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Architectural and Landscape Design Guidelines

Desert Summit

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The following Architectural and Landscape Design Guidelines ("Guidelines") have been adopted by the Board of Directors of the Desert Summit Owners Association (the "Association") and by the Declaration of Covenants, Conditions, Restrictions and Easements for Desert Summit (the "Declaration") recorded on March 31, 1998, in Docket 98-0250283, records of Maricopa County, Arizona. As provided in the Declaration, no improvement, alteration, repair, excavation or other work which in any way alters the exterior appearance of any Lot or the improvements located thereon and no building, fence, wall or other structure may be commenced, erected, maintained, improved, made or done without the prior written approval of the Board and/or any committee established by the Board for such purpose. Also, no addition, alteration, repair, change or other work which in any way alters the exterior appearance of any residence, building, structure, or other improvement of any kind situated on a Lot (as defined in the Declaration) can be made or done without the prior written approval of the Architectural Review Committee ("ARC").

Every Owner must be familiar with the guidelines as set forth herein AS WELL AS the guidelines which are set forth in the Declaration of Covenants, Conditions, Restrictions and Easements for Desert Summit. The two documents must be read together so that the Owner is aware of all of the guidelines and restrictions governing the building of and use of the property. If there is a conflict between the Guidelines and the Declaration, the Declaration would control the situation.

Any approval of plans, specifications or proposed construction given by the ARC shall not constitute any representation or warranty by the ARC that the approved construction or modification complies with the applicable local, federal, state laws, codes, or ordinances. Each owner of any lot is responsible for complying with all guidelines which apply. FAILURE TO COMPLY WITH THE GUIDELINES AS SET FORTH HEREIN MAY RESULT IN THE IMPOSITION OF FINES AND ANY OTHER ADDITIONAL ACTION DEEMED APPROPRIATE BY THE ARCHITECTURAL REVIEW COMMITTEE AND/OR THE BOARD. Each Owner is responsible for obtaining his/her own building permits for the modifications or construction of the improvement

Neither the ARC, any member thereof, the Association nor any director, officer, employee or agent of the Association shall be liable to any Owner, or other person for any damage, loss or prejudice claimed on account of (a) the approval or disapproval of any plans, drawings and specifications, whether or not defective, (b) the construction or performance of any work, whether or not pursuant to approved plans, drawings, or specifications, (c) the development of any property within Desert Summit, or (d) the exercise of any of the powers, duties or responsibilities of the ARC.

SECTION ONE

Introduction

The following Guidelines are established to provide standards and procedures to be used in the planning, design, and construction of all improvements on Custom and Semi-Custom Lots within Desert Summit, thus ensuring the development and maintenance of Desert Summit as an architecturally attractive, exclusive, and harmoniously designed residential community. The Guidelines are part of the Declaration to which these Guidelines are attached and shall be binding upon each respective lot Owner who, at any time wishes to construct, reconstruct, refinish, remodel or alter any improvements on its Lot or install or modify Landscaping on its Lot or makes any changes to the natural or existing grades and drainage pathways. The Guidelines are supplemental to any standards, requirements, and restrictions imposed by any applicable governmental authorities. The Association, acting by and through the Board, shall have the authority to take whatever steps are necessary to enforce these Guidelines. The Guidelines may be amended from time to time in accordance with Section 4.03 of the Declaration.. It shall be the responsibility of each Owner or other interested party to obtain and review a copy of the most recently revised Guidelines prior to starting the design of the proposed Improvements.

SECTION TWO
Review and Approval Process

2.0 Review and Approval Process

It is highly recommended that the homeowner hire registered/licensed professionals who practice Architecture Engineering/Landscape Architecture within the State of Arizona. A professional will assist the applicant in understanding how the site and the proposed residence need to complement one another. Therefore, a Site Design meeting on-site with the Owner's Architect is required after the Preliminary Architectural Design submittal has been reviewed by the ARC. The intent of this meeting is to discuss and comment on the submitted design's integration with the site and conformance with the Guidelines. Any clarifications or questions regarding the Guidelines should be addressed at this time, as well as obtain any updated policies and/or procedures. An appointment with the ARC Architect will need to be made one (1) week in advance.

Following are the basic steps to the Review and Approval process:

Preliminary Design Submittal

Site Design Meeting

First Architectural Design Submittal

Second Architectural Design Submittal

Submittal of City of Scottsdale Approved Construction Documents

Architectural Construction Review

By initiating a multi-step review process, the ARC hopes to provide the Owner and/or its Architect an opportunity to discuss and clarify questions prior to the completion of the construction documents. This in turn will save the Owner time and money. Each Owner remains responsible for reading, understanding, and complying with the Guidelines. **FAILURE TO COMPLY WITH THE GUIDELINES AS SET FORTH HEREIN MAY RESULT IN THE IMPOSITION OF FINES AND ANY OTHER ADDITIONAL ACTION DEEMED APPROPRIATE BY THE ARCHITECTURAL REVIEW COMMITTEE AND/OR THE BOARD.** The Owner remains responsible for complying with all applicable codes and zoning requirements of the City of Scottsdale and any other governing authority. Fees will be imposed for all major renovations and landscape renovations. Check with the management company for Desert Summit for a list of all appropriate fees.

2.1 Design Review Procedures

The ARC will conduct reviews of the design submittals as needed. The ARC will respond in writing to the Owner no later than thirty (30) days after completion of the review. Please note that this does not apply to new home construction or major renovation of home or landscaping which must be submitted to the ARC's outside architect for review.

No Owner or Representative of the Owner will be allowed to attend unless specifically invited.

All submittals must be in writing on an approved form to the Desert Summit management company with the proper fees prior to the scheduled meeting or it will be placed on the agenda for the next scheduled meeting. The Owner should check with the Association's management company for a complete and current list of fees prior to the submittal so that the submittal is accompanied by the appropriate fee.

Below is a list of items that are of importance to the ARC. This list is not meant to be all inclusive. It is simply a list of some of the items which are of importance to the ARC.

- (a) The finished floor must be kept as low as possible, which will allow the home to sit down into the site and not protrude from it.
- (b) Building heights must be designed to complement the natural grade of the Lot, as well as, the surrounding residences and sites. To support the intended design direction, site plans will need to identify adjacent structures and their finished floor elevations.
- (c) The design of the elevations must be of the highest esthetic quality. The elevations and massing should respond to the site topography, predominant native landscape features, and adjacent residences.
- (d) The residence must complement and be sensitive to the desert and native landscape as well as the contextual imagery of the community.
- (e) Exterior colors are key to the success of good esthetics. Careful consideration of colors and textures should be used. Architects and designers shall submit a color and material board for all exterior finishes. The colors must be approved by the ARC or be on the approved color palette and must meet all City of Scottsdale LRV (light reflective value) requirements.
- (f) Landscape quality is of utmost importance for the success of Desert Summit. Landscaping should be placed to mimic natural densities and plant types.
- (g) The forms must be filled out with as much detail and clarity as possible. The more information and detail which the Owner provides to the ARC, the easier it will be for the ARC to review the application.

2.2 Design Review Procedures FOR NEW CONSTRUCTION AND/OR MAJOR ADDITIONS

Prior to any improvements or disturbance to the site, the Owner must proceed through the outlined design review process and fulfill all requirements to the approval of the ARC, as well as pay the APPLICABLE Design review fees and construction deposits. The Owner and/or Architect must comply with all City of Scottsdale design standards and codes as well as all other government agencies and their binding regulations. **FAILURE TO COMPLY WITH THE**

GUIDELINES AS SET FORTH HEREIN MAY RESULT IN THE IMPOSITION OF FINES AND ANY OTHER ADDITIONAL ACTION DEEMED APPROPRIATE BY THE ARCHITECTURAL REVIEW COMMITTEE AND/OR THE BOARD.

2.3 Submittal Requirements for the Preliminary Design

Prior to submitting plans for the Preliminary Design, the services of a Licensed Surveyor or Civil Engineer are required. At this phase, scaled drawings will be submitted to indicate proposed site design and approximate finished floor elevations. Design criteria and recommendations will be reviewed and suggestions offered at this point. Plans will be returned with any written comments, which can be discussed further at the next phase of this process, the Site Design Meeting.

A. The following items are required in *triplicate* for the Preliminary Design Submittal:

1. Architectural Review Application listing all requested information and the applicable fees.
2. Existing Site Plan must indicate all existing contours and plant life. Locate and identify adjacent structures along with each structure's finished floor elevation. This drawing must be completed by a licensed surveyor or civil engineer (Minimum scale of 1"=20'-0").
3. Proposed Site Plan with existing contours as well as any new contours and retaining walls proposed. Indicate all landscape features, pools, fountains, walkways as well as any mechanical and pool equipment enclosures (Minimum scale of 1"=20'-0").
4. Proposed Floor and Roof Plans identifying all finished floor elevations relative to the site contours (Minimum scale of 1/8"=1'-0").
5. Proposed Building Elevations must be rendered with the use of shade and shadows to indicate the proposed materials and colors (Minimum scale of 1/8"=1'-0").
6. Proposed Site and Building Section displaying the residences capacity to integrate with the site topography and meeting the building height restrictions (Minimum scale of 1/16"=1'-0").
7. Detailed Sketches of Specific Architectural Elements, which will provide support to the design intent.

2.4 Site Design Meeting

Subsequent to the review of the Preliminary Design Submittal, the Architect and/or the Owner are required to attend an on-site meeting to discuss the proposed design. An appointment with the ARC Architect should be made. This meeting is intended to discuss the written comments returned with the Preliminary Design Submittal.

2.5 First Architectural Design Submittal

Based on the comments received from the Preliminary Design Submittal and Site Design Meeting, the Owner and/or its Architect must submit to the management company the following documents:

1. Existing Site Plan showing the location of all existing site features and topography; utility connections; and finished floor elevations of adjacent structures. Also indicate the building envelope of the site; identifying the areas where building materials, debris and temporary nursery will be confined during construction (Minimum scale of 1"=20'-0").
2. Architectural Plans, Elevations and Specifications for all Improvements proposed to be constructed on the Lot, including a site plan indicating both existing and proposed grades; exterior elevations noting finished floor elevations, building materials, and overall building heights; the roof plan; floor plans; a site/building section; and details of exterior decks or patios (Minimum scale of 1/8" = 1' - 0").
3. Samples of all exterior materials and colors under consideration. Samples must be presented on an 11" x 17" board (at least 1/8 thick) clearly marked with Owner's name, filing date and Lot number. The manufacturer's name, color, and style number must be clearly identified on each sample submitted.
4. Landscape Plan, drawn at the same scale as the site plan, showing all areas of disturbance. Include all exterior structures, walls, pools, planting, grading, lighting, and decorative features not listed above (Minimum 1" = 20' - 0")
5. Approximate time schedule indicating starting and completion dates of construction, utility hook-up, and completion of landscaping work and anticipated occupancy date.

2.6 Second Architectural Design Submittal

Following the approval of this re-submittal (if needed), the Owner and/or its Architect will receive written notification to proceed with the construction documents for City review and approval.

2.7 Submittal of City Approved Construction Documents

Subsequent to the Second Architectural Design Submittal, the Owner and/or its Architect and/or Landscaping consultant must submit to the management company a full set of detailed construction documents and specifications for all Improvements and Landscaping to be located on the Lot.

The ARC shall not be deemed to have approved such plans until and unless it issues a written certificate of approval of such plans. Approval by the ARC's Architect is NOT to be deemed approval by the ARC. All construction documents are to be in accordance with the final plans approved by the ARC. No construction shall commence until such final review is completed and the ARC gives final written approval. FAILURE TO COMPLY WITH THE GUIDELINES AS SET FORTH HEREIN MAY RESULT IN THE IMPOSITION OF FINES AND ANY OTHER ADDITIONAL ACTION DEEMED APPROPRIATE BY THE ARCHITECTURAL REVIEW COMMITTEE AND/OR THE BOARD.

2.8 Re-Submittal of Plans

In the event of any disapproval by the ARC of a submission, a resubmission of plans should follow the same procedure as an original submittal unless the ARC determines that the required revisions are minor in nature, in which case the ARC may, in its sole discretion, approve the plans with conditions and waive resubmission and/or payment of a new application fee. If, after three (3) reviews (Preliminary, First and Second Architectural Design Submittals) the plans are not in compliance with the Guidelines, an additional fee may be imposed.

2.9 Commencement of Construction

Prior to the disturbance of any site, permission must be granted by the ARC in writing and any appropriate deposit and fees must be paid to the Desert Summit Owners Association. Upon receipt of final written approval from the ARC, the Owner shall diligently proceed with the commencement and completion of all construction pursuant to the approved plans. **ALL CONSTRUCTION AND IMPROVEMENTS MUST BE COMPLETED WITHIN 18 MONTHS OF THE APPROVAL DATE UNLESS A LONGER TIME IS APPROVED BY THE ARC.** The owner shall contact the ARC architect to arrange for a construction schedule.

The Owner shall satisfy all conditions and commence construction pursuant to the ARC approved plans within six (6) months from the date of such approval. If the Owner shall fail to comply with this paragraph, any approval given shall be deemed revoked unless, upon the written request of the Owner made to the ARC prior to the expiration of such six (6) month period and upon a finding by the ARC that there has been no change in circumstances, the time for such commencement is extended in writing by the ARC. the Owner shall in any event complete construction within 18 months of the approval date except and for so long as such completion is rendered impossible or would result in great hardship to Owner due to strikes, fires, national emergencies or natural calamities or unless a longer time is approved by the ARC.

2.10 Work in Progress – Inspection

The ARC may inspect all work in progress and give notice of noncompliance. Absence of such inspection and notification during the construction period does not constitute approval by the ARC of work in progress nor compliance with these Guidelines or the Declaration.

Prior to pouring of slab or construction of finished floor, the contractor must have a written notice to proceed from the ARC. The Owner must provide the following prior to continuing construction:

- (a) An “As-built Letter” from a licensed surveyor verifying that the improvements are located as indicated on the approved plans.
- (b) A green inspection tag from the City of Scottsdale prior to pouring the slab certifying the Finished Floor Elevation.

In addition, the ARC will inspect the final construction to ensure that the construction has been

completed according to the approved plans and specifications.

2.11 Architectural Construction Review

Subsequent to completion of the exterior construction to include all doors, windows, finishes, roofing, and site construction of driveways, walls, patios, and shade structures attached to the residence, the ARC Architect will review all construction to ensure compliance to the submitted construction documents. Homeowners must comply with all City codes or other government authorities.

- (a) Upon final completion of any Improvement or Landscaping for which the ARC gave design approval, the Owner shall give written notice of completion to the ARC to initiate the Architectural Construction Review.
- (b) Within such reasonable time as the ARC's architect may determine the ARC may inspect the Improvements. If it is found that such work was not done in strict compliance with the final construction documents approved by the ARC, it shall notify the Owner in writing of such noncompliance, specifying in reasonable detail the particulars of non-compliance, and shall require the Owner to remedy the same. FAILURE TO COMPLY WITH THE GUIDELINES AS SET FORTH HEREIN MAY RESULT IN THE IMPOSITION OF FINES AND ANY OTHER ADDITIONAL ACTION DEEMED APPROPRIATE BY THE ARCHITECTURAL REVIEW COMMITTEE AND/OR THE BOARD. After the Homeowner has remedied the non-compliance items a letter of final acceptance will be given and the deposit will be refunded. The remaining landscaping deposit will be refunded after the landscaping installation has been accepted and deemed in compliance.
- (c) If, upon the expiration of thirty (30) days from the date of such notification by the ARC, the Owner shall have failed to remedy such noncompliance, the ARC shall notify the Owner, and the Association may take such action as is necessary to remove the non-complying Improvements or otherwise bring the non-complying Improvements into compliance, including, without limitation, injunctive relief and/or the imposition of a fine.

2.12 Prior Approval

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

2.13 Subsequent Changes

Any change, deletion or addition to the plans and specifications approved by the ARC must be re-approved in writing by the ARC. Additional Improvements or Landscaping to a Lot and/or any changes after completion of approved Improvements must be submitted to the ARC for approval prior to making such changes and/or additions. FAILURE TO COMPLY WITH THE GUIDELINES AS SET FORTH HEREIN MAY RESULT IN THE IMPOSITION OF FINES AND ANY OTHER ADDITIONAL ACTION DEEMED APPROPRIATE BY THE ARCHITECTURAL REVIEW COMMITTEE AND/OR THE BOARD.

SECTION THREE

ARCHITECTURE GUIDELINES

3.0 Architecture

The main goal of Desert Summit is to minimize the impact of construction on the desert terrain. The homes within Desert Summit shall be sensitive to existing site contours, native vegetation, views, and neighboring lots. This will be achieved by using materials and creating forms that minimize reflection, exposure, and mimic natural elements in the surrounding desert. The Homeowner must use the topography and vegetation to shield the Homeowner's residence from neighboring lots and streets. This could include walls and/or view fencing.

3.1 Site Development

No Excavation or Grading shall be performed on any Lot without the prior written approval of the ARC. No Owner shall effect, construct, maintain, permit or allow any fence, building pad or other Improvement within any Lot without the prior written approval of the ARC. On-Lot soil and water retention shall be maintained pursuant to the ordinances of the City of Scottsdale. No Owner shall alter the elevation of natural grade without the prior written approval of the ARC. Any Grading must be performed with minimum disruption to the Lot and shall not cause water existing on the Lot to drain from different points, in greater quantities or at greater velocities than occurred in its natural condition. **FAILURE TO COMPLY WITH THE GUIDELINES AS SET FORTH HEREIN MAY RESULT IN THE IMPOSITION OF FINES AND ANY OTHER ADDITIONAL ACTION DEEMED APPROPRIATE BY THE ARCHITECTURAL REVIEW COMMITTEE AND/OR THE BOARD.**

(a) Size

Residences to be constructed shall exceed thirty-eight hundred (3800) square feet of living area.

(b) Height and Sitting of Structures

Please refer to Section 3.8 for information and design criteria.

3.2 Construction Setbacks and Building Envelopes

Construction setbacks and building envelopes will vary on a lot to lot basis depending on established setbacks by zoning, building separation requirements for perimeter lots, drainage easements, hillside conservation, and NAOS dedications.

The minimum setbacks in the R1-70 and R1-130 zones are front yard setbacks of twenty (20) feet, rear yard setbacks of twenty (20) feet, and side yard set backs of ten (10) feet.

In addition, perimeter lots have a minimum building separation of seventy-five (75) feet, and to meet NAOS requirements, most lots have a requirement of sixty (60) foot separations between building envelopes. Care should be exercised to ensure that all of these issues are considered in the site process with ultimate approval of building site and setbacks for each lot being the responsibility of the City of Scottsdale.

The Building Envelope is the area specifically chosen by each lot owner to construct her/his home and all improvements. The Building Envelope shall not exceed 20,000 square feet, excluding the driveway (except in the case of the R1-43 and R1-35 semi custom Lots which are limited to 13,500 square feet). Improvements or modifications, other than the driveway and landscaping, may not be completed outside this defined Envelope.

No construction, storage of materials, or construction related activity of any kind will be allowed outside the final recorded building envelope unless approved by the ARC. FAILURE TO COMPLY WITH THE GUIDELINES AS SET FORTH HEREIN MAY RESULT IN THE IMPOSITION OF FINES AND ANY OTHER ADDITIONAL ACTION DEEMED APPROPRIATE BY THE ARCHITECTURAL REVIEW COMMITTEE AND/OR THE BOARD.

In some instances it may be required by the ARC that planting occur outside the approved building envelope. This planting requirement may not be addressed until the final phases of construction. Many times the envelope shape and existing vegetation is not adequate and additional planting will be required.

3.3 Drainage Washes

If an Owner wishes to divert water outside an existing wash or modify the drainage characteristics of their site they must provide full engineering by a licensed Arizona Civil Engineer. The landowner must first submit plans to the City of Scottsdale for a building permit. If approved, the landowner must then notify the ARC, in writing, that a wash may be modified and must receive approval in writing from the ARC based on proposed-engineered plans. The ARC reserves the right to reject any proposed wash modification plans that it deems as a potential hazard to other lots or residences.

3.4 Driveway Construction and Use

All lots will be allowed to have only one driveway, which leads to the garage or turnaround. No circular driveways will be allowed. The location of a driveway (which is defined as the distance from the street leading into the garage) is subject to approval of the ARC. All driveways must be paved with concrete or other materials approved by the ARC. Each driveway shall be at least 15 feet in width. The use of special texturing, integral color, borders, etc. shall be encouraged to upgrade the appearance of the driveway.

No overnight off-site/lot parking on common streets will be allowed at any time so that adequate on-site parking planning is a must. The driveway must be constructed of concrete, concrete pavers (dull in finish), or natural rock set in earthen colored concrete (colored exposed aggregate concrete). This entrance skirt must be a minimum of 15'-0" in width and not more than 16'-0" wide.

3.5 Design Elements

The ARC does not want to dictate a "style" of Architecture permitted within Desert Summit. Creativity is urged but the ARC will only consider Architecture which is in harmony with the existing Desert Summit community. The following suggestions, while not exhaustive, may be of help to the homeowner in complying with the requirements of the ARC:

- (a) The use of multiple natural materials (stone, masonry, etc.) that occur within the desert or mimic desert qualities will help the residences to blend with the desert.
- (b) The use of natural materials shall be in large quantities so as to create massing and bold elements. Thinly appearing applied veneers that terminate at the floor level will be prohibited. All materials shall extend below grade to create the appearance of genuine foundations or Architectural Elements.
- (c) The use of large overhangs or exterior roofed areas creates deep shadows and good massing characteristics. The use of horizontal extending elements will be greatly encouraged.
- (d) The use of sloped roofs will be encouraged to minimize the vertical parapets. These sloped areas shall indicate major mass elements of the residence through the creation of shadows and shall not be a tacked on element.
- (e) No mechanical units may be placed on the roof of a residence. All exterior elevations of the residence are important to the ARC. The architectural massing and vertical proportions of the residence should be addressed during the design of the floor plan. Colors and material changes should be used within a facade to create an aesthetically pleasing structure. Large expanses of wall without deep relief, both vertically and horizontally, will not be approved. Use shadow and form to create a visually interesting façade and massing.

3.6 Colors

All colors of materials on the exterior of the residence will not have a light reflective value (LRV) that exceeds the guidelines and ordinances of Scottsdale. All flat roofed areas of the home must be coated with paint for surfacing, which matches the main body of the residence. No color may be applied to the residence until the ARC approves this color or material in writing. Prior to approval, the ARC may require color samples to be painted on the residence. An approved color palette is available at the offices of the property manager. Any alteration to the color scheme which has been added to the approved color palette must be approved by the ARC. The ARC shall have the discretion to notify a homeowner that all or a portion of the painting of the home which is visible needs to be touched up or redone. All painting must be completed within 90 days of the day on which the management company notifies the homeowner of the approval of the requested color scheme. FAILURE TO COMPLY WITH THE GUIDELINES AS SET FORTH HEREIN MAY RESULT IN THE IMPOSITION OF FINES AND ANY OTHER ADDITIONAL ACTION DEEMED APPROPRIATE BY THE ARCHITECTURAL REVIEW COMMITTEE AND/OR THE BOARD.

3.7 Building Heights

The ARC will look at each lot individually and decide the maximum height and finish floor elevation of each residence. This height will be established at the Preliminary Architectural Review Meeting. At no time will any residence exceed thirty feet (30') in height. Please be aware that there are different height limitations within Desert Summit as determined by the City of Scottsdale, some of which are less than thirty feet (30').

Fireplace chimneys must be built to a height of not more than four feet (4') above the adjacent parapet or roof line..

3.8 Building Sizes

All residences within Desert Summit shall be a minimum of 3,800 square feet living area. The ARC reserves the right to restrict the size of a residence if it deems that the residence will create a negative impact to the surrounding desert and community.

3.9 Auxiliary Buildings

All detached construction shall use the same materials as used on the residence. In addition the architectural elements of the residence must be used in the detached building.

3. 10 Decks and Patios

All decks and patios not behind a wall and extending past the main building must be of materials that are harmonious with the desert. Plain gray concrete will not be permitted. All decks and patios must be approved by the ARC.

3.11 Swimming Pools and Swimming Pool Equipment

All pool equipment must be screened from view of adjacent lots. Pools may not be located outside of the building envelope.

3.12 Sun Shades and Screens

All sun shades and screens must be of a color to match the residence and will require the approval of the ARC in writing. No steel shutters will be allowed. Retractable awnings must be approved by the ARC on a case by case basis.

3.13 Walls and Fencing

Low site walls with a stucco finish may be used for privacy. All fencing and walls built upon a Lot shall be of masonry, adobe, stone, and/or wrought iron material only and shall be meandering in configuration. The painted color must be the same as the color of the house.

Ninety-degree fence corners may be considered in a situation where a hardship (caused by natural site elements) has occurred. The ARC considers adobe and/or stone veneer acceptable materials.

Walls are required as screening to enclose all above ground garbage and trash containers, heating and cooling equipment and other outdoor maintenance and service facilities. Such walls should be a visual extension of the architecture of the Residence. The maximum allowable height of site walls shall be six feet (6'), measured to the natural grade, immediately adjacent to said wall. The ARC shall determine acceptability of wall locations and heights.

3.14 Garages

In order to establish a visually attractive residential streetscape and to encourage architectural creativity, side entry garages shall be required on all Residences. No garage doors directly facing a residential street shall be permitted except in cases of extreme hardship as determined by the sole discretion of the ARC. Hardship shall be determined on the basis of safety, Lot grade and configuration, visibility from neighboring property and the architectural appropriateness and integrity of the proposed Residence as sited on the Lot as it relates to surrounding residences. There will be front-entry garages constructed on certain Semi-Custom Lots.

Garages shall be used for parking vehicles and other garage purposes only and shall not be converted for living, business or recreational purposes. Garages must be kept closed at all times except to permit vehicle ingress and egress.

In order to create an attractive residential streetscape and to encourage architectural creativity, the ARC will enforce the following restrictions:

- (a) All garage doors must be hidden from view.
- (b) Garages shall be adjacent to minimize the amount of drivable surfacing and visual impact upon the exterior elevations.
- (c) Garage facades or elevations shall be offset from the plane of the residence by a minimum distance of 1'- 6".
- (d) Garage doors shall be recessed from the plane of the garage elevation by a minimum distance of 1'-0".
- (e) Garage doors shall not be more than nine feet (9'-0") high from the finished floor of the garage.

3.15 Solar Application

All requests to add Solar Application to a home must be submitted to the ARC for review.

3.16 HVAC Facilities

No heating, air conditioning, evaporative cooling or similar facilities may be installed, constructed or maintained upon any Residence unless (i) such facilities are installed in such a manner so they are not visible from Neighboring Property and (ii) the ARC has approved the installation of such facilities.

3.17 Tennis/Sports Courts

Tennis and sports courts will not be permitted.

3.18 Lights

Only low level, low intensity accent lights will be allowed at exterior locations on Lots and such lights must be used in compliance with Scottsdale ESLO requirements and in a manner that softens the exterior character of the Residence. All lighting shall be shielded so that reflective surfaces or bulbs are not visible from any lots or streets within Desert Summit. All exterior lighting shall highlight a natural element and will not be allowed to shine on the surface of a portion of the residence. Only low level incandescent or halogen lights will be allowed on the exterior of a residence. No colored lighting will be allowed. No spot lights or flood lights will be allowed. No motion sensor lights may be used. Overhead swimming pool lights shall not be allowed. The ARC will determine if a proposed scheme has provided excessive amount of exterior lighting. **FAILURE TO COMPLY WITH THE GUIDELINES AS SET FORTH HEREIN MAY RESULT IN THE IMPOSITION OF FINES AND ANY OTHER ADDITIONAL ACTION DEEMED APPROPRIATE BY THE ARCHITECTURAL REVIEW COMMITTEE AND/OR THE BOARD.**

3.19 Roofs

The ARC must approve the material, color and texture of all roofs.

The ARC may approve pitched roofs up to a maximum pitch of 5 in 12. Reflective roof surfaces that cause excessive glare will not be approved. The ARC will approve materials based on the proposed design and samples submitted. No asbestos or shake shingle roofs shall be allowed.

3.20 Porte-cochere

A porte-cochere shall be permitted on a Lot so long as (i) the side of the porte-cochere closest to the street does not extend closer than forty (40) feet from the front yard property line; (ii) the porte-cochere extends completely over the width of the driveway; (iii) the porte-cochere is for the sole purpose of vehicular unloading, and (iv) the design of the porte-cochere is approved in writing by the ARC.

3.21 Antennas, Poles, Towers and Dishes

All requests to add antennas, poles, towers and/or dishes must be submitted to the ARC for review.

3.22 Mailboxes

The ARC must approve the design and location of mailboxes.

3.23 Windows

The ARC must approve all window frame materials and colors.

3.24 Reflective Finishes

No highly reflective finishes (other than glass, which may not be mirrored) shall be used on exterior surfaces (other than surfaces of hardware fixtures) , including, without limitation, the exterior surfaces of any of the following: roofs, all projections above roofs, retaining walls, doors, trim, walls, fences, pipes and equipment.

3.25 Service Yard

Walls are required as screening for a service yard, if any, to enclose all above-ground heating and cooling equipment, garbage and trash containers, clotheslines and other outdoor maintenance and service facilities.

3.26 Rear and Side Yards

Any yard which is visible from the street or to adjacent properties must be maintained in a clean and orderly manner and kept free of all junk, trash, old appliances and anything else deemed inappropriate or aesthetically displeasing to the ARC.

3.27 General Maintenance Provision

If it should come to the attention of the ARC that a homeowner's landscaping and/or appearance of the home including the painting of the home as visible by neighbors or from the street, is not being maintained in a manner which adds to the aesthetic beauty and integrity of Desert Summit, the ARC shall notify the homeowner of this fact and ask that steps be taken to immediately remedy the situation. Should the homeowner fail to remedy the situation, this may result in the imposition of fines and/or any other additional action deemed appropriate by the ARC and/or the Board.

3.28 Vacant Homes

If it should come to the attention of the ARC that a home is vacant and that the landscaping and/or appearance of the home as visible by neighbors or from the street is not being maintained in a manner which adds to the aesthetic beauty and integrity of Desert Summit, the ARC shall notify the homeowner or the bank if the home is in foreclosure or the real estate agent selling the home if that information is available of the need for the condition to be remedied. If the situation is not immediately remedied to the satisfaction of the ARC, this may result in the imposition of fines and/or any other additional action deemed appropriate by the ARC and/or the Board.

3.29 Painting and Repairs

These Guidelines set forth the period of time in which painting and construction must be completed by the homeowner. With respect to any other work which is done on the home by way of repair, painting, building, expansion, extension or construction, said work must be completed within a reasonable period of time as determined by the ARC. Painting must be completed within 90 days as set forth in guideline 3.6 above. If the ARC is of the opinion that the work is not being completed in a reasonable period of time, the ARC shall notify the homeowner of the need for the work to be immediately completed. If the work is not completed in a manner and time which is satisfactory to the ARC, this may result in the imposition of fines and/or any other additional action deemed appropriate by the ARC and/or the Board.

3.30 FINES

Failure to comply with the Guidelines may result in the imposition of fines. Fines will be assessed by the Board if they believe that the imposition of fines is appropriate. In addition to the payment of the fine, the homeowner shall be responsible for all fees and costs incurred by the Association in connection with the enforcement of the Guidelines and this will include all attorneys' fees and such amounts shall be added to and become part of the assessment which attaches to the homeowner's lot. If a homeowner has placed a deposit with the Association prior to the completion of any work, the fines imposed by the Board may be deducted from the deposit which will thereby reduce the amount of deposit which is returned to the homeowner. This is in addition to any other rights which the Board has in assessing fines.

3.31 Additions, Alterations, Reconstruction

All additions, alterations or reconstruction to the Residence or to any other Improvement on a Lot shall be reviewed and approved by the ARC to ensure conformance with previously approved design and quality. FAILURE TO COMPLY WITH THE GUIDELINES AS SET FORTH HEREIN MAY RESULT IN THE IMPOSITION OF FINES AND ANY OTHER ADDITIONAL ACTION DEEMED APPROPRIATE BY THE ARCHITECTURAL REVIEW COMMITTEE AND/OR THE BOARD.

SECTION FOUR

SITE DEVELOPMENT GUIDELINES

4.0 Utility/Irrigation Meters and Panels

No utility or service equipment or lines may be installed or located on any Lot except as has been approved by the ARC, subject to utility company requirements. No utility meter or apparatus shall be located on any pole or attached to the outside of any Improvement that is exposed to view from any street within the Project. Utility meters and related panels and similar equipment may be recessed flush in the outside building walls. They must comply with the requirements, requests, regulations, orders, commissions or specifications of any public, quasi-public or private utility or any governmental agency or body. The homeowner may not place any such meter, panel or equipment on the outside front wall of any Residence or other building facing the street directly in front of or to the side of the Residence, except as required by the utility company. All sprinkler and irrigation controls, valves, panels and equipment installed on any Lot shall be installed so as not to be visible from any street directly in front of or to the side of any Lot.

4.1 New Construction

All Improvements constructed on Lots shall be of new construction, and no buildings or other structures shall be moved from other locations onto any Lot.

4.2 Landscaping Requirements

Except as necessary in connection with the routine maintenance of Landscaping, no Landscaping shall be removed from or planted, placed or replaced on any Lot unless the proposed plans and specifications for such Landscaping are submitted to and approved by the ARC and in accordance with these Architectural and Landscaping Standards.

- (a) All homeowners are required to landscape their front and rear yards. As set forth above, no landscaping, other than routine minor maintenance, may be done without the submission of plans to the ARC along with the appropriate Landscaping Review Deposit. Please check with the management company to ascertain the correct deposit amount.
- (b) The Landscaping Deposit shall, within ten (10) business days of the ARC's confirmation of the completion of the front and rear yard Landscaping, be returned by the Association to the Owner who paid the Landscaping Deposit, provided that the front yard Landscaping is fully installed on that Owner's Lot within the sixty (60) days of the Initial Homeowner's closing of its purchase of the Lot; and provided, further, that such Landscaping is completed in conformance with plans and specifications approved by the ARC and otherwise fully complies with the criteria set forth in the Guidelines. In the event an Owner fails to comply with the requirements set forth in this Section, the Landscaping Deposit shall be forfeited by the non-complying Owner and the Association shall be entitled (although not obligated) to take all available action necessary to cause such Landscaping to be installed, including the initiation of legal proceedings against the non-complying Owner. FAILURE TO COMPLY WITH THE GUIDELINES AS SET FORTH

HEREIN MAY RESULT IN THE IMPOSITION OF FINES AND ANY OTHER ADDITIONAL ACTION DEEMED APPROPRIATE BY THE ARCHITECTURAL REVIEW COMMITTEE AND/OR THE BOARD.

- (c) For the Desert Summit Estates Custom Lots, the initial Homeowner who is building a house or a structure on the lot shall pay to the Association prior to written construction approval a Landscaping deposit in an amount to be set by the Board. Please check with the management company to ascertain the correct amount of the deposit.

SECTION FIVE

LANDSCAPE GUIDELINES

5.0 Living in Harmony with Nature

From its inception, Desert Summit was planned as a community built among the native desert leaving much of the surrounding native vegetation intact for residents to enjoy. That's probably one of the reasons the Homeowner chose to live here.

A thriving, natural desert is maintained by leaving native vegetation and landforms untouched whenever possible. To promote a native character for the community, residents are encouraged to preserve landforms and existing vegetation and to use native plants, which are more adaptable to our climate and require less maintenance.

In developing Desert Summit, the planner's vision was to save and perpetuate as much of the living desert as practically possible; and to live in harmony with nature. With this goal in mind, these guidelines provide helpful information on the philosophies and benefits of natural landscaping.

5.1 Understanding the Living Desert

We live in the Sonoran Desert, which is home to many indigenous species of trees and shrubs as well as several varieties of wildflowers and other cacti. This variety of plant life also provides a habitat for a similar diversity of indigenous wildlife. Few ecological systems foster this level of natural beauty.

In a dynamic, living desert each plant is unique in its response to its environment. As a result, the native environment provides an ever-changing display of colors, sounds, light and shadows.

The Homeowner's trees and shrubs regenerate themselves within a balanced desert. To keep a desert alive or begin the process of re-vegetation in disturbed areas, it is essential to add supplemental plants and allow the natural germination and growth of the native seedlings to mature into a native composition of tomorrow.

Natural areas, beyond limits of disturbance, are broken down into zones that are intended to reinforce the natural character of the desert. The City of Scottsdale has identified four (4) basic zones that apply to landscaping of the Homeowner's property. These zones identify native areas, transition zones, semi enclosed and enclosed areas. It is important for the homeowner to understand these zones and the different guidelines which may apply to each.

Native Areas — Native areas include the areas preserved beyond limits of disturbance. Undisturbed areas are to be protected to the greatest extent possible. Each lot has dedicated NAOS areas that are required by City ordinances to remain untouched. Rear yards may be extended from the builder pad within the restricted envelope area identified for each lot on the builder provided plat plan. Any re-vegetation in these areas must conform to the select native plant list.

Transition Areas — Transition areas include front and side yard areas disturbed by construction are considered a transition area. Planting in this area shall use native or near native varieties outlined in the select plant list. Grades shall blend with adjacent native landforms with softened contouring. Planting must include Turpentine Bush as 30% of total supplements.

Semi-enclosed Areas — Semi-enclosed areas include areas directly along the foundation of the home, unit entries or semi-enclosed by low courtyard walls. These areas may incorporate a more liberal palette of low water use plants that add a greater diversity of color and texture. Refer to select plant list. Any additional near indigenous varieties requested will be reviewed on a case by case basis.

Enclosed Areas — Enclosed areas include the areas defined as landscape areas within a completely walled-in rear yard area. Homeowner may install turf and a wide variety of plants including all those on the restricted plant list (but not those plants which are on the prohibited plant list) and others requested by Homeowner on a case by case basis. Plant types and sizes within these areas are governed by City of Scottsdale ESLO Ordinance restrictions.

The City of Scottsdale has identified a list of prohibited plants that may not be used under any circumstance. It is the Homeowner's/landscape designers' responsibility to become familiar with the City of Scottsdale guidelines for planting in high desert environments. Please note that there is a difference between restricted plants/trees and prohibited plants/trees. It is the responsibility of the homeowner to become familiar with the guidelines of Desert Summit as well as those of the City of Scottsdale.

5.2 Plan Before You Act

During the construction of your home, much effort was put into preserving and honoring the existing vegetation. Before you begin to design the landscape of your yard, or remove the existing understory planting of smaller shrubs and cactus, please stop and consider the natural resource that you may already have. With a little planning you, too, can share in the overall commitment to respect the natural beauty of the desert.

The desert that surrounds your home can give you a significant head start in landscaping. Unfortunately, adding, removing, and relocating plants is often done without proper planning. The Homeowner should select a landscape designer that is familiar with native environments and respects the overall vision of this community.

The first step in preparing a landscape plan is to make a written list of your needs, your desires, the site limitations and resources available. Some factors to consider in selecting plants are:

- A. Document existing plant material on the site. What small trees, cactus and shrubs naturally occur on the site?
- B. Drainage, soil and sun orientation. What areas of your lot serve as drainage during a rain? What are the natural landforms and how your building plan can be sensitively blended with surrounding conditions?
- C. Identify the location of your home's doorways, windows, patios, walks, utility areas, neighboring homes, streets, pathways, etc. Should native vegetation be preserved or enhanced to intensify privacy considerations?

The proper way to document your information — Start with the lot plan provided by the builder. Then draw a plan of your property with conditions and plant material as it actually exists. This “bird’s eye view” of your lot should illustrate all man-made features, including underground utility lines, property lines as well as existing trees and preserved natural areas. The Homeowner should include brief written notes on your plan concerning the information the Homeowner have gathered, to support your design solution.

The Homeowner now have an overall “picture” of your property. It may be apparent that an area of native vegetation that the Homeowner had previously considered clearing actually serves as a privacy screen between the Homeowner and your neighbor.

Next, using a complete overlay of your site plan (preferably at 1" = 10'-0"), the Homeowner or Your designer can develop a planting plan. Draw, on your site plan, the locations of preserved and/or re-vegetated areas. If the lots on each side of your property are developed, the Homeowner must consider making your landscape design continuous with those of your neighbors. What the Homeowner plant will, of course, depend on your needs and desires. How you create that landscape will depend upon the specific site limitations listed above.

5.3 Creating a Natural Desert Landscape

If the Homeowner feels that the existing native vegetation areas have enough variety and density, then the Homeowner may not need to supplement it with plantings. However, most Homeowners choose to add shrubs and native trees. The amount and type will be determined by the select plant list identified for various zones by the landscape guidelines that specify, as a minimum, one (1) tree per 2000 sq. ft. of disturbed area and one (1) plant per 40 sq. ft. If the Homeowner has a yard with little natural vegetation remaining, there are ways to recreate a naturalistic desert; it is here where your imagination and sensitivity is the limit.

Each home site is different, so it's very difficult to generalize. The main thing to keep in mind is that the Homeowner is attempting to bring the living desert into your lot.

Creating a transition area is similar to preserving the natural zone but for the obvious fact that you are starting from scratch. Using your plan as a guide, you can now design areas where your supplemental landscape will begin.

Start by adding native variety trees (one (1) per 2000 sq. ft. minimum) as appropriate, where the Homeowner has no existing trees or where the Homeowner would like to eventually have a more dense landscape character. Trees can also be located to provide functions such as privacy, shade and softening to walls. In between the trees that the Homeowner supplements, add sun-tolerant cactus, shrubs and groundcovers. The predominant native shrubs are Jojoba and Turpentine Bush. The combined total of plant densities in re-vegetation should be one (1) plant per 40 sq. ft. as a minimum.

As your vegetation matures and a balanced desert evolves, the Homeowner can allow plants to naturalize.

The foundation of your landscape area will, of course, be the desert floor. Desert Summit has a native fine granular character that should be preserved. Homeowners are required to maintain native soils as a top dressing along all open space areas and street frontages. Non-indigenous granite and weed control may only be used in semi and enclosed areas.

With native granular soils preserved, the Homeowner should give Mother Nature a chance to show the Homeowner just how much plant life will grow by the end of the first growing season. As the new seedlings begin to surface, the process of natural re-vegetation is underway. In a conventionally landscaped yard these seedlings would have been removed and never been given a chance to restore the indigenous character of the site.

The time that it takes to get the landscape results the Homeowner desires will be determined by the amount and size of the plant material that the Homeowner purchases. If The Homeowner wants a more immediate effect, then the Homeowner should start out with larger plants. However, if the Homeowner wants to give nature a little time, the guidelines specify minimum size and quantities of plant material. Trees shall be planted at a minimum size of 24” box with a multi trunk characteristic. Shrubs and groundcover shall have 20% - 5 gallon and 80% - 1 gallon as a minimum based on overall plant mix.

5.4 Enhancing the Desert

Generally the desert has a restricted palette of naturally occurring color and texture. Respect the native simplicity of the overall site but don't be afraid to bring a splash of color into your landscape. Before you consider enhancing the natural desert, become familiar with the seasonal changes of the plants you are considering. For approved and prohibited plant list see Appendixes.

Knowing the species of plants that are naturally growing on your property will help in determining which ones will do well and blend in. Always consider the colors, form, and textures of the native plants as the backdrop of your added plant material. Some plants available in nurseries just don't look like they belong in the desert.

Ornamental, non-indigenous plants with artificial-looking foliage usually do not blend well with a natural setting. Similarly, tropical looking plants also tend not to fit the native look and often are not adapted to our arid climate. It is a good idea to choose plants that will naturally grow to the shape and size you desire.

When the Homeowner is using accent shrubs or flowers, the homeowner should plant in natural groups or in “plant colonies”. Avoid single “spot planting” or straight lines. It is also a good idea to stick with one species per grouping to avoid a scattered “fruit salad” look.

Some of the most dramatic yards have a predominantly natural landscape theme with only a few seasonal flowering species planted as accents within the landscape, adjacent to patios or outdoor living areas.

Look around and observe how the models and established areas of the Desert Summit have successfully blended naturally and are now enjoying the benefits of complementing the natural desert. It is your community, so use responsible judgment in selecting plants that are compatible with the natural setting that the Homeowner is striving to create.

5.5 Design Review

Homeowners are required to submit a complete landscape package for all proposed site improvements prior to construction.

Plans shall indicate all supplemental planting, site walls, pools, lighting or grading manipulations to the existing site.

Planting, irrigation and wall guidelines are intended to outline design and installation requirements. These guidelines shall serve as minimum standards to incorporate into your landscape submittal. Enforcement of reviews is intended to provide a consistency of quality for the overall community. Refer to landscape design standards.

5.6 Landscape Plan Submission and Requirements

THERE IS A DIFFERENCE BETWEEN THE INITIAL LANDSCAPING WHICH IS DONE WHEN A HOME IS BEING BUILT AND THE LANDSCAPING WHICH IS DONE WHEN A HOMEOWNER MAKES CHANGES TO THE LANDSCAPING ON THE PROPERTY. IT IS THE RESPONSIBILITY OF THE HOMEOWNER TO CHECK WITH THE ARC PRIOR TO ANY LANDSCAPING BEING DONE SO THAT THE HOMEOWNER COMPLIES WITH ALL APPROPRIATE GUIDELINES.

A. Submissions/Fees

- Each resident shall supply the ARC with one (1) complete set of Front yard and Rear yard plan submissions prior any landscaping work being commenced. The ARC has prepared a document entitled Request for Architectural Approval which must be completed and approved prior to the commencement of any landscaping work. This document must be completed and submitted and approved along with all paint colors, manufacturers information, photos, diagrams, specifications and impacts upon surrounding property prior to any work being commenced. The homeowner may not commence any work on the property until such document is reviewed and approved. Failure to comply with this requirement may result in the imposition of fines and any other action deemed appropriate by the Board.

B. Review Process for landscaping improvements.

- The ARC will issue a written response within 30 days of receipt by the ARC of the Request for Architectural Approval along with any appropriate review fee.

- No reviews will occur without all the required design elements and payment included of all appropriate review fees.
- Plans may require a re-submittal for review.
- Conditionally approved plans will require a written response to the ARC acknowledging comments made and complying with all requirements of the ARC.

C. Completion of landscaping improvements.

- A final installation review will occur to ensure landscaping has been installed in accordance with approved plans.
- Backyard landscape will only be reviewed as it relates to outside visibility and impact. The Homeowner assumes responsibility for hardscape, pool and planting installation consistent with the City of Scottsdale requirements.
- Homeowners are responsible for completing landscaping prior to requesting an installation review. Once the plans are approved, all landscaping must be completed within 90 days of the date of approval. If the homeowner anticipates a longer time will be required, the homeowner must notify the ARC prior to the expiration of the 90 day period. Failure to comply with this requirement may result in the imposition of fines and any other action deemed appropriate by the Board.
- A final inspection with written response will be performed by the ARC within 10 days of request for review.
- Homeowner shall be responsible for notifying their installation professional for items requiring correction.
- Final approval will be by the ARC upon correcting installation review comments with a refund of your escrow retainer.

5.7 Plan Requirements

A. Basemapping

- Generate basemap from plot plans and architectural floor received by builder.
- Include date, scale, north arrow, lot No., and street name.
- Show property line, building envelope, native areas to remain, dedicated NAOS (natural open space) easements, utilities, existing plant material to remain.
- Conditions immediately adjacent to your lot, such as existing plant material to remain, partial footprint of your neighbor's walls, house, and driveway.
- Show the house correctly positioned on the lot, driveways, walks, and any covered patios.
- Builder established drainage routes.
- Proposed patios, pools and hardscape elements.

B. Walls

- All changes in wall directions along rear lot corners shall be achieved thru radius corners. Rectilinear geometry is not acceptable.
- Walls are limited to the building envelope boundary and may not encroach beyond this limit.

- Graphically delineate solid walls, view fence and screen walls.
- The Homeowner/designer is responsible for achieving wall layouts, which conform to local pool requirements, if applicable.
- Maximum height of site walls is 6’.
- Wall color shall match house, theme wall or any other color approved by the ARC.
- Mechanical and pool equipment to be screened with solid masonry wall.

C. Landscape Plan

- Grading /Contouring
- Show or note your grading concepts.
- Grades shall be subtle with 4:1 slopes max. and 6:1 average.
- Grades shall blend into adjacent native areas.
- Abrupt mounding is to be avoided. Direct drainage flows thru soft subtle swales.
- All Finish Grade material shall be noted.
- Raked soils (with no chemical weed control) shall be the finish grade surface within all transition and native areas.
- Semi—private areas are encouraged to be raked soils, however, ¼ decomposed granite material, Madison Gold will be acceptable within these areas.
- Grade offset shall be 1” below curb and walks.

Boulders and Rock

- If boulders are to be utilized they shall be kept away from the streets (10’) and be surface select granite. Boulders shall match native color and character.
- They should be clustered and buried 1/3 deep, within lower lying areas and side slopes. Boulders placed on top of high points will not be acceptable.
- Uniformly spaced rock, delineating areas, is prohibited.
- An overabundance or sporadic “here and there” placement will not be approved.
- River rock “stream beds” will not be approved.
- The engineered drainage will typically not require stabilization through the use of rip-rap or rock. If your lot requires such treatment, rock should be of variable size and located primarily on the side slopes and bottoms of swales to mimic a natural character. To further naturalize the character, backfill 2/3rds depth with native granular soils to help stabilize the rock and soften the visual impact. These treatments will be approved on a case by case basis.

D. Planting

- Provide plant legend keyed to match plans.
- Note that trees will be multi—trunk with upright character.
- Show sizes and quantities for all plants.
- Planting densities shall have one plant per 40 Sq. Ft. average.
- Trees shall be 24” box (minimum) and be planted at one tree per 2,000 square foot minimum. Existing trees, if preserved, can credit lot requirements.
- Planting design in natural and transition areas shall include trees, shrubs, cactus, and

groundcover.

- Draw plants at mature size.
- Select plant material for each zone from the plant list within these guidelines. (See Appendix C) Plants not listed will be reviewed on a case by case basis.
- The primary ground plane plant shall be Turpentine Bush. As a guide, about 30% of all plants in native and transition zones shall be Turpentine Bush.
- It is encouraged that Homeowners select a simplified palette that visually extends the adjacent native plant species, patterns and densities into their yard.
- Select flowering plants for alternating seasonal color displays and textures.
- Planting should be selected and located to screen equipment.
- Applying the approved native seed mix is encouraged within native and transition zones to further restore the desert floor. Note that only the pre selected mix within the guidelines is approved.
- Pre-emergent weed control shall not be applied within native or transition zones or seed mix areas.
- Clearing the natural undergrowth (grasses and small shrubs) within natural areas is prohibited.
- Polyethylene film is prohibited.
- Ornamentation such as driftwood, skulls, wagon wheels, sculpture, etc, is not permitted in front yard areas which are exposed to the street.
- Shrubs & groundcover minimum 20% of the exposed lot.

E. Irrigation

- Homeowners shall irrigate all supplemental plants by an automatic drip (emitter) irrigation system.
- Rear yard irrigation equipment and design is at the Homeowners' discretion.
- All backflow devices shall be installed per local code requirements.
- All valves (including flush end caps) shall be located within a Tan box.
- All valve build-ups including flush cap assemblies shall be located away from the street frontage and visibly mitigated with plant material.
- Designs shall consider appropriate water requirements of plant material and sun exposures.
- Wall mounted equipment is encouraged to be painted to match the wall to which it is mounted.
- Emitter tubing shall be buried and concealed below grade at a minimum of 12".
 - Installation shall recognize good design sense such as locating emission points on the uphill side of plants and away from the roots.

F. Lighting

- Lighting is not required, however if utilized shall be low voltage.
- Submit cutsheets or photos of the fixtures which you propose using.
- Lighting is encouraged to be subtle and avoid delineation or outlining of driveways.
- Consider down lighting in lieu of up lighting of trees within your design solutions to

mitigate upward glare.

- Colored lamps and lenses are prohibited.
- Light sources shall not produce glare onto adjacent properties or streets.
- Softening fixture glare with plants is encouraged.

G. Maintenance Considerations

- It is the homeowners' responsibility to maintain their property. Guidelines are written to provide a seamless transition between lots.
- To further promote and respect the natural character of the community, Homeowners are encouraged to allow plants to naturalize.
- Seasonal pruning to "cut back" plants is allowed to promote fullness the following season.
- Pre-emergent weed control is prohibited within native and NAOS areas and is discouraged within the transition zones of the yard.
- On going raking of the natural desert floor is discouraged. Again, the intent is to naturalize the appearance.

H. Site Walls

The following details and notes are considered standards for wall enclosures along residential units. The intent is to maintain a consistency throughout the community. Additional specifications include the following:

1. Side yard walls shall not be constructed outside the established building envelopes specified on plat map for individual lot.
2. Rear yard walls shall have curvilinear or angled offsets along NAOS areas to avoid square corners.
3. Walls shall be stucco and painted on all sides exposed to open space. Color of masonry walls shall match house.
4. Wall construction shall occur on resident side to minimize disturbance in native area.
5. Walls shall not obstruct drainage considerations thru the site. Verify specific condition on each lot.
6. All wall lay out shall be contained within building envelopes. Refer to plot plan provided by the developer.
7. Native area to be preserved or restored to natural condition following wall construction. Remove all debris, backfill footings and blend with natural grades.
8. Fencing shall satisfy all pool barrier requirements, when they exist.
9. Design of rear yard perimeter fencing is the responsibility of the Homeowner or representative to verify the requirements outlined on plot plan and/or unique conditions encountered on site.
10. Mechanical and pool equipment shall be screened from adjacent resident and/or open space with masonry screen wall.
11. All areas disturbed by wall construction outside rear yard walls shall be re-vegetated.

Landscaping activity which involves a landscaping crew will only be allowed from 7:00 a.m. until 5:00 p.m. Monday through Saturday. Landscaping which begins before or which continues after the approved times will be subject to a fine. No landscaping which involves a crew will be permitted on Sundays or holidays. Holidays include New Years Day, Memorial Day, July Fourth, Labor Day, Thanksgiving Day, Yom Kippur, Christmas Day and Christmas Eve Day. If landscaping is done on a restricted day, a fine will be imposed. The amount of any fines is to be determined by the Board.

SECTION SIX

CONSTRUCTION GUIDELINES

6.0 Construction Regulations

Desert Summit is committed to maintaining the quality of life and security of our residents. As a gated community with privately owned and maintained roadways and infrastructure, we want to make sure you know in advance our expectations for construction projects within our community.

The homeowner will need to provide the following insurance documents prior to commencing work within Desert Summit:

Insurance Requirements:

1. **General Liability Insurance:** Certificate of Insurance naming Desert Summit Homeowner's Association members, owners, managers, heirs and assigns as additional insureds. CG2010(11-85) or equivalent providing ongoing completed operations coverage is acceptable. Such insurance should be endorsed to be Primary and Desert Summit Homeowner's Association insurance non-contributory. General Liability Insurance should have a limit of a minimum of \$1,000,000 per occurrence with a \$2,000,000 aggregate. The requirements for minimum insurance may change. Check with the Association's management company for the most recent insurance requirements.
2. **Automobile Liability Insurance with Liability and Property Damage Limits** of a minimum of \$1,000,000 per occurrence. The requirements for minimum insurance may change. Check with the Association's management company for the most recent insurance requirements.
3. **Worker's Compensation Insurance.**
4. All carriers issuing evidence of insurance should have an A.M. Best Rating of A-VII or better.

If the Homeowner has any questions about insurance, please get in touch with the Property Manager.

During the time you are building in Desert Summit, the following guidelines must be observed:

CONSTRUCTION HOURS: Construction activity will be allowed from 6:00 a.m. until 5:00 p.m. Monday through Saturday. Construction continuing after 5:00 p.m. will be subject to a \$100 per occurrence fine. **FAILURE TO COMPLY WITH THE GUIDELINES AS SET FORTH HEREIN MAY RESULT IN THE IMPOSITION OF FINES AND ANY OTHER ADDITIONAL ACTION DEEMED APPROPRIATE BY THE ARCHITECTURAL REVIEW COMMITTEE AND/OR THE BOARD.**

NO CONSTRUCTION WILL BE PERMITTED ON SUNDAY OR HOLIDAYS. HOLIDAYS INCLUDE NEW YEARS DAY, MEMORIAL DAY, JULY FOURTH, LABOR DAY, THANKSGIVING DAY, YOM KIPPUR, CHRISTMAS EVE DAY AND CHRISTMAS DAY. WORK PERFORMED ON HOLIDAYS OR SUNDAYS WILL BE

AN AUTOMATIC DEDUCTION OF \$500 PER OCCURRENCE FROM THE CONSTRUCTION DEPOSIT.

CONSTRUCTION ENTRANCE: Desert Summit does not have a separate construction entrance. All construction equipment, contractors and material deliveries will be made through the main gate and Jomax and 115th Street. All contractors, sub-contractors and their employees are required to observe the speed limit of 20 miles per hour and the stop signs within the community. Under no circumstances will access to a lot be permitted across vacant lots or NAOS areas. A special gate code should be issued by the owner to the contractors and subcontractors which will allow access from 6:00 a.m. until 5:00 p.m. and this code can be deleted at the completion of the work.

PARKING: Cars, trucks, trailers, construction equipment and machinery, dumpsters and portable toilets must be located on the building site. During hours of construction excess vehicles may be parked on the roadway immediately in front of the building site **ON ONE SIDE OF THE ROAD ONLY**. At no time will any street in Desert Summit be blocked by vehicles, materials or any other object which could stop or delay access by fire trucks, ambulances, services vehicles or residents. No vehicles may be parked on the street over night.

FOOD SERVICE TRUCKS: Food Service Trucks are not permitted within the community.

NOISE: Noise levels must be kept at a minimum. Noise from radios must not be audible from adjoining lots. Offensive language will not be tolerated. Special visits to the construction site by the management company to resolve any complaint from a homeowner will be an automatic \$100 deduction per occurrence from the construction deposit. The owner must also control dust so that neighbors are not inconvenienced by the construction.

CONSTRUCTION SITE: A portable toilet and a metal dumpster will be placed on the lot prior to the start of construction. The dumpster must be emptied on a regular basis and not allowed to overflow. No temporary construction sheds, office trailers or similar facilities shall be permitted during construction. Trash and debris shall be removed from the construction site every evening. If the Association incurs any costs in cleaning up the construction site, said amount will be deducted from the construction deposit.

CONSERVATION OF LANDSCAPING MATERIALS: Owners and builders are advised of the fact that Lots contain valuable native plants and other natural materials that should be protected during construction, including top soil, rock outcroppings and boulders and plant materials. Protected features of the landscape for which removal is prohibited should be marked and protected by flagging, fencing or barriers. The Association may independently flag major terrain features or plants which are to be fenced off for protection. Any trees or branches removed during construction must be promptly cleaned up and removed immediately from the construction site.

OFFSITE MATERIALS: Any rocks, plants, trees , cacti, topsoil or other similar items shall not be removed from the lot without the prior consent of the Association.

Damage and scarring to adjacent lots, streets and/or improvements constructed thereon will not

be permitted. If any such damage occurs, it must be repaired and/or restored immediately at the expense of the owner of the lot. Upon completion of construction, each Owner and Contractor shall clean up the construction site and repair all property which was damaged including but not limited to restoring grades, plants, shrubs and trees as approved or required by the Association and repair all roads, driveways, paths, drains, culverts, ditches, signs, lighting and fencing.

EQUIPMENT CLEANING: Changing oil on any vehicle or equipment or allowing concrete suppliers and contractors to clean their equipment on the site or any other location within Desert Summit will not be permitted.

SITE CLEANLINESS: The general contractor is responsible for maintaining the construction site in a neat and orderly manner during construction. The site must be cleaned at the end of each day and all construction debris, placed in a dumpster and not allowed on the lot or to blow onto the street or adjoining lots. Under no circumstances are fires permitted for the burning of trash or debris. It is the responsibility of the contractor to sweep the street where soil has been tracked onto the street by construction vehicles, workers vehicles, delivery vehicles or washed onto the street by rain.

SPEED LIMIT: The speed limit is 20 miles per hour.

RESPONSIBILITY: It is the responsibility of the lot owner and the general contractor for the communication and observance of these guidelines to their workers, subcontractors and suppliers.

NON COMPLIANCE: In the event of violations or non compliance, the Association reserves the right to make any corrections or assess the general contractor and/or the owner, also informing the lot owner concerning fines/violations against the general contractor for each occurrence. These fines will be deducted from the construction deposit. In the event the general contractor fails to comply and the deposit is depleted, the Association will notify the owner of the owner's responsibilities and the owner will be responsible for the payment of all additional fines.

FAILURE TO COMPLY WITH THE ABOVE REQUIREMENTS WILL RESULT IN THE REVOCATION OF PERMISSION TO ENTER ONTO THE PROPERTY. DESERT SUMMIT OWNER'S ASSOCIATION AND ITS MEMBERS AND RESIDENTS WILL HAVE NO LIABILITY IF YOUR ACTIONS OR FAILURE TO COMPLY RESULT IN REVOCATION OF YOUR PERMISSION TO ENTER.

PRIOR TO THE COMMENCEMENT OF ANY WORK, THE LOT OWNER WILL BE REQUIRED TO SIGN A DOCUMENT STATING THAT HE/SHE HAS READ THESE GUIDELINES AND IS FAMILIAR WITH HIS/HER RESPONSIBILITY IN ENFORCING SAID GUIDELINES.

IF THE HOMEOWNER HAS ANY QUESTIONS AT ALL ABOUT THESE GUIDELINES OR THEIR ENFORCEMENT, PLEASE GET IN TOUCH WITH THE MANAGEMENT COMPANY.

APPENDIX

APPENDIX “A” / Definitions

Capitalized words used within this document shall have the same meanings designated for such words in Article 1 of the Declaration. In addition, the following words or phrases, when used in this document, shall have the following meanings:

Architect is a person appropriately licensed/registered to practice architecture in the State of Arizona.

Builder means a person or entity engaged by Lot Owner for the purposes of constructing any improvement within such Owner’s Lot. All Builders must hold a current Arizona contractor’s license in good standing.

Enclosed Area means any fenced or screened yard area on a Lot.

Grading means any disturbance of the surface of a Lot (except to the extent reasonably necessary for planting of approved vegetation) including any trenching which results in the disturbance, removal of earth, rock or other materials.

E.S.L.O. (Environmentally Sensitive Land Ordinance). See City of Scottsdale guidelines.

Indigenous Species means a species of plant, whether ground cover, shrub, cactus or tree, which is indigenous to the High Sonoran Desert.

Natural Area Open Space (NAOS) means a specific area of the site, which will not be disturbed and will also be dedicated to the City of Scottsdale.

Prohibited Plants means those plants and trees identified on Appendix D attached hereto and any other plants that are prohibited from use by the City of Scottsdale.

Protected Plants means those Indigenous Species of trees or cacti listed in the City’s Native Plant Ordinance No. 455, Article 7, as may be amended from time to time.

Non - Enclosed Area means that part of any Lot excluding the Natural Area Open Space and any area within the building envelope which is not within conditioned space within the interior of the residence or auxiliary building.