



## **Design Guidelines For Community Living**

Revised October 2022

Homeowners are required to submit an Architectural Submittal Form with supporting documents to the Design Review Committee to receive approval prior to commencing any exterior work or installation. Noncompliance may result in the removal or modification of any unapproved exterior work.

# McDowell Mountain Ranch

## Design Guidelines

### Table of Contents

**Introduction**

- A. Purpose .....3
- B. Community Association .....3
- C. Architectural Submittal Process .....3
- D. Appeal Process .....4
- E. General Principles .....4
- F. Consideration of Neighbors .....5
- G. View Preservation .....5
- H. Workmanship .....5

**Definitions of Capitalized Terms** .....6

**McDowell Mountain Ranch Community Association Design Guidelines**

- A. Architectural Character .....8
- B. Additions .....8
- C. Ancillary Equipment (such as Satellite Dishes, Solar Panels) .....8
- D. Architectural Stone .....9
- E. Awnings .....9
- F. Barbecues .....9
- G. Basketball Equipment .....9
- H. Decorative Art (and Holiday Decorations) .....10
- I. Driveway Renovations and Extensions .....10
- J. Exterior Painting .....10
- K. Fireplaces, Firepits, Fire Woks, and Kivas .....11
- L. Flag Display .....11
- M. Garage Doors .....12
- N. Garage Sales .....13
- O. Gates .....13
- P. Gutters and Downspouts .....13
- Q. Hardscape—Walkways and Patios .....14
- R. Lighting (Attached to Dwelling Unit) .....14
- S. Pet Enclosures .....15
- T. Play Structures .....15
- U. Pools, Spas, and Spools .....16
- V. Portable Flame Sources .....16
- W. Prohibited Structures/Items/Activities .....16
- X. Roller Shutters .....17
- Y. Rear Yard/Storage Structures .....17
- Z. Security Doors .....19

AA. Signs .....	19
BB. Sport Courts .....	21
CC. Surveillance Devices .....	21
DD. Trash/Recycle Containers and Bulk Trash .....	21
EE. Umbrellas .....	22
FF. View Decks .....	22
GG. Walls/Fences/Pilasters .....	23
HH. Water Features .....	24
II. Wildlife .....	25
JJ. Windows .....	25

**McDowell Mountain Ranch Community Association Landscape Design Guidelines**

Design Principles .....	26
A. General Landscape Principles .....	26
B. Initial Landscape Installation .....	26
C. Decomposed Granite, Boulders, Riprap .....	27
D. Irrigation .....	28
E. Landscape Lighting .....	28
F. Turf/Artificial Turf .....	29
G. Landscape Maintenance .....	29
H. Landscape Design Requirements .....	30
I. Natural Area Open Space .....	31
J. Approved Plant List .....	32
K. Prohibited Plant List .....	32
<b>Major Construction</b> .....	<b>34</b>
<b>Design Review Committee Architectural Submittal Form</b> .....	<b>36</b>
<b>Index</b> .....	<b>37</b>

# Introduction

## A. Purpose

The McDowell Mountain Ranch Community (MMR) was developed in the mid-1990s and is the home for approximately 4,000 residences. When MMR was designed the developers paid special attention to blending the development into the natural surroundings while creating a series of distinct neighborhoods promoting a sense of privacy and community. The intent of this document is to encourage architectural diversity in the design of the houses and community facilities, while maintaining landscape and architectural character which is consistent with the site and the upper Sonoran Desert.

## B. Community Association

Every Lot Owner in MMR is a Member of the McDowell Mountain Ranch Community Association (MMRCA), the entity responsible for the management of all Common Area and related Owners' facilities, as well as the administration of the affairs of the Community. The MMRCA is created by the recording of the Declaration of Covenants, Conditions, Restrictions, Assessments, Charges, Servitudes, Liens, Preservations and Easements (CC&Rs). The CC&Rs set forth procedures, rules, and regulations, which govern the Community. The Design Guidelines for Community living are an extension of the CC&Rs and they are designed to be used in harmony. The Design Guidelines are authorized by the CC&Rs as set forth in Article V, Section 5.3; and Article XI, Section 11.1, of the document.

The Board of Directors (Board) is charged with the responsibility for overseeing the business of MMRCA and has a wide range of powers. The Design Review Committee (DRC) is established by the Board to review all Improvements within MMR including new construction and modifications to existing properties. The DRC has adopted architectural guidelines and standards to evaluate proposed construction activities.

Note: There are six (6) Subassociations within MMR: Cachet at MMR Condominiums, Cachet at MMR Condominiums Phase 2 (The Ridge), Castle Chase, Cimarron Hills, Kota North Scottsdale Apartments, and One Hundred Hills. Each Subassociation has a set of governing documents to be used in conjunction with MMRCA's documents. Subassociation documents may be more restrictive than the Design Guidelines for MMRCA, but shall not be less restrictive.

## C. Architectural Submittal Procedures

Pursuant to Section 4.2 of the Declaration, any Owner desiring approval of the DRC for construction, installation, addition, alteration, repair, change or replacement of any Improvement which is or would be Visible to a neighboring property shall submit to the DRC a written request for approval specifying in detail the nature and extent of the addition, alteration, repair, change, or other work which the Owner desires to perform.

An Architectural Submittal Form requesting review by the DRC is required for all modifications to the exterior of the house, Landscape Area, or Lot. The submittal shall include the following information:

- Owner's name, mailing address and email address if available, and telephone number.

- Street address of the Lot.
- Estimated commencement and completion dates.
- The guideline category for submittal.
- Confirmation that the submittal request meets Design Guideline requirements or indicates that a specific issue requires a Variance and reason why the DRC should grant said Variance.
- Scope of work including a detailed description of the proposed construction.
- Photographs of the existing proposed work area(s).
- Samples of materials if required by the DRC.
- The name and telephone number of the Owner's agent, representative, or subcontractor (if applicable).

The DRC is required to give a decision on a complete submittal within forty-five (45) days. Submittals will be returned with one of three decisions 1) approved, 2) approved with stipulations, or 3) rejected. A letter explaining the decision of the DRC will be emailed to the email address on file. If a submittal is approved the Owner has sixty (60) days to complete the proposed work unless otherwise approved by the DRC. If a submittal is denied an Owner may appeal the decisions of the DRC to the Board for consideration, in which case, the decision of the Board shall be final.

The DRC and the Board's purpose during this process is to interpret the CC&Rs and Design Guidelines and apply them to the Owner's request and in some instances where the documents are silent adopt language for or against the issue. In addition, Arizona and City of Scottsdale laws shall be followed.

#### **D. Appeal Process**

Any Owner or other Member aggrieved by a decision of the DRC may appeal the decision to the Board in accordance with procedures established by the Board. Such procedures include the requirement that the appellant has modified the requested action or has new information that would in the Board's opinion warrant reconsideration. During this time the Owner or Member should demonstrate to the Board that the DRC's interpretation of the CC&Rs and Design Guidelines is incorrect. If the Board fails to allow an appeal or if the Board, after appeal, again rules in a manner aggrieving the appellant, the decision of the Board is final. The Board has the authority to modify or overrule the decision of the DRC on any matter presented to it as explained in the CC&Rs.

#### **E. General Principles**

The MMR Design Guidelines promote the high quality of MMR and enhance the attractiveness and functional utility of the Community. These qualities include a harmonious relationship among structures, vegetation, topography, and overall design of the Community. Any change to a residence or the landscaping shall be Compatible with the overall look and feel of the

Community. The MMRCA monitors any portion of any Lot or Parcel that is Visible to ensure consistent application of the Design Guidelines.

The DRC strives to maintain consistency of the Community and of its decisions. Variances may be granted on a case-by-case basis, but shall remain consistent with the architectural and neighborhood characteristics. Owners shall indicate in their submittal plans any Variance they may be requesting.

#### **F. Consideration of Neighbors**

The interest of neighboring properties shall be considered by making reasonable provisions for such matters as access, surface water drainage, sound and sight buffers, light and air, and other aspects of design. If an approved change requires a surface water drainage permit from the City of Scottsdale, a copy of the approved permit shall be submitted to the McDowell Mountain Ranch Community Association office.

#### **G. View Preservation**

View preservation is not guaranteed.

#### **H. Workmanship**

The quality of workmanship evidenced in construction shall be equal to, or better than, that of the surrounding properties. In addition to being visually objectionable, poor construction practices can cause functional problems and create safety hazards. The MMRCA and DRC assume no responsibility for the safety or livability of new construction by virtue of design or workmanship.

## Definitions of Capitalized Terms

**Common Area:** All MMRCA land and the Improvements thereon.

**Community:** Refers to the greater McDowell Mountain Ranch Community (MMR).

Compatible/Compatibility: Harmony in style, scale, materials, color, and construction details.

**Courtyard:** The portion of a residential Lot at the front entrance area which may or may not be enclosed with a wall which purpose is to create a transition zone between the living area of the house and the Front Yard.

**Design Review Committee (DRC):** The committee created and appointed by MMRCA pursuant to Article XI of the CC&Rs.

**Design Guidelines (Guidelines):** A shortened name of McDowell Mountain Ranch Design Guidelines, the collection of rules for maintaining the landscape and architectural character of the Community.

**Dwelling Unit:** Any building or portion of a building situated upon a Lot or Parcel designed and intended for use and occupancy as a residence by a single family.

**Front Yard:** Includes the portion of the Lot that extends from the curb and/or sidewalk to the front of the side gates and/or wall of a property.

**Improvement:** Buildings, roads, driveways, levees, dams, channels, basins, parking areas, fences, walls, rocks, hedges, plantings, planted trees and shrubs, and all other structures or landscaping Improvements of every type and kind.

**Landscape Area:** Any part of a Lot that is not covered by the house or other structure, hardscape, or pool. Landscape Area is typically covered with turf, plants, and/or decomposed granite.

**Lot:** Any area of real property within the covered property designated as a Lot on any subdivision plat recorded and approved by the declarant or Board.

**McDowell Mountain Ranch (MMR):** The Community situated in the City of Scottsdale, Arizona.

**McDowell Mountain Ranch Community Association (MMRCA):** The nonprofit corporation organized by the declarant to administer and enforce the Declaration and to exercise the rights, powers and duties set forth in the CC&Rs.

**Member:** Any person or entity holding a membership in the MMRCA pursuant to the CC&Rs.

**Natural Area Open Space (NAOS):** Those areas designated on a recorded subdivision plat or tract declaration as Natural Area Open Space as defined in the ordinances of the City of Scottsdale.

**Owner:** The record Owner, whether one or more persons, of beneficial or equitable title to the fee simple interest of a Lot or Parcel.

**Parcel:** An area of real property within the covered property which is not included within the boundaries of any subdivision plat, is subject to a tract declaration and is not MMRCA land.

**Party Wall:** A wall or fence constructed on or immediately adjacent to the common boundary of Lots or Parcels or the common boundary of Common Areas and a Lot or Parcel.

**Rear Yard:** Includes that portion of the Lot that extends from the rear façade of the house to the rear Lot line and from the side Lot line to the opposite Lot side line. If the rear fence is wrought iron, objects in the Rear Yard and Side Yards may be Visible from neighboring property.

**Return Wall:** Block walls that extend from the house to the side walls.

**Side Yard:** That portion of the Lot that extends along the side of the house from the inside part of the Return Wall rearward to the rear façade of the house. When there is no view fence, Side Yards are surrounded by walls, including the house walls and the Lot Party Walls. Side Yards may or may not be Visible from neighboring properties depending on how the house sits on the Lot.

**Subassociation:** An Owners association created within MMR other than the MMRCA and subject to the MMR Declaration. Each Owner who is a Member of a Subassociation shall also hold membership in the MMRCA. Sub-associations include: Cachet at McDowell Mountain Ranch, Cachet at McDowell Mountain Ranch Phase 2 (The Ridge), Castle Chase, Cimarron Hills, Kota North Scottsdale Apartments, and One Hundred Hills.

**Variance:** The Design Review Committee may authorize in writing a change to its Guidelines and procedures, but only: (a) in accordance with duly adopted standards set forth in the Design Guidelines, (b) when unique circumstances dictate, such as unusual topography, natural obstructions, hardship or aesthetic or environmental considerations, and (c) when construction in accordance with the Variance would be consistent with the purposes of the Declaration and Compatible with existing and anticipated uses of adjoining properties. An Owner's inability to obtain or meet the terms of any governmental approval, or the terms of any financing, shall not be considered a hardship warranting a Variance.

**Visible:** If a person six (6) feet tall standing at ground level on any part of any Lot, Parcel, or Common Area, which adjoins the Lot or Parcel, can see an object, that object is considered Visible.

**Walkway:** A passage or path for walking.



# McDowell Mountain Ranch Community Association

## Design Guidelines

### **A. Architectural Character**

Any proposed construction, addition, or alteration shall be Compatible with the design characteristics of the original structure, adjoining properties, and the neighborhood setting. MMR houses all share a common color scheme and adopt desert landscaping standards. This ensures harmony between manufactured and natural environments.

### **B. Additions**

General principles include (but are not limited to)—

- The addition of a second level will not be approved for single-level houses.
- City of Scottsdale setback and code requirements shall be met.
- Setbacks should be in keeping with the neighborhood characteristic.
- Additions should be architecturally consistent with the building and neighborhood.
- All exterior designs and finishes should be completed in a workmanlike manner and be consistent with the original design and finish of the existing house.

### **C. Ancillary Equipment**

Approved exterior ancillary equipment as listed below should be installed in a manner that minimizes Visual impact to the Community in accordance with State and City law.

Roof-Mounted Equipment: Installing cooling equipment, such as air conditioning units, chillers, and swamp coolers, on roofs, through windows or walls is prohibited.

Satellite Dishes: Owners are permitted to have one (1) satellite dish not to exceed one (1) meter in size on any Lot. The DRC has the right to review the installation and regulate it to the following extent:

- Visible dishes may be required to be painted to match the building body color.
- Visible runs of cable are required to be neatly affixed to the walls and run either horizontally or vertically. Diagonal runs or draped cables are prohibited.
- The DRC may require screening in the form of plant vegetation so as to shield the dish from Visibility.

Solar Panels: Arizona Revised Statute 33-1816 states that homeowners' associations may not prohibit installation or use of solar energy devices, but may adopt "reasonable rules regarding the placement of a solar energy device if those rules do not prevent the installation, impair the functioning of the device, or restrict its use or adversely affect the cost or efficiency of the device."

- Owners shall submit an Architectural Submittal Form along with detailed plans prior to installation of any solar energy device, including the color of the frame.
- The DRC requests that all wires and cables be run through the attic when possible.
- Any exposed wires, cables, switchboxes, and conduit shall be painted to match the surface to which it is attached.

#### **D. Architectural Stone**

The addition of stone either natural or synthetic is accepted as an exterior building material used for enhancing the front elevation of the building. Houses with a front vertical elevation exceeding two-thirds (2/3) stone veneer is not consistent with the Community.

- Stone shall be of a color, texture, and pattern appropriate to the existing residence and the MMR Community.

#### **E. Awnings**

The installation of awnings is permitted for Side and Rear Yards of the house and in Front Courtyards. Proposed locations that may be Visible from the street will be considered on a case-by-case basis by the Committee.

- Awnings shall be constructed of canvas or other woven materials.
- Awning frames shall be painted to match the color scheme of the house.
- Awning materials shall match the color scheme of the house.
- Awnings shall be maintained. Owners shall replace awnings that show signs of deterioration, fading, wear patterns, and incidental damage. The MMRCA holds the right to determine when an awning shall be repaired and/or replaced.

#### **F. Barbecues**

Barbecues shall be permitted in the Rear Yard, only, and should minimize encroachments on neighbors' quiet enjoyment and should complement the style and architecture of the house.

- Only gas, propane, or woodchip BBQs are permitted. Propane tanks shall be of the standard type. Bulk propane storage tanks are not permitted.
- The top of any portion of a BBQ shall be no higher than any adjacent wall or fence and if the rear of said structure is Visible from any neighboring property or Common Area, it shall be completed in a finished state.
- All BBQs and the flames emitted from these fire-producing devices shall be a minimum of four (4) feet from any property line or structure.

#### **G. Basketball Equipment**

Selection, location, and installation of basketball equipment should respect the privacy and quiet enjoyment of neighbors.

- Basketball equipment shall be submitted to the DRC for review prior to installation.
- Basketball equipment shall be permitted as a permanent installation, only, in the Front Yard beside the driveway at any point between the garage door and midway to the curb, or attached over the garage door of the house.
- Basketball equipment is prohibited in the Rear Yard except in a removable sleeve surrounding a pool at a height not to exceed four (4) feet.
- All pieces of the equipment shall be transparent or painted to match the color of the house.
- Basketball equipment shall not be positioned in front of the existing house as to detract from the architectural aspects of the house. Structures shall be placed to the side of the existing structure. Portable basketball equipment is prohibited.

## **H. Decorative Art**

The selection and display of decorative objects is a personal aesthetic choice and one not necessarily shared by neighbors. Decorative art should be constructed of materials and in such a style as to complement the Sonoran Desert environment of MMR.

- Size shall be proportional to the house and shall be approved by the DRC, which recommends no more than three (3) pieces consistent with the size of the house in the front and three to five (3–5) pieces in the rear of the house. Finish shall be muted, flat, or matte.
- The color of decorative objects should complement the color of the house and the Sonoran Desert environment of MMR. Approved colors include muted earth, rock, and desert tones. Primary colors are not permitted.
- Metallic designs shall be muted, not polished, and shall not create glare that can affect neighbors.

### **Holiday Decorations**

- Temporary holiday decorations may be displayed thirty (30) days prior to the holiday and shall be removed within fourteen (14) days following the holiday. Please see R. Lighting for guidelines specific to string, rope, bistro, and holiday lighting.

## **I. Driveways—Renovations and Extensions**

Driveways are a necessary component for ingress and egress of vehicles to and from the garage and for parking of vehicles. Driveways should be low in reflectivity and of a material and color Compatible with the character of the Community.

- Driveway expansions may be considered by the DRC, but shall not exceed twelve (12) inches on either side of the existing driveway as described in the original construction plans.
- Acceptable driveway replacement materials include standard uncolored concrete, exposed aggregate concrete, and concrete pavers. Colors for driveway material or coatings shall complement the color scheme of the house as determined by the DRC.
- Hard surface percentage guidelines shall be observed. Please see Q. Hardscape—Walkways and Patios for specific guidelines.
- Variances may be made on a case-by-case basis for Lots larger than 15,000 square feet.
- The number of driveway parking positions in front of the house is equal to the number of garage door bays.
- Vehicles shall only be parked on paved surfaces designed for vehicle parking.

## **J. Exterior Painting**

Color schemes should have minimal visual impact, low reflectivity and glare, and should complement the natural desert environment in a manner consistent with the McDowell Sonoran Preserve.

- Approved paint colors for McDowell Mountain Ranch have been selected based on the light reflective value (LRV). The City of Scottsdale, by ordinance, restricts colors in our desert location to no more than a thirty-five (35) percent LRV. However, MMR was

grandfathered in at forty (40) percent This scale is based on pure white being one hundred (100) percent reflective and pure black being zero (0) percent.

- Refer to the MMR communitywide color palette available at the MMRCA office and online at [www.mmrcanet.net](http://www.mmrcanet.net). Paint books are available at the McDowell Center for homeowners to check out to help in the color selection.
- Original builder colors shall be submitted to the MMRCA for approval prior to painting as many colors no longer exist. A paint sample may be required prior to review.
- Only flat exterior paint is permitted for the body, walls, and trim of the house.
- Lower gloss or satin sheen finishes are permitted for garage doors only.
- The front walls which extend from the house may be painted to match the base color of the house or the MMR Common Area wall color: Dunn Edwards Potato Skin 5354D.
- A corner Lot that backs up to another property that shares a continuous side wall, shall use the MMR Common Area wall color Dunn Edwards Potato Skin 5354D to maintain continuity within the Community. Note: Potato Skin is a custom color and can be purchased only at the Dunn Edwards store located at Frank Lloyd Wright Boulevard and Hayden Road.
- Departures from the approved color schemes without prior DRC approval will require a repaint to the approved colors from the MMR communitywide preapproved paint palette.
- Color matching can be unreliable.
- When completing a full repaint of the property, homeowners are not permitted to color match from aged/faded paint. Color matching shall be conducted from new paint or a paint swatch.
- Homeowners are required to contact the MMRCA office to submit their color choices prior to painting.

#### **K. Fireplaces, Firepits, Fire Woks, and Kivas**

Fireplaces and similar structures should be located to minimize noise, smoke, or other encroachments on neighbors' quiet enjoyment of their own property. These should be designed to complement the style and architecture of the house.

- Fireplaces, firepits, fire woks, and kivas are restricted to Rear Yards.
- All structures shall be gas as wood burning is prohibited within the MMR Community.
- The top of any portion of a fireplace or kiva shall be no higher than any rear or side property wall or fence. If the rear of said structure is Visible from any Neighboring Property or Common Area, it shall be completed in a finished state.
- All flames emitted from fire-producing structures shall be a minimum of four (4) feet from any property line or structure and shall not exceed the fence height.
- These outdoor structures shall be consistent in material and color with the residence and perimeter wall.

#### **L. Flag Display**

Flags on residential property shall be displayed in accordance with A.R.S. 33-1808.

- Flags shall be flown in conformance with the Federal Flag Code.
- Only the following flags may be displayed:

- The United States flag
- State flag of Arizona
- POW/ MIA flag
- Gadsden flag
- flags of the Arizona Indian Nations
- flags of the uniformed services of the United States (e.g. army, navy, air force, marine corps, coast guard, or space force).
- A First Responder Flag as defined pursuant to A.R.S. § 33-1808
  - A First Responder Flag may incorporate the design of one or two other First Responder Flags to form a combined flag.
- A Blue Star Service Flag
- A Gold Star Service Flag
- Pursuant to the Federal Flag Code, no flag shall be placed above the United States flag.
- All poles and flags shall be maintained and appear in excellent condition according to the United States Flag Code, Title 36, U.S.C., Chapter 10.
- A maximum of two (2) flags are permitted to be displayed at one time.
- A flagpole is defined to be a pole or staff of wood, aluminum, or metal, either attached to a Dwelling Unit or freestanding.
- No more than one (1) temporary seasonal flag, such as a holiday or sports team flag, may be displayed at any given time.
- Flagpoles either attached to the Dwelling Unit or freestanding are not to exceed the height of the roof peak.
- Flagpoles either attached to the Dwelling Unit or freestanding made of metal other than unfinished aluminum shall be painted to match the house colors.
- Freestanding flagpoles shall meet the following additional guidelines:
  - Items located on the freestanding flagpole (including, but not limited to, metal fasteners, cleats, halyards, clips, and pulleys) shall not cause an unreasonable amount of noise and shall be covered in a material suitable to the DRC, if necessary, to prevent such noise.
  - Freestanding flagpoles may be located no closer to the curb, neighboring properties, property lines, and Common Areas than the height of the flagpole.
  - The flag shall be removed at sunset in accordance with U.S. flag display guidelines, or shall be illuminated with a maximum of two (2), fifty (50)-lumen equivalent Landscape Area spotlights. Care should be taken to not point lights at neighboring properties or streets.

### **M. Garage Doors**

Garage Doors, while a prominent feature of the front elevations of the houses, should have no unnecessary ornamentation or trim in order not to detract from the main front entry of the house.

- All garage door replacements shall be submitted to the DRC prior to installation.
- Low gloss or satin sheen enamels are permitted for garage doors only.

- The garage door shall match the color scheme of the house, unless otherwise approved by the DRC.
- Glass shall not exceed 25% of the garage door surface area.
- Garage doors with windows shall not be covered with reflective material such as foil, paper, bed sheets, or any other temporary covers. If the windows are covered the material shall match the current garage-door color and shall cover all windows of all garage doors.
- Application shall include a color photo or brochure of the desired door style and finish as well as a color photo for the front elevation of the house. Garage doors shall be complementary with the style, color, and architecture of the house.

## **N. Garage Sales**

Individual garage sales are prohibited. The MMRCA coordinates two (2) communitywide garage sales each year (spring and fall).

## **O. Gates**

Gates provide access to the front entryway through a Courtyard or Side Yard. Gates shall be kept in good condition with all wood slats in place and properly painted to match the color scheme of the house or painted a natural-wood stain as approved by the DRC. There are two (2) types of gates permissible within MMR—

### Courtyard Gates

- Gates on thirty-six (36) inches high Courtyard walls shall not exceed forty-two (42) inches in height. Gates shall not be excessive in ornamentation and shall be made of a material and color approved by the DRC.

### Return Wall Gates

- Double gates may be installed to allow wider access to Rear Yards and are restricted to no more than ten (10) feet in width and six (6) feet in height.
- Double gates shall be the same type, design, and color as the originally installed single gate.
- Separate paved driveways leading to gates are not permitted, though natural landscaping products, such as approved crushed granite types may be used to create a base suitable for vehicle access, although vehicle tire marks will need to be raked away.
- Boats, trailers, etc., stored behind the gate may not exceed the gate height; motorized vehicles of any kind may not be stored behind gates or in Rear Yards.

## **P. Gutters and Downspouts**

Gutters may be added to houses to prevent erosion of Landscape Areas. Gutter installation shall be configured to the appropriate roof drainage plans for specific houses and elevations. Drainage shall not be conveyed onto adjacent properties.

- The finish shall match the adjacent surface of the house in color.
- High-quality materials that offer long life are recommended, as the Owner will be required to maintain these additions in good repair.

- Plans shall include the proposed locations of the gutters and downspouts and the quality of material to be used.
- A flagstone fall block not exceeding twenty-four (24) inches square may be installed below each downspout. Cement fall blocks are prohibited.

### **Q. Hardscape—Walkways and Patios**

Paving materials should blend with the surrounding Landscape Area by being low in reflectivity and of materials and color that are Compatible with the residence. All hard-surface areas (pavement, concrete, stone walks, patio areas, etc.) located in the Front Yard shall conform to the guidelines set forth herein. Items not to be considered as part of the hardscape surface shall be natural boulders, natural landscape stones, walls, and freestanding benches used primarily for aesthetic landscaping.

- The total hardscape surface (including driveway) within the Front Yard area shall not exceed forty-five (45) percent of the total yard area. The hardscape surface, exclusive of the driveway, shall not exceed twenty (20) percent of the total Front Yard area.
- For the purposes of this section, the Front Yard area shall be defined as all land in front of the Dwelling Unit and within the boundaries of the property that is Visible from the street. This shall exclude enclosed Courtyards, covered alcoves, and street sidewalks (as shown on the master plan and located within the property boundaries, if any).
- Natural area open space shall be included in such calculations for Lots that include NAOS as part of their property.
- All plans submitted for review and approval shall be drawn to scale and shall accurately represent the conditions at the site.
- Walkways and patios may be integral color concrete, exposed aggregate concrete, concrete pavers, flagstone, imitation flagstone, or matte finish tile.
- All hardscape is required to have a twelve (12)-inch setback from perimeter walls and the Dwelling Unit for drainage purposes.
- Hardscape may be used to border the driveway and shall be no wider than twelve (12) inches at any point. Such borders shall be constructed using a material and color that complement the existing driveway or other Front Yard hardscape.
- Walkways shall not exceed four (4) feet in width and shall not be used for parking vehicles or trailers or for vehicle access to the Rear Yard.
- Raised patios shall not exceed a total height of twenty-four (24) inches from the ground and shall be set back at least five (5) feet from all perimeter walls.

### **R. Lighting (Attached to Dwelling Unit)**

McDowell Mountain Ranch is located in the McDowell Sonoran Preserve; therefore, the City of Scottsdale requires the area to follow dark sky practices to preserve the night sky views, limit light pollution, and minimize the effect on the natural wildlife in the preserve.

Light fixtures include, but are not limited to, coach lights, entrance lights, and flood or security lights.

- Flood and security lights shall be concealed from street view, Common Area view, and neighboring property views. Concealment may be accomplished by locating the light under eave lines, in niches, or within specially designed structures or shields.
- All light fixtures shall complement the color scheme and architectural design of the house.
- Light fixtures are required to have clear/white bulbs only. Colored light bulbs are prohibited outside of the holiday season (October through December).
- String, bistro, and rope lighting are prohibited. This does not include holiday house lighting which is permitted October through December.
- Flood or security lights are not to be installed on the Front of any property.
- Light sources shall be directed downward onto the Owner's property at all times and shall not be directed toward streets, Common Area, or neighboring property.
- It is recommended that the bulbs are concealed within any light fixture. If any part of the bulb is visible, the maximum number of lumens shall not exceed 800, which is the equivalent of a 60-watt incandescent light bulb.
- Existing and new outdoor-lighting bulbs/fixtures shall be warm white light with a color temperature range of two thousand (2,000) Kelvin to three thousand (3,000) Kelvin. Warm lights, such as two thousand (2,000) Kelvin to three thousand (3,000) Kelvin, tend to work best for outdoor living/entertainment purposes.
- Both the Front and Rear Yards shall not exceed four thousand (4,000) lumens.

### **S. Pet Enclosures**

Pet enclosures are permitted based on the following guidelines:

- Installed so as to not be Visible to neighboring properties or Common Areas.
- Materials and color shall be consistent with existing walls.
- Raising any type of animal for commercial purposes is prohibited.

### **T. Play Structures**

Selection, location, and installation of play structures should respect the privacy of neighbors. Play structures are permitted in Rear Yards only, subject to prior review and approval by the DRC and subject to the following guidelines:

- Structures shall be set back a minimum of seven (7) feet from any perimeter wall.
- Structures shall not exceed ten (10) feet in height.
- Maximum height of any deck/platform is to be four (4) feet above ground.
- The distance from the ground elevation to the top of the perimeter wall shall be measured and submitted with plans.
- The DRC will take the appearance, height, and proximity to neighboring property into consideration.
- Any canopy or roof material shall be canvas, roof tiles which match the house, or wood that is wood-tone stained or painted to match the house.
- Shade canopies shall be a solid earth tone, beige, or dark green. A brochure or picture is required with submittal.
- Typical play structure examples: swing sets, trampolines, slides, and playhouses.



## **U. Pools, Spas, and Spools**

All pools, spas, and spools are required to be submitted to the DRC for approval prior to installation.

- Water's edge setback shall be four (4) feet from the property line.
- If there is view fencing on the property then the pool equipment shall be screened with a pony wall, which shall be stuccoed and painted to match the house.
- Construction access shall be from the front of the property through the side gate or double gate. If construction access is so limited as to require opening a common wall or gaining permission to cross Common Areas, then access will be considered on a case-by- case basis only. If access is granted by MMRCA, then a construction deposit in the amount of \$1,500.00 will be required and payable to MMRCA prior to entry, and the Owner will be required to obtain and submit to the DRC written authorization from the City. If such access authorization is granted by the MMRCA and entrance to the backyard area requires entering through a common wall, the Owner shall sign a NAOS/Common Wall Maintenance Responsibility Agreement prior to construction. The deposit will be refunded after walls and Landscape Area are repaired and returned to their original condition.
- Cartridge filters are the only permitted filtration system. Pools, spas, and spools installed prior to December 1, 2006, which have filters requiring backwash, shall retain all backwash water on the Owner's Lot. Backwash shall not be discharged into the drainage ditches, natural washes, Common Area and Landscape Areas, drainage-ways, or streets.
- Pool fence requirements are regulated by the City of Scottsdale. The City should be contacted to determine the safety fence requirement for your pool. If the fencing is attached to the house, the Owner may paint the fence the same color as the body of the house. For safety reasons, all openings in walls shall be securely covered during construction to prevent children from entering and being injured.
- Above-ground portable spas require DRC approval. Spas shall be screened from view with stucco, stone walls, or heavy vegetation. Stucco walls and the materials that create the spa structure shall be painted to match the house.
- Volleyball nets, basketball hoops, or other play structures around the pool shall not exceed the height of the lowest property fence height.
- Total height of a pool slide shall not exceed the height of the wall with a required setback of no less than seven (7) feet from perimeter walls.

## **V. Portable Flame Sources**

Portable flame sources such as propane patio heaters and firepits are permitted, but shall be stored so as to not be Visible from neighboring property or Common Area when not in use. Open flame wood burning is prohibited within MMR.

## **W. Prohibited Structures/Items/Activities**

The following add-ons are prohibited within the MMR Community:

- Clotheslines or other outdoor drying facilities.
- Batting cages.

- Sail shades.
- Above-ground pools.
- String, bistro, and rope lighting (excluding holiday house lights from October through December).
- Fireworks.
- Artificial flowers.
- Empty pots.
- Open flame wood burning.

### **X. Roller Shutters**

Roller shutters shall be installed so as to create interior shade and shall not create a distasteful appearance to the exterior of the windows.

- Roller shutters are not permitted on the front of the property.
- Roller shutters shall be considered based on location, design, color, and Visibility.

### **Y. Rear Yard Structures**

Because of the wide variety of structures to which the terms gazebo, ramada and pergola are applied, each application for a structure of this type will be reviewed on a case-by-case basis. All structures shall integrate into the existing architecture of the house, as well as the design of any existing ancillary structures. The Committee reserves the right to limit the size or quantity of such structures in any yard based on the size of the yard, the number of the proposed structures, and the overall impact of the structures to Neighboring Properties. If multiple structures are appropriate, consistency in style, material, and color will be required.

Rear Yard structures should be designed with minimal ornamentation and be consistent and visually Compatible with the style, scale, and materials found on the house.

### **Attached Shade Structures**

- A patio cover or shade cover which is firmly and substantially affixed to the main existing residence and is adjacent to and abutting the main residential Dwelling Unit may be considered a part of the existing structure.
- Patio covers and similar additions shall be in scale with and similar to the nature and character of the existing yard and Dwelling Unit, including materials, textures, and colors.
- Submission data shall clearly show the location of the proposed Improvement along with sufficient dimensions and details to ensure compliance with all areas of this section.
- The structure shall be set back a minimum of five (5) feet from any property line or building setback requirements, whichever is less.
- Wood, aluminum, stucco, and stone of earth-tone colors are permitted materials. The structure shall be painted or of a material consistent with the color and architectural style of the house.

- Attached structures may not exceed the ten (10) feet height limit. Variances to allow up to twelve (12) foot maximum may be considered on a case-by-case basis, but shall remain consistent with the architectural and neighborhood characteristics.
- Any cover NOT abutting or firmly and substantially affixed to the main residential dwelling is considered to be detached.

**Detached Shade Structures** (ramadas, gazebos, lattice covers, or other similar structures)

- The structure shall be painted, or be of a color, to match the color scheme of the house and be maintained in good condition.
- The structure's roof tile shall also match the roof tile of the house in color, texture, and weight.
- Lighting of the structure shall be approved by the DRC prior to installation.
- When design is such that floor level is below grade, drain water shall not exit property into Natural Area Open Space (NAOS).
- The structure shall be set back a minimum of five (5) feet from any property line.

**Other Detached Structures**

- No detached accessory buildings, including, but not limited to, detached garages (other than provided herein) and storage buildings will be erected, placed, or constructed upon any Lot without the prior written consent of the DRC.
- All habitable outbuildings of any type must be in harmony with the exterior of the residence including color, style, siding, and roof material.
- Detached structures shall not exceed ten (10) feet in height measured from natural grade. Variances to allow up to a twelve (12) foot maximum height may be considered on a case-by-case basis, but shall remain consistent with the architectural and neighborhood characteristics.
- The structure shall be set back a minimum of five (5) feet from any property line.
- Detached structures are limited in size to ten (10) percent of the habitable square footage of the Dwelling Unit or five (5) percent of the Rear Yard square footage, whichever is less.

**Storage Structures**

- Any enclosed, roofed structure shall be submitted to the DRC prior to installing.
- The structure shall be lower in height than the surrounding wall or fence, shall not be Visible to Common Areas or Neighboring Properties and shall be Compatible in color and style with the MMR Community.
- Storage sheds and similar structures do not include enclosed, habitable structures, such as freestanding pool houses (restrooms or changing facilities) and guest houses, which are subject to any other applicable DRC review and approval provisions set forth in the CC&Rs and Guidelines.
- The DRC, subject to Board approval, shall have sole discretion in determining if a structure is considered an outbuilding.
- Temporary storage containers may be placed for a limited period of time during significant remodels upon prior approval from the MMRCA.

## **Z. Security Doors**

Security Doors, if installed, should reflect the character of the architecture and the taste of the Owner while not using excessive ornamentation and decoration.

- Security Doors shall be simple in design, have minimal ornamentation, and be Compatible in color with the house.
- Submittals shall include a sample photo or brochure of the proposed door.
- Aluminum storm doors or screen doors are prohibited.

## **AA. Signs**

- Only real estate signs, house security monitoring signs, political signs, association-specific (HOA) political signs, and signs that cannot be prohibited by law are permitted. Commercial contractor signs are prohibited.
- The governing documents permit the Board to reserve the right to remove any sign that is not in compliance with Arizona's real estate and political sign policy A.R.S 33-1808.
- Illuminating temporary signs is prohibited.

### House Number Signage

- House number signage requires approval by the DRC and shall conform to Community aesthetics.
- House number signage shall be kept in good condition so as to be clearly readable from the street.
- House number signage may be painted on the curb of each residence per the following specifications:
  - o Total dimensions shall be no more than eighteen (18) inches long by seven (7) inches high.
  - o Symbols are prohibited.
  - o Plain block numbers shall be used.
  - o Permitted coloring is black numbers on white background.
  - o A curb address will count toward the maximum limit of two address signs per Lot.
- There may be regulations regarding house number signage for Subassociations within the MMR Community. Please refer to the governing documents of the Subassociation to which you reside for the rules and regulations.

### Real Estate Signage

The following guidelines conform to A.R.S. 33-1808 Section F—

#### *For Sale Signs—*

- Signs shall be designed and posted in accordance with City Ordinance and are permitted on the Owner's private property only, subject to any further restrictions from any of the Subassociations.
- Signs shall not be placed on Common Areas or common elements without approval from the MMRCA.

- Such signs shall be no larger than eighteen (18) inches by twenty-four (24) inches, shall be commercially produced and mounted on a freestanding post and located at least five (5) feet from a neighbor's property line. No signs shall be placed in the rear of a house on walls or on the outside of windows. Signs may have a maximum of two (2) attachments or riders such as a Realtor's name or a feature such as a pool but each rider shall not exceed the size of six (6) inches by twenty-four (24) inches.
- After close of escrow (or upon transfer of title if escrow services are not used), all signs and posts are to be removed within three (3) days.

*Open House Signs—*

- Signs shall be professionally conformed and mounted on industry-standard frames with sign dimensions not to exceed eighteen (18) inches by twenty-four (24) inches.
- Signs shall not be placed on Common Areas or common elements without approval from the MMRCA, and in accordance with City Ordinance.
- Signs shall not be placed more than one mile from the house, may not exceed four (4) in number, and may not be placed on sidewalks, streets, or Common Areas.
- Signs may not be displayed between the hours of 6 P.M. and 8 A.M.

*For Lease/Rent Signs—*

- Signs are permitted on the Owner's Lot, subject to any further restrictions from any Subassociation.
- Signs shall not be placed on Common Areas or common elements without approval from the MMRCA.
- Signs shall be no larger than eighteen (18) inches by twenty-four (24) inches and located at least five (5) feet from a neighbor's property line.
- Signs shall be placed in Front Yards only and no signs shall be placed on the Rear Wall of the property.

Political Signs

Political Signs may be placed on an Owner's property with the following stipulations:

- The total area of all political signs on an Owner's Lot shall not exceed nine (9) square feet (A.R.S. 33-1808).
- Signs shall not be displayed earlier than seventy-one (71) days prior to an election day and no later than fifteen (15) days after the election day per Arizona Statute.

Association-Specific Political Signs (HOA)

- The total area of all association-specific (HOA) political signs on an Owner's Lot shall not exceed nine (9) square feet (A.R.S. 33-1808).
- Signs shall not be displayed earlier than the date that the Association provides written or absentee ballots to Members and no later than three (3) days after the planned community election.
- The use of profanity and discriminatory text, images, or content based on race, color, religion, sex, familial status or national origin as prescribed by federal or state Fair Housing laws is prohibited.
- The term "Association-Specific Political Sign" shall be defined as set forth in A.R.S. § 33-1808.

### No Soliciting Signs

- Signs shall be placed in Front Yards no closer to the street than half the distance from the street to the garage, on the side of the driveway.
- Signs shall be no larger than 8.25" × 5.25", brown and white in color, containing verbiage available at the MMRCA office.
- All installations shall be approved by the DRC prior to installation to confirm they meet the requirements of the MMRCA.

### **BB. Sport Courts**

All additions of sport courts require DRC review and approval before installation.

- Sports court installations including, but not limited to, tennis, badminton, volleyball, shuffleboard courts, and batting cages are not permitted.
- On a case-by-case basis and only in Sonoran Estates, Sonoran Estates II, and the Retreat at One Hundred Hills, sport court installations (limited to tennis, badminton, volleyball, shuffleboard courts, and batting cages,) will be considered based on the Lot size and impact to neighbors with the stipulation that courts shall be installed within block/stucco perimeter walls.
- Chain-link fencing is not permitted.
- Backboards and basketball courts are prohibited.
- Court colors are limited to beige and/or green.
- Court lights are prohibited.

### **CC. Surveillance Devices**

All surveillance device installations require approval from the DRC prior to installation.

- Surveillance devices are permitted on the exterior of Dwelling Units. MMRCA recommends that the Owner consider the privacy of surrounding properties when installing such devices.
- Any exterior wiring, conduit, and fixtures shall be painted to match the surface to which they are attached.

### **DD. Trash/Recycle Containers and Bulk Trash**

- Trash shall be kept in covered containers provided by the City of Scottsdale.
- Storing trash or garbage on any Lot, outside the proper storage receptacle is prohibited.
- Trash containers shall be placed on the street after 4:00 P.M. the evening prior to collection day and placed out of sight by the end of collection day.
- Those Owners who wish to store trash containers in Rear Yards shall screen containers so as not to be Visible to neighboring properties and Common Areas.
  - o Screening may consist of either a block wall (stuccoed and painted to match either the house or perimeter wall) or landscaping.
  - o Both the wall and the landscaping shall be submitted to the DRC prior to installation.

- Bulk trash shall not be placed on your property earlier than the Wednesday before the week of pickup.
- Appliances, including water heaters, will not be picked up during normal bulk trash collection. Contact the City of Scottsdale to schedule an appointment for pickup.
- Bulk trash shall be placed entirely on an Owner's Lot. Trash cannot encroach into or block the street, sidewalk, or Common Area.

### **EE. Umbrellas**

- Umbrella fabric shall be made of solid woven canvas-type material.
- Any commercially available umbrella in a solid color is acceptable, but shall be non-reflective, nonfluorescent, and uniform in appearance throughout the fabric.
- Added design or verbiage (stripes, flowers, advertising or marketing slogans and logos) of any kind is prohibited.

### **Permanent Umbrellas**

A permanent umbrella is described as a single post structure, professionally installed, with a top (canopy) not to exceed four (4) panels.

- An Architectural Submittal Form shall include an engineer's report with specifications regarding wind resistance. The structure shall be built to the specifications of the engineer's report.
- Straight or cantilevered is acceptable.
- Each beam, from post to point, shall not exceed eight (8) feet.
- The Committee reserves the right to limit the size or quantity of such umbrellas in any yard based on the size of the yard, the number of the proposed umbrellas, and the overall impact of the umbrellas to Neighboring Properties. If multiple umbrellas are appropriate, consistency in style, material, and color will be required.
- Each Umbrella shall be freestanding with no cables, and the canopy shall not exceed a total length of sixteen (16) feet on any side (256 sq. feet in its entirety).
- Height shall not exceed ten (10) feet.
- No part of the umbrella may be within seven (7) feet of the property line.
- Approved colors are beige or brown, or a color that matches the color scheme of the house.
- The post shall be painted to match the house.

### **FF. View Decks**

The DRC will consider submittals for attached view decks to houses in areas of the Community where the original builder offered it as an option. For the purposes of this section, view decks are considered attached to the existing Dwelling Unit generally part of the second story of the house that rests on an existing patio cover or similar structure. View decks are not considered patios that set on the Lot ground.

The following information shall be included in the Architectural Submittal Form:

- Type of material to be used.
- All colors shall match house color scheme.
- Exact dimensions of the structure.

- Lot dimensions and house placement on the Lot (plot map).
- Aerial, side, and rear views of the deck.
- Detail on the view fence, including height.
- Spiral staircase design and detail, including railing, if applicable (railing shall match the detail of the view fence).
- Full Rear Yard elevation view.

## **GG. Walls/Fences/Pilasters**

### Front Yard and Courtyard Walls

- Walls in the Front Yard may be added to define private or semiprivate patio or Courtyard areas.
- Accent walls shall not exceed thirty-six (36) inches in height.
- Accent walls shall be set back off the property line by three (3) feet.
- Areas enclosed by Front Yard walls shall not reduce the Front Yard area by more than one-third (1/3) or thirty-three (33) percent and shall not encroach beyond any Front Yard building setback line.
- Front Yard walls shall be painted to match the color scheme of the house or the Community-approved Common Area wall color, Dunn Edwards Potato Skin 5354D, which is a custom color and can be purchased only at the Dunn Edwards store located at Frank Lloyd Wright Boulevard and Hayden Road.

### Party Walls (Shared Walls)

- Modifications of Party Walls require the agreement of both parties. In the case of modification of walls between two (2) Owners, only the agreement of the two (2) Owners is required. However, if a modification between Owners will create a significant change as Visible from the Common Area or neighboring Lots, DRC approval is required. Consult with the DRC before proceeding.
- Modification of a wall between an Owner and Common Areas requires DRC approval.
- Fence and gate heights are limited to six (6) feet except for retaining walls where the higher Lot is six (6) feet, but the lower Lot may be greater as required to support the retention wall.

### View Fences

- The Owner shall submit for approval from the DRC including detailed drawings or proposed changes along with photographs of the existing view fence for view fence modifications.
- Professional installation shall be used for view fence alterations.
- View fences shall be painted in the Community-approved color Dunn Edwards MMRCA Brown Fence, which is a custom color and can be purchased only at the Dunn Edwards store located at Frank Lloyd Wright Boulevard and Hayden Road.
- The installation of a wildlife (rabbits, rodents, snakes, etc.) barrier on Rear or Side Yard perimeter view fencing is permitted. The barrier shall be no greater than twenty-four (24) inches in height. The material for the barrier shall be one-quarter (1/4)- or one-half (1/2)-inch hardware cloth. The barrier shall be installed using plastic zip ties or another material that will not cause rust damage to the fence. Barrier fencing shall not be installed with metal ties or screwed into the fence. Damage to the view fence



due to improper installation of barrier material may result in replacement/repair at the Owner's expense.

#### Pilasters

- Pilasters shall not exceed forty-two (42) inches in height.
- Pilasters, which are commonly used to mark the entrance of a driveway, shall be set back from the curb a minimum of ten (10) feet.

### **HH. Water Features**

The DRC will examine all water feature proposals with respect to size, style, location, quality, and the impact of the feature on neighboring properties. Permanently installed water features are preferred, but the DRC will evaluate nonpermanent structures.

- Water features of any type shall be set back one (1) foot from all perimeter walls. • Water features shall incorporate the use of recirculating pumps.
- There shall be no birdbaths or noncirculating ponds.
- Any desired lighting onto water features shall not exceed eighty (80) lumens total, with no single light exceeding forty (40) lumens.
- For the purpose of DRC review, water features fall into two (2) categories: in-ground waterfall style and above-ground fountain style.

#### In-Ground Waterfall Style Water Features

As part of its review of the proposed water feature, the DRC will examine the feature's proportions to existing structures and Landscape Area and judge whether the feature is in scale with its surroundings.

- Front Yard water features shall incorporate the use of stonework (rock) and paint palette that the builder has established as the theme for the specific neighborhood.
- Exposed masonry block (regardless of type) whether painted or not is not allowed.
- All rock formations shall be consistent with the Sonoran Desert appearance in style and color.
- Natural rock is preferred; however, manufactured rock that is consistent with the look, color, and texture of natural rock may be submitted to the DRC for consideration.

#### Above-Ground Fountain Style Water Features

- Fountains shall be located close to the house and fully or partially obstructed from view.
- Proposed fountains in the Front Yard should be located within front door alcoves or behind landscaping walls.
- Those to be located in other Visible areas (such as through view fencing) should use landscaping or walls to obscure their visibility. Plans for landscaping walls also shall be submitted to the DRC for review prior to construction.
- Fountain height shall be in scale with the house and the Front Yard size. Typically, fountains greater than five (5) feet in height, measured from the base of the fountain to the top of the fountain structure, will not be approved.
- Fountains shall not be capable of emitting water streams greater than six (6) inches above the height of the emitter (or the height of the fountain if the only emitter is on the top of the fountain).

- Fountains shall be constructed either of concrete colored to match the MMR environment or natural rock of the color and style of the Sonoran Desert environment.
- Fiberglass or metal fountains are not permitted.
- Fountain style shall be of a Southwestern nature.
- Elaborate, overly ornate styles or styles inconsistent with the Sonoran Desert are not permitted.

## **II. Wildlife**

- Feeding wildlife is prohibited.
- Birdfeeders, with the exception of hummingbird feeders, are prohibited due to attracting undesirable animals.
- Note: Javelinas are attracted to pumpkins.

## **JJ. Windows**

Windows, including frames and glass, should not create excessive reflection and should be of a color and style that is consistent with the character of the house.

- Enclosures, shades, screens, tinting, awnings, or other items affecting the exterior of the window require approval from the DRC.
- Window screens shall be of a contrasting color, approved by the DRC, so as not to lose the architectural details of the window.
- The preferable method of installing replacement windows is inset into the stucco in lieu of framing the stucco. Other types of installation methods may be considered, but the flange and framing combined shall not exceed three (3) inches in width.
- Window frame colors of tan, adobe, espresso, and black are acceptable. White window frames, and any other color that is not complementary to the exterior of the house, are prohibited.
- The interior or exterior of any window shall not be covered with material such as cardboard, foil, paper, bedsheets, or any other temporary coverings.
- The Board has given blanket approval to all off-white or white shutters, mini-blinds, and vertical blinds installed on the interior of windows. All others require DRC approval.
- Security bars or grilles are not permitted on windows.

# McDowell Mountain Ranch Community Association

## Landscape Design Guidelines

**Design Principles:** The following principles should be considered when redesigning landscaping:

- Visible Landscape Areas should permit flexibility and individual expression while maintaining an appropriate amount of continuity within the Community.
- Visible Landscape Areas should reflect environmental sensitivity toward water use, solar exposure, pollen production, and the relationship of the Community to the immediate surroundings.

### **A. General Landscape Principles**

When modifying the landscaping on the Lot, the Owner shall file an Architectural Submittal Form with the DRC, including the following information:

- Scaled Site Plan—Draw all proposed plant and other materials at their mature size on a scaled site plan, and include a plant legend on all plans. Plans are to be a minimum of eight and one-half (8.5) inches by eleven (11) inches.
- Plant Legend—Prepare and submit a plant legend with all landscaping modification requests. The plant legend shall reflect the actual plant materials, size, and quantities depicted on the scaled site plan.

All landscaping shall comply with the following minimum requirements:

- The use of native or drought-tolerant species from the approved plant list shall be used for all Lot landscaping modifications. See J. Approved Plant List, below.
- Trees shall be planted at least five (5) feet from Lot lines, houses, walls, fences, sidewalks or street curbs, and driveways to minimize property damage and liability.
- A fully automatic underground watering system shall maintain all Landscape Area plantings. Irrigation systems that use drip emitters instead of spray heads or bubblers are highly encouraged. When it is necessary to use sprinklers, care should be taken to avoid overspray on hardscape, structures, walls, fences, streets, and windows.
- All nonturf Landscape Areas shall be covered with decomposed granite per the requirements herein.

### **B. Initial Landscape Installation**

- Front Yard landscaping will be installed by builders, and Landscape Area plans shall be approved by the DRC.

- Any portion of a Lot which is Visible to other Lots, the street, or Common Areas shall be landscaped within one hundred eighty (180) days of close of escrow and shall receive prior written approval by the DRC.
- Front Yard includes the portion of the Lot which extends from the curb and/or sidewalk to the front of the side gates and/or wall of a property.
- The Rear Yard includes that portion of the Lot that extends from the rear façade of the house to the rear Lot line and from the side Lot line to the opposite Lot side line. If the rear fence is wrought iron, objects in the Rear Yard and Side Yards may be Visible from neighboring property.

### **C. Decomposed Granite, Boulders, and Riprap**

Decomposed granite, boulders, and riprap should complement and blend with the existing ground plane of the surrounding desert environment.

#### Decomposed Granite

- Decomposed granite shall be applied as a two (2)-inch thick layer.
- Only 1/4-, 1/2-, and 3/4-inch will be approved. 1/2-inch is recommended.
- Madison Gold is approved throughout McDowell Mountain Ranch.
- Any other color shall be submitted to the DRC for approval.
- For Lots larger than three-fourths (3/4) acre having no Party Walls and separated from adjacent Lots by NAOS or open space, scattered natural rock or other granite colors may be approved in earth-color tones complementary to the desert landscape.

#### Boulders

Boulders may be used to create interest in the Front Yard to mimic the appearance of the Sonoran Desert landscape.

- Boulders shall be limited to those geologic types which are indigenous to the site, for example, granite.
- Boulders shall be buried into the grade to create a more natural appearance.

#### Riprap

Riprap may be used as a functional or aesthetic design element such as drainage swales subject to the following requirements:

- Riprap shall be granite or limestone that matches or complements the color of the decomposed granite.
- Riprap shall not be grouted unless required to prevent erosion or undesirable drainage conditions. Any planned grouting shall be specified on the Architectural Submittal Form and receive approval from the DRC.

- The maximum size of riprap cobbles shall be twelve (12) inches in diameter unless erosion or drainage conditions require larger material subject to the approval of the DRC.
- Riprap should not exceed twenty (20) percent of the total Landscape Area.

#### **D. Irrigation**

- All Landscape Area irrigation shall be underground, automatic, and low water use drip systems, except for turf or flower bed areas which may use spray systems.
- Overspray onto neighboring property, public sidewalks, or streets is prohibited.
- While native and arid-region plant materials require minimal water, the specific requirements vary from plant to plant and location to location.
- With the exception of Side Yards adjacent to public right of way, Owners shall not irrigate native Landscape Areas beyond residential walls. The native vegetation in these areas does not require additional water, and irrigating these areas can lead to disease and death of the native plants, particularly cacti, and aid in the spread of undesirable plant species or weeds. These areas are regulated by Federal and State authorities who specifically require no maintenance other than to remove vegetation that is determined by these authorities to present a fire hazard.

#### **E. Landscape Lighting**

Landscape lighting fixtures and installation should respect the quality of the dark sky views through the use of low voltage fixtures, sensitive placement of fixtures, and shielded light sources.

- Landscape lighting shall be low voltage only.
- Landscape lighting shall be controlled with an electric clock or photocell device.
- All light sources shall be shielded from view; unshielded up-lighting is not permitted.
- All wiring for light fixtures shall be buried below grade per the manufacturer's requirements.
- Controller equipment shall be located in a discreet location or screened from view from the street or adjacent property.
- Colored light bulbs, lens, or reflectors are not permitted.
- Color of Landscape Area light fixtures shall be complementary to the desert palette, the finish shall be matte, and the number of lights shall be consistent with the size of the Lot.
- Front, Side, and Rear Yards are limited to four hundred (400) lumens per fixture with the total lumens not to exceed four thousand (4,000) lumens for the Front Yard and four thousand (4,000) lumens for the Rear Yard.

## **F. Turf, Artificial Turf, and Putting Greens**

Turf, real or synthetic, visually implies high water use and, as such, any grass product should be used minimally to provide cooling and interest to the residents.

### **Turf:**

- Turf, of any type, is prohibited in the Front Yard.
- For the Rear Yard, only nonseeding grasses are permitted, and if a warm-season grass that goes dormant in winter is used, over seeding with rye is required if Visible from Neighboring Lots, the street, or Common Areas.
- Turf in enclosed Rear and Side Yards is permitted provided that no turf or spray irrigation shall abut walls or fences.
- Common Bermuda grass is prohibited plant material. The DRC will approve hybrid Bermuda with a sod, sprigging, or hydro seeding installation.

### **Artificial Turf:**

The Owner shall file an Architectural Request Form to the DRC for the installation of artificial turf in the Rear Yard. The DRC and/or Board reserves the right to require removal/ replacement of any area of artificial turf which does not meet the standards set forth by these guidelines.

- Artificial turf shall be of natural turf color, to remain unchanged from the natural green lawn appearance.
- Artificial turf shall be maintained. Any fading, lack of uniformity, Visible seams, and incidental damage of the product will necessitate replacement.

### **Putting Greens:**

Artificial turf putting greens are permitted within the Rear and Side Yards only, and shall not be artificially elevated in a manner that creates privacy issues with adjacent neighbors. Putting greens shall adhere to artificial turf requirements.

## **G. Landscape Maintenance**

- All yard landscape and maintenance shall be continuous from the back of curb or sidewalk property line to the house and is be the responsibility of the Owner.
- All landscaping shall be maintained in a neat and attractive condition. Minimum maintenance requirements include watering, mowing, edging, pruning, removal, and replacement of dead or dying plants, removal of weeds and noxious grasses, and removal of trash.
- Mature growth of plant materials shall not encroach on sidewalks, restrict pedestrian movement, or create a hazardous or libelous situation for the Owner or the Board. To maintain sight lines along street corridors, plant heights within right-of-way easement should not exceed two (2) feet. Tree canopies shall not hang into sight lines with a minimum eight (8)-feet clearance height above the existing ground plane. The DRC

may impose setback requirements to address the unique characteristics of any Lot in relationship to the street, other Lots, open spaces, or any other Visible relationship to the Lot in review.

- Additional plants may be required to cover bare areas of large Lots at the discretion of the DRC.
- Corner Lot Owners are generally responsible for the area between their boundary wall and the curb. These areas are to be maintained by the Owner as the Owner's Lot line transitions to public right of way (City Property), which the Owner, by the CC&Rs and City statute, is required to maintain. Any changes to these areas require the approval of the DRC. If you are in doubt as to whether the land outside your perimeter wall is private or Common Area property, please call MMRCA management.

## **H. Landscape Design Requirements**

Landscape plants are grouped into four (4) categories: accent plants (which include cacti and succulents), groundcover plants, shrubs, and trees. Please see J Approved Plant List and K Prohibited Plant List, below.

It is recommended that homeowners install a minimum of eight (8) plants in the Front Yard. Plants should be installed throughout the Front Yard rather than centralized in one area.

### Accent Plants

Accent plants are intended to create points of interest in the Front Yard. Utilize a limited variety of plants in small groupings or clusters to create a unique focal point in the Landscape Area. Random, scattered, freestanding plants are not recommended; using clusters of accent plants with boulders, berms, and trees is recommended.

**Note:** No Front Yard may be landscaped using only accent plants. Planting shrubs and ground cover plants provides color, screening, and shade to the ground plane and will maintain continuity and consistency within the Community.

### Groundcover Plants

It is recommended that ground cover be planted in small groups of three (3) or more similar plants to create the most desirable design composition. Random, scattered, freestanding plantings are not recommended. Ground cover is best used as a foreground material to provide color adjacent to walks or entrances.

### Shrubs

Utilize shrubs to create foundation planting adjacent to the house. They provide a transition between the house and the ground plane. Shrubs may also be used to provide an attractive backdrop for ground cover and accents.

### Trees

Trees are used to shade the house, provide a larger plant to draw attention to the house, and reduce solar radiation and reflection in the neighborhood. Trees should be chosen so as to not overwhelm the front elevation of the house when mature.

- Placement of trees should be carefully considered so as not to overpower small spaces, to block views from windows, or to create a situation where heavy pruning is required to keep the plant size within the space allotted.
- Nonindigenous trees that have the potential to reach a mature height greater than twenty (20) feet are not allowed. This restriction reflects the restriction imposed by the City of Scottsdale for trees that are not native to our desert location.
- Nonindigenous trees are restricted to enclosed Rear Yards only.
- Mature trees shall be maintained so that the lowest hanging part of the tree is at least eight (8) feet from the ground.
- Trees shall be set back from the perimeter walls by a minimum of five (5) feet to protect walls from root damage. All damage caused by invasive root systems shall be the financial responsibility of the respective Owner.

### **I. Natural Area Open Space (NAOS)**

Creation and maintenance of Natural Area Open Space (NAOS) within MMR was mandated by the City of Scottsdale when it enacted the Environmentally Sensitive Land Ordinance (ESLO) in 1991. Simply stated, the Community shall contain a minimum percentage of NAOS within its boundaries. You will see NAOS in the wash corridors adjacent to your house or in open space corridors directly behind your house. The MMRCA owns and controls these areas. Certain rules apply to the NAOS:

- Direct access to the NAOS areas from individual Lots is prohibited. Pedestrian pathways have been developed to allow access to the NAOS areas.
- Landscape planting, trimming, or clearing is strictly prohibited within the NAOS and Common Areas.
- All fire prevention trimming and clearing will be accomplished by the MMRCA.
- Bird feeders, bird baths, or any other animal attractants are prohibited.
- Absolutely no dumping of trash, landscape trimmings, or any other material is allowed. Any violations will be reported to the City of Scottsdale Code Enforcement officials.

The NAOS shall remain in its natural state and shall not be used in any manner that detracts from or alters its natural and open desert setting. No fences, signs, buildings, Improvements, structures, or materials of any kind shall not be constructed or placed thereon, except by approval of the City of Scottsdale and the DRC.



## **J. Approved Plant List:**

The City of Scottsdale has three (3) plant lists which provide a wide range of indigenous, desert compatible, and fire-resistant plants. The three (3) lists are: Indigenous List, Desert Appropriate List, and the Recommended for Enclosed Areas List. Please refer to the City of Scottsdale approved plant lists located at <https://www.scottsdaleaz.gov/Assets/ScottsdaleAZ/Codes+and+Ordinances/Indigenous+Plants.pdf> for approved plants within MMR. This list is also available on the [www.mmrca.net](http://www.mmrca.net) website and at the MMRCA office.

- It is suggested that homeowners research their plant material choices so that the right plant is sited in appropriate locations. Size, light, and water requirements, and physical qualities of the plant, such as spines, sharp tips, allergens, amount of litter, and plant parts that are unhealthy to people and pets need to be considerations.
- Rose, vegetable, and herb gardens are permitted only in Rear and Side Yards and only when planted in a container or contained area not to exceed one hundred fifty (150) square feet and five (5) feet in height from finished grade of the homesite.
- Dwarf citrus varieties are permissible in Rear Yards with no more than two (2) citrus per Lot. Citrus trees shall not exceed a height of fifteen (15) feet. Canopy and fruit shall be contained within the Lot. Fruit from the tree shall be picked and disposed of in a timely and appropriate manner so as not to encourage undesirable rodent, animals, and insects.

## **K. Prohibited Plant List:**

Any plant installed on an Owner's Lot that is deemed prohibited, according to the specifications below, is in violation of the Design Guidelines. The Owner of such Lot may be notified that the property is in violation and the plant shall be removed at the Owner's expense.

- Nonindigenous trees that have the potential to reach a mature height greater than twenty (20) feet are not allowed. This restriction reflects the restriction imposed by the City of Scottsdale for trees that are not native to our desert location. Nonindigenous trees are restricted to enclosed Rear Yards only.
- All palms which exceed six (6) feet in height are prohibited. ONLY dwarf palms may be used in Rear Yards, private patios, or courtyards so as not to be visible to neighboring property and shall not exceed six (6) feet in height. California and Mexican fan palms, queen palms, and date palms are among those prohibited.
- All pines, junipers, cypress, and cedar species are prohibited for aesthetic reasons. • Olive trees are prohibited because of pollen and for aesthetic reasons.
- All oleanders which exceed six (6) feet in height. ONLY petite/dwarf oleanders are permitted in enclosed Rear Yards and shall not exceed fence height.
- Mexican palo verde (Parkinsonia) are prohibited because of excessive litter and for aesthetic reasons.

- The following plants are deemed invasive and are prohibited entirely: desert broom, red brome grass, buffelgrass, tamarisk (also known as salt cedar), Malta star thistle, Saharan mustard, fountain grass, and common Bermuda grass.

# Major Construction

## **Overview:**

Major Construction activities include, but are not limited to, exterior additions, remodeling, and new home construction (pools are excluded from this section). All rules shall apply to interior remodeling with the exception that a security deposit and fence are not required.

## **Construction Deposit:**

Should access through NAOS for construction be requested and approved, a \$1,500.00 deposit will be required to assure the return of NAOS to its original condition. Deposit will be refunded upon satisfactory restoration. Satisfactory restoration shall be at the sole discretion of MMRCA.

## **Streets and Parking:**

Streets shall remain accessible. Overnight parking by construction vehicles on the street is prohibited by the CC&Rs and will be enforced. Construction materials shall not be placed on the street. Streets shall be "broom cleaned" daily. Damage done to the street, such as what may occur by heavy machinery or concrete spills, shall be repaired and returned to the original condition.

## **Construction/Maintenance Hours:**

Summer hours (April 1–October 31): Monday through Friday, 6:00 A.M. to 7:00 P.M.; Saturday, 7:00 A.M. to 7:00 P.M.; no work on Sundays.

Winter hours (November 1–March 31): Monday through Friday, 7:00 A.M. to 5:00 P.M.; Saturday, 8:00 A.M. to 5:00 P.M.; no work on Sundays.

## **Dumpsters:**

Dumpsters are to be placed completely on the Owner's Lot. Dumpsters are permitted for a maximum of sixty (60) days, or at the completion of a submitted and approved project plan specifically requesting a Variance to the sixty (60)-day rule. Dumpsters should be emptied frequently enough not to create a nuisance (such as odors, debris above the top of the container, or trash blowing from it) for neighboring properties and Common Areas. Dumpsters shall have a protective netting cover to contain debris within when not in use. Dumpsters shall be in reasonably good condition without exterior graffiti or major markings other than the owner's identification. The Owner shall protect the dumpster from becoming the "neighborhood dumping spot" so as to prevent landscapers and neighbors from using it. Only solid construction materials, such as lumber, wire, drywall, etc., shall be disposed in the dumpster (no liquids or perishable garbage).

## **Storage Containers:**

Storage containers are prohibited and shall not be placed on the property for the purpose of storing belongings during a house remodel.

**Portable Toilets:**

Portable toilets shall be located on the Owner's Lot, within the building envelope. Portable toilets are permitted for a maximum of sixty (60) days, or at the completion of a submitted and approved project plan specifically requesting a Variance to the sixty (60)-day rule. Portable toilets shall be located as close to the Owner's Dwelling Unit structure as reasonably possible; curbside placement is prohibited. The structure shall be in reasonably good condition without exterior graffiti or major markings other than the Owner's identification. Frequent cleaning and pumping are required to eliminate odor. MMRCA, at its sole discretion, may deem the portable toilet a nuisance and may require its removal or frequent pumping or cleaning at the Owner's expense.

# Index

Accent Plants, 30  
Additions, 8  
Ancillary Equipment, 8  
Appeal Process, 4  
Approved Plant List, 32  
Architectural Stone, 9  
Architectural Submittal Procedures, 3  
Artificial Turf, 29  
Awnings, 9  
Barbecues, 9  
Basketball Equipment, 9  
Boulders, 26  
Bulk Trash, 20  
Community Association, 3  
Construction/Maintenance Hours, 34  
Courtyard Gates, 13  
Courtyard Walls, 22  
Decomposed Granite, 27  
Decorative Art, 10  
Detached Structures, 17  
Door-to-Door Political Soliciting, 19  
Driveways—Renovations and Extensions, 10  
Dumpsters, 34  
Fireplaces, Firepits, Fire Woks, and Kivas, 11  
Flag Display, 11  
For Lease/Rent Signs, 19  
For Sale Signs, 19

Front Yard Walls, 22  
Garage Doors, 11  
Garage Sales, 12  
Gates, 13  
Groundcover Plants, 30  
Gutters and Downspouts, 13  
Hardscape—Walkways and Patios, 13  
Holiday Decorations, 10  
House Number Signage, 18  
Irrigation, 28  
Landscape Design Requirements, 30  
Landscape Lighting, 28  
Landscape Maintenance, 29  
Landscape Principles, 26  
Lighting (Attached to Dwelling Unit), 14  
Natural Area Open Space (NAOS), 31  
No Soliciting Signs, 19  
Open House Signs, 19  
Painting, Exterior, 10  
Party Walls, 22  
Pet Enclosures, 15  
Pilasters, 22  
Play Structures, 15  
Political Signs, 19  
Pools, Spas, and Spools, 15  
Portable Flame Sources, 16  
Portable Toilets, 34  
Prohibited Plant List, 32  
Prohibited Structures/Items/Activities, 16

Putting Greens, 29  
Rear Yard Structures, 17  
Return Wall Gates, 13  
Riprap, 27  
Roller Shutters, 17  
Roof-Mounted Equipment, 8  
Satellite Dishes, 8  
Security Doors, 18  
Shade Structures, 17  
Shared Walls, 22  
Shrubs, 30  
Signs, 19  
Solar Panels, 8  
Spas, 15  
Spools, 15  
Sport Courts, 30  
Storage Structures, 20  
Surveillance Devices, 21  
Trash/Recycle Containers, 21  
Trees, 26  
Turf, 29  
Umbrellas, 21  
View Decks, 22  
View Fences, 22  
Water Features, 23  
Wildlife, 24  
Windows, 24