



# **DESERT MOUNTAIN MASTER ASSOCIATION**

## **DESIGN GUIDELINES**

**AMENDED**

**JANUARY 28, 2013**

**Section 10 Design Review Fees October 5, 2017**

**Section 8 Landscape Design Guidelines February 24, 2020**

**Section 4 – Review and Approval Process June 27, 2022**

## PREFACE

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*These Design Guidelines (Guidelines) were developed to provide guidance for the design and construction of new homes, additions, site work, and landscaping as well as any subsequent changes to existing homes within the Desert Mountain community. The Guidelines are administered and enforced by the Desert Mountain Master Design Committee (DRC) in accordance with the Master Declaration of Covenants, Conditions, Restrictions, Assessments, Charges, Servitudes, Liens, Reservations and Easements for Desert Mountain (CC&R's), recorded with the State of Arizona. In the event of any conflict between the Design Guidelines and CC&R's, the CC&R's shall govern and control.*

*These Guidelines underwent a revision in August 2012 by the DRC, and may again be amended in the future as outlined in the CC&R's. In this revision all the Supplemental Guidelines that specifically relate to each Village in the community have been incorporated into the Master Guideline document. Additionally, an expanded Table of Contents and an Index have been added to aid Owners and their delegates in finding the appropriate governing guidelines for their interests. It is the Owner's responsibility to ensure that they have current Guidelines and have carefully reviewed all applicable sections for any construction or exterior revisions they may undertake. Owners and their consultants and contractors should familiarize themselves with these Guidelines prior to start of design. Current Guidelines are available from the Desert Mountain Master Association.*

*These Guidelines are binding on any persons, company or firm that intends to construct, reconstruct or modify any permanent or temporary Improvements or in any way alter the natural setting of the desert environment on a property that is subject to the Master Declaration and the provisions set forth therein.*

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## **SECTION 1 – DESERT MOUNTAIN DESIGN PHILOSOPHY**

### **1.1 PHILOSOPHY**

The philosophy of Desert Mountain is the sensitive integration of the lifestyle of man to the Sonoran Desert environment. Its goal is the subtle blending of people, structures and the existing desert into a harmonious and aesthetically pleasing community with substantial emphasis on the preservation of major portions of the natural desert as a unifying theme.

The site of Desert Mountain is well suited to justify such a philosophy. It is bound on the north by the Tonto National Forest. The several thousand feet of elevation change from the downtown Phoenix-Scottsdale areas, and the site's southerly orientation help provide for spectacular views of city lights from many sites in Desert Mountain. Virtually all sites in Desert Mountain enjoy wonderful views of the adjacent and distant mountains. The desert terrain is varied, consisting of desert foothills, ravines, washes, and rock outcroppings, all of which is complemented by a well-developed Upper Sonoran Desert or Arizona Upland landscape. This is the most lushly vegetated zone of the entire Sonoran Desert.

### **1.2 PHILOSOPHY IMPLEMENTATION**

A set of Design Guidelines and a Design Review Committee have been established to implement this philosophy of successfully integrating people and structures into the desert so as to achieve a harmonious and aesthetically pleasing community while preserving the natural beauty.

### **1.3 DESIGN GUIDELINES**

There are two aspects of the Design Guidelines. First, a set of Master Design Guidelines exists which govern the construction of all homes and remodels throughout Desert Mountain. Second, each Village has some guideline supplements tailored specifically for that Village and its desert terrain.

These Master Design Guidelines, together with specific design guideline supplements for individual Villages, have been written and will be amended to implement this philosophy of developing with sensitivity for the preservation and maintenance of the natural desert. Minimum standards of design, justified by the climate, the terrain, and the fragile environment of the Sonoran Desert, provide direction in the planning, design, and construction of structures to ensure compatibility with that environment. The purpose of the Master Design Guidelines is not to create look-alike structures or other Improvements, but to ensure that designs are compatible with the site, the overall environment, and nearby

structures that already exist. No new structure should stand apart in its design, or construction, so as to detract from the overall environment of Desert Mountain. Creativity, innovative use of materials and design, and unique methods of construction are encouraged so long as the final result is consistent with the Design Guidelines and this overall philosophy.

#### **1.4 MASTER DESIGN COMMITTEE**

A Master Design Committee (commonly referred to as the Design Review Committee or the Committee) exists, as called for in Article V of the By-Laws. They are charged via Section 12 of the Master Declaration (CC&Rs) to establish, update, and maintain the Master Design Guidelines, approval and conformity of construction drawings and specifications, and inspection and recording of approval once construction is finished. This Committee is appointed by the Master Board and consists of Desert Mountain Owners. Their efforts are augmented by a small group of architectural consultants. These consultants are charged by the Committee to assist Owners interested in constructing a structure on their property with guideline interpretation and facilitation of an expedient review process. This charge also extends to working with the Owners' designated architects, designers and builders.

## **SECTION 2 – INTRODUCTION**

### **2.1 INTRODUCTION**

The attached is a revision to the “Master Design Guidelines” (hereafter termed “Guidelines”) and the “Village Supplemental Guidelines” (hereafter termed “Supplements”) made in March, 2010. The primary purpose of the revision is to simplify both and to achieve greater consistency between the Guidelines and Supplements and to make it easier to find specific criteria. Both the Guidelines and Supplements are binding upon all persons who at any time construct, reconstruct, refinish, alter or maintain any exterior Improvements within Desert Mountain or make any changes in the natural or existing surface, drainage, or plant life thereof, in accordance with the Desert Mountain Master Declaration (hereafter termed “CC&Rs”).

This revision has been approved by the Master Design Committee and Developer (hereafter termed “Committee”) in accordance with the CC&Rs. It is in accordance with these Guidelines and Supplements that the Committee will approve or disapprove submittals for new construction, remodels, or exterior changes/improvements to any Desert Mountain residential properties.

The Committee may create additional guidelines, policies and procedures to these Guidelines and Supplements. When initiating a submittal, please contact the Committee for any amendments or additions prior to proceeding with design. The purpose of the Committee is to evaluate each proposed design, alteration, addition or Improvement for appropriateness to the Guidelines and Supplements, and its own Lot, in the context of the specific Village as a whole. In doing so, the Committee may determine that what was found acceptable in one situation may not be acceptable in another, most particularly between Villages because of Supplement differences.

Drawings and specifications are reviewed and approved as to style, exterior, design, appearance and location, and are not reviewed for engineering design, drainage, nor for compliance with zoning and building ordinances.

The ultimate goal is for the appearance and character of all Residences and other Improvements to harmonize with and enhance their natural and manmade surroundings and not dominate and/or contrast sharply with them. To achieve this, it needs to be recognized that each Lot within Desert Mountain is unique in terms of its natural opportunities and constraints. In order to take full advantage of those attributes, each Lot will require different approaches in design and construction. A case in point: to preserve the natural features of each Lot, such as existing vegetation, boulder outcroppings and significant washes, each Residence will need to be sited so as to minimize disruption of the existing environment.



Specific architectural styles are not dictated by these Guidelines. The Committee encourages creative architecture, as long as the architectural styles are appropriate with and blend into the desert environment and community context, and is compatible with the Village in which it is located. To accomplish this, special design attention needs to be paid to massing, proportion, texture, color, height, solar orientation, materials, lighting and landscape. Additionally, due to the visibility of the home sites from the surrounding community, the Improvements should be designed in a manner that they blend with their natural backdrop and seem to disappear when viewed from a distance. The primary objective of these Guidelines is to create Improvements with minimal, negative visual or environmental impact on the surrounding community.

Therefore the Committee has the duty to disapprove designs that it determines do not meet the intent of these Guidelines, the intent of minimum visual impact, the intent of fitting with the community and/or Village context, the intent of nestling into the natural terrain, and the intent of harmonizing with the natural environment. The Committee also has the obligation to explain the reasoning behind any non-approvals and to work with the Owner and their architectural consultants to make such modifications to meet the above intents. **Conformance decisions and interpretations of compatibility are within the sole judgment of the Committee.**

The Committee acts only through its written decisions. While the Committee and its staff may provide oral assistance to Owners or their representatives, verbal communications are not decisions of the Committee and may not be relied upon by an Owner or an Owner's representative that the Committee will make any particular decision.

Committee action requires the approval of a majority of the Committee members present at the review. No action can be taken by the Committee at a meeting unless at least a majority of the Committee members are present. The Committee can also act by written consent signed by at least a majority of the Committee members. The Committee may delegate authority to one of its members, or to a member of the Committee's staff, to sign letters or notices of Committee action on behalf of the Committee.

### **SECTION 3 - DEFINITIONS**

The following words or phrases when used in the Guidelines shall have the following specific meanings. Terms used herein, which are defined in the Master Declaration, shall have the meaning specified therein. Other words or phrases are defined in the text of the Guidelines if their use is limited to one Section.

1. “Adjacent Lot” means any Lot that shares a common boundary with the subject Lot, as well as any Lot that is located directly across a street or across a Common Area that is less than fifty feet (50’ 0”) wide.
2. “Applicant” means the specific individual person identified as the applicant on the application form submitted to the Committee as the applicant to whom all design review correspondence shall be addressed.
3. “Approved Plant Lists” means the lists of plants approved for use, including the Approved Indigenous Plant List, set forth in Section 8.14.1 and the Approved Non-Indigenous Plant List, set forth in Section 8.14.2.
4. “Architect” means a person appropriately licensed to practice architecture in the State of Arizona.
5. “Association” means “The Desert Mountain Master Association” as defined in the Master Declaration.
6. “Board” means the Board of Directors of the Desert Mountain Master Association. This Board is also referred to as the “Master Board”.
7. “Builder” means a person or entity engaged by an Owner, including the Owner acting as Builder, for the purpose of constructing any Improvement on the Owner’s Lot.
8. “Building Envelope” means that portion of a Lot, as described in Section 5 of these Guidelines and identified on the approved Building Envelope and NAOS Exhibits, including any modifications as made from time to time which establishes the maximum allowed developable area of the Lot.
9. “Building Envelope and NAOS Exhibits” means the document(s) filed with the City showing the Building Envelope and Natural Area Open Space (NAOS) requirements for the Lots subject to these Guidelines. These documents are available from the Committee upon request.
10. “City” means the City of Scottsdale, Arizona, a municipal corporation of the State of Arizona.

11. “Committee” means the Master Design Committee established pursuant to the Master Declaration.
12. “Common Area” means the areas of Desert Mountain owned by the Master or Village Associations as defined in the Master Declaration.
13. “Cut” means removal of soil, rock, or other earth materials to create a finished grade that is lower than the existing natural grade.
14. “Design Review Committee (DRC) or Committee” means the Committee appointed by the Desert Mountain Master Association Board as provided in the Master Declaration (CC&Rs) to review and approve or disapprove submitted plans and specifications for the construction of custom homes, exterior additions, landscaping or other Improvements pursuant to the Master Design Guidelines within Desert Mountain.
15. “Design Review Manager” means the individual appointed by the Committee to serve as the coordinator and liaison for the Committee.
16. “Design Review Fee(s)” means the fee(s) required to be paid, as set forth in Section 10 of the Guidelines.
17. “Developer” means the Developer as defined in the Master Declaration (CC&Rs).
18. “Developer Built Homes” means the Residences and other Improvements designed, constructed and sold by the Developer (aka: Desert Mountain Properties), based on standardized plans and common architectural elements. Developer-Built Homes include: Apache Cottages, Chiricahua Villas, Cochise Ridge, Desert Fairways, Desert Greens, Desert Hills, Desert Horizons, Haciendas, Lookout Ridge, Renegade Trail, Sonoran Cottages, Sonoran Ridge, and other Villages as may be added by the Master Developer from time to time.
19. “Drainage Easement” means an area designated as such on a Village plat or by other recorded instrument.
20. “Excavation” means any disturbance of the surface of the land (except to the extent reasonably necessary for planting of approved vegetation), including any trenching which results in the removal of soil, rock, other earth materials or other substance from a depth of more than twelve inches (12”) below the existing surface of the land, or any grading of the surface.
21. “Field Change Submittals” means the submittal to the Committee of any changes or modifications made during the Construction phase to the approved Final Design prior to the modification being made as required by Section 4.13.

22. "Fill" means any addition of soil, rock, or other earth materials to the surface of the land, which increases the elevation of such surface from its existing state.
23. "Final Design Submittal" means all drawings and information required by Section 4.12 of these Guidelines to be submitted to the Committee for final approval.
24. "Finished Floor Levels" means the floor elevation of any portion of a Residence as measured from topographic elevations based on the Desert Mountain datum.
25. "Guest House" means a structure, separate from the main structure of the Residence, having sleeping facilities for one or more guests.
26. "Guidelines" means Master Design Guidelines.
27. "Improvement(s)" means any changes, alterations, or additions to a Lot, including any original Residence construction, excavation, cut, fill, buildings, outbuilding, roads, driveways, parking areas, walls, retaining walls, stairs, gates, patios, courtyards, pools, spas, landscaping, exterior lighting, poles, signs, exterior art or sculpture, and any structure or other improvement of any type or kind.
28. "LRV" means light reflectance value, which is a measurement of the percentage of light that is reflected from a surface.
29. "Lot" means a subdivided Lot as shown of the plat of record.
30. "Major Modification to a Building Envelope" means changes greater than ten feet (10'-0") in any outward direction to the original Building Envelope as shown on the approved Building Envelope and NAOS Exhibits, or any modifications to a driveway location deemed major by the Committee.
31. "Master Declaration" means the Amended and Restated Master Declaration of Covenants, Conditions, Restrictions, Assessments, Charges, Servitudes, Liens, Reservations and Easements for the Desert Mountain Master Association. This document is also known as the CC&R's.
32. "Master Design Guidelines" means the restrictions and procedures relating to any residential construction in the entire Desert Mountain project as adopted, enforced, and amended by the Master Design Committee.
33. "Maximum Building Height Elevation" means the highest point to which a building or other Improvement, except chimneys, can be constructed, as established by a horizontal plane based on elevations measured from the Desert Mountain datum and as designated on the approved Building Envelope and NAOS Exhibits.
34. "Maximum Chimney Height" means the height limitation measured vertically from the highest natural grade adjacent to the chimney mass.

35. “Maximum Overall Building Height” means the overall height limit of a Structure as measured in a vertical plane from the highest parapet or roof ridge to the natural grade at the lowest point adjacent to the Structure’s exterior, including site retaining walls, patio walls, and pool walls.
36. “Minor Modification to a Building Envelope” means modification of less than ten feet (10’-0”) in any outward direction to the Building Envelope shown on the approved Building Envelope and NAOS Exhibits.
37. “Natural Area” means that portion of the Lot which must remain undisturbed, lying within a Lot, but outside of the Building Envelope, as described in Section 6.2 of the Guidelines.
38. “Natural Area Open Space Easement” means the easement required by the City of Scottsdale to preserve the Natural Area Open Space (NAOS) of a Lot.
39. “NAOS” means Natural Area Open Space.
40. “Original Construction” means the materials, colors, methods, details, styles, applications, techniques, and appearance of the construction of the Residence and other Improvements at the time of initial completion of the Residence by the Developer or individual Owner,
41. “Owner” means the Owner (as defined in the Declaration) of a Lot. For the purposes herein, the Owner may act through his designated agent, provided that such agent is authorized in writing or by law to act in such capacity.
42. “Preliminary Design Concepts” means the early conceptual drawings and information that demonstrates the design intent as required by Section 4.4 of these Guidelines.
43. “Preliminary Design Submittal” means all drawings, models and information required by Section 4.5 of these Guidelines to be submitted to the Committee to obtain preliminary design approval.
44. “Private Area” means the part of the Lot that will be not visible from other property, roadways and driveways, after the Improvements are completed because it is hidden behind walls or other Structures, as illustrated in Section 6.4.
45. “Prohibited Plant List” means the list of plants in Section 8.15 that are prohibited for use.
46. “Residence” means any building or buildings, including any garage or other accessory building use for residential purposes, constructed on a Lot, and any Improvements constructed in connection therewith. Unless otherwise defined, “Residence” shall mean a single-family Residence.

47. “Special Design Criteria” means the special design requirements and restrictions that are established for Improvements on certain Lots, as set forth in the Supplemental Guidelines.
48. “Structure” means anything constructed or erected on a Lot, the use of which requires location on the ground or attachment to something having location on the ground.
49. “Submittal” means the written request by an Applicant, including all of the supporting documents required by the Guidelines for a decision by the Committee.
50. “Supplements or Supplemental Guidelines” means the restrictions, procedures and regulations relating to the design and construction of a Residence and other Improvements on the Lots as listed and amended therein.
51. “Transitional Area” means that part of the Building Envelope that lies between the Natural Area and the wall of a Structure and is Visible from Other Property, all illustrated in Section 6.3 of the Guidelines.
52. “Village” means Village as defined in the Master Declaration.
53. “Village Declaration” means the “Declaration of Covenants, Conditions, Restrictions and Easements (CC&Rs) for each specific Village at Desert Mountain.
54. “Visible from Neighboring Properties” means that an object or activity on a Lot which is or would be visible without the use of artificial site enhancements in any line of sight originating from any point six feet (6'-0”) above any other property, including other Lots.

## **SECTION 4 – REVIEW AND APPROVAL PROCESS**

### **4.1 REVIEW AND APPROVAL PROCESS**

In order to assist Owners in taking full advantage of the unique opportunities of their Lots in the planning and designing of their Residences, a comprehensive design review process, administered by the Committee, has been established. This process provides an opportunity for the Owner to draw upon expertise and knowledge that has been acquired during the planning and development of Desert Mountain. Under the Declaration, the Committee is charged with the responsibility of maintaining the standards set forth in these Guidelines. In addition, the Committee has the authority to issue all formal approvals or disapprovals of projects, and enforce the Guidelines and Supplements therein. The Committee may create guidelines, policies and procedures in addition to these Guidelines or the Supplements. Please contact the office of the Association for the latest amendments to the Guidelines and Supplements, as well as any current policies, prior to proceeding with design.

In general, the design review process is divided into seven (7) phases:

- Pre-Design Meeting
- Concept Design Submittal (*Only for select Lots – see Supplements*)
- Preliminary Design Submittal
- Final Design Submittal
- Exterior Colors and Materials Onsite Sample Wall Submittal/Review
- Construction Approval
- Final Construction Review for Design Conformance

See Section 4.26 for a Summary Chart of the Review and Approval Process for Custom Homes.

The design review process was developed to provide adequate checkpoints along the way in an effort to minimize time and money spent on designs that do not adhere to these Guidelines, Supplements, or to the overall philosophy of Desert Mountain. An attempt has been made to streamline this process to eliminate excessive time delays. Each Owner is directly responsible for complying with these Guidelines, Supplements, and all other applicable provisions of the Village Declaration and the Master Declaration, as well as all requirements, rules and regulations of any governmental authority, in order to bring the design review process to a speedy and satisfactory conclusion.

The Committee will conduct reviews of projects during its regular meetings or at such other times, as it deems appropriate. The Committee will respond in writing to the Applicant no later than thirty (30) days after the Committee has reviewed a

submittal. The Committee shall also hold a final design approval meeting for the purpose of issuing approval of the plans, and the Owner or the Owner's agent shall have the opportunity to attend such meeting. Results of reviews will not normally be discussed over the telephone with an Owner or his Architect or Builder by the Committee, any of its members, or the Design Review Manager or staff. Any responses an Owner may wish to make in reference to issues contained in the Committee's notice following review of submittals should be addressed to the Committee in writing.

Preliminary Design Submittals, Concept Design Submittals, Final Design Submittals and any revised submittals must be made a minimum of fifteen (15) calendar days prior to the review meeting at which time they will be discussed. Dates of regularly scheduled Committee meetings are available at the office of the Association.

**No Submittal will be reviewed by the Committee if there are any existing non-compliant issues related to the Lot.**

Although the Committee will enforce all provisions of the Guidelines and Supplements, the following will be of particular concern:

- (a) The overall visual character and scale of the Improvements as viewed from Adjacent Lots and the community as a whole. A primary goal of these Guidelines is to have Residences blend into the environment in an attempt to disappear when viewed from a distance.
- (b) Siting of the Residence within the Building Envelope is to be sensitive to the topography, and slopes of the Lot, as well as sensitivity to views and privacy to, and from, other Lots, Common Areas or open spaces. Building Envelope changes are strongly discouraged and are subject to restrictions. (See Section 5)
- (c) Architectural character is viewed from all sides and from any golf course. The elevations of a Residence must have sufficient massing and architectural detailing to avoid continuous horizontal banding of site walls, parapets and covered patios. The massing, texture, colors and materials of the design are critical.
- (d) Building heights and masses are rigidly enforced.
- (e) Finished Floor Levels and Cut and Fill conditions, with particular attention given to how the Improvements nestle into the terrain.
- (f) Exterior elevations of the Residence, including a high level of aesthetic quality, as well as visual impact from the overall community. The



Improvements should be designed to create the least visual impact possible on the community as a whole.

- (g) Where applicable, the integration of the natural boulder outcroppings into the design.
- (h) Where applicable, the integration of significant stands of natural vegetation into the site design and, in particular, preservation of significant saguaro cacti.
- (i) Exterior paint and material colors, as well as exterior material usage and its placement, with particular attention given to methods designed to minimize the overall visual impact.
- (j) Landscape character and plant materials appropriate to the environment that are placed in natural densities and formations.

**The Committee has the duty to disapprove designs that it determines do not meet the Guidelines or the intent of minimum visual impact, nestling into the natural terrain, or harmonizing with the natural environment.**

#### 4.2 DESIGN PROFESSIONALS

Due to the extreme topography and the high visibility of many of the Lots within Desert Mountain, the Committee strongly recommends that Owners use the services of qualified, competent professional architects, designers and engineers. While the Committee has no intention of recommending or endorsing any architect, designer, or engineer, the Committee recommends the use of design professionals, who are qualified to create design solutions appropriate to these sites and within the intent of these Guidelines. Your architect or designer should be carefully selected to ensure their understanding of the unique environment of these Lots. A qualified civil engineer is required to design driveways, service utilities and retaining walls, and to evaluate and solve any site drainage issues. Owners should very carefully interview and evaluate potential design professionals to ensure that the design professionals have sufficient experience and knowledge to properly perform the design services in a manner that will result in Improvements that are properly sited within the Lot and with an architectural character that meets both the technical aspects and the intent of these Guidelines.

The Committee will not allow the use of what is known in the industry as “standard” plans, because they are not designed for the unique characteristics of the Lots within Desert Mountain. The Committee also strongly discourages the use of designers, drafting services, builders that design, or design/build firms that do not understand the intent and goals of these Guidelines, or those that have not demonstrated the ability to design harmoniously with the desert environment

and in the unique topographic conditions of Desert Mountain. Experience has proven that good design, specific to the Lot, is well worth the money.

#### 4.3 PRE-DESIGN MEETING

To initiate the review and approval process prior to preparing any drawings for a proposed Residence or other Improvement, it is required that the Owner and/or his Architect meet with the Design Review Manager to discuss the proposed Residence or Improvements and to explore and resolve any questions regarding building requirements. In addition, the Owner and/or his Architect may discuss any questions regarding the interpretation of the Guidelines and/or the Supplements. Any amendments to the Guidelines or Supplements, as well as the current policies and procedures, may be obtained at this time.

This informal review is to offer guidance prior to the initiation of preliminary design. Items discussed in this preliminary meeting are not binding on the Committee, nor, do they constitute formal acceptance by the Committee. An appointment for the Pre-Design Meeting should be made at least one (1) week in advance of the meeting.

**Pre-Design Meetings are mandatory, and Concept Design Submittals and Preliminary Design Submittals will not be accepted without a Pre-Design Meeting.**

#### 4.4 THE CONCEPT DESIGN SUBMITTAL

Due to the rugged terrain and high visibility, certain specific Lots in Desert Mountain will require a Concept Design Submittal (Reference "Concept Design Submittal" in Index to determine specific Lot delineation in the Guidelines). Concept Design Submittal for these Lots shall be submitted to the Committee for discussion purposes only at the beginning of the design process. During this informal review, the Committee will comment on the general design character and make recommendations or suggestions. The purpose of this informal review is to offer guidance in the development of a site plan and architectural character that is appropriate for the site and visual considerations of each Lot at an early stage of the design process. No formal action or approval is granted or implied by this review and all aspects of the design must still conform to these Guidelines.

Concept Design Submittals shall include:

- (a) A Site Analysis
- (b) A Concept Site Plan
- (c) A Concept Floor Plan or Bubble Diagram

- (d) Architectural character sketches and any other information that explains the general design and site planning intent.
- (e) A non-refundable Design Review Fee (See Section 10) must accompany the submittal and will be credited one time only against the full Design Review Fee required with the full Preliminary Design Submittal. Checks should be made out to the Desert Mountain Master Association (DMMA).

The drawings and concept sketches must be submitted to the Committee fifteen (15) Calendar days in advance of a regularly scheduled meeting at which time they will be discussed. Dates of regularly scheduled Committee meetings are available from the office of the Association. The Committee will review the Concept Design Submittal and make comments and suggestions which will be communicated to the applicant in a written response.

The Concept Design Submittal review process does not constitute approval or implication of approval of a design or any parts of a design by the Committee, nor does it grant any variances or exceptions to these Guidelines. This review is only an attempt to identify and redirect designs that would likely be considered inappropriate by the Committee.

#### **4.5 THE PRELIMINARY DESIGN SUBMITTAL**

Preliminary drawings, including all of the exhibits outlined below, must be submitted to the Committee through the Design Review Manager after the Pre-Design Meeting. Preliminary Design Submittals must be submitted at least fifteen (15) calendar days in advance of a regularly scheduled meeting at which time they will be discussed. Dates of regularly scheduled Committee meetings are available at the office of the Association.

Preliminary Design Submittals shall include:

- (a) The Application Form, supplied by the Committee, with all information completed.
- (b) A digital PDF of the Preliminary submittal documents and all subsequent Preliminary submittals. Documents are required to be formatted as follows:
  - i. Documents are to be formatted as a Portable Document Format (pdf).
  - ii. Drawings/images are to be saved as full sheets.
- (c) A survey, at no less than 1"=20', prepared by a land surveyor or civil engineer registered in the state of Arizona, showing Lot boundaries and

dimensions, easements, setbacks, centerline of adjacent streets, utility tap locations, existing surface contours at one-foot intervals based on Desert Mountain's datum, major terrain features such as washes, and all Protected Plants, highlighting those plant materials that will be removed during construction or that are within twenty feet (20'-0") of the proposed Improvements. The survey shall also show all major boulders or boulder clusters (in excess of four feet (4'-0") in diameter) and bedrock outcroppings. Major boulder outcroppings shall be protected and maintained as determined jointly by the City, the Owner or his Architect, and the Committee at the time of site plan review. Each Owner submitting drawings for approval to the Committee shall be responsible for the accuracy of all information contained therein.

- (d) Aerial map in color showing adjacent lots. Map can be obtained from [www.maricopa.gov\assessor\gis\map.html](http://www.maricopa.gov\assessor\gis\map.html).
- (e) A civil grading and drainage site plan prepared by a Civil Engineer registered in the State of Arizona, at the same scale as the survey, showing the graphic locations and the numerical area calculations of the Building Envelope (both the original Building Envelope and any proposed Building Envelope), an outline of any element of any structure on any contiguous Lot that faces the Lot, the Residence and all other buildings or major structures, driveway, centerline of adjacent streets, parking areas, patios, pools, walls with sea level calculations, proposed utility service facilities and routes, site grading including existing and proposed contours and topographic features such as washes, rock outcroppings and existing trees and major shrubs to be retained and to be relocated, and elevations (datum's) of all building floors, patios and terraces, shown in relation to site contour elevations. The civil site plan must also include the size of the Lot in square feet, the Natural Area Open Space (NAOS) requirements from the Building Envelope and NAOS Exhibits, and the proposed location and numerical area calculations for the proposed NAOS areas.
- (f) A cut and fill diagram that includes the floor plan of the lowest floor levels of the Residence and the plan of all site improvements superimposed over existing topography at one-foot contour intervals. This drawing shall indicate:
  - i. All proposed ground-level finished floor levels of the Residence.
  - ii. All proposed finished grades for patios, courtyards, paved areas, driveways, auto courts, guest parking and significant grading.
  - iii. Delineation of the area that will be cut into the natural topography in relation to the proposed finished floor levels and finished grade levels. Calculate the area of cut conditions (as measured in square feet). Designate the vertical dimension of the most significant cut condition.

- iv. Delineation of the area that will be fill over the natural topography in relation to the proposed finished floor levels and finished grade levels. Calculate the area of fill conditions (as measured in square feet). Designate the vertical dimension of the most significant fill condition.  
(Refer to Section 6.10 of the Design Guidelines to understand the design criteria for cut and fill conditions.)
- (g) A massing diagram that includes the roof plan of the Residence and the plan of the site improvements superimposed over existing topography. This drawing shall indicate:
  - i. All parapet, shed, roof ridge, and chimney heights and any changes in elevation of the parapet, shed or roof ridge heights to be indicated in sea levels.
  - ii. Top of wall heights of site walls or retaining walls.
  - iii. A bold outline of each building mass in plan.
  - iv. Existing pre-construction topography from a licensed surveyor with clearly designated one-foot (1'-0") contour intervals; contour lines must be legible beneath the footprint of any Improvement.
  - v. Area calculations should be made, in square feet, identifying the area of the building footprint at or below the lower mass height limit (sixteen feet (16'-0") for flat roofs and seventeen feet six inches (17'-6") for sloping roofs) and the area of the building footprint above the lower mass height limits. For the submittal, these areas should be shaded or color-coded to designate each height category. The entire mass is counted in area.
- (h) Roof plan (at a scale no less than 1/8"=1'-0"). Roof plans should show areas and heights of flat and sloped roofs, roof pitches, location of crickets, and locations and heights of all roof-mounted equipment (if allowed) and skylights.
- (i) Floor plans (at a scale no less than 1/8"=1'-0"). Floor plans shall show vertical sea level elevations for each floor level change.
- (j) Exterior elevations of all sides of the Residence including retaining walls, at the same scale as the floor plans, identifying all structure heights, delineating both existing and proposed grade lines and designating all exterior materials and general colors. Color selections may be general, and not specific, for the Preliminary Design Submittal.
- (k) A study model (preferably sketchUp) of the proposed Improvements showing the relationship of all proposed Improvements to the contours of the Lot. Care must be taken to accurately represent the massing of all structures and roof forms. The model must clearly show all windows, exterior doors and skylights. The model shall include the Owner's

name, Architect's name, Builder's name, Lot number, village name (i.e., The Saguaro Forest), street address and scale of the model. The model must include contours of the entire Lot and Lot lines. Property lines must be shown on the model, unless otherwise approved by the Committee in advance. For Lots larger than two (2) acres in size, the Committee may allow portions of the Lot to be omitted from the model. In these cases, the limits of the study model should be discussed with the Design Review Manager at the time of the Pre-Design Meeting.

- (l) Visual Simulations, when required on specific lots (**reference Supplements**) or when determined as a submittal requirement or as an acceptable alternative to a 3D model as required in item (k) above by the Design Review Manager or Community Manager at the time of the Pre-Design Meeting. Color visual simulations shall portray the visual impact of the Proposed Residence and other Improvements as seen from viewpoints designated by the Design Review Manager. All visual simulations must be shown in real perspective scale with no significant distortion and shall be in color.
- (m) Any other drawings, materials or samples requested by the Committee or necessary to explain the design.
- (n) A non-refundable Design Review Fee (**reference Section 10**) must accompany the submittal. Checks should be made out to The Desert Mountain Master Association, (DMMA).

All accessory Improvements contemplated on the Lot must be shown on the Preliminary Design Submittal.

To assist the Committee in its evaluation of the Preliminary Design Submittal, the Owner shall, if requested, provide preliminary staking of the locations of the corners of the Residence or other Improvements deemed by the Committee to be major and at such other locations as the Committee may request.

#### 4.6 NOTICE OF PRELIMINARY DESIGN SUBMITTAL

Within three (3) business days after the submission of a complete Preliminary Design Submittal, the Committee will: 1) post a notice at the Lot; 2) provide written notice to all Owners Lots within one hundred fifty feet (150') of the subject Lot stating that drawings have been submitted with respect to the Lot and will be available for review by other Owners during the period stated in the notice; and 3) as a courtesy, the Village board presidents will be notified of submittals being

posted in their respective villages. Written comments may be submitted to the Committee regarding the posted Lot up until two (2) calendar days prior to the scheduled meeting date stated on the notice.

Written notice to all Owners Lots within one hundred fifty feet (150') of the subject Lot will be sent via first-class mail through the U.S. Postal Service and electronic mail to the mailing and email addresses listed with the office of the Association used for the mailing of Association account statements. The Committee is not responsible for notices that are not received by Owners due to failure or timing of the U.S. Postal Service, incorrect addresses or failure of the Owner to pick up mail in a timely fashion.

Owners wishing to review a submittal are required to set up an appointment with the Design Review Manager, or designee, to review the submittal. Personal appointments with Association or Committee staff must be scheduled a minimum of two (2) workdays in advance and are subject to time availability. Personal reviews are provided only as a courtesy. Comments must be submitted in writing two (2) calendar days prior to the scheduled meeting date stated on the notice.

#### **4.7 COMMITTEE REVIEW OF PRELIMINARY DESIGN SUBMITTAL**

After the posting, notification and comment period and any staking of the Lot, the Preliminary Design Submittal will be deemed complete. The Committee will then review the submittal for conformance to these Guidelines and Supplements and will provide a written response to the Applicant. The Committee can approve the Submittal, disapprove the Submittal, or approve the Submittal with a list of stipulations, which must be addressed or corrected in the Final Design Submittal.

#### **4.8 ADDITIONS, EXPANSIONS, REMODELS, GUESTHOUSES, AND OTHER IMPROVEMENTS**

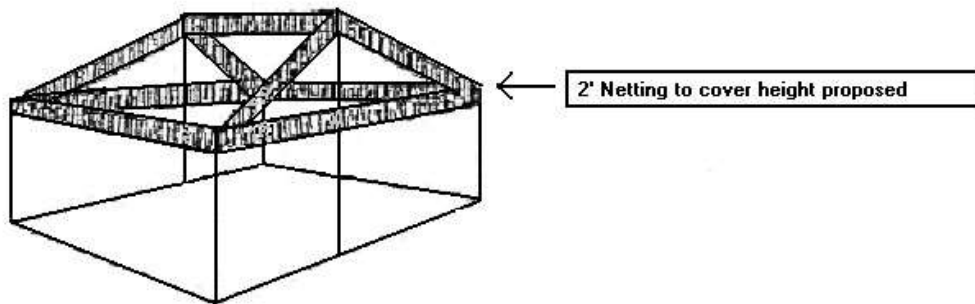
For additions, expansions, remodels, guesthouses or any other Improvements proposed after the initial completion of the Residence, the Preliminary Design Submittal shall include quality color photographs (8½" x 11" in size) of all four (4) sides of the existing Residence, as a minimum, such that the architectural character of the Residence is clearly portrayed in the photographs. The location of any such addition, expansion, remodeling, guesthouse or other Improvements should be delineated and labeled on the photographs. In addition, each photograph must be labeled with the direction from which the photo was taken and shall include the name of the project, Owner, Applicant, Village and Lot number. Improvements will not be entertained until all existing non-compliant issues have been satisfactorily addressed. The study model described in Section 3.5 (i) shall not be required.

For semi-custom homes in Developer Built Villages there are no Building Envelope requirements, and the NAOS information described in Section 4.12 (g) is not required.

See Section 4.27 for a Summary Chart of the Review and Approval Process for Additions, Expansions, Remodels and Guesthouses.

**4.9 STAKING REQUIREMENTS FOR ADDITIONS**

On a case-by-case basis, if required by the Committee, as part of the Preliminary Review process for a proposed addition design submittal, the Owner shall provide preliminary staking of the locations of all four corners of the addition and the proposed height of all parapet and ridge roofs. Netting at least two feet (2') wide and made of woven plastic snow fencing must be erected to represent the roofline of the proposed structure. Netting must be supported by stakes or wires strong enough to accurately maintain the outline and height as shown below. Notify the Design Review Manager when completed for review by the Committee.



**Staking Diagram**

**4.10 PRELIMINARY SUBMITTAL EXPIRATION**

The Preliminary Submittal shall be considered valid for twelve (12) months from the date of the review. The Preliminary Submittal will then be considered abandoned if a subsequent submittal has not been made in that period. The Owner will be required to again start the Design Review process beginning with a new Preliminary Submittal and a new Design Review Fee. Upon written application by the Owner, the Committee may then, at its sole discretion, determine if there is reasonable basis for accepting the reinstatement of any element(s) of the Design Review process completed as part(s) of the prior Preliminary Submittal (including a previously Approved Building Envelope



Modification), and waive performance of the elements(s) so determined, and/or payment of all, or part of, the Design Review Fee previously paid.

#### **4.11 PLAN CANCELLATIONS**

Owner must notify the Committee in writing if they choose to cancel plans for a home prior to Final Design Submittal. The owner will be refunded twenty-five percent (25%) of the review fee with the stipulation that the plan cannot be revived without a new review fee.

#### **4.12 FINAL DESIGN SUBMITTAL**

After approval of the Preliminary Design Submittal is obtained from the Committee, the following documents, which clearly comply with or satisfactorily resolve the stipulations for preliminary approval, are to be submitted to the Committee for final approval through the Design Review Manager at the office of the Association. Final Design Submittals must be made a minimum of fifteen (15) calendar days prior to a regularly scheduled meeting at which time they will be discussed. Dates of regularly scheduled Committee meetings are available at the office of the Association.

Final Design Submittals shall include:

- (a) The Application Form, supplied by the Committee with all information completed.
- (b) A digital PDF of the complete construction drawings, civil grading and drainage plans, and any subsequent Final submittals. Documents are required to be formatted as follows:
  - i. Documents are to be saved as one document formatted as Portable Document Format (pdf).
  - ii. Drawings/images are to be saved as full sheets.
- (c) Complete Construction Documents for the Residence, including:
  - i. Building sections as required to illustrate the Residence and other Improvements.
  - ii. All utility locations, and electric meter, transformer and exterior mechanical equipment locations.
  - iii. Roof venting plan and locations.
  - iv. Any adjustments to locations and/or areas of the Building Envelope or the Residence height of the top of all skylights, parapets, ridges or chimneys shown on the roof plan.

- v. Locations and manufacturer's catalog cut sheets of all exterior lighting fixtures.
  - vi. Digital PDF's of final floor plans and elevations.
- (d) **Samples** of all exterior materials and colors, and window and glass specifications mounted on an 8½" x 11" (maximum size) heavy stock cardboard identified with manufacturer's name, color and/or number, and LRV. Sample boards shall include owner's Architect's and Builder's name, as well as the Lot and Village name (i.e., The Saguaro Forest). Samples of exterior materials such as stone should be submitted via the use of photographs that show color and coursing patterns. As a point of clarification, Exterior Colors and Materials are NOT approved until such time as the Committee has reviewed and approved the Exterior Colors and Materials Submittal, including the actual color and material samples the on-site Sample Wall, as outlined in Section 4.16 and Section 9.6 of these Guidelines. No approval of colors and materials are granted nor implied prior to approval of the Exterior Colors and Materials Submittal.
- (e) A complete **Landscape Plan** at the same scale as the site plan, showing:
- i. Proposed contours and grading if finished grading is different than that on the Final Site Plan.
  - ii. Areas to be irrigated, if any, including location of back flow preventer and irrigation clock.
  - iii. Locations and sizes of all existing and proposed plants. Indicate which plants will be relocated and the proposed location of plants within the landscape plan.
  - iv. Locations of areas to receive re-vegetation.
  - v. Locations of areas to receive enhanced vegetation.
  - vi. Decorative features such as pools or imported rocks.
  - vii. Specifications as to color and size of mineral landscape elements including approximate size of any boulders proposed.
  - viii. A list of all proposed plants, including both the common and the botanical plant name and the plant size. Proposed plants not included on the Approved Plant List must be listed on the Landscape Plan with an asterisk before the plant name. A photograph and description of any non-approved plant must be submitted in order to be considered for approval. The Committee maintains the right to refuse any plant material it feels will not be beneficial to the environment of Desert Mountain.
  - ix. Locations of all existing protected plants as defined by the City of Scottsdale's Native Plant Ordinance, including species, size and condition, as well as the status proposed for each plant (i.e., remain, salvage or destroy). All plants proposed for salvage and transplanting shall be tagged in accordance with City requirements.
  - x. Location of all exterior lighting, including cut sheets for all fixtures and a list of proposed bulb types and wattages.

- (f) A **Hydrology Report** performed by a civil engineer registered in the State of Arizona, in a form acceptable to the Committee.
- (g) A fully executed and notarized copy of the **Natural Area Easement** on the form required by the City, including a legal description and exhibit of the Natural Area Open Space (“NAOS”), which will be delivered to the City by the Owner for recording upon approval by the Committee.

#### 4.13 COMMITTEE REVIEW OF THE FINAL DESIGN SUBMITTAL

Upon receipt of the complete Final Design Submittal, the Committee will review the submittal for conformance to these Guidelines, the Supplements, and to any stipulations by the Committee from the Preliminary Design Submittal, and will provide a written response to the Applicant. No Improvements may be made to any Lot unless they are made following the Committee’s written approval of the Final Design Submittal for those Improvements. Making any changes during construction that do not strictly conform to the approved Final Design Submittal or subsequent approved Field Change Submittals is prohibited and can result in the Committee or Master Association (1) causing the changes to be modified to conform to the approved Submittals at the Owner’s expense, (2) causing the change to be removed at the Owner’s expense, (3) the imposition of fines, or (4) any other remedy available to the Committee or the Master Association. **Any changes to the proposed Improvements that occur after Committee approval of the Final Design Submittal, including exterior changes required by the City, may not be implemented unless such changes are first approved by the Committee.**

The Committee shall hold a final design approval meeting for the purpose of issuing approval of the Final Design Submittal, and the Owner or the Owner’s agent shall have the opportunity to attend such meeting. If the Final Design Submittal is approved by the Committee, the Committee shall provide the Owner with written acknowledgement that the Final Design Submittal, including any approved amendments, is in compliance with these Guidelines, the Supplements, and any other rules, policies, restrictions or regulations in effect at the time of the approval, and that the refund of the Security Deposit requires that construction be completed in accordance with the approved Final Design Submittal.

Once the Final Design Submittal is approved, a Pre-Construction meeting is held. The submission of appropriate Access Fees and Builder’s Bond, as well as a Construction Deposit (Security Deposit or Improvement Deposit, depending on the type of project), are required prior to commencement of construction or installation of any Improvement. A Construction Authorization Certificate will be provided and must be displayed on the rear of the construction sign at the site indicating approval of the Final Design Submittal. This certificate must remain posted during the duration of the construction process.

**Final approval of all exterior colors and materials is subject to review of actual materials on site on the Sample Wall within 120 days of start of construction. To be clear, approval of all materials and colors is not final until approved in writing by the Committee after reviewing the exterior colors and materials submittal and the completed Sample Wall.** Builder must call the Design Review Manager to schedule a sample wall inspection within 120 days of the start of construction. Refer to Section 4.16 of these guidelines for requirements of the Exterior Colors and Materials submittal and refer to Section 9.6 of these Guidelines for requirements of the On-Site Sample Wall. The Design Review Committee has directed the Association to terminate construction at the end of the 120-day period if this requirement has not been met and the materials approved. **OWNERS AND BUILDERS NOTIFY ON-SITE SUPERINTENDENT OF THIS REQUIREMENT. See 4.16. 4.14 FINAL DESIGN SUBMITTAL EXPIRATION**

#### **4.14 FINAL SUBMITTAL EXPIRATION**

The Final Design Submittal shall be considered valid for twelve (12) months from the date of the review. The Final Design Submittal will then be considered abandoned if a subsequent submittal has not been made in that period, even if the Pre-Construction meeting has taken place. The Owner will be required to again start the Design Review Process beginning with the Pre-Design Meeting, application, Preliminary Review Submittals and Design Review Fee. Upon written application by the Owner, the Committee may then, at its sole discretion, determine there is reasonable basis for reinstatement of any element(s) of the Design Review Process previously completed as part(s) of the Preliminary or Final Design Submittal procedures, and waive the performance of the element(s) so determined, and/or payment of all or part of the Design Review Fee previously paid.

#### **4.15 RESUBMITTAL OF DRAWINGS**

In the event of disapproval of either a Preliminary Design Submittal or a Final Design Submittal, any resubmission of drawings must follow the same procedure as the original submittal, except that re-submittals of a Preliminary Design Submittal must be made at least eight (8) calendar days in advance of a regularly scheduled meeting at which time it will be discussed. The resubmission of a Preliminary Design Submittal will not be posted on the Owner's Lot, nor will notification be mailed out unless determined otherwise by the Committee. Revised Preliminary and Final Design Submittals will not be reviewed unless all previous stipulations have been addressed.

#### **4.16 EXTERIOR COLORS & MATERIALS SUBMITTAL/ON-SITE EXTERIOR MATERIALS SAMPLE WALL**

Exterior colors and materials are reviewed and approved by the Committee as

part of its review of the Exterior Colors and Materials Submittal, including the on-site exterior materials Sample Wall. Refer to Section 9.6 of the Design Guidelines for the specific requirements of the construction and labeling of the Sample Wall. The Exterior Colors and Materials Submittal shall be received by the Committee within 60 days of the start of construction.

The Applicant shall submit an Exterior Colors and Materials Submittal to the Committee for its review and approval that includes:

- (a) List of all exterior colors and materials on the Sample Wall on the form provided by the Committee.
- (b) 8 1/2 " x 11" color photographs or prints of the Sample Wall taken from several different angles. Close up photos may be necessary, as well as overall photos, in order to properly document the submittal. The photographs shall capture all labels on the Sample Wall.
- (c) Digital copies in PDF format of the exterior colors and materials list and the photographs of the Sample Wall.

Upon receipt of a complete Exterior Colors and Materials Submittal, the Committee will review the submittal including the On-Site Sample Wall for conformance to these Guidelines, the Supplements, and to any stipulations by the Committee from the Final Design Submittal, and will provide a written response to the Applicant. The Owner and the Builder acknowledge that no approval, or implied approval, of exterior colors and materials are granted until the Committee has responded with an approval in writing. The Committee strongly recommends that an Owner and Builder should not order any exterior materials until such approval has been granted in writing.

If the Exterior Colors and Materials Submittal has not been received by the Committee within 60 days of start of construction, the Committee and the Association have the right, without the obligation, to suspend all construction activity until a complete Exterior Colors and Materials Submittal is received.

#### **4.17 CONSTRUCTION PERMIT**

Obtaining plan check approval from the City and securing of a building permit from the City is the responsibility of the Owner and/or Builder. Construction shall be in accordance with the Final Design Submittal approved by the Committee. Any changes to the proposed Improvements that occur after Committee approval of the Final Design Submittal, including exterior changes required by the City, may not be implemented unless such changes are first approved by the Committee.

#### **4.18 ADDITIONAL CONSTRUCTION AND/OR EXTERIOR CHANGES**

Subsequent submittals will not be entertained until all existing non-compliant issues have been satisfactorily addressed. Any changes to the approved Final

Design Submittal before or during the construction of an Improvement must first be submitted for review and approval by the Committee. Failure to obtain approval of any changes to the approved Final Design Submittal can result in the Committee or Association causing the existing construction to be modified to match the approved Final Design Submittal, the imposition of fines, or any other remedy available to the Committee or the Association.

#### **4.19 PRE-CONSTRUCTION MEETING**

Upon receipt of the Final Design Submittal and prior to commencing construction, the Builder must meet with the Design Review Manager to review the construction regulations, procedures and guidelines (**reference Section 9, Construction Guidelines, 9.2 Pre-Construction Meeting**).

#### **4.20 COMMENCEMENT OF CONSTRUCTION**

Upon receipt of approval of the Final Design Submittal from the Committee, the Owner shall commence the construction pursuant to the approved Final Design Submittal within one (1) year from the date of the approval. If construction does not commence within one year of the approved date of Final Design Submittal, then the approval is invalidated and the Final Design Submittal must be resubmitted.

Once construction has started, construction must be actively pursued. Should little or no construction take place for a period of thirty (30) days, the Owner must notify the Design Review Committee immediately. The Owner must submit a written request for a construction extension to include an explanation for the construction delays and a revised construction schedule. If the Owner fails to comply with the extension stipulations granted, the Committee may notify the Association of such failure, and the Association, at its sole discretion, may levy substantial fines and/or complete the exterior in accordance with the approved drawings or remove the Improvement(s), and the Owner shall reimburse the Association for all expenses incurred in connection therewith.

#### **4.21 FIRST COMMITTEE REVIEW FOR DESIGN —CONFORMANCE (“Framing Inspection”)**

(a) The Committee or its designee shall perform a formal review of the work in progress after the Builder provides certification by a registered surveyor or civil engineer of as-built Finished Floor Levels upon completion of stem walls and as-built heights of all parapets, ridge roofs and chimneys upon completion of framing. The Builder is required to inform the Committee in writing at least ten (10) days prior to the completion of rough framing and submit Height Certification so that a review for design conformance may be made prior to completion of sheathing. A written note stating this requirement shall be shown by the Architect on the floor plan or framing plan as part of the Final Design Submittal. The

Committee shall provide the Owner and/or his agent with reasonable notice of the date and time the inspection will take place, and the Owner or and/or his agent shall have the opportunity to attend the inspection.

(b) For all new builds or re-builds of the main Residence, the Committee shall issue a formal report of this first review within five (5) business days after the inspection, noting any deficiencies, violations or unapproved variations from the approved Final Design Submittal. For all other additions, expansions, remodels, guesthouses or any other Improvements proposed after the completion of the Residence, a report of the review will be issued within thirty (30) calendar days after the inspection.

(c) Absence of such review and notification during the construction period does not constitute approval by the Committee of work in progress or of compliance with these Guidelines, Supplements, the Village Declaration or the Master Declaration.

#### **4.22 SECOND COMMITTEE REVIEW FOR CONFORMANCE (“Final Inspection”)**

(a) Upon substantial completion of any Residence or other Improvement for which approval of the Final Design Submittal was given by the Committee, the Builder must provide written certification of the finished color of all flat roofs and certification that the required re-vegetation seed mix has been implemented. Upon receipt of these documents, a (final) review will be scheduled prior to occupancy.

(b) Any changes to the Finished Floor Levels or building heights during the course of construction require specific approval of the Committee or its designee prior to the change.

(c) Within such reasonable time as the Committee may determine, but in no case exceeding twenty (20) calendar days from receipt of a required roof color and seed mix certifications, the Committee or its designee shall perform a second formal review of the Residence and/or other Improvements. The Committee shall provide the Owner and/or his agent with reasonable notice of the date and time the inspection will take place, and the Owner and/or his agent shall have the opportunity to attend the inspection.

(d) For all new builds or re-builds of the main Residence, a formal report of this second review will be issued within five (5) business days after the inspection, noting any deficiencies, violations or unapproved variations from the approved Final Design Submittal. For all other additions, expansions, remodels, guesthouses or any other Improvements proposed after the completion of the Residence, a report of the review will be issued within thirty (30) calendar days after the inspection. If the review indicates that

the Residence or Improvements constructed are deemed to be in accordance with the Final Design Submittal and these Guidelines, Supplements and all policies, restrictions and regulations in effect, the Committee shall issue a written final construction approval.

- (e) If the Owner has failed to remedy any non-compliance within thirty (30) calendar days from the date that the formal report is issued, the Committee shall notify the Owner, and may take such action to complete or remove or remedy the non-complying Improvements as is permitted in these Guidelines, the Master Declaration, and the specific Village Supplement and Declaration, including, without limitation, injunctive relief or the imposition of a fine.
- (f) If an Owner chooses to occupy the Residence following receipt of a Certificate of Occupancy from the City, but prior to a final construction review (paragraph (c) above) by the Committee, the Owner may do so provided that the work is continued and written Notice of Completion is given to the Committee within forty-five (45) days of occupancy. Owners will be sent a notice informing them that work must be completed within forty-five (45) days of occupancy. If the Improvements are not completed within forty-five (45) days of occupancy, the Committee reserves the right to take such action to cause the completion of the Improvements as is permitted in these Guidelines, the Master Declaration, and the specific Village Supplement and Declaration, including, without limitation, the imposition of fines. On the forty-sixth (46) day, a Notice of Non-Compliance will be recorded and a fine levied. If non-compliance is corrected within thirty (30) days, the fine will be waived. The Owner will be responsible for recording and related fees. Members, representatives or designees of the Committee may make any number of observations and/or site visits to discuss or review the progress of construction and issue reports, recommendations or sanctions related to construction issues. These visits are not considered to be the formal reviews described in Sections 4.20(a) and 4.21(c) above.

#### **4.23 NON-WAIVER**

The approval by the Committee of any Submittal shall not be deemed to constitute a waiver of any right to withhold subsequent approval of any subsequent Submittal if the Committee determines that such subsequent Submittal does not comply with the Guidelines. For example, the Committee may disapprove a Final Design Submittal based on an item that is not in conformance with the Guidelines even though it may have been evident and could have been disapproved, but was not at the Preliminary Design Submittal.

#### **4.24 RIGHT OF WAIVER**



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

**4.25 ESTOPPEL CERTIFICATE**

Within thirty (30) days after a written request is delivered to the Committee by any Owner, and upon payment therewith to the Committee of a reasonable fee from time to time to be fixed by it, the Committee shall record an estoppel certificate executed by any two (2) of its members, certifying with respect to any Lot of said Owner, that as of the date thereof either (a) all Improvements and other work made or done upon or within said Lot by the Owner, or otherwise, comply with the Guidelines, the Master Declaration, and the specific Village Supplement and Declaration, or (b) such Improvements and/or work do not so comply, in which event the certificate shall also: 1) identify the non-complying Improvements and/or work, and 2) set forth with particularity the cause or causes for such non-compliance. Any purchaser from the Owner or mortgagee or other encumbrancer shall be entitled to rely on said certificate with respect to the matters therein set forth, such matters being conclusive as between the Association, the Committee, all Owners and other interested Persons, and such purchaser, mortgagee or other encumbrancer.

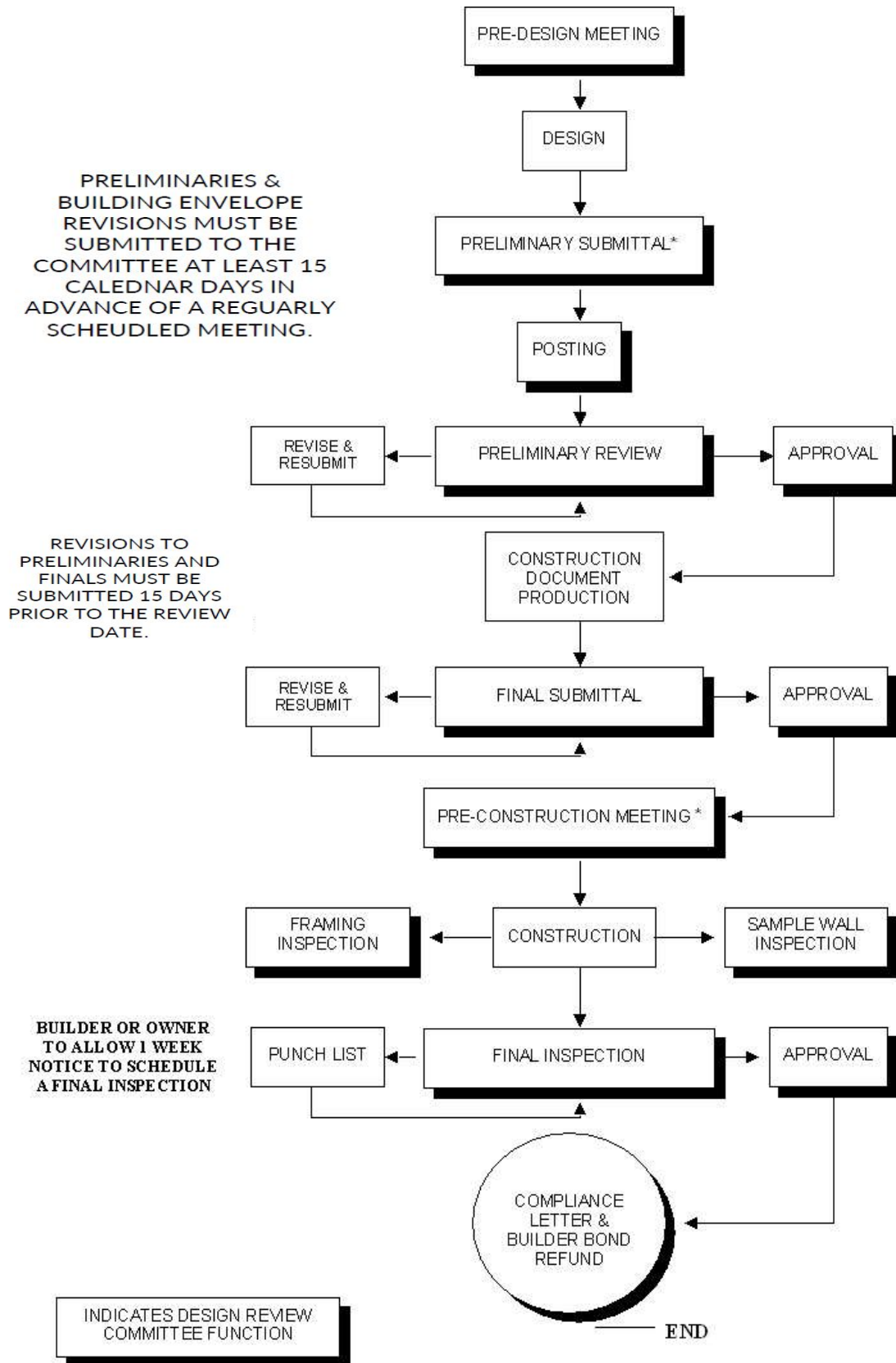
**4.26 NON-LIABILITY**

Neither the Committee, nor any member thereof, nor Homeowner Association personnel (Staff), nor the Developer, shall be liable to the Association or to any Owner or other person for any damage, loss, or prejudice suffered or claimed on account of (a) the approval or disapproval of any drawings or specifications, whether defective or not; (b) the construction or performance of any work, whether or not pursuant to approved drawings and specifications; (c) the development or manner of development of any property within the Association; or (d) the execution and filing of an estoppel certificate whether or not the facts therein are correct; provided, however, that such members has, with the actual knowledge possessed by him or her, acted in good faith. Without in any way limiting the generality of the foregoing, the Committee, or any member thereof, or Staff may, but is not required to, consult with or hear the Association or any Owner or other person with respect to any drawings or specifications or any other proposal submitted to it.

Neither the Committee, nor any member of either Committee, nor Staff, nor the Developer, or their respective successors or assigns, shall be liable in damages to anyone submitting drawings or specifications to them for approval, or to any Owner or other person by reason of mistake in judgment, negligence, or nonfeasance arising out of, or in connection with, the approval or disapproval or failure to approve any drawings or specifications. Every Owner or other person who submits drawings or specifications for approval agrees, by submission of such drawings and specifications, that he or she will not bring any action or suit

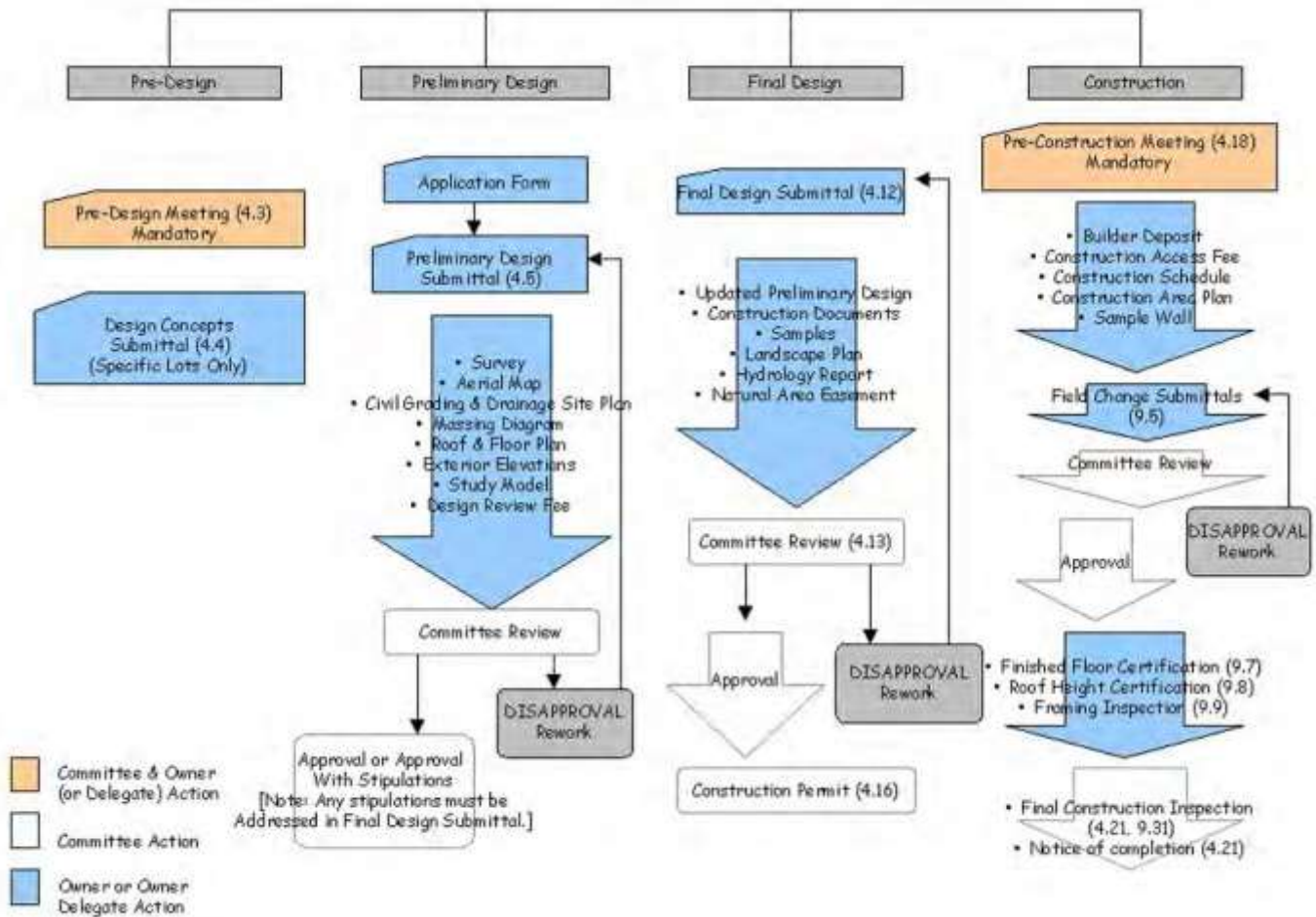
against the Committee, any member of either committee, Staff, or the Developer to recover damages. Approval by either Committee, any member thereof, or the Developer shall not be deemed to be a representation or warranty that the Owner's drawings or specifications or the actual construction of a Residence or other Improvement comply with applicable governmental ordinances or regulations. It shall be the sole responsibility of the Owner or other person submitting drawings or specifications to the Committee or performing any construction to comply therewith.

4.27 DESIGN REVIEW PROCESS OVERVIEW CHART

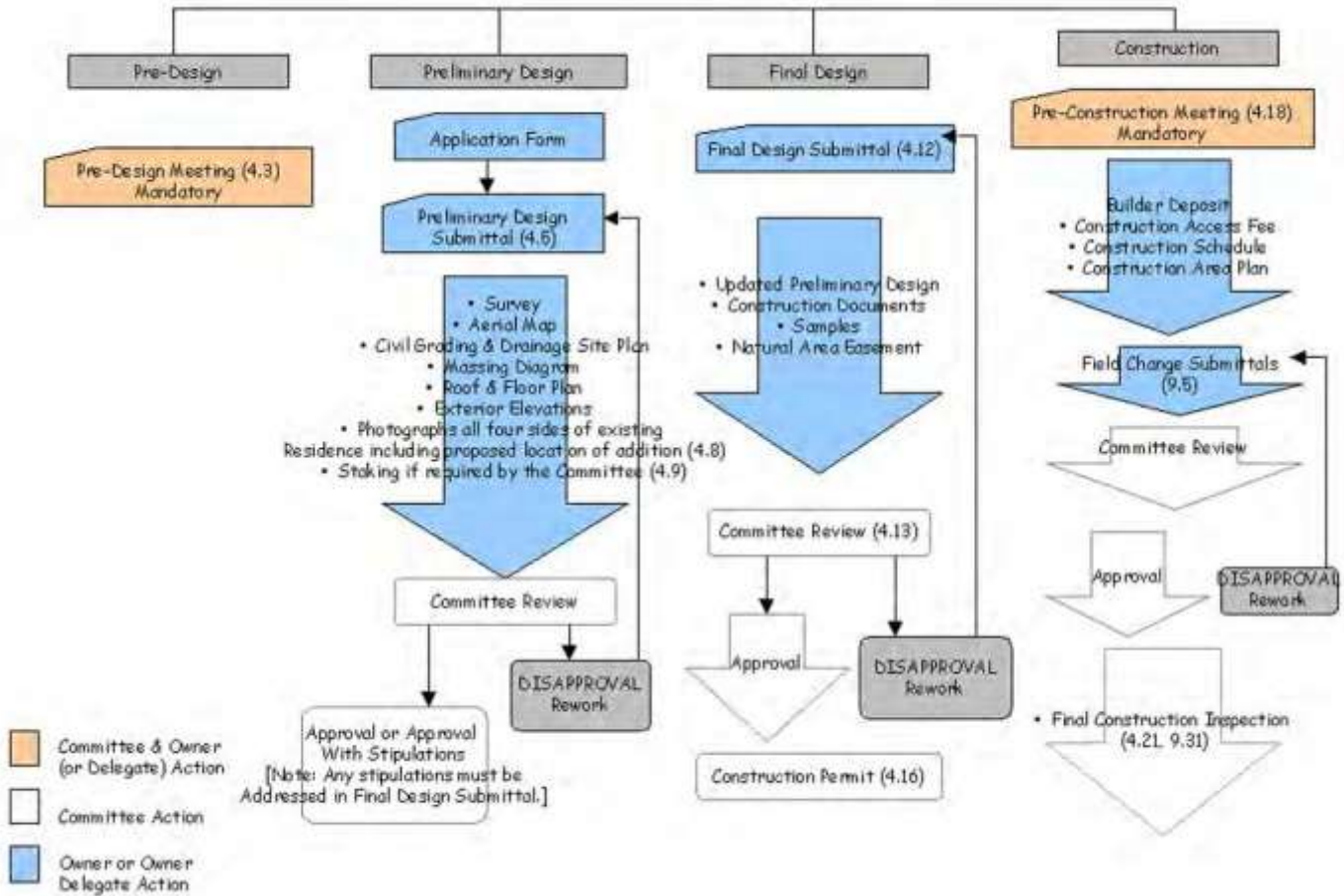


\* Fee Required

4.28 SUMMARY CHART OF REVIEW AND APPROVAL PROCESS FOR CUSTOM HOMES



**4.29 SUMMARY CHART OF REVIEW AND APPROVAL PROCESS FOR ADDITIONS, EXPANSIONS, REMODELS AND GUESTHOUSES**



**4.30 SUMMARY OF REVIEW AND APPROVAL PROCESS FOR EXTERIOR REPAINTING**

- (a) Repainting any structure with the same color does not require Committee approval, although the Owner is required to notify the Committee of the painting and the color (See Village Supplemental Guidelines).
- (b) Any repainting of a different color than the existing color requires Committee approval (See Village Supplemental Guidelines).

## **SECTION 5 – BUILDING ENVELOPES AND LOT TIES**

### **5.1 THE BUILDING ENVELOPE**

The Building Envelope is the portion of each Lot within which all Improvements must be built and alterations to the existing landscape may occur. A Building Envelope has been identified for each Lot (with the exception of the Developer Built Villages) on the Building Envelope and NAOS Exhibits based on the natural features of the Lot, views, and relationship to Building Envelopes on Adjacent Lots, drainage and topography.

The Building Envelope acts as a limit beyond which no construction activity, including landscape, grading and access, may take place or materials may be stored. Therefore, all Improvements (i.e., walls, buildings, etc.) must be contained to a minimum of five feet (5') within the Building Envelope line to allow construction activity to be contained within the Building Envelope.

Building Envelopes have been established for each Lot within Desert Mountain with the exception of the Developer Built Villages. Before any conceptual planning is done, and before a Preliminary Design Submittal can be made, an Applicant must discuss the Building Envelope with the Design Review Manager during the Pre-Design Meeting. Although all portions of the Building Envelope may be developed under the provisions of these Guidelines, the intent is that all of the Improvements nestle into the natural terrain; therefore, screen walls, patio walls, landscape elements and other site improvements will not be allowed to arbitrarily delineate the borders of the Building Envelope, but instead, the form, shape and massing of the site improvements must relate to the form, shape and massing of the Residence.

### **5.2 CHANGES TO A BUILDING ENVELOPE**

A change to a Building Envelope is strongly discouraged. The Committee may approve modifications to a Building Envelope, upon request by an Owner, based on the Committee's consideration of all factors that the Committee deems relevant, including views, privacy, and location of existing Improvements, topography, natural features, existing vegetation, and the overall character of the development. A Major Modification to a Building Envelope normally has a greater impact on the community than does a Minor Modification to a Building Envelope, and therefore, the Committee will use a stricter standard of review for a proposal of a Major Modification to a Building Envelope.

Any modification to the Building Envelope must not result in the total area of the Building Envelope for the Lot being in excess of the total area of the Building Envelope specified in the Building Envelope and NAOS Exhibits. To assist the Committee in its evaluation of a proposed Change to a Building Envelope, the Committee may require the Owner to provide staking of the proposed change to

the Building Envelope. Changes to a Building Envelope are not permitted if they will result in the destruction or transplanting of any significant saguaros that were located outside of the original Building Envelope.

### **5.3 MINOR MODIFICATIONS**

Some Minor Modifications to the Building Envelope may be allowed by the Committee upon an Owner's application for this specific variance. Minor Modifications to the Building Envelope may be approved when justified in the Committee's opinion, giving thought to relevant considerations such as views, privacy, and location of existing Improvements, topography, natural features, existing vegetation and the overall character of the development. Minor Modifications will be considered with a Preliminary Design Submittal and do not require a separate submittal. Although Minor Modifications will be considered, the Committee has no obligation to approve such proposed modifications for any reason. Minor Modifications shall be defined as changes to the Building Envelope of ten feet (10'-0") or less in any outward direction beyond the original Building Envelope line as shown on the approved Building Envelope and NAOS Exhibit. Relocation of the driveway entrance portion of a Building Envelope to accommodate a driveway, including those Building Envelope changes greater than ten feet (10'- 0"), will for the most part be considered Minor Modifications unless, in the opinion of the Committee, the modification in driveway location materially impacts the views, privacy or character of Adjacent Lots, streets or other Common Areas. Regardless of any proposed or approved Minor Modifications to a Building Envelope, the total area of the Building Envelope will not be allowed to exceed the area numerically listed on the approved Building Envelope and NAOS Exhibit.

### **5.4 MAJOR MODIFICATIONS**

A Major Modification to the Building Envelope is defined as any proposed modification that exceeds ten feet (10'-0") in any outward direction from the original Building Envelope line as shown on the approved Building Envelope and NAOS Exhibits, or modifications in driveway locations deemed major by the Committee. The total area of the revised or modified Building Envelope cannot exceed the area numerically listed on the approved Building Envelope and NAOS Exhibit.

### **5.5 BUILDING ENVELOPE SUBMITTAL PROCESS**

Submittals for Major Modifications to a Building Envelope shall include the following items:

- (a) The Application Form, supplied by the Committee, with all information completed.

- (b) A site plan, at a scale no less than 1"=10', showing Lot boundaries, existing surface contours at one-foot intervals based on Desert Mountain's datum, all Protected Plants, and a general footprint of the proposed Residence and other Improvements. This plan shall clearly delineate the existing Building Envelope and the proposed modifications to the Building Envelope. Numerical area calculations of the existing and proposed Building Envelopes must be provided.
- (c) A Vicinity Map, at no less than 1"=100', showing the Lot boundaries and existing Building Envelopes of all Lots within three hundred feet (300') of the subject Lot. If a Lot within three hundred feet (300') has an existing Residence on it, this plan shall show the general footprint of existing Residences and other Improvements. This plan shall identify primary view corridors as determined by the Committee from these Adjacent Lots. This exhibit must also show both the existing and proposed Building Envelopes of the subject Lot.
- (d) A brief narrative describing the need to modify the Building Envelope, including identifying any specific topographic or environmental hardships which are cause for a proposed Building Envelope modification.
- (e) A non-refundable Design Review Fee (**reference Section 10**) must accompany the submittal.

Building Envelope submittals must be submitted to the Committee through the Design Review Manager at the office of the Association at least fifteen (15) calendar days in advance of a regularly scheduled meeting at which time they will be discussed. Dates of regularly scheduled Committee meetings are available at the office of the Association.

To assist the Committee in its evaluation of a Major Modification to a Building Envelope, the Owner shall, if requested, provide staking of the proposed modification to the Building Envelope.

Within three (3) work days of the receipt of the complete Submittal by the Owner or the Owner's representatives, the Committee will (1) post a notice at the Lot stating that drawings have been submitted with respect to the Lot and will be available for review by other Owners during the period stated in the notice; and (2) send written notice of the Submittal to Owners of Lots within 150 feet of the subject lot. The written notice will be sent by U.S. Postal Service first class mail and electronic mail to the mailing and email addresses listed with the office of the Master Association used for the mailing of Association account statements. The Committee is not responsible for notices that are not received by Lot Owners due to failure or timing of the U.S. Postal Service, incorrect addresses or failure of the Owner to pick up mail in a timely fashion. As a courtesy, the Village board presidents will be notified of submittals being posted in their respective villages. Written comments may be



submitted to the Committee regarding the posted Lot up until two (2) calendar days prior to the scheduled meeting date stated on the notice.

After the posting and comment period and any staking of the Lot, the Committee will review the Major Modification to the Building Envelope submittal and provide a written response to the Applicant within 30 days.

### **5.6 MULTIPLE CHANGES TO A BUILDING ENVELOPE**

Any proposed change in a Building Envelope must be viewed as a change from the Building Envelope as described in the Building Envelope and NAOS Exhibits in determining whether the proposed change is a Major Modification to a Building Envelope or a Minor Modification to a Building Envelope. For example, if a Building Envelope is changed by moving one of its boundaries eight feet to the east, and a subsequent Submittal proposed to move the same boundary an additional five feet to the East, that proposed change would be a thirteen foot change from the Building Envelope described in the Building Envelope and NAOS Exhibits, and therefore, it would be a Major Modification to a Building Envelope.

### **5.7 BUILDING ENVELOPE MODIFICATIONS / UTILITY CONNECTIONS**

When a Building Envelope is modified and results in a utility trench that is no longer aligned with the driveway, the new Building Envelope must include a maximum twelve foot (12') wide connection to the utility taps that are located in the PUE / Right of Way.

If a Building Envelope does not allow for a direct utility connection to the existing utility taps in the PUE / Right of Way, then a twelve foot (12') wide connection will be allowed outside of the Building Envelope and in the NAOS with the requirement that it is fenced prior to trenching, not left open beyond the time required to install the connection, not used as a secondary construction entrance, and one hundred percent revegetated immediately upon backfill.

### **5.8 LOT TIES**

In cases where an Owner owns two or more contiguous Lots and wants to combine the two or more Lots into a single home site, the Owner must receive the consent of the City of Scottsdale and the Committee.

The Owner shall submit a proposal for the configuration of the Building Envelope on the combined Lots, early in the design phase, which will always be considered to be a Major Modification to a Building Envelope. In connection with the combining of more than one Lot, a reconfigured Building Envelope may span the common Lot line(s).

The prohibition against increasing the area of a Building Envelope that is set forth in Section 5.2 shall not apply to a reconfigured Building Envelope on more than one Lot. Instead, the area of the reconfigured Building Envelope of two combined Lots shall not exceed seventy-five percent (75%) of the sum of the areas of the individual Building Envelopes of the Lots, as numerically listed on the Building Envelope and NAOS Exhibits. The one exception to this requirement is The Reserve at Apache Peak (Apache Peak Lots 93-102), which requires the area of a reconfigured Building Envelope on more than one lot not to exceed fifty-five percent (55%) of the sum of the areas of the individual Building Envelopes being combined as numerically listed on the Building Envelope and NAOS Exhibits.

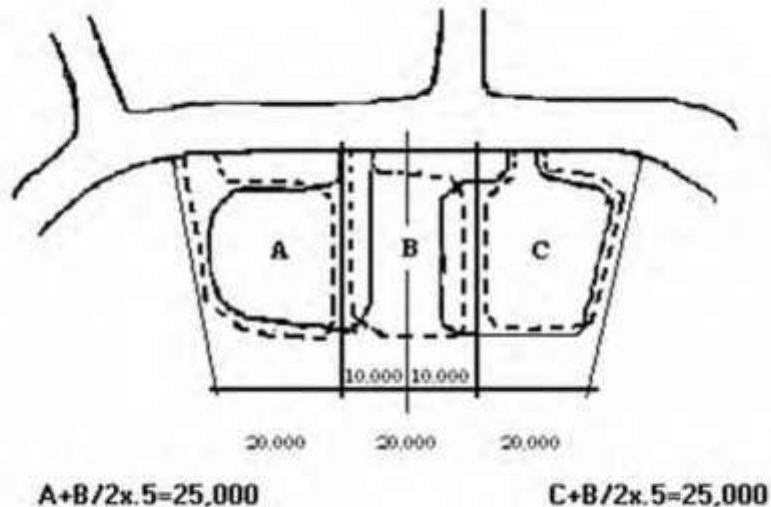
**5.9 COMBINING THREE (3) LOTS INTO TWO (2) LOTS**

In cases where an Owner(s) owns three contiguous Lots and wants to combine the Lots into two home sites, the Owner(s) must receive the consent of the City of Scottsdale and the Committee.

The Owner(s) shall submit a proposal for the reconfiguration of the Building Envelopes early in the design phase, which will always be considered to be a Major Modification to the Building Envelopes. In this event, the reconfigured Building Envelopes may span the common Lot lines(s).

The prohibition against increasing the area of a Building Envelope that is set forth in Section 5.2 shall not apply to the two reconfigured Building Envelopes. Instead, the area of each of the reconfigured Building Envelopes shall not exceed the sum of the area the Building Envelope of each of the end Lots plus 25% of the area of the Building Envelope of the middle Lot, as numerically listed on the Building Envelope and NAOS Exhibits. See the following example.

EXAMPLE:



## **SECTION 6 – SITE DEVELOPMENT GUIDELINES**

### **6.1 SITE DEVELOPMENT GUIDELINES**

The natural topography, vegetation and environment of Desert Mountain are unique and require special design attention for site development. Each Lot has unique features of topography, slope, drainage, vegetation, boulders and access that need to be analyzed in the design process. The Committee stresses the importance of integrated site and Residence design so that Residences respond to the natural characteristics of each specific Lot. It is important to realize that designs that may work on one Lot most likely will not on another Lot. The following site development guidelines deal with issues of siting, grading, excavation and landscaping.

The Upper Sonoran Desert landscape is fragile and may take years to naturally mitigate impacts to the site or the vegetation. Due to these concerns, the City of Scottsdale (hereafter “City”) has also developed regulations intended to provide protection for the natural desert areas. Although an effort has been made to have these Guidelines be consistent with the City’s regulations, each Owner, through his Architect and engineer, is responsible for reviewing applicable City regulations and making certain the design and construction are in compliance.

The topography and environmental conditions within Desert Mountain vary dramatically. Some Lots are flat and easy to build on, while others are located in rugged and steep areas. Certain Lots are visible from the overall community while others are nestled low, behind ridges. Some Lots are heavily vegetated, while other Lots have sparse existing landscaping. In addition, boulders, steep slopes and drainage ways further make each Lot unique. These variable environmental factors must be considered in the design of any Residence within Desert Mountain. The design of each Residence and other Improvements must respond to the specific site conditions of each Lot.

### **6.2 NATURAL AREA**

The Natural Area is that portion of the Lot (as designated on Illustration 6.4) which lies outside of the Building Envelope and must remain as natural desert in accordance with City regulations. Additional plant material may be added in the Natural Area if specific approval is granted by the City and the Committee. If allowed, only plants indigenous to the general area of development may be used in the Natural Area. In addition, the density and mix of any added plant material in the Natural Area should approximate the density and mix found in the general area. Irrigation of the Natural Area is not permitted since the indigenous vegetation does not require additional water. Irrigation of the Natural Area can lead to disease and death of the native plants, particularly cactus, and aid in the spread of undesirable plant species or weeds.

Upon approval of the Final Design Submittal by the Committee, the Owner will be required by the City to have executed and recorded a Natural Area Easement in the form required by the City, to include a satisfactory legal description of the Natural Area Open Space (NAOS), which may require the preparation of a survey of the Lot at the Owner's expense, and which can be amended after recording only with the approval of the Committee and the City. The NAOS area provided on each Lot and recorded with the City must be equal to or greater than the NAOS required for the Lot as numerically listed on the approved Building Envelope and NAOS Exhibits.

### **6.3 TRANSITIONAL AREA**

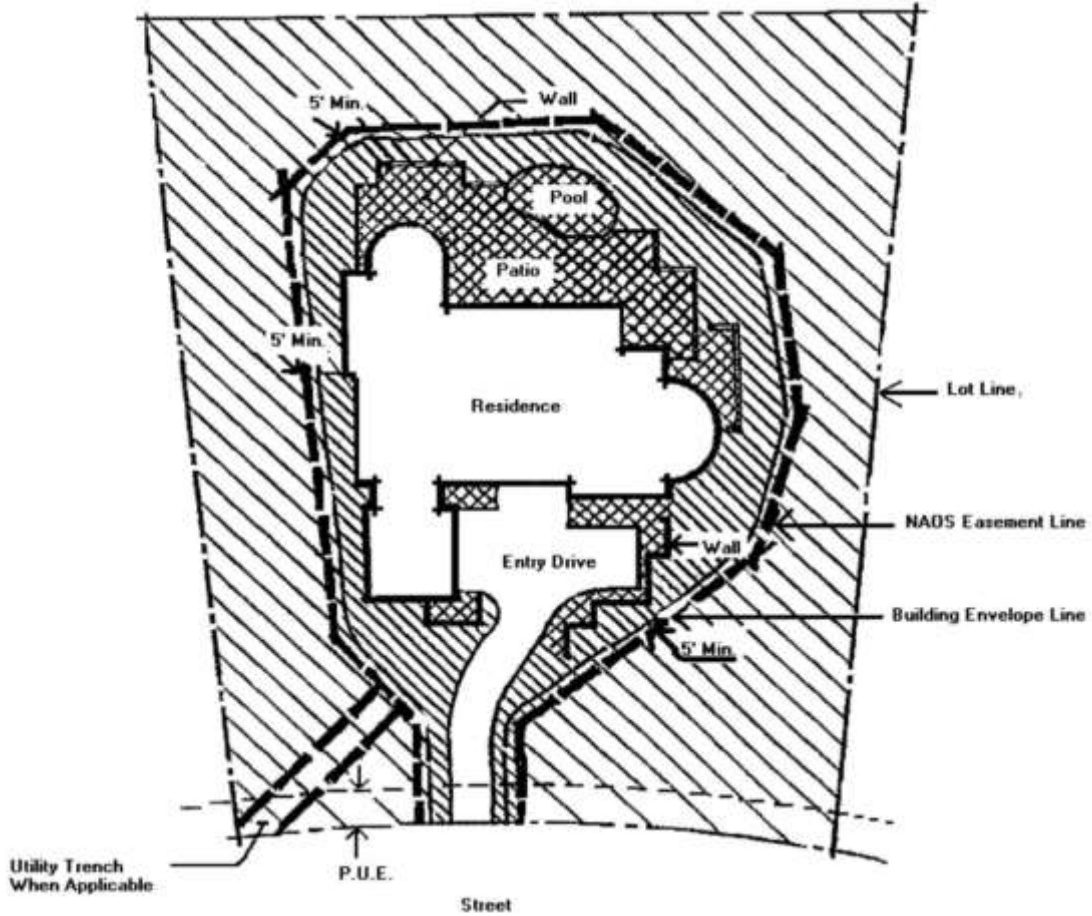
The Transitional Area is that part of the Building Envelope (as designated on Illustration 6.4) which lies between the Natural Area and the wall of a Residence or other Improvement and is Visible from Neighboring Properties including the golf course, Common Areas, and streets. Upon completion of construction, this area must be replanted to match the adjacent Natural Area in appearance. An irrigation system, carefully designed to avoid over spray or runoff onto the Natural Area, may be installed to maintain the transitional planting until it has become established (approximately one (1) year, or two growing seasons).





Once the plants are established, use of the system must be discontinued. Only indigenous plant material as specifically identified on the Approved Plant List in Section 9.14.1 may be planted in the Transitional Area. Non-indigenous plants from the Approved Plant List (Section 8.14.2) that will maintain the natural desert character, without maturing into the natural area, may be planted along driveway and house entrances when specifically identified on the landscape plan and specifically approved by the Committee before planting.

### **6.4 PRIVATE AREA**

The Private Area is that part of the Building Envelope (as designated on the following illustration) which is not visible from Neighboring Properties including the golf course, Common Areas, streets and/or public spaces because it is hidden behind walls or structures. The Private Area is the least restrictive in terms of what plants, shrubs and trees can be planted therein. These include those plant materials listed in the Approved Plant List (reference Section 8.14.1 and 8.14.2) and, if first approved in writing by the Committee, any other plant not included in the Prohibited Plant List (reference Section 8.15). The Private Area includes, for example, a courtyard, entry or atrium, or an area behind a patio wall where non-indigenous plants would be appropriate despite their increased watering needs. Turf shall only be allowed within solid walled portions of the Private Area. In keeping with the goal to harmonize with the natural desert, the visibility of lawns and other non-indigenous plants from a street, Common Area or Adjacent Lot must be screened from view.

Private Area Illustration:



- |  |   |
|--|---|
|  Natural Area (Undisturbed NAOS)          |  Transition Area |
|  Restored Natural Area (Revegetated NAOS) |  Private Area    |

## 6.5 SETBACKS

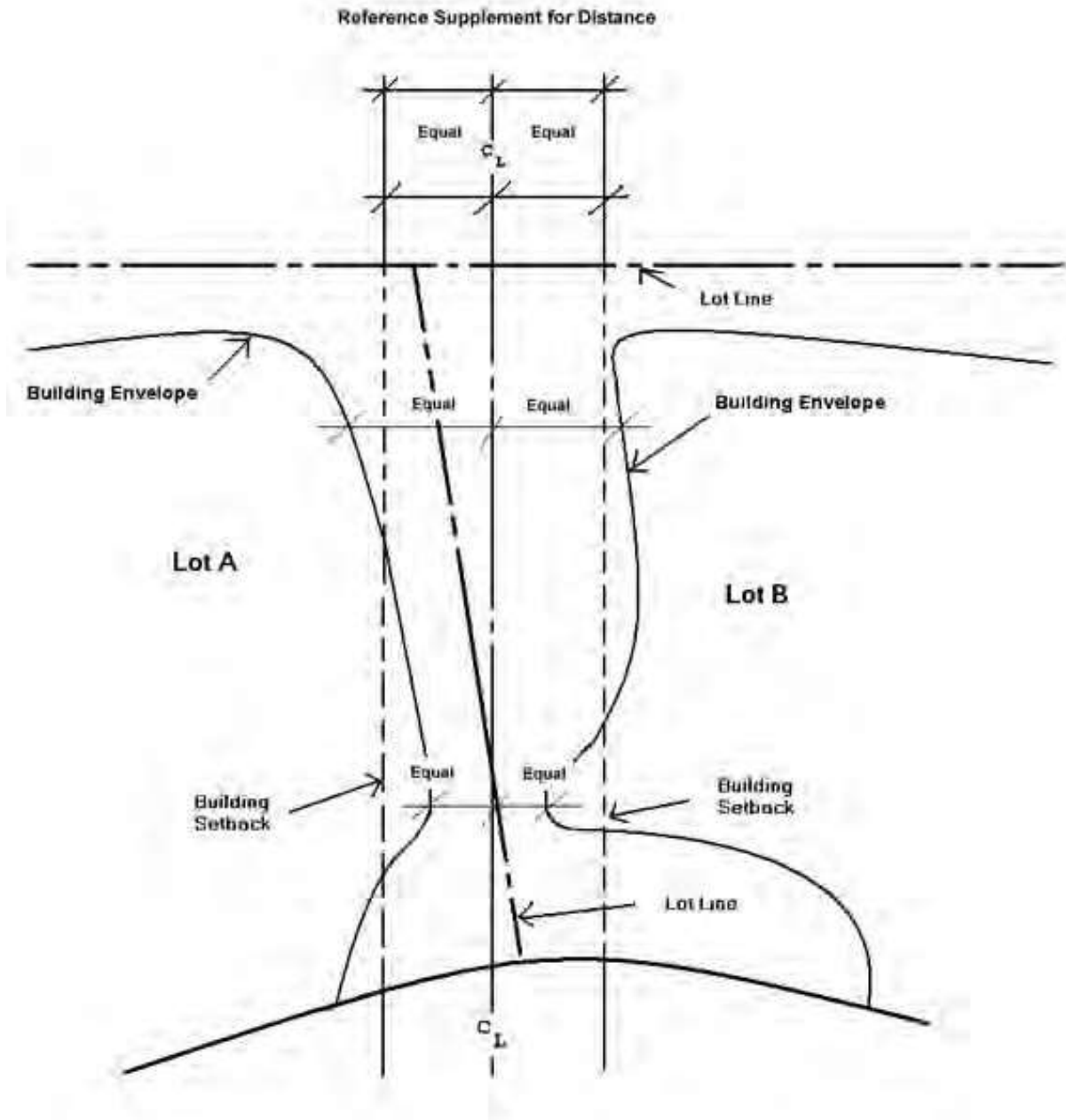
All setbacks will be reviewed on the merits of the submitted site plan design. The minimum setbacks for each Lot are determined by the City of Scottsdale's Property Development Standards or the Amended Property Development Standards of the approved Zoning Districts that apply specifically to the Desert Mountain Master Plan. These Amended Property Development Standards may differ from the unamended standards of the Zoning Ordinance.

In addition to the setback requirements that are established and enforced by the City, the Guidelines provide for separate minimum setback requirements for most Villages, all of which are set forth in the Supplemental Guidelines. **(See Index under "Setbacks" to reference specific Village Supplement pages.)** In some cases, the minimum setbacks required by the Guidelines are greater than the minimum setback requirements of the City. Also in some cases the Building Envelope requires greater setbacks than set forth in the setback sections. The minimum City setbacks are not grounds for any increases or changes in the area or location of a Building Envelope.

The Owner is responsible for verifying all applicable setback information and obtaining setback approval from both the City and the Committee.

## 6.6 MINIMUM DISTANCE BETWEEN HOMES ON ADJACENT LOTS

In an effort to maintain separation between homes, each Village Supplement requires a minimum distance between buildings that are on Adjacent Lots **(reference Supplements)**. This setback shall apply to the main Residence and/or a Guesthouse on each Lot inclusive of garages, roofs and overhangs, but exclusive of driveways, site walls, patios or other site Improvements. This requirement is above and beyond the minimum setback requirements of the City. In the cases where the original Building Envelopes on Adjacent Lots, per the approved Building Envelope and NAOS Exhibits, are delineated closer than the minimum required, the Committee shall require that the buildings on Adjacent Lots have a minimum separation per the example illustration below, unless otherwise approved by the Committee.



## 6.7 GOLF COURSE CONSIDERATION

As with all golf frontage Lots, there is an inherent risk that golf balls and the play of golf may impact a Lot or Residence. The Committee strongly recommends that, during the site planning of a Lot adjacent to any golf course, detailed consideration be given to the possibility of errant golf balls, particularly with the orientation of windows or other breakable surfaces of the Residence. Netting, screens, excessive landscaping, fences or large blank walls will not be allowed. Evaluation of the proper siting, orientation, massing and setbacks should provide for maximum golf or view orientation with minimal adverse impact from the play of golf. Approval of a Final Design Submittal by the Committee does not constitute assurance of protection from errant golf balls. Design consideration should also be given to the noise generated by golfers, golf carts and golf maintenance vehicles.

## 6.8 EXISTING BOULDERS

Many portions of Desert Mountain have significant boulder outcroppings. These natural boulder formations should be considered in the initial design process and should remain natural and untouched or be incorporated into the design in their natural condition. The Committee strongly discourages, and the City may prohibit, the moving of natural boulder formations.

In order to preserve these existing boulder formations in their natural condition, many of the boulder formations have been intentionally located just outside of the Building Envelope. Although preservation of the existing boulders outside of the Building Envelope in their untouched natural formations is preferred, the Committee may, at its sole discretion, allow a Minor Modification to a Building Envelope to include portions of the immediately adjacent natural boulder outcroppings for designs that demonstrate appropriate integration of the natural boulder formations into the design of the Residence and other Improvements. Appropriate solutions may include sensitive integration of patios or site walls that tie or anchor into the natural boulder formations. Inappropriate design solutions include walls that may hide or screen boulders from other portions of the community or inclusion of boulders within enclosed structures. Existing boulder formations which are located outside of the Building Envelope may not be moved even if a Minor Modification to a Building Envelope is approved by the Committee. Since the determination of any Minor Modification to a Building Envelope to include portions of the adjacent boulders is at the sole discretion of the Committee, it is important that this consideration be discussed at the Pre-Design Meeting with the Design Review Manager. Additional submittal requirements, as determined by the Committee, for both the Preliminary Design Submittal and the Final Design Submittal may be required for this type of application. The Committee shall have no obligation to approve a request for a Minor Modification to a Building Envelope to include natural boulders, which are located outside of the Building Envelope, even if similar requests have been approved.



## 6.9 SITE WORK

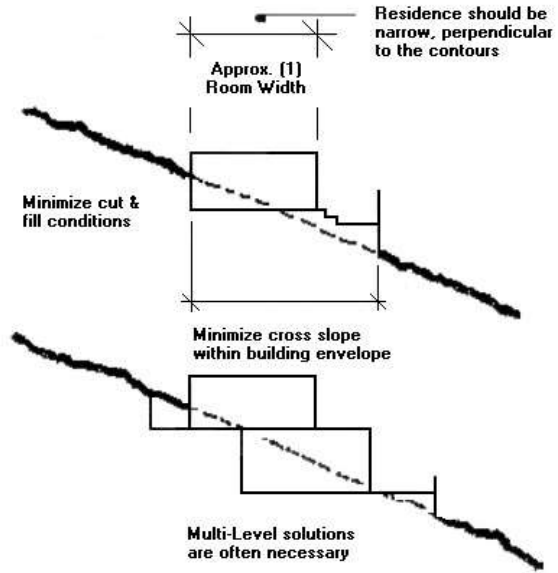
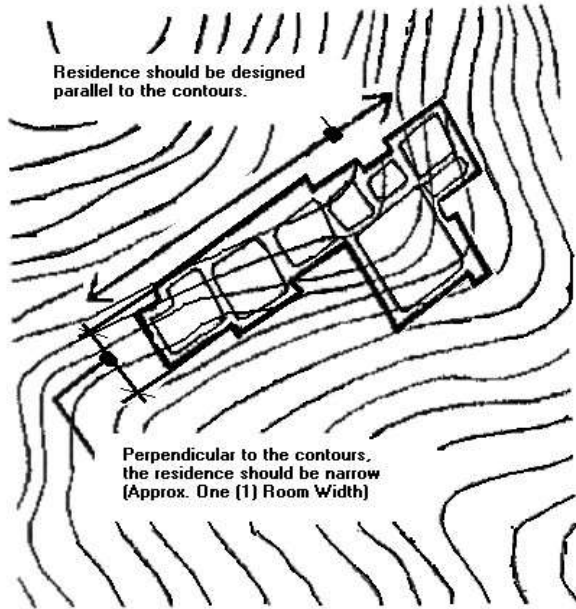
Typically, Improvements should be nestled into the land remaining low, so as to be part of the site rather than being perched on it. Improvements should step down slopes, using multi-level solutions wherever possible to follow existing contours and minimize Cut and Fill situations. When construction is completed, the finished grade around the Residence and site walls should lie against the walls as nearly as possible to the original angle of slope.

When preparing a preliminary site plan, consideration should be given to the impact of the proposed Residence on Adjacent Lots and Common Areas with respect to their privacy, view preservation, natural drainage and ease of access.

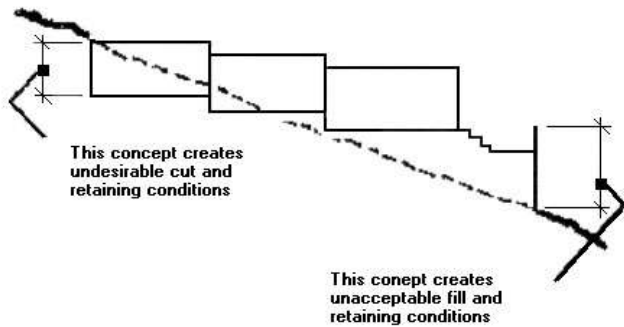
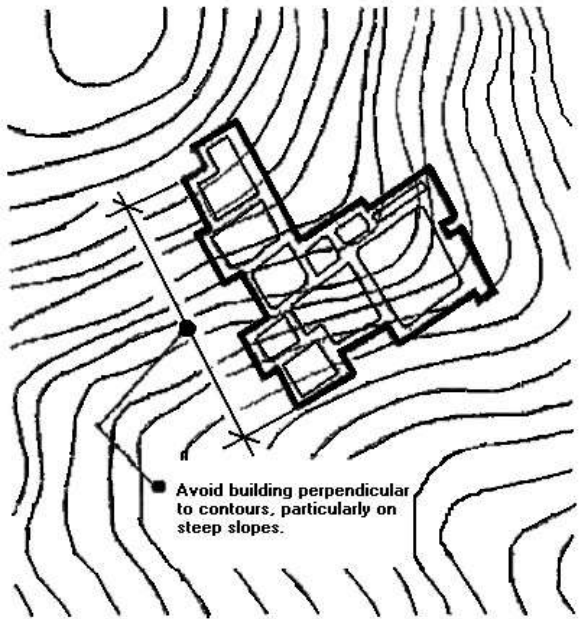
While the natural topography of Desert Mountain varies considerably from Lot to Lot, the following general limitations will apply in the absence of special circumstances justifying exceptions as may be approved by the Committee:

- (a) The height of a retaining wall and other walls not directly supporting a building structure, except screen walls, shall not exceed eight feet (8'-0") (unless otherwise stated in the Village Supplement) measured vertically from the lowest point at finished grade adjacent to the wall to the highest point of the wall along the exterior side of the enclosure. Retaining walls shall include any walls that retain or hold back earth more than two feet (2'-0') in depth. The Committee, on a case-by-case basis, may consider overall retaining wall heights that exceed the height limitation where it is justified by topographic conditions and when the extra height causes no adverse visual impact. An overall height of eight feet (8'-0") to sixteen feet (16'-0') may be appropriate and achieved in limited areas by use of more than one (1) retaining wall, provided a minimum planting area of three feet (3'-0') is provided between the two (2) walls. Subject to approval by the Committee, other acceptable methods for softening the appearance of retaining walls over eight feet (8'-0") in height include landscaping with mature, indigenous trees or large shrubs, and/or utilizing a different texture and/or material for a portion of the wall.
- (b) No change in natural or existing drainage patterns for surface waters shall be made upon any Lot that could adversely affect another Lot, Common Area or other open space. **Grading and drainage issues of any kind are the sole responsibility of the Owner.**
- (c) No Protected Plants, as defined by the City of Scottsdale's Native Plant Ordinance, shall be damaged, destroyed or removed from any Lot, although such plants within the Building Envelope, and outside the Natural Area Easement, may be relocated. Protected plants are subject to the requirements, and restrictions of the City's Native Plant Ordinance.

- (d) Screen walls, walls not supporting a building structure or retaining earth, may not exceed five feet six inches (5'-6") (unless otherwise specified in Village Supplements) in height measured from finished grade along the exterior side of the enclosure in the manner described above for retaining walls.
- (e) Decomposed granite (existing native soil) used as a landscape material shall be approximately one-quarter inch (1/4") minus or less in size and shall match the color of the existing native granite specific to the Lot. Washed granite that is larger than one-half inch (1/2") in diameter may not be used as a final landscape or driveway material. In addition, rounded pea gravel, river stones, or small river rock may not be used as a final landscape or driveway material.
- (f) River run rock is not allowed for riprap or other landscape treatments. Native granite indigenous to the site is allowed. **See Section 6.13 on Riprap and Erosion Protection of these Guidelines for specifics.**
- (g) Improvements must be designed to nestle into the existing terrain and contours on each Lot. For Lots located in the more rugged terrain of Desert Mountain, multi-level solutions will be required in order to accommodate the grade changes within each Lot. For these steeply sloping Lots, it is unlikely that the Committee will approve a Residence that is primarily designed with a single floor level. It is also anticipated that the Residences in these areas will need to be designed in a shallow manner, perpendicular to the contours; and in a wider manner, parallel to the contours in order to minimize the grade differential across the building footprint. See the following illustrations.



**APPROPRIATE METHOD OF SITING A RESIDENCE TO FIT WITH THE NATURAL CONTOURS**



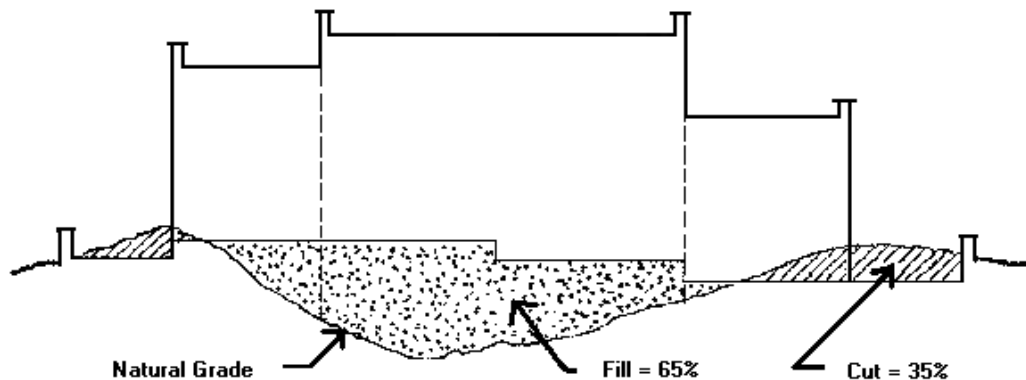
**INAPPROPRIATE METHOD OF SITING A RESIDENCE DOES NOT APPROPRIATELY RESPOND TO NATURAL CONTOURS**

6.10 CUT AND FILL

The intent of this section is to have the Residence nestle into the natural landforms. The various landforms and slopes require different treatments of the Cut and Fill conditions to create a Residence that nestles into the existing site and appears as an extension of the natural landforms. Wherever possible, significant Cut and Fill conditions should be contained within retaining walls or within the Improvements to avoid Cut and Fill slopes from being exposed. Cut and Fill conditions will also vary depending on whether the Residence and other Improvements are on a single level or terraced multi-levels to fit with the topography. Cut and Fill conditions are evaluated based on conditions directly under the footprint of the Residence, as well as the overall site improvements, patios and driveways. Therefore, the following guidelines address the general Cut and Fill situations. Evaluation of a proposed Residence will be based on conformance with these Cut and Fill guidelines. The Committee has the discretion and may request that the proposed finished floor elevations be adjusted due to Cut and Fill conditions regardless of compliance with the appropriate building heights section. Cut and Fill conditions must meet the intent and goals of these Cut and Fill Guidelines as well as their technical application. The Committee may allow exceptions, on a case-by-case basis, to the technical Cut and Fill guidelines when, in the opinion of the Committee, the objectives and intent of these Guidelines are still met (**reference Supplements for exceptions to Cut and Fill**).

(a) **Low Center - Terraced Floor Levels, or Single Floor Level**

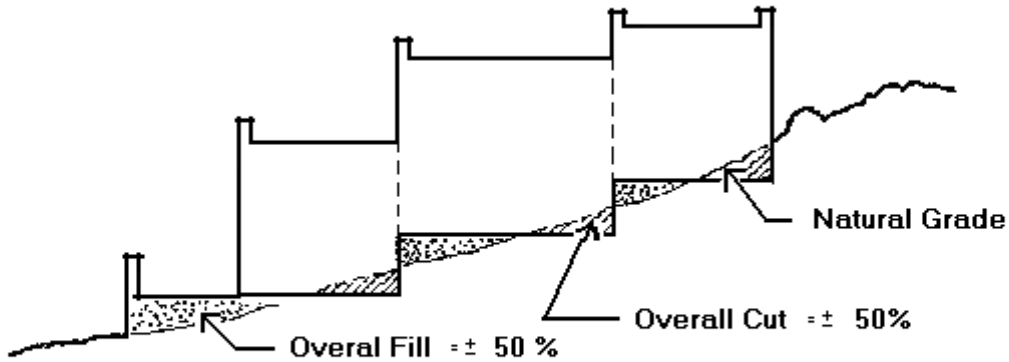
In cases where the Building Envelope is generally located in the low area of a Lot, in a low minor drainage way or in other similar depressed areas and the Residence and Improvements are on multiple floor levels that step with the terrain or are primarily on a single floor level, the Cut and Fill conditions shall generally be as follows:



**Low Center Site - Single Floor Level**  
**Low Center Site - Terraced Floor Levels**

**(b) Sloping Site - Terraced Floor Levels**

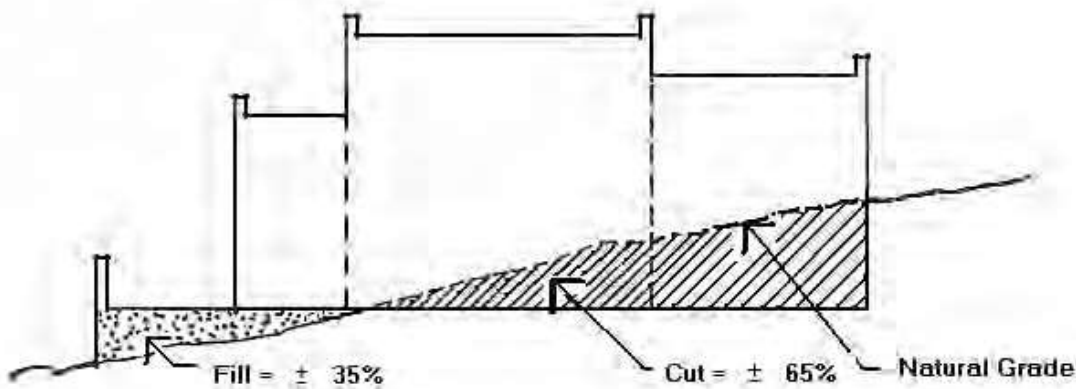
In cases where the Building Envelope slopes generally in one (1) direction and the Residence and other Improvements are on multiple floor levels that step down with the terrain, the Cut and Fill conditions shall generally be as follows:



**Sloping Site - Terraced Floor Level**

**(c) Sloping Site - Single Floor Level**

In cases where the Building Envelope slopes generally in one (1) direction and the Improvements are primarily on a single floor level, the Cut and Fill conditions shall generally be as follows:

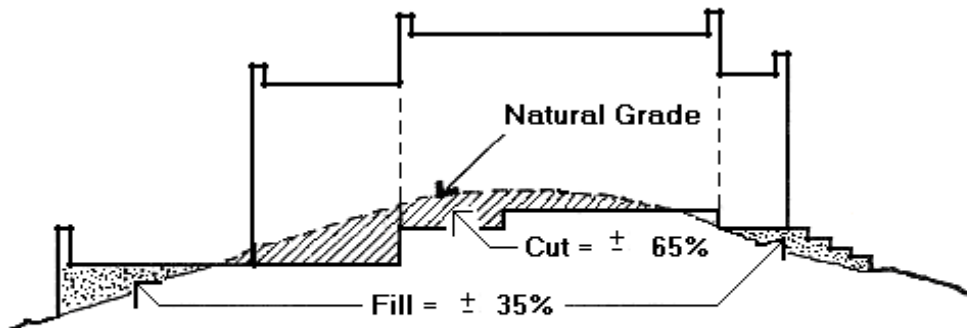


**Sloping Site - Single Floor Level**

Note: Selected Lots in Desert Mountain, as specifically listed in the Supplements, may be granted exceptions if deemed appropriate by the Committee. Increased fill conditions may be allowed on the lower side of the Building Envelope of these specific Lots in order to take advantage of golf course views, provided the Fill is appropriately contained within retaining walls that meet the intent, as well as the technical application of these Guidelines and subject to compliance with all of the other provisions of these Guidelines, including height as measured from natural grade, and subject to approval by the Committee in its sole discretion.

**(d) Ridge or Knoll - Terraced Floor Level**

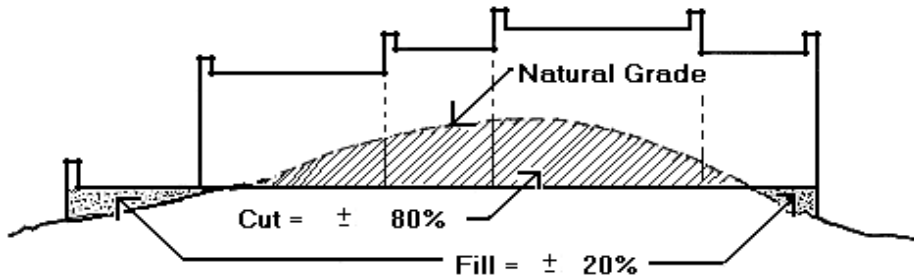
In cases where the Building Envelope is generally located on a ridge, knoll or other high point and the Improvements are on multiple floor levels that step down with the terrain, the Cut and Fill conditions shall generally be as follows:



**Ridge or Knoll Site - Terraced Floor Levels**

(e) Ridge or Knoll - Single Floor Level

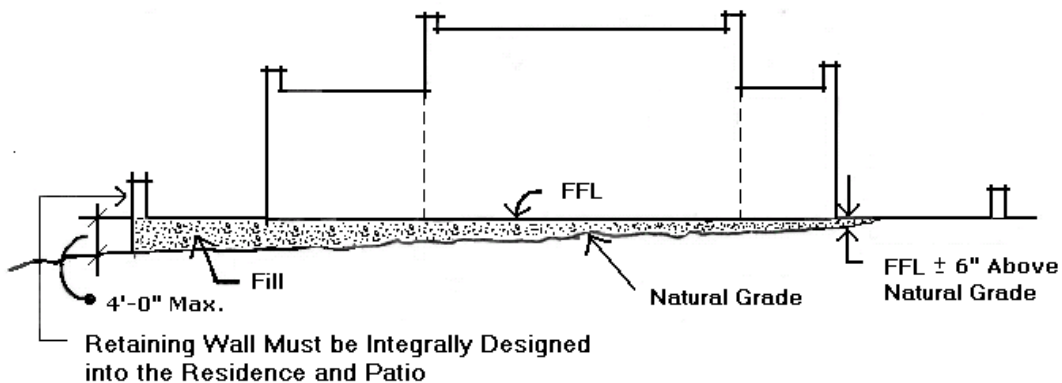
In cases where the Building Envelope is generally located on a ridge, knoll or other high point and the Improvements are primarily on a single level, the Cut and Fill conditions shall generally be as follows:



Ridge or Knoll Site - Single Floor Level

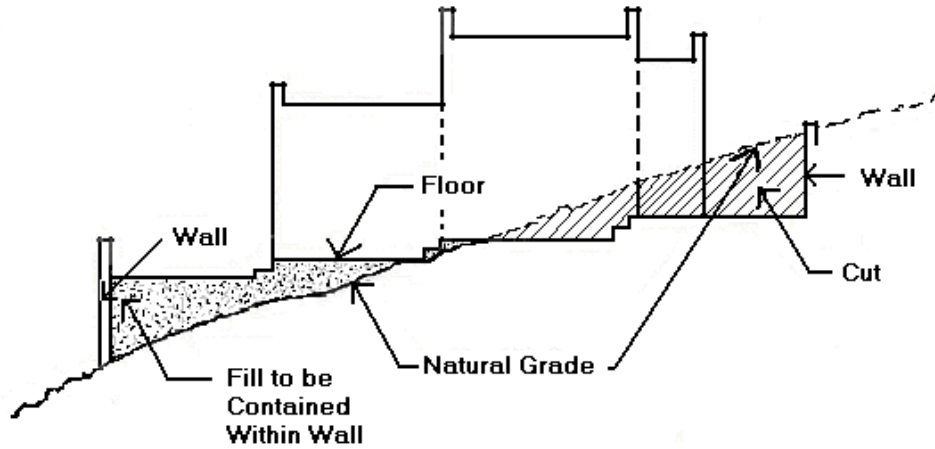
(f) "Flat" Lots – Single Floor Level or Terraced Floor Level

For Lots that have a minimal slope across the existing Building Envelope, the Cut and Fill conditions shall generally be as follows, provided that the criteria of the following illustration is met (**reference Supplements**):

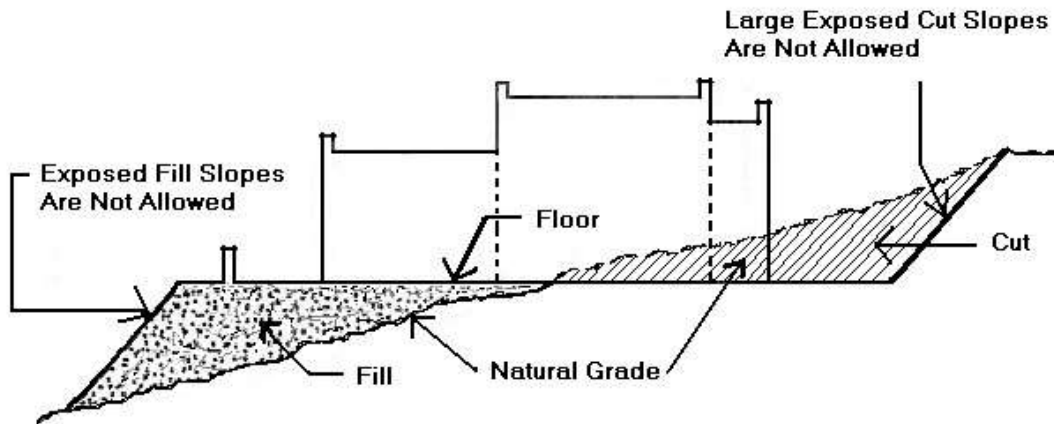


"Flat" Site - Terraced Floor Levels or Single Floor Level

- (g) Cut and Fill slopes may not remain exposed following completion of construction (see sketch). "Flat pads" will not be allowed to extend beyond the perimeter of the building and/or site walls. Cut slopes must be regraded and naturally contoured to match existing terrain if all grading is contained within the Building Envelope and if, in the opinion of the Committee, the regraded slope will have a natural appearance upon completion.



**Approved Cut & Fill Technique**



**Unacceptable Cut & Fill Technique**



### 6.11 WASHES AND DRAINAGE EASEMENTS

These natural drainage ways occur frequently throughout Desert Mountain and should not be obstructed. Structures and other Improvements should be sited to avoid these washes, although they can be sited near the edge of a wash.

Drainage easements have been established by a cooperative effort of various government entities including the City of Scottsdale, Maricopa County, the State of Arizona and the United States Corps of Engineers encompassing some washes with projected one hundred (100) year storm flows greater than fifty (50) cubic feet per second. These easements are areas of special consideration due to the potential for water flows of a high volume and must remain unaltered and unobstructed. As with any wash, Improvements should avoid these easement areas. Improvements considered to be absolutely necessary within a drainage way should be designed and constructed to bridge these easements; however, in such cases, if required by the Committee, a backwater flood analysis prepared by a civil engineer licensed in the State of Arizona and ensuring the safety and feasibility of the design must be submitted and will be subject to review by a licensed civil engineer retained by the Committee, and the City of Scottsdale Storm Water Management Department.

Driveways that cross established drainage easements are required to use culverts or other similar drainage structures that will convey the drainage flow equal to the culverts downstream at the street crossings and in accordance with City drainage standards.

A qualified civil engineer licensed in the State of Arizona must be retained by the Owner to prepare the necessary drainage design for these situations. **The Committee does not review plans for drainage and accepts no responsibility for inadequate drainage plans.**

### 6.12 SITE DRAINAGE AND GRADING

Site drainage and grading must be done with minimum disruption to the Lot. Structures, roads, driveways and any other Improvements must be designed to fit the existing contours of the site, minimizing excavation rather than altering the site to fit a poorly designed structure or Improvement. Surface drainage shall not drain to Adjacent Lots, Common Areas or other open spaces except as established by natural drainage patterns, nor cause a condition that could lead to offsite soil erosion on, or to, Adjacent Lots, Common Areas or other open spaces.

Designs should carefully evaluate the erosion potential and safety of the site drainage based upon the percentage and direction of slope, soil type and vegetation cover. When a change in the natural drainage way within a given Lot is absolutely necessary, avoid right-angle diversions, and create positive

drainage in a logical and natural manner. Soil erosion in disturbed areas should be minimized through the use of native rock and plant materials. Any changes in a drainage way shall require contour grading and mature landscape to return the drainage way to a natural-looking appearance.

It is the intent of these Guidelines to discourage excessive Cut and Fill, and no grading may be done outside the Building Envelope, unless such grading is proven to be the only means of providing necessary flood protection. Any such alterations to washes will require special consideration for approval by the Committee. A qualified civil engineer licensed in the State of Arizona must be retained by the Owner to prepare the necessary drainage design for these situations.

If culverts/storm drains are used, concrete culverts are recommended. Corrugated metal or plastic culverts are strongly discouraged and require specific design detail for a clean, flush pipe termination. The termination of culverts/storm drains, including the use of headwalls, must result in a well- designed termination with finished edges. Rough, bent or chipped end of culverts must not be exposed.

The inside of the culvert/storm drain must be painted a minimum distance of two (2) times the opening of the culvert at each end. For example, if an eighteen-inch (18") diameter culvert is used, the inside must be painted a minimum distance of thirty-six inches (36") from each end. Colors should match the building, site walls or natural earth colors.

The design of any headwalls for a drainage structure shall either match the character and materials used for the Residence or the character and materials used for the stone-clad drainage structures that are located within the Common Areas of Desert Mountain.

### **6.13 RIP RAP AND EROSION PROTECTION**

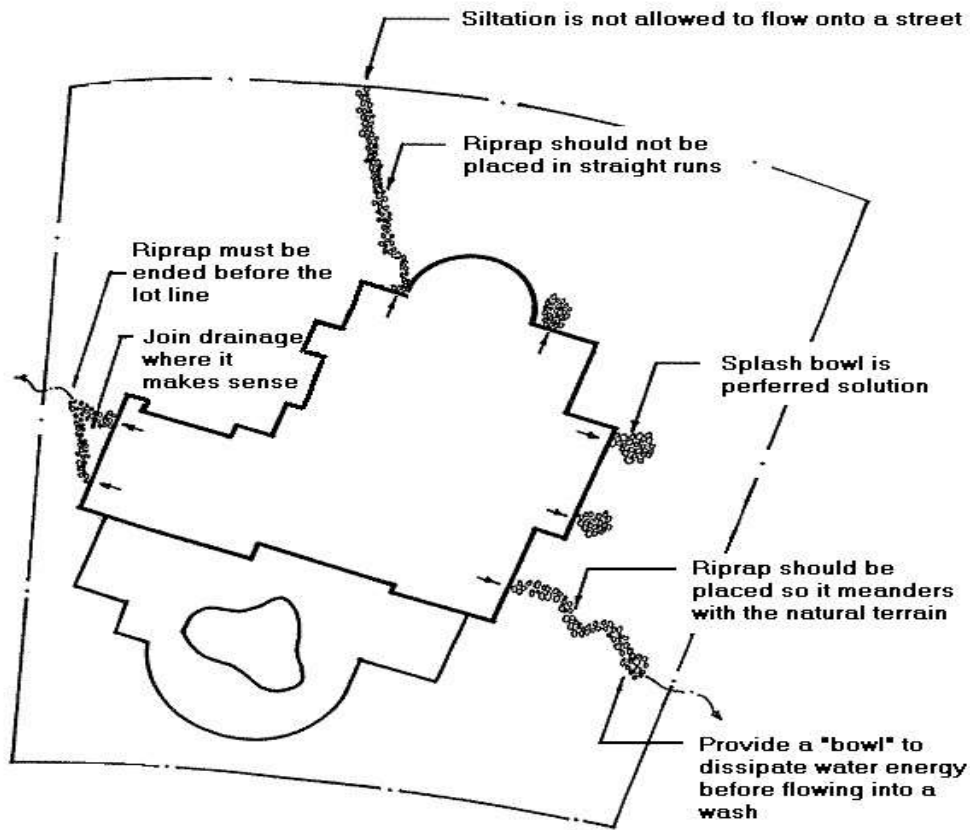
If riprap is installed to control soil erosion, then the preferred method of installation is to initially cover the riprap with 6" of native soil and the natural re-vegetation seed mix. Thus when the soil is washed into the rocks some amount of re-vegetation will occur creating drainage that better blends with the natural environment when the seed mix germinates and grows.

If the riprap is installed to direct significant water flow drainage, then no soil should be added, most particularly if the drainage is before a culvert as the soil and any potential vegetation will buildup in the culvert thus impeding the flow of water potentially creating backup and cleanout problems.

Riprap is also a common method of erosion control for minor surface drainage and scupper or downspout splash areas. When properly designed and installed,

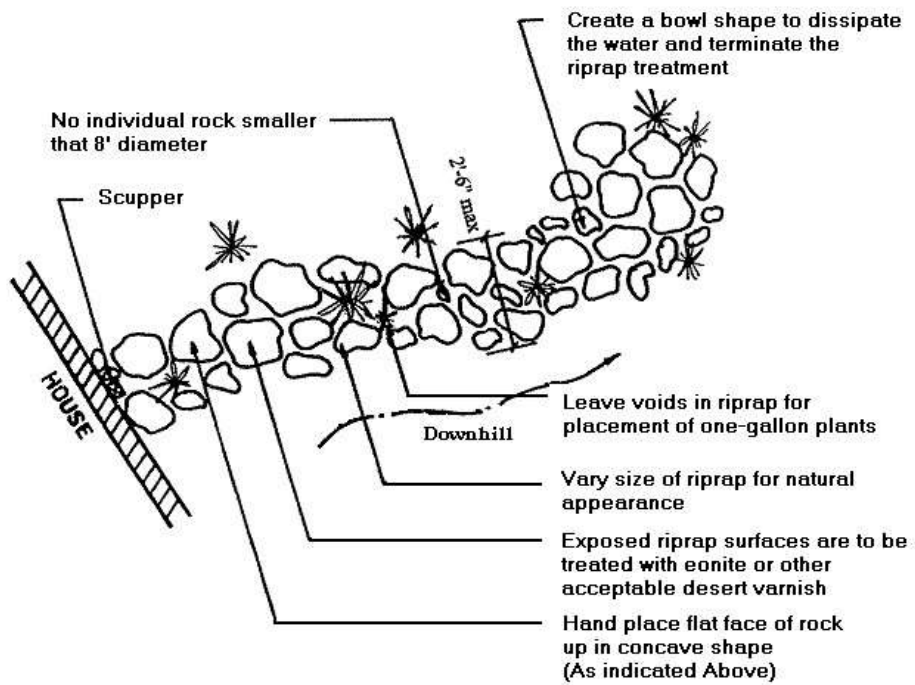
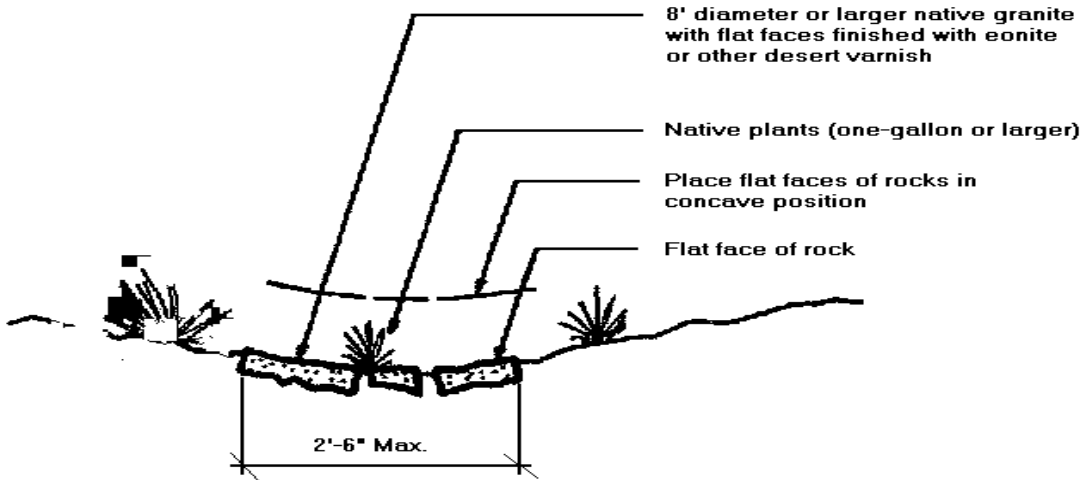
riprap can have an attractive natural appearance that blends with the natural desert floor while still providing erosion control. If used, flat-faced riprap must be hand placed with the flat faces up to create a concave surface plane. Spaces or voids between the rocks should be provided to accommodate small desert plants and shrubs. All exposed rocks should be treated with a desert varnish such as eonite in order to make the riprap blend with the natural desert floor. The patterns of riprap should appear natural. Straight alignments are not allowed. Riprap material should be typically eight inches (8") in diameter or larger, as smaller rock does not create the same natural appearance. River run rock or rounded stones may not be used for rip rap.

At scupper and downspout locations, it is preferred to create a splash bowl that will dissipate the energy of the water and allow it to naturally drain across the surface of the desert floor, instead of long ribbons of riprap drainage patterns



Minor Erosion Control

that are not allowed. The proper design and installation characteristics are outlined in the following illustrations:



**Suggested Minor Erosion Control**

## 6.14 EXTERIOR LIGHTING

The Desert Mountain philosophy of the predominance of undisturbed desert extends to nighttime as well as daytime views. In order to preserve the dramatic views of city lights and the night sky, which tend to be obscured by excessive local lighting, the Committee has established the following guidelines for residential lighting.

Site lighting is defined as lighting mounted on the ground, in trees or on site walls for the purpose of providing security or decorative accent lighting.

Building-mounted lighting is defined as lighting built into or attached onto buildings or walls, ceilings, eaves, soffits or fascia for the purpose of providing general illumination, area illumination or security illumination.

All exterior light fixtures must be submitted to the Design Review Manager and approved by the Committee prior to installation.

- (a) Site lighting must be directed downward onto vegetation or prominent site features such as boulders and may not be used to light walls or building elements. A maximum of two (2) low-voltage up lights are allowed under large twelve foot (12') canopy trees.
- (b) Building-mounted lighting must be directed downward away from Adjacent Lots, Common Areas, streets and open spaces, and may not be used to light walls or building elements for decorative purposes. Downward lighting is defined as light that is cast out the bottom of a fixture, not through the top or sides.
- (c) All exterior lighting must provide for significant shielding to ensure they are not visible from Neighboring Properties; no bare lamps will be permitted. All shielding devices must be permanently installed. Recessed lights in exterior soffits, eaves or ceilings shall have the lamp recessed a minimum of three inches (3") into the ceiling.
- (d) Electric lantern light fixtures must provide for significant, permanent shielding to ensure that light sources and lamps are not visible. No exposed bulbs or unshielded glass will be permitted. Building-mounted lighting must be directed downward away from adjacent Lots, Common Areas, streets and open spaces, and may not be used to light walls or building elements for decorative purposes.
- (e) Gas lantern light fixtures are allowed provided they have one (1) single jet with a flame no higher than four inches (4") per fixture that is appropriately enclosed and meets all safety standards. The fixture must be designed with automatic shut-off capability. No reflective finishes of any kind will be allowed.

- (f) Only incandescent lamps with a maximum wattage of seventy-five (75) watts (or other types of lamps and lighting with comparable brightness) will be allowed for exterior lighting unless specific approval is received from the Committee. Low-voltage lighting is required in landscaping, since these fixtures are typically small and can be easily concealed within the native vegetation. Colored lights will not be allowed for exterior lighting.
- (g) No lighting will be permitted in Natural Areas or outside of areas enclosed by patio or building walls. Site lighting must be confined to areas enclosed by walls or in the immediate vicinity of the main entrance to the Residence.
- (h) Lights on motion detectors for the purpose of security illumination are subject to specific approval of the Committee on a case-by-case basis. If allowed by the Committee, these lights will only be allowed to operate on a motion detector and stay lit for a maximum of twenty (20) continuous minutes. Security lights must still meet the requirements of shielding of the light sources, and the light sources should not be Visible from Neighboring Properties. If problems with these lights occur, the Committee and the Association reserve the right to demand that the fixtures be disconnected. If allowed, care must be taken to avoid setting off the motion detector by the motion of vegetation and the movement of wildlife. These lights will not be allowed to operate for the purpose of general illumination.
- (i) The color of the light fixture and its shield, housing or trim, including exterior soffit lights, shall be compatible with the building color and must meet the Light Reflective Value (LRV) requirements of these Guidelines.
- (j) Miniature lights (i.e.: Christmas lights) are not allowed as exterior or landscaping lighting, except as allowed periodically under Section 6.24.

### 6.15 DRIVEWAY LIGHTING

The lighting of driveways is strongly discouraged because of the negative visual impact from the overall community and especially as viewed from below. A series of lights up the foothills as viewed from a distance is neither attractive nor desirable to the overall community. If in the opinion of the Committee lights along driveways and parking areas do not create visual concerns, the Committee may approve driveway lights subject to the following criteria:

Pole-mounted or wall-mounted light fixtures may be no higher than eighteen inches (18") above the driving surface, and the fixtures must be located on the "downhill" side of the drive and aimed toward the "uphill" side of the drive. Tree-hung down lights are allowed and may be no higher than seven feet (7'-0") above the driving surface. The light source of all fixtures must be recessed and fully shielded, including any light leak from the top of the fixture. In general, driveway and parking area lights must only light the driveway surface and not

retaining walls or landscape. The maximum foot-candles allowed at any point beyond ten feet (10'-0") from the fixture are 0.25 foot-candles. The spacing of driveway light fixtures shall generally be fifty feet (50'-0") apart and a minimum of twenty-five feet (25'-0") apart, unless otherwise approved by the Committee. Lighting of landscaping or site walls along driveways is not allowed. Due to climatic conditions plastic light fixtures (i.e. "Malibu Lights") are not allowed. Dark-colored durable metal fixtures are appropriate. Cut sheets and photometric charts for proposed light fixtures for driveways and parking areas must be submitted with the Final Design Submittal.

In an effort to minimize unnecessary light pollution, driveway lights should generally be turned off by manual or automatic methods by midnight and should generally be turned off completely during extended times in which the Residence is not occupied.

Driveway lighting should consist of shielded path lights or tree hung down-directed lighting only. No up lights will be allowed in an effort to reduce the amount of ambient light that is generated.

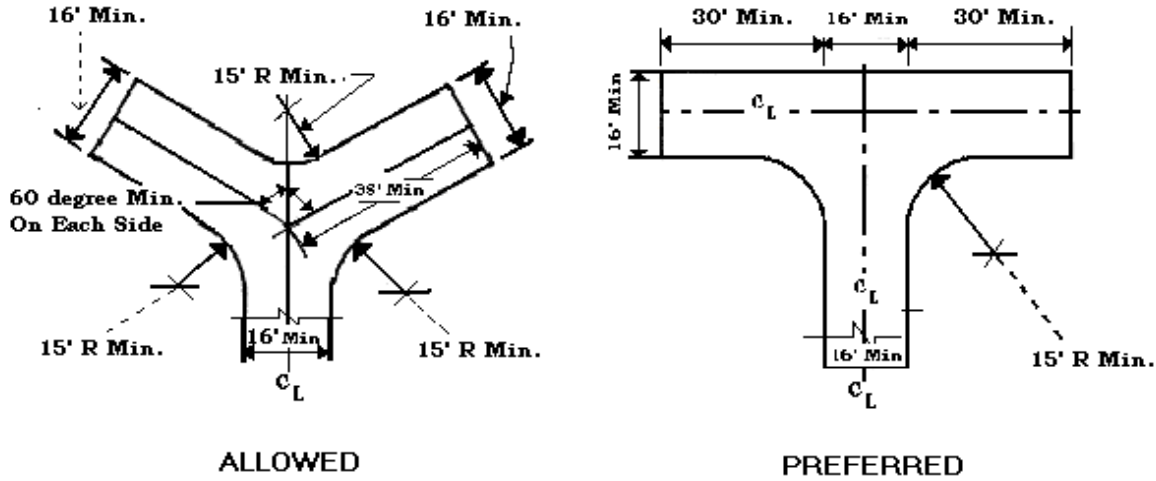
#### 6.16 ENTRANCE DRIVEWAYS

Entrance driveways should be **(unless otherwise stated in the Supplements)** located so as to minimize their visual impact on important natural features of a Lot such as large or significant plant materials, boulders, washes or drainage ways. Driveways shall be a maximum of sixteen feet (16'-0") wide at the property line and shall intersect the street preferably at a right angle, but at a minimum angle of seventy (70) degrees. Driveways should also be located in such a way as not to interfere with drainage in the right-of-way of the street. Only one driveway entrance off of the street will be permitted for each Lot, except when three (3) or more Lots are tied together to create a single Lot, the Committee may, at its sole discretion, approve up to, but not exceeding, two (2) driveway entrances off of the street(s).

Lots in which the Residence is located more than two hundred feet (200') from the street may be required by the fire department to have an approved fire truck turnaround within two hundred feet (200') of the Residence. Current policies and standards should be verified with the applicable governmental agencies and regulations. The turnarounds should be integrated into the design of the overall driveway and guest parking areas of the site. This maneuvering area can be accomplished by the use of a hard surface only (such as concrete), or a combination of a hard surface and native decomposed granite compacted to ninety-five percent (95%) compaction, with no plant material within the required maneuvering area that is higher than two feet (2'-0") tall at maturity.

The general minimum fire truck turnaround standards are provided in the following illustration.

**MINIMUM FIRE TRUCK TURNAROUND**



- \* Fire truck turnaround must be within 200' of residence.
- \* Driving surface must be able to support 250 lbs / sq.ft.
- \* No obstructions, including shrubs, may be located within fire truck turnaround.
- \* 12 % maximum slope.

In certain locations with the initial common or shared driveway improvements constructed by the Developer, retaining walls may be used to accommodate grade differences along these driveways. Maintenance responsibilities for these retaining walls are shared as outlined in the Village, Master, and/or other Desert Mountain Declarations. Any repairs, maintenance or modifications to these retaining walls shall use the same materials and must be executed to match the original appearance.

**6.17 PRIVATE DRIVEWAY GATES**

Private security or decorative gates for driveways are strongly discouraged and are considered undesirable from a community perspective. The Committee may, at its sole discretion, approve private security or decorative gates, but reserves all rights to prohibit such gates. If allowed, the height of such gates and any associated supports or walls shall not exceed forty-two inches (42") above the driveway surface and the width of the gate shall not exceed a total of seventeen feet (17'-0"). The face of the gate must be located a minimum of twenty-five feet (25'-0") from the back of the curb of the street. No signage or graphics may occur on the gates, other than address identification, and lighting, if any, shall be minimal. All structures, including keypads and operators, must be located within the Building Envelope and may not be located within the right-of-way of the private streets or within any easements, including Public Utility Easements. If



approved by the Committee, the design of such gates must relate to the design character, aesthetics, materials and colors of the Residence and other Improvements.

### **6.18 PARKING SPACES**

Each Residence shall contain parking space within the Lot for at least two (2) vehicles in an enclosed garage either attached to or detached from the main structure of the Residence. A minimum of two (2) additional exterior parking spaces must be provided to accommodate guest parking. No overnight on-street parking will be permitted for residents' vehicles or vehicles of their guests. Views of guest parking areas from Adjacent Lots, streets or other Common Areas must be mitigated and diffused by screen walls or a combination of screen walls and landscaping. Walls should be between thirty-six inches (36") and forty-eight inches (48") high. No unenclosed storage of campers, trailers, motor homes, ATVs, boats, jet skis, watercraft or any other type of recreational vehicle will be permitted, including within rear yards or open-air screened areas.

### **6.19 SWIMMING POOLS AND SPAS**

Swimming pools and spas, if any, should be designed as being visually connected to the Residence through walls or courtyards. The visual impact must be minimized from Adjacent Lots, streets and other Common Areas, and from the on-site Natural Area. Swimming pools and spas must be constructed according to the City of Scottsdale ordinances, and other applicable regulations, including required fence and enclosure heights. Doors and gates leading to swimming pools and spas must meet the City of Scottsdale safety and closure regulations, including doors that open directly from the Residence to any pool or spa area.

Negative-edge pools are very popular and extremely dramatic, although the Committee will only approve these types of pools where natural site conditions will allow. The Committee will not approve negative-edge pools that require significant grading immediately adjacent to the pool nor will they approve the grading of a trench, ditch or other excavation immediately adjacent to the pool as a method of meeting the pool safety-barrier requirements. If a negative-edge pool is desired, it must be carefully planned to work with the existing site conditions. The color of exposed tile on a negative-edge pool must be dark or match the building color. No light or bright tile colors will be permitted on negative-edge pools. The overflow trough for a negative-edge pool shall not drop more than three feet (3'-0") vertically from the water surface and the trough shall not be wider than three feet (3'-0"), unless otherwise approved by the Committee.

Based on policies by the City of Scottsdale, pool backwash or pool draining is not allowed to be disposed of in the sanitary sewer system. Due to

Environmental concerns, pool backwash and draining is not allowed to be disposed of into a wash or other natural drainage area. It is recommended that a dry well be constructed to allow for disposal of pool backwash and draining. Any and all applicable regulations governing disposal of pool water must be followed.

Pool equipment, including all valves, filters, blowers, conduits, backflow preventers, piping and controls, must not be Visible from Neighboring Properties, streets or other Common Areas and must be enclosed by walls and a gate or other suitable screening methods to a height of twelve inches (12") minimum above the equipment.

## **6.20 WINDSCREENS**

If proposed, windscreens must be integrally designed into the Residence and the site Improvements as to appear visually connected. If clear windscreens are proposed, tempered glass is preferred over Plexiglas or plastic. Stained-glass windscreens will not be allowed; fabric windscreens will be reviewed on a case-by-case basis. Large amounts of windscreen may be deemed inappropriate at the sole discretion of the Committee, and therefore the amount of windscreen may be limited or not allowed. Prevailing wind conditions should be carefully considered prior to the design of the Residence to avoid the need for windscreens.

## **6.21 SPORTS/TENNIS COURTS**

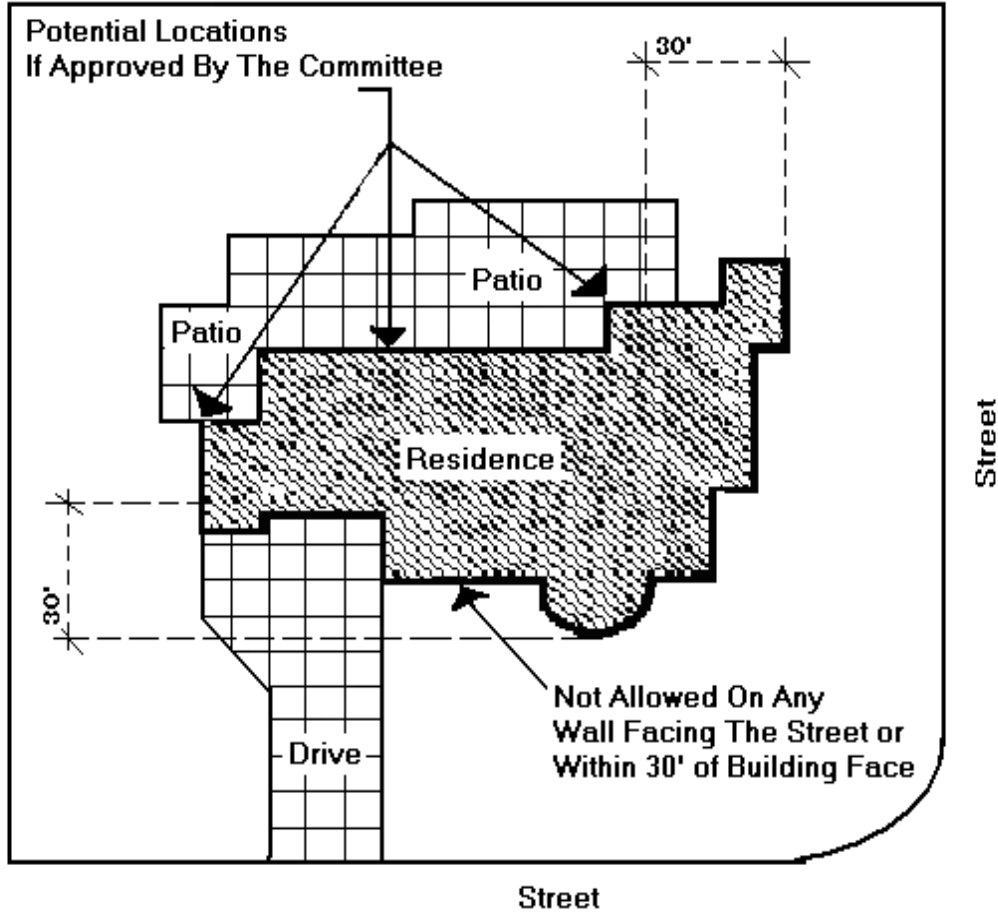
Tennis courts or courts for other sports are not allowed on any Lot.

## **6.22 BASKETBALL HOOPS**

Basketball hoops and backboards may be installed at any Residence, when specifically approved in advance by the Committee. The installation of such items may be subject to stipulations imposed by the Committee based on specific review of the request. The intent is to locate a basketball hoop and backboard in the least-visible area and away from view from the streets, golf courses or Common Areas. Basketball hoops and backboards are not allowed in yards facing the street(s), nor on the face of a building that faces the street(s), nor on any wall within thirty feet (30'-0") of the building face, as depicted on the following illustration. Basketball hoops and backboards are also not allowed within fifty feet (50'-0") of any property line adjacent to a golf course. Backboards mounted on a building must be clear or painted to match the house, and the top of the backboard must be kept below the top of the parapet of the wall on which it is mounted. No backboards shall be allowed on a pitched roof. Backboards mounted on a pole must be either clear, painted to match the house or painted flat Verde green. The pole or support shall be painted black, dark brown or dark desert green. Poles must be removable and the basketball hoop and backboard must come down when no longer utilized. The Committee may require additional

mature landscaping to screen any basketball hoops and backboards from Adjacent Lots, streets and other Common Areas. Although the general guidelines of this section may be met by a proposed application, the Committee may refuse to allow a basketball hoop and backboard if in its sole discretion, the Committee determines a negative impact would result.

**6.23 EXTERIOR RECREATIONAL OR PLAY EQUIPMENT**



**Potential Building Mounted Basketball Hoop Locations**

All exterior recreational or play equipment such as swing sets, slides, play structures, jungle gyms and similar equipment must meet the intent and requirements of all sections of these Guidelines, including color. This type of equipment or structures should be located in the least-visible portion of the Lot and must not be visible from any golf course. In addition, every attempt to screen

this equipment or structures from view of Adjacent Lots should be made, including the installation of mature landscaping. The height of this type of equipment shall be limited to a maximum of eight feet (8'-0") above finished grade. Due to the fragile nature of the desert environment, tree houses or other play structures attached to native plants will not be allowed. All exterior recreational or play equipment requires specific approval of the Committee prior to installation.

#### **6.24 ADDRESS IDENTIFICATION**

Individual address identification devices or signs for each approved Residence may be installed by the Owner of a Lot. Such devices must be subtle in design, aesthetically consistent, and utilize the same materials and colors as the Residence and reflect its design character. No "unique" identification devices will be permitted. No additional signage detached from the Residence will be permitted, except temporary construction signs or other signs as permitted by the Master Declaration and approved by the Committee. The design of an individual address identification device and its location should be submitted with the Final Design Submittal and must be approved by the Committee before installation. The Committee suggests the identification device be located within the property and not the Public Utility Easement (PUE).

#### **6.25 EXTERIOR HOLIDAY DECORATIONS**

The intent of this section is not to discourage decorating for holidays, but only to maintain a standard of quality fitting with a community like Desert Mountain. Holiday decorations should be subtle, soft, and tasteful. Decoration displays should not have a commercial appearance and should not be "overdone". The Committee reserves the right to prohibit any holiday decorations deemed inappropriate in the opinion of the Committee for the image of Desert Mountain.

No "lawn ornament"-type holiday decorations, plastic sculptures or inflatables may be displayed on the exterior of the Residence. Decorations shall not be allowed to be mounted on roofs or located outside of the site walls or Building Envelope. Cut evergreen trees, decorated as Christmas trees, will not be allowed on the exterior of the Residence.

Although holiday lights are allowed, no chasing, twinkling or blinking lights will be allowed. No more than five (5) trees, cacti or plants may be decorated with lights (this does not include small plants immediately adjacent to the front door or patio doors of a Residence). Lights will not be allowed to outline an entire Residence or to be located on ridges or gables of pitched roofs. No exposed spotlights will be allowed. Lights are allowed around window frames, soffit/eave lines and landscaping (as noted above). Luminarias will be allowed along driveways, and patios, but not on roofs or parapets. Paper luminarias with candles are not allowed due to potential fire danger. Care must be taken that luminarias do not blow away or litter adjacent properties.

Exterior holiday music is not allowed except for exterior music for personal and social enjoyment at the outdoor living spaces (i.e., patios, terraces, pool, etc.), provided it does not disturb other Owners and subject to any restrictions in the Declaration.

Christmas decorations will be allowed between Thanksgiving and January 7th. No Christmas decorations are allowed before Thanksgiving and all must be removed by January 7th. Decorations for other holidays may be installed no more than two (2) weeks prior to the holiday and must be removed within one (1) week after the holiday.

## **SECTION 7 – ARCHITECTURAL DESIGN GUIDELINES**

### **7.1 INTRODUCTION TO ARCHITECTURAL DESIGN GUIDELINES**

Design Guidelines alone cannot legislate, or cause, good architecture. Good architecture is the result of a creative Owner, a talented design professional, a sound understanding of basic principles of quality architectural design, and an in-depth knowledge of the environmental and community context. These Guidelines are intended to provide Owners and their Architects, designers and contractors with some general direction regarding what the Committee considers to be important design principles to be adhered to when designing a Residence or other Improvements.

A major part of the vision of Desert Mountain is to allow a varied collection of traditional and contemporary architectural design themes that are appropriate to the desert southwest and to the community context. The Committee believes that through the use of architectural styles which utilize authentic detailing, natural materials, and simple forms and reduced scale, Desert Mountain will have a community character that will endure through the ages.

Therefore, the following architectural standards have evolved in response to climatic, environmental and aesthetic considerations in Desert Mountain.

### **7.2 DESIGN CHARACTER**

The Guidelines do not intend to dictate a specific architectural style for the design of a Residence. The Committee encourages creative architecture, but warns against architectural styles that are not appropriate for the desert environment or community context. While some designs may be examples of good architecture in themselves, the Committee has the authority to refuse to approve a design, if in the opinion of the Committee, the design is not appropriate for the environmental context, the community context, or the overall visual context.

The Guidelines intend to allow design flexibility for individual Owners, yet ensure that the result of this design flexibility does not adversely impact the community. The overall goal of these Guidelines is to create Residences that blend into the natural terrain and have as little visual impact as possible when viewed from other areas of Desert Mountain. In general, the less noticeable the house is from a distance, the better it achieves the goal of minimizing the visual impact.

The goal of Desert Mountain is to have a variety of styles that represent traditional and contemporary design themes that are rooted in authentic and historic architecture of the desert Southwest. Therefore, traditional design themes will be required to utilize authentic detailing and authentic materials and

forms. Likewise, contemporary design themes must be based on natural forms and textural materials that quietly blend into the natural environment.

Some design elements that have been widely used in some Villages may not be appropriate throughout other areas of Desert Mountain and should be avoided.

There are numerous principles of good architectural design that should be considered and included in the design of a Residence. To facilitate in the explanation of these principles, the following guidelines are provided:

- (a) The use of textural materials such as stone and masonry helps to reduce the visual impact and scale of a Residence. The use of textural materials can dramatically improve the quality of a design when appropriately used. Stone and masonry elements should be used as strong masses and not thin planes, veneers or floating elements. Stone and masonry elements if used must be applied equally on all four elevations. Stone and masonry may not be used for curb appeal only.
- (b) The use of broad overhangs can create dramatic voids, deep recesses and strong canopies as well as provide protection from the weather and the sun.
- (c) The use of proportions that emphasize the horizontal instead of the vertical are required. Horizontal proportions will help keep the Residence from appearing too tall or vertical.
- (d) The use of broad overhangs, recessed voids, sheltered windows and well-articulated massing will create strong shadow lines with deep recesses. These shadows and recesses improve visual appearance of a Residence significantly, particularly when viewed from a distance.

Some of the specific design elements that should be avoided include:

- (a) Very dominant mass elements that are boxy or imposing should be avoided.
- (b) Dominant horizontal lines only or dominant vertical lines only should be avoided. To create a design with repose, the vertical and horizontal elements should be composed to properly engage each other. Too much vertical or horizontal will not achieve a balanced design.
- (c) Large expanses of monolithic materials, such as large unbroken walls of stucco, long continuous retaining walls, or other large elements composed of a single material, or a single plane, should be avoided.
- (d) Long stuccoed parapets over covered patios should be avoided. This element has been widely used on the view side of homes, but the long

continuous parapets need the relief of other materials or intersecting masses or planes.

- (e) Boxy forms, or an arbitrary collection of boxy forms, should be avoided. Simple parapet flat roofs arbitrarily composed may be considered inappropriate by the Committee since they lack shade, shadow, recess and repose.
- (f) Long continuous lines or small chopped-up masses should be avoided.

The design character should create a Residence that blends with its environment instead of standing out against it. The design character of a Residence should be considered from all sides (including roofs), not just the front or rear elevations, and all elevations should maintain the same visual integrity, cohesiveness and design detail.

All designs should be textural, utilizing multiple exterior materials, natural materials and complementing colors to avoid monotone or “vanilla” homes. The integration of pitched roofs and flat roofs into the overall home design can add visual depth to the Residence, create welcoming shaded spaces, and add color and texture to the overall composition. Structures that consist of only bold mass or block forms are discouraged. The design of a Residence should carefully integrate mass forms with the overhangs, roof forms, site walls and landscape into a well-composed whole.

Special attention should be given to the following areas in the design of a Residence:

- (a) Topographic conditions
- (b) Visibility from the community above and below
- (c) View orientation
- (d) Solar orientation
- (e) Natural vegetation and rock outcroppings
- (f) Natural drainage patterns
- (g) Location of neighbors or potential neighbors
- (h) Orientation to the play of golf and visibility from the golf course
- (i) Sound transmission from outdoor spaces to the golf course



Design character is subject to the interpretation and discretion of the Committee and will be reviewed on a case by case basis. The Committee will not approve a design that the Committee determines does not meet the intent of the Guidelines, the intent of minimum visual impact, the intent of fitting with the community context, the intent of nestling into the natural terrain, and the intent of harmonizing with the built and natural environment.

### **7.3 BUILDING SIZES**

It is expected that Residences will contain at least two thousand five hundred (2,500) square feet of enclosed, conditioned living area, and a maximum of twelve thousand five hundred (12,500) square feet of total enclosed area, including garages; however, smaller or larger Residences may be approved by the Committee, if, in its opinion, the design would not result in a Residence which would be out of character with the other Residences in the Village community, or the context of the overall Desert Mountain community.

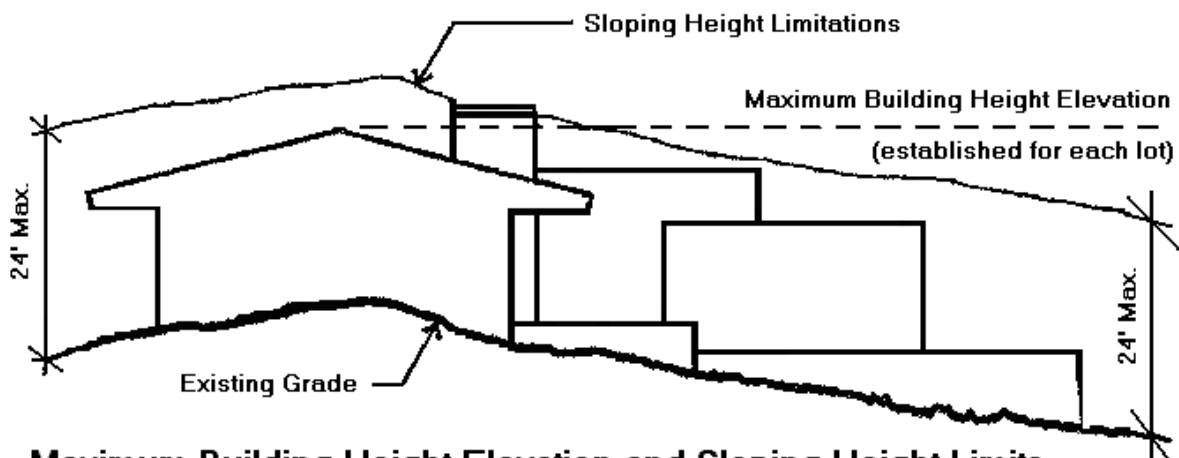
### **7.4 BUILDING HEIGHTS**

The terrain of Desert Mountain is varied and unique, with steep slopes, ridges, knolls, valleys and other changes in elevation, making absolutely uniform applicability of height restrictions for Residences inadvisable. These Guidelines are intended to discourage and/or prevent any Residence or other structure which, in the opinion of the Committee, would appear excessive in height when viewed from a golf course, street, other Common Area or other Lot, and/or which would appear out of character with other Residences because of height. Consequently, despite the maximum heights generally permitted as specified in this section, the Committee, even though a proposed Residence or other structure may comply with said maximum height restrictions, nevertheless may disapprove a proposed Residence or other structure if, in the opinion of the Committee, it would appear excessive in height when viewed from a golf course, street, other Common Area or other Lot, and/or would appear out of character with other Residences or undesirably prominent because of height. These considerations are particularly important with Residences constructed along tops of ridges or knolls where, without limiting this generality, the Committee could refuse to allow any portion of the Residence or other structure to exceed the standard maximum heights as hereinafter provided.

Because the desert vegetation is low, rarely exceeding twenty feet (20'-0") in height, and because the Desert Mountain philosophy envisions Residences that tend to blend with, rather than dominate, the environment, single-story multi-level buildings that relate to the natural contours of the Lot are encouraged. Residences may be sited partially below grade. The height of all Improvements is limited by a series of allowable dimensions, as described below. A summary diagram is provided to illustrate the application of each dimension. The Committee may require adjustments be made to proposed Finished Floor

Elevations as described in the Cut and Fill portion of these Guidelines regardless of building height compliance.

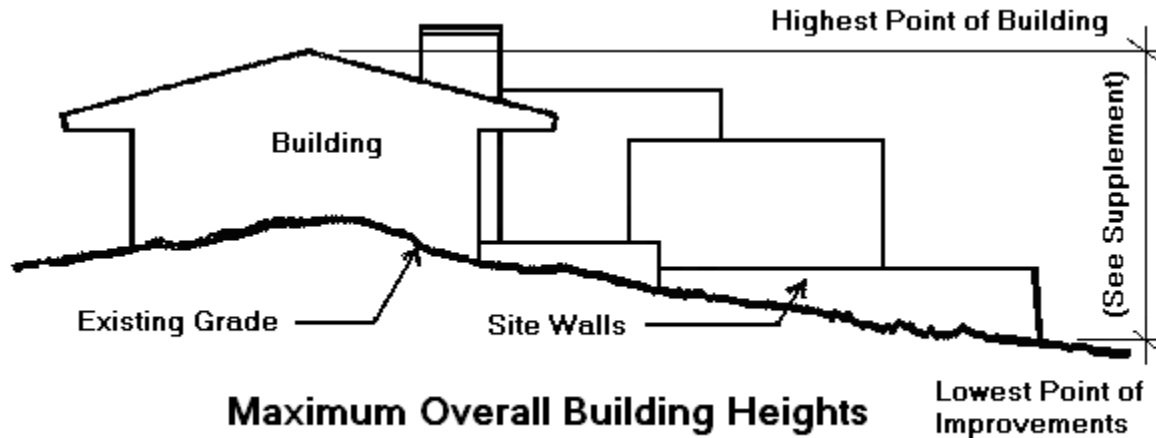
- (a) **Maximum Building Height Elevation:** A Maximum Building Height Elevation has been established for several individual lots in several Villages as per the approved Building Envelope and NAOS Exhibits (**reference specific Village Supplement**). No Improvement, except for chimneys, may be constructed to a height higher than the Maximum Building Height Elevation. The Maximum Building Height Elevation is based on the topographic elevation measured from the Desert Mountain datum. The Committee may from time to time consider requests for adjustments to the Maximum Building Height Elevations. The criteria for such variances will be design, logic and common sense. All such variances will be made at the sole discretion of the Committee. All other height Guidelines shall fall under the restrictions of the Maximum Building Height Elevation.



**Maximum Building Height Elevation and Sloping Height Limits**

- (b) **Sloping Height:** In addition to the other height requirements in this section, no portion of the Improvements, except for chimneys, may exceed a height of twenty-four feet (24'-0") above the existing natural grade. This height is measured vertically from any point of the Improvement to existing natural grade immediately below that point. Due to the unique and varied topography, the Committee may approve, on a case-by-case basis and in its sole discretion, increases in the sloping height limitations.
- (c) **Overall Building Height:** Overall Building Heights have been established for each Village (**reference Supplements**). The overall height of an Improvement is measured in a vertical plane from the highest parapet or roof ridge to the natural grade at the lowest point adjacent to the building exterior inclusive of site retaining walls, patio walls and pool walls. In special circumstances involving conditions which do not conflict with applicable City ordinances, the Committee may approve, on a case-by-case

basis and in its sole discretion, overall vertical dimensions which may exceed the established Overall Building Height limitation.



- (d) **Massing:** Scale and proportion in the desert can be deceiving. Small structures can at times appear large and dominating against the low vegetation and landforms. Therefore, proper massing will reduce the scale of a large structure and create building texture that will help to blend the Residence with its environment.

Unless otherwise specifically approved by the Committee, each Residence shall be composed of at least three (3) visual building masses of differing heights as viewed from any elevation. Homes larger than five thousand (5,000) square feet, excluding garages, shall be composed of at least four (4) visual masses of differing heights as viewed from any elevation. To be classified as a visual building mass, the mass shall have a minimum depth and width of twenty feet (20'-0") and be a minimum of five hundred (500) square feet in area. Depth and width dimensions shall be measured perpendicular to each other. Very large or dominating individual building masses, in particular those created by sloping roofs, are discouraged. Therefore, no individual building mass shall have an area larger than two thousand five hundred (2,500) square feet; or a single dimension larger than eighty feet (80'-0") unless, in the opinion of the Committee, a larger mass does not appear to be excessive in size.

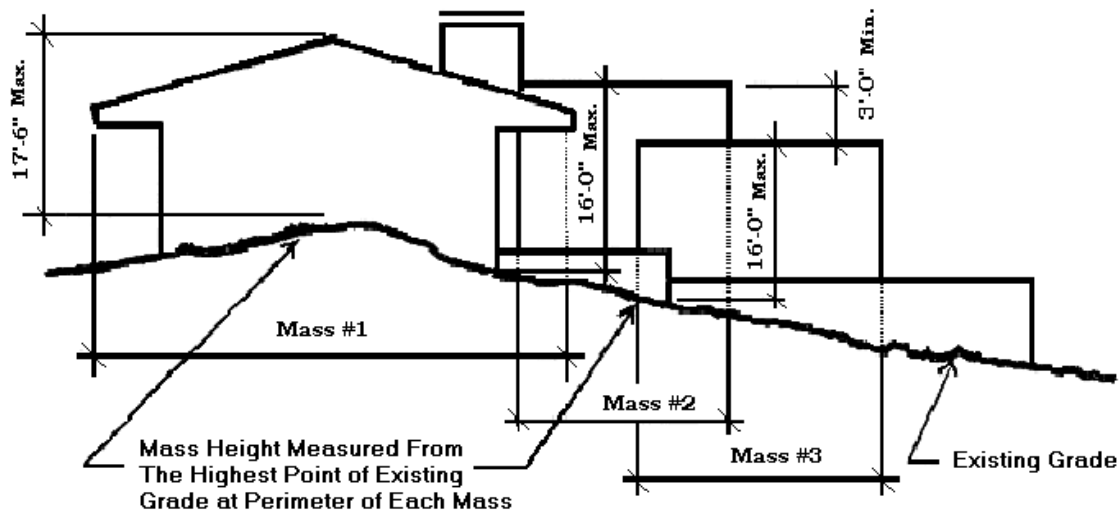
- (e) **Mass Heights:** The maximum height of any individual building mass of a Residence may not exceed sixteen feet (16'-0") measured to the tops of surrounding parapets on flat roofs, or seventeen feet six inches (17'-6") measured to the top of the ridge on sloping roofs; except that a maximum of one-third (1/3) of the area of the overall enclosed building footprint, including garages, may exceed these limits to a maximum of nineteen feet (19'-0") measured to the top of surrounding parapets on flat roofs, or twenty feet six inches (20'-6") measured to the top of the ridge on sloping roofs

(See illustrations). Single slope or “shed” roofs shall conform to the height limitations for flat roofs. Height shall be measured vertically from the highest adjacent natural grade at the perimeter of each building mass.

For up to 1/3rd of the total enclosed footprint including garages:

\* Sloping Roofs: 20'-6" Max.

\* Parapets: 19'-0" Max.



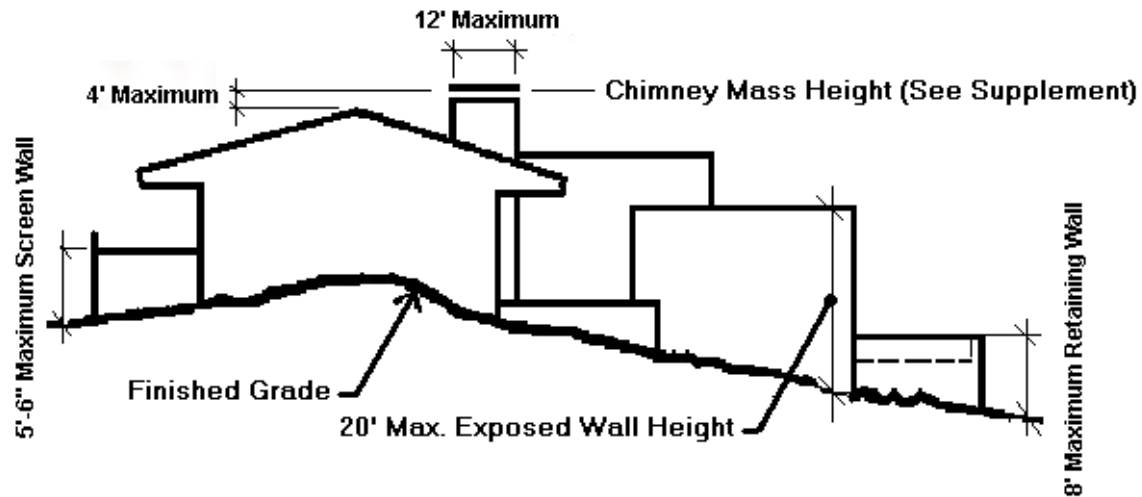
### Massing and Mass Heights

- (f) Difference in Mass Heights: Unless otherwise specifically approved by the Committee, the required three (3) or four (4) visual masses shall vary in height vertically by a minimum of three feet (3'-0") from any adjacent mass or masses.
- (g) Exposed Wall Heights: In no case shall a wall have an unbroken height of more than twenty feet (20'-0") measured vertically from the finished grade at its lowest point along the wall to the top of the wall. Additional height may be achieved if an additional wall or site wall is created and set back a minimum of six feet (6'-0") from the high wall, subject to the limitations of the other governing criteria in these Guidelines and if approved by the Committee. Applied banding or textured relief in a wall plane do not change the measurements of an unbroken wall height.
- (h) Articulation and Engagement of Massing: All height limitations are rudimentary criteria which form the basis of the general massing only. For example, in addition to the overall massing which must step with the terrain, it is expected that all elevations will not only take advantage of the view

from within the Residence, but will provide pleasant views from all surrounding areas. All side and rear elevations are expected to be articulated to break up the facade into smaller elements, as well as add the richness of shade and shadow. Large blank walls will not be allowed. While the specific design is a matter for each individual Architect, failure to provide this articulation and richness may be grounds for rejection of the design by the Committee.

The building masses of a Residence shall be designed such that they appropriately engage with each other to make a harmonious composition of forms. Building forms should be thought of as three-dimensional masses that are carefully nestled together. These forms should not be viewed as flat elevations or simple planes. Building masses will not be allowed to align in the same plane.

- (i) Chimney Mass: Chimneys may be constructed to a height measured vertically from the highest natural grade adjacent to the chimney mass (**reference Supplements**). Unless otherwise approved by the Committee, the height of a chimney mass may not exceed four feet (4'-0") above the highest point within ten feet (10'-0") of that chimney mass. A chimney mass may not exceed an overall horizontal dimension of twelve feet (12'-0") in any one direction, unless otherwise specifically approved by the Committee.
- (j) The height of a retaining wall and other walls not directly supporting a building structure, except screen walls, shall not exceed eight feet (8'-0") (unless otherwise stated in the Village Supplement) measured vertically from the lowest point at finished grade adjacent to the wall to the highest point of the wall along the exterior side of the enclosure. Retaining walls shall include any walls that retain or hold back earth more than two feet (2'-0') in depth. The Committee, on a case-by-case basis, may consider overall retaining wall heights that exceed the height limitation where it is justified by topographic conditions and when the extra height causes no adverse visual impact. An overall height of eight feet (8'-0") to sixteen feet (16'-0") may be appropriate and achieved in limited areas by use of more than one (1) retaining wall, provided a minimum planting area of three feet (3'-0') is provided between the two (2) walls. Subject to approval by the Committee, other acceptable methods for softening the appearance of retaining walls over eight feet (8'-0") in height include landscaping with mature, indigenous trees or large shrubs, and/or utilizing a different texture and/or material for a portion of the wall.
- (k) Screen walls, walls not supporting a building structure or retaining earth, may not exceed five feet six inches (5'-6") (unless otherwise specified in Village Supplements) in height measured from finished grade along the exterior side of the enclosure in the manner described above for retaining walls.



### Additional Height Restrictions

- (l) "Patio Only" Height: Selected Lots have an area within the Building Envelope designed "Patio Only", as delineated on the approved Building Envelope and NAOS Exhibits (**reference Supplements**). This portion of the Building Envelope may only be used to construct low-scale Improvements such as uncovered patios, site or retaining walls, walkways and landscaped areas. Buildings or roof structures are not allowed within the Patio Only area. The height of any Improvement within the Patio Only portion of the Building Envelope shall not exceed eight feet (8'-0") measured vertically above the finished grade on the exterior side of the Improvement, unless otherwise approved by the Committee.

## 7.5 ROOFS

Due to the dramatic changes in elevation throughout Desert Mountain, roofscapes form an important part of the visual environment and, therefore, they must be carefully designed to minimize their impact on the surrounding community. It is intended that neither parapet flat roofs nor sloping roofs predominate, and although both of these roof types are acceptable, a blend of the two roof forms is preferred in an effort to break down the scale of the homes, especially as seen from above.

The design of a Residence with a balanced combination of flat and sloping roofs can create dramatic homes with appropriate massing and texture. The use of this combination of roof forms takes skilled design understanding and, if not properly designed, can lead to the appearance of two separate styles pressed together

without integration or repose. The Committee may, at its sole discretion, reject any design in which it feels the sloped and flat roofs are not integrated into a harmonious whole. **Roof mounted mechanical equipment is prohibited.**

### 7.5.1 SLOPED ROOFS

The Committee strongly recommends that sloping roofs be designed as sheltering and shading elements with broad overhangs and strong shadow lines. Sloping roofs with minimal or no overhangs should be avoided. Sloping roofs shall be hipped or designed such that they tie into building masses. The maximum pitch of a sloping roof shall be four (4) to twelve (12), unless otherwise approved by the Committee. Mansard roofs are prohibited; however, the Committee shall have the authority to approve partial gable or shed roofs when, in the opinion of the Committee, they do not add to a Residence's visual massiveness. Typical gable-end roofs may not be allowed, unless in the opinion of the Committee, the gable-end is an attractive design element and is authentic to the design style of the home. Skylights are prohibited on pitched or sloped roofs. Red clay tile, wood shake shingles and asphalt shingles are prohibited. Due to concerns of visual dominance, metal roofing materials (i.e. standing seam metal roofs) may not be used on homes in which seventy-five percent (75%) or more of the total roof surface is designed as sloping roofs, unless otherwise approved by the Committee. The Committee strongly recommends that sloping roofs be designed as sheltering and shading elements with broad overhangs and strong shadow lines. Thin edges or thin fascia should be avoided on sloping roofs as should sloping roofs with minimal or no overhangs.

### 7.5.2 "FLAT" ROOFS

Flat roofs should be surrounded by parapets a minimum of 12 inches (12") above the highest point of the "flat" roof in which it surrounds, but in no case higher than thirty-six inches (36") above the adjacent roof surface. Parapets must be designed as three-dimensional mass forms and the parapets must wrap the entire building mass or return and end in an intersection with another building mass. The flashing detail between the roof surface and the parapet wall must be kept horizontal, not sloped to follow the roof or cricket slope. Flat roofs that do not have parapets are discouraged, although may be approved by the Committee if such roofs are free of any skylights, roof penetrations, roof vents, plumbing vents, etc., and, if in the opinion of the Committee, any drainage crickets are not distracting to the overall design character of the Residence. In the case of built-up or similar types of flat roofing materials, the color must match or complement the building color. In addition, all lap joints, seams or patches must be coated with an aggregate or ballast matching the color and texture of the roofing aggregate or ballast. Any joints, seams or tar patches shall be coated to match the adjacent roof surface and not be obvious. The finished roof shall have an even color and texture across the entire surface.

### 7.5.3 ROOF COLORS

Dominant roof colors such as white and red or highly reflective roof surfaces are prohibited. Sloped roof materials should be textural with very dark or deep color tones. The finish of metal roofs must be matte with no gloss factor. It is strongly recommended that the color of flat roof material and associated flashing match the color of the building. In any case, the color of the inside of the parapets should be the same across the entire vertical surface (i.e., paint the flashing and vertical roof material to match the parapet wall). Flat roofs must be surfaced with a material whose color harmonizes with the natural desert but does not contrast with the building walls, or they may be painted one of the approved flat roof colors, or they may be painted to match the building walls, or the LRV may be ten (10) points higher than the LRV of the walls approved paint color (Example: Walls – 36 LRV, Maximum Roof – 46 LRV). The roof paint color shall also not exceed the maximum LRV stated in each Supplement. Flat roofs utilizing foam roofing systems may want to consider higher foam densities, or other special coatings, in order to achieve the color requirements. Any deviations will be reviewed on a case-by-case basis.

### 7.6 APPROVED ROOF MATERIALS

#### a) Barrel Tile

- i. Barrel tile (or mission tile) roofs were often used in historical Arizona architecture, particularly on Spanish and Mexican influenced design characters. The rich character of these roofs came from the textural appearance of the hand-made and hand-set tiles.
- ii. The use of aged and authentic-looking clay barrel tile is allowed as a roofing material. The Committee strongly recommends, and may require, the use of mud-set barrel tiles in lieu of a standard overlap, since the mud-set tiles have a richer look, more texture, and appear more authentic. The Committee also encourages the use of “bolster” tiles, which are double-layered tiles that cause a “bump-out-look” to the roof. The Committee endorses barrel tile roofs in a serpentine or “wavy” layout as well as traditional patterns. The goal of the Committee and these Guidelines is to allow barrel tile roofs that look authentic/historic and aged.
- iii. Only two-piece barrel tiles made of clay will be allowed. Two-piece “barrel tile” as manufactured by Redland Clay Tile in dark blended colors that meet the intent of the Guidelines, including standard colors of Adobe, Café Antigua, Old Sedona and Palma Blend are approved. Manufactured “S” and “W” shaped barrel tiles, which are highly common in the production housing industry, will not be allowed, nor will concrete, metal or fiberglass barrel tiles.



- iv. Barrel tiles must be dark, earthy colors. Variegated colors are encouraged. Solid red colors or light colors such as off-white, peach and orange will not be allowed.
- v. Barrel tile roofs are often best accented with exposed rafter tails (which must be a minimum dimension of 3" x 6") and exposed wood soffits. Stuccoed or molded fascia trims below the eaves of a barrel tile roof are not allowed, unless otherwise approved by the Committee.
- vi. Two-piece "pinto" clay tile, also known as "Borgata" or "Algodones" will be allowed. The tiles may be mortar-set.
- vii. "Holandesa", "Marsellesa" and "Portuguesa" tiles, in "Café" color only are also allowed. Information on these tiles is available from Mexican Tile Company of Phoenix.

**(b) Metal Roofs**

- i. Metal roofs were historically used on numerous ranch and western-style structures of old Arizona. Metal roofs are also often appropriate for contemporary design themes. Metal roofs tend to emphasize a canopy feel to the roof structure and the architecture.
- ii. The Committee allows the use of metal roofs provided they do not cause objectionable glare. Copper roofs are allowed in a natural dark "dirty penny" patina. Flat green patina, bright copper, shiny copper, unpainted copper, or treated copper is not allowed. Only natural patina copper is permitted and only water may be used to accelerate the natural patina. Zinc roofs are allowed in a natural black/charcoal colored patina. Rusted metal or Cor-ten roofing will be considered on a case-by-case basis, as determined in the sole discretion of the Committee. The Committee may consider other metal roof materials at its sole discretion.
- iii. A prime concern with metal roofs is reflectivity. Metal roofs should be designed to mitigate this reflectivity. Standing seams, battens or Bermuda-type details help to provide shadow pattern and visual relief to a roof plane and will be required. Corrugated metal roofs in acceptable materials and colors may be allowed in limited areas when appropriate to the architectural style as deemed in the sole opinion of the Committee. Bermuda roofs are allowed subject to specific approval of the pattern and color by the Committee.
- iv. Painted metal roofs are prohibited.
- v. Metal fascia are subject to the same design criteria as metal roofs.

**(c) Flat Concrete Roof Tiles**

Flat Concrete roof tiles provide a durable alternative to the wood and asphalt shingles of the past. Raked, not smooth, concrete tiles may be allowed by the Committee provided the colors are dark earth tones with non-reflective finishes. The Committee recommends the use of blended colors for flat concrete tiles and most manufacturers have recommended blend mixes that have been proven to be aesthetically pleasing. Blended colors include tiles where two colors exist in the same tile as well as blending of individual solid color tiles. The Committee in its sole discretion may approve other concrete roof tiles.

It is not the intent of the Committee to limit choices to only these roof materials, patterns and colors. Anyone wishing to use another roof material, tile pattern or color may submit samples to the Committee for consideration. The Committee will consider other roofing materials and may approve them if, in the opinion of the Committee, the proposed material meets the intent of these Guidelines.

**7.7 PROHIBITED ROOF MATERIALS**

The following roof materials are prohibited:

- (a) Painted metal roofs.
- (b) Solid red or terra cotta tile roofs.
- (c) Roof materials must minimize the bright effects of the direct sun. Bright colors are prohibited.
- (d) Manufactured “S” and “W” and other similarly shaped barrel tiles, which are highly common in the production housing industry, will not be allowed, nor will concrete, metal or fiberglass barrel tiles.

**7.8 OTHER ROOF MATERIALS**

The following roof materials are strongly discouraged:

- (a) Ballasted roof systems are discouraged and will therefore be reviewed on a case-by-case basis.
- (b) Tile of a mottled appearance, will be considered on a case-by-case basis.

**7.9 VENTING FOR SLOPING ROOFS**

- (a) The installation of box or “dormer” roof vents for attic ventilation is

prohibited.

- (b) Whether a metal roof, concrete, or clay tile roof, or an approved alternate, there are numerous options available; i.e. O'Hagen vents, gable end vents, eave vents, ridge vents, and the like.
- (c) Venting must be indicated on a roof plan and elevations at the Preliminary Design submittal and Final Design submittal.

## **7.10 EXTERIOR BUILDING MATERIALS**

Exterior surfaces must generally be of materials that harmonize with the natural landscape. Stucco, stone masonry, painted slump block, adobe block or integrally colored split-face concrete block should be the predominant exterior surfaces. They provide an outer surface to withstand the climate extremes. Their use is encouraged as the combination of materials provides a textural context that breaks down visual massing in much the same manner that the variety of the desert itself breaks up the large expanses. Large amounts of wood will not weather well in desert conditions and are strongly discouraged. In addition, red brick is not considered harmonious with the desert and will not be approved.

## **7.11 REQUIREMENT FOR MULTIPLE EXTERIOR MATERIALS**

Some Villages require at least two (2) different complementing materials on exterior wall surfaces while other Villages do not (refer to specific Village Supplement Guidelines for details).

## **7.12 MASONRY (STONE, ADOBE, BRICK, CMU'S)**

- (a) Appearance and Use
  - i. The nature of masonry materials (whether natural or manufactured) such as stone, adobe, concrete masonry units (CMU) and brick is heavy, thick and massive. The natural characteristics of these materials, therefore, need to be incorporated into the design of a Residence. Masonry materials should give the appearance of thick walls and three-dimensional masses that are well anchored to the ground.
  - ii. Masonry should not appear to be an applied veneer and it should not be designed as a wainscot or facade. In addition, if masonry materials extend up to parapet, pier or rib form, the top of the parapet and the backside of the parapet must also be clad in the same masonry material. For example, an exterior wall with stone on one side and stucco on the other side is not acceptable.
  - iii. Due to the heavy characteristics of masonry, it should not be designed to "float" over windows, doors or overhangs. If masonry is used over an

opening, it must be visually designed with a strong lintel, header or beam detail that appears to structurally carry the masonry over the opening.

- iv. In general, two dissimilar materials should not occur within the same plane. Unless otherwise approved by the Committee, the plane of masonry materials should be offset a minimum of eight inches (8") from the plane of other materials.
  - v. Masonry materials should never terminate on an outside corner. Masonry materials shall wrap an exterior corner and terminate at an interior corner, including at window and door openings.
  - vi. Unless otherwise approved by the Committee, all masonry materials used on an exterior corner shall have a minimum dimension of four inches (4") in each of the two horizontal directions in order to avoid the appearance of a thin veneer. Masonry materials that are less than 4" thick are not allowed on vertical wall surfaces unless such materials have a specific corner unit piece that complies with the criteria in this section.
  - vii. In general, masonry materials that are primarily intended for horizontal paving surfaces (such as flagstone, tile, slate, and pavers) may not be used on vertical wall surfaces, unless otherwise approved by the Committee.
  - viii. Masonry trim elements, including but not limited to surrounds, sills, headers, lintels, wall caps, and parapet caps shall generally follow the same criteria outlined for masonry, as interpreted by the Committee.
- (b) Natural Stone
- i. Stone has long been an integral design element in the historic homes of Arizona. As a plentiful and natural material, stone has been used in everything from the primitive dwellings of the Hohokam to the refined historic homes of the twentieth century.
  - ii. The Committee encourages the use of real stone for Residences. The Committee recommends that the type of stone proposed be indigenous to the desert Southwest area. The Committee recommends avoiding types of stone that would not seem to be in character with the desert setting of Desert Mountain. Although native to this region, river run rock is not allowed as a stone material on a Residence.
  - iii. The coursing pattern in which stone is laid is critical to the design and to the appearance of the authentic use of the material. Stone may not be

laid in a vertical coursing pattern. Vertical flagstone patterning will not be allowed on wall surfaces, unless otherwise approved by the Committee. Stones used on the corners of a building shall be a minimum thickness of four inches (4") so as to avoid the appearance of a thin veneer. The colors of the natural stone should be dark, earthy colors. Stone that is very light colored or that has highly contrasting colors will not be allowed. The color of the mortar and the size of the mortar joints are equally critical. Mortar colors that highly contrast to stone colors will not be allowed; this includes the use of black mortar colors which may cause excessive contrast. The Committee encourages the use of stone joints with a dry stack appearance as well as deeply raked mortar joints. A mortar wash may be allowed by the Committee depending on the architectural style of the Residence and the type of stone proposed.

- iv. If stone masonry is selected as an exterior surface, sufficient information that describes the stone character, color, coursing, joints, etc., shall be required at the time of Final Design Submittal.

(c) Manufactured Stone

- i. The recent development of manufactured or synthetic stone provides a method of achieving the appearance of natural stone at a lower cost.
- ii. The stone type or style must be similar to, or in the character of, native indigenous types of stone that are appropriate for the desert environment.
- iii. The size of the individual manufactured stone units must be appropriate to the design application, in the opinion of the Committee. The Committee prefers the use of large stone units (5" x 20" or larger) over numerous small stone units (3" x 12"). The "puzzle piece" manufactured stone units, which are made with more than one stone shape per unit, will not be allowed.
- iv. The use of special corner units is required for all outside corner conditions. The special corner units must return around the corner by a minimum of four inches (4"). Capstone or flagstone units shall be used on any horizontal surfaces. Standard manufactured stone units which are intended for vertical faces may not be used on horizontal surfaces.
- v. Unless otherwise approved by the Committee, all mortar joints shall be deeply raked. Mortar joints that are not deeply raked tend to reveal the fact that the stone is manufactured and not natural.
- vi. Owners should be aware of the colorfastness of any manufactured

stone as some colors may tend to fade over time. The Committee may request information regarding the colorfastness of any proposed manufactured stone to avoid this problem.

- vii. The guidelines regarding coursing patterns, colors, mortar joints, mock-ups, etc., discussed above in the section on natural stone shall also apply to manufactured stone.

(d) Concrete Masonry Units (CMU)

Known commonly as concrete block, CMU can provide a wide variety of durable and natural finishes that are well suited to the desert environment. The Committee allows the use of sandblasted, split-faced, scored, fluted or burnished CMU, provided it meets the color and other requirements of these Guidelines. Integrally colored, sandblasted slump block can also make a durable alternative to adobe. If CMU is proposed, the Committee encourages the use of integrally colored CMU or the use of semi-transparent stains. Solid-body stain or paint is not allowed over exposed CMU, unless otherwise approved by the Committee. The Committee will not allow standard block (i.e., 8 x 8 x 16 without sandblasting, scoring, etc. The Committee does not allow standard running bond coursing patterns to be exposed. 8" x 8" coursing patterns may be acceptable, if approved by the Committee.

(e) Brick

- i. Select styles of brick may be approved by the Committee for use on a Residence. Soft, earthy-colored brick, similar in character to that used in historic Spanish and Mexican style architecture may be allowed if, in the opinion of the Committee, it is appropriate to the architectural style proposed. Oversized and aged bricks are encouraged. Common brick, standard red brick or crisp-looking manufactured bricks will not be allowed.
- ii. The Committee reserves the right to disapprove any brick material that it deems not appropriate for desert context or the community context.

(f) Adobe

Adobe has long been a primary building material in the Southwest. Its soft, earthy colors and forms create an attractive texture for a home. The appearance of exposed adobe should replicate the adobe characteristics found on historic structures, including the natural weathered appearance. The color of mortar joints shall be required to match the color of the adobe. Exposed adobe may be approved by the Committee when deemed appropriate to the architectural style of the home.

(g) Efflorescence

With all masonry materials, the Owner, Builder and design team should give careful consideration to the effects of efflorescence on the surface of exposed masonry materials. The use of waterproofing, surface sealers and weep holes must be considered in the design in order to avoid unsightly chalking of exposed masonry materials.

### 7.13 STUCCO

Stucco, or cement plaster, is the most widely used exterior finish material in the desert southwest. Stucco has been used in historic structures and modern ones. The Committee recommends that if stucco is proposed for a Residence, the finish and texture be appropriate to the architectural theme. Authentic and rustic design themes should use stucco finishes that appear to be hand-applied, with texture and imperfections in the surface finish. More contemporary designs may choose to use a smoother sand finish in a true plane. Unless otherwise approved by the Committee, crisp square-cornered stucco is not allowed. In addition, stucco finishes with repetitive patterned textures are not allowed, such as “skip trowel” finish, “lace” finish or “Spanish lace” finish. The Committee encourages the use of stained or aged stucco finishes which give the appearance of old, weathered cement plaster.

As part of the goal of these Guidelines to promote authentic design themes, the Committee recommends the use of soft rounded corners with a three-inch (3”) radius preferred on all exterior corners of stucco walls. The Committee also recommends that the tops of parapets be slightly battered and rounded as well to soften the stucco mass forms. Unless otherwise approved by the Committee, crisp, square, stucco corners will not be allowed. The use of stucco as an “eroded” or “peeled away” look, which reveals the masonry substrate below is not allowed. This type of application is deemed inappropriate by the Committee.

Other sections of these Guidelines address additional restrictions and details regarding stucco finishes, such as prohibiting exposed foundation walls. Weep screed details (Reference 7.16 “Unfinished Foundation Walls”), approved by many local municipalities, exist which allow the plane of the stucco to be continuously carried over the foundation wall, thereby eliminating the unacceptable recess at the base of stucco walls.

### 7.14 EXTERIOR COLORS

A limited color palette and light reflective values (LRV) have been established for each Village (**refer to Supplemental Guidelines**). All exterior colors of the Residence and other Improvements shall have a light reflective value (LRV) that is less than or equal to the established LRV for that specific Village. This information is available from most paint manufacturers. The colors were chosen

to blend with the natural colors of the vegetation and mountains as seen from a distance. Colors leaning toward the yellow, orange, red or blue hues are prohibited, even if they have an acceptable LRV. Subdued, accent colors may be used, subject to approval by the Committee. Colors for exterior artwork, sculpture or any other special features should also be muted tones chosen to blend rather than contrast with the Residence and its surroundings. Other colors that meet the criteria of this section may be approved by the Committee on a case-by-case basis.

Unless otherwise approved by the Committee, no primary stucco building mass or other significant building elements may be painted a color that is darker than an LRV of fifteen (15).

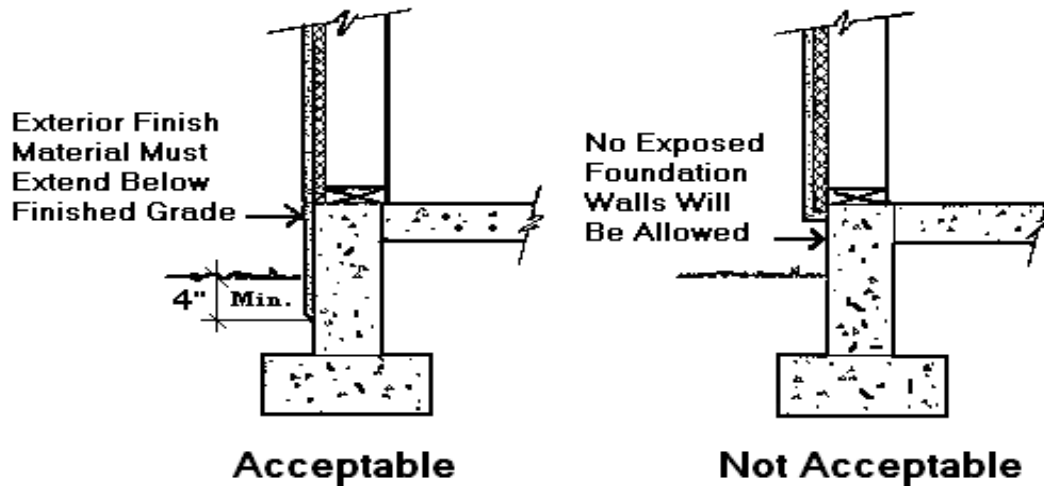
### **7.15 COLORS – HORIZONTAL WALKING SURFACES & EXPOSED TILE**

The color of all exterior materials must be generally subdued, muted desert tones to blend into the colors of the natural desert setting. Colors of the desert are significantly modulated by the different light conditions occurring over the course of the day and during the changing seasons of the year. The intent is to allow those colors to flourish. This can be achieved by utilizing the darker range values of the desert colors. Stone, tile and sealers that are very light colored, highly contrasting or reflective will not be allowed. A sample of the lightest color value allowed for horizontal surfaces is on file at the Design Review Office. Exposed tile on a negative-edge pool must be a dark earth tone color. Samples of horizontal surfaces and tile must be included on the Final Design Submittal color board and on site for review by the Committee within sixty (60) days from the start of construction. Horizontal walking surfaces will be reviewed and approved on a case-by-case basis. Colors leaning toward the yellow, orange, red or blue hues are not allowed.



### 7.16 NO UNFINISHED FOUNDATION WALLS

Exposed unfinished foundation walls are prohibited. Exterior finish materials, including stucco, and stone, on all building walls, site walls and screen walls must be continued down, four inches (4") below the finish grade, thereby eliminating unfinished foundation walls.



### 7.17 EXTERIOR COLUMNS

In keeping with the intent of visual strength in the architectural design, column proportions are critical. Thin columns tend to visually appear weak. Columns must have a minimum dimension of twelve inches (12") in diameter or width in both directions, and have a minimum slenderness ratio of 1 to 8 (i.e., an eight foot (8'-0") tall column must be twelve inches (12") wide and a twelve foot (12'-0") tall column must be eighteen inches (18") wide. The Committee may grant exceptions to this guideline if determined by the Committee to be appropriate to the specific design.

The patterns and spacing of columns must also relate to the design character of the Residence. Arbitrary and random column spacing will not be approved. In addition, the location of columns shall be where visually needed for support. The column design, including base and head treatments, must be consistent throughout the design of the Residence. For example, if the columns are sixteen-inch (16") diameter wood columns on one side of the house, they cannot be sixteen-inch (16") square stucco columns on the other side; and if one column has a reveal detail at the top, the same reveal detail must appear at the top of the remainder of the columns.

### **7.18 STONE/CONCRETE COLUMNS**

In general, columns constructed of stone or precast concrete must meet the LRV requirements of these Guidelines, unless otherwise approved by the Committee. In order to comply with this criteria, stone and precast concrete columns may be stained, but not painted, so as to maintain the subtle color variegation of the material while still complying with the LRV requirements.

### **7.19 EXTERIOR DECORATIVE TRIM AND MOLDING**

In keeping with the desire for authentic materials and forms, all exterior architectural elements including, but not limited to, such elements as moldings, copings, columns, column bases, will be reviewed by the Committee on a case-by-case basis. These trim elements shall be shown conceptually at the Preliminary Submittal, and included on the sample board at the Final Design Submittal. Trim and molding details shall also be included on the sample wall along with all other exterior materials.

### **7.20 EXPOSED WOOD**

As a limited and rare natural resource, the use of wood in the desert Southwest has historically been minimal; therefore, the use of exposed wood is not encouraged. Exposed wood accents, though, are appropriate for select styles of architecture. Wood lintels over windows and openings, exposed viga ends, wood columns and headers, and exposed wood rafter tails all may be deemed appropriate by the Committee. Owners may choose to use glu-laminated beams instead of solid timbers to avoid twisting and cracking, but if so, exposed glu-laminated beams must be architectural grade with rough-sawn finish and they must be sealed with a colored semi-transparent stain and not a clear finish. Unless otherwise approved by the Committee, wood siding, wood shingles or other large expanses of exposed wood are not allowed.

### **7.21 WINDOWS**

In authentic desert architecture, windows have always been deeply recessed and/or shaded to protect the openings from the strong sun and heat. In addition to protection from the sun, the deep window recesses give the appearance of strength to the architecture and dimension to the wall thickness. Therefore, all Residences shall have recessed windows and glazing. Windows that are flush with the surrounding wall plane will not be allowed. Windows should also be located and sized so as to limit heat gain to the Residence's interior and not cause any objectionable glare at any time, day or night. The use of overhangs, deep window opening recesses and other shading devices are encouraged.

In order to cause recessed windows and glazing for all homes, the plane of the glass of all windows must be recessed a minimum of four inches (4") from the

plane of the exterior surrounding wall face. Typically, the larger the size of glass, the greater the recess should be, therefore, windows or window assemblies that are larger than five feet (5'-0") high by six feet (6'-0") wide, including sliding glass doors, will be required to have a greater recess or setback from the surrounding wall plane. "Pop outs" around windows will not be allowed unless, in the opinion of the Committee, the window surround is treated as a mass design element.

Glass block has the same constraints as listed above for windows. Glass block is not allowed in decorative patterns, forms or shapes. Glass block shall be limited to no more than forty (40) surface square feet total, unless otherwise approved by the Committee. Glass block is not allowed in decorative patterns or shapes. Colored or bronze reflective glass block is not allowed.

Colored, mirrored or other highly reflective types of glass are not allowed. Stained glass or patterned colored glass may be allowed in limited areas, if approved by the Committee. If approved by the Committee, stained glass should be limited to areas such as entries or in small windows and should be located so as to not face the street or golf course. Stained glass may not be used in clerestory windows. Stained glass shall be limited to no more than twenty-five (25) surface square feet per location, unless otherwise approved by the Committee.

Windows can also create a contrast problem at night if interior lighting is not properly designed or installed. If clerestory windows are combined with soffit lighting, the lamp must be screened from view from outside, including above, and directed away from the window. The lamps of interior soffit lighting must not be Visible from Neighboring Properties. Soffit and interior lighting that creates "hot spots" when the light reflects off of walls or ceilings should be avoided. Interior lighting may not be directed up into any skylights.

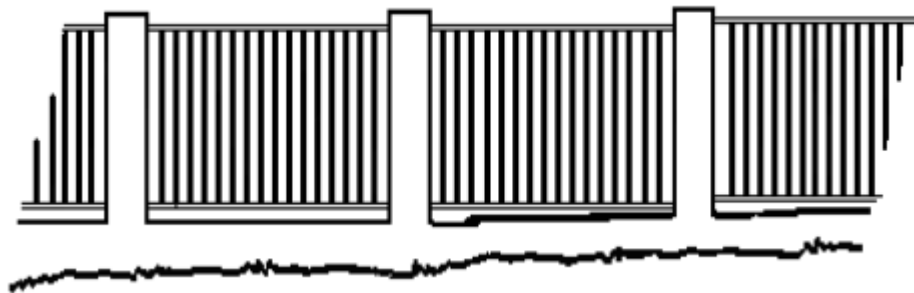
## 7.22 DRIVEWAY MATERIALS

Uncolored smooth concrete may not be used for driveway surfaces. Bomanite concrete, exposed aggregate concrete utilizing integral coloring, colored concrete, decomposed granite, pavers or flagstone are all approved driveway materials, provided that the colors are desert floor earth tones. Feature strips of a different material and special aggregates in exposed concrete will be reviewed on a case-by-case basis. Driveways with slopes in excess of five percent (5%) may not be surfaced with decomposed granite due to erosion and siltation problems. Driveways surfaced with decomposed granite are required to be contained by integral colored concrete ribbon curbs, edging or some other containment treatment to ensure that the driveway area does not expand and creep outward due to lack of visual containment of the driving surface. Decomposed granite used as a driveway surface shall be a maximum size of one-half inch (1/2") or less and shall match the color of the existing native granite specific to the Lot. Rounded pea gravel and crushed rock may not be used as a driveway surface material.

**7.23 SCREEN WALLS - SITE WALLS - ENCLOSURE WALLS - FENCES - RAILINGS**

Screen walls and site walls should be a visual extension of the architectural design of the Residence and should express the same design forms, geometry, massing and character as the Residence. Walls may be used to separate the Private Areas from the rest of the Building Envelope, to provide the required safety enclosure for swimming pools, and to provide screening for parking and service areas. Walls or fences may not be used to delineate property lines or to arbitrarily delineate the Building Envelope; and more specifically, no walls or fences are allowed to follow the property lines or the Building Envelope lines. The materials, forms and colors of any walls and fences must conform to the intent and standards described in these Guidelines. Walls or fences shall be consistent with and/or complementary to the materials, forms and colors of the Residence.

Chain link fences (except as temporary construction fencing), wire-type fences, split-rail fences, other types of wooden fences or walls, and CMU “dooly” walls are not allowed on any Lot. In addition, “view wall” fencing, as illustrated below, is not allowed. Open metal fencing or railings may be allowed, if in the opinion of the Committee, the design is integrated into the overall composition of the architecture and design elements of the Residence and other Improvements. Open metal fencing or railings should be anchored by building or wall masses on either side. Railings for roof decks must meet the requirements of the Unique Exterior Structures Section 7.26 of these Guidelines. Metal fences and railings that randomly step up and down, as illustrated, are not allowed.

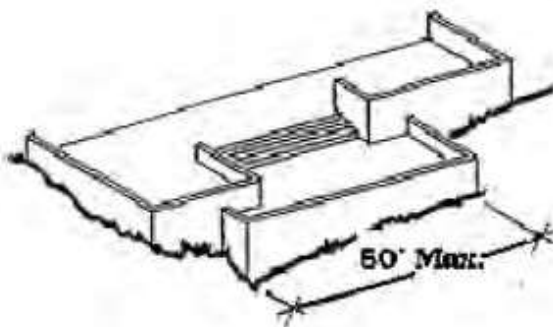


**View Wall Fencing – Not Acceptable**



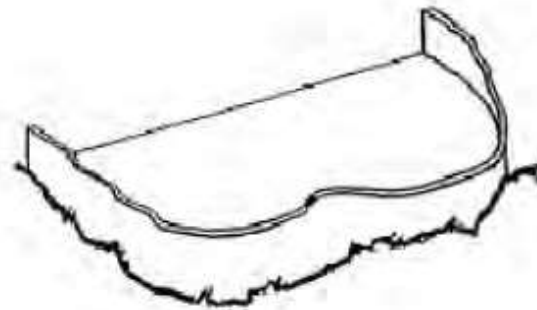
### Stepped Fences – Not Acceptable

In addition to conforming to the forms, geometry and massing of the Residence, site walls and fences may not exceed fifty feet (50'-0") horizontally in an unbroken or continuous plane or surface, unless otherwise approved by the Committee. Horizontal and vertical stepping of walls and fences is encouraged with careful attention to the engagement of masses, the articulation of overlapping planes, and the stepping of wall heights. The drawing below illustrates the intent of this guideline.



#### Acceptable Site Wall / Fences:

- Engaged Masses
- Relates to Forms of House



#### Unacceptable Site Wall / Fences:

- No Massing
- Not Integrated into Design of Home
- Arbitrary Shape

## 7.24 SERVICE AND EQUIPMENT ENCLOSURES

All above-ground garbage and trash containers, clotheslines, mechanical equipment, pool equipment and other outdoor maintenance and service facilities must be completely screened by walls and gates, at least twelve inches (12") higher than the equipment, from Adjacent Lots, streets or other Common Areas. Gates or a "maze" entry that provides complete screening shall be required around all mechanical and pool equipment enclosures.

## 7.25 GARAGES

Every effort should be made to minimize the impact of the garage and garage door(s). Careful siting and driveway orientation can ensure that a garage is recessed from view from the street and Adjacent Lots. In an effort to minimize garage impact, no more than three (3) garage stalls (i.e., three (3) single doors or one (1) single and one (1) double door) will be allowed adjacent to each other in a continuous plane. Two (2) double garage doors may be placed adjacent to each other if they are offset by a minimum of six feet (6'-0") horizontally and they do not face the street. If additional garage space is needed, it must be separated from the other garage location in an effort to avoid a long uninterrupted row of garage bays. The appearance of the garage door must blend with the home design. Glass garage doors or garage doors with glass windows must be opaque and not transparent or translucent. Ornate garage doors are strongly discouraged. The face of garage doors must be recessed a minimum of eighteen inches (18") from the adjacent wall plane, unless otherwise approved by the Committee.

Oversized garage doors, defined as garage doors taller than eight feet (8'-0") or wider than eighteen feet (18'-0"), including those needed for recreational type vehicles, and shall not be allowed on any Residence, unless otherwise approved by the Committee.

## 7.26 UNIQUE EXTERIOR FEATURES

Unique exterior features including, but not limited to, entry arches, decorative gates, glass patterns, railings, stairs, roof decks, enclosures, shade structures, Ramada's, fountains, gazebos, cabanas, exterior fireplaces and the like must be designed as an integral part of the Residence. Requests for approval of unique exterior features should include detailed design information such as sketches, cut sheets, photographs, etc., as a part of the Preliminary Design Submittal and the Final Design Submittal for approval by the Committee.

Specific restrictions:

- (a) All exterior stairs shall be harmoniously integrated into the design of a Residence and other Improvements. Exterior stairs, including the stringer

and the space below the stairs, shall be enclosed within a solid wall / guardrail that is at least 30" above the nose of the stair treads, unless otherwise approved by the Committee. The Committee may allow the use of exposed wrought iron guardrails on exterior stairs when deemed by the Committee to be appropriate for the architectural character of the home. Exterior spiral stairs, ornamental circular stairs, pre-fabricated metal stairs, ladder-type stairs, open stair risers, and other similar decorative stairs must be fully screened with a solid wall so they are not visible from Neighboring Property.

- (b) Outdoor fireplaces, fire pits, fire pots, or any other similar fire feature, shall be gas-fueled only, per City of Scottsdale Ordinance and concern of fire danger. Fire features, including firewalls, must be an integral part of the main house patio and enclosed within a barrier. All fire features of any nature will be reviewed on an individual basis.
- (c) Fountains or water displays shall be limited in height to no higher than five feet (5'-0") above the grade at which they are located, and must be screened so they are not visible from Neighboring Properties.
- (d) Exterior artwork and sculpture shall be limited in height to no higher than ten feet (10'-0") above adjacent finished grade or floor level, including any stands, pedestals or bases. Exterior artwork and sculpture will only be allowed within the Private Area of the Lot and must conform to the color standards of these Guidelines. The Committee reserves the right to not approve any exterior artwork or sculpture that it deems inappropriate for reasons of subject matter, height, color, size, reflectivity or proposed location. Exterior artwork may not be illuminated by light fixtures aimed at the artwork, or specifically intended to illuminate the artwork.
- (e) Dog runs, pet enclosures and similar structures shall be designed as integral elements to the Residence. Fencing or wire-type mesh must be framed or encased in architectural elements that tie with the architectural character of the Residence, as deemed appropriate in the sole discretion of the Committee.
- (f) Open or transparent railings shall not be allowed on roof decks, unless otherwise approved by the Committee. The railings around roof decks, if any, must be integrally designed into the overall composition of the Residence and not give the appearance of a roof deck on "top" of the house. This requirement will typically result in a roof deck railing having the appearance of a parapet.

## **7.27 GUESTHOUSES AND ACCESSORY BUILDINGS**

Such structures, where permitted, must be designed as a single visual element with the Residence and should be visually related to it by walls, courtyards or major landscape elements. A freestanding Guesthouse may not exceed one thousand two hundred (1,200) square feet, unless otherwise approved by the Committee, and it must comply with applicable City zoning regulations. A freestanding Guesthouse or accessory building can be constructed, with approval from the Committee, provided all Improvements fall within the Building Envelope, meet the requirements of these Guidelines and meet Village Supplemental Guidelines (See Sections 11.20, 12.17, 15.12). No Guesthouse or Guest Suite may be leased or rented, separate and apart from the ownership, lease, or rental of the main Residence.

## **7.28 ANTENNAE AND SATELLITE DISHES**

Roof mounted antennae, satellite dishes or Direct Digital Satellite (DDS) antennae must be installed in the least visible location possible as viewed from neighboring properties. It is recommended that satellite dishes be painted to match the adjacent surface to which it is attached.

## **7.29 MECHANICAL DEVICES**

Any mechanical devices and all projections (i.e., conduits, alarm boxes, camera housing, fans, speakers, etc.) must be treated to match the color of the adjacent surface.

## **7.30 SKYLIGHTS, INCLUDING SOLA TUBES**

Skylights can add natural light to interior spaces of a home, but they can also cause problematic light discharge and reflection from roofs. Therefore, a maximum of eight (8) skylights and/or a maximum of forty (40) square feet of total area of skylights, whichever is more restrictive, may be permitted on any Residence. Skylights and sola tubes must be surrounded by parapets, and the parapets must be at least twelve inches (12") above the highest point of any skylight or sola tube. The skylights and sola tubes must be placed in such a manner as to maximize the screening effect of the parapets from views from Adjacent Lots, streets and other Common Areas. Skylights and sola tubes must be either tinted bronze or grey. White or clear skylights or sola tubes will not be allowed. Skylights or sola tubes should be the low-profile type and should be located as to minimize their visibility from other Lots, particularly those located at a higher elevation, and they should not cause any objectionable glare or reflections. Skylights and sola tubes are not allowed on pitched roofs or on flat roofs that are not surrounded by a parapet. Up-lighting in skylights is not allowed.



A note must be placed by the Architect on the roof plan or other applicable plan in the final construction drawings indicating that parapets must be a minimum of twelve inches (12") above the highest point of any skylight.

### **7.31 SOLAR APPLICATIONS**

Passive solar applications, or the orientation and design of the Residence for maximum winter sun gain, will reduce the winter heating needs, and is encouraged. Active solar collectors can cause excessive glare and reflection, and can only be approved if they are integrated into the structures or landscaping on a Lot. As with all design elements of a Residence or other Improvements, solar collectors must be integrally designed and aesthetically pleasing and must meet all other provisions of the Guidelines.

### **7.32 SOLAR ENERGY DEVICES**

Solar Energy Devices are defined by Arizona State Law A.R.S. § 44-1761 as “[a] system or series of mechanisms designed primarily to provide heating, to provide cooling, to produce electrical power, to produce mechanical power, to provide solar day lighting or to provide any combination of the foregoing by means of collecting and transferring solar generated energy into such uses either by active or passive means. Such systems may also have the capability of storing such energy for future utilization. Passive systems shall clearly be designed as a solar energy device such as a trombe wall and not merely a part of a normal structure such as a window.” If A.R.S. § 44-1761 is amended to change this definition, then this Section shall be deemed to be amended to conform to the amended definition in that statute.

The following provisions apply to the placement of a Solar Energy Device:

- (a) A Solar Energy Device that is not installed on a roof must be placed in the back yard and must be screened as much as possible to limit its visibility from other Property.
- (b) A Solar Energy Device installed on a roof must be located in a way to limit its visibility from other Property as much as possible.

Such Solar Energy Devices must comply with the above regulations, to the extent that they do not impair the functioning of the device, or adversely affect the cost or efficiency of the device.

For all such solar installations, any externally visible equipment or cable connecting the device to other equipment (e.g. a power source) must be fully encased in a chase located in an interior corner of the building which is treated to

match the external surface to which it abuts. Further, any such connecting equipment or cable cannot run over any visible parapets, but must run through them. The purpose of this guideline is to minimize any negative external appearance through the installation of the solar device.

### **7.33 AWNINGS, EXTERIOR SUNSHADES, SHADING DEVICES**

The use or addition of fabric-type awnings, exterior sunshades or other shading devices that do not appear integrated into the design of a Residence is strongly discouraged and can only be allowed if, in the opinion of the Committee, the element is integrally designed into the character of the Improvements, and it does not have a negative impact on the overall visual harmony of the Village. Sun control and shading demands should be analyzed with the initial concepts and designed as an integrated part of the Residence through the use of correct solar orientation, i.e. broad roof overhangs, shading masses and deeply recessed windows. In general, the attachment of shading devices to the Residence is not considered an integrated solution.

### **7.34 PATIOS AND COURTYARDS**

Patios and courtyards should be designed as an integral part of the Residence so they can be shaded and protected from the sun by roofs and building masses. These open areas can take advantage of natural air flows to produce cooler temperatures. By orienting these outdoor spaces inward, disturbance of the desert will be minimized. Outdoor fire pits, firepots and outdoor fireplaces must be gas-burning only due to concerns about fire danger and City of Scottsdale Ordinances. Wood-burning outdoor fire pits, firepots or outdoor fireplaces will not be allowed.

### **7.35 PATIO AND COURTYARD FURNITURE**

In order to maintain the visual integrity of Desert Mountain, all patio and courtyard furniture, including umbrellas, must meet the intent of Section 7.14 regarding colors.

White or brightly colored-patio and courtyard furniture and accessories visible from neighboring properties, golf courses or Common Areas will not be allowed. These standards shall also apply to patio or exterior furniture on rooftop decks. Umbrellas will not be allowed on roof decks.

### **7.36 PROHIBITED REFLECTIVE FINISHES**

Highly reflective finishes on any exterior surface, including exterior artwork and sculpture, except glass that is not mirrored or opaque and door hardware, is prohibited.

### 7.37 BUILDING PROJECTIONS

All projections from a building, including, but not limited to, chimney caps, vents, gutters, scuppers, downspouts, utility boxes, utility meters, porches, fencing, railings and exterior stairways, shall match the color of the surface from which they project or be an appropriate accent color, unless otherwise approved by the Committee. All building projections must be contained within the Building Envelope.

### 7.38 STORAGE TANKS

All fuel tanks, water tanks or similar storage facilities shall be shielded from view from Adjacent Lots, streets or other Common Areas by walls or structures, or shall be located underground with all visible projections screened from view from Adjacent Lots, streets or other Common Areas.

### 7.39 INDIVIDUAL PRESSURE SEWER SYSTEMS

Individual pressure sewer systems, also known as “grinder pumps”, are required for specific Lots (**reference Supplements**). These systems, including any pressure service lines, must be located within the Building Envelope. The lid or cover of the pump housing may not be higher than twelve inches (12”) above the finished grade and must be painted a color such as a desert brown that blends with the natural environment. Audible or visible alarms must be located within the garage or be completely screened within site walls (such as within site walls used to screen mechanical equipment).

### 7.40 SIGNAGE

With the exception of for sale signs, all security, pool, construction, financing, and other similar signs utilized for advertising or otherwise are prohibited. The only exceptions are the identification devices described in Section 6.24, the temporary construction sign described in Section 9.27, or other signs allowed by the Master Declaration or the Master Association.

### 7.41 FLAGPOLES (Arizona State law A.R.S. § 33-1808)

In addition to the American flag, only the displays of the following flags are allowed:

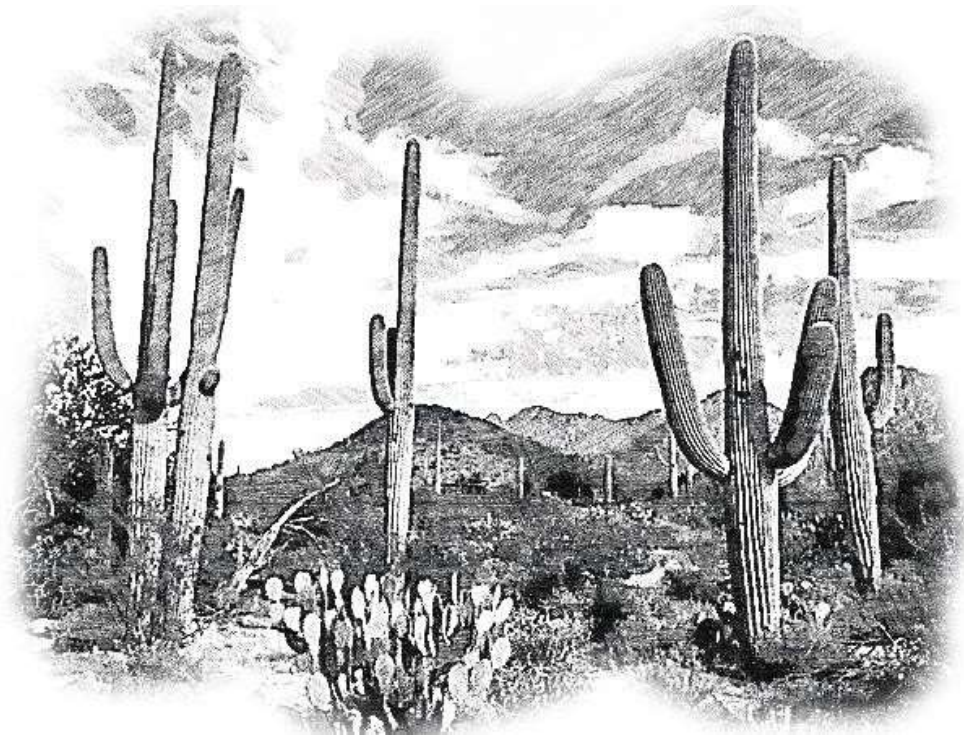
- U.S. Army
- U.S. Navy
- U.S. Air Force
- U.S. Marine Corps
- U.S. Coast Guard
- POW/MIA
- Arizona
- An Arizona Indian Nation flag

The following requirements must be met:

- A 3' X 5' (maximum size) flag may be hung from a 6' pole bracket mounted at an angle, suspended from a roof overhang.
- Freestanding flagpoles must be mounted on the ground and may not exceed the overall height of the Residence.
- Freestanding flagpoles may not be mounted on roofs or roof decks.
- The location of ground mounted freestanding flagpoles requires the review and approval of the Committee.
- Flags on freestanding poles may be no larger than 3' X 5'.
- Poles must be painted to match the house.
- Flags hung on a structure of landscaping are not allowed.
- Lighting is not allowed on flags regardless of their locations.
- Halyards on flagpoles may not cause a noise nuisance of any kind.

#### **7.42 RADON GAS PROTECTION**

The Committee recommends that each individual Lot be tested by a competent professional for the presence of radon gas. If a determination is made that a radon gas protection system is needed, the design professional should be made aware of this and include it in the design of the Residence.



# LANDSCAPE DESIGN GUIDELINES

Approved by the DMMA BOARD - February 24, 2020

November 25, 2019

### **To the DMMA Board of Directors:**

The Desert Mountain Master Design Committee is forwarding the revised and updated Desert Mountain **Landscape Design Guidelines** to the DMMA Board of Directors for approval.

#### **Notes:**

- The Landscape Design Guidelines have not been fully scrubbed and updated since approximately 1995. Therefore, it has been about 25 years since the last major set of updates.
- The Design Review Committee has focused first on updating the Landscape Design Guidelines for several reasons:
  - The existing Landscape Design Guidelines were not as clear as other sections of the Design Guidelines. This section of the existing Design Guidelines needed the most attention.
  - Some of the most difficult design challenges encountered by the Design Review Committee have been in regard to landscape design.
  - Over the last 25 years, the Committee has adopted several design policies and interpretations that need to be incorporated into the Landscape Design Guidelines.
- In general, the primary objective of the update to the Landscape Design Guidelines was to add **clarity**. The goal was not to make the landscape design criteria more restrictive, but instead to make the original landscape criteria clearer and easier to understand and implement.
- The original landscape philosophy that was created at the inception of Desert Mountain is still the foundation of the updated Landscape Design Guidelines.

#### **Improvements to the Landscape Design Guidelines:**

- A better formatting and numbering system that will make communication of design criteria easier.
- Greater clarity and explanation.
- The addition of additional illustrations and drawings to communicate key design criteria.
- The addition of "Hints" and "Reminders" to draw attention to key design criteria.
- Added cross references to guide users to other applicable sections of Design Guidelines.
- Updated Plant Lists to reflect new plants species; as well as to avoid new invasive species.

With the Board's approval, the Design Review Committee would like to make the updated **Landscape Design Guidelines** effective January 1, 2020.

The Desert Mountain Master Design Committee respectfully requests approval of the updated **Landscape Design Guidelines** by the DMMA Board of Directors.

Please let us know if you have any questions.

The Desert Mountain Master Design Committee  
and JT Elbracht, Design Review Consultant

**SECTION 8 – LANDSCAPE DESIGN GUIDELINES****INDEX:**

- 8.1. Introduction to the Landscape Design Guidelines.
- 8.2. Landscape Design Philosophy.
- 8.3. Residential Landscape Zones.
- 8.4. Native Zone.
- 8.5. Revegetation Zone.
- 8.6. Enhanced Zone.
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- 8.8. Private Zone.
- 8.9. NAOS - Natural Area Open Space Easement - Landscape Requirements.
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- 8.11. Protected Plants.
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- 8.13. Saguaro Cacti.
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- 8.38. Landscape Violations / Unapproved Landscape Modifications.
- 8.39. Landscape Violations Revegetation Restoration.
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- 8.41. Minor Landscape Modifications in the Private Zone.
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### 8.1. INTRODUCTION TO THE LANDSCAPE DESIGN GUIDELINES.

The goal of these Landscape Design Guidelines is to ensure that developed areas of the Lot harmonize and blend with the natural environment, instead of dominating it. This sensitive approach to landscaping will help protect and preserve the existing desert character as well as to enhance the wildlife and flora that contribute to the unique experience of living within a desert environment.

Desert Mountain is located in the most spectacular part of the Upper Sonoran Desert. The natural landscape and environment at Desert Mountain provides one of the greatest assets to the community; therefore, the preservation and retention of the natural desert is paramount to the landscape design philosophy at Desert Mountain.

**The primary landscape objective at Desert Mountain is to respect and preserve the natural desert to the greatest extent possible; and to blend quietly and seamlessly into the natural environment.**

The indigenous plants found at Desert Mountain are abundant in regard to the number of species and the variety of unusual forms they have to offer. Native trees provide shade and appropriate scale to the built environment. Native cacti, yucca and agave provide sculptural elements and interesting texture to a landscape. Native shrubs not only provide screening and stabilization of the desert floor, but provide cover for birds and other wildlife. Added benefits to the use of indigenous landscaping is decreased maintenance and less water use, as these plant materials are already naturally adapted to the dry desert climate.

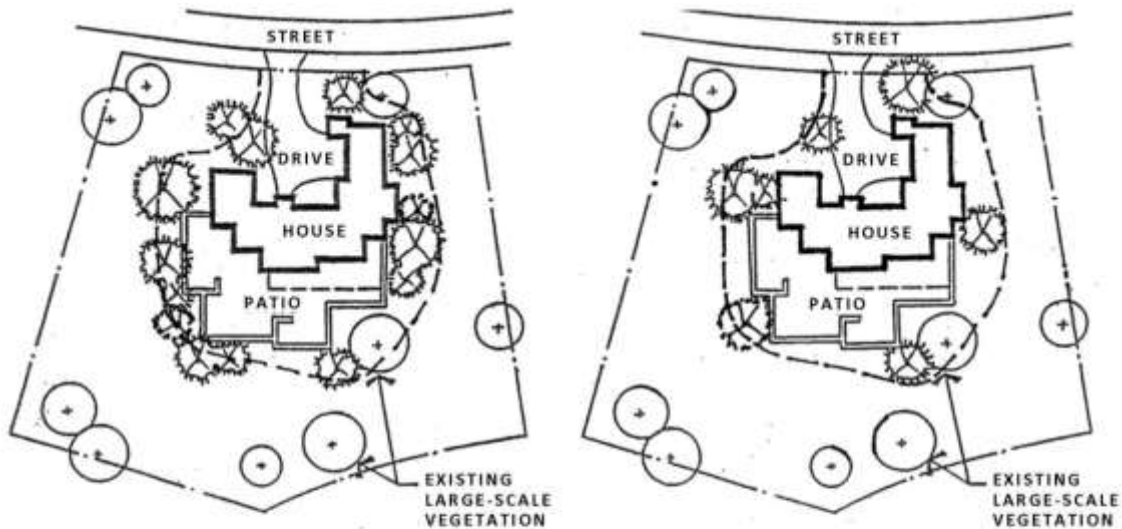
The existing vegetation found on the Lots within Desert Mountain varies greatly, although it is predominantly characterized by two microclimatic vegetation groups: wash corridor vegetation and upper elevation vegetation. Vegetation is typically denser within wash corridor areas and species selection is greater than on the upper slopes. Like the architecture of each Residence, the landscape should be tailored to fit the unique features found on each Lot. The Revegetation Zone landscaping may vary from Lot to Lot in regard to palette and plant densities in order to respond more specifically to the microclimate of the area. A good method for developing an appropriate landscape palette within the Revegetation Zone is to record the plant species and densities of the existing vegetation prior to disturbance of the Lot.

The landscape is considered an integral part of the architecture and should be a factor in the initial site planning process. The Native Zone surrounding each building site provides an instant “mature” landscape setting for the home. Orientation of interior spaces should take into consideration this protected landscape when orienting and framing views. Likewise, the addition and placement of landscape materials used to restore the Revegetation Zone and to enhance the Private Zone should be carefully considered. Plants provide another dimension to the architecture and are useful for augmenting and/or solving architectural or harsh environmental conditions. For example, trees can enhance a view by creating a soft framework for viewing. Trees and plants can mitigate extreme climatic conditions. Deciduous trees placed beyond a south or west-facing walls will provide shade and natural cooling in the summer and will allow the sun to penetrate in the winter.



Within Desert Mountain, the natural landscape in certain areas is sparse when compared to other areas; therefore, care must be taken on these sparsely vegetated Lots so as not to over-landscape around the Residence. This would result in the appearance of an oasis on the side of the slopes that would look unnatural and out of character with the natural environment. The density of the landscape on these highly visible home sites should transition from the house to the Native Zone in patterns that are typically formed by the native plants, similar to the sketch shown below.

### LANDSCAPE DIAGRAM #8A



#### NOT ACCEPTABLE

- Do not "surround" the house with too much additional significant vegetation.
- Do not create an "oasis" landscape character around the house.

#### ACCEPTABLE

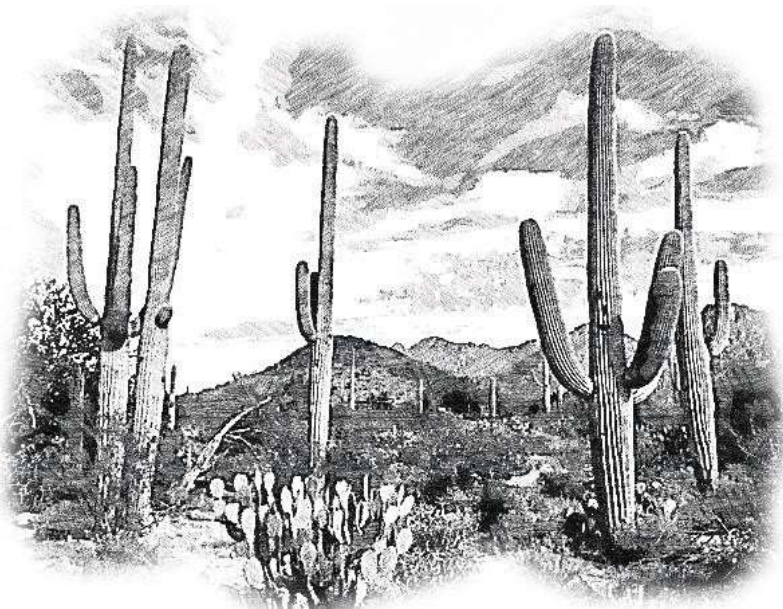
- Transition additional large-scale vegetation to blend with existing vegetation.
- The location of additional large-scale vegetation shall appear natural and shall repeat the typical patterns of the undisturbed desert landscaping.

More information is available on native desert plants through several good sources in the area, including the Desert Botanical Garden, the Arizona Municipal Water Users Association, or you may contact a landscape architect or landscape designer with knowledge of native plants that perform well for the specific environmental and climatic conditions of Desert Mountain.

**8.2. LANDSCAPE DESIGN PHILOSOPHY.**

Desert Mountain is located in the most spectacular part of the Upper Sonoran Desert. The natural desert landscaping at Desert Mountain is studded with stately Saguaro cacti; large shaded Mesquite and Palo Verde trees; and a full-coverage of native vegetation; which creates a beautiful natural landscape palette. Some of the key objectives in regard to the landscape design at Desert Mountain include:

- a) Quietly blend all proposed improvements into the natural desert landscape.
- b) Preserve and protect the natural desert landscape to the greatest extent possible.
- c) Minimize the disturbance to the natural desert landscape to the greatest extent possible.
- d) Restore landscape areas around the perimeter of the home and site walls to match the appearance and character of natural undisturbed desert landscape.
- e) Use indigenous plant species to the greatest extent possible.
- f) Maintain the landscape around the perimeter of the home and site walls in such a manner as to match the appearance of the natural undisturbed desert landscape.

**Developer-Built Homes**

For villages of Developer-Built Homes, refer to the Supplemental Design Guidelines for additional and unique landscape design criteria for these specific neighborhoods.

**8.3. RESIDENTIAL LANDSCAPE ZONES.**

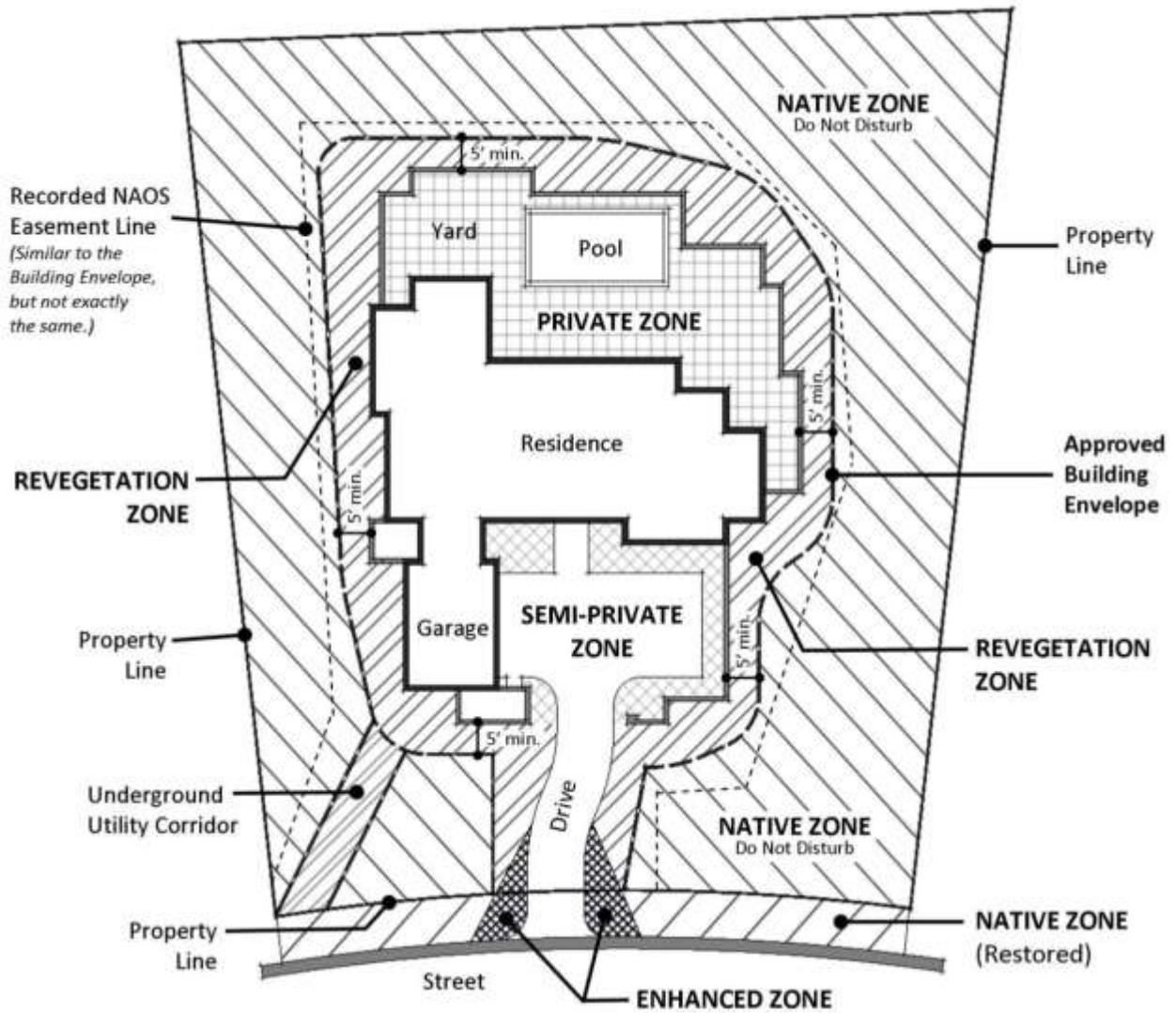
Within each Lot there are specific Residential Landscape Zones that relate to different design requirements, criteria, and restrictions for landscape design, installation and maintenance.







- a) **Native Zone** (see Section 8.4.)
- b) **Revegetation Zone** (see Section 8.5.)
- c) **Enhanced Zone** (see Section 8.6.)
- d) **Semi-Private Zone** (see Section 8.7.)
- e) **Private Zone** (see Section 8.8.)

The location of each Residential Landscape Zone for a typical custom lot is generally illustrated on the following drawing.

- For Villages of Developer-Built Homes, refer to the Supplemental Design Guidelines for further explanation of the Landscape Zones for each particular Village of Developer-Built Homes.

**LANDSCAPE ZONE DIAGRAM #8B**  
For a Typical Custom Lot



	<b>NATIVE ZONE</b> (Section 8.4)		<b>ENHANCED ZONE</b> (Section 8.6)
	<b>NATIVE ZONE</b> (Restored)		<b>SEMI-PRIVATE ZONE</b> (Section 8.7)
	<b>REVEGETATION ZONE</b> (Section 8.5)		<b>PRIVATE ZONE</b> (Section 8.8)

**8.4. NATIVE ZONE.** (*Reference Diagram #8B for location*)

- a) The Native Zone is that portion of the Lot that is located outside of the established Building Envelope, as illustrated on Diagram #8B above.
- b) The Native Zone is similar to the NAOS Easement area, but not exactly the same. Refer to Section 8.9 of these Design Guidelines for a detailed explanation of the NAOS Easement.
- c) The Native Zone shall be undisturbed and untouched natural desert. No disturbance of any type is allowed in the Native Zone unless otherwise specifically allowed under provisions covered in these Design Guidelines or specifically allowed by the Committee and the City of Scottsdale. This natural desert area in the Native Zone shall be left in its natural and undisturbed state.
- d) No landscape lighting is allowed in the Native Zone.
- e) No grading is allowed in the Native Zone.
- f) No irrigation is allowed in the Native Zone, unless specifically allowed by the DRC.
- g) No imported landscape gravel or imported decomposed granite is allowed in the Native Zone. The mineral ground cover in the Native Zone shall be natural undisturbed soil.
- h) Landscape Maintenance is not necessary in the Native Zone. This area has naturally sustained itself for decades and centuries without man-made care. Landscape Maintenance in the Native Zone is very restricted as outlined in Section 8.33 of the Design Guidelines.
- i) On a case-by-case basis, the Committee may allow, at its discretion, the addition of indigenous plant species within the Native Zone and/or NAOS Easement in order to fill in bare areas and sparse areas; and/or to restore unintended damage within the Native Zone. If approved by the Committee, only indigenous plants from the *List of Approved Indigenous Plants* in Appendix X.1 of the Design Guidelines will be allowed within the Native Zone or within the NAOS Easement.
- j) Any landscaping that is added to those portions of the Native Zone that are subject to the recorded NAOS Easement will also require the written approval of the City of Scottsdale, since the City is the beneficiary of the NAOS Easement. The Applicant will be responsible to obtain approval from **both** the Committee and the City for any landscape modifications within those portions of the Native Zone that are also part of the NAOS Easement.
- Refer to Section 5 for "*Building Envelope*".
  - Refer to Section 6 and Section 8.9 for "*NAOS Easement*".
  - Refer to Section 8.21 for "*Temporary Utility Construction Corridor*".
  - Refer to Section 8.33 for "*Landscape Maintenance*".

**REMINDER:**

*No disturbance of any type is allowed in the Native Zone.*

**HINT:**

*An Application Form for NAOS Enhancement / Restoration is available on the City of Scottsdale's website or at the Design Review Office.*

**CLARIFICATION:**

*Although the **Native Zone** is **similar** to the **NAOS Easement**, it is not exactly the same.*

- *The Native Zone is defined by the Building Envelope.*
- *The Natural Area Open Space (NAOS) is defined by the NAOS Easement.*

*These are separate and different lines that are often, but not always, in similar locations. Refer to Section 8.8 of these Design Guidelines for an explanation of the NAOS Easement.*

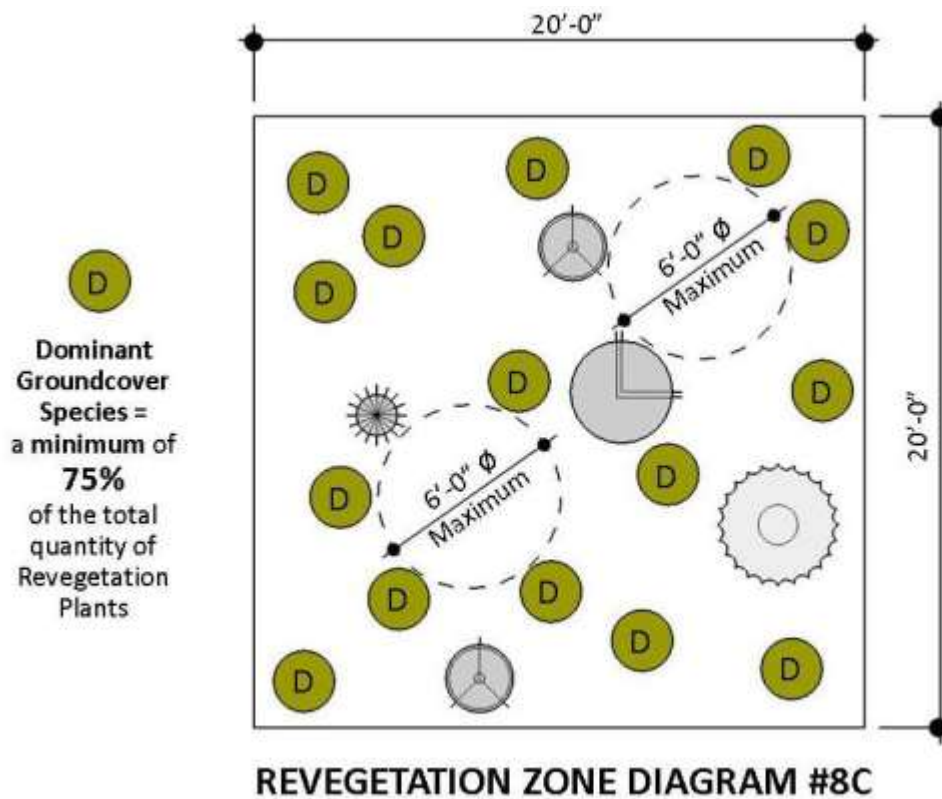
**8.5. REVEGETATION ZONE.** *(Reference Diagram #8B for location)*

- a) The Revegetation Zone is that portion of the Lot that is located outside of the perimeter footprint of the home and site walls but inside the limits of the established Building Envelope; as illustrated on Diagram #8B above.
- b) The goal and intent of the Revegetation Zone is to restore any areas disturbed by construction, construction access, and/or grading to a natural appearance, such that upon maturity of the native plant material, the Revegetation Zone matches the appearance and character of the adjacent natural desert and appears as though the desert landscape around the home and site walls was never disturbed.
  - Refer to Section 5 for "*Building Envelope*".
  - Refer to Section 8.33 for "*Landscape Maintenance*".
  - Refer to Appendix "X.1" for "*List of Approved Indigenous Plants*".

**REMINDER:**

*The objective of the Revegetation Zone is to seamlessly restore the appearance of the natural desert to all areas disturbed by construction.*

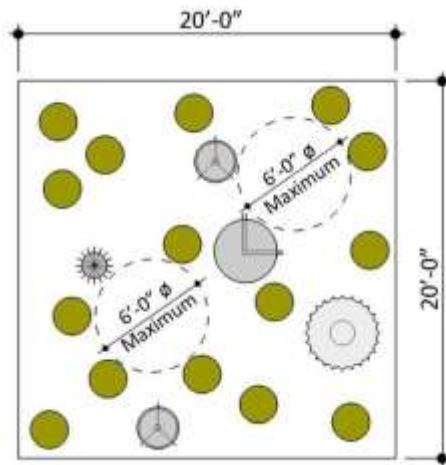




**Key Design Criteria for the Revegetation Zone:**

*(Refer to Section 8.5 of the Design Guidelines for further explanation and additional design criteria.)*

- **Plant Density and Size:**
  - A minimum of 1 plant per square foot. *(Section 8.5.1(a) of the Design Guidelines)*
  - This means approximately 1 plant for every 4½' x 4½' square area; or 20 plants for a revegetation area that is 20' x 20'.
  - All revegetation plants shall be one-gallon in size (minimum). *(Section 8.5.2(c) of the Design Guidelines)*
- **Plant Arrangement:**
  - Plants shall be arranged in random, organic, and natural patterns. *(Section 8.5.1(e))*
  - Plants shall be relatively evenly distributed so that no bare area larger than a 6'-0" diameter circle exists between plants. *(Section 8.5.1(c) of the Design Guidelines)*
- **Plant Species:**
  - Only use Indigenous Plant Species selected from the **List of Approved Indigenous Plants** in Appendix X.1 of the Design Guidelines. *(Section 8.5.2 of the Design Guidelines)*
  - Non-indigenous plant species are **NOT** allowed in the Revegetation Zone. *(Section 8.5.2(b))*
- **Dominant Groundcover Species:**
  - At least 75% of the total quantity of plants in the Revegetation Zone shall be the natural Dominant Groundcover Species as in the adjacent natural desert. *(Section 8.5.2(d) of the Design Guidelines)*
- **Mineral Ground Cover:**
  - Only use Native Soil in the Revegetation Zone that matches the natural desert floor.
  - Imported or screened decomposed granite or landscape gravel is **NOT** allowed in the Revegetation Zone. *(Section 8.5.7 and Section 8.24 of the Design Guidelines)*



### The 20/20/20 Rule of Thumb

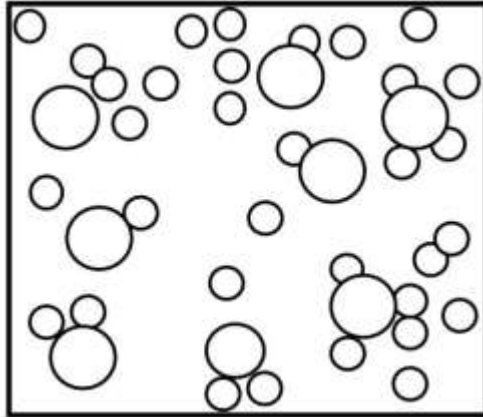
An easy way to remember how many plants are necessary in the Revegetation Zone is the 20/20/20 Rule of Thumb.

20 indigenous plants  
for every 20' x 20' of revegetation area.

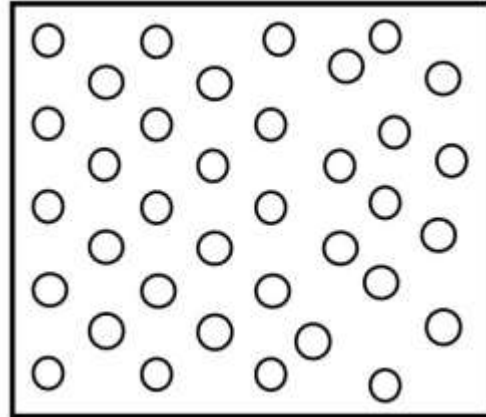
#### 8.5.1. Revegetation Zone: Revegetation Plant Density and Layout.

- a) Within the Revegetation Zone, the desert groundcover (bushes and shrubs) must be revegetated using a minimum of fifty (50) plants per one thousand (1,000) square feet; or one (1) plant per square foot. To help visualize this requirement, this means approximately one (1) plant for every 4½'x4½' area; or twenty (20) plants per 20'x20' area. *(Refer to the Revegetation Zone Diagram #8C for further explanation.)*
- b) Revegetation plant material shall be planted in a density and arrangement that is similar to the adjacent undisturbed natural desert.
- c) Revegetation plants shall be relatively evenly distributed with no bare area larger than a six foot (6'-0") diameter circle between plants. *(Refer to the Revegetation Zone Diagram #8C for further explanation.)*
- d) Revegetation plants shall be placed in natural formations that replicate the adjacent undisturbed desert. Natural clustering and distribution patterns should be replicated. The goal of all revegetation planting should be to match the appearance of the adjacent undisturbed desert. Refer to the following illustrations for further explanation.
- e) Revegetation plants shall be placed in a natural and organic patterns to match the appearance of the natural desert, as generally shown in Diagram #8D below. Revegetation plants shall not be arranged in a formal or geometric patterns and shall not be "lined up" or placed in rows.
- f) Landscape areas adjacent to the street that are bare, sparse, or disturbed by construction shall be revegetated in accordance with Section 8.5 of these Design Guidelines, including pre-existing conditions.
- g) Revegetation plants that die or are destroyed by wildlife shall be replaced with like plants and like sizes. The Committee recommends that Owners require their Contractor or landscape contractor to provide a minimum ninety (90) day warranty on all new plant materials that are installed. The temporary use of small wire baskets over newly installed plants for the first 2 to 4 weeks are allowed in an attempt to protect the plants from the wildlife.

## LANDSCAPE DIAGRAM #8D



**YES:** A mixture of plant types and sizes randomly placed in natural patterns.



**NO:** All plants of the same size and species that are aligned in rows or diagonally.

### 8.5.2. Revegetation Zone: Revegetation Plant Species, Plant Size, Plant Mix and Plant Ratios.

- a) Landscaping in the Revegetation Zone must include only **Indigenous** Plant Species specifically identified on the *List of Approved Indigenous Plants* in Appendix X.1 of the Design Guidelines. Keep in mind that although some plants may appear to be native to the desert; **not all desert plants are indigenous to Desert Mountain.**
- b) Non-indigenous plant species are NOT allowed in the Revegetation Zone.
- c) The minimum plant size for revegetation planting shall be one-gallon in size at the time of initial installation.
- d) As exists in nature, the species of plant material in the Revegetation Zone shall consist of a minimum of seventy-five percent (75%) of the total quantity plants as the Dominant Groundcover Species (as explained in more detail below) and the remaining twenty-five percent (25%) or less as miscellaneous shrubs, bushes, groundcovers, and cacti that are indigenous plants and on the *List of Approved Indigenous Plants* in Appendix X.1 of the Design Guidelines. An assortment of too many types of plants will result in an unnatural appearance.
- e) The Dominant Groundcover Species that occur in nature vary within different areas of Desert Mountain. In general, there are four (4) Dominant Groundcover Species categories:
  - **Turpentine Dominant Groundcover Species** (*by far the most common*)
  - **Bursage Dominant Groundcover Species** (*usually in the southernmost neighborhoods*)
  - **Desert Buckwheat Dominant Groundcover Species**
  - **Jojoba Dominant Groundcover Species** (*usually in the northern portions of Saguaro Forest and Cintarosa*)

**REMINDER:**  
A minimum of 75% of the total quantity of plants in the Revegetation Zone shall be the **Dominant Groundcover Species** found in the adjacent natural desert. The idea is to restore the natural desert.



- f) The Revegetation Plant Mixes and Ratios listed below in Landscape Table #8E should be selected based on the Dominant Groundcover Species that naturally exists on the Lot. This mix should then be adjusted based on the plant species and density of the immediate adjacent undisturbed desert in order to better blend seamlessly with the natural environment.
- g) The following is the recommended quantity of one-gallon plants per 1,000 square feet of landscape area in the Revegetation Zone, depending upon the natural Dominant Groundcover Species of the adjacent natural desert. When used in conjunction with specimen indigenous trees, cacti and large shrubs, as well as with a Revegetation Seed Mix, this plant palette should create a Revegetation Zone that is natural in appearance upon maturity.

**LANDSCAPE TABLE #8E**

<b>RECOMMENDED REVEGETATION PLANT MIX</b> (50 plants per 1000 square feet / 1 plant per 20 square feet)					
<i>Botanical Name</i>	<i>Common Name</i>	<i>Turpentine Dominant</i>	<i>Bursage Dominant</i>	<i>Buckwheat Dominant</i>	<i>Jojoba Dominant</i>
<i>Ericameria laricifolia</i>	Turpentine Bush *	<b>26.0</b>	4.0	4.0	10.0
<i>Ambrosia deltoidea</i>	Bursage *	4.0	<b>26.0</b>	10.0	4.0
<i>Eriogonum fasciculatum</i>	Desert Buckwheat *	4.0	4.0	<b>20.0</b>	3.0
<i>Simmondsia chinensis</i>	Jojoba *	3.0	3.0	3.0	<b>20.0</b>
<i>Yucca baccata</i>	Banana Yucca	4.0	4.0	4.0	4.0
<i>Acacia greggii</i>	Catclaw Acacia	2.5	2.5	2.5	2.5
<i>Cylindropuntia bigelovii</i>	Teddy Bear Cholla	2.5	2.5	2.5	2.5
<i>Cylindropuntia acanthocarpa</i>	Buckhorn Cholla	2.0	2.0	2.0	2.0
<i>Calliandra eriophylla</i>	Pink Fairy Duster	1.0	1.0	1.0	1.0
<i>Celtis pallida</i>	Desert Hackberry	0.5	0.5	0.5	0.5
<i>Ferocactus cylindraceus</i>	Compass Barrel	0.5	0.5	0.5	0.5

\* denotes that this plant is a Dominant Groundcover Species.  
 A minimum of 75% of the total revegetation plants shall be the Dominant Groundcover Species in order to restore the appearance of the natural desert.

**8.5.3. Revegetation Zone: Revegetation Seed Mix.**

- a) All areas in the Revegetation Zone that have been disturbed, bare or sparse shall receive an application of Revegetation Seed Mix, as listed below in Landscape Table #8F.
- b) Revegetation Seed Mix is not a replacement for revegetation with containerized plant material, but a necessary supplement that will fill in the plant density and character to match the undisturbed desert.
- c) Revegetation Seed Mix should reflect the Dominant Groundcover Species of the immediate area and should be adjusted based on the plant types and densities that occur naturally on the Lot.
- d) Revegetation Seed Mix should be applied at a rate of approximately one pound (1 lb.) per 3000 sf (or fourteen pounds (14 lbs.) per acre). The following is the application rate and recommended seed mix ratios for Revegetation Seed Mix in pounds per acre depending on the natural Dominant Groundcover Species of the immediate area:

**LANDSCAPE TABLE #8E**

<b>RECOMMENDED REVEGETATION SEED MIX (Pounds per Acre)</b>					
<i>Botanical Name</i>	<i>Common Name</i>	<i>Turpentine Dominant</i>	<i>Bursage Dominant</i>	<i>Buckwheat Dominant</i>	<i>Jojoba Dominant</i>
<i>Ericameria laricifolia</i>	Turpentine Bush *	5.0	1.0	1.0	1.0
<i>Ambrosia deltoidea</i>	Bursage *	1.0	5.0	2.0	1.0
<i>Eriogonum fasciculatum</i>	Desert Buckwheat *	1.0	1.0	4.0	1.0
<i>Simmondsia chinensis</i>	Jojoba *	1.0	1.0	1.0	5.0
<i>Prosopis velutina (juliflora)</i>	Native Mesquite	1.0	1.0	1.0	1.0
<i>Calliandra eriophylla</i>	Pink Fairy Duster	0.5	0.5	0.5	0.5
<i>Parkinsonia florida</i>	Blue Palo Verde	1.0	1.0	1.0	1.0
<i>Viguieria deltoidea</i>	Golden Eye	0.5	0.5	0.5	0.5
<i>Parkinsonia microphylla</i>	Foothills Palo Verde	1.0	1.0	1.0	1.0
<i>Baileya multiradiata</i>	Desert Marigold	0.5	0.5	0.5	0.5
<i>Lupinus sparsiflorus</i>	Desert Lupine	0.5	0.5	0.5	0.5
<i>Eschscholtzia mexicana</i>	Mexican Poppy	0.5	0.5	0.5	0.5
<i>Phacelia campanularia</i>	Desert Blue Bells	0.5	0.5	0.5	0.5

\* denotes that this plant is a Dominant Groundcover Species

**8.5.4. Revegetation Zone: Revegetation Seed Mix Application Method.**

- a) Rip or scarify all areas to be seeded to a minimum depth of 4”.
- b) Cover all areas that have excessive amounts of hard granite (hardpan) or alkaline soil with a minimum of 6” of friable native topsoil after ripping.
- c) Broadcast the Revegetation Seed Mix at the rates described above in Landscape Table #8E in a uniform manner ensuring that all areas are evenly covered; either mechanical or hand broadcasting methods are acceptable.

- d) Mechanically drag or rake all seeded areas after all seed is uniformly applied. Ideally this should happen after the boxed plant material is installed, and before the small containerized plants are installed.
- e) Hydro seeding is **NOT** an approved method for applying the Revegetation Seed Mix.
- f) No supplemental or spray irrigation is required for the Revegetation Seed Mix.

**8.5.5. Revegetation Zone: Revegetation Seed Mix Certification.** Upon completion of construction, the Contractor shall provide a written certification letter from the landscape contractor certifying that the Revegetation Seed Mix was installed in accordance with the Design Guidelines. This certification letter shall include the seed mix ratios, application rates, and application methods used to install the Revegetation Seed Mix. The Contractor shall submit a copy of this Revegetation Seed Mix Certification Letter to the Design Review Office prior to scheduling the Final Construction Compliance Inspection.

**8.5.6. Revegetation Zone: Irrigation.**

- a) An automatic underground drip irrigation system is required to aid in the establishment of the revegetation plant material.
  - b) Revegetation plants shall be irrigated from a separate irrigation valve(s) from the Private Zone Landscape or Semi-Private Zone Landscape in order to carefully control the amount of water to these indigenous desert plants. Revegetation plants should not be overwatered, as this may result in disease or a shorter lifespan for the plant.
  - c) Once the revegetation plants are established and have survived two (2) full summers, the irrigation to the revegetation plants should be slowly reduced over the next two (2) years to allow the native plants to acclimate to natural conditions. If done properly, the supplemental irrigation to the revegetation plants in the Revegetation Zone can eventually be turned off completely or used only in long periods of drought.
- Refer to Section 8.20 for "*Irrigation*".

**8.5.7. Revegetation Zone: Mineral Ground Cover.**

- a) Only native soil is allowed in the Revegetation Zone for the mineral ground cover. Within the Revegetation Zone, the native soil shall be used to restore the appearance of the natural desert floor.
  - b) Imported landscape gravel or imported decomposed granite is **NOT** allowed in the Revegetation Zone.
  - c) The Committee reserves the right to require the removal of any imported landscape gravel or imported decomposed granite that was installed in the Revegetation Zone regardless of the cost to the Owner and/or Contractor.
- Refer to Section 8.15 for "*Landscape Gravel / Decomposed Granite / Mineral Ground Cover*".

**8.5.8. Revegetation Zone: No Landscape Lighting.** Landscape lighting is **NOT** allowed in the Revegetation Zone, except as specifically approved by the Committee immediately adjacent to a driveway.

- Refer to Section 9 for "*Landscape Lighting*".

**8.6. ENHANCED ZONE at driveway entrance. (Reference Diagram #8B for location)**

**a) Purpose:**

- i. The use of the Enhanced Zone is not required, but if used, all landscape improvements in the Enhanced Zone must comply with the design criteria noted below.
- ii. The purpose of the Enhanced Zone is to allow more accent and flowering desert-appropriate plants to subtly accentuate the driveway and entrance to the home. The objective is to retain enough of the natural desert character while still providing appropriate and subtle accents and enhancements. The character, plant palette, organization, arrangement, composition and appearance of the landscape within the Enhanced Zone may not be "dramatic", but instead shall be a "subtle composition" that quietly and seamlessly blends with the adjacent natural desert.

**HINT:**

*The Enhanced Zone shall be "subtle"; and may **not** be "dramatic".*

*The Enhanced Zone should have the appearance of enhanced natural desert; and not a man-made formation or garden.*

**b) Approvals:**

- i. The use of the Enhanced Zone requires submittal to and approval from the Committee prior to installation. Due to the unique nature of the Enhanced Zone, even if a proposed landscape design for the Enhanced Zone appears to comply with the criteria noted herein, the Applicant must submit a Design Review Application for review and approval of the landscape design by the Committee prior to installation.
- ii. The Committee reserves the right at its sole discretion to not approve any landscape improvements (or portion of such proposed landscape improvements) in the Enhanced Zone that it deems in its sole discretion to be inappropriate or inconsistent with the objectives of this section of the Design Guidelines; or inappropriate or inconsistent with the overall landscape philosophy of Desert Mountain.

**REMINDER:**

*Because of the wide variety of treatments in the Enhanced Zone, all landscape designs must be approved by the Committee prior to installation.*

**c) Location and Size of the Enhanced Zone:**

- i. In general, the area of the Enhanced Zone is limited to a triangular shape immediately adjacent to the intersection of the driveway and street that is not greater than 15' x 25', as shown on the Landscape Zone Diagram #8B above and the Enhanced Zone Diagram #8F below.
- ii. For long driveways exceeding 75'-0" in length, the Committee may, at their sole discretion, approve additional limited areas of Enhanced Zone along the long driveway.

**REMINDER:**

*The Enhanced Zone is **very limited** in size and location.*

*Its purpose is only for a minor accent where the driveway meets the street.*

**d) Plant Palette in the Enhanced Zone:**

- i. A minimum density of one (1) plant per twenty (20) square feet is required in the Enhanced Zone.
- ii. Within the Enhanced Zone at least 40% of the total quantity of plant species must be indigenous plant species selected from the *List of Approved Indigenous Plants* in Appendix X.1 of the Design Guidelines. The objective is to weave and intermix the natural desert plant species into the enhanced plantings, as generally illustrated on the Enhanced Zone Diagram #8F below.
- iii. The Enhanced Zone is not allowed to be only non-indigenous plants.

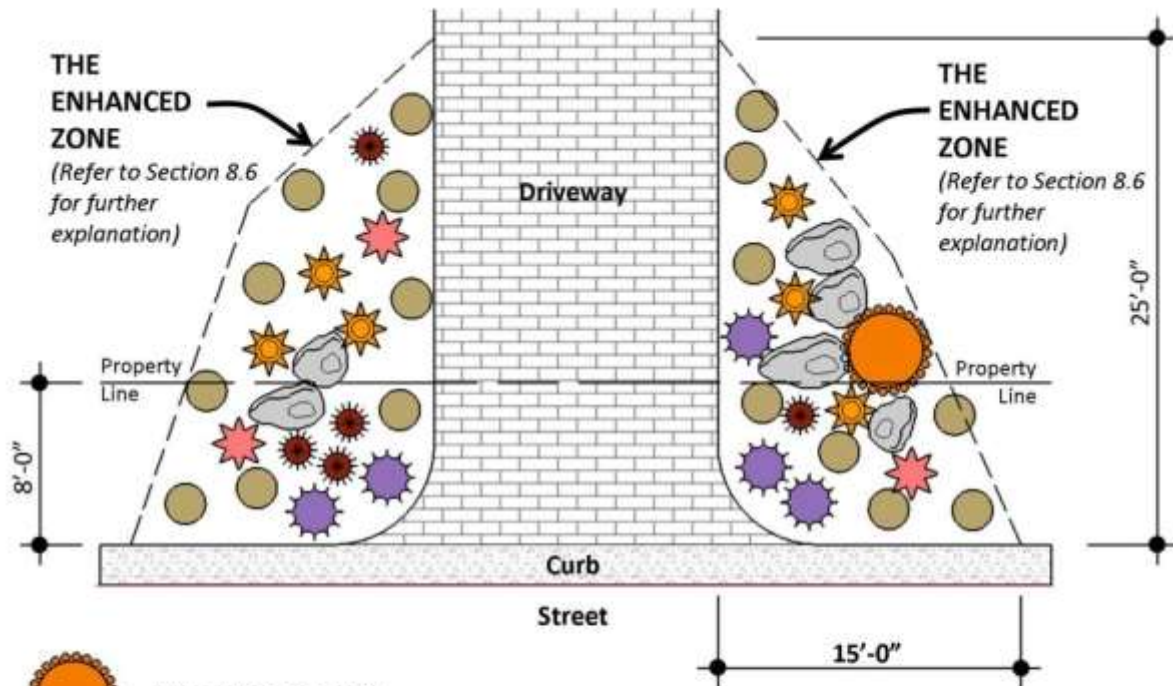
- iv. The Enhanced Zone is not allowed to be only cacti, succulents and accent plants.
  - v. A minimum of 40% of the total quantity of plants shall be native groundcover plant species blended into the Enhanced Zone. For example, a significant amount of the native Dominant Groundcover Species, such as Turpentine Bush, Bursage, and Jojoba shall be included in the Enhanced Zone in order to blend with the natural desert. Existing native plants within the Enhanced Zone count toward fulfilling this requirement.
  - vi. A maximum of one (1) major accent plant is allowed per entry location. A major accent plant is considered a focal non-indigenous plant such as an Organ Pipe Cactus; Totem Pole Cactus, or large Agave.
  - vii. In general, a maximum of 30% of the total quantity of plants on each side of the Enhanced Zone may be flowering accent plants.
  - viii. Within the Enhanced Zone, a maximum of 60% of the total quantity of plant within each side of the Enhanced Zone may be non-indigenous plants.
  - ix. Only tree species from the *List of Approved Indigenous Plants* in Appendix X.1 are allowed in the Enhanced Zone. Non-indigenous trees are not allowed in the Enhanced Zone.
  - x. Plant species used in the Enhanced Zone shall be arid-type plants that have a natural desert appearance, even if such plants are not indigenous. All plant species in the Enhanced Zone shall be selected from either the *List of Approved Indigenous Plants* in Appendix X.1 or the *List of Approved Non-Indigenous Plants* in Appendix X.2 of the Design Guidelines. The Committee reserves the right to now allow any non-indigenous plant in the Enhanced Zone that it deems to be inappropriate at its sole discretion. Therefore, just because a plant species is identified on the *List of Approved Non-Indigenous Plants* in Appendix X.2 of the Design Guidelines does not mean the plant is necessarily appropriate for the Enhanced Zone.
- REMINDER:**


*ONLY arid and "desert-like" plants are allowed in the Enhanced Zone.*

*The plants in the Enhanced Zone must still have an appropriate "desert" character.*
- e) **Grading in the Enhanced Zone:** Grading is **not** required in the Enhanced Zone, but if used, the grading must comply with the criteria noted below.
    - i. Grading in the Enhanced Zone shall be minimal. Any grading shall be softly, gently and naturally contoured to blend seamlessly with the adjacent terrain.
    - ii. It is **NOT** acceptable to install mounds, berms, knolls, hills, or raised graded areas that are more than eighteen inches (18") higher than the natural grade, unless otherwise specifically approved by the Committee. The objective is the landscape and grading in the Enhanced Zone is "subtle" and **not** "dramatic".
  - f) **Landscape Boulders in the Enhanced Zone:** Landscape boulders are **not** required in the Enhanced Zone, but if used, the landscape boulders must comply with the criteria noted below.
    - i. In general, a maximum of three (3) to four (4) landscape boulders are allowed on each side of the Enhanced Zone.
    - ii. All boulders shall comply with the design criteria in Section 8.22 of these Design Guidelines for landscape boulders, including requirements for the landscape boulders to be "surface select" and for the landscape boulders to partially bury into the grade.
    - iii. Landscape boulders in the Enhanced Zone must be arranged in natural clusters and patterns. Landscape boulders may not be stacked, placed vertical, or lined up in rows.


- iv. Landscape boulders in the Enhanced Zone must be buried a minimum of 1/3 of the total height of the boulder as required by the design criteria in Section 8.22 of these Design Guidelines.
  - v. Boulder features in the Enhanced Zone must be subtle and will not be allowed as dramatic features or monuments.
  - g) **Mineral Ground Cover in the Enhanced Zone:**
    - i. The mineral ground cover in the Enhanced Zone shall be native soil in order to blend seamlessly with the adjacent natural desert floor.
    - ii. On a case-by-case basis, the Committee may approve the use of 1/2" **minus** "Madison Gold" decomposed granite in limited portions of the Enhanced Zone provided this material generally matches the size and color of the adjacent natural desert soil. Specific approval from the Committee is required to use imported decomposed granite in the Enhanced Zone; and such approval may be withheld at the discretion of the Committee.
    - iii. Decorative rocks, stacked rocks, imported decomposed granite, decorative riprap, or other types of rocks and/or gravels are not allowed in the Enhanced Zone.
  - h) **Landscape Lighting in the Enhanced Zone:** Landscape Lighting is **not** required in the Enhanced Zone. But if used, the landscape lighting must comply with the criteria noted below.
    - i. A maximum of three (3) landscape lights may be installed on each side of the Enhanced Zone. This includes any lights that are used for address identification.
    - ii. Lights may not be oriented, aimed or directed at the street; and the light source shall be shielded from vehicles on the street.
    - iii. All landscape lights shall be fully-shielded and must comply with the design criteria in Section 9 of the Design Guidelines for "Landscape Lighting".
- Refer to Appendix X.1 for "*Approved Indigenous Plants*".
  - Refer to Appendix X.2 for "*Approved Non-Indigenous Plants*".
  - Refer to Section 8.16 for "*Landscape Boulders*".
  - Refer to Section 8.15 for "*Mineral Ground Cover*".
  - Refer to Section 9 for "*Landscape Lighting*".

**ENHANCED ZONE DIAGRAM #8F**




- 


**Major Accent Plant:**

  - 1 Major Accent Plant maximum per Entry (on one side or the other).
- 


**Minor Accent Plants:**

  - Minor Accent Plants and Flowering Plants combined may not be more than 60% of the total quantity of plants on each side of the Enhanced Zone.
- 

**Flowering Plants:**

  - Flowering Plants and Minor Accent Plants combined may not be more than 60% of the total quantity of plants on each side of the Enhanced Zone.
  - Flowering Plants should not comprise more than 30% of the total quantity of plants on each side of the Enhanced Zone.
- 

**Native Shrubs:**

  - A minimum of 40% of the total quantity of plants on each side of the Enhanced Zone shall be native shrubs and Indigenous Plant Species such as Turpentine Bush, Bursage and Jojoba.
  - Native Shrubs must be intermixed with the Minor Accent Plants and Flowering Plants.
- 

**Landscape Boulders:**

  - Landscape Boulders are not required in the Enhanced Zone; but if used, must comply with the following:
    - + 3 to 4 Surface Select Landscape Boulders maximum per each side of the Enhanced Zone.
    - Boulders shall be buried a minimum of 1/3rd height of the boulder.
    - No stacked boulders. No dramatic boulder features.
- Mineral Ground Cover:**

  - Only Native Soil in the Enhanced Zone.
  - No imported or screened decomposed granite in the Enhanced Zone.
- Landscape Lights:**

  - Maximum of three (3) fully-shielded landscape lights on each side of the Enhanced Zone.

**8.7. SEMI-PRIVATE ZONE.** (*Reference Diagram #8B for location*)

- a) The Semi-Private Zone is that portion of the property within the Building Envelope that is typically located adjacent to the auto court, guest parking, and front entry of the home, as illustrated on Diagram #8B above. Typically, the Semi-Private Zone is visible or partially-visible from the street or other properties. The Semi-Private Zone is typically partially open or partially enclosed by low courtyard walls or site walls.
- b) Within the Semi-Private Zone, only those plant materials listed in the *List of Approved Indigenous Plants* in Appendix X.1 and the *List of Approved Non-Indigenous Plants* in Appendix X.2 may be installed. Plant species that are not included on the approved plant lists in the Design Guidelines will not be allowed in the Semi-Private Zone.
- c) The quantity of plants in the Semi-Private Zone shall reasonably cover the planting areas available. A specific minimum plant density is not established by these Design Guidelines for the Semi-Private Zone, but the planting areas should have sufficient plant coverage and large bare areas are not allowed.
- d) In general, large indigenous-species trees shall be used to screen or visually-mitigate the garages, guest parking, and paved auto court. The Committee strongly recommends (and may require) the installation of large indigenous trees for this purpose.
  - Refer to Appendix X.1 for "*Approved Indigenous Plants*."
  - Refer to Appendix X.2 for "*Approved Non-Indigenous Plants*"
  - Refer to Section 8.15 for "*Landscape Gravel*"
  - Refer to Section 8.33 for "*Landscape Maintenance*"

**8.8. PRIVATE ZONE.** (*Reference Diagram #8B for location*)

- a) The Private Zone is that portion of the property within the Building Envelope that is located within the walls and fences, as illustrated on Diagram #8B above. Typically, the Private Zone has limited visibility from the golf course, streets, Common Areas, public spaces and adjacent homes because it is screened (or partially screened) behind site walls, fences or structures.
- b) The Private Zone includes rear yards, side yards, courtyards, front entry courtyards, atriums, and other outdoor spaces that are generally separated from the adjacent natural desert by solid site walls, courtyard walls, or retaining walls.
- c) The Private Zone is the least restrictive of the landscape zones in terms of what plants, shrubs, trees and improvements can be installed therein.
- d) Within the Private Zone, those plant species identified on the *List of Approved Indigenous Plants* in Appendix X.1 and the *List of Approved Non-Indigenous Plants* in Appendix X.2 may be installed.
- e) Other plant species that are not specifically identified on the approved plant lists may be allowed in the Private Zone on a case-by-case basis at the sole discretion of the Committee.
- f) Topiaries are only allowed in the Private Zone any may not exceed a height greater than six feet (6'-0") tall.
- g) Turf, including natural grass and artificial turf, may be allowed in the Private Zone, subject to specific approval by the Committee and subject to compliance with the design criteria for Turf as outlined in Section 8.19 of the Design Guidelines.
- h) The quantity of plants in the Private Zone shall reasonably cover the planting areas available. A specific minimum plant density is not established by these Design Guidelines for the Private Zone, but the planting areas should have sufficient plant coverage and large bare areas are not allowed.
- i) Because there are so many different possibilities and potential configurations, the Committee reserves the right to not approve any improvements in the Private Zone that the Committee



deems to be inappropriate in its sole discretion.

- Refer to Appendix X.1 for "Approved Indigenous Plants".
- Refer to Appendix X.2 for "Approved Non-Indigenous Plants."
- Refer to Section 8.15 for "Landscape Gravel"
- Refer to Section 8.19 for "Turf"
- Refer to Section 8.33 for "Landscape Maintenance"

**8.9. NAOS - NATURAL AREA OPEN SPACE EASEMENT - LANDSCAPE REQUIREMENTS.**

- a) A portion of each Lot is subject to a legally-recorded Natural Area Open Space (NAOS) Easement for the purpose of preserving the natural desert environment. Refer to Section 6 of the Design Guidelines for a detailed explanation regarding the "NAOS Easement".
- b) No disturbance, modifications, grading, construction access, or improvements of any type are allowed within the NAOS Easement, Unless specifically approved by the Committee **and** the City of Scottsdale prior to construction.
- c) All land and native vegetation within the NAOS Easement shall remain untouched and undisturbed, unless otherwise specifically allowed under provisions in these Design Guidelines and when specifically approved by the Committee in advance. No trimming, pruning, clearing, manicuring or other modifications to the native landscape is allowed, unless otherwise specifically allowed under provisions in these Design Guidelines and when specifically approved by the Committee in advance.
- d) On a case-by-case basis, the Committee may allow, at its sole discretion, the addition of indigenous plant species within the NAOS Easement in order to fill in bare areas or restore unintended damage. Any landscaping that is added to the NAOS Easement will also require the approval of the City of Scottsdale since the City is the beneficiary of the NAOS Easement. The Applicant will be responsible to obtain approval from both the Committee and the City of Scottsdale for any landscape modifications within the NAOS Easement. If approved by the Committee, only indigenous plant species from the *List of Approved Indigenous Plants* in Appendix X.1 of the Design Guidelines will be allowed within the NAOS Easement.
- e) Any modifications to a recorded NAOS Easement require submittal to and approval of the Committee as well as approval of the City of Scottsdale. Any modifications to an existing NAOS Easement require the existing easement to be amended and recorded in the records of Maricopa County.
- f) Although the location of the NAOS Easement and the location of the Building Envelope are often similar; the location of each line is almost always different. It is important to not confuse the NAOS Easement for the Building Envelope, or vice versa.
- g) If an Owner (or Landscape Contractor) is unclear or unaware of the location of the recorded NAOS Easement for an existing home, the delineation of this NAOS Easement can often be found on the digital maps available online through the City of Scottsdale's digital map website.
- h) A copy of the recorded NAOS Easement can also be obtained from the Owner's Title Company or found on the Maricopa County

**REMINDER:**  
*No disturbance or improvements are allowed within the NAOS Easement.*

**REMINDER:**  
*Although the location of the NAOS Easement and the Building Envelope are similar; the location of each line is almost always different.*

**CAUTION:**  
*Don't confuse the NAOS Easement for the Building Envelope.*

**Hint:**  
*The location of an existing NAOS Easement can often be found on the City of Scottsdale's digital map website.*

- Recorder's website.
- Refer to Section 8.4 for "*Native Zone*".
- Refer to Section 6 for "*NAOS Easements*".
- Refer to Section 8.33 for "*Landscape Maintenance*".
- Refer to Section 8.37 for "*Landscape Maintenance for Wildfire Fire Break*".

#### 8.10. PLANT LISTS.

- a) Appendix "X" of these Design Guidelines includes three (3) types of Plant Lists:
  - Appendix X.1: **List of Approved Indigenous Plants:** Allowed in any Landscape Zone.
  - Appendix X.2: **List of Approved Non-Indigenous Plants:** ONLY allowed in the Private Zone or Semi-Private Zone. (*Refer to Section 8.3 for an explanation of the different Residential Landscape Zones.*)
  - Appendix X.3: **List of Prohibited Plants:** Prohibited for any location on a residential Lot.
- b) The Committee may at its sole discretion approve other plant materials that are not listed on the *List of Approved Non-Indigenous Plants*, provided that such plants are not on the *List of Prohibited Plants*.
- c) Proposed plant species not on the Lists of Approved Plants in Appendix "X" must be identified by color-coding the full size landscape drawings submitted by the Applicant to the Committee for approval. Both the name and symbol of the proposed plant, as well as its location on the landscape plan must be indicated. Different colors and different symbols must be used for all proposed plants that are not on the Lists of Approved Plants. If proposed plants not found on the Lists of Approved Plants are not color coded, the Final Landscape Plan will not be approved, and will have to be revised and resubmitted. The submittal must also include a photograph of the plant and a description of the plant, including information on: height, flowering characteristics, drought tolerance, water usage, -frost tolerance, and the reason such a plant is desired (i.e. solar exposure, low-light area, screening ability, etc.).

#### 8.11. PROTECTED PLANTS.

- a) Protected Plants are those existing desert plants, which must be protected pursuant to City of Scottsdale and State of Arizona regulations.
- b) Improvements should be designed and sited to avoid disturbing or impacting these protected species, if at all possible; however, the Protected Plants may be carefully transplanted. It is recommended that competent professionals be consulted prior to transplanting any desert plant materials.
- c) The Committee may require replacement of any Protected Plant which dies or is significantly damaged during construction or transplanting with a plant of the same species and size.
- d) No construction activity, work, traffic, equipment, stockpiling, storage, or excavation shall occur under the canopy or drip line of a tree that is designated to be protected in place.
- e) It is recommended that the Owner, Architect, and Builder become familiar with all requirements of the current City of Scottsdale's Native Plant Ordinance prior to commencement of design and construction.

#### 8.12. ONSITE PLANT NURSERY.

- a) The onsite plant nursery for the storage of salvaged plant material must be located within the approved Building Envelope; or must be located within the established Public Utility Easement (P.U.E.) adjacent to the street.
- b) As a reminder, no disturbance is allowed beyond the approved Building Envelope.

- c) The Applicant shall identify the location of the onsite plant nursery on the Landscape Plan that is included in the Applicant's Final Design Submittal.

**8.13. SAGUARO CACTI.**

- a) The saguaro is only native to the Sonoran Desert and it grows very slowly, often taking 75 to 100 years before it grows a single arm. Therefore, preservation of the existing saguaro cacti is paramount to the landscape requirements.
- b) Many saguaro cacti have been specifically located outside of the Original Building Envelope for certain Lots to assure their preservation. Building Envelope modifications, if approved by the Committee, shall not cause the destruction or transplanting of any significant saguaros that were located outside of the Original Building Envelope established by the Master Developer.
- c) Other saguaro cacti are located within the Building Envelope and may be transplanted, although the Committee encourages the Owner and their Architect to design the Residence and other Improvements around the natural locations of these cacti, especially those saguaro cacti with multiple arms.
- d) Although saguaros can be transplanted, their survival rate is low and moving saguaros with multiple arms is both risky and costly.
- e) Saguaros that are relocated must be carefully transplanted in the same solar orientation or they run the risk of being sunburned, which may lead to disease or death.
- f) A qualified and experienced saguaro de-vegetation contractor should be retained to move any saguaros that require transplanting.
- g) The addition of saguaro cacti and the placement of transplanted saguaros on a Lot shall be executed in a manner that approximates the natural densities and patterns of saguaros that exist in the adjacent undisturbed desert. The Committee will not allow what it deems as an excessive amount of saguaros or the placement of saguaros in an unnatural arrangement. The goal is to integrate these giant cacti into the landscape palette in a natural-looking arrangement. An Owner or landscape designer may not design or install an excessive amount of Saguaro cacti on a Lot; nor an unnatural arrangement of saguaro cacti on any Lot.

**8.14. TREES.**

- a) In an effort to minimize the visual impact of the Residence and other Improvements, a minimum of five (5) mature trees are required to be located within the Building Envelope and within twenty (20'-0") of the Residence.
- b) Any existing trees within the Lot which were not disturbed during construction and meet the height, canopy and location requirements of this section will qualify toward the requirement for mature trees.
- c) The required mature trees noted above shall be indigenous tree species as listed in the *List of Approved Indigenous Plants* in Appendix X.1 of the Design Guidelines.
- d) The size of the required mature trees noted above shall be a minimum of twelve feet (12'-0") in height with a minimum canopy of twelve feet (12'-0") in diameter at the time of initial installation.
- e) Any additional mature trees needed to fulfill the requirements of this section shall be placed within twenty (20'-0") of the Residence and within the approved Building Envelope.
- f) Trees shall be located and arranged in natural patterns. Trees should not be "lined up" or placed in evenly-spaced rows.
- g) Trees shall be placed to complement the architecture of the home. Trees should be used to screen the less attractive portions of the architecture, when applicable.
- h) If a tree or trees are specifically required by the Committee to be located in specific location(s)

during the Design Review Process, the Owner (and all future owners) will be required to maintain such tree(s) in perpetuity. It is common for the Committee to require trees to screen unarticulated portions of the building; to screen outdoor equipment; or to provide visual separation between homes. Such specific trees are documented in the Design Review File as part of the approval of a Design Review Application.

- i) In general, large indigenous-species trees shall be used to screen or visually-mitigate the garages, guest parking, and paved auto court. The Committee strongly recommends (and may require) the installation of large indigenous trees for this purpose.
- j) Any newly planted or transplanted trees that die within twelve (12) months of installation shall be replaced with a tree of the same species and same size. The Committee recommends that Owners require their Contractor or landscape contractor to provide a minimum one (1) year warranty on all new or transplanted trees.
- k) Non-indigenous trees are only allowed to be located in the Semi-Private Zone and Private Zone. Non-indigenous trees are limited to the species specifically identified on the *List of Approved Non-Indigenous Plants* in Appendix X.2 of the Design Guidelines.
  - Refer to Appendix X.1 for "*Approved Indigenous Plants*".
  - Refer to Appendix X.2 for "*Approved Non-Indigenous Plants*".

#### 8.15. LANDSCAPE GRAVEL / DECOMPOSED GRANITE / MINERAL GROUND COVER / TOP DRESSING / GROUND PLANE TREATMENT

- a) **Native Zone:** No disturbance of any type is allowed in the Native Zone and outside of the established Building Envelope; therefore, the natural soil in the Native Zone may not be disturbed, covered, cleared, harvested, raked or otherwise modified.
- b) **Revegetation Zone:** Only native soil is allowed in the Revegetation Zone. Imported landscape gravel or imported decomposed granite is **NOT** allowed in the Revegetation Zone, including along the edges of a driveway. Within the Revegetation Zone, the native soil shall be used to restore the appearance of the natural desert floor. Typically, after a few rains, the native soil in the Revegetation Zone will restore its natural appearance to match seamlessly with the natural desert floor.
- c) **Enhanced Zone:** In general, the mineral ground cover within the Enhanced Zone shall be native soil. If enhancements to the ground plane are necessary within the Enhanced Zone, a light coating of 1/2" minus "Madison Gold" decomposed granite may be used within 5'-0" of the pavement surface of the driveway provided the edges of the imported decomposed granite are seamlessly blended into the natural desert floor. This is the only size and color of decomposed granite allowed to be added in the Enhanced Zone.
- d) **Semi-Private Zone and Private Zone:** Within the Semi-Private Zone or the Private Zone, imported decomposed granite or other mineral ground cover material may be used provided the color of the gravel material is a dark, natural, and earthy color that blends with the overall desert color palette.
- e) White, light-grey, green, pink, brick-red, or other colors of decomposed granite, landscape gravel, or mineral ground cover are not allowed in any Landscape Zone.
- f) River rock, pea gravel, beach stones, or other "rounded rocks or rounded gravels" are not allowed for landscape gravel or mineral ground cover, except for within the Private Zone and when located behind solid walls.
- g) Small decorative rock, such as black "Mexican beach pebbles" may only be used in landscape locations that are behind solid site walls and in the Private Zone.
- h) Crushed glass, glass beads, glass marbles, or other similar types of materials are not allowed as ground cover or planting base for any planting areas in any Landscape Zone.

- i) Mineral ground covers and treatments that contrast highly in color or texture with the rest of the landscape will not be allowed. Mineral ground covers and treatments should not visually dominate or contrast with the landscape areas.
- j) Mineral ground cover, gravels, rocks, and similar materials may not be used to create decorative patterns in any exposed yard.
- k) Imported decomposed granite or landscape gravel is not allowed to line the edges of the driveway, except for locations in which the driveway is behind a site wall or retaining walls.
- l) Non-native mineral ground cover is not allowed within the NAOS Easement or over any unenclosed yards per the City of Scottsdale's Environmentally Sensitive Lands Ordinance (ESLO).
- m) The Committee has the right to require any mineral ground cover, landscape gravel, or decomposed granite that does not comply with the Design Guidelines to be removed; and for the ground plane conditions to be restored to the appropriate material and appearance regardless of cost to the Owner or Contractor.
  - Refer to Section 8.3 for "*Residential Landscape Zones*".
  - Refer to Section 6 for "*Rip-Rap and Erosion Control*".



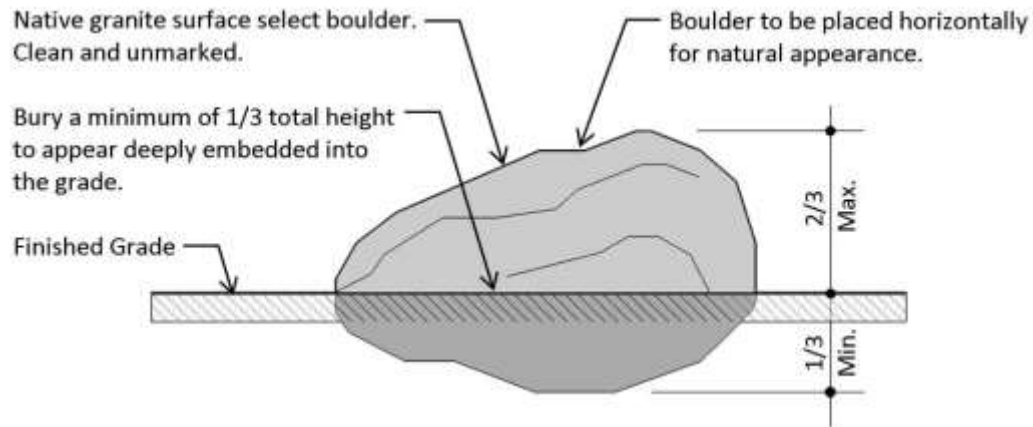
**8.16. LANDSCAPE BOULDERS.**

- a) The use of additional and/or relocated boulders as part of the site and landscape design requires special attention to the scale, proportions and arrangement of the boulders. Some sites have numerous native boulders and boulder outcroppings. These existing boulders are typically very large and of a scale and proportion that is difficult to reproduce. Therefore, the addition of boulder elements into the landscape and site design needs to consider the scale and character of the existing adjacent natural desert. For example, an added boulder feature of several small three feet (3'-0") in diameter or smaller boulders would seem unnatural and out of character against the large dramatic existing boulder features.
- b) Landscape Boulders must be "surface select" granite boulders. "Surface select" means landscape boulders that are taken from the surface of the land and have a natural weathering, natural aging, natural desert patina, and natural desert varnish on the exposed faces of the boulder. Surface Select Landscape Boulders have been exposed to the weather and sun for hundreds of years. Surface Select Landscape Boulders do not have broken faces, scars, drill holes, or marks from equipment that are exposed on any face of the boulder.
- c) Surface Select Landscape Boulders shall have a local indigenous appearance, color, and texture as commonly found in nature at Desert Mountain. White, colorful, or contrasting boulder colors and textures are not allowed.
- d) Landscape boulders may not have exposed broken faces or exposed scarred faces, and may not be quarry rock, subsurface rock, "blast rock", and "shot rock" or crushed rock. If scarring of the boulder surface is present, the boulders should be placed to hide scarring or should be treated with desert rock varnish product such as Eonite®, Permeon®, or Natina® to conceal the scarring.
- e) All Landscape Boulders shall be installed in natural-looking arrangements and clusters, similar to natural boulders in the undisturbed desert.
- f) Landscape boulders must be integrated with the rest of the overall landscape composition, including plant material and grading in a natural-looking manner.
  - i. Boulders may not be arranged to look like sole independent features, artwork, sculpture, or focal points.
  - ii. Boulders may not be stacked in a manner that does not look natural or consistent with the appearance of the natural terrain.
  - iii. Boulders must be installed horizontal and may not be placed vertical.
  - iv. Boulders may not be "lined up" or used to create retaining walls.
  - v. Boulders may not be placed "on top" of site walls or pool edges.
  - vi. Boulders may not be placed in unnatural arrangements, geometric patterns, arbitrary configurations, or evenly scattered.

The primary goal is for boulders and landscape rocks to look natural.
- g) Landscape Boulders in the Enhanced Zone where the driveway meets the street shall be subtle and understated. Man-made boulder sculptures and dramatic boulder features are not allowed as entry statements.
- h) Added or imported Landscape Boulders must be located within the established Building Envelope.
- i) Boulders and landscape rocks shall be buried into the ground a minimum of 1/3rd of the total height of the boulder in order to appear deeply and firmly anchored into the terrain, as illustrated in the Landscape Boulder Diagram #8J below. Boulders and landscape rocks may not appear to be "set on top of the ground", but instead must appear nestled and firmly anchored into the ground. Boulders must be placed and embedded into the ground in a

- manner resulting in a natural appearance and arrangement.
- j) Boulders used for Address Identification or Address Numbers must comply with all requirements for Landscape Boulders.
  - k) The use of any imported or relocated Landscape Boulders as part of the Landscape Design shall be clearly delineated and explained as part of any Design Review Application.
  - l) In its sole discretion, the Committee reserves all rights to limit the total quantity of added or relocated landscape boulders.
  - m) Because there are so many different possibilities and configurations, the Committee reserves the right to not approve any Landscape Boulders that the Committee deems to be inappropriate in its sole opinion.
- Refer to the Supplemental Design Guidelines for additional design criteria for existing native boulders in certain Villages.

### LANDSCAPE BOULDER DIAGRAM #8J



**8.17. RIPRAP.** See Section 6 for "Riprap".

**REMINDER:**

**Refer to Section 6 of the Design Guidelines for detailed and specific design criteria for riprap.**

**8.18. EXPOSED ROCK SURFACES.**

- a) When appropriate soil and geological conditions exist, the Committee may, at its sole discretion, allowed exposed rock cut faces to occur in lieu of retaining walls. In general, the Committee will only allow such conditions that are deemed by the Committee to have minimal visual impact from streets, golf course, Common Area or neighboring properties. In general, exposed rock cut faces are not preferred. One of the primary goals of the Design Guidelines is that all improvements quietly blend with the natural desert. Exposed rock cut faces do not support the primary objectives of integrating into the natural terrain; therefore, the Committee reserves the right to not approve any exposed rock cut faces that the Committee deems to be inappropriate in its sole discretion.

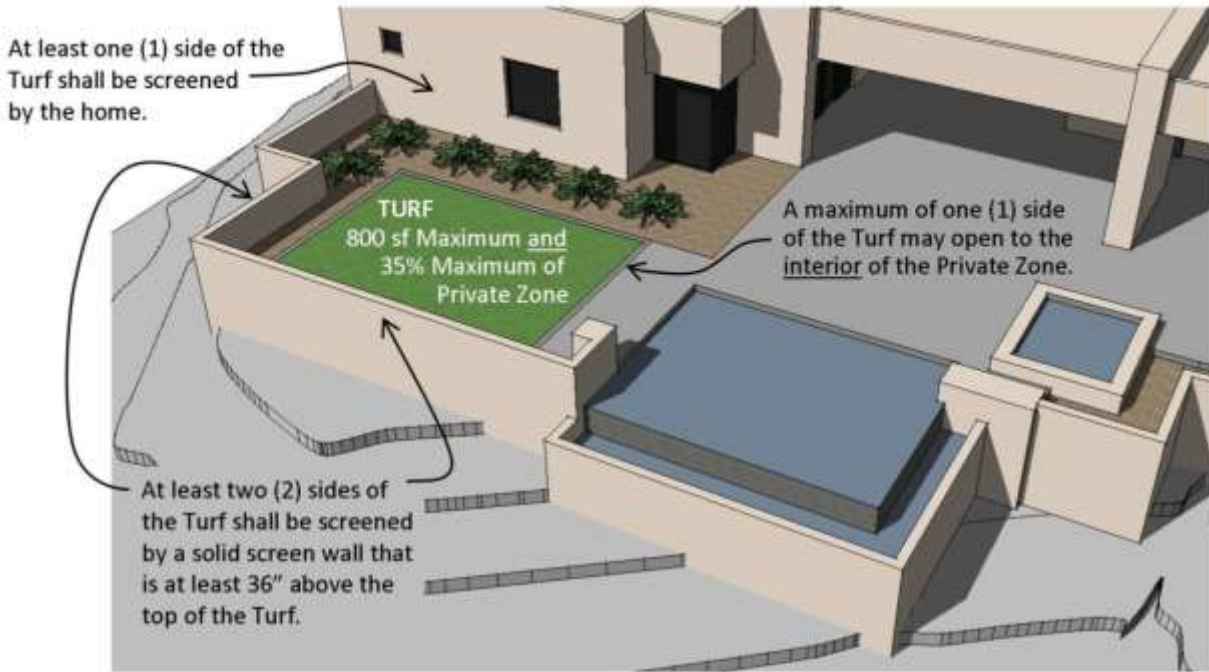


- b) If allowed, the exposed rock cut faces must be shaped, contoured, softened, rolled back, and sculpted to have the appearance of an aged, naturally-weathered, desert rock outcropping. The finished grading and exposed rock slopes may not appear "man-made"; and may not look like the remnants of excavation. No excavation teeth marks or drill marks may be exposed.
- c) If allowed by the Committee, exposed rock surfaces shall be treated with a desert rock varnish product such as Eonite®, Permeon®, or Natina® to conceal the scarring and to darken the exposed rock faces.
- d) If allowed, tall-growing native trees and vegetation shall be planted in and around the exposed rock surfaces in order to provide vegetative screening of the exposed rock cut faces.

#### 8.19. TURF. (Natural Grass and Artificial Turf)

- a) This Section applies to all types and uses of Turf; including, but not limited to: natural grass, artificial turf, synthetic turf, putting greens, recreational turf, pet turf areas, and all other types of turf or turf-like improvements.
- b) Due to visual and environmental reasons, the use of Turf must comply with the design criteria noted below. In general, Turf is a stark contrast to the natural desert environment and is therefore discouraged. Because areas of Turf tend to visually stand out against the natural desert landscape, the use of Turf is significantly limited by these Design Guidelines in order to mitigate the visual impact of the Turf. Owners and designers need to understand that although "big green grass yards" may be common in other parts of the country, Turf is not as appropriate in the desert. As further explained in Section 8.2 of the Design Guidelines, one of the key design philosophies for Desert Mountain is that all improvements should blend quietly with the natural desert environment.
- c) The Committee may allow the use of Turf in the Private Zone on a case-by-case basis and at the sole discretion of the Committee.
- d) Turf is only allowed within the Private Zone. *(Refer to Section 8.8 of the Design Guidelines for a detailed explanation of the Private Zone.)*
- e) If used, Turf must be integrally designed into the overall landscape composition of the Private Zone. Because the over-riding philosophy of Desert Mountain is for all improvements to "quietly blend with the natural desert", Turf should not be used as a dominant part of any landscape design.
- f) The area of Turf may not:
  - i. Make up more than 35% of the total area of the Private Zone on any property; AND
  - ii. Exceed eight-hundred (800) square feet of total area on any property.For clarity, the more restrictive of the two criteria noted above will apply.
- g) Turf is not allowed for driveway areas or any locations in the Semi-Private Zone.
- h) In general, Turf must be screened by a building and/or solid screen wall that is at least 36" taller than the highest point of the Turf for at least 75% of the perimeter of the Turf area, as generally illustrated on Turf Diagram #8G below.
  - i. At least one (1) side or edge of the Turf area shall be screened or shielded by the house, as generally illustrated on Turf Diagram #8G below.
  - ii. At least two (2) sides or edges of the Turf area shall be screened by a solid wall that is at least 36" taller than the highest point of the Turf, as generally illustrated on Turf Diagram #8G below. For clarity, Turf may not be visible through a railing or fence system that runs along the perimeter of the Private Zone.
  - iii. A maximum of one (1) side or edge of the Turf area may be "open" to the interior of the Private Zone, as generally illustrated on Turf Diagram #8G below. The "open" side of the Turf area may not face outward, as generally illustrated on Turf Diagram #8G below.

- i) Natural Grass must meet the following minimum specifications:
  - i. Natural grass shall be located a minimum of 3'-0" away from any building walls, retaining walls, or site walls to avoid issues with irrigation overspray on wall and building surfaces.
  - ii. Natural grass shall be irrigated with an automatic spray irrigation system. The Owner will be required to maintain the spray irrigation system in a proper and effective manner at all times in order to avoid overspray beyond the location of the natural grass.
  - iii. Natural grass shall be maintained in an attractive and well-kept manner at all times.
- j) Artificial Turf must meet the following minimum specifications:
  - i. The color, texture, appearance, and character of the Artificial Turf must generally match the appearance of natural Bermuda grass. Artificial Turf is only allowed in natural green colors. Other colors of Artificial Turf are not allowed. Decorative patterns are not allowed to be created with Artificial Turf; and graphics, patterns or logos are not allowed on the Artificial Turf.
  - ii. Artificial Turf must have a layer of natural-looking brown thatch (except for putting green areas).
  - iii. Artificial Turf must have a minimum face weight of eighty (80) ounces (except for putting green areas).
  - iv. Artificial Turf shall have a minimum pile height of 1¾" (except for putting green areas).
  - v. Artificial Turf must have minimum warranty of ten (10) years.
  - vi. Artificial Turf must be maintained in an attractive and well-kept manner at all times. If the Artificial Turf becomes torn, ripped, frayed, faded, melted, or otherwise unsightly, the Owner shall immediately remove or replace the Artificial Turf.
- k) Because there are so many different potential possibilities, layouts, product types, visibility factors, and configurations for Turf:
  - i. The Committee reserves the right to not approve any proposed Turf layout or Turf Improvements that the Committee deems to be inappropriate in its sole opinion; including, but not limited to, reasons of: scale, proportion, location, visibility, dominance, lack of integration, pattern, shape, color, and material.
  - ii. The Committee reserves the right to grant variances or exceptions to the design criteria in this Section of the Design Guidelines for Turf on a case-by-case basis and at its sole discretion. Any variance or exception will be determined on a case-by-case basis and will not be deemed to establish a precedent or alternate standard.
- l) Per Section 6.1070(G)(1)(j) of the City of Scottsdale's *Environmentally Sensitive Lands Ordinance* (ESLO), the use of Turf shall be limited to enclosed areas that are not visible from offsite at a lower elevation.
- Refer to Section 8.8 for "Private Zone".



**TURF DIAGRAM #8G**

**Key Design Criteria for Turf in the Private Zone**

*(Refer to Section 8.15 of the Design Guidelines for further explanation)*

**Location:**

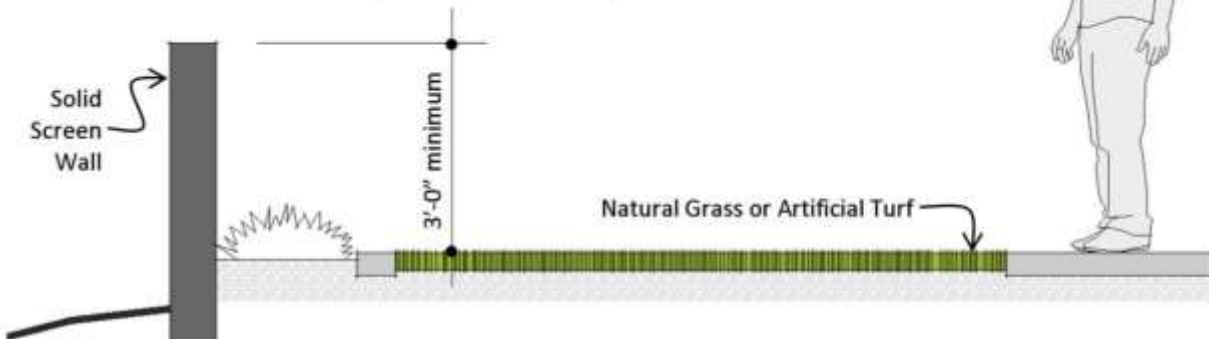
- Turf is **ONLY** allowed in the Private Zone. *(Refer to Section 8.8 for an explanation of Private Zone)*

**Screening:**

- Turf must be screened by a building and/or a solid screen wall that is at least 36" above the top of the Turf around at least 75% of the perimeter of the Turf, as generally illustrated herein.
- At least one (1) side of the Turf area shall be screened by the home, as generally illustrated above.
- At least two (2) sides of the Turf area shall be screened by a solid screen wall that is at least 36" above the top of the Turf, as generally illustrated above.
- A maximum of one (1) side of the Turf area may open to the interior of the Private Zone, as generally illustrated above.

**Size:** *(The most restrictive of the two criteria below will apply.)*

- A maximum of 35% of the Private Zone may be Turf.
- A maximum of 800 total square feet of Turf may be allowed.



**8.20. IRRIGATION.**

- a) While indigenous plants and many of the arid-region plant materials can survive on little or no supplemental irrigation, irrigation during the establishment period is critical.
- b) All new plants shall be irrigated by an automatic underground drip irrigation system. Drip irrigation systems deliver water directly to the root zone. Drip irrigation results in lower water usage due to efficient application; less impact to the microclimate as evaporation is decreased; and decreased weed growth as areas between shrubs are not irrigated.
- c) Separate irrigation valves should be used for trees than from shrubs in order to provide less-frequent, deep-watering of the trees.
- d) Spray irrigation systems shall be limited to natural turf areas within the Private Zone only.
- e) All irrigation systems shall operate on an automatic timer.
- f) All irrigation systems shall be installed underground. Mainline irrigation pipes shall be installed and maintained a minimum of 12" below the finished grade; and distribution irrigation lines must be installed and maintained a minimum of 8" below the finished grade. During construction, irrigation trenches shall be backfilled and properly compacted to avoid erosion. If irrigation lines become exposed, the Owner shall cover the irrigation lines in compliance with this criteria.
- g) Above-ground irrigation systems and above-ground irrigation lines are not allowed, except in special circumstances when specifically approved in writing by the Committee in its sole discretion.
- h) Irrigation within the Native Zone or within the NAOS Easement is not allowed, except for special circumstances where specific approval is granted by the Committee and the City of Scottsdale to add additional trees or plants in the Native Zone. In this case, the irrigation system must be designed to be an above-ground temporary irrigation system that will minimally impact the Native Zone.
- i) Irrigation systems established within the Revegetation Zone must be designed to eliminate runoff into the adjacent Native Zone.
- j) Established native vegetation in the Native Zone does not need irrigation, and supplemental water can lead to disease and death of many of these plants and aid in the spread of undesirable plant species or weeds; therefore, irrigation of the Native Zone is not allowed unless specifically approved by the Committee for unique circumstances.
- k) Ground-mounted irrigation valve boxes shall match the color of the ground treatment.
- l) All irrigation equipment, controllers, and valves shall be placed in inconspicuous areas of the site; generally screened from streets, golf courses, Common Areas and adjacent properties.
- m) Free-standing equipment, wall-mounted equipment, and irrigation control boxes shall be painted to match the color of the exterior of the house or the color of the walls on which the equipment is mounted.
- n) The Owner is responsible to maintain the automatic underground irrigation system in good working order at all times. Damage to an irrigation system, and in particular leaks, shall be repaired in a timely manner.
- o) Plants that die due to lack of irrigation will be required to be replaced by the Owner with new plants of the same size, same species, and same locations in order to maintain compliance with the landscape design criteria noted in these Design Guidelines.

**8.21. TEMPORARY UTILITY CONSTRUCTION CORRIDOR - LANDSCAPE REQUIREMENTS.**

- a) Refer to Section 6 of the Design Guidelines for specific design requirements for a Temporary Utility Construction Corridor.
- b) At times, the Committee may approve the use of a Temporary Utility Construction Corridor for the underground utility lines at such times when the Original Building Envelope created by the Master Developer did not anticipate the location of the utility stubs.
- c) If allowed by the Committee, the Temporary Utility Construction Corridor is not technically part of the Building Envelope.
- d) The Applicant shall accurately use the term "*Temporary Utility Construction Corridor*" and this term shall be clearly labeled on all submittals, if applicable.
- e) The Temporary Utility Construction Corridor may be no wider than ten feet (10') wide. The Contractor shall bring the underground utilities as close together as allowed by Code to minimize disturbance to the natural desert as much as possible.
- f) No existing trees or saguaros may be damaged or relocated by the Temporary Utility Construction Corridor.
- g) Any drainage areas disturbed by the Temporary Utility Construction Corridor must remain unobstructed during the course of construction.
- h) Upon completion of the utility connection, the Temporary Utility Construction Corridor must be naturally contoured to restore the original topography.
- i) This Temporary Utility Construction Corridor must be revegetated with native plants at a rate of seventy (70) containerized plants per 1000 sf (this is higher than the normal Desert Mountain revegetation standards). Approximately twenty percent (20%) of the required revegetation plants shall be installed at a size of fifteen (15) gallon or larger in order to bring some instant maturity to this area.
- j) Revegetation Seed Mix will be required over the entire Temporary Utility Construction Corridor as outlined in Section 8.5.3 of the Design Guidelines.
  - Refer to Section 6 for "*Temporary Utility Construction Corridor*".
  - Refer to Section 8.5 for "*Revegetation Zone*".

**8.22. TEMPORARY CONSTRUCTION ACCESS ROUTE - LANDSCAPE REQUIREMENTS.**

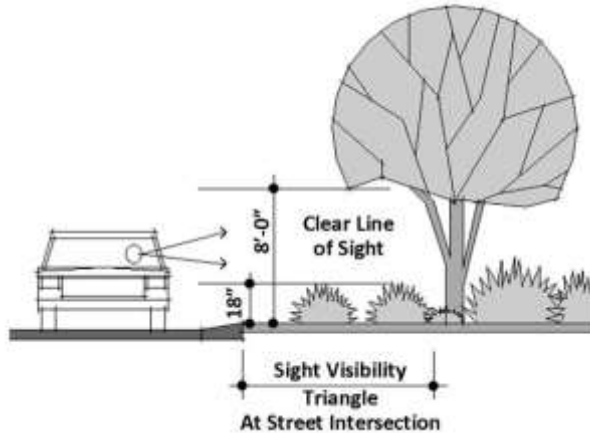
- a) Refer to Section 6 of the Design Guidelines for specific design requirements for a Temporary Construction Access Route.
- b) At times, the Committee may approve the use of a Temporary Construction Access Route as deemed appropriate in the sole opinion of the Committee. The Committee has no obligation to approve a Temporary Construction Access Route.
- c) If allowed by the Committee, the Temporary Utility Construction Corridor is not technically part of the Building Envelope.
- d) The Applicant shall accurately use the term "*Temporary Construction Access Route*" and this shall be clearly labeled on all submittals, if applicable.
- e) No existing trees or saguaros may be damaged or relocated by the Temporary Construction Access Route.
- f) Any drainage areas disturbed by the Temporary Construction Access Route must remain unobstructed during the course of construction.
- g) Upon completion of the construction, the Temporary Construction Access Route must be naturally contoured to restore the original topography.
- h) The Temporary Construction Access Route must be revegetated with native plants at a rate of seventy (70) containerized plants per 1000 sf (this is higher than the normal Desert Mountain revegetation standards). Approximately twenty percent (20%) of the required revegetation

Plants shall be installed at a size of fifteen (15) gallon or larger in order to bring some instant maturity to this area.

- i) Revegetation Seed Mix will be required over the entire Temporary Construction Access Route as outlined in Section 8.5.3 of the Design Guidelines.
  - Refer to Section 6 for "*Temporary Construction Access Route*".
  - Refer to Section 8.5 for "*Revegetation Zone*".

#### 8.23. SIGHT DISTANCE EASEMENT / TRAFFIC SAFETY TRIANGLE / SIGHT VISIBILITY TRIANGLE - LANDSCAPE REQUIREMENTS.

- a) For Lots located at the corner or intersection of two streets, Sight Distance Easements (S.D.E.) have been recorded on the Final Plat; or Traffic Safety Triangles / Sight Visibility Triangles have been established by default by the City of Scottsdale to ensure proper and safe visibility for traffic at street intersections. The objective is to maintain a clear line of sight from a point 18" above the ground to a point 8'-0" above the ground to provide sight visibility for traffic and safety purposes.



- b) All shrubs, bushes, groundcover plants, boulders, or other visibility obstructions located within the Traffic Safety Triangle shall be maintained at a height of 18" tall or less; or as otherwise required by the City of Scottsdale.
- c) All trees or other visibility obstructions located within the Traffic Safety Triangle shall have the bottom of the canopy maintained at least 8'-0" above the finished grade; or as otherwise required by the City of Scottsdale.

#### 8.24. STICKS-IN-THE-DESERT FENCE - LANDSCAPE REQUIREMENTS.

- a) Refer to Section 3 of the Design Guidelines for specific design requirements for Sticks-in-the-Desert Fence.
- b) Native and indigenous plants and native soil are required on both sides of the "sticks-in-the-desert" fence. The objective is that the fence "disappears into the desert"; therefore this concept requires native desert landscaping with indigenous plant species on both sides of the "sticks-in-the-desert" fence.
- c) Manicured or non-indigenous landscape is not allowed on the inside of the "sticks-in-the-desert" fence between the fence and the edge of the hard improvements, such as the pool and the patio.
- d) The use of imported decomposed granite is not allowed on the inside of the "sticks-in-the-desert" fence between the fence and the edge of the hard improvements.
  - Refer to Section 3 for "*Sticks-in-the-Desert Fence*".
  - Refer to Section 8.5 for "*Revegetation Zone*".

**8.25. LANDSCAPE AND PLANTING TRELIS.**

- a) For the purpose of these Design Guidelines, a Planting Trellis is a vertical panel, trellis, lattice, grid or similar improvement intended to support plants and vines in order to grow the plants vertically. (For clarity, larger structures such as arbors and shade structures are subject to the Architectural Standards outlined in these Design Guidelines.)
- b) Planting Trellises are only allowed within the Semi-Private Zone or the Private Zone.
- c) The style, pattern, character and appearance of a Planting Trellis must match the architectural style of the home.
- d) The height of a Planting Trellis may not be taller than the adjacent building wall or the adjacent solid site wall, unless otherwise approved by the Committee.
- e) Planting Trellis shall be installed true, plumb, vertical, and level. If more than one Planting Trellis occurs in a series, the height of all of the Planting Trellises shall be the same height for a uniform and organized appearance.
- f) Planting Trellis should be constructed of durable and low-maintenance materials such as metal. Planting Trellises constructed of wood and vinyl are not allowed.
- g) The color of the Planting Trellis shall be black, dark brown, dark bronze, or rust color, unless otherwise approved by the Committee.

**8.26. LANDSCAPE POTS AND PLANTERS.**

- a) Landscape pots and planters shall be located within the Private Zone and Semi-Private Zone only. Landscape pots and planters are not allowed in the Enhanced Zone, the Revegetation Zone, or the Native Zone.
- b) In general, landscape pots or planters may not be larger than four feet (4'-0") tall and three feet (3'-0") wide, unless otherwise approved by the Committee.
- c) The Committee reserved the right to limit the total quantity of pots and/or planters in its sole discretion.
- d) Landscape pots and planters shall complement the architectural character and color palette of the Residence and the landscape design. In general, the color of landscape pots shall be dark and earthy tones. Bold colors, bright colors, and dramatic designs, as well as shiny, metallic, or similar reflective finishes, are not allowed for landscape pots and planting containers.
- e) Since the primary purpose of pots and planters is to grow accent vegetation, Owners shall maintain attractive plants and flowers in the pots and planters at all times. Empty pots and planters are not advised and may be requested to be removed.
- f) Landscape pots and planters shall be maintained by the Owner in an attractive manner at all times, including being located in an upright position. Pots and planters that are broken, cracked, dilapidated, or otherwise unsightly shall be removed or repaired immediately.

**8.27. ARTIFICIAL VEGETATION.**

In general, artificial vegetation of any type (except for Artificial Turf) is not allowed, unless otherwise specifically approved by the Committee.

- Refer to Section 8.19 for "Turf" including "Artificial Turf".

**8.28. NO LANDSCAPING ON ROOFS.**

Landscaping is not permitted on the roof of any building or above-grade structure, unless otherwise specifically approved by the Committee.

**8.29. WEED BARRIERS.**

Plastic sheet or fabric weed barriers are not allowed under decomposed granite or landscape areas. In general, these types of materials deteriorate and become exposed, resulting in an undesirable and unattractive appearance.

**8.30. LANDSCAPE LIGHTING.** See Section 9 "*Landscape Lighting*".

**8.31. LANDSCAPE GRADING.** See Section 6 "*Grading*".

**8.32. HARDSCAPE IMPROVEMENTS.**

See Section 6 and Section 7 of these Design Guidelines for various types of hardscape improvements; including, but not limited to: site walls, retaining walls, fences, railings, gates, driveways, walkways, exterior stairs, patios, outdoor fireplaces, fire pits, fire features, pools, spas, water features, barbeques, outdoor equipment, and other outdoor hardscape improvements and amenities.

**8.33. LANDSCAPE MAINTENANCE.**

- a) Each Owner is required to maintain the landscape on their Lot in such a manner that it does not become visually unattractive, overgrown, weed-infested, barren, sparse, or otherwise not in keeping with these Design Guidelines; the applicable policies of the Association; and/or other provisions of the Declaration.
- b) In general, the Native Zone and the Revegetation Zone require minimal to no maintenance since these landscape areas are intended to appear the same as the undisturbed desert. Landscape maintenance in the Native Zone and the Revegetation Zone should be limited to the removal of dead plant material and the removal of defined invasive species, defined weeds or other plant materials not listed in the *Lists of Approved Plants* in Appendix X.1 of these Design Guidelines. The landscape in the Native Zone and the Revegetation Zone should not have a manicured, trimmed, pruned, shaped, raked or groomed appearance and should not be kept clean of all small native grasses and plant material, exposing a bare desert floor. The Native Zone and the Revegetation Zone shall be maintained in such a manner that these areas resemble the appearance of the adjacent undisturbed natural desert. Owners can save money on their monthly landscape maintenance costs by simply instructing the landscaper to leave the desert area around the overall perimeter footprint of the home and site walls alone to grow naturally.
- c) The maintenance of an area around a Residence that is clear of vegetation is not allowed. Refer to Section 8.37 below regarding maintenance of a proper wildfire break and fire defensible space.
- d) The native desert landscape on an undeveloped vacant Lot may not be trimmed, thinned, groomed, pruned, cleared, cleaned, raked or otherwise modified in any way (including within the Building Envelope); except for the removal of invasive species and mistletoe. Undeveloped vacant lots shall be left in their natural and undisturbed condition until plans have been approved by the Committee for the construction of a home on the property.
- e) Tree maintenance resulting in the "topping" of trees in the Native Zone or the Revegetation

**HINT:**

***Landscaping that is outside of the footprint of the home and site walls should be left natural.***

***Do Not Trim, Prune, Manicure, Groom, Clear or Rake.***

***Just let it be natural.***



Zone is not allowed. "Topping" is when the uppermost part of the tree is unnaturally pruned or trimmed to make the tree lower in height often to improve views over the tree. All trees in the Native Zone or the Revegetation Zone shall be left to grow to their natural height.

- f) The maintenance of landscape within the Private Zone, Semi-Private Zone, and Enhanced Zone shall be such that the plant material does not become overgrown, sparse, or appear unattractive.
- g) Owners are required to properly maintain landscape a safe distance from any outdoor fire or flame elements, including, but not limited to: fire pits, outdoor fireplaces, fire bowls, or any other element that have an exposed flame.
- h) The landscape areas between the Semi-Private Zone and the Revegetation Zone or Native Zone that are not clearly divided by site walls should naturally transition the level of maintenance so as not to create a clear line of demarcation between the two zones.
- i) Owners are required to maintain their irrigation systems in good working order at all times. Owners shall maintain their irrigation systems to avoid significant run-off issues. Irrigation run-off into the Native Zone is not permitted. Damage or deterioration to the irrigation system, and in particular leaks, shall be repaired by the Owner in a timely manner.
- j) Landscape waste, clippings, pruning and branches generated as the result of landscape maintenance shall be hauled away from the property by the landscape contractor, vendor or service provider in a timely manner. Paid landscapers are not allowed to stockpile landscape waste along the street for pickup by the City of Scottsdale Bulk Trash operations. (In other words, if you pay a landscaper to perform landscape maintenance, the landscaper must remove all landscape waste immediately.) Only landscape waste generated by the actual resident is allowed to be staged adjacent to the street for collection as part of the Bulk Trash pickup from the City of Scottsdale.
- k) The Committee and the Association reserve all rights allowed by the Declaration to cause the maintenance of the landscape in accordance with these Guidelines, including the imposition of fines.
  - Refer to Section 8.3 for "*Residential Landscape Zones*".
  - Refer to Section 8.37 for "*Wildfire Break*".
  - Refer to Section 8.38 for "*Landscape Violations / Unapproved Landscape Modifications*".
  - Refer to Section 8.39 for "*Landscape Violations / Revegetation Restoration*".

Provide a copy of this page to your landscape maintenance contractor



### LANDSCAPE MAINTENANCE AT DESERT MOUNTAIN

- Landscape maintenance around the perimeter of the home should be limited to the removal of dead plant material and the removal of defined weeds and defined invasive species. Other than that, the native desert landscape outside the overall perimeter footprint of the home and site walls should be left to grow naturally. It doesn't require any more work or maintenance than that!!
- The area around the perimeter of the home should not have a manicured, trimmed, pruned, raked, or groomed appearance. No need to trim or prune. No need to rake or groom.
- Allow the small native grasses and small native plant material to grow on the desert floor. It is important to let the small seasonal native plants provided by Mother Nature to grow and fill in as their roots keep the soil intact and prevent erosion.
- **Only** native and indigenous plant species as specifically listed on the *List of Approved Indigenous Plants* in Appendix X.1 of the Design Guidelines are allowed beyond the overall perimeter footprint of the home and site walls. Remember, although some plants are arid-type plants, the plant species may not be indigenous to our local desert, so always verify that the plant species are on the *List of Approved Indigenous Plants* in Appendix X.1 of the Design Guidelines.
- A minimum of 75% of the total quantity of plants outside the overall perimeter of home and site walls should be Dominant Groundcover Species, such as "Turpentine Bush", "Bursage" or "Jojoba".
- It is *not* acceptable to clear, remove or significantly thin the native vegetation outside the overall perimeter footprint of the home and site walls.
- No landscape maintenance should occur within the Native Zone or the areas protected by the NAOS Easement.
- Imported landscape gravel or decomposed granite top dressing should not be used in any of the landscape areas beyond the footprint of the home and site walls. Instead, the natural desert soil shall remain.
- No landscape lighting is allowed beyond the footprint of the home and site walls, except along the driveways when specifically approved by the Design Review Committee.
- The landscape areas outside the overall perimeter footprint of the home and site walls should be maintained in such a manner that the landscape area resembles the adjacent undisturbed natural desert.



**8.34. LANDSCAPE MAINTENANCE - PROHIBITED PLANTS, INVASIVE SPECIES, WEEDS, AND PARASITES.**

- a) **Prohibited Plant Removal:** Any plants listed on the *List of Prohibited Plants* in Section X.3 of Appendix "X" of these Design Guidelines that are located on any portion of a residential Lot shall be removed by the Owner in a timely manner to prevent the plants from spreading throughout the Community.
- b) **Desert Broom Removal:**
- i. An Owner is allowed and encouraged to remove Desert Broom (*Baccharis sarothroides*) from any portion of the Lot, including in the Native Zone. Desert Broom is defined as an "invasive species" due to its ability to rapidly spread and overtake the native vegetation.
  - ii. Before removing any desert plants, the Owner and landscape maintenance vendor should be certain that the plants they are removing are indeed Desert Broom. Do not accidentally remove native plants that are not Desert Broom.
  - iii. To effectively and permanently remove Desert Broom, an Owner should retain a qualified landscape maintenance contractor to cut off the Desert Broom at the base; and immediately apply a specialized herbicide called "Garlon" (Triclopyr) to the fresh cuts of the removed Desert Broom. The "Garlon" (Triclopyr) herbicide is a commercial chemical that should only be applied by qualified professionals.
- c) **Globe Chamomile Removal:** An Owner is allowed and encouraged to remove Globe Chamomile (*Oncosiphon piluliferum*) from any portion of the Lot, including in the Native Zone. Globe Chamomile is defined as an "invasive species" due to its ability to spread quickly. Globe Chamomile should be pulled out in it's entirely when the plant is young and before it has fully developed its yellow seed pods. The removed plants should be bagged in a plastic bag and disposed of properly to avoid distribution of the seed. Globe Chamomile should not be removed by raking or use of a string trimmer, as this will cause greater distribution of the undesirable seed.
- d) **Mistletoe Removal:** An Owner is allowed and encouraged to remove Mistletoe (*Phoradendron californicum*) from trees in any portion of the Lot, including in the Native Zone. Mistletoe is a common parasite that can eventually kill an infested desert tree. Mistletoe is commonly spread by birds; therefore, removal of Mistletoe is the most effective way to prevent it spreading. To effectively remove Mistletoe from a tree, an Owner should retain a Certified Arborist that can assess the condition of the tree and recommend an appropriate method to remove the Mistletoe with the greatest chance of survival of the tree. Bagging and disposal of the removed Mistletoe is recommended to prevent further infestation.
- e) **Dodder Removal:** An Owner is allowed and encouraged to remove Dodder (*Cuscuta spp.*) from any portion of the Lot, including in the Native Zone. Dodder is a common parasite. To effectively remove Dodder from a plant, the parasite shall be manually removed on a regular basis. The parasite should be bagged and disposed of properly to avoid spread.
- f) **Witch's Broom Removal:** An Owner is allowed and encouraged to remove Witch's Broom from trees in any portion of the Lot, including in the Native Zone. To effectively remove Witch's Broom from a tree, an Owner should retain a Certified Arborist that can assess the condition of the tree and recommend an appropriate method to remove the Witch's Broom with the greatest chance of survival of the tree.
- Refer to Section 8.33 for "*Landscape Maintenance*".

**CAUTION:**

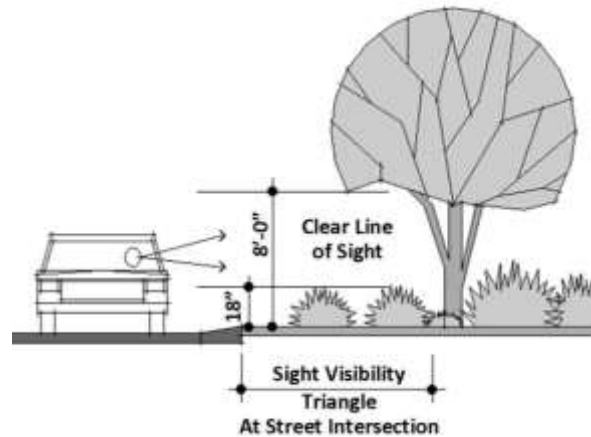
*Be certain the plant you are removing is Desert Broom. A small Desert Broom has some visual similarities to the Turpentine Bush. The Turpentine Bush must remain in place as it is a Dominant Ground Cover Species.*

**BE SURE YOU ARE REMOVING THE CORRECT PLANT.**

**Ask if you are not sure!**

**8.35. LANDSCAPE MAINTENANCE - SIGHT DISTANCE EASEMENT / TRAFFIC SAFETY TRIANGLES / SIGHT VISIBILITY TRIANGLES.**

For Lots located at the intersection of two streets, it is common for a Sight Visibility Easement (S.V.E) or a Sight Distance Easement (S.D.E.) to be recorded as part of the Final Plat. At other times, a Traffic Safety Triangle or Sight Visibility Triangle is required by the City of Scottsdale to ensure that a view triangle is provided at the intersection of the streets for safety reasons and to prevent hindering a drivers' view of oncoming obstacles. Any landscape within the Traffic Safety Triangle must be maintained by the Owner so that no plants grow taller than 18" above the ground; and the bottom of the canopy of the trees must maintained so that no portion of the tree is lower than 8'-0" above the finished grade; as shown on the adjacent illustration; or as otherwise required by the City of Scottsdale.



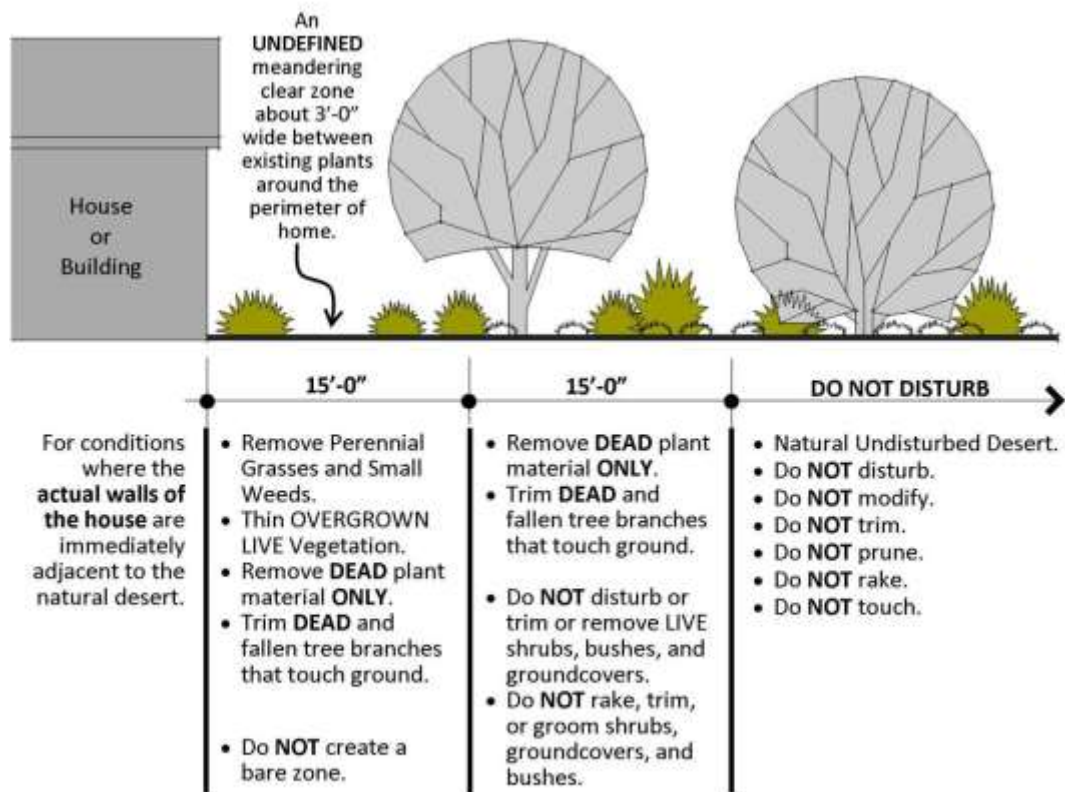
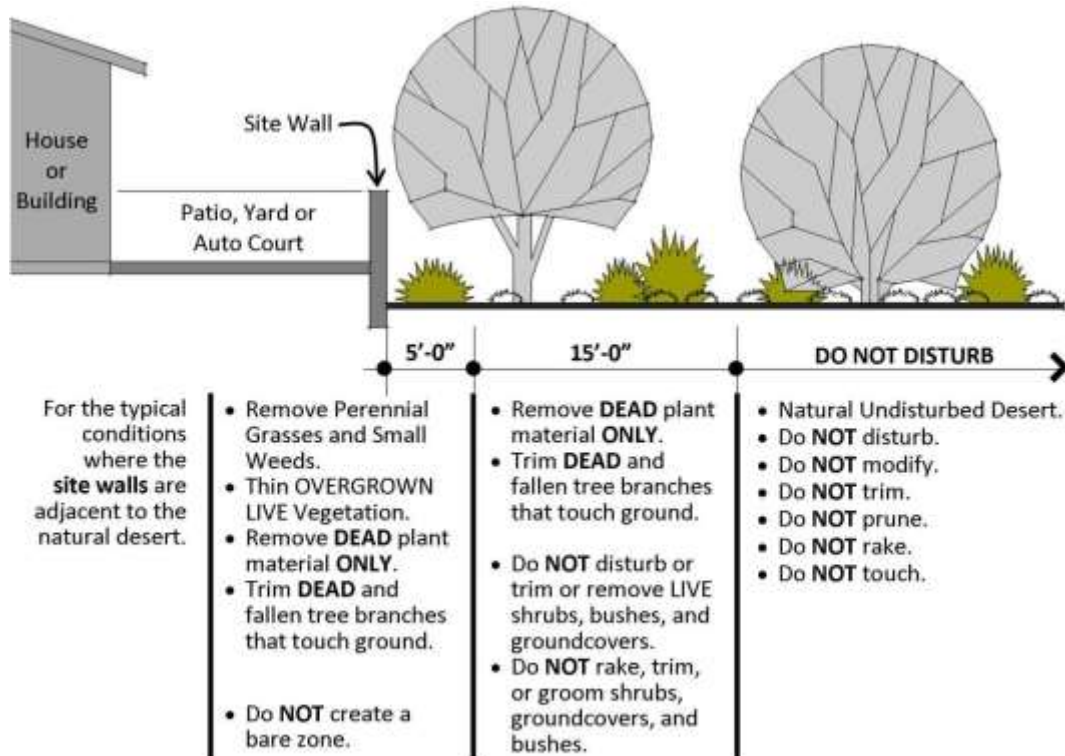
- Refer to Section 8.33 for "*Landscape Maintenance*".
- Refer to Section 8.23 for "*Site Distance Easement / Traffic Safety Triangle / Sight Visibility Triangle*".

**8.36. LANDSCAPE MAINTENANCE - MAINTENANCE ACCESS ROUTES.**

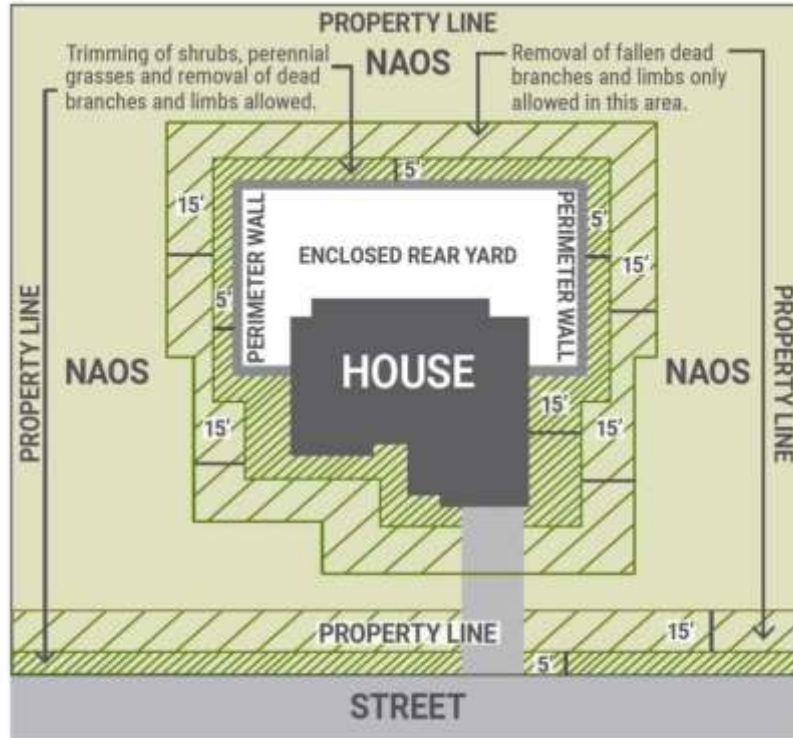
- a) Paved walkways, stepping-stones, raked gravel, and defined paths that are located outside the overall perimeter of the home and site walls in the Native Area or Revegetation are generally not allowed for the purpose of access routes for pool, landscape or equipment maintenance, unless otherwise specifically approved by the Committee.
  - b) Typically, a small approximately 2'-0" wide undefined, meandering route between and around the existing natural vegetation is sufficient to allow for access for maintenances purposes, if necessary. The objective is that the access route should not be visually obvious; but instead should consist of nothing more than a logical undefined route between existing plants to get from the driveway or street to the maintenance destination.
- Refer to Section 6 for "*Pool Maintenance Access*".

**8.37. LANDSCAPE MAINTENANCE - WILDFIRE BREAK / DEFENSIBLE SPACE.**

- a) The proper maintenance of the landscape around the perimeter of the home can reduce the risk of wildfire danger while still providing an attractive landscape that is appropriate for Desert Mountain. When creating a defensible space around the home, the key is to remove *only* the dead and overgrown plant material that could fuel a wild fire. Removing live plants or creating a barren swath around the home is not an acceptable practice, as it will create an unnatural appearance and may result in excessive erosion conditions.
- b) As recommended by the City of Scottsdale Fire Department, the native landscape around the perimeter of the home and site walls should be maintained as follows:
  - i. Within 5' of a site wall, retaining wall, screen wall, or yard wall:
    - Remove perennial grasses and very small weeds.
    - Thin overgrown live vegetation. Do not remove the live vegetation, but only thin the overgrown areas.
    - Prune and remove **dead** plant material and **dead** branches.
    - Remove **dead** and fallen tree branches that touch the ground.
  - ii. Within 20' of a site wall or yard wall:
    - Prune and remove **dead** plant material and **dead** branches.
    - Remove **dead** and fallen tree branches that touch the ground.
  - iii. Within 15' of the house or building structure: *(This criteria applies specifically to the house and building structures and NOT to site walls, yards, patios and auto courts.)*
    - Remove perennial grasses and very small weeds.
    - Thin overgrown live vegetation. Do not remove the live vegetation, but only thin the overgrown areas.
    - Prune and remove **dead** plant material and **dead** branches.
    - Remove **dead** and fallen tree branches that touch the ground.
  - iv. Within 30' of the house or building structure: *(This criteria applies specifically to the house and building structures and NOT to site walls, yards, patios and auto courts.)*
    - Prune and remove **dead** plant material and **dead** branches.
    - Remove **dead** and fallen tree branches that touch the ground.
  - v. An accessible foot route about 3'-0" wide for a firefighter should be maintained around the overall perimeter of the home. If the plants, trees, and shrubs are so thick that a firefighter cannot walk around the perimeter of the home, then some of the plant material shall be thinned or trimmed. Do **NOT** create a dedicated, defined or groomed path. Only create a natural-looking meandering route than can be traversed over the natural desert.
- c) It is not acceptable to clear a large area of all vegetation around the perimeter of the home.
- d) To be clear, in general, the natural patterns and density of plants in the undisturbed desert allow for access around the home. But if the landscape in the Revegetation Zone is overwatered, these landscape areas can become overgrown.
  - Refer to Section 8.33 for "Landscape Maintenance".
  - Refer to Section 8.9 for "Natural Area Open Space (NAOS) Easement".



WILDFIRE DEFENSIBLE SPACE DIAGRAM #8M



	Homes	Walls & Streets
Trim Live Vegetation	15 feet	5 feet
Remove Dead Vegetation	15 feet	15 feet
Total Defensible Dimensions	30 feet	20 feet

**WILDFIRE DEFENSIBLE SPACE DIAGRAM #8N**

**8.38. LANDSCAPE VIOLATIONS / UNAPPROVED LANDSCAPE MODIFICATIONS.**

- a) All landscape modifications and improvements must be submitted to and approved by the Committee or Design Review Office prior to installation.
- b) If an Owner, including through their landscape contractor or landscape maintenance provider, installs or modifies the landscape, mineral groundcover, boulders, riprap, or landscape lighting on any portion of the property without prior written approval from the Committee or the Design Review Office, the Committee reserves the right to require the Owner correct all landscaping in a timely manner in order to bring the landscaping into compliance with the design criteria and standards outlined in these Design Guidelines regardless of cost to the Owner.
- c) The Committee reserves the right to assess the Owner additional Design Review Fees in order to address the installation of unapproved landscape modifications.

**8.39. LANDSCAPE VIOLATIONS / REVEGETATION RESTORATION.**

- a) If an Owner, including through their landscape maintenance provider, intentionally or unintentionally clears, thins, prunes, grooms, manicures or removes vegetation in the Native Zone or the Revegetation Zone without approval of the Committee or the Design Review Office, the Committee reserves the right to require the Owner to fully restore the landscape in these areas to comply with the design criteria and revegetation standards outlined in these Design Guidelines regardless of cost to the Owner.
- b) The Committee reserves the right to access the Owner additional Design Review Fees in order to address the installation of unapproved landscape modifications.
  - Refer to Section 8.33 for "*Landscape Maintenance*".
  - Refer to Section 3 for "*Building Envelope*".
  - Refer to Section 8.4 for "*Native Zone*".
  - Refer to Section 8.5 for "*Revegetation Zone*".
  - Refer to Section 8.9 for "*Natural Area Open Space (NAOS) Easement*".

**8.40. LANDSCAPE PLANS.**

- a) All modifications to the landscape in any of the Landscape Zones including the Private Zone must be submitted to and approved by the Committee or the Design Review Office prior to implementation, modification or installation.
- b) Landscape Plans must be clear, complete, and easy-to-understand.
- c) Landscape Plans must clearly identify:
  - i. Plant species.
    - Plant species from the *List of Approved Indigenous Plants* in Section X.1 of the Design Guidelines.
    - Plant species from the *List of Approved Non-Indigenous Plants* in Section X.2 of the Design Guidelines.
    - Plant species not on either the *List of Approved Indigenous Plants* in Section X.1 of the Design Guidelines or on the *List of Approved Non-Indigenous Plants* in Section X.2 of the Design Guidelines.
  - ii. Plant locations.
  - iii. Plant size.
  - iv. Plant density calculations.
  - v. Revegetation Seed Mix (if applicable)
  - vi. Original Building Envelope.
  - vii. Proposed Building Envelope.
  - viii. NAOS Easement.
  - ix. Property Lines.
- d) For Landscape Plans for a new home, refer to Section 4 for a detailed list of submittal requirements.
- e) Refer to Section 4 of these Design Guidelines for a complete explanation of the Design Review Process.



**8.41. MINOR LANDSCAPE MODIFICATIONS IN THE PRIVATE ZONE.**

- a) Minor modifications, replacements, and enhancements to the landscape in Private Zone do not need to be submitted to the Committee for review and approval, if **ALL** of the following conditions are met.
  - i. All plants and landscape modifications are located in the Private Area behind site walls and fences.
  - ii. All plants and landscape modifications are in complete and strict compliance with the Design Guidelines.
  - iii. All plant species are selected from the *List of Approved Indigenous Plants* in Section X.1 of the Design Guidelines and/or the *List of Approved Non-Indigenous Plants* in Section X.2 of the Design Guidelines.
  - iv. All decomposed granite and landscape gravels are in complete and strict compliance with the Design Guidelines.
  - v. All landscape lighting is fully-shielded and complete and strict compliance with the Design Guidelines.
- b) Any proposed landscape modifications in the Private Zone that include Turf, Artificial Turf, patios, hardscapes, water features or other improvements must be submitted to the Committee for review prior to construction.
- c) Any proposed landscape modifications or plant species that do not strictly comply with the Design Guidelines must be submitted to the Committee for evaluation and approval prior to installation.
- d) Any proposed landscape modifications in the Native Zone, Revegetation Zone, Enhanced Zone and Semi-Private Zone must be submitted to the Committee for evaluation and approval prior to installation.

**8.42. LANDSCAPE CONTRACTORS, VENDORS AND SERVICE PROVIDERS.**

- a) The Committee strongly recommends that Owners and General Contractors retain experienced, qualified and professional landscape contractors, vendors and service providers with proven experience with the installation and maintenance of sensitive desert landscapes such as those at Desert Mountain.
- b) Landscape contractors, vendors and service providers should have a thorough understanding of the Landscape Design Guidelines in the Desert Mountain Design Guidelines. The Design Guidelines are available online at [www.desertmtcommunity.com](http://www.desertmtcommunity.com) at all times for easy access to the design standards.

## **APPENDIX "X" – PLANT LISTS**

Appendix "X" Contains Three (3) Plant Lists:

**X.1. List of Approved Indigenous Plants**

Allowed in any Landscape Zone.

**X.2. List of Approved Non-Indigenous Plants**

Allowed **ONLY** in the Private Zone or Semi-Private Zone.

**X.3. List of Prohibited Plants**

Prohibited for any location on a residential Lot.

### **X.1. LIST OF APPROVED INDIGENOUS PLANTS.**

Approved Indigenous Plants may be used in any of the Landscape Zones on a residential lot.

ONLY approved indigenous plants may be used in the **Native Zone** and the **Revegetation Zone** for those landscape areas located beyond the perimeter footprint of the home and site walls. The density, ratios, and mix of any added indigenous plant material should approximate those found in the general area of the native undisturbed desert.

Refer to Section 8.4 and 8.5 of the Design Guidelines for an explanation and illustration of the **Native Zone** and the **Revegetation Zone**.

For clarity, Approved Indigenous Plants are considered those plant species that are specifically indigenous and native to Desert Mountain. While there may be several other plants that are native to the upper Sonoran Desert, this list is specific to indigenous and native plants within Desert Mountain.

#### **X.1.1. Indigenous Trees:**

**COMMON NAME**

Blue Palo Verde  
Crucifixion Thorn  
Desert Hackberry  
Desert Willow / Desert Catalpa  
Foothills Palo Verde  
Net Leaf Hackberry  
One-Seed Juniper  
Velvet Mesquite / Native Mesquite

**BOTANICAL NAME**

*Parkinsonia florida*  
*Canotia holacantha*  
*Celtis pallida*  
*Chilopsis linearis*  
*Parkinsonia microphylla*  
*Celtis reticulata*  
*Juniperus monosperma*  
*Prosopis velutina (juliflora)*

#### **X.1.2. Indigenous Shrubs:**

**COMMON NAME**

Anderson Thornbush  
Barberry  
Bear Grass  
Brittle Bush

**BOTANICAL NAME**

*Lycium andersonii*  
*Berberis haematocarpa*  
*Nolina microcarpa*  
*Encelia farinosa*

<b>Bursage +</b>	<b>Ambrosia deltoidea +</b>
Canyon Ragweed	<i>Ambrosia ambrosioides</i>
Catclaw Acacia / Wait-a-Minute Bush	<i>Acacia greggii / Senegalia greggii</i>
Catclaw Mimosa	<i>Mimosa aculeaticarpa var. biuncifera</i>
Chuparosa	<i>Justicia californica</i>
Creosote Bush	<i>Larrea tridentata</i>
<b>Desert Buckwheat +</b>	<b><i>Eriogonum fasciculatum +</i></b>
Desert Ceanothus	<i>greggii</i>
Desert Honeysuckle	<i>Anisacanthus thurberi</i>
Desert Lavender	<i>Hyptis emoryi</i>
Desert Rock-Pea	<i>Acmispon rigidus / Lotus rigidus / Ottleya rigida</i>
Goldeneye	<i>Bahiopsis deltoidea / Viguiera deltoidea</i>
Graythorn	<i>Ziziphus obtusifolia</i>
Hopbush	<i>Dodonaea viscosa</i>
Indigo Bush	<i>Dalea pulchra</i>
<b>Jojoba +</b>	<b><i>Simmondsia chinensis +</i></b>
Mormon Tea	<i>Ephedra species</i>
Mountain Mahogany	<i>Cercocarpus montanus</i>
Ocotillo	<i>Fouquieria splendens</i>
Pineleaf Milkweed	<i>Asclepias linaria</i>
Pink Fairy Duster	<i>Calliandra eriophylla</i>
Range Ratany / Little Leaf Ratany	<i>Krameria erecta</i>
Redberry Buckthorn	<i>Rhamnus crocea</i>
Scrub Oak	<i>Quercus turbinella</i>
Sugar Sumac	<i>Rhus ovata</i>
Sweetbush	<i>Bebbia juncea</i>
Thornbush / Baja Desert Thorn	<i>Lycium brevipes / Lycium richii</i>
Trixis	<i>Trixis californica</i>
<b>Turpentine Bush +</b>	<b><i>Ericameria laricifolia +</i></b>
Wolfberry, Tomatillo	<i>Lycium fremontii</i>
White Ratany	<i>Krameria grayi / Krameria bicolor</i>
Wright's Buckwheat	<i>Eriogonum wrightii</i>

+ = Dominant Ground Cover Species (refer to Section 8.5.2(e) of the Design Guidelines)

### X.1.3. Indigenous Perennials:

<u>COMMON NAME</u>	<u>BOTANICAL NAME</u>
Aster	<i>Machaeranthera species</i>
Beard Tongue/Firecracker Penstemon	<i>Penstemon eatonii</i>
Blackfoot Daisy	<i>Melampodium leucanthum</i>
Blue Dick	<i>Dichelostemma capitatum</i>
Canyon Penstemon	<i>Penstemon pseudospectabilis</i>
Desert Four O'Clock	<i>Mirabilis multiflora</i>
Desert Marigold	<i>Baileya multiradiata</i>
Desert Senna / Coues' Cassia	<i>Senna covesii</i>
Dyssodia	<i>Dyssodia porophylloides</i>
Fleabane Daisy	<i>Erigeron divergens</i>
Globe Mallow (apricot)	<i>Sphaeralcea ambigua (apricot)</i>

Golden Dyssodia  
 Goodings Verbena  
 Indian Paintbrush  
 Palmer's Penstemon  
 Paperflower  
 Parry's Penstemon  
 Rock Penstemon  
 Sacred Datura

*Thymophylla pentachaeta*  
*Glandularia gooddingii* / *Verbena gooddingii*  
*Castilleja chromosa*  
*Penstemon palmeri*  
*Psilostrophe cooperi*  
*Penstemon parryi*  
*Penstemon baccharifolius*  
*Datura meteloides*

#### **X.1.4. Indigenous Annuals:**

**COMMON NAME**

Barestemmed Larkspur  
 Chia  
 Desert Chicory  
 Desert Lupine  
 Fleabane Daisy  
 Mexican Poppy  
 Stickleaf, Blazing Star

**BOTANICAL NAME**

*Delphinium scaposum*  
*Salvia columbariae*  
*Rafinesquia species*  
*Lupinus sparsiflorus*  
*Erigeron species*  
*Eschscholtzia californica subsp. mexicana*  
*Mentzelia species*

#### **X.1.5. Indigenous Succulents and Cacti:**

**COMMON NAME**

Agave - American / Century Plant  
 Agave - Parry's  
 Agave - Toumeyana  
 Cholla - Buckhorn / Staghorn  
 Cholla - Chain Fruit Cholla  
 Cholla - Desert Christmas Cholla  
 Cholla - Teddy Bear Cholla  
 Compass Barrel Cactus  
 Desert Prickly Pear  
 Desert Spoon  
 Fishhook Pincushion  
 Hedgehog Cactus  
 Night-Blooming Cereus  
 Pancake Prickly Pear  
 Saguaro  
 Yucca - Banana  
 Yucca - Beaked  
 Yucca - Soaptree

**BOTANICAL NAME**

*Agave americana*  
*Agave parryi*  
*Agave toumeyana*  
*Cylindropuntia acanthocarpa*  
*Cylindropuntia fulgida*  
*Cylindropuntia leptocaulis*  
*Cylindropuntia bigelovii*  
*Ferocactus cylindraceus*  
*Opuntia engelmannii*  
*Dasyliirion wheeleri*  
*Mammillaria grahamii*  
*Echinocereus engelmannii*  
*Peniocereus greggii*  
*Opuntia chlorotica*  
*Carnegiea gigantea*  
*Yucca baccata*  
*Yucca rostrata*  
*Yucca elata*

#### **X.1.6. Indigenous Grasses:**

**COMMON NAME**

Fluffgrass  
 Purple Threeawn

**BOTANICAL NAME**

*Dasyochloa pulchella*  
*Aristida purpurea*

## X.2. LIST OF APPROVED NON-INDIGENOUS PLANTS.

Below is a list of plants for use in the **SEMI-PRIVATE ZONE** and **PRIVATE ZONE** (inside and behind site walls) **only**. (Refer to Sections 8.7 and 8.8 of the Design Guidelines for an explanation of the Semi-Private Zone and the Private Zone.)

X.2.1 **Non-Indigenous Trees:** (ONLY allowed in Semi-Private Zone and Private Zone)

<u>COMMON NAME</u>	<u>BOTANICAL NAME</u>
Abyssinian Acacia	<i>Acacia Abyssinica</i>
Apes Earring	<i>Pithecollobium bervefolium</i>
Argentine Mesquite, White Mesquite	<i>Prosopis Alba</i>
Bird of Paradise *	<i>Caesalpinia platyloba</i> *
Chaste Tree *	<i>Vitex angus-castus</i> *
Desert Museum Palo Verde	<i>Parkinsonia hybrid 'Desert Museum'</i>
Guajillo Acacia / Berlandier Acacia *	<i>Senegalia berlandieri</i> *
Honey Mesquite	<i>Prosopis glandulosa</i>
Ironwood	<i>Olneya tesota</i>
Mulga	<i>Acacia aneura</i>
Needle Acacia	<i>Acacia eburnia</i>
Palo Brea	<i>Cercidium Praecox</i>
Screwbean Mesquite	<i>Prosopis pubescens</i>
Sonoran Palo Verde	<i>Parkinsonia praecox</i>
Sonoran Tree Catclaw	<i>Acacia occidentalis</i>
Sweet Acacia	<i>Acacia farnesiana (smallii)</i>
Texas Ebony *	<i>Pithecollobium flexicaule</i> *
Twisted Acacia	<i>Acacia schaffneri</i>

\* = must be maintained to a height of 18'-0" tall or less at all times.

X.2.2 **Non-Indigenous Shrubs:** (ONLY allowed in Semi-Private Zone and Private Zone)

<u>COMMON NAME</u>	<u>BOTANICAL NAME</u>
Apache Plume	<i>Fallugia paradoxa</i>
Arizona Rosewood	<i>Vauquelinia californica</i>
Arizona Sophora	<i>Sophora arizonica</i>
Arizona Blue Bells / Blue Sky	<i>Eremophila hygrophana</i>
Arizona Yellow Bells	<i>Tecoma stans (and similar varieties)</i>
Autumn Sage / Red Salvia	<i>Salvia greggii red</i>
Bigelow Nolina	<i>Nolina bigelovii</i>
Blue Sage	<i>Salvia chamaedryoides</i>
Chihuahuan Sage	<i>Leucophyllum laevigatum</i>
Cleveland Sage / Cleveland Salvia	<i>Salvia clevelandii</i>
Coral Fountain	<i>Russelia equisetiformis</i>
Coffeeberry	<i>Rhamnus californica</i>
Desert Milkweed	<i>Asclepias subulata</i>
Desert Salt Bush / Cattle Spinach	<i>Atriplex polycarpa</i>
Emu Bush / Easter Egg Emu Bush	<i>Eremophila racemosa</i>
Feather Dalea	<i>Dalea Formosa</i>
Feathery Cassia	<i>Cassia artemisioides</i>

Fern Acacia	<i>Acacia angustissima</i>
Firecracker Bush	<i>Hamelia patens</i>
Flattop Buckwheat	<i>Eriogonum fasciculatum v. polifolium</i>
Four-Wing Salt Bush	<i>Atriplex canescens</i>
Fragrant Bursera	<i>Bursera fagaroides</i>
Gold Lead Ball Tree	<i>Leucaena retusa</i>
Gold Medallion Tree	<i>Cassia leptophylla</i>
Green Cloud Sage	<i>Leucophyllum frutescens</i> 'Green Cloud'
Green Feathery Cassia	<i>Cassia nemophila</i>
Gregg Dalea	<i>Dalea greggii</i>
Highmass	<i>Aloysia wrightii</i>
Indian Hawthorn	<i>Rhaphiolepis indica</i>
Indigo Bush	<i>Wislizenus dalea</i>
Inflated Buckwheat	<i>Eriogonum inflatum</i>
Lantana - Dallas Red	<i>Lantana camara</i> 'Dallas Red'
Lantana - New Gold	<i>Lantana x hybrida</i> 'New Gold'
Lantana - Radiation	<i>Lantana camara</i> "Radiation"
Lantana - Purple / Trailing	<i>Lantana sellowiana</i>
Lantana - White	<i>Lantana montevidensis</i> 'White'
Leather Leaf Acacia	<i>Acacia craspedocarpa</i>
Lemonade Bush	<i>Rhus trilobata</i>
Limber Bush	<i>Jatropha cardiophylla</i>
Little John Dwarf Bottlebrush	<i>Callistemon</i> 'Little John'
Little Leaf Cordia	<i>Cordia parvifolia</i>
Little Ollie / Dwarf Olive	<i>Olea europaea</i> 'Little Ollie'
Mexican Bird of Paradise	<i>Caesalpinia pulcherrima</i>
Mexican Bush Sage	<i>Salvia leucantha</i>
Mexican Honeysuckle	<i>Justicia spicigera</i>
Mexican Poinciana	<i>Caesalpinia mexicana</i>
Mueller's Saltbush	<i>Atriplex mulleri</i>
Nevada Salt Bush	<i>Atriplex torreyi</i>
Old Man Salt Bush	<i>Atriplex nummularia</i>
Orange Jubilee	<i>Tacoma x</i> 'Orange Jubilee'
Organillo	<i>Koanophyllon dolicholepis</i>
Penstemon - Cut Leaf	<i>Penstemon baccharifolius</i>
Penstemon - Rock	<i>Penstemon baccharifolius</i>
Pink Texas Sage / Pink Salvia	<i>Salvia greggii</i> pink
Plumbago / Cape Leadwort	<i>Plumbago auriculata</i> / <i>Plumbago capensis</i>
Pyracantha / Firethorn	<i>Pyracantha fortuneana</i>
Quail Bush	<i>Atriplex lentiformis</i>
Red Bird of Paradise	<i>Paradisaea rubra</i>
Red Fairy Duster	<i>Calliandra californica</i>
Red Justicia	<i>Justicia canicans</i>
Rio Bravo Sage / Texas Ranger	<i>Leucophyllum langmaniae</i> 'Rio Bravo'
Ruellia - Desert	<i>Ruellia peninsularis</i>
Ruellia - Purple / Mexican Petunia	<i>Ruellia brittoniana</i>
Ruellia - Dwarf Katie Ruellia	<i>Ruellia brittoniana</i> 'Katie'
Senna Artemisioides	<i>Cassia circinnata</i>

Senna Polyantha	<i>Cassia goldmannii</i>
Shrubby Cassia	<i>Cassia wislizenii</i>
Silver Cassia	<i>Cassia phyllodenia</i>
Silver Sage	<i>Salvia argentea</i>
Silver Saltbush	<i>Atriplex rhagodiodes</i>
Texas Cassia	<i>Cassia biflora</i>
Texas Mountain Laurel	<i>Sophora secundiflora</i>
Texas Sage, Texas Ranger	<i>Leucophyllum frutescens</i>
Thread Leaf Groundsel	<i>Senecio douglasii</i>
Thunder Cloud / Violet Silverleaf Sage	<i>Leucophyllum candidum</i>
Torrey Saltbush	<i>Atriplex lentiformis var. Torreyi</i>
Valentine Bush / Emu Bush	<i>Eremophila maculata 'Valentine'</i>
Velvet Pod Mimosa	<i>Mimosa dysocarpa</i>
Violet Silverleaf Sage	<i>Leucophyllum candidum</i>
Vislizenus Dalea	<i>Dalea wislizeni</i>
White Bursage	<i>Ambrosia dumosa</i>
White Thorn Acacia	<i>Acacia constricta</i>
Willow Leaf Groundsel	<i>Senecio salignus</i>
Woolly Butterfly Bush	<i>Buddleia marrubifolia</i>
Yellow Bird of Paradise	<i>Caesalpinia gilliesii</i>

**X.2.3. Non-Indigenous Vines: (ONLY allowed in Semi-Private Zone and Private Zone)**

<u>COMMON NAME</u>	<u>BOTANICAL NAME</u>
Arizona Grape Ivy	<i>Cissus trifoliata</i>
Bougainvillea	<i>Bougainvillea</i>
Coral Vine	<i>Antigonon leptopus</i>
Lady Banks' Rose	<i>Rosa banksiae</i>
Lilac Orchid Vine	<i>Mascagnia lilacina</i>
Old Man's Beard	<i>Clematis drummondii</i>
Purple Lilac Vine	<i>Hardenbergia violacea</i>
Queen's Wreath	<i>Antigonon leptopus</i>
Star Jasmine	<i>Trachelospermum jasminoides</i>

**X.2.4. Non-Indigenous Groundcovers: (ONLY allowed in Semi-Private Zone and Private Zone)**

<u>COMMON NAME</u>	<u>BOTANICAL NAME</u>
Damianita	<i>Chrysactinia mexicana</i>
Evening Primrose	<i>Oenothera biennis</i>
Moss Verbena	<i>Verbena pulchella</i>
Peruvian Verbena	<i>Verbena peruviana</i>
Pink Evening Primrose	<i>Oenothera speciosa</i>
Trailing Acacia	<i>Acacia redolens</i>
Trailing Indigo Bush	<i>Dalea greggii</i>

**X.2.5. Non-Indigenous Palms: (ONLY allowed in Semi-Private Zone and Private Zone)**

<u>COMMON NAME</u>	<u>BOTANICAL NAME</u>
Sago Palm	<i>Cycas revoluta</i>

**X.2.6. Non-Indigenous Perennials: (ONLY allowed in Semi-Private Zone and Private Zone)**

<u>COMMON NAME</u>	<u>BOTANICAL NAME</u>
Beard Tongue	<i>Penstemon superbus</i>
Chocolate Flower	<i>Berlandiera lyrata</i>
Evening Primrose	<i>Oenothera biennis</i>
Mealycup Sage	<i>Salvia farinacea</i>
Menodora	<i>Menodora scabra</i>
Mt. Lemmon Marigold	<i>Tagetes lemmoni</i>
Phlox	<i>Phlox tenuifolia</i>
Penstemon	<i>Penstemon species</i>
Sandpaper Verbena	<i>Verbena rigida</i>

**X.2.7. Non-Indigenous Annuals: (ONLY allowed in Semi-Private Zone and Private Zone)**

<u>COMMON NAME</u>	<u>BOTANICAL NAME</u>
Arizona Poppy	<i>Kallstroemia grandiflora</i>
Lupine - Bajada	<i>Lupinus concinnus</i>
Lupine - Succulent / Arroyo	<i>Lupinus succulentus</i>

**X.2.8. Non-Indigenous Cacti, Yucca, Agave and other Succulents: (ONLY allowed in Semi-Private Zone and Private Zone)**

<u>COMMON NAME</u>	<u>BOTANICAL NAME</u>
African Milk Tree	<i>Euphorbia trigona</i>
Aloe	<i>Aloe species</i>
Agave - Artichoke	<i>Agave parryi var. truncata</i>
Agave - Cow's Horn	<i>Agave bovicornuta</i>
Agave - Blue Americana	<i>Agave Americana 'Blue'</i>
Agave - Blue Flame	<i>Agave shawii x attenuata 'Blue Flame'</i>
Agave - Blue Glow	<i>Agave 'Blue Glow'</i>
Agave - Desert	<i>Agave deserti</i>
Agave - Thread Leaf	<i>Agave fillifera</i>
Agave - King Ferdinand	<i>Agave ferdinandi-regis</i>
Agave - New Mexico	<i>Agave neomexicana</i>
Agave - Ocahui	<i>Agave ocahui</i>
Agave - Palmer's	<i>Agave palmeri</i>
Agave - Queen Victoria	<i>Agave victoriae-reginae</i>
Agave - Smooth	<i>Agave desmettiana</i>
Agave - Twin Flower	<i>Agave geminiflora</i>
Agave - Weber's	<i>Agave weberi</i>
Argentine Giant	<i>Echinopsis candicans</i>
Argentine Saguaro / Cardon Grande	<i>Trichocereus terscheckii</i>
Beavertail Prickly Pear	<i>Opuntia basilaris</i>
Blue Barrel Cactus	<i>Ferocactus glaucescens</i>
Candelillia	<i>Euphorbia antisyphilitica</i>
Easter Lily Cactus	<i>Echinopsis oxygona</i>
Elephant's Food	<i>Portulacaria afra</i>
Fishhook Barrel	<i>Ferocactus wislizenii</i>
Golden Barrel Cactus	<i>Echinocactus grusonii</i>
Gopher Plant / Silver Spurge	<i>Euphorbia rigida</i>



Green Spoon / Great Desert Spoon	<i>Dasyliirion acrotrichum</i>
Lady Slipper Plant	<i>Eurphorbia macrocarpus</i>
Mexican Fence Post	<i>Pachycereus marginatus</i>
Moroccan Mound	<i>Euphorbia resinifera</i>
Organ Pipe Cactus	<i>Stenocereus thurberi</i>
Pencil Cactus / Sticks of Fire	<i>Euphorbia tirucalli</i>
Pencil Milk Bush	<i>Euphorbia mauritanica</i>
Prickly Pear - Blind	<i>Opuntia rufida</i>
Prickly Pear - Purple	<i>Opuntia violacea</i>
Prickly Pear - Silver Dollar	<i>Opuntia robusta</i>
Red Fire Barrel Cactus	<i>Ferocactus pringlei</i>
Senita Cactus	<i>Pachycereus schottii</i>
Silver Spurge / Gopher Plant	<i>Euphorbia rigida</i>
Sticks on Fire	<i>Euphorbia tirucalli 'Sticks on Fire'</i>
Sullu Spurge / Royle's Spurge	<i>Euphorbia royleana</i>
Tall Slipper Plant	<i>Pedilanthus bracteatus</i>
Toothless Desert Spoon	<i>Dasyliirion quadrangulatum</i>
Toothpick Cactus	<i>Stetsonia coryne</i>
Totum Pole Cactus	<i>Pachycereus schottii f. monstrosus</i>
Trichocereus Poco	<i>Echinopsis tarijensis</i>
Trichocereus Terscheckii	<i>Echinopsis terscheckii</i>
Twisted Cereus	<i>Cereus hildmannianus f. tortuosus</i>
Yucca - Blue	<i>Yucca rigida</i>
Yucca - Brakelights Red	<i>Hesperaloe parviflora 'Perpa'</i>
Yucca - Curved-Leaf / Pendula	<i>Yucca recurvifolia</i>
Yucca - Faxon	<i>Yucca faxoniana</i>
Yucca - Giant Spanish Dagger	<i>Yucca carnerosana</i>
Yucca - Night Blooming	<i>Hesperaloe nocturna</i>
Yucca - Pale Leaf	<i>Yucca pallida</i>
Yucca - Red	<i>Hesperaloe parviflora</i>
Yucca - Yellow	<i>Hesperaloe parviflora 'Yellow'</i>

**X.2.9. Non-Indigenous Grasses: (ONLY allowed in Semi-Private Zone and Private Zone)**

<u>COMMON NAME</u>	<u>BOTANICAL NAME</u>
Deer Grass	<i>Muhlenbergia rigens</i>
Muhly Grass	<i>Muhlenbergia capillaris</i>
Purple Muhly Grass	<i>Muhlenbergia rigida</i>
Sand Dropseed	<i>Sporobolus cryptandrus</i>
Sedge Grass	<i>Carex tumulicola</i>

**X.2.10. Governmental Regulations.**

- a) Per Section 6.1070(G) (1) (i) of the City of Scottsdale's *Environmentally Sensitive Lands Ordinance* (ESLO), all non-indigenous plants shall be limited to enclosed yard areas.
- b) Per Section 6.1070(G)(1)(I) of the City of Scottsdale's *Environmentally Sensitive Lands Ordinance* (ESLO), all non-indigenous plants with the potential to grow to a height of greater than twenty feet (20'-0") tall are prohibited.

**The Committee reserves the right to approve additional plant species on a case-by-case basis as deemed appropriate in the sole opinion of the Committee.**

**X.3. LIST OF PROHIBITED PLANTS.**

**X3.1. List of Prohibited Plants.** The following plant species may not be planted or maintained anywhere on the residential lots in Desert Mountain:

- a) Any species of tree, shrub or plant whose mature height may reasonably be expected to exceed twenty feet (20'-0") is prohibited, with the exception of those species specifically listed in the *List of Approved Indigenous Plants* in Section X.1 and in the *List of Approved Non-Indigenous Plants* in Section X.2 of Appendix "X" of the Design Guidelines.
- b) All **Palms** (*Palmae*) whose mature height may reasonably be expected to exceed six feet (6'-0") tall are prohibited for aesthetic reasons, as well as their high maintenance requirements. Dwarf palm varieties whose mature height may reasonably be expected to be less than four feet (4'-0") may be allowed only in Private Zone within the confines of a private garden and behind site walls when specifically approved by the Committee. If specifically approved by the Committee, small palms in the Private Zone must be maintained with a height less than four feet (4'-0") tall.
- c) All **Pines** (*Pinus*), **Cypress** (*Cupressus*), **False Cypress** (*Chamaecyparis*), **Juniper** (*Juniperus*), or **Cedar** (*Juniperus*) whose mature height may reasonably be expected to exceed six feet (6'-0") tall are prohibited for aesthetic reasons (except for species that are specifically identified on the *List of Approved Indigenous Plants* in Section X.1 and in the *List of Approved Non-Indigenous Plants* in Section X.2 of Appendix "X" of the Design Guidelines. Dwarf varieties, and those whose mature height may reasonably be expected to be less than six feet (6'-0") tall, may be used immediately adjacent to the entry to a Residence; or in Private Zone within the confines of a private garden and behind site walls when specifically approved by the Committee. If specifically approved by the Committee, small evergreens in the Private Zone must be maintained with a height less than six feet (6'-0") tall.
- d) **Tamarisk / Salt Cedar** (*Tamarix spp.*) is prohibited as a defined invasive species.
- e) **Mexican Palo Verde** (*Parkinsonia aculeatra*) is prohibited as a harbinger of pests and because of its ability to spread throughout the Community.
- f) **Brazilian pepper tree** (*Schinus terebinthifolius*) is prohibited as a defined invasive species by the US Department of Agriculture.
- g) **Olive Tree** (*Olea europaea*) is prohibited for reasons of their profuse production of allergy-producing pollen, as well as for height and aesthetic reasons.
- h) All varieties of **Citrus** are prohibited for height and aesthetic reasons. Dwarf varieties of citrus may be permissible only in the Private Zone within a private garden and behind site walls when specifically approved by the Committee. If specifically approved by the Committee, dwarf citrus must be maintained with a height less than six feet (6'-0") tall.
- i) **Oleander** (*Nerium oleander*) and **Thevetia** (*Thevetia species*) are prohibited for aesthetic reasons, as well as for their profuse production of allergy-producing pollen. These poisonous plants will also be prohibited for their high maintenance requirements and excessive height. Dwarf varieties may be allowed only in the Private Zone within a private garden and behind site walls when specifically approved by the Committee. If specifically approved by the Committee, small oleander plant must be maintained with a height less than six feet (6'-0") tall.
- j) **Desert Broom** (*Baccharis sarothroides*) is prohibited as a defined weed and invasive species with potential to spread throughout the development. It should be noted that although Desert Broom is indigenous, it is considered a prohibited plant and an invasive species and should be removed.

- k) **Buffel Grass** (*Pennisetum ciliare*) is prohibited as a defined weed and invasive species.
- l) **Fountain Grass** (*Pennisetum setaceum*) is prohibited as a defined weed and invasive species.
- m) **Globe Chamomile** (*Oncosiphon piluliferum*) is prohibited as a defined invasive species.
- n) **Red Bromegrass** (*Bromus Rubens*) is prohibited as a defined invasive species.
- o) **Malta Starthistle** (*Centaurea melitenis*) is prohibited as a defined invasive species.
- p) **Saharan Mustard** (*Brassica tournefortii*) is prohibited as a defined weed and invasive species.
- q) **Common Bermuda Grass** (*Cynodon dactylon*) is prohibited as a defined weed and invasive species.

**The Committee reserves the right to add additional plant species to the Prohibited Plant List in the future.**

**X.3.2. Removal of Prohibited Plants and Invasive Species.**

- a) Any plants listed on the *List of Prohibited Plants* that are located on any portion of a residential Lot shall be properly removed by the Owner in a timely manner.
- b) Prohibited plants, and in particular the Invasive Species, shall be removed by the Owner in a timely manner to prevent the plants from spreading throughout the Community.
- Refer to Section 8.X for "*Landscape Maintenance - Invasive Species and Parasites*".

**X.3.3. Governmental Regulations.**

- a) Per Section 6.1070(G)(1)(i) of the City of Scottsdale's *Environmentally Sensitive Lands Ordinance* (ESLO), all non-indigenous plants with the potential to grow to a height of greater than twenty feet (20'-0") tall are prohibited.

## **SECTION 9 - CONSTRUCTION GUIDELINES**

### **9.1 INTRODUCTION TO CONSTRUCTION GUIDELINES**

In order to ensure that the natural desert landscape is not unduly damaged during construction, the following Construction Regulations must be made a part of the construction contract documents for each Improvement on a Lot. All of the Guidelines are binding on each Owner and their "Builder", and both the Owner of the lot and the Builder will be responsible for any violation.

The Committee has determined that policing of building sites during construction will be done by Committee Members, the Design Review Manager, the Association Manager, and the Association security staff, acting as roving inspectors on their regular rounds. Violations of the Guidelines that are discovered will be reported to the Association Manager, who will send a letter to the Builder involved. Copies of the letter will be sent to the Lot Owner, the Desert Mountain Director of Security, and the Design Review Manager.

The construction process is divided into 6 phases:

- (a) Pre-Construction Meeting
- (b) On Site Exterior Materials Sample Wall
- (c) Finished Floor Certification
- (d) Roof Height Certification
- (e) Framing Inspection
- (f) Final Construction Inspection

### **9.2 PRE-CONSTRUCTION MEETING**

After the Final Design Submittal has been approved and prior to commencing construction, the Builder must meet with the Design Review Manager to review the construction regulations, procedures and guidelines of this section. The following items shall be submitted at the Pre-Construction Meeting:

- (a) Construction Deposit (**reference Section 10**)
- (b) Construction Access Fee (**reference Section 10**)
- (c) Construction Deposit and Construction Access Fees must be two separate checks made payable to DMMA (Desert Mountain Master Association)
- (d) Construction Schedule – A current construction schedule is to be on file throughout the course of construction.

- (e) Construction Area Plan (Site plan showing location of sample wall, dumpster, portable toilet, trailer, plant nursery, etc., within the Building Envelope).
- (f) List of Subcontractors and contact phone numbers.
- (g) Colored photographs or prints taken of the first ten feet (10'-0) behind the curb showing existing landscape, curb and street conditions prior to construction. The photographs shall be labeled showing the location of each photo and the photos should specifically identify any pre-construction damage to the street or curb. Photos shall be provided for both sides of the street(s) adjacent to the construction site.
- (h) Detailed drawing or colored photo, colors and materials of the construction sign.
- (i) A signed certificate of the Owner's Architect or designer shall be submitted to the Committee, certifying that the final construction plans approved by the City are identical to the plans that were provided to the Committee.

Once all items listed above are in compliance and construction documents are received and signed by the Builder, a "Construction Authorization Certificate" will be issued by the Design Review Manager on behalf of the Committee. This certificate will be required to be posted at each construction site on the back of the construction sign if it exists, or on a small fixed post located near the driveway at the street. No construction activity of any kind can take place until this Construction Authorization Certificate is received and posted.

### **9.3 CONSTRUCTION DEPOSIT**

Before the Construction Authorization Certificate can be issued and before beginning any construction, the Owner or the Owner's Builder, must deliver a cash Construction Deposit and the Construction Access Fee to the Master Association, in the amounts specified in (Section 10). Should it become necessary for either the Committee or the Master Association to remedy any violation of the Guidelines, or any condition of approval of the Final Design Submittal, or if the Committee or the Master Association assesses any fine against either the Owner or the Owner's Builder related to the Improvements or the construction of the Improvements, then the costs of such remedy or the fine will be charged against the Construction Deposit.

The Construction Deposit will be refunded upon receipt of the Notice of Completion by the Owner and upon satisfactory completion of all requirements of the Final Construction Review, less any amounts that had been charged against the Construction Deposit.

#### 9.4 CONSTRUCTION ACCESS FEE

Before the Construction Authorization Certificate can be issued and before beginning any construction, the Owner or the Owner's Builder, must deliver a Construction Access Fee to the Master Association, in the amounts specified in Section 10. The Construction Access Fee is assessed for purposes of offsetting cost associated with the oversight of construction stipulations and inspections, security gate personnel for the additional contractor access, and for road maintenance and repair due to the excess road usage. The Construction Access Fee is non-refundable.

#### 9.5 FIELD CHANGES

Any deviations from the approved plans during construction **must** be submitted and approved by the Design Review Committee **prior** to the change taking place. Changes, modifications or deviations of any kind to the Final Approved Design without separate Field Change submissions and approvals are prohibited and are subject to substantial fines, construction termination or any other legal remedy. The Committee will review Field Change submittals for conformance to the Guidelines and Supplements and will provide a written response to the Applicant.

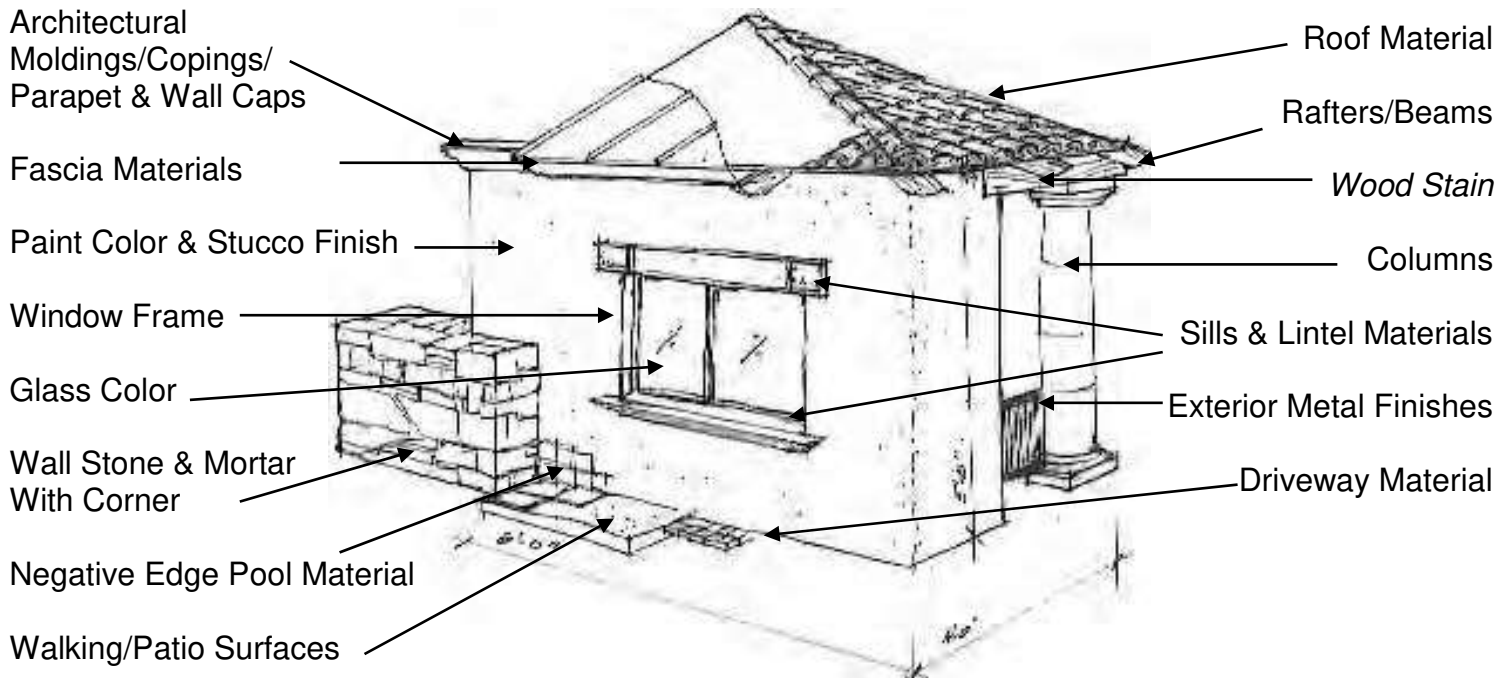
#### 9.6 ON SITE EXTERIOR MATERIALS SAMPLE WALL

The Builder must submit the sample wall materials list provided at the Pre-Construction Meeting to the Design Review office to schedule a sample wall inspection within 120 days of the start of construction. The Committee requires a 6' x 4' x 5' structure as depicted in the following illustration, that displays **ALL MATERIALS** as noted on the sample materials list (i.e.: window frame sample, patio/walkways/stairs floor material, all stained wood, roof material, etc.). The sample must include the proposed stone, installed with the desired coursing, joint thickness, mortar color, stucco finish and color. The sample must include an outside corner showing the coursing of the stone. The Committee will review the submittal for conformance to these Guidelines and Supplements and will provide a written response to the Applicant. **The Sample Wall must remain in place until Final Inspection is approved.**

The following is an illustration of the Sample Wall Requirements.

**DISCLAIMER:**

- 1. Label & display all materials in their intended use for the DRC Committee to review.**
- 2. It is the responsibility of the builder to notify the Design Review team when the sample wall(s) are ready for review.**
- 3. Failure to comply or revise may result in construction may being terminated if all requirements have not been met.**



**Structure Requirements**

**-6 feet wide X 4 feet deep X 5 feet high.**

**-Install & inform Design Review within 120 days of start of construction, unless otherwise stated by the Committee.**

**-Label all samples correctly.**

Construction will be terminated at the end of the 120-day period if this requirement has not been met and the materials approved.

**THIS IS THE RESPONSIBILITY OF THE BUILDER.**

**9.7 FINISHED FLOOR CERTIFICATIONS**

The Builder must verify by a registered surveyor or civil engineer upon completion of stem walls that the Finish Floor Elevation is per the submitted plans approved by The Committee. The builder must then submit a certification by a registered surveyor or civil engineer that records the actual Finish Floor Elevation once complete.

**9.8 ROOF HEIGHT CERTIFICATIONS**

The Builder must submit certification by a registered surveyor or civil engineer verifying all "as-built" ridge, parapet and chimney heights on a copy of the approved roof plan. Both "as-built" as well as approved calculations are required to be shown on the plan.

**9.9 FRAMING INSPECTION**

After submittal of the required Roof Height Certification noted above, the Builder shall schedule a Framing Inspection with the Committee. At this time while the structure is rough framed, but prior to sheathing, lathe, roofing or other finishes, the Committee will review the construction for compliance with the approved Final Design Submittal. Any deviations from the approved Final Design Submittal must be corrected by the Builder or they must be approved by the Committee prior to proceeding with construction. Absence of such review by the Committee does not constitute an approval by the Committee nor assumed compliance with the Guidelines.

**9.10 OCCUPATIONAL SAFETY AND HEALTH ACT COMPLIANCE (OSHA)**

All applicable OSHA regulations and guidelines must be strictly observed at all times.

**9.11 CONSTRUCTION TRAILERS, PORTABLE FIELD OFFICES, ETC.**

The Builder must submit a copy of the site plan with proposed locations of the construction trailer or field office, the portable toilet, the trash receptacle, construction material storage, and plant nursery noted thereon at the Pre-Construction meeting. Such temporary structures shall be removed upon completion of construction. No signage shall be allowed on any construction trailer. The color of any construction trailer or field office shall comply with approved colors of these Guidelines.



### 9.12 CONSTRUCTION FENCING

To protect the Natural Area of a Lot from damage due to construction operations, a chain-link fence at least five feet (5'-0") high shall be installed to completely enclose the construction area immediately upon de-vegetation and prior to site grading. The fence shall follow, or be within the approved Building Envelope and shall not encroach into the Natural Area or Open Space (NAOS) Easement. The fence shall not arbitrarily follow the Natural Area Easement line, but instead must follow the approved Building Envelope line. The fence shall have a single entrance located at the driveway entrance, and shall be maintained intact until the Design Review Committee approves its removal at the completion of construction. The construction trailer (if any), portable toilet, plant nursery, construction material storage and dumpsters must all be contained within the chain-link fence. In special cases the Committee may allow materials to be stored outside the chain-link fence when specifically approved in advance by the Committee.

If it is necessary to conduct construction activities outside of a Building Envelope to complete an improvement falling within the Building Envelope, the Owner of the Lot, or his representative, may submit a request to the Committee for a Building Envelope infringement. This submittal must include a boundary description of the approved Building Envelope line and a boundary description of the approved NAOS Easement. In no case shall the construction fencing or construction activity encroach into the NAOS. If the Committee approves such a request, the construction area outside the Building Envelope will be required to be re-vegetated immediately and returned as close as possible to its original condition to the satisfaction of the Committee.

Even if an infringement of the Building Envelope is permitted, the required Natural Area Open Space (NAOS), as shown on the approved Building Envelope and NAOS Exhibits, must still be provided.

### 9.13 CONSTRUCTION FENCE REMOVAL

The Builder must request the removal of the temporary construction fence on the form provided at the Pre-Construction Meeting. Any Builder who removes his construction fence prior to the substantial completion of the project and without approval from the Design Review Committee or its designee, must re-erect the fence within 48 hours of notification AND a penalty of \$1,000.00 will be deducted from the Construction Deposit. If the fence is not re-erected in accordance with the Guidelines within forty-eight (48) hours of notification, an additional one hundred dollars (\$100.00) per day will be deducted from the Construction Deposit. Construction activity will not be allowed until the Construction Deposit is restored.

**NOTE:** For the purposes of this portion of the construction regulations, “substantial completion” refers to all exterior work and any work that requires hoses, pumps, (i.e. pool/spa/water features) scaffolding, painting, or cleanout that occurs outside the house. Minor interior work and landscaping may continue after the fence is removed.

#### **9.14 DEBRIS AND TRASH REMOVAL**

Builders shall clean up all trash and debris on the construction site at the end of each day. Trash and debris shall be removed from each construction site frequently and not be permitted to accumulate. Lightweight material, packaging and other items shall be covered or weighted down to prevent it from being blown off the construction site. In no case may debris and trash be allowed to exceed the top of the dumpster. The Committee reserves the right to assess fines to Builders and Owners who fail to prevent debris from blowing or being disposed of in either Lots or Common Areas. Builders are prohibited from dumping, burying or burning trash anywhere in Desert Mountain. During the construction period, each construction site shall be kept neat and clean, and shall be properly policed to prevent it from becoming a public eyesore or affecting other Lots or any open space. Unsightly dirt, mud or debris resulting from activity on each construction site shall be promptly removed and the general area cleaned up.

Dumpsters or other waste receptacles must be located within the Building Envelope and within the fenced construction site or in areas specifically approved in writing by the Committee. For physically constrained sites, smaller dumpsters with more frequent removal may be necessary in order to fit the dumpster within the construction fencing.

#### **9.15 EROSION CONTROL**

Due to the sloping terrain within Desert Mountain, perimeter erosion control is necessary to prevent erosion off of the site and to avoid siltation of the natural drainage ways. Therefore, each construction site shall provide an acceptable erosion control method around the perimeter of the construction site at a location just inside the construction fencing. Erosion control is only needed on those portions of the site perimeter that slope away from the construction. At this time, approved erosion control methods include: a) cloth erosion fences; b) straw bales; c) wattles; d) Silt Socks<sup>TM</sup>; or e) other erosion control methods as may be specifically approved by the Committee. The selected erosion control method must be installed per the manufacturer’s recommendations and specifications. Erosion control shall be installed at the same time the construction fence is installed and must be maintained until the construction fencing is removed. Fines may be imposed against a Builder and/or its Construction Deposit for any violations to this provision.

### 9.16 WASHOUT AND CLEANING

Washout of concrete trucks or the washout and cleaning of any equipment by masons, plasterers, painters, drywallers, pool contractors etc. must be contained within the Building Envelope of each Lot. Each construction site is required to have an acceptable washout facility located within the Building Envelope during construction. At this time, approved washout facilities include: a) a basin, approximately 6' x 6', lined with heavy-duty polyvinyl sheeting and surrounded by straw bales that will allow a washout to evaporate leaving the residue to be shoveled and disposed of periodically; b) a wading pool, approximately 6' in diameter; or c) other washout basins as may be specifically approved by the Committee. All washout water and residue must be contained within the washout facility. Washout or cleaning residue shall not be allowed to flow off of the Lot or into washes, drainage ways, paved roads or any Natural Area Easement locations on the Lot. The Builder shall maintain the washout facility periodically to ensure proper performance. Washout facilities shall be properly disposed of upon completion of construction. Fines may be imposed against a Builder and/or its Construction Deposit for any violations to this provision. The Builder will also be responsible for restoring the damaged area to its natural state.

### 9.17 MUD TRACK OUTS

In order to prevent the tracking of mud, dirt, rocks and debris from a construction site on to the paved streets, each construction site shall have an acceptable track out facility within the Building Envelope. At this time, approved track out facilities include: a) a "cattle guard-like" set of metal bars or angles that is at least 4' wide by 16' long to shake dirt and mud from tires. b) "track out rock" or "run out rock" which consists of a band of loose uneven rock (3" minimum diameter) so it does not compact, that is a minimum of 6" deep, placed approximately 5' wide by 16' long, or other track out methods specifically approved by the Committee. The track out location shall be placed a minimum of 10' from the back of curb of the street and located within the construction access portion of the Building Envelope. The Builder shall maintain the track out facility periodically to ensure proper performance. The Builder will provide prompt cleanup when tracking of debris from a construction site on to a paved road occurs. The track out facility shall remain in place during the duration of construction until such time as a paved driveway is installed. Fines may be imposed against a Builder and/or its Construction Deposit for any violations to this provision.

### 9.18 SANITARY FACILITIES

Each Builder shall be responsible for providing and maintaining adequate sanitary facilities for its construction workers. Portable toilets or similar temporary

toilet facilities shall be located only within the Building Envelope and within the fenced construction site or in areas specifically approved in writing by the Committee.

### **9.19 VEHICLES AND PARKING AREAS**

Construction crews shall not park in, or otherwise use, other Lots, Common Areas or any other open space. Private and construction vehicles and machinery shall be parked only within the Building Envelope and the fenced construction site or in areas designated by the Committee. All vehicles shall be parked so as not to inhibit traffic on adjacent streets. Parking on the streets, if allowed by the Committee and/or the Association, shall be limited to paved areas only on one side of the street. No parking shall be allowed on the road shoulders, cul-de-sacs, landscaped areas or desert areas. Each Builder shall be responsible for protecting the vegetation and landscaping along the streets in such a manner as to prevent construction-related vehicles and equipment from parking off of the paved road surface. The Builder shall be responsible for immediately restoring any vegetation adjacent to the street destroyed by its employees, subcontractors or vendors. Violations may result in work on the site being stopped by the Committee until such time as the Builder has restored any destroyed vegetation to its pre-existing condition. In addition, fines may be imposed against the Builder and/or its Construction Deposit for repeated violations. Parking of construction vehicles, trailers and equipment on the streets overnight is prohibited, unless otherwise specifically approved by the Committee or the Association.

Each Builder shall be responsible for its subcontractors and suppliers obeying the speed limits posted within Desert Mountain. Fines may be imposed against the Builder and/or its Construction Deposit for repeated violations. Adhering to the speed limits shall be a condition included in the contract between the Builder and its subcontractors/suppliers.

### **9.20 CONSERVATION OF LANDSCAPING MATERIALS**

Builders are advised that the Lots, Common Areas and other open spaces of Desert Mountain contain valuable native plants and other natural features such as topsoil, rock outcroppings and boulders that should be protected during construction. The Desert Mountain philosophy of plant material conservation is based on the City's Native Plant Ordinance. The standards set forth therein shall be strictly followed.

### **9.21 EXCAVATION MATERIALS**

Excess excavation materials must be hauled away from Desert Mountain and disposed of properly. Dumping of excess excavation materials within Desert Mountain is prohibited.

**9.22 BLASTING**

If any blasting is to occur, the Committee must be informed at least four (4) weeks in advance to allow it to make such investigation as it deems necessary to confirm that all appropriate protective measures will be taken prior to the blasting. No blasting or impact digging causing seismic vibrations may be undertaken without the approval of the Committee. Applicable governmental requirements concerning blasting must be observed.

**9.23 RESTORATION OR REPAIR OF OTHER PROPERTY DAMAGE**

Damage and scarring resulting from construction operations to any Property other than the Lot is prohibited. If any such damage occurs, it must be repaired and/or restored promptly at the expense of the Builder.

In order to avoid disputes after the fact, it is the responsibility of the Builder to declare in writing to the Committee any existing damage to the surrounding area prior to any construction activity on the Lot. For example, if a concrete curb on the street in front of the Lot is cracked before any construction commences, the Builder should declare this damage in writing to the Committee, with supporting photographs. If the Builder does not make any such declaration before the commencement of construction, the Committee may presume that any damage was caused by the Builder or the Builder's suppliers, subcontractors, or employees.

**9.24 MISCELLANEOUS AND GENERAL PRACTICES AND REQUIREMENTS**

All Owners will be absolutely responsible for the conduct and behavior of their agents, representatives, Builders, contractors, and subcontractors while on the premises of Desert Mountain. The following practices are prohibited:

- (a) Changing oil or otherwise servicing any vehicle or equipment on the site itself or at any other location within Desert Mountain, other than at a location designated for that purpose by the Committee.
- (b) Removing any rocks, plant material, topsoil or similar items from any property of others within Desert Mountain, including other construction sites.
- (c) Carrying any type of firearms within Desert Mountain.

- (d) Using disposal methods or units other than those approved by the Committee.
- (e) Careless disposition of cigarettes and other flammable material.
- (f) Careless treatment or removal of any desert plant materials not previously approved for removal by the Committee.
- (g) Use of, or transit over, any golf course area, including golf cart paths or golf maintenance paths.
- (h) Use of, or transit over, any Common Area paths or trails.
- (i) No pets may be brought into Desert Mountain by construction personnel.
- (j) Radios and other audio equipment playing music on construction sites are not permitted. This restriction is to avoid impacting golfers as well as homeowners living at Desert Mountain.
- (k) Catering trucks will not be permitted to use their horns; their schedules are routine enough for workers to be aware of break times. Also, trash generated by the purchase of items from these trucks and from construction practices generally should be contained and disposed of properly. Repeated problems with these requirements could result in the catering trucks being denied admittance to the property.
- (l) Fires for the purpose of warming in winter.
- (m) Storage or parking of non-construction related vehicles, such as trailers, boats, etc., at the construction site.

### **9.25 CONSTRUCTION ACCESS**

The only approved construction access during the time a Residence or other Improvement is under construction will be over the approved driveway location for the Lot unless the Committee approves an alternative access point. In no event shall more than one (1) construction access be permitted onto any Lot. The location of the construction entrance into Desert Mountain along with the standard procedures and operations of each gate will be determined from time to time by the Association and issued to each Builder working within Desert Mountain.

### **9.26 DUST AND NOISE**

The Builder shall be responsible for controlling dust and noise, including without limitation, music on the construction site.

### 9.27 TEMPORARY CONSTRUCTION SIGNAGE

In an effort to maintain the residential character of the community and to minimize the visual clutter that unlimited construction signage can cause, the Committee will require all temporary construction signs to meet the following criteria:

- (a) Signs, if any, shall be single-faced, panel type, with a maximum area of six (6) square feet. No additional signs may be attached to the main sign or be suspended below it, although separate sign panels that link together to form a single visual sign that meets all the requirements of this section will be acceptable. No lighting of construction signage is allowed.
- (b) Only the following information may appear on a construction sign: Builder's name and phone number, Architect's name and phone number, Owner's name or the name of the house, Lot number and designated Lot address. The two (2) phone numbers noted above are the maximum phone numbers allowed on the sign.
- (c) Information such as "For Sale", "Available" or similar language, or descriptive phrases such as "3-bedroom" may not appear on any construction sign.
- (d) Colors of sign backgrounds should be muted earth tones, which harmonize with the desert colors rather than sharply contrast with them. Letter colors should relate harmoniously with the background colors while providing sufficient contrast to enable the sign to be read from approximately twenty feet (20'-0") away.
- (e) Temporary construction signs are not allowed to face any golf course.
- (f) Temporary construction signs must be removed at the time the house is substantially complete or when the Committee directs the sign to be removed.
- (g) Temporary construction signs must be within the building envelope.

### 9.28 FIRE PROTECTION

All construction sites are required to have at least one full and operable, ABC-rated dry chemical 20-pound, or a combination of two (2) 10-pound fire extinguisher(s) on site and available at all times. Extinguisher(s) must be located in a conspicuous location. It is recommended that they be mounted on a RED pole or post for visibility.

Absence of such a device is a violation and may result in the Builder and his sub-

contractors being denied access to the construction site. If no compliant extinguisher(s) is found on the construction site at the start of the following workday, the Builder, Owner and City of Scottsdale Fire Department will be notified of the violation. All construction activities will be halted until the violation has been corrected. On site verification of extinguisher(s) must take place before construction may continue.

In addition to the fire extinguisher, it is recommended that a fire hose be on site and tapped to the water main with enough water pressure to allow for fire protection reaching at least fifty (50'-0") feet into the NAOS.

### **9.29 DAILY OPERATION**

Daily working hours for each construction site generally shall be from thirty (30) minutes before sunrise to thirty (30) minutes after sunset, unless the Committee or the Association designates other hours in writing. No exterior construction or construction causing noise audible from outside the Residence shall be allowed on Sundays. The Association may determine additional restrictions and regulations on hours of construction.

### **9.30 FINAL INSPECTION CERTIFICATIONS**

Upon completion of the Improvements and prior to requesting a final construction inspection, the Builder shall provide the following certifications to the Committee:

- (a) A written certification that specifies the color and LRV of any flat roof.
- (b) A written certification that verifies that the revegetation seed mix was applied to all areas disturbed by construction in accordance with the approved Final Design Submittal.

### **9.31 FINAL CONSTRUCTION INSPECTION**

Upon completion of the Improvement and the submission of the above certifications, the Owner or their representative shall request the Design Review Manager to schedule a Final Construction Inspection. If the Final Construction Inspection results in the Committee determining that the improvements have been completed in accordance with the Final Design Submittal, the Guidelines, and any stipulations or approved Field Changes, the Committee shall notify the Owner in writing of the Final Construction Approval. At that time, the Construction Deposit will be returned, less any appropriate deductions. If the Committee determines that the Improvements do not conform to the above approvals, the Committee shall notify the Owner and Builder in writing of such non-compliance, specifying in reasonable detail the particulars of non-compliance and the Owner shall promptly remedy the specified non-compliance. If more than two inspections are required, the Builder will be charged a



reasonable fee for each additional inspection.

**9.32 FINAL CONSTRUCTION INSPECTION FINES**

After a second Final Construction Inspection, a Builder who calls for a third inspection without having addressed the comments from the previous inspections will be fined per incomplete inspection. This fine will be deducted from the Construction Deposit.

**9.33 TEMPORARY OCCUPANCY**

A new Residence may not be occupied before the Builder has scheduled a Final Construction Inspection, as required by Section 8.26.

**9.34 FINES ON BUILDERS**

Builders who start work before posting a Construction Deposit will be fined as follows:

- On the 1<sup>st</sup> Offense - \$1,000.00 minimum
- On the 2<sup>nd</sup> Offense - \$2,500.00 minimum
- On the 3<sup>rd</sup> Offense - \$5,000.00 minimum

After the 3<sup>rd</sup> offense, the Design Review Committee shall also retain the right to decide if specific Builders shall not be allowed within Desert Mountain for a reasonable period of time.

SECTION 10 – DESIGN REVIEW FEES, DESIGN GUIDELINE AMENDMENTS, AND  
COMMITTEE DECISIONS

**10.1 DESIGN REVIEW FEES**

The Board may set reasonable fees in connection with the Committee’s review of drawings and specifications as outlined in the CC&R’s.

DESIGN REVIEW FEES

Pre-Design Meeting	\$0.00
Conceptual Design Submittal (Credited towards preliminary submittal fee)	\$750.00
Preliminary Design Submittal	\$8,500.00
Revised Submittal (unless specifically requested by Committee)	\$1,000.00
Incomplete Submittal (Stipulations not addressed or submittal items are missing)	\$1,500.00
Major Addition / Improvement (Any stand-alone building, substantial re-design/modification or addition over 1,000 sf under roof)	\$5,000.00
Major Addition / Improvement (Any stand-alone building, substantial re-design/modification or addition under 999 sf under roof)	\$1,500.00
Minor Addition / Improvement (Buildings under 500 sf under roof, pool, revised landscape plans, all other miscellaneous submittals)	\$750.00
Major Modification to a Building Envelope	\$750.00
Lot Ties / Lot Split / Minor Land Division	\$750.00
Solar Energy Device Submittal	\$750.00
Construction Compliance Inspection (For each compliance inspection beyond two inspections; framing and final)	\$500.00
Professional Consultant Fee (per one-hour session)	\$200.00

FIELD CHANGE

Minor Field Change (If submitted <u>before</u> implementation)	\$0.00
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Major Field Change (If submitted <u>before</u> implementation)	\$500.00
Minor Field Change Submitted After the Fact	\$500.00
Major Field Change Submitted After the Fact	\$2,000.00

EXTERIOR COLORS AND MATERIALS SUBMITTAL / SAMPLE WALL

Sample Wall Review (Includes up to two reviews of complete applications within 120 days of commencement of construction, unless specifically dictated by Committee)	\$0.00
Revised Sample Wall Review (For each sample wall review beyond the first two reviews)	\$500.00
Delinquent Sample Wall Review (Sample wall submitted after 120 days)	\$500.00
Incomplete Sample Wall Review	\$500.00
Sample Wall Review Not Properly Labelled	\$500.00
Sample Wall Review after Materials Installed on Home	\$1,500.00

CONSTRUCTION DEPOSIT

New Home	\$25,000.00
Addition (over 1,000 sf under roof)	\$5,000.00
Addition (under 1,000 sf under roof)	\$3,000.00
Modification (Pool, structures, yard)	\$1,000.00

CONSTRUCTION ACCESS

New Home (10,000+ sf under roof)	\$12,500.00 (2 Year Permit)
	\$15,000.00 (3 Year Permit)
	\$5,000.00 (Each Add'l Year)
New Home (under 9,999 sf under roof)	\$10,000.00 (2 Year Permit)
	\$12,500.00 (3 Year Permit)
	\$5,000.00 (Each Add'l Year)
Major Addition / Remodel (1,000+ sf under roof)	\$5,000.00

CONSTRUCTION ACCESS (CONT'D)

Major Addition / Remodel (under 999 sf under roof)	\$3,000.00
Modification (pool, structures, yard)	\$1,000.00
Modification (uses heavy equipment)	\$250.00

ADDITIONAL

Demolition Fee	\$ .25 per sf of existing structures/hardscape
Excavation Fee (More than 10,000 CY of earthwork export)	\$5000.00

Fence Removal

Any builder, removing construction fence prior to the substantial completion of the project and without approval from the Design Review Committee or its Designee, must re-erect the fence within 48 hours of notification AND a penalty of \$1,000.00 will be deducted from the Construction Deposit. If the fence is not re-erected in accordance with the Guidelines within 48 hours of notification, an additional \$100.00 per day will be deducted from the Construction Deposit. Construction activity will not be allowed until the Construction Deposit is restored to the full amount.

***All Design Review Fee checks should be made payable to:  
Desert Mountain Master Association (DMMA)***

**SECTION 11 – SUPPLEMENTAL GUIDELINES**  
**FOR DEVELOPER SEMI-CUSTOM HOME VILLAGES**

**APACHE COTTAGES**  
**APACHE COTTAGES II**  
**HACIENDAS**  
**LOOKOUT RIDGE**  
**SONORAN COTTAGES**  
**SONORAN COTTAGES ENCLAVE**  
**SONORAN RIDGE**

**11.1 INTRODUCTION**

The provisions of Section 11 apply only to Lots in the Villages of Apache Cottages (including Lots 35-61, Apache Cottages II), Haciendas, Lookout Ridge, Sonoran Cottages (including Lots 28-50, Sonoran Cottages Enclave), and Sonoran Ridge, and only to Lots in specific Villages where indicated.

**11.2 DESIGN CHARACTER**

The Villages planned by the Developer were carefully thought-out and well-designed in terms of the placement of the homes on the property as well as the semi-custom design of the structures. Great attention was paid to lot layout and home positioning to take advantage of various views, to optimize golf course frontages, and to create an integrated Village appearance. Because of this comprehensive design, significant exterior additions or structural changes are not anticipated and are discouraged.

Any exterior Improvements must first be reviewed and approved by the Committee. Any such Improvements must conform to the original intent, be integrated into the existing design character and architectural theme, and be in conformance with these Guidelines and Supplements. This includes, but is not limited to, additions, alterations, site improvements, exterior building materials, driveways, site features, patios, sunscreens, exterior lighting, landscaping, artwork, repainting, etc. Such plans and specifications must be submitted for approval in accordance with the Guideline approval process.

Incumbent on the Owners in these planned Villages is the need to be respectful of a neighbor's rights, views and privacy. The placement and orientation of the Residences have been given much attention and an indiscriminate addition of any architectural, landscape or art feature to an individual Lot could have substantial negative impact on a neighboring property or could overpower the design of existing structures. Therefore, any changes additions, alterations, or Improvements to the exterior of a Residence or within the Lot must be integrated into the existing visual appearance, design character and architectural theme of the Village. The exact same materials, color, texture, detailing, and style as

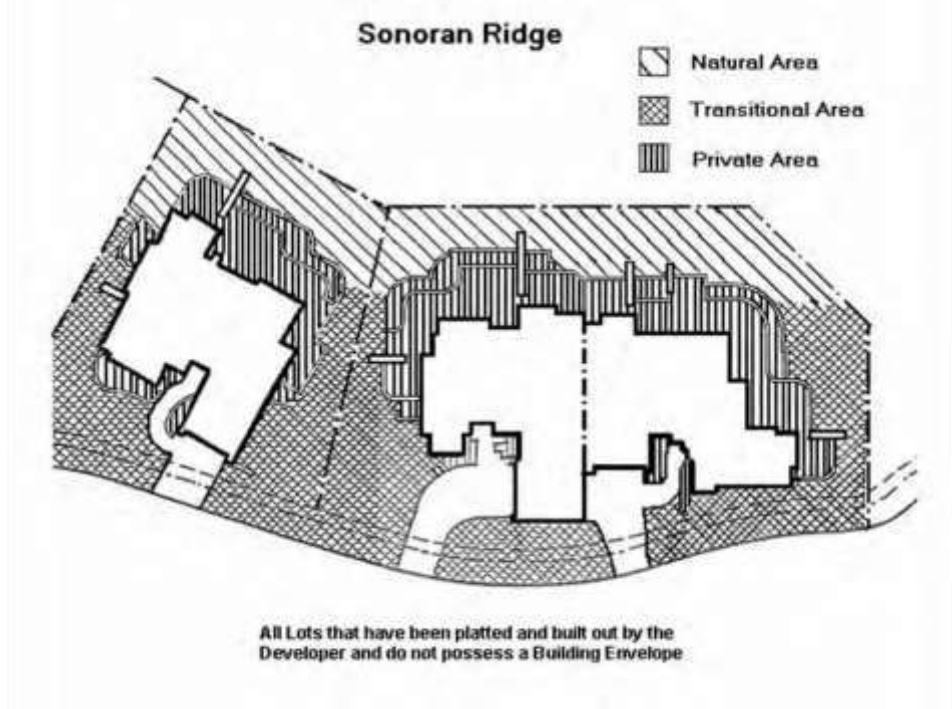
used in the Original Construction must be utilized unless approved otherwise by the Committee. Additions or Improvements must not appear as an afterthought or visually be perceived as tacked on. The judgment of such an integrated appearance shall be at the sole discretion of the Committee.

### 11.3 AREAS OF COMMON RESPONSIBILITY

Areas of Common Responsibility (as defined in the applicable Village Declarations) are those portions of a Lot that are outside or beyond the building footprint of the Residence and outside or beyond the private site walls, courtyard walls or private yard enclosures. These areas typically lie between two homes, lie between a home and the street, or lie between a home and Common Area Tracts. Per each Village Declaration, there is a limited landscape maintenance program for the Areas of Common Responsibility, therefore additional planting in the Areas of Common Responsibility is strongly discouraged and will only be allowed if approved in advance by the Committee for conformance to these Guidelines and Supplements. Any additional planting or landscaping in the Areas of Common Responsibility, if approved, shall be from the Approved Plant List, or if first approved in writing by the Committee, any other desert-type plant not included in the Prohibited Plant List.

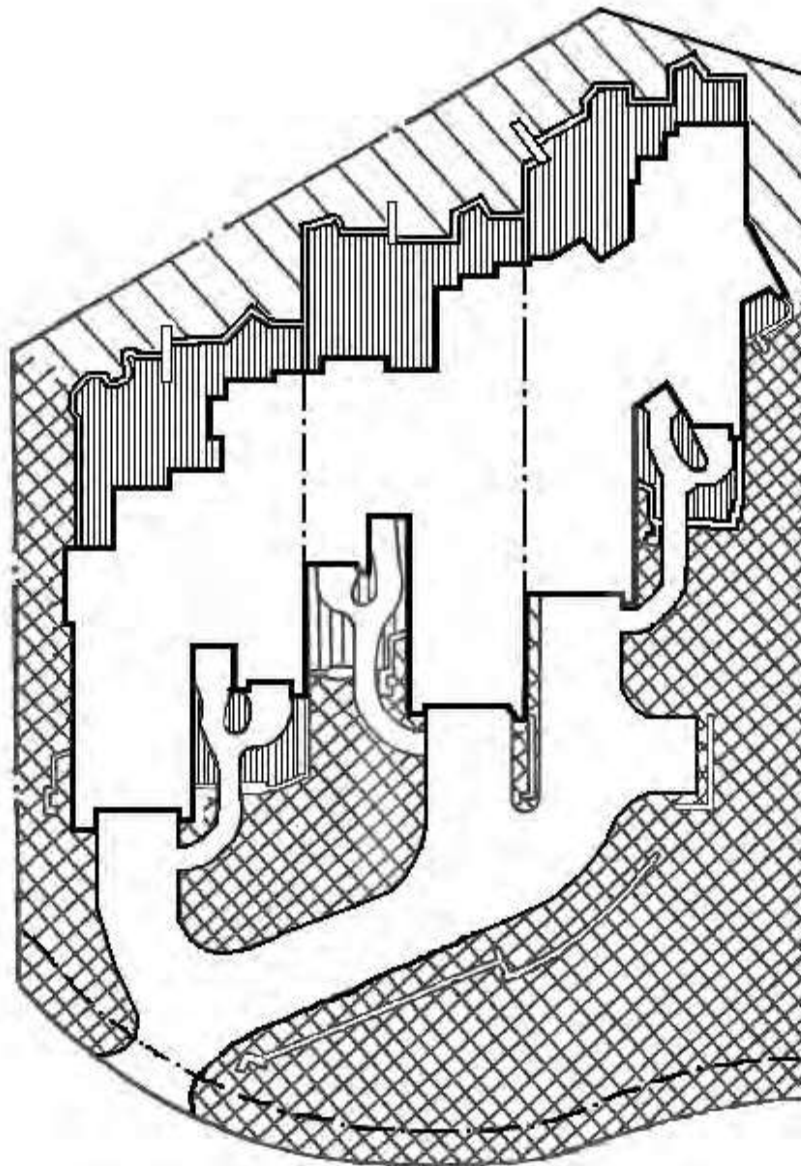
### 11.4 NATURAL AREAS, TRANSITIONAL AREAS AND PRIVATE AREAS

The diagrams below show the Natural Areas, Transitional Areas, and the Private Areas of Sonoran Ridge and Apache Cottages. Although there are no diagrams for the Villages of Sonoran Cottages, Lookout Ridge, and Haciendas, the same general concept applies to these Villages. Refer to Sections 6.2, 6.3 and 6.4 of these Guidelines for definitions and restrictions for each of these areas.



### The Apache Cottages

-  Natural Area
-  Transitional Area
-  Private Area



All Lots have been platted and built out by the Developer and do not possess a Building Envelope.

## 11.5 LANDSCAPING

The addition of any landscape, plant material or boulders to a Lot, whether in the Areas of Common Responsibility or Private Areas, requires specific approval of a landscape plan by the Committee. Any proposed landscape Additions or Improvements must conform to the Guidelines and must be appropriate to the overall community image. For example, extensive landscaping on one Lot would look out of character with the overall neighborhood and therefore would not likely be approved by the Committee.

The appropriate level of maintenance and appearance quality of landscaping in the Areas of Common Responsibility shall be determined by the Master Association.

## 11.6 SETBACKS

Due to the nature of these Villages, changes to the building footprints are not anticipated and the Committee reserves all rights to not approve a design application even if the proposed design complies with the following setbacks.

All setbacks will be reviewed by the Committee on the merits of the submitted site plan design.

**HACIENDAS:** minimum setbacks from Lot lines are as follows and as per the Amended Development Standards for Detached Dwelling Unit Uses in the R-4R Zoning District as approved in Zoning Case #31-ZN-93 by the City of Scottsdale.

- (a) Minimum Building Setbacks adjacent to a street: ten feet (10'-0").
- (b) Minimum Building Setbacks at side yards: zero feet (0'-0") if a common wall; five feet (5'-0") if a yard is maintained.
- (c) Minimum Building Setbacks at rear yard: five feet (5'-0").
- (d) Minimum distance between buildings on Adjacent Lots (unless common walls): ten feet (10'-0").
- (e) Minimum distance from the back of curb to the face of the garage door: twenty feet (20'-0").

Additional setback restrictions of the City of Scottsdale as applicable to this subdivision may exist. Consult with the City of Scottsdale Planning Department for more information.



**APACHE COTTAGES I & II, SONORAN COTTAGES & SONORAN COTTAGES ENCLAVE, SONORAN RIDGE, & LOOKOUT RIDGE:** Minimum setbacks from lot lines are as follows and as per the Amended Development Standards in the R-4R Zoning District as approved in Zoning Case #31-ZN-93 by the City of Scottsdale.

- (a) Building Setbacks adjacent to a platted private street: ten feet (10'-0").
- (b) Building Setbacks at side yards: zero feet (0'-0").
- (c) Building Setbacks at rear yard: zero feet (0'-0").
- (d) Minimum distance between main buildings on Adjacent Lots (unless common walls): ten feet (10'-0").
- (e) Minimum distance from the back of curb to the face of the garage door: twenty feet (20'-0").

#### **11.7 ENTRANCE DRIVEWAYS**

Changes in the location, width, materials or color of driveways will not be permitted. Driveway repair shall match the color, texture, finish, material, and patterns of the Original Construction.

#### **11.8 EXTERIOR SPAS**

Any additions of, or changes to, an exterior spa shall be designed as being visually connected to the Residence through walls or patios and should be screened from view from adjacent Lots, Common Areas, or other open spaces to the greatest extent possible. Spas must be constructed according to any applicable governmental rules and regulations, including any requirements for pool barriers and safety protection. Due to limited area, the addition of a swimming pool is prohibited.

#### **11.9 ADDRESS IDENTIFICATION**

Address identification devices for each Residence must conform to the approved design as per the Original Construction. No additional signage detached from the Residence will be permitted except as allowed by the Declaration and approved by the Committee.

#### **11.10 BUILDING HEIGHTS**

The maximum height for any Addition or Improvement to any Residence shall not exceed the height of the existing Residence on the Lot as per the Original

Construction. Additionally, the Committee, at its sole discretion, may further limit the heights of any modifications of a Residence as it deems appropriate to integrate the Addition or Improvement properly with the existing structure, topography, aesthetics, other Residences, and other elements.

**11.11 ROOFS**

All additions to, repairs to, or re-roofing of roofs shall be of the same material, color, texture, and detailing as the Original Construction, unless otherwise approved in writing by the Committee. Any repairs or work performed on the roofs must result in a finished appearance the same as the Original Construction. The overall appearance of the Residence in the context of its surroundings will be an important consideration in the review of any proposed Addition or Improvement.

**11.12 APPROVAL OF FINISHED COLORS**

The existing paint colors within these Villages are the only colors that may be utilized. Repainting any structure with the same color that was previously approved for the Residence does not require Committee approval, although the Owner is required to notify the Committee in writing of the color and painting schedule prior to painting. At its sole discretion, the Committee may approve a new color from the approved list, if requested. Such reviews will be based on the colors LRV and how it would blend with the integrated appearance of the Village.

**11.13 APPROVED EXTERIOR PAINT COLORS**

The following paint colors are approved for exterior use on all Improvements in the Villages designated below. All colors are Dunn Edwards, except Sonoran Cottages and Sonoran Cottages Enclave.

<b><u>Village</u></b>	<b><u>Exterior Color</u></b>
Apache Cottages	<b>CARVED WOOD – DE6125 – LRV20</b> <b>WOODED ACRE – DE6130 – LRV33</b>
Haciendas	<b>DARK SEPIA – DE6138 - LRV26</b> <b>S'MORES - DE6111 - LRV23</b> <b>MAPLE VIEW - DE6152 - LRV 29</b> <b>TUSCAN MOSAIC - DE6208 - LRV26</b>

All Improvements must match the exterior colors that were used when the Haciendas were originally built. Above is a list of the paint colors that were used:

Contact the Design Review Manager for a list of which colors were used on each Lot.

Lookout Ridge                   **MESA TAN - DEC718 - LRV27**  
**WHOLE WHEAT - DE6124 - LRV26**  
**BAKED POTATO - DEC717 - LRV34**  
**TWILIGHT TAUPE - DE6060 - LRV31**

Sonoran Cottages, Lots 1 through 27  
**SHERWIN WILLIAMS – ZEUS, #2085**

Sonoran Cottages, Lots 28 through 50 (Sonoran Cottages Enclave)  
**SHERWIN WILLIAMS – ZEUS, #2085**  
**YUMA GREEN (ACCENT), SW2090**

Sonoran Ridge                   **WHOLE WHEAT - DE6124 - LRV26**

#### **11.14 EXTERIOR MATERIALS - SURFACES**

Any Improvements, including repairs to the exterior surfaces shall match the color, texture, materials, techniques, details, appearance and character in such a manner as to match the Original Construction exactly, as determined by the Committee. This requirement shall specifically include, but not be limited to, the following:

- Roof tile – must match exactly the style, material, color, color blend, texture, size, pattern, mud-set technique, mortar color, flashing details, general appearance and character.
- Stone and/or manufactured stone – must match existing stone exactly including style, material, size, color, color blend, texture, pattern, mortar technique, mortar color, joint size, details, and corner pieces, massing character, general appearance and character.
- Sand blasted concrete masonry units – must match existing sand blasted concrete masonry units exactly including style, material, size, color, color blend, texture pattern, mortar technique, mortar color, joint size, details, corners, massing character, general appearance and character.
- Driveway repair or replacements shall match existing color, texture, finish and patterns.
- Stucco – must match existing stucco exactly including style, material, color, color blend staining, texture, finish, general appearance and character.

#### **11.15 WINDOWS**

Any changes or modifications to windows must conform to the existing architectural style of the home and must utilize the same materials, details and colors.

**11.16 PATIOS AND COURTYARDS**

The addition of, or changes to, patios, terraces and courtyards should be designed as an integral part of the Residence so they can be shaded and protected from the sun by roofs and building masses. Due to topography, privacy of adjacent homes, landscape areas, and limited Lot size, Additions, Improvements, and expansions to patios and courtyards are discouraged, particularly patio expansions. The enclosure of covered patio areas by the use of glass, screens, or other methods is strongly discouraged and will not likely be approved by the Committee. The deeply recessed patios and covered terraces are a key design feature of the Original Construction and enclosure, or partial enclosure, of these covered patio areas would not be in keeping with the original design intent.

**11.17 SCREEN WALLS**

The extension or raising of existing site walls or screen walls higher than the Original Construction is strongly discouraged. The Committee may, at its sole discretion, approve the raising or extension of such site walls, if the walls are designed as integral mass forms that relate to the architectural character of the Original Construction. The simple addition of height or length to an existing wall that results in a site wall of "thin" appearance is not an acceptable design solution.

Finish materials on all building walls, site walls, retaining walls, and screen walls shall be of the same material, texture, color, and detailing as used in the Original Construction and the finish material must be continued down to the final grade, thereby eliminating unfinished foundation walls.

**11.18 GARAGES AND DRIVEWAYS**

Additions or Improvements for the purpose of an additional garage or garages is strongly discouraged due to its impact on the overall community. In its sole discretion, the Committee may approve additional garage space, if in its opinion, the addition would not negatively impact the overall community.

Driveways and on-lot vehicle parking areas may not be expanded or enlarged from the Original Construction, unless otherwise approved by the Committee.

**11.19 GUESTHOUSES AND ACCESSORY BUILDINGS**

Detached guesthouses and freestanding accessory buildings, such as storage buildings, cabanas, or Ramada's, are prohibited.

**11.20 EXTERIOR STAIRCASES AND ROOF DECKS**

Exterior staircases, other than those built as part of the Original Construction, and exterior roof decks are prohibited.

**SECTION 12 – SUPPLEMENTAL GUIDELINES**  
**FOR DEVELOPER SEMI-CUSTOM HOME VILLAGES**

**CHIRICAHUA VILLAS  
COCHISE RIDGE  
DESERT FAIRWAYS  
DESERT GREENS  
DESERT HILLS  
DESERT HORIZONS  
RENEGADE TRAIL**

**12.1 INTRODUCTION**

The provisions of Section 12 apply only to Lots in the Villages of Chiricahua Villas, Cochise Ridge, Desert Fairways, Desert Greens, Desert Hills, Desert Horizons, and Renegade Trail, and only to Lots in specific Villages where indicated.

**12.2 DESIGN CHARACTER**

The Villages planned by the Developer were carefully thought-out and well-designed in terms of the placement of the homes on the property as well as the semi-custom design of the structures. Great attention was paid to lot layout and home positioning to take advantage of various views, to optimize golf course frontages, and to create an integrated Village appearance. Because of this comprehensive design, significant exterior additions or structural changes are not anticipated and are discouraged.

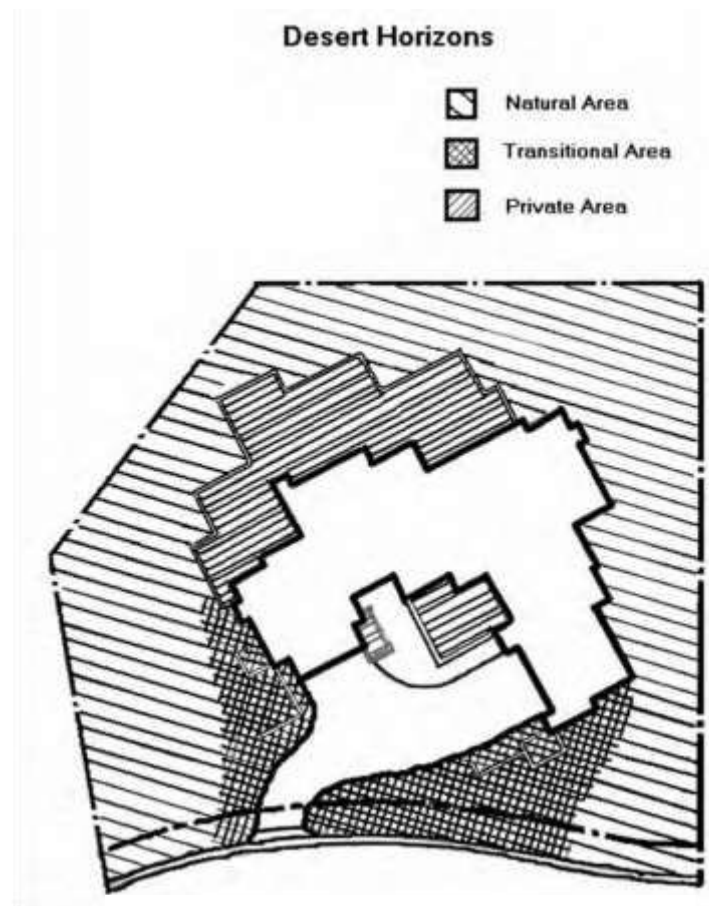
Any exterior Improvements must first be reviewed and approved by the Committee. Any such Improvements must conform to the original intent, be integrated into the existing design character and architectural theme, and be in conformance with these Guidelines and Supplements. This includes, but is not limited to, additions, alterations, site improvements, exterior building materials, driveways, site features, patios, sunscreens, exterior lighting, landscaping, artwork, repainting, etc. Such plans and specifications must be submitted for approval in accordance with the Guideline approval process.

Incumbent on the Owners in these planned Villages is the need to be respectful of a neighbor's rights, views and privacy. The placement and orientation of the Residences have been given much attention and an indiscriminate addition of any architectural, landscape or art feature to an individual Lot could have substantial negative impact on a neighboring property or could overpower the design of existing structures. Therefore, any changes, additions, alterations, or Improvements to the exterior of a Residence or within the Lot must be integrated

into the existing visual appearance, design character and architectural theme of the Village. The exact same materials, color, texture, detailing, and style as used in the Original Construction must be utilized unless approved otherwise by the Committee. Additions or Improvements must not appear as an afterthought or visually be perceived as tacked on. The judgment of such an integrated appearance shall be at the sole discretion of the Committee.

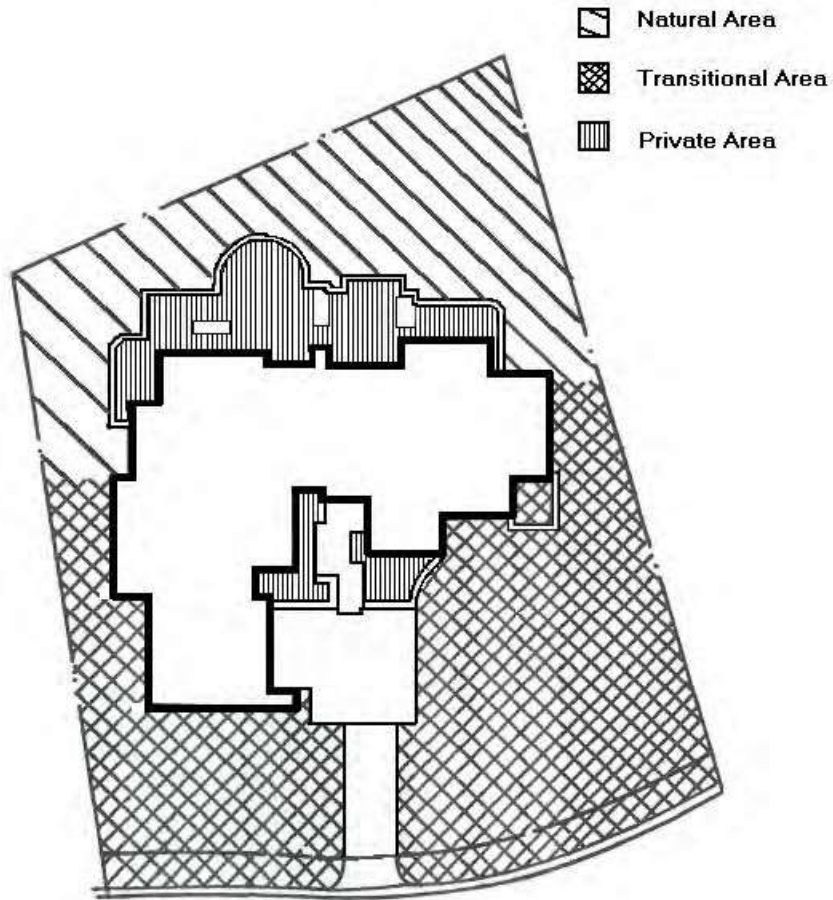
### 12.3 NATURAL AREAS, TRANSITIONAL AREAS AND PRIVATE AREAS

The Upper Sonoran Desert landscape in these Villages is fragile and may take years to naturally mitigate impacts to the site or vegetation. Due to these concerns, the City has also developed regulations intended to provide protection for the natural desert areas. Although an effort has been made to have these Guidelines be consistent with the City's regulations, each Owner, through his Architect and/or Landscape Architect, is responsible for reviewing applicable City regulations and making certain they are complied with. As outlined, each Lot consists of the Natural Area, the Transitional Area and the Private Area (see specific Village diagrams shown below). Refer to Sections 6.2, 6.3 and 6.4 of these Guidelines for definitions and restrictions for each of these areas. Although there are no diagrams for the Villages of Cochise Ridge, Renegade Trail and Chiricahua Villas, the same general concept applies to these Villages.



All Lots have been platted and built out by the Developer and do not possess a Building Envelope.

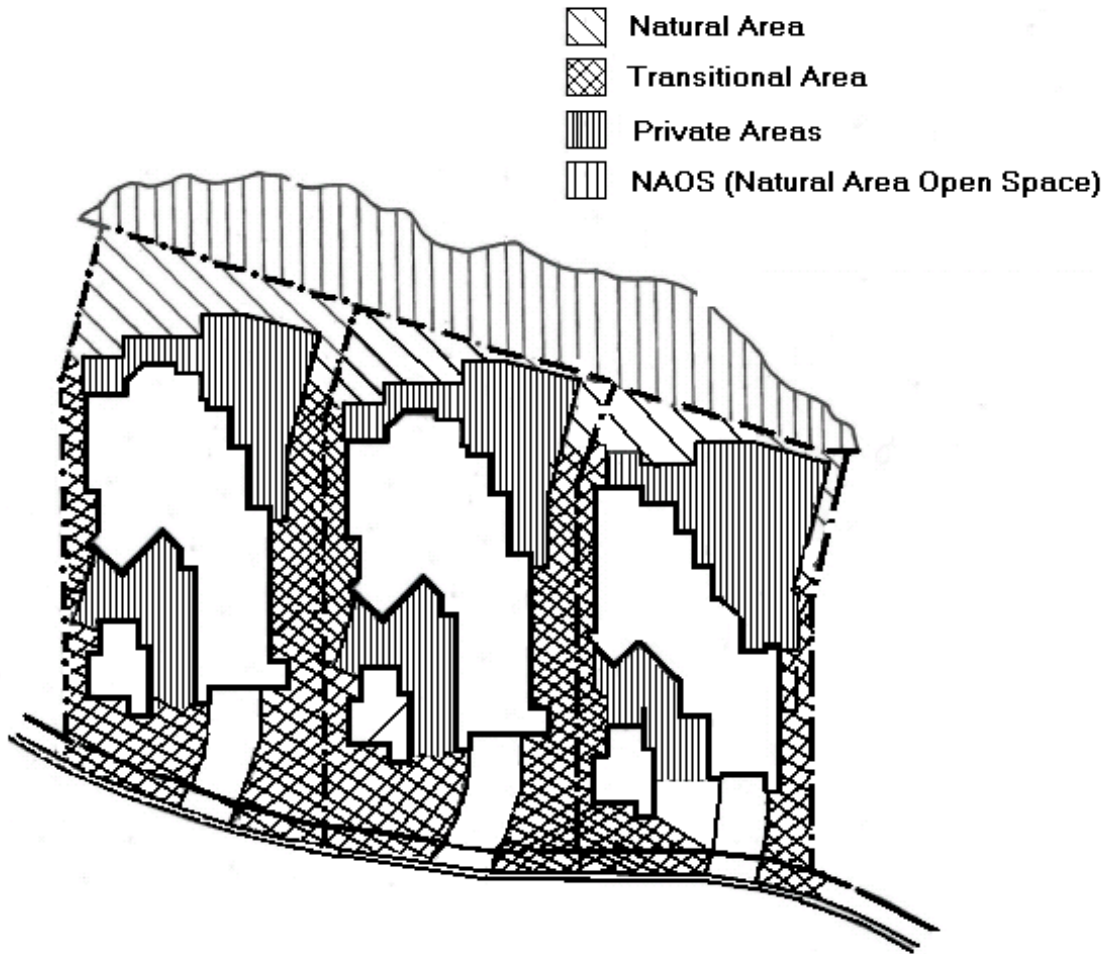
**Desert Hills**



All Lots have been platted and built out by the Developer and do not possess a Building Envelope.



### The Villages of Desert Fairways and Desert Greens



All Lots have been platted and built out by the Developer and do not possess a Building Envelope.

## 12.4 SETBACKS

Minimum setbacks will vary between Villages based on the applicable Zoning District and Amended Development Standards, therefore the setback standards that apply to one Village may be different than the setback standards that apply to another Village. Complete setback information is available from the City and the Owner is responsible for verifying all applicable setback information.

All setbacks will be reviewed by the Committee based on the merits of the submitted site plan design. The following minimum building setback standards are hereby established by these Guidelines and shall apply:

### 12.4.1 DESERT HILLS and RENEGADE TRAIL

Desert Hills and Renegade Trail are subject to minimum building setbacks as established by the Amended Development Standards for Detached Dwelling Unit Uses in the R-4R Zoning District as approved by the City of Scottsdale as part of Zoning Case #31-ZN-92.

- (a) Minimum Building Setbacks adjacent to a platted private access way (street): ten feet (10'-0").
- (b) Minimum Building Setbacks at side yards: five feet (5'-0") minimum on each side.
- (c) Minimum Building Setbacks at rear yard: ten feet (10'-0").
- (d) Minimum distance between buildings on adjacent Lots: ten feet (10'-0").
- (e) Minimum distance between a main building and an accessory building (guesthouse) on the same Lot: eight feet (8'-0").
- (f) Minimum distance from the back of curb to the face of the garage door: twenty feet (20'-0").

### 12.4.2 CHIRICAHUA VILLAS, COCHISE RIDGE, DESERT FAIRWAYS, DESERT GREENS AND DESERT HORIZONS:

Chiricahua Villas, Cochise Ridge, Desert Fairways, Desert Greens and Desert Horizons are subject to minimum building setbacks as established by the Amended Development Standards for Detached Dwelling Unit Uses in the R1-10 Zoning District as approved by the City of Scottsdale as part of Zoning Case #31-ZN-93.

- (a) Minimum Building Setbacks adjacent to a platted private access way (street): ten feet (10'-0").

- (b) Minimum Building Setbacks at side yards: five feet (5'-0") minimum on each side.
- (c) Minimum Building Setbacks at rear yard: ten feet (10'-0").
- (d) Minimum distance between buildings on adjacent Lots: ten feet (10'-0").
- (e) Minimum distance between a main building and an accessory building (guesthouse) on the same Lot: five feet (5'-0").
- (f) Minimum distance from the back of curb to the face of the garage door: twenty feet (20'-0").

### **12.5 ENTRANCE DRIVEWAYS**

Changes in the location, width, materials or color of driveways will not be permitted. Driveway repair shall match the color, texture, finish, material, and patterns of the Original Construction.

### **12.6 POOLS AND SPAS**

Any additions of, or changes to, an outdoor pool or spa shall be designed as being visually connected to the Residence through walls or patios and should be screened from view from adjacent Lots, Common Areas, or other open spaces to the greatest extent possible. Pools and spas must be constructed according to any applicable governmental rules and regulations, including any requirements for pool barriers and safety protection. Any Additions or changes to a pool or spa must be approved by the Committee prior to construction.

### **12.7 ADDRESS IDENTIFICATION**

Address identification devices for each Residence must conform to the approved design as per the Original Construction. No additional signage detached from the Residence will be permitted except as allowed by the Declaration and approved by the Committee.

### **12.8 BUILDING HEIGHTS**

In most cases, Residences in these Villages will be limited to one story. The maximum height for any Addition or Improvement to any Residence shall not exceed the highest roof ridgeline or highest building mass of the existing Residence at the time of Original Construction, unless otherwise approved by the Committee. Additionally, the Committee may allow Additions or Improvements which do not exceed a height of fifteen feet (15'-0") measured vertically above the highest finished floor level of the Residence at the time of Original Construction, if, in the opinion of the Committee, such Addition or Improvement

would not significantly compromise the character and quality of the community and if the design complies with the Guidelines. It is unlikely the Committee will consider Additions or Improvements that exceed fifteen feet (15'-0") in height, unless extraordinary circumstances exist. The addition of a second floor or partial second floor, including a Guest Loft, will not be allowed on any Residence or Lot, after the time of Original Construction.

## 12.9 ROOFS

All additions to, repairs to, or re-roofing of roofs shall be of the same material, color, texture, and detailing as the Original Construction, unless otherwise approved in writing by the Committee. Any repairs, or work performed on the copper roofs must result in a finished appearance the same as the Original Construction. The overall appearance of the Residence in the context of its surroundings will be an important consideration in the review of any proposed Addition or Improvement.

## 12.10 APPROVAL OF FINISHED COLORS

The existing paint colors within these Villages are the only colors that may be utilized. Repainting any structure with the same color that was previously approved for the Residence does not require Committee approval, although the Owner is required to notify the Committee in writing of the color and painting schedule prior to painting. At its sole discretion, the Committee may approve a new color from the approved list, if requested. Such reviews will be based on the colors LRV and how it would blend with the integrated appearance of the Village.

## 12.11 APPROVED EXTERIOR PAINT COLORS

The following paint colors are approved for exterior use on all Improvements in the Villages designated below. All colors are Dunn Edwards.

<u>Village</u>	<u>Exterior Color</u>
Cochise Ridge (All Phases)	<b>WOODEN PEG - DE6215 - LRV31</b>
	<b>WOODED ACRE - DE6130 - LRV33</b>
	<b>TWILIGHT TAUPE - DE6060 - LRV31</b>
	<b>CALICO ROCK - DE6229 - LRV28</b>
	<b>BAKED POTATO - DEC717 - LRV34</b>
	<b>WHOLE WHEAT - DE6124 - LRV26</b>

Chiricahua Villas	<b>COLORIZED AND ANTIQUED STUCCO, 2-STEP PROCESS INTEGRATED STUCCO, COLOR "ROOT BEER FLOAT" DE5326 FOLLOWED BY A DARK-BROWN GLAZE, ANTIQUED APPLICATION</b>
Desert Fairways	<b>WOODEN PEG - DE6215 - LRV31 WOODED ACRE - DE6130 - LRV33 TWILIGHT TAUPE - DE6060 - LRV31 CALICO ROCK - DE6229 - LRV28</b>
Desert Greens	<b>WOODEN PEG - DE6215 - LRV31 WOODED ACRE - DE6130 - LRV33 ASH GRAY - DEC751 - LRV 44 TWILIGHT TAUPE - DE6060 - LRV 31 CALICO ROCK - DE6229 - LRV 28</b>
Desert Hills	<b>MESA TAN - DEC718 - LRV27 TWILIGHT TAUPE - DE6060 - LRV31 BAKED POTATO - DEC717 - LRV34 PIGEON GRAY - DEC6214 - LRV43</b>
Desert Horizons	<b>WOODED ACRE - DE6130 - LRV33 PRAIRIE DOG - DE6054 - LRV18 PIGEON GRAY - DEC6214 - LRV43</b>
Renegade Trail	<b>MESA TAN - DEC 718 - LRV 27 WOODEN PEG - DE6215 - LRV 31 WOODED ACRE - DE6130 - LRV33 TWILIGHT TAUPE - DE6060 - LRV31 BAKED POTATO - DEC717 - LRV34</b>

## 12.12 MATERIALS - EXTERIOR SURFACES

Any Improvements, including repairs to the exterior surfaces shall match the color, texture, materials, techniques, details, appearance and character in such a manner as to match the Original Construction exactly, as determined by the Committee. This requirement shall specifically include, but not be limited to, the following:

- Roof tile – must match exactly the style, material, color, color blend, texture, size, pattern, mud-set technique, mortar color, flashing details, general appearance and character.
- Stone and/or manufactured stone – must match existing stone exactly

Including style, material, size, color, color blend, texture, pattern, mortar technique, mortar color, joint size, details, corner pieces, massing character, general appearance and character.

- Sand blasted concrete masonry units – must match existing sand blasted concrete masonry units exactly including style, material, size, color, color blend, texture pattern, mortar technique, mortar color, joint size, details, corners, massing character, general appearance and character.
- Driveway repair or replacements shall match existing color, texture, finish and patterns.
- Stucco – must match existing stucco exactly including style, material, color, color blend staining, texture, finish, general appearance and character.

### **12.13 PATIOS AND COURTYARDS**

The addition of, or changes to, patios, terraces and courtyards should be designed as an integral part of the Residence so they can be shaded and protected from the sun by roofs and building masses. Due to topography, privacy of adjacent homes, landscape areas, and limited Lot size, Additions, Improvements, and expansions to patios and courtyards are discouraged, particularly patio expansions. The enclosure of covered patio areas by the use of glass, screens, or other methods is strongly discouraged and will not likely be approved by the Committee. The deeply recessed patios and covered terraces are a key design feature of the Original Construction and enclosure, or partial enclosure, of these covered patio areas would not be in keeping with the original design intent.

### **12.14 SCREEN WALLS**

Screen walls should be a visual extension of the architectural design of the Residence. They may be used to separate the Private Areas from the rest of the Lot and as screening for parking and service areas. They may not be used to delineate property lines or to arbitrarily delineate the Lot.

Finish materials on all building walls, site walls, retaining walls, and screen walls shall be of the same material, texture, color, and detailing as used in the Original Construction and the finish material must be continued down to the final grade, thereby eliminating unfinished foundation walls.

### **12.15 WINDOWS**

Any changes or modifications to windows must conform to the existing architectural style of the home and must utilize the same materials, details and colors.

**12.16 GUESTHOUSES**

The addition of a detached guesthouse on any Lot is strongly discouraged due to its impact on the overall community. In its sole discretion, the Committee may approve a detached guesthouse if, in its opinion, the addition would not negatively impact the overall community. For such additions, the Committee requires full submittal procedures for Improvements to be followed (See 7.27 of the Master Guidelines). If a guesthouse is to be approved by the Committee, it must be in substantial conformance to the design character of the Original Construction of the Village.

**12.17 GARAGES AND DRIVEWAYS**

Additions or Improvements for the purpose of an additional garage or garages is strongly discouraged due to its impact on the overall community. In its sole discretion, the Committee may approve additional garage space, if in its opinion, the addition would not negatively impact the overall community.

Driveways and on-lot vehicle parking areas may not be expanded or enlarged from the Original Construction, unless otherwise approved by the Committee.

**12.18 ACCESSORY BUILDINGS**

Accessory buildings, such as storage buildings, cabanas, or Ramada's, will not be permitted.

**12.19 EXTERIOR STAIRCASES AND ROOF DECKS**

Exterior staircases, other than those built as part of the Original Construction, and exterior roof decks are prohibited.

## **SECTION 13 – SUPPLEMENTAL GUIDELINES FOR** **THE VILLAGE OF APACHE PEAK**

### **13.1 INTRODUCTION**

The provisions of Section 13 apply only to Lots in the Village of Apache Peak and only specific Lots where indicated.

### **13.2 SETBACKS**

All setbacks will be reviewed on the merits of the submitted site plan design. Apache Peak includes four parcels, which have two different sets of setback requirements: Apache Peak – Part One includes Lots 1-72 and Apache Peak, Part Two, Three and Four includes Lots 73-169. The following minimum setbacks apply:

#### **Lots 1-72. Apache Peak**

All setbacks will be reviewed on the merits of the submitted site plan design. The minimum setbacks are as described in the approved Desert Mountain Amended Development Standards for the R1-10 zoning district as approved by the City of Scottsdale. These are the minimum setbacks as required by the City. Setback information is available from the City. The Building Envelopes may require greater setbacks than the minimum standards of the City approved for this subdivision. The minimum City setbacks are not grounds for any increase in a Building Envelope.

- (a) Front yards and side and rear yards adjacent to a street: twenty feet (20'-0"). This area shall remain in an undisturbed natural condition.
- (b) Side yards: five feet (5'-0"), where provided, with an aggregate of ten feet (10'-0") per Lot.
- (c) Rear yards: ten feet (10'-0").
- (d) Minimum distance between buildings on adjacent Lots: twenty feet (20'-0").
- (e) Minimum distance between main and accessory buildings on a Lot: ten feet (10'-0").
- (f) Minimum distance from back of curb to face of garage door: twenty feet (20'-0").



**Lots 73-169, Apache Peak**

The minimum setbacks are as described in the approved Desert Mountain Amended Property Development Standards for the R1-35 Zoning District as approved by Zoning Case #10-Z-89 by the City of Scottsdale. These are the minimum setbacks as required by the City. Setback information is available from the City. The Building Envelopes may require greater setbacks than the minimum standards of the City approved for this subdivision. The minimum City setbacks are not grounds for any increases in a Building Envelope.

- (a) Front, side, or rear yards adjacent to a private street: twenty feet (20'-0"). This area shall remain in an undisturbed natural condition, except for the one (1) approved driveway access point.
- (b) Side yards: A combined total of both side yards must be equal to or greater than ten feet (10'-0").
- (c) Rear yards: ten feet (10'-0").
- (d) Minimum distance between main buildings on adjacent Lots: twenty feet (20'-0").
- (e) For all Lots adjacent to the subdivision of Tonto Hills, the minimum distance between any buildings on Adjacent Lots: fifty feet (50'-0").
- (f) Minimum distance between a main building and an accessory building on the same Lot: ten feet (10'-0").
- (g) Minimum distance from back of curb to face of garage door: twenty feet (20'-0").

A buffer exists along the common boundary between Tonto Hills subdivision and certain Lots in Apache Peak. Lots located adjacent to this common boundary will have a setback to the boundary line which is greater than those dimensions listed above. The Building Envelopes on these Lots do not include area within the buffer and any future modifications of the Envelopes into this buffer area will not be permitted.

**13.3 BUILDING HEIGHTS**

- (a) Maximum Building Height Elevation (Lots 103–169): A Maximum Building Height Elevation has been established for lots 103 through 169 as per the approved Apache Peak Part Four NAOS and Building Envelope Exhibit as show below. No building or other Improvement, except for chimneys, may be constructed to a height higher than the Maximum Building Height Elevation. The Maximum Building Height Elevation is based on the

topographic elevation measured from the Desert Mountain datum. The other height guidelines below shall fall under the restrictions of the Maximum Building Height Elevation.

<i>Lot</i>	<i>Elevation</i>	<i>Lot</i>	<i>Elevation</i>	<i>Lot</i>	<i>Elevation</i>	<i>Lot</i>	<i>Elevation</i>
103	3486'	120	3308'	137	3352'	154	3367'
104	3463'	121	3309'	138	3362'	155	3388'
105	3455'	122	3331'	139	3382'	156	3398'
106	3440'	123	3340'	140	3370'	157	3421'
107	3438'	124	3353'	141	3356'	158	3443'
108	3438'	125	3366'	142	3341'	159	3468'
109	3419'	126	3385'	143	3323'	160	3522'
110	3417'	127	3398'	144	3323'	161	3544'
111	3395'	128	3402'	145	3337'	162	3504'
112	3404'	129	3420'	146	3334'	163	3472'
113	3383'	130	3420'	147	3329'	164	3465'
114	3371'	131	3453'	148	3332'	165	3488'
115	3366'	132	3442'	149	3338'	166	3516'
116	3352'	133	3419'	150	3340'	167	3552'
117	3364'	134	3394'	151	3346'	168	3541'
118	3322'	135	3379'	152	3346'	169	3516'
119	3328'	136	3365'	153	3357'		

The Committee may from time to time consider requests for adjustments to the Maximum Building Height Elevation. The criteria for such variances will be design, logic and common sense. All such variances will be made at the sole discretion of the Committee.

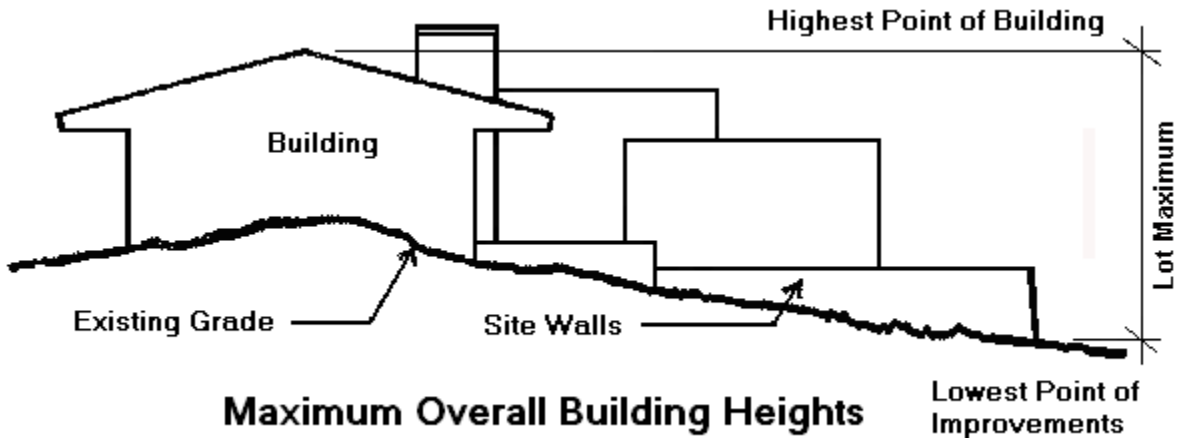
- (b) Overall Building Heights: The overall height of an improvement shall not exceed the maximum height measured in a vertical plain from the lowest point adjacent to the building exterior inclusive of site retaining walls, patio walls, and pool walls.

Within Apache Peak there are three different overall building height maximums dependent on the lot. They are as follows:

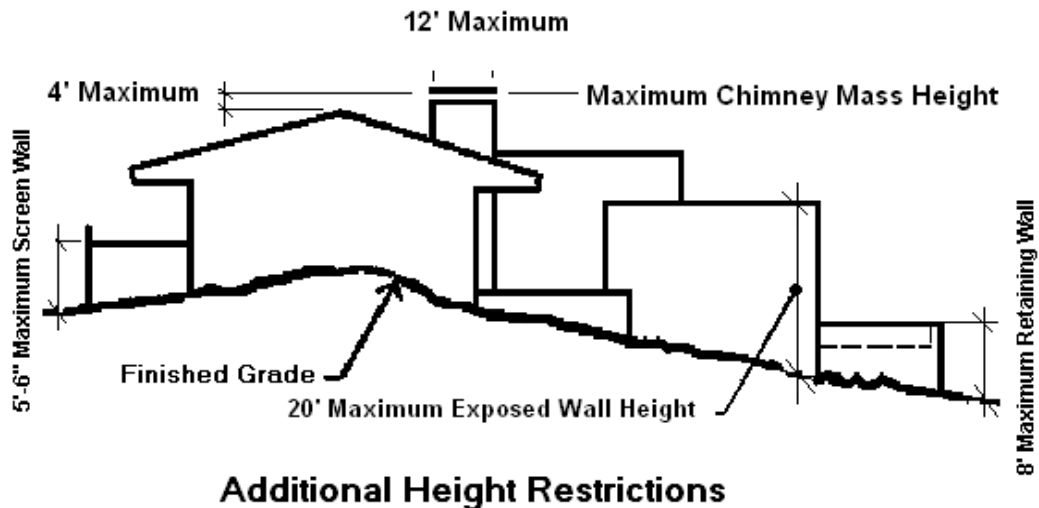
<u>Lot Numbers</u>	<u>Maximum Building Height</u>
Lots 1-92	Thirty feet (30'-0")
Lots 93-102	Forty-five feet (45'-0")
Lots 103-169	Thirty-two feet (32'-0")

In special circumstances involving conditions which do not conflict with applicable City ordinances, the Committee may approve, on a case-by-case

basis and in its sole discretion, overall vertical dimensions which may exceed the maximum.



- (c) Chimney Mass: Within Apache Peak there is two different chimney height maximums dependent on the lot. They are as follows: Twenty-three feet (23'-0") for Lots 1-92 and twenty-five feet (25'-0") for Lots 93-169. Chimneys may be constructed to a height not to exceed the maximum, measured to the nearest highest exposed natural grade. Unless otherwise approved by the Design Review Committee, the height of a chimney mass may not exceed four feet (4'-0") above the highest point within ten feet (10'-0") of that chimney mass. A chimney mass may not exceed an overall horizontal dimension of twelve feet (12'-0") in any one direction.



**13.4 APPROVAL OF FINISHED COLORS**

The exterior finished colors must be approved by the Committee. Certain paint colors have been approved by the Committee, as described below. Other colors will be reviewed by the Committee based on their LRV and whether they are consistent with the Committee's goal for the Improvements to blend into the desert landscape, in general, and into the specific Village.

Repainting any structure with the same color that was previously approved by the Committee does not require Committee approval, although the Owner is required to notify the Committee of the painting and the color, on a form supplied by the Committee.

**13.5 APPROVED EXTERIOR PAINT COLORS**

The following paint colors are approved for exterior use on all Improvements. Unless otherwise approved by the Committee, no primary stucco building mass or other significant building element may be painted a color that is darker than an LRV of fifteen (15).

For Apache Peak Lots 1-92 the Maximum LRV allowed is 35:

BAKED POTATO - DEC717 - LRV34

BARREL STOVE - DE6216 - LRV21

CALICO ROCK - DE6229 - LRV28

COLORADO TRAIL - DE6117 - LRV30

TUSCAN MOSAIC - DE6208 - LRV26

WHOLE WHEAT - DE6124 - LRV26

WOODED ACRE - DE6130 - LRV33

WOODEN PEG - DE6215 - LRV31

For Apache Peak Lots 93-102 the Maximum LRV allowed is 30:

BARREL STOVE - DE6216 - LRV21

CARVED WOOD - DE6125 - LRV20

COBBLESTONE PATH - DE6068 - LRV25

COLORADO TRAIL - DE6117 - LRV30

MESA TAN - DEC718 - LRV27

TUSCAN MOSAIC - DE6208 - LRV26

WHOLE WHEAT - DE6124 - LRV26

WOOD LAKE - DE6075 - LRV24

For Apache Peak Lots 103-169 the Maximum LRV allowed is 40:

BAKED POTATO - DEC717 - LRV34

CALICO ROCK - DE6229 - LRV28

COBBLESTONE PATH - DE6068 - LRV25

COLORADO TRAIL - DE6117 - LRV30

TWILIGHT TAUPE - DE6060 - LRV31

TUSCAN MOSAIC - DE6208 - LRV26

WHOLE WHEAT - DE6124 - LRV26

WOOD LAKE - DE6075 - LRV24

WOODED ACRE - DE6130 - LRV33

WOODEN PEG - DE6215 - LRV31

### **13.6 MULTIPLE EXTERIOR MATERIALS (Lots 103-169 only)**

The design of all Improvements is not required to, but should include the use of at least two (2) different complementing materials on the exterior wall surfaces (in addition to roof and driveway materials). The secondary or accent exterior wall material is recommended to cover at least twenty percent (20%) of the exterior building surface. These complementing materials should be carefully articulated into an integrated whole and should not result in a home that appears like two different structures forced together. The use of natural materials such as

stone and adobe are strongly encouraged. Thin veneers of mass materials such as stone and adobe should be avoided, but instead these materials should be placed in natural mass forms that are true to the natural formations or authentic use of these materials and tie to the natural terrain.

In the event that a Residence does not utilize more than one exterior wall surface material, at least two complementing colors will be required. Monochromatic color schemes will not be allowed, unless otherwise given specific approval by the Committee. The suggestion for at least two different complementing exterior wall materials will naturally create complementing color variations. In addition, the colors of fascia, roof materials, window frames, railing, etc., should be carefully selected to create a well composed palette of colors and textures that appear as an integrated visual composition.

### **13.7 ENTRANCE DRIVEWAYS**

Lots 113, 114, 115, 116, 117, 118, 119, 122, 123, 124, 125, 126, 143 and 144 shall be required to provide ample space within the Lot to turn a full-size automobile around such that the automobile can access the street in a forward direction.

## **THE REMAINING SECTION APPLIES ONLY TO LOTS 93-102**

### **“THE RESERVE AT APACHE PEAK”**

### **13.8 CONCEPT DESIGN SUBMITTAL**

A Preliminary Design Concepts Submittal, as described in Section 4.4 is required for Lots 93-102.

### **13.9 CITY OF SCOTTSDALE DEVELOPMENT REVIEW BOARD**

In addition to approval by the Committee, all Residences in Desert Mountain Phase II, Apache Peak Part Three are subject to approval by the City of Scottsdale’s Development Review Board. Based on Section 1.400 and 7.842 of the City of Scottsdale’s Zoning Ordinance, as well as stipulations of plat approval from case #14-PP-89#3, all Improvements constructed within the Hillside Landform are required to be approved by the City of Scottsdale’s Development Review Board. This process is separate from any process administered by the Committee.

### 13.10 UNSTABLE SLOPES

Several areas within this portion of The Reserve at Apache Peak (Lots 93-102) have been identified by a registered geologist to contain unstable slopes. These slopes are susceptible to rolling boulders, soil collapse and earth movement. While the Building Envelopes have been situated to avoid as many of these conditions as possible, it is the responsibility of the Owner to determine any potential hazards that may apply to a specific design or site plan from the unstable slopes. It is recommended that each Owner retain a qualified geologist to evaluate the specifics of the Owner's Lot and design concept. The design should carefully reflect any concerns found by the geologist. A Soils Stability Report that evaluates the stability of slopes and soils of the Lot and adjacent areas and evaluates the effect of any findings on the proposed design of a Residence or other Improvements shall be required for all Final Design Submittals. The Committee does not approve or imply any approval of such a report or its finds or recommendations. The requirements for such a report as part of the Final Design Submittal is for the sole purpose of stressing the importance of proper soils stability investigation during the design process.

### 13.11 EXISTING BOULDERS

This portion of The Reserve at Apache Peak (Lots 93-102) has significant boulder outcroppings in numerous locations throughout the site. These natural boulder features should be considered in the initial design process and should remain natural and untouched or be incorporated into the design in their natural conditions. The Committee strongly discourages the moving of the natural boulder formations.

In addition, the boulders within this portion of The Reserve at Apache Peak may be susceptible to rolling and instability. For any Lot that proposes improvements that either a) effect natural boulder features or, b) are located downhill of a boulder or boulder cluster, the Owner will be required to submit a Boulder Stabilization Program prepared by a qualified Geologist, Civil Engineer or Structural Engineer registered in the state of Arizona to the Committee as part of the Final Design Submittal that describes in sufficient detail the methods and techniques that will be implemented to ensure that the boulder or boulders will remain in a stable condition. The Committee does not approve or imply any approval of such a report or its findings or recommendations. The requirement for such a report as part of the Final Design Submittal is for the sole purpose of stressing the importance of proper boulder stability investigation during the design process.

### 13.12 STORMWATER DETENTION

Lots 99, 100, 101, and 102 are required by the City of Scottsdale to provide storm water detention within each individual lot. Storm water detention locations

shall detain the difference between the pre-development storm water condition and the post-development storm water condition of the lot based on peak rainfall calculated for a two (2) hour, one hundred (100) year storm. The best location for storm water detention areas are within patio walls, depressed courtyard areas, landscape areas and depressed parking or driveway areas. Storm water detention basins must be integrally designed into the site as part of the overall design concept and should be designed to creatively disguise their practical use. Standard “engineered looking” detention basins or un-landscaped areas will not be allowed.

Storm water detention calculations and a hydrology report for these Lots shall be prepared by a qualified Civil Engineer licensed in the State of Arizona. This information must be submitted with both Preliminary and the Final Design Submittal to the Committee as well as submitted to the City of Scottsdale at the time of Final Plan Check.

Storm water detention calculations should be based on the following criteria:

This portion of The Reserve at Apache Peak requires individual lot on-site detention storage for Lots 99, 100, 101 and 102 based on the difference between pre-development and post-development volume requirements per Section 2-204 of the City of Scottsdale Design Standards and Policy Manual, March 1994. All requirements of the City of Scottsdale must be met in calculating the storm water detention requirements. The Owner or his Civil Engineer shall be responsible for the accuracy of such an analysis and approval of the Final Design Submittal by the Committee shall not be deemed as an approval of the calculations or results.

### **13.13 SEWER SERVICE LINES**

Due to the extremely steep terrain, Sewer Service Lines require special design consideration and requirements. Sewer Service Lines, located between the foundation of the Residence and the city sewer tap at the street that exceed a slope of eight percent (8%) or a velocity of ten feet (10'-0”) per second are required to be constructed of ductile iron. Other materials, such as standard ABS pipe, will wear significantly due to the steep slopes and high velocity and would result in untimely repairs, if allowed. It is strongly recommended that a competent Civil Engineer assist in the design of the Sewer Service Line. Site plans submitted for the Final Design Submittal must clearly identify the slope and materials of the Sewer Service Lines.

Portions of the Sewer Service Lines for Lots 98, 99, 100 and 101 have been constructed within the common drive by the Developer. Each Owner is responsible for the maintenance and repair of their respective Sewer Service Line upon purchase of their Lot.



**13.14 ENTRANCE DRIVEWAYS**

Private driveways on Apache Peak, Lots 93-102 shall be a maximum of twelve feet (12'-0") wide from the point it intersects the street to the termination at the parking area, garage or turnaround of the Residence, except for common driveways or unless greater widths are required by the fire department.

The maximum slope of a private driveway shall be twenty percent (20%), unless more restrictive limitations are imposed by the City or other governing body.

Portions of the common or shared driveways for Lots 97, 98, 99, and 100 have been improved by the Developer with the initial infrastructure construction. The continuation of these private driveways as well as the driveways for Lots 101 & 102 have specific driveway alignments that have been determined by the Developer. These driveway alignments are shown on the approved Building Envelope and NAOS Exhibit. Every attempt should be made to use these predetermined driveway alignments. The Committee will consider realignment of these driveways, if in the opinion of the Committee, the proposed alignment has less physical and visual impact than the original driveway alignment.

With the initial common or shared driveway improvements constructed by the Developer, retaining walls constructed of dry stack stone have been used to accommodate grade differences along these driveways. Maintenance responsibilities for these retaining walls are as outlined in the Declaration. Any repairs, maintenance or modifications to these retaining walls shall use the same materials and must be executed to match the original appearance.

**13.15 RETAINING WALLS**

Notwithstanding Section 6.9(a), the maximum height of retaining walls and other walls not directly supporting a building structure, except screen walls, is twelve feet. The Committee may consider heights in excess of twelve feet when justified by topographic conditions and when the extra height causes no adverse visual impact in the opinion of the Committee. An overall height of up to sixteen feet may be achieved by use of more than one (1) retaining wall, provided a minimum planting area of three feet (3') is provided between the two (2) walls. Other acceptable methods for softening the appearance of retaining walls over twelve feet in height include: landscaping with mature, indigenous trees or large shrubs, and/or utilizing a different texture and/or material for a portion of the wall.

**13.16 REQUIREMENT FOR MULTIPLE EXTERIOR MATERIALS – LOTS 93-102**

Due to the high visibility of Lots 93 through 102 within this portion of The Reserve at Apache Peak, the design character of a home has a greater impact on the Desert Mountain community as a whole. Therefore, stricter design

character guidelines have been placed on the Lots within this portion of The Reserve at Apache Peak.

The design and construction of all Residences and other Improvements must incorporate the use of at least two (2) different complementing materials on the exterior wall surfaces (in addition to roof and driveway materials), unless otherwise given specific approval by the Committee. The secondary or accent exterior wall material must cover at least twenty percent (20%) of the exterior building surface. These complementing materials must be carefully articulated into an integrated whole and should not result in a home that appears like two (2) different structures forced together. The use of natural materials such as stone and adobe are strongly encouraged. Thin veneers of mass materials such as stone and adobe should be avoided, but instead these materials should be placed in natural mass forms that are true to the natural formations or authentic use of these materials and tie to the natural terrain.

Monochromatic color schemes will not be allowed, unless otherwise given specific approval by the Committee. The requirement for at least two (2) different complementing exterior wall materials will naturally create complementing color variations. In addition, the colors of fascia, roof materials, window frames, railing, etc., should be carefully selected to create a well- composed palette of colors and textures that appears as an integrated visual composition.

## **SECTION 14 – SUPPLEMENTAL GUIDELINES FOR THE VILLAGES OF ARROWHEAD, MOUNTAIN SKYLINE & TURQUOISE RIDGE**

### **14.1 INTRODUCTION**

The provisions of Section 14 apply only to Lots in the Villages of Arrowhead, Mountain Skyline, and Turquoise Ridge, and only to Lots in specific Villages or specific Lots where indicated.

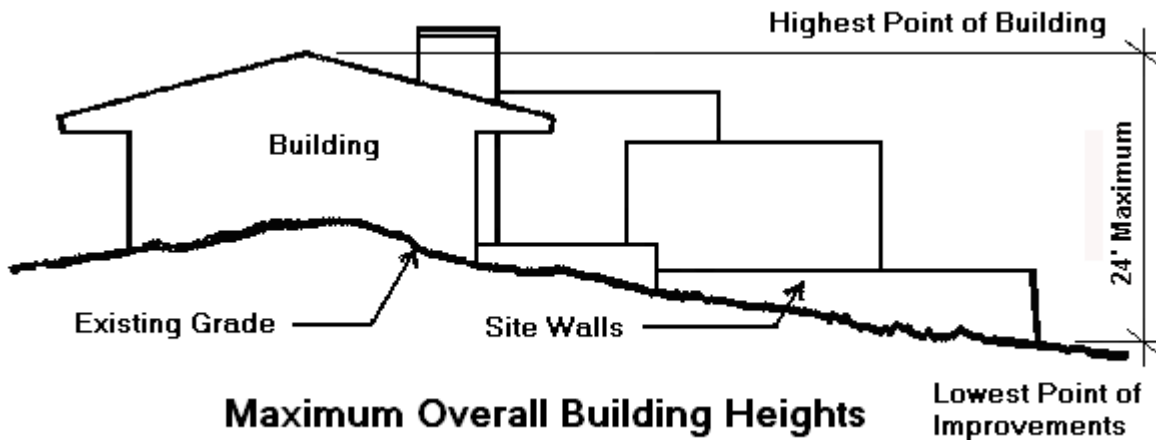
### **14.2 SETBACKS**

The following minimum setbacks apply:

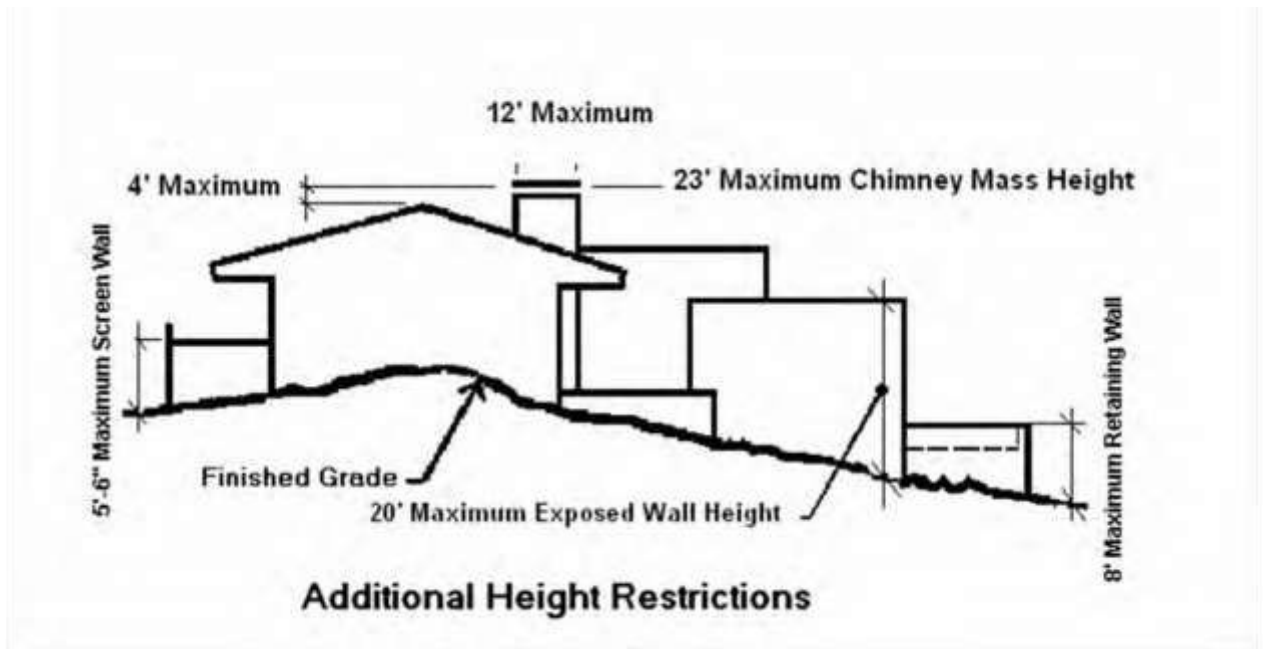
- (a) Front, side, and rear yards adjacent to a street: twenty feet (20'-0"). This area shall remain in an undisturbed natural condition.
- (b) Side yards: ten feet (10'-0"), where provided.
- (c) Rear yards: twenty feet (20'-0").
- (d) Minimum distance between buildings on adjacent Lots: forty feet (40'-0")
- (e) Minimum distance between main and accessory buildings on a Lot: ten feet (10'-0").

### **14.3 BUILDING HEIGHTS**

- (a) Maximum Building Height Elevation: The only lot with a specific Maximum Building Height Elevation is Lot 15 in Mountain Skyline. The Maximum Building Height Elevation for that lot is 2,906 feet above sea level. No Improvement, except for chimneys, may be constructed to a height higher than the Maximum Building Height Elevation. The Maximum Building Height Elevation is based on the topographic elevation measured from the Desert Mountain datum. The other height Guidelines shall fall under the restrictions of the Maximum Building Height Elevation.
- (b) Overall Building Height: Except in a very unusual circumstance, the overall height of a Residence shall not exceed twenty-four (24'-0") measured in a vertical plane from the highest parapet or roof ridge to the natural grade at the lowest point adjacent to the Residence exclusive of driveway (see illustration).



- (c) Chimney Mass: Chimneys may be constructed to a height not to exceed twenty-three feet (23'-0"), measured to the nearest highest exposed natural grade. Unless otherwise approved by the Design Review Committee, the height of a chimney mass may not exceed four feet (4'-0") above the highest point within ten feet (10'-0") of that chimney mass. A chimney mass may not exceed an overall horizontal dimension of twelve feet (12'-0") in any one direction. See illustration below.



**14.4 APPROVAL OF FINISHED COLORS**

All exterior finished colors must be approved by the Committee. Certain paint colors have been approved by the Committee, as described below. Other colors will be reviewed by the Committee based on their LRV and whether they are consistent with the Committee's goal for the Improvements to blend into the desert landscape, in general, and into the specific Village.

The maximum LRV allowed in these Villages is forty (40). Unless otherwise approved by the Committee, no primary stucco building mass or other significant building element may be painted a color that is darker than an LRV of fifteen (15).

Repainting any structure with the same color that was previously approved by the Committee does not require Committee approval, although the Owner is required to notify the Committee of the painting and the color, on a form supplied by the Committee.

The following paint colors are approved for exterior use on all Improvements.

**14.5 APPROVED EXTERIOR PAINT COLORS**

All colors are Dunn Edwards

BAKED POTATO - DEC717 - LRV34

BARREL STOVE - DE6216 - LRV21

CALICO ROCK - DE6229 - LRV28

COLORADO TRAIL - DE6117 - LRV30

DESERT GRAY - DEC760 - LRV36

GRAHAM CRACKER - DE6144 - LRV37

MESA TAN - DEC718 - LRV27

TUSCAN MOSAIC - DE6208 - LRV26

TWILIGHT TAUPE - DE6060 - LRV31

WHOLE WHEAT - DE6124 - LRV26

WOODED ACRE - DE6130 - LRV33

WOODEN PEG - DE6215 - LRV31

**SECTION 15 – SUPPLEMENTAL GUIDELINES**  
**FOR THE VILLAGE OF COCHISE / GERONIMO**

**15.1 INTRODUCTION**

The provisions of Section 15 apply only to Lots in the Village of Cochise / Geronimo and only specific Lots where indicated.

**15.2 CONCEPT DESIGN SUBMITTAL (For Select Lots)**

Preliminary Design Concepts, as described in Section 4.4, are required for the following Lots only:

- |         |          |          |          |          |
|---------|----------|----------|----------|----------|
| • Lot 1 | • Lot 5  | • Lot 18 | • Lot 21 | • Lot 27 |
| • Lot 2 | • Lot 8  | • Lot 19 | • Lot 24 | • Lot 28 |
| • Lot 3 | • Lot 17 | • Lot 20 | • Lot 25 |          |

**15.3 SETBACKS**

All setbacks will be reviewed on the merits of the submitted site plan design. The minimum setbacks for each Lot are determined by the amended property development standards established and approved for this subdivision and may differ from the unamended standards of the Zoning Ordinance. The minimum setbacks are administered by the City of Scottsdale. Complete setback information is available from the City. Listed below is an abbreviated summary of the minimum setbacks as required by the City; this only represents a summary of the setback information, and the Owner is responsible for verifying all applicable setback information with the City. The established Building Envelopes and/or these Guidelines may require greater setbacks than the minimum setbacks of the City approved for this project. The minimum City setbacks are not grounds for any increases or changes in the area or location of a Building Envelope.

Setbacks for The Cochise/Geronimo Village are as described in the approved Desert Mountain Amended Property Development Standards for Detached Dwelling Unit Uses in the R-4R Zoning District as approved in Zoning Case #31-ZN-92 by the City of Scottsdale. A general outline of the minimum setback requirements is as follows:

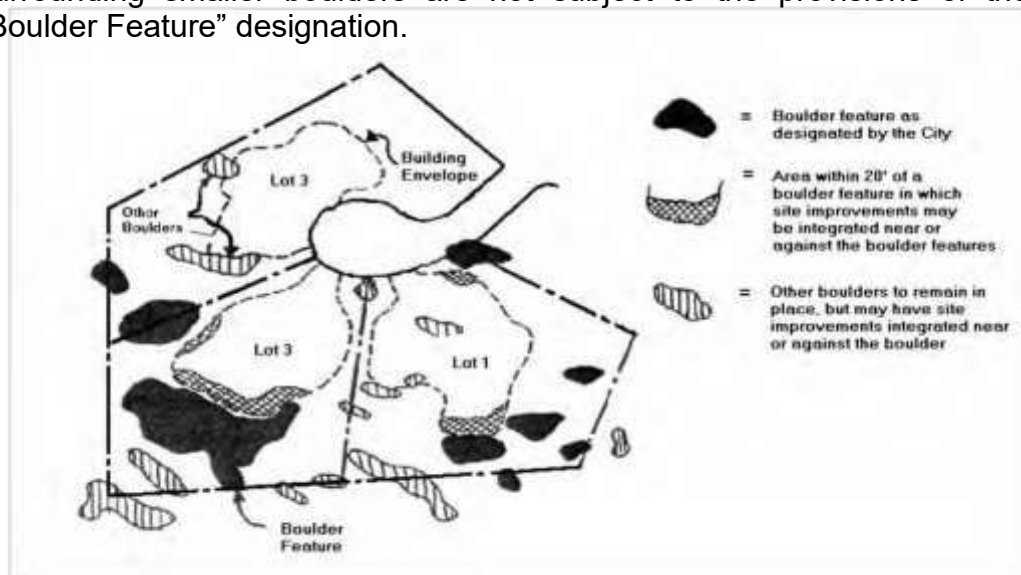
- (a) Front, side, or rear yards adjacent to a private street: ten feet (10'-0").
- (b) Side yards: A combined total of both side yards must be equal to or greater than ten feet (10'-0").

- (c) Rear yards: ten feet (10'-0").
- (d) Minimum distance between main buildings on adjacent Lots: ten feet (10'-0").
- (e) Minimum distance between a main building and an accessory building on the same Lot: eight feet (8'-0").
- (f) Minimum distance from back of curb to face of garage door: twenty feet (20'-0").

#### 15.4 BOULDER FEATURES

Under the City of Scottsdale's Environmentally Sensitive Lands Ordinance (ESLO), some of the significant boulders adjacent to or within Lot 1, Lot 2 and Lot 3 have been designated as "Boulder Features", which subjects these specific significant boulders and boulder outcroppings to certain requirements under the City's Ordinance. Typically under the City's Ordinance, there is a requirement for a twenty-foot (20'-0") setback around all defined Boulder Features. The Developer has obtained approval from the City's Development Review Board under preliminary plat cases #17-PP-99 and #85-DR-99 to reduce the setback to zero (0) adjacent to specific areas around these defined Boulder Features subject to additional requirements, all as further described below.

As per the illustration below, the boulder and rock outcroppings designated as Boulder Features may not be moved, relocated or damaged. Site Improvements, such as a patio, terrace, site wall, screen wall, retaining wall or similar low-scale site Improvement may engage the defined Boulder Feature only on the northern side of the Boulder Feature provided the Improvements do not move, relocate, damage or enclose the Boulder Feature. The walls of a Residence or other building may not engage or directly connect to the Boulder Feature. The surrounding smaller boulders are not subject to the provisions of the City's "Boulder Feature" designation.



**15.5 ENTRANCE DRIVEWAYS**

Due to the sizes of the Building Envelopes, steep slopes, topography and natural features such as boulders and rock outcroppings, the design of the entrance driveway, including a turnaround area, if any, will require special design solutions. Therefore, auto courts, turnarounds or other large paved areas used primarily for vehicles are strongly discouraged. The design of the site plan will likely have to be compact and efficient in order to accommodate the entrance driveway and access to the garage.

Concrete pavers or stone pavers are required driveway materials. In general, concrete driveways are not allowed. The Committee may, at its sole discretion, approve textural concrete driveways or other driveway surface materials that it deems are appropriate to the character of the Village. All driveway materials are subject to the color limitations of Section 24.10, of these Guidelines. Decomposed granite and other mineral or gravel-type driveway surfaces will not be allowed.

**15.6 SWIMMING POOLS AND SPAS**

Due to the size of the Building Envelopes, steep slopes, topography and natural features such as boulders and rock outcroppings, the design of a swimming pool, spa and associated patios or terraces will require special design solutions. Because of the above-mentioned constraints, swimming pools, spas, patios and terraces will generally be smaller in size than other villages within Desert Mountain. It is also likely that swimming pools will have to be located on a significantly lower level than the primary finished floor level of the Residence in order to accommodate grade and slope issues. The design of a swimming pool and spa, including its associated improvements such as decks, landscaping, patios, etc., shall consider these constraints.

**15.7 BUILDING HEIGHTS**

Due to the extreme differences in the terrain and visibility of the Lots within The Cochise/Geronimo Village, it is important to refer to any approved amendments and/or supplements that may increase, decrease or otherwise modify the Building Height guidelines for specific areas within The Cochise/Geronimo Village.

- (a) **Maximum Building Height Elevation:** A Maximum Building Height Elevation has been established for each individual Lot as per the approved Building Envelope and NAOS Exhibit. No Improvement, except for chimneys, may be constructed to a height higher than the Maximum Building Height Elevation. The Maximum Building Height Elevation is based on the topographic elevation measured from the Desert Mountain datum. The



other height Guidelines shall fall under the restrictions of the Maximum Building Height Elevation.

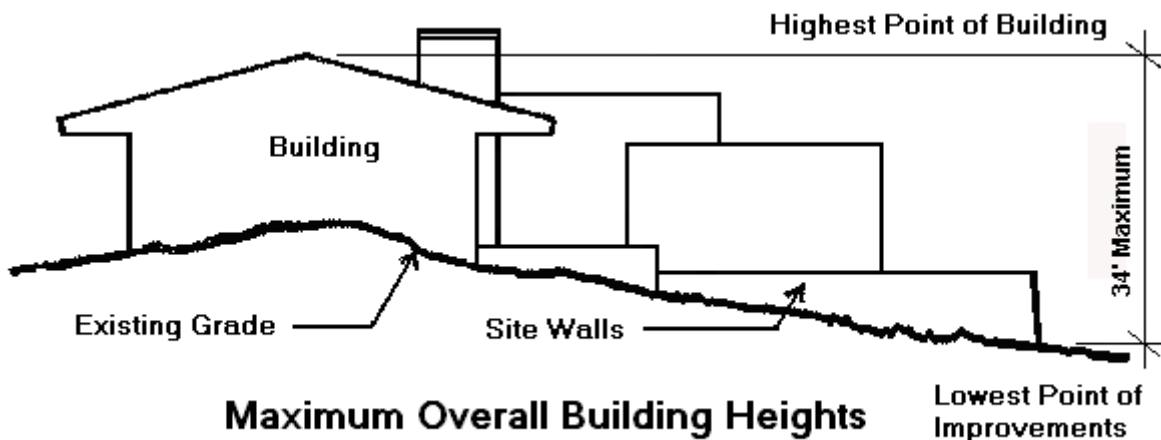
Lot	Elevation
1	3127'
2	3127'
3	3133'
4	3122'
5	3046'
6	3046'
7	3036'
8	3012'
9	3070'
10	3080'
11	3107'

Lot	Elevation
12	3120'
13	3114'
14	3108'
15	3109'
16	3101'
17	3039'
18	3076'
19	3088'
20	3089'
21	3115'
22	3133'

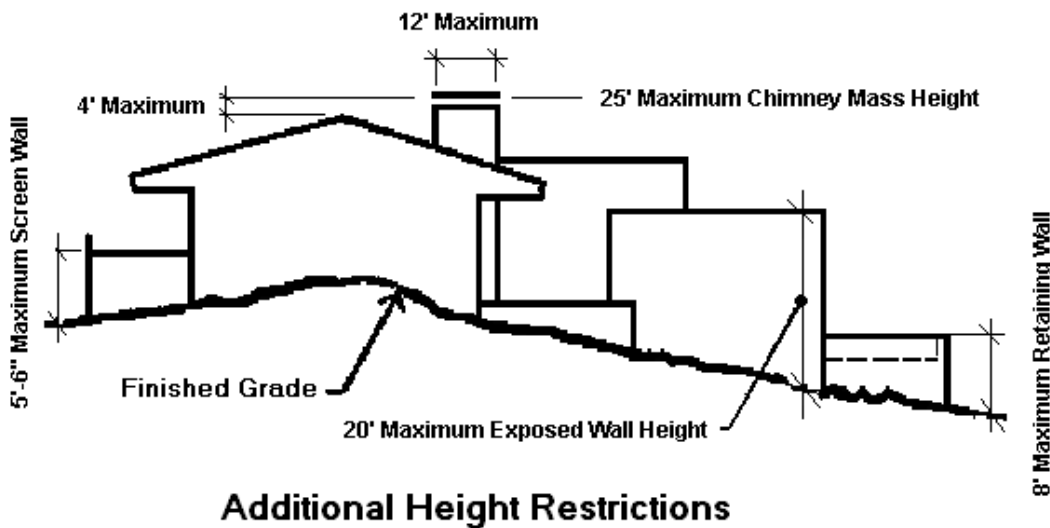
Lot	Elevation
23	3136'
24	3153'
25	3151'
26	3154'
27	3149'
28	3148'
29	3149'
30	3133'
31	3124'
32	3129'
33	3125'

The Committee may from time to time consider requests for adjustments to the Maximum Building Height Elevations. The criteria for such variances will be design, logic and common sense. All such variances will be made at the sole discretion of the Committee.

- (a) Overall Building Height: The overall height of an Improvement shall not exceed thirty-four feet (34'-0") measured in a vertical plane from the highest parapet or roof ridge to the natural grade at the lowest point adjacent to the building exterior inclusive of site retaining walls, patio walls, and pool walls. In special circumstances involving conditions, which do not conflict with applicable City ordinances, the Committee may approve, on a case-by-case basis and in its sole discretion, an Overall Building Height that exceeds the thirty-four foot (34'-0") limitation.



- (b) Chimney Mass: Chimneys may be constructed to a height not to exceed twenty-five feet (25'-0") measured vertically from the highest natural grade adjacent to the chimney mass. Unless otherwise approved by the Committee, the height of a chimney mass may not exceed four feet (4'-0") above the highest point within ten feet (10'-0") of that chimney mass. A chimney mass may not exceed an overall horizontal dimension of twelve feet (12'-0") in any one direction, unless otherwise specifically approved by the Committee.

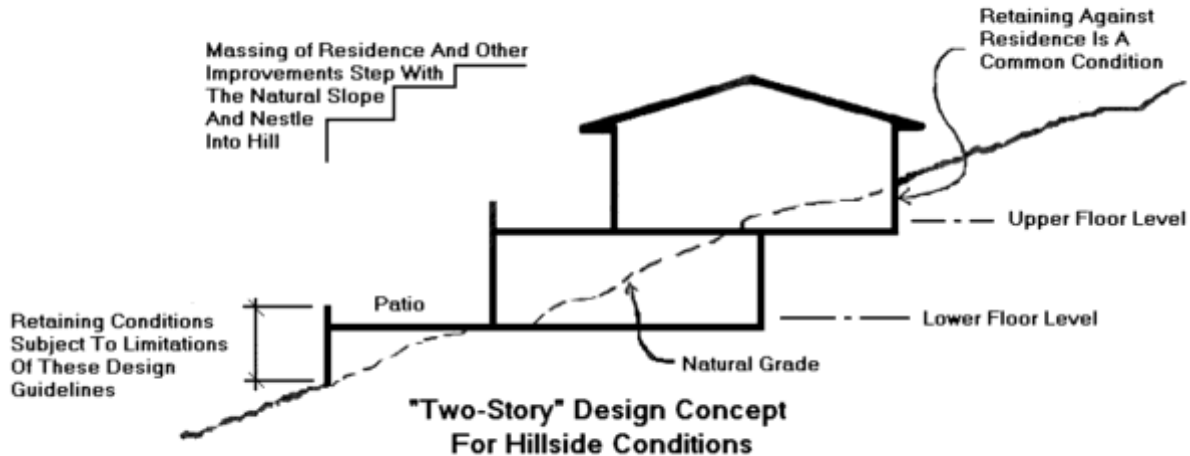


- (c) "Patio Only" Height: Selected Lots have an area within the Building Envelope designated "Patio Only", as delineated on the approved Building Envelope and NAOS Exhibit. This portion of the Building Envelope may only be used to construct low-scale Improvements such as uncovered patios, site or retaining walls, pools, spas, walkways and landscaped areas. Buildings or roof structures are not allowed within the Patio Only area. The height of any Improvement within the Patio Only portion of the Building Envelope shall not exceed eight feet (8'-0") measured vertically above the finished grade on the exterior side of the Improvement, unless otherwise approved by the Committee.

## 15.8 TWO-STORY / MULTI-LEVEL REQUIREMENTS

The following specific Lots are unique in that the topographic change within the Building Envelope is significant enough to require a "two-story" or multi-level design solution on these specific Lots. For the purpose of this section, "two-story" shall mean a two or more level home designed into the slope of the Lot such that

the upper floor level is generally at the same elevation as natural grade on the high side and the lower floor level is generally at the same elevation as natural grade on the low side, as further illustrated.



The following specific Lots shall be required to have a “two-story” design solution as described above. The Committee may approve a single-level design or a design with minimal floor elevation changes, provided the design meets the requirements and intent of these Guidelines. The Committee reserves all rights to require a multi-level design solution or a full two-story design solution on these Lots, if it deems appropriate in its sole discretion: **Lot 5, Lot 18, Lot 19 and Lot 20.**

### 15.9 APPROVAL OF FINISHED COLORS

The exterior finished colors must be approved by the Committee. Certain paint colors have been approved by the Committee, as described below. Other colors will be reviewed by the Committee based on their LRV and whether they are consistent with the Committee’s goal for the Improvements to blend into the desert landscape, in general, and into the specific Village.

Repainting any structure with the same color that was previously approved by the Committee does not require Committee approval, although the Owner is required to notify the Committee of the painting and the color, on a form supplied by the Committee.

**15.10 APPROVED EXTERIOR PAINT COLORS**

The following paint colors are approved for exterior use on all Improvements. The maximum LRV allowed within The Cochise/Geronimo Village is thirty-six (36), except Lots 1, 2, 3, 21, 24, 25, 27, and 28, which have a maximum LRV of twenty-eight (28). Unless otherwise approved by the Committee, no primary stucco building mass or other significant building element may be painted a color that is darker than an LRV of fifteen (15).

BAKED POTATO DEC717 LRV34

BARREL STOVE - DE6216 - LRV21

CALICO ROCK - DE6229 - LRV 28

CARVED WOOD - DE6125 - LRV20

COBBLESTONE PATH DE6068 LRV25

COLORADO TRAIL - DE6117 - LRV30

MESA TAN - DEC718 - LRV27

TUSCAN MOSAIC - DE6208 - LRV26

TWILIGHT TAUPE DE6060 LRV31

WHOLE WHEAT - DE6124 - LRV26

WOOD LAKE - DE6075 - LRV24

WOODED ACRE - DE6130 - LRV33

**15.11 REQUIREMENT FOR MULTIPLE EXTERIOR MATERIALS**

The design and construction of all Improvements must incorporate the use of at least two (2) different complementing materials on the exterior wall surfaces (in addition to roof, patio and driveway materials), unless otherwise given specific approval by the Committee. The secondary or accent exterior wall material must cover at least thirty-three percent (33%) of the exterior building surface, unless otherwise approved by the Committee. (For example, under these requirements a house and site walls may be clad in 33% stone and 67% stucco.) These complementing materials must be carefully articulated into an integrated whole and should not result in a Residence that appears to be two different structures forced together. The secondary or accent exterior wall material may not be used as a wainscot or as other “applied” or veneer-looking treatments. The Committee strongly recommends the use of stone as one of the major exterior building materials, although many other materials are acceptable.

Monochromatic color schemes will not be allowed, unless otherwise given specific approval by the Committee. The requirement for at least two (2) different complementing exterior wall materials will naturally create complementing color variations. In addition, the colors of fascia, roof materials, window frames, railing, etc., should be carefully selected to create a well composed palette of colors and textures that appears as an integrated visual composition.

**15.12 GUESTHOUSES**

Due to the size of certain Building Envelopes, as well as topographic conditions on certain Lots, detached Guesthouses may not appropriately fit on each Lot within The Cochise/Geronimo Village.

If allowed, a detached Guesthouse must be designed as a single visual element with the Residence and should visually relate to it by walls, courtyards or major landscape elements. Notwithstanding Section 6.33, a free-standing Guesthouse may not exceed one thousand (1,000) square feet, and it must comply with applicable City zoning regulations. In unusual circumstances the Committee may approve a guesthouse greater than one thousand (1,000) square feet dependent on the Lot, configuration, and design.

**15.13 INDIVIDUAL PRESSURE SEWER SYSTEMS**

Individual Pressure Sewer Systems are required on the following Lots: Refer to Section 7.39 for more information.

- Lot 1
- Lot 2
- Lot 5
- Lot 11
- Lot 12
- Lot 13
- Lot 14
- Lot 15
- Lot 19
- Lot 20
- Lot 22
- Lot 23
- Lot 33

Each Lot listed above should evaluate the actual as-built condition and location of the gravity sewer tap inlet elevation and compare this height with the lowest proposed finished floor level of the Residence, as it may be that an Individual Pressure Sewer System is not needed for all potential design solutions. The Owner’s Civil Engineer should review the as-built location of the gravity sewer tap inlet to make an appropriate determination.

**15.14 SPECIAL DESIGN CRITERIA FOR INDIVIDUAL LOTS**

Several Lots are unique with special site challenges, high visibility, environmental constraints and other special conditions. These factors will require special design solutions for these Lots in order to minimize the visual impact of the Improvement and to better integrate the Improvements into the existing site

conditions. Therefore, the following additional design guidelines and restrictions have been established for the following specific Lots:

**Lots 1, 2 and 3**

Lots 1, 2 and 3 are unique due to the visual prominence of each Lot, the adjacency to the Cochise/Geronimo Golf Clubhouse, and the significant boulders adjacent to the Building Envelopes. The primary goal of these Special Design Criteria for Lots 1, 2 and 3 is to create homes that have reduced visual impact and to create site improvements that integrate into the existing boulder and rock outcroppings. The Committee will review the design of the Improvements on these Lots with special attention to attaining these goals and complying with the intent of the special design criteria outlined in this section.

- (a) The design of the Improvements on these Lots shall give special consideration to the visibility from The Cochise/Geronimo Golf Clubhouse and the Geronimo Golf Course. The design shall blend into the natural hillside in such a manner that the Improvements do not appear to visually overwhelm the golf clubhouse, as determined in the sole judgment of the Committee. Therefore, all Residences on these Lots shall be low-profile and have the appearance of a single-story when viewed from any side, regardless of the actual variety of floor elevations.
- (b) In order to minimize the visual impact of each home on these prominent sites, the design of each Residence is required to utilize a combination of sloped and parapet roof forms. This combination of roof forms shall attempt to minimize the scale and massing of the home. Sloped roof forms shall specifically be designed to reduce the apparent height and scale of the Residence. Design schemes that are entirely parapet roof forms or entirely sloped roof forms will not be allowed on these Lots, unless otherwise approved by the Committee. The massing, form and shape of the roofs shall attempt to minimize the scale and massing of the home.
- (c) Special attention shall be given to downhill retaining walls on these Lots. Downhill retaining walls must be masses and engaged such that the retaining walls do not create a fortress appearance, as determined in the sole judgment of the Committee. The Committee encourages floating balconies and cantilevered terraces on these Lots to break up the potential massiveness of the downhill retaining walls.
- (d) The Light Reflectance Value (LRV) of any exterior building surface shall be a maximum of twenty-eight (28).
- (e) The Committee strongly encourages designs that integrate the boulders and rock outcroppings in their natural location within the architectural and site design, including those boulders located within the Building Envelope.

Any boulders within the Building Envelope displaced by construction must be carefully moved without scarring or damage. Any displaced boulders shall be relocated in a natural placement elsewhere on the Lot and within the Building Envelope.

- (f) No boulders or rock outcroppings outside the Building Envelope may be moved, disturbed or scarred, unless otherwise approved by the Committee. Refer to “Existing Boulders, “Boulder Features” and “Landscape Boulders” in Sections 6.8 and 8.12 for additional restrictions regarding boulders.
- (g) Lot 1 shall be required to place at least three (3) mature Palo Verde trees on the eastern side of the Residence to assist in the screening of the Residence and other Improvements from the Cochise/Geronimo Golf Clubhouse. The minimum size of a “mature tree” is as defined elsewhere in these Guidelines. The placement and location of these trees shall be determined in the field by the Committee (or as delegated to the Design Review Manager) with the intent to provide the greatest amount of screening possible when viewed from the Cochise/Geronimo Golf Clubhouse. This requirement for trees for the “purposes of screening is in addition to any other requirements elsewhere within these Guidelines.

### **Lot 21**

Lot 21 is a unique Lot with steep slopes, large boulder formations and high visibility from the surrounding Desert Mountain community. The goal for Lot 21 is to create a home that is not noticeable, dominant or eye-catching when viewed from the golf course or surrounding community.

- (a) The design of the Residence shall nestle the house into the sloping landform to minimize its visual impact on the overall community. The northern face of the home is required to be partially buried into the hillside with retaining walls, unless otherwise approved by the Committee, in an effort to anchor the house into the natural landform and to create a very low profile when viewed from the north.
- (b) The design of the Improvements on Lot 21 will be required to have a low profile. The Improvements should appear to be only a single - story structure when viewed from any point within the Desert Mountain community even though the floor levels of the structure may vary considerably. This guideline for a low profile character will also be a consideration of the Committee when evaluating the forms and shapes of the roofs.
- (c) In order to minimize the visual impact of the home on this prominent site, the design of the Residence is required to utilize a combination of sloped and parapet roof forms. This combination of roof forms shall attempt to

minimize the scale and massing of the home. Sloped roof forms shall specifically be designed to reduce the apparent height and scale of the Residence. Design schemes that are entirely parapet roof forms or entirely sloped roof forms will not be allowed on this Lot, unless otherwise approved by the Committee. The massing, form and shape of the roofs shall attempt to minimize the scale and massing of the home.

- (d) The LRV of any exterior building surface shall be a maximum of twenty-eight (28).

**Lots 24, 25, 27 and 28**

Lots 24, 25, 27 and 28 are highly visible from the entrance road to the Cochise/Geronimo Golf Clubhouse, therefore, require special design solutions. The goal of these Special Design Criteria, for these Lots is to create homes that are not noticeable, dominant or eye-catching when viewed from the entrance road to the Cochise/Geronimo Golf Clubhouse.

- (a) The design of each Residence shall nestle the house into the sloping landform to minimize its visual impact on the overall community, particularly as viewed from the entrance road to the Cochise/Geronimo Golf Clubhouse.
- (b) To minimize the impact of retaining walls, the maximum retaining wall height for these Lots shall be six feet (6'-0").
- (c) The design of the Improvements on these Lots will be required to have a low profile. The Improvements should appear to be only a single-story structure when viewed from the entrance road to the Cochise/Geronimo Golf Clubhouse even though the floor levels of the structure may vary considerably. This guideline for a low profile character will also be a consideration of the Committee when evaluating the forms and shapes of the roofs.
- (d) In order to minimize the visual impact each home on these prominent sites, the design of each Residence is required to utilize a combination of sloped and parapet roof forms. This combination of roof forms shall attempt to minimize the scale and massing of the home. Sloped roof forms shall specifically be designed to reduce the apparent height and scale of the Residence. Design schemes that are entirely parapet roof forms or entirely sloped roof forms will not be allowed on this Lot, unless otherwise approved by the Committee. The massing, form and shape of the roofs shall attempt to minimize the scale and massing of the home.
- (e) The LRV of any exterior building surface shall be a maximum of twenty-eight (28).



## **SECTION 16 – SUPPLEMENTAL GUIDELINES FOR** **THE VILLAGE OF DEER RUN**

### **16.1 INTRODUCTION**

The provisions of Section 16 apply only to Lots in the Village of Deer Run and only specific Lots where indicated.

### **16.2 SETBACKS**

All setbacks will be reviewed on the merits of the submitted site plan design. The minimum setbacks are as described in the approved Desert Mountain Amended Development Standards for the R1-10 zoning district as approved in Zoning Case #31-ZN-93 by the City of Scottsdale. These are the minimum setbacks as required by the City. Setback information is available from the City. The Building Envelopes may dictate greater setbacks.

The following minimum setbacks apply:

- (a) Front, side, or rear yards adjacent to a private street: ten feet (10'-0"). This area shall remain in an undisturbed natural condition, except for the one approved driveway access point.
- (b) Side yards: A combined total of both side yards must be equal to or greater than ten feet (10'-0").
- (c) Rear yards: Ten feet (10'-0"), unless against property zoned Open Space or property designated as NAOS that is wider than thirty feet (30'-0") in which case the minimum setback is two feet (2'-0").
- (d) Minimum distance between main buildings on adjacent Lots: ten feet (10'-0").
- (e) Minimum distance between a main building and an accessory building on the same Lot: five feet (5'-0").
- (f) Minimum distance from back of curb to face of garage door: twenty feet (20'-0").

### **16.3 CUT AND FILL**

Lots 15, 16, and 17 are hereby granted exceptions from cut and fill requirements for Sloping Site-Terraced Floor Levels of fifty percent (50%) cut and fifty percent (50%) fill and Sloping Site-Terraced Floor Levels of thirty-five percent (35%) fill

and sixty-five percent (65%) cut. Increased fill conditions may be allowed on the lower side of the Building Envelope of these specific Lots in order to take advantage of golf course views, provided the Fill is appropriately contained within retaining walls that meet the intent, as well as the technical application of the Guidelines and subject to compliance with all the other provisions of these Guidelines.

**16.4 LANDSCAPE SCREENING FROM THE COCHISE/GERONIMO CLUBHOUSE**

A minimum of five (5) mature trees (see Section 8.4), inclusive of appropriate existing trees, will be required to screen and soften the view of each Residence as viewed from the Cochise / Geronimo Clubhouse. These mature trees shall be a minimum of twelve feet (12'-0") high with a minimum canopy of twelve feet (12'-0") in diameter. Placement shall generally be within thirty feet (30'-0") of the Residence on the side facing the Cochise / Geronimo Clubhouse and the trees shall be located in a natural pattern. The Committee reserves the right to refuse any plant material it feels will not be beneficial to the environment of The Village of Deer Run or negatively impacts the view as seen from the Cochise / Geronimo Clubhouse.

**16.5 BUILDING HEIGHTS**

(a) Maximum Building Height Elevation: A Maximum Building Height Elevation has been established for each individual Lot as per the approved Village of Deer Run NAOS and Building Envelope Exhibit. Some Lots have been designated to have more than one Maximum Building Height Elevation. No building or other Improvement, except for chimneys, may be constructed to a height higher than the Maximum Building Height Elevation. The Maximum Building Height Elevation is based on the topographic elevation measured from the Desert Mountain datum. The other height guidelines shall fall under the restrictions of the Maximum Building Height Elevation.

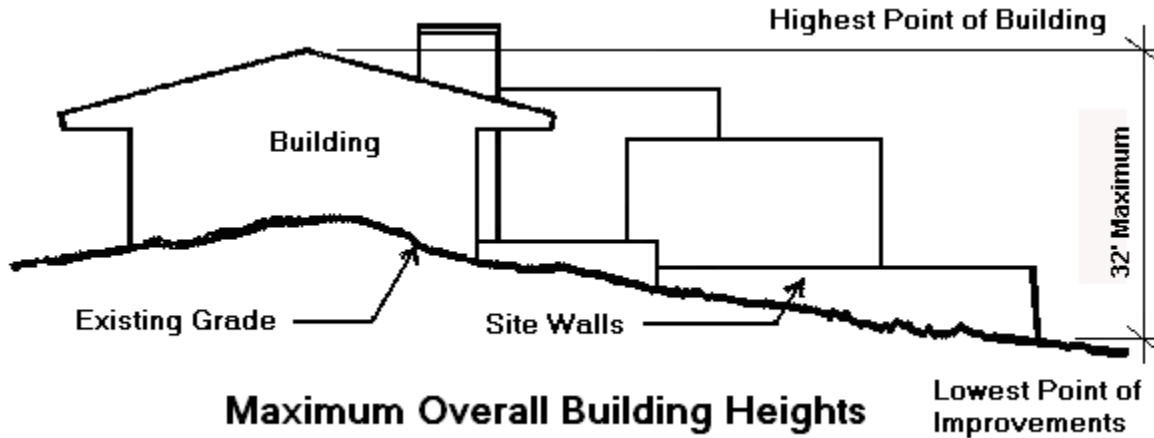
Lot	Elevation
1	3006'
2	3021'
3	3036'
4	3022'
5	3008'
6	3011'

Lot	Elevation
7	3018'
8	3022'
9	3013'
10	2998'
11	2994'
12	2987'

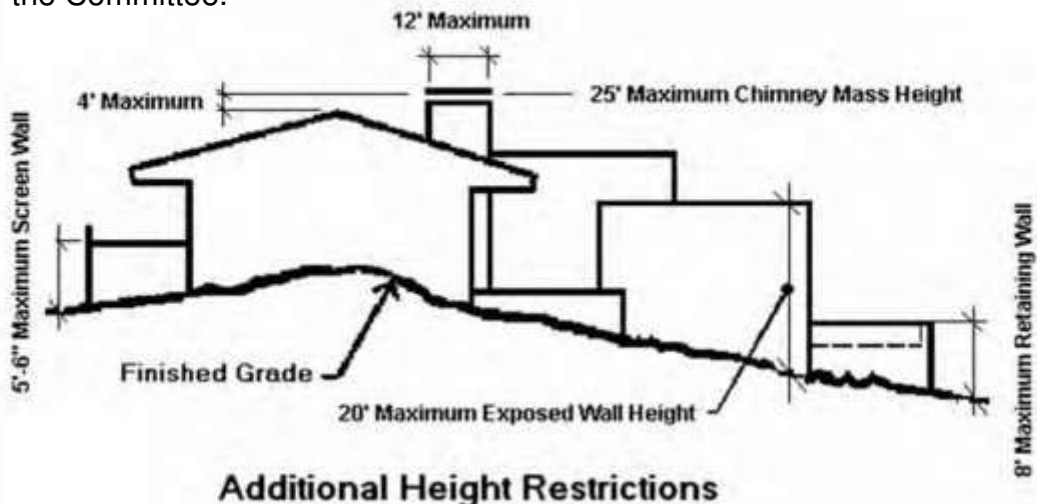
Lot	Elevation
13	2977'
14	2955'
15	2966'
16	2973'
17	2986'

The Committee may from time to time consider requests for adjustments to the Maximum Building Height Elevations. The criteria for such variances will be design, logic and common sense. All such variances will be made at the sole discretion of the Committee.

- (b) Overall Building Height: The overall height of a Residence or Improvement shall not exceed thirty-two feet (32'-0") measured in vertical plane from the highest parapet or roof ridge to the natural grade at the lowest point adjacent to the building exterior inclusive of site retaining walls, patio walls, and pool walls. In special circumstances involving conditions, which do not conflict with applicable City ordinances, the Committee may approve, on a case-by-case basis, overall vertical dimensions which may exceed the thirty-two foot (32'-0") limitations.



- (c) Chimney Mass: Chimneys may be constructed to a height not to exceed twenty-five feet (25'-0"), measured vertically from the highest natural grade adjacent to the chimney mass. Unless otherwise approved by the Committee, the height of a chimney mass may not exceed four feet (4'-0") above the highest point within ten feet (10'-0") of that chimney mass. A chimney mass may not exceed an overall horizontal dimension of twelve feet (12'-0") in any one direction, unless otherwise specifically approved by the Committee.



**16.6 APPROVAL OF FINISHED COLORS**

All exterior finished colors must be approved by the Committee. Certain paint colors have been approved by the Committee, as described below. Other colors will be reviewed by the Committee based on their LRV and whether they are consistent with the Committee's goal for the Improvements to blend into the desert landscape, in general, and into the specific Village.

Repainting any structure with the same color that was previously approved by the Committee does not require Committee approval, although the Owner is required to notify the Committee of the painting and the color, on a form supplied by the Committee.

**16.7 APPROVED EXTERIOR PAINT COLORS**

The following paint colors are approved for exterior use on all Improvements. The maximum LRV allowed in Deer Run is thirty-six (36). Unless otherwise approved by the Committee, no primary stucco building mass or other significant building element may be painted a color that is darker than an LRV of fifteen (15). All colors are Dunn Edwards.

BAKED POTATO - DEC717 - LRV34

BARREL STOVE - DE6216 - LRV21

CALICO ROCK - DE6229 - LRV28

COBBLESTONE PATH - DE6068 - LRV25

COLORADO TRAIL - DE6117 - LRV30

TWILIGHT TAUPE - DE6060 - LRV31

TUSCAN MOSAIC - DE6208 - LRV26

WHOLE WHEAT - DE6124 - LRV26

WOOD LAKE - DE6075 - LRV24

WOODED ACRE - DE6130 - LRV33

WOODEN PEG - DE6215 - LRV31

**16.8 REQUIREMENT FOR MULTIPLE EXTERIOR MATERIALS**

The design and construction of all Residences and Improvements must incorporate the use of at least two (2) different complementing materials on the exterior wall surfaces (in addition to roof and driveway materials), unless otherwise given specific approval by the Committee. The secondary or accent exterior wall material must cover at least twenty percent (20%) of the exterior building surface. These complementing materials must be carefully articulated into an integrated whole and should not result in a home that appears like two different structures forced together. The use of natural materials such as stone and adobe are strongly encouraged. Thin veneers of mass materials such as stone and adobe should be avoided, but instead these materials should be placed in natural mass forms that are true to the natural formations or authentic use of these materials and tie to the natural terrain.

Monochromatic color schemes will not be allowed, unless otherwise given specific approval by the Committee. The requirement for at least two different complementing exterior wall materials will naturally create complementing color variations. In addition, the colors of fascia, roof materials, window frames, railing, etc., should be carefully selected to create a well composed palette of colors and textures that appear as an integrated visual composition.

**16.9 MATERIALS – EXTERIOR SURFACES**

If stone veneer is selected as an exterior surface, it may not be identical to the stone veneer on the Cochise / Geronimo Clubhouse. The stone utilized on the Clubhouse may be specified, but the coursing pattern must be different. The coursing pattern on the Clubhouse is: “No single stone may span more than one course and, the dimension of the horizontal pattern increases and decreases periodically.”

## **SECTION 17 – SUPPLEMENTAL GUIDELINES FOR THE VILLAGES OF GAMBEL QUAIL, SUNRISE AND EAGLE FEATHER**

### **17.1 INTRODUCTION**

The provisions of Section 17 apply only to Lots in the Villages Gambel Quail, Sunrise, and Eagle Feather (this Section does not include Gambel Quail Preserve Lots 206-276 which can be found in Section 18) and only to a specific Village where indicated.

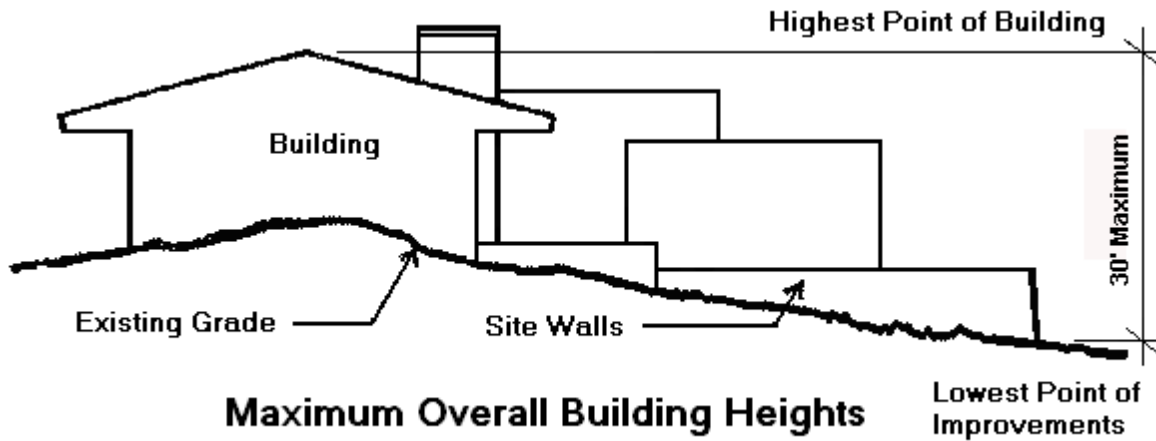
### **17.2 SETBACKS**

The following minimum setbacks apply for the Villages of Gambel Quail (Lots 1-205), Sunrise and Eagle Feather:

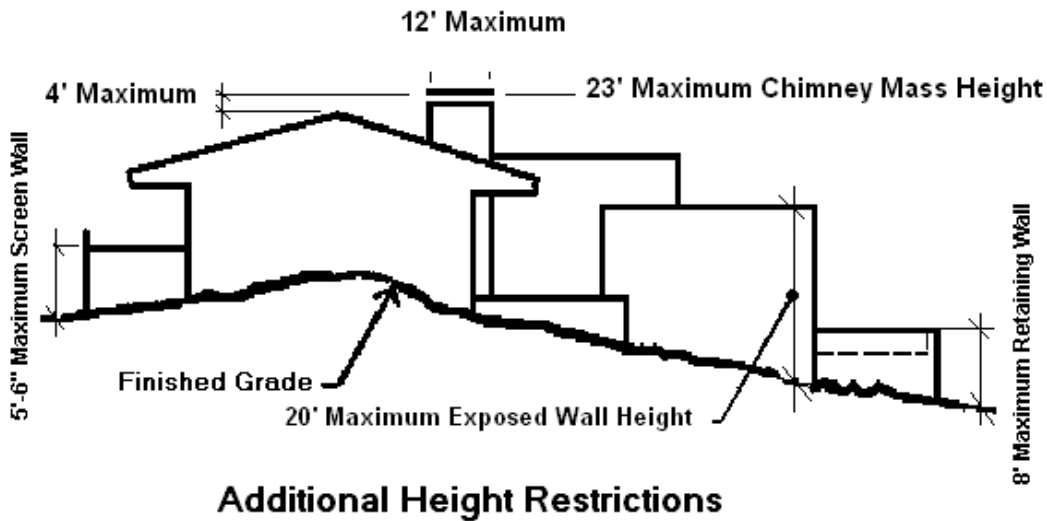
- (a) Front, side, and rear yards adjacent to a street: twenty feet (20'-0"). This area shall remain in an undisturbed natural condition.
- (b) Side yards: ten feet (10'-0"), where provided.
- (c) Rear yards: twenty feet (20'-0").
- (d) Minimum distance between buildings on adjacent Lots: forty feet (40'-0").
- (e) Minimum distance between main and accessory buildings on a Lot: ten feet (10'-0").

### **17.3 BUILDING HEIGHTS**

- (a) Overall Building Height: In no case shall the overall height of a Residence exceed thirty (30'-0") feet measured in a vertical plane from the highest parapet or roof ridge to the natural grade at the lowest point adjacent to the Residence exclusive of driveway (see illustration).



- (b) Chimney Mass: Chimneys may be constructed to a height not to exceed twenty-three feet (23'-0"), measured to the nearest highest exposed natural grade. Unless otherwise approved by the Design Review Committee, the height of a chimney mass may not exceed four feet (4'-0") above the highest point within ten feet (10'-0") of that chimney mass. A chimney mass may not exceed an overall horizontal dimension of twelve feet (12'-0") in any one direction (see illustration).



#### 17.4 APPROVAL OF FINISHED COLORS

All exterior finished colors must be approved by the Committee. Certain paint colors have been approved by the Committee, as described below. Other colors will be reviewed by the Committee based on their Light Reflective Value (LRV) and whether they are consistent with the Committee's goal for the Improvements

**Section 17 Supplemental Guidelines - Gambel Quail, Sunrise & Eagle Feather**

to blend into the desert landscape, in general, and into the specific Village. The maximum LRV allowed in these Villages is forty (40). Unless otherwise approved by the Committee, no primary stucco building mass or other significant building element may be painted a color that is darker than an LRV of fifteen (15).

Repainting any structure with the same color that was previously approved by the Committee does not require Committee approval, although the Owner is required to notify the Committee of the painting and the color, on a form supplied by the Committee.

**17.5 APPROVED EXTERIOR PAINT COLORS**

The following paint colors are approved for exterior use on all Improvements in the Villages designated below. All colors are Dunn Edwards.

For the Villages of:                      Gambel Quail (Lots 1-205)  
    Sunrise  
    Eagle Feather

The approved colors are:

BAKED POTATO - DEC717 - LRV 34

BARREL STOVE - DE6216 - LRV 21

CALICO ROCK - DE6229 - LRV 28

COLORADO TRAIL - DE6117 - LRV 30

DESERT GRAY - DEC760 - LRV 36

GRAHAM CRACKER - DE6144 - LRV 37

MESA TAN - DEC718 - LRV 27

TUSCAN MOSAIC - DE6208 - LRV 26

TWILIGHT TAUPE - DE6060K - LRV 31

WHOLE WHEAT - DE6124 - LRV 26

WOODED ACRE - DE6130 - LRV 33

WOODEN PEG - DE6215 - LRV 31



## **SECTION 18 – SUPPLEMENTAL GUIDELINES FOR** **THE VILLAGE OF GAMBEL QUAIL PRESERVE**

### **18.1 INTRODUCTION**

The provisions of Section 18 apply only to the Lots in the Village of Gambel Quail Preserve (Lots 206-276) and only to specific Lots where indicated.

Located within the southwestern portion of Desert Mountain adjacent to the Renegade Golf Course, The Gambel Quail Preserve is a special place within the Desert Mountain community. The terrain, views, topography and slopes vary greatly within Gambel Quail Preserve requiring a different approach in design and construction. It is the intent of the Guidelines to preserve, protect and enhance, to the extent justified, the special environment of Gambel Quail Preserve.

The rugged terrain and steep slopes within Lots 266-276 require particular design care to integrate the Improvements into the natural environment. Due to the visibility of these specific home sites from the surrounding community, the Improvements should be designed in such a manner that they blend with their backdrop and seem to disappear when viewed from a distance. The primary objective of these Guidelines is to create Improvements with minimal negative visual or environmental impact on the surrounding community.

### **18.2 CONCEPT DESIGN SUBMITTAL**

Concept Design Submittal, as described in Section 4.4, will be required for Lots 266 through 276 in the Gambel Quail Preserve.

### **18.3 SETBACKS**

The minimum setbacks for each lot are determined by the Property Development Standards or the Amended Property Development Standards of the approved Zoning Districts that apply specifically to this project. The minimum setbacks are administered by the City of Scottsdale. The Gambel Quail Preserve has three (3) different zoning categories, each with their own set of Property Development Standards and minimum setbacks. Therefore, the minimum setbacks will vary depending on the applicable zoning district for each specific Lot.

Complete setback information is available from the City. Listed below is an abbreviated summary of the minimum setbacks as required by the City; this only represents a summary of the setback information and the Owner is responsible for verifying all applicable setback information with the City. The established

Building Envelopes may require greater setbacks than the minimum setbacks of the City approved for this project. The minimum City setbacks are not grounds for any increases or changes in the area or location of a Building Envelope.

**The following setbacks apply:**

**For Lots 206-221**

Setbacks for the R1-7 Zoning District are as described in the Property Development Standards for the R1-7 Zoning District as defined by the City of Scottsdale Zoning Ordinance.

- (a) Front yard: twenty feet (20'-0").
- (b) Side yard: A combined total of both side yards must be equal to or greater than fourteen feet (14'-0").
- (c) Rear yard: twenty-five feet (25'-0").
- (d) Minimum distance between main buildings on adjacent Lots: fourteen feet (14'-0").
- (e) Minimum distance between a main building and an accessory building on the same Lot: ten feet (10'-0").
- (f) Minimum distance from back of curb to face of garage door: twenty feet (20'-0").

**For Lots 222-246**

Setbacks for the R1-35 Zoning District are as described in the approved Desert Mountain Amended Property Development Standards for the R1-35 zoning district as approved in Zoning Case #89-Z-85 by the City of Scottsdale.

- (a) Front yard: twenty feet (20'-0").
- (b) Side yards: A combined total of both side yards must be equal to or greater than ten feet (10'-0").
- (c) Rear yards: twenty feet (20'-0").
- (d) Minimum distance between main buildings on adjacent Lots: twenty feet (20'-0").
- (d) Minimum distance between a main building and an accessory building on the same Lot: ten feet (10'-0").

- (f) Minimum distance from back of curb to face of garage door: twenty feet (20'-0").

**For Lots 247-276**

Setbacks in the R-4R Zoning District are as described in the approved Desert Mountain Amended Property Development Standards for Detached Dwelling Unit Uses in the R-4R zoning district as approved in Zoning Case #31-ZN-92 by the City of Scottsdale.

- (a) Front, side or rear yards adjacent to a private street: ten feet (10'-0").
- (b) Side yards: A combined total of both side yards must be equal to or greater than ten feet (10'-0").
- (c) Rear yards: ten feet (10'-0").
- (d) Minimum distance between main buildings on adjacent Lots: ten feet (10'-0").
- (e) Minimum distance between a main building and an accessory building on the same Lot: eight feet (8'-0").
- (f) Minimum distance from back of curb to face of garage door: twenty feet (20'-0").

**18.4 SITE WORK**

While the natural topography of The Gambel Quail Preserve varies considerably from Lot to Lot, the following general limitations will apply in the absence of special circumstances justifying exceptions as may be approved by the Committee:

- (a) For Lots 206-265 (inclusive), retaining walls and other walls not directly supporting a building structure, except screen walls, shall typically not exceed eight (8) feet in height, measured vertically from the lowest finished grade adjacent to the wall along the exterior side of the enclosure at the point of measurement. On a case-by-case basis, the Committee may consider heights in excess of eight (8) feet when justified by topographic conditions and when the extra height causes no adverse visual impact in the opinion of the Committee. An overall height of up to fourteen feet (14'-0") may, if deemed appropriate in the sole discretion of the Committee, be achieved by use of more than one (1) retaining wall, provided a minimum planting area of three feet (3'-0") is provided between the two (2) walls. Subject to approval by the Committee, other acceptable methods for softening the appearance of retaining walls over eight feet (8'-0") in height

include: landscaping with mature, indigenous trees or large shrubs, and/or utilizing a different texture and/or material for a portion of the wall.

- (b) For Lots 266-276 (inclusive), retaining walls and other walls not directly supporting a building structure, except screen walls, shall typically not exceed twelve feet (12'-0") in height, measured vertically from the lowest finished grade adjacent to the wall along the exterior side of the enclosure at the point of measurement. On a case-by-case basis and in its sole discretion, the Committee may consider heights in excess of twelve feet (12'-0") when justified by topographic conditions and when the extra height causes no adverse visual impact in the opinion of the Committee. Any retaining walls over eight feet (8'-0") in height shall be visually softened with either mature landscaping consisting of indigenous trees and large shrubs, and/or utilization of a different texture and/or material for a portion of the wall.

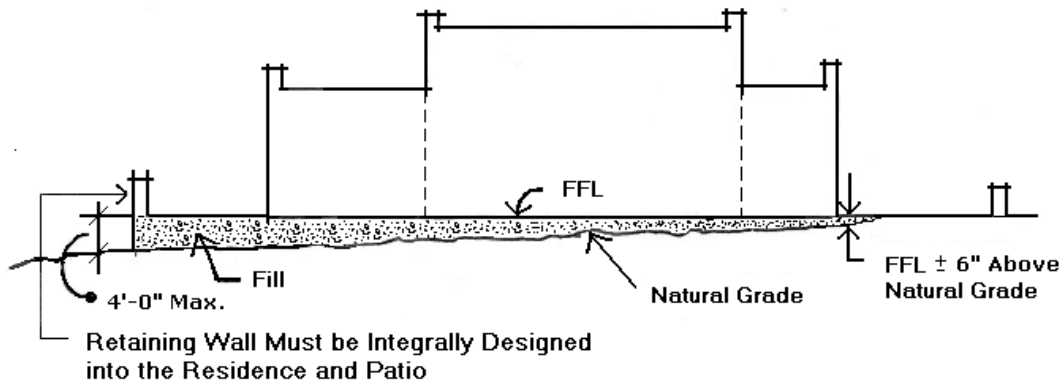
### **18.5 MULTI-LEVEL DESIGN REQUIREMENTS FOR LOTS 266-276**

Improvements must be designed to nestle into the existing terrain and contours on each Lot. For Lots 266-276, which are located in the more rugged terrain of Gambel Quail Preserve, multi-level solutions will be required in order to accommodate the grade changes within each Lot. For these steeply sloping Lots, it is unlikely that the Committee will approve a home that is primarily designed with a single floor level. It is also anticipated that the Residence in these areas will need to be designed shallow, perpendicular to the contours; and wider, parallel to the contours in order to minimize the grade differential across the building footprint.

### **18.6 CUT AND FILL**

#### **“Flat” Lots – Single Floor Level or Terraced Floor Level**

For Lots 222-227, Lots 233-246, Lots 248-251, and Lots 254-256, that have minimal slope across the existing Building Envelopes, the Cut and Fill conditions shall generally be as follows, provided that the criteria of the following illustration is met.



**"Flat" Site - Terraced Floor Levels or Single Floor Level**

**18.7 BUILDING HEIGHTS**

- (a) Maximum Building Height Elevation: A Maximum Building Height Elevation has been established for each individual Lot as per the approved Building Envelope and NAOS Exhibit.

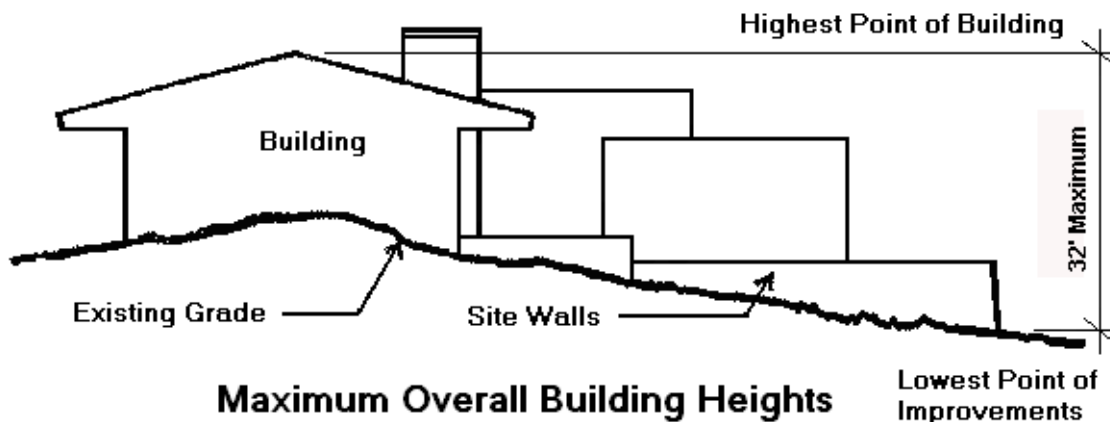
Lot	Elevation
206	2634'
207	2643'
208	2650'
209	Eliminated
210	Eliminated
211	Eliminated
212	2647'
213	2637'
214	2641'
215	2646'
216	2663'
217	2666'
218	2670'
219	2674'
220	2675'
221	2676'
222	2714'
223	2707'
224	2704'
225	2700'
226	2696'
227	2697'
228	2705'
229	2714'

Lot	Elevation
230	2718'
231	2726'
232	2732'
233	2709'
234	2703'
235	2696'
236	2702'
237	2710'
238	2716'
239	2721'
240	2727'
241	2719'
242	2726'
243	2732'
244	2738'
245	2743'
246	2748'
247	2761'
248	2753'
249	2758'
250	2762'
251	2768'
252	2771'
253	2773'

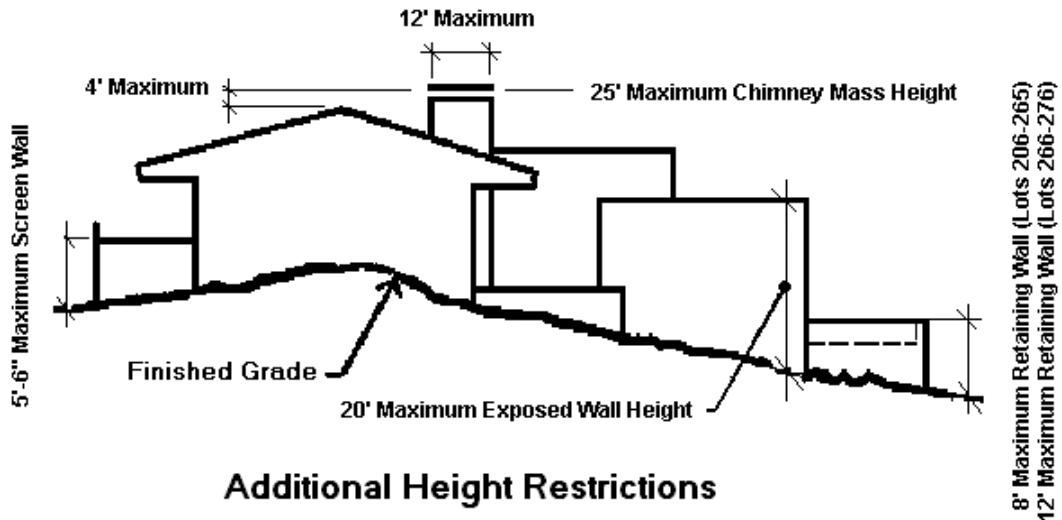
Lot	Elevation
254	2762'
255	2772'
256	2771'
257	2789'
258	2788'
259	2805'
260	2784'
261	2794'
262	2796'
263	2789'
264	2783'
265	2783'
266	2853'
267	2857'
268	2837'
269	2857'
270	2882'
271	2895'
272	2930'
273	Eliminated
274	2875'
275	2860'
276	2845'

The Committee may from time to time consider requests for adjustments to the Maximum Building Height Elevations. The criteria for such variances will be design, logic and common sense. All such variances will be made at the sole discretion of the Committee.

- (b) Overall Building Height: The overall height of an Improvement shall not exceed thirty-two feet (32'-0") measured in a vertical plane from the highest parapet or roof ridge to the natural grade at the lowest point adjacent to the building exterior inclusive of site retaining walls, patio walls, and pool walls. In special circumstances involving conditions, which do not conflict with applicable City ordinances, the Committee may approve, on a case-by-case basis and in its sole discretion, overall vertical dimensions, which may exceed the thirty-two feet (32'-0") limitation (see illustration).



- (c) Chimney Mass: Chimneys may be constructed to a height not to exceed twenty-five feet (25'-0") measured vertically from the highest natural grade adjacent to the chimney mass. Unless otherwise approved by the Committee, the height of a chimney mass may not exceed four feet (4'-0") above the highest point within ten feet (10'-0") of that chimney mass. A chimney mass may not exceed an overall horizontal dimension of twelve feet (12'-0") in anyone direction, unless otherwise specifically approved by the Committee (see illustration below).



- (d) Retaining Wall Height: In no case shall the height of a retaining wall exceed eight feet (8'-0") measured vertically from the lowest point at finished grade adjacent to the wall to the highest point of the wall along the exterior side of the enclosure, except for retaining walls on Lots 266-276 (inclusive) which shall not exceed a height of twelve feet (12'-0"). Retaining walls shall include any walls that retain or hold back earth more than two feet (2'-0") in depth. The Committee, on a case-by-case basis, may consider overall retaining wall heights, which exceed the eight feet (8'-0") or twelve feet (12'-0") limitations described above. Where justified by topographic conditions and where the extra height causes no adverse visual impact, an overall height of up to fourteen feet (14'-0") may be achieved by use of more than one (1) retaining wall, provided a minimum planting area of three feet (3'-0") is provided between the two (2) walls. Open railings up to an additional three feet (3'-0") high may be allowed on top of a maximum eight feet (8'-0") or twelve feet (12'-0") tall retaining wall, subject to approval by the Committee. These railings, if allowed, must be integrally designed into the Residence and be at least seventy-five percent (75%) open. Any retaining walls allowed over eight (8) feet in height shall be visually softened with either mature landscaping consisting of indigenous trees and large shrubs, and/or utilization of a different texture and/or material for a portion of the wall.

## 18.8 APPROVAL OF FINISHED COLORS

All exterior finished colors must be approved by the Committee. Certain paint colors have been approved by the Committee, as described below. Other colors

will be reviewed by the Committee based on their Light Reflective Value (LRV) and whether they are consistent with the Committee's goal for the Improvements to blend into the desert landscape, in general, and into the specific Village. All exterior colors of the Residence and other Improvements shall have a light reflective value (LRV) of:

For Lots 206 - 265 LRV must be less than or equal to forty (40)

For Lots 266 - 276 LRV must be less than or equal to thirty two (32)

Unless otherwise approved by the Committee, no primary stucco building mass or other significant building element may be painted a color that is darker than an LRV of fifteen (15).

Repainting any structure with the same color that was previously approved by the Committee does not require Committee approval, although the Owner is required to notify the Committee of the painting and the color, on a form supplied by the Committee.

### **18.9 APPROVED EXTERIOR PAINT COLORS**

The following paint colors are approved for exterior use on all Improvements in Gambel Quail Preserve (Lots 206-276):

BAKED POTATO - DEC717 - LRV 34

BARREL STOVE - DE6216 - LRV 21

CALICO ROCK - DE6229 - LRV 28

COBBLESTONE PATH - DE6068 - LRV25

COLORADO TRAIL - DE6117 - LRV 30

TUSCAN MOSAIC - DE6208 - LRV 26

TWILIGHT TAUPE - DE6060K - LRV 31

WHOLE WHEAT - DE6124 - LRV 26

WOOD LAKE - DE6075 - LRV24

WOODED ACRE - DE6130 - LRV 33

WOODEN PEG - DE6215 - LRV 31



**18.10 REQUIREMENT FOR MULTIPLE EXTERIOR MATERIALS**

The design and construction of all Improvements on Lots 266-276 (inclusive) must incorporate the use of at least two (2) different complementing materials on the exterior wall surfaces (in addition to roof and driveway materials), unless otherwise given specific approval by the Committee. The secondary or accent exterior wall material must cover at least twenty percent (20%) of the exterior building surface. These complementing materials must be carefully articulated into an integrated whole and should not result in a home that appears like two (2) different structures forced together. The use of natural materials such as stone and adobe are strongly encouraged. Thin veneers of mass materials such as stone and adobe should be avoided, but instead these materials should be placed in natural mass forms that are true to the natural formations or authentic use of these materials and tie to the natural terrain.

The use of multiple materials is encouraged for all proposed Residences in The Gambel Quail Preserve, although it is only required on Lots 266-276 (inclusive). In the event that a Residence on Lots 206-265 (inclusive) does not utilize more than one exterior wall surface material, at least two complementing colors will be required. Monochromatic color schemes will not be allowed, unless otherwise given specific approval by the Committee. The suggestion for at least two different complementing exterior wall materials will naturally create complementing color variations. In addition, the colors of fascia, roof materials, window frames, railing, etc., should be carefully selected to create a well composed palette of colors and textures that appear as an integrated visual composition.

**SECTION 19 – SUPPLEMENTAL GUIDELINES FOR**  
**THE VILLAGE OF GREY FOX**

**19.1 INTRODUCTION**

The provisions of Section 19 apply only to Lots in the Village of Grey Fox and only specific Lots where indicated.

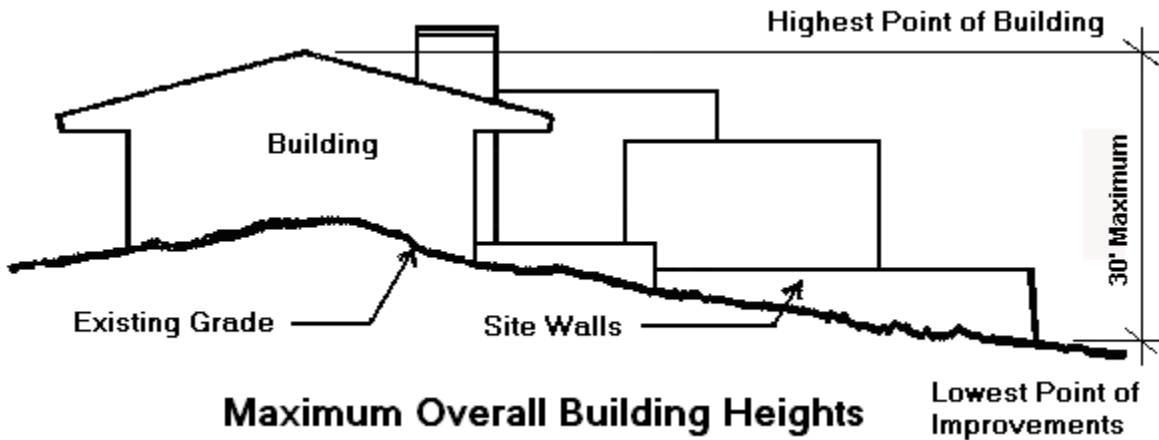
**19.2 SETBACKS**

The following minimum setbacks apply:

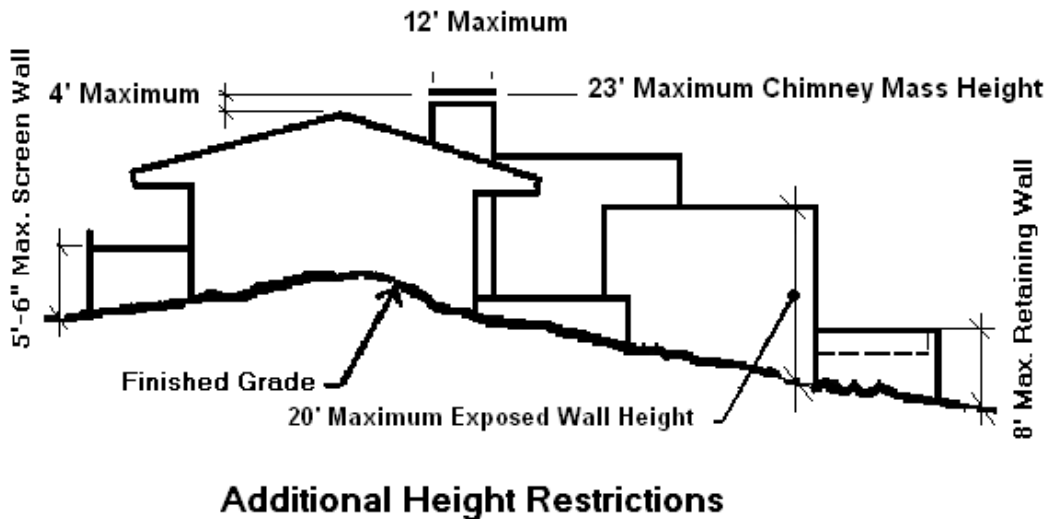
- (a) Front, side, and rear yards adjacent to a street: twenty feet (20'-0"). This area shall remain in an undisturbed natural condition.
- (b) Side yards: ten feet (10'-0"), where provided, with an aggregate of twenty feet (20'-0") per Lot.
- (c) Rear yards: twenty feet (20'-0").
- (d) Minimum distance between buildings on adjacent Lots: forty feet (40'-0").
- (e) Minimum distance between main and accessory buildings on a Lot: ten feet (10'-0").

**19.3 BUILDING HEIGHTS**

- (a) Overall Building Height: The overall height of an Improvement shall not exceed thirty feet (30'-0") measured in a vertical plane from the highest parapet or roof ridge to the natural grade at the lowest point adjacent to the building exterior inclusive of site retaining walls, patio walls, and pool walls. In special circumstances involving conditions which do not conflict with applicable City ordinances, the Committee may approve, on a case-by-case basis and in its sole discretion, overall vertical dimensions which may exceed the thirty feet (30'-0") limitation. The following is an illustration of how to determine overall building heights.



- (b) Chimney Mass: Chimneys may be constructed to a height not to exceed twenty-three feet (23'-0"), measured to the nearest highest exposed natural grade. Unless otherwise approved by the Design Review Committee, the height of a chimney mass may not exceed four feet (4'-0") above the highest point within ten feet (10'-0") of that chimney mass. A chimney mass may not exceed an overall horizontal dimension of twelve feet (12'-0") in any one direction. See the following illustration.



**19.4 APPROVAL OF FINISHED COLORS**

All exterior finished colors must be approved by the Committee. Certain paint colors have been approved by the Committee, as described below. Other colors will be reviewed by the Committee based on their LRV and whether they are consistent with the Committee's goal for the Improvements to blend into the desert landscape, in general, and into the specific Village. The maximum LRV allowed in this Village is forty (40). Unless otherwise approved by the Committee, no primary stucco building mass or other significant building element may be painted a color that is darker than an LRV of fifteen (15).

Repainting any structure with the same color that was previously approved by the Committee does not require Committee approval, although the Owner is required to notify the Committee of the painting and the color, on a form supplied by the Committee.

**19.5 APPROVED EXTERIOR PAINT COLORS**

The following paint colors are approved for exterior use on all Improvements. All colors are Dunn Edwards.

BAKED POTATO - DEC717 - LRV34

BARREL STOVE - DE6216 - LRV21

CALICO ROCK - DE6229 - LRV28

COLORADO TRAIL - DE6117 - LRV30

DESERT GRAY - DEC760 - LRV36

GRAHAM CRACKER - DE6144 - LRV37

MESA TAN- DEC7 –18 - LRV27

TUSCAN MOSAIC - DE6208 - LRV26

TWILIGHT TAUPE - DE6060 - LRV31

WHOLE WHEAT - DE6124 - LRV26

WOODED ACRE - DE6130 - LRV33

WOODEN PEG - DE6215 - LRV31

## **SECTION 20 – SUPPLEMENTAL GUIDELINES FOR** **THE VILLAGE OF LONE MOUNTAIN I**

### **20.1 INTRODUCTION**

The provisions of Section 20 only apply to the following Lots in the Villages of Lone Mountain I: Lots 5, 25, 27, 28, 29, 30, 31, 32, 34, 35, 36, 37, 38, 39, 40, 41, 42, 43, 44, 45, and 46.

### **20.2 CITY OF SCOTTSDALE DEVELOPMENT REVIEW BOARD**

In addition to approval by the Committee, the design of all Improvements within Lone Mountain I is subject to approval by the City of Scottsdale's Development Review Board. Based on Section 1.400 and 7.842 of the City of Scottsdale's Zoning Ordinance, all Residences and site Improvements constructed within the Hillside Landform, as established by the Environmentally Sensitive Lands Ordinance, are required to be approved by the City of Scottsdale's Development Review Board. This process is separate from any process administered by the Master Design Committee.

It is strongly recommended that all designs receive a Preliminary Submittal approval from the Committee prior to submittal to the City of Scottsdale Development Review Board. After approval by the Committee and after completion of all of the information required from the pre-application meeting with the City, the submittal may be made to the City based on established submittal schedules. The submittal is reviewed by the Development Review Board at a public hearing based on established schedules of the City.

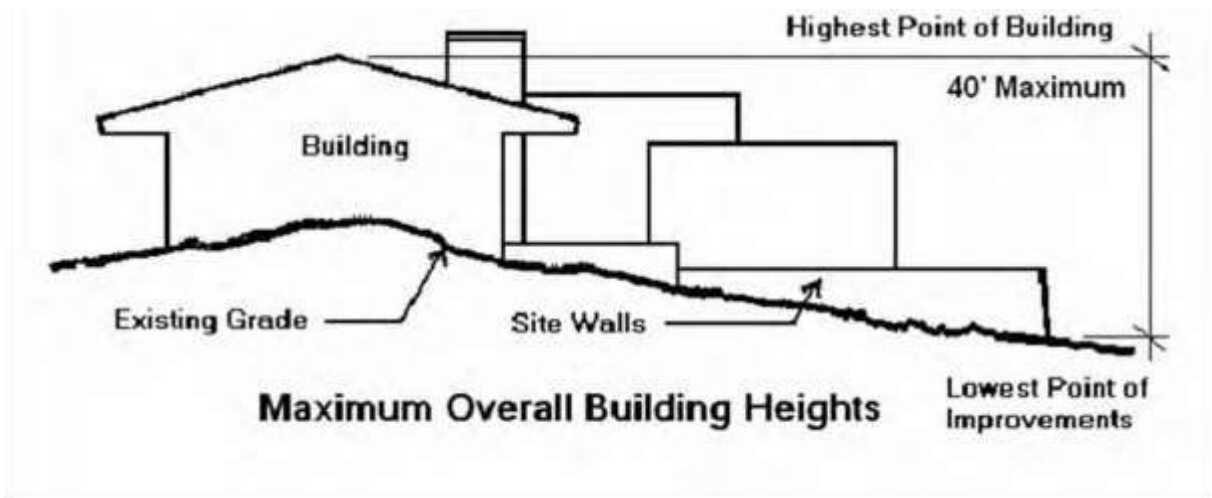
The Development Review Board process is administered solely by the City of Scottsdale. The Committee has no control or influence over any of the actions and/or decisions of the City's Development Review Board. Any stipulations or requirements of the City of Scottsdale Development Review Board shall become a requirement of the Final Submittal for the Committee.

### **20.3 MINIMUM SETBACKS**

The minimum building setbacks are administered by the City of Scottsdale and this building setback information is available from the City. The Building Envelopes as per the Building Envelope Exhibit may require greater setbacks than the minimum standards of the City approved for this project. The minimum City setbacks are not grounds for any increases in a Building Envelope.

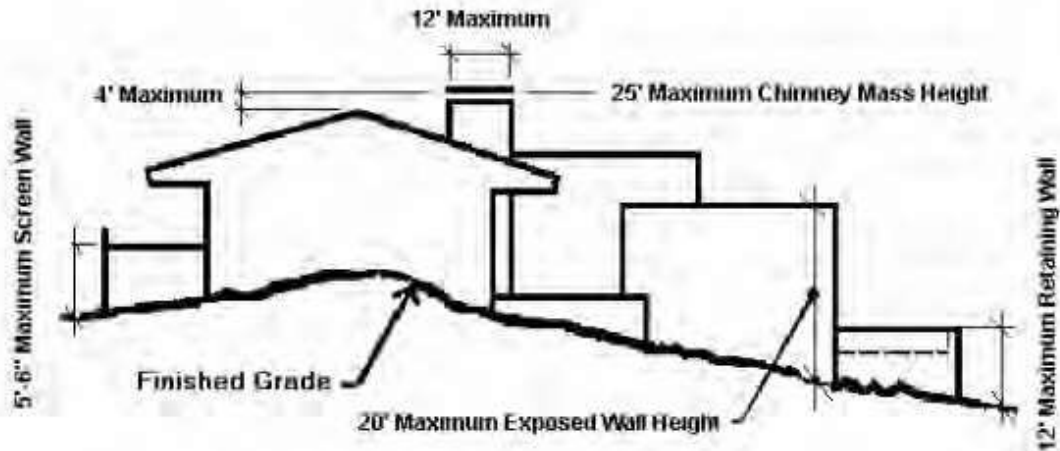
**20.4 BUILDING HEIGHTS**

- (a) Overall Building Height: The overall height of a Residence or other Improvement shall not exceed forty feet (40'-0") measured in a vertical plane from the highest parapet or roof ridge to the natural grade at the lowest point adjacent to the building exterior inclusive of site retaining walls, patio walls, and pool walls.



In special circumstances involving conditions, which do not conflict with applicable City ordinances, the Committee may approve, on a case-by-case basis and in its sole discretion, overall vertical dimensions which may exceed the forty feet (40'-0") limitation.

- (b) Chimney Mass: Chimneys may be constructed to a height not to exceed twenty-five feet (25'-0") measured vertically from the highest natural grade adjacent to the chimney mass. Unless otherwise approved by the Committee, the height of a chimney mass may not exceed four feet (4'-0") above the highest point within ten feet (10'-0") of that chimney mass. A chimney mass may not exceed an overall horizontal dimension of twelve feet (12'-0") in any one direction, unless otherwise specifically approved by the Committee.



### Additional Height Restrictions

- (c) Retaining walls and other walls not directly supporting a building structure, except screen walls, shall typically not exceed twelve feet (12'-0") in height, measured vertically from the lowest finished grade adjacent to the wall along the exterior side of the enclosure at the point of measurement. On a case-by-case basis, the Committee may consider heights in excess of twelve feet (12'-0") when justified by topographic conditions and when the extra height causes no adverse visual impact in the opinion of the Committee. An overall height of up to sixteen feet (16'-0") may be achieved by use of more than one (1) retaining wall, provided a minimum planting area of twelve feet (12'-0") is provided between the two (2) walls. Subject to approval by the Committee, other acceptable methods for softening the appearance of retaining walls over twelve feet (12'-0") in height include: landscaping with mature, indigenous trees or large shrubs, and/or utilizing a different texture and/or material for a portion of the wall.

## 20.5 APPROVAL OF FINISHED COLORS

All exterior finished colors must be approved by the Committee. Certain paint colors have been approved by the Committee, as described below. Other colors will be reviewed by the Committee based on their LRV and whether they are consistent with the Committee's goal for the Improvements to blend into the desert landscape, in general, and into the specific Village.

Repainting any structure with the same color that was previously approved by the Committee does not require Committee approval, although the Owner is required to notify the Committee of the painting and the color, on a form supplied by the Committee.

## 20.6 APPROVED EXTERIOR PAINT COLORS

The following paint colors are approved for exterior use on all Improvements. The maximum LRV allowed in this Village is thirty-two (32). Unless otherwise approved by the Committee, no primary stucco building mass or other significant building element may be painted a color that is darker than an LRV of fifteen (15). All colors are Dunn Edwards.

BARREL STOVE - DE6216 - LRV21

CALICO ROCK - DE6229 - LRV 28

CARVED WOOD - DE6125 - LRV20

COBBLESTONE PATH - DE6068 - LRV25

COLORADO TRAIL - DE6117 - LRV30

MESA TAN - DEC718 - LRV2

TUSCAN MOSAIC - DE6208 - LRV26

TWILIGHT TAUPE - DE6060 - LRV31

WOOD LAKE - DE6075 - LRV24

WHOLE WHEAT - DE6124 - LRV26

## 20.7 REQUIREMENT FOR MULTIPLE EXTERIOR MATERIALS

The design and construction of all Improvements must incorporate the use of at least two (2) different complementing materials on the exterior wall surfaces (in addition to roof and driveway materials), unless otherwise given specific approval by the Committee. The secondary or accent exterior wall material must cover at least twenty percent (20%) of the exterior building surface. These complementing materials must be carefully articulated into an integrated whole and should not result in a home that appears like two (2) different structures forced together. The use of natural materials such as stone and adobe are strongly encouraged. Thin veneers of mass materials such as stone and adobe should be avoided, but instead these materials should be placed in natural mass forms that are true to the natural formations or authentic use of these materials and tie to the natural terrain.

Monochromatic color schemes will not be allowed, unless otherwise given specific approval by the Committee. The requirement for at least two (2) different complementing exterior wall materials will naturally create complementing color



variations. In addition, the colors of fascia, roof materials, window frames, railing, etc., should be carefully selected to create a well composed palette of colors and textures that appear as an integrated visual composition.

**SECTION 21 – SUPPLEMENTAL GUIDELINES FOR**  
**THE VILLAGE OF LONE MOUNTAIN II**

**21.1 INTRODUCTION**

The provisions of Section 21 apply only to Lots in the Village of Lone Mountain II and only specific Lots where indicated.

**21.2 SETBACKS**

All setbacks will be reviewed on the merits of the submitted site plan design. The minimum setbacks are as described in the approved Desert Mountain Amended Development Standards for Detached Dwelling Units within the R1-10 zoning district as approved in Zoning Case #31-ZN-93 by the City of Scottsdale. These are the minimum setbacks as required and administered by the City.

Complete setback information is available from the City. Listed below is an abbreviated summary of the minimum setbacks as required by the City; this only represents a summary of the setback information and the Owner is responsible for verifying all applicable setback information with the City. The established Building Envelopes may require greater setbacks than the minimum setbacks of the City approved for this project. The minimum City setbacks are not grounds for any increases or changes in the area or location of a Building Envelope.

The minimum setback requirements are as follows:

- (a) Front, side, or rear yards adjacent to a private street: ten feet (10'-0").
- (b) Side yards: A combined total of both side yards must be equal to or greater than ten feet (10'-0").
- (c) Rear yards: ten feet (10'-0").
- (d) Minimum distance between main buildings on adjacent Lots: ten feet (10'-0").
- (e) Minimum distance between a main building and an accessory building (including guesthouse) on the same Lot: five feet (5'-0").
- (f) Minimum distance from back of curb to face of garage door: twenty feet (20'-0").

### 21.3 MINIMUM DISTANCE BETWEEN BUILDINGS ON ADJACENT LOTS

In an effort to maintain separation between homes, these Guidelines shall require a minimum distance of forty feet (40'-0") between buildings that are on Adjacent Lots. This setback shall apply to the main Residence and/or a Guesthouse on each lot inclusive of garages, roofs and overhangs, but exclusive of drives, site walls, patios, or other site Improvements. This requirement is above and beyond the minimum setback requirements of the City. In the cases where the original Building Envelopes on Adjacent Lots, as per the approved Building Envelope and NAOS Exhibit, are delineated less than forty feet (40'-0") apart, the Committee shall require that the buildings on Adjacent Lots have a minimum separation per the illustration in the Master Guideline, Section 6.6.

### 21.4 CUT AND FILL

Lots 48, 49, 50, 51, and 52 (inclusive) are hereby granted exceptions from Guidelines 6.10 for cut and fill conditions. Exceptions are based on the following criteria: Increased fill conditions may be allowed on the lower side of the Building Envelope of these specific Lots in order to take advantage of golf course views, provided the fill is appropriately contained within retaining walls that meet the intent, as well as the technical application of these Guidelines and subject to compliance with all of the other provisions of these Guidelines, including maximum allowable heights as measured from natural grade, and subject to approval of the Committee in its sole discretion. In order to be granted these exceptions, the design for these Lots must be such that the Improvements do not feel "perched" or excessively high as determined in the sole discretion of the Committee and, therefore, the Committee may request adjustments in the massing, scale, proportions and/or finished floor level of the Improvements in order to allow exceptions to the Cut and Fill Guidelines.

Lots 53, 54, 55 and 56 (inclusive) are hereby granted exceptions from Guidelines 6.10 for cut and fill conditions. Exceptions are based on the following criteria: As part of the initial development of The Village of Lone Mountain II, the Developer raised the level of the grade on these specific lots such that a majority of the Building Envelope on each lot was above the one hundred (100) year flood level of the large wash to the north. Therefore, the finished grade improved by the Developer with the initial construction of the infrastructure shall be interpreted by the Committee as the natural grade for the purpose of evaluating Cut and Fill conditions on these specific Lots.

### 21.5 BUILDING HEIGHTS

- (a) Maximum Building Height Elevations: A Maximum Building Height Elevation has been established for each individual Lot as per the approved Building Envelope and NAOS Exhibit. No building or other Improvement, except for chimneys, may be constructed to a height higher than the Maximum Building Height Elevation. The Maximum Building Height Elevation is

based on the topographic elevation measured from the Desert Mountain datum. The other height guidelines shall fall under the restrictions of the Maximum Building Height Elevation.

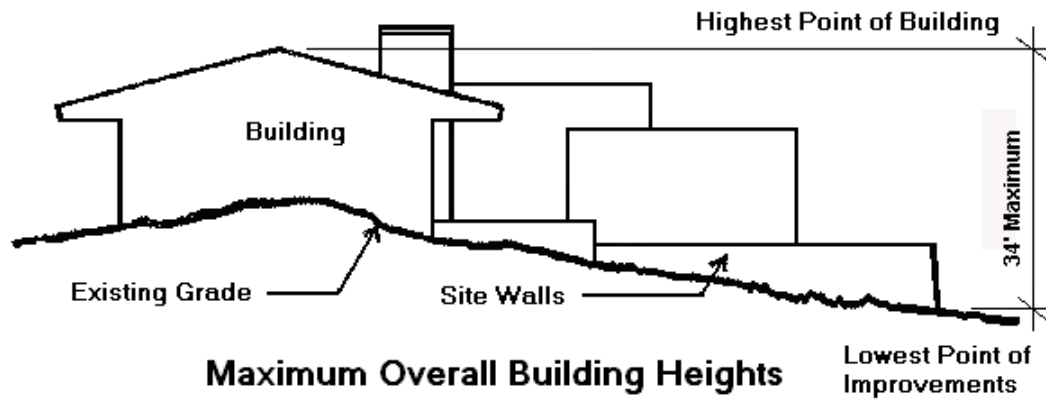
Lot	Elevation
47	2907'
48	2889'
49	2882'
50	2877'
51	2865'
52	2856'
53	2824'
54	2833'
55	2841'
56	2847'
57	2862'
58	2869'
59	2888'
60	2894'
61	2909'

Lot	Elevation
62	2903'
63	2914'
64	2911'
65	2924'
66	2932'
67	2942'
68	2922'
69	2938'
70	2966'
71	2944'
72	2942'
73	2944'
74	2963'
75	2957'
76	2956'

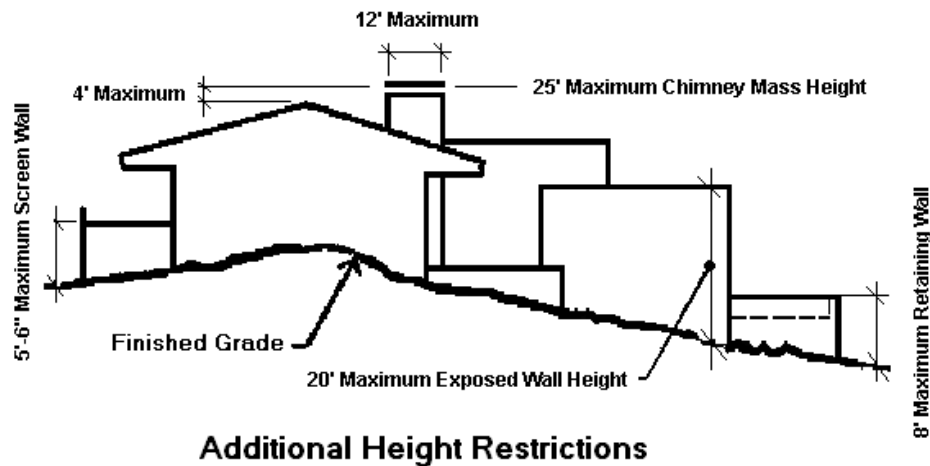
Lot	Elevation
77	2950'
78	2933'
79	2932'
80	2930'
81	2923'
82	2928'
83	2921'
84	2919'
85	2840'
86	2840'
87	2863'
88	N/A
89	N/A

The Committee may from time to time consider requests for adjustments to the Maximum Building Height Elevations. The criteria for such variances will be design, logic and common sense. All such variances will be made at the sole discretion of the Committee.

- (b) Overall Building Height: The overall height of an Improvement shall not exceed thirty-four feet (34'-0") measured in a vertical plane from the highest parapet or roof ridge to the natural grade at the lowest point adjacent to the building exterior inclusive of site retaining walls, patio walls, and pool walls. In special circumstances involving conditions which do not conflict with applicable City ordinances, the Committee may approve, on a case-by-case basis and in its sole discretion, overall vertical dimensions which may exceed the thirty-four foot (34'-0") limitation. The following is an illustration of how to determine overall building heights.



- (c) Chimney Mass: Chimneys may be constructed to a height not to exceed twenty-five feet (25'-0") measured vertically from the highest natural grade adjacent to the chimney mass. Unless otherwise approved by the Committee, the height of a chimney mass may not exceed four feet (4'-0") above the highest point within ten feet (10'-0") of that chimney mass. A chimney mass may not exceed an overall horizontal dimension of twelve feet (12'-0") in any one direction, unless otherwise specifically approved by the Committee. See the following illustration.



- (d) Clarification to Height Guidelines for Lots 53, 54, 55 and 56 (inclusive): For the purpose of measuring and evaluating Guideline height requirements for these specific Lots, natural grade shall be interpreted by the Committee as the finished grade improved by the Developer with initial construction of the infrastructure. As part of the initial development of The Village of Lone Mountain, the Developer raised the level of the grade on these specific lots such that a majority of the Building Envelope on each lot was above the one hundred (100) year flood level of the large wash to the north.

**21.6 APPROVAL OF FINISHED COLORS**

All exterior finished colors must be approved by the Committee. Certain paint colors have been approved by the Committee, as described below. Other colors will be reviewed by the Committee based on their LRV and whether they are consistent with the Committee's goal for the Improvements to blend into the desert landscape, in general, and into the specific Village. The maximum LRV for any exterior surface allowed for Lots 47–89 (inclusive) is thirty-two (32), except as further limited for specific Lots by Section 21.10 of these Guidelines. Unless otherwise approved by the Committee, no primary stucco building mass or other significant building element may be painted a color that is darker than an LRV of fifteen (15).

Repainting any structure with the same color that was previously approved by the Committee does not require Committee approval, although the Owner is required to notify the Committee of the painting and the color, on a form supplied by the Committee.

**21.7 APPROVED EXTERIOR PAINT COLORS**

The following paint colors are approved for exterior use on all Improvements. All colors are Dunn Edwards.

BAKED POTATO - DEC717 - LRV34

BARREL STOVE - DE6216 - LRV21

CALICO ROCK - DE6229 - LRV 28

CARVED WOOD - DE6125 - LRV20

COBBLESTONE PATH - DE6068 - LRV25

COLORADO TRAIL - DE6117 - LRV30

MESA TAN - DEC718 - LRV27

TUSCAN MOSAIC - DE6208 - LRV26

TWILIGHT TAUPE - DE6060 - LRV31

WHOLE WHEAT - DE6124 - LRV26

WOOD LAKE - DE6075 - LRV24

WOODED ACRE - DE6130 - LRV33

## 21.8 REQUIREMENT FOR MULTIPLE EXTERIOR SURFACES

The design and construction of all Improvements must incorporate the use of at least two (2) different complementing materials on the exterior wall surfaces (in addition to roof, patio and driveway materials), unless otherwise given specific approval by the Committee. The secondary or accent exterior wall material must cover at least twenty percent (20%) of the exterior building surface. These complementing materials must be carefully articulated into an integrated whole and should not result in a home that appears like two different structures forced together. The use of natural materials such as stone and adobe are strongly encouraged. Thin veneers of mass materials such as stone and adobe should be avoided, but instead these materials should be placed in natural mass forms that are true to the natural formations or authentic use of these materials and tie to the natural terrain. In addition, the colors of fascia, roof materials, window frames, railing, etc., should be carefully selected to create a well composed palette of colors and textures that appear as an integrated visual composition.

Monochromatic color schemes will not be allowed, unless otherwise given specific approval by the Committee. The requirement for at least two (2) different complementing exterior wall materials will naturally create complementing color variations. In addition, the colors of fascia, roof materials, window frames, railing, etc., should be carefully selected to create a well- composed palette of colors and textures that appears as an integrated visual composition.

## 21.9 MATERIALS – EXTERIOR SURFACES

If stone veneer is selected as an exterior surface, it may not be identical to the stone veneer on The Cochise/Geronimo Clubhouse. The stone utilized on the Clubhouse may be specified, but the coursing pattern must be different. The coursing pattern on the Clubhouse is: “No single stone may span more than one course and the dimension of the horizontal pattern increases and decreases periodically.”

## 21.10 SPECIAL DESIGN CRITERIA FOR INDIVIDUAL LOTS

### **Lots 65, 70, 74 and 87**

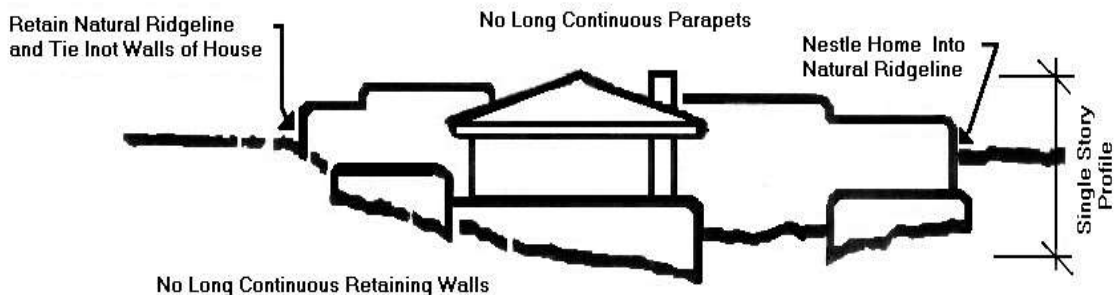
Portions of the Building Envelopes for Lots 65, 70, 74 and 87 (inclusive) are designated as “Patio Only” as shown on the approved Building Envelope and NAOS Exhibit for The Village of Lone Mountain – Part Two. Improvements within those areas designated as, “Patio Only” shall be limited to uncovered patios, terraces, pools, spas, landscaping, site walls and other similar type of low-scale site Improvements. No enclosed or covered structures may be constructed within the areas designated as “Patio Only” including the primary Residence, garage, Guesthouse, covered patio, trellis or other ancillary building. Within the areas designated as “Patio Only”, the height of any Improvements

shall be limited to no more than five (5) feet above the highest natural grade within the area designated as “Patio Only”, unless otherwise approved by the Committee.

### **Lots 81, 82, 83 and 84**

Lots 81, 82, 83 and 84 present difficult site challenges and are high visibility from the Geronimo Golf Course. Therefore, the following Special Design Criteria apply:

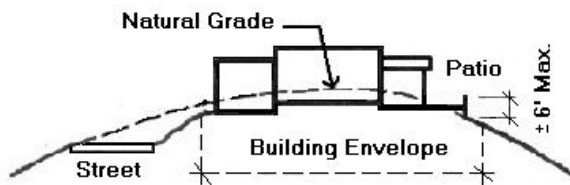
- (a) The Improvements on Lots 83 and 84 will be required to have multiple floor levels and patio levels that respond to the natural terrain.
- (b) The Improvements on Lots 81 and 82 will be required to have a low profile. The Improvements should appear to be only a single-story structure when viewed from any point within the Desert Mountain community even though the floor levels of the structure may vary considerably. This requirement for a low profile design will also be a consideration of the Committee when evaluating the forms and shapes of the roofs.
- (c) For Lots 82, 83 and 84, the requirement for multiple exterior building materials, as outlined in Section 21.8, shall be increased from a minimum of twenty percent (20%) to a minimum of forty percent (40%) of the exterior building surface and shall be constructed of a secondary complementing building material such as stone.



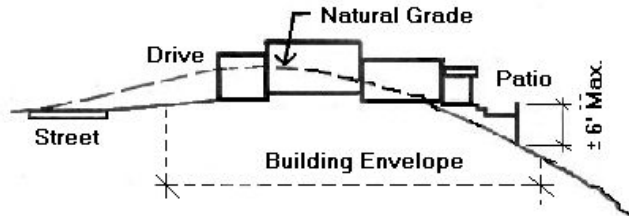
In order to minimize the visual impact of the homes on this prominent ridge, the design of the Residence on each of these Lots shall require a combination of pitched and flat roofs. This combination of roof forms shall attempt to minimize the scale and massing of the home. An all parapet, or an all flat, roof design will not be allowed, unless otherwise approved by the Committee. The massing form and shape of the roofs shall attempt to minimize the scale and massing of the home.



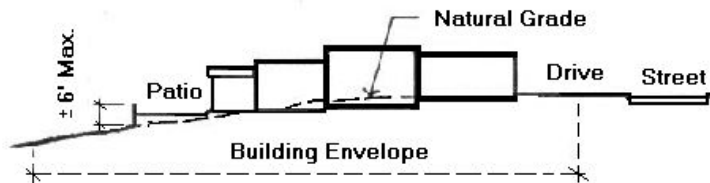
- (d) The Cut and Fill conditions for these specific Lots shall generally be as shown on the following illustrations.

**Lot 81**

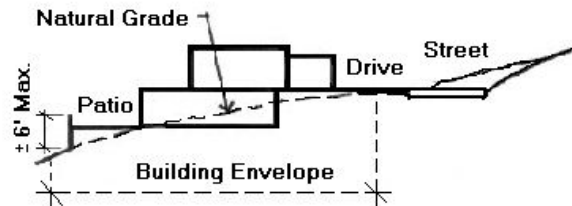
- \* Nestle home into the ridge.
- \* Floor plan should be wider in the east / west direction and shallower in the north / south direction.
- \* Minimize height of retaining walls facing south.

**Lot 82**

- \* Nestle home into the ridge.
- \* Floor plan should be wider in the east / west direction and shallower in the north / south direction.
- \* Step floor and patio levels to fit natural terrain.
- \* Minimize height of retaining walls facing south.

**Lot 83**

- \* Nestle home into slope.
- \* Step floor and patio levels to fit natural terrain.
- \* Minimize height of retaining walls facing southwest.

**Lot 84**

- \* Two-story solution most practical due to slope.
- \* Main floor level may be at the approximate level of the street
- \* Lower floor level may be built into the slope.
- \* Minimize height of retaining walls facing north.

- (e) In order to minimize unnecessary glare, all glass and windows (or window assemblies) larger than thirty feet (30'-0") in surface area shall be located under deep overhangs or shall be deeply recessed in such a manner that they will not reflect the sun.
- (f) The Light Reflectance Value (LRV) of any exterior building surface shall be a maximum of twenty-eight (28).
- (g) The design shall include materials, forms and methods to minimize the scale and visual impact of the Improvements including the use of textural materials, deep recesses, large overhangs and no bold mass forms.

The goal of these requirements is to create homes that are not dominant or eye-catching when viewed from the Geronimo Golf Course. The Committee will review the design of the Improvements on each Lot with special attention to attaining this goal and its intent.

**Lots 53, 54, 55 and 56**

The Developer raised the level of the grade at Lots 53, 54, 55, and 56 and constructed retaining / flood walls during the initial infrastructure improvements. The design of the Improvements on each of these specific Lots must take into consideration the shapes and forms of the existing retaining walls. The existing retaining walls should be used to create patio, terrace or pool enclosure walls by increasing the height of the wall or by adding railings to the top of the existing wall. New site walls or screen walls proposed as part of an application to the Committee should integrate these existing walls with the new site improvements to create a seamless design transition between the two. The exposed finish (i.e. stucco, stone, etc.) of the existing retaining walls is the responsibility of each Lot Owner and the finish of the existing walls must match the finish of the new site improvements including materials, texture and color. Modifications to the existing retaining walls, other than increases in height or the addition of railings, is strongly discouraged since it may impact the drainage control purpose of the existing walls.

**SECTION 22 – SUPPLEMENTAL GUIDELINES FOR**  
**THE VILLAGES OF LOST STAR AND SEVEN ARROWS**

**22.1 INTRODUCTION**

The provisions of Section 22 apply only to Lots in the Villages of Lost Star and Seven Arrows and only specific Lots where indicated.

**22.2 CONCEPT DESIGN SUBMITTAL**

Concept Design Submittals, as described in Section 4.4, are required for Lots 20, 21, 22 and 23 in the Village of Lost Star and Lots 13, 14, 15, and 16 in the Village of Seven Arrows.

**22.3 SETBACKS**

All setbacks will be reviewed on the merits of the submitted site plan design. The minimum setbacks are as described in the approved Desert Mountain Amended Development Standards for Detached Dwelling Units within the R1-10 zoning district as approved in Zoning Case #31-ZN-93 by the City of Scottsdale. These are the minimum setbacks as required and administered by the City.

Complete setback information is available from the City. Listed below is an abbreviated summary of the minimum setbacks as required by the City; this only represents a summary of the setback information and the Owner is responsible for verifying all applicable setback information with the City. The established Building Envelopes may require greater setbacks than the minimum setbacks of the City approved for this project. The minimum City setbacks are not grounds for any increases or changes in the area or location of a Building Envelope. The minimum setback requirements are as follows:

- (a) Front, side, or rear yards adjacent to a private street: ten feet (10'-0").
- (b) Side yards: A combined total of both side yards must be equal to or greater than ten feet (10'-0").
- (c) Rear yards: ten feet (10'-0").
- (d) Minimum distance between main buildings on adjacent Lots: ten feet (10'-0").
- (e) Minimum distance between a main building and an accessory building (including guesthouse) on the same Lot: five feet (5'-0").

- (f) Minimum distance from back of curb to face of garage door: twenty feet (20'-0").
- (g) In an effort to maintain separation between homes, a minimum distance between buildings that are on Adjacent Lots is thirty feet (30'-0"). This setback shall apply to the main Residence and/or a Guest House on each lot inclusive of garages, roofs and overhangs, but exclusive of drives, site walls, patios, or other site Improvements. Refer to Section 6.6, in the cases where the Building Envelopes on Adjacent Lots are less than thirty feet apart.

## 22.4 BUILDING HEIGHTS

- (a) Maximum Building Height Elevation: A Maximum Building Height Elevation has been established for each individual Lot as per the approved Building Envelope and NAOS Exhibit. No building or other Improvement, except for chimneys, may be constructed to a height higher than the Maximum Building Height Elevation. The Maximum Building Height Elevation is based on the topographic elevation measured from the Desert Mountain datum. The other height guidelines shall fall under the restrictions of the Maximum Building Height Elevation.

### UNIT 30 - LOST STAR

Lot	Elevation
1	3256'
2	3268'
3	3286'
4	3293'
5	3315'
6	3292'
7	3308'
8	3331'
9	3347'
10	3366'
11	3381'
12	3358'
13	3356'
14	3369'
15	3392'
16	3379'
17	3417'

Lot	Elevation
18	3417'
19	3415'
20	3460'
21	3462'
22	3461'
23	3489'
24	3432'
25	3403'
26	3368'
27	3357'
28	3358'
29	3364'
30	3340'
31	3338'
32	3319'
33	3325'
34	3341'

Lot	Elevation
35	3377'
36	3368'
37	3352'
38	3340'
39	3324'
40	3314'
41	3307'
42	3312'
43	3298'
44	3302'
45	3287'
46	3288'
47	3288'
48	3287'
49	3281'
50	3278'

**UNIT 31 - SEVEN ARROWS**

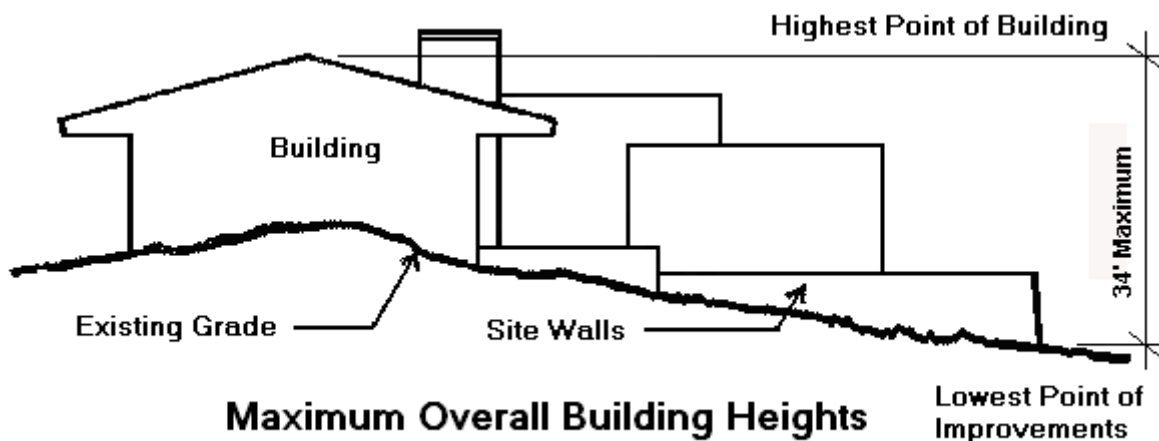
Lot	Elevation
1	3220'
2	3232'
3	3240'
4	3231'
5	3245'
6	3253'
7	3265'
8	3263'
9	3274'
10	3293'
11	Eliminated

Lot	Elevation
12	3375'
13	3420'
14	3478'
15	3428'
16	3407'
17	3349'
18	3369'
19	3385'
20	3359'
21	3332'
22	3291'

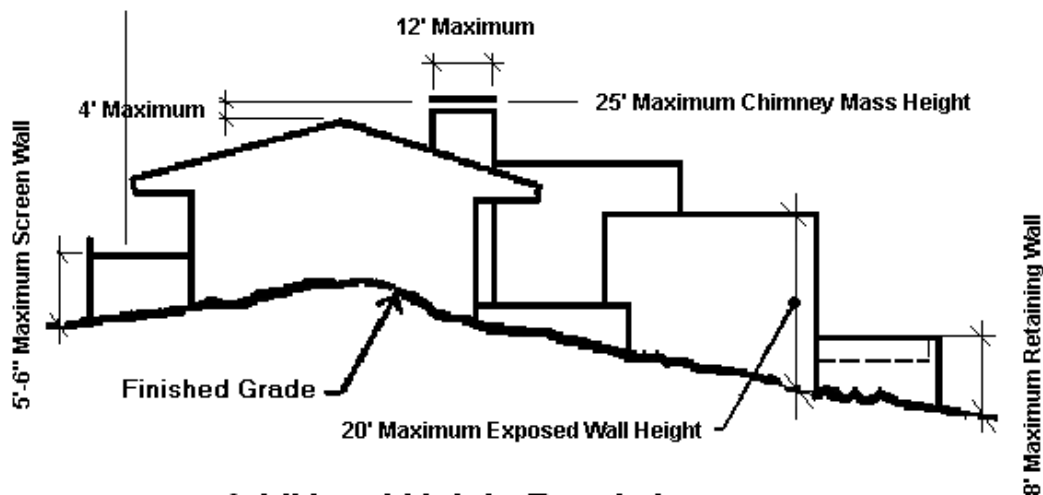
Lot	Elevation
23	3272'
24	3287'
25	3304'
26	3319'
27	3315'
28	3287'
29	3283'
30	3255'
31	3246'
32	3232'

The Committee may from time to time consider requests for adjustments to the Maximum Building Height Elevations. The criteria for such variances will be design, logic and common sense. All such variances will be made at the sole discretion of the Committee.

- (b) Overall Building Height: The overall height of a Residence or Improvement shall not exceed thirty-four feet (34'-0") measured in a vertical plane from the highest parapet or roof ridge to the natural grade at the lowest point adjacent to the building exterior inclusive of site retaining walls, patio walls, and pool walls. In special circumstances involving conditions which do not conflict with applicable City ordinances, the Committee may approve, on a case-by-case basis and in its sole discretion, overall vertical dimensions which may exceed the thirty-four foot (34'-0") limitation.



- (c) Chimney Mass: Chimneys may be constructed to a height not to exceed twenty-five feet (25'-0") measured vertically from the highest natural grade adjacent to the chimney mass. Unless otherwise approved by the Committee, the height of a chimney mass may not exceed four feet (4'-0") above the highest point within ten feet (10'-0") of that chimney mass. A chimney mass may not exceed an overall horizontal dimension of twelve feet (12'-0") in any one direction, unless otherwise specifically approved by the Committee.



**Additional Height Restrictions**

## 22.5 APPROVAL OF FINISHED COLORS

All exterior finished colors must be approved by the Committee. Certain paint colors have been approved by the Committee, as described below. Other colors will be reviewed by the Committee based on their LRV and whether they are consistent with the Committee's goal for the Improvements to blend into the desert landscape, in general, and into the specific Village. The maximum LRV allowed in these Villages is thirty-two (32), except Seven Arrows, Lot 14, which has a maximum LRV of twenty-eight (28). Unless otherwise approved by the Committee, no primary stucco building mass or other significant building element may be painted a color that is darker than an LRV of fifteen (15).

Repainting any structure with the same color that was previously approved by the Committee does not require Committee approval, although the Owner is required to notify the Committee of the painting and the color, on a form supplied by the Committee.

**22.6 APPROVED EXTERIOR PAINT COLORS**

The following paint colors are approved for exterior use on all Improvements. All colors are Dunn Edwards:

BARREL STOVE - DE6216 - LRV21

CALICO ROCK - DE6229 - LRV 28

CARVED WOOD - DE6125 - LRV20

COBBLESTONE PATH - DE6068 - LRV25

COLORADO TRAIL - DE6117 - LRV30

MESA TAN - DEC718 - LRV27

TWILIGHT TAUPE - DE6060 - LRV31

TUSCAN MOSAIC - DE6208 - LRV26

WHOLE WHEAT - DE6124 - LRV26

WOOD LAKE - DE6075 - LRV24

**22.7 REQUIREMENT FOR MULTIPLE EXTERIOR MATERIALS**

The design and construction of all Residences and other Improvements must incorporate the use of at least two (2) different complementing materials on the exterior wall surfaces (in addition to roof, patio and driveway materials), unless otherwise given specific approval by the Committee. The secondary or accent exterior wall material must cover at least twenty percent (20%) of the exterior building surface. These complementing materials must be carefully articulated into an integrated whole and should not result in a home that appears like two different structures forced together. The use of natural materials such as stone and adobe are strongly encouraged. Thin veneers of mass materials such as stone and adobe should be avoided, but instead these materials should be placed in natural mass forms that are true to the natural formations or authentic use of these materials and tie to the natural terrain. In addition, the colors of fascia, roof materials, window frames, railing, etc., should be carefully selected to create a well composed palette of colors and textures that appear as an integrated visual composition.

Monochromatic color schemes will not be allowed, unless otherwise given specific approval by the Committee. The requirement for at least two (2) different complementing exterior wall materials will naturally create complementing color variations. In addition, the colors of fascia, roof materials, window frames, railing, etc., should be carefully selected to create a well- composed palette of colors and textures that appear as an integrated visual composition.

## **22.8 MATERIALS - EXTERIOR SURFACES**

If stone veneer is selected as an exterior surface, it may not be identical to the stone veneer on The Cochise/Geronimo Clubhouse. The stone utilized on the Clubhouse may be specified, but the coursing pattern must be different. The coursing pattern on the Clubhouse is: “No single stone may span more than one course and the dimension of the horizontal pattern increases and decreases periodically.”

## **22.9 INDIVIDUAL PRESSURE SEWER SYSTEMS**

Individual pressure sewer systems are required on Lots 12, 13, 14, 16, 19 and 39 in The Village of Lost Star and on Lots 12, 13, 14, 17, and 18 in The Village of Seven Arrows. Refer to Section 7.39 for more information.

## **22.10 SPECIAL DESIGN CRITERIA**

### **Lot 14 in the Village of Seven Arrows**

Lot 14 in The Village of Seven Arrows is a very unique lot with difficult site challenges and high visibility from all of the Desert Mountain community. These conditions will require a special design solution which minimizes the visual impact of this Residence as viewed from the community below. Therefore, additional design guidelines and restrictions are hereby established by this section for Lot 14.

- (a) The design of improvements will require multiple floor and patio levels that respond to the natural terrain. Single floor levels or floor levels with only minor elevation changes will most likely not be approved by the Committee.
- (b) The design of improvements will required a low profile. The Improvements should appear to be only a single story structure when viewed from any point within the Desert Mountain community even though the floor levels of the structure may vary considerably. This guideline for a low profile will also be a consideration of the Committee when evaluating the forms and shapes of the roofs.



- (c) This Lot has significant elevation changes within the Building Envelope. In order to nestle the house into the hillside, the primary floor level should be kept as low as possible. The northern face of the home will be required to be buried into the hillside with retaining walls, unless otherwise approved by the Committee.
- (d) The requirement for multiple exterior building materials, as outlined in Section 5.1 of these supplements, shall be increased from a minimum of twenty percent (20%) to a minimum of forty percent (40%) of the exterior building surface and shall be constructed of a secondary complementing building material such as stone.
- (e) In order to minimize the visual impact of the home on this prominent site, the design of the Residence shall require a combination of pitched and flat roofs. This combination of roof forms shall attempt to minimize the scale and massing of the home. An all parapet or an all flat-roof design will not be allowed, unless otherwise approved by the Committee. The massing, form and shape of the roofs shall attempt to minimize the scale and massing of the home.
- (f) The Light Reflective Value (LRV) of any exterior building surface shall be a maximum of twenty-eight (28).
- (g) In order to minimize unnecessary glare, all glass and windows (or window assemblies) larger than thirty feet (30'-0") in surface area shall be located under deep overhangs or shall be deeply recessed in such a manner that they will not reflect the sun.
- (h) The design shall include materials, forms and methods to minimize the scale and visual impact of the Residence and other Improvements including the use of textural materials, deep recesses, large overhangs and no bold mass forms.

The goal of these requirements is to create homes that are not dominant or eye-catching when viewed from Desert Mountain Parkway. The Committee will review the design of the Improvements on the Lot with special attention to attaining this goal.

## **SECTION 23 – SUPPLEMENTAL GUIDELINES FOR** **THE VILLAGE OF PAINTED SKY**

### **23.1 INTRODUCTION**

The provisions of Section 23 apply only to Lots in the Village of Painted Sky and only specific Lots where indicated.

### **23.2 BUFFER ZONE**

The Buffer Zone, as defined and described on the Final Plat for Desert Mountain Phase II, Unit Eighteen (The Village of Painted Sky), shall remain as open, undisturbed desert. Owners of Lots are not allowed to make any Improvements or other physical alterations within the Buffer Zone, nor are they allowed to expand or modify a Building Envelope such that it would intrude into the Buffer Zone. Construction access is not allowed through the Buffer Zone area. The Buffer Zone can be used as area to be calculated as Natural Area Open Space. A small exception to the Buffer Zone, as recorded in the records of Maricopa County, has been made on Lot 46 and Lot 47 for the sole purpose of a common driveway and associated underground utilities.

### **23.3 SETBACKS**

All setbacks will be reviewed on the merits of the submitted site plan design. The minimum setbacks are as described in the approved Desert Mountain Amended Development Standards for the R1-18 zoning district as approved in Zoning Case #10-Z-89 by the City of Scottsdale. These are the minimum setbacks as required by the City. Setback information is available from the City. The Building Envelopes may dictate greater setbacks.

The following minimum setbacks apply:

- (a) Front, side, or rear yards adjacent to a private street: twenty feet (20'-0"). This area shall remain in an undisturbed natural condition, except for the one (1) approved driveway access point.
- (b) Side yards: A combined total of both side yards must be equal to or greater than ten feet (10'-0").
- (c) Rear yards: ten feet (10'-0").
- (d) Minimum distance between main buildings on adjacent Lots: ten feet (10'-0").

- (e) For all Lots adjacent to the subdivision of Tonto Hills, the minimum distance between any buildings on adjacent Lots: fifty feet (50'-0").
- (f) Minimum distance between a main building and an accessory building on the same Lot: ten feet (10'-0").
- (g) Minimum distance from back of curb to face of garage door: twenty feet (20'-0").

#### 23.4 BUILDING HEIGHTS

- (a) Maximum Building Height Elevation: A Maximum Building Height Elevation has been established for each individual Lot as per the approved Building Envelope and NAOS Exhibit. No building or other Improvement, except for chimneys, may be constructed to a height higher than the Maximum Building Height Elevation. The Maximum Building Height Elevation is based on the topographic elevation measured from the Desert Mountain datum. The other height Guidelines shall fall under the restrictions of the Maximum Building Height Elevation.

The Committee may from time to time consider requests for adjustments to the Maximum Building Height Elevations. The criteria for such variances will be design, logic and common sense. All such variances will be made at the sole discretion of the Committee.

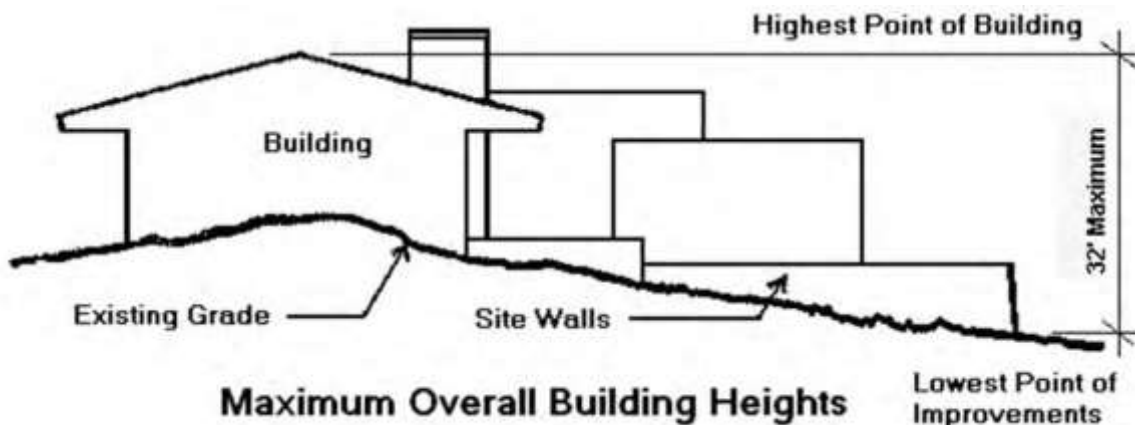
#### Lots 1 through 64

Lot	Elevation	Lot	Elevation	Lot	Elevation	Lot	Elevation
1	3265'	17	3287'	33	3270'	49	3320'
2	3266'	18	3297'	34	3278'	50	3315'
3	3271'	19	3292'	35	3284'	51	3303'
4	3277'	20	3281'	36	3285'	52	3297'
5	3282'	21	3274'	37	3296'	53	3289'
6	3287'	22	3279'	38	3300'	54	3273'
7	3294'	23	3273'	39	3308'	55	3272'
8	3300'	24	3273'	40	3304'	56	3283'
9	3306'	25	Eliminated	41	3309'	57	3289'
10	3310'	26	3263'	42	3311'	58	3287'
11	3319'	27	3269'	43	3318'	59	3295'
12	3312'	28	3269'	44	3319'	60	3289'
13	3316'	29	3257'	45	3327'	61	3296'
14	3308'	30	3259'	46	3333'	62	3304'
15	3297'	31	3255'	47	3340'	63	3306'
16	3299'	32	3259'	48	3308'	64	3312'

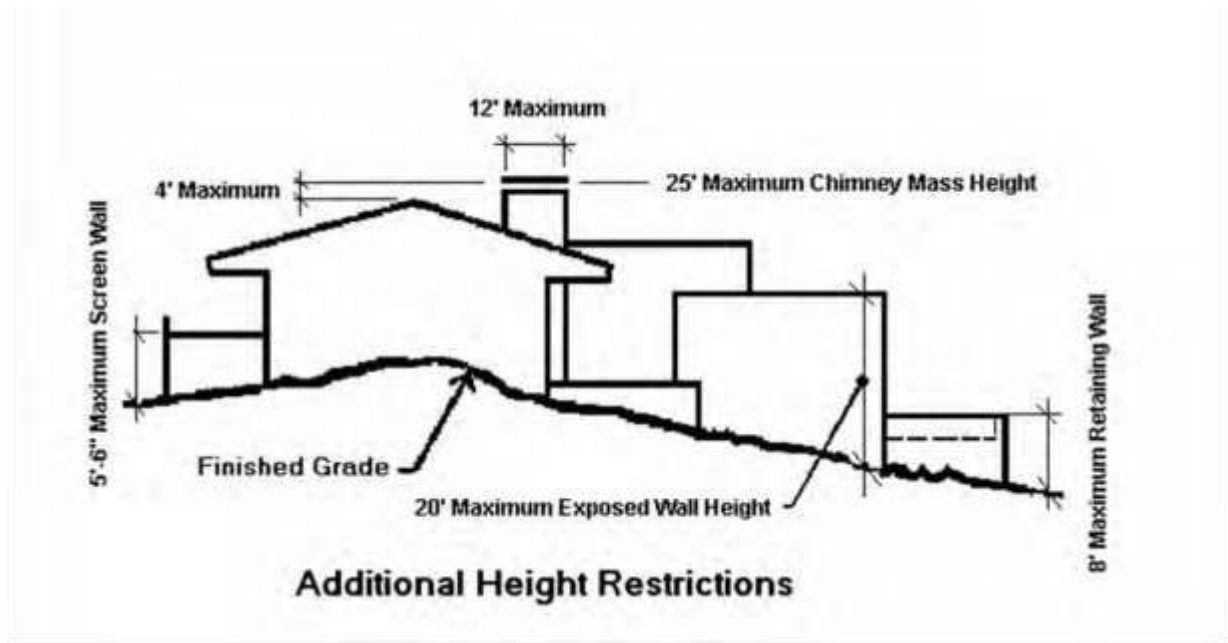
**Lots 65 through 100**

Lot	Elevation	Lot	Elevation	Lot	Elevation	Lot	Elevation
65	3317'	74	3327'	83	3343'	92	3296'
66	3325'	75	3328'	84	3339'	93	3286'
67	3330'	76	3341'	85	3336'	94	3276'
68	3333'	77	3350'	86	3323'	95	3270'
69	3333'	78	3347'	87	3310'	96	3259'
70	3337'	79	3342'	88	3318'	97	3244'
71	3333'	80	3340'	89	3315'	98	3237'
72	3340'	81	3341'	90	3310'	99	3244'
73	3328'	82	3344'	91	3304'	100	3251'

- (b) Overall Building Height: The overall height of an Improvement shall not exceed thirty-two feet (32'-0") measured in a vertical plane from the highest parapet or roof ridge to the natural grade at the lowest point adjacent to the building exterior inclusive of site retaining walls, patio walls, and pool walls. In special circumstances involving conditions, which do not conflict with applicable City ordinances, the Committee may approve, on a case-by-case basis and in its sole discretion, overall vertical dimensions which may exceed the thirty-two foot (32'-0") limitation.



- (c) Chimney Mass: Chimneys may be constructed to a height not to exceed twenty-five feet (25'-0"), measured vertically from the highest natural grade adjacent to the chimney mass. Unless otherwise approved by the Committee, the height of a chimney mass may not exceed four feet (4'-0") above the highest point within ten feet (10'-0") of that chimney mass. A chimney mass may not exceed an overall horizontal dimension of twelve feet (12'-0") in any one direction, unless otherwise specifically approved by the Committee.



### 23.5 APPROVAL OF FINISHED COLORS

All exterior finished colors must be approved by the Committee. Certain paint colors have been approved by the Committee, as described below. Other colors will be reviewed by the Committee based on their LRV and whether they are consistent with the Committee's goal for the Improvements to blend into the desert landscape, in general, and into the specific Village. The maximum LRV allowed in this Village is forty (40). Unless otherwise approved by the Committee, no primary stucco building mass or other significant building element may be painted a color that is darker than an LRV of fifteen (15).

Repainting any structure with the same color that was previously approved by the Committee does not require Committee approval, although the Owner is required to notify the Committee of the painting and the color, on a form supplied by the Committee.

### 23.6 APPROVED EXTERIOR PAINT COLORS

The following paint colors are approved for exterior use on all Improvements. All Colors are Dunn Edwards.

BAKED POTATO - DEC717 - LRV34

BARREL STOVE DE6216 LRV21

CALICO ROCK - DE6229 - LRV28

CARVED WOOD - DE6125 - LRV20

COBBLESTONE PATH - DE6068 - LRV25

COLORADO TRAIL - DE6117 - LRV30

MESA TAN - DEC71 - LRV27

TUSCAN MOSAIC - DE6208 - LRV26

TWILIGHT TAUPE - DE6060 - LRV31

WHOLE WHEAT - DE6124 - LRV26

WOOD LAKE - DE6075 - LRV24

WOODED ACRE - DE6130 - LRV33

WOODEN PEG - DE6215 - LRV31

### **23.7 MULTIPLE EXTERIOR MATERIALS**

The design of all Improvements is not required, but is recommended to include the use of at least two (2) different complementing materials on the exterior wall surfaces (in addition to roof and driveway materials). The secondary or accent exterior wall material is recommended to cover at least twenty percent (20%) of the exterior building surface. These complementing materials should be carefully articulated into an integrated whole and should not result in a home that appears like two (2) different structures forced together. The use of natural materials such as stone and adobe are strongly encouraged. Thin veneers of mass materials such as stone and adobe should be avoided, but instead these materials should be placed in natural mass forms that are true to the natural formations or authentic use of these materials and tie to the natural terrain.

In the event that a Residence does not utilize more than one (1) exterior wall surface material, at least two (2) complementing colors will be required. Monochromatic color schemes will not be allowed, unless otherwise given specific approval by the Committee. The suggestion for at least two (2) different complementing exterior wall materials will naturally create complementing color variations. In addition, the colors of fascia, roof materials, window frames, railing, etc., should be carefully selected to create a well-composed palette of colors and textures that appear as an integrated visual composition.

## **SECTION 24 – SUPPLEMENTAL GUIDELINES FOR** **THE VILLAGE OF ROSE QUARTZ**

### **24.1 INTRODUCTION**

The provisions of Section 24 apply only to Lots in the Village of Rose Quartz and only specific Lots where indicated.

### **24.2 SETBACKS**

The following minimum setbacks apply:

- (a) Front, side, and rear yards adjacent to a street: ten feet (10'-0"). This area shall remain in an undisturbed natural condition, except as provided for herein.
- (b) Side yards: five feet (5'-0"), where provided, with an aggregate of ten feet (10'-0") per Lot.
- (c) Rear yards: ten feet (10'-0").
- (d) Minimum distance between buildings on adjacent Lots: ten feet (10'-0").
- (e) Minimum distance between main and accessory buildings on a Lot: five feet (5'-0").
- (f) Minimum distance from back of curb to face of garage door: twenty feet (20'-0").

### **24.3 BUILDING HEIGHTS**

- (a) Maximum Building Height Elevations: A Maximum Building Height has been established for each Lot as per the approved Building Envelope and NAOS Exhibit. Some Lots have been designated to have more than one Maximum Building Height Elevation. Refer to the approved Building Envelope and NAOS Exhibit to understand the specific location of each height limit. The Committee will from time to time consider adjustments to the Maximum Building Height Elevations. The criteria for such variances will be design, logic and common sense. All such variances will be made at the sole discretion of the Committee.

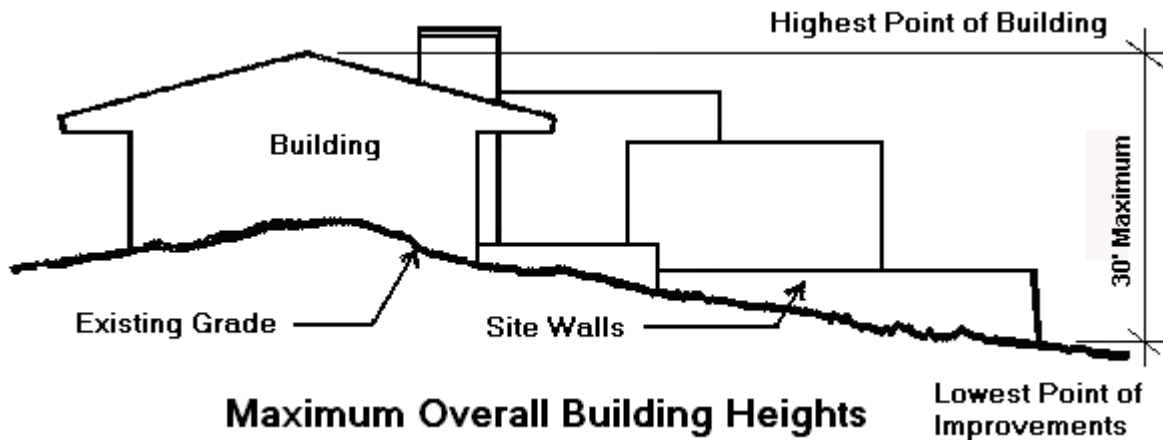
Lot	Elevation
1	3196'
2	3205'
3	3202'
4	3213'
5	3216'
6	3226'
7	3218'
8	3208'
9	3212'/3208'
10	3207'/3200'
11	3187'
12	3188'
13	3200'
14	3212'
15	3202'
16	3191'/3187'
17	3184'/3180'
18	3180'
19	3184'
20	3189'/3172'
21	3185'/3183'
22	3192'/3185'
23	3196'
24	3206'
25	3199'
26	3199'/3192'
27	3195'/3188'
28	3185'/3183'
29	3189'
30	3184'
31	3193'
32	3195'

Lot	Elevation
33	3196'
34	3196'
35	3172'
36	3192'
37	3194'
38	3182'
39	3169'/3162'
40	3152'/3160'/3152'
41	3158'
42	3172'/3168'
43	3160'
44	3182'
45	3152'
46	3153'
47	3144'
48	3142'
49	3144'
50	3146'
51	3148'
52	3148'
53	3147'
54	3145'
55	3151'
56	3151'/3140'
57	3145'
58	3142'/3140'
59	3150'/3142'
60	3154'/3152'
61	3166'
62	3185'
63	3170'/3164'
64	3154'

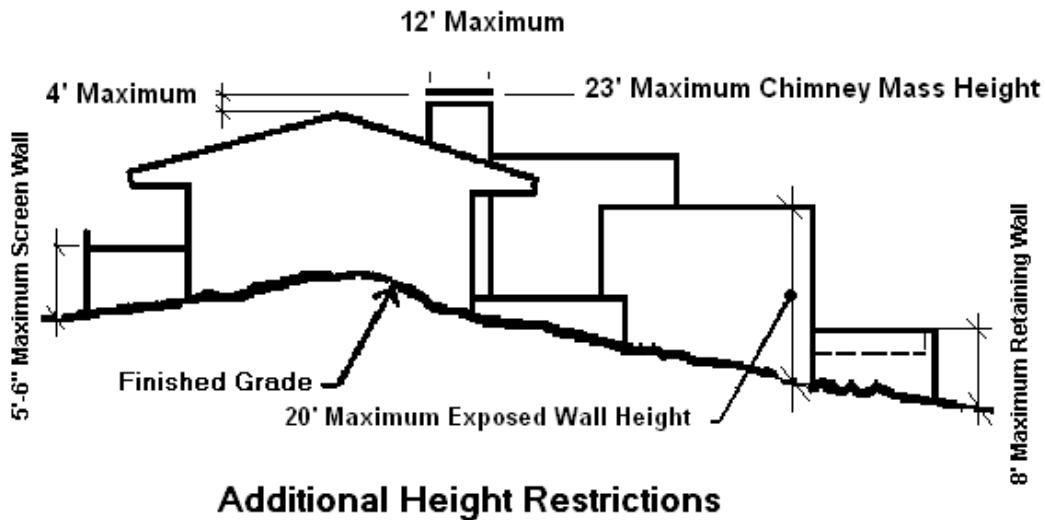
Lot	Elevation
65	3172'
66	3171'/3165'
67	3164'
68	3156'
69	3168'
70	3175'
71	3189'
72	3181'
73	3186'
74	3184'/3177'
75	3179'
76	3169'
77	3165'/3159'
78	3167'
79	3175'
80	3172'
81	3158'
82	3154'
83	3167'
84	3166'
85	3166'
86	3158'
87	3172'
88	3185'
89	3170'
90	3172'
91	3180'
92	3186'
93	3194'
94	3194'

- (b) Overall Building Height: The overall height of a Residence or structure shall not exceed thirty feet (30'- 0") measured in vertical plan from the highest parapet or roof ridge to the natural grade at the lowest point adjacent to the building exterior. In special circumstances involving conditions which do not conflict with applicable City Ordinances, the Design Review Committee may approve, on a case-by-case basis, overall vertical dimensions which may exceed the thirty-foot (30'-0") limitation. The following is an illustration of how to determine overall building heights.





- (c) Chimney Mass: Chimneys may be constructed to a height not to exceed twenty-three feet (23'-0"), measured to the nearest highest exposed natural grade. Unless otherwise approved by the Design Review Committee, the height of a chimney mass may not exceed four feet (4'-0") above the highest point within ten feet (10'-0") of that chimney mass. A chimney mass may not exceed an overall horizontal dimension of twelve feet (12'-0") in any one direction. See the following illustration.



**24.4 APPROVAL OF FINISHED COLORS**

All exterior finished colors must be approved by the Committee. Certain paint colors have been approved by the Committee, as described below. Other colors will be reviewed by the Committee based on their LRV and whether they are consistent with the Committee's goal for the Improvements to blend into the desert landscape, in general, and into the specific Village. The maximum LRV allowed in this Village is forty (40). Unless otherwise approved by the Committee, no primary stucco building mass or other significant building element may be painted a color that is darker than an LRV of fifteen (15).

Repainting any structure with the same color that was previously approved by the Committee does not require Committee approval, although the Owner is required to notify the Committee of the painting and the color, on a form supplied by the Committee.

**24.5 APPROVED EXTERIOR PAINT COLORS**

The following paint colors are approved for exterior use on all Improvements. All colors are Dunn Edwards.

BAKED POTATO - DEC717 - LRV34

BARREL STOVE - DE6216 - LRV21

CALICO ROCK - DE6229 - LRV28

COLORADO TRAIL - DE6117 - LRV30

DESERT GRAY - DEC760 - LRV36

GRAHAM CRACKER - DE6144 - LRV37

MESA TAN - DEC718 - LRV27

TUSCAN MOSAIC DE6208 LRV26

TWILIGHT TAUPE - DE6060 - LRV31

WHOLE WHEAT - DE6124 - LRV26

WOODED ACRE - DE6130 - LRV33

WOODEN PEG - DE6215 - LRV31

**SECTION 25 – SUPPLEMENTAL GUIDELINES FOR**  
**THE VILLAGE OF SAGUARO FOREST**

**25.1 INTRODUCTION**

The provisions of Section 25 apply only to Lots in the Village of Saguaro Forest and only specific Lots where indicated.

**25.2 DESIGN CHARACTER**

The design character of the Chiricahua Clubhouse and The Saguaro Forest entry and community features is based on a style referred to as “Desert Classic”. The Desert Classic style utilizes classic architectural forms, traditional shapes and authentic detailing of historic residential architecture, but in a manner inspired by and fitting with the desert environment. In this style, the classic design elements are combined with scale, proportion, materials and textures that softly blend with the desert palette. While Desert Classic styling is encouraged within The Saguaro Forest, the Committee strongly warns against the use of Mediterranean and Santa Barbara styles of architecture as well as designs that are literal interpretations of European styles, since these styles are not considered appropriate for the desert environment nor for The Saguaro Forest. Owners who desire to utilize Desert Classic styling need to strive for timeless, classic and authentic desert designs and not literal interpretations of homes that were not designed for this climate, environment and site conditions. Desert Classic styling is not a requirement of design in The Saguaro Forest and the Committee may, at its sole discretion, approve any design themes or styles it deems to be compatible with the visual context of The Saguaro Forest.

**25.3 CONCEPT DESIGN SUBMITTAL**

The following specific Lots shall be required to submit Concept Design Submittal to the Committee, as described in Section 4.4:

- |           |           |            |          |
|-----------|-----------|------------|----------|
| • Lot 12  | • Lot 141 | • Lot 246  | •Lot 286 |
| • Lot 30  | • Lot 142 | • Lot 247  | •Lot 287 |
| • Lot 31  | • Lot 174 | • Lot 248  | •Lot 289 |
| • Lot 38  | • Lot 185 | • Lot 249  | •Lot 292 |
| • Lot 49  | • Lot 196 | • Lot 250  | •Lot 293 |
| • Lot 58  | • Lot 197 | • Lot 251  | •Lot 296 |
| • Lot 95  | • Lot 198 | • Lot 279A | •Lot 297 |
| • Lot 98  | • Lot 233 | • Lot 279B | •Lot 305 |
| • Lot 99  | • Lot 241 | • Lot 279C | •Lot 310 |
| • Lot 100 | • Lot 242 | • Lot 280  | •Lot 311 |
| • Lot 116 | • Lot 243 | • Lot 281  | •Lot 312 |
| • Lot 119 | • Lot 244 | • Lot 285  | •Lot 314 |

- Lot 320
- Lot 321
- Lot 322
- Lot 323
- Lot 324
- Lot 330
- Lot 332
- Lot 333
- Lot 334
- Lot 335
- Lot 336
- Lot 337
- Lot 338
- Lot 341
- Lot 342
- Lot 347
- Lot 353
- Lot 354
- Lot 355
- Lot 356
- Lot 357
- Lot 360
- Lot 361
- Lot 362
- Lot 366

Future Lots within The Saguaro Forest that may be added from time to time.

**25.4 SETBACKS**

The Saguaro Forest currently has three (3) different zoning categories, each with its own set of Amended Property Development Standards and minimum setbacks. Therefore, the minimum setbacks will vary depending on the applicable zoning district for each specific Lot. The zoning districts within Saguaro Forest are as follows:

- Lots 1 through 37 R-4R ESL
- Lots 38 through 229 R1-10 ESL
- Lots 230 through 240 R-4R ESL
- Lots 241 through 325 R1-10 ESL
- Lots 326 through 347 R1-35 ESL
- Lots 348 through 368 R-4R ESL
- Lot 369 R1-35 ESL

Future Plats subject to the Declaration that may be added from time to time.

Complete setback information is available from the City. Listed below is an abbreviated summary of the minimum setbacks as required by the City; this only represents a summary of the setback information, and the Owner is responsible for verifying all applicable setback information with the City. The established Building Envelopes and/or these Guidelines may require greater setbacks than the minimum setbacks of the City approved for this project. The minimum City setbacks are not grounds for any increases or changes in the area or location of a Building Envelope.

A general outline of the minimum setback requirements for each zoning district is listed as follows:

**25.4.1 R-4R Zoning District**

Setbacks for detached dwelling units in the R-4R Zoning District are as described in the approved Desert Mountain Amended Property Development Standards for Detached Dwelling Unit Uses in the R-4R Zoning District as approved in Zoning Case #31-ZN-92 by the City of Scottsdale. A general outline of the minimum setback requirements for the R-4R Zoning District is as follows:

- (a) Front, side or rear yards adjacent to a private street: ten feet (10'-0").
- (b) Side yards: A combined total of both side yards must be equal to or greater than ten feet (10'-0").
- (c) Rear yards: ten feet (10'-0").
- (d) Minimum distance between main buildings on adjacent Lots: ten feet (10'-0").
- (e) Minimum distance between a main building and an accessory building on the same Lot: eight feet (8'-0").
- (f) Minimum distance from back of curb to face of garage door: twenty feet (20'-0").

**25.4.2 R1-10 Zoning District**

Setbacks for the R1-10 Zoning District are as described in the Amended Property Development Standards for the R1-10 Zoning District as approved in Case #31-ZN-93 by the City of Scottsdale. A general outline of the minimum setback requirements for the R1-10 zoning district is as follows:

- (a) Front, side or rear yards adjacent to a private street: ten feet (10'-0").
- (b) Side yards: A combined total of both side yards must be equal to or greater than ten feet (10'-0").
- (c) Rear yards: ten feet (10'-0").
- (d) Minimum distance between main buildings on adjacent Lots: ten feet (10'-0").
- (e) Minimum distance between a main building and an accessory building (including Guesthouse) on the same Lot: five feet (5'-0").
- (f) Minimum distance from back of curb to face of garage door: twenty feet (20'-0").

**25.4.3 R1-35 Zoning District**

Setbacks for the R1-35 Zoning District areas described in the Property Development Standards for the R1-35 Zoning District as per the City of Scottsdale Zoning Ordinance. A general outline of the minimum setback requirements for the R1-35 zoning district is as follows:

- (a) Front yard or any yard adjacent to a private street: forty feet (40'-0").

- (b) Side yards: fifteen feet (15'-0") on each side.
- (c) Rear yards: thirty-five feet (35'-0").
- (d) Minimum distance between main buildings on adjacent Lots: thirty feet (30'-0").
- (e) Minimum distance between a main building and an accessory building (including Guesthouse) on the same Lot: ten feet (10'-0").

**25.5 MINIMUM DISTANCE BETWEEN HOMES ON ADJACENT LOTS**

In an effort to maintain separation between homes, these Guidelines shall require a minimum distance of forty feet (40'-0") between buildings that are on Adjacent Lots. This setback shall apply to the main Residence and/or a Guesthouse on each Lot inclusive of garages, roofs and overhangs, but exclusive of drives, site walls, patios or other site Improvements. This requirement is above and beyond the minimum setback requirements of the City. In the cases where the original Building Envelopes on Adjacent Lots, as per the approved Building Envelope and NAOS Exhibits, are delineated less than thirty feet (30'-0") apart, the Committee shall require that the buildings on Adjacent Lots have a minimum separation, per the illustration in the Master Guideline, Section 6.6. (Section 25.5 does not apply to Lots 348 - 368)

**25.6 BUILDING HEIGHTS**

- (a) Maximum Building Height Elevation: A Maximum Building Height Elevation has been established for each individual Lot as per the approved Building Envelope and NAOS Exhibits. See Charts that follow.

No Residence or other Improvement, except for chimneys, may be constructed to a height higher than the Maximum Building Height Elevation. The Maximum Building Height Elevation is based on the topographic elevation measured from the Desert Mountain datum. The other height guidelines shall fall under the restrictions of the Maximum Building Height Elevation.

## Lots 1 through 156

Lot	Elevation	Lot	Elevation	Lot	Elevation	Lot	Elevation
1	3170'	40	3101'	79	3177'	118	2979'
2	3159'	41	3099'	80	3164'	119	2987'
3	3179'	42	3091'	81	3155'	120	2982'
4	3185'	43	3080'	82	3146'	121	2994'
5	3204'	44	3043'	83	3163'	122	2967'
6	3201'	45	3030'	84	3176'	123	2983'
7	3188'	46	3030'	85	3182'	124	2996'
8	3188'	47	3014'	86	3194'	125	2996'
9	3180'	48	Eliminated	87	3182'	126	3012'
10	3173'	49	2995'	88	3189'	127	3032'
11	3177'	50	2990'	89	3202'	128	3025'
12	3158'	51	2970'	90	3205'	129	3018'
13	3198'	52	2961'	91	3229'	130	3006'
14	3211'	53	2951'	92	3222'	131	3139'
15	3226'	54	2942'	93	3238'	132	3135'
16	3238'	55	2922'	94	3249'	133	3123'
17	3249'	56	2915'	95	3277'	134	3112'
18	3253'	57	2906'	96	3268'	135	3104'
19	3262'	58	2882'	97	3255'	136	3095'
20	3263'	59	2948'	98	3252'	137	3081'
21	3247'	60	2959'	99	3228'	138	3066'
22	3234'	61	2974'	100	3232'	139	3071'
23	3222'	62	2984'	101	3231'	140	3054'
24	3229'	63	2994'	102	3205'	141	3036'
25	3239'	64	3004'	103	3203'	142	3043'
26	3246'	65	3036'	104	3185'	143	3057'
27	3262'	66	3051'	105	3189'	144	3080'
28	3261'	67	3063'	106	3205'	145	3087'
29	3249'	68	3074'	107	3223'	146	3090'
30	3235'	69	3084'	108	3021'	147	3094'
31	3222'	70	3098'	109	3016'	148	3100'
32	3218'	71	3109'	110	3006'	149	3108'
33	3211'	72	3117'	111	2993'	150	3105'
34	3209'	73	3124'	112	2985'	151	3123'
35	3193'	74	3119'	113	2975'	152	3126'
36	3183'	75	3122'	114	2925'	153	3140'
37	3182'	76	3137'	115	2883'	154	3153'
38	3103'	77	3158'	116	2906'	155	3145'
39	Eliminated	78	3166'	117	2919'	156	3157'

## Lots 157 through 331

Lot	Elevation	Lot	Elevation	Lot	Elevation	Lot	Elevation
157	3170'	196	3289'	256	2986'	293	3081'
158	3183'	197	3258'	257	2987'	294	3082'
159	3195'	198	3321'	258	2981'	295	3045'
160	3180'	199	3345'	259	2974'	296	3068'
161	3169'	200	3361'	260	2974'	297	3094'
162	3159'	201	3366'	261	2947'	298	3097'
163	3233'	202	3366'	262	2942'	299	3121'
164	3222'	203	3348'	263	2932'	300	3129'
165	3206'	204	3325'	264	2909'	301	3144'
166	3278'	205	3333'	265	Eliminated	302	3159'
167	3268'	206	3317'	266	2918'	303	3182'
168	3256'	207	3302'	267	2945'	304	3201'
169	3239'	208	3274'	268	2920'	305	3207'
170	3170'	230	3354'	269	2902'	306	3220'
171	3181'	231	3342'	270	2902'	307	3232'
172	3158'	232	Eliminated	271	2874'	308	3262'
173	3155'	233	3298'	272	2871'	309	3307'
174	3135'	234	3333'	273	2870'	310	3310'
175	3146'	235	3347'	274	2888'	311	3261'
176	3135'	236	3362'	275	2923'	312	3236'
177	3154'	237	3378'	276	2942'	313	3288'
178	3263'	238	3331'	277	2939'	314	3257'
179	3278'	239	Eliminated	278	2961'	315	3176'
180	3302'	240	3317'	279A	2840'	316	3157'
181	3313'	241	3428'	279B	2840'/2828'	317	3137'
182	3280'	242	3446'	279C	2846'	318	3126'
183	3267'	243	3472'	280	3061'	319	3171'
184	3254'	244	3454'	281	3053'	320	3209'
185	3223'	245	3472'	282	3037'	321	3192'
186	3242'	246	3536'	283	3034'	322	3245'
187	3257'	247	Eliminated	284	3044'	323	3301'
188	3268'	248	3615'	285	3067'	324	3308'
189	3303'	249	3650'	286	3082'	325	3222'
190	3317'	250	3625'	287	3105'	326	3205'
191	3327'	251	3544'	288	3072'	327	3204'
192	3322'	252	3484'	289	3100'	328	3189'
193	3304'	253	3454'	290	3133'	329	3204'
194	3287'	254	3422'	291	3105'	330	3246'
195	3211'	255	3404'	292	3130'	331	3236'



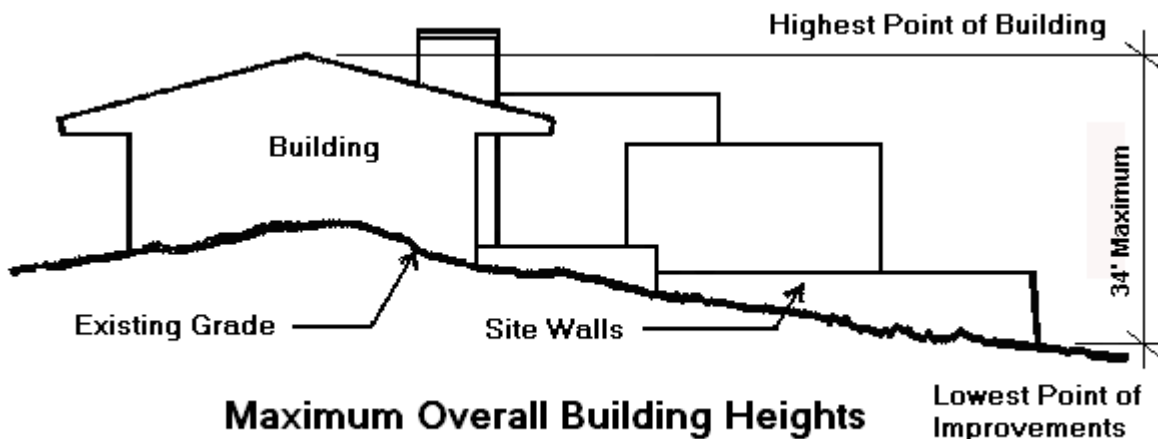
**Lots 332 through 369**

Lot	Elevation	Lot	Elevation	Lot	Elevation	Lot	Elevation
332	3262'	342	3388'	352	3398'	362	3379'
333	3278'	343	3306'	353	3484'	363	3394'
334	3312'	344	3268'	354	3475'	364	3379'
335	3305'	345	3240'	355	3445'	365	3363'
336	3288'	346	3223'	356	3465'	366	3351'
337	3320'	347	3302'	357	3438'	367	3363'
338	3330'	348	3368'	358	3417'	368	3352'
339	3348'	349	3387'	359	3402'	369	N/A
340	3296'	350	3391'	360	3401'		
341	3352'	351	3382'	361	3368'		

The Committee may from time to time consider requests for adjustments to the Maximum Building Height Elevations. The criteria for such variances will be design, logic and common sense. All such variances will be made at the sole discretion of the Committee.

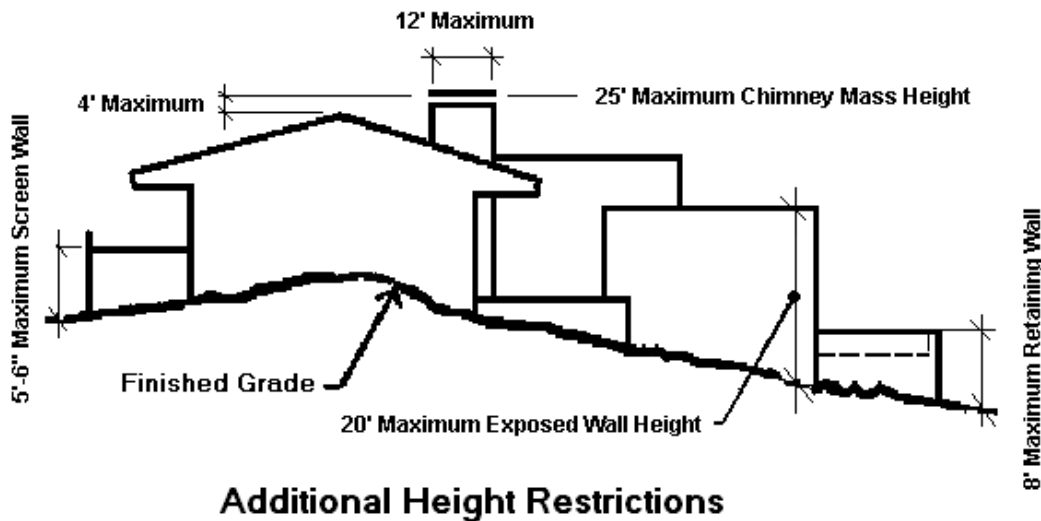
- (b) Overall Building Height: The overall height of a Residence or Improvement shall not exceed thirty-four feet (34'-0") measured in a vertical plane from the highest parapet or roof ridge to the natural grade at the lowest point adjacent to the building exterior inclusive of site retaining walls, patio walls and pool walls. In special circumstances involving conditions that do not conflict with applicable City ordinances, the Committee may approve, on a case-by-case basis and in its sole discretion, overall vertical dimensions that may exceed the thirty-four feet (34'-0") limitation.

**The following is an illustration of how to determine overall building heights.**



**Maximum Overall Building Heights**

- (c) Chimney Mass: Chimneys may be constructed to a height not to exceed twenty-five feet (25'-0") measured vertically from the highest natural grade adjacent to the chimney mass. Unless otherwise approved by the Committee, the height of a chimney mass may not exceed four feet (4'-0") above the highest point within ten feet (10'-0") of that chimney mass. A chimney mass may not exceed an overall horizontal dimension of twelve feet (12'-0") in anyone direction, unless otherwise specifically approved by the Committee.



- (d) "Patio Only" Height: Selected Lots have an area within the Building Envelope designated "Patio Only", as delineated on the approved Building Envelope and NAOS Exhibits. This portion of the Building Envelope may only be used to construct low-scale Improvements such as uncovered patios, site or retaining walls; walkways and landscaped areas. Buildings or roof structures are not allowed within the Patio Only area. The height of any Improvement within the Patio Only portion of the Building Envelope shall not exceed eight feet (8'-0") measured vertically above the finished grade on the exterior side of the Improvement, unless otherwise approved by the Committee.

## 25.7 APPROVAL OF FINISHED COLORS

All exterior finished colors must be approved by the Committee. Certain paint colors have been approved by the Committee, as described below. Other colors will be reviewed by the Committee based on their LRV and whether they are consistent with the Committee's goal for the Improvements to blend into the desert landscape, in general, and into the specific Village.

Repainting any structure with the same color that was previously approved by the Committee does not require Committee approval, although the Owner is required to notify the Committee of the painting and the color, on a form supplied by the Committee.

## 25.8 APPROVED EXTERIOR PAINT COLORS

The following paint colors are approved for exterior use on Improvements for **Lots 1 through 368**. The maximum LRV allowed in this Village is thirty-six (36). Unless otherwise approved by the Committee, no primary stucco building mass or other significant building element may be painted a color that is darker than an LRV of fifteen (15). All colors are Dunn Edwards.

BAKED POTATO - DEC717 - LRV34  
 BARREL STOVE - DE6216 - LRV21  
 CALICO ROCK - DE6229 - LRV 28  
 CARVED WOOD - DE6125 - LRV20  
 COBBLESTONE PATH - DE6068 - LRV25  
 COLORADO TRAIL - DE6117 - LRV30  
 MESA TAN - DEC718 - LRV27  
 TUSCAN MOSAIC DE6208 LRV2  
 TWILIGHT TAUPE - DE6060 - LRV31  
 WHOLE WHEAT - DE6124 - LRV26  
 WOOD LAKE - DE6075 - LRV24  
 WOODED ACRE - DE6130 - LRV33

As stated above, the maximum LRV allowed within The Saguaro Forest is thirty-six (36), except for the following Lots, which have a maximum LRV of twenty-eight (28):

- Lot 49
- Lot 95
- Lot 100
- Lot 174
- Lot 196
- Lot 197
- Lot 198
- Lot 233
- Lot 241
- Lot 242
- Lot 243
- Lot 244
- Lot 245
- Lot 246
- Lot 247
- Lot 248
- Lot 249
- Lot 250
- Lot 251
- Lot 252
- Lot 253
- Lot 254
- Lot 255
- Lot 276
- Lot 310
- Lot 311
- Lot 312
- Lot 313
- Lot 319
- Lot 320
- Lot 321
- Lot 322
- Lot 323
- Lot 324

**25.9 REQUIREMENT FOR MULTIPLE EXTERIOR MATERIALS**

The design and construction of all Residences and other Improvements must incorporate the use of at least two (2) different complementing materials on the exterior wall surfaces (in addition to roof, patio and driveway materials), unless otherwise given specific approval by the Committee. The secondary or accent exterior wall material must cover at least twenty percent (20%) of the exterior building surface. These complementing materials must be carefully articulated into an integrated whole and should not result in a Residence that appears to be two different structures forced together. The secondary or accent exterior wall material may not be used as a wainscot or as other “applied” or veneer-looking treatments.

Monochromatic color schemes will not be allowed, unless otherwise given specific approval by the Committee. The requirement for at least two (2) different complementing exterior wall materials will naturally create complementing color variations. In addition, the colors of fascia, roof materials, window frames, railing, etc., should be carefully selected to create a well- composed palette of colors and textures that appear as an integrated visual composition.

**25.10 SPECIAL CRITERIA, INFORMATION AND EXCEPTIONS – CUT AND FILL, INDIVIDUAL PRESSURE SEWER SYSTEMS, ON-LOT VEHICLE TURNAROUNDS, ON-LOT EMERGENCY VEHICLE ACCESS**

- (a) Some Lots may be granted exceptions to Cut and Fill Guidelines 6.10(b), 6.10(c), 6.10(d) and 6.10(e), if deemed appropriate by the Committee. Increased fill conditions may be allowed on the lower side of the Building Envelope of these specific Lots in order to take advantage of golf course views, provided the Fill is appropriately contained within retaining walls. To do so, exceptions must meet the intent, as well as the technical application, of these Guidelines and subject to compliance with all of the other provisions of these Guidelines, including height as measured from natural grade.

- |          |           |           |             |
|----------|-----------|-----------|-------------|
| • Lot 19 | • Lot 28  | • Lot 154 | • Lot 159   |
| • Lot 20 | • Lot 152 | • Lot 157 | • Lot 279C* |
| • Lot 27 | • Lot 153 | • Lot 158 |             |

Future Lots within The Saguaro Forest that may be added from time to time.

(\* = this exception is limited to the northernmost portion of the Building Envelope on Lot 279C, which sits in a low area, the remainder of Lot 279C must comply with the Cut and Fill Guidelines.)

(b) Individual Pressure Sewer Systems, as described in Section 7.39 of these Guidelines, are required for the following specific Lots: Refer to Section 7.39 for more information.

- Lot 2 (optional)
- Lot 15
- Lot 38
- Lot 49
- Lot 66
- Lot 122
- Lot 123
- Lot 125
- Lot 138
- Lot 139
- Lot 174
- Lot 176
- Lot 182
- Lot 183
- Lot 184
- Lot 185
- Lot 186
- Lot 187
- Lot 188
- Lot 189
- Lot 190
- Lot 192
- Lot 196
- Lot 197
- Lot 198
- Lot 233
- Lot 234
- Lot 244
- Lot 246
- Lot 247
- Lot 248
- Lot 249
- Lot 251
- Lot 254
- Lot 255
- Lot 264
- Lot 268
- Lot 279A
- Lot 279B
- Lot 279C
- Lot 312
- Lot 313
- Lot 318
- Lot 327
- Lot 328
- Lot 329
- Lot 333
- Lot 336
- Lot 337
- Lot 354
- Lot 355
- Lot 361
- Lot 362
- Lot 365
- Lot 366
- Lot 368

Future Lots within The Saguaro Forest that may be added from time to time.

(c) On-lot vehicle turnarounds, as described in Section 6.16 of these Guidelines, are required for the following specific Lots:

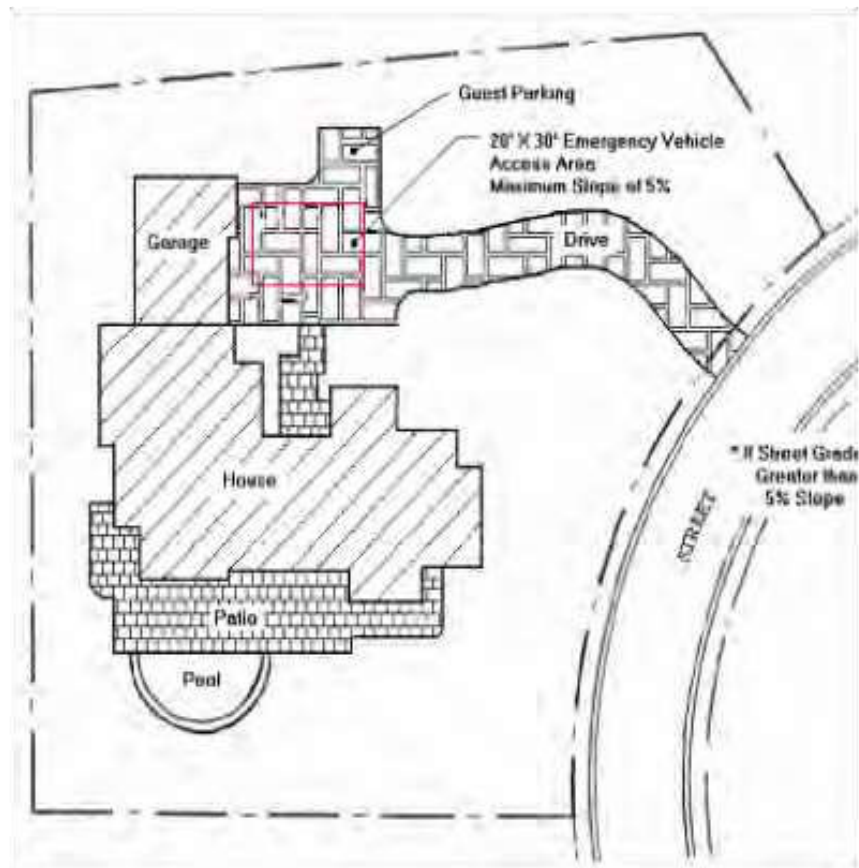
- Lot 38
- Lot 40
- Lot 41
- Lot 42
- Lot 43
- Lot 44
- Lot 45
- Lot 46
- Lot 47
- Lot 65
- Lot 66
- Lot 67
- Lot 68
- Lot 69
- Lot 70
- Lot 71
- Lot 72
- Lot 73
- Lot 74
- Lot 75
- Lot 76
- Lot 105
- Lot 106
- Lot 107
- Lot 238
- Lot 239
- Lot 240
- Lot 353
- Lot 355
- Lot 361

Future Lots within The Saguaro Forest that may be added from time to time.

(d) An “On-Lot Emergency Vehicle Access Area”, as illustrated below, is required for the following specific Lots if the grade of the street at the point of intersection with the driveway is steeper than a five percent (5%) slope. The On-Lot Emergency Vehicle Access Area shall not slope greater than five percent (5%) and may be located within the driveway, guest parking or auto courtyard area.

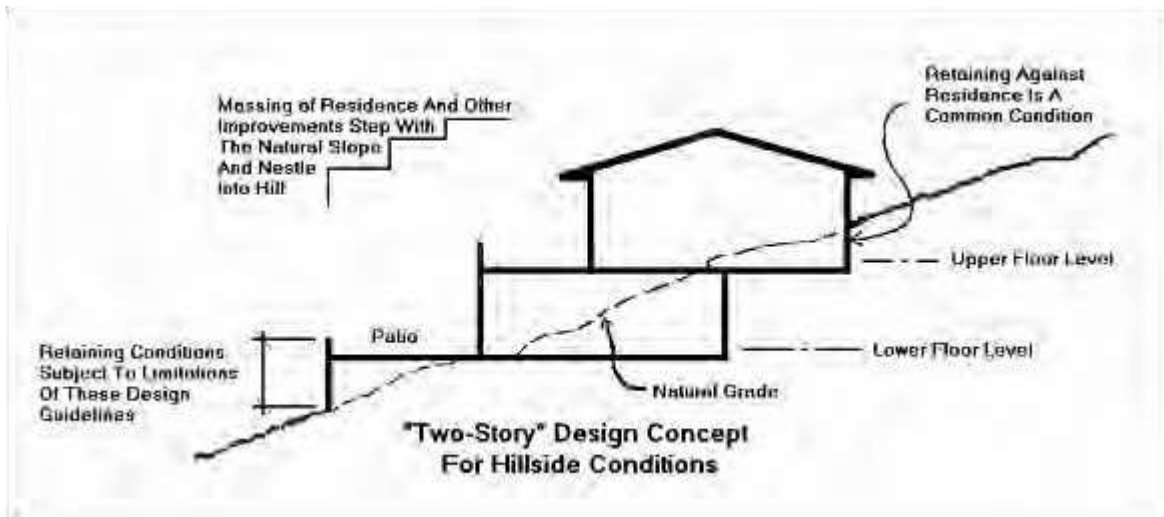
- Lots 163 through 208 (inclusive) when applicable conditions exist.
- Lots 280 through 324 (inclusive) when applicable conditions exist.

- Additional Lots which may be required by the City of Scottsdale Fire Department in the future.
- Future Lots within The Saguaro Forest that may be added from time to time.



### 25.11 SPECIAL DESIGN CRITERIA – MULTI-LEVEL DESIGN REQUIREMENTS

Some Lots are unique in that the topographic change within the Building Envelope is significant enough to require a two-story or multi-level design solution on these specific Lots. For the purpose of this Special Criteria, two-story” shall mean a two or more level home designed into the slope of the Lot such that the upper floor level is generally at the same elevation as natural grade on the high side and the lower floor level is generally at the same elevation as natural grade on the low side, as further illustrated below.



The following specific Lots shall be required to have a “two-story” design solution as described above, unless otherwise approved by the Committee. The Committee may approve a single level design or a design with minimal floor elevation changes, provided the design meets the requirements and intent of these Guidelines in the opinion of the Committee. However, the Committee also reserves all rights to require a multi-level design solution or a full two-story design solution on these Lots if it deems appropriate in its sole discretion.

- Lot 110
- Lot 112
- Lot 114
- Lot 116
- Lot 117
- Lot 126
- Lot 127
- Lot 128
- Lot 129
- Lot 141
- Lot 142
- Lot 144
- Lot 146
- Lot 163
- Lot 164
- Lot 165
- Lot 170
- Lot 171
- Lot 172
- Lot 173
- Lot 174
- Lot 175
- Lot 176
- Lot 177
- Lot 192
- Lot 196
- Lot 197
- Lot 198
- Lot 200
- Lot 201
- Lot 241
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- Lot 329
- Lot 331
- Lot 332
- Lot 333
- Lot 336
- Lot 337
- Lot 338
- Lot 339
- Lot 340
- Lot 341
- Lot 342
- Lot 343
- Lot 347
- Lot 354
- Lot 347

Future Lots within The Saguaro Forest that may be added from time to time.

**25.12 SPECIAL DESIGN CRITERIA FOR INDIVIDUAL LOTS**

Numerous Lots within The Saguaro Forest present special site challenges, high visibility, environmental constraints and other unique conditions. These factors will require Special Design Criteria for these Lots in order to minimize the visual impact of the Improvements and to integrate the Improvements into the existing site conditions. Therefore, the following Special Design Criteria are hereby established for the Lots listed below. The Committee will review the design of the Improvements on these Lots with special attention to attaining these goals and complying with the intent of the Special Design Criteria outlined.

**Lot 12**

Lot 12 is a unique Lot due to its adjacency to the Saguaro Forest entry feature and gatehouse. The goal of this Special Design Criteria for Lot 12 is to create a home that, for the most part, is not imposing or dominant when viewed from the Saguaro Forest entry feature and gatehouse. The Committee will review the design of the Residence and other improvements on this Lot with special attention to the following:

- (a) The design of the Residence and other Improvements on this Lot will be required to have a low profile. The Residence should appear to be only a single-story structure when viewed from the Saguaro Forest entry feature and gatehouse. This guideline for a low profile will also be a consideration of the Committee when evaluating the forms and shapes of the roofs.
- (b) The requirement for multiple exterior building materials shall be increased from a minimum of twenty percent (20%) to a minimum of forty percent (40%) of the exterior building surface to be constructed of a secondary complementing building material such as stone.
- (c) Although the design of the Improvements for Lot 12 are not required to match the design character of the Saguaro Forest entry feature and gatehouse, it is strongly encouraged. In any case, the Committee will not approve the design of a Residence for this Lot that is deemed by the Committee to be a strong contrast to the design of the Saguaro Forest entry feature and gatehouse.
- (d) Three (3) mature trees, in addition to those required by the Master Guidelines, are required to be planted on the south / southeast side of the Residence in a location approved by the Committee which minimizes the visual impact of the Residence and other Improvements as viewed from the Saguaro Forest entry feature and gatehouse.



**Lots 30 and 31**

Lots 30 and 31 are unique Lots in that the Developer constructed low flood walls along the eastern edge of the Building Envelopes for these Lots in order to ensure that the finished floor levels of the proposed Residences would be above the potential one hundred (100) year flood level as required by City ordinance. The goal of these Special Design Criteria for Lots 30 and 31 is to integrate the existing floodwalls into the site design of the Improvements.

- (a) The existing floodwalls shall be integrated into the design of the Improvements in such a manner that the floodwalls appear to be integrated into the design of the entire site. The floodwalls shall be finished to match the Improvements in appearance and character. The proposed design shall integrate the floodwalls such that the Improvements do not appear to be placed on a flat pad.
- (b) The floodwalls should be utilized as patio, terrace, pool or yard walls. The existing floodwalls can be raised and railings or other details can be added. All proposed changes must be submitted with the Preliminary Design Submittal for approval by the Committee.
- (c) The Owner may make changes to the existing floodwall, provided a hydrology report is submitted to the Committee that demonstrates that no detrimental impact is caused to the floodwall or the drainage protection system by the proposed changes.
- (d) Clarification of Height Guidelines for Lots 30 and 31: For the purpose of measuring and evaluating Height Guidelines 7.4(b), 7.4(e) and 7.4(i) of these Guidelines, natural grade shall be interpreted by the Committee as the finished grade improved by the Developer with the initial construction of the infrastructure.

**Lot 49**

Lot 49 is surrounded on three sides by the Geronimo Golf Course. The goal of these Special Design Criteria for Lot 49 is to create a home that, in part is, not imposing or dominant when viewed from the Geronimo Golf Course.

- (a) The design of the Improvements on this Lot will be required to have a low profile. The Improvements should appear to be only a single-story structure when viewed from any point on the Geronimo Golf Course even though the floor levels of the structure may vary considerably. This guideline for a low profile will also be a consideration of the Committee when evaluating the forms and shapes of the roofs.
- (b) This Lot is located on a knoll. In order to nestle the house into the knoll-like landform, the primary floor level should be kept as low as possible and the

knoll will be required to be significantly lowered to minimize the impact of the Residence and other Improvements on the adjacent golf course.

- (c) The requirement for multiple exterior building materials shall be increased from a minimum of twenty percent (20%) to a minimum of forty percent (40%) of the exterior building surface to be constructed of a secondary complementing building material such as stone.
- (d) In order to minimize the visual impact of the home on this prominent site, the design of the Residence shall require a combination of pitched and flat roofs. This combination of roof forms shall attempt to minimize the scale and massing of the home. An all-parapet or an all-flat roof design will not be allowed, unless otherwise approved by the Committee. The massing, form and shape of the roofs shall attempt to minimize the scale and massing of the home.
- (e) The Light Reflective Value (LRV) of any exterior building surface shall be a maximum of twenty-eight (28).
- (f) In order to minimize unnecessary glare, all glass and windows (or window assemblies) larger than thirty feet (30'-0") in surface area shall be located under deep overhangs or shall be deeply recessed in such a manner that they will not reflect the sun.
- (g) Two (2) visual simulations shall be a requirement for the Preliminary Design Submittal for Lot 49. The viewpoints for these simulations shall be: 1) taken from the southern portion of the #14 Fairway of the Geronimo Golf Course looking toward this Lot, and 2) taken from the #11 Fairway / Green of the Geronimo Golf Course looking toward this Lot.

**Lot 95**

Lot 95 is located immediately south of the 18th Green and Chiricahua Clubhouse. The goal of these Special Design Criteria is to create a home that has minimal visual impact when viewed from the Chiricahua Clubhouse.

- (a) The design of the Improvements on this Lot will be required to have a low profile as viewed from the Chiricahua Clubhouse. The Improvements should appear to be not greater than a single-story structure when viewed from the Chiricahua Clubhouse even though the floor levels of the structure may vary considerably.
- (b) This Lot has significant elevation changes within the Building Envelope. In order to nestle the house into the knoll-like landform, the primary floor level should be kept as low as possible. The northern face of the home will be required to be buried into the hillside with retaining walls, unless otherwise approved by the Committee.

- (c) For building walls that face the Chiricahua Clubhouse, the maximum exposed wall height shall be further restricted to a maximum unbroken height of fourteen feet (14'-0"), unless otherwise approved by the Committee.
- (d) The Light Reflective Value (LRV) of any exterior building surface shall be a maximum of twenty-eight (28).
- (e) Due to concerns regarding reflectivity, metal roofing materials will not be allowed on this Lot.
- (f) Three (3) mature trees, in addition to those required elsewhere in the Guidelines (see Section 9.4), must be planted on the north / northwest side of the Residence in a location approved by the Committee which minimizes the visual impact of the Improvements as viewed from the Chiricahua Clubhouse.
- (g) A visual simulation shall be a requirement for the Preliminary Design Submittal for Lot 95. The viewpoint for this simulation shall be taken from the location of the Chiricahua Clubhouse looking toward this Lot.

**Lot 100**

Lot 100 has steep slopes and high visibility from all of the Desert Mountain community. The goal of this Special Design Criteria for Lot 100 is to create a home that, for the most part, is not noticeable, dominant or eye-catching when viewed from the surrounding community below.

- (a) The design of the Improvements will be required to have a low profile. The Improvements should appear to be only a single-story structure when viewed from any point within the Desert Mountain community even though the floor levels of the structure may vary considerably. This guideline for a low profile will also be a consideration of the Committee when evaluating the forms and shapes of the roofs.
- (b) This Lot has significant elevation changes within the Building Envelope. In order to nestle the house into the knoll-like landform, the primary floor level should be kept as low as possible. The northern face of the home will be required to be buried into the hillside with retaining walls, unless otherwise approved by the Committee.
- (c) The requirement for multiple exterior building materials shall be increased from a minimum of twenty percent (20%) to a minimum of forty percent (40%) of the exterior building surface to be constructed of a secondary complementing building material such as stone.

- (d) In order to minimize the visual impact of the home on this prominent site, the design of the Residence shall require a combination of pitched and flat roofs. This combination of roof forms shall attempt to minimize the scale and massing of the home. An all-parapet or an all-flat roof design will not be allowed, unless otherwise approved by the Committee. The massing, form and shape of the roofs shall attempt to minimize the scale and massing of the home.
- (e) The Light Reflective Value (LRV) of any exterior building surface shall be a maximum of twenty-eight (28).
- (f) In order to minimize unnecessary glare, all glass and windows (or window assemblies) larger than thirty feet (30'-0") in surface area shall be located under deep overhangs or shall be deeply recessed in such a manner that they will not reflect the sun.
- (g) A visual simulation shall be a requirement for the Preliminary Design Submittal. The viewpoint for this simulation shall be taken from the location of the #7 Green of the Chiricahua Golf Course looking toward this Lot.

**Lot 116**

Lot 116 has steep topographic conditions and unusual visual landforms in and around the Building Envelope. The goal of these Special Design Criteria for Lot 116 is to create a home that responds to and integrates with the existing terrain of the Lot.

- (a) The design of the Improvements will be required to integrate the knoll (or high point of the site) into the architectural and site design solution.
- (b) The portion of the home adjacent to the knoll will be required to be buried into the slopes of the knoll with uphill retaining walls in order to preserve the knoll in an undisturbed state, unless otherwise approved by the Committee. Multiple floor levels may also provide appropriate integration into the side of the knoll.
- (c) No construction or disturbance of any type shall be allowed on the top of this knoll or outside of the Building Envelope.

**Lot 119**

Lot 119 has significant, large boulders and boulder outcroppings within the Building Envelope. The goal of these Special Design Criteria for Lot 119 is to create a home that integrates the existing boulder and rock outcroppings into the design of the Improvements.

- (a) The Committee strongly encourages designs that integrate the boulders and rock outcroppings in their natural location within the architectural and

site design, including those boulders located within the Building Envelope. Any boulders within the Building Envelope displaced by construction must be carefully moved without scarring or damage. Any displaced boulders shall be relocated in a natural placement elsewhere on the Lot and within the Building Envelope.

- (b) No boulders or rock outcroppings outside the Building Envelope may be moved, disturbed or scarred.

### **Lot 174**

Lot 174 has steep slopes and high visibility from the Chiricahua Golf Course and the surrounding Desert Mountain community and requires a special design solution. Therefore, additional design guidelines and restrictions listed below. The goal of this Special Design Criteria for Lot 174 is to create a home that, for the most part, is not noticeable, dominant or eye-catching when viewed from the golf course or surrounding community below.

- (a) This Lot has significant topographic changes within the Building Envelope and, therefore, shall be subject to a requirement for a two-story or multi-level design solution. Although a multi-level or two-story structure is required, the scale and proportions of the design should break down the massing of the Residence with the intent to nestle the house into the sloping landform to minimize its visual impact on the overall community. The northern face of the home will be required to be buried into the hillside with retaining walls, unless otherwise approved by the Committee. Refer to Section 25.11 for more information.
- (b) In order to minimize the visual impact of the home on this prominent site, the design of the Residence shall require a combination of pitched and flat roofs. This combination of roof forms shall attempt to minimize the scale and massing of the home. An all-parapet or an all-flat roof design will not be allowed, unless otherwise approved by the Committee. The massing, form and shape of the roofs shall attempt to minimize the scale and massing of the home.
- (c) The requirement for multiple exterior building materials shall be increased from a minimum of twenty percent (20%) to a minimum of forty percent (40%) of the exterior building surface to be constructed of a secondary complementing building material such as stone, unless, otherwise approved by the Committee.
- (d) The Light Reflective Value (LRV) of any exterior building surface shall be a maximum of twenty-eight (28).
- (e) In order to minimize unnecessary glare, all glass and windows (or window assemblies) larger than thirty feet (30'-0") in surface area shall be located

under deep overhangs or shall be deeply recessed in such a manner that they will not reflect the sun.

- (f) A visual simulation shall be a requirement for the Preliminary Design Submittal for Lot 174. The viewpoint for this simulation shall be taken from a vantage point located southwest of this Lot looking toward the proposed Improvements.

### **Lot 185**

The Building Envelope is located on a prominent knoll with steep slopes on all sides. The goal of this Special Design Criteria for Lot 185 is to create a home that nestles into the site and does not appear perched or overbearing on this unique landform.

- (a) Due to the topographic conditions, the knoll/ridge within the Building Envelope will be required to be cut down significantly in order to nestle the Improvements into the terrain without excessive retaining conditions on two or more sides.
- (b) To maximize the impact of retaining walls, the maximum retaining wall height for Lot 185 shall be six feet (6'-0"), unless otherwise approved by the Committee.
- (c) The design of the Improvements will be required to have a low profile. The Improvements should appear to be only a single-story structure when viewed from any point within the Desert Mountain community even though the floor levels of the structure may vary considerably. This guideline for a low profile character will also be a consideration of the Committee when evaluating the forms and shapes of the roofs.
- (d) In order to minimize the visual impact of the home on this prominent site, the design of the Residence shall require a combination of pitched and flat roofs. This combination of roof forms shall attempt to minimize the scale and massing of the home. An all-parapet or an all-flat roof design will not be allowed, unless otherwise approved by the Committee. The massing, form and shape of the roofs shall attempt to minimize the scale and massing of the home.

### **Lots 196, 197 and 198**

Lots 196, 197 and 198 have steep slopes and high visibility from all of the Desert Mountain community. The goal of these Special Design Criteria is to create homes that, for the most part, are not dominant or eye-catching when viewed from the surrounding community below.

- (a) These Lots have significant topographic changes within their respective Building Envelopes and, therefore each of these Lots require a two-story or

multi-level design solution. The intent is to nestle the house into the steeply sloping landform to minimize its visual impact on the overall community. Refer to Section 25.11 for more information.

- (b) The requirement for multiple exterior building materials shall be increased from a minimum of twenty percent (20%) to a minimum of forty percent (40%) of the exterior building surface to be constructed of a secondary complementing building material such as stone, unless otherwise approved by the Committee.
- (c) The Light Reflective Value (LRV) of any exterior building surface shall be a maximum of twenty-eight (28).
- (d) In order to minimize unnecessary glare, all glass and windows (or window assemblies) larger than thirty feet (30'-0") in surface area shall be located under deep overhangs or shall be deeply recessed in such a manner that they will not reflect the sun.

### **Lot 233**

Lot 233 has steep slopes, a narrow building envelope and high visibility from all of the Desert Mountain community. The goal of this Special Design Criteria is to create a home that is not noticeable, dominant or eye-catching when viewed from the surrounding community below.

- (a) The design of the Improvements on this Lot will be required to have a low profile. The Improvements should appear to be only a single story structure when viewed from any point within the Desert Mountain community even though the floor levels of the structure may vary considerably. This guideline for a low profile will also be a consideration of the Committee when evaluating the forms and shapes of the roofs.
- (b) In order to minimize the height and scale of the Improvements, the maximum Sloping Height limitation, as described in Section 7.4(b), is reduced from twenty-four feet (24'-0") to twenty-one feet (21'-0") above natural grade.
- (c) Due to the topographic conditions and the fact that the Lot slopes away from the Building Envelope significantly on three sides, the ridge within the Building Envelope will be required to be cut down significantly in order to nestle the Improvements into the terrain without excessive, exposed, retaining conditions on the east, south and west sides. Special attention will need to be paid to the garage location and its associated grade in order for the primary level of the home to work with the elevation of the driveway, which is located on the higher side to the north.
- (d) In order to minimize the visual impact of potential exposed retaining walls, the maximum exposed retaining wall height on the east, south and west

sides shall be six feet (6'-0") in height as measured from finished grade to the top of the wall. Multiple-terraced retaining walls may not be used. It may be necessary to place the finished floor elevation at a lower elevation in order to comply with these criteria.

- (e) The requirement for multiple exterior building materials shall be increased from a minimum of twenty percent (20%) to a minimum of forty percent (40%) of the exterior building surface to be constructed of a secondary complementing building material such as stone.
- (f) In order to minimize the visual impact of the home on this prominent site, the design of the Residence shall require a combination of pitched and flat roofs. This combination of roof forms shall attempt to minimize the scale and massing of the home. An all-parapet or an all-flat roof design will not be allowed, unless otherwise approved by the Committee. The massing, form and shape of the roofs shall attempt to minimize the scale and massing of the home.
- (g) The LRV of any exterior building surface shall be a maximum of twenty-eight (28).
- (h) In order to minimize unnecessary glare, all glass and windows (or window assemblies) larger than thirty feet (30'-0") in surface area shall be located under deep overhangs (4' minimum) or shall be deeply recessed (24" minimum) in such a manner that they will not reflect the sun.
- (i) An emergency vehicle turnaround, designed to the satisfaction of the City of Scottsdale and City Fire Department, is required within the Building Envelope. Such turnaround may be configured with the driveway or auto court area.
- (j) Driveway lights, if any, shall be completely shielded such that the light source is not visible from any other property.
- (k) Two visual simulations shall be a requirement for the Preliminary Design Submittal. The viewpoints for these simulations shall be taken from the southwest and the southeast looking toward this Lot at points designated by the Design Review Manager at the time of the Pre-Design Meeting.

### **Lots 238 and 240**

Lots 238 and 240 are unique due to their proximity to the Chiricahua Golf Clubhouse, therefore, additional design guidelines and restrictions, as listed below, are hereby established. The goal of these Special Design Criteria for Lots 238 and 240 is to create homes that match the character and style of the Chiricahua Golf Clubhouse, in the opinion of the Committee.



- (a) The design character and style of the Improvements are required to match the design character and style of the Chiricahua Golf Clubhouse. The design shall include similar detailing, materials, forms, colors, and character as the Chiricahua Golf Clubhouse.
- (b) Lots 238 and 240 are specifically given an exception to Section 25.5. The minimum distance between homes or buildings on adjacent lots for Lots 238 and 240 is twenty feet (20'-0").
- (c) In order to create a building scale appropriate for the location next to the Chiricahua Golf Clubhouse, these Lots are specifically given an exception to the maximum Sloping Height limitation. The maximum Sloping Height limitation of these guidelines shall not apply to Lots 238 and 240. The Maximum Building Height Elevation shall remain and shall not be exceeded.
- (d) Three (3) mature trees, in addition to those required in the Guidelines (see Section 9.4), are required to be planted on the northwest side of each Residence along Saguaro Forest Drive in locations approved by the Committee. The locations of these trees shall be placed to minimize the visual impact of the Residence and other Improvements as viewed from Saguaro Forest Drive.
- (e) Each Lot shall be required to provide a vehicle turnaround area within the driveway or auto court which is sufficient to turn a full-sized automobile around within the Lot such that the automobile can access the street in a forward direction and not have to back out onto the street.

**Lot 241**

Lot 241 has steep slopes and high visibility from all of the Desert Mountain community. The goal of this Special Design Criteria is to create a home that is not noticeable, dominant or eye-catching when viewed from the surrounding community below.

- (a) The design of the Improvements on this Lot will be required to have a low profile. The Improvements should appear to be a single-story structure when viewed from the south and from the Chiricahua Golf Clubhouse, even though the floor levels of the structure may vary considerably. This guideline for a low profile will also be a consideration of the Committee when evaluating the forms and shapes of the roofs.
- (b) This Lot has significant elevation changes within the Building Envelope. In order to nestle the house into the knoll-like landform, the primary floor level should be kept as low as possible. The eastern/southeastern face of the home will be required to be buried into the hillside with retaining walls, unless otherwise approved by the Committee. A "two-story" design solution is required. Refer to Section 25.11 for more information.

- (c) The requirement for multiple exterior building materials shall be increased from a minimum of twenty percent (20%) to a minimum of forty percent (40%) of the exterior building surface to be constructed of a secondary complementing building material such as stone.
- (d) In order to minimize the visual impact of the home on this prominent site, the design of the Residence shall require a combination of pitched and flat roofs. This combination of roof forms shall attempt to minimize the scale and massing of the home. An all-parapet or an all-flat roof design will not be allowed, unless otherwise approved by the Committee. The massing, form and shape of the roofs shall attempt to minimize the scale and massing of the home.
- (e) The LRV of any exterior building surface shall be a maximum of twenty-eight (28).
- (f) In order to minimize unnecessary glare, all glass and windows (or window assemblies) larger than thirty feet (30'-0") in surface area shall be located under deep overhangs (4' minimum) or shall be deeply recessed (24" minimum) in such a manner that they will not reflect the sun.
- (g) A visual simulation shall be a requirement for the Preliminary Design Submittal. The viewpoint for this simulation shall be taken from the location of the #18 fairway of the Chiricahua Golf Course looking toward this Lot.

**Lots 242 through 255**

Lots 242 through 255 are in a mountain canyon combined with steep slopes and high visibility. The goal of this Special Design Criteria is to create homes that, for the most part, are not noticeable, dominant or eye-catching when viewed from the surrounding community below.

- (a) Each of these specific Lots has significant elevation changes within their respective Building Envelopes. In order to nestle each house into the natural landforms, the primary floor level of the Residence should be kept as low as possible. This may often result in one or more faces of the structure being buried into the hillside with retaining walls. A "two-story" design solution is required for Lots 242, 243, 244, 246, 247, 248, 249, 250, 251, 252, 253, 254 and 255. Refer to Section 25.11 for more information.
- (b) The LRV of any exterior building surface shall be a maximum of twenty-eight (28), unless otherwise approved by the Committee.
- (c) An emergency vehicle turnaround, designed to the satisfaction of the City of Scottsdale and City Fire Department, is required within the Building Envelope of Lots 243, 244, 246, 247, 248, 249, 250, 251, 254 and 255. Such turnaround may be configured within the driveway or auto court area.

- (d) Driveway lights, if any, shall be completely shielded such that the light source is not visible from any property.
- (e) In order to minimize unnecessary glare, all glass and windows (or window assemblies) larger than thirty feet (30'-0") in surface area shall be located under deep overhangs (4' minimum) or shall be deeply recessed (24" minimum) in such a manner that they will not reflect the sun.

**Lot 267**

Lot 267 is unique due to significant, large boulders and boulder outcroppings within and immediately adjacent to the Building Envelope. The goal is to create a home that integrates the existing boulder and rock outcroppings into the design of the Improvements.

- (a) The Committee strongly encourages designs that integrate the boulders and rock outcroppings in their natural location within the architectural and site design, including those boulders located within the Building Envelope. Any boulders within the Building Envelope displaced by construction must be carefully moved without scarring or damage. Any displaced boulders shall be relocated in a natural placement elsewhere on the Lot and within the Building Envelope.
- (b) No boulders or rock outcroppings outside the Building Envelope may be moved, disturbed or scarred, unless otherwise approved by the Committee.

**Lot 276**

Lot 276 is unique due to the significant boulder outcroppings on and adjacent to this Lot. The goal of these Special Design Criteria is to create improvements that harmonize with the natural boulder features and blend with the natural terrain. The Committee discourages designs that dominate or strongly contrast this spectacular natural setting.

- (a) The Committee strongly encourages designs that integrate the boulders and rock outcroppings in their natural location within the architectural and site design, including those boulders located within the Building Envelope. Any boulders within the Building Envelope displaced by construction must be carefully moved without scarring or damage. Any displaced boulders shall be relocated in a natural placement elsewhere on the Lot and within the Building Envelope.
- (b) No boulders or rock outcroppings outside the Building Envelope may be moved, disturbed or scarred, unless otherwise approved by the Committee.
- (c) No lighting may be directed on to the significant boulder formations on either side of the Building Envelope.

- (d) The requirement for multiple exterior building materials shall be increased from a minimum of twenty percent (20%) to a minimum of forty percent (40%) of the exterior building surface to be constructed of a secondary complementing building material such as stone.
- (e) The Light Reflective Value (LRV) of any exterior building surface shall be a maximum of twenty-eight (28).

**Lots 279A, 279B and 279C**

Lots 279A, 279B and 279C are required to be held in single ownership and developed as an integrated complex of Improvements. The goal of these Special Design Criteria is to create a harmonious, cohesive and integral complex of Improvements.

- (a) As further described in the Declaration and other documents, Lots 279A, 279B and 279C shall be considered as a “single” lot with the ability to develop the lot with a collection of compatible buildings, structures and other Improvements. The Committee shall consider and review any application on these three lots, as though it were one project and shall apply the Design Guidelines as such.
- (b) The architectural theme, style and character of all Improvements on these three lots must be consistent.
- (c) Each of the individual lots in this complex, as delineated and described on the recorded Plat, including any amendments, shall be limited to the following:
  - One (1) single-family residence, as defined by the City of Scottsdale Zoning Ordinance, per lot.
  - One (1) detached Guesthouse, as defined by the City of Scottsdale Zoning Ordinance, per lot.
  - One (1) detached accessory building, as defined by the City of Scottsdale Zoning Ordinance, per lot.

The Committee will allow a lesser-use structure to replace a higher-use structure in the limitations noted above. For example, an additional Guesthouse (lesser use) may be constructed instead of a single-family residence (higher use) or an additional accessory building (lesser use) may be constructed instead of a Guesthouse (higher use) or a single-family residence (higher use), provided at least one (1) single-family residence is constructed on the combination of the three (3) lots.

- (d) One (1) single-family residence on the combination of the three (3) lots shall be allowed up to, but may not exceed, sixteen thousand (16,000) square feet of enclosed area, including any unconditioned enclosed spaces such as an attached garage, unless otherwise approved by the Committee.

- (e) If additional single-family residences are constructed on the combination of the three (3) lots, each such additional single-family residence shall not exceed five thousand (5,000) square feet in enclosed area, including any unconditioned enclosed spaces such as an attached garage, unless otherwise approved by the Committee.
- (f) A detached Guesthouse may not exceed three thousand (3,000) square feet, including any unconditioned enclosed spaces, unless otherwise approved by the Committee.
- (g) One (1) detached accessory building may be allowed up to, but not exceeding, four thousand (4,000) square feet, unless otherwise approved by the Committee. Any additional detached accessory building may be allowed up to but not exceeding one thousand five hundred (1,500) square feet each, unless otherwise approved by the Committee.
- (h) Sport/tennis courts will not be allowed.
- (i) Equestrian uses will not be allowed.
- (j) Attached or free-standing garage(s) that house more than four (4) vehicles will be required to be designed in such a manner that the appearance of the garage doors and driveway areas is mitigated and generally hidden from view from Adjacent Lots and the golf course in a manner as deemed acceptable by the Committee.
- (k) The City of Scottsdale shall view these three (3) lots as individual lots for the purposes of permits, setbacks and regulations, therefore each individual lot will need to respect the applicable setback criteria from all property lines, including the interior property lines.
- (l) The Committee shall consider at the request of the Owner, an application to reconfigure the interior property lines. Such a request shall be based on the Owners desire to develop these three lots in a logical and well-planned manner. Any such reconfiguration of lot lines requires the approval of the Committee, the Association and the City of Scottsdale. Such application shall not require approval of Owners of Adjacent Properties, provided that all improvements occur within the Original Building Envelope.

**Lot 289**

Lot 289 has steep slopes and a defined, narrow saddle within a mountain foothill ridgeline. The goal of this Special Design Criteria is to create a home that nestles appropriately into the natural saddle in the dominant ridge.

- (a) This Lot has significant topographic changes within its Building Envelope and, therefore requires a two-story or multi-level design solution. The intent is to nestle the Improvements into the defined saddle in such a way as to

have minimal visual disturbance to the existing natural landform. The building form and roof massing should complement the natural terrain and not visually overpower the natural ridgeline. Refer to Section 25.11 for more information.

- (b) The natural ridgeline on either side of the Building Envelope (east side and west side) will be required to be retained on each side of the house in such a manner that the house will naturally and integrally nestle into the existing landform. This will likely result in the finished floor level of the home being significantly cut into the saddle of the ridge and the finished floor level will be located below the elevation of the retained ridge line on either side of the Residence.

**Lots 285, 286, 287, 296, 297, 305, 325, 330, 335 and 338 - Knoll Lots**

Lots 285, 286, 287, 296, 297, 305, 325, 330, 335 and 338 have Building Envelopes that are located on prominent, well-defined knolls with steep slopes on all (or almost all) sides. The goal of this Special Design Criteria is to create homes that nestle into their sites and do not appear perched, lifted or overbearing on the unique knoll landforms.

- (a) Due to the topographic conditions, the knoll landform within the Building Envelope will be required to be cut down significantly in order to nestle the Improvements into the terrain without excessive downhill retaining conditions on three or more sides. By cutting down the knoll, and hauling away the resulting export earth material, the house will have smaller-scale walls and less exposed retaining walls. It will, therefore, fit better with the natural terrain and appear less perched.
- (b) The Committee will pay particular attention to the design of retaining walls with the intent to minimize exposed retaining walls to the greatest extent possible. Retaining walls shall be designed as an integral part of the style, form, and massing of the house to create a seamless integration of Residence and retaining walls. Random retaining walls will not be allowed. Retaining walls that arbitrarily follow the Building Envelope will not be allowed. Double-tiered retaining walls will not be allowed, unless otherwise approved by the Committee. The Committee may require the use of textural materials, such as stone or masonry, on all or portions of retaining walls in an attempt to minimize the visual impact of these walls.
- (c) In order to minimize the visual impact of each Residence and their associated Improvements on these prominent sites, the design of each Residence shall utilize a combination of pitched and flat roofs. This combination of roof forms shall attempt to minimize the scale and massing of the home. An all parapet or an all-flat roof design will not be allowed, unless otherwise approved by the Committee.

- (d) Special attention and consideration needs to be given to the challenges and constraints of constructing on these steeply sloping Lots. Prior to commencing construction, the Builder shall be required to submit to the Committee an Earthwork Management Plan and a Slope Protection Plan. The Earthwork Management Plan shall outline the strategy and procedures for grading, excavation, exporting of material, and other earthwork considerations. The Slope Protection Plan shall outline the strategy and procedures for protection of the steep slopes outside of the Building Envelope to ensure that spoils, earthwork, erosion or construction materials and methods do not damage or roll down the steep slopes. No Construction Authorization Certificate will be issued until the Committee approves these plans.

**Lots 280, 281, 292, 293, 320, 323, 327, 334, 337, 342 and 347 - Ridge Lots**

Lots 280, 281, 292, 293, 320, 323, 327, 334, 337, 342 and 347 have Building Envelopes that are located on prominent, well-defined ridges that are relatively narrow with steep slopes on at least two sides. The goal of this Special Design Criteria is to create homes that nestle into their sites and do not appear perched or overbearing on the unique ridge landforms.

- (a) Due to the topographic conditions of these Lots, the ridge within the Building Envelope will be required to be cut down significantly in order to nestle the Improvements into the terrain without excessive retaining conditions on the downhill sides of the Building Envelope. By cutting down the ridge, and hauling away the resulting export earth material, the house will have smaller-scale walls and less exposed retaining walls. It will, therefore, fit better with the natural terrain and appear less perched.
- (b) The Committee will pay particular attention to the design of retaining walls with the intent to minimize exposed retaining walls to the greatest extent possible. Retaining walls shall be designed as an integral part of the style, form and massing of the house to create a seamless integration of Residence and retaining walls. Random retaining walls will not be allowed. Retaining walls that arbitrarily follow the Building Envelope will not be allowed. Double-tiered retaining walls are not recommended and will require specific approval by the Committee. The Committee may require the use of textural materials, such as stone or masonry, on all or portions of retaining walls in an attempt to minimize the visual impact of these walls.
- (c) In order to minimize the visual impact of the homes on these prominent sites, the design of each Residence shall utilize a combination of pitched and flat roofs. This combination of roof forms shall attempt to minimize the scale and massing of the home. An all parapet or an all-flat roof design will not be allowed, unless otherwise approved by the Committee.
- (d) Special attention and consideration needs to be given to the challenges and constraints of constructing on steeply sloping Lots. Prior to commencing

construction, the Builder shall be required to submit to the Committee an Earthwork Management Plan and a Slope Protection Plan. The Earthwork Management Plan shall outline the strategy and procedures for grading, excavation, exporting of material, and other earthwork considerations for each specific Lot subject to this paragraph. The Slope Protection Plan shall outline the strategy and procedures for protection of the steep slopes outside of the Building Envelope to ensure that spoils, earthwork, erosion or construction materials and methods do not damage or roll down the steep slopes. No Construction Authorization Certificate will be issued until the Committee approves these plans.

### **Lots 310, 324, 339, 340 and 341- Steep Lots**

Lots 310, 324, 339, 340 and 341 have steep topography within the Building Envelopes as well as steep slopes surrounding the Building Envelopes. The goal of these Special Design Criteria is to create homes that are not dominant or eye-catching when viewed from the surrounding community below and that sensitively integrate into the steep terrain.

- (a) These Lots have significant topographic changes within their respective Building Envelopes and, therefore, each of these lots require a two-story or multi-level design solution. The intent is to nestle the house into the steeply sloping landform to minimize its visual impact on the overall community. Refer to Section 25.11 for more information.
- (b) Special attention and consideration needs to be given to the challenges and constraints of constructing on steeply sloping Lots, such as these. Prior to commencing construction, the Builder shall be required to submit to the Committee an Earthwork Management Plan and a Slope Protection Plan. The Earthwork Management Plan shall outline the strategy and procedures for grading, excavation, exporting of material, and other earthwork considerations for each specific Lot subject to this paragraph. The Slope Protection Plan shall outline the strategy and procedures for protection of the steep slopes outside of the Building Envelope to ensure that spoils, earthwork, erosion or construction materials and methods do not damage or roll down the steep slopes. No Construction Authorization Certificate will be issued until the Committee approves these plans.

### **Lots 311, 312, 314, 321 and 322 - Plateau Lots**

Lots 311, 312, 314, 321 and 322 have Building Envelopes that are located on small, well-defined landforms set on steeply sloping hillside sites and require special design solutions. The goal of this Special Design Criteria is to create homes that are not dominant or eye-catching when viewed from the surrounding community below and that sensitively integrate into the steep terrain.

- (a) Each of these specific Lots has significant elevation changes within their respective Building Envelopes. In addition, the slopes adjacent to the



Building Envelopes are even steeper. In order to nestle each house into the natural landforms, the primary floor level of the Residence should be kept as low as possible. This may often result in significant cuts as well as one or more faces of the structure being buried into the hillside with concealed retaining walls. This will likely result in a significant export of earth material as a result of the need to cut into the slopes. A “two-story” design solution is required for Lots 311, 312, 314 and 322. Refer to Section 25.11 for more information.

- (b) The Committee will pay particular attention to the design of retaining walls with the intent to minimize exposed retaining walls to the greatest extent possible. Retaining walls shall be designed as an integral part of the style, form and massing of the house to create a seamless integration of Residence and retaining walls. Random retaining walls will not be allowed. Retaining walls that arbitrarily follow the Building Envelope will not be allowed. The Committee may require the use of textural materials, such as stone or masonry, on all or portions of retaining walls in an attempt to minimize the visual impact of these walls.
- (c) Special attention and consideration needs to be given to the challenges and constraints of constructing on steeply sloping Lots, such as these. Prior to commencing construction, the Builder shall be required to submit to the Committee an Earthwork Management Plan and a Slope Protection Plan. The Earthwork Management Plan shall outline the strategy and procedures for grading, excavation, exporting of material, and other earthwork considerations for each specific Lot subject to this paragraph. The Slope Protection Plan shall outline the strategy and procedures for protection of the steep slopes outside of the Building Envelope to ensure that spoils, earthwork, erosion or construction materials and methods do not damage or roll down the steep slopes. No Construction Authorization Certificate will be issued until the Committee approves these plans.

#### **Lots 310, 311, 312, 313, 319, 320, 321, 322, 323 and 324**

Lots 310, 311, 312, 313, 319, 320, 321, 322, 323 and 324 are unique Lots in that they are located at a high elevation in the foothills with visibility to the community below and require special design solutions. Therefore, additional design guidelines and restrictions, as listed below, are hereby established. The goal of this Special Design Criteria is reduce the light reflective value (LRV) of colors used for these Lots.

- (a) The LRV of any exterior building surface shall be a maximum of twenty-eight (28).
- (b) In order to minimize unnecessary glare, all glass and windows (or window assemblies) larger than thirty square feet (30'-0" sq. ft.) in surface area shall be located under deep overhangs four feet (4'-0") minimum and shall

be deeply recessed (24" minimum) in such a manner that they will not reflect the sun.

### **Lots 348 - 368 "Cintarosa Ranch"**

Lots 348 through 368 in the Saguaro Forest, (also referred to as "Cintarosa Ranch"), are unique in that these Lots may be developed with either one-of-a-kind custom homes or Developer-Built Homes, therefore, additional design guidelines, restrictions and clarifications are listed below.

- (a) If an individual Owner desires to construct a custom home within Cintarosa Ranch, these Guidelines shall apply, including all supplements and amendments as may occur from time to time.
- (b) The maximum building size for a custom-built Residence or a Developer-Built Home within Cintarosa Ranch shall be eight-thousand five-hundred (8,500) square feet of total enclosed area, including garages, unless otherwise approved by the Committee. The topography, building setbacks and Building Envelope on each particular Lot may further restrict the allowable building size.
- (c) Due to the fact that the Developer has modified the natural grade for portions of Lots 348, 349, 350, 351, 352, 358, 359, 360, 362, 363, 367 and 368, the natural grade shall be interpreted by the Committee (for the purpose of measuring and evaluating Guideline requirements) as the finished grade improved by the Developer at time of initial sale to an Owner.
- (d) The Developer retains all rights, without the obligation, to construct Developer-Built Homes on Lots 348 through 368. Developer-Built Homes may utilize standardized plans and common architectural elements. Per the Declaration, the Developer is exempt from these Guidelines for their Developer-Built Homes, yet the Developer has a proven track record of quality residential design and construction that is appropriate to Desert Mountain.
- (e) A Developer-Built Homes and other associated Improvements that are constructed by the Developer as part of the Original Construction shall be deemed to comply with these Guidelines at the time the property is sold from the Developer to the initial Owner. Any discrepancies, inconsistencies or conflicts between these Guidelines and the Original Construction prior to that time shall be deemed approved in perpetuity and shall be allowed to remain and shall not be considered as violations to these Guidelines.
- (f) Any additions or Improvements to a Developer-Built Home after the initial sale from the Developer to the initial Owner shall be subject to these Guidelines, including any supplements and amendments as may occur from time to time.

- (g) Any addition or Improvements to the exterior of a Developer-Built Home shall match the color, texture, materials, techniques, details, appearance and character in such a manner as to match the Original Construction exactly, as determined by the Committee. This requirement shall specifically include, but not be limited to, the following:
- i. Roof tile – must match existing roof tile exactly including style, material, color, color blend, texture, size, pattern, mud-set technique, mortar color, flashing details, general appearance and character.
  - ii. Stone and/or manufactured stone – must match existing stone exactly including style, material, size, color, color blend, texture, pattern, mortar technique, mortar color, joint size, details, and corner pieces, massing character, general appearance and character.
  - iii. Stucco – just match existing stucco exactly including style, material, color, color blend, staining, texture, finish, general appearance and character.

**Lot 369 “The Ranch”**

Although Lot 369 is a platted lot and is currently annexed into the Desert Mountain Master Association and the Saguaro Forest Owners Association, except as expressly stated in the next paragraph, Lot 369 is not subject to these Guidelines, including any Supplements.

The Ranch Property (Lot 369) is currently owned by the Developer and, at Developer's sole discretion, may be used for a recreational facility or any other Club amenity, or may be sold and developed. Equestrian trails and other equestrian improvements may be installed on the Ranch Property at the sole discretion of the Developer, as part of a recreational use or other Club amenity. The Developer shall provide the Association and the Committee a separate set of design guidelines if and when the Ranch Property is sold. Therefore, in order to clearly document the Special Design Criteria for the Ranch Property, a separate set of design guidelines will be published under the title “The Ranch Design Guidelines” and will be incorporated into the Desert Mountain Master Design Guidelines.

## **SECTION 26 – SUPPLEMENTAL GUIDELINES FOR** **THE VILLAGE OF SUNSET CANYON**

### **26.1 INTRODUCTION**

The provisions of Section 26 apply only to Lots in the Village of Sunset Canyon and only specific Lots where indicated.

### **26.2 SETBACKS**

The minimum setbacks for each Lot are determined by the Amended Property Development Standards of the approved Zoning Districts that apply specifically to this project. The minimum setbacks are administered by the City of Scottsdale. The Village of Sunset Canyon has two (2) different zoning categories, each with their own set of Amended Property Development Standards and minimum setbacks. Therefore, the minimum setbacks will vary depending on the applicable zoning district for each specific Lot.

Complete setback information is available from the City. Listed below is an abbreviated summary of the minimum setbacks as required by the City; this only represents a summary of the setback information and the Owner is responsible for verifying all applicable setback information with the City. The established Building Envelopes may require greater setbacks than the minimum setbacks of the City approved for this project. The minimum City setbacks are not grounds for any increases or changes in the area or location of a Building Envelope.

#### **Minimum Setbacks for Lots:**

**1 to 14; 18 to 22; 30 to 32; 52 to 57; and 60 to 72:**

Setbacks for the R1-10 Zoning District are as described in the Amended Property Development Standards for the R1-10 Zoning District as approved in Case #31-ZN-93 by the City of Scottsdale.

- (a) Front, side or rear yards adjacent to a private street: ten feet (10'-0").
- (b) Side yards: A combined total of both side yards must be equal to or greater than ten feet (10'-0").
- (c) Rear yards: ten feet (10'-0")
- (d) Minimum distance between main buildings on adjacent Lots: ten feet (10'-0").
- (e) Minimum distance between a main building and an accessory building (including guesthouse) on the same Lot: five feet (5'-0").

- (f) Minimum distance from back of curb to face of garage door: twenty feet (20'-0").

**Minimum Setbacks for Lots:**

**15 to 17; 23 to 29; 33 to 51; and 58 to 59:**

Setbacks in the R-4R Zoning District are as described in the approved Desert Mountain Amended Property Development Standards for Detached Dwelling Unit Uses in the R-4R zoning district as approved in Zoning Case #31-ZN-92 by the City of Scottsdale.

- (a) Front, side or rear yards adjacent to a private street: ten feet (10'-0").
- (b) Side yards: A combined total of both side yards must be equal to or greater than ten feet (10'-0").
- (c) Rear yards: ten feet (10'-0").
- (d) Minimum distance between main buildings on adjacent Lots: ten feet (10'-0").
- (e) Minimum distance between a main building and an accessory building on the same Lot: eight feet (8'-0").
- (f) Minimum distance from back of curb to face of garage door: twenty feet (20'-0").

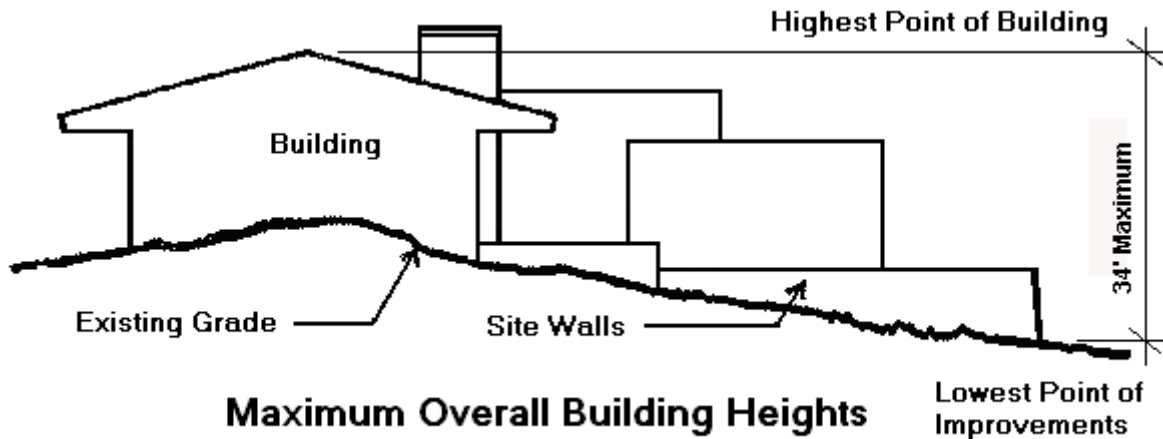
**26.3 BUILDING HEIGHTS**

- (a) Maximum Building Height Elevation: A Maximum Building Height Elevation has been established for each individual Lot as per the approved Building Envelope and NAOS Exhibit. No building or other Improvement, except for chimneys, may be constructed to a height higher than the Maximum Building Height Elevation. The Maximum Building Height Elevation is based on the topographic elevation measured from the Desert Mountain datum. The other height guidelines shall fall under the restrictions of the Maximum Building Height Elevation.

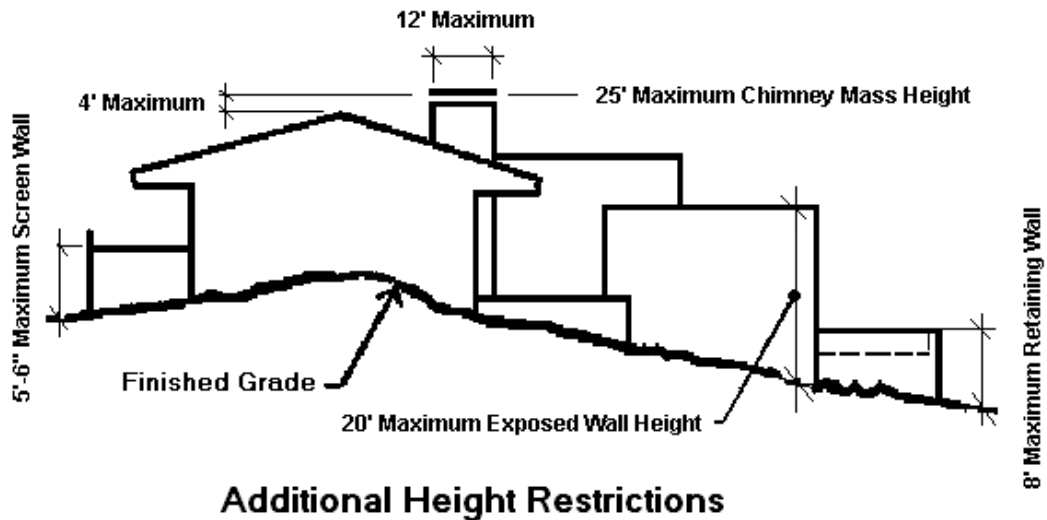
The Committee may from time to time consider requests for adjustments to the Maximum Building Height Elevations. The criteria for such variances will be design, logic and common sense. All such variances will be made at the sole discretion of the Committee.

Lot	Elevation	Lot	Elevation	Lot	Elevation
1	3327'	25	3450'/3440'	49	3547'
2	3328'	26	3482'	50	3515'
3	3336'	27	3492'	51	3462'
4	3331'	28	3480'	52	3443'
5	3337'	29	3467'	53	3428'
6	3350'	30	3456'	54	3411'
7	3348'	31	3447'	55	3406'
8	3364'	32	3445'	56	3420'
9	3364'	33	3467'	57	3432'
10	3379'	34	3493'	58	3479'
11	3385'	35	3485'	59	3476'
12	3375'	36	3500'	60	3444'
13	3396'	37	3489'	61	3423'
14	3386'	38	3533'	62	3418'
15	3406'	39	3534'	63	3402'
16	3430'	40	3545'	64	3394'
17	3420'	41	3522'	65	3382'
18	3406'	42	3517'	66	3368'
19	3399'	43	3542'	67	3354'
20	3414'	44	3551'	68	3340'
21	3423'	45	3543'	69	3327'
22	3433'	46	3527'	70	3311'
23	3446'	47	3520'	71	3302'
24	3462'	48	3516'	72	3294'

- (b) Overall Building Height: The overall height of an Improvement shall not exceed thirty-four feet (34'-0") measured in a vertical plane from the highest parapet or roof ridge to the natural grade at the lowest point adjacent to the building exterior inclusive of site retaining walls, patio walls, and pool walls. In special circumstances involving conditions, which do not conflict with applicable City ordinances, the Committee may approve, on a case-by-case basis and in its sole discretion, overall vertical dimensions which, may exceed the thirty-four foot (34'-0") limitation.



- (c) Chimney Mass: Chimneys may be constructed to a height not to exceed twenty-five feet (25'-0") measured vertically from the highest natural grade adjacent to the chimney mass. Unless otherwise approved by the Committee, the height of a chimney mass may not exceed four feet (4'-0") above the highest point within ten feet (10'-0") of that chimney mass. A chimney mass may not exceed an overall horizontal dimension of twelve feet (12'-0") in any one direction, unless otherwise specifically approved by the Committee.



**26.4 APPROVAL OF FINISHED COLORS**

All exterior finished colors must be approved by the Committee. Certain paint colors have been approved by the Committee, as described below. Other colors will be reviewed by the Committee based on their LRV and whether they are consistent with the Committee's goal for the Improvements to blend into the desert landscape, in general, and into the specific Village.

Repainting any structure with the same color that was previously approved by the Committee does not require Committee approval, although the Owner is required to notify the Committee of the painting and the color, on a form supplied by the Committee.

**26.5 APPROVED EXTERIOR PAINT COLORS**

The following paint colors are approved for exterior use on all Improvements. The maximum LRV of any exterior surface is thirty-two (32). Unless otherwise approved by the Committee, no primary stucco building mass or other significant building element may be painted a color that is darker than an LRV of fifteen (15). All colors are Dunn Edwards.

BAKED POTATO - DEC717 - LRV34

BARREL STOVE - DE6216 - LRV21

CALICO ROCK - DE6229 - LRV 28

CARVED WOOD - DE6125 - LRV20

COBBLESTONE PATH - DE6068 - LRV25

COLORADO TRAIL - DE6117 - LRV30

MESA TAN - DEC718 - LRV27

TUSCAN MOSAIC - DE6208 - LRV26

WHOLE WHEAT - DE6124 - LRV26

WOOD LAKE - DE6075 - LRV24

WOODED ACRE - DE6130 - LRV33



**26.6 REQUIREMENT FOR MULTIPLE EXTERIOR MATERIALS**

The design and construction of all Improvements must incorporate the use of at least two (2) different complementing materials on the exterior wall surfaces (in addition to roof, patio and driveway materials), unless otherwise given specific approval by the Committee. The secondary or accent exterior wall material must cover at least twenty percent (20%) of the exterior building surface. These complementing materials must be carefully articulated into an integrated whole and should not result in a home that appears like two (2) different structures forced together. The use of natural materials such as stone and adobe are strongly encouraged. Thin veneers of mass materials such as stone and adobe should be avoided, but instead these materials should be placed in natural mass forms that are true to the natural formations or authentic use of these materials and tie to the natural terrain. In addition, the colors of fascia, roof materials, window frames, railing, etc., should be carefully selected to create a well composed palette of colors and textures that appear as an integrated visual composition.

## **SECTION 27 - SUPPLEMENTAL GUIDELINES FOR**

### **FUTURE POTENTIAL DEVELOPMENT PARCELS**

#### **27.1 FUTURE PARCEL DESIGN GUIDELINES**

In accordance with the provisions of the Master Declaration, the Developer (as specifically defined in the Master Declaration, including its successors and assigns) has the right, without obligation, to annex additional residential subdivisions into the Master Association that would thereafter be subject to the Master Design Guidelines, including the Supplemental Guidelines and any amendments as made from time to time.

The Developer also has the right to establish design guidelines and design criteria for future residential subdivisions within Desert Mountain, as the Developer deems appropriate in its sole discretion (hereafter termed "Future Parcel Design Guidelines"). These Future Parcel Design Guidelines may establish different restrictions, architectural standards and design guidelines than other portions of Desert Mountain in order to reflect the different areas in which the future development parcels are located.

Therefore, if and when the Developer annexes additional residential subdivisions or residential lots into the Master Association, the Developer shall provide the Association and the Committee with a copy of the Future Parcel Design Guidelines that apply to any such future residential subdivisions or residential lots, prior to conveyance of title to an individual lot purchaser in the ordinary course of business. Those Future Parcel Design Guidelines shall be enforced by the Committee for the applicable properties. In addition, the Committee shall incorporate the Future Parcel Design Guidelines into the Master Design Guidelines in such a manner as to retain the original criteria, restrictions, allowances and intent of the Future Parcel Design Guidelines created by the Developer.

To the extent of any conflict or inconsistency, express or implied, between any provision of the Future Parcel Design Guidelines and the Desert Mountain Master Design Guidelines (including supplements and amendments as made from time to time), the Future Parcel Design Guidelines created by the Developer shall control, for so long as the Developer owns real property within the Project, as defined in the Master Declaration. To the extent that the Desert Mountain Master Design Guidelines include design philosophies, requirements, standards, limitations, restrictions or other criteria that are not expressly included in the Future Parcel Design Guidelines, they shall not apply to the Future Parcel Design Guidelines, for so long as the Developer owns property within the Project.

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