

Crestview at Fountain Hills Community Association

Architectural Guidelines & Standards



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Effective Jan. 28, 2021

This edition of the Guidelines and Standards was adopted by the Crestview Committee of Architecture and Ratified by the Board of Directors on January 28, 2021.

Previous versions were adopted in 2006, 2010, 2012, 2013, 2019 and 2020.

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Changes Included in This Publication

Listed below are the items that were changed from the previously published **Architectural Guidelines and Standards** dated May 2, 2019. Changes were approved by the Board of Directors on Oct. 7, 2020 & Jan. 28, 2021.

- a. Any solar panels to be installed within the community must be industry standard black color.
- b. The construction inspections included in section 2.6 of the Guidelines, are renamed, but not increased in number.
- c. A \$500 charge will be applied due to any scheduled inspection of the home or site, which must be rescheduled due to:
 - a. a) the failure of the owner, contractor or agent, as applicable, to show up for inspection, or
 - b. b) the failure of the owner, contractor or agent to provide documentation that would have been required to fully participate in the inspection.
- d. The street in front of each successfully completed and inspected new home will undergo the application of a seal coat by the community paving contractor. The cost of this seal coat shall be the financial responsibility of the homeowner and is anticipated to cost from \$1,000 to \$1,500.
- e. Some housekeeping changes occurred as the term Red Mountain Management has been replaced with Management Company, and any applicable contract information has been updated.
- f. The following application forms have been added to the back of the document.
 - a. New Home or Major Modification Submittal Application
 - b. Modification Application Form

(From time to time, these forms may be revised as costs and contact information may change.)

Crestview at Fountain Hills Committee of Architecture

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SECTION 1.0 INTRODUCTION

1.1 PURPOSE AND APPLICABILITY

Crestview at Fountain Hills is intended to be one of the premier residential neighborhoods in the Fountain Hills area. The area offers exceptional views, steep, rolling topography and natural washes; all complimented by Sonoran Desert vegetation. The design guidelines set forth in this document should be viewed by each owner as their assurance that this special environment will be protected.

Each lot within Crestview at Fountain Hills is unique in terms of its development opportunities and constraints and will require an “individualized” approach in design and construction. It is expected that each residence will be designed to fit the individual features of the lot and that a natural “undisturbed” setting will be the underlying theme for Crestview at Fountain Hills. The purpose of this document is to:

- Describe the design review application and approval procedures of the Crestview at Fountain Hills Committee of Architecture.
- Communicate those specific design and use elements that will create a very unique and desirable residential neighborhood character for Crestview at Fountain Hills.

1.2 USE OF DESIGN GUIDELINES AND STANDARDS

This document is divided into two sections: “Submittal Requirements and Approval Procedures” and the “Design Guidelines” themselves. An Appendix includes an Approved Plant List and the various submittal forms required by the Committee of Architecture. These Guidelines may be amended by the Committee of Architecture from time to time. This publication was last updated on August 18, 2010.

SECTION 2.0 SUBMITTAL REQUIREMENTS AND APPROVAL PROCEDURES

2.1 GENERAL

It is required that lot owners and their architect and/or engineer obtain a copy of the “Conceptual Development Envelope” also known as the “Building Envelope”, for their lot and design their home with the envelope in mind. (see section 4.1)

2.2 PRE-DESIGN CONFERENCE

Prior to investing extensive time and money in the preparation of detailed plans, owners and or designers may find it beneficial to schedule an appointment with the representative of the Committee of Architecture to discuss preliminary concept plans and to identify any unique conditions or issues to be included in the design review submission. The representative can also answer questions about the submittal requirements or process.

2.3 PRELIMINARY SUBMITTAL

These Guidelines and Standards are unique to Crestview at Fountain Hills and the criteria for approval can differ significantly from other areas of Fountain Hills. Therefore, owners or designers may find it advisable to submit a preliminary plan for review prior to any final plans being developed. All lot improvements will require review and approval by the Crestview at Fountain Hills Committee of Architecture.

A preliminary plan need not be elaborate but should include the following information:

- SURVEY of the subject lot with the existing grades shown at 2-foot contour intervals and significant natural features.
- PRELIMINARY SITE PLAN indicating the building envelope, setback lines, floor elevations, all structures including pool/span and deck areas, covered porches/verandas, driveway, and all disturbed areas. This document must be prepared by, and bear the stamp of a certified civil engineer.
- PROPOSED FLOOR PLAN with overall dimensions and square footage listed for each individual level.
- EXTERIOR ELEVATIONS showing maximum building heights for Crestview (24' at front yard set back) and Fountain Hills (30' above grade), and materials used.
- All information shown on the Conceptual Development Envelope provided by the Crestview at Fountain Hills Committee of Architecture.
- Any other details or information that the applicant would like to address on a preliminary basis with the committee, including any anticipated changes in the building envelope.

You should not proceed beyond this point in your planning efforts until you receive written approval of your preliminary plans. This is to your benefit and can result in substantial savings to you in time and expense.

2.4 FINAL SUBMITTAL

Application for final plan review and formal written approval by the Crestview at Fountain Hills Committee of Architecture must be complete before plans are submitted to the Town of Fountain Hills and before any improvements, disturbances, or alternations are made to the lot.

The following items are the minimum requirements for submittal:

- OFFICIAL APPLICATION properly completed and signed and all fees and deposits paid. (See new home compliance deposit, Appendix C)
- "ASSIGNMENT OF AGENT" form, completed, signed and dated.
- "INTENT TO LANDSCAPE" form, completed, signed, and dated.
- SITE/GRADING/DRAINAGE PLAN showing the "Conceptual Development Envelope" proposed grading areas, undisturbed or natural areas, buildings, walls, patios, pools, parking, and other proposed improvements at 1:10 (1" = 10' scale).
- LANDSCAPING PLAN – Landscape plans should specify species and planting size (see approved plant list).

- FLOOR PLANS, ELEVATIONS, and DETAILS for all proposed structures at 1/4" = 1' is desired, but 3/16" = 1' will be accepted if it is the largest scale that can fit onto a 24" X 36" sheet as required by the Town of Fountain Hills.
- **ARCHITECTURAL SITE SECTION** as necessary to demonstrate conformance with maximum height allowances as noted in section 4.7. Such sections to be verified by a civil engineer.
- SPECIFICATIONS describing the following:
 - Exterior site materials (with samples and colors)
 - Exterior building materials (provide samples or pictures of materials)
 - Exterior colors of building materials (provide LRV for paint colors used)
 - Exterior lighting (catalog cut or picture showing size and wattage of bulb or bulbs)
- **CONSTRUCTION TIMELINE** outlining the estimated time to complete construction. Please see section 3.11 for additional information.

Additional drawings as necessary to aid in portraying the planned improvements may also be submitted. The maximum acceptable sheet size for any drawings is 24" X 36".

A digital presentation of all documents noted in this Final Submittal section **must be provided at the time of Final Inspection.**

After approval, any subsequent modifications to the approved building or landscape plans will also require review and approval, and should be submitted on the official modification request form.

Major alterations, or modifications after the home is built, may require a review by the committee's architect. In such situations, a submittal application and fee will be required as if the modification were an initial submittal. Modifications which require a change in the roofline or will result in a major addition of square footage, shall be sent to the architect and will require an application fee.

2.5 APPROVAL AND RESUBMITTALS

All submittals will be reviewed by the Crestview at Fountain Hills Committee of Architecture and the owner will receive a written statement indicating the result of that review. Owners will be informed that their plans have received final approval, preliminary approval, conditional approval, or are rejected. Notice of anything other than final approval will indicate the details of items required before further committee action any take place. Construction may not begin on any improvements until all submittals for that type of improvement have been approved.

Upon receipt of submittal comments, the Owner or Owner's Architect may schedule a meeting with a representative of the Committee of Architecture to review and explain comments in further detail.

2.6 REQUIRED SITE INSPECTIONS

#1 PRELIMINARY INSPECTION:

After formal approval has been received, and prior to actual grading and before a building permit will be issued by the Committee of Architecture, a preliminary inspection must be completed by the official representative of the Committee of Architecture. Such an inspection may be requested by the owner or the owner's agent when the following activities have been completed:

- The conceptual development envelope as well as the major corners of the proposed home must be surveyed and staked. A survey sheet including numbered points corresponding to the stake locations, and signed by a licensed surveyor, must be available for the inspectors.
- A disturbance fence must be placed on the approved disturbance line. The purpose of this fencing is to contain all building activity and to prevent any disturbance of the natural area. Construction access, grading, and storage of construction materials and the disposal of waste construction materials must be contained within this “disturbance envelope”.
- A Contractor Identification Sign, port-a-potty, small trash receptacle and fire extinguisher must be installed on the lot, and not on the sidewalk or street.
- At the time of the inspection, the owner or owner’s representative must meet with the inspector on site to discuss site specific issues and construction rules. The owner or owner’s representative must provide a final set of construction plans, complete with the stamp of approval from the Town of Fountain Hills to the inspector. This set of final plans will be kept in the Association archives for reference during future inspections. The owner is advised that attendance during this inspection by the general contractor, while not required, will help avoid future misunderstandings of construction rules and site-specific issues.

Upon completion and approval of these requirements, the Association will approve moving ahead with grading and other site preparation.

Driving on or storing construction materials outside of fencing, in designated natural areas, on the street or on adjacent lots will not be permitted unless approved in writing in advance by the Committee of Architecture.

#2 RETAINING WALL AND FOOTER INSPECTIONS

Prior to pouring the retaining walls, an inspection must take place. In preparation for the inspection, the contractor must demonstrate the height of the proposed retaining walls per the approved plan by plotting and marking heights on the forms.

To request a retaining wall inspection, the owner or owner’s agent shall request an inspection by contracting the management company prior to pouring the retaining walls or foundation footers. The footers of retaining walls must be visible at the time of the inspection.

#3 FRAMING INSPECTION (State required compliance inspection #1)

When all framing exterior framing has been completed, this state required mid-point inspection must be requested. To request the framing inspection, the owner or owner’s agent shall request an inspection by contracting the management company.

Inspector(s) shall review all elevations for conformance with the approved plans and/or any previously approved modifications of the approved plans. The inspection form shall identify any inconsistency which might lead to withholding of the final compliance bond. However, portions of the compliance bond may later be withheld for items not apparent at the time of the inspection.

#4 FINAL INSPECTIONS (Building) (compliance #2,a)

A final inspection is required when construction on the exterior of the home is complete and **before the disturbance fence is removed**. To request a final inspection, the owner or owner's agent may request an inspection by contracting the management company. A representative of the Committee of Architecture will conduct the final inspection and report that:

- o Construction has been completed satisfactorily, or
- o Further work is necessary before the fence may be taken down, or
- o Further work is necessary, but the fence can be taken down to facilitate landscape work while the final construction work is being completed.

When a final inspection has been completed and no issues are outstanding, a portion of the compliance deposit will be returned to the owner. **The home must pass a final inspection before a certificate of occupancy may be sought from the Town of Fountain Hills. Failure to do so before the C.O. is obtained will result in significant financial penalties, up to withholding of the entire deposit.**

FINAL INSPECTION (Landscape) (compliance #2b)

When the landscape has been completed a final inspection is also required. To request such an inspection, the owner or owner's agent may contact the management company to set up an appointment. When a final landscape inspection has been completed and no issues are outstanding, the remainder of the compliance deposit will be returned to the owner.

FOR CAUSE INSPECTION

Additional FOR CAUSE inspections may be called for by the committee or by the management company when there is cause to believe that the construction is varying from the approved plan, or that a construction rule is being violated. In such cases, a CEASE AND DESIST order may accompany the call for the inspection.

INSPECTION GUIDELINES

The owner or owner's agent shall be invited to attend any compliance inspection.

A copy of the inspection report shall be provided to the owner or owner's agent no later than 5 business days after the first compliance review and no later than 30 business days after the second compliance review. Any compliance deposit refund shall be promptly released to the owner as soon as deficiencies, if any, have been brought into compliance.

CANCELLED OR RESCHEDULED INSPECTION

A \$500 cancellation fee shall be charged for any inspection which must be cancelled or rescheduled due to:

- a. the failure of the owner, contractor, or agent, as applicable, to show up for a scheduled inspection, or
- b. the failure of the owner, contractor, or agent, as applicable, to provide documentation that would have been required to fully participate in the inspection.

SECTION 3.0 CONSTRUCTION RULES

Crestview, while being the location of many construction sites, is also a residential community with an increasing number of residents. The Board of Directors and the Committee of Architecture have adopted some basic construction rules that must be adhered to by all workers at every lot. The rules are designed to maintain the quality living environment, while still accommodating the needs of those who are building new homes.

Violations of these rules will be enforced through the community fines and enforcement policy as adopted and modified from time to time by the Board of Directors. Appeals of any fines may be processed through the community Homeowner Appeal Process.

3.1 CONSTRUCTION HOURS

The Committee of Architecture and the Board of Directors has adopted the regulations found in the Town of Fountain Hills Noise Ordinance as the official guide for construction hours at Crestview. The only exception to regulations is there will be no work on Sundays or holidays (New Year's Day, Memorial Day, Independence Day, Labor Day, Thanksgiving, and Christmas Day) which can be seen or heard from the outside of the structure. The noise ordinance is designed to reduce the impact of noise pollution on neighboring lots and, to that end, identifies specific activities that may take place at different times, on different days and at different times of the year. Owners are encouraged to ensure that their contractor and the sub contractors are aware of the rules and understand that they will be held accountable for any violations of same.

3.2 GATE ACCESS

Construction personnel and delivery services must use the specific gate codes or other specific access information assigned to the lot to which they require access. Because the access process for the community may change from time to time, owners are required to forward any Association communication related to the access process to their general contractor for distribution to those who know.

Posting or publishing of any gate code is a serious violation of the community rules and will be enforced with an immediate fine in accordance with the community enforcement rules and immediate cancellations of said access codes and privileges.

3.3 PARKING

Parking is allowed on one side of the street only! If construction is taking place on lots adjacent to, or across the street from each other, it is the responsibility of the contractors to work out and enforce a parking arrangement that does not block the street.

3.4 TRASH AND CLEANUP

All areas shall be kept free of trash, materials, and waste which can be carried by the wind. The site shall be left in a neat and orderly condition at the close of each workday, with scrap material

and debris disposed of in receptacles, and such receptacles collected and emptied as required to keep materials from overflowing or blowing out.

Hazardous debris and material shall be removed from the site each day, and no hazardous material shall be stored on the site overnight. All receptacles must protect the earth from seepage.

At the time of the preliminary inspection a small covered trash receptacle must be installed for the disposal of casual worker-generated trash. Once the initial site preparation has taken place, and before the time that stem walls are constructed, a larger receptacle must be installed inside the construction fence and must be maintained until the final inspection is complete.

Trash, cartons, wood scrap, empty sacks, broken block and tile and other construction debris must be deposited in dumpster daily.

Empty food containers, papers, wrappers, and drink cans must be deposited in dumpster daily.

All owners must hold their contractors responsible for retrieving any debris/paper or other material which is blown onto adjacent lots. **All refuse containers must be covered.**

No masonry clean-outs are allowed to run into the street or into the gutter drains. All slop must be kept within the disturbance fence and must be cleaned up quickly. Disposal of such material must comply with current EPA regulations.

Dirt, mud and other such material may not be allowed to accumulate in the street or on the sidewalk. Such areas must be cleaned up at the end of each day. If such accumulations are not cleared within 72 hours and Crestview HOA has to resolve the mess owners may be charged for the cost of the clean up.

3.5 MUSIC AND SOUND

The volume control of radios and other devices must be kept down to a level that ensures that the music may not be heard in adjacent homes or construction sites.

3.6 STORAGE AND SIGNAGE

All construction materials and equipment must be stored inside the construction fencing, unless prior written approval has been provided by the Committee of Architecture.

During the time of construction, one general contractor sign, the official town authorized lot information sign and no more than one real estate sign which conforms to the community sign ordinance may be displayed. No subcontractor signs are allowed on the site. See signage section 5.0.

If any construction activity requires on-street storage of material, overnight parking of a delivery vehicle, dumpster or other similar item, the contractor shall seek approval from the HOA or Property Manager before placing such item and shall take such steps as may be necessary to warn drivers of the item stored, including placement of lighted barricades, cones and other traffic control devices or other steps as required by the committee or property manager. Contractors are urged to use similar devices during daylight hours in locations with poor visibility due to hills or curves.

When the use of a crane or other large vehicle to be located on the street is necessary, the contractor must place barricades, traffic cones and other devices at least 50 yards from the crane in either direction. a flag-man is recommended during the time the crane is in place on the street.

If it is necessary for the crane to block the entire street, such placement and blockage may not occur until the owner applies for approval from the HOA and has taken any action required by the HOA.

3.7 NOISE, DUST ABATEMENT

Crestview at Fountain Hills Architectural Committee may enact strict procedures, operational time frames, temporary or permanent, at any time to ensure noise and dust abatement measures are taken by builders or their subcontractors.

3.8 PROTECTION OF NATURAL OPEN SPACE/VEGETATION

All natural areas outside the building envelope shall be protected by erecting a construction fence (chain link) to prevent vehicles, trash or construction staging from occurring outside the prescribed development area. **In the event that a builder or subcontractor damages an area of natural open space, the owner shall be responsible for restoring the damaged area to its original condition prior to final inspection.**

3.9 CONTRACTORS

All contractors shall be properly licensed and bonded with the State of Arizona and shall meet all appropriate legal requirements. Contact information for the general contractor for each site will be provided to the Crestview at Fountain Hills Management Company and shall be updated immediately when changes in the contractor or contact information changes.

3.10 DAMAGE REPAIR

Each owner has the direct responsibility for the control of their contractors and the actions of said contractors. All liability for violations of the Declaration of Design Guidelines caused by general or subcontractors shall rest with the owner.

3.11 CONSTRUCTION PERIOD

Home construction should be completed in accordance with the initial construction timeline (regardless of whether the property is subsequently transferred to any new owner or trustee or whether revised plans are subsequently submitted by the first owner or subsequent owner(s)) and within 24 months from the date of the first preliminary inspection (again regardless of whether the property is subsequently transferred to any new owner or trustee or whether any subsequent inspection is performed). Any anticipated delay and reasons therefore, shall be communicated immediately to the Committee of Architecture, in writing, for the Committee's review and consideration. Unless stated by the Committee of Architecture, in writing, no delay shall relieve the owner or any successor or assignee from fully completing construction of the home within the initial construction timeline and within 24 months from the date of the first preliminary inspection, or relieve any owner, successor, or assignee from fines for violating this Paragraph. Moreover, any unapproved delay shall cause the plan review process to begin again and a new fee to be charged and/or forfeiture of the home compliance deposit.

3.12 MOVE IN

Property Owners who move in to their newly constructed home prior to final inspection and approval by the Committee of Architecture shall be subject to a fine in an amount to be established from time to time by the Board of Directors, but not less than \$5,000.00. A certificate of occupancy issued by the town of Fountain Hills shall not exempt the owner from this requirement. Request for early move-in will be considered by the Committee of Architecture.

3.13 REQUIRED SEAL COATING OF THE STREET

After final inspections (home and landscape) have been completed, and as soon as practical, the HOA will schedule a new seal coat of scarred and damaged street surfaces along the frontage of the completed home. The actual and verifiable cost of the seal coat to be applied by the HOA's street contractor will be charged to the homeowner.

SECTION 4.0 DESIGN GUIDELINES

4.1 CONCEPTUAL DEVELOPMENT ENVELOPE

- A. The "Conceptual Development Envelope" also known as the "Building Envelope" as used in these Guidelines is defined as: that portion of each Lot within which all improvements or alterations to the existing site must be contained. A scale drawing of each lot, clearly defining each Conceptual Development Envelope, may be obtained from the management company or through the Committee of Architecture.
- B. It is intended that unnecessary disturbance of the existing natural environment of a lot should be minimized even within the Conceptual Development Envelope. Walls or fences will not be allowed outside the Conceptual Development Envelope.
- C. The extent of any disturbance within any particular lot is limited by the slope category of the land. Any area within the Conceptual Development Envelope which is 0%-15% slope is allowed 100% disturbance. If the total area exceeds 15% slope, it is allowed to have an additional 15% disturbance. This total disturbance of land over 15% must be transferred to the Conceptual Development Envelope.

4.2 GRADING

- A. The "site/grading/drainage" plan(s) for each lot must be approved by the Committee of Architecture prior to the start of any construction. The plan must show cross sections (see below) if the existing grade differential is four (4) feet or more across the proposed building pad(s). The plan must also show existing grades at two (2) foot contour intervals, proposed finished pad elevation (s), retaining walls with top of wall elevations indicated and all swales necessary for drainage.
- B. The committee also requires a re-vegetation plan for all disturbed areas which abut natural desert vegetation. The requirements for plant materials are outlined in the Appendix. Additional information is also available in the Fountain Hills Grading Guidelines. See section 10.3.

4.3 HILLSIDE OVERLAY ZONING DISTRICT

Those lots or portions of lots in Crestview at Fountain Hills with fifteen (15) percent or more slope are shown on the Residential Unit Plan of Development for Fountain Hills. Development of all building pads and driveways on slopes of fifteen (15) percent or more are subject to the requirements of the Town of Fountain Hills Zoning Ordinance. Copies of Town Ordinances may be obtained at Town Hall; a fee MAY BE required.

4.4 ARCHITECTURAL DESIGN

Homes are to be designed to be compatible with the southwestern Sonoran Desert environment and may take the form of contemporary southwest, traditional southwest, pueblo, territorial or tuscan. Exterior materials of cut stone, quarried stone, cultured stone, stucco, or adobe are encouraged while large expanses of treated wood siding are discouraged as they will not weather well in the desert extremes. Large expanses of retention walls are not permitted and the Committee of Architecture may require alteration of such expanses.

TRADITIONAL SOUTHWEST

A style generally derived from the climactic influences of the desert southwest. Deep roof overhangs, recessed windows, covered patios or porches, sun screens, and trellises typify this orientation. A limited number of exterior materials and muted colors with forms and massing that often reflect a more indigenous design approach to the desert environment are reflective of this style.

CONTEMPORARY SOUTHWEST

Refers generally to the architecture whose form may or may not be historically or stylistically based. Contemporary forms often embrace the exploration of technology and often result in buildings of lighter weight and unusual, non-classical geometries. Contemporary styles unfortunately are often not climatically derived, and, therefore, are often technologically dependent. Contemporary designs can, however, be humanistically sensitive and indigenously structured while exploring non-classical and non-stylistic forms, geometries and spaces, and result, when executed by highly competent designers in compatible, environmentally appropriate architecture.

PUEBLO

A walled architecture simulating the low adobe, flat roofed dwellings of the northern New Mexico Pueblo Indians. Generally characterized by the “Pueblo Revival” building of historical Santa Fe; deep set doors and windows, deep portals or patios, walled entry courts. Almost exclusively post and beam or bearing wall structures, the Pueblo style uses no arches, and incorporates no pitched roofs. Interesting multiple building masses and soft edged smooth stucco are distinctive features of this style.

Contemporary interpretations of this style generally incorporate larger glass areas and higher ceilings. Contemporary versions, however, should not lose the sense of strength and mass of thick adobe walls. Therefore, doors and windows must remain deep set and edges must be radiused.

TERRITORIAL

Generally, a walled architecture simulating the low, flat roofed dwellings of territorial New Mexico. Generally characterized by decorative columns, and wood door and window surrounds. The territorial style uses no arches and incorporates no pitched roofs. Often of stuccoed block or frame construction, the doors and windows are not as deeply set from the outside. The edges and corners are not as soft as in the Pueblo style.

ORGANIC FLOWING SITE-COMPLIANT ARCHITECTURE

This is a class of architecture that incorporates many curvilinear features that give the feeling that the structure flows out of the earth and blends into the surroundings such that the home melds into the environment seamlessly. The design should be elegant and refined

with features that make unique statements and illustrate how we work to live with the natural world.

TUSCAN

Traditionally, the four common building elements that define Tuscan architecture are the use of stone, terracotta pantiles on the rooftop, terracotta or stone tiles on the floors, iron work on the doors, and timber beams.

Plans reflecting the natural topography, area compatibility, and excellence of design are the three criteria that will receive more emphasis in the design review process than adherence to a limited architectural “style”. Well designed contemporary homes that blend with the desert due to their simple low profile and horizontal lines, are acceptable while homes that are “transplanted” from regions with very different environments or styles will be discouraged.

Design excellence will be evaluated by such elements as; topographical/environmental consideration; variety of shapes and wall planes; proportional massing; adequate window articulation, strong entry statements and consistency of design and level of detailing. The architectural character of Crestview at Fountain Hills should reflect the casual elegance of southwestern living. Southwestern architecture is the result of a wide variety of historical and cultural influences ranging from the Mediterranean to Mexico to the pioneering American west.

NOTE: In many instances plans that reflect a single “Finished Floor” level will not be appropriate due to the steep terrain in Crestview at Fountain Hills. Strong emphasis will be placed on plans designed to fit each lot’s natural topography. Un-retained cut or fill slopes are strongly discouraged on any lot in Crestview at Fountain Hills.

4.5 SETBACKS

Building setbacks shall be per approved zoning district. *Typical* setbacks are:
Front 20’ Rear 40’ Street Side Setback 20’ Side Setback 30’

4.6 MINIMUM HOUSE SIZE

Livable area, exclusive of garages, patios, porches, etc., shall be no less than 3500 square feet on the main floor. The “main floor” may consist of different planes separated by a few stairs to accommodate changes in the natural grade.

4.7 BUILDING HEIGHT

Homes within Crestview at Fountain Hills are limited to single story, split level plans or two story with lower level rear elevations that follow the natural topography. Split level plans are defined as no more than 1 ½ stories appearing above adjacent *finished grade* with no single wall plane or ridge line to exceed twentyfour (24) feet.

The height restriction of twentyfour (24) feet against the property will be measured at the center of the front yard setback line and allowing, if built on a stepped-down basis, for a height of no more than thirty (30) feet above the natural grade of the lot at any specific spot. Measurement will be made by measuring a vertical plane from any point on structure to the natural grade point directly below. Submittal of a section view through one of the elevations will help insure verification of heights during the review process.

Finish grade shall be the final elevation of the surface material (soil, paving, or decking) adjacent to the building at the wall plane. This definition does not intend to allow high rise towers or stepped-back roof/wall planes surrounded by low roof structures, or other mechanisms which circumvent the intent of this requirement. Any building design which appears questionable from a building height standpoint is subject to approval by the Crestview at Fountain Hills Committee of Architecture.

4.8 GARAGES

Carports are not permitted and fully enclosed (3 bay minimum) garages will be required on all lots. Maximum height allowed for garage doors is 10 feet. Over-sized garage doors designed for the storage of motor homes or large boats will not be allowed.

Sectional metal roll-up garage doors are preferred, however wood or synthetic doors will be permitted as long as the material can be easily maintained. Re-painting or re-treatment will be required every two years or more frequently as necessary to avoid unsightly appearance or surface deterioration. Garage doors shall be recessed a minimum of 16" from the face of the exterior garage plane or surrounded by a 2" x 8" pop-out and recessed 12".

4.9 ELEVATIONS

All elevations shall continue the design theme; detail requirements are the same for the front, side, and rear elevations. Within the community of Crestview at Fountain Hills all residences shall be designed with "360-degree architecture" as the rule.

- A. Porches and Front Courtyards – At grade porches or entry courtyards are encouraged. A front courtyard is defined by a minimum 3'-0" high perimeter wall and small entry gate. A paved patio area should be incorporated in the courtyard.
- B. Front Doors – Front doors and entry ways shall provide a focal point for the home and be visible from the street if reasonably accommodated. All doors shall be recessed a minimum of 8" and be trimmed with a stucco wrapped 2" x 8" or comparable trim detail. Front doors shall have a minimum level of detail including 6 panel or other level of relief.
- C. Windows – All windows shall be recessed a minimum of 4", or trimmed with a stucco wrapped 2" x 6" or comparable trim detail. Flush windows are not permitted.
- D. Fascias – Fascias shall be a minimum of 2" x 8", or rolled stucco equivalent.

4.10 ROOFS

Roofs must be designed to be compatible with the southwest environment. Mission or concrete tile, concrete shakes, darker "Bermuda" type, or standing seam oxidized (non-reflective) copper or coated steel are preferred materials for pitched roofs. Roof colors will be subject to approval. Flat roofs are to be painted the same color of the house. Maximum slope allowed is 5/12, reflectance shall not exceed 50%. Roof overhangs, if present, shall be a minimum of 36" at the rakes and eaves.

4.11 PARAPETS

Single level parapets are not permitted. Multiple level elevation changes are required.

4.12 MATERIAL PALETTE

Exterior elements and materials chosen should be compatible with one another in an appropriate scale for the building and appropriate to the home's architectural theme and be compatible with the existing neighborhood.

All surface treatments or materials shall be designed to appear as an integral part of the design, and not applied. All materials shall wrap pillars, porches, or balconies in their entirety. Material changes should occur at inside corners. Materials applied to the front elevation shall turn the corner of the structure and shall continue for the length of the building or terminate at a site wall.

A. APPROVED MATERIALS

The following materials are approved for use in Crestview at Fountain Hills (submittals of actual materials or product brochures are required):

Stucco/Synthetic Stucco

“Smooth” steel trowel or light to medium dash finish. Spanish lace and heavy trowel finishes are discouraged.

Masonry

CMU; split face, honed or striated, mortar washed slump block and adobe.

Stone

Stone veneers with honed or natural split finish face finishes.

Wood

Wood may be used in limited applications if properly installed, braced, or bracketed to prevent unsightly twisting or warping. Wood should be used as an accent trim or for trellises and pergolas.

Pre-cast Concrete

Pre-cast concrete elements such as columns, pots, or window sills and lintels are encouraged but must be finished in a manner that compliments the exterior of the home.

Metal

Metal accents such as railings and gates are encouraged if properly prepared (i.e. galvanized or primed and powdered coated to prevent rusting).

Ceramic Tile

Ceramic tile may be used to provide an accent of color to each unit, at the window sill, as an accent above the window or door, on chimneys, or incorporated into the wall elevation.

B. PROHIBITED MATERIALS

Materials that are foreign to the local region or inappropriate to the surrounding project are prohibited. These include mirrored glass, wood siding, cultured marble and other cultured stones, asphalt shingles, wood shingles, metal siding, canvas, or railroad ties. Canvas or fabric awnings must be approved prior to installation by the Committee of Architecture. Unfinished, concrete blocks are also prohibited.

C. SUBMITTAL OF SAMPLES

When applying for approval, examples of all hard materials (pavers, stone, roof tile, landscape lights, etc.) shall be submitted along with the color pallet. Accurate product brochures rather than actual pavers, stone, etc are preferred.

4.13 CHARACTER ELEMENTS AND ARCHITECTURAL DETAILING

A. Chimneys

Chimneys shall be designed to be in scale and proportioned with the architecture of the building. Chimney tops shall incorporate materials consistent with the detailing of the principal elevations. Open screen spark arrestors must be avoided in favor of spark arrestors with metal sides. Chimney detail must be submitted during initial submittal.

B. Trellises and Arbors

Trellises and arbors provide shade and shadow variation on principal elevations. They shall be designed and detailed to maintain their appearance in the desert climate, detailed with blocking and metal fasteners to minimize twisting of wooden members. Construction of these items in metal and powder coated are the preferred materials of construction.

4.14 EXTERIOR LIGHTING GUIDELINES

A. Exterior Lighting

In order to preserve the dramatic views of city lights and the night sky, which tend to be obscured by excessive local lighting, the Committee has established the following guidelines for residential lighting.

All lighting in Crestview shall be consistent with the guidelines below as well as the Town of Fountain Hills Outdoor Lighting Ordinance, Chapter 8. Where any conflict exists between the two documents, the most restrictive guideline or ordinance shall prevail.

B. Landscape lighting

Is defined as lighting mounted on the ground, in trees or on site-walls for the purpose of providing security or decorative accent lighting.

C. Building-mounted lighting

Is defined as lighting built into or attached onto buildings or walls, ceilings, eaves, soffits or fascias for the purpose of providing general illumination, area illumination or security illumination.

D. All exterior light fixtures must be submitted during the Design Review Process for approval before new construction and submitted and approved by the Committee of Architecture prior to installation as part of a modification request.

(a) Landscape lighting must be directed downward onto vegetation or prominent site features such as boulders and may not be used to light walls or building elements. A maximum of two (2) lights with 400 or less lumens are allowed under large twelve-foot (12') canopy trees.

(b) Building-mounted lighting must be directed downward away from Adjacent Lots, Common Areas, streets and open spaces, and may not be used to light walls or building elements for decorative purposes. Downward lighting is defined as light that is cast out the bottom of a fixture, not through the top or sides.

- (c) All exterior lighting fixtures must provide for significant shielding to ensure they are not Visible from Neighboring Properties; no bare lamps will be permitted. All shielding devices must be permanently installed. Recessed lights in exterior soffits, eaves or ceilings shall have the lamp recessed a minimum of three inches (3") into the ceiling and shall be installed at least 24 inches (24") from a wall to prevent wall washing.
- (d) Electric lantern (coach light) light fixtures must provide for significant, permanent shielding to ensure that light sources and lamps are not visible. No exposed bulbs or unshielded glass will be permitted. Building-mounted lighting must be directed downward away from adjacent Lots, Common Areas, streets and open spaces, and may not be used to light walls or building elements for decorative purposes.
- (e) Only bulbs with a maximum of 700 lumens (or other types of lamps and lighting with comparable brightness) will be allowed for exterior lighting unless specific approval is received from the Committee. Low-voltage lighting is required in landscaping, since these fixtures are typically small and can be easily concealed within the native vegetation. Colored lights will not be allowed for exterior lighting.
- (f) Lights on motion detectors for the purpose of security illumination are subject to specific approval of the Committee on a case-by-case basis. If allowed by the Committee, these lights will only be allowed to operate on a motion detector and stay lit for a maximum of twenty (20) continuous minutes. Security lights must still meet the requirements of shielding of the light sources, and the light sources should not be Visible from Neighboring Properties. If problems with these lights occur, the Committee and the Association reserve the right to demand that the fixtures be disconnected. If allowed, care must be taken to avoid setting off the motion detector by the motion of vegetation and the movement of wildlife. These lights will not be allowed to operate for the purpose of general illumination.
- (g) The color of the light fixture and its shield, housing or trim, including exterior soffit lights, shall be compatible with the building color and must meet the Light Reflective Value (LRV) requirements of these Guidelines.
- (h) Miniature lights (i.e.: Christmas lights) are not allowed as exterior or landscaping lighting but may be displayed as temporary outdoor holiday lighting for a reasonable period before a holiday and must be removed within two weeks after the holiday per the requirements of the Town of Fountain Hills ordinance. The same ordinance requires that such lights be minimized after 11 PM.

E. Driveway lighting

The lighting of driveways is strongly discouraged because of the negative visual impact from the overall community and especially as viewed from below. A series of lights up the foothills as viewed from a distance is neither attractive nor desirable to the overall community. If in the opinion of the Committee lights along driveways and parking areas do not create visual concerns, the Committee may approve driveway lights subject to the following criteria:

Pole-mounted or wall-mounted light fixtures may be no higher than eighteen inches (18”) above the driving surface, and the fixtures must be located on the “downhill” side of the drive and aimed toward the “uphill” side of the drive. The light source of all fixtures must be recessed and fully shielded, including any light leak from the top of the fixture. In general, driveway and parking area lights must only light the driveway surface and not retaining walls or landscape.

The spacing of driveway light fixtures shall generally be fifty feet (50’-0”) apart unless otherwise approved by the Committee. Lighting of landscaping or site walls along driveways is not allowed. Due to climatic conditions plastic light fixtures (i.e. “Malibu Lights”) are not allowed. Dark-colored durable metal fixtures are appropriate. Cut sheets and photometric charts for proposed light fixtures for driveways and parking areas must be submitted with the Final Design Submittal.

F. General Lighting Provisions

Landscape lighting or lighting in a front entry courtyard may be allowed on a limited basis with approval of the Committee of Architecture.

G. Nonconforming Fixtures

All outdoor light fixtures existing and fully installed prior to the effective date of effectiveness of this section 4.14 are acceptable until such time that a change in use, replacement, structural alteration, or restoration (after abandonment of outdoor light fixtures) shall be made, at which time the fixture must be brought into conformity with the requirements set forth herein. New owners of each home are required to bring lighting into conformity.

4.15 BUILDING COLORS

- A. Exterior colors should be subdued to enhance the colors of the natural landscape. All colors, including accent colors, if used, must be approved by the Committee.
- B. Reflectivity: Deep, rich colors shall be used to prevent light reflectance of the projects onto the distant view shed. **No color selected shall exceed 40% reflectance.**

4.16 FUNCTIONAL ELEMENTS

All functional elements including those listed below and other similar items must be detailed on plans submitted to the Committee of Architecture.

A. Mechanical Appurtenances

No mechanical appurtenances (air conditioning/heating units, etc.) shall be mounted on or attached to any roof. Air conditioning units must be ground mounted behind a screen wall with the same finish and color as the house and not visible from the street or other primary views, i.e. open space.

B. Vents and Stack Pipes

Stack pipes and mechanical vents shall be limited in number and painted to blend with the roof color. To the greatest extent possible pipes should be clustered and located on the rear side of the roof, or a location out of view.

C. Solar Panels

Roof mounted solar panels must be industry standard flat black. All visible structural support must also be painted flat black except for those items which are stainless steel. Panels must be an integrated part of the roof design and mounted directly to the roof plane or concealed behind a parapet. Roof mounted hot water storage systems shall not be visible from neighboring property or community open space. Solar retrofits, if ground mounted, must be properly screened and approved by the Committee of Architecture.

The following guideline additions & clarifications were approved on February 8, 2010 and were effective immediately upon passage.

1. The installation of solar panels on flat roof areas should be totally enclosed by fascia that has the same color & texture as the roof it is sitting on. If sunlight reflections from the panels could impact on any other Crestview property or home, shielding walls will be installed to block the unwarranted reflections.
2. Solar panels mounted on sloped roofs, should lie in the same plane as the roof. The upper surface should not extend above the other roofing materials by more than 2 inches MAX and preferably no higher than the surrounding roofing materials. If sunlight reflections from the panels could impact on any other Crestview property or home, shielding walls will be installed to block the unwarranted reflections.
3. Reflected light shall be evaluated for light impinging on the panels from daybreak to dusk for all 365 days of the year. The results of this analysis are to be provided to ACC Committee with final plans review. A topographical drawing of properties that possibly may be affected should be provided. A series of drawings of a cone reflected light emanating from the panels as installed should also be provided. This cone of light should keep reflected light at least 30 feet above the building envelope of lots in Crestview.
4. Ground based solar panels shall be fully enclosed, such that no structural supports can be viewed from any location outside the enclosure that will surround this equipment.
5. Hot water storage tanks should NOT be installed on any roof but should be located inside the structure.
6. Photovoltaic systems should have all their controls located in an interior space of the home or next to their electrical power feed panels on the exterior of the property. Their installation should comply with local construction codes of Arizona, Maricopa Co. & Fountain Hills.
7. Changes in the law may require further changes to these guidelines. Please check with the HOA management company for any recent modification to these guidelines before submitting applications of any solar panel equipment.

D. Satellite Dishes

Small satellite dishes only shall be allowed; however, they must be located in the most unobtrusive location which will allow access to the satellite signal. The Committee of Architecture retains the right to require movement of a dish to an alternative location if the original location is objected to by another owner. Cost of such relocations will be paid by the owner of the lot where the satellite dish is located.

E. Antennae

No type of antennae, television, amateur radio, or other which can be seen from another home or the common area shall be permitted with Crestview at Fountain Hills unless approved by the Committee of Architecture. The Committee will consider issuance of a temporary permit for antennas if cable TV service is not available at the time of occupancy. Any temporary permits will expire, and all antennae must be removed, when cable service becomes available.

4.17 WALLS

A. General

Solid walls are prohibited along natural open space. Privacy walls shall not be over 6'-0" and shall, whenever possible, consist of ½ solid and ½ open steel (wrought iron) picket fence view.

B. Perimeter Walls

Perimeter walls on the property line are not permitted. Low patio walls, used to define the edge between the Private Zone and the Natural Area are suggested.

C. Service/Storage Yard Walls

Service yard walls and low patio walls must be finished with the same materials, textures, and colors of the house.

D. Retaining Walls

All fill slopes are to be retained by a wall that may be no more than 6 feet tall. Such walls must be textured, stoned, key stoned and/or and painted to match the house. Any terraced retaining walls must be separated by a distance no less than the height of the tallest wall and be landscaped. Wherever desired for view purposes, site retaining walls shall consist of an open steel (wrought iron) fence above the retaining portion of the wall; maximum of 54" in height. All retaining walls must be approved by the Committee of Architecture. The Committee may require that large expanses of retaining walls be broken up by architecture elements or the application of stone or other such materials.

4.18 MAILBOXES

Mailboxes shall be designed to compliment the architecture of the home. Mailboxes shall sit in, or on, a pedestal constructed of the same material and color used in the body or trim of the home. Mailbox detail must be included with the initial submittal.

**SECTION 5.0
SIGNAGE**

IMPROVED PROPERTY:

On improved property only, a house number, a no trespassing sign, a name sign, a security warning sign and, if a home is for sale or lease, a standard size real estate sign may be installed. (See below)

OPEN HOUSE SIGNS:

One freestanding open house sign not to exceed two (2) square feet may be placed on the property only during the time the home is being shown. Open house signs may not be left overnight between dates of the open houses. Use of signs or other methods to post a gate code to be used to access an open house is a significant violation of the community rules and will result in a significant financial penalty.

CONSTRUCTION PERIOD: (see section 3.6)

During the construction period, the general contractor (no sub-contractors) may install an identification sign that must be removed immediately upon completion. A standard real estate sign may be installed. (See below)

UNIMPROVED PROPERTY:

If an unimproved lot is for sale, one standard real estate sign, as defined below, may be installed. Any for sale by owner signs must be of a standard real estate size and style (see below).

The term "for sale" as used in the policy shall mean the time during which the property is actually for sale. A for sale sign may not be placed on a lot, improved or unimproved, after sale, for purpose of advertising the services of a real estate agent or agency. Any for sale sign must be removed within 3 (three) days of close of escrow.

STANDARD "FOR SALE" SIGN DIMENSIONS:

The standard "for sale" sign dimensions must be consistent with the official Crestview of Fountain Hills Committee of Architecture sign policy. The policy may be obtained from the property management company.

**SECTION 6.0
USE RESTRICTIONS**

VEHICLE PARKING

All automobiles, vans, pick-up trucks, of less than 1-ton capacity, and motorcycles shall be parked in the garage overnight except for passenger vehicles of temporary guests, which may be parked in the driveway but not in the street. A temporary guest is defined as no more than 14 days during any 90-day period.

No mobile home, motor home, trailer, commercial truck with a capacity of 1 ton or more, camper, boat, or other type of recreational vehicle shall be kept, placed, maintained, constructed, reconstructed, or repaired on the property unless parked in a pre-approved location specifically designed, approved and built for such purpose. Minor vehicular repairs may occur only if within the enclosure of the attached garage.

Garage doors shall remain closed at all times when not in use.

TRASH CANS

All trash receptacles are to be removed from the street within 8-12 hours after trash pick-up and stored in the garage or behind a wall and not visible from neighborhood properties.

BASKETBALL HOOPS

Portable basketball hoops only are permitted. When not in use the portable hoop must be stored as to not be seen from other properties within the community.

HOLIDAY DECORATIONS

Holiday decorations are permitted to be displayed 30 days before and after actual date of the holiday. All holiday decorations must be removed from the exterior of the home. (See HOA holiday display policy)

HOME STORAGE CONTAINERS

Permanent, large home storage containers or sheds require prior approval of the Committee of Architecture. Large, temporary storage containers placed on the driveway or street shall be treated like other temporary storage or waste containers and must receive prior approval before being installed. (See section 3)

DISPLAY OF THE AMERICAN AND OTHER FLAGS

A flag pole may be constructed or erected only on the property that is owned by the Lot Owner AND not on the common elements of Crestview. Under no circumstances may the height of the pole exceed the distance between the point of placement of the pole in the yard and the edge of the street or the lot line, nor may it be taller than 30 feet. Flags may be no larger than 4 feet in height by 8 feet in length. As used here-in the term "flag pole" shall mean a pole or staff of wood, plastic, or metal for display of the American Flag or other flags specified by the state legislature, whether such pole or staff is horizontal or vertical, or free-standing or attached to a structure. (See Crestview at Fountain Hills Flag policy for further detail.)

SECTION 7.0

IMPROVEMENTS AND ALTERATIONS

Any reconstruction, renovation or modification of the structure or landscape must receive prior approval of the Committee of Architecture. This includes any modification of a previously approved design. Proposals for such reconstruction, renovation or modification shall be submitted on the approved Association Design Request Form. A small review fee may be charged.

Proposals for major alterations, or modifications of the home, may require a review by the committee's architect. In such situations, a submittal application and fee will be required as if the modification were an initial submittal.

Construction without prior approval will result in penalties as established by the Board of Directors.

Any owner who receives approval for an addition or modification or conducts a major repair will be held to the same construction rules and penalties that apply to construction of a new home. (see Section 3 - construction rules.)

SECTION 8.0

DISCLAIMER

Neither the Crestview at Fountain Hills Committee of Architecture, nor any member of the Committee, third party contractors, nor property management company shall be liable in damages to anyone submitting plans to them for approval or to any other homeowner that may be affected by any actual alterations or improvements, approved or otherwise.

**SECTION 9.0
LANDSCAPING**

Landscape plans must detail the manner in which the plan will coordinate with and complement any adjoining lots or common areas. A smooth transition between lots and common areas shall be insured.

Each lot consists of three landscape zones that must be shown on the submittal. The Street Zone and any disturbed natural areas must be landscaped according to plans submitted at the time of formal submittal. .

1. "Street Zone" – This is the transitional, semi-public portion of the lot consisting of the front and sides of the lot visible from the street. It is intended that the Street Zone have a "semi-manicured, landscaped desert" character using indigenous and/or desert-adapted plant materials. Plants must be either existing vegetation or on the "Approved List". No grass areas will be allowed in the Street Zone or front setback areas.

As a "cleaned up" natural look in the desired landscape theme for Crestview at Fountain Hills lots, with Committee of Architecture approval, the Street Zone may be "dressed" with decomposed granite that blends with the existing soil. Red granite, white rock, dark colored lava rock, or two- tone rock is not permitted. "Natural" rock is encouraged. Only in very difficult slope stabilization circumstances may medium size "natural" rock be used to cover embankments; if it is allowed, it must be heavily planted so that vegetation will grow to cover much of the rock.

2. "Private Zone" – In close proximity to the house itself or the entry and is defined by a wall. The Private Zone is the only portion of the lot where bedding flowers, grass, ornamental shrubs, semi-tropical plants, or other plants will be allowed if they are not on the "Approved List".
3. "Natural Area" – A passive zone to the rear or sides of the house, outside of the Private Zone. This is to be left in its natural desert condition. Natural Area that is disturbed by the installation of utility laterals or construction activities must be restored and revegetated by the owner and must be detailed in the landscape submittal.

All specimen quality plants that are disturbed by development are to be preserved and relocated on site or replaced with alternate plant material of similar type and size.

When the landscaping is complete and ready for inspection, it is the homeowner's responsibility to notify the Committee of Architecture. The committee will conduct the inspection within 7 days of the notification as required in Appendix B.

VACANT LOT MAINTENANCE

Owners are responsible for the ongoing cleanup and maintenance of their vacant lot. Any landscape alteration of the lot or construction thereon that is required to facilitate such maintenance must be approved in advance by the Committee of Architecture.

**SECTION 10.0
ENFORCEMENT**

By submission of plans and specifications to the Crestview at Fountain Hills Committee of Architecture for review and approval, the owner acknowledges the right of the Committee, Board of Directors and/or Ogden & Company, or its successor, to enforce the provisions contained herein.

This includes, but is not limited to, the right of the Committee and/or Ogden & Company, or its successor, to access fines. The Board may seek enforcement through the courts.

APPENDIX A

Crestview at Fountain Hills Approved Plant List

Grasses, Ground Cover, and Annuals:

Botanical Name	Common Name
Baileya Multiradiata	Desert Marigold
Dalea Greggii	Trailing Indigo Bush
Melampodium Leucanthum	Blackfoot Daisy
Oenothera Berlandieri	Mexican Primrose
Stachys Coccinea	Texas Betony
Zauschneria Californica	Hummingbird Trumpet

Trees:

Botanical Name	Common Name
Acacia Constricta	White Thorn Acacia
Acacia Smallii	Desert Sweet Acacia
Acacia Greggii	Catclaw Acacia
Acacia Willardiana	Palo Blanco
Acacia Schaffneri	Twisted Acacia
Celtis Pallida	Hackberry
Celtis Reticulata	Desert Hackberry
Cercidium Floridum	Blue Palo Verde
Cercidium Microphyllum	Foothill Palo Verde
Cercidium Praecox	Palo Brea
Cercidium Microphyllum	Little Leaf Palo Verde
Chilopsis Linearis	Desert Willow
Lysiloma Thornberi	Fern-of-the-desert
Olneya Tesota	Ironwood
Pithecellobium Flexicaule	Texas Ebony
Populus Fremonti	Cottonwood
Prosopis	Chilean Mesquite
Prosopis Velutina	Velvet Mesquite
Prosopis Glandulosa	Texas/Honey Mesquite
Prosopis Pubescens	Screwbean Mesquite

(continued)

Cacti:

Botanical Name	Common Name
Agave	Many species
Carnegiea Gigantea	Saguaro
Echinocereus Grusonii	Golden Barrel
Echinocereus Englemannii	Hedgehog Cactus
Ferocactus Acanthodes	Compass Barrel
Mammillaria Bombycina	Pincushion
Opuntia Violacea	Purple Prickly Pear
Opuntia Basilaris	Beavertail Prickly Pear
Yucca Elata	Soaptree Yucca
Yucca Brevifolia	Joshua Tree
Yucca Baccata	Banana Yucca

Shrubs:

Botanical Name	Common Name
Ambrosia Deltoidea	Bur-sage
Atriplex Leatiformis	Quail Bush
Caesalpinia Mexicana	Mexican Bird of Paradise
Caesalpinia Pulcherrima	Red Bird of Paradise
Caesalpinia Qilliesil	Yellow Bird of Paradise
Cassia Wislizeni	Shrubby Senna
Calliandra Californica	Baja Red Fairy Duster
Calliandra Eriophylla	Fairy Duster
Dalea Pulchra	Pea Bush
Dodonaea Viscosa	Hopseed Bush
Encelia Farinosa	Brittlebush
Fouquieria Splendens	Ocotillo
Hesperaloe Pariflora	Hesperaloe
Justica Californica	Chuparosa
Justica Spicigera	Orange Hummingbird Bush
Larrea Tridentata	Creosote Bush
Leucophyllum Frutescens	Texas Sage or Green Cloud
Leucophyllum Laevigatum	Chihuahuan Sage
Leucophyllum Candidum	Silver Cloud
Penstemon Eatoni	Firecracker Penstemon
Penstemon Parryi	Parry's Penstemon
Penstemon Pseudospectabilis	Desert Penstemon
Penstemon Superbus	Superb Penstemon
Salvia Clevelandii	Chaparral Sage
Salvia Greggii	Autumn Sage
Rhus Ovata	Sugar Bush
Simmondsia Chinensis	Jojoba
Sphaeralcea Amibigua	Globe Mallow
Tecoma Stans	Arizona Yellow Bells

APPENDIX B

Construction Expectations

The Crestview at Fountain Hills Community Association Board of Directors and Committee of Architecture expect that all property owners will manage construction of their homes with respect for other property owners and the community at large. All property owners will be expected to communicate this expectation to their Agent and General Contractor and hold both responsible for certain standards, including those listed below. Included in the standards for General Contractors will be the expectation that the General Contractor shall, in his position as agent of the homeowner, hold each and every employee, sub-contractor, equipment operator, or delivery person to the same standards. Homeowners will be held responsible in all senses for the action or inaction of a contractor, employee, or delivery person who violates any of the standards set forth below.

- ✓ ***Disturbance of Adjacent Lots:*** During the construction period the owner or agent shall require that all contractors, employees, sub-contractors or delivery agents park within the confines of the disturbance fence or in the street without encroaching on any adjacent lot or lot across the street. Any damage to any adjacent lot or lot across the street shall be repaired immediately by the owner or agent and shall be reported to the property manager.
- ✓ ***Trash Pickup:*** During the time of construction, the owner or agent shall take steps to secure all trash collection facilities on the lot. The owner or agent shall require the contractor and subcontractors to routinely police the entire lot and adjacent lots to remove any trash or debris that has blown onto such lots. Unconfined trash and/or construction debris might result in violation warnings and/or fines.
- ✓ ***Damage to Streets, Curbs and Common Elements*** During the time of construction, the owner or agent shall hold the contractor, sub-contractors, and other agents responsible for the ongoing condition of the streets, curbs and other common elements in the community. Material may not be stored for extended periods of time on streets or common areas. **Any such storage will require the prior approval** of the Association and, if any item is approved for overnight placement on the street, such item shall require safety devices such as lighted barricades and traffic cones. (see section 3) Care shall be taken to ensure that streets, curbs, and common elements are not damaged by people or equipment. Any damage that does occur shall be reported immediately to the property manager. Repairs shall be done as quickly as possible and in cooperation with the property manager to ensure that the high standards of the community are met. Owners and agents shall cooperate with the property manager in any insurance claim activities necessitated by damage due to the action or inaction of any contractor, employee, sub-contractor or delivery person.
- ✓ ***Entry/Exit and Construction Hours:*** Crestview has established limitations on the days and hours that construction activities are allowed. Additionally, the community has installed traffic control devices (gates) and entry code regulations. All owners, contractors, subcontractors, delivery agents, and other personnel related to construction will be required to follow the rules related to vehicle access and work hours/days. Construction related entry must be accomplished by using the construction gate code assigned to the specific lot. Tailgating and entry through exits will not be tolerated.

Violations of such rules will result in warnings and/or fines.

APPENDIX C

New Home Construction Compliance Deposit

Compliance Deposit

To ensure compliance with the Crestview at Fountain Hills POA Development and Design Guidelines, including property landscaping, all lot owners are required to deposit with the Association a cashier's check in the amount established by the Board of Directors from time to time, but not less than \$15,000.00. The compliance deposit, along with any non-refundable fees, is required at the time the plans are submitted to the Architectural Committee for approval. The Association will deposit the money into the Association "Compliance Reserve Fund."

A compliance deposit may also be required during the application and review process for major additions or modifications to an existing home or landscape.

Deposit Deductions

The owner is required to get a satisfactory final inspection prior to occupancy. **Failure to get a final Architectural Committee inspection will result in forfeiture of the deposit and may also result in additional fines and penalties.** The landscaping must be completed within the period of time specified in Section 9 of the Design Guidelines. **Failure to do so will result in the loss of the landscaping deposit and may also result in additional fines and penalties.**

A work stoppage of more than 30 days for any reason that has not been approved by the Committee of Architecture will result in forfeiture of the deposit. Approval will not be unreasonably withheld. Re-starting construction after forfeiting the deposit will require submittal of a new deposit.

The Association may deduct funds from the deposit sufficient to cover reimbursement or compensation resulting from damage to common areas. Funds may also be deducted to cover the cost of repair of construction damage to streets, sidewalks and curbs. Any fines and penalties assessed for noncompliance with construction laws and regulations by the lot owner or owner's contractor, employees or agents or any other person working on the construction may also be deducted from the deposit.

Home Inspections

At least two home inspections will take place for the purpose of determining compliance with the HOA guidelines and the approved plans for the construction. (See inspections, Section 2.6.) When the home is complete and ready for inspection, it is the homeowner's responsibility to notify the Committee of Architecture. The committee will conduct the inspection within 7 days of the notification and, if satisfactory, will authorize the release \$10,000.00 of the compliance deposit less any deductions. These funds will be returned no later than **180** days after the committee determines compliance, as required by law.

Please Note: A Certificate of Occupancy issued by the Town of Fountain Hills does not relieve the owner from the responsibility of getting approval from the Association Architectural Committee prior to taking occupancy. (See 3.12)

Conditional Inspection

If the structure is substantially complete with minor exceptions caused by unforeseen delays, the owner may request an inspection with conditions. The Committee of Architecture, **at its discretion**, may inspect the structure and allow occupancy with conditions. These conditions will be clearly noted on the Final Inspection form along with a completion date by which the conditions must be corrected and re-inspected. The owner must sign and date each condition.

The deposit will not be released until all conditions are satisfied. Failure to complete and correct the exceptions by the completion date(s) may result in forfeiture of the deposit. **Please note: Acceptable exceptions do not include things such as paint or other items that may be easily acquired.**

Landscaping Inspection

When the landscaping is complete and ready for inspection, it is the homeowner's responsibility to notify the Committee of Architecture. The committee will conduct the inspection within 7 days of the notification and, if satisfactory, will authorize the release of \$5,000.00 less any deductions. These funds will be returned no later than 30 days after the committee's release.

Appendix D

Illustrations:

Illustration 1 ... Development Envelope

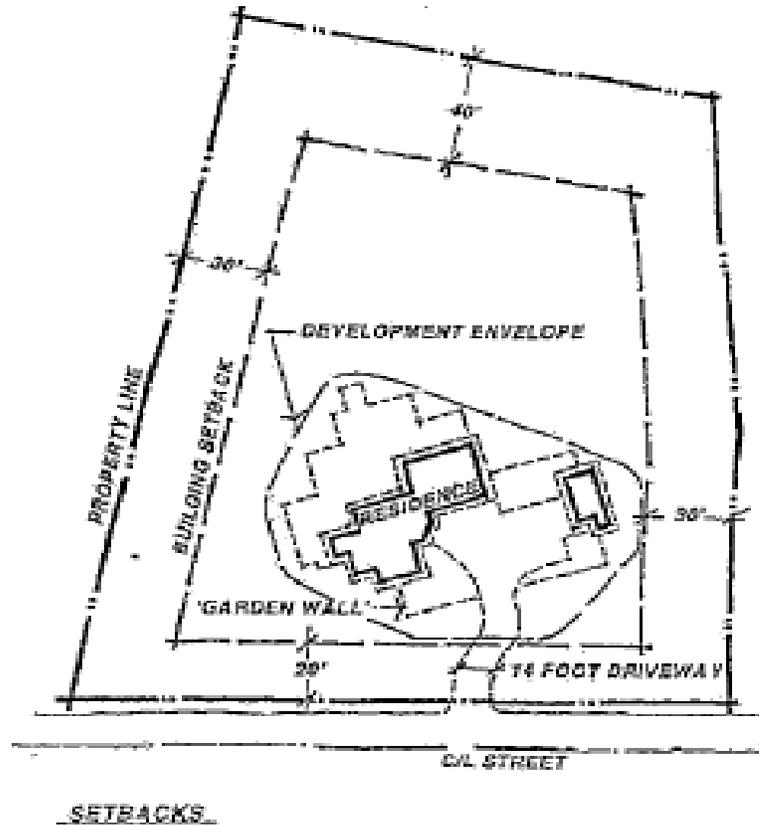


Illustration 2 ... Section View

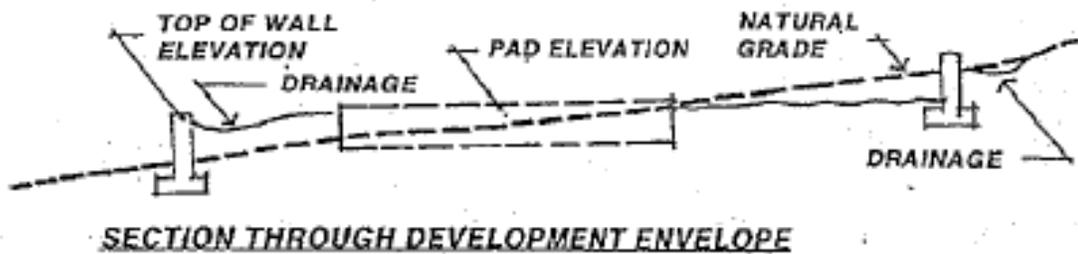


Illustration 3 ... Building Height

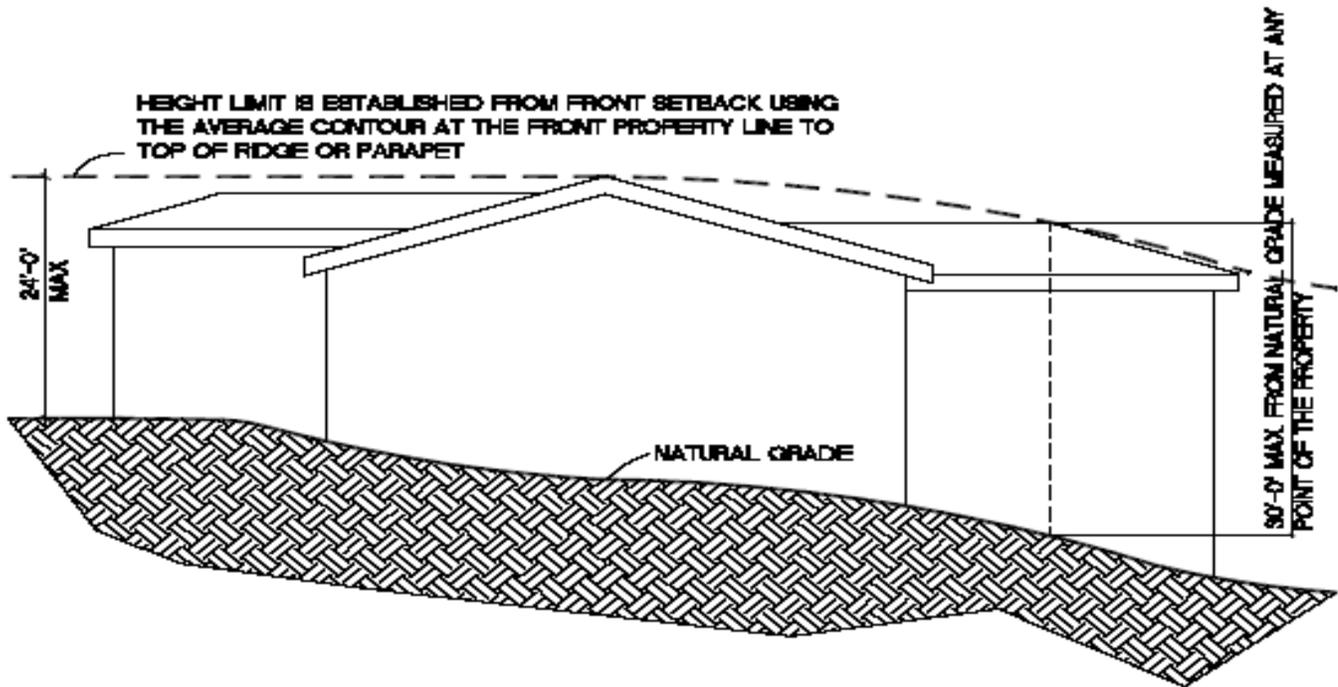


Illustration 4 ... Massing and Character Elements

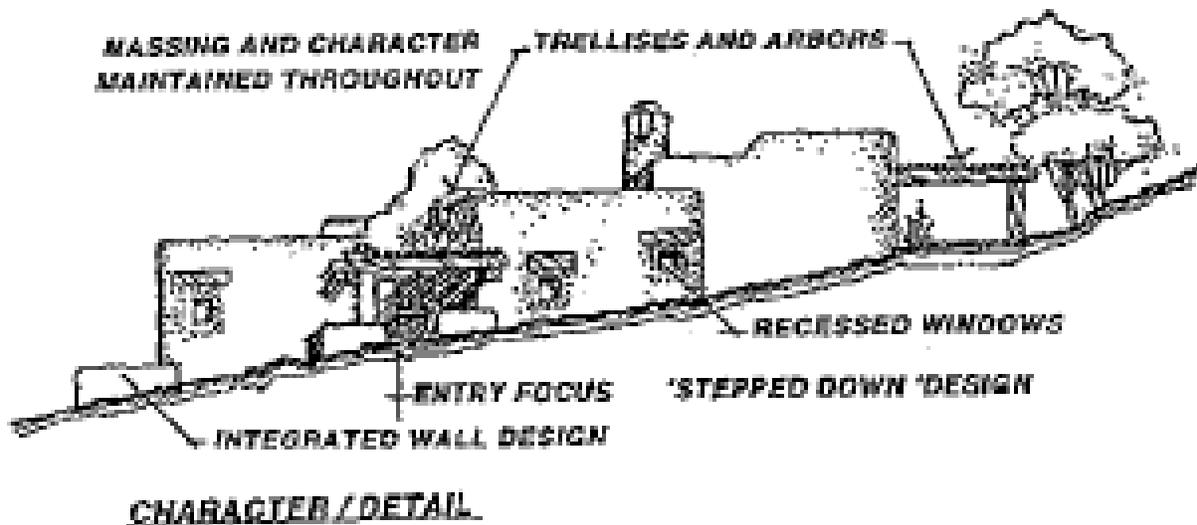


Illustration 5 ... Retaining Walls and View Fence

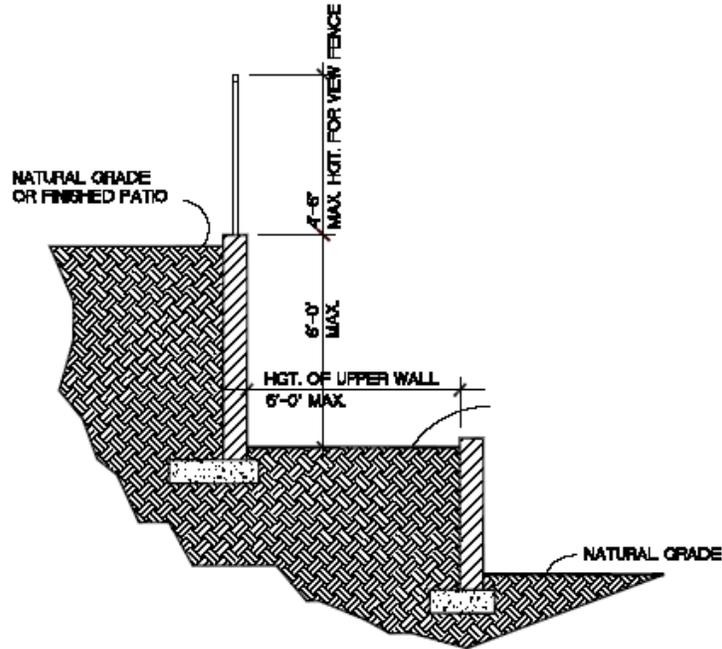
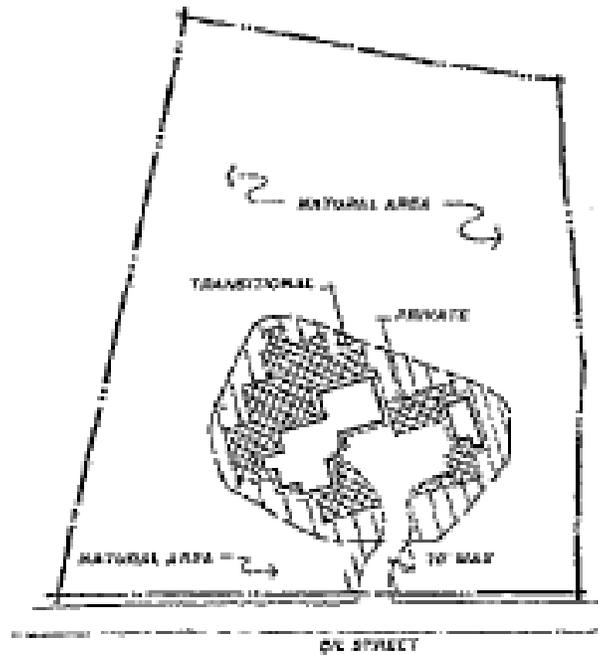


Illustration 6 ... Landscape Zones



LANDSCAPE ZONES

* any portion of development
over top may be maintained
as natural area.

Crestview at Fountain Hills

New Home or Major Modification Design Review Application



Crestview at Fountain Hills Property Owners must complete and return the attached documents prior to construction. **We highly recommend that owners receive preliminary approval from the Committee prior to seeking a building permit from the Town of Fountain Hills.** Failure to receive approval prior to commencement of any construction phase (including construction of a fence) will result in an immediate fine and a **cease-and-desist** demand.

At the time of submittal, the following are required:

- ❖ Application for Plan Review (see pages 3 and 4)
- ❖ Appointment of Agent Letter (see page 5)
- ❖ Intent to Landscape Letter (see page 6)
- ❖ Anticipated construction timeline (see section 3.11 of the guidelines)
- ❖ Site plan, including all specifications listed (digital copy and 1 paper copy)
- ❖ Complete set of blueprints, including site sections (digital copy and 1 paper copy)
- ❖ Landscape plan with planting zones (digital copy and 1 paper copies)
- ❖ Product brochures or actual samples of the following, if applicable:
 - Roof tiles
 - Pavers
 - Stone
 - Exterior lighting
 - Color samples with LRV
- ❖ **Non-refundable application fee of \$4,500.00**
- ❖ **Refundable compliance bond of \$15,000.00**
(Checks must be written to Crestview at Fountain Hills)

Completed applications must be submitted **in person** to the appropriate person at Ogden and Company. **To set an appointment for submittal of your plans, please call:**

Crestview At Fountain Hills Community Manager
Ogden and Company
1901 E. University Dr. #440
Mesa, AZ 85203
480-396-4567

GENERAL INFORMATION

1. **DO NOT SUBMIT PLANS TO THE TOWN OF FOUNTAIN HILLS BEFORE SUBMITTING AND RECEIVING APPROVAL FROM THE CRESTVIEW COMMITTEE OF ARCHITECTURE!** Doing so may result in extensive costs related to revisions or compliance with community restrictions.
2. **Applications must be delivered in person** to the Property Manager at Ogden and Company. To schedule an intake appointment, call RMM at 480-396-4567.
3. Please **submit one** set of plans and one digital representation. A scale model or software generated illustration can also be submitted and might be helpful to the committee as the plan is reviewed.
4. The **owner shall designate** himself, his builder, his architect, his engineer, or his agent as the coordinator for the project. The submittal documents must include an agent authorization form signed by the owner at the time of formal application.
5. The **Committee will not accept an application until all the required information is submitted** and the application meets the requirements of the Declaration of Reservations and Guidelines, where applicable, in every way.
6. The Committee's **approval/permit is for a period of 6 months** unless the Committee grants another period of time. If construction has not begun within 6 months of the date of approval, re-submittal shall be required.
7. The **decision of the Committee shall be final** unless, within 15 days from the date of the Committee decision, the applicant appeals the decision through the Crestview HOA appeal process.
8. **Owners or their agents shall be invited to attend the meeting where final approval is considered. Afterward, the owner's will be informed in writing that their plans have received final approval, preliminary approval, conditional approval, or are rejected.**
9. **A soil test is strongly recommended.** In areas of expansive soil, special design attention must be given to foundations, landscape irrigation, and final lot drainage.
10. The **construction fence must be placed** in the appropriate location to denote the disturbance area. The fence must be no more than 6 feet from the footprint of the construction.
11. All site plans must have a **cut and fill calculation** on the site plan. If you are exporting dirt, remember that there are no locations within the town of Fountain Hills for dumping.
12. Homes designed for construction on lots purchased on or after January 1, 2007 must include **at least 3,500 square feet on the main level.** This standard is highly recommended for those who purchased prior to January 1, 2007.
13. Any **costs related to any stop order** will be deducted from the compliance deposit.
14. During construction, **only one contractor sign** may be posted. Read section 5.0 of the design guidelines for more information about signage.
15. Please carefully read all information about **construction expectations and compliance deposit.** Make sure all contractors and agents know about these important items.
16. **Filing fees:** \$4,500.00 includes initial review and two re-submittals. \$1,000.00 for each re-submittal thereafter. Compliance deposit of \$15,000.00 is also required. Checks must be made payable to "Crestview at Fountain Hills."

Application for Plan Review - page 1

Received By: _____	Date: _____
--------------------	-------------

Lot #: _____ **Project Address:** _____

Owner: _____ **Phone #1:** _____ **Phone #2:** _____

Mailing Address: _____

_____ **e-mail** _____

General

Contractor: _____ **e-mail** _____

Contractor License #: _____ Contractor fax# _____

Contractor Phone #1: _____ Contractor Phone #2: _____

Architect/Designer: _____ Phone: _____

Landscape Architect: _____ Phone: _____

Any alteration or modification to the approved plans that alters the look or affects grading and drainage, design, materials, or colors **must be reviewed and approved by the Crestview At Fountain Hills Committee of Architecture** prior to implementation.

By submitting this plan, I/we agree that I/we will not bring action or suit against the Crestview Board of Directors or Committee of Architecture, member thereof, or any employee to recover damages related to the processing or results of this application process.

Disclaimer: No member of the CRESTVIEW AT FOUNTAIN HILLS Committee of Architecture shall be responsible in any way for any defects in any plans and /or specifications submitted in accordance with the rules and regulations of the Committee, nor for any structural defects in any building or structure erected according to such plans and specifications.

(Owner Signature)

(Applicant's Signature)

I acknowledge that I have received a copy of the Development Envelope Site Plan for this lot and that I have in my possession copies of the CC&Rs and the Design Guidelines for **Crestview At Fountain Hills.**

(Owner Signature)

Final Review ... Committee Action	
Application was reviewed on _____	
<input type="checkbox"/> Approved <input type="checkbox"/> Rejected <input type="checkbox"/> Approved with conditions.	
Rejection or conditional approval notes:	

Signature of Committee Chair	Date

Application for Plan Review - page 2

Specifications:

1. Percentage of lot coverage (footprint of house divided by square footage of lot) _____ %
2. Total square footage: Livable _____ Total under roof _____
3. Livable square footage on main level _____
4. Driveway surface material _____
5. Window frame color (bronze or painted wood) _____
6. Exterior body color _____ Brand _____
Paint color LRV (light reflectance value 40% maximum) _____
7. Trim color _____ Brand _____
Paint color LRV (light reflectance value 40% maximum) _____
8. Flat and/or pitched roof? _____
Roof material and color _____
9. Fascia dimensions _____ Materials _____
10. Support post and /or column sizes (all sides) _____

Site Plan and Blueprint Check List: (check plans for compliance with the following before submittal.)

- Site Plan must include existing grade, all finish grades, curb lines, vegetation proposed, and other items in accordance with the Fountain Hills grading plan.
- Site plan must include setbacks, conceptual development envelope, dimension lines from property line to structure on all sides and show cross sections through property.
- Rectangular or square spark arrestor or design cap (required if zero clearance fireplace is proposed).
- Window treatment must be shown for all sides of house.
- Retaining wall/fence location and heights must be shown.
- Air conditioner/cooler location - show slab and screen-wall on site plan, foundation plan and elevations.
- Solar panel placement and screening must be shown on elevation.
- Mailbox design must be included and location must be shown on site plan or landscape plan.
- Landscape plan must show locations of all three planting zones.

Owner or Agent Signature

Date

Appointment of Agent

I, (We) am the owner of the following described property, which is the subject of the Crestview at Fountain Hills Declaration of Reservations, of which I/we hereby acknowledge content and validity.

Lot #: _____ Fountain Hills, Arizona

I/we hereby appoint _____ as the Agent for all purposes and matters reasonably related to the construction of a home on the above property. The contact phone number for such agent is _____.

I/we inform and assure the Committee that I/we will comply with all applicable Town of Fountain Hills Building Codes as a guide to sound construction and electrical and plumbing installation practices.

I/we inform and assure the Committee that I/we have received a copy of the *Design Guidelines and Construction Expectations* and will hold our contractors and all other agents responsible for compliance with said expectations. The agent named above is familiar with and shall have authority and responsibility to enforce compliance with, the Crestview at Fountain Hills Construction Rules and Expectations. Should there be a change in agent, I/we will immediately inform the Committee and will submit a new Appointment of Agent form.

Further we understand that construction must begin within the timeline specified in our proposed construction timeline and must be completed within 24 months from the date of the preliminary inspection. (See section 3.11 of the Guidelines.)

I/we further assure the Committee that I/we have consulted Architects and Engineers as I/we deem appropriate, and I/we release the Committee of all liabilities for failure or deficiencies in the construction that may be approved by the Committee.

I/we agree that plans and specifications submitted, as part of the application, will not be amended without approval from the Committee. The finished structure will be what such plans and specs represent, and I/we will contact the Committee for a final inspection prior to seeking a Certificate of Occupancy. I/we understand that failure to do so may cause the forfeiture of all or a portion of the compliance deposit.

Owner Name (Print): _____

Owner Signature: _____ **Date:** _____

Agent Acceptance:

By signing below, I accept the duties and responsibilities noted above.

Agent Signature: _____ **Date:** _____

Letter Of Intent To Landscape

Lot # _____, Fountain Hills, Arizona.

I/we, as the owner of the lot listed above, hereby acknowledge that the landscaping plan submitted as a part of the formal application is an integral part of the overall approval process, and hereby agree to complete landscape construction within 6 months of the final home inspection.

I/we understand that the disturbance fence may not be removed for the purpose of landscape construction without the prior approval of the Committee of Architecture.

I/we also agree, in the event that said property is sold or transferred prior to the installation of the approved landscaping, to notify the new owners of this obligation.

I/we understand that it is the intent of the Crestview at Fountain Hills Committee of Architecture to strictly enforce this agreement and any failure to complete the approved landscaping within the agreed time period will constitute a violation of the Declaration of Reservations.

I/we understand that a final inspection of the landscape by a representative of the Committee is required. Failure to successfully complete such an inspection may result in the forfeiture of all or a portion of the landscape portion of the compliance deposit.

Owner Name (Print): _____

Owner Signature: _____ **Date:** _____

NOTICE

Inspections Required (See section 2.6 of the guidelines.)

The Crestview at Fountain Hills Design Guidelines require the following inspections. It is the responsibility of the owner or owner's agent to contact the Property Manager to schedule each inspection. Details of the requirements for each inspection are found in the Design Guidelines.

Preliminary - Construction Fence and Survey Inspection

This inspection will be conducted after the lot has been surveyed, the disturbance fence is installed, and all required ancillary items are installed on the lot. The owner or agent and the general contractor are expected to attend this first inspection.

Retaining Wall and Footer Inspection

This inspection will be conducted when the forms for the retaining walls have been constructed and before any fill material has been placed. The footers for the retaining walls must be visible for proper measurement during the inspection. The contractor is expected to attend this inspection.

Framing Inspection (COMPLIANCE)

This inspection will be conducted after the framing has been completed. This is a compliance inspection and is intended to identify any items which might not conform with the approved plans, therefore resulting in withholding of money from the Compliance Bond. The owner or agent and the general contractor are expected to attend this inspection.

Final Inspection (COMPLIANCE)

This inspection will be conducted at the time that all aspects of the exterior of the home have been completed, and before the disturbance fence has been removed. *This inspection must be completed before the home can be occupied.* Failure to complete this inspection before moving in may result in forfeiture of the compliance bond. The owner or agent and the contractor are expected to attend this inspection.

Landscape Inspection (COMPLIANCE)

This inspection will be conducted after the landscape has been completed. The inspection is often conducted at the same time that the Final Inspection occurs, but may be scheduled to occur later. The owner or agent is expected to attend this inspection.

Optional Inspection

The owner or agent might want to require painting of a color sample on the exterior of the home and then call for a compliance inspection before the paint is applied.

INSPECTION GUIDELINES

The owner or owner's agent shall be invited to attend any compliance inspection. A copy of the inspection report shall be provided to the owner or owner's agent no later than 5 business days after the first compliance review and no later than 30 business days after the second compliance review. Any remaining compliance deposit refund shall be promptly released to the owner as soon as deficiencies, if any, have been brought into compliance.

Compliance Deposit

As noted in Appendix C of the Crestview at Fountain Hills Design Guidelines, a Compliance Deposit in the amount of \$15,000.00 is required for all new home construction. A bond will also be required for any major modification. The bond will be held until the time of a successful final inspection of the structure. At that time, if no deductions have been made from the bond, \$10,000.00 will be refunded. After a successful final inspection of the landscape construction, the final \$5,000.00 will be refunded.

Owner or agent must retain one copy of this document and provide the second copy to the general contractor.

Construction Expectations

The Crestview at Fountain Hills Community Association Board of Directors and Committee of Architecture expect that all property owners will manage construction of their homes with respect for other property owners and the community at large. All property owners will be expected to communicate this expectation to their Agent and General Contractor and hold both responsible for certain standards, including those listed below. Included in the standards for General Contractors will be the expectation that the General Contractor shall, in his position as agent of the homeowner, hold each and every employee, sub-contractor, equipment operator, or delivery person to the same standards. Homeowners will be held responsible in all senses for the action or inaction of a contractor, employee, or delivery person who violates any of the standards set forth below.

- ✓ **Disturbance of Adjacent Lots:** During the construction period the owner or agent shall require that all contractors, employees, sub-contractors or delivery agents park within the confines of the disturbance fence or in the street without encroaching on any adjacent lot or lot across the street. Any damage to any adjacent lot or lot across the street shall be repaired immediately by the owner or agent and shall be reported to the property manager.
- ✓ **Trash Pickup:** During the time of construction, the owner or agent shall take steps to secure all trash collection facilities on the lot. The owner or agent shall require the contractor and subcontractors to routinely police the entire lot and adjacent lots to remove any trash or debris that has blown onto such lots. Unconfined trash and/or construction debris might result in violation warnings and/or fines.
- ✓ **Damage to Streets, Curbs and Common Elements** During the time of construction, the owner or agent shall hold the contractor, sub-contractors, and other agents responsible for the ongoing condition of the streets, curbs and other common elements in the community. Material may not be stored for extended periods of time on streets or common areas. **Any such storage will require the prior approval** of the Association. Care shall be taken to ensure that streets, curbs, and common elements are not damaged by people or equipment. Any damage that does occur shall be reported immediately to the property manager. Repairs shall be done as quickly as possible and in cooperation with the property manager to insure that the high standards of the community are met. Owners and agents shall cooperate with the property manager in any insurance claim activities necessitated by damage due to the action or inaction of any contractor, employee, sub-contractor or delivery person.
- ✓ **Entry/Exit and Construction Hours:** Crestview has established limitations on the days and hours that construction activities are allowed. Additionally, the community has installed traffic control devices (gates) and entry code regulations. All owners, contractors, subcontractors, delivery agents, and other personnel related to construction will be required to follow the rules related to vehicle access and work hours/days. Construction related entry must be accomplished by using the construction gate code assigned to the specific lot. Tailgating and entry through exits will not be tolerated.

Violations of such rules will result in warnings and/or fines.

Posting or publication of a gate code will result in an immediate fine of \$100.00.

Crestview Modification Request Form

(To be used for any alteration, addition or modification to structure of landscape as required by CC&Rs.)

Name: _____ Date: _____ Unit #: _____

Signature of Owner: _____

Mailing Address: _____ E-mail _____

Daytime Phone: _____ Alternate Phone: _____

Requesting Approval of: _____

Type of Material (attach samples/pictures/brochures where applicable): _____

Colors to be used (attach samples/pictures/brochures where applicable): _____

Estimated Date of Completion: _____

Read and Initial all items below:

- Submittal must include a plat plan indicating location of requested alteration and all applicable measurements and/or dimensions.
- Applications will not be considered if filed by owners who are delinquent in payment of fees, fines or other charges.
- Incomplete submittals will be denied.
- No construction materials may be placed in the street without express written approval by the HOA.
- Homeowner agrees to comply with all applicable city and state laws, and to obtain all necessary permits.
- Approval by the Committee of Architecture shall not be deemed a warranty or representation as to the quality of such construction, installation, addition, alternation, repair, change or other work, or that work conforms to any applicable building codes or other federal, state or local law, stature, ordinance, rule or regulations.
- Architectural Design request will be reviewed within 30 days.

Please send completed form to:

Crestview Committee of Architecture - c/o Ogden and Company

1901 E. University Dr., Ste. 440, Mesa, AZ 85203, or by e-mail to rileyw@ogdenre.com, or by fax to 480-396-6966

Space below is for committee use

Request received by _____ on _____.

Request was reviewed by the Committee of Architecture _____ and is:

Approved: _____ Denied: _____ Conditionally Approved: _____

COMMENTS: _____

Architecture Committee: _____

(Signature of committee representative)