



ARTICLE XIII.

**Declaration of Protective Covenants, Conditions and
Restrictions for NorthTown Subdivision**

**NORTHTOWN
DESIGN GUIDELINES AND REGULATIONS**

September, 2018

INTRODUCTION

The NorthTown subdivision sits in the northwest corner of the quaint small town of Livingston, Montana. The subdivision is bordered to the west, east, and south by previous single-family residential subdivisions that have developed over time. The topography is varied, and includes low rolling hills and gentle valleys set in the foothills of the Absaroka and Crazy Mountains. The property is picturesque with panoramic views of the City of Livingston, the Absaroka Mountains, the Gallatin Range, and the Crazy Mountains.

Given the natural attributes of the NorthTown property and the residential character of this area of the community, the desire is to create an environmentally and aesthetically sensitive, medium density, single family neighborhood. At NorthTown, there is an opportunity to maintain the natural integrity and charm of the area while providing appropriate sites for single family homes.

Article 8 contains design guidelines and regulations to assist Owners in the development of their building projects.

Following is a dashboard of important regulations in Article 8. The list is not exhaustive, but represents answers to some of the most frequently asked questions regarding design guidelines and regulations.

- 1. All homes must have a front porch. Porches are required to be a minimum depth of 5'-0". Porch columns are required to be a minimum of 8 x 8. Front porches and steps must be constructed with concrete.**
- 2. Setbacks are 25'-0" for front yards, 5'-0" for side yards, and 20'-0" for the rear yard. The required front porch must touch the front yard setback.**
- 3. Driveways and front walkways must be constructed with concrete.**
- 4. All lots must be fully landscaped and irrigated with an automatic irrigation system.**
- 5. Each lot requires the installation of 2 boulevard trees. The trees shall be a minimum of 2.5" caliper. Species recommended include: Common Hackberry, Burr Oak, and American Linden.**
- 6. The maximum height allowed is 26'-0". This height is measured from**

the average grade around the home to the highest ridge line. Average grade is defined as the average of the highest and lowest grade points around the home.

- 7. Lots may be fenced at the rear of the lot only. Fences shall not extend forward past the midway point of the home. Fences are limited in height to 6'-0". Fences shall be constructed of wood, with bottom and top cap rails. Vertical posts shall be 6 x 6 minimum and spaced not more than 8 feet apart.**
- 8. There is a \$500 design review fee for each lot. The design review is currently being handled by Faure Halvorsen Architects. Please contact Kelsey Corti at 406-587-1204, or via email at kelsey@fharchitects.com.**
- 9. There is a \$1,500 damage and landscape deposit required on each lot. The deposit will be held by the HOA. Deposits will be returned upon satisfactory completion of construction and landscaping.**
- 10. All submissions for design review shall be submitted electronically. This includes drawings, material and color boards, and landscape plans. Paper copies will not be accepted. Please email submissions to Kelsey Corti at kelsey@fharchitects.com.**
- 11. Deferred submissions for landscaping, colors and materials, and light fixtures will be charged additional review fees.**
- 12. Decorative exterior light fixtures must be Dark Sky Compliant.**

The purpose of this document is to assist lot Owners in NorthTown by providing a framework for design, construction, maintenance and usage that will allow each project to contribute to the long-term goal of creating a development that compliments and enhances the surrounding natural and built environment. This document also explains the rules and restrictions that are intended to protect the landscape, wildlife and use of property for the protection and enjoyment of all Owners of NorthTown. This document also outlines appropriate architectural elements that reflect the specific context and environment of the NorthTown development.

Specific Objectives are:

- To protect and enhance property values, wildlife and the natural environment.

- To respect environmental conditions and neighboring subdivisions.
- To establish architectural criteria for buildings which allow for individual expression within clearly articulated restraints.
- To address all aspects of community usage and design, including: buildings, landscaping, maintenance water usage, fences and signs.

I. DESIGN GUIDELINES AND REGULATIONS (“Guidelines”)

A. NorthTown Design Review Committee (DRC)

1. Authority.

The NorthTown Committee for Design Review (DRC), shall act in addition to, and not in lieu of the County Planning Board and City of Livingston Zoning Commission. The City of Livingston is not however, an appeal board for the DRC. The DRC is given authority through the Declaration of Covenants, Conditions and Restrictions for NorthTown.

The DRC shall modify when necessary and enforce the design regulations related to the external design, appearance and location of all properties and improvements within NorthTown. The DRC is hereby given very broad discretion in interpreting the Guidelines and approving all construction or improvements performed on each owners’ lots and the Subdivision as a whole.

2. Purpose.

The NorthTown Design Review Committee is established and given authority to coordinate, expedite and assure fair equitable implementation of the Design Guidelines and Regulations. The objective of this committee is to encourage development quality that will enhance both the natural and built environments.

3. Duties.

The NorthTown Design Review Committee is responsible for administering the Guidelines and performing the following duties:

- a. To form such reasonable rules and by-laws and adopt such procedures as it deems necessary to carry out its functions.
- b. To review all of the following it deems necessary:
 1. Site plans
 2. Landscape plans/irrigation plans
 3. Building drawings and specifications
 4. Material and color samples
 5. Lighting fixtures
 6. Other information as requested
- c. To require all improvements, such as the following, to be reviewed and approved by the DRC before construction commences.
 1. Construction of buildings, auxiliary structure or drives
 2. Alterations and exterior building remodeling
 3. Restorations
 4. Landscaping, fences, and retaining walls
 5. Parking areas
 6. Exterior lighting
 7. Signage
- d. To enforce height requirements contained within the Design Guidelines and Regulations and to designate such requirements where they are not called out.
- e. To reject materials, designs and colors submitted with plans, and the plans themselves, if they are not compatible or are inappropriate with the overall plan of the subdivision.
- f. To grant variances to the Guidelines as it deems appropriate.
- g. To interpret the Guidelines as it deems appropriate and make rulings thereon (including establishing and assessing fines for any violations of these guidelines).
- h. To insist upon the completion of all improvements in

substantial compliance with the approved plans and specifications.

- i. To enforce the Guidelines in a court of law.
- j. To revoke or suspend approvals and order the suspension or cessation of any construction in violation of the Design Guidelines and Regulations or in violation of any approval issued by the DRC.
- k. To require that a fee of \$500.00 be paid for the review and approval of building plans and specifications. Fee shall be paid to Faure Halvorsen Architects, 1425 West Main St, Bozeman, MT 59715. Contact Kelsey Corti, 406-587-1204. Email: kelsey@fharchitects.com
- l. To require that additional fees be paid for resubmissions at the discretion of the DRC.
- m. To require the submission of landscape plans with all requests for review and approval of building plans.

5. *Liability.*

Neither the DRC nor any member thereof shall be liable to the Association or to any Owner for any damage, loss or prejudice suffered or claimed on account of the following:

- a. The approval of any plans, drawings or specifications, whether or not defective.
- b. The construction or performance of any work, whether or not pursuant to approved plans, drawings or specifications.
- c. The development or manner of development of any property within NorthTown; provided, however, that such member has acted in good faith.

B. Zoning Regulations and Codes

1. *General Zoning Regulations.*

NorthTown includes portions of land within the jurisdictional areas of City of Livingston. NorthTown shall be consistent with the Livingston zoning ordinance. In addition to these Design Guidelines and Regulations, building design will be regulated by City of Livingston, Park County, and State and Federal regulatory agencies having jurisdiction. The Owner or his or her agent shall be responsible to ensure conformance with any applicable regulations and should check with City of Livingston Building Department

Property owners of the subdivision are informed that nearby uses may be agricultural. Property owners accept and are aware that standard agricultural and farming practices can result in smoke, dust, animal odors, flies and machinery noise. Standard agricultural practices feature the use of heavy equipment, burning, chemical sprays and the use of machinery early in the morning and sometimes late into the evening.

No construction of, or alteration to, any improvements, whether temporary or permanent, including but not necessarily limited to buildings, fences, walls, earthwork, paving, vegetation, signs, or secondary structures shall be commenced on any lot prior to receiving the written approval of the DRC.

Interior modifications and/or improvements that do not alter the exterior appearance of a building, or the site improvements, shall not require the approval of the DRC.

2. *Density, Allowable Uses, Allowable Areas and Setbacks.*

a. Density. Not more than one single family residence may be built on each residential lot.

b. Allowable Uses. Each residential lot shall be used exclusively for residential purposes, and no more than one

family (including its servants and transient guests) shall occupy such residence.

c. Set Backs.

- a. Front Yard: 25'-0" (Front porch must touch front yard set back.)
- b. Side Yard: 5'-0"
- c. Rear Yard: 20'-0"

d. Minimum Floor Areas.

The minimum square footage allowed shall be 1,200 sq. ft. of living area, excluding garage, porches, patios, etc. with a minimum of 1,200 sq. ft. on the main level.

3. *Codes.*

All structures shall be constructed in compliance with the current Uniform Building Codes. All construction must also comply with the provisions of the latest edition of the following additional design regulations, codes and their amendments.

- NorthTown Design Regulations
- Protective Covenants of NorthTown
- International Residential Code
- National Electrical Code
- Uniform Mechanical Code
- Uniform Fire Code
- National Fire Protection Association Code
- State Fire Code Standards
- Montana Energy Code
- And all other applicable City, County, State and Federal Regulations

III. **SITE DESIGN GUIDELINES AND REGULATIONS**

The integration of buildings into the landscape of the NorthTown is important to the success and appearance of the development. Site Design Regulations specifically serve to protect and enhance the natural landscape,

view sheds and natural habitat. Building locations shall minimize the impact of cut and fill for roads, buildings, paths and other site improvements. New landscaping and plant materials shall be grouped in clusters in order to mimic natural vegetation patterns.

A. Topography and Site Features

1. *Site Drainage.*

All site plans must indicate surface drainage patterns. All grading within the development must relate to and blend into the surrounding natural landscape, open space, and adjacent lots. Care should be taken to limit the extent of cuts and fills. All cut and fill areas must feather into the natural topography within the confines of the property boundary.

2. *Driveways and Parking.*

All lots shall have only one driveway access.

The construction and maintenance of all driveways shall be the responsibility of the Owner. Driveways and parking areas shall be crowned and sloped for adequate drainage and safety.

Driveways and parking surfaces shall be concrete.

Driveways shall be limited in width to 22 feet maximum at the sidewalk, and 1:10 slope, unless otherwise approved by the DRC.

Damage of City streets, curbs, gutters and sidewalks by construction activities may result in repair directives from the HOA, and/or fines.

B. Utilities and Site Details

It shall be the sole responsibility of the Owner to contact utility companies prior to any excavation and grading, including, but not limited to the following: Northwestern Energy, Spectrum Communications, City of Livingston, or other appropriate utility provider.

1. *Utilities.*

Utilities shall be installed underground. Television antennas and satellite dishes should be those of smaller size and of the current technology. Satellite dishes shall be screened from adjoining lots and streets as much as practical. Television antennas shall not be visible from the street. Radio towers are strickly prohibited.

Utility meters shall be placed in a location so as to be accessible to the meter reader and yet not highly visible from adjoining roadways or properties. Meters, transformers and other utility boxes may be concealed with landscaping, provided utility personnel are able to access equipment as needed and that landscaping is of sufficient size to conceal boxes. All conduit wires servicing the meter are to be beneath the exterior wall sheathing or enclosed.

2. *Water Supply.*

Each residential building shall have water supply from the City of Livingston. Domestic water supplies shall be specifically regulated as follows:

1. Owners are encouraged to use water saving appliances and devices in the design of the residence.

3. *Trash Containment and Removal.*

Trash and construction debris shall be kept in containers and be emptied on a regular basis to insure sufficient room to store trash at the end of each working day. It shall be the responsibility of the general contractor to remove and dispose of, at an authorized county land fill, any excess trash and construction debris. Failure to control on site trash containment may result in clean up directives from the HOA, and/or fines.

4. *Exterior Lighting.*

The intent of the lighting restrictions is to reduce the amount of light pollution and to be unobtrusive to neighboring properties. Exterior lighting shall be subdued, understated and indirect. All decorative exterior lighting must Dark Sky

Compliant. Area lighting shall have concealed light sources and shall be a color temperature of 4000K or less. All lighting, including yard lighting shall be “down” type and shall not radiate out from the property. In all cases, excessive glare to neighboring properties or circulation shall be avoided. Failure to comply may result in removal directives from the HOA, and/or fines.

Direct light sources shall be used only to accent the architecture, landscape or artwork, or for the definition of entries and walkways. Flashing, blinking, or moving lights shall not be used except for decorative lighting during the Holiday seasons.

5. *Construction Vehicles and Construction Trailers*

Temporary construction trailers maintained during, and used exclusively in connection with, the construction of any work or improvement shall be permitted. No person shall reside in such temporary construction trailers or vehicles.

6. *Kennels and Dog Runs:*

Kennels and dog runs must be placed in an area which is inconspicuous and removed from the direct view of neighbors and the primary road. All kennels and dog runs must obtain the DRC's approval for size, materials and location. Kennel and dog run material must mimic and compliment the design of the home and kennel and dog run size shall not exceed 200 sq. ft.

7. *Lot Fencing:*

Fences must be all wood with top and bottom rails caps. Vertical support shall be 6 x 6 treated posts at 8'-0" on center minimum. Fences shall not exceed 6'-0". Fence may enclose the back half of the lot only and shall not extend past the midpoint of the home. Invisible or underground pet containment systems are allowable.

C. Landscaping

In general, landscaping within the NorthTown should link the development to the native prairie landscape that exists within NorthTown. All lots must be landscaped and irrigated with an automatic irrigation system in their entirety. When completed, the buildings within NorthTown should complement the natural rolling prairie landscape. Through effective use of planting, the architectural elements of NorthTown can be softened and blended into the land forms and vegetation of the site. New plant materials should respect existing plant patterns. Trees, shrubs and ground cover should be placed in groups of similar species, rather than alone or with a number of other species. In an effort to blend with the surrounding environment and acknowledge the extreme conditions of temperature and moisture, a more informal landscape using indigenous plant materials is recommended.

The DRC will require that all disturbed areas during the building process be restored to their natural state or landscaped to a degree that is acceptable to the DRC. Sowing of wild grass seed over a disturbed area is not sufficient to restore the land. All areas disturbed by construction shall be re-seeded with vegetation types approved by the DRC and compliant with City of Livingston and Park County Weed Control Department. Properties within the NorthTown shall also be controlled for noxious weeds. It is the Owner's responsibility to landscape and their property. A landscape plan must be presented to the DRC for approval before landscaping is begun.

Landscaping should begin no later than the beginning of the first growing season after completion of the home and shall be substantially completed by the end of the second growing season. Landscape deposits will not be returned until landscaping is completed.

1. *Boulevard Trees.*

A minimum of two boulevard trees must be provide as a part of every landscape plan. Trees shall be a minimum of 2.5" caliper. Species recommended include: Common Hackberry, Burr Oak, and American Linden. The Owner is responsible for

all landscape, irrigation, and maintenance of all plantings in the boulevard area.

2. *Screening.*

Planting can be used effectively to screen yards and decks for privacy and to avoid glare from sources such as automobile head lamps. Sight lines at roadways shall be preserved by holding plantings back sufficiently from the roadway. As a basic solar consideration, clusters of evergreens should be placed on the north and east sides of a building to provide a wind break and screening. Deciduous trees and shrubs can be placed on the southern and western side to provide shade in the summer months and allow sun to penetrate to the building during the winter months.

3. *Snow Storage.*

Plants located in snow storage areas or in areas of snow and ice shedding should be able to withstand the accumulated snow and ice.

D. Plant Materials

Suggested plant materials for the NorthTown are based on plant material that has been observed growing in Park County and the Livingston area and other areas with a similar climate and elevation above sea level. Since many factors affect the success of plant material, a qualified landscape architect or contractor, familiar with local conditions should be consulted. The selection and location of plant materials by individual Owners shall minimize irrigation water usage.

1. *Suggested Plant Materials.*

Trees: Deciduous: Common Hackberry, Burr Oak, American Linden, Aspen, Ash, Cottonwood, Alder, Willow, Crabapple, Chokecherry, Birch, and Maple.

Evergreen: Spruce, Pine, Juniper.

Shrubs: Alpine Currant, Red Twig Dogwood, Potentilla, Plum, Service Berry, Snow Berry, Caragana, Catoneaster, Grape Holly, Junipers, Spirea, Artic Willow and Woodrose.

Ground Covers: Phlox, Potentilla Vema, Kinnickinnick, Agua, Periwinkle, Sedum (many varieties).

Grasses: Natural pasture grasses.

Lawns: Drought tolerant and water wise grasses, including Kentucky Blue Grass, sheep fescue, buffalo grass and crested wheat grass.

IV. BUILDING DESIGN GUIDELINES AND REGULATIONS

The following building requirements are to provide a continuity to the context of the building environment, while allowing for the vitality of individual expression. Through the use of materials and color all structures in the NorthTown development shall blend into the surrounding neighborhood. These regulations require well designed homes and structures that are sensitive to their environmental. NorthTown specifically prohibit tract type designs, awkward site planning solutions, unorthodox design solutions or other design approaches that impair or erode property values and/or aesthetic values.

A. Building Height

Building heights within the NorthTown shall be limited to a maximum of 26 feet. Building height shall be measured from the highest ridge of the home to the average finished grade around the home. Average grade is defined as the average of the highest and lowest grade points around the home.

With the approval of the DRC, chimneys, cupolas, and other architectural features may exceed the given height limitations by no more than 4 feet.

B. Roof Form

The architecture within the NorthTown should complement and

respond to the natural qualities of the landscape. The consistency and compatibility of roof shapes, pitches and materials will contribute significantly to the continuity of the character of the NorthTown. The following design regulations have been developed to allow for distinct building forms while addressing the character of the entire community. When refining roof forms consideration should also be given to the prevention of excess snow build-up and snow shedding.

1. *Shape and Pitch.*

When considering roof shapes and pitches for buildings within the NorthTown, designers should consider unique and interesting gable and shed types roof shapes to integrate with the surrounding landscape and topography. Primary and secondary roof forms should contrast each other to provide interest in the roof form. There is no minimum or maximum pitch required, however the DRC will require architectural interest in the roof form.

2. *Dormers, Secondary Roofs, Skylights and Solar Collectors.*

Dormers and secondary roofs are encouraged, both to add interest and scale to major roof areas and to make habitable use of space within the roofs. Dormers and secondary roofs may have gable, hip or shed forms and may be stacked in multiple forms.

When designing the location of skylights, consideration should be given to both the interior and exterior appearance of the unit. Locations should also be coordinated with window and door locations. Skylights shall be located away from valleys, ridges and all other areas where drifting snow may hinder the performance and safety of the unit. Skylights should be of high quality, insulated, double pane construction.

Solar collectors shall be integrated into the overall roof design and shall be placed flush with the slope of the roof or wall of the building.

3. *Entry Definition, Overhangs and Fascias.*

Front entrances must be expressed with a porch and shall be

protected with a roof with an adequate overhang. All roofs shall have overhangs appropriate to the building's design intent and all fascia materials shall be appropriately scaled as well.

Caution should be taken in design to minimize shedding of snow and ice toward driveways, sidewalks, porches, decks, balconies or any other areas which may be damaged or cause injury.

V. MATERIAL AND DETAIL GUIDELINES AND REGULATIONS

Materials in the NorthTown shall be selected for the quality, durability and maintenance characteristics. The following are the allowable materials in the NorthTown.

A. Roof Materials

Roof materials above occupied areas of buildings, or in areas exposed to the sun, mechanical vents, and heat from adjacent chimneys shall be carefully selected to address the freezing and thawing cycle common to most roof designs.

Roof materials shall be constructed of fire resistant materials carrying a Class A.

The following are the acceptable roof materials:

- Class A treated wood shakes or shingles
- Natural and synthetic slate tiles
- Class A asphalt random tab shingles
- Class A 24-gauge metal roofing
- All roof flashing, vents, hoods, and roof accessories shall be pre-finished metal, lead, or copper that blends with the color of the roofing material selected.

B. Exterior Wall Materials

The character of the building exterior should be kept simple in order to harmonize and compliment the surrounding environment of the site. Natural materials and subdued colors should predominate the

main body of the building. Exterior trim should complement the main body of the structure.

The DRC shall consider materials not listed below that maintain the aesthetic continuity of the NorthTown Development.

1. *Stonework.*

Stonework shall not be applied to individual wall surfaces in order to avoid a veneer-like appearance. High quality manufactured stone is acceptable provided it is installed to avoid a veneer like appearance.

2. *Unit Masonry. (Brick)*

Unit masonry materials shall be allowable. Unit masonry surfaces shall not be applied to individual wall surfaces in order to avoid a veneer-like appearance.

3. *Concrete.*

Exposed concrete foundation walls between ground level and exterior wall siding shall be a maximum of 8 inches. Foundation exposure over 8 inches shall be finished with an acceptable finish material.

4. *Stucco. (EIFS)*

Synthetic stucco shall be permitted providing that the finished surface is adequately textured to obscure the pattern of insulation panels. Synthetic stucco shall be a subordinate portion of the exterior surface area and shall not be applied to individual wall surfaces in order to avoid a veneer-like appearance.

5. *Wood and "Wood Look" Siding.*

Smooth or rough sawn wood or "wood look" siding shall be an acceptable exterior material. Wood and "wood look" siding shall have a maximum exposure of 8". Wood shingles and

synthetic wood shingles, along with board and batts and synthetic board and batt, shall be used only as smaller scale accents to the larger scale materials of the exterior walls, unless approved by the DRC. All wood siding and shingles shall be painted or stained. Other wood and synthetic wood products and wood siding materials will be considered by the DRC on a case-by-case basis.

6. Metal Siding.

Metal siding shall be permitted as a siding material, provide the color is muted and installation is integrated with the overall design intent. Shiny metals that are highly reflective will not be approved by the DRC. All metal siding shall be a minimum of 26 gauge.

C. Chimney Materials, Composition and Proportion

Chimneys, flues and vents can be used to create visual contrast to the dominant roof forms of the buildings within the NorthTown. All flues shall be enclosed with a chimney cap and fitted with a spark arrestor. All chimney forms shall relate to the overall building design and all flues shall be covered with a material appropriate to the design intent.

Chimneys and flues shall be located to avoid smoke and fumes at ground levels created by down slope winds. Buildings adjacent to steep slopes or with unique roof configurations shall give special attention to down drafts. All chimneys shall be located as high as possible on the upwind side of the roof to ensure adequate disbursement of smoke.

Building vents and flues for such functions as ventilation and exhaust should be consolidated into enclosures wherever possible and should typically be concealed from public view.

D. Exterior Windows and Doors

1. Scale, Composition and Proportion.

Window and door patterns and reveals should be carefully

studied to create interest, variety and consistency. Window and door locations shall be carefully considered to avoid being obscured by accumulating snow.

2. *Materials.*

Windows shall be constructed of pre-finished colored aluminum cladding, pre-finished fiberglass, or high quality vinyl. Doors shall be constructed of wood, metal, or fiberglass and should compliment the homes design character.

3. *Garage Doors*

Garage doors shall be subdued and shall be de-emphasized in the elevation of the building. Doors shall be recessed a minimum of 6 inches in an exterior wall. Garage doors should complement the primary color of the building. Garage doors shall not be over 18 feet in width and 9 feet in height. Exceptions shall be reviewed by the DRC on a lot-by-lot basis.

E. Decks, Balconies and Terraces

1. *Design.*

Decks, balconies and terraces shall be designed to enhance the overall architecture of the building by creating variety and detail on exterior elevations. Combinations of covered decks and projecting balconies are encouraged. Terraces should be used to integrate the building and landscape by creating a transition between the built and natural character of the site.

2. *Materials.*

Low level decks shall be skirted to grade. Decks which are not practical to skirt shall be designed to assure that the underside of the deck is integrated with the design of the building. Exposed anodized aluminum joist hangers will be allowed, so long as they are not visible from adjoining streets and properties. Posts shall be a minimum of 6 inches square and should be positioned to avoid a thin visual appearance.

Materials and colors shall be consistent with the building and surrounding landscape.

F. Building Color

Exterior color schemes throughout NorthTown shall emphasize the natural tones of the surrounding natural environment. Large exterior wall surfaces shall be painted or stained with neutral tones. Color schemes shall emphasize the contrast between the basic wall surfaces and accented details. All color schemes shall be reviewed by and approved by the DRC as a part of the Final Plan Review and Approval.

G. Energy Conservation

All residential buildings shall meet the following minimum standards for roof and exterior wall insulation as established by the currently adopted IRC and IECC.

H. General

NorthTown is a neighborhood specifically designed to accommodate quality homes in a setting where property values and environmental values will be protected. The DRC is charged with the all-important responsibility to see that homes at NorthTown are well designed, properly sited, landscaped and constructed according to the DRC approvals. The DRC is responsible to review house designs and has the clear authority and discretion to approve, disapprove or approve with conditions any and all design submissions. Qualified design professionals shall be retained to aid each property Owner in achieving sound design solutions.

VI. FIRE PROTECTION REGULATIONS

A. Burning Restrictions

There shall be no exterior fires whatsoever except barbecue fires and fires contained within approved receptacles per the City of Livingston.

B. Fireplaces, Wood Stoves and Pellet Stoves

The DRC recommends that residents burn only propane or low emission solid fuel materials. Solid fuel burning devices include wood burning fireplaces, wood stoves, and pellet stove.

Chimney and flues should be cleaned and checked regularly due to the collection of creosote from the soft woods used. Spark arrestors shall be provided around the mouth of the chimney, stove pipe or vent or any heater, stove or fireplace. Spark arrestors shall be cleaned regularly to remove deposits.

C. Smoke Detectors

Smoke detectors and carbon monoxide sensors shall be installed as required by code.

VII. SIGN REGULATIONS

All signs, posters, displays, or advertisements are prohibited unless they have received the approval of the DRC prior to installation or use. Signs allowed by these requirements include:

a. **Residence Identification.** Address signs identifying residences in the NorthTown shall be placed on each residence around the required entry porch or garage.

b. **Contractor-Builder-Developer.** Construction signs shall be placed on a lot only during the construction period. The sign shall not be larger than four (4) square feet in size and be of a color that is harmonious with the structure being built and the surrounding area. The sign must be removed immediately upon issuance of a certificate of occupancy or no longer than one year, whichever occurs first.

c. **Temporary.** Temporary signs, such as, real estate and political campaign signs are allowed but must not exceed 18 inches by 24 inches. No real estate directional signs will be allowed on road intersection/corner lots.

Any signs installed must be removed within 10 days after the sale of the property and immediately after the end of the election and/or vote.

d. **Permanent.** Entryway Signs at NorthTown installed by the developer are intended to be permanent and will be maintained by the Association.

VIII. CONSTRUCTION PROCEDURES

A. Approvals Required Before Construction Starts

1. *Permits.*

Construction shall not commence until Final Plan Approval has been received from the DRC. Building construction must strictly conform to the approved final plan and must be completed within eighteen (12) months after ground breaking unless specific written extension is granted by the DRC.

No accessory structure, buildings, garages or sheds shall be constructed or maintained on any lot prior to the construction of the main structure of the residence; provided, however, that the provisions of this subparagraph shall not apply to temporary construction shelters.

2. *Approvals.*

All modifications to previously approved construction and landscape plans must be submitted to be approved by the DRC.

B. Construction Regulations

1. *Noise Abatement and Hours of Work.*

Blasting, heavy equipment operation, and other loud noise from construction shall be prohibited between 6:00 p.m. and 7:00 a.m. Any proposed blasting will require prior written approval of the DRC.

2. *Construction Staging and Material Storage.*

All construction staging, including but not limited to, material storage, equipment storage, construction trailers, etc., must take place within the lot for which the building permit was issued unless an alternate staging area is approved in writing

by the Association.

3. *Trash Containment and Removal.*

Trash and construction debris shall be kept in containers and be emptied on a regular basis to insure sufficient room to store trash at the end of each working day. It shall be the responsibility of the general contractor to remove and dispose of, at an authorized county land fill, any excess trash and construction debris. A construction and landscape deposit of \$1,500.00 shall be required of each builder to insure maintenance of building sites and management of trash and trash removal and landscape installation. Requirements for the burning of trash and debris is controlled by the City of Livingston and Park County.

4. *Temporary Structures.*

A small job office or trailer may be located on the site during the construction period. The job office must be removed from the site prior to occupancy.

5. *Erosion Control.*

All disturbed areas of the site shall be protected from erosion during and after the construction period. Erosion control measures must be taken during construction to insure soil stabilization, sediment control, and timely re-vegetation.

C. Building Inspections

The DRC will not inspect projects for building code conformance. The DRC will however, from time to time review the construction sites for conformance to these design standards.

It is the responsibility of the Applicant or the Applicant's builder to contact the city, county, state and other authorities regarding electrical, plumbing and other required inspections for building code conformance.

IX. SUBMITTAL AND REVIEW PROCESS

The design review process must be followed for any of the following:

- Construction of any building
- Renovation, expansion, or refinishing of the exterior of any building
- Major landscape, driveway or parking changes
- Exterior lighting changes

In addition to meeting the requirements of this manual, an Owner must comply with the requirements all governing agencies including City of Livingston and the State of Montana.

All plans submitted to the DRC shall be of professional quality and prepared by qualified design professionals.

The DRC shall reject materials, designs and colors submitted with the plans, and the plans themselves if they are not compatible or are inappropriate with the overall plan of the subdivision.

The NorthTown Design Review Process requires a Final Plan Review and Approval prior to construction. An Owner may appeal the DRC's decision to the NorthTown Home Owner Association.

B. Final Plan Review & Approval

The Final Plan Review and Approval addresses the final design details of the project. The review will address planned improvements, building elevations, building sections, roof design, architectural character or expression, exterior materials, site conditions, grading, drainage and erosion control measures. See Final Plan Review Checklist and Evaluation Criteria for complete submission requirements.

The Final Plan Review and Approval includes the following steps:

1. DRC will notify Owner in writing of the Final Plan Approval decision within fifteen (15) days.
2. Owner may apply for a building permit with the City of Livingston only after the Final Review and Approval process is complete

through the DRC. Concurrent reviews are allowable, but are solely at the Owner's risk should DRC comments require changes plan already submitted to the City of Livingston.

X. PLAN REVIEW CHECKLISTS

A. Final Plan Review Checklist

One electronic copy of all necessary materials for the Final Plan Review must be submitted to the DRC. The DRC can only approve a final plan submittal when all items are submitted.

Design review fee and damage and landscape deposit.

SITE PLAN (Scale: 1" = 20' or 1" = 16')

Property boundaries

Easements and setbacks

Existing and proposed contours

Utility meters

Service lines for water, sewer, gas, telephone, cable TV and electric (existing service to building, if applicable)

Propose walks, driveways, parking areas, decks, pools, patios, accessory buildings and all site improvements

Materials to be utilized for construction of walks, driveways, decks, pools and patios

Finished floor elevations

Landscape Plan (same scale as Site Plan, to be submitted prior to beginning landscaping.)

Lighting location and type. Fixtures must be Dark Sky Compliant

- Details of fencing
- BUILDING DRAWINGS (scale ¼" or 1/8" = 1'-0")
- Floor plans showing square footage
- All exterior elevations showing finished grade, materials, windows, doors, colors, graphics, details and lighting at a scale of 1/4" or 1/8" + 1.0."
- Primary roof pitch
- Secondary roof pitch
- Digital material board indicating exterior wall and trim materials, and exterior finish color.

NOTE: AFTER FINAL PLAN APPROVAL HAS BEEN OBTAINED, NO CHANGE FROM APPROVED PLANS SHALL BE MADE WITHOUT THE REVIEW AND WRITTEN APPROVAL OF THE NORTHTOWN DESIGN REVIEW COMMITTEE.

I hereby certify that all information in Section X has been provided to the NorthTown Committee for Design Review.

Owner/Builder

Date