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Shelley Vance-Gallatin Co MT MISC 42.00

May 20, 1991  
(Revised October 2004)

## HYALITE FOOTHILLS HOMEOWNERS ASSOCIATION

*Subdivision No. 1 & No. 2*

### ARCHITECTURAL STANDARDS

*Original Covenants Recorded in Film 27 page 123*

#### General Information

1. **Purpose:** To insure that the placement and appearance of new and existing structures are in harmony with the original character and aesthetic qualities of the subdivision. Compliance with these standards, which serve to supplement, clarify, and enhance restrictions set forth in the covenants, insures adherence to the architectural provisions of the covenants.
2. **Authority:** Authority for the approval of building design, placement, construction, and landscaping is vested in the Homeowner's Association by Section III of the covenants.
3. **Jurisdiction:** These standards apply to all structures in the subdivision including additions or exterior remodels to existing structures.
4. **Responsibilities:** Appointed by the Board of Directors of the Homeowner's Association, the Architectural Committee is delegated to review and approve drawings and specifications of new construction or alterations to existing structures, to make site visits as necessary to determine compliance and to report non-compliance to the Board.

#### Review and Approval Procedure

1. **General:** To initiate the process, a Review Request form must be submitted to the Architectural Committee prior to the start of construction. Within thirty days of receipt of the request, the Committee must provide notification of approval or disapproval to the applicant. If the project is disapproved, the applicant may appeal this decision to the Board of Directors, which has final approval authority.
2. **Submittal Requirements:**
  - a) A Review Request form providing specifications for exterior siding, trim, and roof. Specifications should include type, color and finish of materials. The applicant will post a notice clearly visible from the street on the property when a review request has been submitted. The notice shall be provided by the Association and shall remain in place on the property until construction begins.



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- b) Standard architectural drawings including a site plan, a floor plan, and elevation drawing. The site plan shall include the building footprint, proposed landscaping, well, septic locations (showing tank, drain field, and reserve area), and setback requirements.
  - c) Samples of siding, trim, and roofing materials with colors to be used.
3. **Inspections:** A request for review and approval implies the granting of permission to Architectural Committee members to visit and inspect the site prior to and during construction.
  4. **Design Changes:** Changes or modifications to approved plans must be resubmitted for review and approval.

## Site

### 1. Setback Requirements:

**Front:** On Lots of one (1) acre or more, a minimum of fifty (50) feet is required from the roadway easement line (as noted on the recorded plat) to the furthest structural projections, but not including eaves, overhangs or plantings of any structure.

**Side and Rear:** At least thirty (30) feet is required from all property lines to the building line of any structure.

2. **Building Orientation:** Placement should take into consideration the location of roads, neighboring dwellings, and setback requirements that allow for views and solar gains.
3. **Temporary Structures:**
  - a) One temporary building, such as a storage shed or shop, may be used on any tract during the course of continuous construction.
  - b) No permanent dwelling building can be used as a dwelling until the house is completely enclosed and roof is on.
  - c) One house trailer will be permitted only during construction of the main dwelling house, and construction must be continuously prosecuted. Permission to use the trailer as a living unit will not at any time exceed eight (8) months.



- 4. **Grading:** No fill, dirt, muck or rock shall be removed from the premises, nor shall the elevation thereof be changed in any manner, if by so doing it shall result in a detriment to adjacent parcels.
- 5. **Drainage:**
  - a) The site plan shall show a culvert, of a size conforming to county standards, to be placed in the front or side drainage swale at the point any drive crosses said swale.
  - b) No property owner shall obstruct, divert or alter by unnatural means, the flow of water or any water course existing on the lands of Hyalite Foothills, without providing equal or better substitute drainage facilities. No lake or pond shall be constructed, filled, or altered without prior written consent.
- 6. **Sanitary Restrictions:** No building or shelter, the use of which necessitates supplying water, sewage or waste disposal, shall be used as a dwelling until the water supply system, including location and construction thereof, together with location and construction of sewage or waste disposal system, shall comply with the standards of rules and regulations of the State Board of Health or any other governing body having jurisdiction thereof.

### Architecture

- 1. **General:** New construction is encouraged and moving existing structures into the subdivision is highly discouraged. Only construction of single family homes is permitted. Multiplex dwellings are not acceptable.
- 2. **Building Size and Height:** No single family dwelling house on any tract of one (1) acre or more shall have less than 1200 square feet of ground floor area. This is exclusive of garages, carports, porches, or any other addition thereto.

<b>Roof Pitch in Feet</b>	<b>Maximum Building Height in Feet (R-1)</b>
<i>Less than 3:12</i>	24
<i>3:12 or greater, but less than 6:12</i>	28
<i>6:12 or greater, but less than 9:12</i>	32
<i>Greater than 9:12</i>	36

*Approval of exceptions shall take into consideration, steeply-sloped lots, unusual design, views, and solar impacts on existing dwellings.*

- 3. **Siding and Trim:** Materials encouraged are natural wood siding and logs. Brick and native stone may be used as accents. Recognizing the progressiveness of the building industry, the Architectural Committee is open to considering new materials that can be utilized effectively in building while maintaining the purpose of these standards.



4. **Roofs:** Design should be consistent with building size, shape, and form. Solar collectors and skylights should appear to be part of the overall roof design and must be placed flush with the slope of the roof or integrated into the design of the roof. Flat and domed roofs are discouraged. Fire resistant roofing materials rated Class A shall be encouraged. Muted and subdued colors should be chosen to harmonize with the surrounding color schemes.
5. **Fireplaces, Chimneys, and Flues:** They are to be designed to avoid smoke and fumes at ground levels during down-slope wind. Chimneys may be clad with: natural stone, stucco, brick, or wood enclosures. A chase of materials that match the dwelling is encouraged for chimneys that extend more than 3 feet above the roof surface or line.
6. **Outbuildings:** All plans for outbuildings including detached garages that are constructed subsequent to the main dwelling are subject to review and approval and must conform to these standards. Placement on the lot should give consideration to enhancing the appearance of the subdivision.

### Landscape Elements

1. **General:** Graded areas must be smoothed and seeded. Planting of trees and shrubs are encouraged.
2. **Fences/Privacy Screens:** All perimeter fences should be of wooden rail and post construction. Any area in which a horse or horses are kept must be completely fenced with wooden rails and posts. The inside of rail fences may be lined with inconspicuous wire fencing for the purpose of containing dogs. Privacy screens should be constructed of natural wood materials. Natural wood colors and stains for the preservation of fences and screens are recommended.
3. **Exterior Lighting:** All exterior lighting shall be reflected downward.

### General

1. **Antennas / Satellite Dishes:** They should be positioned in unobtrusive locations with respect given to local aesthetics and views from adjacent properties.
2. **Animal Kennels:** Kennels must be placed in an area which is inconspicuous and removed from the direct view of neighbors and the primary road.

*See Attached Notary*



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*Michelle Schaeffer, Treasurer of Hyalite Foothills Homeowners Association Representative*

State of MONTANA  
County of GALLATIN

This instrument was acknowledged before me KIMBERLY L BUCHANAN on APRIL 22, 2005 by MICHELE SCHAEFFER.

*Kimberly L Buchanan*  
Notary Public for the State of Montana  
Residing at:  
My commission expires: 08-23-08

Kimberly L. Buchanan  
Notary Public for the State of Montana  
Residing at Bozeman, Montana  
My Commission Expires August 23, 2008

