



NORTON RANCH
COMMUNITY ASSOCIATION

DESIGN & CONSTRUCTION GUIDELINES

ARCHITECTURAL STANDARDS

April 2022

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1. INTRODUCTION

These design and construction guidelines (“Design & Construction Guidelines”) are adopted by the Architectural Review Committee (“ARC” or “Committee”) of Norton Ranch pursuant to Section 7.1 of the Amended and Restated Declaration of Protective Covenants, Conditions and Restrictions for Norton Ranch (“CC&Rs”), dated October 14, 2011. These Design & Construction Guidelines can be amended from time-to-time as provided in Section 7.2 of the CC&Rs.

The intention of these Design & Construction Guidelines is to establish an outline of certain minimum design standards for improvements to be constructed and/or installed upon lots within **NORTON RANCH** and to promote well designed home sites while carrying their chosen architectural style from front to back.

NORTON RANCH is planned as a traditional community. The neighborhood land plan, architecture, streetscape and public open spaces have been designed with a human scale and have integrated pedestrian walkways into the fabric of the neighborhood. Stoops and porches are encouraged on the front elevations of homes to provide a transitional link between the private spaces within the home and public spaces such as sidewalks, streets and the parks.

These Design & Construction Guidelines are intended as an information resource for owners of **NORTON RANCH** home sites. They are a critical component of the interactive process required when planning the development of a home site within **NORTON RANCH**. The Design & Construction Guidelines are administered and enforced by Norton Ranch Architectural Review Committee. The Design & Construction Guidelines are binding upon all persons who construct, remodel, refinish or alter any part of the exterior of any home or make other improvements upon any property thereon. All owners must comply with the appropriate City of Bozeman or Gallatin County regulations, **NORTON RANCH** CC&Rs, and these Design & Construction Guidelines.

The Design & Construction Guidelines describe the considerations the ARC will apply in reviewing the site planning, architectural design, and landscaping plans for a new home at **NORTON RANCH**. They also outline the procedures that are to be followed during the design review process. In addition, the Design & Construction Guidelines detail the certain guidelines for the general contractor, all subcontractors and suppliers shall observe while a home and/or yard are under construction.

There are a few general points to keep in mind when reading the Design & Construction Guidelines.



First, remember that the ARC’s responsibility is to establish an outline of certain minimum design standards for improvement to be constructed and/or installed on a lot in **NORTON RANCH**. The Design & Construction Guidelines describe the visual goals of **NORTON RANCH**, in addition to the minimum acceptable levels of site planning, architecture, detailing, landscape design, and construction beneath which approvals to build may not be granted. This approach has left a relatively large area open for the ARC’s judgment. In exercising that judgment, the ARC will use its best efforts to make decisions in keeping with the design objectives upon which **NORTON RANCH** was founded.

Second, it is the responsibility of each home owner in **NORTON RANCH** to read and understand the CC&Rs and these Design & Construction Guidelines.

Third, all applications and interpretations of these guidelines should be made in a reasonable manner. Therefore, when one sees words like “where possible”, please keep in mind that they mean “where possible, within reason.”

Fourth, the focus of the Design & Construction Guidelines is the outward perception of **NORTON RANCH** and of the homes and land within that community. Therefore, the scope of design review is limited exclusively to what can be seen, heard, or otherwise sensed from outside each Lot. In using terms like “visible” or “screened”, it refers only to visibility from **NORTON RANCH** common areas or from neighboring properties. What cannot be seen or heard from these areas is not controlled by these guidelines and may be handled without a review, except as may be otherwise required by the CC&Rs.

And finally, the following definitions are used throughout this document:

Owner: Owner of record of a Lot within **NORTON RANCH**.

Contractor: The general contractor, who should assist the owner with knowing and complying with the guidelines and keeping the owners apprised of progress in the case of absentee owners.

Applicant: The owner who actually submits the application or on whose behalf the application is submitted.

2. ARCHITECTURAL REVIEW AND APPROVAL PROCESS

NORTON RANCH has established the ARC to implement and administer these Design & Construction Guidelines. The ARC shall exercise the functions for which it is given responsibility for and as provided in the Declaration of CC&Rs for **NORTON RANCH** and for



the modifications, promulgation, and enforcement of its rules governing the use and maintenance of home sites and the improvements thereon.

Purpose. The ARC exists for the purpose of maintaining the standards in design development and overseeing appropriate building and property use in **NORTON RANCH**. The Committee reviews submittals and makes rulings that, in all cases, supersede the City of Bozeman and/or others. In addition to establishing and maintaining an overall aesthetic for **NORTON RANCH**, the intent of these Design & Construction Guidelines is to ensure that all homes maintain a level of design quality that is compatible. In no cases shall the ARC rulings or approval be construed as permission to violate any code, law or regulation of the City of Bozeman or any other Governmental Authority.

Committee Membership. The ARC shall consist of at least three persons (“Committee”) who shall be appointed, removed and replaced pursuant to Article 7 of the CC&Rs. Except as otherwise provided herein, any quorum of members of the ARC shall have the power to act on behalf of the Committee without the necessity of a meeting and without the necessity of consulting the remaining members of the Committee.

Preliminary Review. The preliminary review process is strongly encouraged for all submittals. The purpose of the preliminary review is to review designs at an early stage, to obtain ARC comment on designs that may not be in keeping with these Design & Construction Guidelines. The preliminary review allows the Owner to obtain ARC advice regarding conceptual designs before final construction drawings are prepared. Concerns or objections are easier to address when they are identified at the beginning of the design process. Should the ARC require changes that effect the building’s structure, exterior materials or exterior details, it is much easier to deal with them prior to completing final construction budget and drawings, and/or applying for building permits. Preliminary review shall not be deemed to be a final approval for the construction of the improvements.

Preparation for Preliminary and Final Review Submittals. Preliminary and final reviews are similar processes and require approximately the same amount of time for the review. Alterations or additions to buildings require the same amount of time as formal reviews for the review process. Preliminary review is also recommended for alterations. The timetables for both preliminary and final reviews have three related aspects.

First, the Applicant must prepare for the review. This preparation should include:

- ❖ Confirm you have a copy of the most recent edition of the Norton Ranch Design & Construction Guidelines (all copies are dated). Copies of the Design & Construction Guidelines can be obtained from the Homeowners Association or the current HOA management company.



- ❖ Read and understand the Norton Ranch CC&Rs and Design & Construction Guidelines.

Second, is development and formation of your proposal. This normally includes formation of your building concept and synthesizing it within the constraints of the Design & Construction Guidelines. All construction is subject to all codes and ordinances as adopted by the State of Montana and the City of Bozeman, and all other pertinent regulations. The most stringent regulations shall apply in the event of a conflict.

And finally, is the ARC review itself. At least seven working days prior to the next ARC meeting, the ARC must receive your submittal. The ARC meets monthly or as necessary depending upon the number of submittals. After a complete and accurate application is received, the ARC will complete their review within a thirty-day (30) period, and submit a report of their findings.

The ARC Review. Owners and/or their agents are encouraged to attend preliminary review meetings (call to schedule a time). Attending the preliminary review meeting affords the ARC the opportunity, and the Owners, to discuss design objectives/intent and allows the ARC to provide comments and suggestions directly to the Owner. ARC meetings are closed to outside parties while reviewing final submittals — only ARC members, Owner or Applicant (and/or their agents), and invited independent consulting professionals may be present while the submittal is discussed. At the ARC meeting when your project is reviewed, the plans, application, and independent architect consultant comments are reviewed and evaluated by the ARC members.

After the ARC Review. After the ARC meeting a review letter is prepared, listing any ARC comments, requirements, concerns or conditions of approval. Additionally, if there are specific areas of concern or a requirement for more information, the Owner or their agent may be required to meet with a representative of the ARC to discuss these issues and/or deliver revised drawings or provide the supplemental information before the ARC will issue a final approval allowing construction to begin.

Excavation and construction may begin only after all issues (if any) are resolved, a final ARC approval letter has been issued.

Items which are missing from the original submittal (paint colors, masonry samples, catalog cuts, etc.) must be provided for review and approval at a later ARC meeting. It is prudent to plan color schemes and material choices well in advance of scheduling painters, masons and other specialty subcontractors.

If ARC final approval has been granted and construction has not begun within one (1) year of receiving approval, the Owner's submittal and ARC approval will expire. In this case,



the Owner would have to resubmit an ARC application if construction were to resume after the one (1) year period.

During Construction and Completion. The ARC may inspect all work in progress and give the Owner or the Contractor notice on noncompliance. Absence of such inspection or notification during the construction period does not constitute an approval by the ARC of work in progress or compliance with the Design & Construction Guidelines.

If it is found that the work was not done in compliance with the approved plans or any portion of these Design & Construction Guidelines, the ARC will issue a written Noncompliance Notice to the owner specifying the particulars of noncompliance. Said notice will be issued within thirty (30) days of the final inspection. The Owner shall have thirty (30) days from the date of the Noncompliance Notice within which to remedy the non-complying portions of the improvement. If, by the end of this time period the owner has failed to remedy the noncompliance, the ARC may take action to remove the non-complying improvements. This action may include, without limitation, injunctive relief or the imposition of fines.

Upon completion of any residence or other improvement, the Owner shall give written notice of completion to the ARC. Within ten (10) days of such notification, a representative of the ARC will inspect the residence or other improvements for compliance. If all improvements comply with the approved plans and these Design & Construction Guidelines, the ARC will issue a written approval to the Owner constituting closure to the application.

Appeals. Appeals to the ARC will be considered based on merit of the request. All appeals must be written and submitted within fourteen (14) days of ARC written decisions.

3. SUBMITTAL PROCESS AND REQUIREMENTS

Complete and Accurate Submittals. A complete submittal ensures the most expedient review and approval process. Information missing from a submittal and/or inaccurate drawings may delay the review and approval process, as the ARC will not review an incomplete submittal.

Application Fees. The ARC may charge an Application Fee in the future depending up the number of and time required to review and approve submittals. If Application Fees are charged, the Owner will be required to pay the fee for a submittal.

Submittal Packet. All ARC preliminary and final submittals can be sent to:
Norton Ranch Community Association
Attn: Architectural Review Committee



63026 NE Lower Meadow Drive
Suite 230
Bend, OR 97701
Phone: 541.728.0378
Fax: 541.383.2477

Submit to the ARC the following:

Application Cover Letter to include:

- ❖ Owner's Name, address, phone number and email;
- ❖ Legal description (i.e., Phase and Lot Number) or street address of the subject submittal;
- ❖ Brief description of the nature of the submittal (e.g., new construction, addition/alternation, improvement, landscaping, etc.);
- ❖ Indication of a preliminary or final review;
- ❖ Expected start and completion dates for the project;
- ❖ Name, address, phone number and email of the Architect or Designer, if applicable;
- ❖ Name, address, phone number and email of the Contractor performing the work, if applicable; and
- ❖ Owner(s) must sign and date signature page.

Site Plan (1 copy) to include:

- ❖ Drawing scale: 1" = 10' (recommended);
- ❖ Property lines, setbacks, sewer, and all other easements (if any);
- ❖ Building footprint location, roof plan including overhangs, and driveway clearly marked;
- ❖ All trees (trees which are proposed for removal, as well as all existing trees to be retained, must be clearly designated as such on the plan). Tree size and species noted and accurate drip line indicated. If a site has no trees, the site plan must note that condition;



- ❖ All utility stub locations and their proposed extension locations to the home/building;
- ❖ North orientation arrow;
- ❖ Location of the following clearly marked: walkways, decks, retaining wall(s), proposed utility lines, service yard/trash storage, parking areas, spa/hot tub facilities, utility, and storage yards, etc.;
- ❖ Elevation of the first floor of home (in relation to existing grade) noted on plan;
- ❖ Highest ridge elevation of the home (in relation to existing grade) noted on plan; and
- ❖ On-site drainage/containment systems as needed.

Exterior Elevations (1 copy) to include:

- ❖ Drawing scale: 1/4" = 1';
- ❖ All exterior building features clearly drawn and identified with all materials/finishes noted (exterior lighting, roof, siding, railings, trims, patios, porches, decks, foundation, stairways, garage doors, storage enclosures, masonry, meter housings, spa facilities, etc.);
- ❖ Correct image orientation; stock plans reflecting mirror image, or merely listing materials without drawing them, will not be accepted;
- ❖ Proposed structure's main floor line drawn and elevation in relation to existing grade noted;
- ❖ All mechanical, plumbing and all other roof penetrations; and
- ❖ Accurate finished and existing grades drawn and noted.

Floor Plan (1 copy) to include:

- ❖ Drawing scale: 1/4" = 1'
- ❖ 8 1/2" x 11" reductions of elevations and floor plans; and
- ❖ Correct image orientation; stock plans reflecting mirror image, or merely listing materials without drawing them, will not be accepted.



Color/Material Samples. Color/material samples are a required submittal and are best assembled at the time of the full construction submittal; however, Owners are permitted to submit them at a later date for review and written approval. Samples should include the following:

- ❖ Exterior window, siding, roofing colors and materials;
- ❖ Exterior light fixture samples and/or legible catalog cuts or drawings;
- ❖ Exterior door catalog cuts; and
- ❖ Masonry and paver samples.

Color sample boards provided will be available for pick-up for a period of sixty (60) days after the ARC decision, after which they will be disposed of.

Landscape Plan (1 copy) to include:

- ❖ Drainage;
- ❖ Plant size, species and quantity; and all other landscaping components;
- ❖ Street Trees (see City of Bozeman Guidelines); and
- ❖ Site and Building layout;

A landscape plan is not required during the initial review process. However, a complete landscape plan must be submitted for review and approval, in a minimum 11" x 17" format, prior to the execution of any such work and prior to occupancy. Beginning landscaping construction prior to ARC review and written approval may result in a fine.

At a minimum, front yard landscaping shall be completed prior to or at the time of home completion. The ARC may approve an extension for landscape completion due to inclement weather. Landscaping of entire lot must be completed within one year of occupancy.

4. ARCHITECTURAL GUIDELINES

The following is a list of design guidelines that may assist an Owner or Owner's representative; provided however, that the following guidelines shall in no respect modify the CC&Rs for **NORTON RANCH**.



Architectural Style. There is no particular architectural style required in **NORTON RANCH**. However, certain styles are so closely associated with other times and places that their presence would distract from the harmony of this community. These styles include, but are not limited to, the following:

- ❖ Santa Fe Adobe
- ❖ Victorian
- ❖ Colonial
- ❖ Cape Cod
- ❖ Southern Plantation or
- ❖ Experimental, Radical or Ultra Contemporary.

Diverse architectural harmony is to be achieved through the use of a controlled range of complementary forms, materials and colors appropriate for the character, climate and resources of Bozeman, Montana.

Alley Access. *Per the City of Bozeman Planning Requirement* - All homes adjacent to an alley must use the alley for vehicular access to the lot and home and no other vehicular access route is permitted.

Animal Runs or Containment. The location and proximity of animal runs to adjacent homes shall be carefully evaluated. To minimize impact of noise and odor to adjacent properties and other owners within **NORTON RANCH**, the ARC will carefully consider all environmental and aesthetic merits of location and size of runs. The use of underground (“invisible”) electric fencing is encouraged for use in creating animal containment. The use of chain-link fences for animal runs is allowed; however is strictly prohibited as a fencing material other than an animal run.

Antennas and Satellite Dishes. The size and location of Antennas and Satellite Dishes are subject to the following guidelines:

- ❖ Antennas used for AM/FM radio, amateur (i.e., “ham”) radio, Citizen Band (i.e., “CB”) radio or Digital Audio Radio Services (“DARS”) and satellite dishes over one (1) meter (39.37”) in diameter require approval from the ARC prior to installation. The location and placement of such devices will be scrutinized for screening and view preservation.
- ❖ Antennas and satellite dishes (of size less than 1 meter) are encouraged to be installed in a location other than the street side of homes.



- ❖ When satellite dishes are placed on the street side of homes, because there is no other suitable location, the Owner is encouraged to locate the dish in an inconspicuous location, such as in front of a wall or roof plane, rather than in a location where the dish is silhouetted by the sky.

Athletic and Recreational Facilities. The location of permanent outdoor athletic or recreational structures is to be approved prior to construction by the ARC.

Building Design Requirements. In **NORTON RANCH**, there are no specific minimum or maximum building design requirement (i.e., square feet, single-level or multi-level homes, etc.).

Building Height. The standards for the City of Bozeman are the standards for height at **NORTON RANCH**, except that the ARC will consider suitability of building heights to the site and its surroundings in order to minimize the impact of the structure on natural areas.

Building Projections. All projections including but not limited to, chimney flues, vents, flashing, louvers, gutters, down spouts, porches, railings and exterior stairways shall match the surface from which it projects, or shall be painted or stained an approved color to blend unobtrusively with adjacent materials.

Clothes Hanging. Outdoor clothes hanging fixtures, for the purpose of drying, are to be screened to filter the view of the drying clothes from public or neighbors' viewing. In no cases shall the clothes hanging fixture exceed six feet (6') in height. Screening may be achieved with a combination of landscape elements or fencing. Each submittal will be reviewed on an individual basis.

City Building Requirements. The City of Bozeman requires that a building permit be obtained prior to beginning construction of any improvement or making additions or changes to an existing structure. Application with the intent to circumvent the City of Bozeman code requirements will not be approved. Please verify all City of Bozeman regulations with the building and planning departments at (406) 582-2375.

Design and Color Repetitions. No two floor plans with the same elevation type will be permitted adjacent to each other. No exterior color scheme will be repeated on adjacent homes.

Doors, Windows, and Skylights. Reflective glass is not acceptable. Aluminum doorframes, windows and skylights must be vinyl clad or bronze anodized, unless other treatments are specifically authorized by the ARC. Overhead doors shall be wood, metal or fiberglass. White translucent lenses on skylights should be avoided in favor of clear, bronze or gray finishes. Domed skylights are prohibited except "Solar Tube" type skylights.



Driveways and Garage Openings. Unless approved by the ARC, driveways shall not encroach into side yard setbacks and driveway connections onto streets or alleys will be limited to one per lot. Driveways may be constructed of black asphalt, concrete, exposed aggregate concrete, and broom finished concrete, pavers, or other material approved by the ARC.

Exterior Elevations. *Per the City of Bozeman Planning Requirement -* Homes or residential structures constructed along West Babcock and Fallon Street shall either front onto those roadways (i.e., take access from those streets) or shall contain exterior double-front architectural features facing those streets. Examples of double-front architectural features would be end gables, covered porches, varied roof lines, multiple façade materials, and varied façade plane.

Exterior Lighting and House Identification Sign. No exterior lights whose direct source is visible from a neighboring property or which produce excessive glare to pedestrian or vehicular traffic is allowed. Up to two (2) lights that have a visible light source will be allowed at the entry of a house provided the light does not exceed 60 watts. Ornate lighting types, such as colored lights, extensive yard lighting and floodlights are prohibited.

Exterior Materials and Colors. Exterior materials should be quality materials that complement and are compatible with the architectural style of the home. All reflective metal shall be painted to match or blend with surrounding materials.

The use of vinyl siding, fiberglass siding, or composition asbestos siding is prohibited.

The use of exterior masonry, either as stone walls or as a stone veneer, is encouraged on homes within **NORTON RANCH** neighborhood, but the range of stone types, patterns and colors has been limited. Certain types of faux stone are also allowed within **NORTON RANCH**. All stone types, patterns and colors shall be submitted for approval and in no case will river rock be approved for use within **NORTON RANCH** neighborhood. Brick and unit masonry are also prohibited.

Glass block in small secondary areas facing the side yard may be approved.

The colors of all exterior materials are subject to approval of the ARC. Exterior colors shall be appropriate to the architectural style of the home.

Flagpoles. Flagpoles require prior ARC review and written approval before they may be installed.

Fences. Fences in **NORTON RANCH** are to be constructed with a common and consistent design or plan for the entire community. In **NORTON RANCH** differing fence design will be allowed in order to maintain the open and inviting feel to the community. Please make



sure you understand what fence designed is allowed on your lot before you start planning to construct a fence.

All fences are to be constructed of wood or Barrette-Veranda Linden Cypress Vinyl Privacy Fencing with the horizontal rails and bracing located on the inside of the fence with the “good side” of the fence facing the street, alley, Common Area or Park (collectively the “Public View”). If the fence separates two Lots, the constructing owner has the option of placing the horizontal rails and bracing outward if no part of that section of fence is in Public View. All fences (except vinyl fences) are to be stained or sealed to protect against decay using a consistent color scheme for the entire community. See Appendix A for the approved stain color.

All fence locations shall be approved by the ARC. Fencing is to be maintained by the individual lot owner(s) in accordance with the CC&Rs. **It is the homeowner’s responsibility to verify the location of the property line prior to fence installation.**

Fences may be erected along the property line in the side and rear of each yard. Front yard fences may not project in front of the exterior front wall plane of the home (i.e., no closer to the street than the front of the house). On alley access lots, rear yard fences shall not project into the ten foot (10’) rear utility easement. For homes located on a corner lot in Phase 1, 2, 2A, and Pond Lily Townhomes, the street side yard fence may be placed 1’ from the sidewalk and cannot exceed 4’ in height. For homes located on a corner lot in Phase 3A, 3B, 3C, and 5, the street side yard fence may not project into the 10’ utility easement from the sidewalk and cannot exceed 4’ in height.

Fencing that is not adjacent to a Common Area, designated Open Space, or Park, shall not exceed six (6) feet in height when measured from existing natural grade. For corner lots, side-yard fences on the street side shall not exceed four feet (4’) in height when measured from existing natural grade. See Appendix A for the approved “solid design” fence and “open design” fence plan.

Notwithstanding to the contrary, any fence that faces or is adjacent to a Common Area, designated Open Space, or Park shall not exceed four feet (4’) in height when measured from existing natural grade.

No chain-link, metal cloth, or agricultural fence may be built or maintained on any Lot; provided however, that chain-link fences may be installed for animal runs with the prior approval of the ARC.

A fence or privacy screen cannot be attached to a tree or used as a support. No gates will be allowed accessing common areas.



Finished Floor Elevation. *Per the City of Bozeman Planning Requirement* - The finished floor elevation, other than upper floors of stacked home, shall be a minimum of eighteen inches (18") above the top of the curb in front of the home.

Foundations. Visible surfaces of concrete masonry or concrete foundation walls and piers may not exceed twelve (12") inches above finished grade unless they are faced with approved masonry or finished with stucco or a mortar wash and painted to blend unobtrusively with adjacent materials.

Garages. Each home shall have an enclosed garage for at least two cars unless otherwise approved by the ARC.

Garbage and Trash Removal. Trash collection and recycling services are available through local providers. Trash cans and recycle bins, which are taken to the alley or street on pick-up day must be returned to their place of storage the same day. Unless the lot is situated on an alley, trash cans and recycle bins must be stored in an area that is not visible from the street or adjoining home sites. For a lot that is situated on an alley, trash cans and recycle bins may be stored immediately next to the garage door on the alley-side of the lot.

Burning or dumping of garbage, landscape debris or trash anywhere in **NORTON RANCH** is prohibited.

Heating and Cooling Equipment. No roof-mounted or wall-mounted heating or cooling equipment will be permitted. Any exterior heating and/or cooling system components shall be at ground level, adjacent to the residence, and hidden from view from common open space areas, the street and neighboring properties by use of landscaping.

Height of Structures. The standards of the City of Bozeman are the standards for height at **NORTON RANCH**, except that the ARC will consider suitability of building heights to the site and its surroundings in order to minimize the impact of structures on natural areas.

Irrigation. Sprinkler heads should be of "pop-up" design or discreetly located and black risers should be used. Sprinkler systems shall be utilized as needed to maintain active growth and healthy green color for all plant materials, except when dormant in winter, unless such use is prohibited by the City of Bozeman or other authority for all residential areas using City of Bozeman water.

Landscape. The functional uses of plant material should include consideration of seasonal shade from deciduous trees, screening of undesirable views and framing certain views. The composition of plant materials should include consideration of present and mature size,



background and foreground balance, relationship to the home, and judicious use of color and texture. The use of native plant species is encouraged.

At side yards, the landscaped areas from one lot should visually connect to the landscaped areas from the adjacent lot, in order to avoid delineation of property lines. Private areas are those areas, which are located within walls, courtyards, or other structures and are not visible from adjacent properties. Within private areas, an owner may create a normal landscaping and/or use a wide variety of plant materials.

At a minimum, front yard landscaping is to be completed before occupancy of the home. This requirement includes both the front and side yard (i.e., the yard adjacent to the street or alley) for corner lots. Front yard landscaping includes the area between sidewalk and back of street curb. The ARC may approve an extension for landscape completion due to inclement weather. Landscaping of the entire lot must be completed within one year from occupancy.

Planting areas along the front, side and rear yards are to be decorative rock, in neutral earth tone colors, or bark dust/mulch with the remainder of the yard covered by lawn or sod. Front yards containing lawn require the installation of turf (sod) while rear and side yards maybe be seeded. This requirement includes both front and side yard (i.e., the yard adjacent to the street or alley) for corner lots.

The area between the Owner's property line and the street (i.e., the area between any sidewalk and the street curb) is the responsibility of the Owner to plant, irrigate and maintain.

Per City of Bozeman Requirement – Trees cannot be planted within ten feet (10') of sewer or water services. The City of Bozeman has specific requirements for the planning of "Street" or "Boulevard" Trees. One specific requirement is the tree is to be planted in a hole at least twice the diameter of the root ball, with a root flare visible and above ground, and with a three (3) to four (4) foot mulch ring around the tree. Before excavating or planting of any Street or Boulevard Trees, the Owner, Contractor or subcontractor is required to obtain any utility locations and to inquire with the City of Bozeman on the necessity of a planting permit.

See "Irrigation" for additional information regarding underground sprinklers.

Landscape Lighting. Landscape lighting should only be used to highlight and feature certain landscape elements. Lighting shall be directed downward and may not face streets, adjacent properties or common open space. All fixtures shall be grated to reduce visibility of the light source. Excessive lighting is discouraged and no landscape lighting fixtures within home sites shall use lights greater than twenty (20) watts.



Lot Coverage. The area of the lot covered by buildings, roof lines, patios, decks, driveways, walks and all impervious surfaces shall not exceed the percent of the total lot coverage approved by the City of Bozeman.

Mailboxes and Newspaper Holders. The **NORTON RANCH** has developed a mail service plan acceptable to the US Postal Service that utilizes a centralized mailboxes unit. **NORTON RANCH** will install the centralized mailbox unit prior to occupancy of any residence that will use the mailbox unit. Individual mailboxes or newspaper holders on lots are not allowed.

Outdoor Storage and Service Yards. Outdoor storage areas (including the side of the house) and service yards for trash containers, BBQs, lawn furniture, firewood, clotheslines, maintenance or service equipment such as lawnmowers and snow blowers shall be screened from all adjacent properties by a wall, fence or landscaping. These storage areas and service yards shall be located to minimize the impact on neighboring lots and shall be approved in advance by the ARC.

Parking. Refer to the City of Bozeman's applicable ordinance regarding the requirements for the number of parking spaces for each residence.

Patios, Steps, and Paths. Excessive areas of impervious surfaces are discouraged. When practical paving materials for driveways, patios, steps, paths and other areas should have dull, non-reflective surfaces and earth colors that blend well with the natural surroundings.

Porches. The incorporation of a porch on the front elevation is encouraged as a transitional link to the community.

Prefabricated Buildings or Temporary Structures. No structure of a temporary character, including, without limiting the generality thereof, any trailer, tent, car canopies, shed, shack, garage, barn, motor home or mobile home or other outbuilding, and no prefabricated or relocated structure shall be used on any Lot at any time as a residence, either temporarily or permanently. This restriction shall not be interpreted to limit the right of Declarant or a Contractor to use trailers or outbuildings as sales offices, construction offices, material storage facilities, or sanitation facilities.

Any building that is constructed off site and requires transportation to any lot, whole or in partial assembly, will not be permitted. This prohibition includes mobile homes, stock modular buildings, or any other structures requiring transportation and set up in a partially completed state.



Roofs. Roof slopes or pitch and overhangs shall be appropriate for the design, massing and architectural style, as determined by the ARC. All flashing and roof vents shall be painted to match the roof color.

Approved roofing material include slate, flat concrete tiles, wood simulated shakes, dark colored metal, and grade composite shingles. Wood shakes and shingles are discouraged due to fire danger. Colors shall be compatible with the approved architectural styles.

Setbacks. Front, rear and side yard setbacks are City of Bozeman setbacks, unless modified by the Declarant of **NORTON RANCH**.

Shutters. Shutters, if used, shall be incorporated on all facades that are visible from the street or Common Areas and be of size adequate to cover the window(s) they decorate.

Site Preparation. Excessive excavation or fill shall be avoided. Cutting, removing or pruning of any trees, that is necessary for the development and landscaping of any site, shall be approved by the ARC. Only pruning of dead limbs, removing of dead trees, and cutting and removing of trees with a trunk diameter of less than six inches (6") measured at a height of six feet (6') and which are bowed, leaning, severely misshapen, diseased, or sparsely needled may be done without pre-approval of the ARC.

Solar. For purposes of this Section, "Solar Energy Panel" means a panel device or system or combination of panel devices or systems that relies on direct sunlight as an energy source, including a panel device or system or combination of panel devices or systems that collects sunlight for use in the heating or cooling of a structure or building, the heating or pumping of water, and the generation of electricity.

With the prior written consent of the ARC, an Owner may install a ground-mounted or roof-mounted Solar Energy Panel on its Lot provided that all of the following conditions are satisfied:

- ❖ If ground-mounted, then the Solar Energy Panel may only be located in the rear yard of a Lot and must be screened from public view by a fence or landscaping approved by the ARC;
- ❖ If roof-mounted, then (i) no part of the Solar Energy Panel may extend above the roof line on which it is installed, (ii) no Solar Energy Panel may be installed on any roof facing a street unless the Solar Energy Panel is flat to the roof and the top edge of the Solar Energy Panel is parallel to the roof ridge, and (iii) the Solar Energy Panel frame, support brackets and visible piping and wiring are painted to coordinate with the roofing materials; and



- ❖ The Solar Energy Panel meets applicable health and safety standards and requirements imposed by state and local permitting authorities.

The ARC may adopt additional rules and regulations governing the installation, safety, placement, and screening of a Solar Energy Panel.

Terraces and Decks. Yards and terraces should be designed to be extensions of the architecture. Decks should be designed to preserve the beauty of the home as seen from common open space areas and neighboring properties. The undersides and finish of decks shall be scrutinized by the ARC. Where the vertical distance from the underside of a ground floor deck structure (along its perimeter edge) exceeds thirty (30") inches above finish grade below, the deck edge shall be skirted with wood siding or other finish to screen the cavity beneath the deck. The only exception is for decks overhanging living space below.

Utilities. All connections from trunk lines to individual structures must be underground.

Views. Since **NORTON RANCH** has numerous public areas, such as parks, it is important for an owner to consider the view from the public areas to the back of the owner's home and service yards.

Walls. Structural retaining walls may not exceed a height of five feet (5'). Multiple terraced retaining walls shall be utilized where the overall height of retained earth exceeds five feet (5'). Retaining walls may be constructed of rock, rock veneer, concrete, or concrete masonry units; however, all exposed concrete walls, surfaces, and edges shall be treated with an approved finish. The ARC may require retaining walls, which exceed two feet (2') in height, to be designed by a qualified professional engineer licensed to practice engineering in the State of Montana.

Water Features. All water features must have written ARC approval prior to their construction and/or installation (excluding movable features such as a fountain). The ARC has sole discretion and may reject any water feature deemed inappropriate.

Water features shall be integrated as part of the landscape and have a natural appearance and shall be covered with materials, such as river rock, so that the liner or lining material is not visible.

Water features shall be sized, located, and oriented to benefit those within the home or on deck or patios. Noise from water features shall be limited so as to not impact adjoining or adjacent home sites.



Water features shall be scaled as a minor landscape element—they shall not dominate or distract from the landscaping or the architecture of the home.

All proposed water features shall be submitted for approval and shall be shown in plan and section on the application.

5. Construction Guidelines

Contractors and Owners are responsible for ensuring all subcontractors, suppliers and other personnel are aware of and comply with these Design & Construction Guidelines. Construction will not begin until final ARC approval has been issued and all building and other pertinent use permits obtained from the City of Bozeman.

Construction Signage. One sign identifying the Contractor may be posted at the building site as provided in Section 11.8.7 of the CC&Rs. No other signs are allowed except a temporary real estate sale sign (refer to Section 11.8.1 of the CC&Rs). Identification of licensed tradesmen, when required by state or county statutes, shall be confined to the posting location of the building permit. Attachment of signs or similar material to trees is strictly prohibited.

Construction Trailers. A construction trailer or portable field office may be located within the Owners lot. This temporary structure may not be placed on site earlier than two (2) weeks prior to commencement of construction nor remain on site for longer than six (6) months without approval of the ARC.

Construction Vehicles and Parking Areas. Construction workers may not park on, or otherwise use, neighboring lots or open space for staging or parking without prior ARC approval. All vehicles shall be parked on the lot or temporarily parked along the street so as to provide normal unrestricted traffic flow. Changing oil or other vehicle maintenance on any site is prohibited.

Dust and Noise Control. The Contractor shall be responsible for controlling dust and noise from the construction site. In addition, the Contractor shall be responsible for removing dirt and mud from public or private streets that are the result of construction activity on the site. The sound from the use of radios or other audio equipment by construction workers during the improvement of any lot at **NORTON RANCH** shall not be audible from adjacent improved lots.

Fires and Flammable Materials. Careless disposition of cigarettes and other flammable materials, as well as the buildup of potentially flammable materials constituting a fire hazard, is prohibited. No on-site fires are allowed, except for small confined attended fires for the purpose of heating equipment or water used in construction.



Material Deliveries. All building materials, equipment and machinery required to construct a residence shall be delivered to and remain within the lot.

Licenses, Permits or Certifications. All Contractors are required to have the necessary State, Local or Governmental licenses, permits or certifications allowing them to work in the capacity as they have been hired in **NORTON RANCH**.

Pets. No pets may be brought onto the property by any construction worker. Pets left in a vehicle are considered in violation of this regulation.

Restoration of Property. Upon completion of construction, the Contractor or subcontractors shall clean their construction site and repair all property that has been damaged. This includes, but is not limited to, restoring grades, planting shrubs and trees as approved or required by the ARC, and repairing streets, driveways, pathways, drains, culverts, ditches, signs, lighting and fencing.

In addition, the Owner shall be held financially responsible for site restoration/revegetation and refuse removal necessitated on any and all adjacent properties as a result of trespass or negligence by their Contractor's employees, subcontractors or suppliers.

Sanitary Facilities. Each Contractor shall be responsible for providing adequate sanitary facilities for construction workers. Portable toilets shall be located within the building area.

Site Drainage and Erosion Control. The Owner and/or Contractor is responsible for establishing finished floor elevations that ensure positive drainage away from the home; installing and maintaining a subsurface drainage dispersal system if necessary; and ensuring that concentrated run-off does not flow onto adjacent property. The Contractor is responsible for installing and maintaining adequate erosion control measures during construction, including silt fencing, bio-bags, gravel water bars and a place for concrete truck and concrete mixer wash-outs.

Trash Receptacles and Debris Removal. Contractors shall clean up all trash and debris at the end of each day. An approved trash receptacle shall remain on site at all times, located near the street. Dumping, burying, or burning trash anywhere on the site or elsewhere in **NORTON RANCH** is prohibited. Heavy debris, such as broken stone and wood scrap, shall be immediately removed from the site upon completion of the work of the trade that generated the debris.

All concrete washouts from both trucks and mixers shall occur within the building area of the lot in a location where it will be ultimately concealed by structure or covered by backfill. Washout in the street, setbacks or on adjacent properties is strictly prohibited.



Any clean-up costs incurred by the ARC or Norton Ranch Community Association in enforcing these requirements shall be the responsibility of the Owner. Additional fines may also be imposed.

Working Hours. Daily working hours shall be from 30 minutes before sunrise, but not prior to 6:30 a.m.; and until 30 minutes after sunset, but not later than 8:30 p.m. Construction activity, which generates excessive noise, such as hammering, sawing, excavation work, and concrete delivery, shall be confined to the hours of 7:00 a.m. to 7:00 p.m., Monday through Friday, and 8:00 a.m. to 7:00 p.m. on Saturday. Noisy activity is prohibited on Sundays and national holidays.

6. Miscellaneous Provisions

Enforcement. As provided by the Norton Ranch CC&Rs, the ARC and/or its representatives shall be authorized, upon receipt of an application and submittal to build, to make onsite inspections of the home site and proposed construction at any time. As provided by the CC&Rs, any breach of the CC&Rs shall subject the breaching party to any and all legal remedies, including fines, damages or the destruction, removal or the enjoining of any offending improvement or condition.

Non-Conforming Uses. If an Owner has any improvement, condition or use not in compliance with the Design & Construction Guidelines as adopted and amended, even though said improvements existed prior to the adoption of these guidelines, the Owner will be granted a reasonable time as determined by ARC from the date of notification by the ARC to comply with these rules.

Non-Liability. Neither Norton Ranch Community Association, its board members, The ARC, any member thereof nor agents of the ARC, or the Declarant shall be liable to any owner or other person for any loss or damage claimed on account of any of the following:

- ❖ The approval or disapproval of any plans, drawings and specifications, whether or not defective.
- ❖ The construction or performance of any work, whether or not pursuant to approved plans, specifications and other materials.
- ❖ The development or manner of development of any property within NORTON RANCH.
- ❖ Executing and recording a form of approval or disapproval, whether or not the facts stated therein are correct.



- ❖ Performing any other function pursuant to the provisions of the Design & Construction Guidelines.
- ❖ Revisions to the Design & Construction Guidelines from time-to-time as deemed necessary by the Declarant or the ARC.

Neither Norton Ranch Community Association, its board members, the ARC nor any member thereof shall be liable to any Owner, occupant, Contractor or developer or any other person for any damage, loss or prejudice suffered or claimed on account of any action, or failure to act by the ARC, or a member thereof, provided only that the member has, in accordance with the actual knowledge possessed by the ARC or by such member, acted in good faith. The scope of the ARC's review is not intended to and shall not be construed to include any representations or warranties or conclusions regarding structural, geophysical, engineering or other matters, fitness for a particular purpose or habitability.

Approval by the ARC of any improvement at **NORTON RANCH** only refers to these Design & Construction Guidelines and in no way implies conformance with local government regulations. It shall be the sole responsibility of the owner to comply with all applicable government ordinances or regulations, including but not limited to zoning ordinances and local building codes.

Non-Waiver. Consent by the ARC to any matter proposed to it or within its jurisdiction, or failure by the ARC to enforce any violation of the Design & Construction Guidelines, shall not be deemed to constitute a precedent or waiver impairing the ARC's right to withhold approval as to any similar matter thereafter proposed or submitted to it for consent or to enforce any subsequent or similar violation of these Design & Construction Guidelines. For example, the ARC may disapprove an item shown in a final submittal even though it may have been included on the preliminary and not specifically "disapproved". An oversight by the ARC of non-compliance at any time during the review process, construction process, or completion, does not relieve the Owner of its compliance with these Design & Construction Guidelines and all applicable codes, ordinances and laws.

Any error, omission or misjudgment by the ARC in any one instance shall not constitute the creation of a precedent governing future approvals and decisions. The ARC reserves the right to learn from any such errors or misjudgments and shall not be required to approve repetitions of them.

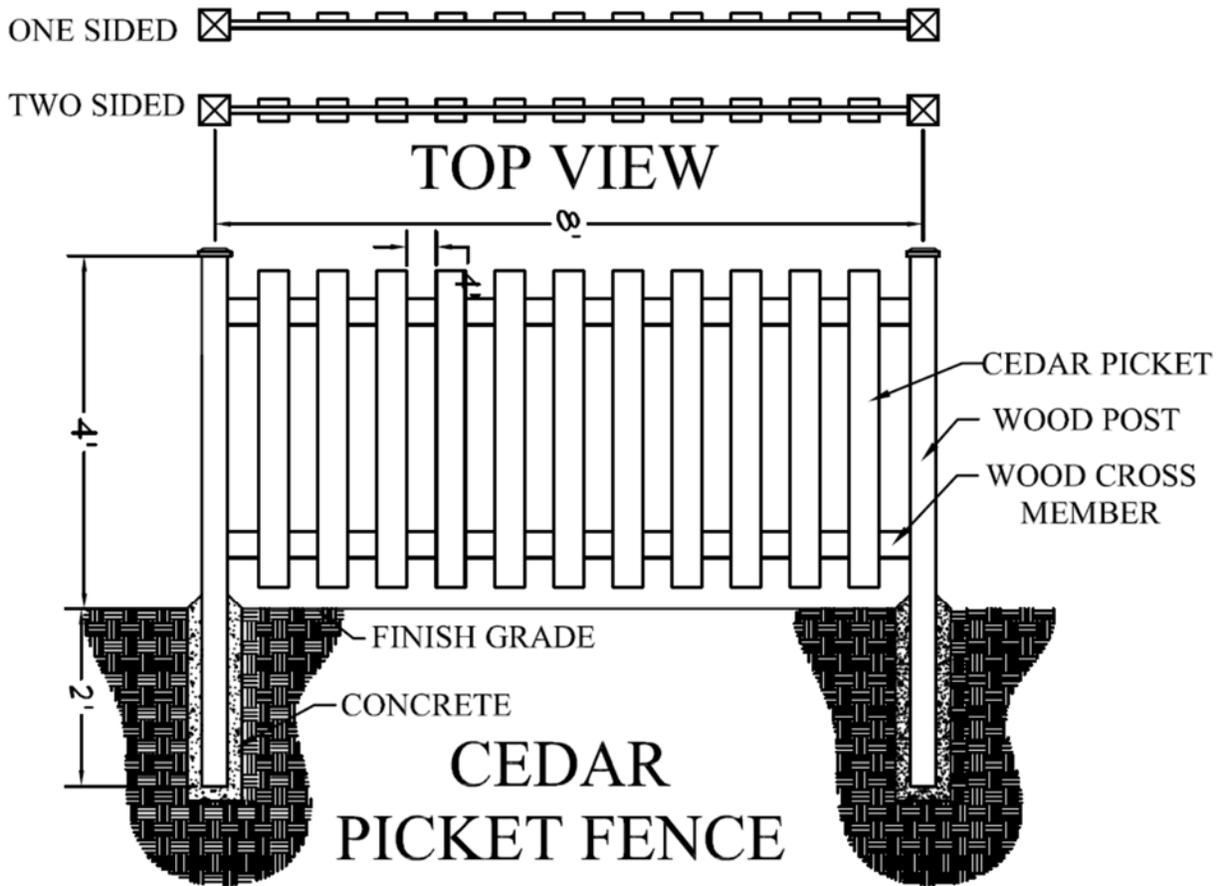
Severability. If any provision of these Design & Construction Guidelines, or any section, clause, sentence, phrase or word, or the application thereof in any circumstance, is held invalid, the remainder of these Design & Construction Guidelines shall be construed as if the



invalid part were never included therein and such remainder shall be valid and fully enforceable.



Open Design Fence Plan



Approved Fence Stain Color

Natural or Approved.