



BIG SKY OWNERS ASSOCIATION

Big Sky Architectural Committee Design Regulations

Big Sky Owners Association, Inc. Design Regulations
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0.0 INTRODUCTION

The standards and procedures established by the BSAC are intended to enhance the overall aesthetics of the BSOA's Jurisdiction. The BSOA and the BSAC shall not bear any responsibility for ensuring the structural integrity or soundness of approved construction or modifications, compliance with building codes and other governmental requirements, and/or the appropriateness of soils, drainage, and general site work. The BSOA and the BSAC shall not be held liable for any injury, damages, or loss arising out of the manner or quality of approved construction on or modifications to an Owner Applicant's Property. In all matters, the BSAC and its members shall be defended and indemnified by the BSOA. In addition, the BSAC relies on information submitted by an Owner Applicant and does not independently verify the accuracy of that information; therefore, the BSAC is not liable for decisions made when it is determined that the basis of those decisions was on inaccurate information submitted by the Owner Applicant.

It is the Owner's sole responsibility to determine if the project requires approvals or permits from other governmental regulatory agencies or Sub-Associations. See Other Approvals for more information located on the Big Sky Owner's Association, Inc website at: www.bigskymt.org: open the Architectural Review tab, click on 'Approval Process,' then click on 'Other Approvals.'

If you have any questions regarding your project or the Design Regulations, please contact the BSAC Manager at 406-995-4166.

1.0 DEFINITIONS

Use of capitalized terms in the pages of this website, unless otherwise defined herein, refer to defined terms in the Amended and Restated Bylaws for the Big Sky Owners Association, Inc. dated January 18, 2008, and recorded in the offices of the Clerk and Recorder for Gallatin (Document #2290050, January 25, 2008) and Madison Counties (Document #124479, February 11, 2008) and as subsequently amended.

Accessory Dwelling Unit or ADU: refers to a secondary Dwelling Unit which is smaller in area and subordinate in use to the principal single-family Dwelling Unit, whether attached or detached.

Adjacent Property or Properties: refers to Property that shares a common boundary with the Subject Property, as well as any Property that is located directly across a street, common area, open space, or water course or as determined by the BSAC relative to the type of project proposed.

Aesthetic Review: refers to post construction review of an Owner Applicant's project completed by Staff to determine if the project is Substantially Complete and in Substantial Conformance with the approved Final Plan. This review is aesthetic only and is not a construction inspection to ensure compliance with any building codes. Performance Deposits are not released to the Owner Applicant until an Aesthetic Review has been performed and the project found to be Substantially Complete and in Substantial Conformance with the approved Final Plan.

Architectural Review Manager: refers to the BSOA staff person responsible for review of all submittals to the BSAC with the Owner Applicant and all discussions regarding such submittals.

Association (or commonly referred to as the "BSOA"): refers to the Big Sky Owners Association, Inc., a Montana nonprofit corporation operating pursuant to §35-2-113, et. seq., MCA, its successors, or assigns.

Average Grade Height: refers to the resulting height from the BSAC average height calculation process. This calculation is determined by taking an average point of grade on each of the four cardinal facades (or view elevations) of a proposed structure and measuring up to the highest ridge point of the structure, excluding chimneys. The four resulting measurements are then averaged for an overall Average Grade Height of the structure.

Big Sky Fire Code: refers to the International Fire Code, 2012 Edition and amendments adopted by the Big Sky Fire Department and any other standards issued by the Big Sky Fire Department.

Big Sky Fire Code Official: refers to the designated official responsible for the review of Fire Code compliance for the Big Sky Fire Department

Big Sky Fire Department or BSFD: refers to the fire department in Big Sky, Montana.

BSAC: refers to the Big Sky Architectural Committee.

BSFD Design Requirements for Driveways: refers to the current version of the general design requirements for residential driveways per the Big Sky Fire Department policies, the applicable portions of the Gallatin and Madison County Subdivision Regulations and the International Fire Code, 2012 Edition as adopted by the Big Sky Fire Department

BSOA Bylaws (or commonly referred to as the “Bylaws”): refers to the Amended and Restated Bylaws for the Big Sky Owners Association, Inc. adopted in October 2019.

BSOA Jurisdiction (or commonly referred to as the “Jurisdiction”): refers to the jurisdiction of the Association as set forth in the BSOA Bylaws.

BSWSD: refers to the Big Sky Water and Sewer District.

Building Envelope: refers to a designated area wherein all structures must be built as indicated on a plat map or within the Covenants.

Class A: refers to a material rating standard outlined in the National Fire Prevention Association Codes and Standards (NFPA 1144). A Class A rating is considered the highest performing fire rating for roofs. Common Class A roof coverings include asphalt fiberglass composition shingles, concrete, and flat/barrel-shaped tiles. Some materials have a “by assembly” Class A fire rating which means, additional materials must be used between the roof covering and sheathing to attain that rating.

Commercial Building: refers to a structure used primarily for commercial uses but may contain one or more Dwelling Units.

County: refers to either Gallatin County or Madison County in the State of Montana.

Covenants: refers to a declaration of protective covenants, inclusive of condominium declarations, that are recorded in the public records and applicable to real property within the relevant Association’s Jurisdiction.

Dark Sky Lighting: refers to a designation given to outdoor light fixtures that meet specific requirements outlined in this document to reduce light pollution, light trespass, glare, and offensive light sources. Most manufactures tag fixtures that meet these requirements as “dark sky rated”.

Design Element Change: refers to any visual change in design element including, but not limited to, changes in space, line, shape, form, color, and/or texture of a structure.

Designated Project Representative: refers to anyone authorized in writing or verbally by the Owner Applicant to represent their interest in an application submitted to the BSOA or presented to the BSAC. Designated Project Representative shall be documented in the relevant meeting minutes.

Detached Structures: refers to any other building on the Property that does not share a common wall or common contiguous roof with the main residence or structure. Detached Structures can include, but are not limited to: garages, barns, other out buildings, and ADUs. In some subdivisions in the BSOA, garages, barns, out buildings, and ADUs are allowed.

Dwelling Unit(s): refers to a structure or portion thereof providing complete, independent living facilities for one or more persons, including permanent provisions for living, sleeping, cooking and sanitation.

Easement(s): a limited and defined right to cross or otherwise use someone else's land for a specified purpose. Easements must be written and recorded documents.

Exception: refers to an approved deviation by the BSAC from the BSOA Design Regulations.

Exterior Elevation(s): refers to architectural sheets showing renderings of a home from different cardinal directions/views.

Final Plan Review: refers to the final BSAC review of a project involving New Construction or a Major Alteration. This occurs after sketch plan approval. The Final Plan Review includes, but is not limited to the Site Plan, Landscape Plan, exterior lighting, and finish materials being used for the project. Final plans are required by the Covenants or the BSAC to be submitted for approval prior to the commencement of any construction activity.

Landscape Plan: refers to the plan submitted at the Final Plan Review, or separately as with Minor Alterations for landscape changes, which includes all vegetation, stone, or other site ornamentation.

Licensed Architect: an accredited licensed individual who must oversee architectural work on a project.

Licensed General Contractor: the person or company responsible who has been registered with the Montana Department of Labor and Industry for overseeing a construction project to ensure a construction job is completed safely, timely, and in accordance with the specifications.

Licensed Land Surveyor: an accredited professional who conducts land surveys to measure and define real property and its boundaries.

Licensed Structural Engineer: an individual who holds a valid certification who creates drawings and specifications, performs calculations, reviews the work of other engineers, prepares reports, and evaluates and observes construction sites.

Madison County Subdivision Regulations: refers to a document recorded in April of 2015 by Madison County, Montana that governs subdivision development within Madison County. The document can be found on the Madison County Planning Department website.

Major Alteration(s): refers to construction activity that involves the construction or creation of new or additional square footage, removal of exterior walls, or construction of a new structure

or modification of an existing structure using a new or existing foundation. Activities of a more minor nature, such as reroofing or re-siding, may be considered a Major Alteration based on scope and/or duration of the project and at the sole discretion of the BSAC.

Master Sign Plans: refers to a sign plan for a residential or commercial development that is approved by Gallatin County in accordance with the Zoning Regulation. At the time of this document, there are no current Master Sign Plans in Madison County.

Minor Alteration(s): refers to small scale exterior construction or renovation projects to homes or properties within the Jurisdiction. Examples include but are not limited to: repairing or replacing siding and decks, painting, roof repairs, small landscape alterations, window replacements, and propane tank installations.

Multi-Family Dwelling: refers to a structure or portion thereof used for occupancy by three or more families living independently of each other in three or more Dwelling Units in the same building structure, that may or may not be subject to the Montana Unit Ownership Act, §70-23-101 et. seq., MCA. Examples of these types of structures in the Association's Jurisdiction are: Cedar Creek Condominiums, Elkhorn Creek Lodges, Skycrest Condominiums, Morning Sun Condominiums and Broadwater I Condominiums.

New Construction: refers to construction activity regarding the new construction of Single-Family Dwellings, Multi-Family Dwellings, or Commercial Buildings (or any construction which may alter the footprint or floorplan of an existing building).

NFPA 1144: refers to the National Fire Prevention Association Code and Standards. For more information regarding this document and BSOA fire prevention regulations refer to the BSOA Wildfire Risk Reduction Policy.

Owner Applicant(s): refers to one or more persons submitting an application to the BSAC for review, who holds the record title to any Unit, Lot, or Tract of land within the boundaries described in Exhibit A of the Amended and Restated Bylaws for the Big Sky Owners Association, Inc., excluding in all cases any person holding an interest merely as security for the performance of an obligation.

Pre-Sketch Plan Review: refers to a one-on-one consultation with the staff Architectural Review Manager in which he/she reviews the proposed project plans to give feedback prior to a formal review by BSAC. The first two hours of a Pre-Sketch Plan Review are complementary but additional time may be subject to an hourly charge.

Property: refers to a Unit, Lot or Tract that is within the Association's Jurisdiction.

Road Right-of-Way: refers to an easement granted or reserved over the land for transportation purposes. This can be for a highway, public footpath, rail transport, canal, as well as electrical lines, other utility lines and oil and gas pipelines. The width of these easements varies and can be ascertained by contacting the respective County where a Property is located. The Road

Right-of-Way cannot be used for storage of any kind, the disposal of any item, or the installation of permanent structures.

Setback(s): refers to the designated distance from the Property boundary within which no permanent improvements may be built. Setbacks are defined on plat maps, in Covenants or the Zoning Regulation. The stricter setback will apply if more than one setback is defined.

Single-Family Condominium: refers to a freestanding structure or a duplex consisting of no more than two Dwelling Units that is subject to the Montana Unit Ownership Act, §70-23-101 et. seq., MCA. Examples of these types of structures in the Association's Jurisdiction are: The Brownstone Condominiums, Fairways at Big Sky, Townhomes at Crail Ranch, The Pinnacle Condominium, and Cascade Ridge.

Single-Family Dwelling: refers to one freestanding Dwelling Unit.

Site Plan: refers to the plan submitted to the BSAC along with any application showing the lot location, Property boundaries, setbacks and building envelope, orientation of any buildings, structures, and/or landscaping within the building envelope existing and proposed, any easements within the Property, utilities, driveway, Snow Storage, and staging of equipment and materials, and disposal containers for the proposed project.

Sketch-Plan: refers to the draft architectural plans and application submitted for the purpose of Sketch-Plan Review.

Sketch-Plan Review: refers to the first review of a New Construction or Major Alteration application in which the BSAC and Staff reviews structural elements such as height, roof and wall length, the overall Site Plan, layout, design appropriateness for the neighborhood and structural compliance of an application. Review fees for the application must be paid prior to the Sketch Plan Review.

Snow Storage: refers to areas designated within property bounds to store snow removed from the driveway or other locations within the property. Snow Storage locations shall be shown on submitted the Site Plan and approved by BSAC.

Sports Court: refers to multi-use recreational courts such as, but not limited to, tennis, pickleball, or basketball courts.

Staff: refers to the BSOA staff member appointed to handle BSAC approvals.

Sub-Association: refers to the other owner associations (i.e., subdivision or condominium) within the BSOA Jurisdiction.

Subject Property: Owner Applicant's property under BSAC review.

Substantial Completion or Substantially Complete: refers to the status of project where all exterior finishes and landscaping work have been completed, construction equipment and machinery have been demobilized, construction staging materials including, but not limited to,

portable toilets, dumpsters and all debris have been cleared from the site. Landscaping will be considered Substantially Complete when all vegetation and stonework proposed by the approved Landscaping Plan have been installed per the plan and all vegetation has been established (i.e., seed has taken and grown over at least 75% of treated areas).

Substantial Conformance: refers to a determination by Staff or the BSAC that a project is consistent and in conformance with the approved Final Plan and that all conditions of that approval have been met.

Temporary Signs: refers to signs or banners not of a permanent nature installed for more than one week but less than ninety (90) days.

Utilities: refers to services delivered to residential and commercial units and dwellings, which include but are not limited to electricity, gas lines, propane tanks, cable television, fiber optics, telephone, water storage and other related services.

Variance: refers to an approved deviation from a Subdivision Covenant where allowed. Variances require the opportunity for comment by all Adjacent Property owners to the Owner Applicant Property. As such, all submission materials are required to be submitted twenty-eight (28) days prior to review.

Vision Triangle: refers to a triangular area located (30) thirty inches above grade for the purpose of maintaining clear sight of roadway and its motor vehicle traffic, non-motorized vehicles, and pedestrians. The 3-points of the triangle shall be defined by two triangle corner points each point located 15-feet from the center line that runs down the middle of the driveway/road along the front property boundary line and connects to a third point, located 10 feet from the front property boundary towards the intersecting roadway.

Water Features(s): refers to the definition in Section 3.1.

Zoning Regulation(s): refers to the zoning regulations adopted for the Gallatin Canyon/Big Sky Zoning District on July 30, 1996 (Gallatin County Commission Resolution 1996-38) and as subsequently amended. At the time of this amendment, Madison County does not have any zoning regulations.

2.0. PROFESSIONAL SERVICES

2.1 Licensed Architect

Each Owner Applicant shall retain the services of a Licensed Architect for the development of architectural drawings and specifications for New Construction of habitable space. The preparation of architectural drawings and specifications are to be supervised and stamped by that architect, who must be a Licensed Architect. Minor Alterations or non-habitable additions do not require drawings from a Licensed Architect or an architectural stamp. Major Alterations may require a Licensed Architect depending on the specifics of the application, which shall be determined by the BSAC on a case-by-case basis. Owner Applicant shall provide proof that the Licensed Architect is insured against professional negligence, errors, and omissions with a limit of liability of not less than \$1 million. Upon the completion of the Project before the Performance Deposit is returned, the Licensed Architect must certify via written letter that the Project has been completed to drawing requirements and all applicable current building codes. In the event the Licensed Architect is licensed by a state other than Montana, Owner Applicant must comply with Section 2.3 below.

2.2 Licensed Land Surveyor

Each Owner Applicant shall retain the services of a Licensed Land Surveyor to identify property boundaries and the building footprint whenever new construction is being proposed or if the existing building footprint will be expanded unless such expansion is clearly within the property boundaries and setbacks as determined by the BSAC. The Owner Applicant is responsible for providing the BSAC with a letter from the Licensed Land Surveyor upon completion of the above services and prior to beginning any construction. The written letter shall confirm identification of property boundaries and building footprint and completion of site staking as it relates to the designated building setbacks or envelope.

2.3 Licensed Structural Engineer

When an out-of-state Licensed Architect is retained for the development of architectural drawings and specifications for New Construction, each Owner Applicant shall retain the services of a Montana-state Licensed Structural Engineer to oversee preparation of construction drawings. Major Alterations may also require a Licensed Structural Engineer, depending upon the specifics of the application as determined by the BSAC. A Licensed Structural Engineer is not required for Minor Alterations. The Owner Applicant is responsible for providing the BSAC with a letter from the engineer licensed to practice in the state of Montana upon completion of the above services and prior to beginning construction. Owner Applicant shall provide proof that the Licensed Structural Engineer is insured against professional negligence, errors, and omissions with a limit of liability of not less than \$1 million. Upon the completion of the Project before the Performance Deposit is returned, the Licensed Structural Engineer must issue a statement of compliance via written letter that the Project has been completed to meet all applicable regulatory agencies and building codes.

2.4 Landscape Architect

For all New Construction, each Owner Applicant is encouraged to retain a landscape architect to design the Landscape Plan.

2.5 Licensed General Contractor

For New Construction, each Owner Applicant shall retain the services of a Licensed General Contractor for the building of habitable space. Minor Alterations or non-habitable additions do not require a Licensed General Contractor. Major Alterations may require a Licensed General Contractor depending on the specifics of the application, which shall be determined by the BSAC on a case-by-case basis. Owner Applicant shall provide proof that the Licensed General Contractor is insured against professional negligence, errors, and omissions with a limit of liability of not less than \$1 million. Upon the completion of the Project before the Performance Deposit is returned, the Licensed General Contractor must certify via written letter that it has followed all the approved architectural plans submitted by the Licensed Architect and Owner Applicant. In addition, it has received conformation letters from a surveyor, soils engineer, electrician, and plumber that all applicable building codes have been met.

3.0 SITE DESIGN

Site design should take into consideration existing property and neighborhood features including but not limited to: topography, existing trees and vegetation, solar orientation, views, adjacent buildings, streams, and natural habitat. Buildings should be located in a manner that minimizes disturbance to the environment and should preserve the natural features of the site. Building locations should minimize the impact of cut and fill for roads, buildings, paths, and other site improvements. Buildings should be located with consideration to reducing and limiting wildfire and other natural hazard exposures, including taking into consideration the proximity of structures to forested trees and vegetation. Projects consisting of more than one building should take building massing, the building site, grouping of buildings, and building orientation to one another into consideration, while allowing for adequate space between the buildings for fire protection and emergency service access. In addition, individual buildings should be located in a manner that preserves the character of the open space in the development and wherever possible should be located adjacent to existing tree masses rather than in the center of an open site, so long as a defensible space for fire mitigation is maintained.

The site design shall be illustrated on the Site Plan submitted to the BSAC for all New Construction projects or when the building footprint is proposed to be modified. When substantial landscaping features such as berms and clusters of vegetation are proposed to be added and/or removed from a site without modifying the building footprint, these landscaping features shall be identified on the Landscape Plan. For all New Construction, a Landscape Plan is required for review by the BSAC.

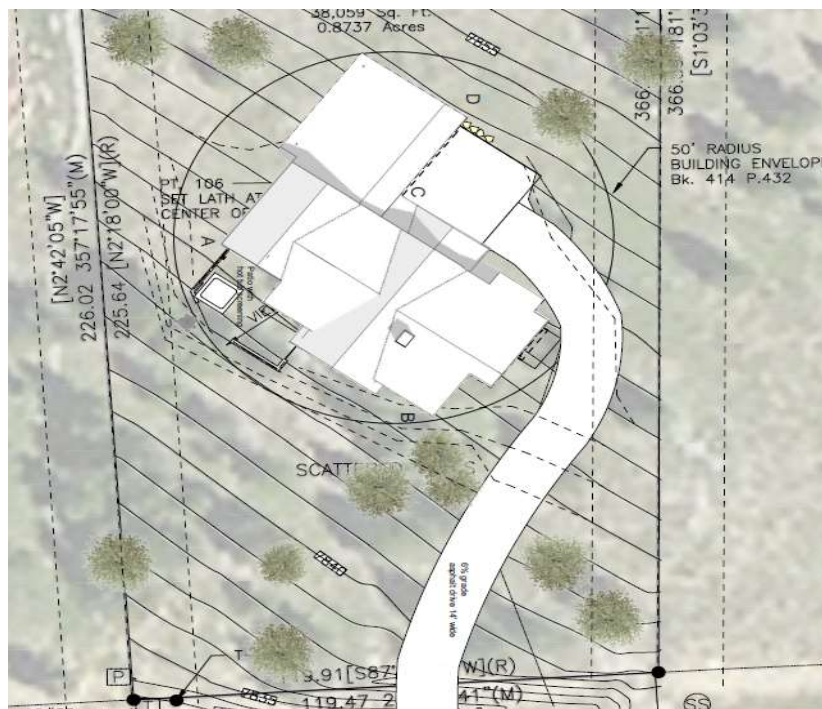
3.1 Streams and Wetland Protection

Property within the BSOA's Jurisdiction may contain streams, rivers, creeks, water courses and/or wetlands (collectively called Water Features). It is the Owner Applicant's responsibility to ensure that improvements and work done on the Property are in compliance with all regulatory requirements (including but not limited to permitting and Setback requirements). Water Features must be indicated on the Site Plan and Landscape Plan, as appropriate. Excavation of the site shall also consider runoff from snowmelt and rain fall in order to minimize soil erosion to the site. The Landscape Plan shall include a buffer zone of not less than 5 feet between the landscaped areas of the plot and the unmanicured natural landscape of the plot.

3.2 Property Boundaries, Setbacks and Building Envelopes

All construction work and site mobilization activities must be performed on the Owner Applicant's property on which approval is granted by the BSAC. All buildings and improvements of a permanent nature shall not encroach within the Setbacks and shall be within the Building Envelope if one has been designated. It is the sole responsibility of the Owner Applicant to submit plans showing the most restrictive Setback or Building Envelope requirement. For details, see Figure 3.2. Roof overhangs may encroach into Setbacks or outside of the Building Envelope up to two feet, if allowed by County or Covenants regulations.

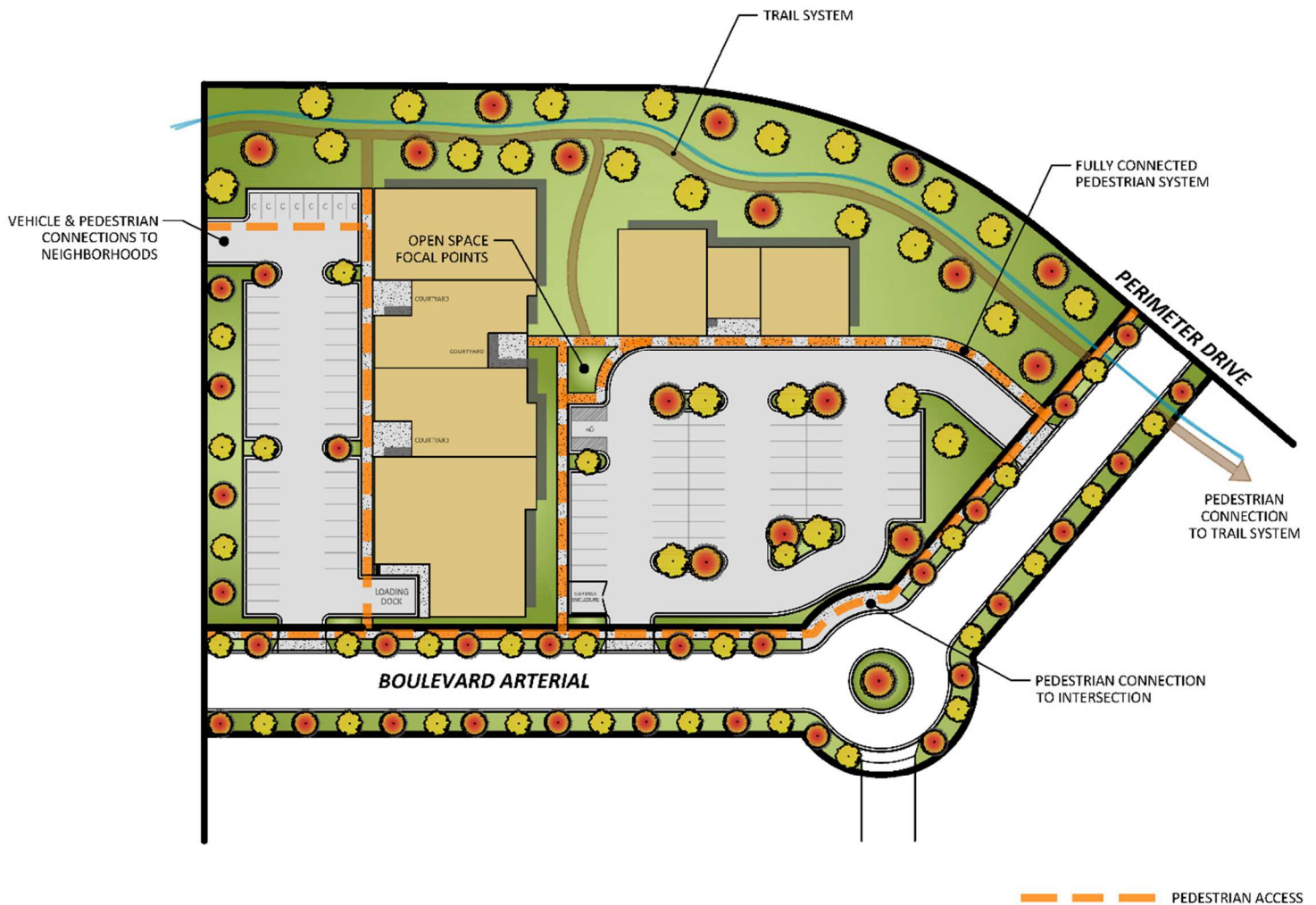
Figure 3.2 Property Boundaries, Setbacks and Building Envelopes (Example Only)



3.2.1 Commercial/Multi-Family Property Boundaries, Setbacks and Building Envelopes

For Commercial Buildings and Multi-Family Dwellings the designated parking areas may encroach up to ten (10) feet within the Setbacks provided such parking areas shall not be within public and private rights-of-way. Walkways, paths, sidewalks, and trails providing safe pedestrian access will be allowed in the Setbacks and may be located within public rights-of-way, where such access has been granted by the applicable authority. Sites that facilitate a fully connected pedestrian and non-motorized transportation system are encouraged as illustrated on Figure 3.2.1.

Figure 3.2.1 Commercial/Multi-Family Property Boundaries, Setbacks and Building Envelopes (Example Only)



3.3 Building Envelope Amendments and Setback Variances

Amendments to platted Building Envelopes must be applied for and approved by the applicable County. Owner Applicants may request feedback from the BSAC to any proposed amendment to a platted Building Envelope during Sketch Plan Review. If requested by the applicable County for the proposed amendment to the Building Envelope, the BSAC will provide to the County a copy of the approved BSAC meeting minutes from the Sketch Plan Review. Prior to Final Plan Review, the Owner Applicant must submit a copy of the recorded plat showing the amended Building Envelope.

Variances to Setbacks established in the Zoning Regulations for New Construction within Gallatin County shall be applied for with Gallatin County Zoning and Planning. An Owner Applicant may request feedback from the BSAC to any proposed Setback Variance during Sketch Plan Review. If requested by Gallatin County for the Setback Variance, the BSAC will provide Gallatin County with a copy of the approved meeting minutes from the Sketch Plan Review. Prior to Final Plan Review, the Owner Applicant must submit the approved Variance application showing the amended Setbacks.

As of the date of this document, Madison County does not have zoning regulations or setback rules. However, Madison County does have the Madison County Subdivision Regulations and developers of new subdivisions in Madison County shall comply with any and all relevant regulations from the County. If Madison County develops zoning regulations or other governing documents, those regulations shall be a requirement for New Construction or Major Alterations within Madison County.

Variances to Setbacks as prescribed in the Covenants shall be amended in accordance with the procedures established in the Covenants. If the Covenants do not provide for a procedure to grant a Variance to Setbacks, then a Variance shall not be granted.

3.4 Landform: Grading, Cut/Fill and Drainage

All grading and other changes to the landscape should blend in with the surrounding natural environment. All cut and fill areas should feather into the natural topography within the Property. The extent of the cut and fill shall be done in such a manner to minimize changes to the landscape. All site grading will provide adequate drainage around the building and should not allow drainage to flow onto Adjacent Properties or cause significant erosion. It is the responsibility of the property Owner Applicant to ensure surface run-off design complies with all applicable local, county, state, and federal regulations.

3.5 Site Disturbance

Any disturbance to a site including, but not limited to, grading, tree or vegetation removal, landscaping, geotechnical work, and utility installation, or access through a neighboring property for such, shall be minimized. Prior to any proposed disturbance to a site, the Owner Applicant must first obtain BSAC approval through the BSAC review process. Site work will be

evaluated based on the area (square footage and/or % of site) proposed to be disturbed, number and percentage of trees or vegetation to be removed and overall degree of disturbance. Site restoration is required which may include new plantings, re-grading, seeding or anything deemed necessary to remediate the property to a state similar to that prior to site disturbance.

For applications involving geothermal designs, a geotechnical report must be submitted with the application. Geothermal designs should be included on the Site Plan and Landscape Plan, submitted to BSAC and is subject to BSAC review. Where such work is planned, the Owner Applicant shall provide a geothermal survey of well locations and other features of the design.

3.6 Retaining Walls

It is required that retaining walls of permanent construction (such as poured concrete walls) not encroach into Setbacks, Easements, or be built outside the Building Envelope unless otherwise approved by the BSAC. Retaining walls shall not be greater than four (4) feet in height, and twenty-four (24) feet in uninterrupted length. The BSAC may grant exceptions to this provision if, in the sole judgement of the BSAC, the site conditions warrant such an exception. All retaining walls should relate to and blend in with the surrounding natural environment.

3.7 Utility Installation

Utilities should be installed underground, including propane storage tanks, except for satellite dishes, antennas, and fire department connections. The location and upgrade of all utilities downstream of the utility company connections are subject to BSAC review and approval and must be shown on the Site Plan. All above ground utilities should be installed to avoid visibility from other lots or the street except for fire department connections, which shall be in an area that is not obstructed and is easily accessible by emergency services. Utility meters should be placed in a location that is not visible from adjoining roadways or properties. Screening of meters, transformers and other utility boxes may be required, but such screening shall not restrict access to the utility boxes by the utility company. Propane tanks must be installed at least ten (10) feet from all flammable structures as regulated by the County; vegetation is discouraged within three (3) feet of any propane tank.

3.8 Walkways, Paths, Sidewalks and Trails

All walkways, paths, sidewalks and trails and other features of a permanent nature, must be located within the Property. Walkways, paths, sidewalks, trails and other features of a permanent nature (for example, poured concrete) may require permitting from other regulatory agencies. It should be clearly indicated whether the walkway, path, sidewalk, trail, or other features are of a permanent nature or of a more temporary nature (for example, gravel or pavers) and be indicated on the Site Plan or Landscape Plan. Walkways, paths, trails, or other features of a permanent nature (for example poured concrete) shall not encroach upon Setbacks.

3.8.1 Commercial/Multi-Family Walkways, Paths, Sidewalks and Trails

All walkways, paths, sidewalks, and trails must be located within the Property unless as provided in Section 3.2. Walkways, paths, sidewalks, and trails of a permanent nature (i.e., poured wall or concrete) require permitting from other regulatory agencies. It should be clearly indicated whether the walkway, path, sidewalk, or trail is of a permanent nature or of a more temporary nature (i.e., gravel or pavers) and be shown on the Site Plan and Landscape Plan. Walkways, paths, sidewalks, or trails of a permanent nature (i.e., poured concrete) shall not encroach upon Setbacks unless as provided in Section 3.2.

3.9 Parking, Driveways and Culverts

The construction and maintenance of all parking, access drives, and culverts are the responsibility of the Owner Applicant. Access drives and parking areas shall be crowned and/or sloped for adequate drainage. Property access should be perpendicular to the adjacent road whenever practical. Where a cut and or fill is required to maintain grade, cut, and fill areas shall not be greater than four (4) feet in height and twenty-four (24) feet of uninterrupted length. The maximum allowable slope for a driveway is ten percent (10%). Culverts must be a minimum of twelve (12) inches in diameter with flared ends. Driveway design shall adhere to the most current version of the BSFD Design Requirements for Driveways. Written approval from the BSFD for all driveways shall be required prior to final approval being granted by the BSAC.

Unless other materials are permitted in the applicable Covenants, access drives, driveways and parking surfaces shall be constructed of concrete paving units, asphalt, or concrete. Access drives, driveways, and parking surface materials shall be designed to restrict weed growth, maintain a clearly defined edge between the landscaped area and the driveway surface, and withstand deterioration from the winter snow plowing and erosion.

The parking of recreational vehicles is discouraged within the BSOA. Per the BSOA Parking Rules Regulations & Enforcement Resolution (see Section 9.0), long-term storage of recreational vehicles that is allowed by the applicable Covenants must be reviewed by the BSAC on a case-by-case basis and must be adequately screened. Under these circumstances, the adequacy and appropriateness of the proposed screening will be at the sole discretion of the BSAC. For more information on screening regulations, refer to Section 3.16.9, Privacy Screens.

Permanent parking of construction equipment or storage equipment is prohibited. During active construction, temporary parking of such equipment is permitted in staging locations approved on the submitted Site Plan only.

3.9.1 Single-Family Dwellings and Single-Family Condominiums

Single-Family Dwellings and Single-Family Condominiums are required to have three (3) parking spaces, at least one (1) of which shall be a garage enclosure. All non-enclosed parking areas shall be within the Property and shall not encroach into Setbacks or be built outside of the

Building Envelope. Driveways shall have a minimum width of fourteen (14) feet and sixteen (16) feet minimum flare at the front property line or intersecting street. Driveway widths may be allowed up to twenty-four (24) feet to facilitate turn-around areas or parking.

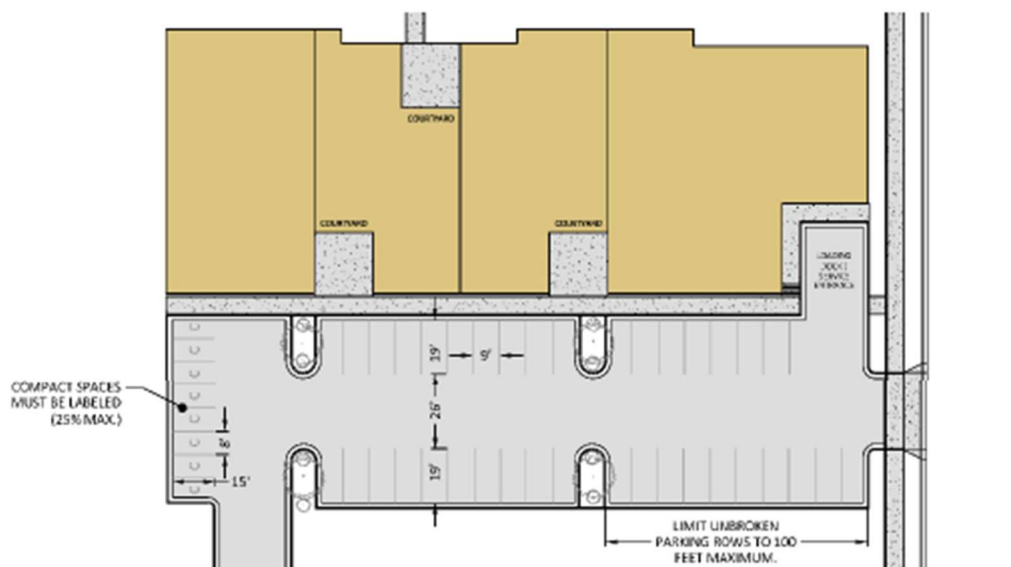
3.9.2 Commercial and Multi-Family Dwellings

Parking areas should be placed adjacent to or behind buildings, rather than facing any adjacent public or private rights-of-way. Parking areas should be broken into a maximum of 100-foot rows and should not be the primary visual element of any Site Plan and shall incorporate landscaping to help break up expanses of hard surfaces, as illustrated on Figure 3.9.2. Paved parking may encroach ten (10) feet within the Setbacks. All driveways and parking areas should respect existing landforms and vegetation. Driveway widths should be wide enough to accommodate the flow of traffic.

Proposed parking for Multi-Family Dwelling developments shall contain at least one and one half (1.5) parking spaces per Dwelling Unit or more if required by Covenants, Zoning Regulations, or any other applicable regulatory agency.

Parking for Commercial developments shall meet the parking requirements of the Covenants, Zoning Regulations, and all other applicable regulatory agencies. Documentation from all applicable regulatory agencies may be required as determined by the BSAC on a case- by-case basis.

Figure 3.9.2 Example of Commercial and Multi-Family Parking, Driveways, and Culverts



3.10 Snow Removal and Storage Area

Big Sky is a heavy snowfall area. Snow storage areas of sufficient size to accommodate snow removed from roofs, walkways and drives shall be provided and shown on the Site Plan located within the property bounds. Snow storage is not allowed within the Road Right-of-Way and shall not impede snow removal of roads.

3.11 Detached Structures

Detached Structures that are permitted by the Covenants and any applicable Zoning Regulations will be reviewed by the BSAC. The design and materials of the Detached Structures should be consistent with the overall design and construction materials of the main residence or building, as well as the natural environment.

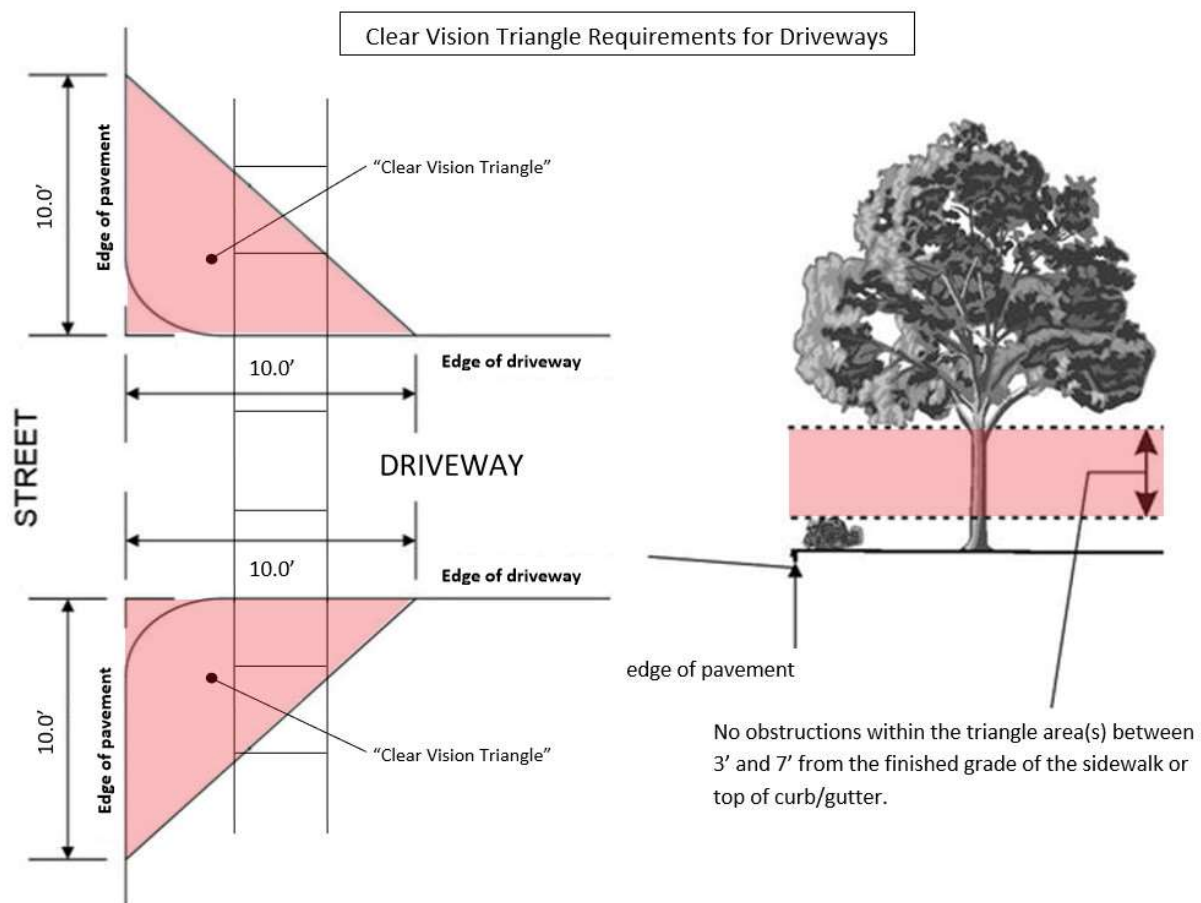
3.12 Landscaping, Plant Use, Installation, Irrigation and Restoration

Landscaping within the BSOA should transition developed areas to the native landscape within the community with effective use of tree and vegetation plantings and the use of architectural elements to soften and blend into the landforms and vegetation of the Property. New plants should coordinate with existing plant patterns. Plants should be chosen to withstand the extreme temperature and drought conditions found in Big Sky. The Owner Applicant shall consider the preservation of water resources including a drought resistant Landscaping Plan.

Where formal or groomed planting gives way to the natural landscape, transitions should be achieved using natural materials such as boulders, perennials, wildflowers, shrub beds, or through elements such as pathways. Transitions may also be achieved with contouring of grade. Edge transitions should not be left to a line of cut and uncut grass. Where sod or turf gives way to the natural landscape, an informal edge should be created to tie with the natural line created by existing vegetation. Natural, native, and drought resistant grasses are recommended while the extensive use of sod is discouraged. All seed mixes should be weed-free certified.

Naturalized landscaping for screening is encouraged. Planting should be used effectively to screen yards and decks for privacy and glare from light sources. Plants located in snow storage areas or in areas of snow and ice shedding should be able to withstand the accumulated snow loads. All plant species shall be indicated on the Landscape Plan. Landscaping near the edge of the Property boundaries should be planted so as to not interfere with a Vision Triangle. The Vision Triangle is illustrated in Figure 3.12.

Figure 3.12 Example of Vision Triangle



Landscaping within easements is discouraged and is done so at the Owner Applicant's risk. A minimum of a five (5) foot noncombustible buffer is strongly encouraged around the perimeter of any proposed home or addition and this buffer should extend vertically above the roofline. Any overhanging limbs, especially conifer limbs, should remain a minimum of three (3) feet from any flammable structures. No combustible materials are permitted under decking, and it is recommended that screening along the bottom of decking be installed to prevent embers from igniting the home from under the deck.

An automatic, timed, underground irrigation system, or drip irrigation system is recommended for landscaped areas that contain trees, shrubs, sod, and flower beds. A suitable size irrigation system which will ensure establishment of the landscaping vegetation is encouraged and may be required to be installed. The Landscape Plan should consider the need to conserve water

and minimize the use of sprinkler irrigation systems unless such systems are using partially treated water and such partially treated water is unlikely to runoff into any nearby streams. All underground irrigation systems should be shown on the Landscape Plan.

If grass seeding is planned, the Owner Applicant will need to provide temporary water when initially established, subject to the watering rules by the BSWD or other relevant authority. Reseeding is generally required to establish a seeded lawn over two or even three years. Weeding is likely to be required to minimize the establishment and growth of unwanted plant species on the property which could spread to adjacent properties. The Owner Applicant is responsible for ensuring the approved Landscape Plan is established.

The Landscape Plan should be prepared to consider the growth of trees and other vegetation. Planting trees near each other or other vegetation can result in a landscape that is less than ideal in 5 or 10 years. Involvement of professional landscape services is encouraged to reduce this issue.

The BSAC requires that all areas disturbed during the building process, including installation of utilities, be restored to their natural state or landscaped to a degree that is acceptable to the BSAC. Sowing wild grass seed over a disturbed area may not be sufficient to restore the land. It is the Owner Applicant's responsibility to restore and landscape their property to a fully established level satisfactory to the BSAC prior to the release of the Performance Deposit.

A Landscape Plan is required to be submitted to the BSAC when the planting or clearing of any vegetation or the installation of landscape features is planned with the exception of the removal and replacement of dead plants using plants that are the same or similar type. Replacement of vegetation with like vegetation of a previously approved Landscape Plan does not require resubmission to the BSAC and is encouraged.

3.13 Fire Mitigation

Any tree or vegetation removal for the purposes of fire mitigation shall be reviewed by the BSAC and Staff at no cost to the Owner Applicant. A Site Plan is required to be submitted and approved prior to commencement of work. Fire risk mitigation should focus on providing adequate defensible space around the primary residential structure as well as ADU's or other combustible structures to provide a noncombustible zone extending zero to five feet from the home outwards and necessary possible tree removal/thinning from 30 feet out to 100 feet from the primary residence and other structures. Fire-resistant plants should be planted within the zero-to-five-foot noncombustible zone around the primary structure. Acceptable low risk fire materials within the non-combustible zone includes pea gravel and/or noncombustible materials; wood or bark mulch is discouraged. Flammable materials should be removed from the deck and safely stored at least 30 feet from the home during wildfire season from the beginning of July to end of October. Wildfire-resistant building materials including siding, roof covering, gutters, windows/exterior doors, and decking surface should be used for new construction and Major Alterations.

3.14 Lighting

The Montana night sky filled with stars is one of the great benefits of Big Sky. Therefore, lighting shall meet the intent of Dark Sky Lighting. All fixtures must have a full cut-off shield with no upward glare or visible bulb and should be subdued and limited in number of fixtures and direct lighting shall not trespass or radiate out or up from the Property.

A detailed Lighting Plan separate from the Site Plan or Landscape Plan is required to be submitted with any application for review. The Lighting Plan shall detail the location and specifications of all lighting provided.

3.14.1 Exterior Lighting

Exterior house lighting shall be done in such a way to minimize the view of light bulbs or light sources from downhill residents. Area lighting shall have concealed light sources and be warm, white lights with a color temperature value 3,000 Kelvin or less. The glass around the light fixture is to be amber or muted to reduce glare while clear or seeded glass is prohibited where a bulb is visible. Flood, blinking, and moving lights are prohibited; exceptions may be reviewed for security lighting purposes (see Exhibit B). Temporary holiday ornamental lights are allowed but may be subject to review upon complaint of obtrusiveness and shall only be used between the day after Thanksgiving and January 15th.

Where landscape lighting is proposed, the Lighting Plan will show the location, the height above grade, the type of illumination and the source lumens for each proposed light source. The proposed locations of exterior light fixtures shall also be shown on the Landscape Plan, Exterior Elevation, or 3-D renderings. The exterior lighting plan shall also consider the potential impact to residents that are downhill from the Owner Applicant's proposed house. Measures should be included in the Lighting Plan to prevent a direct line of sight from a downhill house to a lighting fixture in the Owner Applicant's lighting plan. Locations of the product are subject to BSAC review and approval. A lighting cut sheet or specification sheet and manufacturer diagram for each fixture is required for Final Plan Review.

3.14.2 Commercial/Multi-Family Exterior Lighting

For Commercial Buildings and Multi-Family Dwellings, lighting that is necessary for the safety of users will be allowed on a case-by-case basis where it can be demonstrated that such a need exists and is consistent with any county or state regulations. This lighting may include downlit bollards along walkways, paths, sidewalks, and trails providing safe pedestrian access and lighting within designated parking areas. In addition to the general Lighting Plan, the Commercial or Multi-Family Lighting Plan shall include an iso footcandle diagram to indicate the level and extent of proposed lighting.

3.15 Signage

All signs (inclusive of posters, banners, displays, and advertisements) must comply with the sign requirements in this Section 3.15. and all applicable Covenants, Master Sign Plans, and all Zoning Regulations. Signs should be finished in subdued earth tone colors with a matte or flat finish that harmonizes with the existing building or the proposed building(s) and the surrounding environment. A request for any other type of color will be subject to BSAC approval on a case-by-case basis. Signs should be posted so as to not interfere with a roadway Vision Triangle. All proposed signs for Multi-Family Dwelling, Single-Family Condominium, and Commercial developments must receive the applicable Sub-Association approval prior to receiving BSAC approval. The BSAC may require written proof of Sub-Association approval. Certain signs, such as real estate or signs displayed less than 1 week do not require the review of the BSAC.

Signs of a political nature are considered Temporary Signs and are also governed by Zoning Regulations. As of the date of this document, the Gallatin County Zoning Regulations prohibit use of such temporary signs earlier than 90 days before an election. Such signs must also be removed within two weeks of the completion of an election. Inappropriate or offensive signs are prohibited.

Unless otherwise noted in the description of an individual type of sign, the location of the sign shall be indicated on the Site Plan, Landscape Plan, or Exterior Elevations (for surface mounted signs). Product cut sheets or schematics of each sign including the dimensions, materials and colors are reviewed by the BSAC during Final Plan Review. All signs shall be located within the Property.

Lighting for signage shall be governed by Section 3.14.

3.15.1 *Single-Family Dwelling*

Construction Sign - One (1) master sign for construction of a Single-Family Dwelling may be posted during the term of construction but shall be removed when construction is substantially complete. The construction sign shall not be bigger than six (6) square feet. The content of the sign shall be limited to information pertaining to the project, contractor, developer, architect, bank, and landscaper. The proposed sign shall be reviewed by the BSAC during Final Plan Review. Pricing, inaccurate, or misleading information is not permitted on this sign.

Address Identification - All Single-Family Dwellings shall have surface mounted addresses which shall include the address number designated by the corresponding County. These numbers shall be shown on the Exterior Elevations, in the Project Application or indicated on the Site Plan and illustrated on a product cut sheet or separate drawing. The address number and lettering shall be constructed of materials that contrast to the background of the sign (or house siding if house mounting is appropriate) and shall be at least four (4) inches in height and one-half (1/2) inch wide in stroke for each number or letter. There shall also be at least a space of two (2) inches between the lettering and the background material. The address identification

sign shall be readily visible to emergency vehicles and shall be located at least within forty (40) feet of the edge of the adjacent road.

When the surface mounted address numbers are not clearly visible from the adjacent road or the surface mounted numbers are located over forty (40) feet from the adjacent road, a free-standing identification sign is required. Free-standing identification signs shall be located in an approved location on the Property that is acceptable to all emergency response agencies. Address Identification signs (either surface mounted or free standing) shall not be larger than two (2) square feet in area and shall be situated between four (4) and five (5) feet above the ground to the top of the sign on the exterior of the Single-Family Dwelling or, if free standing, on a secure object such as a post or boulder feature. Lighting for the house address may be appropriate for more rural and isolated locations and shall be reviewed on a case-by-case basis by the BSAC. Address identification shall conform to the Big Sky Fire Code.

Real Estate and Auction - Real estate and auction signs for Single-Family Dwellings need not be approved by the BSAC but shall be posted by the Owner Applicant or the Owner Applicant's designated real estate agent on the Property for which the real estate sign is advertising. There is a limit of one (1) real estate sign per Single-Family Dwelling which shall not be larger than five (5) square feet in size. Real estate signs must be removed upon closing of the sale or listing expiration.

3.15.2 Multi-Family Dwelling and Single-Family Condominium

Construction Sign - One (1) master sign for construction of a Multi-Family Dwelling or Single-Family Condominium development may be posted during the term of construction but shall be removed when construction is substantially complete. The construction sign shall not be bigger than nine (9) square feet. The content of the sign shall be limited to information pertaining to the name and street address of the project, contractor, developer, architect, landscaper, bank and appropriate logotypes and symbols. The proposed sign shall be submitted for review and approved by the BSAC during Final Plan Review. Pricing, inaccurate, or misleading information is not permitted on this sign. Any additional proposed signage shall be approved by the BSAC.

Monument Sign - Multi-Family Dwellings and Single-Family Condominium developments shall have an identification sign for the entire development. The sign content shall contain the name of the development. The size of the sign shall be no larger than twenty-eight (28) square feet, five (5) feet in height above finished grade to the top of the sign and should be placed no less than five (5) feet from the Property line or Vision Triangle. Lettering on the sign shall be at least eight (8) inches high and one and one half (1½) inches wide in stroke for each letter or number. Signs should be harmonious with the building architecture, the location, and the surrounding environment. The sign size, height, and lettering size may be increased upon recommendation by the Big Sky Fire Code Official and with approval from the BSAC. The sign shall always be clearly visible to emergency vehicles from the adjacent road. The inclusion of branding and/or logos of developers on Monument Signs is discouraged.

Address Identification for Multi-Family Dwellings - Each Dwelling Unit in a Multi-Family Dwelling development shall have a surface mounted address. Verification of correct address numbers with the corresponding County is the responsibility of the Owner Applicant. These numbers shall be shown on the Exterior Elevations. The address number and lettering shall be constructed of materials that contrast to the background of the sign (or house siding if house mounting is appropriate) and shall be at least four (4) inches in height and one-half (1/2) inch wide in stroke for each number or letter. Address identification shall conform to the Big Sky Fire Code.

Address Identification for Single-Family Condominiums - All Single-Family Condominiums shall have surface mounted addresses. Verification of correct address numbers with the County is the responsibility of the Condominium Association. These numbers shall be shown on the Exterior Elevations. The address number and lettering shall be constructed of materials that contrast to the background of the sign (or house siding if house mounting is appropriate) and shall be at least four (4) inches in height and one-half (1/2) inch wide in stroke for each number or letter. The address identification sign shall be readily visible to emergency vehicles and shall be located at least within forty (40) feet of the edge of the adjacent road.

When the surface mounted address numbers are not clearly visible from the adjacent road or the surface mounted numbers are located over forty (40) feet from the adjacent road, a free-standing identification sign is required. Free-standing identification signs shall be acceptable to all emergency response agencies. Address identification signs (either surface mounted or free standing) shall not be larger than two (2) square feet in area and shall be situated between four (4) and five (5) feet above the ground on the exterior of the Single-Family Condominium or if free standing on a secure object such as a post or boulder feature. Address identification shall be reviewed and approved by the Big Sky Fire Code Official.

Real Estate and Auction - Real estate and auction signs for an individual Dwelling Unit in a Multi-Family Dwelling or Single-Family Condominium development need not be approved by the BSAC but may be posted by the Owner Applicant or the Owner Applicant's designated real estate agent on the Property for which the real estate sign is advertising. There is a limit of one (1) real estate or auction sign per Dwelling Unit and the sign shall not be larger than five (5) square feet in size. Real estate and auction signs must be removed upon closing of the sale or listing expiration. Signs placed in common areas within the Sub-Association may require Sub-Association approval prior to installation. Real estate signs or auction signs larger than five (5) square feet in size for an entire Multi-Family Dwelling or Single-Family Condominium development are subject to BSAC approval on a case-by-case basis. These signs shall be removed at the closing of the sale, auction or listing expiration.

3.15.3 Commercial

Construction Sign - One (1) master sign for construction of a Commercial building may be posted during the term of construction but shall be removed when construction is substantially complete. The construction sign shall not be bigger than six (6) square feet. The content of the

sign shall be limited to information pertaining to the name and street address of the project, contractor, developer, architect, landscaper, bank, and appropriate logotypes and symbols. The proposed sign shall be reviewed by the BSAC during Final Plan Review. Pricing, inaccurate, or misleading information is not permitted on this sign.

Monument Sign - Commercial developments shall have an identification sign for the entire development. The sign content shall contain the name of the development. The size of the sign should be in proportion to the development but is subject to the review and approval of the BSAC. The sign shall be placed no less than five (5) feet from any Property line or Vision Triangle. Lettering on the sign shall contrast with the background material, be at least eight (8) inches high, and one and one half (1 ½) inches wide in stroke for each letter or number. The sign size, height, and lettering size may be increased upon recommendation by the Big Sky Fire Code Official and with approval from the BSAC. The sign shall always be clearly visible to emergency vehicles from the adjacent road. The inclusion of branding and/or logos of developers on Monument signs is discouraged.

Address Identification - All Commercial units shall have surface mounted addresses. Verification of correct address numbers with the County is the responsibility of the Commercial building Owner. These numbers shall be shown on the Exterior Elevations. The address number and lettering shall be constructed of materials that contrast to the background of the sign (or house siding if house mounting is appropriate) and shall be at least four (4) inches in height and one-half (1/2) inch wide in stroke for each number or letter. Address identification shall conform to the Big Sky Fire Code.

Business Identification - Signs for the identification of individual businesses will comply with all applicable Covenants, Master Sign Plans, and all Zoning Regulations. These signs shall be reviewed by the BSAC on a case-by-case basis.

Real Estate - Real estate signs for a Commercial Building need not be approved by the BSAC but may be posted by the Owner Applicant or the Owner Applicant's designated real estate agent on the Property for which the real estate sign is advertising. There is a limit of one (1) real estate sign per Commercial Building and said sign shall not be larger than five (5) square feet in size, however, large commercial developments may request additional real estate signs which the BSOA will consider on a case-by-case basis. Real estate signs must be removed upon closing of the sale or listing expiration. Signs placed in common areas within the Sub-Association may require Sub-Association approval prior to installation.

Any other type of real estate signs or auction signs that are not listed above are subject to BSAC approval on a case-by-case basis prior to installation.

3.15.4 Road Identification

The BSAC reviews road identification signs that are within the BSOA's Jurisdiction. Road identification signs within condominium and commercial developments should be consistent and harmonious with the theme of the development. A developer of a subdivision will be

required to fabricate and install new street signs and traffic safety signs within the new subdivision.

3.15.5 Temporary Signs

All Temporary Signs must be reviewed and approved by Staff or, in some instances, the BSAC. These signs shall be no larger than five (5) square feet in size and shall be placed on the Property of which the sign promotes but should not interfere with a Vision Triangle. There is a limit of one (1) temporary sign per Single-Family Dwelling, Multi-Family Dwelling, Single-Family Condominium or Commercial unit. Temporary signs placed within the common areas of the Sub-Association may require Sub-Association approval prior to installation. Further restrictions on signs are included in the Gallatin County Zoning Regulations for those living in Gallatin County and it is the sole responsibility of the Owner Applicant to comply with these additional regulations and any other applicable County regulations.

3.15.6 Other Signs

Other signs such as exterior directories and information will be reviewed by the BSAC on a case-by-case basis. Signs will be reviewed for need, location, visibility, and compatibility with the surrounding environment.

3.16 Site Accessories

Site accessories may be placed or built on the Property only when allowed by Covenants, Zoning Regulations, and County. The design and materials of site accessories should be consistent with the overall design and construction of the main residence or building as well as the natural environment. Plans for all site accessories are to be reviewed by the BSAC on a case-by-case basis and shall be indicated on the Site Plan or Landscaping Plan. Specific regulations for some of the more common site accessories include, but are not limited to, those listed below.

3.16.1 Basketball Hoops, Playgrounds, Outdoor Seating Areas, Art Installations, and Storage Units

The installation of basketball hoops, playgrounds and associated equipment, outdoor seating areas, art installations, and storage units, where permitted by Covenants, shall be reviewed by Staff and in some instances may require the approval of the BSAC. These site accessories should not be visible from the street or from adjacent homes.

3.16.2 Sports Courts

Sports Courts, where permitted by appropriate Covenants, may be located on the Property provided they are adequately screened to reduce visibility from Adjacent Property and public roads and to reduce the potential for sports equipment to enter an Adjacent Property or road. Sports Courts are subject to any other applicable requirements of these regulations. Any fencing for the Sports Courts shall be colored to conform with the natural environment. The Sports

Court's design and features shall be included in the Site Plan, Landscape Plan, and Lighting Plan, as appropriate.

3.16.3 Dog Houses, Kennels, and Dog Runs

Dog houses, kennels, and dog runs must be adequately screened and will only be approved on a case-by-case basis at the sole discretion of the BSAC. These structures should be placed in an inconspicuous area away from the direct view of Adjacent Properties and public or private rights-of-way. All dog houses, kennels, and dog runs should be screened with vegetation or other approved building material and are reviewed by the BSAC for size, color, materials, and location. See Section 3.16.9 for information regarding privacy screen regulations.

3.16.4 Exterior Fireplaces

Exterior fireplaces and fire pits are considered only when permitted by Covenants. There shall be no exterior fireplaces or fire pits except exterior propane, natural gas, or wood burning fireplaces as described herein and shall be limited to one per lot. It is the sole responsibility of the Owner Applicant to obtain all other necessary permits by other regulatory agencies, including, but not limited to, the Big Sky Fire Code Official, prior to the installation of any exterior fireplace or fire pit. Outdoor fireplaces or fire pits must also comply with the BSOA Residential Wood Burning Fire Pit Resolution (see Section 9.0).

When allowed by Covenants, Single-Family Dwellings and Single-Family Condominiums may have one exterior wood burning fireplace or fire pit per Dwelling Unit. The exterior wood burning fireplace or fire pit shall have a foundation and be located no closer than 10-feet from any exterior dwelling. The materials of the fireplace or fire pit are subject to review. Spark arrestors must be mounted on the top of the chimney of all fireplaces. Exterior fireplaces or fire pits for Multi-Family Dwellings or Commercial buildings are reviewed by the BSAC on a case-by-case basis.

3.16.5 Fences and Walls

Fences and walls are discouraged in the Jurisdiction, except for privacy screens around hot tubs; however, they can provide important transition and continuity between architecture and public spaces. Site retaining walls may be used for landscape terracing to improve site development. Fencing and walls may only be built where permitted by and in accordance with Covenants and as approved by the BSAC.

3.16.6 Garbage Storage

All exterior refuse disposal containers (including communal compactors or dumpsters for Commercial or Multi-Family Dwellings) shall be bear resistant and screened or concealed from view of other dwellings and common areas. Locations and design of garbage enclosures, garbage cans, and privacy screens are subject to BSAC approval and must be included on the

Site Plan or Landscape Plan. All individual refuse containers (for example, containers provided by a waste disposal company for personal individual use) shall be stored within the confines of a dwelling or a garage except when placed outside on the day designated for garbage collection. Privacy screens for garbage storage may be approved provided they are consistent with Section 3.16.9. The location, size, type, and usage duration of temporary garbage storage, including dumpsters for the purposes of any construction must be shown on the Site Plan for BSAC approval prior to delivery of the garbage storage containers.

3.16.7 Hot Tubs

The location of any proposed hot tub shall be included on the Site Plan and Exterior Elevation drawings for approval. Any proposed hot tub shall have a cover; should be placed in an inconspicuous area away from the direct view of Adjacent Properties and public or private rights-of-way; and should be screened using vegetation or other approved building materials to a minimum height of 2-feet above the top edge of the hot tub to adequately shield the occupants of the hot tub. If the proposed hot tub is not connected to/or adjacent to the home, it must be screened by vegetation or other approved building materials on all sides which are open to the public either from roads, Road Right-of-Ways, or other buildings.

3.16.8 Portals and Entrance Gates

Portals, entrance gates, and other rustic structures constructed to identify or mark the entrance to a Property, residence, or drive are permitted only on a Property greater or equal to ten (10) acres and where allowed by the appropriate Covenants.

Portals should be constructed of natural materials, such as log, timber, or stone. Entrance gates may be constructed of log, timber, or steel. Portals and entrance gates shall have an unobstructed width of no less than twenty (20) feet and portals shall have a minimum vertical clearance of sixteen (16) feet to accommodate emergency vehicles and to be consistent with the Big Sky Fire Code. The top connecting member of the portal shall not exceed twenty (20) feet in height, as measured from the road crown to the top of the portal. Portals and entrance gates must be installed on the Property and may not be installed within the area designated as a public or private right-of-way. All portals and entrance gates are subject to review by the BSAC on a case-by-case basis.

Signs, which may contain words, symbols, brands, or residence address numbers, may be attached to the portal provided they conform to the vertical clearance requirements and are proportionate to the portal. Signs must be specific to the Property on which they are located. Portal signs shall be reviewed by the BSAC on a case-by-case basis prior to installation.

A Landscape Plan shall be included with all requests for approval of portals and entrance gates. It is the sole responsibility of the Owner Applicant to obtain all necessary approvals by other regulatory agencies prior to installing a portal or entrance gate. All portals and entrance gates shall meet requirements as set forth by any applicable local, county, state, and federal regulations. Lighting for the illumination of portals and gates shall be governed by Section 3.14.

All Portals and entrance gates shall be designed to provide emergency access by Fire, Police or Medical personnel at all times.

3.16.9 Privacy Screens

Privacy screens for site accessories such as, but not limited to, hot tubs, sunning decks, equipment, garbage containers, compost piles, dog kennels, dog runs, dog houses, generators, and recreational vehicles should be consistent with the overall design, construction, and materials of the existing or proposed building. Privacy screens should not be taller than necessary to provide the desired screening but in no case higher than the edge of the roof eaves of the existing or proposed building and shall not be longer than sixteen (16) feet in uninterrupted length. The use of vegetation is encouraged for full or partial privacy screening.

3.16.10 Wood Storage

Firewood should be screened from view when visible from public or private Road Right-of Ways or Adjacent Properties. Firewood that is stored outside of the garage must be kept at least thirty (30) feet from flammable structures. The screening of firewood shall be governed by Section 3.16.9. Storage areas shall not be located on decks, balconies, or areas in direct contact with the structure. No commercial storage of wood, for the purpose of resale or wood storage in excess of 2 cords shall be allowed within the BSOA.

4.0 INTERIOR BUILDING FORM

4.1 Square Footage

Minimum and maximum square footage requirements are regulated by specific Covenants and, where applicable, the County. The Owner Applicant is responsible for confirming their project conforms to all applicable Covenants and/or Zoning Regulations.

4.2 Interior Fireplaces and Wood-Burning Stoves

Interior fireplaces and wood-burning stoves should be of efficient design and comply with all applicable local, county, state and/or federal requirements. Manufactured wood-burning fireplaces and stoves should have catalytic converters. Wood-burning fireplaces or stoves shall not be the primary source of heat for a Dwelling Unit. Only one interior wood burning fireplace may be installed per lot to conserve resources, limit fire danger, and reduce pollution.

Spark arrestors shall be provided around the mouth of the chimney, stove pipe, or vent as well as with any heater, stove, or fireplace exposing open flame or emission thereof.

4.3 Interior Lighting

Owner Applicants should minimize interior lighting that emanates onto neighboring properties. This may be achieved with the use of blinds, curtains, or dimmers.

5.0 EXTERIOR BUILDING FORM

Exterior building form should take into consideration existing property and neighborhood features including, but not limited to, topography, solar orientation, views, adjacent buildings, wildfire risk, and natural habitat. Recommendations in the following section are based on traditional mountain architectural aesthetics. Exceptions to the following guidelines may be requested as outlined in Section 7.2 of these guidelines.

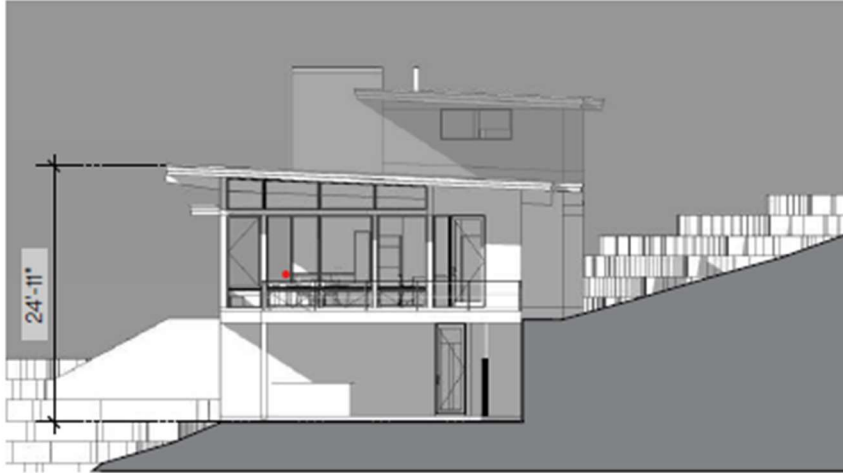
5.1 Building Height

Building height restrictions are established by Covenants and, where applicable, the County. The Owner Applicant shall comply with the height restrictions for their Property as regulated by the Covenants, Zoning Regulations, and all other regulatory agencies. The maximum height, which is the most restrictive, shall be used for the design of the building. When the height is not identified by Covenants, the height of the proposed building shall be reviewed and is subject to approval by the BSAC. Building height, design, and a Site Plan for Multi-Family Dwellings, Single-Family Condominiums, and Commercial buildings shall be reviewed by the Big Sky Fire Department. The BSAC requires written approval from the Big Sky Fire Department prior to the start of construction.

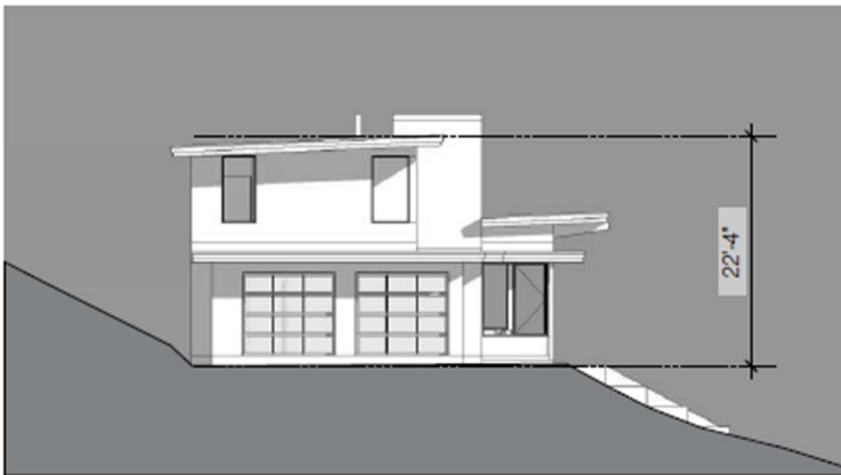
The maximum allowable height for a structure shall conform to the prevailing Covenants and Zoning Regulations and shall meet the requirement of an Average Grade Height of 28.0 feet or less for Single-Family Dwellings and Single-Family Condominiums. Average Grade Height for Multi-Family Dwellings and Commercial buildings is 40.0 feet or less. These calculations are illustrated in Figures 5.1A and 5.1B. Owner Applicants are encouraged to meet with the Architectural Review Manager early in the design process to review the height calculation process especially if the proposed structure is expected to be close to the maximum Average Grade Height. Roof replacements for Dwelling Units built prior to the effective date of this Amendment that include a Cold Roof design are allotted additional height per Section 5.8.

Chimneys, cupolas, and other architectural features may exceed the height limitations by no more than four (4) feet for Single-Family Dwellings and Single-Family Condominiums and six (6) feet for Commercial buildings and Multi-Family Dwellings with the approval of the BSAC.

Figure 5.1A: Example of Average Grade Height Measurements and Calculations – Single-Family Dwelling or Single-Family Condominium



elevation east - 24'-11" above grade

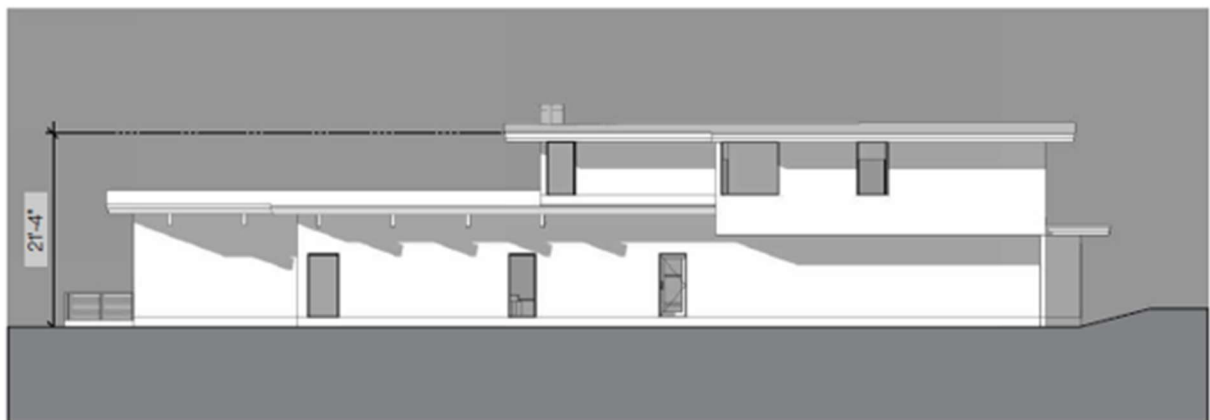


elevation west - 22'-4" above grade

Figure 5.1B: Example of Average Grade Height Measurements and Calculations – Single-Family Dwelling or Single-Family Condominium



elevation south - 32'-4" above grade



elevation north - 21'-4" above grade

average elevation calculation:
 $(24'-11" + 32'-4" + 22'-4" + 21'-4") / 4 = 26' - 8"$

proposed average height: **26' - 8"**

maximum height limit: **28'-0"**

5.2 Chimneys, Flues, and Vents

Chimney forms should relate to the overall building design. Flues shall be enclosed with a chimney cap and fitted with a spark arrestor. Building flues and vents for such functions as ventilation and exhaust should be consolidated into enclosures whenever possible and should be concealed from public view. Exposed metal or plastic flues and vents are allowed but must be painted or colored to match the roofing material or dominant surroundings. Where practical, chimneys, flues, and vents shall be concealed with either stone, stucco, wood, or other materials which are reviewed and approved by the BSAC on a case-by-case basis. White or galvanized aluminum vents are not permitted.

Attic openings, soffit vents, foundation louvers, or other direct openings in outside walls, overhangs, or roofs shall be covered with non-combustible corrosion-resistant mesh with less than 1/16-inch openings, preferably ember-resistant. Chimneys, flues, and vents must comply with all manufacturer's requirements and all applicable local, county, state, and federal requirements.

5.3 Decks, Balconies, and Terraces

Decks, balconies, and terraces should be designed to enhance the overall architecture of the building by creating variety and detail on exterior elevations, while maintaining continuity with the overall building design. Covered decks and projecting balconies shall be integrated with, rather than randomly placed throughout the building. Decks and terraces should be used to integrate the building and landscape by creating a transition between the built and natural character of the Property. The diameter of two-story deck support columns should be sufficient to offset the greater height or shall be paired together to diminish a thin visual appearance. The maximum height of the deck, without railings, is twenty-four (24) inches from the grade level. The minimum height of the deck railing is thirty-six (36) inches from the deck level and the deck railing shall conform to all relevant building codes. Decks should have noncombustible surface/ground cover underneath the decking surface. Decks should be enclosed with adequate ventilation to prevent moisture degradation.

5.4 Entry Definition

The main entrance(s) to the building should be designed with overhead protection from the outdoor elements.

5.5 Exterior Wall Length

Continuous exterior walls of Single-Family Dwellings or Single-Family Condominiums shall not exceed forty (40) feet in length without a Design Element Change, as shown in Figure 5.5. Continuous exterior walls of Commercial and Multi-Family Dwellings shall not exceed sixty (60) feet in length without a change in direction or Design Element Change. Functional architecture incorporated into the design to create a change in direction, such as an alcove or bay in the exterior wall, is recommended when breaking up uninterrupted exterior wall lengths.

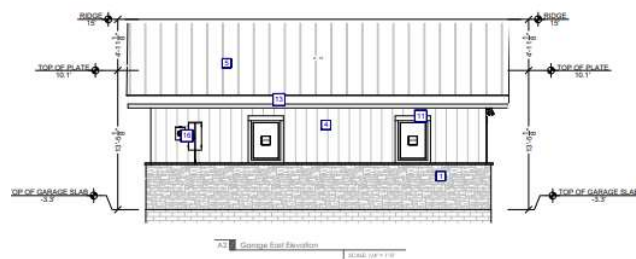
Continuous exterior walls in excess of the maximum may be reviewed on a case-by-case basis in circumstances where the scale of the building is such that the longer wall suits the design and intended use of the building.

Figure 5.5 Example of Exterior Wall Length – Single-Family Dwelling

Not Compliant:



Compliant:



5.6 Exterior Windows and Doors

Windows, door patterns, and reveals should be carefully designed to create interest and variety while maintaining continuity of size, shape, orientation, and placement throughout a given building. Window and door locations should be carefully considered to avoid being obscured by accumulating snow. Windows and doors shall be constructed of natural, stained, or painted wood, prefinished metal cladding or vinyl. Mirrored glass is prohibited.

5.7 Roof and Code Requirements

It is the sole responsibility of the Owner Applicant to ensure that all applicable local, county, state, and federal building code requirements with regards to roofing are met, including those

regarding snow loads, electrical, plumbing, structural and fire safety. Additionally, adherence to the professional service requirements in Section 2.0 is essential in building designs for the Big Sky area due to significant snow loads and the high risk for earthquakes.

5.8 Roof Design

The architecture within Big Sky should complement and respond to the natural qualities of the mountain landscape. When refining roof forms, consideration should be given to the prevention of excessive snow build-up, snow shed, and ice damming. It is recommended that roofs should be sloped to avoid snow slides onto driveways, sidewalks, porches, decks, balconies, or any other areas that may be damaged. Cold roof systems with adequate ventilation and insulation are strongly recommended and are often used in Big Sky as a solution to the problems related to ice damming. Roof heating cables may provide some protection against the formation of ice dams. Utilization of any such roof heating devices should be included on the design drawings. For an existing homes wishing to add cold roofs, an additional height allowance of up to twelve (12) inches above the maximum Average Grade Height may be considered for homes installing new cold roof systems.

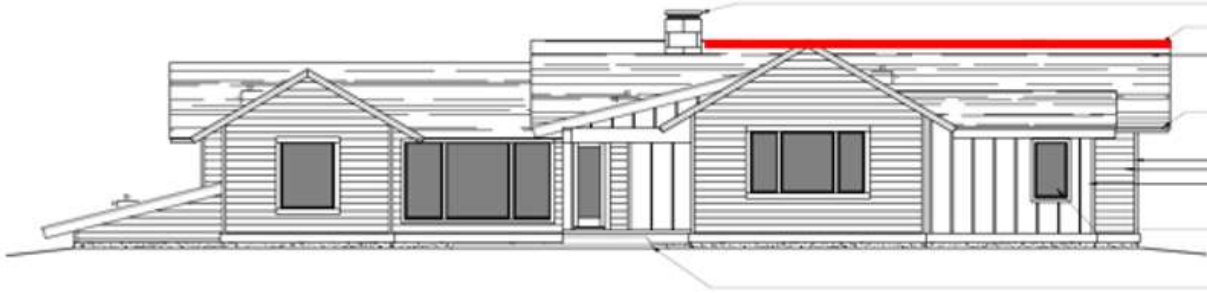
5.9 Roof Length

Single-Family Dwelling roofs or Single-Family Condominium roofs shall not exceed forty (40) feet in length without a change in direction or Design Element Change as shown in Figure 5.9. Commercial and Multi-Family Dwelling roofs shall not exceed sixty (60) feet in length without a change in direction or Design Element Change. Roof length is measured at the top architectural line of the roof minus chimneys, flues, vents and must be dimensioned on the Exterior Elevations. Functional architecture incorporated into the design to create a change in direction, such as a chimney, is recommended to help break up uninterrupted roof lengths. Roof lengths in excess of the maximum may be reviewed on a case-by-case basis in circumstances where the scale of the building is such that the longer roof length suits the design and intended use of the building. At the sole discretion of the BSAC, an exception to this roof length criteria may be considered where strict adherence to the criteria would adversely affect the overall aesthetic of the home.

Figure 5.9 Example of Roof Length Single-Family Dwelling

Not Compliant:

Ridgeline: 44'



Compliant:

Ridgeline: 36'-6"



5.10 Roof Overhangs, Fascia, and Slopes

It is recommended that all roofs have overhangs of at least two (2) feet and all fasciae be a minimum of ten (10) inches. Roof slopes should complement the overall design and aesthetics of the building and will be reviewed on a case-by-case basis by the BSAC.

5.11 Garage Doors

Service and garage doors should be de-emphasized in the elevation of the building and, when possible, shall be screened from view from the road. Garage doors shall be recessed a minimum of six (6) inches in an exterior wall and shall be subdivided with secondary materials. Loading docks may be approved for Commercial Buildings but should not be visible from Adjacent Properties and should be recessed and screened.

5.12 Skylights and Solar Panels

The exterior appearance of the building should be taken into consideration when the location of skylights and solar panels is determined. The location of skylights and solar panels should be coordinated with window and door locations. Roof-mounted solar panels should be integrated into the overall building design including color, size, and number and should blend with the aesthetics of the home. Roof-mounted solar panels should not exceed the ridgeline of the roof such that the height would exceed the maximum permitted Average Grade Height. Low profile solar panels are recommended to reduce glare. Ground-mounted solar panels shall be considered on a case-by-case basis and shall be identified on the Landscaping Plan.

5.13 Extravagant Designs

The construction of highly unusual or extravagant home designs will be considered on a case-by-case basis and will depend upon applicable Covenants, location, visibility, and the architectural aesthetic of the proposed design. If the home is set in an area apart from other homes, then a more unusual design may be acceptable. If the home is close to other homes, a highly unusual or extravagant design may not be considered appropriate for the neighborhood and will not likely be approved.

6.0 MATERIALS

When choosing materials for building in Big Sky, architects and Owner Applicants should select materials of an appropriate quality and durability for harsh mountain conditions. Synthetic and composite materials which minimize the need for repairs, maintenance, and wildfire risk reduction should be considered whenever an Owner Applicant is contemplating opaque finishes or high maintenance areas. Materials, colors, and design for all structures and features in the Jurisdiction should be harmonious with the neighborhood and compatible with Adjacent Properties.

6.1 Exterior Wall Materials

The character of the building exterior should be simple in order to harmonize and compliment the surrounding environment of the Property. Natural materials and subdued colors should be used on the main body of the building. Exterior trim can be more colorful and may contrast with the main body in order to add visual interest to the predominantly neutral tones. The BSAC may consider materials not listed below that maintain the aesthetic continuity of Big Sky.

6.1.1 Metal

Prefabricated metal siding is not an approved material for the main body of the structure. Metal accent materials may be considered by the BSAC on a case-by-case basis. Whether or not a proposed metal siding is corrosion resistant will be a factor in deciding if the material is appropriate.

6.1.2 Natural and Composite Wood Siding

Smooth, rough sawn, or log siding are acceptable exterior wood siding materials. All wood and composite wood siding shall be painted, stained, or sealed. Other types of wood siding may be considered by the BSAC on a case-by-case basis.

6.1.3 Natural Log

Natural log materials should be milled, or hand peeled. Log homes may be constructed of custom pre-cut logs off site and restacked on site.

6.1.4 Shingles

Shingles as a dominant exterior material on any building are discouraged and will be reviewed on a case-by-case basis. No cedar or wood shingles should be used for roof covering due to high flammability and wildfire risk exposure.

6.1.5 Stonework

Rock can be natural or synthetic stone materials. Dry stack settings with minimal exposed mortar are preferred. Stonework should not be applied to individual wall surfaces in a manner that creates a veneer-like appearance. Detailed drawings of all exterior stonework shall be required as a part of the Final Plan Review submittal.

6.1.6 Stucco and Concrete

Synthetic stucco may be permitted provided that the finished surface is adequately textured to obscure the pattern of insulation panels. Synthetic stucco surfaces should not be applied to individual wall surfaces in a manner that creates a veneer-like appearance. Exposed concrete foundation walls between finish grade and exterior wall finish siding shall be a maximum of twelve (12) inches. Foundation wall exposure over twelve (12) inches shall be finished with synthetic textured stucco stained a subdued color in harmony with the building, stone, or treated wood that is consistent with the finish of the building. Untreated concrete siding is not

an approved material for the main body of the structure; however, concrete siding may be considered by the BSAC on a case-by-case basis. Textured concrete and/or colored concrete (treated concrete) is preferred and can enhance the use of concrete as an accent material.

6.2 Roofing Materials

Durable roof materials capable of withstanding the freeze-thaw cycle of the Big Sky environment and carry a NFPA 1144 Class A rating are required for all New Construction and roof-replacement projects. All roof flashing, hood and roof accessories should be copper, prefinished metal, or plastic that blends with the color of the roofing material selected. Acceptable roof materials include synthetic shakes or shingles; natural slate or synthetic "slate" shingles; asphalt random tab shingle; pre-finished metal roofing of low sheen; and other similar materials as approved by the BSAC. Composite wood or "shake" shingles are not permitted due to the fire hazard. Corrugated metal roofs or metal roofs of bright colors are not acceptable. All roofing materials should be complimentary to the surrounding natural environment and neighborhood. Roofing materials are reviewed as part of the Final Plan review.

6.3 Decking Materials

Owner Applicants are encouraged to consider synthetic and fire-resistant decking materials. Materials are reviewed as part of the Final Plan review.

6.4 Railing Materials

Wood, cable, and metal are approved railing materials. Other materials can be considered by the BSAC on a case-by-case basis. All railings must conform with building codes and this compliance is the sole responsibility of the Owner Applicant.

6.5 Prefabricated and/or System-Built Homes

Prefabricated, system-built, and other modular style homes shall be reviewed on a case-by-case basis by the BSAC and must have permanently connected utilities, a permanent foundation, and comply with all other relevant regulations and restrictions such as, but not limited to, these Design Regulations, the applicable Covenants, and the applicable Zoning Regulations. It is the sole responsibility of the Owner Applicant to comply with all other applicable regulations and requirements outside the BSOA scope.

7.0 VARIANCES AND EXCEPTIONS

7.1 Variances to the Covenants

Where authorized under the relevant Covenants, a Variance request for a deviation from a stated Covenant may be made to the BSAC. The BSAC will review a Variance request in accordance with the review criteria as stated in those relevant Covenants. Any Variances which may be granted shall be considered unique and will not set any precedent for future decisions. All Variances are considered on a case-by-case basis specific to the particular applicant,

Variance requested, and the undue hardship claimed, in addition to those requirements of the Covenants.

7.1.1 Variance Requires Undue Hardship

The BSAC may grant a Variance when it is found that strict compliance with the standards outlined in the Covenants will cause undue hardship on the Owner Applicant and strict compliance with the Covenants is not essential to the general aesthetic of the properties within the BSOA or the goals and objectives of the BSAC. Each application must contain a complete list of undue hardship(s) claimed to justify the requested Variance.

7.1.2 Undue hardship - Definition

To qualify as an undue hardship, strict enforcement of the Covenants must cause severe adverse impact on the applicant and/or the applicant's property based on conditions that are unique or peculiar to the property and not as a result of personal circumstances or circumstances that are general to the neighborhood or community. Additional cost is not a hardship.

7.2 Exceptions to the Design Regulations

The BSAC reserves the right to grant an Exception to any provision(s) of the Design Regulations when in its sole discretion, granting an Exception to the particular provision(s) of the Design Regulations will not substantially affect the general aesthetic of the immediate area within the Jurisdiction. The BSAC shall provide reasons recorded in the minutes for its decisions in deciding to grant an Exception to any provision(s) of these Design Regulations. The decision to grant an Exception will not in any way apply to any other Property or standards included in this document beyond those for which an Exception has been specifically requested.

7.3 BSAC Procedures

Please see the Big Sky Owners Association, Inc. Board of Directors Resolution: Big Sky Architectural Committee Procedure Resolution for information regarding performance deposits, submission of applications, meetings, and approvals, BSAC notification, time for completion, and requests for reconsideration (for example, appeals).

8.0 APPEAL PROCESS

The BSAC shall have the authority to revoke or suspend its approval and/or order the suspension or cessation of any construction or work in violation of the Governing Documents. Any approval or disapproval by the BSAC shall be in writing and in the case of a denial shall state the reasons for such denial. Decisions of the BSAC are final; however, an Owner can appeal in writing to the BSAC to reconsider its decision.

9.0 OTHER IMPORTANT DESIGN AND DESIGN ENFORCEMENT DOCUMENTS

The following BSOA rules, regulations, enforcement procedures and policies are available on the BSOA website or available at the BSOA office.

- A. [BSOA Parking Rules, Regulations, & Enforcement Resolution](#)
- B. [RV Parking & Storage Policy](#)
- C. [BSOA Residential Wood Burning Fire Pit Standards Policy](#)
- D. [Big Sky Architectural Committee Procedure Resolution](#)
- E. [BSOA Enforcement Resolution](#)

Exhibit A - Review Fee & Performance Deposit Schedule

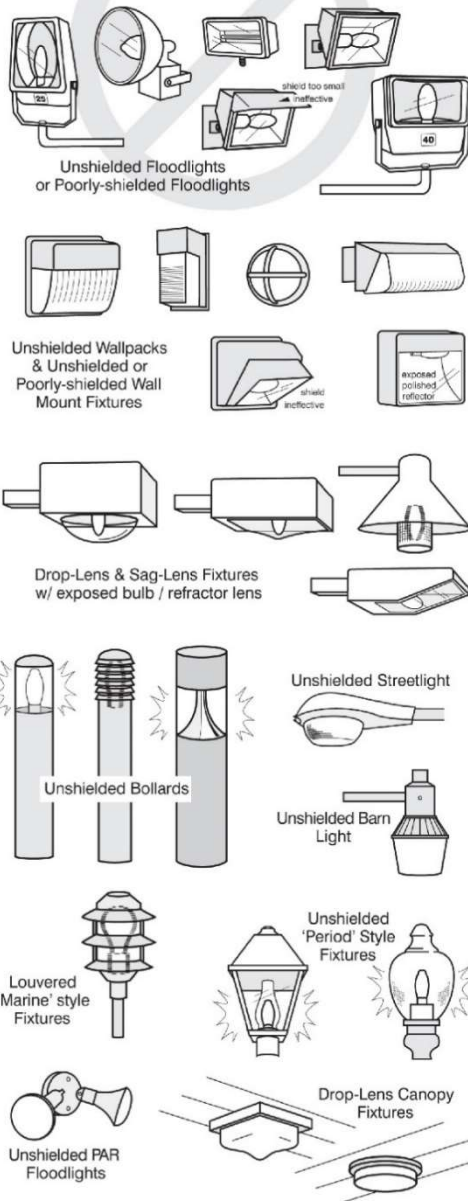
Project Type	Details	Review Fees	Performance Deposit
Subdivisions/Multi Family/Commercial			
Subdivisions/Multi Family/Condominium Construction:			
Sketch and Final Plan	Per Building Type	\$ 2,000.00	\$ 10,000.00
Landscaping		\$ 500.00	
Landscaping Performance Deposit	Per Acre of Disturbed Area		\$ 10,000.00
Commercial:			
Sketch and Final Plan	Per Building Type	\$ 2,000.00	\$ 10,000.00
Landscaping		\$ 500.00	
Landscaping Performance Deposit	Per Acre of Disturbed Area		\$ 20,000.00
Single Family Homes			
Project Size			
Sketch and Final Plan	< 3000 Square Feet	\$ 1,000.00	\$ 7,500.00
	> 3000 Square Feet	\$ 2,000.00	\$ 10,000.00
Landscaping		\$ 250.00	\$ 7,500.00
Other Fees			
Minor Improvements, Alterations, or Repairs: Includes color or material changes and minor landscaping changes	Projects over 1500 square feet may require a larger performance deposit	\$ 50.00	\$ 500.00
Major Improvements, Renovations, or Additions: Complete remodel of a home or substantial additions may be classified under the Single Family Dwelling Review Fees above		\$ 300.00	\$ 5,000.00
Pre-application Review/Consultation w/ Arch. Coordinator	Per Hour after initial 2 hours	\$ 45.00	
Pre-sketch Plan (if BSAC determines process is allowed)	Per Application	\$ 300.00	
Penalty and Special Consideration Fees			
Variance (Covenant Requirements)		\$ 500.00	
Exceptions (Design Regulations)		\$ 400.00	
Resubmission Fee		\$ 500.00	
Extension of an Approved Plan	First Extension Free, Subsequent	\$ 300.00	
Modification/Amendment to Approved Plan	First Modification Free, Subsequent	\$ 200.00	
After the Fact Permit/Approval		\$ 500.00	
Reduction or Partial Return of PD		\$ 100.00	
Revisit Site		\$ 100.00	
Sign Permit		\$ 100.00	
Appeal of Approval/Denial		\$ 100.00	

Exhibit B – Dark Sky Compliant Lighting Samples

Examples of Acceptable / Unacceptable Lighting Fixtures

Unacceptable / Discouraged

Fixtures that produce glare and light trespass



Acceptable

Fixtures that shield the light source to minimize glare and light trespass and to facilitate better vision at night



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