



**FIRST AMENDED ELK GROVE COMMUNITY  
DESIGN REVIEW GUIDELINES FOR  
ELK GROVE PLANNED UNIT DEVELOPMENT  
PHASES 1, 2, AND 3**

Elk Grove Development Company, hereinafter referred to as the "Developer" and the Elk Grove Community Homeowners Association, hereby adopt the following Design Guidelines for Phases 1, 2, and 3 of Elk Grove Community, which will be affected by these Design Guidelines. A Design Review Board Declaration for Elk Grove Community and subsequent amendments thereto, a Declaration of Protective Covenants and Restrictions for Elk Grove Community Planned Unit Development Phases 1, 2, and 3 (the "Covenants") and subsequent amendments thereto, and By-Laws of the Elk Grove Community Homeowners' Association (the "By-Laws") and subsequent amendments thereto, should be construed in conjunction with these Design Guidelines.

**I. INTENT**

The intent of the Elk Grove Community Design Review Guidelines (Design Guidelines) is to ensure the building design and landscaping plan for each lot maintains or exceeds the general level of quality, appearance, and marketability as is commensurate with the quality of lots and homes adjacent to it and the overall high quality of the Elk Grove Community. To that end, these design guidelines discuss general architectural concepts, define specific design requirements, and provide minimum acceptable quality standards. This document is written to allow flexibility and encourage diversity while remaining consistent with the overall intent of ensuring a high quality residential community.

Construction or alteration of any improvement or any work affecting the external appearance of any improvements shall only be initiated after a Permit To Proceed has been

issued by the Elk Grove Community Design Review Board (Design Board) for said construction or alteration.

The Design Board shall use its good faith efforts to promote and ensure a high level of taste, design, quality, harmony and conformity throughout Elk Grove Community. The Design Board shall have sole discretion with respect to taste, design, and all standards specified herein. One objective of the Design Board is to prevent unusual, radical, curious, odd, peculiar, or irregular building structures or landscaping from being built within Elk Grove Community. The Design Board from time to time may publish and promulgate bulletins, to be located in Appendix B, regarding architectural standards which shall be fair, reasonable and uniformly applied and shall carry forward the spirit and the intention of these Design Guidelines.

## **II. DEFINITIONS**

The definitions provided herein are solely for terms used within these Design Guidelines.

- A) "Alteration" shall mean physical changes to an existing improvement that visually changes the improvement.
- B) "Construction" shall mean creating a new improvement.
- C) "Elk Grove Community" shall mean the property shown as Elk Grove Planned Unit Development.
- D) "Elk Grove Community Design Review Board" shall mean the Board appointed by the Board of Directors of the Elk Grove Community Home Owner's Association whose function is to review and approve or deny plans, specifications, designs, landscaping, sites, and locations of improvements to be constructed or erected on a lot.
- E) "Improvement" shall mean all structures and landscaping on a lot.
- F) "Lot" shall mean each residential lot and the Day Care parcel on the Elk Grove Planned Unit, Phases 1, 2, and 3 final plats recorded in the Gallatin County Clerk & Recorder's Office.
- G) "Owner" shall mean the legal title holders, or contract purchasers of a lot, whether one or more persons or entities, owning or purchasing a fee simple title to any lot.

H) "Permit To Proceed" shall mean approval by the Design Board of proposed construction or alteration formally submitted in an application. The Permit To Proceed may contain conditions that promote compliance with the Covenants and these Design Guidelines.

I) "Structure" shall mean anything constructed or erected which requires location on the ground. In these Design Guidelines, building structures may be described as being residential or garage, or more generically referred to as building structures if the requirement encompasses all buildings.

### III. STANDARDS

The Design Guidelines specify the information, plan details, and fees required to be submitted as a formal application to the Design Board for review. The Design Board will review the application to determine completeness and compliance only with the Design Guidelines and applicable portions of the Covenants. It is the responsibility of the owner to ensure that all proposed construction shall comply with all laws, rules, and regulations including, but not limited to, Uniform Building Codes, National Plumbing Code, and National Electrical Code in addition to the Design Guidelines and the Covenants.

### IV. APPLICATION

The owner shall submit a completed application, plans detailing all improvements proposed under the application, and an application review fee to the Design Board. The minimum requirements for a complete application are:

A) Application Form - Completed with all requested information on the application form supplied by the Design Board.

B) Site Plan - Two (2) sets of scaled site plans that include details on the location of all proposed improvements, landscape plan, underground sprinkler system, and final grading.

C) Construction Drawings - Two (2) sets of complete scaled construction drawings including floor plans, exterior elevations of all sides, roof design, sewer elevation, water meter location, specifications and any other construction drawings shall be provided by the owner.

D) Samples of all exterior materials in their proposed colors, sufficiently large enough to allow proper consideration, shall be provided with the application.

E) Construction schedule including the date construction will begin, the estimated date construction will be completed, and the total estimated time of construction.

F) A nonrefundable design review fee established by the Design Board shall be due and payable upon submission of the application. \$300.00 payable to

Elk Grove HOA

## V. APPLICATION REVIEW

The Design Board shall complete a review of an application within fourteen (14) days from the date the application was received and determine if the application and all required accompanying information complies with the Design Guidelines and the Covenants. The Design Board shall, after a completed review, either approve the application or request additional information and/or modifications. If an application is approved, a Permit To Proceed will be issued. If an application is determined to be incomplete or not in compliance with the Design Guidelines and/or the Covenants, the owner will be asked to submit additional information and/or modifications.

Additional information and/or modifications submitted by the owner at the request of the Design Board shall be reviewed within fourteen (14) days. The Design Board shall, after a completed review of the additional information and/or modifications, either approve or deny the application. If an application is denied, the reasons for denial will be provided to the owner in writing. An owner denied a Permit To Proceed may resubmit a new application in accordance with Section IV of these Design Guidelines for review by the Design Board.

If construction or alteration for which a Permit To Proceed has been issued has not commenced within six (6) months from the date of issuance, the Permit To Proceed shall be voided. Any work approved under a voided Permit To Proceed may not be undertaken unless a new, valid Permit To Proceed is issued.

## VI. VARIANCES

In the event that a variance from these Design Guidelines is requested, the applicant shall explain in detail in the application the specific provisions from which the variance is sought and shall include a detailed explanation of why the variance is requested, and why such variance should be granted.

The Design Board shall have the authority to issue a variance if it determines, in its discretion, that the application, when viewed as a whole, is consistent with the overall intent of these Design Guidelines.

## VII. INSPECTION

Upon completion of all improvements approved in the Permit To Proceed, the owner shall request an inspection of the completed improvements by the Design Board. The inspection shall only determine compliance with the Permit To Proceed, the Design Guidelines, and the Covenants. If the Design Board finds the improvements were not completed in strict compliance with the Permit To Proceed, the Design Guidelines, and the Covenants, the Design Board shall notify the owner of the noncompliance within seven (7) days of the inspection request and shall require remedy of the same. The owner shall have seven (7) days from the noncompliance notification to remedy the noncompliance or shall submit a work plan delineating the time frame when the noncompliance will be remedied. The Design Board may allow up to forty-five (45) days for the noncompliance to be remedied if the submitted work plan provides adequate justification for the requested time.

If the noncompliance is not remedied within seven (7) days of notification and the owner does not provide a work plan within said time, or if the noncompliance is not remedied within the time frame provided in the work plan as approved by the Design Board, the Design Board may, at their option, remedy the noncompliance. Any bond posted by the owner may be used by the Board for this purpose. The owner shall reimburse the Design Board upon demand for all expenses incurred in connection therewith. If the owner does not repay such expenses within thirty (30) days of mailing of a bill thereto and such expenses exceed the amount of the bond, the Design Board may levy an assessment and file a lien against such owner and the improvement in question and the land on which the same is situated for reimbursement and the same shall be enforced and/or foreclosed upon in the manner provided for by law.

## VIII. SITE DESIGN

### A. General

1. A written design concept statement shall be submitted as part of the design review application that identifies the significant site features, supports the reasoning behind the architecture and site plan proposed, and explains how the project harmonizes with and enhances the improvements on other lots.
2. The site plan, building design and landscaping of new development shall achieve high quality and appearance that will enhance and be compatible with the character of the surrounding area.
3. Site plans shall be designed with variation so the appearance of the streetscape does not become overly repetitive.

4. Unattractive project elements such as trash enclosures, gas and electric meters, transformers, and similar features should be sited in areas that are generally not visible from the street and must also be screened from view.

**B. Grading**

1. Abrupt or unnatural appearing grading design is not allowed. Grading shall blend with the contours of adjacent properties.

2. When developing on sloped areas, grading shall not result in substantial differences in grade between adjacent development sites; or, if such grade differences appear naturally, site grading shall not increase the disparity.

3. Proposed cut and fill slopes shall be rounded off both horizontally and vertically.

4. The height and length of retaining walls shall be minimized and screened with appropriate landscaping. Retaining walls shall incorporate design elements of other architectural or natural features of the project.

5. Wood retaining walls shall not exceed 2' in height. Tall, smooth faced concrete retaining walls are discouraged.

6. When designing a grading plan, balancing the cut and fill is highly encouraged when it does not result in further damage to the natural topography. Where the site plan results in substantial off-haul or infill, a mitigation plan may be required to address the impacts and clean-up of off-site construction activities.

**C. Engineering/Drainage**

1. All on-site drainage shall be collected and conveyed to nearest appropriate stormwater drainage way.

2. All on-site drainage patterns shall occur on or through areas that are designed to serve this function.

#### D. Driveways and Sidewalks

1. Driveways shall provide a minimum of four (4) off street parking spaces, defined herein as a space being sixteen (16) feet long by nine (9) feet wide, exclusive of sidewalk.
2. All driveways shall be surfaced with concrete or other material deemed acceptable by the Design Board. Asphalt will not be allowed as the finished surface of that portion of a driveway nearer to the front lot line than the residential structure.
3. Driveways which are designed to serve more than two cars in width or when a large portion of the front elevation is devoted to driveways and walkways, an alternative treatment including pavers, colored concrete, aggregate, brick banding, bomanite, etc. shall be incorporated.
4. A five (5) foot wide sidewalk constructed along the road curbing is required for all lots.

### IX. LANDSCAPE DESIGN

#### A. General

1. The entire lot shall be landscaped to enhance the value of the property and the aesthetics of the site.
2. Landscaped areas shall be maximized and balanced throughout the site.
3. Tree and shrub planting should be grouped together to create strong accent points within the site plan unless circumstances dictate otherwise.
4. Viewsheds of the neighboring lots shall be considered when locating bushes and trees.
5. Dense landscaping and/or architectural treatments shall be provided to screen unattractive views and features such as trash enclosures, transformers, and other similar elements.

**B. Landscape Design Standards**

1. All plant materials shall be sized so that the landscaping has an attractive appearance at the time of installation and a mature appearance within three years of planting.
2. Plant materials should be chosen that grow well in the area's climate (Hardiness Zone 4) and the given soil conditions without requiring excessive irrigation.
3. Trees shall be carefully selected and located where they will complement the building elevation.
4. Trees shall be at least ten (10) feet away from sewer or water lines and at least five (5) feet from a driveway.
5. Shrubs and ground cover plants shall be spaced close enough together to ensure an attractive and mature planting effect.
6. Screen hedges shall offer frequent visual breaks for accent planting.
7. Every lot shall plant street trees 3 feet to 5 feet inside the property line. The number of street trees required shall be determined by the length of the street frontage.

<b>Street Frontage Length</b>	<b>Number of Street Trees Required</b>
Less than 50 ft	1
50 ft to 100 ft.	2
100 ft. to 150 ft.	3
Greater than 150	4

8. All street trees shall have a minimum trunk diameter of 1.5 inches and minimum height of 10 feet. Acceptable street trees include the following species:

Ash, Black;  
Ash, Mancana;  
Ash, Patmore;  
Ash, Summit Green;  
Elm, Brandon;

Elm, Chinese;  
Elm, Discovery;  
Elm, Japanese;  
Honeylocust, Seedless;  
Linden, American;  
Linden, Littleleaf;  
Linden, Redmond;  
Locust, Black;  
Maple, Northwood;  
Maple, Norway;  
Maple, Red;  
Maple, Schwedler;  
Maple, Sugar;  
Mountain Ash, European;  
Oak, Bur;  
Walnut, Black;

9. Street trees shall be evenly spaced along the front lot line using Drawing 1, Appendix 1 for reference.
10. A plan for an underground irrigation system shall be provided as part of a complete project application submittal.
11. All exposed dirt areas shall be covered with bark or mulch or other weed control measures included as part of final landscape installation.

## **X. FENCING AND SCREENING DESIGN**

### **A. Design Standards**

1. Rear and side yard fencing is allowed along the lot lines but may not extend nearer to the front lot line than the front of the building structure.
2. If rear and side yard fencing is constructed, it shall be ~~four~~ **(4) feet in height** and shall be constructed according to the design shown in Drawing 2, Appendix 1.
3. In order to allow interesting streetscapes, that portion of the fence that faces the front lot line may, as approved by the Design Board, vary from the design shown in Drawing 2, Appendix 1. The height, design, and architectural features of the fence should compliment the building structure.

4. Limited use of privacy fences and screens is allowed. Acceptable materials include wood or the same material as the exterior finish of the building structure.
5. Privacy fences and screens shall be integrated with and complimentary to the residential building.
6. The maximum height of a privacy fence or screen is 7 feet.
7. The area encompassed by a privacy fence should be kept to the minimum needed and shall not encroach into the building setbacks.

## **XI. EXTERIOR LIGHTING DESIGN**

### **A. Design Standards**

1. Exterior lighting shall be architecturally integrated with the building style, material and colors.
2. One, shielded, dusk-to-dawn, free-standing street light, approximately 6 feet in height, shall be located at the inside corner of the driveway and sidewalk.
3. Exterior lighting other than the street light (accessory lighting) shall either be attached to the residential or garage structure or may be low-voltage walkway lighting. All accessory lights shall be designed and/or arranged to deflect down and/or away from adjoining properties or streets.

## **XII. ARCHITECTURAL GUIDELINES**

### **A. General Architectural Guidelines**

1. Architectural design shall be compatible with the developing character of the neighboring area. Design compatibility includes complementary building style, form, size, color and materials.
2. Diversity of architectural design is encouraged within the Elk Grove Community.
3. Multiple buildings on the same lot (residence, garage, accessory building) shall be designed to create a cohesive visual relationship between the buildings.
4. Houses with identical or similar building elevations and/or floor plans should not be located on adjacent lots or directly across the street from each

other. Where a single house design is used repeatedly, materials and detailing of major facade elements shall be substantially varied.

5. The main entry feature must be prominently placed on the elevation facing the street.

6. A primary architectural goal within Elk Grove is to de-emphasize garages from the streetscape. Generally, garage doors shall be placed further from the front lot line than the front of the residential structure. Variances allowing the garage to extend up to 4 feet closer to the front lot line than the front of the residential structure may be considered by the Design Board. It is the owner's burden to provide adequate mitigation measures, including additional design elements, to ensure the variance does not detract from the streetscape.

7. Three car garages shall have 2 garage doors. Additionally, one bay shall be offset to lessen the visual impact of the garage.

8. Building facades should be articulated by using color, arrangement, or change in materials to emphasize the facade elements. The planes of the exterior walls may be varied in height, depth or direction. Design elements and detailing shall be continued completely around the building structure. Such design elements shall include window treatments, trim detailing, and exterior wall materials.

9. The design and materials of the building shall achieve a well-composed, varied and interesting appearance that visually integrates the building into its natural surroundings.

10. Exterior building design and detail on all elevations shall be coordinated with regard to color, types of materials, number of materials, architectural form, and detailing to achieve harmony and continuity of design.

11. The visibility of roof-top equipment shall be minimized by grouping all plumbing vents, ducts and roof-top mechanical equipment away from the public view.

12. Material or color changes generally should occur at a change of plane. Material or color changes at the outside corners of building structures that give the impression of "thinness" and artificiality of the material are disallowed. Piecemeal embellishment and frequent changes in material shall be avoided.

13. The architectural design of hillside homes shall not be overly dominant in the landscape. Particular attention shall be given to the design of decks, retaining walls, and building color.

14. Long un-interrupted building surfaces, and materials or design that create glare shall be avoided.

15. The proposed improvements shall minimize the impact, to the extent practical, upon existing resident's views and/or public views. The location of the house on the lot, windows, orientation, building height, and location of on-site open spaces shall consider preservation of the privacy of adjacent development.

#### B. Architectural Design Standards

1. Homes located on the lots shall have minimum living space, exclusive of garages, decks, porches, open or screened in porches, of 1,700 square feet.

2. The maximum building height for any building structure shall be thirty four (34) feet above the stem wall.

3. Building structures on lots shall have the following setbacks:

Front Setback	30 feet
Side Setback	10 feet
Rear Setback	40 feet

In addition, to promote an orderly and attractive streetscape, the front of the residential structure shall not be setback more than 40 feet from the front lot line.

Architectural features which do not add usable living space to the building structure (i.e. bay windows) may encroach 2 feet into the side setback.

The Design Board may, for special circumstances resulting from an irregular lot configuration, consider setback variances of up to a 25% reduction. It is the owner's burden to provide adequate mitigation measures to ensure the value of the adjoining property is not jeopardized by the variance.

4. Two-story dwelling units shall include a substantial single story element adjacent to major collector or arterial streets or on corner lots to give a lower, more human scale at the edge of the street and corners. Special design attention shall be directed to two-story facades.

5. The exterior colors used shall be earth tones and shall harmonize and compliment the surrounding site and neighboring buildings. Off whites, shades of gray, natural and earth colors, as well as green are considered acceptable. Trim may be more colorful and contrasting in order to add visual interest. Garage doors are encouraged to be the same color as the main body of the home. Compatible (not duplicate) color schemes shall be provided for homes on adjacent lots.

6. All doors and windows, etc., shall be detailed to add visual interest to the facade unless such treatment would be incompatible with the architectural style of the building.

7. Each home shall be provided with a logical location for the storage of trash receptacles (waste wheelers, etc.) which is screened from public view.

8. All vents, gutters, downspouts, flashing, electrical conduits, etc., shall be painted to match the color of the adjacent surface, unless being used expressly as a trim or accent element.

9. Soffits and other architectural elements visible to the public but not detailed on the plans shall be finished in a material compatible with other exterior materials.

10. Approved address numbers shall be provided so that they are legible to the public from the street fronting the property.

11. Material composition and quality, color and shape are important in the construction of improvements. All improvements shall be constructed of highest quality materials. The exterior siding of the building structure shall consist of wood, wood look-alike products, brick, rock, stucco, or other manufactured exterior good quality materials, commonly now or hereafter used in the State of Montana on single family residences. However, no metal, vinyl or panel siding, nor cement block siding is allowed. All exterior surfaces shall have minimum reflection values as determined by the Design Board.

12. Minimum pitch of the roof will be 6/12. Secondary roof structures such as dormers and porch roofs are encouraged and shall have a minimum pitch

of 4/12. No roof ridgeline shall extend more than forty (40) feet without interruption by an intersecting roofline, secondary roof structure, or step down roof in order to break up the overall roof mass. The Design Board may prohibit roof top equipment if it is visually obtrusive.

13. Shingles shall be architectural style asphalt shingles. Acceptable colors include brown, black, gray, and earth colors.

14. Eaves shall extend 18 inches from the exterior walls of the building.

### **XIII. CONSTRUCTION**

No aspect of construction shall at any time impede, obstruct or interfere with pedestrian or vehicular traffic. No materials shall be placed or stored upon a home site more than thirty days (30) before commencement of construction or more than thirty (30) days following completion of construction as determined by the Review Board.

Each construction site shall have a chemical toilet placed in a location as inconspicuous as possible. During any construction, the site shall be cleaned up daily and shall be maintained free of trash. The owner shall be responsible to clean up wind blown debris both on and off the premises. No construction materials may be stored on any portion of a street at any time.

Construction or alteration may not begin prior to obtaining a Permit To Proceed from the Design Board. Construction or alteration for which a Permit To Proceed has been obtained shall be completed and an inspection of the work requested within the time frame specified on the Permit To Proceed.

### **XIV. AMENDMENT**

The Design Guidelines may be amended only upon the affirmative vote of 2/3 of the total votes of all Class A and Class B members of the Elk Grove Community Homeowners' Association.

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IN WITNESS WHEREOF, these Elk Grove Community Design Review Guidelines for Elk Grove Planned Unit Development Phases 1, 2, and 3 have been executed this \_\_\_\_\_ day of \_\_\_\_\_, 2004.

**ELK GROVE COMMUNITY HOMEOWNERS  
ASSOCIATION, INC., a Montana  
Non-Profit Corporation,**

BY: \_\_\_\_\_

Its: \_\_\_\_\_

STATE OF MONTANA                     )  
  :SS.  
COUNTY OF GALLATIN                )

On this \_\_\_\_\_ day of \_\_\_\_\_, 2004, before me, the undersigned officer, personally appeared \_\_\_\_\_, known to me to be the person described in and who executed the foregoing instrument as \_\_\_\_\_ of **Elk Grove Community Homeowners Association, Inc., a Montana Non-Profit Corporation**, and acknowledged to me that he executed the same as such officer, in the name of and for and on behalf of **Elk Grove Community Homeowners Association, Inc.**, for the purposes herein contained.

IN WITNESS WHEREOF, I have hereunto set my hand and official seal the day and year in this instrument first above written.

(SEAL)

\_\_\_\_\_  
Notary Public for the State of Montana  
Print Name: \_\_\_\_\_  
Residing at: \_\_\_\_\_  
My Commission Expires: \_\_\_\_\_