



BAXTER MEADOWS DESIGN REVIEW PROCESS

PHASE 3A - Baxter Meadows West

Submission of Plans Before Construction.

No residence, fence, wall, garage, outbuilding or other structure shall be made, erected, altered or permitted to remain upon the properties until written plans and specifications showing the design, nature, kind, color, dimensions, shape, elevations, material, use and location of the same shall have been submitted by the owner and approved in writing, by Baxter Meadows Design Review Board (DRB) as to compliance with these Covenants, as well as appropriate City of Bozeman review, permitting and fee payment.

General Requirements.

Plan review applications are required to be submitted electronically via email only directly to Penny Murray pennymurray@msn.com. Please do not submit hard copies.

A **PERFORMANCE DEPOSIT** of **\$1000.00** is required at initial submission and should be made payable to **Baxter Meadows HOA** and dropped off to Luna Properties offices. Deposit is returned once initial landscaping has been installed and completed. Please note if attorney fees are incurred due to non-compliance of review, these fees will be deducted from the deposit.

Total Design Review Fee: \$550.00

DESIGN FEES: Paid to Penny Murray. The review fee is \$550 unless building multiple units.

Luna Properties, LLC
40 East Main Street
Suite 210
Bozeman, MT 59715
406.582.7490 office
406.582.0709 fax

Penny Murray
4173 Equestrian Lane
Bozeman, MT 59718
406.581.1382 cell
pennymurray@msn.com

Upon DRB review, the owner will be notified within **two weeks** after the submittal date that the design has been approved, approved with stipulations or disapproved. An application for withdrawal may be made without prejudice, provided the request for withdrawal is made in writing to the DRB.

All variance requests pertaining to the DRB approvals must be made in writing to the DRB. Any variance granted shall be considered unique and will not set any precedent for future decisions.

DESIGN REVIEW SUBMITTAL REQUIREMENTS

STEP 1: SKETCH DESIGN REVIEW (OPTIONAL)

In addition to verifying the required setbacks, this review checks the designs for correct interpretation of the Architectural Regulations.

Form Required: Form A - Sketch Review Application.

Review Fee: \$100 Single family and duplex unit projects; \$150 Multi-unit projects up to eight units; \$225 Multi-unit projects over eight units. All returned incomplete applications are subject to a \$100 re-submittal fee. Fees based on each individual property, regardless of proposed project or prior design approvals. Please note that additional meetings and/or reviews requested by the owner and as determined by the DRB to be above and beyond the standard review process are subject to standard hourly fees in addition to the Design Review Fee and must be paid prior to approval.

Minimum Drawings Required:

Site Plan (1/16" or 1/8" = 1'-0") showing:

North arrow.

Property lines, setback lines, sidewalks and easements with dimensions

Building footprints with entries, porches and balconies delineated, and overhangs as dashed lines.

Elevation of first floor.

Landscape concept plan including boulevard trees located.

Adjacent property structures and landscaping.

Floor Plans (1/8" = 1'-0" scale or larger) showing:

Room use labeled.

All windows and doors with operation and swings shown.

All overhangs of floors and roofs as dashed lines.

Overall dimensions.

Gross square footage for unit and garage.

Elevations (1/8" = 1'-0" scale or larger) showing:

Porches, balconies, doors and windows.

Principal materials specified.

Overall height from average grade.

Roof pitches.

REQUIRED STEP 2: CONSTRUCTION DESIGN REVIEW

This review checks the construction documents for project compliance and verifies that any previous DRB recommendations have been incorporated. Conformity to applicable local

regulations and building codes, as well as obtaining appropriate permits is the responsibility of the architect and/or builder.

Form Required: Form B - Construction Design Review Application

Please note that additional meetings and/or reviews requested by the owner and as determined by the DRB to be above and beyond the standard review process are subject to standard hourly fees in addition to the Design Review Fee and must be paid prior to approval.

Foundation Design Review: Bozeman Building Department requires that each project submit a letter from a civil engineer identifying existing ground water elevations, and recommendations for foundation design, footing and first floor elevations. This review does not consider foundation or structural design.

Minimum Drawings Required:

Site Plan (1/8" = 1'-0" scale or larger) showing:

North arrow.

Property lines and setback lines with dimensions

Building footprints with entry area delineated and overhangs shown as dashed lines.

Garden walls, fence lines, location, height and material quality of retaining walls.

Water, electric and sewer service.

Grading plan.

Location of streets.

Location, dimensions and materials for walks and drives.

Exterior light locations and type

Location of external equipment (electric meter, A/C, location of waste bins, etc.)

Floor Plans (1/4" = 1'-0") showing:

Foundation plan dimensioned.

Room use labeled and rooms dimensioned.

Wall, window and door openings dimensioned.

Exterior walls dimensioned.

All overhangs of floors and roofs as dashed lines.

Gross square footage (house and garage separate).

Elevations & Sections showing:

Each Elevation at 1/4" = 1'-0" with colors rendered of fronting street elevation.

Landscape Plan:

Including plant listing (name, planting and mature sizes) and their respective locations.

Material Samples:

(As requested by the DRB.)

Siding and trim sample with actual color applied.

REQUIRED STEP 3: CONSTRUCTION COMMENCEMENT

Construction may not commence without the approval of the City of Bozeman Building Division, necessary permits obtained and fees collected. A copy of Form B - Construction Design Review Application bearing the Baxter Meadows DRB approval letter and stamp must accompany City of Bozeman building permit applications.

The DRB reserves the right to inspect in the field for compliance during any stage of construction. The DRB is empowered to enforce its policy as set forth in the Architectural Regulations and Neighborhood Association's Declaration of Covenants, Conditions & Restrictions by any action, in law or equity, to ensure compliance.

STEP 4: MINOR CHANGES

It is anticipated that owners may wish to make improvements or modifications to their buildings or property during initial construction or at a future date. A change may be executed upon receipt and approval of Form C - Application for Change(s) bearing the Baxter Meadows DRB stamp of approval.

Review Fee: \$60. Please note that additional meetings and/or reviews requested by the owner and as determined by the DRB to be above and beyond the standard review process are subject to **standard hourly** fees in addition to the Design Review Fee and must be paid prior to approval.

One (1) Year to be Completed.

Any structure to be erected in accordance with an approval so given must be erected and completed within one year from the date of approval. **If construction of a structure is not commenced within one year after approval, new approval must be obtained.** If any structure is commenced and is not completed in accordance with the plans and specifications within one year, the Directors of the Association, at their option, may take such action as may be necessary, in their judgment, to improve the appearance so as to make the property harmonious with other properties and to comply with these Covenants, including completion of the exterior of the combination thereof, or removing the uncompleted structure or similar operations. The amount of any expenditure made in so doing shall be an obligation of the owner. A lien on the property may be recorded and shall be enforceable by an action at law. In lieu thereof, the Association may take such action as is available by law, including an injunction, or action for damages.

STEP 5: Inspection Procedures

Inspections are required to ensure that construction proceeds in compliance with these covenants. An inspection is required at three stages of construction: framing stage, siding stage, and landscaping stage (substantial completion). The owner shall request an inspection of the improvements by the DRB. Owners are responsible for scheduling an inspection. Additional time and materials required for non-compliance enforcement will be the responsibility of the owner. Please note that additional meetings and/or reviews requested by the owner and as determined by the DRB to be above and

beyond the standard review process are subject to standard hourly fees in addition to the Design Review Fee and must be paid prior to approval.

The inspections shall only determine compliance with the covenants and approved plans. If the DRB find the improvements were not completed in strict compliance with the covenants and approved plans, the DRB 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 DRB 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 DRB, the DRB may, at their option, remedy the noncompliance. The owner shall reimburse the DRB upon demand for all expenses incurred in connection therewith. If the owner does not promptly repay such expenses, the DRB shall 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.

No Occupancy of the project shall take place prior to written DRB approval as well as payment of both inspections and any outstanding costs, unless otherwise allowed.

Liability and Variances.

Neither the Association, the Declarant, the Directors, the Consultants, the DRB nor the individual members thereof, may be held liable to any person for any damages for any action taken pursuant to these Covenants, including but not limited to, damages which may result from correction, amendment, changes or rejection of plans and specifications, the issuance of approvals, or any delays associated with such action on the part of the Board of Directors.

Further, the Committee may, upon application, grant a variance from the Architectural Regulations, provided that the spirit of these Covenants is complied with and design merit is determined. The Committee shall have the duty and power to make the final decision on the granting of the variance, without any liability being incurred or damages being assessed due to any decision of the Committee.

Within all section of these covenants, when a variance is indicated that it may be granted, the variance must be requested and approved by the DRB and/or the Bozeman City Commission, as applicable, depending on whether the variance is from the Covenants or from the current City Zoning Ordinance or both.

ACKNOWLEDGEMENT FORM

Owner acknowledges that he/she has received, read, and will abide by this Design Review Process, the Declaration of Residential Protective Covenants and Restrictions and the Design Review Guidelines & Regulations for the Baxter Meadows Master Community Association
Violations of these documents and/or addenda will be remedied by the DRB whereupon the Lot/Home Owner will be responsible for the cost of the remedy.

I (We) _____
am/are the owner(s) of record of Lot _____ of Block _____ in Phase ___ of Baxter Meadows Planned Unit Development. I/We have read these requirements and understand their implications. My (Our) signature(s) below is/are evidence of my/our intent to comply with these requirements.

Signature-Lot Owner: _____ Date: _____
Printed Name: _____
Mailing Address: _____
Telephone: _____ FAX: _____
Email: _____

Signature-Contractor: _____ Date: _____
Printed Name: _____
Mailing Address: _____
Telephone: _____ FAX: _____
Email: _____

FORM A (Optional)
SKETCH DESIGN REVIEW APPLICATION

PHASE, BLOCK, LOT NUMBER: _____

Owner: _____

Mailing Address: _____

Telephone: _____ FAX: _____

Email: _____

BUILDER: _____

Firm: _____

Address: _____

Telephone: _____ FAX: _____

Email: _____

ARCHITECT: _____

Firm: _____

Address: _____

Telephone: _____ FAX: _____

Email: _____

LANDSCAPE ARCHITECT: _____

Firm: _____

Address: _____

Telephone: _____ FAX: _____

Drawings submitted (please check):

- Review Fee
- Site Plan
- Floor Plans
- Roof Plan
- Elevations
- Landscape Concept Plan

Submitted by: _____ Date: _____

Signature: _____

FORM B
CONSTRUCTION DESIGN REVIEW APPLICATION

PHASE, BLOCK, LOT NUMBER: _____

Owner: _____

Mailing Address: _____

Telephone: _____ FAX: _____

Email: _____

BUILDER: _____

Firm: _____

Address: _____

Telephone: _____ FAX: _____

Email: _____

ARCHITECT: _____

Firm: _____

Address: _____

Telephone: _____ FAX: _____

Email: _____

LANDSCAPE DESIGNER: _____

Firm: _____

Address: _____

Telephone: _____ FAX: _____

Drawings submitted (please check):

- Review Fee
- Inspection Fees
- Site/Grading Plan
- Floor Plans
- Roof Plan
- Elevations & Sections
- Samples & Cut Sheets
- Rendered Elevation
- Landscape Plan

Submitted by: _____ Date: _____

Signature: _____

FORM C
APPLICATION FOR CHANGE(S)

PHASE, BLOCK, LOT NUMBER: _____

Owner: _____

Mailing Address: _____

Telephone: _____ FAX: _____

Email: _____

BUILDER: _____

Firm: _____

Address: _____

Telephone: _____ FAX: _____

Email: _____

ARCHITECT: _____

Firm: _____

Address: _____

Telephone: _____ FAX: _____

Email: _____

Change Description: (attach sketch of proposed change)

Reason for Change:

Submitted by: _____ Date: _____

Signature: _____