

Design Review Manual



The Peaks Neighborhood at Mountain View Meadows

1-1-2025

TABLE OF CONTENTS

1.	INTRODUCTION.....	3
1.1.	Intent and Purpose.....	3
1.2.	Relationship to other MVM Governance Documents.	3
1.3.	Organization of this Document.....	3
2.	DESIGN REVIEW COMMITTEE (DRC).....	4
2.1.	Organization.....	4
2.1.1.	Make Up and Appointments.....	4
2.1.2.	Meetings	5
2.1.3.	Reimbursement.....	5
2.1.4.	DRC Responsibilities	5
2.1.5.	No Improvement without Committee Approval.....	5
2.1.6.	Timely, Sensible, Collaborative Process.....	6
2.1.7.	Failure to Comply.....	6
2.2.	Enforcement.....	6
2.2.1.	Reasonable Enforcement.....	6
2.2.2.	Required Conformance.....	6
2.2.3.	Amendment.....	6
3.	IMPROVING THE MEMBER’S LOT.....	7
3.1.	Lot Use and Improvement	7
3.1.1.	Permitted Uses	7
3.1.2.	Community Goals for Design and Construction	7
3.1.3.	No Temporary Structures.....	7
3.2.	Design Submittal and Review Process.....	8
3.2.1.	Preliminary Review.....	8
3.2.2.	Final Review.....	9
3.2.3.	Construction Inspections.....	10
3.2.4.	Certificate of Occupancy.....	10
3.2.5.	Rebuilding of Destroyed Homes.....	11
3.2.6.	No Waiver.....	11
3.2.7.	No Liability.....	11
3.3.	Design Standards and Guidelines.....	11
3.3.1.	Architectural Improvement Guidelines.....	11
3.3.2.	Architectural Plan Requirements.....	18
3.3.3.	Site Planning and Landscape Architectural Design Improvements.....	19
3.3.4.	Site and Landscape Improvement Plan Requirements	23
3.3.5.	Construction Guidelines.....	24
3.3.6.	Local Ordinance and/or Building Code Compliance.....	26
4.	APPENDIX “A” SUMMARY OF SUBMITTAL AND REVIEW PROCESS.....	26
5.	APPENDIX “B” THE PEAKS NEIGHBORHOOD BY AREA.....	27
6.	APPENDIX “C” PHOTOS OF APPROPRIATE STYLES.....	27

Design Review Committee and Enforcement

Article 9. 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 Peaks 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 Peaks 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 – Improving the Member’s Lot

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 architectural features for homes in The Peaks neighborhood are included in Appendix C 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. 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 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 Peaks 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, decks and patios shall be erected, placed, added to, altered or reconstructed upon any lot owner's 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 or be in keeping with the character of the neighborhood.

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 the Single-Family Neighborhoods Owners Association 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 lots in The Peaks neighborhood shall conform to this 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 this 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 Peaks 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 with the exception of those deemed necessary by the Declarant. 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 Peaks 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 Peaks 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 at the discussion stage. 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 3.3.2.1 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 3.3.2.2 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. A formal meeting between the lot owner and the DRC will not be required for final approval.

3.2.2.2. Final Approval by DRC

A signed and dated "Notice to Proceed" or signed and dated "Approved Plan" will be issued by the DRC for all plans that are consistent with plans initially approved at Preliminary Review. A Notice to Proceed or Approved Plan is required before commencing with any improvement to the exterior of an owner's home or lot.

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 the time frame allocated in the notice, the homeowner may be subject to HOA fine procedures until the violation is corrected. In rare instances, 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 not on 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 and maintained free of weeds until such time as the lot is resold.

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 Peaks 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

Mountain View Meadows recognizes the need for home owners through their builder or architect to satisfy the unique requirements of the Member's lifestyle and aesthetic desires and for each architect or builder to design a home that meets the architectural styles and requirements consistent with the design standards expressed in this document. The intent of these architectural design requirements is to encourage individual expression consistent with the design standards for the four areas – Peaks Edge, Upper Peaks, The Peaks Solar Homes, and the Elkhorn Peaks that together make up The Peaks neighborhood. These architectural styles and requirements include:

- 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 (beginning page 25) provides a summary of the plan approval and permitting process. Appendix B (page 26) designates the four areas making up The Peaks neighborhood, Appendix C (beginning on page 26) shows photographs of a number of homes that would be considered appropriate for The Peaks neighborhood at Mountain View Meadows, subdivided into categories representing the four areas of The Peaks and Appendix D includes details by area regarding landscaping, fencing and other lot improvements.

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

With rare exceptions, 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 Peaks 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

Due to the variation of sizes and street frontage of residential lots in The Peaks neighborhood, four distinct areas have been identified with specific scale, massing and setback requirements. Members, Architects and Builders are required to clearly identify the specific area within The Peaks neighborhood on plans submitted for approval and cautioned to take care that plans submitted meet the design requirements for that area.

- Peaks Edge Residence: Lots located off Peaks Edge backing onto open space
 - A. Single-story residence; Minimum 3000 sq. ft. independent of garage
 - B. Single-story residence with basement; Minimum 3000 sq. ft. above grade independent of garage; exceptions considered for walk-out basements
 - C. Multi-story residence; Minimum 3600 sq. ft. above grade independent of garage; second story must be of less square footage than the main level

- D. Minimum 22' W x 24' D attached 2-car garage
 - E. Minimum 20' side yard setback without approval
 - F. Minimum 36' front yard setback without approval
 - G. Minimum 30' open space setback
 - H. Maximum 8' garage extension beyond primary structure
(Requirement may be waived for side entry garage with DRC approval)
 - I. Maximum 50% garage front building façade; Requirement will be waived for garages not greater than 60% of front building façade with wood or wood-simulated garage door designs
- Upper Peaks Residence: Area above power line easement but not part of Peaks Edge
 - A. Single-story residence; Minimum 1800 sq. ft. independent of garage
 - B. Single-story residence with basement; Minimum 1800 sq. ft. above grade independent of garage
 - C. Multi-story residence
 - 1. Traditional full 2-story residence not permitted
 - 2. 1 ½ story homes and single-story with bonus space permitted so long as main level meets the minimum 1800 sq. ft. requirement
 - D. Minimum 22' W x 24' D attached 2-car garage
 - E. Minimum 10' side yard setback; exceptions considered with DRC approval
 - F. Minimum 25' front yard setback
 - G. Minimum 20' open space setback
 - H. Maximum 8' garage extension beyond primary structure
(Requirement may be waived for side entry garage)
 - I. Maximum 50% garage front building facade without DRC approval
 - Elkhorn Peaks Residence: Area below power line easement not part of Peaks Solar Project
 - A. Single-story residence; Minimum 1400 sq. ft. independent of garage
 - B. Single-story residence with basement; Minimum 1400 sq. ft. above grade independent of garage
 - C. Multi-story residence
 - 1. Minimum 1800 sq. ft. above grade independent of garage
 - 2. Single-story with bonus space must meet single-story minimum 1400 sq. ft. requirement on main level
 - D. Minimum 22' W x 24' D attached 2-car garage
 - 1. Minimum 20' W x 22' D garage with DRC approval for homes on 60' wide lots
 - E. Minimum 8' side yard setback; 6' may be approved on lots under 65' in width
 - F. Minimum 23' front yard setback
 - G. Minimum 20' open space setback
 - H. Maximum 8' garage extension beyond primary structure
 - I. Maximum 60% garage front building façade

- Peaks Solar Home Project: Area below and bordering power line easement
 - A. Single-story residence; minimum 1200 sq. ft. independent of garage
 - B. Minimum 20' W x 22' D attached 2-car garage
 - C. Minimum 6' side yard setback
 - D. Minimum 22' front yard setback without DRC approval
 - E. Minimum 10' open space setback
 - F. Maximum 8' garage extension beyond primary structure without DRC approval
 - G. Maximum 60% garage front building façade without DRC approval

3.3.1.4. Foundations

No less than 12" of foundation wall must be exposed. If more than 2' 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 foundation 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 Peaks 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 or shed 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 to be determined by the DRC. Minimum roof pitches and fascia to be considered relative to roof design.

3.3.1.5.2. Roof Materials

A variety of roof materials that include asphalt, aluminum or steel shingles and concrete tile are approved for homes in The Peaks neighborhood. Other materials, including metal or steel panels will be considered for secondary roof plans with approval by the DRC to assure that proportion, style and color conforms to the architectural intent of the neighborhood.

Areas within The Peaks neighborhood with specific roof material requirements are as follows:

- Peaks Edge; Architectural/dimensional asphalt roofs, aluminum/steel shingle roofs or concrete tile roofs are required for main roof structure. Non-dimensional asphalt and metal or steel panels may be approved for contemporary style home plans on a case-by-case basis. To be considered for approval, metal or steel panels must be non-reflective and in a color that conforms to the architectural intent of the neighborhood as determined by the DRC.

3.3.1.5.3. Color

Generally, darker tones and blends in browns, grays and blacks are approved roof colors for The Peaks neighborhood. Tan and rust tones must be approved by the DRC. Green and red roof tones and bright or reflective colors whether blended or true, are not permitted. Pipes or other objects that penetrate the roof structure must be painted black.

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 must have a minimum of a 9' floor to ceiling interior "finished" height. Second-story and basement wall heights, though encouraged at 9' on all levels, vary by neighborhood as follows:

- Peaks Edge: wall height minimum 9' all levels
- Upper Peaks and Elkhorn Peaks: wall height minimum 9' main level and basements; minimum 8' on approved upper level
- Peaks Solar Homes: 9' main level; basement wall height minimum 8'

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, asbestos and any Masonite board-based wood products such as CanExcel. Natural or manufactured stone accents are encouraged but not required. Areas within The Peaks neighborhood with specific siding material requirements are as follows:

- Peaks Edge; Hardie or equivalent concrete fiber siding required unless steel, stucco, brick or wood approved by the DRC.

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 two (2) and a maximum of four (4) colors may be submitted for approval by the DRC. Stark white, bright colors and pastels are not permitted. Color schemes containing the same siding color may not be repeated on either side of the street within the same block, to the rear of a home with the same siding color or within six (6) homes to either side with the same siding color with the following exceptions:

- Peaks Edge; same or barely distinguishable siding colors may not be repeated.
- Solar Home Project; within four (4) homes to either side may not be repeated

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 and necessary egress 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, brown, gray and black and should blend with exterior siding and trim colors and not appear over-contrasting. White may be submitted for approval. Approval will be based on meeting the criteria that it blends and is not over-contrasting with exterior siding 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 featured concrete 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. Exceptions may be granted by the DRC for contemporary style homes. 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 band boards separating the siding and gable colors. However, exceptions may be approved by the DRC based on the character and architectural style of the home.

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. A minimum 2-car attached garage is required on all homes in The Peaks neighborhood; 3-car garages are permitted on accommodating lots; 4-car garages permitted with DRC approval. All garage doors (front or side load) should be detailed to break up the garage door massing and must include upper windows. Exceptions to the garage door window requirement may be considered based on style and design of home. 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 8' beyond the main house front façade. However, if the garage doors are side loaded and have an appearance of being part of the house and not a garage, the maximum 8' protrusion may be waived. Garage doors, unless of wood or simulated wood design, must be painted the same color as the primary siding color so to architecturally appear as part of the main house façade. The intent is that the garage does not become the dominant 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. All garages are to be accessed from either the front or side yard.

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. Under-eave lighting will be considered by the DRC with approval dependent on design and intent.

3.3.1.8.6. 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 during construction to keep dirt or other debris from filling the insides.

3.3.1.8.7. Other Required Interior Details

- 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. Placement of a small exterior satellite dish on any home in The Peaks neighborhood must be reviewed by the DRC before installation. 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
- ☐ Grading 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 Improvements

3.3.3.1. Intent, Philosophy and Purpose

Site elements and Landscape Architectural Design Improvements on lots in The Peaks neighborhood are key to 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 builder or 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 could negatively impact adjacent lots. All homeowners must install complete landscape improvements as further described in 3.3.3.3 within one year of closing of the initial sale of the home.

3.3.3.2. Driveways, Entry Sidewalks and Parking Areas

3.3.3.2.1. Driveways

Driveways are required to have a minimum length of 23' unless 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. Colored concrete, 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. Colored concrete trim or exposed aggregate trim is encouraged but not required except in the following area:

- Peaks Edge; required minimum eight inches (8") colored concrete or exposed aggregate trim on driveways

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 as well as colored concrete or exposed aggregate trim is encouraged but not required.

3.3.3.2.3. Extended Parking Pads

Extended parking pads for up to one vehicle (in addition to those that may be parked in the street to garage driveway) and up to two vehicles with DRC approval 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. 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 pads that extend beyond the depth of the

home that do not encroach into rear or side yard setbacks may be acceptable and will be reviewed by the DRC on a case-by-case basis. Not all lots in The Peaks neighborhood will accommodate an extended parking pad due to required side-yard setbacks. Unlike driveways, extended parking pads may be used to store boats, campers and other recreational vehicles when not in use.

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. Minimum landscape design standards apply to all areas within The Peaks neighborhood. Landscape design details unique to specific areas within The Peaks neighborhood are available upon request. A landscape plan must be submitted to the DRC for approval before installation with the following taken into consideration:

1. All landscapes are required to have an efficient, professionally designed and installed underground irrigation system that is fully automatic.
2. Trees, shrubs and other plant material should be placed to avoid future adverse effect on a neighboring lot.
3. All trees and plant materials should be deer resistant and suited for landscape hardiness zone 4.
4. Semi-xeric designs that include no more than 70% yard area as a mowed turf grass area are recommended to reduce water consumption.
5. Concrete curbing or aluminum or steel edging is required to separate mowed turf grass areas from planting beds and xeric landscaping unless located within a privacy fence. Plastic or rubber edging is not permitted in The Peaks neighborhood.
6. 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 1.5" diameter. All bark, gravel or rock mulch should be of earth tone colors. Bark mulch must be of dark earth tones. 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. 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. Concrete or steel edging is required to separate planting beds from surrounding xeric areas. Stone or rock borders outlining planting beds or along Xeric walkways are not permitted.
7. 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 an enclosed privacy fence. Decorative rock mulch is required in areas outside planting beds. This decorative rock mulch must be of a contrasting size and color to the rock mulch contained within the planting beds but may not exceed 2" diameter. Earth tone colors including tans, grays and browns are acceptable. Bright,

white, red or shiny rocks are not permitted. Only one decorative rock mulch product may be used outside planting beds on any given lot unless approved by the DRC.

8. Planting beds may vary in size and shape but should be in proportion to the lot and house. Curvilinear outlines are preferred but meandering shaped beds, particularly around the foundation of homes, are strictly prohibited. All plants will be required to be placed within the beds (as opposed to being placed within the lawn areas). A minimum three foot (3') deep planting bed is required along the front façade of the home with colorful vegetation.

9. In addition to the front façade planting bed, a minimum three foot (3') wide foundation rock mulch bed is required along all other foundation walls exposed to natural elements to reduce the possibility of water damage to house and foundation walls. These foundation rock mulch beds, if less than four feet (4') in width, are not required to contain plant coverage. However, foundation rock mulch beds four feet (4') or greater in width must meet minimum Xeric landscape plant coverage requirements.

10. The landscaping and maintenance of boulevards in front, behind 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 five-year period. A combination of the required boulevard trees for The Peaks neighborhood as described below along with spreading junipers, non-fruit or vegetable-bearing perennial plants, decorative grasses and shrubs (as opposed to sod) are to be used to meet the 60% required green coverage. Boulders or rocks may be considered as part of the overall boulevard landscaping design with DRC approval but may not be used to replace vegetation. No non-vegetative materials or ornamentations of any type are permitted in boulevards. Boulevard tree accent lighting may be permitted on a limited and temporary basis during nationally-celebrated holidays. Boulevard trees, junipers, and perennials are to be set in approved rock mulch which may vary by area. Approved rock mulch color and size will be provided prior to preliminary plan submittal. Boulevard landscaping is to be serviced by drip lines as part of the lot's underground irrigation system. Tree spacing for boulevards and general boulevard landscaping requirements are 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 but not greater than 35' apart or less than 25' apart. Driveways, utilities and light poles may interfere with spacing. In such cases, trees should be placed no closer than 8' of driveways, 10' of light poles and 4' of utilities. 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.

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 30' 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 rear lots. Avoid placing trees closer than 30' 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 – Boulevard trees in The Peaks neighborhood are determined by area and are subject to change. Approved tree species for each area will be made available prior to plan submittal.

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.

Required Staking – All boulevard trees must be staked for three years to better ensure uniform upright growth while providing additional support during high wind events.

Protective Deer Barriers – 4' high protective black mesh deer barriers are required around trunks of all boulevard trees for the first three years of growth.

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 or gray 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 pea gravel may be used to create paths and add character to terraces and courtyards. Paths outside privacy fences may not be lined with stone or rock.

3.3.3.4.2. Exterior Appurtenances

Exterior appurtenances such as pools, play structures, dog kennels, flower or vegetable raised beds or gardens must be contained within a six-foot (6') privacy fence. Hot tubs, dining and seating areas, approved fire pits and the like may be placed in rear yards only but do not require fencing. 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.

3.3.3.4.3. Fences

Privacy and semi-privacy fencing not to exceed six feet (6') in height are permitted in the rear and side yards only in The Peaks neighborhood. Approved decorative fencing no greater than 48" in height are permitted in front yards. Fences should tie into sides of homes at a minimum setback requirement from front wall facades as detailed in individual handouts by area. Fences may not enclose utilities unless an access gate is provided. Approved fencing materials and styles vary by area but generally include black and dark bronze aluminum or steel fencing as well as gray-toned, tan, brown or almond vinyl fencing. However, no vinyl fencing is permitted in the Peaks Edge area. Wood framed fences with "rusted" corrugated steel panels as well as rock or brick fences may be considered for DRC approval. High quality black chain-link fencing not to exceed five feet (5') in height located in rear yards are permitted only in the Peaks Edge area. No white or reflective fencing of any type including galvanized steel is

permitted in any area. Due to the number of fencing options, adjoining lot owners may prefer differing fencing types. In such cases, it is understood that a privacy fence may be installed on property adjacent to a non-privacy fence.

3.3.3.4.4. Storage and Garden Buildings

Storage and garden buildings at rear of homes are acceptable in The Peaks neighborhood. Side yard storage or garden buildings may be approved if attached directly to the side of the home. All storage and garden buildings must adhere to the following and meet all City of Helena building codes.

- They are constructed on concrete or solid surface pads and are contained within a six-foot (6') privacy fence.
- They do not infringe upon setbacks.
- 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 must be painted to match the existing home color and should be constructed of similar materials.
- 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. No "barn" details permitted on buildings.

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 must not adversely affect a neighboring lot. Post lights over six feet (6'), high intensity security lighting and lighting that produces light trespass onto adjacent properties are not permitted.

3.3.3.6. Address Signage

Standard address identification signage is required at or near the main entry for each home and should be legible from the street. Additional address signage in landscaping may be considered for approval when size, color, style and material are included on landscaping plans.

3.3.4. Site and Landscape Improvement Plan Requirements

Site landscaping and all architectural design improvements must be submitted to the DRC for approval a minimum of thirty (30) days before the intended start date of construction or installation. An approved plan, signed and dated by a member of the DRC, must be obtained before commencing construction or installation. All home owners must complete a professionally installed underground water system with complete landscape improvements within one year of closing of the initial sale of a home. Extensions may be granted for weather delays and scheduled additions to existing planting beds when agreed to by the DRC. Plans submitted for approval shall include a site plan and show, at minimum:

- building footprints and locations
- location of driveways and sidewalks
- location of fences and walls
- fence construction details
- location of patios, decks and other walkways
- location of any other amenities and existing site improvements
- location of all public utility improvements such as light poles and utility boxes
- material specifications for all ground coverings
- locations and dimensions of perennial and annual planting beds (plant species do not need to be identified)
- tree locations (tree species must be identified)
- distances between trees and existing site improvements including public utilities
- 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. However, it is to be noted that The Peaks neighborhood is and will continue to be an area of ongoing construction until all phases of the neighborhood are completed. Acceptance of this fact is key to purchasing a home in The Peaks as some degree of inconvenience to all homeowners is anticipated. The following regulations apply to all construction activities in The Peaks 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

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.

3.3.5.6.3. 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 Peaks 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.

3.3.6. Local Ordinance and/or Building Code Compliance

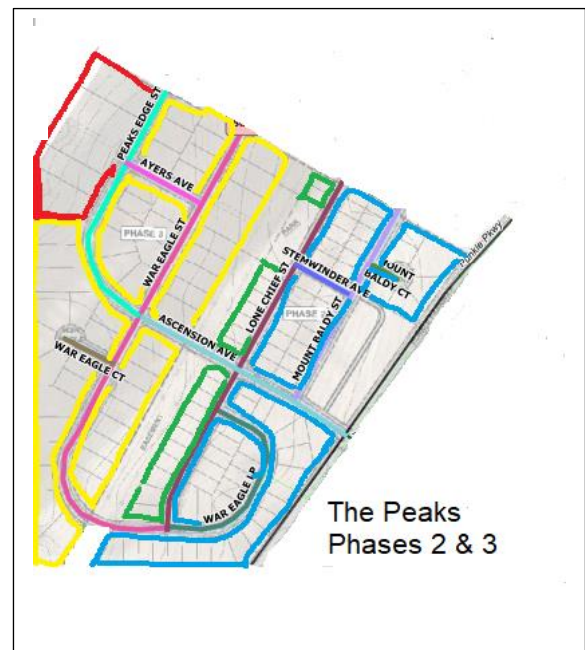
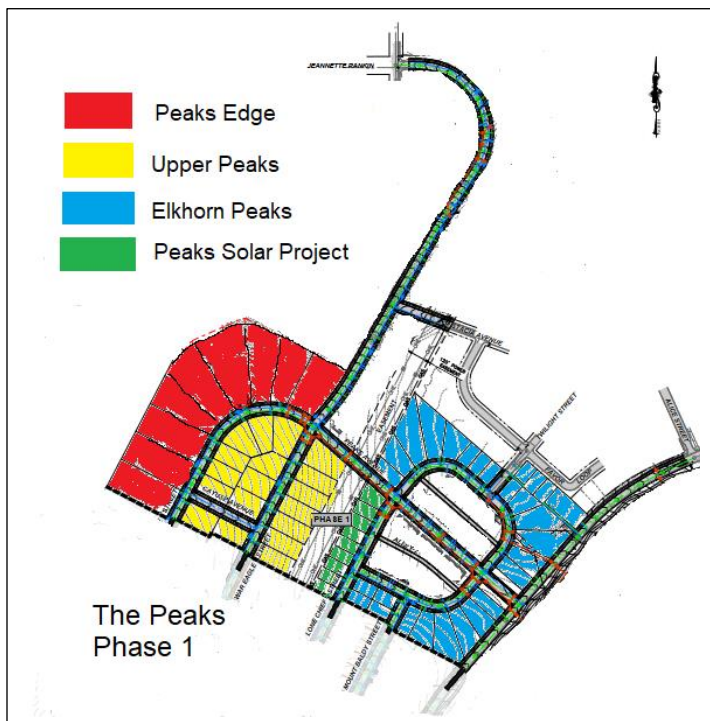
Approval and a Notice to Proceed obtained from the DRC for construction of any built improvement does not substitute for compliance with any federal, state, county or city ordinance, code or other controlling requirement. Such compliance is the full responsibility of the Home Owner and Builder.

4. Appendix “A” Summary of 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 at this stage of the process.
- **Conceptual Improvement Plan Submittal** 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 Peaks Neighborhood by Area



6. Appendix "C" Photos of Appropriate Styles

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 Peaks neighborhood at Mountain View Meadows. Please note that not all paint schemes and material selections in the pictures are in compliance with The Peaks design guidelines.

HOME STYLES APPROPRIATE FOR THE PEAKS EDGE AREA



HOME STYLES APPROPRIATE FOR THE UPPER PEAKS AREA



HOME STYLES APPROPRIATE FOR THE ELKORN PEAKS AREA



COMPLEX ROOF STYLES FRONT AND REAR ALL AREAS

