



# **THE ESTATES AT HONEY BEE RIDGE DESIGN GUIDELINES**

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To ensure that you have the most recent edition, please contact the management representatives.**

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# **INTRODUCTION**

## **Design Guidelines for The Estates at Honey Bee Ridge**

These Design Guidelines apply to the development of a Single-family Dwelling and other Improvements on Single-family Dwelling sites at The Estates at Honey Bee Ridge (hereafter the Association). The purpose of these Design Guidelines is to create an environment of subtle blending of the existing desert, to enhance the aesthetic experience at The Estates at Honey Bee Ridge, to promote harmonious residential design and to protect and enhance property values. They extend to such matters including, but not limited to, height, color, massing and building materials. These Design Guidelines are administered by the Design Review Committee (hereafter DRC), which is comprised of volunteer members of the Association and may include advisors such as Architects, Lawyers, a representative of the Vistoso Community Association (hereafter the Master Association) and other consultants, as deemed appropriate. The DRC's job is one of assistance, helping the Owner and Designer maximize the living experience at the Association.

Owners wishing to build a Single-family Dwelling at the Association must contact the Management Company prior to commencing the design phase of a Single-family Dwelling or any other Improvement so that the Owner and Owner's professionals may gain a complete understanding of these Design Guidelines. A pre-design meeting is a mandatory part of the Design Review Process. (Refer Section 6.2)

These Design Guidelines are also binding on each Owner who at any time reconstructs, refinishes, alters, or maintains any Improvement upon a Lot, or makes any changes in the natural or existing surface, drainage, or plant life thereof.

These Design Guidelines do not apply to non-residential uses afforded to the Association (such as the gate house, utility and maintenance buildings/cabinets located on non-residential tracts and Common Areas owned by the Association).

### **NOTICE OF AMENDMENT**

These Design Guidelines may be amended from time to time in an effort to enhance the Association. It is each Owner's responsibility to obtain and review the most recent copy of these Design Guidelines, including all amendments. For those considering constructing a Single-family Dwelling at the Association, such amendments will be distributed at the pre-design meeting, or upon request to the Management Company.



## **1. OVERVIEW**

The Association is adjacent to the most environmentally sensitive area within the Master Planned Community of Rancho Vistoso. The community is situated on a ridge adjacent to Honey Bee Canyon consisting of desert foothills, ravines, washes, and rock outcroppings, complemented by a well-developed Sonoran Desert landscape. Honey Bee Canyon is special and unique because it contains one of the few riparian streams in the upland desert. Honey Bee Canyon supports a rich and abundant woodland community, which contrasts sharply with the surrounding upland desert. Because of its rare environment, Honey Bee Canyon has major regional significance.

Environmental studies have been undertaken at Rancho Vistoso and an extensive body of knowledge has evolved regarding its environmental factors, including slope, soils, geology, visual analysis, hydrology, vegetation, and wildlife. As a result of this intensive study of the ecology, a Master Plan was prepared, with the intent to develop the Rancho Vistoso area in an environmentally sensitive manner. Due to the importance of Honey Bee Canyon, a philosophy regarding adjacent development has evolved. Stated quite simply, it is a subtle blending of people, structures, and the existing desert into a harmonious and aesthetically pleasing residential community, which places primary emphasis upon the preservation of Honey Bee Canyon and its environs.

Design standards and restrictions have been developed to implement this philosophy. Minimum standards of design, arising out of the fragile environment and the climate of the Sonoran Desert, provide direction to Lot Owners and the DRC in the planning, design, and construction of Single-family Dwellings. These standards ensure compatibility with that environment.

Each Single-family Dwelling shall be located within a Building Envelope and shall contain not fewer than three thousand five hundred square feet (3,500 sq. ft.) of living area. Further, the maximum living area of any Single-family Dwelling shall not exceed seven thousand square feet (7,000 sq. ft.). (Refer Section 4.3).

The construction period allowed for new single family construction is 18 months (Refer Section 6.5.11).

### **1.1 DESIGN PHILOSOPHY**

Each Lot within the Association is unique in terms of its natural opportunities and constraints. It is expected that the design of each Single-family Dwelling or other Improvement will be tailored to the unique features of each individual Lot in order to take full advantage of these unique attributes. Each Lot will require a different approach in design and construction within the framework of these Design Guidelines. The architectural standards and design restrictions set forth herein should be viewed by the Owners as an integral segment of the design criteria of the Association.

Undisturbed desert is the unifying theme at the Association. To preserve the natural features of each Lot, such as significant existing plant materials, washes, or rock outcroppings, each Single-family Dwelling or other Improvement will be required to be situated so as to minimize disruption of the existing environment. Single-family Dwellings or other Improvements should be situated so that natural drainage is not significantly altered, disturbance of the desert is kept to a minimum and the overall philosophy of the Association is carried through.

## **1.2 BUILDING STYLES**

The architectural theme for the Association is harmony and integration of the historical building styles found in the desert, Tucson, and Southern Arizona, including Mediterranean, Spanish Hacienda, Territorial, Pueblo, and Contemporary. Each Residence will be a custom home. Architects and Owners are encouraged to incorporate these styles into the individual design of their Residence.

## **1.3 REVIEWING ARCHITECT AND LANDSCAPE ARCHITECT**

A Reviewing Architect for the Association is hired and works for the DRC. The Reviewing Architect's charter is to review, approve and monitor the planning, design, and construction of the Improvements to each Lot or Residence within the Association in accordance with these Design Guidelines. The person named as Reviewing Architect may change from time to time at the discretion of the Association.

A Landscape Architect is also hired by the DRC with responsibilities similar to the Reviewing Architect but with the charter of reviewing landscape plans and recommending improvements, as required.

## **1.4 MONITORING COMPLIANCE**

At the direction of the DRC and in accordance with the provisions of these Guidelines, the Reviewing Architect shall review each Owner's submittal with respect to proposed Residences, Structures, and other Improvements, attend meetings, conduct inspections, provide other services as directed by the DRC, and provide written reports of such specific findings. Such written report of the design shall state the Reviewing Architect's review of the submittal for compliance with the Design Guidelines. Based on this review, the DRC will be able to understand what is in compliance and what is not. At that time, the DRC will then approve or disapprove the plans.

At the direction of the DRC and in accordance with the provisions of these Guidelines, the Landscape Architect shall review each Owner's submittal with respect to vegetation, irrigation, grading and other improvements, attend meetings, conduct inspections, provide other services as directed by the DRC and provide written reports of such specific findings. Such written report of the design shall state the Reviewing Architect's review of the submittal for compliance with the Design Guidelines. Based on this review, the DRC will be able to understand what is in compliance and what is not. At that time, the DRC will then approve or disapprove the plans.

## **2. DESIGN REVIEW PROCESS**

In order to assist each Owner in the planning, designing and construction of the Owner's Single-family Dwelling, and in the understanding of the unique opportunities of each particular Lot, a comprehensive Design Review Process has been established pursuant to these Design Guidelines. The Design Review Process provides an opportunity for the Owner to draw upon the expertise and knowledge that has been acquired during the planning and development of Rancho Vistoso and the Association. As the preservation and enhancement of the unique and fragile desert scape at the Association are important principles, the DRC is charged with the responsibility of ensuring that these principles are carried out in all phases of development.

The Association's Design Review Process is intended to operate concurrently with the Town of Oro Valley

(hereafter the Town) for obtaining a Building Permit. However, the Design Review Process is independent from the Town plan review process and is solely intended to enforce these Design Guidelines. The Design Review Process provides adequate checkpoints to ensure that time and money are not wasted on plans and designs which do not adhere to these Design Guidelines or to the overall principles of the Association. The Owner is responsible for strict compliance with these Design Guidelines, and the rules and regulations of any governmental authority, in order to bring the Design Review Process to a speedy and satisfactory conclusion.

## **2.1 DESIGN EVALUATION CRITERIA**

The Design Review Process allows for the evaluation of each proposed design for appropriateness to its own Lot. The goal is for the appearance and character of all Single-family Dwellings and Improvements to harmonize with, and enhance, their natural or man-made surroundings rather than to dominate, and/or contrast sharply, thereby distracting from the experience of the Property environment as a whole.

**NOTE: What was found acceptable in one situation may not be acceptable in another.**

## **2.2 PROFESSIONAL LICENSE REQUIREMENTS**

All Single-family Dwellings must be designed by a licensed architect registered by the Board of Technical Registration for the State of Arizona. In addition, all landscape design and modifications must be designed by a licensed registered landscape architect or landscape designer with accredited associations such as Association of Professional Landscape Designers. Landscape designer shall provide landscape design credentials. No exceptions will be considered. A thorough analysis and understanding of a particular Lot, the Owner's special needs and living patterns, as well as the ability to convey to the DRC, through drawings and 3-D color renderings, the concept and design of a proposed Single-family Dwelling or other Improvement, are all important elements of the design process.

## **2.3 LICENSED BUILDER REQUIREMENTS**

A clear comprehensive understanding of the Owner's special needs and living patterns, a thorough analysis and understanding of the constraints and design opportunities of the Lot, an intimate understanding of the requirements of the Design Guidelines, and the ability to convey the design concept of the proposed Residence or other Improvements to the DRC through drawings and other submittals are important considerations in the Owner's selection of professional services.

It is recommended that the Owner retain a licensed Builder in the state of Arizona to provide competent professional construction services.

If an Owner elects to provide his/her own services or if the services are considered non-professional (in the sole and absolute opinion of the DRC) then the DRC has the right to disapprove the resulting submittals, may require the Owner to repeat a phase of the design process, and in the DRC's sole and absolute opinion may require that an Owner thereafter utilize professional design or construction services.

## **2.4 ORO VALLEY TOWN LAW**

The Property shall be subject to any and all rights or privileges which the Town may have acquired through

dedication, or the filing of maps or plats of said Property, as authorized by law. No condition, restriction or privilege or act performed hereunder shall be in conflict with an applicable Town zoning law. The DRC does not review for compliance to the current town zoning law and any building codes. It is the submitting architect's responsibility to ensure code compliance. The DRC only reviews for compliance to these design guidelines.

## **2.5 FIVE PHASES OF THE DESIGN REVIEW PROCESS**

The Design Review Process encompasses five phases from Pre-Design Meeting to Post-Construction Inspection.

- Phase I – Pre-Design Meeting
- Phase II – Preliminary Submittal
- Phase III – Final Submittal
- Phase IV – Pre-Construction Conference
- Phase V – Final Inspection

**An optional Design Guidelines Intro Meeting** may be scheduled for 30 minutes with the Property Manager by the Owner and/or Architect to discuss any general questions regarding the Association Design Guidelines and Design Review Process. This introduction will be held through an on-line video conferencing meeting system that can accommodate both full video and telephone conferencing. The Property Manager and at least one Design Review Committee member will attend the meeting.

It is strongly recommended that the Owner complete the preliminary and final submittal phases of the Design Review process prior to submittal to the Town to reduce the possibility that the DRC review recommendations will require a resubmittal to the Town. Concurrent processing of Town and DRC reviews is feasible. However, this will not in any way expedite obtaining a Building Permit. Such concurrent review shall be at the Owner's risk.

Refer to Section 6 for details.

## **2.6 FEES AND DEPOSITS**

The following schedule of fees has been established in conjunction with the outlined scope of proposed work.

All checks should be made payable to "Estates at Honey Bee Ridge Homeowners Association" and must be submitted at the prescribed design review phase. The fees as detailed in Appendix B, are as follows:

- New Residence Pre-Design Review Fee.
- Existing Home Modification Pre-Design Review Fee.
- New Residence Maintenance Fee.
- Builder's Construction Compliance Deposit.
- Reviewing Architect's Fees
- Landscape Architect's Fees
- Common Area/Pavement Preservation Fee

All fees as discussed in this Section are subject to periodic adjustments as determined by the DRC or the *Association*, as appropriate. Under most conditions, the fees will cover the estimated cost of the review. However, certain design projects may be more extensive or involved and the stated fee may not be adequate to cover the projected cost of the design review process. Further, the typical design review process usually continues forward without having to repeat itself, but with certain projects may back track and repeat a particular phase of the design review process. When either of these events occurs, an additional design review fee over and above the scheduled amounts shall be determined by the DRC and paid by the Owner or the Owner's representative. Such additional fees shall be paid before any further review or approval activity within the design review process can proceed. In establishing the additional design review fee, the DRC *and the Association* shall consider the additional out of pocket costs for the Reviewing and/or Landscape Architect's fees, the particular phase of the design review process that was required to be duplicated or repeated and shall (when possible) prorate the established fee.

The DRC will complete unscheduled visits to the site after construction has begun. Any additional required visits to the site by the DRC Architects will be billed to the Owner per Appendix B, Fees and Deposits.

Additional unscheduled site visits may be needed if building progress deviates from the approved plans. All changes to the approved plans decided during construction must be approved prior to installation.

## **2.7 VARIANCES AND CHANGES**

In special circumstances, unique conditions or other instances deemed by the DRC to warrant relief, a variance from the provisions of the Design Guidelines may be granted. Additional variances, construction, or other improvements affecting the exterior of an approved Single-family Dwelling or Lot subsequent to completion of the project, or changes proposed during construction, must be submitted to the DRC for approval prior to making such changes or additions.

Revision or variances will be subject to fees per Appendix B.

The following items are required for submittal to the DRC for review of a variance:

- A letter describing the variance; listing the reasons why a variance from the guidelines is required and what specific provisions of the Design Guidelines are being varied.
- Plans depicting the changes. See Section 6 for Plan Submittal Requirements.
- Photos or drawings of existing conditions
- Completed Approval Request Form (See Appendix A)
- Check for Reviewing Architect and Landscape Architect fees. (Refer Appendix B)

The Reviewing Architect and Landscape Architect will each review and make recommendations in writing to the DRC regarding the proposed variance.

Any waiver or variance granted by the Association shall be given in exchange for a Release, Indemnity and Hold Harmless Agreement executed by the Owner benefiting from the waiver or variance and running to the benefit of the Association or its successors or assigns.

### **3. SITE DESIGN STANDARDS**

#### **3.1 LOT RESTRICTIONS**

No more than one Single-family Dwelling, one garage (multiple stalls), one guest house, one gazebo, one swimming pool and architecturally integrated walls may be constructed on any Lot, unless otherwise permitted by the DRC.

All exterior design elements used to construct new homes or to modify, improve or maintain certain exterior elements of the existing homes and structures in the Association must be approved by the DRC prior to implementation.

Possible changes to a residence or a lot include, but are not limited, to the following:

- New Single Family Residence: Building of a new residence on a vacant Lot site or a Lot on which an existing residence will be demolished.
- Structural Additions/Alterations to an Existing Residence: Changes to the appearance of an existing residence.
- Demolition: Removal of any building or portion of any building.
- Minor Improvements (Walls, Pools, Landscaping, etc.): New site walls, pools, spas, landscaping/plantings, or modifications to the existing hardscape (i.e., walls, pools, plantings, etc.) of an existing residence. Minor improvements would also include new paint, new driveway, new sidewalk material etc.
- Landscape: Landscaping 1) required as a result of construction of a new home or a major addition, 2) disturbance of native vegetation, 3) the installation of new plantings, boulders, or landscape lighting, or 4) major changes or expansion of existing landscaping.

##### **3.1.1. APPLICABLE RULES AND REGULATIONS**

Except where the Oro Valley building codes or other applicable governmental rules and regulations impose more restrictive requirements, the standards defined in the following sections shall apply.

Town of Oro Valley building codes shall apply.

##### **3.1.2. ZONING**

Oro Valley zoning governs all development unless further restricted by the CC&R's and the requirements contained therein.

Oro Valley zoning regulations shall apply, unless further restricted by the CC&R's.

##### **3.1.3 SITE DEVELOPMENT DESIGN STANDARDS**

The native Sonoran Desert landscape can easily be damaged. Once disturbed, it can take years to restore.

Each Lot consists of Natural Open Space and the Building Envelope, which includes a Private Area (Refer Appendix E).

Site development and grading shall be accomplished with a minimum of disturbance to topographical features and environmental elements. Where topographical constraints exist, landscape or architectural design solutions shall be utilized rather than grading solutions. Mass grading of an area to provide a building pad is prohibited.

All natural areas that are disturbed due to construction activity will require hydroseeding and re-vegetation with temporary irrigation in accordance with Landscape Design Guide of the DRC.

### **3.1.4 NATURAL OPEN SPACE**

Natural Open Space is that portion of each Lot that lies outside of the approved Building Envelope. Natural Open Space must remain as undisturbed natural Sonoran Desert (Refer Appendix D). Irrigation is not permitted. Indigenous vegetation does not require additional water. Irrigation can lead to disease and death of the native plants, particularly cacti, attract undesirable insects, and aid in the spread of undesirable plant species or weeds.

No modification, alteration, or disturbance of any other manner of Natural Open Space shall occur without the written approval of the DRC. This includes, but is not limited to, any trimming or thinning of trees, thinning or removal of understory brush, or any other similar maintenance practice contemplated in any Natural Open Space.

### **3.1.5 NATURAL OPEN SPACE RESTORATION**

Restoration of Natural Open Space must occur if the designated undisturbed natural desert is inadvertently damaged during construction or if it contains areas where man made impacts, such as old jeep trails, campsites, and the locations of corrals or ranch structures that occurred in years past. Only indigenous plants listed in the Approved Plant List (refer to Landscape Design Guide) may be used in the restoration of disturbed areas. All planting within a disturbed area will require temporary watering or irrigation until they are established. The temporary irrigation system must be carefully designed and maintained to limit irrigation to the disturbed area, only, without over spray or runoff onto any adjacent undisturbed Natural Open Space. All finished grade conditions are to be blended into the adjacent undisturbed grade conditions. The result of restoration shall be a continuum of the undisturbed natural desert (Refer Appendix D).

## **3.2 SETBACKS PER THE PROJECT PLAT: (FROM PROPERTY LINES)**

All Improvements, including any alterations to the undisturbed natural desert such as, but not limited to, any Excavation, site grading, parking areas, retaining conditions, walls, patios, and Structures must comply with the following standards:

- Front Setback: 30 feet
- Side: 20 feet
- Rear: 40 feet
- Corner Lots: 30 feet from each property line abutting a street

Front, side and rear setbacks for all structures and improvements on a Lot must conform to Town requirements and be pre-approved by the DRC. No portion of the Building Envelope shall be permitted within the minimum setbacks. Where setback requirements set forth herein differ from applicable Town setback requirements, the more restrictive setback requirements shall prevail.

**NOTE:** When an approved home is sited on lot to create some uncertainty regarding the front/side/rear setback application, the decision of the Town shall prevail.

**NOTE:** All access drives, parking areas, etc. are to be set back from the side and rear property lines per the setback distances above. The DRC will consider a reduced side and/or rear yard setback for drives (only) on a case-by-case basis.

### **3.3 BUILDING ENVELOPE (REGARDLESS OF LOT SIZE)**

To consider the preservation of the natural desert, the concept of a maximum allowable area for Improvements, called the "Building Envelope," has been developed. All Improvements on a Lot must be designed to be within a Building Envelope, (16,000 square feet maximum in size), which encompasses the Single-family Dwelling, accessory buildings, outside patios, terraces, swimming pools, walls, driveways (including guest parking and pullouts), decorative gates and fences and any other Improvements or Structures on the Lot. Since the Building Envelope delineates a maximum allowable area for Improvements, the construction of the walls or other landscape elements will not be permitted to delineate its boundaries. It is not intended that an Owner design a Single-family Dwelling or other Improvements to completely encompass the Building Envelope. Designs that, in the opinion of the DRC, overwhelm the Building Envelope and are, therefore, inconsistent with the philosophy of the Association, may not be approved, at the sole discretion of the DRC.

The purpose of these Design Guidelines is not to create look-alike Single-family Dwellings, or to suggest that they should all have the same colors and materials, but to create instead a harmonious architectural approach compatible with the desert. The DRC will encourage creativity, innovative use of materials and design, and unique methods of construction so long as the result is consistent with these Design Guidelines and the overall philosophy of the Association. No one Single-family Dwelling, structure, or Improvement should stand apart in its design or construction to detract from the overall environment and appearance of the Association. No standard builder-developer production homes, tract, or semi-tract homes (or architectural plans used for such homes) will be permitted in the Community of The Estates at Honey Bee Ridge.

The DRC reserves the right to deny any new proposed residence based on exterior design. A proposed home, that in the DRC's view is not articulated enough or is otherwise not in harmony with the existing design philosophy, may be denied by the DRC at their discretion.

The general location of the Building Envelope for each Lot is depicted on the Plat and subject to the provisions of General Notes 22, 26 and 27 of the Plat, and any relevant amendments of record. (Official Plat documentation is located at Book 48 of Maps and Plats at Page 61, Records of Pima County, Arizona).

#### **3.3.1 BUILDING ENVELOPE DESCRIPTION**

The optimum Building Envelope identified for each Lot is based on the topography, natural features of the Lot and relationships to adjacent Building Envelopes. The shape of the Building Envelope must include



one continuous and contiguous envelope, design to protect areas outside the envelope. The Building Envelope cannot be designed to “encompass” or “encircle” areas of the Lot to remain natural. Building Envelopes can be shaped to allow wing-walls, retaining walls and other such appurtenances as approved by the DRC. (Refer Appendix E)

Although the shape and location of the Building Envelope is intended to be flexible, modifications to the Building Envelope can be made only by the DRC and only if the modifications do not result in a significant adverse impact upon the natural features of the Lot, or upon neighboring Lots or the Property as a whole. The DRC, at its sole discretion, may allow such modifications to the Building Envelope when, in the DRC’s opinion, such a modification is essential to the successful design of the Single-family Dwelling and there are no reasonable options or alternatives available for the design of the Single-family Dwelling; and only if natural features and vegetation on the Lot, and the overall character of development are, at the sole discretion of the DRC, not unreasonably affected.

The only improvement permitted outside the Building Envelope is the entry drive which is defined as an area not to exceed 16' in width, from the edge of the street to the general location of the garage/guest parking areas, as determined appropriate by the Town. Where the entry drive meets the street the drive may be flared 5' to 6' on either side (as depicted in Appendix E) for ease of vehicle ingress and egress. Total entry drive width at the street shall not exceed 28'. The entry drive is not to be included in the Building Envelope square footage; however, parking and garage apron areas are to be included.

The DRC may require that the Building Envelope and driveway access area be designated and certified on a plot plan by a registered land surveyor at the time of the preliminary submittal (Refer Section 6.3) and approved by the DRC as part of the Design Review Process. The approved Building Envelope and driveway access area shall be submitted to the Town at or before the time of the individual plot plan and grading application in accordance with General Notes 22, 26 and 27 of the Plat. The plot plan shall be provided to the Town and the DRC for approval prior to the commencement of any Improvement on a Lot.

### **3.3.2 CONTIGUOUS LOTS**

If an Owner owns two contiguous Lots and wants to combine the two Lots into one Single-family Dwelling site, the Owner may do so only with the prior consent of the DRC and only if the change, in the DRC’s opinion, does not materially impact neighboring Lots or Common Areas. When considering combining Lots, the Owner must recognize that, while combining two Lots or Building Envelopes may be beneficial, as it could provide more natural Open Space and Natural Areas between adjacent Lots, it may also have an adverse impact on other nearby Lots or Common Areas and, therefore, may not be approved by the DRC.

The Owner, or his or her representative, is urged to submit to the DRC a proposed revised Building Envelope for combined Lots as early in the Design Review Process as is reasonable, prior to the Preliminary Design Meeting. The Building Envelope for the newly configured single Lot must be approved by the Town and a plot plan evidencing such approval must be recorded with the Pima County, Arizona, Recorder’s office. All expenses associated with recording the new combined Lot and pursuing any required governmental approvals are the responsibility of the Owner.

**In the event that two lots are combined; the Owner will continue to pay the Association dues on the basis of two lots.**

### **3.4 DRIVEWAYS AND STREET ADDRESS**

#### **3.4.1 ACCESS DRIVES AND DRIVEWAYS**

Only one access drive will be permitted per Lot. The location of access drives must be sited, as set forth in the Plat, or as otherwise approved by the Town. Alternate access drive locations may only be approved if it is determined that such location will create less disturbance on the Lot than the drive location indicated on the Plat. A single access drive shall not exceed sixteen feet (16') in width within the front setback and shall not be allowed within one hundred feet (100') of Honey Bee Canyon. Guest parking and drives connecting to garage areas should be sited sensitively.

Where access drives cross drainage ways to enter any Lot, the Owner or Owners must provide a culvert with concrete or stone headwalls of a design subject to approval by the DRC. Culverts and headwalls must blend in with the topography or be designed with aesthetics in mind (Refer Section 5.3.11) and be large enough to not impede the natural flow of water. The DRC will review these areas with the same intent as the house.

One common-access drive each may be shared by Lots 40 and 41, 64 and 65, 72 and 104, 74 and 107, 110 and 111, 114 and 115, 121 and 122, and 127 and 128, and shall be situated as depicted on the Plat. Access Drives for the aforementioned Lots, which are not located within the common access areas, as depicted on the Plat, will require approval of the Town. Alternate access drive locations may only be approved if it is determined that such location will create less disturbance on the Lot than the drive location indicated on the Plat. A shared common-access drive shall not exceed thirty feet (30') in width.

In the event a Lot Owner desires to install a single drive or utility cut through a common access drive as depicted on the Plat, which encroaches upon another Lot, the Owner desiring the installation on the other Lot shall make all arrangements, file all easements, and record all applicable documents, after prior written approval of the coordinated access by the DRC and the Town.

All access drives shall consist of at least one of the following: 1) integrally colored concrete, 2) exposed tinted aggregate concrete (fine and regular aggregate), 3) tinted and scored concrete, 3) textured colored concrete (Bomanite or equivalent – colors and textures to be reviewed by DRC), 5) pavers or 6) other such materials as approved by the DRC. Driveways that have a shiny appearance will not be accepted. If you plan to use a material or finish that has any kind of sheen to it, it must be submitted to the DRC for approval. Black asphaltic materials and so-called "chip and seal driveways" are not permitted.

Driveways should be sited to avoid important natural features of a Lot, such as Protected Plants, natural washes or drainageways, to minimize disruption of the existing landscape, to minimize the view of their surface area as viewed from southern exposures, and to conform to Town of Oro Valley codes and regulations. All driveways must be contained within the prescribed Building Envelope or within other areas that are permitted by Town of Oro Valley code and regulations.

Grading for driveways shall be consistent with the grading standards established for the site (Refer Section 3.8 Site Grading) except that on a site-specific basis the DRC may approve natural rock cut slopes up to 0.5 horizontal feet per 1.0 vertical foot so long as they do not exceed 6 feet in height and so long as they are certified as being stable in accordance with Pima County standards by a soils engineer registered in the state of Arizona.

All driveway cuts must be repaired at and around the right of way entry; internal slope cuts may be required.

Drainage from driveways shall not impact adjacent lots or common areas.

Additional parking spaces are required to accommodate guest parking. On street parking and parking within common driveways are not allowed. All additional parking spaces, pull outs, or other similar features associated with driveways, if contemplated, must be included within the Building Envelope, and shall be screened with walls, landscaping, or other Improvements, so that parked vehicles are not visible from Neighboring Properties. Parking areas shall be surfaced with integral earth tone material similar to or complementary to those used for the driveway.

Owners are responsible for any driveway repair, maintenance or modification that may be required over time. (See CC&R's for information regarding maintenance requirements). Any modification or change of the driveway design or materials must be approved by the DRC prior to the start of construction.

### **3.4.2 STREET ADDRESS CONFORMITY**

The street address (for USPS and all other purposes) of the Single-family Dwelling shall correspond to the placement of the access drive and adjacent mailbox as approved by the DRC. For example, a dwelling with a driveway accessed from Quiet Rain Drive shall have a Quiet Rain Drive address and a house number consistent with Quiet Rain Drive house numbers. To the extent the existing Lot address is different from the approved access drive placement (in most cases because the approved design relocated the access drive as depicted in the proposed building envelope on the pre-existing plat to a different street) then Owner shall formally change such Lot address (including with respect to the USPS and county parcel maps) to the new street and number prior to the Final Inspection for new construction, and as soon as practical for any existing Single-family Dwelling.

### **3.5 GARAGES AND PARKING SPACES**

Garages shall be private and constructed for not fewer than two (2), nor more than four (4), vehicles. Carports are not permitted. Garages must be integrated with the design of the Single-family Dwelling in material and massing and must be oriented away from the view from the street.

Main garage openings shall have a minimum nine foot (9')-wide doors of a style and design approved by the DRC and must be oriented away from a view from the street. Garages for more than four (4) vehicles may be permitted on large Lots and under special circumstances, as determined and pre-approved by the DRC, at its sole and absolute discretion. Two additional parking spaces are required on each Lot to accommodate guest parking. No on-street parking will be permitted.

Other than automobiles, all motor vehicles including standard trucks, boats, trailers, campers, recreational vehicles, and any other vehicles, the on-site storage of which is prohibited by the Declaration, must be kept within an enclosed Structure that appears visibly to be part of the Single-family Dwelling or is substantially screened from view, except to allow immediate loading and unloading.

### **3.6 SITE WORK**

Owners are encouraged to be creative in the design process, planning to alter the Lot as little as possible from its original condition, protect existing watersheds and drainageways wherever possible. Structures should be located on the Lot where drainage, soil and geological conditions will provide a safe foundation. Typically, Single-family Dwellings should be “nestled into” the Lot, remaining low, in order to be a part of the Lot rather than being “perched on it”, which may create unnecessary height in Structures. Wherever possible, Single-family dwellings should be designed to follow existing contours and to achieve a balance of cut/fill on the lot. Stepped buildings, using split- and multi-level design solutions, will be considered. When the construction is finished, the earth around the Single-family Dwelling and Lot walls should be placed against the walls as near as possible to re-establish the original angle of slope.

#### **RESTRICTED ACTIVITIES**

The Lot must not be disturbed by any means without prior written approval of the Association and DRC. By example, but not limited to the following:

- No excavation or fill shall be undertaken or installed upon any lot
- No change in the natural or existing drainage for surface waters shall be made upon any lot

In the event of any violation of the above, the DRC and/or the Association may cause the Lot to be restored to its existing state immediately prior to such violation; or, in the event of any violation of the above, the Association may cause to be replaced any Protected Plants which have been improperly removed or destroyed with such other plants as the DRC may deem appropriate.

The Owner of such Lot shall reimburse the DRC and/or the Association for all expenses incurred by either in performing their respective rights under this article; provided, however, that, with respect to the replacement of any Protected Plant, the Owner shall not be obligated to pay an amount in excess of the expenses which would have been incurred by the DRC and/or the Association had it elected to replace the damaged, destroyed, or removed Protected Plant with a similar plant in type and size.

The rights of the Association and/or the DRC hereunder are in addition to any remedies granted by applicable law to any governmental authority, but shall not be construed to impose any legal liability on the Association or the DRC for the enforcement of the provisions hereof or ensuring the compliance by the individual Owners with applicable law.

### **3.7 WASHES**

Minor natural drainageways occur throughout the Association and should not be obstructed. Improvements should be situated to avoid these washes unless prior consent of the Town and the DRC. Improvements may be situated at the edge of a wash, and walls or other Improvements may be designed and constructed to bridge washes, provided there is no obstruction of flows, and said Improvements are in compliance with the Oro Valley Floodplain Management Codes.

### **3.8 SITE GRADING AND DRAINAGE**

Site drainage and grading must be done with minimum disruption to the Lot. The natural desert landscape at the Association is fragile, can be easily damaged, and may take years to grow back once damaged. In

addition to the design restrictions suggested by the environmental studies conducted at the Association, the Town has developed regulations intended to provide protection to the natural desert areas. Although every effort has been made to integrate the Town's regulations into these Design Guidelines, each Owner is responsible for reviewing the applicable Town regulations and making certain that he or she complies therewith. The DRC shall reserve the right to require a written certification from the Owner's licensed engineer stating that the overall characteristics of drainage runoff from the Lot have not been affected by volume, rate, or flow as a result of the Improvement's design and execution.

As outlined below, each Lot consists of the Natural Area and the Building Envelope, which includes a Transition Zone and Private Zone. All site grading and/or drainage on any portion of the Property shall meet the following criteria:

- A. Developing a proper drainage plan will be the responsibility of the Owner. Drainage plans shall be in compliance with all applicable Town ordinances.
- B. Washes and water drainage patterns must continue to enter and exit the Lot in the manner they did naturally prior to any construction. No water shall be drained or discharged from any Lot except in accordance with the master drainage study as identified in the Declaration or such other drainage study approved by the Town.
- C. Finished grades along the periphery of a Lot shall match the existing grades on the top of the curb of any constructed or proposed streets that are to be maintained by the Association or Town. The tolerance allowed shall be plus or minus one foot (1') of the existing grade measured from the top of a curb within a horizontal distance of twenty feet (20') unless otherwise previously approved in writing by the DRC.
- D. Existing road shoulder drainage patterns should be maintained where driveways intersect streets. Any drainage damage that may occur from one Lot to other Lots or Common Areas because of a change in natural conditions will be the responsibility of the Owner of the Lot that caused the unnatural drainage flow.
- E. Adequate provisions or facilities shall be established by each Owner to contain all back-flushing, back-washing and similar drainage from swimming pools, ponds, jacuzzis, or other water containment facilities within each Lot in a manner such that the water disposal is not discharged onto the streets, private drives, Common Areas, or other Lots. Such discharge shall not be allowed to erode the natural landscape of the Lot or any adjacent properties.
- F. All culverts, bridges, or other drainage Structures constructed must be finished with headwalls, wing walls. These Structures shall be finished in integrally colored concrete to match the surrounding soils (Refer Sections 3.4, 3.8 and 5.3.11).
- G. Site drainage must be accomplished with minimum disruption to the Lot and shall not be altered in a manner that adversely impacts adjacent Lots or Common Areas, except as established by existing natural drainage patterns, nor cause a condition that could lead to soil erosion on any Natural Open Space. All drainage shall exit from any Lot in a manner and flow identical to the original runoff.

- H. Drainage from hard-surfaced areas such as driveways, roofs, and patios must be retained on-site so that the off-site quantity and rate of flow shall not be greater than the original hydrological conditions at any exiting point. Developed drainageways, if approved, shall be lined with native site rock (native Catalina rock). Small rock check dams, collection and detention areas, and other such treatments are encouraged to direct drainage flows, as a supplement to irrigation, into appropriate landscaped areas.
- I. During monsoon rains, water runoff does not need to be retained within property limits, though every effort should be taken in the grading plan to ensure runoff from Owner's property does not impact neighboring lots. If water, debris, sand, etc., is found to be going onto neighboring lots or the street, Owner will have to remedy the situation, bring anything back to natural conditions, clean whatever is needed and do what is needed so it never happens again.

**NOTE:** DRC shall review the drainage plan. However, approval of a drainage plan by the DRC does not make the DRC liable or responsible to any Owner or others with respect to the adequacy of the engineering or otherwise, but merely implies compliance with the intent of these Design Guidelines and with general design aesthetics. DRC approval does not eliminate or reduce the obligation of the Owner to comply with all legal requirements and be responsible for all damages resulting from changes in natural conditions.

### **3.9 EXCAVATION AND FILL**

All areas of Excavation and/or Fill which result from grading or related site work on any Lot shall be landscaped or improved by the Owner in accordance with plans approved by the DRC. Alternative plans for site preparation and for landscaping, resurfacing, or retaining areas of Excavation and/or Fill shall be implemented only if previously approved in writing by the DRC. The maximum area of Lot disturbance shall not exceed sixteen thousand square feet (16,000 sq. ft.), plus the "entry drive areas", as approved by the Town and any utility cuts, which are re-vegetated.

Improvements with multiple levels or pads in response to the varied natural topography and terrain of the Lot are encouraged as opposed to grading a larger level pad. All site grading shall be accomplished with rounded transitions and be blended smooth into the adjacent undisturbed natural grades. Treatments of site-graded areas shall soften the landscaping and architectural nature of the Improvements utilizing one (or any combination) of the following standards:

- Exposed cut and/or fill treatments
- Rock rip rap treatments
- Retaining wall treatments, either freestanding or as a part of a Structure

Site preparation shall not be planned, which results in Excavation and/or Fill that covers a vertical distance of more than ten feet (10'). All areas of Excavation and/or Fill having a slope no steeper than three to one (3:1) shall be replanted with vegetation which, upon maturity, will have a density of at least that existing in the natural landscape of surrounding areas. A three to one (3:1) slope is herein defined as a slope for which the horizontal distance is three times the corresponding change in vertical elevation. A one-to-one (1:1) slope is herein defined as a slope for which the horizontal distance is equal to the corresponding change in vertical elevation.

All areas of Excavation and/or Fill having a slope steeper than three to one (3:1) and not steeper than one-to-one (1:1) shall be resurfaced with natural stones (“rip-rap”) that blend in with or complement the natural setting and may be replanted in locations terraced for that purpose. All areas of Excavation and/or Fill having a slope steeper than one-to-one (1:1) shall be retained by masonry retaining walls or mortar-set natural stone. Masonry retaining walls shall be constructed of such material as shall be satisfactory from an engineering standpoint to serve as a retaining wall, giving due considerations to the height and other physical aspects of such retaining wall.

All landscaping of areas of Excavation and/or Fill, including the planting and establishment of vegetation and the construction of retaining walls, which shall match the construction finish and color of the Single-family Dwelling, shall be completed concurrently with the completion of construction of the Single-family Dwelling upon the Lot, and shall be continuously maintained thereafter by the Owner. Any training berm constructed on any Lot shall not be removed or altered after construction.

### **3.10 SWIMMING POOLS AND SPAS**

Swimming pools and spas should be designed to visually integrate with the Single-family Dwelling through walls or courtyards and should be screened or separated from the Natural Area and direct view from neighboring properties or Common Areas. Pools must be constructed according to the Town regulations and must be situated within the designated Building Envelope.

The pool must be compatible in size and scale with the proposed Single-family Dwelling. Only one swimming pool per Lot shall be permitted. All pool equipment (including solar water heaters) must be screened by walls or the Structure from direct view from neighboring property and placed with consideration as to the noise detectable from neighboring properties. Additionally, all screen walls must be a minimum of 12 inches above the tallest piece of equipment. Negative edge pool walls shall conform to the height and other design restrictions imposed on slopes and retaining walls.

All pool barriers must be located within the Building Envelope and in strict compliance with the Town’s Swimming Pool Code. Architectural solutions, such as solid block walls or decorative iron are encouraged for this purpose.

The location and design of swimming pools and spas must be specifically approved by the DRC prior to installation. This applies whether installation accompanies home construction or occurs thereafter. Site plans for home construction that include pools or spas will receive approval for the home only. A separate request (Refer Appendix A), with plans including location and design details, must be submitted for the pool and/or spa.

### **3.11 SPORT COURTS**

Sport courts are not allowed.

## **3.12 MAILBOX & SIGNAGE**

### **3.12.1 MAILBOX**

Upon completion of construction of a Single-family Dwelling, each Owner shall install a mailbox monument and an address identification sign, which will be of a uniform shape, size, and color (Refer Appendix F). An optional exterior light standard may also be provided, of uniform design and construction, as approved by the DRC.

Mailbox must also be approved by USPS, TOV and HOA. HOA expects placement as per the approved drawings. Owner is responsible for the maintenance of the mailbox.

### **3.12.2 SIGNAGE**

Prior to commencing new construction, both a Builder Sign (Refer Appendix G) and a Management Company sign with telephone number for comments, must be installed.

No additional signage detached from the Single-family Dwelling will be permitted, except signs required for legal proceedings, temporary open house signs (when listing realtor on-site), or other signs as permitted by the Declaration and approved by the DRC. "For Rent or For Lease" signs are prohibited.

One "For Sale" sign shall be permitted on the Association property adjacent to a Lot, along a roadway, during any period in which the Lot is offered for sale, providing that such sign shall be no larger than twenty-four inches (24") in width by eighteen inches (18") in length. It shall be constructed using the approved color scheme and design (See Appendix G). The sign shall include only the words "For Sale" and no more than two (2) telephone numbers, nor more than three (3) names in total. [For Example: Joe Smith, ABC Realty, and Jill Doe Architecture shall constitute three (3) names.] Requests for text, other than that described in Appendix G, or in this section, will be considered by the DRC on a case-by-case basis.

No "For Sale" signs shall contain any riders, plant-ons, or snipes, nor shall such signs contain the name of any brokerage company or realtor or any other advertisement except as specifically provided in the preceding sentence. A "For Sale" sign shall be installed next to the mailbox (no closer to the street than the mailbox) of the Lot being offered for sale. Information tubes may be attached to the bottom only of any "For Sale" signs. Such tubes must be painted to match the background color of the sign and no text is permitted to appear thereon (color specification listed in Appendix G). No other words or numbers are permissible on the tubes and any tubes improperly installed or lying on the ground will be removed and discarded by the Association.

Any signage installed within the community which does not comply with the standards will be removed and discarded by the Association, at the expense of whomever placed the sign at the location. If such unapproved signage is located on an Owner's Lot, the Owner will be responsible for immediate removal of the sign upon notification by the Association.

**NOTE:** All "For Sale" signs on a private Lot will conform to State regulations as defined in § 33-441 or as currently amended.



### **3.12.3 SEPARATE STORAGE/WORKSHOP FACILITIES**

Separate freestanding structures (other than an approved guest house and ancillary structures) including without limitation permanent or temporary structures or sheds for storage or use as a workshop, are not permitted. Rooms for such purposes should be integrated into the primary dwelling.

### **3.13 LIGHTING**

An overall lighting plan for the Association has been carefully designed. The intent of this lighting plan is to create a unified, natural effect that will not interfere or compete with the sky and Tucson city lights. Any additional individual lighting may only be approved by the DRC, if it is limited to a small area within the Building Envelope and will not result in excessive glare. To accomplish these goals, the DRC has established guidelines for residential lighting that address the common types and locations of lights and set limits on numbers of fixtures wattage of lamps, etc. In an effort to allow each Owner the flexibility and freedom to resolve creatively unique conditions, the DRC will ultimately consider the acceptability of each installation and its resultant light levels and visual effects on surrounding properties and Common Areas on a case-by-case basis.

#### **3.13.1 LIGHTING DESIGN**

The DRC will review a lighting design during the Design Review Process but will not approve any lighting design that does not support and/or exceed the requirements of the International Dark Sky Association (refer to this website for more information: <http://www.darksky.org/>), as well as the current Pima County Outdoor Lighting Code, the Town ordinances or these Design Guidelines. The DRC will, however, review alternative installations in the field, if requested by the Owner in writing. The DRC accepts no liability for any costs or hardships resulting from lighting installations found to be unacceptable to the DRC. In order to avoid excessive costs, any variations from the approved final design may be submitted for DRC review prior to permanent installation. Changes shall be approved at the sole discretion of the DRC.

**Interior lighting** becomes a concern of the DRC when the light causes glare when seen from neighboring properties or Common Areas. Special attention should be given to the aiming and brightness of display lighting and other intense accent lighting as it may be reflected to the exterior, particularly through high windows, clerestories, or skylights. Light fixtures that are visible through high windows, clerestories, or skylights, are not permitted, without express approval by the DRC. Darkly tinted glazing may be used on skylights and clerestories, and dark tinting of glass areas or the use of window coverings at other doors and windows may be required to reduce light spill from interior spaces that may need exceptionally high light levels.

**Exterior lighting** as used herein shall mean light sources that are located outside any Improvement. Exterior lighting serves one of three general purposes for the purposes of these Design Guidelines: 1) safety; 2) security; and 3) visual enjoyment and 4) holiday lighting as characterized below; the DRC has established the following exterior lighting standards:

- Support and/or exceed the requirements of the International Dark Sky Association (refer to this website for more information: <http://www.darksky.org/>) as well as the current Pima County Outdoor Lighting Code.

- All exterior lights excluding driveway lighting may not remain on all night long. Security/flood fixtures are permitted but must have time-motion sensors set for duration of not more than 10 minutes after 10:00 pm. These fixtures may not be used for general and/or continuous lighting.
- "Site lighting" means lighting mounted on the ground, on site walls, or by other means as decorative accent lighting or for the purpose of providing safe passage around the improvements. Site lighting must be directed downward onto vegetation, the ground, or boulders, and not upon the building or Structures. "Directed downward" is defined as a maximum arc of 60 degrees on either side straight down from the center of the fixture.
- "Building lighting" means lighting built into or mounted to buildings on walls, ceilings, eaves, or other locations for the purpose of providing decorative illumination, area illumination, general illumination, or security illumination for select and specific locations. Building lighting must be directed downward away from adjacent Building Envelopes and Common Areas.
  - Standard exterior fixtures must be placed at a height and in a location that will minimize the impact of the light on surrounding properties:
  - Lights mounted on the wall, posts or columns of the home will be at a height of not more than 9' above FFE (finished floor elevation).
  - Gate and driveway post or column lights will be mounted at a height of not more than 6' measured from the bottom of the column or post to the top of fixture. The light source must be shielded and pointed downward.
  - All exterior ceiling light fixtures shall be recessed and/or at least partially shielded by eaves or overhangs. In all cases, the light source must be shielded and pointed downward.
  - All exterior lighting must provide for complete shielding of light sources. No bare lamps will be permitted. Care should be taken to shield the lamp from view. One should see the effect of the light, not the lamp itself. Glass is permitted as long as you do not see the source of light.
  - All exterior lighting must use LED, low voltage lamps or incandescent lamps. All lamps shall have a rated lumens initial value equal to, or less than, a standard incandescent general service 60-watt lamp.
  - Up-lighting of landscaping elements, used judiciously and with restraint in the sole and absolute opinion of the DRC, is allowed. Other forms of up-lighting, such as incorporated building lighting, will not be allowed. Likewise, an excessive number of fixtures, or excess light levels and glare in any up-lighting installation will not be allowed.
  - With the exception of seasonal holiday lighting, no rope lighting, or other such decorative lighting, may be used to outline trees, shrubs, saguaros, and other cacti, or to highlight architectural elements, parapets or any other part of structures or decorative elements that are visible from any other lots, common areas or the streets.

Owner is responsible for complying with the lighting standards listed above during the development and subsequent occupancy of the Residence. The DRC reserves the right to require an Owner to correct, repair, replace, or remove (at the Owner's expense) any exterior light or combination of lighting that is determined by the DRC, in its sole and absolute opinion, to be in violation of these standards.

All exterior light fixtures, including security/flood, hardscape and landscape lighting must be approved by the Architectural Committee prior to installation. There are no exceptions to this requirement. An actual sample or a picture and a detailed description of the fixture must be provided to the Architectural Committee in order for the approval request to be processed.

**Safety Lighting.** Low voltage lighting mounted in a low-profile manner may be used to illuminate outdoor vehicle and pedestrian areas.

**Security Lighting.** This lighting is intended to provide bright illumination during emergency situations only, which may include unauthorized access or trespass, unusual or threatening sounds and/or activities. It must be circuited and controlled separately from all other lights. Motion sensor-controlled security lighting for this purpose is preferred.

**Holiday Lighting.** Lighting for holidays is allowed, however every effort should be made to mount such displays in locations that will not appear obtrusive to, or damage, the natural environment. All holiday lighting should be in place for only thirty (30) days prior to and seven (7) days after the date of holiday. Except for the day prior to and the day of the holiday, lights must be extinguished by midnight each night.

**Social Event Lighting.** Outdoor decorative lighting for social events and holidays is permitted on a temporary or occasional basis. The use of such lighting is restricted to illuminating recreational areas around the home and does not require prior approval. However, should the lighting be deemed inappropriate by the DRC for any reason, immediate removal may be required. Exterior social event lighting may be installed no more than one (1) week prior to the event and must be removed within 1 week following the event. Lights should be extinguished not later than midnight on the day of the event. Social event or holiday lighting that disturb other Owners with excessive light or sound will be required to be removed at the Owner's expense. Decorations must be appropriate as determined by the AC and may be disapproved for any reason.

### **3.13.2 LIGHTING RESTRICTIONS**

As of January 1, 2012, common light bulbs are required to be about 25% more energy efficient to meet the new standards of the Energy Independence and Security Act of 2007 (EISA 2007). These energy-saving light bulbs are rated by brightness or "lumens" versus power usage or "watts" as has been done in the past. Lumen is a unit used to measure the actual amount of light produced by a light source or bulb. Under the new standards, the back of each package of light bulbs will have a "Lighting Facts" label that provides the bulb's brightness measured in lumens. The guidelines for acceptable light source brightness at the Association are as follows:

Light Source	Maximum Lumens
Incandescent CFL Halogen LED Xenon	<i>800 lumens approximately equivalent to a 60 Watt incandescent bulb</i>
Security Floods	800
Landscape	100

### **3.14 STORAGE TANKS**

No elevated or underground tanks of any kind shall be erected, placed, or permitted upon any part of the Property. Water harvesting tanks may be allowed but shall be considered on a case-by-case basis. Aesthetics will be considered as part of the approval process, and if allowed, would have to be completely out of view of neighbors and public.

### **3.15 UTILITY AND SERVICE LINES**

No gas, electric, power, telephone, water, sewer, cable television or other utility or service lines of any kind, including security and fire protection systems, if any, may be placed, allowed, or maintained upon or above the ground on any Lot or anywhere within the Property except to the extent, if any, underground placement may be prohibited by law or would prevent the subject line from being functional; provided, however, above ground service pedestals, splice-boxes, switch cabinets and transformers will be permitted where required for public utilities or the landscaping of Common Areas.

The location of all underground utilities shall, where feasible, be placed under the access drive to minimize lot disturbance. Alternate locations for utility trenches must be approved by the DRC.

**NOTE:** Based on topography of certain lots and the ultimate finish floor elevations established for the homes to be placed thereon, individual sewage ejection systems could be required.

Typically, the sewer household connection service ("HCS"), the water service connection, and the household service connections for electric, telephone, natural gas and cable have been located at the lot line where the driveway was projected to be located.

- Utility access trenches or easements constructed across any Natural Open Space are not permitted without the prior written approval by the DRC.
- Lots with access through common driveways and certain other Lots may have extensions of household water service lines and or household sewer line sleeves already installed (generally, under the common driveway) for the Owner's benefit.
- All heating and cooling equipment including ductwork and plumbing lines, must be located on the ground, or concealed within the building. All heating and cooling equipment located outside must be screened so that it is not Visible from a Neighboring Property.
- No exposed gas or any other lines shall occur on top of any finished roof surface. No mechanical

equipment of any kind may be located on any roof area.

- Gas, electric, power, telephone, water, cable television and other utility or service lines must be kept underground up to the walls of the residence or accessory building.
- All exterior-mounted air conditioning and heating equipment, gas meter, electrical service panel meter, soft water tank, pool equipment, and trash containers must be located within walled and solid gated service yards not Visible from Neighboring Property.
- The electrical service panel meter shall be painted to match the color of the surface from which it projects.
- Any construction required outside of the Owner's Lot in the streets, common driveway, or in other common areas shall include provisions for restoration to the condition prior to construction.

## **4. ARCHITECTURAL STANDARDS**

The following standards have evolved in response to climatic and aesthetic considerations at the Association. During most of the year, the climate is mild and comfortable, but during the summer months the intense sun creates a climate which may be moderated by various design solutions, such as building orientations that increase shade and minimize heat gain, keeping Improvements at or below grade, encouraging cooling breezes, shading window openings courtyards, and using non-glare materials.

### **4.1 NO REFLECTIVE FINISHES**

No highly reflective finishes (other than non-mirrored glass, glass block, or the surfaces of hardware fixtures) shall be used on exterior surfaces, including, without limitation, the exterior surfaces of any of the following: roofs, fascia, all projections above roofs, retaining walls, doors, trim, fences, pipes, and equipment, walkways, driveways, garage aprons and parking areas.

### **4.2 HEIGHT OF STRUCTURES**

Because the desert landscape is low, and low buildings maintain cooler summer temperatures, low profile Improvements are encouraged at the Association and may be sited below grade. Unless specifically approved by the DRC, in the exercise of its sole and absolute discretion, no Single-family Dwelling or other Improvement shall exceed one-story in height.

A split-level, or terraced, home shall be considered for approval only if it is determined that the design of same presents a more appropriate method of building to the land and/or said design respects, and conserves, to a greater degree, the natural topography of the site.

**NOTE:** The heights of all structures are to be measured from the Average Natural Grade determined for the site during preliminary design. (Refer Definition 9.1 and Appendix H)

**A. Pitched Roof Design:** In no event shall any Single-family Dwelling or Improvement exceed eighteen feet (18') in height, at the roof peak, above Average Natural Grade, provided, however, that up to one third (1/3) of a pitched roof area may extend to twenty feet (20') in height above Average Natural Grade.

**B. Parapet Roof Design:** No part of a parapet wall shall exceed sixteen feet (16') above Average Natural Grade, except that the height of up to one-third (1/3) of the roof area may exceed

sixteen feet (16'), but in no event, more than eighteen feet (18'). All heights shall be measured from the Average Natural Grade occurring on that portion of the Lot on which the Improvement is located. In no event, shall any Improvement exceed twenty (20) feet when measured from the lowest Finished Grade immediately abutting that portion of the Improvement. The finished floor elevation shall be determined in accordance with applicable Building Code and Town ordinances. Retaining walls and other walls not directly supporting a building structure, except screen walls, shall not exceed eight feet (8') in height, measured from the lowest Average Natural Grade adjacent to the wall. The appearance of such walls over six feet (6') in height must be softened by landscaping with trees or large shrubs. Screen walls may not exceed four feet (4') eight inches (8") in height measured from the lowest Natural Grade adjacent to the wall.

**C. Flat Roof/No Parapet Design:** All exposed fascia roofs shall comply with the same requirements as a parapet roof design (Refer Section 4.2B). In exposed fascia, the exposed portion shall be a metal material that is a minimum of 12" in height. No exposed wood fascia's will be allowed.

The DRC reserves the right to disapprove a proposed Single-family Dwelling or other Improvement or Structure if, in the DRC's opinion, it would appear out of character with other Single-family Dwellings, even though the proposed Single-family Dwelling, Improvement, or other Structure, may comply with the restrictions set forth herein. Likewise, the DRC reserves the right to approve a Single-family Dwelling design, which may exceed the above height restrictions if, at the DRC's sole discretion, it is determined that the design of the home, will blend with its surroundings.

To ensure compliance with the maximum building heights approved by the DRC for any Single-family Dwelling, the following procedure shall be required:

As part of the final plan submittal, and prior to any site work being undertaken, the Owner/Builder may be required by the DRC, at his\her expense, to have a licensed Arizona land surveyor establish a permanent bench mark outside of the proposed area of disturbance to establish the elevation of Average Natural Grade adjacent to high elevation points of the proposed Single-family Dwelling. During construction, the DRC may require the elevation of finished roof or other Structure to be established in compliance with approved plans and shall be certified by Owner's Builder or Architect. This certification shall be placed on file with the DRC. At any time during or after framing or masonry construction, the DRC may require the Owner to certify that the finished height of the Single-family Dwelling complies with these requirements. Should the heights, in any aspect, exceed those set forth in these Design Guidelines, the Owner shall immediately bring the Single-family Dwelling or other Improvement into full compliance with the approved plans.

### **4.3 SIZE AND MASSING**

Each Single-family Dwelling shall be located within a Building Envelope and shall contain not fewer than three thousand five hundred square feet (3,500 sq. ft.) of living area. Further, the maximum living area of any Single-family Dwelling shall not exceed seven thousand square feet (7,000 sq. ft.), unless otherwise permitted by the DRC in the exercise of its sole and absolute discretion, taking into consideration the massing of the Single-family Dwelling so that the larger size thereof shall not negatively impact the general character of the neighboring Single-family Dwellings.

Massing is the arrangement of three-dimensional building solids that form the building. Massing, more than any architectural detail, is what creates the most impact on the eye. The creation of massing may

be additive (accumulating or repeating masses) or subtractive (creating spaces or voids by removing parts). Massing can also be significantly altered by materials used for the building's exterior as transparent, reflective or layered.

Each Single-family Dwelling must be comprised of multiple masses with each mass distinguished by a minimum vertical and horizontal offset of two feet (2'). At least three (3) distinct masses must be visible from each building elevation. Each mass shall have a ten-foot (10') minimum depth and ten-foot (10') minimum width or be one hundred (100) square feet minimum in roof area. In addition, each mass shall be represented by a minimum vertical or horizontal offset of two feet (2') from any adjacent mass (Appendix I)

Amendment - 05-02-2023 - first paragraph - 4th sen

#### **4.4 ROOFS**

In keeping with the low landscape, roofs should be of low pitch to reinforce the traditional desert architecture, which emphasizes horizontal elements instead of roofs. All roofs shall be of a material, design, style, texture, and color approved by the DRC. In order to blend with the native vegetation and indigenous soil and rock tones, roofing materials and colors shall be muted tones and must conform to the color standards (Refer Section 4.5, Color). Patina or other types of color-treated metal roofing materials may be approved by the DRC on a case-by-case basis. Roof materials with a light reflectivity considered inappropriate for the community shall not be permitted. The repair or replacement of any roof shall be subject to the same conditions as the original roof. Overhead screens, shade covers, patio roofs, and other similar structures shall be constructed of materials and colors to match or complement the main roof. An Owner-provided sample of any proposed roof material and color shall be reviewed by the DRC during the submittal review process.

Pitched roofs shall be defined as any roof area having a slope of three (3) vertical inches per twelve (12) horizontal inches (or 25%) minimum ranging up to a slope of four (4) vertical inches per twelve (12) horizontal inches (or 33%) maximum. Roof areas with a greater slope are prohibited. Pitched roofs and the related massing elements shall create rooflines compatible with the overall character of the foothills topography. Pitched roofs shall be finished with a visually aesthetic material of rounded clay tile. High-quality, rounded concrete tile and flat concrete tile will be considered on a case-by-case basis. Metal roofs, with muted colors, including patina copper, may be permitted, if approved by the DRC. Pitched roof colors shall complement the structure's exterior wall color. Reflective materials, such as shiny or brightly colored metals, or any roof surfaces with LRV's over 40% are prohibited.

Flat roofs shall be defined as any roof area having a slope of less than three (3) vertical feet per twelve (12) horizontal feet. A parapet wall that is a minimum of 12 inches taller than the immediately adjacent roof surface shall enclose all flat roofs. Continuity of parapet walls in flat roof areas is required. Parapet walls are required between all level changes in adjacent flat roof areas. No roof area greater than 1500 square feet shall occur without a parapet. As such, flat roof designs with larger roof plane areas shall include false parapets to visually break up the roof plane. Flat roofs, including all vents, chimneys, and other projections, shall be finish coated Desert Tan or to color match with the approved main body wall color or the adjacent pitched roof color.

Flat roof with no parapet is a roof that does not have a parapet and is also has less than a 3:12 slope. These Roofs must end in a finished fascia of metal or other material that can withstand the Tucson environment. These roofs will be approved by DRC on a case by case basis.

All vents, chimneys, and other projections shall be colored to match the finished roof material color.

No mechanical equipment of any kind will be permitted on any type of roof, except for solar equipment (including pool water heating coils) and/or satellite dish. In such case, this equipment must be visually screened from neighbor's view and from public view.

Type, style, and location of skylights on any pitched roof surface shall be first approved by the DRC.

## **4.5 COLOR**

The colors of the desert are rich and varied and are highlighted by different light conditions based on time of day and season of the year. The intent of these Design Guidelines is to allow these colors to dominate. This is achieved by repeating the middle range values of the desert colors. Use of muted colors that allow the natural colors of the desert to predominate will be required to preserve the integrity of the Association. The color of external materials must generally be subdued to enhance the colors of the natural landscape. Earth tones, generally muted, are recommended, although occasionally accent colors that are used judiciously and with restraint may be permitted. The exterior color of any Single-family Dwelling's surface should not exceed a Light Reflective Value of forty (40). White or near white is not permitted for use on structure walls, roofing, hardscape, and/or trim elements. All exterior color selections will be subject to specific sample approval by the DRC.

Approval requests must include the following:

- Manufacturer, color name, number and LRV
- Printed color samples of all elements may be submitted, however DRC reserves the right to request actual paint sample(s) displayed on a 5'x5' board or accessible section of the structure exposed to the sun to be painted, sample(s) in the requested color and style of the following materials:
  - o Pre-colored stucco
  - o Block
  - o Brick
  - o Pavers
  - o Rock
  - o Wood
  - o Metal
  - o Colored or aggregate concrete
  - o Concrete, clay, or Mexican roof tiles
  - o Roof coating

In the case of new construction or whenever approval of multiple exterior elements is being requested, printed color samples or a color palette board displaying samples of all the exterior materials and colors to be used is required. The DRC reserves the right to conduct a site visit to preview the requested colors and materials prior to rendering a decision. A change in the color of one or more of the approved exterior elements will require that a request for such change be submitted to the DRC for approval prior to implementation.



Additions or modifications to an existing home may be painted in the same color as the original structures, or approval may be sought to repaint all structures another color, following the same procedure as is required for new construction.

#### **4.6 MATERIALS - EXTERIOR SURFACES**

Exterior surfaces will be generally of natural materials that blend, and are compatible with, the natural landscape. Masonry (integrally colored/textured), stone (both cementitious and synthetic), stucco, or traditional adobe are to be the predominant exterior surfaces. These materials provide an outer surface to withstand the climate extremes of the desert. Large expanses of exposed wood will not weather well in desert conditions and will not be approved. Alternatives will be considered on a case by case basis. Exposed wood shall have the following sizes, and should be kiln dried, bolted, or strapped securely in place, and treated with a preservative, stained, or painted:

- Rafters – 4” minimum width
- Beams – 6” minimum width
- Columns – 6” minimum width

Samples of these materials and plans detailing their placement, use, color, and reflectivity must be submitted to the Architectural Committee and approved prior to installation.

#### **4.7 BUILDING PROJECTIONS**

All projections from a Single-family Dwelling or other Structure including, but not limited to, vents, gutters, downspouts, utility boxes, porches, railings, and exterior stairways shall match the color of the surface from which they project or shall be of an approved color.

Fireplace chimney and forms must complement the Structure’s overall design. Chimney heights (including any cap, cover, or canopy) must comply with the applicable Building Code minimum height criteria. Chimneys shall continue the same materials and colors as presented on the Structure. All spark arrestors must be screened, covered, or concealed with a decorative chimney cap as approved by the DRC.

In addition, any through the roof flue vents, from a water heater or a mechanical system, that are visible from Neighboring Property shall be required to be concealed. The concealment will be in the form of a simulated chimney mass or other design treatment, as allow by code and approved by the DRC.

#### **4.8 ANTENNAS AND SATELLITE DISHES**

No antenna or other device for the transmission or reception of television or radio signals or any other form of electromagnetic radiation shall be erected or placed upon a Lot, or any Improvement or Structure thereon, unless approved in advance by the DRC. If a master antenna television or cable system with related equipment and lines is provided to the Property, all Owners shall be required to extend the connection onto the lot at the time of construction of the Single-family Dwelling on the Lot. Notwithstanding the foregoing, no Owner shall be obligated or required to subscribe to any cable service.

No individual television or radio antennae may be installed without the express written approval of the DRC. If the installation of any television or radio antennae system is approved by the DRC, then the installation and maintenance of such system must strictly comply with any applicable FCC regulations, the determination of compliance and responsibility for which shall lie solely with the Owner of the Lot installing any such system. Antenna installations will conform to Federal Government regulations as defined in FCC 96-328 or as currently amended.

Any installations of such equipment must be located or concealed to minimize its exposure to a reasonable extent when viewed from any other Lot, Common Area, or from the surrounding community. Ground mounted locations within walled service yards or walled patio yard areas and further screened by landscaping, as needed, are encouraged.

The Association can control the placement of such items, provided said placement does not interfere with the optimal functioning of the equipment. Therefore, each item must be situated in a way that it is best concealed from neighboring views and streets but still affords proper reception. All efforts must be made to assure that the top of solar equipment is not higher than adjacent screening (parapet, wall, etc.)

Each submitted request must be accompanied by:

- A site plan showing the proposed location of the new item at the lot/residence relative to (1) the locations of adjacent residences that may be affected by its placement and (2) the street.
- A roof plan showing the proposed location of the new item.
- Sections showing the exact height of all equipment.
- The proposed screening treatment to be used (parapet, screen wall, planting, etc.) shall be indicated in the submittal. The DRC may request a photograph of the location where the item is proposed to be positioned on the lot for clarification.

Approval of the equipment will be based on the drawings noted above. If the roof top applications are installed differently than what was submitted, and/or the items are actually taller than indicated on the drawings, they will be considered to be in violation of these design guidelines and may have to be removed and replaced with what was shown on the drawings unless it can be shown authoritatively that they will not otherwise function effectively.

## **4.9 WINDOWS, DOORS AND SKYLIGHTS**

Mirrored windows and mirrored door glazing are prohibited. Window and doorframes shall be finished with anodized metal, baked enamel, vinyl clad, or wood, all with finished colors (Section 4.5 Colors) as approved by the DRC. Muted earth tones for window and door frames are encouraged, although lighter colored frames, will be allowed if used as an accent complement to the balance of the Residence's exterior material colors.

Skylights should be integrated into the design of the roof, energy conserving, and consistent with the materials of the Single-family Dwelling. Windows and clerestories of anodized aluminum, baked enamel, or wood are preferred for the desert climate. When used on a flat roof, skylights must be darkly tinted, of a low profile, and screened so that they will not be Visible from a Neighboring Property. Skylights will be

permitted on pitched roofs on a case-by-case basis and must be integrated in the roof design. Glazing must be color-compatible with adjacent roof color. No white or clear skylights will be permitted.

#### **4.10 VIEW DECKS, PATIOS AND COURTYARDS**

Patios and courtyards should be designed as an integral part of the architecture of the Single-family Dwelling, so they can be shaded and protected from the sun by the walls of the Single-family Dwelling. These open areas can take advantage of natural air flows to produce cooler temperatures. By orienting these outdoor spaces inward, encroachment of the desert will be minimized.

The development of such areas must comply with the setbacks (Refer Section 3.2) and shall not be allowed to encompass or delineate the Building Envelope.

#### **4.11 MACHINERY AND EQUIPMENT**

All machinery, fixtures, or equipment of any type, including but not limited to, heating, cooling, air conditioning, refrigeration equipment, cooling or heating ducts, electrical lines, gas lines, or other equipment placed on any Lot shall be concealed from view from all other Lots, Common Areas, and rights-of-way within the Association with the prior written approval of the DRC. The screening or concealment shall be solid and integrated architecturally with the design of the Single-family Dwelling and shall not have the appearance of a separate piece or pieces of machinery, fixtures, or equipment. This shall also include machinery and equipment installed in courtyards.

#### **4.12 SOLAR APPLICATION**

The Association recognizes the Owners' right to install and use solar energy devices, as set forth in A.R.S. § 33- 1816, and hereby adopts these guidelines in order to regulate the placement of solar energy devices that are governed by A.R.S. § 33-1816 and A.R.S. §44-1761.

Passive solar application, or the orientation and design of the Single-family Dwelling for maximum winter sun gain, will reduce the winter heating needs and is encouraged. Solar collectors can result in excessive glare and reflection and can only be approved in advance by the DRC, if they are integrated into the Structures or landscaping on a Lot and situated so as to be hidden as possible from Neighboring Property or any other Lot in the subdivision.

Certain solar devices which heat or cool may be placed on roofs which completely conceal same and are not detrimental to other Owners of Lots within the Property. Specific prior written approval by the DRC is required before placement of such solar devices; provided, however, the requirements hereunder shall not effectively prohibit the installation or use of solar energy devices. If such approval is not obtained, said devices shall be immediately removed by the Owner at its expense.

#### **4.13 WALLS**

All enclosures for patios or for concealment purposes, and all retaining walls, shall be constructed of face brick, stucco frame, stucco mud adobe, burnt adobe, or stucco masonry and all enclosures for patios or for concealment purposes and all retaining walls shall be constructed and finished to match the Single-

family Dwelling in type of material, color, and texture. (Wrought iron may be used within wall sections when desired. Specific locations of wrought iron sections of walls must be approved by the DRC).

No wooden, wire, chain link, plastic, or woven metal fences shall be permitted except within the confines of any enclosed areas and as long as any such fence is not visible from neighboring property.

Any plantings used to form a hedge shall be subject to the same setback requirements and height limitations as apply to a wall or coping. In determining the height of such wall, coping or hedge, the Existing Natural Grade shall be used. They should be a visual extension of the architecture of the Single-family Dwelling and must be located within the Building Envelope. They may not be used to delineate Lot lines or to arbitrarily delineate the Building Envelope.

In addition, the following standards shall apply:

- All walls, freestanding walls or retaining walls, shall be constructed of masonry or other approved materials (Refer Section 3.8) and shall be the same as, or complement, the Residence's material and color selections. On a site-specific basis, the DRC may permit natural rock cut slopes up to 0.5 horizontal feet per 1.0 vertical foot so long as they are certified as being stable in accordance with Pima County standards by a soils engineer registered in the State of Arizona. In addition, ornamental iron may be used in combination with such approved wall materials.
- Wall heights, including rock cut slopes, shall be eight feet (8') -maximum. Any combination of retaining wall condition and freestanding solid wall shall not exceed eight feet (8') in height. Wall heights shall be measured from the natural grade at the exterior of the wall. Proposed walls that exceed eight feet (8') in height must incorporate an intermediate two-foot (2') minimum width, landscaped shelf area (Refer Appendix J).
- All walls shall be developed in response to the natural grade conditions. Wall designs that are stepped, offset, and otherwise break up large surfaces are encouraged.

#### **4.14 UTILITY YARD**

Improvements on all Lots shall include adequate utility yards or enclosures in which all ground-mounted exterior heating and cooling apparatus, meters, mechanical equipment, and space for trash or rubbish containers and wood storage shall be located and be visually screened from the street and from neighbors.

#### **4.15 FOUNDATIONS**

Foundations and floors for all Single-family Dwellings and all other permitted Improvements on each Lot shall be constructed in accordance with approved plans. All exterior wall materials must be continued down as close to finished grade as possible per the Building Code, thereby eliminating unfinished foundation walls and/or footings. The Finished Floor Elevation of the foundation will be determined during preliminary design by Building Code and Town ordinance.

## **4.16 OUTDOOR FIREPLACES AND FIRE PITS**

The location and design of outdoor fireplaces, fire pits, and similar structures must be approved by the DRC prior to installation.

## **4.17 GUEST HOUSE**

Guest houses are permitted with approval from the DRC and the Town. Such Structures should be designed as a single-visual element with the Single-family Dwelling and should be connected visually by walls and/or courtyards. The guest house must comply with the zoning regulations of the Town. A guest suite without a kitchen can be constructed on any Lot either detached from, or attached to, the Single-family Dwelling with approval from the DRC and the Town and include a bathroom.

No guest house or guest suite may be leased or rented.

## **4.18 ANCILLARY STRUCTURES**

All ancillary Structures, including, but not limited to, garages, ramadas, gazebos, and pool pavilions, should be designed in the same architectural style as the main Single-family Dwelling including use of colors, exterior materials, landscaping, etc. Such Structures must be visually connected by walls, courtyards, or other major design elements.

## **4.19 FLAGS, FLAG POLES AND POLITICAL SIGNS**

### **4.19.1 FLAGS AND FLAG POLES**

The flags listed below may be displayed by an Owner using a flag pole in a bracket that is mounted to the Residence, suspended from a roof overhang, or raised on a conforming approved flagpole. Flags shall at all times be displayed in a manner consistent with the federal flag code (P.L. 94-344; 90 Stat. 810; 4 United States Code §§ 4 through 10).

Permitted flags are limited to:

- a. The American flag or an official or replica of a flag of the United States army, navy, air force, marine corps or coast guard;
- b. The POW/MIA flag;
- c. The Arizona state flag;
- d. An Arizona Indian nations flag;
- e. The Gadsden flag.

The flag's maximum size shall not exceed 3' x 5'. No more than two permitted flags may be flown simultaneously. No flags other than the above permitted flags may be flown.

Installation of ground-mounted flagpoles requires approval by the DRC and is subject to the following conditions:

- a. Only one flagpole will be allowed for a Residence.
- b. The flagpole must be located within the Building Envelope and within the lot's front, side and rear setbacks. The flagpole's relationship to the surrounding site context should be considered.

- c. The flagpole cannot exceed the height of the rooftop of the Resident.
- d. The flagpole must be painted to match the Residence or be a color and/or finish as approved by the DRC. [See Admendment 4.19.1d - 05-02-2023 - rewording](#)
- e. The flag(s) must be displayed starting at the top of the pole.
- f. The installation of any lighting related to the flagpole requires approval by the DRC.

#### **4.19.2 POLITICAL SIGNS**

Owners may display political sign(s) (as defined below) the Owner's property subject to the following restrictions:

- a. the display of political signs is prohibited earlier than seventy-one days before the day of an election and later than three days after an election day;
- b. the maximum aggregate total dimensions of all political signs on a member's property shall not exceed 9 square feet;
- c. maximum height of political signs is 10 feet;
- d. political signs shall not be illuminated;
- e. political signs must be located within the Building Envelope and within the lot's front, side and rear setbacks.

Political signs shall be subject to any further applicable restrictions as set forth by the City of Oro Valley, Pima County and/or State of Arizona statute. For the purposes of this subsection, "political sign" means a sign that attempts to influence the outcome of an election, including supporting or opposing the recall of a public officer or supporting or opposing the circulation of a petition for a ballot measure, question or proposition or the recall of a public officer.

#### **4.20 TRASH RECEPTACLE STORAGE**

Lidded containers must be used for all trash and recycle pickup and must be stored so that they are concealed from the public and/or neighboring view during non-collection days. These containers may be set out 12 hours prior to a scheduled pick up day and must be removed from the street and stored out of view by 8pm on the day of pick up.

Trash and recycle pick up days may be temporarily changed if the pickup day falls on a holiday that the collection company does not work. The schedule of pickup for these holidays can be found on the collection company's website or by contracting the HOA Community Manager. It is the responsibility of the home Owner to ensure their receptacles follow the schedule of the collection company for trash and recycle pickup.

The Association shall have the right to select the collection service to be used by all Owners and shall have the right to collect such fees from the Owners.

In addition, the keeping, storage, depositing or accumulation on the exterior premises of Owner's Lot of:

- abandoned, wrecked, dismantled or inoperative vehicles, automotive parts or equipment;
- abandoned appliances and furniture;
- containers and packing materials;
- scrap metal, scrap wood, building materials, and other construction debris;

- solid waste, garbage, and other debris;

which:

- Is within the view of from any Common Area or by persons on adjacent Lots or nearby real property;
- OR creates conditions that are hazardous, noxious or offensive;
- OR pose a risk of harm to persons, property or animals;
- OR constitutes visual blight or reduces the aesthetic appearance of the EHBR;

shall be prohibited; provided, however, that building materials being used or to be used for a project of repair or renovation for which a valid and current building permit has been obtained (if such permit is required) may be stored for such period of time as is necessary expeditiously to complete the project.

#### **4.21 WINDOW COVERING AND AWNINGS**

Interior window coverings, if used, must be of a finished appearance (i.e., blinds, draperies, shutters) as seen from other Lots, streets, or common areas. Interior window coverings of an improvised appearance (i.e. sheets, blankets, plywood, cardboard, aluminum foil) are prohibited).

Exterior window coverings must be approved by the DRC prior to installation. They must be designed to be integral with the architecture in lieu of being put directly on the walls of the Residence. They must be in a color which complements the exterior of the Residence and must adhere to the same LRV guidelines as the exterior paint requirements (Refer Section 4.5).

The DRC will only consider fabric awnings for windows on a design specific basis. Metal awnings are not allowed.

Highly reflective finishes are not permitted on interior or exterior window coverings or window surfaces.

#### **4.22 ORNAMENTAL OBJECTS**

Exterior ornamental objects such as, but not limited to, metal, ceramic or wood sculptures, fountains, ponds, statues, bird feeders, plastic characters and yard art including application to mailboxes must be approved by the DRC. Generally, these objects are not permitted in front or street side yards. Fountains may be installed in rear yards and front walled courtyards only and shall be no greater in height than that of the adjacent roofline. Any ornamental objects must be located and of a nature, scale, and color so as to be appropriate with the Single-family Dwelling.

The DRC shall have the right to disapprove any decoration or ornamentation that it determines is not in good taste, presents a nuisance, or is not in keeping with the architectural character of the Association. Such items include, but are not limited to, statues and/or sculptures of any sort, decorative wall art or tiles, fountains, grottos, ponds or other water features, laser light features, wall illuminations, murals, trellises, wall hangings, mobiles, etc.

Holiday ornaments will be allowed (calendar timing, lighting timing, etc.). Refer to section 3.13.1- Holiday Lighting.

#### **4.23 POINT OF SERVICE**

Where water, gas or other public utility facilities or private services have been installed to or near the property line of a particular Lot for the purpose of providing service to that Lot, the service connection to service an Improvement on that Lot shall be made only to and from the installed facility or point assigned by the DRC. Where feasible, utilities shall be placed in a common trench and routed to the structure under the access drive to minimize vegetative disturbance.

#### **4.24 SIGHT LINES**

No fence, wall, hedge, or shrub planting which obstructs sight lines at elevations between three feet (3') and eight feet (8') above the roadways shall be placed or permitted to remain on any corner Lot within the triangular area formed by the street property lines and a line connecting them at points twenty-five feet (25') from the intersection of said street property lines, or if the property corners are rounded, from the intersection of the street property lines extended. No tree shall be permitted to remain within such distance of such intersections unless the foliage line is maintained at sufficient height to prevent obstruction of lines of visibility.

#### **4.25 PAVEMENT CUTS**

No pavement cuts may be made on the private streets and drives within the Property without prior written approval from the DRC. All pavement cuts or damage to the Property streets or drives must be repaired to the same standard as required by the Town and the Association, as if such pavement cut or damage occurred in a public right-of-way.

Owner is responsible for any damage to Property streets or roadways and other land in, or adjacent to, the Property done by Builder or any contractor or sub-contractor during the course of construction of Improvements on the Owner's Lot. If damage is not adequately repaired within ten (10) days, the Association may make such repairs and the cost of such repair shall be a lien on the Lot whose Owner is directly or indirectly responsible for such damage. Such lien also shall include all costs incurred in enforcing and collecting the lien.

#### **4.26 TEMPORARY DRIVEWAY DURING CONSTRUCTION**

Builder must lay 3-4" minus rock on a bladed driveway for length no less than thirty (30) feet to minimize dirt from getting on the streets. This must be done as soon as grading for the driveway has been completed.

If increased level of cleaning of the street is necessary other than routine Association cleaning, the Builder must either clean the street or the DRC will contract to clean the street and deduct the cost from the Builder's refundable deposit.

### **5. LANDSCAPE DESIGN GUIDELINES**

These guidelines provide the framework for landscaping and revegetating of the lot and home. The goal is to provide direction to an owner to develop a landscape plan that is sensitive to the existing surrounding



native desert and to achieve an enhanced visual appearance that is consistent with The Estates at Honey Bee Ridge community.

## **5.1 PLAN STANDARDS**

The landscape plan shall be prepared by a registered landscape architect or landscape designer with accredited associations such as Association of Professional Landscape Designers. Landscape designer shall provide landscape design credentials.

Plan shall be prepared in a professional manner utilizing a computer aided design program.

The landscape plan shall utilize the base map information from the house plan and be coordinated with the building and the grading/drainage plan.

At a minimum, the landscape plan shall show the following:

1. All proposed plants with scientific and common names, sizes, quantities, plant type (deciduous/evergreen) and unique symbols for each plant.
2. Decomposed granite and seeding areas
3. Building envelope
4. Landscape Zones
5. Grading limits
6. Setbacks
7. Labeled property line, adjacent streets and lots
8. Slope treatments (rip rap, earth, etc.)
9. Perimeter yard walls including retaining walls
10. Proposed utilities from the street to the house
11. Topographic contours with elevation labels
12. Driveways, sidewalks, and other hardscape elements
13. Existing trees (4" in caliber or greater) and Saguaros or protected plants on the lot that are to remain
14. Existing rock outcrops to remain
15. Location of temporary native plant nursery
16. Landscape architects or designers name and address
17. North arrow, scale, and contour interval
18. Property information

## **5.2 LANDSCAPE ZONES**

### **5.2.1 NATIVE ZONE**

The Native Zone is that portion of the lot that is outside of the Building Envelope. This area is to remain undisturbed and in its natural state. This area must be fenced off prior to construction and must remain intact for the duration of construction. If this area is disturbed during construction, it must be revegetated with indigenous native plants. A revised landscape must be submitted for review and approval. Square

footage of area disturbed must be identified and shown on the plan. Revegetation minimums shall be as follows: For every 250 square foot of disturbance one (1) 36" box tree, three (3) 5-gallon desert shrubs and one (1) 5-gallon accent plant. Areas shall be scarified to a depth of 4 inches and seeded with desert seed mix. Temporary drip irrigation must be used in this area to get the plant material established. Plants must be irrigated for a period of two (2) summer growing seasons minimum. Irrigation beyond the 2 years will depend upon plant establishment and rainfall.

### **5.2.2 TRANSITION ZONE**

The Transition Zone is that portion of the lot that is within the Building Envelope and outside of the Private Zone. Plant materials for the Transition Zone are listed in the Appendix L. The purpose of the Transition Zone planting is to provide a transition between the Native Zone natural plantings. This transition shall provide vegetative visual screening from adjacent lots and the streets. The transition plants shall be compatible with the native plants in the Native Zone. A mixture of deciduous and evergreen plants shall be used for year-round screening. Plants must be irrigated with an underground automatic drip irrigation system. (Refer Section 5)

### **5.2.3 PRIVATE ZONE**

The Private Zone is that portion of the lot that is within the Building Envelope and within walled areas of the lot such as backyards and front courtyards. The Private Zones are not visible from adjacent lots or the streets. Plants within the Private Zones shall be subject to the plant lists in the Oro Valley Zoning Code.

## **5.3 LANDSCAPE STANDARDS**

Compliance to these landscape guidelines is subject to the Design Review Committee (DRC) and the DRC Reviewing Landscape Architect.

### **5.3.1 PLANT MINIMUM SIZES**

1. Groundcover plants may not be smaller than one gallon can size.
2. Accents plants may not be smaller than 3 gallon can size or as follows:
  - a. Fishhook barrel cactus, golden barrel cactus or other similar barrel cactus type cactus shall be a minimum of eight inches in diameter.
  - b. Mexican fence post, totem pole cactus or similar columnar cactus shall be a minimum of three posts and four foot in height.
  - c. Saguaro cactus shall be a minimum of four feet in height.
  - d. Ocotillo shall be a minimum of six canes and six feet in height.
3. Shrubs may not be smaller than five gallon can size.
4. Trees may not be smaller than 24-inch box size.

### **5.3.2 NATIVE PLANT PROTECTION**

1. The Native Zone shall be protected.

2. A temporary barrier fence shall be installed at the Building Envelope line.
  - a. This fence shall be in prior to start of construction operations.
  - b. Said fence shall be maintained, re-constructed, and re-installed during the course of construction. Fence shall be inspected for failure on a weekly basis.
  - c. Construction workers shall not do construction work outside of the fenced area nor shall they venture into or take breaks in this area.

### **5.3.3 NATIVE PLANT SALVAGE**

1. Native plant preservation may be directed by the Town of Oro Valley.
2. Indicate on plan which plants will be salvaged/transplanted, removed from site, or preserved in place.
3. Indicate on plan the location of the temporary native plant nursery. Any plants placed in a temporary nursery shall be irrigated with a manual or a temporary automatic drip irrigation system.
4. Indicate on the landscape plan the final location of the transplanted plants.

### **5.3.4 PLANTING COVERAGE/PLANT DENSITY/PLANTING DESIGN**

1. For screening of house and or mechanical components plants shall be sized and spaced as to provide a visual screen within two years growth. Plants shall be unevenly spaced to mimic the native desert. Plants shall be layered with the use of trees, shrubs, accent plants and groundcover. The use of deciduous and evergreen trees and shrubs shall be used to provide year-round visual screening.
2. Views from the street or adjacent residences of the new home shall be considered during the planting design. Trees and large shrubs shall be strategically placed to break up the mass of the building. Views from windows that are important to the homeowner shall be not blocked by the placement of said trees.
3. In the Transition Zone around the home the trees shall be a mixture of 50% 24-inch box trees and 50% 36-inch box trees minimum. Tree spacing shall be an average of 25 foot on center. Trees shall not be planted in a straight line. Trees can be grouped so that they do not block views from windows.
4. Foundation plants shall be provided to break up and screen the bottom portion of the home from the adjacent street or adjacent lots. Selected foundation plants shall be 4 to 6 feet in height after 2 to 3 years of growth. Foundation plants shall screen approximately 40 % of the home not including doors (pedestrian and vehicular) or windows. Foundation plants are not required in the Private Zone. Foundation plants shall not be planted in a straight line. Views from windows that are important to the homeowner shall be not blocked by the placement of said foundation plants.
5. Revegetation of the utility routing areas shall be at a density the matches and compatible with the surrounding native desert. Plants shall be shallow rooted and be a mixture of deciduous and evergreen plants. Tree planting in close proximity to the utility lines shall be avoided. In additional to shrub plantings along the utility routing area within the Native Zone

the disturbed area shall be scarified and seeded with desert seed mix. Decomposed granite can be used in the Transition Zone if desired.

6. Directing the rainwater runoff to new plants is encouraged. Planting wells may be used around the plants to capture rainwater runoff.

### **5.3.5 SEED MIX**

1. Areas disturbed that are not covered by decomposed granite shall be seeded with the designated seed mix.
2. Seed mix shall be applied at the rate as indicated.

### **5.3.6 INERT MATERIALS**

1. Decomposed Granite
  - a. Color shall be an earthen color and shall be submitted for approval.
  - b. Depth of decomposed granite once spread shall be two inches minimum.
2. Rock Rip Rap
  - a. Color shall be an earthen color and shall be submitted for approval.
3. Boulders
  - a. Color shall be an earthen color and shall be submitted for approval.

### **5.3.7 PLANTS**

See Appendix L for plants allowed and prohibited plants.

### **5.3.8 PLANTER POTS**

1. Planter pots are allowed in the Private Zone and the Transition Zone.
2. Planter pot style and character shall be complementary to the building architecture.
3. An image and description of the planter pot shall be provided on the landscape plan. The description shall include color, finish, shape, size, and character.

### **5.3.9 NATURAL TURF/SYNTHETIC TURF**

Natural turf or synthetic turf is only allowed in the Private Zone.

### **5.3.10 IRRIGATION**

1. Irrigation is required on all new plants for a period of time for plant establishment.
2. All new plants shall be irrigated with an automatic underground drip irrigation system.
3. Controller shall be capable to operate several valves with different water run times.
4. Irrigation circuiting (remote control valve zones) shall be separated based on the following:

- a. Desert trees with similar climate exposure
- b. Desert shrubs and groundcover with similar climate exposure
- c. Cactus

### **5.3.11 CONCRETE HEADWALLS AND PIPE CULVERTS**

1. Concrete headwalls shall not be natural gray concrete color. Concrete headwalls shall either have an integral concrete color or a stone veneer. Integral concrete color shall be an earthen tone and shall be labeled on the landscape plan with the associated LRV (light reflective value). Stone veneer shall match the stone on the house (if any) or be an earthen tone. Each option will require approval from the Design Review Committee.
2. Pipe culverts shall be mitered to match the slope of the rock rip rap or earthen slope.
3. Any portion of the pipe culvert that is exposed shall be painted (2 coats) including the inside of the pipe. Color shall be earthen tone that matched the surrounding inert material (decomposed granite, existing soil, rock rip rap or boulders).

## **6. DESIGN REVIEW PROCEDURES**

### **6.1 REVIEW OF PLANS**

The DRC shall conduct reviews of plans during regular meetings, or as deemed necessary to complete the tasks at hand. Owners, Architects or Builders shall not attend these meetings, unless specifically requested to do so by the DRC. An Owner, Architect or Builder, however, is free to submit to the DRC, in writing, any statements he/she deems necessary to support the design. Results of reviews will be provided to the applicant, in writing, and will not be discussed over the telephone by members of the DRC.

Any response an Owner may wish to make in reference to issues contained in the DRC's notice following review of plans must be addressed to the DRC in writing. It is the intent of the DRC to enforce all provisions of these Design Guidelines with the following being of particular concern:

- Building Envelope usage
- 3-D color renderings
- Survey
- Driveway
- Improvement height, massing, and roofscapes
- Exterior materials and colors
- Lot development, grading, and drainage
- Landscape and irrigation design
- Landscape and exterior lighting
- Pool
- Construction conformance
- Variance requests and fees during design process

### **6.1.1 APPROVAL PROCESS**

The Owner is responsible for submitting a written request to and receiving written approval from the DRC prior to the initiation of any work. Each request should be accompanied by the required submittals as defined in the Design Guidelines. Either the Owner or the DRC may request a meeting to review the details of the request at any time during the process.

The DRC will initiate the requisite inspections/evaluations, vote on the request, and render a decision based on majority rule. The Reviewing Architect and Landscape Architects conduct reviews of all requests for approval of plans for Improvements, including but not limited to new homes, guest houses, additions, exterior modifications, driveways, all other structures, landscape vegetation, irrigation, and hardscape, and variances to the Design Guidelines. Evaluation from the Reviewing Architect, and reviews and approvals from the DRC are conducted for compliance with the CC&R's and Design Guidelines.

A written decision will be sent to the Owner. No changes in or deviations from the plans, specifications or requests as approved by the DRC may be made without prior written approval of the requested changes by the DRC.

In the event of disapproval of the preliminary plans, or if conditions are placed upon the preliminary plan approval, the Owner shall provide the DRC with a complete resubmittal of the entire design package, which addresses all concerns. The revised preliminary plans shall be reviewed in the same manner as the original submittal of the preliminary plans. After two (2) consecutive rejected submittals, an additional Design Review Fee shall accompany each such resubmission as required by the DRC before any further review will be undertaken by the DRC.

A copy of the submittal form can be found as Appendix A of this document.

The DRC must be notified of proposed changes and that the approval process is begun while said changes are in the conceptual phase. This will save time and costs that may be incurred if the proposed changes do not comply with these Design Guidelines and with the CC&R's. Failure to secure the required written approvals may result in an Owner being cited for non-compliance with the CC&R's and/or the Design Guidelines, and the requirement to correct the infraction and the potential imposition of fines.

### **6.1.2 TIME FOR APPROVAL**

The DRC will always move forward at a reasonable pace to process each application for review.

### **6.1.3 INTRODUCTORY DESIGN MEETING (OPTIONAL)**

An optional Introductory Design Meeting may be scheduled for 30 minutes with the Property Manager by the Owner and/or Architect to discuss any general questions regarding the Estates at Honey Bee Ridge Design Guidelines and Design Review Process. This introduction will be held through an on-line video conferencing meeting system that can accommodate both full video and telephone conferencing. The Property Manager and at least one Design Review Committee member will attend the meeting.

## **6.2 PHASE I - PRE-DESIGN MEETING**

Pre-design meetings are mandatory for all Owners and their Architects (and Builder if selected) in the Association and can be scheduled by contacting the Management Company. This informal review is to offer guidance prior to initiating the Phase II Preliminary Submittal. Such meeting will usually occur on site with representatives of the DRC to discuss proposed plans and to explore and resolve any questions regarding the Design Guidelines at the Association. The Owner will discuss their ideas for development of the Lot, addressing site constraints and natural features, and present informal sketches or drawings.

Contact the Management Company for forms appropriate to describe design and construction ideas prior to scheduling the Pre-Design Meeting. Full payment of all fees is required before scheduling the Pre-Design Meeting. Refer to Appendix B for fee description and payment.

If the Owner cannot attend the Pre-Design Meeting, the DRC requires an owner's representative to be appointed to attend the meeting and that the Management Company be informed of the person's name in writing prior to the meeting. Alternative meetings could be conducted via a webinar.

No review or approval of plans shall be done unless, and until, the Owner proceeds with the Preliminary and Final Submittal as set forth below.

## **6.3 PHASE II - PRELIMINARY DESIGN SUBMITTAL**

Upon completion of the pre-design meeting, the Owner may submit for DRC review conceptual and/or preliminary plans to ensure conformance with these Design Guidelines before the finalizing his or her design. Any such preliminary plans shall also be submitted by the Owner or Reviewing Architect for concurrent review and approval. No review will commence until the submittal is complete.

The Preliminary Submittal required for review by the DRC will consist of one complete hard copy and a full set of PDFs.. All PDF's should be provided in print size and oriented for viewing without any rotation required. For example, if the original sheets are set up as 24" x 36", the pdf should be in the same format. If the pdf's that are inconsistent with the hard copy actual sheets, the package will be returned.

(The hard copy and the PDF file are to be submitted to, and subsequently distributed by, Management Company.)

### **THE PRELIMINARY SUBMITTAL SHALL INCLUDE:**

#### **6.3.1 3D COLOR RENDERINGS**

Exterior renderings will be required as a part of the preliminary submittal. The exterior renderings are a valuable tool for your client as well as the neighborhood in being able to imagine the home on its site. The renderings shall include the following:

<b>Requirements</b>
<ul style="list-style-type: none"><li>• Minimum 3 renderings that show all sides of the home.</li></ul>
<ul style="list-style-type: none"><li>• Renderings shall show all components of the project including but not limited to:<ul style="list-style-type: none"><li>○ House</li></ul></li></ul>

<ul style="list-style-type: none"> <li>○ Site / retaining walls</li> <li>○ Fence and gates</li> <li>○ All hardscape</li> <li>○ Pool and spa</li> <li>○ Outdoor components as in outdoor BBQ, fire features, showers etc.</li> <li>○ All existing and new landscape.</li> <li>○ Topography of the land and all grading treatments. If you plan on using rip rap, boulder retaining etc., these should be clearly shown in the renderings as an example.</li> <li>○ All materials, colors, and textures that you are proposing for all elements.</li> <li>○ Mailbox design</li> <li>○ Solar</li> <li>○ External Lighting Plan – Dark Sky Compliant</li> </ul>
<ul style="list-style-type: none"> <li>● Renderings must be at eye level from street or neighbors. If vegetation or natural land elements are blocking the view to the house, you can raise the camera level up so you can see the house passed it. Complete aerial views will not be accepted. Vegetation should also not block the view to the house. Vegetation can remain in the rendering, but the opacity of these components must be reduced to enable seeing the entire house structure behind it.</li> </ul>

If you are worried about a particular view not being accepted, you can submit the views you are going to do ahead of the rendering and the HOA will let you know if those views will be approved.

**6.3.2 SURVEYS AND TOPOGRAPHY EXHIBIT** The scale of this exhibit shall be one inch (1" equals twenty feet (20').

The scale of this exhibit shall be one inch (1" equals twenty feet (20'). The Survey and Topography Exhibit as referenced herein must be based on actual on-site datum and shall not be based upon any assumed datum. It must be prepared and certified by the Owner's registered surveyor and show and label:

<b>Requirements</b>
Boundary lines, bearings, and lot dimensions.
Existing utility service locations or stub outs.
The adjacent street, common driveway, or other Common Areas.
Easements and flood prone areas.
The area available for grading within the Lot and the suggested Building Envelope.
Setbacks (Refer Section 3.2).
Existing topographical contour lines at not greater than one foot (1') intervals to a distance of not less than twenty feet (20') beyond any Building Envelope or Improvement.
Major natural terrain feature, including rock outcroppings and washes.
Protected Plants, with specific inventory noting those specimens within twenty feet (20') of any Building Envelope or proposed Improvement.
Show and label existing utilities
Show a North Arrow.
Show all major vegetation.
For Additions/Alterations: Show all existing & new items, such as structures, patios, driveway, patio walls, etc.



**6.3.3 SITE PLAN** (refer to Appendix D)

The scale of this exhibit shall be one inch (1") equals twenty feet (20'). The site plan drawing as referenced herein must be prepared to include and reflect the above outlined topographical survey requirements and show and label the following requirements:

<b>Requirements</b>
The complete extent of all site development elements or Improvements.
The proposed Building Envelope.
The Construction Area Limit.
Driveway treatments.
Major site drainage treatments.
Modified topographic contour lines at not greater than 1 foot intervals, including all proposed major site grading treatments.
Parking spaces including related screening treatments.
Buildings including specific finished floor elevations value call-outs.
Patios, courtyards, terraces, etc. including specific finished deck/grade elevation value callouts.
Utility and service equipment locations and related screening treatments.
The average natural grade elevation(s) contour as it relates to the Improvements.
Site improvements/site development: limits of grading, drainage, culverts, etc.
The complete extent of all site development elements or improvements and all site drainage treatments.
Locations of buildings, pools, and other structures of property and adjacent lots.
Driveways, guest parking, walkways, all buildings, patio walls, pools, spas, fountains, mechanical locations, equipment locations, screen walls and gate locations.
Proposed Finish Floor Elevations (F.F.E.) for all buildings, patios, walls, etc.

**6.3.4 AVERAGE NATURAL GRADE CALCULATION DIAGRAM.** (The scale of this exhibit shall be a minimum of one inch (1") equals twenty feet (20'). Refer to Appendix H.)

Show and label:

<b>Requirements</b>
The existing topographical contour lines at not greater than one-foot (1') intervals to a distance of not less than twenty feet (20') beyond any Building Envelope or Improvement.
The existing topographical contour values measured at ten-foot (10') intervals around the perimeter of the Structure (or portion thereof) that is being evaluated. Provide a scheduled summary of such values and calculate the mean average natural grade elevation value (Appendix H).

**6.3.5 LANDSCAPING PLAN.** (The scale of this exhibit shall be one inch (1") equals twenty feet (20'). Refer to Landscaping Guidelines Section 5 and Appendix L.)

Show and label:

<b>Requirements</b>
Protected Plants, with specific inventory noting those specimens within twenty feet (20') of any Building Envelope or Improvement.
Specify where all salvaged plants are to be stored and reused on the property
Transitional Areas that will require landscaping treatments
Plant container specimen locations
Irrigation schemes for all planting areas
Schedule and summary of required plantings including disturbed area calculations, specific plant density calculations and specific plant specimen selections
Private Area that require landscape treatment - include all plant container specimen locations and all planting treatments, include a schedule and summary of all plantings including specific plant specimen selections

**6.3.6 FLOOR PLANS.** (The scale of this exhibit shall be one-quarter inch (.25") equals one foot (1'), minimum.)

Show and label:

<b>Requirements</b>
Finish floor elevation(s) values.
Major room names.
Schedule all enclosed living area square footage totals.
Locations of all utility and service equipment and the related screening treatments.
Complete floor plan, indicating all rooms, doors, windows, mechanical areas and enclosures, patios, garages, storage areas, and any stairs showing changes in elevation.
Overall dimensions for floor plan, patio columns, roof overhangs, etc.

**6.3.7 ROOF PLANS.** (The scale of this exhibit shall be one-quarter inch (.25") equals one foot (1'), minimum.)

Show and label:

<b>Requirements</b>
Major components and materials including a general concept statement of proposed material color schemes. Show all venting and penetrations.
Show all venting and penetrations
Roof pitch, direction of slopes, parapet heights, ridge heights, scupper locations, chimney(s), skylights, roof drains, and roof materials.

**6.3.8 SLAB, PARAPET AND ROOF RIDGE CERTIFICATIONS** (for Additions/Alternations to an Existing Residence Only)

Show and label:

<b>Requirements</b>
For Slabs: Provide certification for heights of all existing levels.
For Parapets & Roof Ridges: Provide certification for highest roof parapet and/or ridge of existing residence.
Provide sealed diagrams (roof plan and site pan) by a registered Surveyor showing where the above points were taken from.

**6.3.9 ELEVATIONS.** (The scale of this exhibit shall be one-quarter inch (.25") equals one foot (1'), minimum.)

Show and label:

<b>Requirements</b>
Major exterior building elevations shall be represented.
Existing contour grades and proposed finished contour grades.
Finish floor elevation(s) lines and values.
Top-of-wall and top-of-roof elevation callouts or dimensions for all major building components.
Major exterior materials and include a general concept statement of proposed material color schemes.
Top-of-wall elevation callouts and material specifications for all utility and service equipment screening treatments.
Existing contour grades and proposed finished contour grades. Show and label all finish floor elevation(s) lines and values.

**6.3.10 PRELIMINARY SITE STAKING** (Refer to Appendix K)

In conjunction with preliminary submittal:

<b>Requirements</b>
To assist the DRC in its evaluation of the preliminary design submittal, the Owner shall provide preliminary staking at the locations of the major corners of the Structure and the related major Improvements. A minimum of ten (10) location points will be required. Provide a plan that depicts point locations of all corners of the house, garage, patios, and all related major improvements.
Submit a "key plan" identifying and correlated to, the actual labeled and flagged staking location points. Include a written certification of the layout and a summary of the location points existing natural grade values all as prepared and verified by the Owner's registered surveyor ( <u>Appendix K</u> ).
Have a registered Surveyor flag all corners noted on plan and provide a certification of the layout.

### **6.3.11 POSTING OF PROPERTY; NOTIFICATION OF ADJACENT PROPERTY OWNERS**

As soon as possible after the submittal of the complete preliminary plans, the DRC will see that an email notification is sent to all Owners in the Association, providing notice of the submittal; twenty-one (21) days from notification will be allowed for written responses to the Management Company office. Responses will be forwarded to the DRC for consideration. The DRC will review the submittal at a time after the Association submittal has been completed and then scheduled three weekly review times for the Association homeowner review. Any decision made by the DRC shall not be deemed final until such time as the twenty-one (21) day notification period has lapsed.

### **6.3.12 PRELIMINARY REVIEW**

After receipt of a complete package of documents required under Section 6.3 and the Builder's Deposit (Refer Appendix B), the posting, noticing, opportunity for comment, the preliminary plan submittal of the Owner will be deemed complete.

The Reviewing Architect will evaluate the preliminary plans as submitted and provide a written assessment to the Design Review Committee. This response will provide either (1) a recommendation of approval to proceed to the next steps of the pre-construction review, or (2) a list of items to be corrected. NOTE: This step is to secure the professional recommendation(s) of the Reviewing Architect only and does not constitute approval of the preliminary plans.

Subsequent to receiving the reviews from the Architects, the DRC shall provide its written approval evidenced by its endorsement on the preliminary plans and deliver the preliminary plans to the Owner, or the Owner's agent, or shall provide written notice of disapproval which shall set forth with reasonable specificity the reason(s) therefor.

Approval of preliminary plans will be considered valid for one (1) year from the date of approval. The submittal will be considered abandoned if final plans are not submitted in that period and the Owner will be required to start the Design Review Process at the preliminary review stage for the plans to become active again.

### **6.3.13 ENFORCEMENT**

The DRC shall be primarily responsible for the enforcement of these Design Guidelines; however, the Association may also enforce these Design Guidelines as is provided. The DRC reserves the rights to waive, vary, or otherwise modify any of the standards or procedures set forth herein at its discretion, so long as such action does not constitute a substantial change, deviation, or variance.

Approval by the DRC, at any phase of the design review process as outlined herein, for any Improvement refers only to the Design Guidelines and in no way implies conformance with any government regulations. It shall be the sole responsibility of the Owner to comply with all applicable government regulations, ordinances, and procedures and to adequately coordinate such required governmental reviews with the process and procedures outlined in these Design Guidelines.

**Note:** Approval of the Preliminary Submittal does not authorize the initiation of construction.

## **6.4 PHASE III - FINAL DESIGN SUBMITTAL**

The Final Design Submittal package shall include all requirements of the Preliminary Design Submittal (Refer Section 6.3.1 through 6.3.10), additional items reflecting detailed construction documents, and incorporate all DRC comments and recommendations sent to the Owner resulting from the DRC review of the Preliminary Design Submittal.

During this phase, the Owner's refined submittal package is reviewed by the DRC to ensure consistency with the previously approved Preliminary Design Submittal and the Design Guidelines.

The Plans to be reviewed during this phase are defined as a full set of completed plans and specifications that will be submitted to the Town of Oro Valley for Building Permits. Two bound sets of these plans must be submitted to the Management Company for DRC approval.

This package should include all items listed in Section 6.3, all additional items of this section, and all revisions and corrections to the Reviewing Architect's comments. An incomplete set will not be accepted and will be returned to the Homeowner for further development. If the submittal is incomplete and must be returned to the Homeowner twice, the Reviewing Architect will charge additional review fees and will not conduct further review until payment is made.

Review and approval of the submitted final Plans applies only to the conformity of the plans and specifications to the general architectural style and compliance with the Design Guidelines and does not imply approval for engineering design or architectural specifications and codes. Owners must follow all local building codes and setback requirements for construction. Failure to submit plans to the Architectural Committee prior to obtaining governmental review or approval from Pima County is done at the Owner's sole risk.

After preliminary approval is obtained from the DRC, the following documents are to be submitted for final review. Review will not commence until the submittal is complete; one (1) set of physical plans and one in PDF format (specify resolution and page orientation) are required.

The submittal shall include final revisions of Preliminary Submittal, including but not limited to the following sections. The Final Plan Review and approval will be conducted following the same process defined in Section 6.3 Preliminary Design Submission.

### **6.4.1 3D COLOR RENDERINGS**

It shall include all requirements outlined in Section 6.3.1, above. Update information, as necessary.

### **6.4.2 SURVEYS AND TOPOGRAPHY EXHIBIT**

It shall include all requirements outlined in Section 6.3.2, above. Update information, as necessary.

<b>Additional Requirement</b>
Include aerial photos

### **6.4.3 SITE PLAN**

It shall include all the requirements outlined in Section 6.3.3, above. Update information, as necessary.

### **6.4.4 AVERAGE NATURAL GRADE CALCULATION DIAGRAM**

It shall include all the requirements as outlined in Section 6.3.4, above. Update information, as necessary.

### **6.4.5 LANDSCAPING PLAN**

It shall include all the requirements as outlined in Section 6.3.5, above. Update information, as necessary.

### **6.4.6 FLOOR PLANS**

It shall include all the requirements as outlined in Section 6.3.6, above. Update information, as necessary.

<b>Additional Requirement</b>
Overall dimensions for the floor plan, patio columns, roof overhangs, etc.

### **6.4.7 ROOF PLANS**

It shall include all the requirements as outlined in Section 6.3.7, above. Update information, as necessary.

**6.4.8 SLAB, PARAPET AND ROOF RIDGE CERTIFICATIONS** (for Additions/Alternations to an Existing Residence Only). It shall include all the requirements as outlined in Section 6.3.8, above. Update information, as necessary.

### **6.4.9 ELEVATIONS**

It shall include all the requirements as outlined in Section 6.3.9. Update information, as necessary.

### **6.4.10 BUILDING SECTIONS**

<b>Requirements</b>
Provide at least two full length section cuts depicting the most unusual area(s) of construction.
Show new & existing grades.

### **6.4.11 ARCHITECTURAL DETAILS**

<b>Requirement</b>
Show all details necessary to fully convey the design of the finished building with particular attention to any unusual design features.

**6.4.12 STRUCTURAL PLANS (minimum scale 1/8" = 1')**

Requirements
Roof Framing Plan showing framing materials, types, sizes of all posts, beams, fascia, or other wood trims.
Foundation Plan showing extent of foundation work, types of stem walls, and finished materials
Provide construction details pertaining to Roof Framing Plan and Foundation Plan.

**6.4.13 PLUMBING PLAN (minimum scale 1/8" = 1')**

Requirements
Clearly indicate all information required for a complete in-place system.
Show location of all fixtures, supply and waste lines, hose bibs, water softener locations, and appropriate meter locations.
Indicate where water supply connections are for irrigation.

**6.4.14 MECHANICAL PLAN (minimum scale 1/8" = 1')**

Requirements
Clearly indicate all information required for a complete in - place system.
Show locations of roof vents, outside mechanical equipment, and duct penetrations.

**6.4.15 ELECTRICAL PLAN (minimum scale 1/8" = 1')**

Requirements
Clearly indicate all interior and exterior information required for a complete in - place power & lighting system.
The Reviewing Architect may require a photographic copy of any light fixture deemed questionable.

**6.4.16 HARDSCAPE (minimum scale 1/8" = 1')**

Requirements
Show location of patio walls, pool, spa, pool equipment, appropriate enclosures, and gates. Label all finished materials.
Label all tops of wall heights relative to the F.F.E.
Indicate finish materials and colors of all walkways, patio, etc.
If clearly depicted, items listed above may be included on the Site Plan and/or Floor Plan instead of a separate Hardscape plan.

#### **6.4.17 EXTERIOR MATERIALS AND COLOR SAMPLES**

<b>Requirements</b>
Samples must be presented on an 18" x 24" board (at least 1/8" thick) clearly marked with Owner's name, filing date, and Lot number.
All samples must be identified with manufacturer's specification including name, product number, color, and light reflectance value.
Specific material samples and colors shall be made for (as applicable) the main body wall material, trim, roofs, window frames, doors, accents, site walls, fencing, and colors of other structures.
Include manufacturer's specification of window glazing and any window tinting or film.

The Reviewing Architect reserves the right to request actual samples of any material at any time for further clarification.

**6.4.18 EXTERIOR LIGHTING PLAN.** The scale of this Exhibit shall be one-quarter inch (.25") equals one foot (1').

<b>Requirements</b>
Show and label all exterior lighting to be developed in conjunction with the proposed Structure or other related Improvements.
Show and label all exterior lighting to be developed in conjunction with the proposed landscaping treatments.
Schedule all proposed lighting fixtures by type, location, description, shielding, and lamping requirements.

#### **6.4.19 BALANCE OF DRAWINGS (construction drawings)**

The balance of drawings required will be the complete drawings and specifications in sufficient detail for construction and subsequent Pima County Building Codes approval.

#### **6.4.20 MISCELLANEOUS REQUIREMENTS**

<b>Requirements</b>
Any other drawings, scaled models, materials, or samples prepared by the Owner or as requested by the DRC that will aid the DRC during this phase of the design review process. All preliminary requirements should also be resubmitted.
All preliminary requirements should also be resubmitted.
If there are changes to the plans that alter what was approved during the Preliminary Plan Submittal and Review, a letter must accompany the Final Submittal explaining all changes and/or modifications. Please note: If these changes are significant, the Reviewing Architect may deny the Final Plan Submittal and request a resubmittal for Preliminary Review.

#### **6.4.21 FINAL DESIGN SUBMITTAL REVIEW**

Upon receipt of a submittal package that meets the above outlined minimum submittal requirements, the DRC will review the Final Design Submittal and the Reviewing Architect's written report and provide a



written response to the Owner.

DRC shall provide its written approval evidenced by its endorsement made on the final plans and deliver one set thereof to the Owner, or the Owner's agent, or shall provide written notice of disapproval which shall set forth with reasonable specificity the reason(s) therefor.

In the event of any disapproval of the final plans, the Owner shall resubmit the final plans to address the reasons for the initial disapproval and the revised final plans shall be reviewed in the same manner as the original submittal. After two (2) consecutive rejected submittals, an additional Design Review Fee shall accompany each such resubmission as required by the DRC before any further review will be undertaken by the DRC.

Any response an Owner may wish to make regarding the results of a Design Review must be addressed to the DRC in writing. A copy of the endorsed final plans shall be obtained by the Owner of the Lot proposed to be improved prior to the beginning of construction. An Owner shall not proceed with Improvements without a copy of the approved final plans in its possession. One set of final plans shall be retained by the DRC. No changes or deviations in or from the final plans, insofar as the exterior elevations, color, landscape, or lighting improvements is concerned, shall be made without written approval of the DRC.

Approval of final plans will be considered valid for one (1) year from the date of approval. The submittal will be considered abandoned if final plans are not submitted in that period and the Owner will be required to start the Design Review Process at the preliminary review stage for the plans to become active again.

## **6.5 PHASE IV: PRE-CONSTRUCTION CONFERENCE**

Upon receipt of a submittal package that meets the above outlined minimum submittal requirements, the Owner or Representative shall request a schedule from the Community Manager for a meeting the DRC. The DRC will then review the submittals, schedule an on-site meeting or webinar with the Owner or Owner's Representative and the Builder and/or General Contractor to discuss the above items in consideration. Also, at this meeting, the DRC will review in detail the Construction Compliance Agreement (Appendix C) and require both the Owner/Representative and the Builder/General Contractor to initial each page of the document and then sign and date the last page signifying that they agree to comply with all items within the document. The DRC will then provide to the Owner a written response and approval for construction to commence.

### **6.5.1 CONSTRUCTION AREA PLAN**

Prior to the Pre-Construction Conference Owner shall provide a Construction Area Plan that identifies the barrier fencing at the limits of the Building Envelope, and within the fence (as far away from the street and out of view as possible) the locations of all above and below grade Improvements, limits of excavation, construction activities, sanitary facilities, construction equipment, size and location for construction material storage, construction debris/trash dumpster location, construction trailer location and any other temporary structures, course of construction traffic within the Property, parking, fire extinguisher, utility trenching, concrete washout area (containment tubs will be the only approved – no holes in the ground), AND construction sign. The scale of this Exhibit shall be one inch (1") equals twenty feet (20'). (For more detailed information about the topics contained in this paragraph, refer to the

Construction Regulation sections below.)

An on-site meeting with the DRC to determine construction parking details and any required signs to be approved by the DRC. Submit to the DRC a detailed construction parking plan consistent with the findings of the meeting.

### **6.5.2 CONSTRUCTION AREA LIMIT FENCING AND SITE STAKING**

Prior to the Pre-Construction Conference the Builder shall stake the entire Building Envelope limits, all building and other structure and improvement corners, and install barrier fencing to remain throughout the project. The barrier fence shall be 4 foot high bright orange heavy duty diamond grid UV-resistant polypropylene Barrier fence. It must also be erected around the drive entrance and utility trenching areas. The single entrance shall be located at the driveway entrance of the Lot and shall be maintained as such until the completion of construction, unless specifically approved by the DRC.

#### **Temporary Construction Sign**

One temporary contractor's sign shall be permitted per Lot, the design of which must be as approved by the DRC (Appendix G).

- Illumination of the sign is not permitted.
- The sign must be removed prior to the post construction DRC inspection. If not, such signage will be removed and discarded by the Association at the expense of whomever place the sign in that location.

Any signage installed within the community which does not comply with the standards will be removed and discarded by the Association, at the expense of whomever placed the sign within the location.

### **6.5.3 INTENTIONALLY OMITTED**

### **6.5.4 CONSTRUCTION DURATION SCHEDULE**

The Builder shall provide a written time schedule indicating approximate starting and completion dates of all major phases of the construction process. No more than eighteen (18) months shall be allowed for completion of construction. Once started, construction shall be diligently pursued to completion. Commencement of construction shall not be permitted without evidence of all applicable permits and the required DRC approvals.

### **6.5.5 SUBCONTRACTOR LIST**

The Builder shall provide a complete written list of all contractors approved by the Builder and/or the Owner for work on the specific project. This list must be updated continuously throughout the entire construction phase.

### **6.5.6 PERMITTED DOCUMENTS**

One digital copy of the final Oro Valley Approved Plans and specifications, as well as a copy of the permit card issued by the Town of Oro Valley covering the entire scope of work, must be submitted to the Association's current management company for Architectural Committee review and acceptance. The final, permitted plan as submitted and approved must be followed. Any additions or modifications to this plan require the review and written approval of the Architectural Committee prior to implementation. Failure to obtain prior approval may result in re-work of the item(s) in question and the possible assessment of fines.

### **6.5.7 PAYMENT OF ASSOCIATION FEES**

Per Section 2.6, all fees are due and payable at this time.

### **6.5.8 CONSTRUCTION REGULATIONS**

Refer to Section 7.0 Construction and Builder Regulations for specific requirements.

### **6.5.9 COMMENCEMENT OF CONSTRUCTION**

Upon receipt of a submittal package that meets the above outlined minimum submittal requirements, the Owner or Representative shall contact the Community Manager to schedule a meeting with the DRC. The DRC will then review the submittals, schedule with the Community Manager an on-site meeting or webinar with the Owner or Owner's Representative and the Builder/General Contractor to discuss the above items in consideration. Also, at this meeting, the DRC will review in detail the Construction Compliance Agreement (Appendix C) and require both the Owner/Representative and the Builder/General Contractor to initial each page of the document and then sign and date the last page signifying that they agree to comply with all items within the document. The DRC will then provide to the Owner a written response and approval for construction to commence.

It will be considered that construction has commenced once the Lot has been disturbed. The Owner, Builder or Architect shall provide the DRC with twenty-four (24) hours written notice prior to commencement of any construction on a Lot. In the event of any dispute as to the date of commencement of work or site preparation, eighteen (18) month construction period shall be measured from the date the final plans shall have been endorsed by the DRC. Construction must proceed in a continuous manner through the completion of the Single-family Dwelling. If construction ceases for a period greater than three (3) months, the DRC may require that either construction immediately resume or that the Lot be returned to its natural condition. The Builder's Fund, in total, or a portion thereof, may be forfeited, if neither alternative is achieved within three (3) months of written notice of the Owner by the DRC.

Once site preparation or any other work is commenced on a Lot, construction shall be diligently prosecuted and the Single-family Dwelling constructed and ready for occupancy within eighteen (18) months after the commencement of site preparation or other construction (unless a longer period of time is specifically authorized by the DRC at the time of the pre-construction conference) provided, however, upon written request of the Owner made at least sixty (60) days prior to the expiration of the construction period, an Owner shall be granted a one-time only ninety (90) day extension of the construction period.

Any further extensions shall be requested by the Owner in writing to the DRC at least thirty (30) days prior to the expiration of the extended construction period, and the DRC, in its sole and absolute discretion, may approve or disapprove a maximum additional extension of ninety (90) days. Further extensions must be approved by the Board of Directors.

If the Owner fails to comply with this schedule, the DRC shall either have the exterior of the Improvement completed in accordance with the approved plans or remove the Improvements, with all expenses incurred to be reimbursed to the DRC by the Owner. The obligations hereof also shall be enforceable by the Association and the Association shall be entitled to be reimbursed for its costs, legal fees incurred, and damages sustained, all of which shall be enforceable, in the same manner as any assessment as provided in the Declaration.

### **6.5.10 CONSTRUCTION-IN-PROGRESS**

The Construction-in-Progress phase consists of the following:

- Progress Visits
- Framing Inspection
- Final Inspection

The Reviewing Architect can only visually inspect the project and does not have the means to measure heights, setbacks, grades, etc. The Builder should provide a Certificate for such specifications. The Reviewing Architect can then verify that information in this Certificate matches the Plans.

Additionally, the Reviewing Architect can inspect if the building looks like the Plans (Framing Inspection) but cannot inspect quality of construction in any way. The Owner and Builder take full responsibility that the project is built to the Association's Approved Plans.

During this phase, the DRC verifies with the Builder that construction is proceeding in compliance with the approved Final Design Submittal and the Design Guidelines.

- The DRC may inspect all work in progress and give notice of non-compliance. Absence of such inspection and notification during the construction-in-progress phase does not constitute either approval of the DRC for the work in progress or compliance with these Design Guidelines.
- The Owner shall be required to provide his/her registered surveyor's written certification of the actual finished floor slab elevation(s) as installed within one week of the pouring of these floor slabs. In addition, the Owner shall be required to provide a surveyor's written certification of the top of structure elevations as constructed prior to post-construction inspection and occupancy.
- FFE Certification. A written finished floor elevation (FFE) certification must be provided to the DRC by a registered survey engineer. This certification shall be approved by the DRC prior to commencement of framing.
- Top of Framing. A written top of framing elevation certification must be provided to the DRC by a registered survey engineer. You must provide multiple points including the tallest parapet condition, the tallest pitched roof condition, and the tallest flat roof / fascia condition.

Should construction cease for any reason for a continuous period of 3 weeks or more, the work site will be considered abandoned and the Owner and/or their designee must take the following actions:

- A plan to clean up and secure the Lot must be provided to the DRC within 48 hours of their request.
- A timeline and plan for resumption and completion of construction must be submitted to the DRC for approval within 30 calendar days following the securing of the Lot.

Failure to comply with the above requirements may result in the Owner being cited for non-compliance and the potential imposition of fines.

If time extension is required, a written request for the extension must be submitted to the DRC.

If the Construction phase does not commence within twelve (12) months of the permitted plan acceptance date, plans must be re-submitted to the DRC for approval and the re-initiation of the construction process. This step is required to ensure that there have been no changes in either the approved plans or the Design Guidelines since the conclusion of the original Design Review Process.

### **6.5.11 SUBSEQUENT CHANGES DURING CONSTRUCTION**

Additional construction or other improvements affecting the exterior of an approved Single-family Dwelling or Lot or changes proposed during construction, must be submitted to the DRC for approval prior to making such changes or additions. Revision or variances will be subject to fees per Appendix B.

If changes are made without DRC's knowledge or approval, those changes may have to be removed. By making un-approved changes, Owner takes full responsibility. The DRC will not be held responsible nor liable if the constructed change will not be approved.

## **6.6 PHASE V – FINAL INSPECTION**

The Final Inspection shall be conducted by the DRC, with the owner, Builder, Reviewing Architect, Owner's architect, and landscape architect in attendance, to determine whether construction has been completed in strict compliance with the approved plans and development standards.

If the Owner cannot attend the Final Inspection Meeting, the DRC requires an owner's representative to be appointed to attend the meeting and that the Management Company be informed of the person's name in writing prior to the meeting. Alternative meetings could be conducted via a webinar.

During this phase, the DRC determines, from an on-site inspection, whether actual construction has been completed in strict compliance with the approved Final Design Submittal and the Design Guide. This occurs when requested in writing by the Owner. The DRC will provide a written response to the Owner.

If the final inspection report identifies any deficiencies, violations, or unapproved variations for the approved plans, as amended, the Association may hold the construction deposit for one hundred eighty (180) days or until receipt of a subsequent written report with evidence that the issue has been cured, whichever is less. If such an acceptable report is received before the one hundred eightieth day, the Architectural Committee shall promptly release the construction deposit monies to the Owner. If such an

acceptable report is not received within one hundred eighty days, the DRC shall release the construction deposit monies promptly from the trust account to the Association.

Neither the approval of the plans nor the approval of actual construction by the DRC shall constitute a representation or warranty that the plans or construction comply with applicable governmental requirements or applicable engineering, design, or safety standards. The DRC, in its discretion, may release all any part of the deposit to the member before receiving a compliance report. Release of the construction deposit to the Owner does not constitute a representation or warranty from the Association that the construction complies with approved plans.

It is the responsibility of the Owner to assure that there is sufficient time to begin and fully complete all facets of their development, including the final on-site inspection, prior to scheduling the final inspection. The site is to be cleared of all building materials, and the streets and any common areas adjacent to the property shall be cleaned prior to final inspection.

The street and any common areas adjacent to the building site will be inspected for damage caused by construction activity, as will desert areas around the building project that have been disturbed by construction. Repairs to roads and common areas and re-vegetation of disturbed areas around the building project will be required prior to receiving final written approval to occupy the property. Failure to repair the damage or to clean up the site and streets and common areas adjacent to the site and/or to re-vegetate disturbed areas within the time specified will result in the Owner's Construction Deposit Fund being charged for the cost of the repair/cleanup and/or re-vegetation. If repairs of the damage caused to the street and/or common areas and/or the cost of re-vegetation exceeds the amount in the construction deposit fund, the Owner shall pay additional costs out of pocket or a lien on the property will result.

Neither the Association, the DRC nor the Reviewing Architect are liable for design deficiencies, failure to meet zoning and code requirements, faulty construction procedures, structural failures, or the property owner's failure to comply with subdivision restrictions and/or guidelines.

The DRC will conduct the Final Inspection upon DRC notification from the property owner that the following conditions have been met:

- All construction materials/debris, equipment, dumpsters and Porta-potty are removed from the Lot
- Home construction is complete, including painting, installation of exterior light fixtures, garage doors, and any planned hardscape elements
- Approved driveway has been installed
- All Restored (disturbed) areas as defined in Section 6.6 have been returned to their natural state with approved re-vegetation, hydro seeding and/or landscaping
- All mechanical units are properly installed and shielded from view as required

The results of the inspection will be documented and provided to the Owner in writing. If no violations or compliance issues are noted and no fines have been levied during the course of construction, the construction deposit will be refunded to the property owner within 30 days.

Any violations or compliance issues identified by the DRC during this inspection will result in a failed inspection and the withholding of the construction deposit. A plan and timeline to correct these violations or issues must be submitted to the DRC within 60 calendar days following the failed inspection. Failure to

comply with this requirement may result in the Owner being cited for non-compliance and the potential imposition of fines. The required follow-up work must be completed, re-inspected, and approved before the construction deposit return will be authorized.

## **6.7 EXISTING PROPERTY MODIFICATIONS, IMPROVEMENTS AND MAINTENANCE**

After approved construction is completed, no modifications, improvements, or changes to any of the exterior elements of the property may be made without the prior written permission of the DRC. The detailed information provided in Section 4, Architectural Standards, applies to any additions, changes or alterations to any Lot or existing structures as well as to new home design and construction. Construction and Builder Regulations (Refer Section 7) apply to all major projects requiring heavy construction.

### **6.7.1 MODIFICATION AND IMPROVEMENT APPROVAL REQUIREMENTS**

All subsequent construction, modifications, improvements and/or alterations to any Lot or existing structures are subject to the submittal and approval process by the DRC as defined in Section 6 of this document.

### **6.7.2 MAINTENANCE APPROVAL REQUIREMENTS**

The Design Guidelines are subject to periodic review and amendment. Therefore, some previously-approved exterior design elements may no longer be permitted. For example, the allowable LRV (light reflective value) for exterior finish colors has been changed. Consequently, not all colors currently in use on existing properties are approved for future use (Refer Section 4.5).

Accordingly, due to similar changes, the following maintenance items require written approval from the DRC prior to implementation:

- Re-painting of any exterior element of the home with the current color(s)
- Replacement of plants and landscape elements (rock, rip rap, etc.) with the same plant or item previously in place
- Re-application of current driveway material(s)

### **6.7.3 FEES**

Refer to Appendix B, Fees and Deposits, for applicable fees for all new improvements.

## **7. CONSTRUCTION AND BUILDER REGULATIONS**

Inspection of building sites during construction will be done by the DRC members, or their designates, on a periodic basis. Violations of the construction regulations will be reported to the DRC and a letter will be sent to the Builder. Copies of the letter will be sent to the Owner. Continued violation of these policies and procedures may result in the Builder and associated Sub-Contractors being denied access to the Association.

In order to assure that the natural desert landscape of each Lot and the Common Areas of The Association are not damaged during any construction activities, and to generally control construction activities within

the Association, the following construction and builder regulations shall be enforced during the entire construction period. These regulations shall be made a part of the construction contract document specifications for each Residence or other Improvements on a Lot and all Builders, Owners, and other persons shall be bound by these regulations. Any violation by a Builder shall be deemed to be a violation by the Owner of the Lot.

In the event of a violation, the Association may cause such Lot to be restored to its state existing immediately prior to such violation. The Association may cause to be replaced any Protected or Approved Plants which had been improperly removed or destroyed with either similar plants in type and size or with such other plants as the DRC may deem appropriate. The Owner of such Lot must reimburse the Association for all expenses incurred by it in performing its obligations under this paragraph; provided, however, that with respect to the replacement of any Protected Plants, the Owner shall not be obligated to pay an amount in excess of the expenses which would have been incurred had the Owner elected to replace the damaged, destroyed, or removed Protected Plants with a plants similar in type and size.

### **7.1 OCCUPATIONAL SAFETY AND HEALTH ACT COMPLIANCE (OSHA)**

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

At least one ten (10) pound ABC rated dry chemical fire extinguisher shall be present and available in a conspicuous place on the construction site at all times.

### **7.2 CONSTRUCTION TRAILERS, PORTABLE FIELD OFFICES, ETC.**

Any Owner or Builder who desires to bring a construction trailer, field office, or the like to the Association shall first apply for and obtain written approval from the DRC at the time of the pre-construction conference (the Town may also require a permit). The DRC will work closely with the Owner or Builder to determine the best possible location for any such trailer or field office in the Building Envelope. Such temporary Structures shall be located only as approved by the DRC and it shall be removed within fifteen (15) days after a certificate of occupancy for the completed structure is issued by the Town.

### **7.3 DEBRIS AND TRASH REMOVAL**

- A. Owners and Builders shall clean up all trash and debris on the construction site at the end of each day. Trash and debris shall be removed from each construction site at least once a week to a dumping site located outside of the Association. Lightweight material, packaging, and other items, shall be placed in a closed container, covered, or weighted down to prevent wind from blowing such materials off the construction site. Owners and Builders are prohibited from dumping, burying, or burning trash anywhere on the Lot or in the Association or Rancho Vistoso, except in areas, if any, expressly designated by the DRC. Disposal of any type of chemical, cleaner, fuels, oils or any toxic or environmentally harmful materials is absolutely prohibited at the Association.
- B. The dumpster/roll-off shall be routinely emptied of trash and debris as it crests the top of the container. The DRC shall impose fines if this is not strictly followed.
- C. During the construction period, each construction site shall be kept neat and shall be properly policed to prevent it from becoming a public eyesore or affecting other Lots and any Common



Areas. Any clean-up costs incurred by the DRC or the Association in enforcing these requirements will be billed to the Owner. Dirt, mud, or debris resulting from activity on each construction site shall be promptly removed from public or private roads, Common Areas, other Lots, and driveways or other portions of the Association, both during and after the construction period.

- D. On each construction site, the Builder must designate a wash out area within the Building Envelope for contractors and suppliers to clean their equipment. The cleaning of equipment must occur, and cleaning effluent must remain, within that specified area. Equipment cleaned in any area other than the designated area will result in the DRC imposing a fine or retaining all or a portion of the Builder's Deposit, to repair any damage resulting from such equipment cleaning in improper areas.

#### **7.4 SANITARY FACILITIES**

Each Owner and Builder shall be responsible for providing adequate sanitary facilities for the construction workers. Portable toilets or similar temporary toilet facilities shall be located within the Building Envelope, obscured from street view as much as possible. Location of same is subject to DRC and approval. In no case, may sanitary facilities be located closer than thirty feet (30') to roadways or adjacent Lot lines. Facilities shall be emptied as necessary and contents removed from site.

The sanitary facility shall be moved into the lot Building Envelope as soon as possible and no later than two (2) calendar weeks after construction begins.

#### **7.5 VEHICLES AND PARKING AREAS**

Construction crews will not park on or otherwise use other Lots or any Common Areas unless otherwise designated by the DRC. Private and construction vehicles and machinery shall be parked only in areas designated by the DRC. All vehicles will be parked so as not to inhibit traffic and within the Building Envelope to avoid damage to the natural landscape.

Under no circumstances shall construction parking be allowed on both sides of the street.

- A. If temporary circumstances require special parking provisions, the DRC shall be notified immediately to review any changes to the original construction parking plan.
- B. Construction parking will only be allowed along the road perimeter of the lot under construction. Any temporary variance to this requires written approval of the DRC.

#### **7.6 CONSERVATION OF LANDSCAPING MATERIALS**

- A. Owners and Builders are advised of the fact that the Lots and Open Spaces contain valuable native plants and other natural landscaping materials that should be protected during construction, including topsoil, rock outcroppings, boulders, and plant materials.
- B. Materials that cannot be removed, and are to be saved, should be marked, and protected by flagging, fencing, or barriers. The DRC shall have the right, but not the obligation, to flag major terrain features or plants that are to be preserved and fenced off for protection. Any trees or branches removed during construction must be promptly cleaned up and removed immediately from the construction site.

## **7.7 EXCAVATION MATERIALS**

Excess material generated on the site as a result of grading operations must be removed from the Association.

## **7.8 BLASTING AND OPEN FIRES**

No blasting or open fires shall occur on the site, unless it can be demonstrated that there is no other viable alternative and then, only with the specific written approval of the DRC.

## **7.9 RESTORATION OR REPAIR OF OTHER PROPERTY DAMAGED**

Damage and scarring to any property outside the Building Envelope, including, but not limited to, Open Space, natural vegetation, other Lots, Common Areas, roads, driveways and/or other Improvements will not be permitted. If any such damage occurs, the Owner of the Lot will be obligated to ensure that it is repaired and/or restored promptly at the expense of the person causing the damage, or the Owner of the Lot, within sixty (60) days.

Indigenous Species and Protected Plants which must be removed to permit construction work on the Lot shall be inventoried prior to removal. The DRC must approve the plans for plant salvage/destruction, in accordance with these Design Guidelines prior to site disturbance. Plants shall be transplanted in accordance with customary professional standards. Transplanted or replacement plants shall be maintained and watered as appropriate until reestablished. Any Indigenous Species and/or Protected Plants on the Property which die as a result of transplanting or construction activity on the Lot shall be replaced with similar plant species, and at a plant density, which duplicates that which occurs in the natural desert surrounding the site, as approved by the DRC, in accordance with these Design Guidelines.

Upon completion of construction, each Owner and Builder shall clean his construction site and repair all property which was damaged, including, but not limited to, restoring grades, planting Indigenous Plants or Protected Plants, shrubs, trees, and plants, as approved or required by the DRC, and repair of streets, concrete curbs, gutters, driveways, drains, culverts, and ditches, etc.

## **7.10 CONSTRUCTION ACCESS**

- A. The builder and Owner will be solely responsible for ensuring only authorized personnel are allowed access to the job site.
- B. The Owner is required to contact the Community Manager to obtain access codes to be issued to Builder's employees, subcontractors, and suppliers for site access as needed.
- C. The Owner will not provide their personal gate code to the Builder for construction purposes
- D. The Owner and Builder are responsible that contractors, sub-contractors and employees use only the approved construction access gate codes during the project
- E. The route of access for all construction traffic through the Association shall be determined and approved by the DRC
- F. The only approved construction access during the time a Single-family Dwelling or other Improvements are being built will be over the approved driveway for the Lot and within the Building Envelope fence unless the DRC approves an alternative access point.

## **7.11 DUST AND NOISE**

The Contractor shall be responsible for controlling dust and noise from the construction site in compliance with applicable government regulations and the Rancho Vistoso grading standards. The Builder shall provide a tracking pad of a minimum 4" minimum gravel on the driveway for the first 30 feet to the road to minimize the dirt tracked on the road.

## **7.12 SIGNAGE**

One temporary contractor's sign shall be permitted per Lot, the design of which must be as approved by the DRC (Appendix G).

- A. Illumination of the sign is not permitted.
- B. The sign must be removed prior to the post construction DRC inspection. If not, such signage will be removed and discarded by the Association at the expense of whomever place the sign in that location.

Any signage installed within the community which does not comply with the standards will be removed and discarded by the Association, at the expense of whomever placed the sign within the location.

## **7.13 SCHEDULE OF OPERATION**

Daily working hours for each construction site shall be between sunrise and sunset, and in no event earlier than 6:00 a.m., nor later than 6:00 p.m. (Arizona time), Monday through Saturday and shall be in compliance with the Town's restrictions regarding weekends and holidays. No construction is permitted on any Sunday or major holiday. Contractors, Architects, Builders, and engineers will be permitted access for meetings on Sundays, but no construction equipment or deliveries will be permitted. The Association recognizes the following major holidays for its non-working schedule: New Year's Day, Memorial Day, July 4, Labor Day, Thanksgiving and Christmas Day.

## **7.14 GENERAL CONSTRUCTION COMPLIANCE**

All Owners will be absolutely responsible for the conduct and behavior of their agents, representatives, Builders, contractors and subcontractors on the Association and Rancho Vistoso. The following practices are prohibited at the Association and Rancho Vistoso during any construction activities, and will be considered a violation of these Design Guidelines:

The following practices are prohibited at the Association during any construction activities and will be considered a violation of these Design Guidelines:

- A. Changing oil on any vehicle or equipment on the site
- B. Allowing concrete suppliers and contractors to clean their equipment, other than at the locations approved for that purpose by the DRC.
- C. Removing rocks, plant material, topsoil, or similar items from any Property within The Association, including construction sites, unless it is from the site under construction and only then with prior approval from the DRC.
- D. Carrying any type of firearms on the Property

- E. Carrying or under the influence of any alcohol or illegal narcotics
- F. Careless disposition of smoking products and other flammable material
- G. Careless treatment or removal of any desert plant materials not previously approved by the DRC
- H. Use of, or transit over Natural Areas.
- I. NO music listened to by open speakers of any kind shall be allowed on site.
- J. No blasting or open fires shall occur on the site.

## **7.15 COMPLIANCE AND ENFORCEMENT**

- A. All Owners are responsible for the conduct and behavior of their agents, representatives, Builders, contractors and sub-contractors on the Association.
- B. The DRC may, at any time, inspect a Lot or Improvement and, upon discovering a violation of these Design Guidelines provide a written notice of non-compliance to the Owner, including a reasonable time limit within which to correct the violation.
- C. If an Owner fails to comply within this time period, the DRC or its authorized agents may enter the Lot and correct the violation at the expense of the Owner of such Lot, said expense to be secured by a lien upon such Lot enforceable in accordance with the Declaration.
- D. In the event of any violation of these Design Guidelines, the DRC may, at its sole discretion and in addition to restoration expenses, impose without limitation, a punitive fine, commensurate with the severity of the violation.

## **7.16 CONSTRUCTION FINES**

Owners shall be responsible for any assessments, fines, penalties, stop-work orders, etc. for violations or other non-compliance of any rules and requirements as set forth in the DRC Guidelines, regardless if the violation was caused directly or indirectly by them, their contractor, sub-contractors, or other vendors. Refer to Appendix N.

# **8. DESIGN REVIEW COMMITTEE**

## **8.1 MEMBERS**

All members of the DRC shall be appointed and shall serve in accordance with Article III of the Declaration.

## **8.2 DUTIES**

The DRC shall have all of the powers, authority, and duties conferred upon it by the Declaration, these Design Guidelines, or by the articles or bylaws of the Association, or any Association Rules.

## **8.3 MEETINGS**

The DRC shall meet monthly, or more often, as necessary, to perform its duties hereunder. A portion of each meeting may be devoted to on-site meetings and inspections. The vote or written consent of a

majority of the members shall constitute the act of the DRC. The DRC shall keep and maintain a written record of all actions taken by it.

The DRC may take action with the written consent of all members, or, if necessary, a vote may be taken telephonically. Such action may include any action within the authority of the DRC at a meeting of the Committee.

#### **8.4 AMENDMENT OF DEVELOPMENT STANDARDS**

The DRC, from time to time and at its sole discretion, may amend or revise any portion of these Design Guidelines. All such amendments or revisions shall be appended to and made a part of these Design Guidelines after approval by the Board of Directors and, if applicable, the Master Association.

Each Owner is responsible for obtaining from the DRC a copy of the most recently revised Design Guidelines, available through the Management Company.

#### **8.5 NON-LIABILITY**

A. Neither the DRC, nor any member thereof, shall be liable to the Association, any Owner, any Architect, any builder, anyone submitting plans for approval, or any other party for damage, loss, or prejudice suffered or claimed on account of:

1. The approval or disapproval of any plans, drawings, or specifications, whether or not defective.
2. The construction or performance of any work, whether or not pursuant to approved plans, drawings, and specifications.
3. The development of any Lot.
4. The execution and filing of any estoppel certificate or statement, whether or not the facts therein are correct provided, however, that, with respect to the liability of the DRC, such member has acted in good faith on the basis of such information as may be possessed by it;
5. Mistake in judgment, negligence or non-feasance of himself, herself, or itself, its agents, or employees, arising out of or in connection with the approval or disapproval, or failure to approve any such plans. Without, in any way, limiting the generality of any of the foregoing provisions, the DRC, or any member thereof, may, but is not required to, consult with, or hear the views of the Association or any Owner (other than the Owner applying for consent or approval, whose views the DRC shall be required to hear) with respect to any plans, drawings, specifications, or any other proposal submitted for review. Anyone submitting plans to the DRC for approval, by the submitting of such plans, and any Owner by acquiring title to any of the Property subject hereto, waives his or her claim for any such damages.

B. Approval by the DRC of any Improvement at the Association only refers to these Design Guidelines and in no way implies conformance with the requirements of the Master Association or local government regulations. It shall be the sole responsibility of the Owner to comply with all requirements of the Master Association and all applicable government ordinances or regulations,

including but not limited to the Master Declaration, any rules or design review guidelines adopted by the Master Association, zoning ordinances and local building codes. Acquisition of a Lot within the Property shall be deemed conclusive evidence of the Owner's agreement to these terms.

## **8.6 NON-WAIVER**

The approval by the DRC of any plans, drawings, or specifications for any work done or proposed shall not be deemed to constitute a waiver of any right to withhold approval of any similar plan, drawing or specification subsequently or additionally submitted for approval. Failure to enforce any of these DRC shall not constitute a waiver of same.

## **8.7 RIGHT OF WAIVER**

The DRC reserves the right to waive or vary any of the procedures or requirements set forth herein at its discretion, for good cause shown, provided that any waiver shall first be approved by the Association and/or the Master Association, if so required. Any waiver granted by the DRC shall be given in exchange for a hold harmless agreement executed by the Owner benefitting from the waiver and running to the benefit of the DRC, the Association and the Master Association and its DRC if applicable. Any such variance or waiver so granted shall be in writing and shall be made prior to the time that the subject matter set forth in the written variance or waiver is acted upon or implemented unless otherwise expressly stated in such written variance or waiver. Any such variance or waiver so granted as to any particular subject matter shall not constitute a similar or dissimilar variance or waiver as to any other matter affecting the same Lot or any other Lot, it being deemed that any such variance or waiver so granted shall be limited solely to the variance or waiver set forth in writing by the DRC, an officer of the Association, the Master Association, or its DRC.

## **8.8 EXEMPTIONS**

The gate house, utility and maintenance buildings, Structures, and cabinets located on non-residential tracts and Common Areas owned by the Association are exempted from the Design Guidelines contained in this document. However, the DRC will endeavor to attain as high a level of conformance with these standards as is practical for these types of facilities.

## **8.9 ENFORCEMENT**

- A. The DRC may, at any time, inspect a Lot or Improvement and, upon discovering a violation of these Design Guidelines provide a written notice of non-compliance to the Owner, including a reasonable time limit within which to correct the violation. If an Owner fails to comply within this time period, the DRC or its authorized agents may enter the Lot and correct the violation at the expense of the Owner of such Lot, said expense to be secured by a lien upon such Lot enforceable in accordance with the Declaration.
- B. In the event of any violation of these Design Guidelines, the DRC may, at its sole discretion and in addition to restoration expenses, impose without limitation, a punitive fine.
- C. Reference fine schedule in Appendix N.

## **8.10 SEVERABILITY**

If any provision of these Design Guidelines, or any section, clause, sentence, phrase or word, or application thereof in any circumstance, is held invalid, the validity of the remainder of these Design Guidelines, and of the application of any such provision, section, sentence, clause phrase or word in any other circumstances, shall not be affected thereby, and the remainder of these Design Guidelines shall be construed as if such invalid part was not included therein.

## **8.11 MISCELLANEOUS**

- A. Interpretation of the Covenants. Except for judicial construction and as otherwise provided in these Design Guidelines or the Declaration, the DRC and the Board of Directors shall have the exclusive right to construe and interpret the provisions of these Design Guidelines. In the absence of any adjudication to the contrary by a court of competent jurisdiction, the DRC's construction or interpretation of the provisions hereof shall be final, conclusive, and binding as to all persons and Property benefited, or bound, by these Design Guidelines. No obvious typographical error in DRC documents or communications shall alter the plain textural meaning being described therein.
- B. Gender and Number. Wherever the context of these Design Guidelines so requires, words used in the masculine gender shall include the feminine and neuter genders; words used in the neuter gender shall include the masculine and feminine genders. Words in the singular shall include the plural; and words in the plural shall include the singular.
- C. Captions. All captions, titles or headings of the articles, sections, and paragraphs in these Design Guidelines are for the purpose of reference and convenience only and are not to be deemed to limit, modify, or otherwise affect any of the provisions hereof, or to be used in determining the intent or context thereof.
- D. Conflict. In the case of any conflict between the provisions of these Design Guidelines and either (a) the Declaration, (b) the Master Declaration of Rancho Vistoso, (c) the articles of incorporation or bylaws of the Association or of the Master Association, or (d) the Association Rules or any rules of the Master Association (items (a) through (d) collectively referred to as the "governing documents"), the governing documents shall control.

## **9. DEFINITIONS**

Unless the context otherwise specifies or requires, the following words or phrases when used in these Design Guidelines shall have the specific meanings. Terms used herein which are defined in the Declaration shall have the meaning specified herein.

### **9.1 AVERAGE NATURAL GRADE**

"Average Natural Grade" means the average of topographic elevations taken at multiple points five feet out from the actual footprint of the proposed dwelling and each taken five feet away from the prior point of elevation. <sup>[1]</sup><sub>SEP</sub>Structure heights are to be measured from the Average Natural Grade determined by this method. (See illustration at Appendix H).

## **9.2 ARCHITECT**

“Architect” means a person who is a licensed architect registered by the Board of Technical Registration for the State of Arizona.

## **9.3 ASSOCIATION**

“Association” means The Estates at Honey Bee Ridge Association, an Arizona non-profit corporation, and shall include the Board of Directors of the Association.

## **9.4 ASSOCIATION RULES**

“Association Rules” shall mean the reasonable rules and representations adopted by the Association from time to time.

## **9.5 BENCH MARK**

A “Bench Mark” is a post or other permanent mark established at a known elevation that is used as the basis for measuring the elevation of other topographical points.

## **9.6 BUILDER**

“Builder” means a person or entity, engaged by an Owner for constructing any Improvement within the Property. The Builder and Owner may be the same person or entity. The Builder must be licensed as a General Contractor by the State of Arizona or by a variance approved by the DRC.

## **9.7 BUILDER’S DEPOSIT**

A Deposit to the Association is itemized in Appendix B. for the full amount of the fees required prior to the commencement of the onsite Pre-Design Meeting. Pre--

A portion of the Builder’s Deposit is non-refundable.

## **9.8 BUILDING ENVELOPE**

“Building Envelope” means that portion of a Lot which encompasses the maximum allowable developable area of the Lot as specified by the Association Design Guidelines. The general location of the Building Envelope for each Lot is depicted on the Plat and subject to the provisions of General Notes 22, 26, and 27 of the Plat. (Official Plat documentation is located at Book 48 of Maps and Plats at Page 61, Records of Pima County Arizona.)

## **9.9 COMMON AREAS**

As such on the Plat, in the Declaration or in any Association Rules.



## **9.10 DECLARATION**

“Declaration” means the Declaration of Covenants, Conditions, and Restrictions for the Association and Rancho Vistoso as recorded in the Records of Pima County, Arizona, as amended from time to time.

## **9.11 DRC**

“DRC” means the Design Review Committee and/or the “Approving Agent” as more particularly defined in the Declaration.

## **9.12 DESIGN REVIEW FEE**

“Design Review Fee” shall mean the fee indicated, according to the type of proposed improvement, in Appendix B - Design Review Fees, or such other amount as from time to time deemed appropriate by the Association, to be paid by the Owner to the DRC at the beginning of the Design Review Process.

## **9.13 DESIGN GUIDELINES**

“Design Guidelines” means the restrictions, review procedures and construction regulations adopted and enforced by the DRC, as set forth herein and as amended from time to time by the DRC.

## **9.14 DESIGN REVIEW PROCESS**

“Design Review Process” means that process more particularly in Section 1, Design Philosophy, of these Design Guidelines.

## **9.15 EXCAVATION**

“Excavation” means any disturbance of the surface of a Lot (except to the extent reasonably necessary for planting of approved vegetation), including any trenching which results in the removal of earth, rock, or other substance from a depth of more than twelve inches (12") below natural surface of the land or any grading of the surface of a Lot.

## **9.16 FILL**

“Fill” means any addition of earth, rock, or other materials to the surface of a Lot, which increases the natural elevation of such surface.

## **9.17 FINISHED FLOOR ELEVATION**

“Finished Floor Elevation” is the topographic elevation at the top of a building’s structural slab. Finished Floor Elevation is above the Average Natural Grade by a height that is determined by Building Code and Town ordinance.

## **9.18 FINISHED GRADE**

“Finished Grade” means the final topographic elevation for the final grading / finished ground of the site

as approved in the Grading Plans for the site.

### **9.19 IMPROVEMENT**

“Improvement” or “Improvements” means any changes, alterations, or additions (other than interior modifications) to a Lot, Single-family Dwelling or Structures (including any Excavation or Fill) of existing Single-family Residence or Structure, buildings, outbuildings, ramadas, garages, guest houses, storage sheds, playhouses, servants’ quarters, swimming pools, satellite dish antennae, any antennae device, tennis or recreational courts, basketball backboards and other sports equipment, walls, fencing, mailbox monuments, private utility lines including, but not limited to, any sewer system components and/or lift station which benefit any single Lot, landscaping, driveways, and private drives, whether intended to be temporary or permanent. Exterior art and sculpture that are visible from neighboring property or common areas is also considered an Improvement. It shall also include all acts done to exteriors, including changes in color, whether for maintenance, repair, or alteration.

### **9.20 INDIGENOUS SPECIES**

“Indigenous Species” means a specie of plant, whether ground cover, shrub, cactus, or tree, which is listed in the Landscape Design Guide, or from time to time referenced in these Design Guidelines.

### **9.21 LIGHT REFLECTIVE VALUE**

“Light Reflective Value” is the reflectivity of a surface measured by a calibrated light meter. The value represents the percentage of light reflected from a surface; pure white will equal a value of one hundred percent (100%); and flat black will equal a value of zero percent (0%).

### **9.22 LOT**

“Lot” means a subdivided Lot or other building site as shown on the Plat.

### **9.23 MASTER ASSOCIATION**

“Master Association” shall mean the Vistoso Community Association and/or any DRC of the Master Association as identified in the Master Declaration.

### **9.24 MASTER DECLARATION**

“Master Declaration” shall mean the Declaration of Restrictions dated April 11, 1986 and recorded April 11, 1986, in Docket 7761, pages 1493-1495; and Declaration of Covenants, Conditions, Restrictions, and Easements for Rancho Vistoso dated September 16, 1986, and recorded on September 17, 1986 in Docket 7871, pages 1688-1786, and re-recorded on November 20, 1986 in Docket 7915, pages 1281- 1379; restated and recorded on April 24, 1987 in Docket 8021, pages 925-1024; amended and recorded on July 13, 1988 in Docket 8327, pages 2058-2071; supplemented and recorded on March 15, 1989 in Docket 8494, pages 189-195; and amended and recorded on September 25, 1989, in Docket 8629, pages 576-584; and amended and recorded on May 5, 1995, in Docket 10037, pages 1540-1545; all in the office of the Pima County, Arizona Recorder, as further amended or supplemented, from time to time.

## **9.25 NATURAL AREA**

“Natural Area” means that portion of the natural desert lying within a Lot but outside of the Building Envelope that must remain undisturbed. The indigenous plant list, as defined in the Landscape Design Guide, contains all Indigenous Species approved for planting in Natural Areas.

## **9.26 OPEN SPACE**

“Open Space” means all land, Improvements, and other properties now or hereafter designated as such on the Plat and in the Declaration as “Common Area A”.

## **9.27 OWNER**

“Owner” means the Owner of a Lot, as more specifically defined in the Declaration. For the purposes herein, the Owner may act through such Owner’s agent, provided that such agent is authorized in writing to act in such a capacity. For the limited purposes of permitting concurrent design review while a party is under contract to purchase a Lot within the Association, the term “Owner” shall also include any buyer of a Lot as reflected in a fully executed contract for the purchase of a Lot, and only for so long as the buyer is not in default under the terms of the contract.

## **9.28 PLAT**

“Plat” shall mean the plat of subdivision of the Property recorded in Book 48 of Maps and Plats at Page 61, Records of Pima County, Arizona. All Lot development is subject to General Notes 22, 26 and 26 of the Plat, and any subsequent recorded amendments.

## **9.29 PRIVATE ZONE**

“Private Zone” means that part of the Building Envelope that is surrounded by walls as described in Section 5.2 and in which only plants not contained in the Landscape Design Guide may be planted.

## **9.30 PROPERTY**

“Property” shall mean that real property legally described in Appendix A of the Declaration and such additional property as may hereafter be defined as indigenous species of plants, as reflected in the Landscape Design Guide, as provided by the Arizona Department of Agriculture.

## **9.31 RESIDENCE**

This means any building or portion of a building situated upon a Lot and any Improvements constructed in connection therewith that is intended for use and occupancy as a single-family residence.

## **9.32 REVIEWING ARCHITECT AND LANDSCAPE ARCHITECT**

This is that person or persons appointed and approved by the Association as the Reviewing Architect for The Estates at Honey Bee Ridge to review, approve and monitor the planning, design, and

construction of the Improvements to each Lot or Residence within The Estates at Honey Bee Ridge in accordance with these Design Guidelines.

### **9.33 SINGLE-FAMILY DWELLING**

“Single-family Dwelling” means the building, and Structures customarily appurtenant thereto, used for private residential purposes and designated for occupancy by a single family, constructed on a Lot, and any Improvements constructed in connection therewith, and as more particularly described in the Declaration.

### **9.34 SPLIT-LEVEL**

“Split-Level” shall mean a residential structure with living and/or storage space on more than one level, a design which, if approved by the DRC, must be deemed to provide ample living space area within the structure, conserve natural area on the lot and constitute a better method for building to the land. Split-Level shall not include any living or storage space directly above or below another living or storage space, as such would be considered a two-story structure.

### **9.35 STRUCTURE**

“Structure” means anything constructed or erected on a Lot, the use of which requires location on the ground or attachment to something having location on the ground.

### **9.36 TOWN**

“Town” shall mean the Town of Oro Valley or, in the event that the Property shall at any time be annexed into a different municipality or de-annexed into Pima County, the term “Town” shall mean such other municipality or town, as applicable.

### **9.37 TRANSITION ZONE**

“Transition Zone” means that part of the Building Envelope adjacent to a Natural Area which may or may not be enclosed by walls and in which only plants contained in Appendices B, C, E and L may be planted.

### **9.38 VISIBLE FROM NEIGHBORING PROPERTY**

“Visible From Neighboring Property” shall mean with respect to any given object or activity, that such object or activity or would be visible without artificial sight aids from six feet (6') above any other Property of similar elevation, provided such other Property is within any of the Lots or Common Areas.

## Appendix A: Approval Request Form

# The Estates at Honey Bee Ridge Association

c/o HBS Management Solutions  
6258 E Grant Rd  
Tucson, AZ 85712  
Phone: 520.664.4155

[Lauren@hbsmanagementsolutions.com](mailto:Lauren@hbsmanagementsolutions.com)

### DESIGN REVIEW COMMITTEE SUBMITTAL FORM

Date: \_\_\_\_\_

1. Owner's Name: \_\_\_\_\_ Lot #: \_\_\_\_\_

Address: \_\_\_\_\_ Phone: \_\_\_\_\_

2. Contractor Name: \_\_\_\_\_ R.O.C. License # \_\_\_\_\_

Address: \_\_\_\_\_

Phone: \_\_\_\_\_ Email: \_\_\_\_\_

3. Description of project: \_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

Date work is to begin: \_\_\_\_\_ Estimated completion date: \_\_\_\_\_

4. Type of materials to be used: \_\_\_\_\_

\_\_\_\_\_

5. Information for each Paint or Stain to be used:

Base: Mfg:	Name:	Paint #:	LRV:
------------	-------	----------	------

Trim: Mfg:	Name:	Paint #:	LRV:
------------	-------	----------	------

6. Other information: \_\_\_\_\_

\_\_\_\_\_

An accurate drawing must be attached using your lot dimensions showing the location of the proposed structure. An electronic PDF copy of the full submittal must be emailed (above) to the Property Manager for the sole use of the Design Review Committee. For room additions, or anything that must tie into the roof line, an elevation of the proposed structure must also be attached. All work must be completed in a timely manner.

The Design Review Committee requests will be reviewed as soon as possible. Requests will either be approved, denied or returned for additional information after review. If you have any questions, please feel free to call Brenda Goodell at HBS Management Solutions at 520-829-7758 or [Brenda@hbsmanagementsolutions.com](mailto:Brenda@hbsmanagementsolutions.com).

#### New Home Construction Charges:

Located on Schedule on Appendix A of the Design Guidelines, Rev March 18, 2019.

#### Improvements Charges:

In the case of Improvements to the exterior of the Single-family Dwelling or the Lot, the Design Review Fee will be \$ 0.15 per square foot of the disturbed area, with a minimum fee of \$150.00. Located on Schedule on Appendix A of the Design Guidelines, Rev March 18, 2019.

#### Payments:

Acceptable by check only. Make all checks payable to Estates at Honey Bee Ridge HOA. Checks are to accompany the Submittal Form at the time of submission.

## **Appendix B - Fees and Deposits**

### **The Estates at Honey Bee Ridge**

Revision: September 29, 2020

Before the Phase I Pre-Design on-site meeting with the Design Review Committee, and before any other submittal, the Builder/Owner shall establish a Builder's Deposit with The Estates at Honeybee Ridge Homeowners Association in the amount of \$21,500.00.

#### **The Builder's Deposit shall be held/distributed as follows:**

##### **AMOUNT USE/PURPOSE**

- A. \$ 4,500.00: New Residence Design Review Fee (non-refundable)
- B. \$ 3,000.00: Common Area/Pavement Preservation Fee (non-refundable, once construction has commenced)
- C. \$4,000.00: Administrative and Management Fee (non-refundable)
- D. \$ 10,000.00: Construction Compliance Deposit (refundable upon project completion with Design Review Committee approval for release)
- E. Total Builder's Deposit is \$21,500.00

Any additional Architectural services required in a New Resident Design Review (such as Change Orders or Variance Reviews) shall be billed additionally at \$165 per hour, or at the Design Review Committee's Architect's current hourly rate without a mark-up.

Any additional Landscape Architectural services required in a New Resident Design Review (such as Change Orders or Variance Reviews) shall be billed additionally at \$155 per hour, or at the Design Review Committee's Landscape Architect's current hourly rate without a mark-up.

If the Builder, or any of its agents, should violate the Declaration or these Design Guidelines and it becomes necessary for either the Design Review Committee or the Association to remedy the violation, the cost of the remedy may be charged against the Builder's Deposit. Construction Compliance Deposit.

The Common Area/Pavement Preservation Fee of \$3,000.00 (Item B above) of the Builder's Deposit is non-refundable once construction has commenced. These funds will be provided to the Association to help offset the wear and tear to the Common Areas of the community, including the private streets, as a result of the construction on a given Lot. This non-refundable segment of the Builder's Deposit does not cover specific damage caused by a Member or his/her representatives, only the normal wear and tear to the Common Areas from the use of the Common Areas to gain access and construct the Improvements on a Lot. In the event there is damage to the Common Areas, the Builder's Deposit shall be used to cover all damages.

#### **Additional Architect Fees for Remodels:**

In the case of an Addition to an existing Single-family Dwelling, the Architect Design Review Fee will be based on the total area of the proposed addition:

- A. ADDITION / REMODEL > 3,000 S.F.: \$4,500

- B. ADDITION / REMODEL 2,000 - 3,000 S.F: \$2500.
- C. ADDITION / REMODEL < 2,000 S.F.: \$2,000

**Additional Architect Fees Exterior Improvements:**

In the case of Improvements to the exterior of the Single-family Dwelling or the Lot, the Architect Design Review Fee will be:

- A. HARDSCAPE > 500 S.F.
  - a. Will Provide Fee Once Submittal Is Seen
- B. HARDSCAPE < 500 S.F.
  - a. Will Provide Fee Once Submittal Is Seen
- C. VARIANCE REVIEW: \$165 per hour
- D. ADDITIONAL SERVICES: \$165 per hour

**Additional Architect Fees Landscape Improvements:**

In the case of Landscape Improvements to the exterior of the Single-family Dwelling or the Lot, the Landscape Architect Design Review Fee will be:

\$155.00 per hour for all revised landscape plan reviews. After the plans are submitted to the DRC, the DRC Landscape Architect of Record will briefly review the plans. A cost estimate will then be provided to the DRC for:

- A Detailed review and comments of the landscape plan
- B. Any required attendance for meetings
- C. Final on-site inspection

All Improvements, Remodel, Hardscape, or Landscape: Heavy Equipment, Builder's Deposit:

Improvements involving heavy equipment shall require a non-refundable \$500.00 Builder' Deposit. The DRC, in its sole judgement, shall determine if this heavy equipment clause applies to a specific project; in general, "heavy equipment" shall mean equipment or vehicles larger than a standard ¾ ton pickup truck.

## APPENDIX – C

### Owner & Builder Compliance Agreement

**Owner:** \_\_\_\_\_

**Lot:** \_\_\_\_\_

**Builder:** \_\_\_\_\_

The Design Guidelines for The Estates at Honey Bee Ridge Revised and Adopted by the Estates at Honey Bee Ridge Association on November 19, 2021 (the "Design Guidelines") are hereby incorporated by reference including all definitions and appendices.

Owner and Builder hereby represent they have each received and have read the CC&R's and the Design Guidelines.

Owner Initials: \_\_\_\_\_

Builder Initials: \_\_\_\_\_

Owner and Builder hereby represent they have each been given sufficient opportunity to have any questions and/or concerns regarding the Design Guidelines addressed.

Owner Initials: \_\_\_\_\_

Builder Initials: \_\_\_\_\_

Owner and Builder hereby agree they will at all times comply with the Design Guidelines, and cause all of their agents, representatives, contractors, and subcontractors to comply with the Design Guidelines, including without limitation Section 7.15 Compliance and Enforcement.

Owner Initials: \_\_\_\_\_

Builder Initials: \_\_\_\_\_

Owner and Builder hereby agree they will be absolutely responsible for the conduct and behavior of their agents, representatives, contractors, and subcontractors and shall be joint and severally liable for any monetary or property damages to The Estates at Honey Bee Ridge or the Association caused by Owner, Builder or their agents, representatives, contractors, and subcontractors.

Owner Initials: \_\_\_\_\_

Builder Initials: \_\_\_\_\_

**Owner:** \_\_\_\_\_

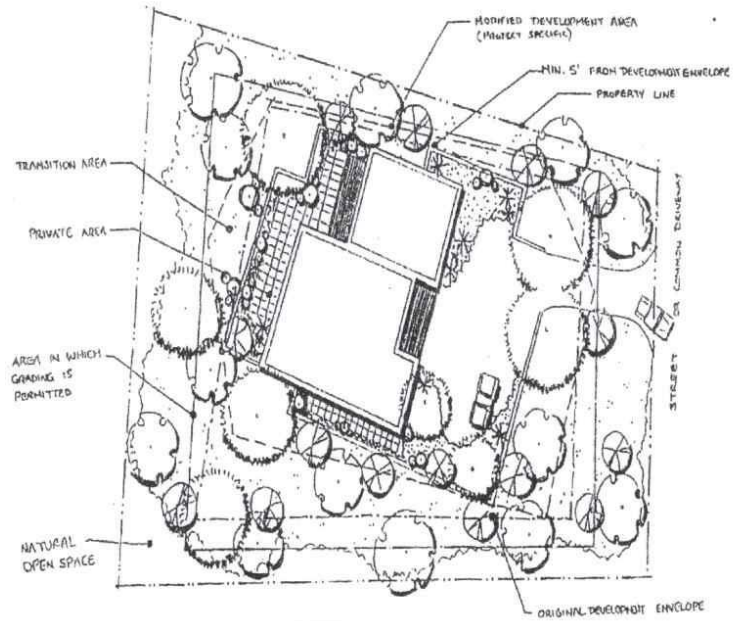
**Date:** \_\_\_\_\_

**Builder:** \_\_\_\_\_

**Date:** \_\_\_\_\_



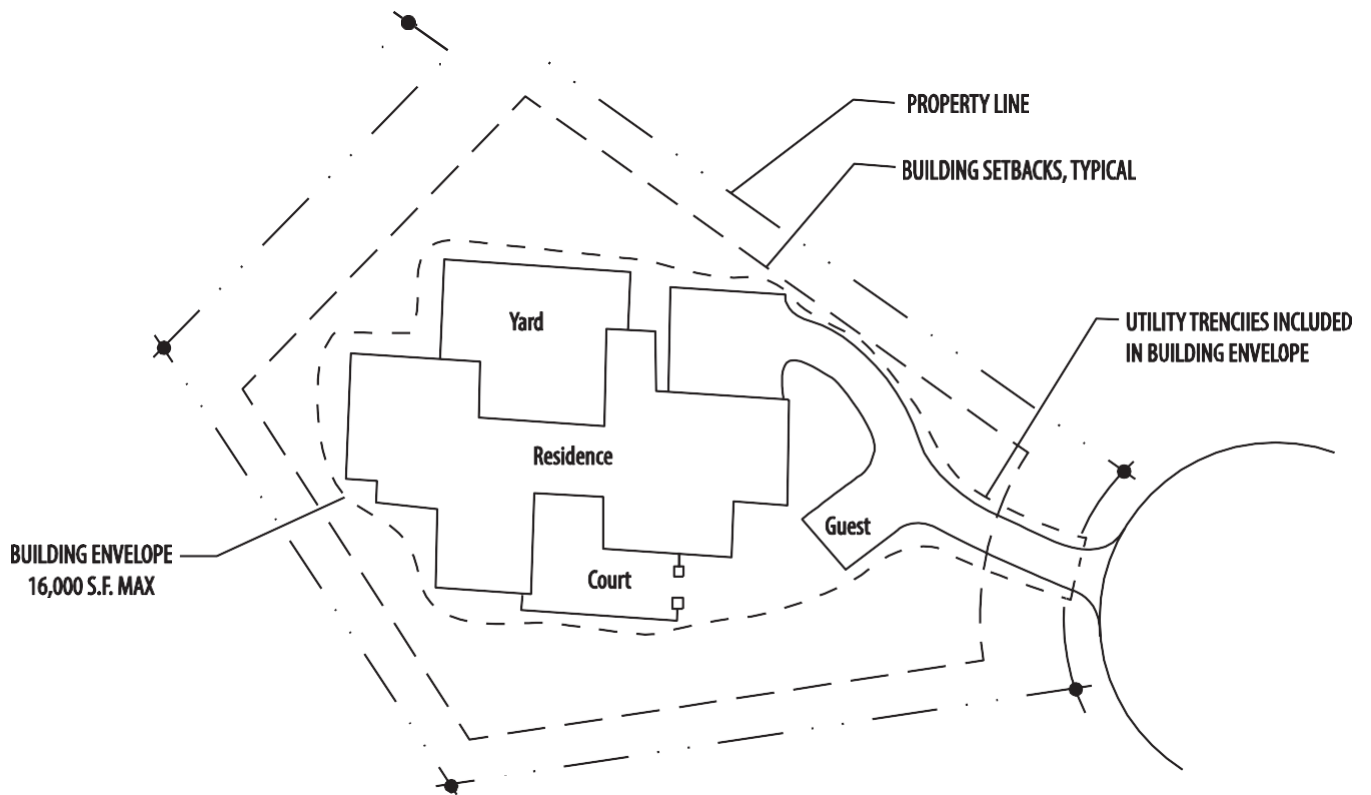
## Appendix D - Site Development



## **Appendix E-1**

### Acceptable Example Building Envelope Diagram

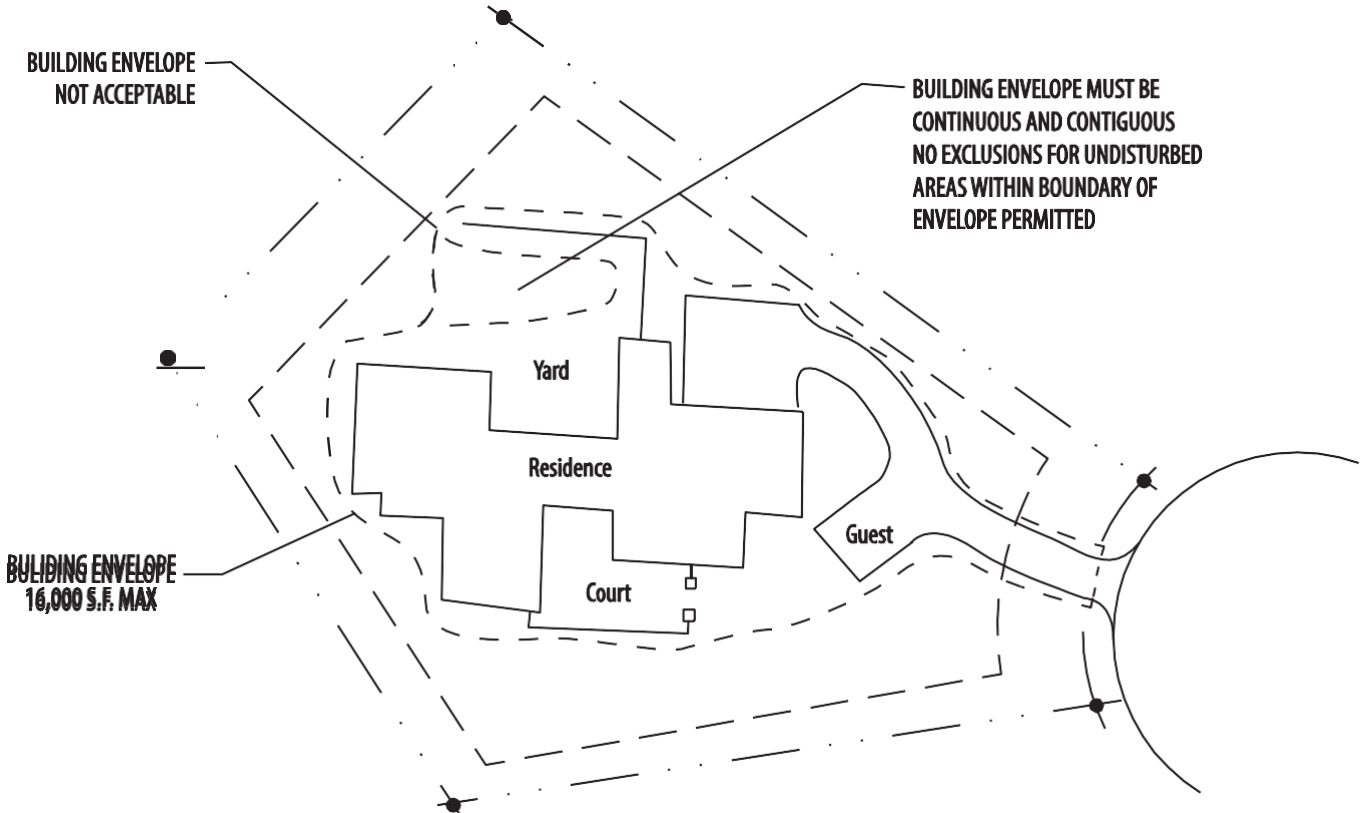
## Estates at Honeybee Ridge



- BUILDING ENVELOPE SHALL BE CONTINUOUS AND CONTIGUOUS

**Appendix E-2**

**Not Acceptable Example  
Building Envelope Diagram**



**Building Envelope  
Diagram**

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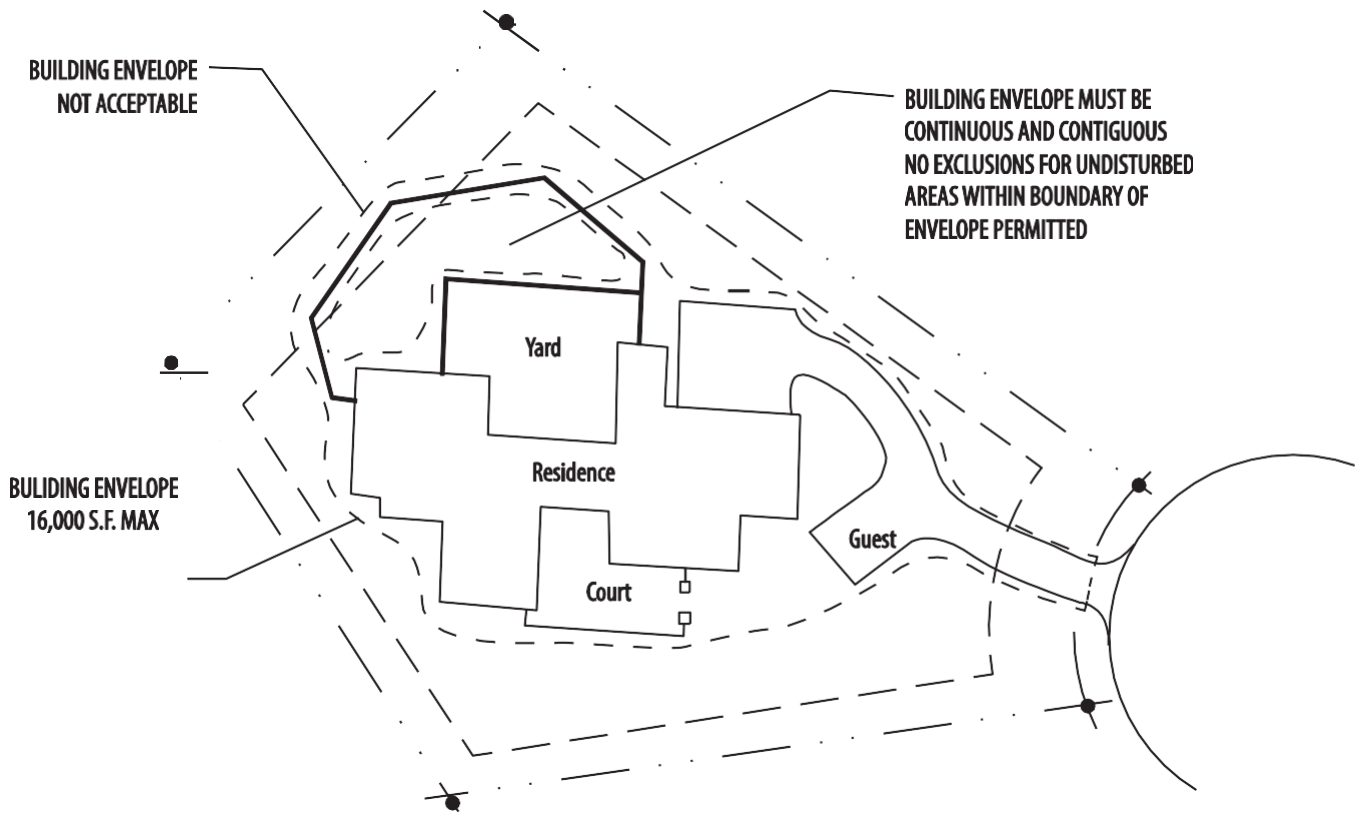
Estates at  
Honeybee Ridge

# Appendix E-3

## Acceptable Example

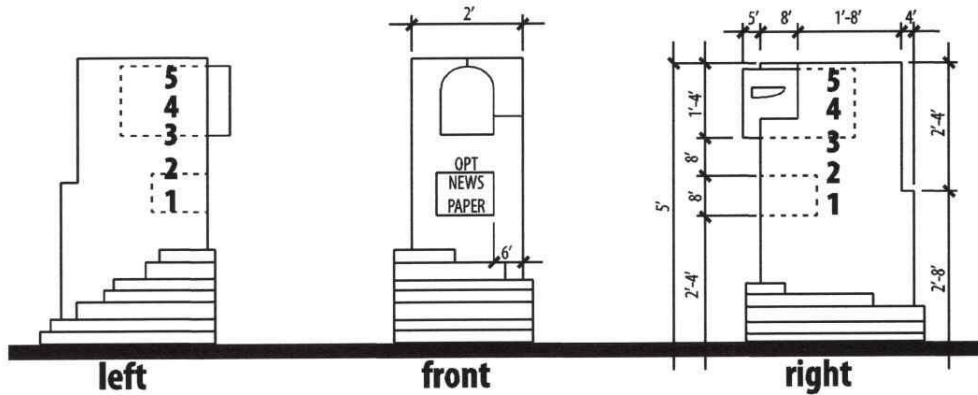
### Building Envelope Diagram

Estates at  
Honeybee Ridge



## APPENDIX F

### Mailbox/Address Sign Illustration



## HONEYBEE RIDGE MAILBOX DESIGN

MAILBOX TO BE POSTMASTER GENERAL APPROVED T3 SIZE/INSET INTO MASONRY MONUMENT

ADDRESS SIGNAGE: METAL OR CERAMIC NUMBERS

FINISH: SQUARE CORNER SILICA SAND STUCCO FINISH

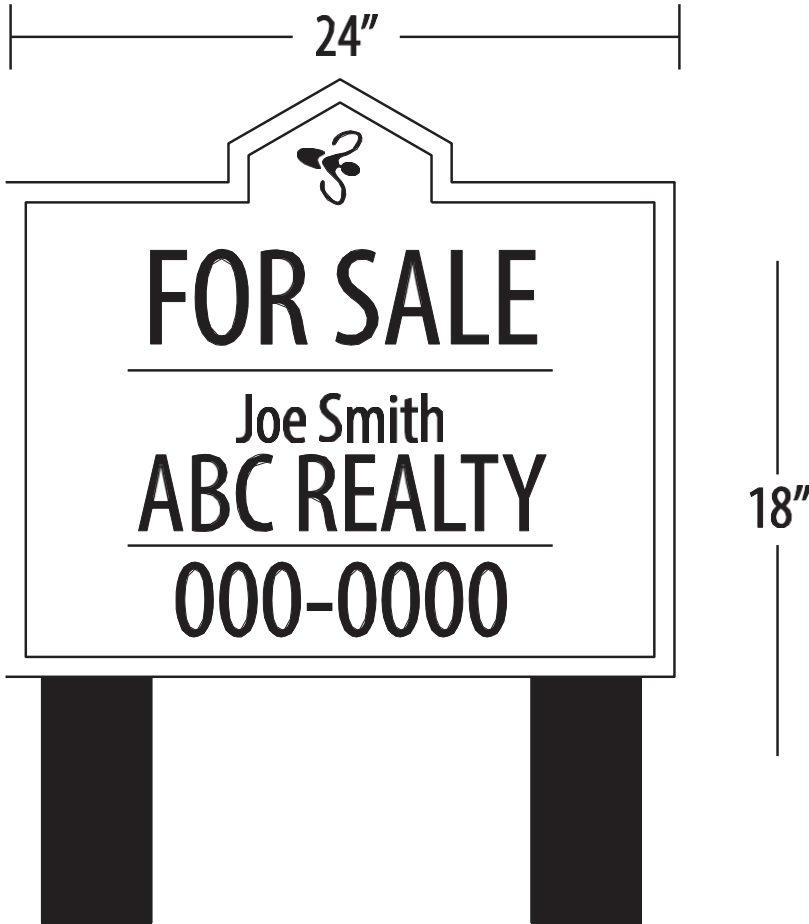
PAINT: CONSISTENT WITH DWELLING

FOR EXAMPLE – IF STUCCO IS VISTOSO TAN, THEN MAILBOX VISTOSO TAN. OR  
OPTIONAL WAINSCOT TO MATCH RESIDENCE. OR OPTIONAL NEWSPAPER SLOT TO  
MATCH RESIDENCE.

PLACEMENT OF MAILBOX MONUMENT PER UNITED STATES POST OFFICE STANDARDS -  
FACE OF MAILBOX TO BE 6 INCHES FROM FACE OF CURB (IF CURB IS FLUSH WITH STREET,  
PLACE FACE OF MAILBOX 6 INCHES FROM BACK OF CURB.)

VERIFY PLACEMENT WITH CASAS ADOBES POST OFFICE BRANCH AT (520) 531-0693

**APPENDIX G - 1**  
**Approved "For Sale" Sign Design**



DIMENSIONS: 18" X 24"

MATERIALS: 1/2" DURAPLY

POSTS: Natural Redwood

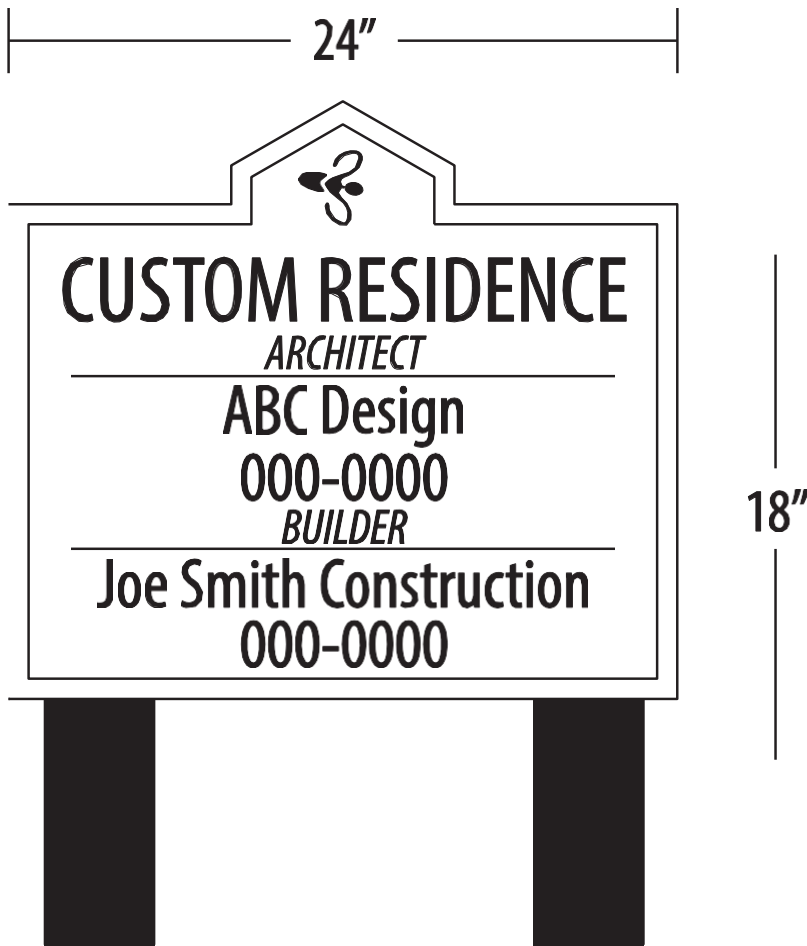
COLORS:

DUNN EDWARDS: Background – DeGrand/DE 1067 M2 SYN-LUSTRO 10. Copy – Calon II CAL-PLUS  
TUSK #41

MAXIMUM HEIGHT: 48"

**APPENDIX G - 2**

**Approved "Temporary Construction" Sign Design**



DIMENSIONS: 18" X 24"

MATERIALS: 1/2" DURAPLY

POSTS: Natural Redwood

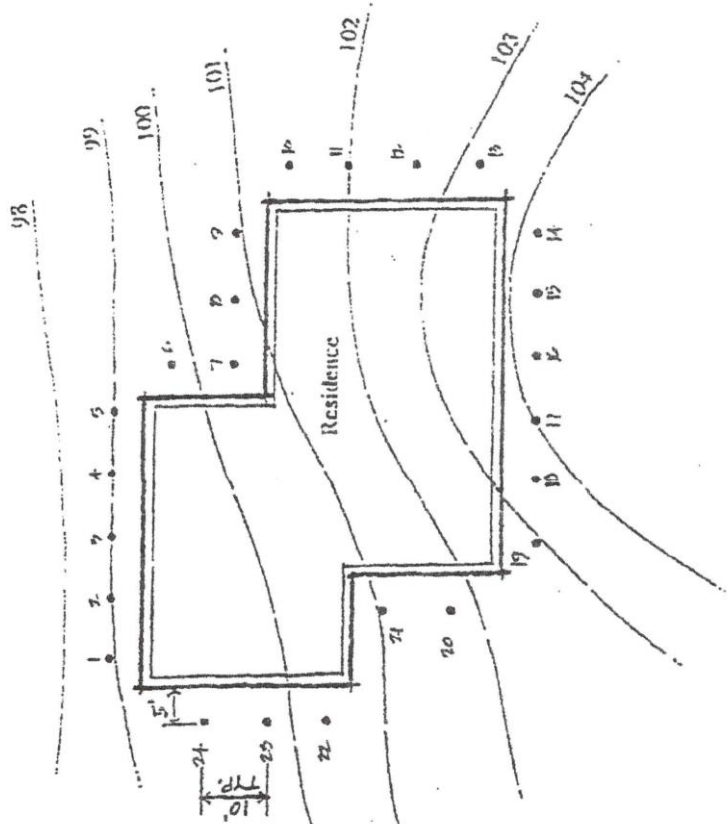
COLORS:

DUNN EDWARDS: Background – DeGrand/DE 1067 M2 SYN-LUSTRO 10

Copy – Calon II CAL-PLUS TUSK #41

MAXIMUM HEIGHT: 48"

Appendix H - Average Natural Grade Calculation

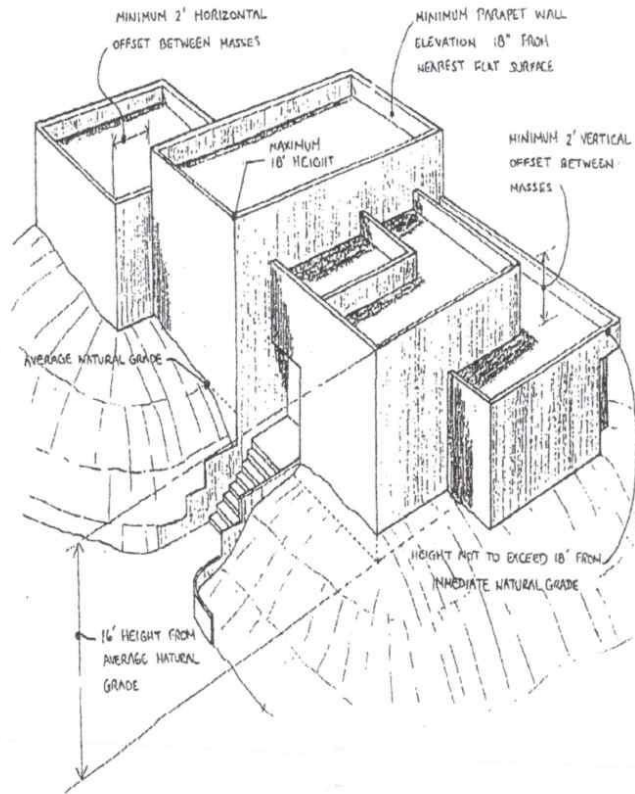


TYPICAL AVERAGE  
NATURAL GRADE CALCULATION

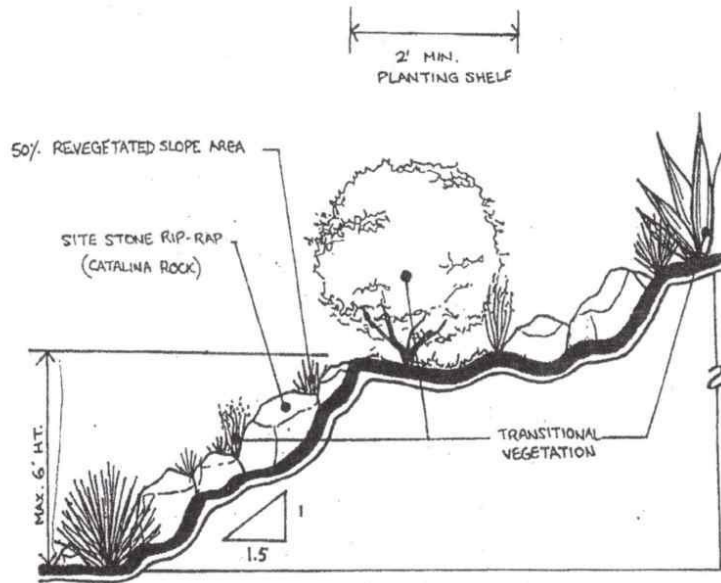
Point 1	@ 97.9 = 97.90
Point 2-5	@ 99.0 = 396.00
Point 6	@ 99.7 = 99.70
Point 7	@ 100.5 = 100.50
Point 8	@ 100.7 = 100.70
Point 9	@ 100.9 = 100.90
Point 10	@ 101.5 = 101.50
Point 11	@ 102.0 = 102.00
Point 12	@ 102.6 = 102.60
Point 13	@ 103.2 = 103.20
Point 14	@ 104.2 = 104.20
Point 15	@ 104.25 = 104.25
Point 16	@ 104.2 = 104.20
Point 17	@ 104.0 = 104.00
Point 18	@ 103.5 = 103.50
Point 19	@ 102.95 = 102.95
Point 20	@ 101.8 = 101.80
Point 21	@ 101.15 = 101.15
Point 22	@ 100.40 = 100.40
Point 23	@ 99.7 = 99.70
Point 24	@ 99.0 = 99.00

Total 2,430.10  
 Divide by 24 2,430.10/24 = 101.25  
 Average Natural Grade = 101.25



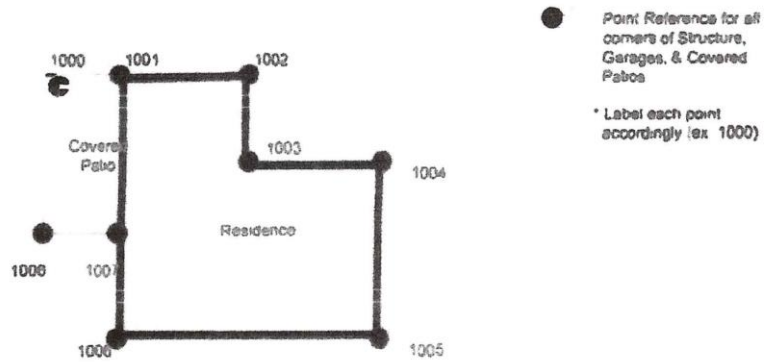


**Appendix I - Building Massing**



**Appendix J – Site Grading with Rock Rip-Rap Slopes**

## Appendix K - Site Staking Plan



## Appendix L – Approved and Prohibited Plant List

### A. APPROVED PLANT LIST

#### A.1 NATIVE ZONE

##### A.1.1 TREES

<u>Botanical Name</u>	<u>Common Name</u>
Acacia constricta	Whitethorn Acacia
Acacia greggii	Catclaw Acacia
Cercidium floridum	Blue Palo Verde
Cercidium microphyllum	Foothills Palo Verde
Olneya tesota	Ironwood
Prosopis pubescens	Fremont Screwbean
Prosopis velutina	Velvet Mesquite

##### A.1.2 SHRUBS/GROUNDCOVER

<u>Botanical Name</u>	<u>Common Name</u>
Acacia constricta	Whitethorn Acacia
Acacia greggii	Cat Claw
Ambrosia deltoidea	Bursage
Celtis pallida	Desert Hackberry
Encelia farinosa	Brittle Bush
Ericameria laricifolia	Turpentine Bush
Larrea tridentata	Creosote Bush
Lycium andersonii	Anderson Lycium
Lycium fremontii	Wolfberry
Simmondsia chinensis	Jojoba
Zizyphus obtusifolia	Greythorn

##### A.1.3 CACTUS/ACCENTS

<u>Botanical Name</u>	<u>Common Name</u>
Baileya multiradiata	Desert Marigold
Carnegiea gigantea	Saguaro
Cylindropuntia bigelovii	Teddy Bear Cholla
Echinocereus spp.	Hedgehog
Ferocactus spp.	Barrel Cactus
Ferocactus wislizenii	Barrel Cactus
Fouquieria spendens	Ocotillo
Mammillaria species	Mammillaria
Opuntia engelmannii	Prickly Pear
Opuntia spp.	Cholla
Opuntia versicolor	Staghorn Cholla
Yucca elata	Soaptree Yucca

## **A.2 TRANSITION ZONE AND PRIVATE ZONE**

### **A.2.1 TREES**

<b><u>Botanical Name</u></b>	<b><u>Common Name</u></b>
Acacia constricta	Whitethorn Acacia
Acacia farnesiana	Sweet Acacia
Acacia eburnia	Needle Acacia
Acacia greggii	Catclaw Acacia
Acacia schaffneri	Schaffner Acacia
Acacia smallii	Sweet Acacia
Celtis pallida	Desert Hackberry
Cercidium x-Desert Museum	Desert Museum Palo Verde
Cercidium floridum	Blue Palo Verde
Cercidium microphyllum	Foothills Palo Verde
Cercidium praecox	Palo Brea
Cercidium sonora	Sonoran Palo Verde
Chilopsis linearis	Desert Willow
Chilopsis hybrid species	Hybrid Desert Willow
Lysiloma thornberi	Fern of the Desert
Olneya tesota	Ironwood
Pithecellobium flexicaule	Texas Ebony
Prosopis glandulosa	Honey Mesquite
Prosopis hybrid species	Hybrid Mesquite
Prosopis pubescens	Fremont Screwbean
Prosopis velutina	Velvet Mesquite

### **A.2.2 SHRUBS/GROUNDCOVER/VINES**

<b><u>Botanical Name</u></b>	<b><u>Common Name</u></b>
Acacia constricta	Whitethorn Acacia
Acacia greggii	Cat Claw
Ambrosia deltoidea	Bursage
Calliandra eriophylla	Fairy Duster
Campsis radicans	Common trumpet vine
Cordia parvifolia	Littleleaf Cordia
Celtis pallida	Desert Hackberry
Dalea greggii	Trailing dalea
Dodonaea viscosa	Green Hopbush
Encelia farinosa	Brittle Bush
Ericameria laricifolia	Turpentine Bush
Hyptis emoryi	Desert Lavender
Justicia californica	Chuparosa
Lantana species	Lantana species
Larrea tridentata	Creosote Bush
Lycium andersonii	Anderson Lycium

Lycium fremontii	Wolfberry
Macfadyena unguis cati	Cats Claw vine
Passiflora foetida	Passion flower
Salvia greggii	Red Sage
Senna wislizenii	Cassia
Simmondsia chinensis	Jojoba
Vauquelinia californica	Arizona Rosewood
Viguiera deltoidea	Golden Eye
Yucca baccata	Banana Yucca
Zizyphus obtusifolia	Greythorn

### **A.2.3 CACTUS/ACCENTS**

<b><u>Botanical Name</u></b>	<b><u>Common Name</u></b>
Agave species	Agaves
Asclepias subulate	Desert Milkweed
Baileya multiradiata	Desert Marigold
Caesalpinia pulcherima	Red Bird of Paradise
Caesalpinia Mexicana	Mexican Bird of Paradise
Carnegiea gigantea	Saguaro
Cereus spp.	Cereus cactus
Cylindropuntia bigelovii	Teddy Bear Cholla
Dasyliirion wheeleri	Desert Spoon
Dasyliirion longissimum	Sotol
Echinocactus grusonii	Golden Barrel Cactus
Echinocereus spp.	Hedgehog
Euphorbia antisyphilitica	Candelilla
Euphorbia rigida	Gopher plant
Ferocactus spp.	Barrel Cactus
Ferocactus wislizenii	Barrel Cactus
Fouquieria spendens	Ocotillo
Hesperaloe funifera	Giant hesperaloe
Hesperaloe parviflora	Red Yucca
Hesperaloe hybrid	Hybrid Yucca
Holocantha emoryi	Crucifixion Thorn
Mammillaria species	Mammillaria
Opuntia engelmannii	Prickly Pear
Opuntia leptocaulis	Desert Christmas Cactus
Opuntia spp.	Cholla
Opuntia versicolor	Staghorn Cholla
Pachycereus marginatus	Mexican Fence Post
Penstemon parryi	Parry's Penstemon
Penstemon species	Penstemon
Sphaeralcea ambigua	Globemallow
Stenocereus thurberi	Organ pipe cactus
Yucca elata	Soaptree Yucca

## **B. PROHIBITED PLANT LIST**

1. Any species of tree or shrub whose mature height may reasonably be expected to exceed twenty-five (25) feet with the exception of those species specifically listed on the plant list above as approved by the Design Review Committee.
2. All palms (Palmae) whose mature height may reasonable be expected to exceed six (6) feet will be prohibited for aesthetic reasons, as well as their high maintenance requirements. Dwarf varieties whose mature height may reasonably be expected to be less than six (6) feet will be allowed only within the Private Zone.
3. All pines (Pinus), cypress (Cupressus), false cypress (Chamaecyparis), juniper or cedar (Juniperus), whose mature height may reasonable be expected to exceed six (6) feet will be prohibited for aesthetic reasons. Dwarf varieties, and those whose mature height may reasonably be expected to be less than six (6) feet, may be used within the Private Zone.
4. Olive trees (*Olea europaea*) and mulberry (*Morusalba*) will be prohibited for reasons of their profuse production of allergy-producing pollen.
5. Oleanders (*Nerium Oleander*) and Thevetia (*Thevetia Species*), will be prohibited for aesthetic reasons, as well as for their profuse production of allergy-producing pollen. These poisonous plants will also be prohibited for their high maintenance requirements and excessive height. Dwarf varieties are allowed within the Private Zone.
6. Fountain Grass (*Pennisetum Setaceum*) will be prohibited as a defined weed, with the potential to spread throughout the development, and also as a fire hazard.
7. All varieties of citrus will be prohibited for aesthetic reasons and their profuse production of allergy- producing pollen. Dwarf varieties are permissible within the Private Zone.
8. Common Bermuda Grass (*Cynodon dactylon*) will be prohibited as a defined weed and for its profuse production of allergy-producing pollen.
9. Mexican Palo Verde (*Parkinsonia Aculeata*) will be prohibited as a defined weed, with the potential to spread throughout the development.
10. Eucalyptus will be prohibited for aesthetic reasons and general inappropriateness within the desert environment.

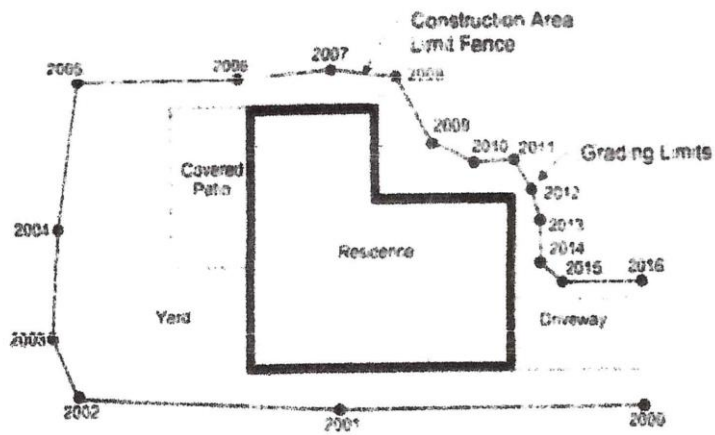
## **C. GENERAL PLANT LIST NOTES**

1. On a case by case review, other plant material may be considered as appropriate for use as determined by the Master Association and/or the Design Review Committee.

2. On a case by case review, additional plant material may be considered as prohibited plant material as determined by the Master Association and/or the Design Review Committee.
3. Additional plant material species may be used in the Private Zone subject to Master Association and/or the Design Review Committee review and approval.
4. At any time, the Master Association and/or the Design Review Committee may add or subtract plants from the plant lists.



## APPENDIX M – CONSTRUCTION AREA LIMIT FENCE



\*For graphical demonstration, the Fence is shown inside the Grading Limits

\*Label each point accordingly (ex 2000)

## **Appendix N – Fines**

Owners shall be responsible for any assessments, fines, penalties, stop-work orders, etc. for violations or other non-compliance of any of the rules and requirements as set forth in the DRC Guidelines, regardless if the violation was caused directly or indirectly by them, their contractor, sub-contractors, or other vendors, as follows:

1 <sup>st</sup>	Violation	\$250
2 <sup>nd</sup>	Violation	\$500
3 <sup>Rd</sup>	Violation	\$1000 and 1 week stop-work order

Each additional violation shall cause the penalty to be increased regardless of whether or not it is a similar or different violation.

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**4.19.1d** – Flags and Flag Poles - The flagpole finish may be brushed aluminum, flat black, or painted to match the Residence and approved by the DRC before installation.

**Board Meeting 05-02-2023:**

**MOTION:** To approve the roof coating and flag/flagpole new wording.  
**Motion made, seconded (Bill Van Dam/Cohen), and passed unanimously.**

The first paragraph, 4th sentence - **4.4 ROOFS** - Roof materials with a light reflectivity considered inappropriate for the community shall not be permitted. The DRC shall consider an exception for white roof coatings which are not visible from nearby homes or streets. On a case-by-case basis, the DRC may issue a variance for highly reflective roof colors (white) in the interests of the energy efficiency of the dwelling.

**Board Meeting 05-02-2023:**

**MOTION:** To approve the roof coating and flag/flagpole new wording.  
**Motion made, seconded (Bill Van Dam/Cohen), and passed unanimously.**