



Architectural Design Guidelines

Introduction and Overview

The Lakes is an exclusive residential neighborhood located in the Riverside Master Planned Community in Whitefish, Montana. The overall intent for The Lakes is to create a community where family, empty nesters, singles and working professionals can live in a neighborhood setting similar to the ones in which they grew up; a neighborhood where children can play safely, couples can take walks together, or the dedicated fitness enthusiast can find room to roam.

The Lakes will be a 107-acre upscale community with approximately 210 homesites divided into three areas:

- 1) “The Lakes at Riverside” – 60 custom homesites
- 2) The “Lakes Cottages” – 66 zero lot-line waterfront residences
- 3) The “Lakes Village” – 84 neo-traditional lots.

The purpose of these Design Guidelines is to provide an overall framework for Residential design and to create a cohesive development. These guidelines are intended to prohibit certain practices while yielding the individual the opportunity to explore personal expression. These Design Guidelines will provide standards for architectural design, landscape design and site planning, as well as the process for approval for all projects and construction regulations. These Design Guidelines will be adopted by an Architectural Review Committee (ARC) pursuant to the Declaration of Covenants, Conditions and Restrictions Riverside at Whitefish (Omnibus). In addition, each of these areas have separately recorded Declaration of Covenants, Conditions and Restrictions. For any conflicts between these guidelines and the recorded Declaration of Covenants, Conditions and Restrictions, the recorded Declaration of Covenants, Conditions and Restrictions shall prevail. These Design Guidelines shall apply to all Lots and Parcels located within The Lakes.

Section I Definitions

Unless the context otherwise specifies or requires, the following words or phrases when used in these Design Guidelines shall have these specific meanings. Terms defined in the Declaration shall have the meaning specified herein.

Architect

“Architect” means a person appropriately licensed to practice architecture or landscape architecture in any of the United States and who provides “Pre-Qualified Design Services”.

Builder

“Builder” means a person or entity engaged by an Owner for the purpose of construction of any Improvement within the Project. The Builder and Owner may be the same person or entity. If a Builder is not the same as the Owner, the ARC will require the Builder to be registered with the State of Montana and provide proof of liability and worker’s compensation insurances.

Builder’s Deposit

“Builder’s Deposit” means the amount as specified by the Architectural Review Committee (ARC), which a Builder must remit prior to beginning any residential construction in The Lakes. If the Builder or any of his agents should violate the Declaration or these Design Guidelines and it becomes necessary for either the ARC to remedy the violation, the cost of the remedy may be charged directly to the Owner / Builder or against the Builder’s Deposit. This amount is subject to change at the sole discretion of the ARC.

Building Envelope

“Building Envelope” means that portion of a Lot which encompasses the maximum allowable developable area of the Lot as specified by the ARC. Modification of the Building Envelope can only be made by the ARC (and with the approval of the City of Whitefish). The building envelope must comply with the City of Whitefish WR-2 zoning requirements.

Combined Lots

“Combined Lots” refers to the grouping or clustering of two or more Lots into one replatted Lot with commonly owned amenities but individually owned Residences, not exceeding the same number of single-family dwellings as the number of Lots which were grouped. The building envelope shall not increase over and above the permitted building envelope permitted on the largest of the lots combined.

Common Area/Public Area

“Common Area” or “Public Area” means all land and Improvements now or hereafter designated as such on the Plat, the Declaration, or the Association Rules.

Construction Envelope

“Construction Envelope” is the specified area on a Lot or parcel within which all structures, driveways, parking, nonnative landscaping, water surfaces, decks, walks, and improved recreation facilities are located. Underground utilities may be located outside the Construction Envelope.

Custom Lot Criteria

“Custom Lot Criteria” means a supplemental criteria to the Design Guidelines, as adopted by the ARC, that illustrate Lot specific building limitations, set-backs and driveway locations.

Declaration

“Declaration” means the Declaration of Covenants, Conditions, and Restrictions for the Lakes, as amended and recorded from time to time.

Designer

“Designer” means an individual who has demonstrated competency in the site analysis, planning and technical knowledge in an environment with similar opportunities and constraints as are common in The Lakes. (See Pre-Qualified Design Services)

Architectural Review Committee (ARC)

“Architectural Review Committee” means the reviewing body which reviews and approves all submitted Improvements established pursuant to the Declaration.

Design Guidelines

“Design Guidelines” means the restrictions, review procedures, and construction regulations adopted and enforced by the Architectural Review Committee (ARC) as set forth herein and as amended and supplemented from time to time by the ARC.

Development Guide

“Development Guide” means The Lakes approved preliminary plat including the conceptual Building Envelopes, a copy of which will be on file at the ARC office. The Development Guide may be amended from time to time, or incorporated herein by reference.

Excavation

“Excavation” means any disturbance of the surface of the land (except to the extent reasonably necessary for planting of approved vegetation), including any trenching which results in the removal of earth, rock, or other substance from a depth of more than 12 inches below the natural surface of the land or any grading of the surface.

Fill

“Fill” means any addition of earth, rock, or other materials to the surface of the land, which increases the natural elevation of such surface.

Four-sided Architecture

“Four-sided Architecture” shall mean all elevations of a Residence being considered as equal, distinct planes in their level of design and articulation, and will be reviewed as such by the ARC.

Improvements

“Improvements” means any change, alteration, or addition to a Lot, including any Excavation, Fill, Residence or buildings, outbuildings, roads, driveways, parking areas, walls, retaining walls, stairs, patios, courtyards, hedges, poles, signs and any Structure or amenity of any type or kind. Exterior art and sculpture which is visible from Neighboring Lot or common Area is also considered an Improvement.

Indigenous Species

“Indigenous Species” means a species of plant, whether groundcover, shrub, or tree that is found in any Natural Area and are referenced in these Design guidelines from time to time.

Light Reflective Value (LRV)

“Light Reflective Value” is the reflectivity of a surface measured by a calibrated light meter. The value represents the percentage of light reflected from a space-pure white. White has an LRV value equal to 100% while flat black has an LRV value equal to 0%.

Lot

“Lot” means a subdivided Lot or other building site as shown on the Plat.

Lot Survey

“Lot Survey” means that information obtained through an engineer or surveyor depicting existing features, inventory, and Lot configuration.

Natural Grade

“Natural Grade” is the existing contour of a homesite, prior to the time any alterations, grading, or site work is done to the Lot.

Neighboring Lot Visibility

“Neighboring Lot Visibility” shall mean, with respect to any given object or activity, that is or would be visible without artificial aids from six (6) feet above any other Lot of similar elevation, provided such other Lot is within any of the Lots or Common Areas.

Common area

“Common area” means all land, Improvements, and Common Areas now or hereafter designated as such on the Plat, or the Declaration or the Association Rules.

Owner

“Owner” means the Owner of a Lot. For the purpose herein, the Owner may act through such Owner’s agent, provided that such agent is authorized in writing to act in such a capacity.

Pre-Qualified Design Services

“Pre-Qualified Design Services” means any architect/designer that has demonstrated capabilities to the Declarant, and/or the ARC, through examples of previous and current projects, to design within the context and appropriateness of the site.

Privacy Walls

“Privacy Walls” means walls not to exceed 6’ in height to be constructed of materials compatible with the exterior of the house, used to screen garbage areas, dog runs, barbecue areas, hot tubs, etc.

Private Area

“Private Area” means that part of the Building Envelope which is surrounded by walls and is not visible from any adjacent Lot or Common Area.

Residence

“Residence” means the building or buildings, including any garage, and other accessory buildings, used for residential purposes on a Lot, and any Improvements constructed in

connection therewith. Unless otherwise defined, “Residence” shall mean single-family Residence.

Structure

“Structure” means anything constructed or erected on a Lot, the use of which requires location on the ground or attachment to something having location on the ground.

Transition Area

“Transition Area” means that part of the Building Envelope which is adjacent to a Natural Area and Private Area and may or may not be enclosed by walls.

Walkout

“Walkout” shall mean that portion of the Residence which is partially constructed underground, and as such has at least one elevation which is visible from the downhill side of any Lot.

Section II Architecture

Compliance with the Local Codes

All building and structures erected within The Lakes and the use and appearance of all land within The Lakes shall comply with all applicable local zoning and code requirements as well as the Declaration and these Design Guidelines.

Architectural Theme

All Residences and other Structures which are constructed will be considered Four-sided Architecture. Equal attention to all elevations in terms of detailing, materials and colors must be utilized, and will be reviewed as such by the ARC.

All buildings and other Improvements erected within The Lakes must be approved by the ARC prior to submittal to the local government or the commencement of construction.

Preliminary architectural designs for all buildings and Structures must be reviewed and tentatively approved by the ARC prior to the preparation of final plans to be submitted to the City of Whitefish.

The ARC encourages product designs and use of materials and styles appropriate to the region. Architectural design should be sensitive to and compatible with the natural environment.

The ARC encourages use of details, which will soften and enhance the architectural design. These include:

1. Detail and relief of windows, entrances and doors.
2. Breaks in the roofline with elevation changes.
3. Shade structures, canopies, and walks.
4. People gathering/activity spaces.
5. Attention to service spaces.

When a building design has been approved and the necessary building permit obtained from the City of Whitefish, the applicant should proceed in a timely manner with the commencement and completion of all construction work. The Owner shall have 12 months to complete construction after receiving a building permit. Such commencement shall occur within 90 days from the date of obtaining the building permit. IF the applicant fails to comply with the 90-day commencement, the approval from the ARC may be revoked. If the construction is not completed, the Association shall have the right to assess the Owner for the cost of completion, and shall collect such costs as provided in the Declaration.

Building Materials

All exterior building materials must be approved by the ARC. The acceptable siding, fascia, soffit and exterior trim materials shall be wood (i.e. cedar), engineered wood products (i.e. LP siding or Masonite), or concrete fiber lap siding (i.e. Hardi-plank). Engineered materials must be applied according to manufacturer specifications to insure the validity of the manufacturer's warranty. Exterior decking may be an engineered decking material but the ARC reserves the right to specify allowed product and colors of such product.

Metal and vinyl siding, soffit, and fascia are specifically disallowed.

Roofing

All roofs shall be of a material, texture, and color approved by the ARC and must be of a minimum 5/12 pitch with 2' minimum overhangs. Dormers and other roof projections may be permitted at a lower roof pitch as long as the overall appearance of the structure is not compromised in the opinion of the ARC. The overall appearance of the Residence will be an important consideration. Overhead screens, shade covers, patio roofs, and other similar structures shall be constructed of materials and colors to match the main roof. An owner-provided sample of the any proposed roof materials and colors shall be reviewed by the ARC during the submittal process. All vents and other roof penetrations and projections shall be colored to match the finished roof material color. No mechanical equipment of any kind will be permitted on roofs.

Roofing materials permitted include wood shakes and asphalt composite shingles. Metal roofing is not permitted within the development. Asphalt composite shingles shall be at a minimum a 30 year architectural grade shingle. Alternative roofing materials may be permitted at the ARC's discretion as long as the materials are integral with the overall design of the structure.

Roof ridgelines shall be an important consideration during the design review process. Pitched roof lines may not extend more than 40 feet in any direction without either a horizontal or vertical change in direction. The overall roof structure must be compatible with the overall character of the neighborhood and the neighboring structures. The roofing material must be of a color to complement the structures exterior color scheme.

Exterior Colors

The exterior colors of all the buildings and structures must be submitted with the application to the ARC. The samples of the colors must be provided on the materials on which they will be applied and the colors and material finishes must be specified on the plans submitted to the ARC. Earth tone colors shall be permitted but the ARC will encourage the color schemes consistent with "Old Town Whitefish". Exterior colors of neighboring structures will be considered by the ARC to help insure the integrity of the neighborhood.

Any repainting or redecorating of exterior surfaces will also require submission of a color scheme to the ARC for approval unless repainting with the same color scheme used in the initial construction of the structure.

Masonry

Masonry veneer enhances the perception of richness and quality of a Residence and provides an opportunity for added texture and color. Stone masonry, being reflective of the surrounding natural environment, is preferred over brick masonry.

The following criteria shall apply to masonry use:

1. Faux or natural stone must conform to the natural shades of the area.
2. Blending of faux tone colors is encouraged to gain a greater sense of richness and capture the variation found in natural stone.
3. Brick must be in muted shades with modeled faces. No combed or raked surfaces are allowed.
4. Concrete block colors must be in muted shades.
5. Masonry elements must be integral to the architecture and not merely an applied feature.
6. Masonry shall wrap masses in their entirety.
7. Applied cut stone tiles are acceptable.
8. Stone grouting thickness should be understated in proportion to the stone thickness, or not visible, as in the case of ledge stone applications. Large mortar joints or “weeping mortar” are not allowed.

Height of Residences and Structures

The ARC intends to discourage, and has the right to prohibit, the construction of any Residence or other Structure which would appear excessive in height when viewed from the street or other Lots anywhere in The Lakes.

Building projections such as chimney flues will be reviewed on an individual basis by the ARC and their compliance with the height restrictions determined accordingly.

The design of the structures for each of the three distinct neighborhoods in the Lakes must comply with the following height restrictions:

The Lakes at Riverside – Maximum height is 36’ irrespective of chimneys from natural grade at the foundation wall.

The Lakes Cottages – Maximum height is 30’ irrespective of chimneys from natural grade at the foundation wall.

The Lakes Village – Maximum height of residence is 29’ irrespective of chimneys from the top of street curb at the midpoint of the lot. Detached garages will have a maximum height of 20’ and may not have any exterior stairs constructed to access any living space or storage space built in the attic of the garage.

Retaining walls and other walls not directly supporting a Residence or Structure, except screen walls, shall not exceed 8 feet in height, measured from the lowest Natural Grade (measured on the outside of the wall) adjacent to the wall. The appearance of such walls over 6 feet in height must incorporate a 6-foot separation between walls to be softened by landscaping. Retaining walls which directly support a Residence or Structure will be considered part of the elevation and will therefore be included in the overall height restrictions as listed above and reviewed by the ARC accordingly. Screen and freestanding walls may not exceed 4 feet in height measured from the lowest Natural Grade adjacent to the wall

Building Envelope

If an Owner owns two contiguous Lots and wants to combine the two Lots into a single homesite, the Owner may do so only with the prior consent of the ARC. When considering combining Lots, the Owner must recognize that the size and location of the Building Envelope shall remain the same as depicted on the original Custom Lot Criteria of the original Lots and any requests for changes to the Building Envelope due to specific Lot configurations are subject to ARC approval. If a revision in the Building Envelope is desired, the Owner or his representative is urged to submit a proposed revised Building Envelope for combined Lots prior to acquisition and/or as early in the design process as is reasonable prior to preliminary submittal. Specific focus will be placed on, but not limited to the following:

1. Adverse impacts to adjacent properties due to adjustments in Building Envelope
2. Preservation of view corridors both to and from the newly configured Lot
3. Building height restrictions
4. Architectural massing.

The plat for a newly configured single Lot must be approved by the County or The City of Whitefish and must be recorded. All expenses associated with recording the new Lot and pursuing any required governmental approvals are the responsibility of the owner.

Size and Massing

Each Residence must be composed of multiple masses with each mass distinguished by a minimum vertical and horizontal offset of two (2) feet. At least two distinct masses, with a maximum of a 50' dimension along any given wall plain, must be visible from each building elevation and the size of each must be in proportion to the overall scale of the Residence.

Building Projections

All projections from a Residence or other structure including, but not limited to, chimney flues, extended overhangs, vents, gutters, downspouts, utility boxes, porches, railings, and exterior stairways shall match the color of the surface from which they project, or shall be of an approved color. Any building projection must be contained within the Building Envelope.

Antennae/Satellite Dishes

There shall be no antennae which extends beyond the highest roofline or satellite dish of any sort (except 24 inch satellite dishes) either installed or maintained, which is visible from any neighboring Building Envelope or as required by local codes. The ARC shall have the right to impose reasonable requirements with regard to the installation of any and all antennae and satellite dishes (including, but not limited to, 24 inch satellite dishes) in accordance with F.C.C. regulations. The locations of antennae and or satellite dishes must be shown on the elevations submitted with the plans for ARC review.

Window, Skylights and Glass Block

Skylights should be integrated into design of the roof, energy conservative, and consistent with the materials of house. Windows and clerestories of vinyl, wood with aluminum cladding, or wood are preferred for the local climate. Skylights will only be permitted on pitched roofs on a case-by-case basis and must be integrated in the roof design and glazing must be a color compatible with adjacent roof color. White vinyl windows are permitted as long as the required wood trim surrounding the windows is also painted white and is part of the overall design of the building.

Patios and Courtyards

Patios and courtyards shall be designed as an integral part of the architecture of the Residence.

Solar Application

Solar collectors can result in excessive glare and reflection, and can only be approved in advance by the ARC if they are integrated into the Structures or landscaping on a Lot and will not be visible from any neighboring Building Envelope.

Barbeques, Firepits and Fireplaces

Built-in barbeques, firepits and/or fireplaces must be contained within the rear yard patio or courtyard. Chimney elements must be sited to avoid obstructing views from adjacent properties. Also, caution must be exercised to avoid the proximity of smoke to neighboring Residences. The chimney element of such Improvements must set back a minimum of ten (10) feet from any side or rear view fence panel. Gas and wood burning units will be allowed only as permitted by environmental regulations.

Walls

Walls or fences may be used for privacy, to delineate the Private Areas from the rest of the Building Envelope, and as screening for cars and service areas of the Residence. They should be a visible extension of the architecture of the Residence, and must be located within the Construction Envelope. The colors of exterior walls, must conform to the same color standards as described above. Privacy or screen walls exceeding 3 feet in height from the lowest Natural Grade adjacent to the outside wall must be approved by the ARC.

Service Yard

Walls or adequate planting are required as screening for a service yard, if any, to enclose above-ground garbage and trash containers, and other outdoor maintenance and service facilities, which must be of sufficient height so equipment may not be visible from a neighboring Lot.

Guest House

A guesthouse which includes a kitchen will only be permitted as outlined in the City of Whitefish ordinances. Where permitted, such Structures should be designed as a single visual element with the Residence, and should be visually connected by walls, courtyards, or other major landscape elements. The guest suite, without a kitchen, can be constructed on any Lot either detached from or attached to the Residence with the approval from the ARC and as permitted by the local governing authority. No guest house or guest suite may be leased or rented separately from the main residence.

Greenhouses

Greenhouses must be attached to the Residence and be ARC approved.

Awnings

Awnings must be retractable and require ARC approval. Awning overhang colors must complement the Residence exterior.

Ancillary Structures

All ancillary Structures, including but not limited to armadas, gazebos, and pavilions, should be designed in the same architectural style as the main Residence including use of colors, exterior materials, and landscaping. They must be visually connected by walls, courtyards or other major design elements.

Basketball Hoops and Other Recreational Facilities

Basketball hoops and backboards may be installed on any Residence, when approved in advance by the ARC. The installation of such items will be subject to any stipulations imposed by the ARC. Particular attention will be given to the visual and acoustic privacy of adjacent Lots, as well as color and visibility of its location. Lighting of the hoop and backboard, or other recreational facilities, is not permitted.

Tennis courts will not be permitted on any Lots.

Ornamental Objects

Exterior ornamental objects such as, but not limited to, metal, ceramic, or wood sculptures, fountains, ponds, statues and plastic characters require ARC approval. These objects are not permitted in front or street side yards. Approved fountains may be installed in rear yards only and shall be limited in height to five (5) feet above finished grade of the Lot and must be compatible with the architectural character of the community.

Flag Poles

Freestanding flagpoles will not be allowed on any Lot. The American flag, State of Montana flag or other appropriate flag may be displayed if it is hung from a pole bracket that is mounted to the Residence, suspended from a roof overhang or as otherwise permitted by local authorities.

Building Orientation

The location and orientation of all buildings and structures must be approved by the ARC prior to submittal to the City of Whitefish for construction permits. Building orientation and design should maximize energy efficiency.

Site Work

Owners should be creative in the design process. Owners are encouraged to alter as little of the site as possible from its original condition, protecting existing watersheds and drainageways wherever possible. Structures should be limited to the areas on the site where drainage, soil and geological conditions will provide a safe foundation.

Garage and Parking Spaces

Garage doors must be integrated with the design of the Residence in material and massing. Detached garages are permitted in compliance with applicable building codes. Where possible, main garage openings should be oriented away from views from the street. Each Residence shall contain parking space within the Lot for at least two automobiles in an enclosed garage. Carports are not allowed. Two additional parking spaces are required to accommodate guest parking. No overnight on-street parking will be permitted unless a request is made and approved by the ARC. Other than personal automobiles, all vehicles including commercial trucks, boats, trailers, campers and recreational vehicles must be kept in the garage.

Driveways

Location of entry driveways must be approved by the ARC. Driveways shall be a maximum of 16' wide at the curb and are permitted to widen within the Lot. Driveways accessing garages from alleyways (Lakes Village) shall be permitted to be the width of the garage.

Where driveways cross drainage ways to enter any Lot, the Owner must provide a culvert with concrete or stone headwalls of a design subject to approval by the ARC.

No "horse-shoe" style driveways will be permitted.

Circular driveways are permitted within the Lot so long as there is only one curb cut not wider than 16'

Setbacks

Setbacks must conform to those as indicated and as recorded on the Plat. No Improvements may fall within the minimum setbacks.

Washes/Arroyos

Natural drainageways occur throughout The Lakes, and should not be obstructed. Improvements should be sited to avoid these washes/arroyos, although they can be sited at the edge of a wash, and walls or other Improvements may be designed and constructed to bridge washes without obstructing 100-year storm flows, subject to approval by the ARC.

Home Identification

Detached address identification signs for a Residence must conform to the approved design specification provided by the ARC and must be installed by each single-family Lot Owner. No additional signage detached from the Residence will be permitted, except

temporary construction signs, or other, as permitted by the Declaration and approved by the ARC.

Lighting

The following lighting criteria for The Lakes has been carefully considered. The intent of this criteria is to create a unified, natural effect which will not interfere or compete with the night time views. Any additional individual lighting may only be approved by the ARC if it is limited to a small area within the Building Envelope and will not result in excessive glare. In an effort to allow each Owner the flexibility and freedom to creatively resolve unique conditions, the ARC will ultimately consider the acceptability of each installation and its resultant light levels and visual effects on surrounding properties and Common Areas on a case-by-case basis.

The ARC will not approve a lighting design as part of the design review process if it is not in strict compliance with these Design Guidelines, however, it will review alternative installations in the field, if requested by the Owner in writing. In order to avoid excessive costs, it is required that any variations from the approved final design be mocked up for ARC review prior to permanent installation. The ARC accepts no liability for any costs or hardships resulting from lighting installations found to be unacceptable to the ARC, and all such findings shall be at the sole and final discretion of the ARC.

Interior Lighting

Interior lighting becomes a concern of the ARC when the light that spills to the exterior causes glare when seen from neighboring properties or Common Areas. Special attention should be given to the aiming and brightness of display lighting and other intense accent lighting as it may be reflected to the exterior, particularly through high windows, clerestories or skylights that are allowed. Darkly tinted glazing may be used on skylights and clerestories, and dark tinting of glass areas or the use of window coverings at other doors and windows may be required to reduce light spill from interior spaces that may require exceptionally high light levels.

Exterior Lighting

Exterior lighting as used here shall mean light sources that are located outside the home. Exterior lighting serves one of three general purposes for the purposes of these Design Guidelines: a) safety; b) security; and c) recreational for the visual enjoyment of outdoor living spaces as characterized below:

a) Safety Lighting

Low voltage lighting mounted in a low profile manner may be used to illuminate vehicular and pedestrian circulation and assist in circulation outdoors.

b) Security Lighting

This lighting is intended to provide bright illumination during emergency situations only, which may include unauthorized trespass, unusual or threatening sounds and/or activities. It must be circuited and controlled separately from any and all other lights. All security lighting must be controlled by sensors.

c) Recreational Lighting

Lighting intended to illuminate exterior living areas, such as patios, landscaping behind walls or in Private Areas. Such lighting may be used only during waking hours. Lighting for visual enjoyment may often provide for safety requirement around outdoor living areas and safety lighting may sometimes contribute to the visual enjoyment of the landscape. Because of differences in the frequency and duration of use and the objective of minimizing unnecessary lighting, these lighting functions must be circuited and controlled separately.

Location/Use

Upward directed lights will be limited to illumination of only large, mature specimen trees as specifically approved by the ARC and must be limited to a total of 50 watts or three (3) light fixtures, whichever is less.

Holiday Lighting

Lighting for holidays is allowed, however, every effort should be made to mount such displays in locations that are not obtrusive to, or damage the natural environment. All holiday lighting should be in place for only 30 days prior to and ten days after the date of holiday.

Wattage

The maximum wattage of any exterior light fixture is 50 watts.

Mounting

Unless otherwise approved by the ARC, exterior lighting shall be mounted as follows:

In the ground or on a post not exceeding 18" above grade;

In or upon a wall not exceeding 8' above grade;

Discretely attached to mature trees without causing sway at a height not exceeding 8' above grade.

Aiming

All exterior lights shall be considered either uplights or downlights in accordance with the following requirements:

(a) Uplights

Must be aimed so that the focus of the light source is within 10 degrees of vertical. An exception would be those fixtures mounted below a roofed patio area that are aimed upward. The light source of such fixtures must be fully shielded behind the eaves and therefore such fixtures will not be counted in the maximum number of allowable uplights. Uplights that cause light spill into the night sky will not be approved.

(b) Downlights

No maximum number of downward directed lights has been determined. However, they must be mounted in an approved manner and must be aimed downward within 10 degrees of vertical and shielded so that no light source may be visible. The ARC reserves the right to reject a downward directed light if, in its sole discretion, it appears excessive, inappropriate, or not in conformance with the lighting philosophy of The Lakes.

All lighting design and location must be approved by the ARC.

Lot Restrictions

No more than one Residence and one guesthouse may be constructed on any Lot.

Machinery and Equipment

No machinery, fixtures or equipment of any type, including but not limited to, heating, cooling, air conditioning and refrigeration equipment and clotheslines, may be placed on any Lot without the prior approval of the ARC. Approval shall be conditioned upon proper screening or concealment from view of a neighboring Lot. The screening or concealment shall be solid and integrated architecturally with the design of the building or structure, shall not have the appearance of a separate piece or pieces of machinery, fixtures, or equipment. Said screening shall be constructed and positioned in such a manner so it is level and plumb with horizontal and vertical building components and shall be structurally stable in accordance with sound engineering principles. Ground

mounted air conditioning units shall be concealed by a solid enclosure on all sides visible from a neighboring property or the street. Location and screening shall be approved by the ARC. Wind turbines are not allowed.

Water Conservation

Water conserving accessories, appliances and facilities are required within and in connection with each Residence and other Improvements within The Lakes. Such facilities shall include, but not be limited to, low flow showerheads, flow reducers on faucets, water conserving lavatories, washing machines and dishwashers.

Garbage

No garbage or trash may be placed on any Lot except in covered containers meeting the specifications of the local jurisdiction. Rubbish, debris, and garbage shall not be allowed to accumulate. Each Owner shall be responsible for removal of rubbish, debris and garbage not only from his Lot but also from all public rights-of-way either fronting or siding his Lot excluding (a) private roadway Improvements and (b) those areas specified on a Tract Declaration or subdivision plat to be maintained by the The Lakes Community Association.

Utility and Service Lines

No gas, electric, power, telephone, water, sewer, cable television or other utility or service lines of any kind may be placed, allowed, or maintained upon or above the ground of any Lot except to the extent, if any, that underground placement may be prohibited by law or would prevent the subject line from being functional. Above ground service pedestals, splice-boxes, switch cabinets and transformers will be permitted, where required for public utilities or the landscaping of Common Areas.

Section III Landscape Design Guidelines

Landscaping

Type, size and location of all tree(s) and shrub material shall be reviewed by the ARC. Shrubs will be required in all yards and will be utilized to soften and screen. As a minimum, all landscapable areas within a Lot must utilize sufficient plant material to conceal disturbed areas and return them to their pre-construction densities. All bare earth must be covered by an approved organic material to provide a clean, dust-free appearance.

All completed Residences must have all yards landscaped and trees planted within eighteen (18) months of commencement of construction. All unsold spec units must have their front yards landscaped and trees planted within six (6) months of completion. Prior to landscaping, all yards must be maintained in a neat, dust-free condition.

No tree, shrub, or plant of any kind on any lot may overhang or otherwise encroach upon roads or other pedestrian ways from ground level to a height of eight (8) feet, without the prior approval of the ARC.

In all site design and site layout, careful attention to common area and any view corridors is important and will be considered during review by the ARC.

Walls, Fences, Gates

Residential fences in The Lakes at Riverside and The Lakes Cottages shall be a maximum of three (3) feet high as measured from an adjacent grade. Walls between areas with an elevation difference of greater than two feet will require case-by-case approval by the ARC. Closely spaced parallel walls will not be permitted. Privacy walls attached to the house may be approved or required by the ARC. Under no circumstances shall a wall be erected between the street and the house front.

Specifically for The Lakes Village, fences may be constructed of wood at the height of 5'. Neighbors who agree may also construct a common privacy fence down the property line. These fences must be set back from the street side face of the residence a minimum of 4'. The street side face is the wall of the structure that contains the front entrance to the residence. The rear setback for these fences is 7'.

For residences constructed on end lots, the privacy fence must be set back 4' from the street side face of the residence and also 4' back from the street side face of the neighboring residence. Fences constructed on the longest side of the lot facing the side boundary street must not exceed 4'.

Prior to the construction of any fence or wall, plans indicating materials to be used and location shall be submitted to the ARC for approval. Lot lines and Building Envelope shall be verified by the Builder (or Owner) prior to construction.

Any fences or walls installed by the Developer will not be removed, altered or painted without the ARC prior written approval.

Site Drainage and Grading

Site drainage and grading must be accomplished with minimum disruption to the Lot and shall not drain onto adjoining Lots and Common Areas, except as established by natural drainage patterns, nor cause a condition that could lead to soil erosion on Common areas. Water drainage patterns must remain unchanged to entering and exiting the Lot in the manner they did naturally prior to any construction.

Developing a proper drainage plan will be the responsibility of the Owner. Existing road shoulder drainage patterns should be maintained where driveways intersect streets. Any drainage damage that may occur from one Lot to adjacent Lots or Common Areas because of a change in natural conditions will be the responsibility of the owner of the Lot which caused the unnatural drainage flow. Approval of a drainage plan by the ARC does not make the ARC liable or responsible to the Owner or others with respect to the adequacy of the engineering or otherwise, but merely implies compliance with the intent of these Design Guidelines and with design aesthetics. ARC approval does not eliminate or reduce the obligation of the Owner to comply with all legal requirements and be responsible for all damages resulting from changes in natural condition.

Section IV Site Planning

Site Planning

The location and orientation of all buildings and other Structures must be approved by the ARC prior to submittal to the City of Whitefish.

All site planning issues and designs must take into consideration all specific design criteria analyzed and depicted on the individual Custom Lot Criteria.

Section V Construction Regulations

In order to assure that the natural landscape of each Lot is not damaged during any construction activities; the following regulations shall be enforced during the construction period. These regulations shall be made a part of the construction contract document specifications for each Residence or other Improvements on a Lot and all Builders, Owner, and other persons shall be bound by these regulations. Any violation by a Builder shall be deemed to be a violation by the Owner of the Lot.

Policing of building sites during construction will be done by ARC members and The Lakes ARC representatives acting as roving inspectors on regular intervals. Violation to the Construction Regulations will be reported to the ARC and a letter will be sent to the Builder involved. Copies of the letter will be sent to the Lot owner and the ARC Representatives. Continued violation of these policies and procedures may result in the Builder and subcontractor being denied access to The Lakes.

Pre-Construction Conference

Prior to commencing construction, the Builder must meet with a representative of the ARC to review construction procedures and coordinate his activities in The Lakes. At the pre-construction conference, the Builder must provide the following:

- (1) Builder's Deposit must be deposited with the ARC representative.
- (2) Construction area plan.
- (3) Construction Envelope trash containment plan.
- (4) Construction Schedule. An approximate construction schedule indicating start and completion dates of construction, utility hook-up, completion of landscaping work, and anticipated occupancy date. Any significant delays or interruptions to the construction schedule must be submitted to the ARC at the earliest possible time.
- (5) Any other items as may be requested by the ARC.

Occupational Safety and Health Act Compliance (OSHA)

All applicable OSHA regulations and those outlined in these Design Guidelines must be strictly observed by any Owner, Builder or other representatives while within the property of The Lakes.

Construction Trailers, Portable Field Offices, Etc.

Any Owner or Builder who desires to bring a construction trailer, field office, or the like to The Lakes shall first apply for and obtain written approval from the ARC at the time of pre-construction conference. The ARC will work closely with the Owner or Builder to determine the best possible location in the Building Envelope. Such temporary Structures shall be located only in a location approved by the ARC and shall be removed within fifteen (15) days after certificate of occupancy is issued by the City of Whitefish.

Debris and Trash Removal

Owners and Builders shall clean up all trash and debris on the construction site at the end of each day. Trash and debris shall be removed from each construction site at least once a week to a dumping site located outside of The Lakes. Lightweight material, packaging, and other items, shall be placed in a closed container, covered or weighted down to prevent wind from blowing such materials off the construction site. Owners and Builders are prohibited from dumping, burying or burning trash anywhere on the Lot or in The Lakes, except in the areas, if any, expressly designated by the ARC. Disposal of any type of chemical, cleaner, fuels, oils or any toxic or environmentally harmful materials is absolutely prohibited at The Lakes.

During the construction period, each construction site shall be kept neat and shall be properly policed to prevent it from becoming a public eyesore, or affecting other Lots and any common area designated on the final plat. Any clean-up cost incurred by the ARC or the Association in enforcing these requirements will be billed to the Owner. Dirt, mud, or debris resulting from activity of each construction site shall be promptly removed from private roads, common areas, and driveways or other portions of The Lakes.

On each construction site, the Builder must designate a wash out area within the Construction Envelope for contractors and suppliers to clean their equipment. The cleaning of equipment must occur, and cleaning effluent must remain, within the specified area. Equipment cleaned in any area other than the designated area will result in the ARC imposing a fine or retaining the Builder's Deposit to repair any damages resulting from such equipment cleaning in improper areas. Any trees or branches removed during construction must be promptly cleaned up and removed immediately from the construction site.

Sanitary Facilities

Each Owner and Builder shall be responsible for providing adequate sanitary facilities for their construction workers. Portable toilets or similar temporary toilet facilities shall be located only on the site itself or in areas approved by the ARC. Facilities shall be emptied as necessary and contents removed from site.

Vehicles and Parking Areas

Construction crews will not park on, or otherwise use, other Lots or any Common area. Private and construction vehicles and machinery shall be parked only in areas designated by the ARC. All vehicles will be parked so as not to inhibit traffic, and within the area designated by the ARC to avoid damage to the natural landscape.

Excavation Materials

Excess materials must be removed from The Lakes.

Blasting

If any blasting is to occur, the ARC must be informed far enough in advance to make sure that the applicant has obtained the advice of an expert consultant that the proposed blasting may be accomplished safely. These consultants must so advise the ARC in writing. No blasting or impact digging causing seismic vibrations may be undertaken without the approval of the ARC based on such advice from a qualified consultant. Applicable governmental regulations should also be reviewed and observed prior to any blasting activities. The ARC's only responsibility is to require evidence of such a consultant's expertise and assurances, and shall have no liability for blasting or impact digging.

Restoration or Repair of Other Lot Damages

Damage and scarring to Lot outside the Construction Envelope, including but not limited to, common area, natural vegetation, other Lots, roads, driveways and/or other Improvements will not be permitted. If any such damage occurs, the owner of the Lot will be obligated to ensure that it is repaired and/or restored promptly at the expense of the person causing the damage or the Owner of the Lot within 20 days. Upon completion of construction, each Owner and Builder shall clean his construction site and repair all of the Lot which was damaged, including but not limited to restoring grades, planting shrubs and trees as approved or required by the ARC, and repair of streets, concrete curbs and gutters, driveways, pathways, drains, culverts, ditches, signs, lighting and fencing.

Miscellaneous and General Practices

All Owners will be absolutely responsible for the conduct and behavior of all individuals and entities involved with the construction of improvements on such Owner's Lot including, but not limited to, the Owner's agents, representatives, Builders, contractors and subcontractors in The Lakes. The following practices by such individuals and/or entities are prohibited at The Lakes, and will be considered a violation of these Design Guidelines:

- (a) Changing oil on any vehicle or equipment anywhere within The Lakes other than at a location designed for that purpose by the ARC.

- (b) Allowing concrete suppliers and contractors to clean their equipment on the site itself other than at the locations designated for that purpose by the ARC.
- (c) Removing any rock, plant material, topsoil, or similar items from any Lot of others within The Lakes, including construction sites, unless it is from the site under construction and only then with prior approval from the ARC.
- (d) Carrying any type of firearms within The Lakes.
- (e) Using disposal methods or units other than those approved by the ARC.
- (f) Careless disposition of cigarettes, contaminated and other flammable material. At least one 10 pound ABC-rated dry chemical fire extinguisher shall be present and available in a conspicuous place on the construction site at all times.
- (g) Careless treatment or removal of any plant materials not previously approved by the ARC.
- (h) Unauthorized consumption of alcoholic beverage within The Lakes.
- (i) Use or transit over common areas.
- (j) No pets shall be allowed to roam at will throughout The Lakes. In the event of any violation hereof, the ARC, the Association, or Developer shall have the right to contact the applicable authorities to impound the pets, or to refuse to permit such Builder or Subcontractor to continue work within The Lakes, or to take such other actions as may be permitted by law, the Design Guidelines, or the Declaration.

Catering trucks will not be permitted to use their horns. Also, trash generated by the purchase of items from these trucks and from construction practices must be contained and disposed of properly in trash receptacles. Repeated problems with these requirements could result in the trucks being denied admittance to the Lot.

Construction Envelope Plan

Prior to the commencement of any construction activity on a Lot, the owner and Builder shall provide a detailed plan as to the manner in which the natural terrain will be protected, and the location of the Construction Envelope, to which all construction activity will be confined, including; size and location for construction material storage, limits of Excavation, drive areas, parking, chemical toilet location, temporary Structures, if any, dumpsters, storage of debris, fire extinguisher, utility trenching, and construction sign. This plan should identify the methods for protection, such as fencing, flagging, rope, barricades, or other means, to be set up prior to commencement of construction.

Construction Access

The only approved construction access during the time a Residence or other Improvements are being built will be over the approved driveway for the Lot and within the Construction Envelope fence unless the ARC approves an alternative access point.

Dust and Noise

The contractor shall be responsible for controlling dust and noise from the construction site in compliance with applicable government regulations and the The Lakes grading standards. At no time should the dust and/or noise level be such as to disturb or become a nuisance to the adjacent properties.

Signage

No temporary construction signs shall be allowed without prior approval by the ARC.

Daily Operations and Access

Daily contractor access will be through the designated construction access only during posted construction hours.

Until a residence is occupied in the immediate vicinity, the posted construction hours are as follows:

Monday – Friday	6am – 6 pm
Saturday	8 am – 6 pm

After a residence in the vicinity is occupied, the following hours will apply:

Monday – Friday	7:00am – 6 pm (October 1 – April 30)
	6am – 6 pm (May 1 – September 30)
Saturday	8 am – 6 pm

Sunday and designated holidays by ARC approval only.

Section VI Application Procedures

Introduction and Definitions

Whenever any action by or approval of the ARC is required by the terms of these Design guidelines, request for such action or approvals shall be submitted to the ARC, in accordance with the procedures set forth herein. Request for approvals shall be reviewed by the ARC in accordance with these Design Guidelines and the Declaration. Capitalized terms used in these Design Guidelines shall have the meanings set forth in the Declaration if they are not defined herein. Unless otherwise provided for herein, all periods of time referred to in these Design Guidelines shall refer to calendar days and shall include all Saturdays, Sundays and state or national holidays, provided that, if such a date or, the last date to perform any act or give any notice with respect to these Design Guidelines shall fall on a Saturday, Sunday, or state or national holiday, such act or notice may be timely performed or given on the next succeeding day which is not a Saturday, Sunday, or state or national holiday.

Forms

The ARC shall adopt forms upon which all requests for actions or approvals from the ARC must be submitted. Such forms shall indicate the number of copies of each set of plans, specifications, site plans or other documents, which must accompany the application and set forth instructions to be followed in submitting applications.

Section VII Design Review

Members

The Architectural Review Committee (ARC) shall initially consist of a design consultant appointed by the Developer; the Developer; and two members appointed by the Developer for a total of three (3) members. Each member shall hold his office until such time as he has resigned or been removed or his successor has been appointed as set forth herein.

Except as herein below provided, the right from time to time to appoint and remove all members of the ARC shall be reserved to and vested in the Developer.

Future Appointment of Members

The right from time to time to appoint and remove members shall be reserved and vested in The Lakes Community Association as follows:

Upon the completion of all Lot sales the Association shall thereupon have the right to appoint and remove the members of the ARC.

Resignation of Members

Any member of the ARC may, at any time, resign from the ARC upon written notice delivered to Developer or/to the Association, whichever then has the right to appoint and remove members.

Duties

It shall be the duty of the ARC to consider and act upon proposals or plans related to the development of The Lakes that are submitted pursuant to the Design Guidelines, to enforce the Design Guidelines and to amend these Design Guidelines when, and in a manner deemed appropriate by, the ARC.

Compensation

The members of the ARC shall receive no compensation for services rendered unless authorized to do so by the Developer and/or the Association. All members shall be entitled to reimbursement for reasonable expenses incurred by them in connection with the performance of their duties. Professional consultants and representatives of the ARC used in the Review Process shall be paid such compensation as the Developer and/or Association determines.

Amendment of Design Guidelines

These Design guidelines may be amended in accordance with the provisions set forth in the Declaration.

Each owner is responsible for obtaining from the ARC a copy of the most recently revised Design Guidelines before commencing on any Improvements to the Owner's Lot.

Non-liability

Neither the ARC, any member thereof, nor the Developer, shall be liable to the Association or to any Owner or other person for any loss or damage claimed on account of any of the following;

- (a) The approval or disapproval of any plans, drawings and specification, whether or not defective.
- (b) The construction or performance of any work, whether or not pursuant to approved plans, drawings and specifications.
- (c) The development, or manner of development of any Lot within The Lakes.

Every Owner and other person, by submission of plans and specifications to the ARC for approval, agrees that he will not bring any action or suit against the ARC, or any of its Members, agents, employees or legal representatives, nor the Declarant, or any of its officers, directors, members, agents, employees, legal representatives, regarding any action taken by the ARC.

Enforcement

The ARC may, at any time, inspect a Lot or Improvement and, upon discovering a violation of these Design Guidelines, provide a written notice of noncompliance to the Owner, including a reasonable time limit within which to correct the violation. If an Owner fails to comply within this time period, the ARC or its authorized agents may enter the Lot and correct the violation at the expense of the Owner of the Lot. Any such expense shall be secured by a lien upon the Lot enforceable in accordance with the Declaration.

In the event of any violation of these Design Guidelines, the ARC may, at its sole discretion and in addition to restoration expenses, impose a fine, commensurate with the severity of the violation.

Severability

If any provision of these Design Guidelines, or any section, clause, sentence, phrase or word, or application thereof in any circumstance, is held invalid, the validity of the remainder of these Design Guidelines, and of the application of any such provision, section, sentence, clause, phrase or word in any other circumstance, shall not be affected thereby, and the remainder of these Design Guidelines shall be construed as if such invalid part were never included therein.

Meetings

The ARC shall meet as required to review the application for approvals, but shall not be required to meet more frequently than monthly. All applications must be submitted to the Association at least ten (10) calendar days prior to a meeting at which time an application shall be considered. The Chairman of the ARC may call special meetings upon two (2) days prior written or oral notice to the other members. A quorum for each meeting shall consist of two (2) members. A designated alternate member may participate at any meeting in which there is not a quorum of regular members present, and shall have all of the authority of a regular member while so participating.

Submittal Requirements

Prior to preparing preliminary plans for any proposal, the Builder, Owner, or representative thereof should meet with a ARC Member to discuss the proposed plans and to explore and resolve any questions regarding building requirements in The Lakes.

Submittals should be made to the ARC prior to being submitted to the City of Whitefish for approval. In order for the ARC to review and process proposed plans for site plans and product types, the following items are required:

1. Completed form “request for Plan Approval”;
2. Site plan of preliminary plot showing the location of all buildings and/or structures, driveway, parking areas, Building Envelope, and all other site data required by the City of Whitefish (3 copies);
3. Landscape plans for the Lot, particularly of the entry areas (3 copies);
4. Floor plans, sections, and elevations of each building at the scale to be submitted to the City of Whitefish (3 copies));
5. Sample of all construction materials and colors.

Approval by the ARC of the site plan, building plans, or variances does not guarantee approval by the governing agency.

Decisions

The ARC shall review all applications submitted to it and shall furnish a written decision to the applicant setting forth the reasons for its decisions. An affirmative vote of a majority of the members of the ARC shall be necessary for any decision. In the event the ARC fails to take any action within thirty (30) days after an application has been submitted to it, then the application shall be deemed to have been denied unless the ARC fails to respond within an additional thirty (30) days following written request from the applicant, in which case approval shall be deemed as having been given. The ARC may disapprove any application if there is not sufficient information submitted for the ARC to exercise the judgment required by these Design Guidelines. In all cases, the ARC shall attempt to itemize the nature of its objections. In the event the applicant makes subsequent submissions after an initial disapproval, the application, as resubmitted, deemed approved if the ARC fails to take any action on the resubmitted application within twenty-one (21) days after the new submission.

Variations

The ARC has the authority to deviate from the requirements contained in Articles III or IV of these Design Guidelines in accordance with the procedures set forth in the Declaration.

Appeal To Board

Except as otherwise provided in the Declaration, any Owner aggrieved by the decision of the ARC may appeal the decision to the Board of Directors. Such an appeal must be made within seven (7) days after the decision of the ARC and must be accompanied by the written decision of the ARC together with, if the appeal is made by the applicant, copies of the application and all items submitted to the ARC, and any other relevant evidence previously submitted to the ARC.

Written Records

The ARC shall keep and safeguard complete written records of all applications for approval submitted to it (including one (1) set of all preliminary sketches and all architectural plans), of all actions of approval or disapproval and of all other actions taken by it under the provisions of these Design Guidelines. All such records shall be maintained in the offices of the Association for a minimum of five (5) years after approval or disapproval.

Nature of Approval

Any approval of plans, specifications or proposed construction given by the ARC shall be only for the purpose of permitting construction of proposed Improvements within The Lakes and shall not constitute compliance with city, county, and state laws. Such

approval shall not constitute any approval, ratification or endorsement of the quality or architectural or engineering soundness of the proposed improvement and neither the ARC, its members, the Board, the officers of the Association, nor the developer shall have any liability in connection with or related to approved plans, specifications or improvements.

Section VIII Design Review Procedures

Design Review Architectural Representation

The ARC may employ the services of an Architect or Designer to review submitted plans for conformance to the Design Guidelines. From time to time during the design review process, an Owner and/or his representative may meet or communicate informally with the ARC representative. While it is the intent of these informal meetings to provide direction to the Owner, any comments or suggestions made are done solely to provide direction and they do not represent any official approval or disapproval by the ARC.

Pre-Qualified Design Services

Any architect/designer retained for design services by a Lot Owner shall be required to demonstrate their capabilities to the Declarant and/or ARC before commencement of any work. Such capabilities, expressed through examples of previous and current projects, will be reviewed to determine context and appropriateness. The Declarant and/or the ARC will then notify the Lot Owner of their findings and recommendations. Notwithstanding the foregoing, neither the Declarant, nor the ARC, assumes any responsibility for the sufficiency of the work performed by any Pre-Qualified architect/designer, and no liability whatsoever shall be incurred by, or imposed upon, either the Declarant or the ARC, arising out of, or related to, its pre-qualification of any architect/designer.

Submission of Plans

Plans and specifications shall be submitted to the ARC in accordance with the following conference and submittal requirements and review procedures.

Builder's Deposit/Review Fee

Included with the preliminary submittal shall be a Builder's Deposit/Review Fee in the amount of \$1,350 for "The Lakes Village" or \$1,550 for "The Lakes at Riverside" as specified by the ARC, which a Builder must remit prior to beginning any residential construction in "The Lakes". This amount is subject to change at the sole discretion of the ARC. \$1,000 of each Deposit shall be held as a cleanup deposit. In the event that the ARC finds it necessary to remove debris or cleanup construction site, any costs will be deducted from the \$1,000 deposit. Upon completion of construction, the \$1,000, or remainder thereof, will be refunded. If the Builder or any of his agents should violate the Declaration or these Design Guidelines and it becomes necessary for the ARC to remedy the violation, the cost of the remedy may be charged directly to the Owner/Builder. The \$350 or \$550 is the fee charged for review of the building plan and landscape design.

Review of Plans

The ARC shall conduct reviews of plans during its regular meetings or at such other times, as it deems appropriate. Owner, architects, or Builders shall have no right to attend any meeting of the ARC unless specifically requested by the ARC. The ARC will respond in writing within 10 working days after the review of a complete submittal, provided that the plans are in accordance with the requirements outlined. Results of reviews will not be discussed over the telephone by members of the ARC with an Owner or his architect or Builder. Any response an Owner may wish to make in reference to issues contained in the ARC's notice following review of submitted plans must be addressed to the ARC in writing. Although it is the intent of the ARC to enforce all provisions of the Design Guidelines, the following will be of particular concern:

- (a) Building Envelope usage
- (b) Building heights, massing, and roof-scapes
- (c) Exterior material and colors
- (d) Site development, grading, and drainage
- (e) Landscape plan and exterior lighting
- (f) Design integrity and visual strength

Pre-Design Meeting

Prior to preparing preliminary plans for any proposed Improvement, it is mandatory that the Owner and/or his architect, Builder or representative meet with the ARC architectural representative to discuss proposed plans and to explore and resolve any questions regarding building requirements at The Lakes. This informal review is to offer guidance prior to initiating preliminary design. An appointment for a pre-design conference should be made in advance.

Preliminary Submittal

When the preliminary design is complete, plans that are submitted must include all of the following exhibits; no review will commence until the submittal is complete. Three (3) sets of submittal plans are required.

- (a) Site Plan (scale at 1" = 20' or larger), showing the entire Lot, location of the proposed Building Envelope and Construction Envelope with the Residence and all other structures, driveway, parking area, existing and

proposed topography, proposed finished floor elevations, all trees of 8" caliper or greater, and special terrain features to be reserved and trees to be removed.

- (b) Survey (scale 1" = 20' or larger, same as site plan), by a registered land surveyor or licensed civil engineer showing Lot boundaries and dimensions, easements, topography (2 foot contours or less), major terrain features, rock out crops, washes, trees, and edge of pavement or curb, and utility locations.
- (c) Roof plans and floor plans (scale 1/8" = 1'-0") showing proposed finished floor elevations.
- (d) All exterior elevations (scale 1/8" = 1'-0") showing both existing and proposed grade lines, plate heights, roof pitch and an indication of all exterior materials and colors.
- (e) To assist the ARC in its evaluation of the preliminary plans, the Owner shall provide preliminary staking when requested by the ARC at the locations of the corners of the Residence or major Improvement, and at such other locations and at such heights as the ARC mandates.

Preliminary Review

After receipt of a complete package of documents and the staking of the Lot when requested, the preliminary submission of the Owner will be deemed complete. The ARC will then review the plans and respond in writing within 10 days after the review, but no later than thirty (30) days after a submittal is complete. Approval of a preliminary submittal will be considered valid for one (1) year from the date of approval. The submittal will be considered abandoned if final plans are not submitted in that period and the Owner will be required to start the design review process at the preliminary review stage if the plans become active again.

Final Design Submittal

After preliminary approval is obtained from the ARC, the following documents are to be submitted for final review; review will not commence until the submittal is complete; Three (3) Sets of Submittal Plans are required.

- (a) Site Plans (scale at 1" = 20' or larger), showing the entire Lot, location of the Building Envelope and Construction Envelope with the Residence and all buildings, driveways, parking areas, existing and proposed topography, finished floor elevations, all special terrain features to be preserved, trees to be removed, all utility sources and connections, and site walls.
- (b) Floor Plans (scale 1/8" = 1'-0") showing finished floor elevations.

- (c) Roof Plans (scale 1/8" = 1'0") showing all roof pitches.
- (d) Building section (scale 1/8" = 1'0") indicating existing and proposed grade lines.
- (e) All Exterior Elevations (scale 1/8" = 1'0") showing both existing and proposed grade lines, plate heights, roof type and pitch, and indication of exterior materials and colors.
- (f) Samples of all exterior materials and colors, and literature on window and glass specifications, as requested by the ARC depicting or describing all exterior materials. Samples must be presented on an 8 1/2" x 11" mat board clearly marked with the Owner's name, filing date, and Lot number, and Light reflectivity value.
- (g) Complete landscape plan (scale 1" = 20') showing size and type of all proposed plants, irrigation system, all decorative materials or borders, all retained plants and transplanted plants, indication of plant storage area, materials and debris confinement area.
- (h) Exterior lighting plan showing location and manner of installation for each light, as well as cut sheet for each light to be used.
- (i) On-site staking of all building corners and perimeters as well as other Improvements, as required by the ARC
- (j) A grading and drainage plan showing existing and proposed topography at two-foot contour intervals and a driveway section.

Final Design Review

The ARC will review the plans and respond in writing within ten (10) days after the review, but no later than thirty (30) days after a submittal is complete.

Any response an Owner may wish to make regarding the results of a design review must be addressed to the ARC in writing.

Re-submittal of Plans

In the event of any disapproval by the ARC of either a preliminary or a final submittal, a re-submittal of plans should follow the same procedure as an original submittal.

Site Inspection

As soon as the submission of the final plans is complete, a representative of the ARC will inspect the Lot to determine that the conditions as depicted in the final submittal are accurate and complete. The house perimeter needs to be staked before the site inspection. Engineering certification of foundations and the securing of a building permit is the responsibility of the Owner and/or Builder. Construction documents (working drawings and specifications) are to be in accordance with the final design and plans approved by the ARC. Construction shall not commence until all of the above requirements are satisfied.

Pre-Construction Conference

Prior to commencing construction, the Builder must meet with the representative of the ARC to review construction procedures and coordinate his activities in The Lakes. At the pre-construction conference, the Builder will submit a site plan identifying the proposed locations of a dumpster, storage for construction materials, and temporary restroom facilities, and the temporary construction office, if any. An Owner or Builder who desires to bring a construction trailer, field office or the like to The Lakes shall apply for and obtain written approval from the ARC at the time of the pre-construction conference. In addition, the Owner or Builder must submit an approximate construction schedule indicating start and completion dates of construction, utility hook-up, completion of landscaping work, and anticipated occupancy date. Any significant delays or interruptions to the construction schedule must be submitted to the ARC at the earliest possible time.

Commencement of Construction

The owner shall satisfy conditions and commence the construction of any work pursuant to the approved plans within one hundred-eighty (180) days from the date of such approval. If the owner fails to begin construction within this time period, any approval given shall be deemed revoked unless, upon the written request of the Owner made to the ARC prior to the expiration of said 180-day period and upon a finding by the ARC that there has been no change in circumstances, the time for such commencement is extended in writing by the ARC.

It will be considered that construction has commenced once the Lot has been disturbed. Construction must proceed in a continuous manner through the completion of the Residence. If construction ceases for a period greater than sixty (60) days, the ARC may require that either construction immediately resumes or the Lot is returned to its natural condition. The Builder's Deposit may be forfeited if either alternative is not achieved within three months of written notice of the Owner by the ARC.

The Owner shall, in any event, complete construction of any Improvement on his Lot within twelve (12) months after commencing construction thereof. At the written request of the Owner, and at the sole discretion of the ARC, an extension of time, which must be

set forth in writing, may be granted for so long as the completion of construction is rendered impossible or would result in great hardship to the Owner due to labor strikes, fires, national emergencies or natural calamities.

If the Owner fails to comply with this schedule, the ARC shall have the right (but no obligation) to either have the exterior of the Improvement completed in accordance with the approved plans or remove the Improvements, with all expenses incurred to be reimbursed to the ARC by the Owner.

Inspection of Work in Progress

The ARC may inspect all work in progress and give notice of noncompliance. Absence of such inspection or notification during the construction period does not constitute an approval by the ARC of work in process or compliance with these Design Guidelines.

Subsequent Changes

Additional construction or other Improvements to a Residence or Lot, or changes during construction or after completion of an approved structure, must be submitted to the ARC for approval prior to making changes or additions.

Final Inspection of the Improvements

Upon completion of any Residence or other Improvement, and prior to occupancy, the Owner shall give written notice of completion to the ARC. Within 10 days of such notification, a representative of the ARC may inspect the Residence or other Improvements for compliance. If all Improvements comply with these Design Guidelines, the ARC will issue a written approval to the Owner, constituting a final release of the Improvements by the ARC, said release to be issued within thirty (30) days from the date of notice of noncompliance within which to remedy the non-compliance portions of his Improvement. The Owner may request the ARC for additional time. However, if an extension is not granted, and the Owner has failed to remedy the noncompliance, the ARC may take action to remove, at the Owner's cost, the non-complying Improvements as provided for in these Design Guidelines, including, without limitation, injunctive relief or the imposition of a fine.

If, after receipt of written notice of completion from the Owner, the ARC fails to notify the Owner of any failure to comply within 30 days following the ARC's inspection, the Improvements shall be deemed to be in accordance with the final plan. If a notice of approval is made by the ARC, any unused portion of the builder deposit will be refunded within thirty (30) days after approval.

Non-Waiver

The approval by the ARC of any plans, drawings, or specifications for any work done or proposed shall not be deemed to constitute a waiver of any right to withhold approval of

any similar plan, drawing, or specification subsequently or additionally submitted for approval. Failure to enforce any of the Design Guidelines shall not constitute a waiver of same.

Right of Waiver

The ARC reserves the right to waive or vary any of the procedures set forth herein at its discretion, for good cause shown.

Exemptions

Utility and maintenance building, Structures, and cabinets located on non-residential tracts are exempt from the “Architectural Design Guidelines” portion of this document. However, the ARC will endeavor to attain as high a level of conformance with these standards as is practical for these types of facilities.

Appendix A – Design Review Approvals Checklist

Pre-design Meeting

- Acknowledge Receipt of Design Guidelines
- Receipt of Pre-App Package
- Request Pre-Design Meeting
- Review Owner Objectives on Site
- Review ARC Concerns on Site

Preliminary Submittal

- 3 Sets of Submittal Plans are required
- Site Plan (1" = 20'0" minimum)
- "Results of Survey" of Lot
- Roof Plan and Floor Plan (1/8" = 1'0" minimum)
- Exterior Elevations (1/8" = 1'0")
- Indication of all Exterior Materials and Colors
- Other Items Requested by the ARC
- Preliminary Staking of Concerns and/or Heights of all Major Improvements on the Site, if requested

Final Submittal

- 3 Sets of Submittal Plans are required
- Submit Construction Schedule
- Site Plan (1" = 30'0" minimum)
- Roof Plan and Floor Plans (1/8" = 1'0" minimum)
- Sample of all Exterior Materials, Colors, and Glass Specifications
- Exterior Elevations
- Wall Sections, Details of Patios and Courtyards
- Building Cross Sections
- Exterior Lighting Plan and Lighting Fixtures Cut Sheets
- Landscaping Plan; Irrigation Plan; Proposed Plant Materials; Identify Protected Plants; the Storage Area for Plants, Materials and Debris
- Staking Lot/Residential Corners, if requested
- Notification of Changes Made by the City of Whitefish

City of Whitefish Building Permit

- Upon completion of above steps, a copy of working drawings approved by The Lakes is one of the required submittals to the City of Whitefish

Pre-Construction Conference

- Review Site Requirements with the ARC Architectural Representative
- Builder's Deposit must be submitted
- Review Construction Schedule
- Submit a Site Plan Identifying Location of Any Construction Trailer, Field Office, etc.
- Drawing of Proposed Construction Sign, if any

Final Inspection/Certificate of Occupancy

- Issued by the County or The City of Whitefish upon completion of construction and all required inspections
- Upon final site inspection and release by The Lakes

Design Guidelines Application And Approval Procedure

The following is a general summary of the application and review procedures of the Architectural Review Committee. For more specific information and clarification of current policies, please refer to the Design Review Guidelines or contact the Design Review Board.

The Design Guidelines are the best source of specific information related to the construction of your new home. Each Guideline states its objective/goal, gives the criteria for each type of review and explains whether neighbor's signatures will be required. The guideline also lists specific materials and information that must be included with an application. In addition, some levels of review may include the signatures of neighbors as notification of your project.

The following information should be included in your application:

- ◆ Floor plans (2 copies)
- ◆ Scale drawings (2 copies)
- ◆ Site plan showing size and orientation of the home on the lot (2 copies)
- ◆ Written description of the style of the home or proposed exterior modification

A Committee member will contact you if any additional information is required. The ARC will work with your architect and contractor in order to complete this process in a timely manner. And your contractor may be able to share his/her knowledge of the design review process with you. However, you are ultimately responsible for ensuring that your property complies with the covenants and guidelines.



ARCHITECTURAL REVIEW COMMITTEE (ARC) APPLICATION FORM

PROPERTY STREET ADDRESS: _____

_____ **STATE:** _____ **ZIP:** _____

NAME(S) OF PROPERTY OWNER: _____

PROPERTY OWNER EMAIL ADDRESS: _____

PHONE NUMBER: _____ **(HOME)** _____ **(WORK)**

MAILING ADDRESS (IF DIFFERENT FROM ABOVE): _____

_____ **STATE:** _____ **ZIP:** _____

SUBDIVISION : _____

LOT: _____ **PHASE:** _____

REQUEST FOR APPROVAL

(Please provide a brief description of the request. Use attachments for details, drawings, plans, or catalogue cuts. Refer to the design guidelines for additional information.)

The ARC may void any application that misrepresents a material fact. Signatures must be of legal property owners or agent as power of attorney.

ESTIMATE COMPLETION DATE _____

OWNER'S SIGNATURE

OWNER'S SIGNATURE

PLEASE PRINT

PLEASE PRINT

Permission granted to members of the ARC and Riverside at Whitefish LP staff to enter onto the exterior grounds of my property if needed in preparation for the review of this application.

Acknowledgment of Receipt of Builder's Deposit/Review Fee in the amount of

\$_____. By_____ Date_____