



CATTAIL CREEK
*A Community Development
by Sandan, L.L.C.*

Design Regulations

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prepared by
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CATTAIL CREEK

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Article 1: Purpose

These Design Regulations are intended to allow for a broad range of designs to create diverse and quality neighborhoods within Cattail Creek subdivision, while still establishing certain minimum requirements. Rather than dictate specific design styles, these regulations are provided to assist architects and property owners in designing contemporary buildings that are compatible and have clear order and comprehensive composition. The rules and restrictions contained within this document are intended for the protection and enjoyment of all residents, visitors, business owners and customers in Cattail Creek.

Diversity of architectural design is encouraged. Each project will be judged on design merit and should promote individuality and not simply be a copy of another building. The fact that a particular style of building already exists in Cattail Creek does not guarantee that it will necessarily be approved for construction again.

Exceptions to these Design Regulations may be granted only on the basis of design merit as determined by the Cattail Creek Design Committee (CCDC) and outlined in Section 6.4.

The CCDC is not authorized to grant any exceptions to City of Bozeman requirements. It is the responsibility of the property owner to ensure that all proposed construction shall comply with all laws, rules, and regulations including, but not limited to the current Bozeman Unified Development Code (UDC) and the International Building Code as well as other applicable plumbing, electric, or building codes.

Article 2: Properties and Projects Subject to Design Regulations

These Design Regulations shall apply to the entire subdivision, and all development placed or erected thereon, unless otherwise specifically excepted herein. Every owner of a real estate interest within Cattail Creek Subdivision shall be required to comply with these Design Regulations.

No commercial or industrial building, residence(s), fence, wall, parking lot, garage, shed, accessory dwelling or other structure shall be made, constructed, erected, altered or permitted to remain upon the properties until written plans and specifications showing the design, nature, kind, color, dimensions, shape, elevations, material, use and location have been submitted and approved, in writing, by the CCDC, as well as appropriate City of Bozeman review, permitting and fee payment.

All plans submitted to the City of Bozeman Department of Community Development or Building Division for permitting shall be approved in advance by the Cattail Creek Design Committee.

It is the responsibility of the property owner to ensure that he/she has the most recent copy of the Design Regulations for Cattail Creek Subdivision. An application shall be processed consistent with the Designs Regulations that are in effect thirty (30) days prior to CCDC receipt of a complete Form A submittal as outlined in the Design Regulations.



SCHEMATIC MASTER PLAN
January 2008



NOTE: AREAS, LAYOUTS, DIMENSIONS, EASEMENTS AND SETBACKS ARE SUBJECT TO CHANGE DUE TO SCHEMATIC NATURE OF THIS PLAN. SEE CURRENT CITY LAND USE REGULATIONS, FINAL PLATS AND CURRENT COVENANTS, BYLAWS AND DESIGN REGULATIONS FOR SPECIFIC INFORMATION.

PHASE III

ZONING / LAND USE KEY

- M-1 LIGHT MANUFACTURING DISTRICT
- B-1 NEIGHBORHOOD BUSINESS DISTRICT
- R-0 RESIDENTIAL OFFICE DISTRICT
- R-3 RESIDENTIAL MEDIUM DENSITY DISTRICT
- R-2 RESIDENTIAL TWO-HOUSEHOLD MEDIUM DENSITY DISTRICT
- R-1 RESIDENTIAL SINGLE-HOUSEHOLD LOW DENSITY DISTRICT
- PARKS/Common OPEN SPACE
- WETLANDS/PONDS

INTEGRINSIK
ARCHITECTURE
INCORPORATED

Thomas, Dorn & Hendricks, Inc.
TD&H
Engineering Consultants

Peaks to Plains Design
INCORPORATED

Article 3: Relationship to other Documents

3.1 Local Land Use Regulations

All current zoning, land use regulations and all other laws, rules and regulations of any government or agency under whose jurisdiction the land lies are considered to be part of these Design Regulations by reference and enforceable hereunder; and all of the owners of said lands shall be bound by such laws, rules and regulations. The Bozeman Unified Development Code (UDC) is found in Chapter 38 of the Bozeman Municipal Code, which can be found online at www.bozeman.net.

The Cattail Creek Design Regulations may differ and in fact, may be more comprehensive and more restrictive than the Bozeman Unified Development Code.

In the event there is a conflict between the Design Regulations and any City land use regulations, the most restrictive provision shall control.

3.2 Covenants and Bylaws

The Cattail Creek Covenants (on file at the Gallatin County Clerk & Recorder's Office) and the Cattail Creek Bylaws also apply to all properties within Cattail Creek.

Article 4: Cattail Creek Design Committee

The “Cattail Creek Design Committee” (CCDC) is the entity charged with implementation of these Design Regulations.

4.1 Function

The function and purpose of the CCDC is to review applications, plans, specifications, materials and samples in order to determine if a proposed project conforms to these Design Regulations. To that end, no structure shall be erected, constructed or altered until municipal, CCDC and any other required approvals have been obtained and review processes completed.

4.2 Membership

The CCDC shall consist of the Design Liaison (from the Board of Directors), an at-large member of the Cattail Creek Community Association appointed by the Board of Directors and an architect. The CCDC may also engage other professional services or other advisors in the review process at the CCDC's sole discretion.

4.3 Scope of Responsibilities

The CCDC has the right to exercise control over all improvements in the Cattail Creek Subdivision. The architect member of the committee shall conduct all design reviews (Form A, B, C, E and all inspections in consultation with the other members of the CCDC.

4.4 Enforcing Powers

Should a violation occur, the CCDC has the right to injunctive relief, which requires the owner to stop, remove, and/or alter any improvements in a manner that complies with the standards established by the CCDC. Approval by the CCDC does not relieve an owner of his/her obligation to obtain any government approvals. If such approvals are required and are not obtained by the owner, the CCDC and/or the applicable government agency may take whatever actions are necessary against the owner to enforce compliance. The CCDC has the right to interpret and enforce the Design Regulations.

4.5 Inspection Access

The CCDC reserves the right to access the project property to complete necessary inspections/observation at any time during the construction process until occupancy or until final inspection has been completed, whichever is later.

4.5 Limitation of Responsibilities

The primary goal of the CCDC is to review the submitted applications, plans, specifications, materials, and samples in order to determine if the proposed site and building exterior substantially conforms to these Design Regulations at the sole discretion of the CCDC. The CCDC does not assume responsibility for the following:

- The structural adequacy, capacity, or safety features of the proposed structure or improvement.
- Soil erosion, ground water levels, site drainage, non-compatible or unstable soil conditions.
- Compliance with any or all building codes, safety requirements, and governmental laws, regulation or ordinances.

Article 5: Design Review Process

All development plans shall be reviewed and approved with the procedures established by the Cattail Creek Design Committee.

Submit the required documents for each step of the process for each design review to the following:

Cattail Creek Design Committee (CCDC)
c/o Intrinsic Architecture, Inc.
111 North Tracy Avenue
Bozeman, Montana 59715
designreview@intrinsicarchitecture.com

Submittals must be clearly labeled with specific project title and address. All forms must be legible and complete. Forms A/B/C and E are available at the end of this document. They are also available online (www.cattailcreekhoa.com).

Upon CCDC review, the owner will be notified within fifteen (15) business days of a complete submittal that the design has been approved, approved with stipulations or disapproved. The reasons for approval with stipulation and disapproval will be clarified for the owner in writing and/or with drawings. If an application has been denied, or the approval is subject to conditions that the owner feels are unacceptable, the owner may request a hearing before the CCDC to justify his/her position at the applicant/owner's cost. The CCDC will consider the arguments and facts presented by the owner and notify the owner of its decision within fifteen (15) business days.

Incomplete applications may result in notification to the owner of any and all deficiencies or may be returned with notice of deficiencies. In either event, the application may be subject to additional processing or a re-submittal fee.

An application for withdrawal may be made without prejudice, provided the request for withdrawal is made in writing to the CCDC. Application fees are non-refundable.

All variance requests pertaining to the CCDC approvals must be made in writing to the CCDC. Any variance granted shall be considered unique and will not set any precedent for future decisions. Variance requests are subject to Section 6.4.

Fees may be increased on an annual basis as recommended by the CCDC and approved by the Board of Directors.

5.1 Informal Advice

Prior to beginning the design process, it is recommended that lot owners and their designers should review the documentation thoroughly.

If there is any question or confusion, they are encouraged to contact the CCDC to verify their interpretation of these codes.

An owner or representative may request a meeting with the CCDC to discuss preliminary plans prior to a full Form A (Sketch Design Review) submittal.

Fee: TBD*

Required Documents	Required Drawings (1 hard copy, 1 digital copy)	Schematic Drawing Checklist
None	Conceptual plans appropriate for informal discussion	n/a

*Note: Informal (any and all) meetings and/or reviews requested by the owner are subject to hourly fees (Approximately \$100/hour) in addition to other standard Design Review fees.

5.2 Form A: Sketch Design Review

This review checks the designs for general interpretations of the overall Design Regulations. Form A includes a statement of Acknowledgement. It is expected that the Lot Owner and/or General Contractor will take all necessary steps to ensure their employees, subcontractors, agents, suppliers, and others involved in the development of the lot are familiar with and agree to abide by the covenants, Design Regulations, and approved plans.

Note that Form A review must be completed before Form B review can begin. If a Form B application is not submitted within three months of Form A review (based on the date of the approval letter from the CCDC) or if the project design changes considerably (as determined by the CCDC), a new full Form A submittal will be required.

Fees: \$200 (Single Unit and Duplex); \$300 (3-8 unit projects); \$400 (all others)

Required Documents	Required Drawings (1 hard copy; 1 digital copy in PDF format)	Schematic Drawing Checklist
Form A (must be signed)	Site Plan (1/16" or 1/8" scale)	North arrow; Property lines; Setbacks; Easements; Sidewalks; Building Footprints; Porches, stairs, eaves (as dashed lines), etc.
	Landscape Plan (1/16" or 1/8" scale)	Schematic site and boulevard landscaping
	Floor Plans (1/8" scale or larger)	Room uses labeled; Windows & doors; Overhangs; Dimensions; Gross square footage for residence & garage
	Elevations (1/8" scale or larger)	Porches; Balconies; Doors; Windows; Materials specified; Overall height (from average grade); Roof pitches
	Roof Plan	

*Notes:

- 1) Additional meetings and/or reviews requested by the owner and as determined by the CCDC to be above and beyond the standard review process are subject to hourly fees in addition to the Design Review fee and must be paid prior to issuance of approval.
- 2) Incomplete applications may be returned and are subject to a \$100 refiling fee.
- 3) Half sized scalable drawings are permitted. Digital files (individually) must be 8 MB or less.

5.3 Form B: Construction Design Review

This process is to review the construction documents for compliance with these Design Regulations and to verify that the previous CCDC recommendations have been addressed. Conformity to applicable local regulations and building codes, as well as obtaining appropriate permits is the responsibility of the owner's architect and/or builder.

Note again that Form A review must be completed before Form B review can begin. If a Form B application is not submitted within three months of Form A review (based on the date of the letter from the CCDC) or if the project design changes considerably (as determined by the CCDC), a new full Form A submittal will be required.

Fees: \$700 (Single and Duplex); \$800 (3-8 unit projects); \$900 (all others).

Required Documents	Required Drawings (1 paper copy plus digital copy in PDF format)	Drawing Checklist
Form B (must be signed)	Site Plan (1/16" or 1/8" scale) All dimensions must be noted.	North arrow; Property lines; Setbacks; Easements; Sidewalk & street location; Dimensions; Materials for walks & drives; Building footprints; Porches, stairs, eaves/overhangs (as dashed lines); Fence locations & details; Grading plan; Location and screening of equipment and meters; Limits of construction activity
	Landscape Plan (1/16" or 1/8" scale)	Site & boulevard landscaping plan specifying dimensions, plant types and sizes, planting beds and mulch type.
	Floor Plans (1/8" scale or larger)	Room uses labeled; Windows & doors; Overhangs; Dimensions; Gross square footage for residence & garage

	Elevations (1/4" scale or larger) All dimensions must be noted.	Porches; Balconies; Doors; Windows; Materials specified; Overall height (from average grade); Roof pitches; Lights and light fixture details & specifications
	Roof Plan	
	Garage Door	Manufacturer's Cut Sheets
	Exterior Light Fixtures	Manufacturer's Cut Sheets
	Color Rendering	Color rendering of the front elevation and color chips

*Notes:

- 1) Form B Fees include three inspections outlined in Section 5.6 below.

- 2) Additional meetings and/or reviews requested by the owner and as determined by the CCDC to be above and beyond the standard review process are subject to hourly fees in addition to the Design Review fee and must be paid prior to issuance of approval.

- 2) Incomplete applications may be returned and are subject to a \$100 refiling fee.

- 3) Half sized scalable drawings are permitted. Digital files (individually) must be 8 MB or less.

5.4 Forms C1 and C2: Changes & Modifications

It is anticipated that owners may wish to make modifications to their building plans or landscape plans during initial construction or at a future date. A change may be executed only after CCDC approval of Form C: Application for Change(s).

All modification requests must be made in advance of construction.

Any modifications made prior to Form C review and approval may be subject to an increased fee. Modifications contrary to the design regulations may be required to be taken down, removed or otherwise make the necessary changes to bring the situation into compliance. Alternatively, the fee for leaving the contrary situation in place could be up to and including \$10,000. The Design Review Board reserves the right to determine the nature of the contrary design and determine the method of rectification including but not limited to removal and/or additional fees. The decision is final and not subject to appeal.

Fee: \$150 for proposed modifications; \$1,000 per infraction as determined by CCDC for “after the fact” modifications

Required Documents	Required Drawings (1 paper copies plus digital copy in PDF format)	Drawing Checklist
Form C1 & Form C2	Any drawings (site plan, landscape plan, elevations; materials) related to proposed changes	Any details related to the proposed changes.

*Notes:

1) Additional meetings and/or reviews requested by the owner and as determined by the CCDC to be above and beyond the standard review process are subject to hourly fees in addition to the Design Review fee and must be paid prior to issuance of approval.

2) Incomplete applications may be returned and are subject to a \$100 refiling fee.

3) Half sized scalable drawings are permitted. Digital files (individually) must be 8 MB or less.

4) Phased projects may require additional inspections and associated fees.

5.5 Site Plan Review & Building Permits

Some larger scale projects will require Site Plan Review from the City of Bozeman and all construction projects require a building permit, issued by the City of Bozeman, in addition to the consent of the CCDC.

Prior to any plans submitted to the City of Bozeman for Review or Permits, the plans must be approved by the Cattail Creek Design Committee.

Construction may not commence without the approval of the City of Bozeman, necessary permits obtained and fees collected.

Approval by the CCDC does not guarantee approval by the City of Bozeman.

5.6 Inspections

Inspections are required to ensure that construction proceeds in compliance with these covenants and regulations and the approved drawings. An inspection is required during each of three stages of construction: framing, siding, and landscaping. The required inspection fees are included in the Design Review Application Fees.

The inspections will take place generally at three points in time corresponding to when framing is nearing completion, when siding has started and when the landscaping has been completed. These inspections may occur at any time and may include multiple visits.

The CCDC reserves the right to enter the property and inspect the exterior of the project for compliance during any stage of construction. The CCDC is empowered to enforce its policy as set forth in the Design Regulations, in law or equity, to ensure compliance.

The inspections shall determine compliance with the design regulations, covenants and approved plans. If the CCDC finds the improvements were not completed according to these documents, the CCDC shall notify the owner of the property following the inspection. The owner shall have ten (10) business days from the noncompliance notification to submit a work plan delineating the time frame when the noncompliance will be remedied. The CCDC may allow up to forty-five (45) days for the noncompliance to be remedied if the submitted work plan provides adequate justification for the requested time. The owner may also propose to modify the approved plans with an "after-the-fact" Form C application in accordance with Section 5.4. Considerations will be given based on the purpose of these design regulations.

If the Form C is not approved, or the noncompliance is not remedied within ten (10) business days of noncompliance notification and the owner does not provide a work plan within said time, or if the noncompliance is not remedied within the time frame provided in the work plan as approved by the CCDC, the CCDC may, at their discretion, remedy the noncompliance as defined in Section 5.4.

The owner shall reimburse the CCDC upon demand for all expenses incurred in connection therewith.

The owner shall also pay the CCDC for any time spent on an inspection that is above and beyond the average inspection (including multiple phases and buildings, staggered construction). Payment shall be based on the hourly fees (approximately \$100/hour). If the owner does not promptly repay such

expenses, the CCDC shall levy an assessment and file a lien against such owner and the improvement in question and the land on which the same is situated for reimbursement and the same shall be enforced and/or foreclosed upon in the manner provided for by law.

No building erected or constructed within Cattail Creek Subdivision may be occupied or otherwise used for its intended purpose until the exterior of the building, other than painting and landscaping that may be deferred until the next summer, is complete and an occupancy permit is issued by the City of Bozeman. In the event that the owner allows occupancy of the building prior to completion or the exterior, other than allowed, deferred painting and landscaping, or fails to timely complete the painting and landscaping by the following July 15, the Association shall have the right to seek injunctive relief preventing further occupancy of the building until completion of the required work.

At the conclusion of the inspections, **Form E (Pre-Occupancy Checklist)** will be filed with the Cattail Creek Community Association. It is the intent of this form to allow prospective owners, prior to completing the purchase, to verify the project was completed according to the Cattail Creek Design Regulations. Additionally, individuals may also verify any outstanding issues or unpaid fees.

5.7 Timing of Construction

Any structure to be erected within Cattail Creek Subdivision, which may only be commenced upon receipt of all appropriate approvals, must be erected and completed within one (1) year from the date of the start of construction. If construction of a structure is not commenced within one year of the Form B approval date, new approvals must be obtained from the CCDC.

In the event that exterior painting and landscaping, including the installation of any concrete driveways or sidewalks, cannot reasonably be completed within one the time allowed for completion of construction, the CCDC shall allow such painting and landscaping to be completed by July 15 of the following year.

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

Projects in R-1 and R-2 zoning districts may request additional blocks of time to complete their project. Before the end of the one (1) year, the owner may request additional time in six (6) month blocks of time. Due to time required for project ongoing monitoring and tracking, a fee of \$600.00 for each 6 month extension applies. The owner may request to purchase a maximum of three (3) blocks for a total maximum extension time of eighteen (18) months. All approved extended projects must be completed within thirty (30) months from the start of construction. No additional extensions will be considered or approved.

Projects in R-3, R-O, M-1, B-1 and B-2 zoning districts requiring phased construction or construction timelines requiring additional time beyond one (1) year will be assessed extra fees on a case by case basis and based on potential extra inspections or other circumstances. The applicant should state the timeline requested for approval with Form A.

5.8 Liability

In passing upon all such plans and specifications, the CCDC shall take into consideration the suitability of the proposed building or other structure and the materials of which it is to be built, the lot upon which it is to be erected, its harmony with the surroundings and the effect of the building on other structures, as planned, as viewed from adjacent or neighboring lots. The CCDC does not review projects for building code or municipal code issues. The CCDC shall use reasonable judgment in passing upon all such plans and specifications, but shall not be liable to any person for its actions in connection with submitted plans and specifications, unless it is shown that the committee acted with malice or wrongful intent.

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

Article 6: Community Design Patterns

The following sections (Site, Building, and Landscape) outline the desired residential neighborhood patterns for Cattail Creek.

All M-1 (Light Manufacturing District), B-1 (Neighborhood Commercial), B-2 (Community Commercial) and R-O (Residential Office District) zoned lots fronting North 27th Avenue are also subject to regulations found in UDC (Section 38.500) Article 5 (Project Design).

6.1 Site

The following site design regulations are intended to provide a framework for the overall neighborhood. All setbacks, lot coverage, accessory structures, parking, drive accesses, etc. are governed by the Bozeman Unified Development Code. Note that these Design Regulations may be more restrictive than the city ordinances including but not limited to the site characteristics listed below.

(a) Setbacks, Building & Parking Locations

- Buildings shall be located on lots relative to the setbacks specified in the current Bozeman Unified Development Code, including any easements indicated on the final plats that have been filed.
- For M-1, B-1, B-2 and R-O zoned lots, on-site parking spaces shall be provided primarily at the rear of the lot and be screened from any residential adjacencies. The exception is that Warbler Way R-O zoned lots adjacent to the Cattail Creek Parkway or east trail corridor shall have parking at the front of the lots. The intent is to provide a street friendly appearance with the parking to the rear of the building.
- Where parking must be located in the front or side of the lot, additional methods to screen vehicles from the street will be required for both residential and commercial properties.
- All residential zoned corner lots shall primarily front the street in the direction of interior lots on the same side of the block. Buildings on corner lots must address both street frontages. Design considerations should include but not be limited to: wrapping front porches, variation in wall planes and massing, additional fenestration, enhanced landscaping, and integrated backyard screening.
- The front façade of a single-family house or duplex must be built on the front yard setback line (“build-to” line). The width of the house on the build-to line must occupy a minimum of 25 percent of the width of the lot measured along the build-to line. Consideration will be given for 5-foot maximum variation from the build-to line, based on design merit. Residential structures located on lots with curved property lines at the street may substitute for that line, a straight line, located at the average depth of the curved line segment fronting the building.
- The face of an alley-accessed garage is encouraged to be built on the alley subject to size and setback requirements from the UDC. It is the

intent of these guidelines to create a defined vertical edge along the alley.

- Street accessed garages must be located a minimum of 20 feet back from the front property line, as well as, a minimum 10 feet back from the front door plane.
- Trash containers shall be located within a garage or adjacent to or within the parking area and shall be screened from public view with durable materials that complement the overall design scheme of the property.

(b) Accessory Structures

- The following uses are permitted either as attached to the main house or as an outbuilding: garage, shed, workshop, artist studio, sauna, pool house equipment enclosure, gazebo, and conservatory.
- Home occupations in accessory structures must receive prior approval from both the CCDC and the City of Bozeman.
- A 12-foot minimum distance shall separate outbuildings from the main structure. Detached volumes, designed as part of an overall composition of the main structure will be considered based on design merit.
- All residential properties shall be built with a minimum of a one (1) car garage.
- Garage construction must be commenced at same time as primary residence.

(c) Accessory Dwelling Units

- Accessory Dwelling Units (ADUs) are permitted only over a detached garage, on lots with adequate lot area, lot width, appropriate zoning, and other municipal requirements.
- ADUs must receive prior approval from CCDC prior to commencement of construction. Any lot zoned R-1 is not a guarantee of approval for an accessory unit. Such lots must additionally apply for a City of Bozeman conditional use permit, and any other necessary approvals.
- In no case shall an ADU be taller or larger in footprint than the main structure.

- No more than one of the dwellings (principal dwelling or ADU) may be rented by non-owners at the same time as outlined in the current UDC.
- One additional off-street parking space is required for an ADU.
- The occupancy of the ADU may not exceed two persons.
- The number of bedrooms may not exceed one.
- Only one ADU may be created per designated lot.
- ADUs must conform to size restrictions for their respective zoning districts, as outlined in the Bozeman Unified Development Code.

(d) Fences

- All fence designs and locations must be approved in advance of construction by the CCDC.
- It is the responsibility of the property owner to verify all property lines, easements and utilities prior to submittal of plans for approval and confirm prior to construction.
- Materials: fences and gates must be made of wood and have a sealer, pigmented stain or paint applied in order to protect the wood from moisture and UV rays. A fence must have a capboard unless otherwise approved based on design merit. Other materials may be considered; however, chain-link and split-rail fences are prohibited.
- No fences are allowed in front yards unless approved by the CCDC.
- No fences are allowed in required street/alley vehicle vision triangles as defined in the current UDC.
- Maximum height for fences in corner side yards shall be 4 feet.
- Maximum fence height is 5 feet in rear and side yards unless a variance (6 feet maximum) is requested and granted from the CCDC. If a variance is requested to increase the fence height to 6 feet, the top 1-foot (minimum) of the fence must be constructed of open infill such as lattice. Fences along parkways (such as Block 9, Phase 2) shall not exceed 4 feet.
- Any fence or wall constructed so as to have only one elevation “finished,” which shall be defined as not having its supporting members significantly

visible, shall be erected such that the finished elevation of the fence is exposed to the adjacent property, alley or street.

- Fences shall not terminate within 3 feet of house or garage building corners unless integrated with wall design.
- All fence assemblies are required to be maintained for appearance and kept in working order.
- Dog kennels or runs must be attached to a primary or accessory structure, be screened from public streets and adjacent properties, and receive CCDC approval for materials, configuration and screening. Chain-link is not permitted.

(e) Driveways

- Front driveways shall be of concrete, or built of brick or concrete pavers approved by the CCDC. Rear driveways including parking areas have the option of being paved with asphalt, when approved, as an extension of the paved alley. Driveway paving must extend to the alley paving.
- Driveway and apron center lines must intersect perpendicular to the sidewalk and street right of way.
- For projects with four (4) or more housing units, concrete curbing is required for all driveway and parking areas as per current UDC requirements.
- Driveway and parking areas shall be planned to provide for appropriately sized snow storage areas that do not interfere with, or stack snow on, landscape plantings.
- The maximum distance allowed for parking from an alley accessed property line to the front of an interior or exterior parking space is 40 feet.

(f) Sidewalks

- All lot owners are required to install any missing or construction damaged city standard concrete sidewalks/curbs, along all lot street frontages prior to occupancy.
- As per City Codes, property owners shall be responsible for maintenance and snow removal of sidewalks immediately adjacent to their properties regardless of occupancy status.

- Sidewalks leading to single family home porches are encouraged to cross the boulevard and connect to curb line.

6.2 Building

The following building design regulations are intended to promote building diversity and neighborhood compatibility. All building heights, encroachments, etc. are governed by the current Bozeman Unified Development Code (UDC). Note that these Design Regulations may be more restrictive than the city ordinances including but not limited to the building requirements listed below.

(a) Minimum & Maximum Floor Areas

- Single family residential houses shall be a minimum of 1400 total gross square feet in area, excluding garages, porches and out buildings unless approved otherwise based on design merit and building quality.
- The maximum size of an attached garage shall be 650 gross square feet or as regulated by the UDC. Larger garages may be considered based on design merit as determined by the CCDC.
- ADUs must conform to size restrictions for their respective zoning districts, as outlined in the UDC.

(b) Prohibited Building Type

- Prefabricated, modular, mobile, factory built and/or kit buildings are prohibited unless approved by CCDC based on the purpose of these design regulations.

(c) Foundations

- Foundation walls may be exposed a maximum of 18-inches above the ground unless they are integral with an approved design scheme. Concrete foundations exposed more than 18-inches above grade must have an approved architectural finish (texture, pattern and/or color).

(d) Walls & Facades

- All facades of the main building and accessory structures shall be made of similar materials and be similarly detailed.
- Varied building massing is encouraged. No residential exterior wall plane shall exceed 35 feet (100 feet for the M-1, R-O, B-1, B-2 Zoned lots) in length without incorporating a minimum 24-inch offset or recess (including foundation unless otherwise approved).

- Primary materials and colors on a façade may change only at a horizontal band or an inside corner. Exceptions to this may be considered as part of an overall design scheme.
- Building walls shall be clad in smooth cut wood shingles, wood clapboard, wood drop siding, wood board and batten, fiber cement siding, brick, or stone. Siding shall be painted or stained, Alternative materials such as architectural metal cladding, stucco or synthetic stucco with a smooth or roughcast (pebbled) finish, will be considered based on design merit. Particle board, low or medium-density composite wood paneling (Canoxel, Color-Lok, T1-11), vinyl or aluminum siding is not allowed. Engineered wood siding such as LP Smart Side is allowed.
- Lap siding shall be run horizontally. Maximum lap siding exposure is 5-inches. Combinations of lap exposure will be considered on a case-by-case basis.
- The color palette of the body of the house shall be as approved by the CCDC based on color scheme merit. All trim, frames, doors, and windows shall be in a compatible or accent color. Color schemes must be varied from the two adjacent properties, in each direction and from the properties across the street. Attached dwelling units are exempted from each other.
- Exterior wood shall be painted or stained with solid pigment or semi-transparent stain (wood front doors excluded).
- Stonework shall be natural or approved synthetic stone materials. Dry stack, un-coursed settings with minimal exposed mortar are preferred. Stonework shall not be applied to individual wall surfaces in order to avoid a veneer-like appearance. It shall continue around corners to an inside corner.
- Brick surfaces shall be set predominantly in a horizontal running bond pattern.

(e) Porches

- Front porches are required on residential structures. Minimum depth shall be 6 feet and minimum width shall be at least 30 percent of the fronting elevation width on single family and 25 percent of each unit on multiple unit structures.
- The first floor elevations shall be a minimum of 2 feet and a maximum of 5 feet above the average fronting street elevations measured on the property line. Variances may be granted on a case-by-case basis. The

intent is to create a defining edge and a street friendly appearance, with a porch raised to enhance privacy.

- Main entry doors are required to be composed with and integrated with the porch design.
- Porch supports shall be built of stone, masonry, concrete, or wood. Column base piers shall be no less than 16 x 16-inch square and wood columns shall be no less than 8-inches square. Column groupings must have an outer minimum dimension of 10-inches. Tapered columns may not be smaller than 7 x 7-inches at the top. Columns shall match or be similar in design on all elevations of a structure.
- Porch railings may be opened or closed. If closed, they must be constructed of the same material as the adjacent wall planes.
- Front stoops shall be made of brick, concrete, stone, or wood and must be detailed and integrated into the porch/railing design. Required stair railings must be compatible with the overall stair and porch design.
- The space below porches shall be closed, detailed, and integrated into the design, interrupted as necessary for drainage.
- Exterior stairs visible from nearby streets or public spaces are required to show stepped horizontal walls, except that diagonal handrails may be attached thereto. No exposed stair or deck framing is allowed. Exceptions will be considered on design merit.
- Front porches are intended to allow for interaction with the street, therefore, front porch screens and glazing are not permitted.

(f) Decks & Patios

- Decks and patios must face only rear and side yards. Decks and patios may not extend more than 2 feet into a side yard. Covered porches may wrap side yard facades when composed and integrated with overall design.
- Low level decks on primary home shall be skirted to grade. Decks which are not practical to skirt shall be designed to assure that the underside of the deck is integrated with the design of the building. Exposed anodized aluminum joist hangers will be allowed, so long as they are not visible from adjoining streets and properties. Open space below first floor elevated decks or porches shall be screened. If lattice is used, wood lattice is

required with a maximum of 1-1/2-inches space between strips. Said lattice shall be applied in a non-diagonal design, between and not concealing deck supports. Upper level decks must be integral to the design and over first floor space.

- Decks, balconies, and terraces shall be designed to enhance the overall architecture of the building by creating variety, layering, and detail on exterior elevations. Covered decks, projecting balconies, and bay windows shall be integrated and composed with the overall building form, rather than placed randomly throughout the building. Terraces shall be used to integrate the building and landscape by creating a transition between the built and natural character of the site.

(g) Windows

- Window and door patterns and reveals should be carefully studied to create interest, variety and consistency. Unless otherwise approved for design merit, windows shall not exceed 50 percent of the wall area, and not less than 15 percent, measured on each overall building elevation. Elevation calculations shall include exterior window trim.
- The design and location of exterior windows should respond to the solar orientation of the building. Energy considerations should be addressed in the building design.
- Windows shall be placed such that:
 1. Single window units shall be no closer to another window than the width of the window.
 2. A window unit is no closer to a corner than 1/3 the width of the window unit, unless the trim is detailed to wrap the corner
 3. For multiple attached window units, the space between groups shall be no less than a single window unit width. Windows that completely wrap a corner are acceptable.
- Windows shall be made of painted or stained wood or clad in metal or vinyl. Higher-grade vinyl window packages will be considered for approval on a case-by-case basis.
- Windows must match in material, design and be overall proportional to one another on all elevations.

- Window muntins shall be or appear to be true divided lights. (If snap-ins are used, only exterior models are acceptable).
- Buildings with wood exteriors shall have all openings trimmed in wood bands of minimum 4-inches nominal width.
- False shutters are not permitted.
- Mirrored glass shall not be used.
- Bay window projections shall be proportionate to the overall composition and are encouraged to extend to the ground. Cantilevered bays must be visually carried by structural brackets or a water table trim band. Only cantilevered bays without useable floor area may encroach into a setback.

(h) Doors

- Typical sliding glass doors may only be used in walls facing the rear yard, unless additional landscaping and screening is included and approved based on design merit.
- Attached garages shall be subdued and clearly subordinate to the dwelling. A subordinate garage has the following characteristic: The area of the garage vehicle door(s) comprises 30 percent or less of the total square footage, exclusive of any exposed roof areas, of the principal façade of the dwelling.
- Garage door manufacturer's cut sheet are required.
- Garage doors may include windows but must be built of wood, steel, or fiberglass with a wood veneer.
- Whenever alleys are not available, and lot width allows, it is encouraged that garage doors do not face the street. Exceptions will be considered based on site conditions and design merit. Garage doors shall match or complement the primary color of the building.
- All garage doors are encouraged to be separated for each vehicle. If doors are not separated, garage doors must be detailed to appear separated.

(i) Roofs

- Roof materials above occupied areas of buildings, or in areas exposed to the sun, mechanical vents, and heat from adjacent chimneys shall be carefully selected to address the freezing and thawing cycle common to most roof designs. Cold roof systems with adequate ventilation and insulation are recommended.
- Materials shall be selected for their quality, durability, appearance and maintenance characteristics. Pitched roofs shall be clad with Class A or B treated wood shakes or cedar shingles, natural or artificial slate, Class A random tab asphalt/fiberglass shingles with complementing colors, approved by the CCDC. Steel and other metal roofing products will be considered based on overall composition, unique detailing and design merit. All roof flashing vents, hoods, and roof accessories shall be copper or a pre-finished metal that blends with the color of the roofing material selected.
- The principal roof shall be a symmetrical hip or gable form with a pitch between 4:12 and 10:12. Steeper or flat roof designs will be considered based on design merit as determined by the CCDC.
- Flat roofs comprising less than 30 percent of the total roof area are permitted. Flat roofs used as balconies on street facades shall be enclosed with solid railings and integrated with the design, unless otherwise approved based on design merit.
- Caution should be taken in design to minimize shedding of snow and ice toward driveways, sidewalks, porches, decks, balconies, or any other areas which may be damaged or cause injury.
- Ridge plane and fascia continuous length dimensions shall not exceed 30 feet for single family garages, 40 feet for single family and duplex structures and 100 feet for multiple unit structures without a 4-foot minimum dimensional break.
- Pitched roofs shall be clad with treated wood shakes or shingles, natural or synthetic slate, asphalt random tab shingles, pre-finished metal roofing, other similar materials and complementing color approved by the CCDC.
- The term "integrated roof planes" shall mean roof surfaces (planes) that intersect exterior walls at mid-stories. Integrated roof planes contribute to the composition of an overall roof and building design by helping to break down the scale, height, and massing of a multi-story structure.

(j) Skylights

- Skylights shall be flat in profile (no bubbles or domes).
- When designing the location of skylights, consideration should be given to both the interior and exterior appearance of the unit. Locations should also be coordinated with window and door locations. Skylights shall be located away from valleys, ridges, and all other areas where drifting snow may hinder the performance and safety of the unit. Skylights should be of high quality, insulated, double pane construction.

(k) Solar/Photovoltaic Panels

- Photovoltaic/Solar panels shall be low profile and installed flat to the roof or wall.

(l) Dormers

- Dormer width shall be proportionate to the overall composition.
- Shed dormers shall have a pitch of at least 4:12. Hip dormers shall have the same pitch as the main roof volume.

(m) Eaves / Soffits / Gutters

- Eaves may be encroached by a bay window or windows for no more than half of the running length of each façade, cumulatively.
- Overhanging roof eave and gable end depth shall be no less than 24-inches. Roof overhang depth on accessory structures must match the main building structure.
- Eave detail must have a minimum total face dimension of 7-inches. Two-piece fascias are required where flat fascias are detailed.
- Exposed rafter tails are strongly encouraged if appropriate for the architectural style.
- Metal and wood fascia and soffits are permitted.
- Vinyl fascia and soffits are not permitted.

- Boxed soffits are prohibited except when integrated into appropriate architectural style.
- Gutters shall be built of painted metal of a color and finish that blends with the finish color scheme. Gutters shall be half-round or rectangular and downspouts shall be circular or rectangular.

(n) Chimneys / Roof Vents / Equipment

- All roof-mounted equipment shall be integrated into overall design and screened. Vents projecting from the roof shall be painted to match overall roof material color. Roof top equipment and vents other than chimneys and plumbing vent stacks shall not face a public street.
- Chimneys shall be clad in stone, brick, stucco or some other compatible/complementary material.
- Prefabricated metal flues shall be concealed within a chimney. Chimney caps may extend above the chimney top per building code requirements. All chimney forms shall relate to the overall building.
- It is strongly encouraged that chimneys emerge from the highest roof volume.
- All roof-mounted equipment shall be integrated into overall design and screened. Vents projecting from the roof shall be painted to match overall roof material color. Roof top equipment shall not face a public street.
- Exterior antenna, satellite receivers (dish) or aerial shall not be located on a street facing elevation and shall be screened or landscaped as approved by the CCDC.
- Chimneys shall be at least 30 x 30-inches.

(o) Lighting

- Exterior Lighting: All exterior residential lighting must be dark-sky compliant.
- All exterior lighting must be free of glare and shall be fully shielded so that no light rays are emitted by the installed fixture at angles above the horizontal plane. No lighting shall shine beyond a property's lot line. Indirect light, meaning direct light that has been reflected or has scattered off to other surfaces, may be considered.

- All exterior lighting of all lots shall be limited to maximum 800 lumens and must be full cut-off and shielded bulb of such focus and intensity so as to not cause disturbance of adjacent lots.
- Recessed or can lighting is encouraged for porches and main entrances for softer lighting conditions.
- All exterior residential building mounted lighting must be incandescent.
- The following lighting is prohibited: obtrusive flood lighting, mercury vapor or high-pressure sodium lights and clear glass or exposed bulb (non-cutoff) fixtures.
- Parking Lot Lighting: Kim Lighting “Archetype” outdoor cutoff luminaires or approved equivalent with white metal halide (4000K) or LED bulbs are required, with a maximum fixture height of 20 feet. Fixture wattages as approved by the CCDC.
- Street Lighting: The Cattail Creek Subdivision will light street and significant pedestrian intersections with Kim Lighting “Archetype” outdoor cutoff luminaires or approved equivalent with white metal halide (4000K) or LED bulbs. Special Improvement Lighting Districts will be formed to fund and maintain street lighting.

(p) Signage

- No signs, placards, or notices shall be erected, placed, maintained or permitted to remain on any part of any land in Cattail Creek, except such commercial signs as have been approved by the CCDC for identification of residences, streets, parks or areas, places of business, or other commercial uses. Signs must also be constructed to comply with the Bozeman sign ordinance.
- Typical "For Sale" signs shall be allowed during the sale of a lot.
- Signage integrated with landscaping may be placed at the main entrances to the subdivision to identify the subdivision and/or neighborhood.
- Signs are permitted in accordance with local land use regulations including the Bozeman Design Objectives Plan.

6.3 Landscape

The proper use of plant materials adds to a sense of permanence and consistency for a neighborhood while also connecting the built and natural environments. Each site owner will be required to meet Cattail minimum landscape specifications related to two general categories: boulevard plantings and yard plantings.

Properties are also subject to City of Bozeman Unified Development Code landscape requirements as a minimum.

Cattail regulations may exceed the Bozeman standards.

(a) General Requirements

- All required and approved landscaping must be completed prior to occupancy when planting season allows, and not later than eight (8) months after occupancy if winter prohibits completion.
- The land is to be maintained in a neat appearance at all times. Grass shall be cut and trees, bushes and hedges shall be trimmed at such intervals as are necessary to maintain the attractiveness of Cattail Creek.

(b) Street Trees & Boulevard Plantings

- Individual lot owners shall be responsible for landscaping the boulevard area directly adjacent to their property and for the maintenance of the boulevard area thereafter.
- The tree diameter caliper measurement is determined by taking the diameter of the tree 6-inches up from the ground or root ball.
- In ground irrigation, turf (sod) and minimum 2-inch diameter caliper trees shall be planted at a density of one tree per 50 feet in the boulevard area.
- All boulevard plantings must follow City of Bozeman requirements for street tree permits. Species selection, and spacing but must meet the 2" diameter caliper size required by Cattail Creek. Owners are required to obtain City of Bozeman boulevard tree planting permit prior to planting.
- Maximum height of landscaping in required vehicle vision triangles is 30-inches.

- It is the responsibility of the Owner to contact the appropriate utility companies before digging.

(c) Yard Plantings

- All yards and beds must be irrigated (in ground).
- Front and street fronting yards (including Corner Side Yards): At least one tree (minimum 2-inch caliper) and two appropriately sized planting beds are required for each front yard and street fronting yard.
- Rear and Side Yards: At least one tree (minimum 2-inch diameter caliper) and one appropriately sized planting bed is required for the rear yard and any side yard at least 10' wide.
- Additional landscaping may be required to help define the alley edge and for rear yard parking spaces and decks or patios.
- All planting beds must be composed with the site (including appropriately sized beds and plant quantities) and the building elevations and shall have a top layer of mulch or earth tone stone (non-white). Shrub planting sizes must be a minimum size of 5 gallon.
- "Xeriscaping" or water-conserving, drought-tolerant landscaping is actively encouraged. A proposal for a xeriscape landscape plan must be prepared by a landscape professional and must meet local land use requirements for 75 percent "live vegetation."
- Maximum height of landscaping in required vehicle vision triangles is 30-inches.
- It is the responsibility of the Owner to contact the appropriate utility companies before digging.

(d) Seeding

- The boulevard, front yards and corner side yards are required to have turf (sod) installed where lawns are planned.
- Seeding, including hydro-seeding, is not acceptable for the boulevards, front yards or corner side yards. Seeding or professional hydro-seeding is acceptable for rear and side yards (to the rear of fronting facades) only.

(e) Vegetation Maintenance & Removal

- Maintenance (including irrigation and replacement) of required vegetation is the responsibility of the property owner. Approved landscaping that dies must be replaced.
- No mature landscaping may be removed on site prior to construction without prior permission from the CCDC.

6.4 Variations from Community Patterns

The Cattail Creek Design Committee (CCDC) may, upon application, grant a variation from the Design Regulations, based on design merit.

The CCDC shall have the duty and power to make the final decision on the granting of the variation. In the event that a variation is granted by the CCDC, neither the CCDC nor the Cattail Creek Community Association shall incur any liability or damages for such a decision.

Variations must be requested in writing and approved by the CCDC, which is only empowered to grant variations from the Cattail Creek Design Regulations. Under certain circumstances, it may be necessary for a variance to be granted by the Bozeman City Commission as well. It shall be the responsibility of the owner seeking a variance to make proper application to the City of Bozeman for a variance under the Unified Development Code and a variation from the Cattail Creek Design Regulations will not satisfy any required variances to be allowed by the Bozeman City Commission.

The Committee may only grant a variation from the Design Regulations provided that compliance with the spirit of the regulations is maintained.

Any variations from the regulations shall be considered unique and will not set any precedent for future decisions.

The Committee, in reviewing and considering an application for a variation, shall consider the nature of the hardship claimed, the impact on the adjacent lot owners, the impact on Cattail Creek and proposed mitigations for the impacts.

Article 7: Amendments

Amendments to the Cattail Creek Design Regulations shall only be made by the Cattail Creek Board.

Any amendments to the Design Regulations will be on file with the Cattail Creek Design Committee and the Cattail Creek Community Association.

A submittal shall be processed consistent with the Design Regulations in effect 30 days prior to CCDC receipt of a complete Form A submittal.

No improvements that were constructed and approved in accordance with the Design Regulations shall be required to be changed because such standards are thereafter amended.

Article 8: Definitions

The words and terms used in this document shall be defined as in the latest edition of the City of Bozeman Unified Development Code and the Covenants. If not defined in the UDC or covenants, words and terms shall have their customary dictionary definitions.

The CCDC reserves the right to make final interpretations of definitions.



Cattail Creek Design Review

Indicate Form being submitted by checking appropriate box(s):

- Form **A**: Sketch Design Review
- Form **B**: Construction Design Review
- Form **C**: Application for Change(s)

Property Information:

Street Address: _____

Lot _____ Block _____ Phase _____

All design review correspondence will go to primary contact.

Indicate primary contact by checking the appropriate box:

Owner Information:

Name: _____

Mailing Address: _____

Telephone: _____ Email: _____

Architect or Designer Information:

Name: _____

Mailing Address: _____

Telephone: _____ Email: _____

Builder Information:

Name: _____

Mailing Address: _____

Telephone: _____ Email: _____

Landscape Designer Information:

Name: _____

Mailing Address: _____

Telephone: _____ Email: _____

Project Timelines: Please list anticipated completions dates for each phase.

Cattail Creek Design Review	Foundation: _____
Approval: _____	Framing: _____
City Approval: _____	Siding: _____
Break Ground: _____	Landscaping: _____

Variations:

Are any variations from the Cattail Creek Design Regulations being requested under this application?

- Yes
- No

If yes, please describe and include justification for variance:

Request for Changes (Form C):

1. Type of Modification

- Proposed Modification (C1)
- Modification Already Constructed (C2)

2. Change Description and reason for change:

(Attach specific drawings of proposed change.)

2. Items submitted (please check):

- | | |
|---|--|
| <input type="checkbox"/> Review Fee(s) \$_____ | <input type="checkbox"/> Sections |
| <input type="checkbox"/> Site Plan including grading | <input type="checkbox"/> Roof plan |
| <input type="checkbox"/> Floor Plans | <input type="checkbox"/> Landscape Plan |
| <input type="checkbox"/> Roof Plan | <input type="checkbox"/> Digital Copy of Submittal (PDF) |
| <input type="checkbox"/> Elevations including colored front elevation | <input type="checkbox"/> 1 Hard/Paper Copy |
| | <input type="checkbox"/> Samples and Cut Sheets |

Acknowledgement Statement:

Owner acknowledges that he/she has received, read, and will abide by the Declaration of Protective Covenants and Restrictions for Cattail Creek.

Violations of the Declaration of Protective Covenants and Restrictions and/or addenda will be remedied by Cattail Creek Homeowner's Association whereupon the Lot/Home Owner will be responsible for the cost of the remedy.

I (We) _____ am/are the owner(s) of record of Lot ____, Block ____, Phase _____ of Cattail Creek Subdivision. I/We have read these requirements and understand their implications. Furthermore, I (we) have been given sufficient opportunity to discuss any questions we may have regarding these requirements with a member of the Cattail Creek Design Committee. My (Our) signature(s) below is/are evidence of my/our intent to comply with these requirements.

Owner Signature: _____ **Date:** _____

Printed Name: _____

Applicant Signature: _____ **Date:** _____

Printed Name: _____



Cattail Creek Design Review

FORM E: Pre-Occupancy Checklist:

Form A: Date Completed: _____

Form B: Date Completed: _____

Issues: _____

Date Resolved: _____

Form C: Date Completed: _____

Project Description: _____

Inspection D1: Date Completed: _____

Purpose: _____

Issues: _____

Date Resolved: _____

Inspection D2: Date Completed: _____

Purpose: _____

Issues: _____

Date Resolved: _____

Inspection D3: Date Completed: _____

Purpose: _____

Issues: _____

Date Resolved: _____

Final Summary: _____

Reviewer: _____ **Date:** _____