

## **DEVELOPMENT STANDARDS/DESIGN GUIDELINES** **FOR OCOTILLO RIDGE ESTATES**

These Development Standards/Design Guidelines have been promulgated pursuant to Article 9 of the Declaration of Covenants, Conditions, and Restrictions for Ocotillo Ridge Estates (the "Declaration"), first recorded on July 28, 1998, as Instrument Number 98-0645603, official records of Maricopa County, Arizona, and as thereafter amended from time to time. The Development Standards/Design Guidelines are binding upon all Persons who at any time construct, reconstruct, refinish, alter or maintain any Improvements upon the Property, or make any change in the natural or existing surface, drainage, or plant life thereof. The Development Standards/Design Guidelines are administered and enforced by the Architectural Review Committee, (referred to as the ARC throughout this document), in accordance with the Declaration and the procedures herein and therein set forth. The Development Standards/Design Guidelines may be amended from time to time and it is the responsibility of each Owner or other Person to obtain and review a copy of the most recently revised Development Standards/Design Guidelines.

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## **1.0 OVERVIEW AND PHILOSOPHY OF OCOTILLO RIDGE ESTATES**

We take this opportunity to welcome you to Ocotillo Ridge Estates, encompassing approximately 203 acres: 163 acres in the Town of Carefree and 40 acres in the Town of Cave Creek. Each Town has their own Zoning Ordinances and it shall be the responsibility of the architect to obtain the current version and to make certain that all aspects of the design of the new home also meet the applicable Zoning Ordinance. Given its extraordinary setting, Ocotillo Ridge Estates is a planned development that responds to the sweeping views, rock outcrops, washes and native vegetation found here.

In the early stages of development environmental studies were performed to assess slopes, native vegetation, hydrology, visual impacts, geology and soils. These ecological analyses provided Ocotillo Ridge Estates with insight and respect for its fragile desert setting. It is with this appreciation for the desert that Ocotillo Ridge Estates philosophy of commitment to the peaceful co-existence of man and nature was born. As development progresses, we continue to study the environment and to shape the techniques we use for transforming this delicate land into a unique living environment where wildlife, flora, and fauna can flourish in harmony with man.

Because of the unique constraints we face developing within the desert environment and in order to share the expertise we have gained through previous development efforts, we have prepared a set of Design Guidelines to provide direction to Owners in planning, designing and constructing their Residences. In this way we can ensure compatibility and a quality living environment for existing and future residents. These Design Guidelines establish standards for architectural style, colors, materials, landscape and planning concepts. We wish to encourage individuality and creativity. Examine these Design Guidelines as a means of implementing our philosophy of development. It is our hope that these guidelines will lead to the fulfillment of the vision for Ocotillo Ridge Estates.

The Design Guidelines are arranged to walk you through the Design Process. First, we will look at some of the issues one faces when developing in the desert environment. What makes building in the desert environment so different? Subsequently, we will discuss specific landscape and architectural standards and then conclude with details about the ARC and the Design Review Process.

## **2.0 SITE PLANNING CONSIDERATIONS**

The Sonoran Desert is a distinctive and unrivaled landscape. At first glimpse the desert may induce images of a barren, lifeless landscape, but once we look beyond the surface, we expose its complexity and innate beauty. The desert allures us to observe, it fascinates us with its power and amazes us with its remarkable ability to flourish despite adversity. Seasonal washes that occasionally spring to life, timeworn rock outcroppings, plant materials that survive with scarce rainfall, a fascinating array of wildlife, the brilliant nighttime sky and panoramic views are but a few of the sensational experiences common to the desert lifestyle. It is the very nature of this area that we seek to preserve.

Extensive efforts to preserve the desert's unique character have been initiated by government agencies and are reinforced by the Ocotillo Ridge Estates Development Standards/Design Guidelines. Every effort has been made to have these Design Guidelines consistent with municipal regulations. Each Owner is responsible for reviewing Town regulations of either Carefree or Cave Creek and making sure to comply therewith.

The desert landscape is fragile. It takes years to naturally mitigate impacts to the site and vegetation. These Design Guidelines are intended to enforce minimal disruptions to the desert environment. Sensitive site planning should embrace a site's natural constraints. When dealing with issues such as site grading and excavation, one must consider the many facets of the natural landscape and some of the techniques implemented to protect Natural

Undisturbed Areas within the desert landscape. The following section presents important issues to be examined prior to design and construction such as desert washes and drainage patterns, preservation of Natural Undisturbed Areas, native plant protection, and site grading issues.

## **2.1 DESERT WASHES**

Washes are a frequent occurrence in the desert landscape; some carry small amounts of local run-off while others carry flows from off-site watersheds. Washes are classified by their capacity to handle flows during a 100-year storm. Capacity is identified as cubic feet per second, (CFS).

Special setback and development requirements are in force for Lots that adjoin Major Washes. The Owners of lots adjacent to major washes will have to review and conform to the Conservation Easement Granted to the Desert Foothills Land Trust. The ARC will provide a copy of the Conservation Easement to those Owners. This information will be addressed during the orientation meeting. Improvements should be designed to avoid these drainage ways or constructed to bridge washes without obstructing 100-year storm flows. In these cases, designs must be accompanied by a backwater flood analysis prepared by a licensed civil engineer to ensure the safety and feasibility of the design, subject to review and approval by a licensed civil engineer retained by the ARC at the expense of the owner.

There are two (2) classifications of washes within Ocotillo Ridge Estates.

**2.1.1 Major Washes:** These washes have 100-year storm flows of 50 CFS or greater, and should remain in their natural state by incorporating these drainage ways into a site's Open Space. If construction is impeded and measures must be taken to redirect the water, channelize or stabilize the wash corridor, any and all such Improvements shall be approved by the Architectural Review Committee. Improvements may be sited at the edge or may bridge these easements. Access Improvements utilizing bridges, culverts or dip sections shall provide for the flow of 100-year

storms and include means for sedimentary and debris removal. Drainage easements will be required to protect these natural corridors.

**2.1.2 Minor Washes:** Minor washes are those classified under fifty (50) CFS. Although Improvements within these washes is not restricted, they should avoid these drainage ways as much as possible. If Improvements are made that require wash flows to be redirected, the flow of water should exit the property at the same location it did prior to development.

## **2.2 NATURAL UNDISTURBED AREA PRESERVATION**

The fragile habitat of the Sonoran Desert requires special development considerations. Too often the concern in developing an area is to do it as cost-effectively as possible, at the expense of damaging the natural environment. These Design Guidelines will ensure that future development within Ocotillo Ridge Estates harmonizes and blends with, rather than dominates, the natural environment. A minimum of eighty-two percent (82%) of the gross acreage for each Lot shall be retained as Undisturbed Area pursuant to the development regulations of Ocotillo Ridge Estates. Land within the Natural Undisturbed Area is available for the enjoyment of the Owner, however, Improvements or additional landscaping is not permitted. Some exceptions apply for revegetating Natural Undisturbed Areas but require approval by the Architectural Review Committee.

To realistically maintain natural desert areas, the land must not be significantly altered to accommodate Improvements. Roadways must, to the extent practical, follow the natural terrain. Washes and drainage ways must be left free, unimpeded in their natural state wherever possible. Every effort must be made to incorporate natural topographic features such as slopes, ridges, knolls and rock formations in the design of all Improvements. Density of development will be restricted in an effort to preserve substantial Open Spaces and view corridors.

The siting of a Residence should take advantage of natural features, mature stands of vegetation and views. Existing scars within the desert shall be utilized for construction areas and roads where possible. The Native plant Inventory Map must be utilized as a tool in the site planning process. The washes, rock outcrops and native stands of vegetation identified on this map shall be used to guide placement of site Improvements. Avoidance of rock outcrops and protection of mature stands of vegetation represents a savings of time and money during the construction process, while simultaneously fulfilling our goal for all Improvements to appear as though they grow from their natural settings.

### **2.2.1 Protection of Natural Undisturbed Areas During Construction:**

To protect the Natural Undisturbed Area of a Lot from damage due to construction operations, a chain link fence at least five-feet (5') high shall be installed to completely enclose the Building Envelope. The fence shall follow the alignment of the Natural Undisturbed Area Easement line, shall have a single entrance located at the driveway entrance, and shall be maintained intact until the completion of construction. Constructing limits are encouraged to be no larger than necessary to carry out construction and storage activities. All parties involved in the Improvement of a Lot shall be made aware of these construction limits and their significance. It shall be the Owner's responsibility to maintain these construction limits throughout the construction process. In the event of a violation of the above, the Homeowners Association may cause such Lot to be restored to its state existing immediately prior to such violation. If the violation involves damage, removal or destruction to Protected Plants, the Architectural Review Committee may cause such plant materials to be replaced with either a similar plant in type and size or with such other plant as the ARC deems appropriate. The Owner of such Lot shall reimburse the Homeowners Association for all expenses incurred by it in performing its obligations under this paragraph; provided, however, that with respect to the replacement of any plant the Owner shall not be obligated to pay an amount in excess of the expenses which would

have been incurred by the Homeowners Association had it elected to replace the damaged, destroyed, or removed Protected Plant with a plant similar in type and size. In addition, there are fines which might be imposed under the Native Plant Ordinances of the Towns of Carefree and Cave Creek.

## **2.3 NATIVE PLANT PRESERVATION**

**2.3.1 Native Plant Ordinance:** The Towns of Carefree, Cave Creek and the State of Arizona have native plant preservation ordinances in effect. These ordinances require certain species of plants to be inventoried and transplanted prior to construction. Ocotillo Ridge Estates endorses these ordinances. Existing plant materials are an invaluable source for restoring disturbed desert areas. Owners shall familiarize themselves with these policies and their responsibilities.

**2.3.2 Salvage and Revegetation:** A Native Plant Inventory and relocation program is included as a part of the design review process. We strongly recommend that a Landscape Architect or qualified contractor be consulted early in the design process, as each site must be evaluated independently. The transplanting operation can be a timely process and should be given consideration early in the planning process to allow adequate time to relocate these Protected Plant materials before any other site work begins.

Ocotillo Ridge Estates recommends that Owners make every effort to relocate shrubs and cacti that may not appear on the Town's required list. This includes certain shrubs, small trees and cacti. In some cases, these plant materials are difficult or costly to purchase. If an Owner chooses not to salvage their unprotected plant materials, Ocotillo Ridge Estates reserves the right to transplant these plant materials for their own use. Notice of this decision by the Owner shall be given to the ARC upon approval of the Working Drawings to allow sufficient time for removal of the salvageable

vegetation, before any other clearing or salvage work is scheduled to begin.

Revegetation and landscape installation shall begin immediately upon completion of construction and no later than thirty (30) days after completion of construction. Emphasis is placed on returning the site to its pre-construction condition, requiring a combination of seed mixtures and purchased or transplanted plant materials. Densities and species should reflect those found in the surrounding landscape. Artificial over planting, creating the look of a botanical garden instead of natural growth, must be avoided. Revegetation plans are to be submitted as a part of the Landscape plans for each Lot or Parcel.

## **2.4 SITE GRADING AND DRAINAGE**

To minimize the impact of grading and preserve the character of the natural environment, careful consideration must be given to existing site features and surrounding terrain. Building pads and driveways should closely follow natural contours. Excavation work in preparing the building pads and driveways should strive for "zero balance" in terms of the export/import of soil. Cut and fills for driveways shall average 4' over the length, but not exceed 8' and the combination cannot exceed 12'. Variations in these grading restrictions are subject to approval by the ARC and will only be accepted if natural conditions justify the need. All cut and fill treatments must be approved by the Architectural Review Committee and shall incorporate architectural and/or landscape design solutions appropriate for arid environments.

**2.4.1 Finished Floor Elevation:** The height of Finished Floors should be based on the existing topography and should allow a minimum of one-foot (1') of elevation above the 100-year storm line. Because building height allowances are based on existing topography, the elevation of the pad is critical. It is highly recommended that owners step the pad elevations to follow the contours across the site. Finished grade elevations will be carefully reviewed by the ARC. **(Figure 1.)**

**2.4.2 Access Drives and Driveways:** Shall be limited to one (1) point of access per Lot or Parcel and where feasible, shared driveways will be encouraged. In any event, driveways must be sited to minimize grading and disturbance to native vegetation washes and rock outcrops. Maximum width for a driveway is 14' and the maximum width of the driveway flairs to the street shall not exceed 16'. The Maximum grade for driveways is 18% per Rural Metro Emergency Services. There shall be a MINIMUM clear distance of 8 feet from edge of driveway to property line. If this is not possible due to the hardship of the narrowing of the lot as it meets the street, a waiver of this requirement may be granted upon request from the ARC.

**2.4.3 Drainage Patterns:** Surface drainage shall not drain to adjoining Lots or Open Spaces, except as established by natural drainage patterns, nor cause a condition that could lead to off-site soil erosion on Open Spaces. Any Improvements which intercept or impede ANY natural drainage course must be identified on design documents. Solutions for redirecting the flow, stabilizing banks, etc. must be provided in plans, and approved by the ARC. As discussed in Section 2.1., the Owner may be required to provide engineering design and approval.

### **3.0 LANDSCAPE DESIGN STANDARDS**

To ensure the preservation of the natural desert for the enjoyment of all residents of Ocotillo Ridge Estates and to meet the regulations of the Town of Carefree and Cave Creek regarding Natural Undisturbed Area preservation, the concept of a maximum allowable building area, called the "Building Envelope" has been utilized. No alterations to existing vegetation shall occur outside of the Building Envelope. All proposed new plants, trees, and cacti must comply with the Approved Plant List.

### **3.1 SITE CLASSIFICATIONS**

**3.1.1 Building Envelope:** The Building Envelope is the legal unit established for each Lot. It designates the area within which ALL Improvements must be made and any

alteration to the existing landscape must occur, with the exception of leach fields, septic tanks and driveways. A Building Envelope has been identified for Unit 1 Lots 1 to 22, Unit 1-B Lots 1 to 3 and Unit 2 Lots 1 to 6 by the Master Developer and his Consultants based upon the natural features, views, topography and relationships to adjacent development. The Lots of Unit 3 located in Cave Creek must conform to regulations of Cave Creek when defining the Building Envelope and conform to clause 2.2 of these Guidelines that requires a minimum of eighty two percent (82%) of each Lot to be retained as an undisturbed area. The Lot coverage area within the Building Envelope must be identified on all Design Review Submittals. Modifications to the Building Envelope established by the recorded Plat Map may only be made upon application of a Homeowner to the Architectural Review Committee first and if approved then to the O.R.E. Board of Directors and to the Town of Carefree. Both the ARC and the Town of Carefree must approve the Building Envelope modification for Lots in Carefree as a part of the design review process. **(Figure 2.) The Building Envelope defines the construction area BUT under no circumstances shall the Building Envelope be delineated by the construction of any structure, site walls, or other landscape elements.**

**3.1.2 Patio Areas:** Patio areas have been defined in addition to Lot coverage areas and are shown in areas where development of patio type elements is acceptable but building or accessory buildings would not be allowed. Acceptable patio elements include the following landscape elements: walls, pools, patio, barbecues, spas, fire pits or fireplaces and decking. The Lot Coverage and Patio Areas are composed of Transitional and Private Areas, each of which have their own landscape and irrigation requirements as described below. **(Figure 3.)**

## **3.2 LANDSCAPE ZONES**

**3.2.1 Natural Undisturbed Area:** That portion of a Lot which lies outside of the Lot Coverage Areas, Patio Area

and Building Envelope and must remain as natural desert in accordance with the regulations of the Town of Carefree. All Undisturbed Areas must be adequately protected so as to avoid damage during construction (**refer to Section 2.2.1.**)

Landscaping within the Natural Undisturbed Area is restricted. Cleaning of debris and limited trimming are allowed and in certain cases supplemental landscaping is permitted but only where existing vegetation has been previously destroyed (driveways). This repair is the responsibility of the property Owner and approval from the ARC must be granted prior to performing any work in the Natural Undisturbed Area. Plans for improving the Natural Undisturbed Areas must be submitted as a part of the landscape plan requirements. (**Figure 4.**)

**3.2.2 Transitional Area:** That part of the Building Envelope which lies between the Natural Undisturbed Area and Lot Cover Area and the Patio Area and is visible from adjacent properties, streets, or public spaces. Upon completion of construction, this area must be restored using plant materials and densities common to the site. Both the Native Plant Palette and the Arid Region Plant Palette (see Appendices A-1 and A-2) are suitable for Transitional Areas. However, when using plants from the Arid Region Plant Palette, care should be taken to avoid considerable contrast with the Natural Undisturbed Area. The Transitional Area is designed to transition between the native plant materials of the Natural Undisturbed Area and the approved non-native plant materials permitted within the Private Area.

**3.2.3 Private Area:** That part of the Lot Coverage or Patio Areas which is not visible from the adjacent properties, streets, public spaces, or Common Areas because it is hidden behind walls or Structures. Although Ocotillo Ridge Estates encourages the use of arid or xeriscape landscapes, Private Areas are the least restrictive in terms of what plants, shrubs, and trees can be

planted therein. Approved plant materials include those listed Appendices A-1 and A-2. Other plant materials, provided they do not appear in the Prohibited Plant Materials in Appendix A-3, are allowed if first approved in writing by the ARC. The Private Area includes, for example, a courtyard or atrium, or the area behind a wall where non-native plants would be appropriate despite their increased watering needs. However, for water conservation purposes, lawn sizes in the Private Area are limited to a size of six hundred (600) square feet per Lot.

### **3.3 IRRIGATION**

Underground drip irrigation systems are required for the Restored and Transitional zones. Drip systems require minimal pressure and because they water the plant at the root zone, drip systems can be run at night, thereby decreasing water loss from evaporation. Spray irrigation must be avoided because of its inefficiency and the effect it has on the micro-climate.

Irrigation of the Natural Undisturbed Area is not permitted (unless needed to establish restored areas as approved by the ARC). Native vegetation does not require additional water and irrigating these areas can lead to disease and death of the native plants, particularly cactus, and aid in the spread of undesirable plant species or weeds.

A temporary drip system must be installed to maintain Transitional and Restored Natural Undisturbed Areas. Mature trees that have been transplanted require irrigation for three (3) to five (5) years or until established. The irrigation watering schedule must be decreased over a two (2) to three (3) year period to condition the plant to nature's irregular watering schedule. Other small plant materials may be irrigated for a year or until established. It is critical that these systems be monitored to avoid overwatering the native landscape. A qualified Landscape Architect or horticulturist should assist with seasonal requirements for the Plant materials and provide an irrigation schedule.

Irrigation plans are to be included in the landscape plan submitted to the ARC. If irrigation systems are not

proposed, a maintenance plan for establishing the plant materials and a replacement policy shall be submitted. The replacement policy will ensure that the Owner will be responsible for restoring the disturbed areas. If plant materials fail from lack of irrigation, maintenance, etc., they will be replaced at the expense of the Owner.

### **3.4 LANDSCAPE PALETTES**

The native landscape within Ocotillo Ridge Estates contains lush desert vegetation including Palo Verde trees, both Blue and Foothills variety; Acacia; Canotia; Mesquite and Ironwood. Various cacti native to the Sonoran Desert are also plentiful, providing a magnificent plant palette with which to work (see Appendix A-4). Because of the diversity in the Native Plant Palette and its adaptability to extreme environmental conditions, Ocotillo Ridge Estates has chosen to retain and utilize the native plant materials. We have compiled two (2) landscape palettes designed to meet the landscaping needs for any Improvement; a Native Plant Palette for restored areas and the Arid Region Plant Palette for accent areas (see Appendices A-1 and A-2). A list of Prohibited Plant Materials is also included (see Appendix A-3).

Landscape plans for all areas, including Restored Natural Undisturbed Area, Private and Transitional Areas, etc. must be submitted to the ARC for review and approval. A complete plant list shall accompany all plans indicating plant species, quantities and sizes.

**3.4.1** Native Plant Palette contains plant materials common to Ocotillo Ridge Estates and includes a seed mix to aid in reestablishing smaller grasses, shrubs, and wildflowers. Although this palette is recommended for all areas, its use is only required within restored Natural Undisturbed Areas. Typical situations where this palette would apply are right-of-ways, streetscapes, construction scars, drainage tracts, Restored Natural Undisturbed Areas and Transitional Areas. Restoring Natural Undisturbed Areas requires attentiveness to the surrounding Natural Undisturbed Area and exercising care to replicate natural

densities and species relationships.

**3.4.2** Arid Region Plant Palette is a broader palette available for use in key accent areas within Ocotillo Ridge Estates, such as project entrances and Transitional Areas. The Arid Region Plant Palette includes introduced species and other and region plants that perform well in our climate and provide supplemental color to the Native Plant Palette. Because it is difficult to name every acceptable plant material available, the Architectural Review Committee will accept requests for plant materials not listed on this palette, provided it is not on the list of Prohibited Plant Materials and is a drought tolerant, arid region plant. The ARC reserves the right to refuse any plant material it feels will not be beneficial to the environment of Ocotillo Ridge Estates.

**3.4.3 Prohibited Plant Materials:** A list of Prohibited Plant Materials is provided in Appendix A-3. These plant materials are not permitted under any circumstances. These materials are potentially destructive to the Native Species because of their weed like growth, pollen, and excessive heights and water use.

**3.4.4 Maintenance:** Maintenance of landscaped areas is the responsibility of the Owner and should be performed in a manner consistent with the quality of Ocotillo Ridge Estates. If an Owner fails to properly maintain a landscape on a Lot or Parcel and does not respond to a request by the ARC Chairman to correct the problem, the Ocotillo Ridge Estates Homeowners Association will take corrective measures at the expense of the Owner.

### **3.5 SIGNAGE**

All signage shall be approved by the Architectural Review Committee. Every owner shall provide an address sign for each residential unit which must conform to the approved design for the development.

Temporary construction signs shall be limited to one (1) sign per building site, not to exceed two (2) square feet of total surface area.

The design and location of the signs shall be approved by the Architectural Review Committee.

No additional signage, detached or attached to the Residence, will be permitted except real estate signs, or others as permitted by the Declaration and approved by the ARC.

### **3.6 EXTERIOR LIGHTING**

The overall goal for lighting Ocotillo Ridge Estates is to create a unified, natural effect that will not interfere with the dramatic nighttime sky. The ARC will pay close attention to proposed lighting plans in order to assure that individual interpretation of these guidelines fulfill our goals.

**3.6.1 General Requirements:** Where exterior lighting is desired, the Owner shall submit lighting plans to the ARC for approval. Lighting plans shall include lighting specifications, i.e., type, number, material, color, voltage and bulb wattage requirements in addition to locations and construction details. The ARC may request that the Owner provide an on-site demonstration of proposed site lighting techniques.

- No overhead or pole lighting will be used to illuminate the streets within Ocotillo Ridge Estates.
- Illumination source shall not be visible from any adjacent Lot or Parcel or real property.
- Any additional lighting regulations that may be imposed by the Town of Carefree or Cave Creek shall apply.

**3.6.2 Residential Lighting:** Lighting within residential areas is prohibited except to illuminate residential address signs. Additional lighting within the

landscape, patio areas, walls or security lighting shall be reviewed and approved by the ARC on an individual basis.

**The following restrictions shall apply:**

- \* Exterior wall or fence mounted light fixtures shall conform to the architecture of the house. The fixtures shall be designed to conceal the source of light with the light directed downward from a position on the wall or fence no higher than four-feet.
- \* No glare from any fixture or bulb(s) may be visible from neighboring properties or the roadway.
- \* Outside fixtures as originally approved by plan in the design review process, including but not limited to chandeliers and coach lights may not exceed a total of 25 watts incandescent or equivalent (including CFL, halogen, LED etc.).
- \* Uplighting, as originally approved, is permitted only in trees or cacti with a fully shielded, maximum 25 watt incandescent or equivalent fixture. 20 foot minimum spacing between lights is required with a maximum of 12 lighted trees or cacti allowed per lot. Downlighting in trees is not permitted.
- \* Uplighting is not permitted on homes, walls or other structures.
- \* Path lights as originally approved, must be single, fully shielded maximum 25 watt incandescent or equivalent fixtures, with 20 foot minimum spacing between lights.
- \* Recessed lighting as originally approved, in exterior ceilings, eaves or soffits may not exceed 50 watts incandescent or equivalent. Exceptions may be approved due to individual design constraints, providing such exceptions do not conflict with other sections of the Development Guidelines.
- \* Flood/spotlights as originally approved for

security purposes must be fully shielded and cannot remain on for more than 5 minutes at a time.

\* Sport court lighting is not permitted unless specifically approved by plan in the design review process. These lights may not be illuminated from 10pm to sunrise.

\* No colored lamps will be allowed.

### 3.7 HARDSCAPE ELEMENTS

**3.7.1 Wall Treatments:** Walls shall be constructed of native materials or finished to blend with the surrounding desert. Walls used to define building Envelopes or Lot lines shall not be permitted. Only accent walls and patio walls that visually extend from the Residence for the purpose of creating intimate spaces are acceptable. A planting buffer of at least eight-feet (8') must occur between any wall or rear yard Improvement and the property line. The buffer shall be revegetated with native plant materials only.

Walls should follow natural contours and when crossing drainage channels, should provide for the flow of water through the wall. The Owner and the Owner's Consultants will review either the Town of Carefree Zoning Ordinance Section 405 or the Town of Cave Creek Zoning Ordinance Chapter 5.8 for the approved wall height. The Architectural Review Committee reserves the right to have final approval of all wall heights. (**Figure 5.**)

Construction specifications and details, color samples and finishes for walls shall be included with the Architectural Review Submittal. Stucco must be applied to wall surfaces to completely cover all masonry joints and CMU block. A minimum of a two (2) coat application is required.

Other setback and height requirements are specified in the amended development standards that accompany the zoning stipulations. The Architectural Review

Committee may request that wall alignments be staked prior to approval.

Walls constructed along a Major Wash must be compatible with those adjacent to or across the wash. Wall height shall be a minimum of one-foot (1') above the water level of a 200-year storm if it is to serve as a retaining wall for floods. Wall details are to be prepared by a registered Architect or engineer. Walls along washes must adhere to special setback requirements. Wall and/or berm alignments should follow the topography and make full use of existing vegetation and rocks to create a natural appearance. Slopes shall be tapered to match existing grades. See Appendix D.

In most cases the Lot Coverage and Patio Areas defined for a Lot will determine wall locations. However, it is the Owner's responsibility to ensure that walls meet the minimum requirements established in these guidelines and by the Towns of Carefree and Cave Creek. Walls should not be used to define the setback line or Building Envelope but should be designed to create intimate spaces in relation to the architecture. A minimum of eight-feet (8') of planting between walls and other Improvements and the property line shall occur.

2. **Paving Treatments:** Paving materials must compliment the natural surroundings. Pavers or natural colored exposed aggregate concrete surfaces are recommended for but are not limited to driveways, ribbon curbing and sidewalks.

#### **4.0 ARCHITECTURAL DESIGN STANDARDS**

Because each Lot within Ocotillo Ridge Estates is unique in terms of its natural opportunities and constraints, different approaches in design and construction will be necessary. Innovative use of materials, design and construction techniques are encouraged to make full use of a sites attributes, provided the final result is consistent with the vision of Ocotillo Ridge Estates

(see sections 1 and 2). Key architectural concerns include building height, massing, color and avoidance of stylistic devices which are inappropriate to the Southwest. These architectural standards and design restrictions are intended to preserve protect and enhance the special environment of Ocotillo Ridge Estates.

#### **4.1 GENERAL DESIGN STYLE**

The north Scottsdale/Carefree/Cave Creek area has been developed as a community of low profile, desert homes with a Southwestern Style. The Southwestern Style is a response in home design that considers shade and orientation to mitigate the strong sun and high heat. A home should be properly located on its site to respond to the effects of water, wind, mature vegetation, and/or rock outcroppings. Generally, the appearance of a home in the Southwestern Style will be relaxed and subdued when viewed from outside the site. Large glass elements are out of place and are best kept under low, deep overhangs if used. In this way the negative impacts on interior environments are also minimized and the appearance of the home's exterior is softened. All other factors being considered, a Southwestern Style will emphasis creation of outdoor spaces that take advantage of the fine weather much of the year without creating a place that intrudes deeply into the natural landscape. Color and materials should reflect the surrounding nature rather than clash or stand out.

Sleek, ultra-Modern, Post-Modern, Industrial, Bauhaus, Cubist, Deconstructionist, and other such forms of ultra-Contemporary designs are highly discouraged in Ocotillo Ridge Estates.

No wall shall have an unbroken length of more than (40) feet and must be articulated with a minimum of (2) openings, (windows or doors), within that (40) foot distance. Long bare walls that are void of any articulation are prohibited.

#### **4.2 MAXIMUM HEIGHTS**

**Ocotillo Ridge Estates emphasizes low profile, single story homes.** Two Story homes are not allowed. The ARC

discourages, and has the right to prohibit, the construction of any home or other structure which would appear excessive in height when viewed from the street or from other Lots anywhere in the Community. Horizontal profiles with variances in building masses that emphasize floor levels rather than tall two-story masses are encouraged. Reasonable care should be taken in locating your new home on your site so as to not block the views from the neighboring homes.

**Height of all structures shall not exceed the lower of:** (1) **Cumulative height** of no more than thirty (30) feet measured in a vertical plane from the highest parapet or roof ridge to the lowest natural grade adjacent to the residence; (2) twenty-four (24) feet measured in a vertical plane from the highest parapet or roof ridge to the **Lowest Finished Floor**; (3) No wall shall have an unbroken height of more than twenty (20) feet. Door & window penetrations, applied banding, or a change of wall finish materials, do not change the measurements of an unbroken wall height. **(Figure 6).**

Heights are also subject to regulations established by the Zoning Ordinances of the Town of Carefree and Cave Creek. Every Owner is responsible for compliance therewith. It should be noted that both Carefree and Cave Creek have Mountainside Development and Zoning Ordinances that apply where natural site slopes are 20% or greater in the area that the home will be located in.

#### **4.3 CHIMNEYS**

One (1) chimney on each roof may be constructed 3' higher than the highest adjacent roofline, as long as the accumulative height of (33) feet is not exceeded.

#### **4.4 MINIMUM RESIDENCE SIZE:**

The minimum residence size, including a Guest House, but excluding the Garage(s), is 3,500 Square Feet.

#### **4.5 FOUNDATIONS**

All exterior wall materials must be continued down to finish grade.

Unfinished exposed foundation walls are prohibited. **(Figure 11)**

#### **4.6 ROOFS**

Roofs fall into two categories: 1) Sloped Roofs and 2) Flat Roofs. It is recommended that sloped roofs be used in combination with flat roofs, (with parapet walls), in a ratio of 30% sloped to 70% flat.

**4.6.1** Sloped roofs are to be constructed of non-reflective materials which are commonly used in the area, colored in earth tones that complement rather than compete with the natural environment. Wood Shake, Deep Red Mission/Barrel tiles, and Concrete simulated Mission/Barrel Tiles are not allowed. Clay roof tiles are acceptable provided they are muted desert earth tones and it is preferred that there is a blend of tile colors. Concrete Tiles in earth tones that relate well to its intended design character shall be allowed. Metal roofs may be approved by the ARC when exact samples of the desired finish are provided. Weathered materials shall be allowed when consistent with the criteria set forth in these standards. Architects are encouraged to make full use of new developed roofing materials as long as they are consistent with the intent of this document. It is recommended that sloped roofs be used in combination with flat roofs, (with parapet walls), in a ratio of 30% sloped to 70% flat. Sloped roofs must not exceed a four (4) in twelve (12) pitch. Each design will be reviewed on its own merit.

#### **4.6.2**

Flat roofs must have a minimum of 3 distinct roof planes, separated by a minimum of 16". Flat roofs are to be colored to approximate the house wall colors; however, white, highly reflective surfaces are not permitted. White Flat Roofs may be allowed when they are not visible by any other neighbors. Painted foamed roof surfaces are acceptable as long as the colors complement the color scheme of the building, but it should be noted that extra maintenance is normally required given the extreme weathering of exposed surfaces.

Vents, skylights, curbs, flashing & other acceptable equipment are to be painted to match the roof or adjacent wall. Roof vents must be clustered & concealed as much as possible. Caution is suggested regarding the selection of material, color and its ability to weather for roof fascia and edge material. Roof flashing is to be of weathered copper or non-staining metal, or painted to match the wall or roof. Skylights are not permitted on sloped roofs.

#### **4.7 ROOF GUTTERS**

Roof gutters, when installed, shall be constructed into the roof structure with downspouts being run inside the exterior walls. Scuppers are acceptable if they are constructed as an integral part of the architecture.

#### **4.8 EXTERIOR SURFACE MATERIALS**

Consideration is to be given by the Owner/Architect to the weathering capability of all exterior surfaces, materials and items of construction. The Arizona sunlight can be extremely destructive, with ultra violet rays not only fading colors, but also causing major deterioration of certain materials and construction systems.

Stuccoed surfaces are the predominant wall treatment in Ocotillo Ridge Estates with lightly textured stucco approximating the surfaces of the granite rock found in the area. Heavily textured stucco surfaces, (aka "Spanish Lace"), are not acceptable, but some degree of texturing to minimize hairline fractures and cracks is acceptable.

Natural building materials like stone are a logical selection for exterior surfaces, but if stone is proposed, it must be Natural Stone, manmade/cultured ledge stone is not acceptable. The use of bare concrete or concrete block, without approved color additives, is not allowed.

Wood, when exposed to the sun, requires considerable maintenance and special finishes. It may crack or warp even when properly finished, so its use should be limited, with the character of weathered wood being carefully considered wherever it is used.

Reflective glass is not allowed. Although all glass is reflective at times, gray or bronze tinted glass is recommended to minimize reflections. Large expanses of decorative windows, special wall patterns or trim treatments must be approved by the ARC during the early development of the design.

Clerestory windows are recommended instead of skylights to achieve additional interior daylight. A minimum overhang distance of 42" is to be used above all clerestory windows and the maximum height soffit to soffit of these overhangs is to be 23".

#### **4.9 COLORS**

Colors must be warm muted tones chosen to blend with the natural colors of the desert vegetation and mountains as seen from a distance. Darker rather than lighter colors are recommended and may, under certain circumstances, be required. Subdued accent colors may be used pending ARC approval on an individual basis. Color palettes are to be representative of muted desert colors. No Gray colors are allowed.

Colors can vary greatly when exposed to sunlight during different times of day. Although colors may look acceptable in the shade, they can be highly reflective in sunlight. Colors with a Light Reflectance Value (LRV) below 40 are required. The requirements for color and LRV apply to all external visible portions of structures, walls, fences and roofs at the time of new construction or remodeling or when existing structures, walls or fences are being repainted or the roof is being replaced.

Choose exterior colors in natural light, rather than indoors under artificial lighting, as shades selected under artificial lighting do not represent their true color value. Color and material samples for all project elements (walls, roofs, trim, fascia's, etc.) must be submitted to the ARC for approval during the Design Review Process. It is recommended that samples 5 feet by 8 feet be painted on 2 walls in conjunction with fascia material, stone or other, and with key orientation, prior to finishing the project.

The panel samples can then be observed at various times during the day to ensure their trueness of color under different levels of sunlight.

#### **4.10 GUEST HOUSES**

Guest Houses must be located within the Building Setbacks & Building Envelopes. **(Figure 8.)** Guest Houses are only permitted in Ocotillo Ridge Estates, with approval from the ARC & the Town of Carefree or Cave Creek, when required. The architectural character & detailing of the Guest House must be consistent with the main house. Materials, finishes and color are to match the main house. The Guest House should be visually connected to the main house with walls, courtyards, trellis or other major landscape elements. No Guest House or Suite may be leased or rented, separate and apart from the lease or rental of the main house. All guest facilities must also comply with the Zoning Ordinances the Town of Carefree or Cave Creek, as applies.

#### **4.11 GARAGES**

It is the intention of Ocotillo Ridge Estates to minimize the impact of garages on the overall streetscape; therefore street-facing entry garages should be avoided. Side-load Garages are strongly encouraged.

**(Figure 7.)** Garage doors MUST be recessed a minimum of 12".

Garage doors, if constructed of wood, shall be painted or stained to match or harmonize with the wall surfaces of the house. Special pattern design for garage doors are a significant design element of the house and their style must be approved by the Architectural Review Committee.

#### **4.12 ENTRANCE DRIVES AND PARKING**

Street parking is not permitted at any time within Ocotillo Ridge Estates, which results in the standard requirements for covered and/or totally enclosed parking. Entrance drives to Residential Lots must be integrally colored exposed aggregate concrete or pavers. When pavers are used, generally not be all the same color. A blend of colored pavers is recommended.

Access drives and driveways shall be limited to one (1) point of access per Lot and where feasible, shared or common driveways will be encouraged to help minimize disturbance to the desert. In the event of a shared or common driveway, homeowner "A" shall pay for the costs to construct the driveway and shall be reimbursed by homeowner "B" for his portion for the driveway Improvement costs upon close of escrow. In any event, driveways must be sited to minimize grading and disturbance to native vegetation washes and rock outcrops. Maximum width for single drives is fourteen-feet (14') and a common drive is twenty-four-feet (24'). The Maximum grade for driveways is 18% per Rural Metro Emergency Services.

There shall be a MINIMUM clear distance of 8 feet from edge of driveway to property line. If this is not possible due to the hardship of a narrowing of the lot shape as it meets the street, or other natural site constraints, a waiver of this requirement may be granted upon request from the ARC.

#### **4.13 (THIS SECTION NOT USED)**

#### **4.14 PATIOS AND COURTYARDS**

Patios and courtyards should be designed as an integral part of the architecture of the Residence so they can be shaded and protected from the sun by the walls of the Residence. These open areas should take advantage of natural airflow to produce cooler temperatures. All elements of the patios and courtyards (flooring materials, landscaping, fountains, lighting, etc.) must be properly screened from adjacent property to enhance privacy. Fencing, screen walls and gates are considered a part of the finished building elevation and approval is required from the ARC before beginning construction.

Details showing how patio or courtyard vegetation will be controlled within this space are to be included in the landscape design plans. Certain species of plants and lawns are allowed within enclosed Private areas which are not allowed in other spaces **(Refer to Section 3.2.3)**.

#### **4.15 SCREEN WALLS AND RETAINING WALLS**

Screen walls shall be of permanent construction. All screen walls and exposed retaining walls are to be stuccoed and/or finished to match the other wall surfaces of the building and both sides of the screen wall must be finished. The walls are to be high enough to screen the objects and/or equipment located behind them. The use of wood screen walls is discouraged and requires approval in writing from the ARC. Screen walls are to be designed and presented as a part of the final building elevation and should be a visual extension of the architecture of the residence. Retaining walls which are partially below the finished grade or walls used, as planters are to be properly moisture proofed to avoid unsightly water staining. All screen walls must be located within the Building Envelope but may not delineate the Building Envelope or setback lines.

**(Refer to Section 3.7.1. for other wall design criteria.)**

#### **4.16 FIREPITS AND FIREPLACES**

Fire pits & fireplaces should be contained within the patio and should be an integral part of the design of the residence. Fireplaces built into patio walls require approval by the ARC, as the chimney element must be located to avoid obstructing views from adjacent properties.

#### **4.17 BARBECUES**

The ARC encourages the design of barbecue units that are an integral part of the design of the residence rather than freestanding.

#### **4.18 ARCHITECTURAL SCREENINGS, SUNSHADE DEVICES, TRELLISES**

Approval from the ARC is required for special screening or shading devices. These elements are considered an integral part of each building elevation even though they may be installed after the building is completed or occupied. Installation of these devices without prior approval of the Architectural Review Committee may require their removal at the Owner's expense.

Brightly colored awnings, window shading, steel or plastic shutters or wall mounted shading devices (inside or out) are not be permitted.

#### **4.19 AIR CONDITIONING, SOLAR EQUIPMENT, TANKLESS WATER HEATERS, ANTENNAS:**

No air conditioning equipment, including swamp coolers, may be mounted on the roof. All air conditioning is to be ground mounted and screened behind solid masonry walls. Other screening devices may be considered, but must be approved in writing by the ARC before construction. The screening devices must be permanent and high enough to completely screen the equipment.

Roof mounted solar panels integrated with the structure in a way that the panels are not visible or do not create a visible reflection that can be seen from the street or other Lots are allowed. All solar panels, either for electricity or hot water, are to be reviewed by the ARC early in design process.

No roof-mounted antennas are allowed, unless in the opinion of the Architectural Review Committee, they are entirely screened from public view. All cases will be treated individually by the ARC.

#### **4.20 SATELLITE DISHES**

Satellite dishes eighteen inches (18") in diameter or smaller may be installed only if they are not visible from any point around the residence or from adjacent Lots or properties. Extensive screening with landscaping, depressed pads or screen walls must be used to eliminate any visual impact to adjacent property owners or open space areas.

#### **4.21 REFUSE CONTAINERS**

The Owner will identify the size and type of required refuse containers through coordination with the company providing refuse collection. Details for location of concealed containers will be provided by the Owner prior to completion of the design.

Containers shall be appropriately concealed by walls.

It should be noted that Town ordinances limit the curbside presence of refuse containers to 12 hours before and after pickup.

#### **4.22 WALL MOUNTED LIGHTING, & OTHER CONTROL & UTILITY EQUIPMENT**

The positioning and screening of wall or fence mounted features such as lights, electrical or mechanical control items as well as other wall-mounted equipment, such as gas and electric meters are considered an integral part of finished house elevations. These items must be screened with solid walls while still allowing access or partial visibility to such things as electrical & gas meters.

#### **4.23 BASKETBALL BACKBOARDS**

Special permission from the ARC is required to construct a free standing basketball backboard. Backboards must be completely screened from view of other Lots, streets or Common Areas. Backboards attached to the face of a garage are not permitted.

#### **4.24 SWIMMING POOLS AND SPAS, EQUIPMENT AND ENCLOSURES**

Consideration should be given in designing pool and spa areas to provide for privacy for the Lot Owner's neighbors. Pools and spas should also be screened from the street or adjacent properties or Natural Undisturbed Areas. Pools must be properly enclosed and constructed according to the applicable Town and County regulations.

The pool, patio, any perimeter walls, fences and gates should be considered an integral part of the building elevations. Pools cannot be drained onto adjacent property. Pool patios and landscaped areas must conform to the considerations described in Section 4.14 of this section as well as Section 3.2.3. A minimum of eight feet (8') of planting between all hardscape and the property line shall be provided in rear yard setback areas.

A clear sealer to combat the build-up of any white salt,

chlorine, or other chemical deposits, shall be applied to any exposed negative edge wall throughs, or other water feature surface, that is visible from the street or neighboring lots. Shiny/reflective materials may not be used on the vertical surfaces of any negative edge pool walls. The color of the materials for these components must meet the LRV guidelines.

#### **4.25 FLAGPOLES**

All new flagpoles may either be attached to the house, or as a free-standing pole. Neither may exceed the height of the house. All poles should be painted to match the house color. No poles are allowed to be lighted. One pole permitted per house. Only the American Flag can be flown. All flags must be maintained in good condition (torn, frayed, faded or damaged flags must be replaced immediately. (Take them to the American Legion Post in Cave Creek for their proper flag-retirement ceremony; **DO NOT throw them in the trash!** 480-488-2669). All proposed free-standing flagpole locations, must be submitted to the Ocotillo Ridge Estates ARC for approval.

#### **4.26 TENNIS/SPORTS COURTS**

Tennis/sports courts will be allowed, but any court lighting requires Approval of the Architectural Committee. All tennis/sport court locations will have to be approved by the Architectural Review Committee. Tennis courts should be fenced and sited for minimal visual impact from the street or from neighboring properties. Construction of tennis courts below grade will be encouraged as this reduces the need for fencing. All chain-link fencing must be vinyl coated in a natural color. Only one (1) of the four (4) sides of a tennis court may be enclosed in part by a practice backboard, which must be approved in advance by the ARC.

#### **5.0 REVIEW AND APPROVAL PROCESS**

In order to expedite the planning and design process of each Residence and to assist the Owner in recognizing the unique opportunities inherent to each Lot, a comprehensive design review process has been established.

The design review process provides the Owner the opportunity to draw upon the expertise and knowledge which has been acquired during the planning and development of Ocotillo Ridge Estates. The ARC is charged with the responsibility of keeping the vision of Ocotillo Ridge Estates intact and to ensure sound design principles are demonstrated in all phases of development.

**5.1 ARCHITECTURAL REVIEW COMMITTEE; (herein referred to as the ARC) .**

An Architectural Review Committee has been created to oversee the development of Ocotillo Ridge Estates. The ARC which will review proposed designs to ensure compliance with these Design Guidelines will recommend approval, with or without stipulations, or disapprove the plans submitted to them for review and will notify the applicant directly of its decision.

**5.1.1 Organization of the Architectural Review Committee:**

The ARC shall consist of a minimum of three (3) members, and one (1) Professional Architect. Each member shall hold office until such time as he/she has resigned or been removed or a successor has been appointed as set forth herein or in Article 9 of the Declaration of Covenants, Conditions, and Restrictions for Ocotillo Ridge Estates ("Declarations").

**5.1.2 Appointment:** Members of the ARC will be appointed in accordance with the Declaration.

**5.1.3 Resignation:** Any member of the ARC may resign at any time with written notification delivered to Ocotillo Ridge Estates or the Homeowners' Association, whichever has been designated as the appointer of members.

**5.1.4 Duties:** The ARC will consider and act upon any proposals or matters submitted to it in accordance with the Design Guidelines, to perform other duties which are delegated to it within the structure of the Declaration or the Homeowners' Association and

to amend the Design Guidelines when, and in the manner considered appropriate or necessary by the ARC, to maintain the philosophy of Ocotillo Ridge Estates or to enhance Ocotillo Ridge Estates as an outstanding and successful community.

- 5.1.5 Meetings:** The ARC shall meet whenever necessary to properly execute its duties. The vote or written consent of a majority of the members shall constitute an act by the ARC unless the unanimous decision by its members is required. The ARC shall keep and maintain a written record of all action taken by it at its meetings.
- 5.1.6 Compensation:** Members of the ARC will receive no compensation with the exception of the professional architect. Compensation to the other two members has to be authorized by the Homeowners' Association. All members shall be entitled to reimbursement for reasonable expenses incurred by them in connection with the performance of their duties or functions. Professional consultants hired by the Architectural Review Committee shall be paid compensation as determined by the Architectural Review Committee.
- 5.1.7 Amendment of Design Guidelines:** The ARC may, at its discretion, adopt, and repeal by unanimous vote, rules and regulations to be incorporated into the Design Guidelines which among other things interprets, supplements, or implements the provisions of those guidelines. All rules, regulations or amendments may be adopted, amended or repealed and should be appended as part of the Design Guidelines and shall have the same effect as if they were an original part of the Design Guidelines.
- 5.1.8 Non-Liability:** The Architectural Review Committee and its members are not liable to the Homeowners' Association or to any Owner or other person for damage, loss, or prejudice suffered or claimed due to the approval or disapproval or any drawings or specifications whether or not defective; the construction or performance of any work, whether or

not it is in accordance with approved drawings and specifications; the development or manner of development of any property within Ocotillo Ridge Estates; or the execution and filing of an estoppel certificate, whether or not the facts contained are correct; provided however that the member has, with the actual knowledge possessed by him, acted in good faith. The ARC may at its discretion meet with the Homeowners' Association or any Owner or other person with respect to any drawings, specifications or any other proposal submitted to it.

**5.1.9 Non-Liability of Committee and Ocotillo Ridge**

**Estates:** Neither the ARC nor Ocotillo Ridge Estates or their successors or assigns shall be liable for damages to anyone submitting drawings or specifications to them for approval, or to any Owner or other person by reason of mistake in judgement, negligence, or nonfeasance arising out of or in conjunction with the approval or disapproval or failure to approve any drawings or specifications. Each Owner or other person who submits drawings or specifications to the ARC for approval agrees by submission of those drawings that he will not bring any action or suit against the ARC, any of its members, agents, or the Owner to recover damages. Approval by the ARC or any of its members or the Owner shall not be considered to be a representation or warranty that the Owner's drawings or specifications or actual construction of a Residence or other Improvements comply with applicable governmental ordinances or regulations. Compliance with these regulations is the sole responsibility of the Owner or other person performing any construction or submitting drawings or specifications to the ARC.

**5.1.10 Construction:** The provisions as set forth in the Declaration which are applicable to design are incorporated into this document by reference and has control over provisions contained herein in the event of conflict. Capitalized terms used in this document, but not defined here, have the same meaning as in the Declaration.

- 5.1.11 Enforcement:** These Design Guidelines may be enforced by the (ARC), or Homeowners' Association as provided in this document or in the Declaration.
- 5.1.12 Right of Appeal:** Subject to the appeal rights available to Owners, Occupants, and the parties as hereinafter provided, the decision of the Architectural Review Committee shall be final and binding on all matters submitted to it. Any Owner, Occupant, or party aggrieved by any decision of the Architectural Review Committee may appeal the decision to the Board in writing within fifteen (15) days following the date of the written notification of the decision of the Architectural Review Committee or otherwise in accordance with the procedures established by the Board. Any Owner, Occupant, or party affected by the decision of the Architectural Review Committee shall determine whether an appeal has been taken or acted upon by the Board before proceeding in reliance upon the decision of the Architectural Review Committee. On appeal, the Board shall exercise its discretion to affirm, overrule, or modify the decision of the Architectural Review Committee. In exercising its discretion, the Board is not limited by the information available to the Architectural Review Committee, the terms of the Development Standards, or any limitations otherwise acting upon the Architectural Review committee. The decision of the Board shall be deemed final and binding. In connection with any action taken by the Board, and each officer of the Board shall be afforded the rights and protections as are set forth in Article 9, Section 9.5 for the Architectural Review Committee and member of the Architectural Review Committee.

## **5.2 DESIGN REVIEW PROCESS**

In order to assure every resident of Ocotillo Ridge Estates that proper standards of development will be ensured and maintained to everyone's benefit, the practice of design review has been established by the ARC. The review process provides adequate checkpoints during development progress

to minimize time and money expended on designs that do not adhere to the Design Guidelines or maintain the spirit of Ocotillo Ridge Estates. Each Owner is responsible for adherence to the Design Guidelines and all other applicable provisions of the Declaration, as well as to all rules of any governmental authority. Strict compliance will ensure timely and satisfactory completion of the design review process.

The ARC conduct reviews of projects during their regular meetings or at other times deemed appropriate. Owners may attend these meetings after a request has been submitted and approval granted by the ARC. The Committee will respond in writing no later than thirty (30) days after a submittal is received provided the plans are in accordance with outlined requirements. Committee Representatives will not discuss results of the reviews by telephone with either the Owner or Owner's Representative. Any responses an Owner may want to make in reference to issues contained in the Architectural Review Committee's notice following review of submittals are to be addressed to the ARC in writing.

The ARC is established to compliment the review process of the Towns of Carefree and Cave Creek. Owners must receive approval from the ARC prior to submissions with the Town in order to avoid processing design and site planning solutions which are not compatible with Ocotillo Ridge Estates Design Guidelines.

The Design Review Process is divided into three (3) stages: Orientation, Design Review and Work-in-Progress Inspections.

**PHASE I: ORIENTATION MEETING**

1. Owner Orientation
2. Design Team Orientation

**PHASE II: DESIGN REVIEW**

1. Schematic Design Submittal.
2. Design Development Submittal.
3. Working Drawings Submittal.

### **PHASE III: WORK-IN-PROGRESS INSPECTIONS**

1. Native plant relocation & Natural Undisturbed Area protection inspection.
2. Building location inspection.
3. Landscape inspections.
4. Final plan conformance inspection.

These phases are discussed in detail below. The ARC has developed Data Kits to assist owners wishing to undertake new construction, modifications to existing structures, repainting or landscaping (see appendix E-3). These kits also reflect the current fees involved.

### **5.3 PHASE I: ORIENTATION MEETING**

The Design Review process begins with an Orientation Meeting for the Lot Owner with a representative from the ARC. A description of requirements for each phase of the review process follows:

#### **5.3.1 Owner Orientation**

When a Lot Owner plans to build on his/her Lot, the Owner should contact the ARC chairman to arrange for an Orientation Meeting. The Orientation Meeting provides the Owner with an opportunity to:

1. Review the entire process of designing and building a home at Ocotillo Ridge Estates and to understand his/her role and responsibilities in that process.
2. Present any conceptual/Preliminary Design Ideas, NOT drawings at this point.
3. Review the architectural and landscape goals and philosophy specifically written for the Community.
4. Ask any questions about the review and approval process answered including explanation of the review process of the Town of Carefree or Cave Creek.
5. Take a tour of the site with the ARC representative to show the approximate desired location of your new home.

Reasonable care should be taken in locating your new home on your site so as not to block the views from the neighboring homes.

The Orientation Meeting provides the ARC representative an opportunity to meet each Lot Owner and understand each Owner's thoughts and desires about the kind of house the Owner plans to build. The ARC representative acts as the Owner's liaison between the Owner's design professionals and the ARC as the design moves from conception to completion. It is important for Owners to contact the chairman for an Orientation Meeting before any professional consultants are chosen. This will help the design process to run smoothly.

An integral part of the success of the design process is the active involvement by the Lot Owner. It is the Owner's responsibility to understand and comply with the provisions for these Design Guidelines, and to assure that all his consultants also understand and comply with the Design Guidelines.

Planning consideration for locating the following can contribute to greater site and street preservation, dumpster, j-john, construction parking, materials staging, and cement truck clean up.

### **5.3.1.1 General Conditions**

#### **Professional Consultant requirements and responsibilities**

1. The Owner must use licensed professional consultants (Licensed Architect, Landscape Architect or approved Landscape Designer, land surveyor and engineer) as required by the municipality involved and the ARC. The ARC encourages the use of local consultants that are familiar with designing and building in the desert environment and the Town of Carefree or Cave Creek submittal process for building in Hillside areas.
2. It is the Owner's responsibility to make sure that the Owner's licensed professionals submit to the ARC any exterior architectural and/or landscape revisions to the Residence or Lot under construction.

Forms for this procedure are located in Appendix E-2 and E-3.

3. The Owner is responsible for ensuring that the Owner's licensed professionals and contractors construct the Residence in conformance with approved plans and revisions.
4. The Owner is to provide to the ARC chairman the names, addresses and license numbers of all consultants once they are selected so that copies of the Design Guidelines can be forwarded to the Design Team members for review prior to the Design Team Orientation Meeting.

#### **5.4 PHASE II: DESIGN REVIEW**

**There are two (2) drawing submittals: Schematic Design & Final Design.** Requirements for each submission are outlined below. As a general requirement, each consultant shall submit drawings in a 24" x 36" sheet format. **30" x 42" drawings WILL NOT be accepted.** If necessary, reduce any "over-sized" drawings down to 24" x 36" AND **INCLUDE A GRAPHIC SCALE ON ALL SHEETS.**

**2 printed sets of drawings must be submitted at each phase.** All Sheets shall include an information block on all submittal sheets containing:

North arrow. (On "Plan View" exhibits only)

Street names and Lot address.

Submission date.

Date of each revision change or plan re-issue.

Name, address and phone number of the Lot Owner.

Name, address and license number of the professional consultant's firm and name and office telephone number of the project Architect, Landscape Architect, etc. (Please include all email addresses)

Sheet number and Sheet description.

##### **5.4.1 Schematic Design Submittal**

The Owner will submit the Design Review Application (Appendix E-3.) and a review fee to the ARC in order to initiate the Schematic Review Process.

At this stage, the ARC will focus on architectural form and fundamental relationships between the Owner's Residence and the surrounding environment of neighboring homes, landscaping, and Natural Undisturbed Areas. The ARC does not focus on detail at this point, but the choice of basic materials and their relationship to one another. The ARC is looking to see if the Architects are presenting a home which compliments the spirit of Ocotillo Ridge Estates and conforms to the Design Guidelines.

The ARC requires four (4) printed sets of plans of the following Schematic Design Drawings for review:

1. Topographic survey of Lot and surroundings.
2. Schematic site to include driveway with primary grade elevations, pool and other site features, floor plan with finished floor elevation. Note, this is not complete Grading and drainage engineering.
3. Elevations and site section that show native and adjusted grades.
4. Perspective or study model.
5. Native Plant Inventory and Relocation Plan.
6. Plans must be accompanied by the Design Review Application,  
along with the Design Review Fee in the amount specified by the ARC.

**Building Corners staked**

On site stakes show the proposed location of the home. Note, this is required prior to review of schematic plans.

Note, Engineering will not be reviewed, engineering shall not commence, until approval of Schematic design is received.

**Drawing Requirements**

1. Topographic Survey of Lot and surroundings prepared by a registered land surveyor.

This survey provides the ARC and the Owner's design consultants contour information on the Lot and surrounding areas. It will be used to explain to the ARC how proposed grade transitions will be made between the street and Residence, between the

Residence and Open Space tract and from the Owner's Lot to adjacent Lots. It is to also show where utilities are located and gives the consultants other information which will affect design decisions. **(Figure 9.)**

**The Site Plan and/or Survey drawings shall include:**

- a. Existing one-foot (1') contours covering: entire Lot plus twenty-five feet (25') beyond all property lines. If adjacent Lot or Lots are developed and information is provided on such during the Orientation meeting, elevations and locations of existing walls should be shown. Existing contours shall be shown with dashed lines.
  - b. Show property lines, with bearings & distances, easements, building footprint, Set Back lines and Building Envelopes.
  - c. Utility locations including electric transformer, electric pullbox, water meter box or stubout, telephone and television pullbox or stubout, gas and sewer laterals serving the Lot.
  - d. Show at least two (2) spot elevations evenly spaced along curb as well as Lot corner elevations.
  - e. Show major terrain features such as rock outcrops and washes. If washes have flows of 50 CFS or greater, indicate the 100-year storm line calculated using the current hydrology requirements of the Towns of Carefree or Cave Creek.
  - f. Location and species of all Protected Plants on the site (see appendix A-1 for Protected Plant listing)
  - g. Topographic survey must be signed by a registered professional land surveyor or civil engineer. All grades must be elevation above mean sea level.
- 2. Schematic Site, Grading and Floor Plan:** This plan shall include all information from the topographic survey **along with:**

- a. Proposed Floor Plan (designate rooms by name) and outline of the roof overhang. If roofs are sloped, indicate with dotted lines hip, ridge and valley lines. Include all buildings or Structures. Show calcs for all areas under roof, broken out as Livable, Covered Patios and Garages.
- a. Schematic site design concept for Lot, including driveways, walkways, patios, pools, spas, and walls.
- c. Show proposed new grades with solid lines. Existing Grade Lines shall be dashed lines. Show proposed finished floor elevations for all buildings and Structures and spot elevations on hardscape areas, walls, pool, spas, and planter areas to understand fundamental grade changes and grade transition treatments. Show calculations for Site Disturbance and Lot Coverage, both expressed in square feet and their percentage in correlation to the total Lot Area. Driveways are to be included in the Site Disturbance calc.
- d. Show the native plants that will be undisturbed.
- e. Proposed utility service routes.

**3. Schematic House Elevations and Site Sections.**

This drawing shall show the following:

- a. At least four (4) building elevations identified as north, south, east, and west. Elevations must extend twenty-five feet (25') beyond property lines. Show existing (dashed) and proposed (solid) grades, and any Improvements that fall within those areas.
- b. Indicate all exterior materials and colors on elevations.
- b. Maximum height of finished Structures from the Lowest Finished Floor Elevation.
- d. Two (2) Site Cross Sections extended to the Property Line.
- 1. Front yard section taken from an exterior house wall to the street which best shows house/site

relationship. Please show all existing grades with dashed lines, proposed grades in solid lines, and include all Improvements.

2. Rear yard section taken from an exterior house wall extended twenty-five (25') into the common area. Show all existing grades with dashed lines, proposed grades in solid lines, and include all Improvements.

**Note: Please indicate all Section Cut lines on Schematic Site, Grading & Floor Plan.**

**4. Schematic Design perspective images:**

- a. Present a schematic drawing or computer simulation in two point perspective from a point above the house on the street side, with an angle of approximately forty-five (45)degrees to the face of the house. Illustrate all visible proposed driveways, walkways, patios, pools, walls, planting and grading treatments and how they relate to the adjacent land.
- b. The ARC encourages the use of Color 3D Computer-generated Renderings.

**5. Native Plant Inventory and Relocation Plan.**

- a. Native Plant Inventory should indicate the location, species, size, (measured in caliper inches one-foot (1') above the ground), condition and tag number for all Protected Plants on the site. Location and tag number should be indicated on the topography map. Remaining inventory information shall be submitted on the Native Plant Inventory form.
- b. The relocation program should indicate the salvage status of all Protected Plant species. Status should indicate whether a plant will be undisturbed, relocated, or destroyed. Refer to the Town's Native Plant Ordinance.

#### **5.4.1.1 General Conditions**

Each Owner submitting drawings for approval to the ARC is responsible for the accuracy of all information they contain.

All accessory Improvements contemplated for a Parcel must be shown on the Schematic Design Submittal.

To assist the ARC in its evaluation of the Schematic Design Submittal the Owner shall, if requested, provide preliminary staking at the corners of the property or major improvements and at such other locations the ARC may request.

The ARC will review the submittal for conformance to the Design Guidelines and make its recommendations to the Owner within thirty (30) days from receipt of the completed submittal. After the comment period and any staking of the Parcel, the Schematic Design will be considered to be complete.

#### **5.4.2 FINAL Submittal (2 full sets of printed Plans Required.)**

As a Lot Owner, you or your professional consultants can submit the Final Submittal of the proposed design once you have received the ARC's approval of the Design Development plans.

If the ARC does not approve the Final Submittal, it will return them with a written request for corrections and resubmission. The Architect and/or Landscape Architect must provide all additional drawings and details that the Architectural Review Committee requires to fully understand the design.

The ARC will respond in writing within thirty (30) days from the receipt of the complete submittal.

Additional construction, landscaping or other Improvements to a Lot or Parcel or Residence and/or any changes after completion of approved Final Submittal must be submitted to the ARC for approval prior to making such changes and/or additions.

#### **5.4.2.1 General Requirements**

1. **Exterior material specifications:** Must be grouped on separate "Color Board" sheets in an 8-1/2" x 11" format and shall also appear on the Working Drawings. Do not submit actual product samples unless requested. Color photos or copies are preferred.

2. Working Drawings must have complete symbol & abbreviation legends.

3. Working Drawings and specifications are to be in accordance with the Design Development Drawings as approved by the ARC. Construction shall not commence until all of the requirements are satisfied, and your Building Permit has been obtained.

**4. Architectural Plans. Minimum Working Drawing sheet requirements include:**

**a. Cover sheet** with a Site or vicinity map.

**b. Site Plan.**

All existing grade contours, taken from the existing topographic survey on the Lot, adjacent Lots, community areas and streets within twenty-five feet (25') with dashed lines at one-foot (1') contour intervals and all proposed grades on Lot with solid lines at one-foot (1') contour intervals.

\* Adjacent Lot numbers.

\* All proposed and existing architectural and landscape Improvements twenty-five (25') into adjacent Lots.

\* Easements.

\* Building Envelope.

\* Dimensioned building and Improvement setback lines from property lines. Roof overhand line and dimension from property lines.

\* All service yards, trash areas, pool, air conditioning, irrigation, pool and other equipment locations.

\* All walls and gates.

\* Utility service locations from the Lot and all utility service entrance locations and screenings at the house.

\* Natural Undisturbed Area Open Space calculations.

\* Locate and describe all control and expansion joints on exterior hardscape.

**c. Grading & Drainage Plan.**

\* Include all information from the Design Development Site and Floor Plan.

\* All existing grade contours, taken from the existing topographic survey on the Lot, adjacent Lots, streets within twenty-five feet (25') with dashed lines at one-foot (1') contour intervals and all proposed grades on Lot with solid lines at one-foot (1') contour intervals.

\* Show locations of all area drains and dry wells.

\* Indicate drainage flows with arrows to property line.

\* Spot elevations on drain inlets and outlets.

\* Locate and include typical details relating to drainage facilities including drainage inlet and outlet Structures, dry wells, area drains, and wash stabilization or diversion details.

\* Indicate means of achieving positive drainage from all locations on the Lot in the event all drainage Improvements fail.

**d. Foundation Plan & Details.**

\* Indicate all finished floor elevations. Reference and include all details required for the construction of the foundation system and installations of the concrete.

**e. Floor Plan at (3/16" or ¼" scale)**

**f. Exterior Elevations: (to match the scale of the Floor Plans), showing:**

\* All exterior materials and finishes.

\* Main entry door, garage overhead door, garden gates, columns, ornamental ironwork, exterior trim and special architectural features such as skylights and solar panels.

\* Items that will be evident on the exterior of the finished building including louvers, vents, roof drain and gutter outlets, access openings, meter boxes, electrical fixtures, expansion joints, flashing, tile or masonry feature strips, etc.

\* Roof pitch and Maximum Height of the proposed home.

**g. Cross sections:** To match the scale of the Floor Plans

**h. Roof Plan:** To match the scale of the Floor Plans, to show:

\* Roof penetrations including plumbing, and HVAC vents, fireplace and miscellaneous equipment flues, skylights, roof access doors.

\* Roof-mounted equipment and accessories, as permitted, including solar panels.

\* Gutters, roof drains, scuppers, flashings and related sheet metal.

\* Roof slopes and water flow to drains or gutters or both with directional arrows.

\* Roofing materials including manufacturers' names and ICC-ER Report numbers.

\* Roofing plan details including but not limited to roofing installation sections, equipment or accessories mounted on the roof, metal flashing and counter flashing.

**j. Electrical Plan**

\* Show all exterior and interior lighting and provide a fixtures schedule, inclusive of incandescent equivalent wattage ratings for all exterior lights.

**k. Plumbing: No Plumbing Plan is required, however, the Building Departments do require a Waste & Vent Diagram & a Gas Piping Diagram.**

**l. Window and Door schedules.**

\* Provide all details necessary for the ARC's understanding of Windows & Exterior Doors to the Owner, Builder, Contractors, Subcontractors, Trades people and Town officials.

#### **5.4.2.2 Landscape Plan**

Indicate all information from the Design Development Site and Floor Plan, and Grading and Drainage Plan.

##### **a. Landscape/Revegetation plan.**

\* Proposed trees (note multi or standard trunk), shrubs, espaliers and ground covers, noting size, location, quantity and species in common and botanical name.

\* Provide plant legend and key material to legend.

\* All details and specifications for landscape installed including header boards, strips, staking details, etc.

\* Provide sections and details through all garden and retaining walls (unless already shown on the Architectural Site Plan).

\* Show and describe all hardscape including material, color and finish (unless already shown on the Architectural Site Plan).

##### **b. Irrigation plan.**

Show location of all irrigation equipment including clocks, valves, shutoffs, backflow preventers and meters. Note all irrigation standards on plan.

##### **c. Pool, spa, fountain plans and details.**

Plan's sections and details for pools, spas, fountains and all other water treatments to be located on the Lot.

At least two (2) cross-sections of swimming pools/spas/fountains and adjacent hardscape showing their relationship to adjacent property where applicable.

##### **d. Landscape lighting.**

Indicate location of any site lighting fixtures. If attached to a building or Structure give height of fixture above finished grade. If attached lighting is an integral

part of the architecture, details should be shown on Working Drawing Development Exterior Elevation Drawings. The Landscape lighting should indicate position of light, i.e. uplight, downlight, spot, etc., manufacturers name, color and wattage.

## **5.5 PHASE III: WORK-IN PROGRESS INSPECTIONS**

### **5.5.1 Native Plant Relocation and Natural Undisturbed Areas Protection Inspection:**

Prior to construction of the Lot Owner's Residence, a formal inspection by the ARC to inspect the Native Plant Relocation project will be required. The ARC will check to see that all native plants that are proposed for transplanting are boxed according to approved nursery standards, and that all other materials are properly tagged and color-coded. The temporary nursery facility will be inspected to verify that irrigation hookups are in place. The ARC will also check to see if the fencing is in place to protect the Natural Undisturbed Area and that there have been no violations beyond the Building Envelope. This inspection by the ARC requires advance notice and scheduling.

After the construction of the Lot Owner's Residence begins, the following formal inspections by the ARC are required. During the duration of the construction phase, any number of informal inspections of the house and its surrounding Improvements may be made by the ARC.

### **5.5.2 Building Location, Setback and Envelope Inspection:**

When the slab formwork is in place but before the house slab is poured, the general contractor must call for this inspection to confirm the location of the house is according to plan and within the Building Envelope and setback area. Plan conformance will be made by field measurement with the general contractor or job superintendent. If necessary, strong lines must be placed along all property lines at time of inspection to ensure accurate measurements.

Distances between overhangs or trellises and property lines will also be confirmed according to plan at this time. This inspection by the Committee requires advance notice and scheduling.

### **5.5.3 Landscape Inspections:**

A minimum of two (2) Landscape inspections will be made with the landscape contractor and the Landscape Architect or representative on site. These are:

1. Rough Grading and Drainage System Inspection.
2. Final Landscape Inspection. Irrigation system, plant size and species and densities and landscape lighting will be examined at this time. It will be the general contractor's responsibility to call for these inspections at the proper time and coordinate the ARC. These inspections by the Committee require advance notice and scheduling.

### **5.5.4 Architectural Review Committee Plan Conformance Inspection:**

After completion of the landscape inspections, another inspection will be made to determine if the house and surrounding Improvements have been built according to the approved plans and revisions. If these have been complied with, a recordable notice to that effect will be issued to the Owner. This inspection will be made with the general contractor prior to the call for occupancy permit inspection. This inspection by the ARC requires advance notice and scheduling.

If it is found that the work was not done in strict compliance with the approved Working Drawings, the Owner will be notified by the ARC in writing within thirty (30) days of receipt of the notice of completion specifying those areas of non-compliance. The Owner will be required to correct the discrepancies.

If the Owner fails to implement the corrections required within thirty (30) days of receipt of notification by the ARC, the ARC shall notify the Owner and may take action to remove the non-complying Improvements at the Owner's expense as provided in these Design Guidelines or the Declaration, including without limitation, injunctive relief or the imposition of a fine.

If after receipt of written notice of completion from the Owner, the Architectural Review Committee fails to notify the Owner of any non-compliance within the stated period after the ARC's inspection, the Improvement shall be considered to be in accordance with the approved Working Drawing.

#### **5.6 NON-WAIVER**

The approval by the ARC of any drawings or specifications for any work done, proposed, or in connection with any other matter requiring approval under the Master Plan Guidelines or the Declaration, including a waiver by the ARC, shall not constitute a waiver of any right to withhold approval by of any similar drawing, specification, or matter whenever subsequently or additionally submitted for approval.

#### **5.7 RIGHT OF WAIVER**

The ARC reserves the right to waive or vary any of the procedures or standards set forth herein at its discretion upon presentation of substantive arguments that give merit for the change.

#### **5.8 ESTOPPEL CERTIFICATE**

Within thirty (30) days after written demand is delivered to the ARC by an Owner, and upon payment to the ARC of a fee, the Committee shall record an Estoppel Certificate executed by any two (2) of its members, certifying with respect to any Lot of the Owner, that as of the date of filing all Improvements and other work made or done on the Lot by the Owner, complies with the Design Guidelines of the Improvements and/or work does not comply, in which event the certificate shall also identify the non-complying Improvements and/or work and indicate the cause or causes

for such non-compliance. Any purchaser for the Owner or mortgagee or other encumbrancer shall be entitled to rely on the Estoppel Certificate with respect to the matters it addresses, with those matters being conclusive as between Ocotillo Ridge Estates, the ARC and the Owner.

## **6.0 CONSTRUCTION PERFORMANCE STANDARDS**

The following Construction Performance Standards are to be included as a part of the construction contract documents for each Lot or any other Improvement. All Builders and Owners are to be bound by the Regulations and any violation by a Builder shall be considered to be a violation by the Owner of the Lot or Parcel. These regulations are established to preserve the desert environment and to maintain an atmosphere in which the homeowners within Ocotillo Ridge Estates and their guests shall be kept substantially free of annoyance from construction activity.

### **6.1 CONSTRUCTION REGULATIONS**

- 6.1.1 Blasting:** No blasting or impact digging causing seismic vibrations may be undertaken without the approval of the ARC. Applicable governmental regulations must be complied with prior to any blasting activity.
- 6.1.2 Dust and Noise Control:** The Owner shall be responsible for controlling dust and noise from the construction site. Dust control measures shall be reviewed by the ARC.
- 6.1.3 Fencing:** Fencing shall be installed to enclose completely the construction site in order to protect the Natural Undisturbed Area of a Lot from construction damage. The fence shall have one entrance at the driveway location with a maximum width of twenty feet, and shall follow the construction limits boundary and shall remain intact until construction is complete. The specific method of fencing, entrance locations & construction limit boundaries shall be addressed in the Construction Program and must be approved by the ARC.

- 6.1.4 Insurance:** Prior to start of any construction activity, the Owner shall provide the Homeowners' Association with a current certificate of insurance.
- 6.1.5 Native Plant Conservation:** Because Ocotillo Ridge Estates contains valuable vegetation, topsoil and boulders, it is essential that they be protected and preserved. Ocotillo Ridge Estates enforces the Towns of Carefree and Cave Creek Native Plant Preservation Policy and the standards set forth shall be strictly followed. Penalties against the Owner will be enforced in cases of noncompliance.
- 6.1.6 (THIS SECTION IS NOT USED)**
- 6.1.7 Operating Hours:** Construction shall not be permitted prior to 6:00 a.m. or after 5:00 p.m. Monday - Friday and 7:30 a.m. to 3:30p.m.on Saturday. No floodlights or nighttime construction activity will be permitted.
- 6.1.8 Permits:** The Owner is responsible for securing and displaying all building permits required by the Town of Carefree or Cave Creek.
- 6.1.9 Repairs - Streets and Other Property:** If damage to or scaring of roads or other property occurs, including but not limited to streets, driveways, Lots, open areas, vegetation, rock outcroppings, signs, gates or other property, it must be repaired or restored immediately by the Owner or the person causing the damage, or restored promptly at the expense of the Owner. This includes removal of mud and debris from the roads resulting from construction activity. If at the discretion of the Architectural Review Committee, after one (1) week, the damage has not been restored or repaired, the Architectural Review Committee may have the damage repaired and the expenses billed to and paid by the Owner.
- 6 1.10 Sanitary Facilities:** The Owner shall be responsible for providing adequate sanitary facilities for construction personnel.

Portable or similar temporary toilet facilities shall be located only on the site itself in areas approved by the Architectural Review Committee.

- 6.1.11 Security:** At any time in the future, if the Board of Directors elects to establish security services at Ocotillo Ridge Estates, upon commencement of construction, the Owner will be billed for security services based on the fees then being assessed for lots within Ocotillo Ridge Estates. Security will be provided by the security company having the security contract with the Homeowners' Association at the time construction begins.
- 6.1.12 Signage:** Temporary construction signs shall be limited to one (1) sign per building site, not to exceed two (2) square feet of total surface area. The design and location of the signs shall be approved by the Architectural Review Committee.
- 6.1.13 Trash, Debris and Excavation Materials:** The Owner shall accumulate and contain all trash and debris on the construction site.
- 6.1.14 Vehicles and Parking Areas:** Vehicles shall only be parked only within the construction site or in areas designated by the ARC and shall be parked so that traffic is not inhibited. Parking is prohibited on any other Lots or Open Spaces.
15. **General Practices:** All Owners will be absolutely responsible for the conduct and behavior of their agents, representatives, Builders, contractors and subcontractors while on Ocotillo Ridge Estates property. The following rules apply during construction:
- Permitted hours of work: Monday through Friday 6:00am to 5:00pm and Saturday 7:30am to 3:30pm.
  - Radio volume must be kept low and must not be heard outside of the construction area.
  - Any dirt or other materials on the street caused by contractors must be cleaned the same day.
  - Concrete and dump trucks may not be cleaned on the street or common areas.

- Damage to the street or any common area must be reported immediately to Tara Wendt at twendt@azcms.com and Matt Morrissey at mmorrissey@azcms.com, and repaired within one week.
- All construction trash, food wrappers, etc. must be placed in the on-site receptacle or taken away.
- Cars and trucks may only park on the construction site and not the street unless prior approval has been formally requested and granted by the HOA and Board of Directors.
- Great care must be taken to protect all native plants, trees, cactus and shrubs.
- Great care must be taken with cigarettes & flammable materials.
- Contractor MUST have one 20lb. Class ABC fire extinguisher at the jobsite and it shall be clearly visible and accessible to all.
- Workers may not bring firearms into Ocotillo Ridge.
- Pets are not permitted on the job site.
- No alcoholic beverages are permitted on the job site.
- All OSHA, Town, and Ocotillo Ridge Estates regulations must be strictly adhered to.

## **6.2 CONSTRUCTION PROGRAM**

As part of the Design Review Process and prior to the beginning of any construction activity on a Lot or Parcel, the Owner shall provide a detailed construction program that addresses how each item listed below will be administered. The Construction Program is included in the checklist provided in Appendix B-3 and should accompany the Working Drawings Submittal. **The program shall include:**

**6.2.1 Site Plan:** At a scale to clearly illustrate all required items.

6.2.1.1 Approved Building Envelope.

6.2.1.2 Construction Area: Including size and location of construction material storage, parking areas, access roads, chemical toilet locations, dumpster locations or

trash containment areas, equipment cleaning areas, stockpile locations.

6.2.1.3 Sign locations.

**6.2.2 Construction Issues:**

6.2.2.1 Construction Operating Hours.

6.2.2.2 Schedule for Blasting (if applicable).

6.2.2.3 Dust and Noise Control Measures.

6.2.2.4 Proof of Insurance.

6.2.2.5 Trash, Debris and Excavation Materials Removal.

**6.2.2.6 Natural Undisturbed Area Protection.**

6.2.3 Following approval by the ARC of any construction of a Residence or Improvements, the Owner shall submit a Performance Deposit of twenty-five thousand dollars (\$25,000.00) to the Management Company. **(See Appendices E-1 and E-2).**

6.2.4 Once a Building Permit has been issued by the appropriate Town, it is expected that the building and all inspections will be completed and an occupation certificate issued within 18 months. Failure to complete the building within this timeframe may result in forfeiture of the performance deposit and additional monthly fines at the discretion of the ARC. The 18 month limit may be extended by the ARC, if in their judgment extenuating circumstances warrant an extension. (It should also be noted that a building that is under construction is considered abandoned by the townships if no work is conducted on it for a period of 30 days).

## 7.0 DEFINITIONS

**7.1 Building Envelope:** That portion of a Lot which encompasses the maximum allowable developable area of the Lot for the lots in the town of Cave Creek and as established on the lots in the town of Carefree.

**7.2 Declaration:** The Declaration of Covenants, Conditions, and Restrictions for Ocotillo Ridge Estates (the "Declaration"), first recorded on July 28, 1998, as Instrument Number 98-0645603, official records of Maricopa County, Arizona, and as thereafter amended from time to time.

**7.3 Design Guidelines:** The restrictions and procedures relating to the entire Ocotillo Ridge Estates project and published separately, as adopted and enforced by the Architectural Review Committee, and as amended from time to time by it.

**7.4 Architectural Review Committee; (ARC):** The Architectural Review Committee established pursuant to the Declaration.

**7.5 Excavation (aka Cut):** Any disturbance of the surface of the land (except to the extent reasonably necessary for planting of approved vegetation), including any trenching which results in the removal of earth, rock or other substance from a depth of more than twelve-inches (12") below the natural surfaces of the land, or any grading of the surface.

**7.6 Fill:** Any addition of earth, rock or other materials to the surface of the land, which increases the natural elevation of such surfaces.

**7.7 Guest House:** A Structure separate from the main Residence to provide sleeping facilities for one (1) or more guests.

**7.8 Homeowners' Association:** The Homeowners' Association as defined in the Declaration.

**7.9 Improvement:** Any changes, alterations or additions to a Lot including any Excavation, Fill, Residence or buildings, outbuildings, roads, driveways, parking areas, walls, retaining walls, stairs, patios, courtyards, hedges, poles, signs, and any Structure or other Improvement of any type or kind.

**7.10 Lot:** A subdivided Lot or other building site as shown on the Plat of record for the various Units of Ocotillo Ridge Estates.

**7.11 Master Environmental Design Concept Plan:** A conceptual design document approved for Ocotillo Ridge Estates that highlights project goals and philosophies for all design elements proposed for use within Ocotillo Ridge Estates.

**7.12 Native Species:** A species of plant, whether ground cover, shrub, cactus, or tree, which is listed in Appendix A-1, or from time to time referenced in the Design Guidelines.

**7.13 Natural Undisturbed Area:** That portion of the natural desert, which must remain undisturbed.

**7.14 Ocotillo Ridge Estates:** A Planned Community of approximately 203 acres within the boundaries of the Towns of Carefree and Cave Creek.

**7.15 Open Space:** All land, Improvements, and other properties now or hereafter designated as such on the Plat, or the Declaration or the Association Rules.

**7.16 Owner:** The Owner of a Lot. For the purposes herein, the Owner may act through his designated agent, provided that such agent is authorized in writing or by law to act in such capacity.

**7.17 Patio Envelope:** The portion of any Lot or Parcel that is limited to architectural and landscape elements such as walls, pools, patios, barbecues and spas. All such Improvements and any alterations to the existing landscape must occur within the Envelope. Buildings or accessory buildings are not permitted. Walls that enclose patios must

comply with the Development Standards written for Ocotillo Ridge Estates.

**7.18 Parcel:** A portion or plot of land.

**7.19 Private Area:** That part of the Building Envelope which is surrounded by walls as described in Section 3.2.3 and in which plants not contained in Appendix A-3 may be planted.

**7.20 Protected Plants:** Those Native Species of trees or cacti of four inch (4") caliper or six-foot (6') height, or greater, as listed in Appendix A-1.

**7.21 Residence:** Any building or buildings, including any accessory building(s) used for residential purposes, BUT **Excluding** any Garage(s), constructed on a Lot or Parcel, and any Improvements constructed in connection therewith shall be considered to be part of the residence. Unless otherwise defined, "Residence" shall mean a single-family Residence.

**7.22 Restored Natural Undisturbed Area:** Areas damaged by previous construction that are restored to a natural state by transplanting and/or planting native materials in densities that replicate natural conditions.

**7.23 Structure:** Anything constructed or erected on a Lot or Parcel, the use of which requires location on the ground or attachment to something having location on the ground.

**7.24 Town of Carefree and Town of Cave Creek:** Municipal corporations of the State of Arizona.

**7.25 Transitional Area:** That part of the Building Envelope which is adjacent to a Natural Undisturbed Area as described in Section 3.2.2. and in which only plants contained in Appendix A-1 and A-2 may be planted.

**7.26 Visible from Neighboring Property:** An object or activity on a Lot or Parcel which is or would be in any line of sight originating from any point six feet (6') above any other property, including other Lots or Parcels.

## APPENDIX A-1

### NATIVE PLANT PALETTE

#### *Botanical Name*

#### *Common Name*

#### **TREES:**

Acacia Greggii	Catclaw acacia, devils-claw
Cercidium floridum	Blue Palo Verde
Cercidium microphyllum	Foothills Palo Verde, little-leaf Palo Verde
Holacantha Emoryi	Crucifixion-thorn
Olneya Tesota	Ironwood
Prosopis juliflora	Mesquite

#### **SHRUBS:**

Ambrosia ambrosioides	Canyon ragweed
Ambrosia deltoidea	Bur-sage
Atriplex canescens	Four-wing salt-bush
Calliandra eriophylla	Fairy-duster-false-mesquite
Ceftis palliaa	Hackberry
Datea formosa	Feather dalea
Encelia farinosa	Brittle bush
Ephedra trifurca	Mormon tea
Eriogonum fasciculatum	Desert buckwheat
Haplopappus laricifolius	Turpentine-brush
Hymenoclea Salsola	Cheese-weed
Hyptis Emoryi	Desert-lavender
Justicia California	Chuparosa
Krameria parvifolia	Ratany
Larrea tridentata	Creosote-bush
Lotus rigidus	Desert rock pea
Lycium Andersonii	Lycium
Lycium Fremontii	Wolf-berry
Simmondsia chinensis	Jojoba
Viguiera deltoidea	Golden-eye
Ziziphus obtusifolia	Gray-thorn

**CACTI & YUCCA:**

Carnegiea gigantea	Saguaro, giant cactus
Echinocereus Englemannii	Hedgehog cactus, strawberry cactus
Ferocactus Wislizeni	Barrel cactus, fishhook barrel
Fouquieria splendens	Ocotillo
Mammillaria microcarpa	Pincushion cactus, fishhook cactus
Opuntia acanthocarpa	Staghorn cholla, buckhorn cholla
Opuntia bigelovii	Teddy bear cholla
Opuntia fulgida	Chain fruit cholla, jumping cholla
Opuntia leptocaulis	Christmas cholla
Opuntia phaeacantha	Prickly-pear
Yucca baccata	Banana yucca, blue yucca, datil
Yucca elata	Soap tree yucca, Palmilla Spanish bayonet

**NATIVE SEED MIX:**

Ambrosia Deltoides 5.0	Bursage
Arizona Buckwheat 1.0	Arizona Buckwheat
Encelia Farinosa 0.5	Brittlebush
Ericameria Laricifolia 1.0	Turpentine Bush
Larrea Tridentata 1.5	Creosote
Penstemon Parryi 0.5	Firecracker Penstemon
Sphaeralcea Ambigua 2.5	Globe mallow
Cassia Covesii 0.5	Desert Senna
Lupinus Arizonaicus 1.5	Lupine

Eschscholtzia Mexicana  
1.0

Mexican Gold Poppy

**Above Mix Includes:** 1.500 lbs. /Acre Conwed Fiber  
300 lbs. /Acre Ammonium Phosphate  
Fertilizer  
60 lbs. /Acre Best Grade Tackifier

**PROTECTED PLANTS (Carefree Ordinance 91-05):**

(1) Any and all healthy and transportable species of yucca, ocotillo and all members of the cactus family including but not limited to, barrel, saguaro, staghorn cholla, mammalaria and hedgehog, but excluding teddy bear cholla, chain fruit cholla and prickly pear.

(2) Indigenous trees, which are (4) inches or greater in caliper measured one foot above ground level of the following species:

Whitethorn acacia, catclaw acacia, crucifixion thorn, hackberry, blue palo verde, foothills palo verde, desert willow, juniper, ironwood, cottonwood, mesquite, scrub oak, sugar sumac and Arizona rosewood.

**APPENDIX A-2**

**ARID REGION PLANT PALETTE**

The ARC has found the plants included in the following list to be inherently compatible with the natural desert existing within Ocotillo Ridge Estates and encourages their use. Any species not contained herein may not be planted or installed within Ocotillo Ridge Estates without written approval from the ARC, after which the species may be included as an approved species. All species of cacti are acceptable for use within Ocotillo Ridge Estates, as are any species not listed below which have been found to be indigenous to the area of Ocotillo Ridge Estates.

**Botanical Name**

**Common Name**

**TREES:**

Acacia abyssinica  
Acacia aneuria  
Acacia cavenia  
Acacia constricta

Abyssinian acacia  
Mulga  
White-thorn acacia, mesquit acacia

Acacia eburnia	Needle acacia
Acacia Farnesiana	Sweet acacia, huisache
Acacia Greggii	Catclaw acacia, devils-claw
Acacia millefolia	Santa-rita acacia
Acacia pennatula	
Acacia occidentalis	
Acacia schaffneri	
Acacia smallii	Sweet acacia
Acacia stenophylla	Shoestring acacia
Acacia willardian	White bark acacia
Caesalpinia cacalaco	
Caesalpinia mexicana	Mexican poinciana
Caesalpinia platyloba	Bird-of-paradise
Caesalpinia pumilla	Copper bird-of-paradise
Celtis pallida	Desert hackberry
Celtis reticulata	Netleaf
blanco, sugar-berry	hackberry, palo-
Cercidium floridum	Blue palo-verde
Cercidium microphyllum	Foothill palo-verde, little-leaf
palo-verde	
Cercidium praecox	Palo brea, Sonoran palo-verde
Chilopsis linearis	Desert willow, desert catalpa
Lysiloma candida	Palo-banco
Lysiloma Thornberi	Fern-of-the-desert
Olneya Tesota	Ironwood
Pithecollobium brevefolium	Apes earring
Pithecollobium flexicaule	Texas ebony
Pithecollobium mexicana	Mexican ebony
Pittosporum phylliraeoides	Willow pittosporum
Prosopis alba	White mesquite, Argentine
mesquite	
Prosopis chilensis	Chilean mesquite
Prosopis juliflora	Common mesquite, honey mesquite
Prosopis pubescens	Fremont screwbean
Rhus ovata	Mountain-laurel

**SHRUBS :**

Eysenhardtia polystachya	Kidney-wood
Fallugia paradoxa	Apache-plume
Forestiera neomexicana	Desert olive
Fourquieria splendens	Ocotillo
Haplopappus laricifolius	Turpentine brush
Hesperaloe funifera	
Hesperaloe parviflora	Coral yucca

Holacantha Emoryi	Cruxifixion-thron
Hyptis Emoryi	Desert-lavender
Jatropha cardiophylla	Limber bush, sangre-de-Christo
Justicia candicans	Firecracker bush
Justicia californica	Chuparosa
Justicia ghiesbreghtiana	Desert-honeysuckle
Larrea tridentata	Creosote-bush
Laucaena retusa	Golden lead ball tree
Leucophyllum frutescens	Texas sage, Texas ranger
Leucophyllum laevigatum	Chihuahuan sage
Lycium Andersonii	Anderson thornbush
Lycium brevipes	Thornbush
Lycium Fremontii	Wolf-berry, tomatillo
Mattenus phyllanthioides	Gutta percha mayten
Mimosa biuncifera	Wait-a-minute, wait-a-bit
Mimosa dysocarpa	Velvet pod mimosa
Nolina Bigelovii	Bigelow nolina
Nolina microcarpa	Bear-grass, sacahuista
Penstemon species	Beardtongue
Rhamnus californica	Coffee-berry, California buck-
thorn,	pigeon-berry
Rhamnus crocea	Red-berry buck-thorn
Ruellia californica	
Ruellia pernninsularis	
Salvia farinacea	Mealy cup sage
Salvia Greggii	Texas red salvia
Salvia chamyoriodes	Blue sage
Senecio salignus	Willow-leaf groundsel
Simmondsia chinensis	Jojoba
Sophora arizonica	Arizona sophor
Sophora secundifolia	Mescal bean, Texas mountain
laurel	
Tecoma stans	Arizona yellow bells, trumpet-
bush	
Tetraoccus Halii	
Vauquelinia californica	Arizona-rosewood
Viguiera tomentosa	Golden eye
Yucca species	Spanish-bayonet, soap-week,
datil	
Zauschneria latifolia	Hummingbird trumpet
Zizyphus obtusifolia	Greythorn, white crucillo

## **APPENDEX A-3**

### **PROHIBITED PLANT MATERIALS**

The following may not be planted or maintained anywhere on the Property.

1. Any species of tree or shrub whose mature height may reasonably be expected to extend 20 feet, with the exception of those species specifically listed as approved.
2. All Palms whose mature height may reasonably be expected to exceed six feet will be prohibited for aesthetic reasons as well as their height maintenance requirements. Dwarf varieties whose mature height may reasonably be expected to be less than six feet will be allowed only within the confines of a private garden.
3. All Pines (*Pinus*), Cypress (*Cupressus*), False Cypress (*Chamaecyparis*), Juniper or Cedar (*Juniperus*) except those species specifically approved, whose mature height may reasonably be expected to exceed six feet will be prohibited for aesthetic reasons. Dwarf varieties and those whose mature height may reasonably be expected to be less than six feet may be used within the confines of a private garden.
4. Olive trees (*Olea Europaea*) will be prohibited for reasons of their profuse production of allergy-producing pollen, as well as for aesthetic reasons.
5. Oleanders (*Nerium Oleander*) and 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 will be allowed within a private garden.
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 for their profuse production of allergy-producing

pollen. Dwarf varieties are permissible within the confines of a private garden.

8. Common Bermuda Grass (Cynodon Dactylon) will be prohibited as a defined weed.

9. Mexican Palo Verde (Parkinsonia Aculaetra) will be prohibited as a harbinger of pests and because of its ability to spread throughout the development, thereby altering the present natural desert.

**APPENDIX A-4**

**NATIVE INDIGENOUS PLANTS OCCURRING IN THE CAREFREE AND CAVE CREEK AREA**

<u>TREES LIKE</u>	<u>SHRUBS</u>	<u>CACTI &amp; CACTI-</u>
Desert Willow	Brittle Bush	Agave
Mesquite	Buckwheat (Eriogonum Fasciculamm)	Barrel
Ironwood	Bursage	Cholla/Chain
Fruit		
Blue Palo Verde	Chuparosa (Justicia	Californica)
	Cholla/Christmas	
Foothills		
Palo Verde	Creosote	Cholla/Jumping
Crucifixion Thorn		
	Hackberry	Cholla/Pencil
Acacia Greggii	Desert Honeysuckle	Hedgehog
	Fairy Duster (Caliandra)	Mamillaria
	Saltbush (Atriplex)	Ocotillo
	Greythorn	Prickley Pear
	Hop Bush (Dodonaea)	Saguaro
	Jojoba	Yacca Elata
	Mormon Tea	Yacca Baccata
	Lycium Species	
	Milkweed	
	<u>WILDFLOWERS</u>	
	Penstemon	Lupine
	Blackfoot Daisy	Owl Clover
	Blue Dick	Paper Flower
	Chia	Lotus
	Desert Aster	Rock Pea

Globemallow  
Covesii)  
Desert Marigold  
Desert Poppy  
Goldeneye (Viguiera Deltoidea) Senna (Cassia

**APPENDIX B-1**

**ORIENTATION MEETING CHECKLIST**

The Architectural Review Committee hereby directs that the Owner or Owners Representative obtain, review and understand the following checked items in conjunction with this application.

( ) Project Zoning Stipulations; Zoning Case #\_\_\_\_\_, Dated \_\_\_\_\_.

( ) Amended Development Standards for the R\_\_\_ Zoning Category, \_\_\_ Unit.

( ) Wash Treatments and Stabilization Techniques

( ) Hillside Development Ordinance

( ) Native Plant Ordinance

( ) Other Materials:

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Acknowledged by:

\_\_\_\_\_  
Lot Owner

\_\_\_\_\_  
Dated

Acknowledged by:

\_\_\_\_\_  
Ocotillo Ridge Estates  
Architectural Review Committee Representative

\_\_\_\_\_  
Dated

**APPENDIX B-2**

**SUBMITTAL CHECKLIST**

This certifies that \_\_\_\_\_ has submitted the following items to the Ocotillo Ridge Estates ARC for review in satisfaction of the requirements for the:

- SCHEMATIC DESIGN SUBMITTAL                       DESIGN DEVELOPMENT SUBMITTAL
- WORKING DRAWINGS SUBMITTAL

On the \_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_.

- Topographic survey of Lot and surroundings
- Schematic Site Plan, Grading & Drainage Plan and Floor Plan
- Elevations showing the Existing Grade Lines and new Finished Grade Lines. Indicate a dashed line representing the Maximum Height.
- Color Renderings from several different views of the house.
- Native Plant Inventory and relocation program.
- Design Development Site and floor plan
- Roof Plan that calls out the highest points of Ridges & Parapets, and the square footage area of each different Roof Mass.
- Finish Grading and Drainage Plan
- Preliminary landscape/revegetation plan
- Materials Board or call out all materials and colors on the color renderings.
- Floor Plan
- Cross Sections & at least 2 Sections thru the Site, showing the house and the Existing Grade Lines and new Finished Grade Lines.
- Construction Program
- Hydrology Report
- Staking of Lot
- Architectural Plans
- Landscape Plans
- \_\_\_\_\_ )

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( \_\_\_\_\_ )

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**APPENDIX B-3**

**CONSTRUCTION PROGRAM CHECKLIST**

This certifies that \_\_\_\_\_ has submitted a detailed **Site Plan** to the Ocotillo Ridge Estates Architectural Review Committee which outlines the following items or provides the appropriate documentation:

- ( ) Building Envelope
- ( ) Blasting
- ( ) Construction Access
- ( ) Construction Areas
- ( ) Dust and Noise Control
- ( ) Fencing
- ( ) Insurance
- ( ) Native Plant Conservation
- ( ) Occupational Safety and Health Act Compliance (OSHA)
- ( ) Operating Hours and Seasons
- ( ) Permits
- ( ) Repair - Streets and Other Property
- ( ) Sanitary Facilities
- ( ) Security
- ( ) Signage
- ( ) Trash, Debris and Excavation Materials Removal
- ( ) Vehicles and Parking Areas
- ( ) Fire Extinguisher(s)
- ( \_\_\_\_\_ )
- ( \_\_\_\_\_ )
- ( \_\_\_\_\_ )

Received by:

\_\_\_\_\_  
Ocotillo Ridge Estates  
Architectural Review Committee

\_\_\_\_\_  
Dated

The signatures indicate that the documentation and information listed above have been reviewed as required under the Construction Program by the Ocotillo Ridge Estates Architectural Review Committee and is:

Approved  
the

Disapproved

Approved subject to  
attached

stipulations  
Reviewed by:

---

Ocotillo Ridge Estates  
Architectural Review Committee Chairman

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Dated

## **APPENDIX D**

### **WASH DISTURBANCE**

Ocotillo Ridge Estates contains a major wash, which has been designated as a conservation easement to Desert Foothills Land Trust.

In addition to the major wash, there are also several minor washes which traverse the property. The Homeowner should strive to leave these washes in their natural state. If for any reason a road or a structure crosses the washes, the Homeowner will be responsible for providing a unique design solution. The Homeowner must submit the plans to the ARC for approval prior to construction.

**APPENDIX E-1 (Pg 1 of 2)**

**THE OCOTILLO RIDGE ESTATES HOMEOWNERS' ASSOCIATION  
ARCHITECTURAL REVIEW COMMITTEE**

PERFORMANCE DEPOSIT RULE

Following approval by the Architectural Review Committee of any proposed construction of a single family residence or improvements within the Property and before actual construction commences on the Owner's lot, the party responsible for the construction of the single family residence or improvement shall enter into a Deposit Agreement with the Association and/or its Management Company Agent and deposit therewith the sum of Twenty Five Thousand Dollars (\$25,000.00) to be held in escrow pending the completion (including clean up) of the construction of the single family residence and/or improvements.

In the event that the party responsible for the construction of the single family residence or improvements fails to comply with the approved plans and/or any of the rules and regulations of the Ocotillo Ridge Estates Homeowners' Association, then the Association may use such sum of money to (a) when appropriate, correct the problem or (b) enforce the failed compliance, including but not limited to the payment of attorney's fees, filing of lawsuits and purchasing bonds for injunctive relief.

Upon completion of the single-family residence or other improvements within the Property, the party who made the \$25,000.00 escrow deposit shall certify in a letter to the Architectural Review Committee:

(I) That a single family residence has been built in compliance with

the approved plans and the rules and regulations of the Ocotillo

Ridge Estates Homeowners' Association;

(II) that all appropriate clean up has been made; and

(III) that all required landscaping improvements have been completed.

The letter shall be mailed by Certified Mail, Return Receipt Requested to the address so designated by the Ocotillo Ridge Estates Homeowners' Association, which shall have 15 days from receipt thereof to (a) return the escrow deposit less any funds expended in enforcement and/or correction (or one-half of the escrow deposit if certification is to item (I) and (II) only or (b) refuse to return such funds or portion thereof and specifically state in writing how such party is not in compliance.

**APPENDIX E-1 (Pg 2 of 2)**

Upon completion of all required landscape work (if not done prior to the first certification and application for return of one-half of the escrow deposit), the party requesting the return of the escrow deposit or any portion thereof shall send a letter by Certified Mail, Return Receipt Requested to the Architectural Review Committee stating that all landscape work has been completed in accordance with the approved plans whereupon the balance of the escrow deposit less any funds expended in enforcement and/or correction will be returned or the Association shall notify such person in writing as to any non-compliance and reason for non-return of the funds.

**APPENDIX E-2 (Pg 1 of 2)**

**THE OCOTILLO RIDGE ESTATES HOMEOWNERS' ASSOCIATION  
ARCHITECTURAL REVIEW COMMITTEE**

**DEPOSIT AGREEMENT**

In compliance with rules adopted by the Architectural Review Committee (herein after referred to as "ARC") and the Board of Directors for the Ocotillo Ridge Estates Homeowners' Association (hereinafter referred to

as "Association"),

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(herein after referred to as the "Owner"), does hereby deposit with Arizona Community Management Services for the Association the sum of \$25,000.00 (hereinafter referred to as the "Deposit") and agrees to the following terms and conditions.

1. The Deposit shall be held as security against any damage caused to the Association's Common Areas, streets, other owners' lots and all improvements, including entry and exit gates, structures, landscaping and personal property attached thereto or located thereon; which damage is caused by the acts and/or omissions of Owner, his general contractor and/or an employee, agent or subcontractor of the Owner or general contractor in connection with the construction of improvements on the Owner's Lot.
2. Upon the occurrence of any such damage, the Association, from time to time, and without prejudice to any other remedy, may use the Deposit to the extent necessary to repair such damage or pay to the injury party the cost of such damage. It is expressly understood that the use of any or all of the Deposit shall not be considered a measure of the damage nor release the Owner from paying additional amounts if the total damage exceeds \$25,000.00.
3. Within a reasonable time of the ARC being notified of the occurrence of any such damage, the amount of the Deposit to be used, if any, shall be approved in writing by a majority of the ARC. The ARC may postpone its review of payment pending receipt of any information which the ARC, in its sole

discretion, may require. A copy of the ARC decision shall be mailed to Owner at the address indicated below. Withdrawal of money from the Deposit shall occur no sooner than ten (10) days after the date of written notice of the ARC decision is sent to the Owner.

4. The deposit shall also be held as security against untimely performance in completion of the building within 18 months from the issuance of the building permit. Forfeiture of the deposit and additional monthly fines may be applied at the discretion of the ARC. (See 6.2.4.).

**APPENDIX E-2 (Pg 2 of 2)**

5. If the Owner wishes to contest the decision of the ARC to use

any or all of the Deposit as described above, he/she must, within ten (10) days after the date of notice of the DRC decision with respect to said Deposit submit a written request

to Arizona Community Management Services for a hearing before the Board of Directors. The Board shall schedule such hearing as part of the larger agenda of a regular or special Board meeting and send written notice of the hearing date to Owner no less than ten (10) days prior to said date. The Board, by majority vote, shall determine the amount of the Deposit to be used, if any.

6. Neither the ARC, the Board, or any member thereof, shall be liable to the Owner or any other person for any loss, damage or injury arising out of the payment or non-payment of the Deposit funds unless such loss, damage or injury is due to willful misconduct or bad faith of the ARC, the Board or members of either, as the case may be.

7. Upon completion of the construction on Owner's Lot as per the approved plans and specifications, and a final inspection by the ARC satisfactorily indicating that no damage as set forth in paragraph 1 remains unremedied and that all construction has been completed pursuant to the approved plans and specifications, including landscaping plans, the Deposit or any balance thereof shall be returned to the Owner.

8. No interest shall be payable on the Deposit.

By signature below, Arizona Community Management Services  
acknowledges receipt of \$25,000.00 in the form of \_\_\_\_\_  
\_\_\_\_\_.

Executed on the \_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_.

**OWNER**

\_\_\_\_\_  
Address

\_\_\_\_\_  
Address

By: \_\_\_\_\_

For: Arizona Community Management Services

**APPENDIX E-3**  
**DESIGN REVIEW APPLICATION**

The Architectural Review Committee has prepared data kits that must be used for the following:

- \* Application for construction.
- \* Application for Building Envelope modifications.
- \* Application for remodels and additions.
- \* Applications for minor alterations and repaints.

Copies of these data kits may be obtained from:

**Arizona Community Management Services**  
15300 N. 90<sup>th</sup> Street, Suite 800  
Scottsdale, AZ 85260  
480-355-1190 (Ext. 122) Fax: 480-355-1191  
azcms.com

Tara Wendt  
[twendt@azcms.com](mailto:twendt@azcms.com)