will be granted. If proposed designs are inconsistent with this Manual's stated Design Standards and Guidelines as determined by the DRC, preliminary approval will be denied with explanation. The owner or lot owner's design team may then resubmit plans after addressing the DRC explanation for denial.
- **Final Improvement Plans and Documents Submittal** including building and site plans pertinent to the improvement and a summary of planned construction activities.
- **Final Approval and Notice to Proceed by DRC** will be issued by the DRC for all plans that are consistent with plans initially approved at Preliminary Review.



## 5. Appendix “B”

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 The Uplands 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.

### SINGLE STORY HOMES



**Craftsman Cottage**



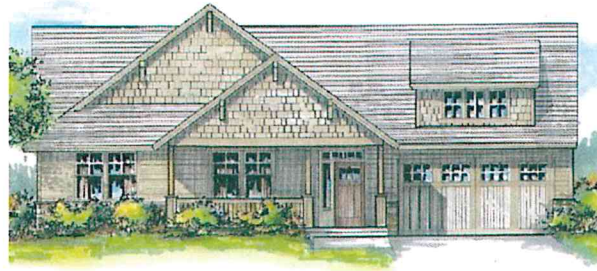
**Craftsman**



**Craftsman with Hipped Main Roof and 3-Bay Garage**



**Gable Roof**



**Gable Roof**



**Gable Roof**



**Modern Traditional with Hip Roof**



**Hip Roof**



**Hip Roof**



**Hip Roof with Bonus Space**



**Hip Roof with 3-Bay Garage**



**Contemporary Prairie Roof with Side-Load Garage**

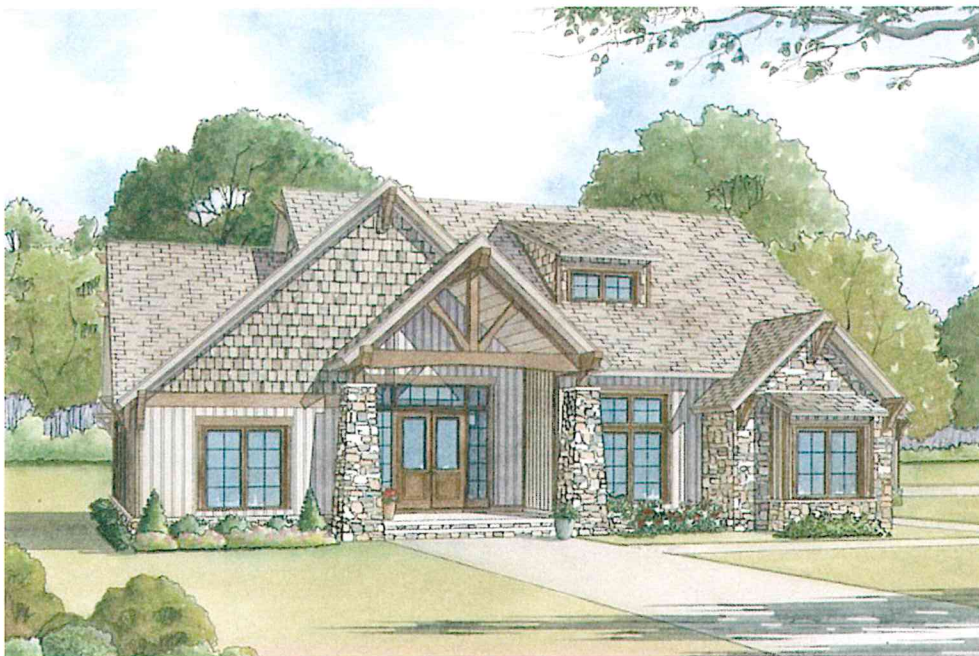


**Contemporary Shed Roof with Side-Load Garage**

# 1 ½ STORY



**Cottage Craftsman**



**Craftsman with Side-Load Garage**



**Country**



**Modern Traditional**

## 2-STORY HOMES



**Craftsman with 3-Car Garage**



**Prairie Craftsman**



**Country**



**Modern Traditional**



**Contemporary**



# ROOF LINES



Front



Rear



Front



Rear



Front



Rear



Front



Rear



Front



Rear



Front



Rear



Front



Rear