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# ARCHITECTURAL DESIGN GUIDELINES

SCOTTSDALE MOUNTAIN  
PARCEL 1, LOT 1



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## **GENERAL GUIDELINES**

### **1.1 EXTERIOR STAIRS AND RAILINGS**

Exterior stairs and guardrails shall be designed to integrate with the main residence in material and architectural character. Freestanding exposed circular or straight metal stairs are prohibited.

### **1.2 EXTERIOR BUILDING MATERIALS**

#### **WALLS:**

Exterior building materials should be selected to harmonize with the natural landscape. Stone, stucco, integrally colored or painted slump block, adobe block, or integrally colored concrete block should be the predominant exterior wall material. These materials hold up well in our desert climate and provide desirable texture and add scale to the homes. Wood or vinyl sidings are prohibited as the predominant exterior material.

#### **ROOFS:**

Roof materials are a very important element of the built environment due to their visibility from numerous viewpoints within and outside the community. Roofs may be "flat" or sloping. Sloping roofs may not exceed a 5:12 pitch.

The use of flat or curved concrete roof tiles is encouraged. Tile color should be compatible with the desert. Tiles shall not have any type of glazed finish that creates reflectivity. Clay barrel tiles may be

used if they are provided with a variegated or pinto color finish. Metal roofing, either pre-finished or natural weathered copper, with standing seams or battens to minimize "oil-canning" and increase texture, may be used. Wood shingles, wood shakes, and asphalt shingles are prohibited.

Flat foam roofs or built-up roofs are acceptable. Foam roofs shall include sand in the finish coat and shall be colored to blend harmoniously with the home's wall color(s) and be of a Light Reflectivity Value (LRV) of 40 or less. Built-up roofs shall have a mineral cap sheet with darker colored granules or have gravel ballast with a color compatible with the wall colors (white is not permitted in either case).

### **1.3 COLOR AND REFLECTIVITY**

Exterior colors are to be selected to blend with their natural environment. Muted desert tones selected to blend with the vegetation and/or surrounding mountains, with limited use of accents and low reflectivity values should be selected. Wall colors shall have an LRV of 40 or less. Appropriateness of exterior colors shall be determined by the Declarant.

### **1.4 SKYLIGHTS**

Skylights create objectionable light spillage and glare in the desert night sky, and are therefore discouraged. If proposed, skylights shall be screened from view of adjacent properties and require Declarant approval.

### **1.5 EXTERIOR ARCHITECTURAL LIGHTING**

It is the intent of these guidelines to enhance the nighttime desert views by eliminating the glare caused by the direct observance of light sources (light bulbs). Recessed down lights are encouraged at residence entries and patios. Surface mounted light fixtures shall have shielded light sources with bulbs or tubes not directly visible. Wall or eave-mounted floodlights, including motion sensed lighting, are prohibited.

When exterior lights are shielded only with translucent glass, light sources shall be low in intensity to reduce objectionable glare and/or light pollution. Per City of Scottsdale zoning requirements, low intensity lighting is 50 watts for incandescent and florescent lighting, 25 watts for halogen, 10 watts for metal halide and 1 watt for LED lighting sources. Limits shall be per each fixture.

Refer to landscape guidelines for further description of landscape lighting.

### **1.6 FIREPLACES AND CHIMNEY CAPS**

Chimney elements shall be designed to enhance the overall appearance of the residence. If pre-fabricated metal fireplaces are used, the factory provided chimney cap shall be shielded with a non-combustible shroud in a design that is compatible with the residence.

Owners shall provide natural gas or propane for each fireplace. All fireplaces shall meet the requirements of all governing authorities including the Environmental Protection Agency, the City of Scottsdale, Maricopa County and the State of Arizona. All chimneys shall have approved spark arrestors.

### **1.7 SOLAR COLLECTORS**

Solar energy equipment shall be installed on the ground, roof of building or on a building wall where not visible from adjacent properties. Solar equipment shall be mounted in a fashion compatible with the residence's architectural character.

### **1.8 ROOF-MOUNTED EQUIPMENT**

Roof mounted equipment is prohibited.

### **1.9 GROUND MOUNTED EQUIPMENT**

Ground mounted mechanical, electrical, swimming pool or other equipment shall be placed adjacent to the residence and shall be screened with masonry walls to mitigate their audible and visual impact on adjacent properties.

### **1.10 ANTENNAE AND SATELLITE DISHES**

Satellite dishes are to be screened from view of adjacent properties with walls and/or landscaping and located in the rear yard of the residence or within the private landscape area

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(inside the walled courtyard on custom home lots). Satellite dishes shall not be mounted on a front or side yard building wall. No other transmitting or receiving antennae will be permitted outside the residence.

### **1.11 GUEST HOUSES**

Guest houses shall be designed to visually relate to the main residence in massing, building material usage and architectural character. Guest houses shall comply with all requirements of the City of Scottsdale Zoning Ordinance.

### **1.12 FLAG POLES**

A flag pole will be allowed. No flagpole shall exceed 12 feet in height. Flags shall be taken down at night and no night lighting of flags or poles will be allowed. The color of the flagpole shall be compatible with the residence.

### **1.13 GARAGES**

All homes shall include garages for the vehicles of all permanent residents. No outdoor parking of recreational vehicles or boats will be allowed.

### **1.14 DOG RUNS**

Dog runs may be permitted when placed in a location that does not create an audible or visual nuisance and are subject to review and approval by the Declarant.

## **LANDSCAPE DESIGN** **GUIDELINES**

### **2.1 INTRODUCTION**

The following section of the design guidelines pertains to the residential landscape components of the community including appropriate and prohibited plants, landscape lighting, water features, site grading and other landscape embellishments.

### **2.2 LANDSCAPE DESIGN PHILOSOPHY**

Scottsdale Mountain Parcel 1, Lot 1 is located within the Environmentally Sensitive Lands (ESL) District of Scottsdale. This district was established by the City to protect and enhance the unique characteristics of the Sonoran Desert. These guidelines reinforce the principles of the ESL Ordinance.

The overriding philosophy of the guidelines is to establish an architectural and landscape character for the community that is harmonious with the natural desert environment. The landscape component of these guidelines requires that the homeowner and/or landscape designer provide a landscape design for all visible landscape areas of the home site that appropriately relates to the local environment. To accomplish this goal, specific design and material requirements for production and custom homes are described within this section of the guidelines.

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## 2.3 GENERAL REQUIREMENTS FOR LANDSCAPE AREAS

### Plant Material

Approved and prohibited plant and landscape material palettes have been created to establish continuity with the surrounding community and to create a harmonious relationship with the surrounding natural desert landscape. Those materials are referenced within Sections 2.5, 2.6 and 2.7 of the guidelines. There is no maximum limitation on the amount of turf Owner may install.

### Walls and Fences

All proposed walls and fences must be constructed of a material, finish and color that compliments the adjacent residence. Refer to the cuts and fills portion of Section 4.4 of these guidelines for additional wall and fence design criteria.

The Declarant must approve any proposed modification or repair to visible walls or fences constructed by the developer. Additionally, homeowners may not add wire mesh to view fences within the community without approval of the Declarant.

### Landscape Lighting

Landscape lighting is allowed subject to the following criteria:

- Landscape lighting shall be low-voltage only.
- Landscape lighting must be controlled with an electric clock or photo-cell device.
- Light sources must be shielded from view.

- Fixtures must be constructed of metal. Plastic fixtures are prohibited.
- All wiring for light fixtures must be buried below grade per the manufacturer's requirements.
- Controller equipment must be located in a discrete location or screened from view from the street or adjacent property.

### Pools, Fountains and Other Water Features

Safety. Pools and other water features must conform to all city and county regulations.

Pool Equipment. All pool equipment must be appropriately screened from the view of adjacent neighbors or common areas with masonry walls. Pool equipment should be placed adjacent to the residence in a location that minimizes noise impacts to adjacent neighbors.

### Hardscape Areas

Custom designed hardscape elements such as sidewalks, patios and pool decks are encouraged subject to the following criteria:

- Material and color of proposed hardscape must be compatible with and complement the architectural character of the neighborhood and home.
- Material, color and texture of the hardscape should minimize solar reflectivity.

### Irrigation

All newly installed plant material (with the exception of cactus) shall

be watered with an automatic underground irrigation system. Irrigation systems should be designed to accommodate a temporary watering schedule for any native plants installed within the landscape.

Native shrubs: (Approx) One Year\*

Native trees: (Approx.) Three Years\*

Non-native shrubs and trees- As Necessary to Maintain Plant

(\* or until established.)

Extended or over-watering of native plants may result in the death of the plant, excessive maintenance and/or poor growth habits.

#### **Miscellaneous Guidelines**

Long term storage of building materials, tools and construction equipment is not permitted in locations that are visible from off-site.

#### **2.4 INTENTIONALLY DELETED**

## 2.5 APPROVED PLANT LIST

The following materials are pre-approved for use:

Common Name	Botanical Name	Production Homes	Custom Homes
<b>TREES</b>			
Sweet Acacia	Acacia farnesiana	Yes	No <sup>(1.)</sup>
Palo Blanco	Acacia willardiana	Yes	No <sup>(1.)</sup>
Palo Brea	Cercidium praecox	Yes	No <sup>(1.)</sup>
Blue Palo Verde <sup>(1.)</sup>	Cercidium floridum	Yes	Yes
Foothill Palo Verde <sup>(1.)</sup>	Cercidium microphyllum	Yes	Yes
Desert Museum Palo Verde		Yes	No <sup>(1.)</sup>
Desert Willow	Chilopsis linearis	Yes	Yes
Fern of the Desert	Lysiloma thornberi	Yes	No <sup>(1.)</sup>
Ironwood Tree <sup>(1.)</sup>	Olneya tesota	Yes	Yes
Texas Ebony	Pithecellobium flexicaule	Yes	Yes
Argentine Mesquite	Prosopis alba	Yes	Yes
Chilean Mesquite	Prosopis chilensis	Yes	No <sup>(1.)</sup>
Arizona Mesquite <sup>(1.)</sup>	Prosopis velutina	Yes	Yes
Mescal Bean	Sophora secundiflora	Yes	Yes
<b>SHRUBS</b>			
Giant Bursage	Ambrosia ambrosioides	Yes	Yes
Bursage	Ambrosia dumosa <small>Unofficial Document</small>	Yes	Yes
Desert Milkweed	Asclepias subulata	Yes	Yes
Centennial Baccharis	Baccharis "Centennial"	Yes	No <sup>(1.)</sup>
Bougainvillea	Bougainvillea species	No <sup>(2.)</sup>	No <sup>(1.)</sup>
Woolly Butterfly Bush	Buddleia marrubifolia	Yes	Yes
Birds of Paradise	Caesalpinia species	Yes	No <sup>(1.)</sup>
Fairy Duster	Calliandra species	Yes	Yes
Littleleaf Cordia	Cordia parvifolia	Yes	No <sup>(1.)</sup>
Dalea	Dalea species	Yes	No <sup>(1.)</sup>
Brittlebush	Encelia farinosa	Yes	Yes
Mormon Tea	Ephedra trifurca	Yes	Yes
Chuparosa	Justicia californica	Yes	Yes
Desert Honeysuckle	Justicia specigera	Yes	Yes
Creosote Bush	Larrea tridentata	Yes	Yes
Violet Silver Leaf	Leucophyllum candidum	Yes	No <sup>(1.)</sup>
Chihuahuan Sage	Leucophyllum laevigatum	Yes	Yes
Deer Grass	Muhlenbergia species	Yes	No <sup>(1.)</sup>
Bear Grass	Nolina microcarpa	Yes	Yes
Sugar Bush	Rhus ovata	Yes	Yes
Salvia	Salvia species	Yes	Yes
Jojoba	Simmondsia chinensis	Yes	Yes
Arizona Yellow Bells	Tecoma stans	Yes	No <sup>(1.)</sup>

Common	Botanical	Production	Custom
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Name	Name	Homes	Homes
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**SHRUBS (CONTINUED)**

Ruellia	Ruellia species	Yes	No <sup>(1.)</sup>
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**GROUND COVERS**

Angelita Daisy		Yes	Yes
Sand Verbena	Abronia villosa	Yes	Yes
Bursage	Ambrosia deltoidea	Yes	Yes
Saltbush	Atriplex species	Yes	Yes
Desert Marigold	Baileya multiradiata	Yes	Yes
Fairy Duster	Calliandra species	Yes	Yes
Brittlebush	Encella farinosa	Yes	Yes
California Poppy	Eschscholtzia mexicana	Yes	Yes
Turpentine Bush	Ericameria laricifolia	Yes	Yes
Lantana	Lantana species	Yes	No <sup>(1.)</sup>
Primrose	Oenothera species	Yes	Yes
Penstemon	Penstemon species	Yes	Yes
Globe Mallow	Sphaeralcea ambigua	Yes	Yes
Verbena	Verbena species	Yes	Yes

**ACCENTS (CACTUS AND SUCCULENTS)**

Agave	Agave species	Yes	No <sup>(1.)</sup>
Aloe	Aloe species	Yes	No <sup>(1.)</sup>
Saguaro Cactus	Carnegiea gigantea	Yes	Yes
Desert Spoon	Dasyliion wheeleri <small>Unofficial Document</small>	Yes	No <sup>(1.)</sup>
Golden Barrel Cactus	Echinocactus grusonii	Yes	No <sup>(1.)</sup>
Hedgehog Cactus	Echinocereus species	Yes	Yes
Barrel Cactus	Ferocactus wislizenii	Yes	Yes
Ocotillo	Fouquieria splendens	Yes	Yes
Red Yucca	Hesperaloe parviflora	Yes	No <sup>(1.)</sup>
Cholla	Opuntia species	Yes	Yes
Native Prickly Pear	Opuntia phaeacantha	Yes	Yes
Banana Yucca	Yucca baccata	Yes	Yes
Soaptree Yucca	Yucca elata	Yes	Yes

Footnotes:

1. Allowed only for use in private areas of the yard.

**2.6 REVEGETATION PROGRAM**

The Scottsdale Mountain Parcel 1, Lot 1 was surveyed to determine the approximate density and variety of existing plants present on the site. The following table represents the results of that survey and the general requirements for the revegetation of disturbed Natural and/Transition Areas within the custom home neighborhoods.

Plant Type	Plants per 1,000 s.f.
• Native Palo Verde .....	1
• Ocotillo or Saguaro .....	1
• Barrel Cactus .....	1
• Hedgehog Cactus .....	1
• Staghorn or Teddy Bear Cholla .....	5
• Creosote Bush .....	2
• Brittlebush .....	5
• Bursage .....	35
• Mormon Tea, Jojoba or Chuparosa .....	1
• Turpentine Bush .....	1

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The primary objective of the revegetation program within the custom home neighborhoods is to match and blend with the adjacent natural areas. The homeowner and/or landscape designer are to use the above list and stated plant densities as a guide for restoring disturbed areas.

***Note: It is the applicant's responsibility to provide evidence that the subject site varies from the Revegetation Program if a different program is proposed.***

## 2.7 PROHIBITED LANDSCAPE MATERIALS LIST

The following materials are prohibited from use :

Plants	Remarks
• Palm Trees .....	Exception: Sago palms that are located in private areas of the yard are acceptable.
• Acacia species.....	Except as provided within the Approved Plant List (Section 2.5)
• Pine Species.....	All
• Eucalyptus species.....	All
• Cypress species .....	All
• Olive Trees .....	All
• Citrus .....	Exception: Dwarf varieties that are located in private areas of the rear yard are acceptable.
• Mexican Palo Verde .....	All
• Cottonwood Tree .....	All
• Juniper species.....	All
• Fountain Grass .....	All
• Desert Broom .....	All
• Oleander.....	Exception: Dwarf varieties that are located in private areas of the rear yard are acceptable.
• Common Bermuda Grass .....	Hybrid varieties that are located in private areas of the rear yard are acceptable.
• Any plant not indicated on the Approved Plant List (Section 2.5) that will be visible in a mature state from outside the lot, unless the plant has been approved in advance by the Declarant.	

<i>Note: Non-native plants that exceed twenty feet in height are prohibited pursuant to the City's Environmentally Sensitive Lands Ordinance.</i>
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### Other Prohibited Material

- Polyethylene film under desert landscape areas.
- Steel, scalloped concrete or wooden headers or borders.
- Colored rock other than that described in Section 2.3.
- River Run Rock.

## 2.8 CITY OF SCOTTSDALE PROTECTED PLANT LIST

The following plants are protected by the City of Scottsdale's Native Plant Ordinance and may not be pruned, salvaged or destroyed without approval from the City.

<u>Botanical Name</u>	<u>Common Name</u>
• <i>Acacia constricta</i> .....	White Thorn Acacia
• <i>Acacia greggii</i> .....	Catclaw Acacia
• <i>Canotia holocantha</i> .....	Crucifixion Thorn
• <i>Carnegiea gigantea</i> .....	Saguaro
• <i>Celtis reticulata</i> .....	Hackberry
• <i>Cercidium floridum</i> .....	Blue Palo Verde
• <i>Cercidium microphyllum</i> .....	Foothill Palo Verde
• <i>Chilopsis linearis</i> .....	Desert Willow
• <i>Ferocactus species (some)</i> .....	Barrel Cactus
• <i>Fouquieria splendens</i> .....	Ocotillo
• <i>Olneya tesota</i> .....	Ironwood
• <i>Populus fremontii</i> .....	Cottonwood
• <i>Prosopis species (some)</i> .....	Mesquite
• <i>Quercus species (some)</i> .....	Scrub Oak
• <i>Vauquelinea californica</i> .....	Arizona Rosewood
• <i>Yucca elata</i> .....	Soaptree Yucca

**2.9 LANDSCAPE COMPLIANCE WORKSHEET**  
Revegetation Program

**Owner Information:** \_\_\_\_\_ **Date:** \_\_\_\_\_

Name ..... Parcel Name/No. ....  
 Address ..... Lot Number .....  
 City/State/Zip ..... L/S Designer .....  
 Phone ..... L/S Contractor .....

**Plans Required:**  
 Front yard landscape plans must be submitted with this application

**Landscape Compliance. Please fill in the following information:**  
 Approximate area of disturbance to be revegetated ..... square feet (s.f.).  
 (include all disturbed Natural and Transition Areas)

**Revegetation Requirements:**

Plant Type	Min. Size Required	Plants per s.f. Required	Required Quantity	Provided Quantity
Native Palo Verde	36" Box	1:1,000	_____	_____
Ocotillo or Saguaro	8' Height <small>Unofficial Document</small>	1:1,000	_____	_____
Barrel Cactus	12" Diameter	1:1,000	_____	_____
Hedgehog Cactus	6-head	1:1,000	_____	_____
Staghorn or Teddy Bear Cholla	18" Height	5:1,000	_____	_____
Creosote Bush	15 gallon	2:1,000	_____	_____
Brittlebush	1 gallon	5:1,000	_____	_____
Bursage	1 gallon	35:1,000	_____	_____
Mormon Tea, Jojoba or Chuparosa	5 gallon	1:1,000	_____	_____
Turpentine Bush	1 gallon	1:1,000	_____	_____

**Additional Notes:**

- All revegetated landscape areas must be covered with local on-site granite that matches and blends with adjacent natural areas per the landscape guidelines.
- All revegetated landscape areas must be irrigated per the landscape guidelines.

**Note: Non-native plants that exceed twenty feet in height are prohibited pursuant to the City's Environmentally Sensitive Lands Ordinance.**

# **CUSTOM HOME DESIGN** **GUIDELINES**

## **3.1 INTRODUCTION**

Owner shall strive to create harmony between the home and with its desert surroundings and to enhance its neighborhood streetscape.

The Declarant will use the following criteria to evaluate the design appropriateness of a custom home:

- A) Is the design uniquely suited to its specific site?
- B) Does the design respect and enhance the views of its neighbors?
- C) Does the design contribute to a diverse and interesting street-scene?
- D) Does the design demonstrate multiple logically arranged building masses?

## **3.2 ARCHITECTURAL CHARACTER**

It is not the intent of these guidelines to mandate a particular architectural style for the home. The home should be designed to reflect and maintain the overall quality of the community.

The desert climate encourages the use of deeply recessed openings within walls for sun protection. Outdoor spaces with full and partial shading are also encouraged to maximize the opportunities for outdoor living. Low sloping rooflines with deep overhangs

enhance the sun protection and create texture and interest in the shadow patterns created.

Definable architectural styles such as French Country, English, Colonial, etc. are prohibited due to their excessive height and their inappropriateness to our arid southwest environment.

Homes will be visible from many vantage points and should be designed with equal attention paid to each side. Custom homes will often also be visible from ascending homesites. In general, sloped roofs are preferable when viewed from above and flat roofs are preferable when viewed from below.

## **3.3 HEIGHT**

Building heights are calculated as the difference between the top of any roof or parapet and the natural grade directly below that point. With the exception of chimneys, the maximum allowable building height shall be 22 feet above pad elevation.

Elevations of highest point of roof(s) shall be indicated on grading and drainage plan prepared by licensed Arizona land surveyor and shall be included in the Preliminary and Final design submittals as described elsewhere.

The zoning of the property prohibits multi-story homes. The residence shall be single-story design.

Uninterrupted house walls shall not exceed 20 feet in height.

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The top of chimney elements shall not exceed four (4) feet above the adjacent maximum allowable building height.

Certification of built height and finished floor elevation(s) will be required for final approval. Upon completion of the roof framing, a surveyor licensed in the State of Arizona, shall be hired by the Owner to establish the as-built elevations of the top of the roof plan at each ridge and parapet and finished floors. This certification (with seal and signature of licensed surveyor) shall be submitted to the Declarant for their review and files.

It will be the homeowners responsibility to make any modifications to existing construction required to remedy any construction that exceeds allowable height requirements.

## **REVIEW PROCEDURE**

### **4.1 INTRODUCTION**

These Design Guidelines govern the construction, placement, installation and modification of improvements, including landscaping, pools, water features, walls and fencing, lighting and alteration of grading or drainage. All plans and materials for work proposed must be approved in writing by the Declarant before work may begin.

Owner is responsible for complying with the standards and procedures set forth in these guidelines as well as for compliance by builders, consultants, contractors and others involved in work. Owner is also governed by the architectural and construction requirements contained in the Declaration as well as the requirements

and regulations of any applicable governing authority.

A summary and checklist describing the review process may be found at the end of this section.

### **4.2 PRE-DESIGN CONFERENCE (NEW HOME CONSTRUCTION)**

To begin the review and approval process for a new custom residence, Owner shall submit an "Application for Review - New Residence" (found in Section 5.6) with the required non-refundable application fee. The Owner, with the Designer and/or Builder, may then meet with the Declarant to discuss the opportunities and limitations of the lot, review any conceptual planning and answer any questions regarding the Design Guidelines. This meeting may be held on-site if specific site issues need to be observed. The pre-design conference, if desired, should take place before any detailed designs or drawings are prepared for the home. The Declarant will promptly prepare a letter confirming any of the decisions or directions resulting from the meeting.

### **4.3 PRELIMINARY DESIGN SUBMITTAL (NEW HOME CONSTRUCTION)**

The preliminary design submittal shall include two (2) copies of the following:

- A) Site Plan** at a scale not less than 1" = 20'-0". The plan shall show the entire lot, development envelope, buildings and other structures, driveway(s), parking area(s), patios, pools and water features, walls, fences, proposed utility locations, finish floor elevation(s), established

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pad elevation, site grading (with existing and proposed contours at maximum 2' intervals) and existing natural features (rock outcrops, washes, trees and major plants) with their proposed status. Include a

- B)** description of any proposed revision to the development envelope. **A survey** by a land surveyor licensed in the state of Arizona drawn at the same scale as the site plan and showing lot boundaries and dimensions, setbacks, utilities and easements.
- C)** **Floor plan** at not less than 1/8" = 1'-0" showing rooms with room names, finish floor elevations and patios, sidewalks, walls and fences attached to building.
- D)** **Roof plan** at not less than 1/8" = 1'-0" showing roof slopes, skylight(s), roof materials, scuppers and/or downspouts. Elevations of roof tops relative to natural grade below.
- E)** **Exterior elevations** of all sides or residence at not less than 1/8" = 1'-0" showing existing and proposed grades, building materials and heights of structure above natural grade. Include adjacent walls and structures as required to describe the overall expression of the home when viewed from surrounding properties.
- F)** A minimum of two **building sections** showing existing and proposed grades and maximum allowable heights pertaining to the subject lot.
- G)** Preliminary landscape concept plan at same scale as site plan.

The Declarant may require the Owner to provide preliminary staking of the building corners and other locations on the site in order to observe the location of the proposed improvements. The

staking may be required to include information regarding proposed floor elevations and/or top of roof elevations.

#### **4.3.1 PRELIMINARY DESIGN SUBMITTAL (ADDITIONS OR MODIFICATIONS)**

After the required review fee is submitted with a completed "Application for Review – Modifications to Residence" (found in Section 4.7), the applicant shall submit four copies of the following:

- A)** Site Plan at not less than 1" = 20'-0" scale showing the existing and proposed structures, property boundaries, setback and/or development envelope lines, driveway, patios, sidewalks and natural features.
- B)** Floor plan or enlarged site plan at not less than 1/8" = 1'-0" showing all proposed modifications.
- C)** Roof plan at not less than 1/8" = 1'-0" showing roof slopes, skylight(s), roof materials, scuppers and/or downspouts.
- D)** Exterior elevations of all sides or residence affected by the work, at not less than 1/8" = 1'-0", showing existing and proposed grades, building materials and heights of structure above natural grade. Include adjacent walls and structures as required to describe the overall expression of the home when viewed from surrounding properties.
- E)** At least one building section, for structural additions to existing residences, showing existing and proposed grades and maximum allowable heights.
- F)** Photographs or other information verifying existing conditions.

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#### **4.4 FINAL DESIGN SUBMITTAL (NEW HOME CONSTRUCTION)**

Following approval of the Preliminary Submittal, the applicant must prepare and submit the following for Final Review:

- A) Two (2) copies of complete construction drawings as submitted to the building department for building permit.
- B) Two (2) copies of complete landscape plans showing the entire lot and describing;
  - 1. Natural, transitional and private areas with all disturbance areas clearly delineated.
  - 2. Location, size and species of all plant materials including revegetation areas and existing plant materials to remain or be reused.
  - 3. All locations and material of exterior walks, driveways and patios.
  - 4. Locations and fixture cuts for all landscape lighting.
  - 5. Location and description of pools, spas and water features including equipment locations and screening techniques.
  - 6. Location and description of all site walls, fencing and gates. Top of fence/wall heights are to be included.
  - 7. Locations and sizes of imported boulders and/or ornamental objects.
- C) Two (2) copies of complete grading plans showing all existing and proposed topography and strategy for dealing with drainage and run-off.
- D) Exterior material and color sample board including samples of all major building materials. Proposed paint

samples shall include manufacturer's published light reflectivity values (LRV) for each color.

- E) Fixture cuts for all surface mounted building lights demonstrating how light source(s) will be shielded.

#### **4.4.1 FINAL DESIGN SUBMITTAL (MODIFICATIONS TO EXISTING RESIDENCE)**

Once approval of the Preliminary Submittal is granted, the applicant must prepare and submit the following (wherever applicable) for Final Review:

- A) Two (2) copies of complete construction drawings (for structural additions or remodels) as submitted to the building department for building permit.
- B) Two (2) copies complete landscape plans (when work includes new or revised landscaping) showing the entire lot and describing;
  - 1. Natural, transitional, and private areas with all disturbance areas clearly delineated.
  - 2. Location, size and species of all plant materials including revegetation areas and existing plant materials to remain or be reused.
  - 3. All locations and material of exterior walks, driveways and patios.
  - 4. Locations and fixture cuts for all landscape lighting.
  - 5. Location and description of pools, spas and water features including equipment locations and screening techniques.
  - 6. Location and description of all site walls, fencing and gates. Tops of fence/wall heights are to be included.

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- 7. Locations and sizes of imported boulders and/or ornamental objects.
- C) Complete grading plan showing all existing and proposed topography and strategy for dealing with drainage and run-off.
- D) Exterior material and color sample board including samples of all major building materials. Proposed paint samples shall include manufacturer's published light reflectivity values (LRV) for each color.
- E) Fixture cuts for all surface mounted building lights demonstrating how light source(s) will be shielded.

#### 4.5 REVIEW

Each submittal will be reviewed and approved or denied within 30 days of the date of submission of all required materials. The Declarant shall determine if a submittal is complete. The Declarant's decision will be in one of the following forms:

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**"Approved"** – The submittal as presented is approved in its entirety and the applicant is free to move on to the next phase.

**"Approved with changes"** – The applicant is free to move on to the next phase but must demonstrate compliance with, or otherwise respond to any observations or concerns the Declarant may list as part of their review.

**"Denied"** – The entire submittal is rejected. The committee will list either general or specific reasons for the rejection.

If rejected, the applicant shall resubmit the entire package addressing the committee's concerns. If rejected again, the applicant may be required to pay additional review fees.

The results of reviews or committee comments may not be discussed with individual committee members over the phone. Communication regarding reviews must be in writing.

No approval shall relieve the owner/applicant from complying with the requirements of these guidelines. Revisions to the plans after final approval has been granted shall be submitted to the committee for review. All such revision may be subject to an additional review fee.

### 4.6 APPLICATION FOR REVIEW – NEW RESIDENCE

Date of Application: \_\_\_\_\_

Owner Information:

Contractor/Builder Information:

\_\_\_\_\_  
OWNER'S NAME  
\_\_\_\_\_  
DAYTIME PHONE      EVENING PHONE  
\_\_\_\_\_  
MAILING ADDRESS  
\_\_\_\_\_  
CITY                      STATE              ZIP

\_\_\_\_\_  
NAME OF CONTRACTOR/BUILDER  
\_\_\_\_\_  
CONTRACTOR/BUILDER PHONE  
\_\_\_\_\_  
NAME OF AGENT OR SUPERINTENDENT  
\_\_\_\_\_  
AGENT OR SUPERINTENDENT PHONE  
\_\_\_\_\_  
BUSINESS ADDRESS  
\_\_\_\_\_  
CITY                      STATE              ZIP

Lot number: \_\_\_\_\_

Parcel/Unit Number: \_\_\_\_\_

Design Professional Information:

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\_\_\_\_\_  
NAME OF DESIGNER  
\_\_\_\_\_  
PHONE  
\_\_\_\_\_  
BUSINESS ADDRESS  
\_\_\_\_\_  
CITY                      STATE              ZIP

Four copies of all plans are required.

Have any plans previously been submitted for this project?  Yes       No (Check One)

It is hereby understood and agreed that approval of this application does not constitute approval as to compliance with applicable Arizona law or City of Scottsdale ordinances.

\_\_\_\_\_  
SIGNATURE OF OWNER(S)                      DATE

\_\_\_\_\_  
SIGNATURE OF AGENT                      DATE

\_\_\_\_\_  
RECEIVED BY REVIEWER                      DATE

If the application is incomplete, the Declarant will notify the applicant as to the needed documents and the application will not be further considered until receipt of these materials.

Note: Approval and compliance with conditions is a pre-condition to filing an application for Final Design Submittal.

### 4.7 APPLICATION FOR REVIEW – MODIFICATIONS TO EXISTING RESIDENCE

Date: \_\_\_\_\_ Lot Number: \_\_\_\_\_ Parcel/Unit Number: \_\_\_\_\_

OWNER \_\_\_\_\_

DESIGN PROFESSIONAL \_\_\_\_\_

PHONE \_\_\_\_\_

BUILDER \_\_\_\_\_

ADDRESS \_\_\_\_\_

CITY \_\_\_\_\_ STATE \_\_\_\_\_ ZIP \_\_\_\_\_

SIGNATURE \_\_\_\_\_

Nature of Modification request: (Check One)

Check description of type of Proposed Modification or New Construction.

Review and approval of final plans (initial submission)

Alteration or addition to existing Custom Home

Appeal of a "not approved" Review Request or any Notation of an "approved as noted" Item in a Review Request.

Landscape, Irrigation, Lighting, and Contouring Plants

Review of exceptions to or deviations from the Custom Home Design Guidelines

Hardscape Plans (includes paving, brick, slump block, rocks, flagstone, outdoor barbecue, fireplaces, etc.)

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Proposal or a change to the Custom Home Design Guidelines.

Walls, gates and/or fences.

Pools and/or spas.

Other on site improvements/additions. Please specify in detail.

\_\_\_\_\_  
\_\_\_\_\_

PLEASE ATTACH FOUR COPIES OF PROPOSED PLANS, MINIMUM SIZE 11" X 17"

I UNDERSTAND AND ACKNOWLEDGE THAT NO WORK MAY COMMENCE UNTIL MY REQUEST IS APPROVED. I FURTHER UNDERSTAND THAT I WILL BE LIABLE FOR ALL COSTS NECESSARY TO BRING ANY NON CONFORMING WORK INTO COMPLIANCE WITH THE CC & R'S AND DESIGN GUIDELINES, AND FOR SUCH OTHER PENALTIES AS ARE PROVIDED IN THE DECLARATION AND THE DESIGN GUIDELINES.

OWNER \_\_\_\_\_

DATE \_\_\_\_\_

THIS APPROVAL IN NO WAY RELIEVES THE HOMEOWNER FROM ALL CC & R AND DESIGN GUIDELINES REQUIREMENTS, NOR DOES IT CONSTITUTE APPROVAL AS TO COMPLIANCE WITH APPLICABLE ARIZONA LAW, CITY OF SCOTTSDALE OR FLOOD CONTROL ORDINANCES, AND BUILDING AND SAFETY REQUIREMENTS.

ACTION TAKEN BY THE  APPROVED (the request submitted is approved)

DECLARANT:  APPROVED AS NOTED (the request submitted is conditionally approved subject to Noted conditions).  DISAPPROVED (the entire request is not approved and must be re-submitted with revisions)

Declarant Signature: \_\_\_\_\_ Date: \_\_\_\_\_ Comments: \_\_\_\_\_

\_\_\_\_\_

#### 4.8 REVIEW PROCESS SUMMARY

##### NEW HOME PROCESS:

1. Submit Application and Application Fee
2. Pre-Design Conference
3. Preliminary Design Submittal
  - Site Plan
  - Survey
  - Floor Plan
  - Roof Plan
  - Exterior Elevations
  - Building Sections
4. Final Design Submittal
  - Complete construction documents set
  - Complete landscape plans
  - Grading and drainage plans
  - Exterior material and color sample board
  - Light fixture cuts

##### MODIFICATIONS TO EXISTING RESIDENCE:

1. Submit Application and Application Fee.
2. Drawings to adequately describe nature of modifications. All submittals must include a site plan showing property boundaries, development envelope, existing and proposed improvements.

## GENERAL

### 5.1 INTERPRETATION / GOVERNING PROCEDURE

To the extent that any governing authority ordinances, building code, or regulations require a more restrictive standard than the standards set forth in these Design Guidelines or the Declaration, the governing authority standards shall prevail. To the extent that any governing authority standard is less restrictive, the Declaration and the Design Guidelines (in that order) shall prevail. Owner's responsibility to comply herewith is not discharged by compliance with other legal requirements.

### 5.2 ENFORCEMENT

In the event of any violation of these Design Guidelines, the Declarant may take enforcement action as provided in the Declaration. In addition, Declarant also may, but is not required to, exercise enforcement rights granted through the Sales Agreement or otherwise. Enforcement powers include (without limitation) removing or remedying violations, seeking legal or injunctive relief, and levying fines. In any enforcement action, the Declarant or the Board shall be entitled to recover all costs incurred in enforcing compliance. It is acknowledged by Owner that all acts of any Builder working at Owner's direction or on Owner's behalf shall be deemed to be done by Owner or shall entitle Declarant to exclude such Builder in addition to exercising remedies against Owner.

### **5.3 CONSTRUCTION SCHEDULING**

No construction may commence until Final Plan approval is obtained from the committee. New Residential construction and initial landscape improvements must be pursued diligently and without interruption and must be completed within 18 months of commencement.

Modifications to existing improvements must be commenced within 90 days of final plan approval and the modification must be completed within 180 days of commencement.

### **5.4 RULES FOR CONSTRUCTION**

#### **Governing Authority**

All Builders and Owners shall comply with the regulations of any Governing Authority, as well as all-applicable Occupational Safety and Health Act regulations and guidelines.

#### **Construction Trailers and Portable Field Offices**

Any Owner or Builder who desires to bring a construction trailer, field office, or other temporary structure onto the lot shall first apply for and obtain written approval from the Declarant. The trailer must be an acceptable color and have no signage. To obtain such approval, the Builder shall submit a copy of the architect's site plan with proposed location of the structure within the development envelope. Such temporary structures shall be removed upon completion of construction. All storage of materials shall be at Builder's own risk and Declarant shall not provide any

security for building sites. Animal proof trash receptacles of an approved size shall be required for each such structure.

#### **Debris and Trash Removal**

Builders shall clean up all trash and debris on the lot at the end of each day. Trash and debris shall be removed regularly from each lot and not be permitted to accumulate. Lightweight materials, packaging and other items shall be covered or weighted down to prevent their being blown off the construction site. Builders are required to retrieve promptly all trash and debris blown onto neighboring properties.

Builders are prohibited from dumping, burying, or burning trash anywhere. During the construction period, each construction site shall be kept neat and clean and shall be properly policed to prevent it from becoming an eyesore or affecting other Lots or any open space.

Mud, dirt, and cement dragged from the construction site onto the paved streets, whether caused by the Builder or any of its subcontractors or suppliers, shall be promptly removed and cleaned by the Builder. Failure to comply with this section may result in a fine being levied by the Declarant and/or the violation being remedied by the Declarant as provided in the Declaration.

#### **Sanitary Facilities**

Builder is responsible for providing adequate sanitation facilities for its construction workers. Portable toilets shall be located only within the Development envelope or in an area approved by the Declarant.

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### **Vehicles and Parking Areas**

Construction crews shall not park on, or otherwise use, other Lots or any open space. Construction vehicles and machinery, as well as worker's private vehicles shall be parked only within the Lot area or in areas designated by the Declarant. All vehicles shall be parked so as not to inhibit traffic.

Builder shall be responsible for assuring that its subcontractors and suppliers obey any speed limits. Fines may be imposed against the Builder for repeated violations. Repeat offenders will be denied future access to the site.

### **Blasting**

The City of Scottsdale, Arizona and the Declarant must be informed of any plans for blasting, both on the initial application for approval of the work and no less than 48 hours prior to the date when blasting will occur, and blasting must comply with all governing authority requirements. Owner must obtain the written advice of expert consultants to assure that blasting may be accomplished safely. No blasting or impact digging causing seismic vibrations may be undertaken without the approval of the Declarant, which shall be based upon advice from a qualified consultant and input from jurisdictions with authority.

The Declarant's only responsibility is to require evidence of such consultant's expertise. It shall have no liability for the blasting or for any damage or injury caused as a result.

### **Excavation Materials**

Excess excavation materials must be hauled away and properly landfilled.

### **Miscellaneous and General Practices**

All Owners will be responsible for the conduct and behavior of their agents, representatives, builders, contractors, and subcontractors.

The following are strictly prohibited:

- Changing oil on any vehicle or equipment .
- Smoking by construction workers.
- Allowing concrete suppliers, plasterers, painters or any other subcontractors to clean their equipment anywhere but the location specifically designated by Declarant. Violation of this provision will result in a charge of \$500 fine per occurrence or the repayment of expense of repairing the damage, whichever is greater.
- Removing any rocks, plant material, topsoil, or similar items from another lot, including other construction sites.
- Consumption of alcoholic beverages.
- Carrying any firearms.
- Using disposal methods or equipment other than those approved by the Declarant.
- Destruction or removal of protected plant materials or plants without Declarant approval.
- Use of transit over common areas without the Declarant's consent.
- Bringing animals onto the lot
- Radios and other audio equipment that can be heard outside the construction site.

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- The use of horns by any catering trucks. Trash generated by the purchase of items from catering trucks shall be contained and disposed of properly. Repeated problems with these requirements will result in the catering trucks being denied access.

### **Construction Access**

The only approved construction access during the time a residence or other improvement is under construction will be over the approved driveway for the lot unless the Declarant approves an alternate access point. In no event shall more than one construction access route be permitted onto any lot.

### **Dust, Mud, and Noise**

Each builder shall be responsible for controlling dust, mud and noise, including without limitation, music from the construction site.

### **Daily Operation**

Daily working hours and site access for each construction site shall be as follows:

Monday – Friday	Dawn to
Dusk	
Saturday	8 AM to 6
PM	
Sunday and Designated Holidays	by
Declarant approval only	

Construction hours are subject to change and will be determined by the Declarant from time to time.

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The undersigned hereby acknowledges receipt of the foregoing Rules for Construction for Scottsdale Mountain Parcel 1, Lot 1, and by signing below, agree to be bound by and comply with such Rules.

\_\_\_\_\_  
LOT OWNER

\_\_\_\_\_  
DATE

\_\_\_\_\_  
CONTRACTOR/BUILDER

\_\_\_\_\_  
DATE

\_\_\_\_\_  
DESIGNER

\_\_\_\_\_  
DATE:

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## **5.5 AMENDMENTS TO THE DESIGN GUIDELINES**

These Design Guidelines may not be amended without written consent of Declarant.

## **5.6 RIGHT OF WAIVER**

The Declarant reserves the right to waive or vary any of the procedures or standards set forth.

Any Declarant approval or waiver shall not be deemed to constitute a waiver of any right to withhold approval as to any similar drawing, specification, or matter whenever subsequently or additionally submitted for approval. For example, the Declarant may disapprove an item shown in the Final Submittal even though it may have been evident and could have been disapproved at the Preliminary Plan Submittal.

Furthermore, the Declarant's failure to raise or disapprove any item of non-compliance during the review process, the construction process, or during its Final Inspection, shall not relieve the Owner from the obligation to comply with these Design Guidelines and all other applicable codes, ordinances and laws.

## **5.7 SEVERABILITY**

If any provision of these Design Guidelines shall be held to be invalid, such provisions shall not affect the validity of the remainder of the Design Guidelines to the extent that they can be reasonably understood without the invalid portion(s).

## **5.8 NOTICES**

All notices required or permitted under these Design Guidelines shall be in writing and shall be deemed to have been given if delivered personally, if sent by United States Mail, first class postage pre-paid, or by overnight document delivery service.

## **5.9 NON-LIABILITY FOR APPROVAL OF PLANS**

The guidelines and procedures in these Design Guidelines and the Declaration are intended as a mechanism for maintaining and enhancing the overall aesthetics but shall not create any duty Unofficial Document any person. Review and approval of any application is made on the basis of aesthetic considerations only. The Declarant shall not bear any responsibility for ensuring; (a) structural integrity or soundness of approved construction; (b) compliance with building codes and other governmental requirements; or (c) conformity of quality, value, size, or design with other residences. Declarant, shall not be held liable for any claim whatsoever arising out of construction on or review to any lot.

PRIOR TO SUBMITTING PLANS OR INFORMATION FOR REVIEW, YOU SHOULD READ AND UNDERSTAND THIS DISCLAIMER. IF YOU DO NOT UNDERSTAND IT, PLEASE CONSULT WITH AN ATTORNEY OR ASK A REPRESENTATIVE OF THE DECLARANT OR THE DECLARANT FOR AN EXPLANATION.

These Design Guidelines have been prepared and adopted by Declarant this 9 day of August, 2004 for use at Scottsdale Mountain Parcel 1, Lot 1.

Scottsdale Mountain, LP, an Arizona Limited Partnership.

**BY: SUNCOR DEVELOPMENT COMPANY,  
An Arizona corporation, its  
General Partner**

By: 

Name: DIANE S. BLACK

Title: V.P.

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## EXHIBIT "A"

That portion of Lot 1 which lies Southerly of the South line of Cholla Road as disclosed on SCOTTSDALE MOUNTAIN ESTATES, UNIT 1, according to Book 304 of Maps, page 35, and Affidavit of Corrections recorded in Document No.89 106675 and in Document No. 92 665010, records of Maricopa County, Arizona except any portion lying within the following described parcel;

COMMENCING at the Southeast corner of said Lot 1, also being the Center of Section 19, Township 3 North, Range 5 East of the Gila and Salt River Base and Meridian, Maricopa County, Arizona;

Thence North 00 degrees 05 minutes 47 seconds West along the East line of said Lot 1, also being the East line of the Northwest quarter of said Section 19, a distance of 135.00 feet to the TRUE POINT OF BEGINNING;

Thence departing said East line South 83 degrees 53 minutes 11 seconds West, 273.41 feet to the beginning of a curve concave Southerly and having a radius of 755.00 feet;

Thence Southwesterly along the arc of said curve through a central angle of 11 degrees 07 minutes 24 seconds, a distance of 146.57 feet to a point of tangency;

Thence South 72 degrees 45 minutes 47 seconds West, 266.59 feet to a point on the South line of said Lot 1, also being the South line of said Northwest quarter of Section 19;

Thence South 89 degrees 46 minutes 00 seconds West along said South line a distance of 0.72 feet to a point on the South right of way line of Tract "B" as shown on the said Map of Dedication, also being the South line of said Lot 1, said point lying on a curve the radius of which bears North 18 degrees 28 minutes 46 seconds West a distance of 895.00 feet, the following courses will follow said South right of way line until otherwise mentioned;

Thence Northeasterly along the arc of said curve through a central angle of 03 degrees 15 minutes 14 seconds a distance of 50.83 feet to a point of tangency;

Thence North 68 degrees 16 minutes 00 seconds East, 252.50 feet to the beginning of a curve concave Southeasterly and having a radius of 805.00 feet;

Thence Northeasterly along the arc of said curve through a central angle of 21 degrees 38 minutes 17 seconds a distance of 304.01 feet to a point of tangency;

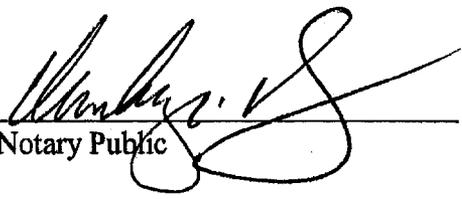
Thence North 89 degrees 54 minutes 17 seconds East, 91.45 feet to the Northeast corner of that portion of Lot 1 which Southerly of the South line of Cholla Road;

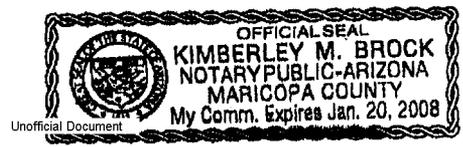
Thence South 00 degrees 05 minutes 47 seconds East along the East line of Lot 1, a distance of 30.61 feet to the TRUE POINT OF BEGINNING.

The foregoing instrument was acknowledged before me this 9<sup>th</sup> day of August, 2004 by Duane S. Black, Vice President of SUNCOR DEVELOPMENT COMPANY, an Arizona Corporation as General Partner of SCOTTSDALE MOUNTAIN, L.P., an Arizona limited partnership.

State of Arizona            }  
                                      }  
County of Maricopa        }        ss.

1-20-08  
My Commission Expires

  
Notary Public



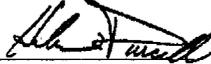
Unofficial Document

20040921574  
OFFICIAL RECORDS OF  
MARICOPA COUNTY RECORDER  
HELEN PURCELL



The foregoing instrument is  
a full, true and correct  
copy of the original record  
in this office.

Attest: 01/07/2005 9:13:02 AM

By  Recorder

## EXHIBIT "A"

That portion of Lot 1, lying Southerly of the South line of Cholla Road SCOTTSDALE MOUNTAIN ESTATES UNIT 1, according to Book 304 of Maps, Page 35, records of Maricopa County, Arizona;

EXCEPT any portion lying within the following described parcel:

COMMENCING at the Southeast corner of said Lot 1, also being the Center of Section 19, Township 3 North, Range 6 East of the Gila and Salt River Base and Meridian, Maricopa County, Arizona;

Thence North 00 degrees 05 minutes 47 seconds West along the East line of said Lot 1, also being the East line of the Northwest quarter of said Section 19, a distance of 135.00 feet to the TRUE POINT OF BEGINNING;

Thence departing said East line South 83 degrees 53 minutes 11 seconds West, 273.41 feet to the beginning of a curve concave Southerly and having a radius of 755.00 feet;

Thence Southwesterly along the arc of said curve through a central angle of 11 degrees 07 minutes 24 seconds, a distance of 146.57 feet to a point of tangency;

Thence South 72 degrees 45 minutes 47 seconds West, 266.59 feet to a point on the South line of said Lot 1, also being the Unofficial Document ~~South~~ ~~line~~ ~~of~~ ~~said~~ ~~Northwest~~ ~~quarter~~ ~~of~~ ~~Section~~ ~~19~~;

Thence South 89 degrees 46 minutes 00 seconds West along said South line a distance of 0.72 feet to a point on the South right of way line of Tract "B", as shown on said Map, also being the South line of said Lot 1, said point lying on a curve the radius of which bears North 18 degrees 28 minutes 46 seconds West, a distance of 895.00 feet, the following courses will follow said South right of way line until otherwise mentioned;

Thence Northeasterly along the arc of said curve through a central angle of 03 degrees 15 minutes 14 seconds a distance of 50.83 feet to a point of tangency;

Thence North 68 degrees 16 minutes 00 seconds East, 252.50 feet to the beginning of a curve concave Southeasterly and having a radius 805.00 feet;

Thence Northeasterly along the arc of said curve through a central angle of 21 degrees 38 minutes 17 seconds, a distance of 304.01 feet to a point of tangency;

Thence North 89 degrees 54 minutes 17 seconds East, 91.45 feet to the Northeast corner of that portion of said Lot 1, which lies Southerly of the South line of Cholla Road;

Thence South 00 degrees 05 minutes 47 seconds East along the East line of said Lot 1, a distance of 30.61 feet to the TRUE POINT OF BEGINNING.