Town of
BOW MAR Colorado

BOW MAR
DESIGN GUIDELINES

Adopted 2008
Revised 2019

Town of
BOW MAR Colorado

TABLE OF CONTENTS

I. Introduction
II. Character of Bow Mar
III. Design Philosophy
IV. Definitions
V. Site Considerations
    A. Siting of New Homes
    B. Siting of Garages
VI. Mass and Scale of Homes
VII. Specific Design Elements
    A. Composition
    B. Roofs
    C. Walls
    D. Doors and Entries
    E. Windows
    F. Skylights
VIII. Building Materials
IX. Colors
X. Fencing
XI. Landscaping
XII. Grading
XIII. Accessory Structures
    A. Sheds, Playhouses, Pool houses, Gazebos, Hot Tubs, Non-portable Play Structures, Chicken Coops
    B. Mailboxes
    C. Entry Monuments
    D. Pools and Ponds
    E. Tennis Courts and Sport Courts
    F. Patios and Decks
    G. Portable Play Structures and Swing Sets
XIV. Lighting
XV. Procedures
XVI. General Provisions
XVII. Appendices
    Appendix A - DRB Application Form
    Appendix B - Applicable Town of Bow Mar Zoning and Building Code Provisions
    Appendix C - Amended and Restated Declaration of Agreement Establishing Building Restriction in “Bow Mar”.

Town of
BOW MAR Colorado

I. INTRODUCTION

A. **Basis for Guidelines—**

These Design Guidelines (the "Guidelines") are intended to assist Bow Mar Homeowners in the making of improvements to their property. The goal of architectural standards is to establish a broad framework, within which quality of design will be ensured, while giving full range to the desires of homeowners and the creative abilities of their architects or designers.

B. **Authority—**

Pursuant to the Bow Mar Municipal Code (the "Code") Article VI, the Town of Bow Mar (the "Town" or "Bow Mar") created a Design Review Board ("DRB") to hold public hearings on proposed applications for construction of any building, structure or improvement or alteration of the exterior of any property within the Town and approve, modify or disapprove such proposals in compliance with the Guidelines. Pursuant to the Code § 2-114, the Town Board of Trustees is empowered to develop and adopt the Guidelines by resolution and may amend such Guidelines at any time by resolution.

II. CHARACTER OF BOW MAR

Bow Mar is characterized by relatively low-slung, one-story homes on large lots. Bow Mar homes are generally clean-lined, without an excess of architectural ornamentation. While homes are typically more horizontal than vertical in their composition, variations of topography have permitted two-story elevations on some lots, but those are preferred to the rear elevation and should not be visible from the street view of the home.

Most of the lots in Bow Mar are at least one-acre in size and the generous 40-foot setbacks and mature landscaping help to create a valued buffer of privacy and open space between homes. The centerpiece of the community is the 100-acre Bow Mar Lake. Many homes enjoy prized views of the lake, the mountains, and the Denver city lights. As a result, the continued preservation of open space, views and privacy is a high priority of Bow Mar residents and as such, a focus of these Guidelines.

III. DESIGN PHILOSOPHY

A variety of traditional and contemporary architectural styles may be appropriate in Bow Mar. Therefore, these Guidelines do not advocate any one specific architectural style for the community as a whole. Rather, each individual residence should represent integrity and consistency in application of the particular design-style proposed. Eclectic mixing of unrelated and/or stylized architectural elements is discouraged.

The design of the homes in Bow Mar should work together as compatible, albeit distinct, architectural solutions: no individual residence should stand so apart in its design as to detract from the visual harmony of the community, or as to compete with the natural character of its lot or the surrounding environment. Therefore, extremely, trendy or highly ornate as well as under-designed styles may be disallowed by the DRB in its sole discretion.

The goal in the remodeling of existing residences and the building of new residences is to maintain a visually quiet and timeless residential community, with an emphasis on design restraint rather than opulence; to maintain open space and a sense of privacy between homes; and to preserve views of the surrounding lakes, mountains and city lights.

IV. DEFINITIONS

"Building Envelope": the portion of the lot remaining after the front, side and rear setbacks are deducted. All man-made construction on a lot and all site improvements (house, decks, patios, terraces, pools, shed, etc.) are allowed only within the Building Envelope, unless a variance is obtained from the Town of Bow Mar.

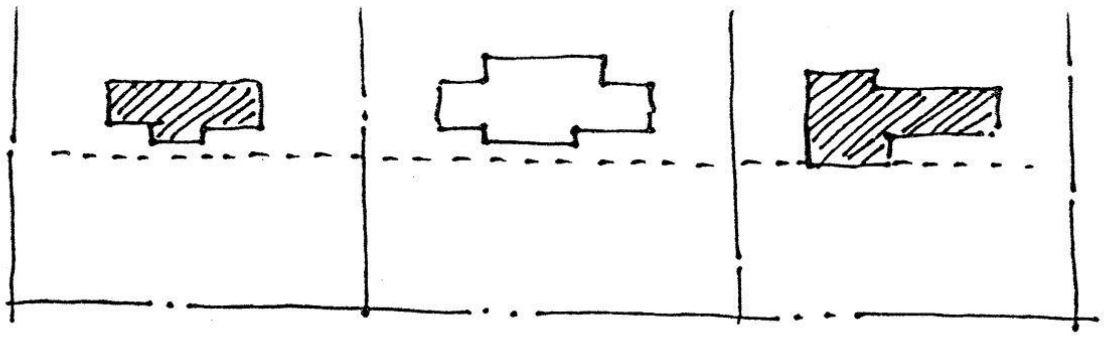
"Height limit": the height limit for residences shall be in compliance with the Code.
Please see Appendix B; Code Sec. 16-5 (b)

"Lot coverage ratio": the portion of a lot, stated as a percentage that may be covered by a residence. The formula for determining the lot coverage ratio is the main floor square footage of the house, including the garage and any accessory structure (i.e., sheds) divided by the square footage of the lot. The allowed lot coverage for any particular lot shall be in compliance with the Code.
Please see Appendix B, Code Sec. 16-5 (d)

"Minimum Size of Dwellings": The Code establishes the minimum size of residences as 2,500 square feet including the garage.
Please see Appendices B and C

"Setback": the required minimum horizontal distance between the location of structures on a lot and the related front, sides or rear lot line measured perpendicular to such lot line. The required setback on any given lot pursuant to the Code is 40 feet.
Please see Appendix B; Code Sec. 16-5(c)(2) for the Town definition of "Yard"

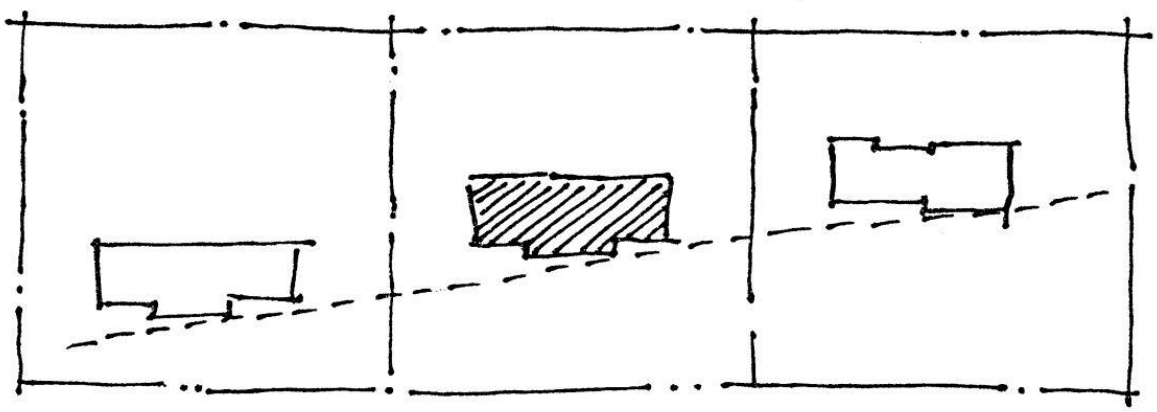
"Siting": the placement of a residence on a lot.



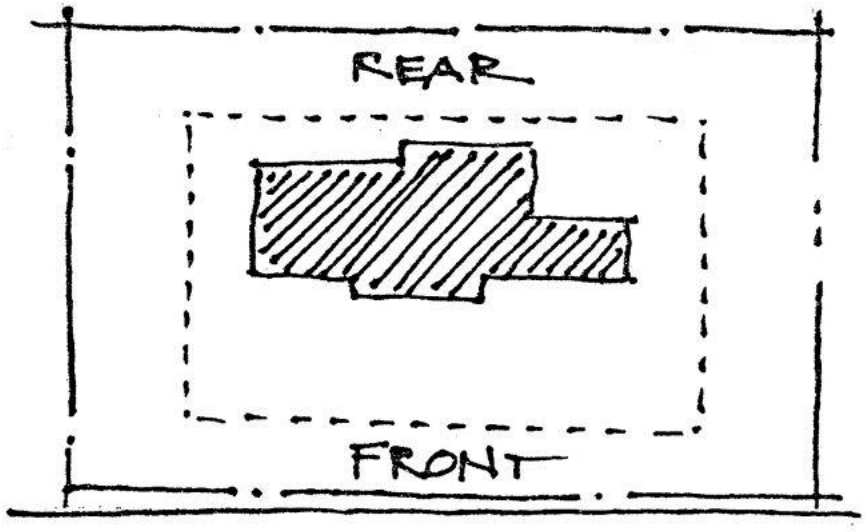
V. SITE CONSIDERATIONS

A. **Siting of New Homes**

The siting of a new residence shall be in harmony with neighboring homes. For example, if all homes on the street sit in a straight line, then the new residence should follow. If neighboring homes are offset, then the new residence should be offset too.



Siting should achieve or reinforce open space objectives—this would tend to center the house on the lot, but with a preference toward pushing the house slightly more to the rear of a lot to minimize the mass of the structure.



On sloping lots, the house should not be sited at the top of the slope. Instead, the house should be sited to balance the height of the structure with the distance from the front setback, so as not to overemphasize its mass, and be set into the hillside where possible, so as to reduce the building's perceived mass.

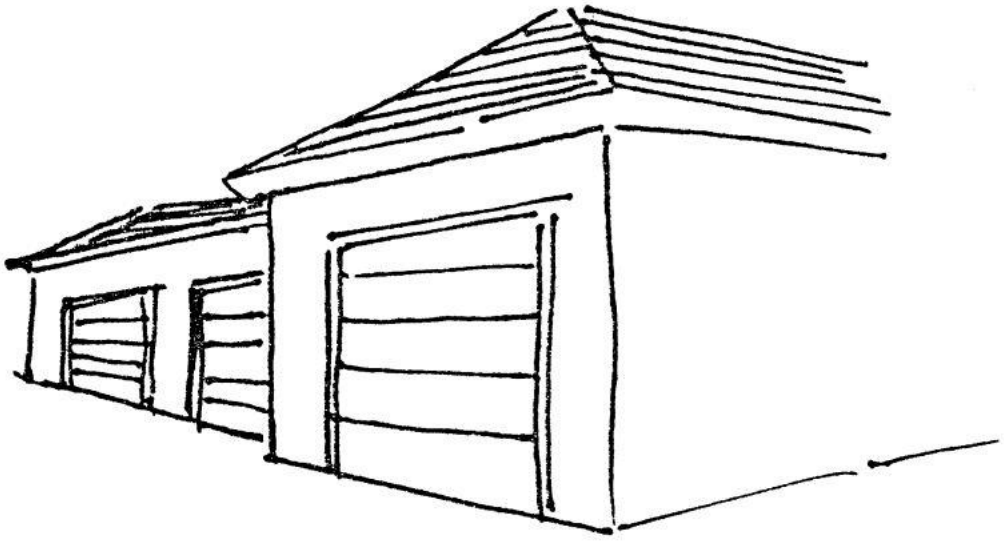
In areas where view corridors are prominent, the new residence should be sited to encourage the reasonable preservation of view corridors, where possible.

B. **Placement of Garages and Driveways**

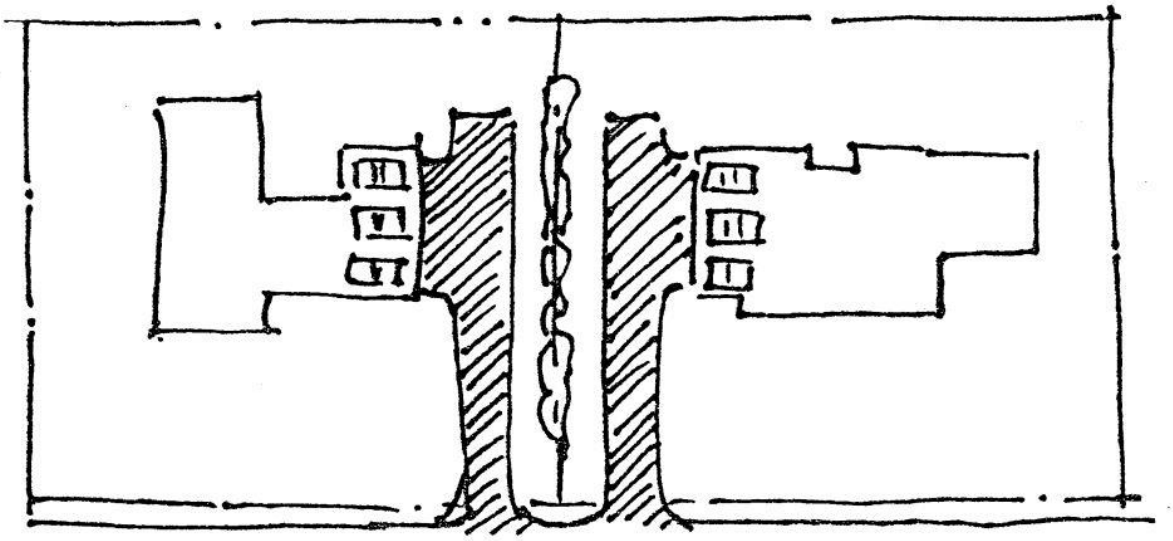
Garages shall be in character with the residence and not overpower the home in size or scale.

Garages should not face the street; side entry or rear entry garages are preferred over front-facing garages. However, the ideal orientation of a garage is site specific and may take into account sun exposure on the lot. Corner lots create a unique design challenge which will be evaluated on a case-by-case basis.

For three-car or larger garages, the mass of the garage should be broken up by staggering or offsetting the garage bays or altering the orientation of a portion of the garage to break up the mass.



For new residences, garage placement should be harmonious with neighboring residences, when possible. The most desirable plan is to place the garage of the new home adjacent to the garage of a neighboring residence with a landscape buffer in between the two garages.



Garages should be shielded with landscaping, where possible. Detached garages are not permitted.

New or replacement driveways are subject to specific requirements pursuant to Section 11-5 of the Code. Any person seeking to construct or replace a driveway will be required to obtain a permit if any portion of the proposed driveway is on, over, or through an easement held by the Town or any property owned by the Town, including the natural path of any drainage ditch.

VI. MASS AND SCALE OF HOMES

The criteria and restrictions set forth in this section are intended to discourage and/or prevent any residence or other structure, which would appear excessive in height when viewed from adjacent properties or public open spaces. Homes built of higher quality material with a smaller footprint and less conspicuous architectural mass are strongly encouraged. The maximizing of the lot's Building Envelope is strongly discouraged.

Appropriate and harmonious building design should emphasize a low and spreading profile, responsive to the constraints and features of the lot. The design must avoid introducing visually contrasting elements of disproportionate vertical expanse. This philosophy suggests residential structures that blend with, rather than dominate, the lot and neighboring homes.

The building height, material, color, roof pitch and massing of the home should all be employed in such a way as to ensure that visible structures blend with their environment rather than dominate the landscape.

The dominant design elements should be horizontal versus vertical. An excessive vertical or horizontal expanse of a wall plane may visually compete and contrast with the natural surroundings forming a dominant structure that cannot aesthetically blend or harmonize with its setting.

Homes with a two-story appearance from the street are deemed out of character with the community and such designs shall be avoided.

Low-profile homes are preferred because they minimize the sense of intrusion and create a minimal impact on the surrounding environment and preserve views of the lake, mountains and the city lights.

In reviewing plans, the DRB will consider the impact of the design elements that the residence has to adjoining properties, including those properties that may sit above or below the proposed residence.

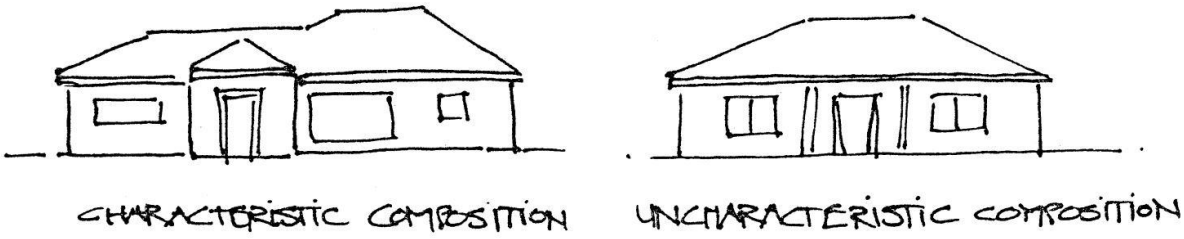
The DRB reserves the right to disapprove a proposed residence or other structure if, in the DRB's opinion, the structure would appear excessive in height or mass when viewed from surrounding lands, and/or would appear out of character with nearby residences, and/or be visually prominent because of height, even though the proposed residence or other structure may comply with applicable height restrictions and lot coverage ratios.

Town of
BOW MAR Colorado

VII. SPECIFIC DESIGN ELEMENTS

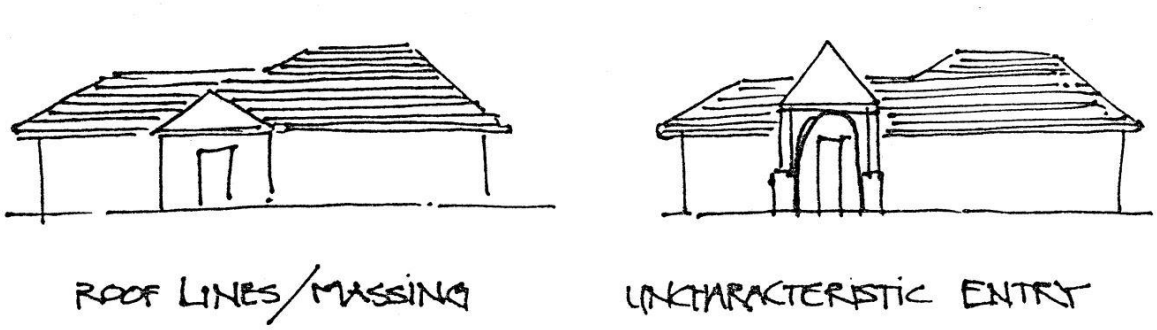
A. Composition

Bow Mar homes are typically composed of informal arrangements of complimentary architectural elements. Formal, repetitive and overly symmetrical compositions are not in character with the community and are therefore strongly discouraged. Combinations of disparate architectural elements are also out of character and are prohibited.



B. Roofs

The roof is a predominant design element in Bow Mar's typical low-slung, ranch-style homes. Roofs should have simple, elegant lines with a consistent roof style; the roof should not be too busy or overly fractured but should have cohesive consistent lines and style. Purely ornamental elements should be avoided.



In general, the roof shall be darker in color (combining hue and value) than the residence's exterior walls. Roofing materials shall have a non-reflective surface, and in general, a variegated, dark color and, at a minimum, should be a dimensional, asphalt shingle.

No particular roof pitch is dictated by these Guidelines, so long as the roof pitch is consistent with the overall design and style of the home.

Dormers are not typically in character with the neighborhood and should be avoided.

C. Doors and Entries

The front entry to the house should be an accent to the home, but also must be in scale and in character with the overall structure.

Entry features shall blend in with the existing roofline and overall design, character and scale of the residence.

The main entry door to the house should be identifiable both for design and security purposes.

D. Windows

Window shapes should be complementary to the overall home design and to each other. Highly reflective glass and highly reflective or shiny window frame materials are not in character with the neighborhood and are not permitted. Windows are an important element of any home's exterior appearance and need to complement the rest of the exterior materials. Because of their appearance, vinyl windows are prohibited.

Replacement of existing windows requires DRB approval unless the identical window openings are used and match existing color and material, identically.

E. Skylights

Skylights should be in harmony with the roof of the home. Consideration should be given to the amount of light that will be emitted from skylights and the effect on neighboring residences, particularly residences that sit above and look down upon the skylights. Because skylights break up the uniformity of a roof and also allow light to escape from the roofline, the size, quantity and location of skylights should be selected carefully.

VIII. BUILDING MATERIALS

Exterior materials for new construction and remodels must be approved by the DRB.

Changes to exterior materials on an existing residence (e.g., installation of stucco, changes in roof materials) require prior DRB approval.

Exterior materials shall be consistent with the overall design and scale of the residence. The use of high-quality exterior materials is strongly encouraged.

Prohibited building materials include some metal siding, all vinyl siding, plastics and highly-reflective materials. Other types of materials, not mentioned here, may be disallowed by DRB in its sole discretion.

If asphalt shingles are used on a house for new or replacement roofs, at a minimum, they must be architectural and dimensional asphalt shingles.

IX. COLORS

Colors must be approved in advance by the DRB for all new construction and for existing homes/remodels, if the proposed colors change the existing colors of the home. An expedited paint approval process is found under “Procedures” below.

In general, subtle colors should be used on the body of the home. Bright, bold or strongly contrasting colors may be used judiciously as an accent color for the trim, front door, or other limited architectural details, if appropriate to the overall style of the home and approved by the DRB.

The colors used should be complementary to the style of the home, and to the other exterior materials used on the home (stone, brick, siding,) including the roof.

The use of complementary colors and materials is encouraged to reduce the mass and scale of larger residences.

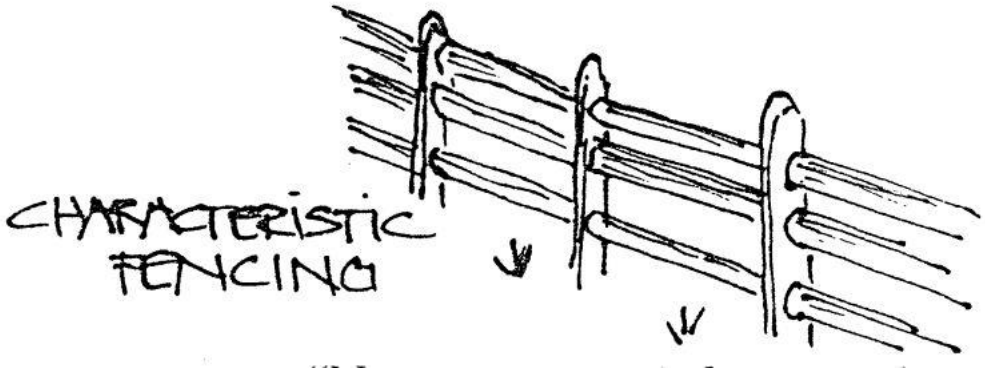
The use of any particular color palette (such as earth tones) is not required. However, certain colors or color combinations are objectively out of character with the community and are prohibited and may be disallowed by DRB in its sole discretion.

X. FENCING

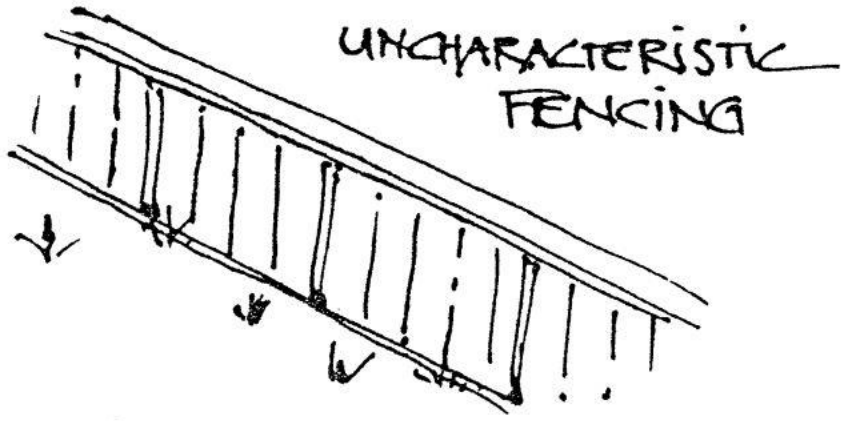
All fencing (including dog runs, trash enclosures, etc.) requires the prior approval of the DRB and a building permit from the Town of Bow Mar.

In order to preserve the feeling of open space between houses and sharing of views, Homeowners are encouraged not to fence their yards. If a Homeowner needs to fence their yard, the following rules must be followed:

- “Transparent” fences such as decorative wrought iron or 2 or 3 rail cedar split rail fences are allowed.



- "Non-transparent" fences such as solid privacy fencing, skip-a-board fencing, offset fencing, or picket fencing are not permitted for yard fencing. Such designs may be allowed for trash enclosures or to create a small privacy area within a yard. The DRB is authorized to approve exceptions to this Guideline, where additional privacy or sound blockage is required, due to the location of the house along major thoroughfares or adjoining neighborhoods.



- The fencing style and color should be harmonious with the style and color of the house. Natural wood colored fences are encouraged.

- White wood split rail fences are allowed, only if consistent with the style and color of the house. Vinyl or plastic fences are not in character with the neighborhood and are prohibited.

- Fence heights are limited to 5 feet pursuant to the Bow Mar Municipal Code. Any exception requires a variance from the Town.
  Please see Code Sec. 16-13 (f)

- Front yard fencing, including fencing that is purely decorative, is not considered in character with the neighborhood and is prohibited.

- Chain link fencing is not considered in character with the neighborhood and is prohibited.

XI. LANDSCAPING

In reviewing landscaping applications, the DRB shall take into consideration the Code concerning landscaping on residential lots. Currently, the Code Sec. 16-14, Landscaping and shrubbery limitations, is stated as follows:

> Landscaping including planting of shrubs and trees shall not obstruct unreasonably the view of the lake, mountains or city lights from any other lot or lots. It is the intent of the provision to prohibit plantings such as obstructive hedges, heavy shrubs or tree groupings that would, upon predicted maturity, significantly interfere with the view of any other lot or lots. The provision is not intended to discourage realistic and artistic plantings even though the view of other lots may be slightly affected.

Landscaping projects must be approved by the DRB in the following circumstances: 1) in conjunction with the construction of a new residence or major remodel to an existing residence, 2) when the proposed landscaping project may affect neighbors' views (such as the installation of heavy shrub hedges or multiple trees), and 3) when the proposed landscaping substantially alters the existing landscaping, including the removal of mature trees.

Replacement of existing trees does not require DRB approval so long as the replacement is comparable to the original species and size of tree removed. For example, replacing a deciduous tree with another deciduous tree of a similar size would be appropriate.

XII. GRADING

The DRB must approve any changes in grade (including the construction of landscape berms) disturbing more than 4 cubic yards of soil on a lot. Excess soil generated by the construction or remodeling of a residence (or accessory structure) shall not be retained on the property except pursuant to an approved landscaping and surface water runoff plan.

An introduction of a berm may be required, in certain circumstances, to soften unavoidable yet undesirable two-story appearance of a residence. Such a berm should also be in character with the natural contours of the lot. The creation of a "dry moat" to artificially create a two-story elevation or walkout basement is prohibited.

The DRB makes no representation of approval for changes to drainage and subsequent impact on adjacent properties resulting from a change of grade.

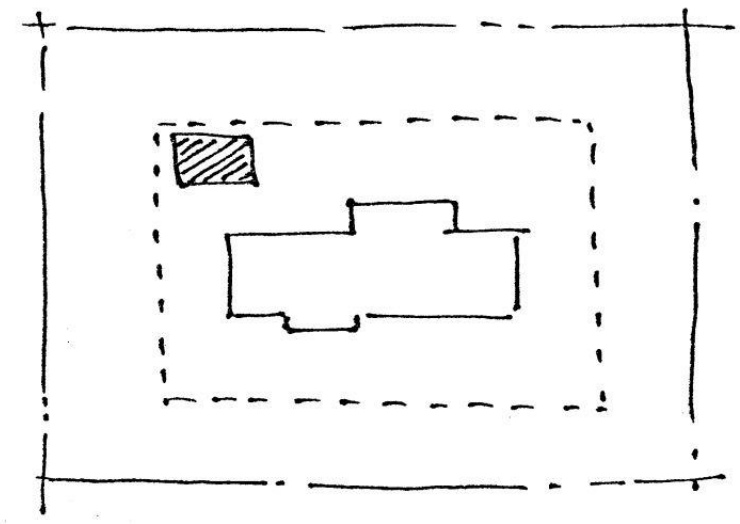
XIII. ACCESSORY STRUCTURES

All accessory structures require the prior approval of the DRB, except as specifically set forth below. The following Guidelines address specific types of accessory structures, and are not intended to create an exhaustive list of all accessory structures requiring approval. In addition to complying with these Guidelines, all Code provisions concerning accessory structures must be followed. In general, the Code require that all man-made structures be located within the Building Envelope, except for driveways, mailboxes and fences, unless a variance is granted by the Board of Adjustment.

A. Sheds, Playhouses, Pool Houses, Gazebos, Hot Tubs, Non-Portable Play Structures.

- Shall require the prior approval of the DRB.

- Shall be located within the Building Envelope for the lot unless a variance from the Board of Adjustment is obtained.



Place accessory structure within the Building Envelope

- Must be compatible in color and style with the residence, including the roof. The use of the same materials as the residence is strongly encouraged (not applicable to non-portable play structures).

- Must be shielded from view by adjoining properties and the street with landscaping. Code **Section 16-13 (b)**

- In keeping with the character of the neighborhood, accessory structures are required to be placed in back or side yards.

- Sheds/playhouses shall not exceed 120 square feet and should be no taller than 8' in height. Accessory structures shall not be used as a residence.

- Permanent Art or Sculpture will be treated as a non-portable structure. Compliance with neighborhood character and neighbors' view corridors will be considered. Dead trees will either be treated as dead trees and must be removed per the Code, or if they become carved as a sculpture, they will need to be reviewed by DRB as a permanent structure and would thus follow these guidelines. If the Permanent Art or Sculpture is outside the Building Envelope, it will require a variance from the Board of Adjustment. Because art is highly subjective and reflective of personal tastes, DRB encourages the applicant to focus permanent art placement within their more private settings.

B. Mailboxes

Mailboxes do not require DRB approval, (unless it is an entry monument, then see below) but must be in compliance with all U.S. Postal Regulations.

C. Entry Monuments/Decorative Accessories

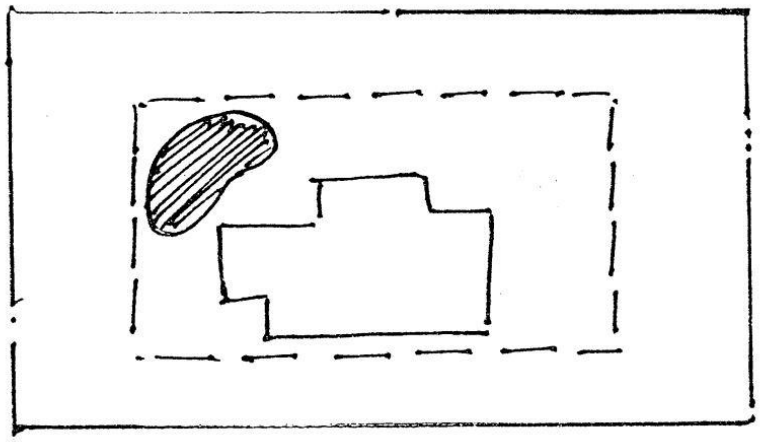
Entry monuments (such as entry pillars, permanent mailbox structures, mail/entry light structures) require the prior approval of the DRB.

- Must be complementary in design, style, scale, materials and color with the residence. Only two entry monuments are permitted on a lot with each having a maximum height of 48".

- Lighting components must comply with the Lighting Guidelines described below and applicable provisions of the Code.

D. Pools and Ponds

Swimming pools/ponds must be located within the Building Envelope.



- The design of a pool or pond should be in scale and consistent with the residence and integrated into the landscaping plan for the lot.

- Above-ground swimming pools are prohibited.

- Lighting of pools and ponds must comply with the Lighting Guidelines set forth below and applicable provisions of the Code.

- Swimming pools must be fenced and in compliance with the Code.

E. Tennis Courts and Sport Courts

- In general, tennis courts are discouraged, unless a particular lot is uniquely situated so that the tennis court and required fencing is not intrusive to neighboring properties.

- Tennis courts (if permitted) and sport courts must be located within the Building Envelope unless a variance from the Town of Bow Mar is obtained.

- Tennis courts and sport courts on individual lots shall not be lighted.

F. Patios and Decks

- All patios and decks (even if “at-grade”) must be located within the Building Envelope unless a variance from the Town of Bow Mar is obtained.

- DRB approval is required for all patio and deck projects.

G. Swing Sets and Portable Play Structures

- Play structures do not currently require DRB approval. However, homeowners are encouraged to be courteous to their neighbors in placing play structures on their lot.
- Must be located within the Building Envelope unless a variance from the Town of Bow Mar is obtained.

H. Solar Energy Devices (Solar Thermal or Photovoltaic)

- Solar panels and other similar solar energy devices require the approval of DRB prior to installation.
- The DRB may place reasonable aesthetic restrictions on such devices, so long as they do not significantly increase the cost of the device, consistent with Colorado State Law.
- The placement of solar panels on the front of the house is discouraged for aesthetic reasons, and should be avoided wherever possible. Overly reflective panels will not be permitted. The impact on neighbors' views should be considered when selecting the location for such devices.
- Solar panels must be placed on the home itself and is not allowed otherwise. No ground-mounted solar is allowed unless a variance from the Town of Bow Mar is obtained.

LIGHTING

This Guideline is intended to supplement the provisions concerning lighting restrictions in the Code Sections**16-5 (e)** and**18-4 (b)(5)(k).**

A. For Any Exterior Lighting (on the home's exterior or within the Landscape:
An exterior lighting plan must be included in applications for the construction of new residences and major remodels that alter the exterior appearance of the home.

Planned landscape lighting must be indicated on landscaping plans and must be approved by the DRB.

B. Areas that may be lit with exterior lighting:

- Doorways
- Patio Areas
- Walkways—pathway lighting should be pointing downwards
- Garage Doors—lighting of this area is discouraged and is generally unnecessary
- Entry Monument Lighting

- Landscaping—Up-lighting of trees and other landscape elements is discouraged and should be used sparingly, if at all. Up-lighting is only permitted if the light distribution from the fixture is effectively contained by an architectural overhang or landscaping element. Such elements may include awnings, dense shrubs or year-round tree canopies, which can functionally contain or limit illumination of the sky.

C. Limitations on lighting:

- Homeowners are encouraged to minimize the amount of exterior lighting. Bow Mar is a unique neighborhood that seeks to minimize light pollution. As such, the Town does not have street lights throughout the community. To help protect this characteristic, each home needs to limit the amount of light on the exterior of homes and throughout the landscaping.
- Exterior light fixtures should be downward directed, not up or sideways and should be "fully shielded" (cannot see the light bulb).
- Exterior light fixtures shall be in compliance with the Code)
- Landscape light fixtures shall be in compliance with the Code. Floodlights shall be "fully shielded" and downward directed to prevent light pollution and glare to adjoining properties.
- Time controls shall be used wherever possible.
- Motion sensor lights may be permitted, but only where the sensor is triggered by motion within the owner's property lines.
- Decorative lighting must be turned off by 11 p.m.
- Lighting of recreational facilities on individual lots (tennis courts, sport courts) is prohibited.

D. Interior Lighting

- Interior lighting (as emitted through windows, doors and skylights) should seek to minimize light pollution to adjoining residences.

XIV. PROCEDURES

A. Standard Procedure

It is imperative that the Homeowner/s and his or her chosen Design Professional/s for the project comply with these Guidelines as well as any and all applicable provisions of the Code. The DRB and any application pursuant to these Guidelines shall be subject to Chapter VI, and Sections 16-17, 16-18, 18-4, 18-8 and any other applicable provision of the Code.

Town of
BOW MAR Colorado

The DRB meetings are held the second Tuesday evening of every month. Homeowners must submit required documents to the DRB Chairperson no later than the 24th day of the month preceding the monthly meeting. This will allow the project to be "publicly noticed" in the Bow Mar Bulletin. Since there is a rotation schedule as to where DRB will meet, please check the Bow Mar Bulletin for current location.

WHAT TO SUBMIT TO THE DRB
The DRB requires that residents supply the following information with this application when submitting plans for DRB review:

LOT SURVEY
2 Hard Copy Sets for New Construction and Major Remodels
2 Hard Copy Sets for Minimal Exterior Remodeling, Additions and Major Landscaping
Digital Plans emailed to Chairperson of DRB (PDF Format Preferred)

1. The LOT SURVEY must show the proposed structure and/or modifications as it relates to the existing structure and its position on the property. It should include exact dimensions including property line measurements, building envelope, setback measurements and existing versus proposed lot contours. It should also include surface runoff flow grades plus relevant elevations of the structures and the lot. An engineered and stamped survey is necessary for new construction and additions, to prevent erroneous or estimated property boundaries. Distances from new structures and additions to the property lines and setback lines must be shown clearly. The Lot Survey should clearly represent what is existing, what is new and how you will alter any and all existing land contours.

ARCHITECTURAL DRAWINGS:
2 Hard Copy Sets for New Homes and Major Remodels should include:
- Site Plan
- Floor plans and Roof Plans
- Building Section(s)
- Building Elevations of all sides of the proposed design
- Rendered Elevations depicting proposed materials to be used
- Materials Board with actual samples of proposed materials and colors

2 Hard Copy Sets for Small External Changes
- Site plan
- Floor Plans and Roof Plans
- Building Section
- Building Elevations of all sides of the proposed design
- Rendered Elevations depicting proposed materials to be used
- Materials Board with actual samples of proposed materials and colors



Town of
BOW MAR Colorado

Digital Plans of all submittal requirements to be emailed to Chairperson of DRB for distribution to the DRB. (PDF Format Preferred)

RESIDENCE STRUCTURAL:

Two (2) sets of architectural drawings, including both detailed plan (overhead) views and elevation drawings of all exterior views of the new construction as it ties into the existing for remodels; or the entire structure for new homes. These drawings must be to scale and reflect the accurate building dimensions (in feet and inches). In addition, a detailed narrative and "Color Board" of all exterior materials that will be used (i.e. roofing materials, exterior surface materials, paint colors, window types, etc.) must be provided on the following "Application for Review" Documents. The square footage of the new or remodel area and the square footage of the entire home, including the garage, must be stated.

NOTE: The drawings/renderings described above are only required to be detailed enough to allow the DRB to understand the location and architectural details and dimensions of the proposed structure. The drawings are *not* required to be "For Construction" detail of quality. However, in order to obtain a Building Permit, the Building Commissioner will require:

- "For Construction" Drawings, of the structure approved by the DRB,
- a stamped Engineer's Drainage Plan and a
- Sediment Control and Silt Fencing plan

LANDSCAPING:

Landscaping that can affect neighbors' views or substantially alter existing landscaping must be approved by the DRB. Submit two (2) Hard Copy sets of landscaping site plans, correctly showing type and location of existing and proposed structures, surface contours, surface runoff flows, shrubs, trees, perennials, walkways, berms, planting beds and fencing.

NOTE: FOR ANY RESIDENTIAL OR ACCESSORY CONSTRUCTION PROJECT DISTURBING MORE THAN 4 CUBIC YARDS OF SOIL: A Major Landscaping Plan must be submitted within a reasonable time (not more than 1 year) after the start of the approved project's construction. Excess soil generated by construction shall not be retained on the property except pursuant to an approved landscaping and surface water runoff plan.

ACCESSORY CONSTRUCTION:

Sheds, Fencing, Pools, Patios, Gazebos, etc. are treated as New Accessory Construction and must have appropriate documentation (i.e. Lot Survey, two (2) Hard Copy sets of drawings/elevations, and Applications for Review). They must also have an exterior description, which shows that the proposed project generally complements the architectural character of the residence. Applications must include a landscaping plan showing that sheds, playhouses and similar equipment will be "shielded and concealed" by the residence or trees and/or shrubs "so as not to be visible at any time from any road or contiguous property".

Code Sec. 16-13 Accessory Construction Limitations

VARIANCES

According to the Code, the maximum exterior height of any structure is 16 feet (except on the isthmus, Residential District II, where the maximum height is 20 feet). This height assessment is calculated from the highest point of the property's approved grade, on the front setback line (on the front building envelope line). This measurement is tied to a fixed elevation survey point shown on the lot survey and must be agreed to and approved by the DRB. The required boundary setbacks are 40 feet from the surveyed property line (30 feet in Residential District II), on all sides respectively. The setback applies to all houses and appurtenance thereto, garages, swimming pools, tennis courts, patios, decks, gazebos, sheds, solar panels or collectors, greenhouses, pillars or posts, non-portable playground equipment/structures and all other improvements. Fences are restricted to 5 feet in height. *Any construction in the setback areas requires a variance from the Board of Adjustment.* Variance requests must be documented on the Application for Review. Because of the variety of lots within the Town of Bow Mar, each request will be evaluated individually. The Board of Adjustment for the Town of Bow Mar is responsible for final approval of any variance The variance procedures are detailed in the Code and require the posting by sign of public notice on the affected property, and notice of the proposed variance in the Bow Mar Bulletin as well as a public hearing. Accordingly, applicants should expect the variance procedure to take a minimum of six weeks for final consideration and action by the Board of Adjustment.

Copies of the Town zoning provisions are available from the Town Clerk or the Building Commissioner.

XVI. GENERAL PROVISIONS

A. No liability for approvals

Approvals by the DRB are related to aesthetics and no party may rely upon such approvals as verifying structural integrity, safety, engineering, soil conditions, absence of natural hazards or any other matter, and neither the DRB nor the Town of Bow Mar shall have any liability for any defects in the structural integrity, engineering, soil conditions, drainage, effects of natural hazards, or any other matter.

Likewise, approval of plans by the DRB shall not be deemed to constitute compliance with the requirements of any local, state, or federal building, zoning, safety, health, or fire codes. It shall be the sole responsibility of the homeowners or their authorized representative to assure such compliance.



B. Enforcement

If any improvements are made in Bow Mar without prior DRB approval, the Town of Bow Mar may require removal of the non-conforming improvements pursuant to the procedure set forth in Code, Chapter 7.

C. Validity of Approval

DRB approval of plans is valid for 180 days, once approval is granted. In the case of a variance, the 180 days start when the variance is approved by the Town of Bow Mar Board of Adjustment. If a Building Permit is not submitted during this time period, the Applicant must re-submit plans to DRB for re-approval. Current Guidelines and applicable Code provisions will apply to the re-approval process. Construction in the Town of Bow Mar must be completed within one (1) year from DRB Approval.

XVII. APPENDIX

A. DRB Application
B. Applicable Town of Bow Mar Zoning and Building Code Provisions
C. Amended and Restated Declaration of Agreement Establishing Building Restriction in “Bow Mar”