

# MERIT CROSSING HOMEOWNERS ASSOCIATION

## ARCHITECTURAL COMMITTEE GUIDELINES

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SCOTTSDALE, ARIZONA

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# Contents

DEFINITIONS .....	iv
1. FORWARD.....	1
2. GOVERNING REGULATIONS.....	1
3. DESIGN PHILOSOPHY .....	2
4. ARCHITECTURAL COMMITTEE .....	<b>Error! Bookmark not defined.</b>
4.1 PURPOSE.....	2
4.2 MEMBERSHIP .....	2
4.3 APPOINTMENT OF MEMBERS.....	2
4.4 RESIGNATION OF MEMBERS .....	3
4.5 DUTIES .....	3
4.6 MEETINGS.....	3
4.7 COMPENSATION .....	3
4.8 AMENDMENT OF ARCHITECTURAL COMMITTEE RULES.....	3
4.9 NON-LIABILITY .....	4
4.10 ENFORCEMENT .....	4
5. MERIT CROSSING DESIGN REVIEW PROCESS.....	5
5.1 DESIGN TEAM .....	5
5.2 PRE-DESIGN MEETING .....	5
5.3 DESIGN DEVELOPMENT .....	6
5.4 CONTRACT DOCUMENTS (APPENDIX F).....	8
5.5 BUILDING PERMIT.....	9
6. SITE DESIGN RULES .....	10
6.1 GENERAL DESIGN CONSIDERATIONS.....	10
6.2 DRIVEWAYS.....	10
6.3 GARAGES AND PARKING SPACES.....	10
6.4 FENCES AND PRIVACY WALLS.....	11
6.5 SWIMMING POOLS AND TENNIS COURTS .....	11
6.6 SIGNS .....	11
6.7 EXTERIOR LIGHTING.....	12
6.8 NATURAL WASHES.....	12
6.9 DRAINAGE.....	12
6.10 PET CONTROL.....	12
7. DESIGN INTENT .....	13
7.1 GENERAL DESIGN CONSIDERATIONS.....	13
7.2 BUILDING HEIGHT.....	13
7.3 HOME SIZE .....	14
7.4 MATERIALS- EXTERIOR SURFACES .....	14
7.5 ROOFS.....	15

7.6	DOORS AND WINDOWS .....	15
7.7	UTILITY AND METER CONNECTIONS AND TREATMENT .....	15
7.8	ANTENNAE AND SATELLITE DISHES .....	16
7.9	COOLING AND HEATING EQUIPMENT .....	16
8.	LANDSCAPE RULES .....	17
8.1	GENERAL DESIGN CONSIDERATIONS.....	17
8.2	IRRIGATION .....	17
8.3	MAINTENANCE .....	17
8.4	REVEGETATION .....	17
8.5	GRADING, SITE DRAINAGE AND HYDROLOGY .....	18
9.	CONSTRUCTION REGULATIONS .....	19
9.1	CONSTRUCTION AREA .....	19
9.2	IMPROVEMENT SURVEY.....	19
9.3	CONSTRUCTION ACCESS .....	19
9.4	CONSTRUCTION TRAILERS OR TEMPORARY STRUCTURES .....	19
9.5	STORAGE OF CONSTRUCTION MATERIAL AND EQUIPMENT .....	20
9.6	DAILY OPERATION.....	20
9.7	BLASTING.....	20
9.8	RESTORATION AND REPAIR .....	20
9.9	DUST AND NOISE CONTROL.....	20
9.10	EXCAVATION .....	21
9.11	DEBRIS AND TRASH REMOVAL .....	21
9.12	VEHICLES AND PARKING .....	21
9.13	PORTABLE TOILETS .....	21
9.14	SIGNAGE .....	22
9.15	FIRE EXTINGUISHER.....	22
9.16	FLAMMABLE ITEMS.....	22
9.17	PETS .....	22
9.18	FIREARMS.....	22
9.19	UTILITIES.....	22
9.20	FINES.....	23
APPENDIX A	MERIT CROSSING PRE-CONSTRUCTION CONFERENCE CHECKLIST .....	24
APPENDIX B	APPROVED PLANT LIST .....	25
APPENDIX C	PROHIBITED PLANT LIST .....	28
APPENDIX D	REQUEST FOR PRE-DESIGN CONFERENCE .....	29
APPENDIX E	APPLICATION FOR DESIGN DEVELOPMENT SUBMITTAL .....	30
APPENDIX F	APPLICATION FOR CONTRACT DOCUMENTS - FINAL SUBMITTAL.....	31

## DEFINITIONS

Unless the context otherwise specifies or requires, use of the following words or phrases when used in these Architectural Committee Rules shall have the following meanings:

**Architect** - A person licensed to practice architecture or landscape architecture within the state they are practicing.

**Architectural Committee (the Committee)** - The Committee appointed by the Declarant or the Homeowners' Association as described in the Covenants, Conditions, and Restrictions (CC&R's) of the Committee. The Committee shall review and either approve or disapprove proposals and/or plans and specifications, construction, exterior additions, landscaping or changes and alterations.

**Architectural Committee Guidelines** - The restrictions, review procedures and construction regulations adopted and enforced by the Committee as set forth in this document and as amended from time to time by the Committee.

**Association** - The term Association shall mean and refer to the Merit Crossing Homeowners Association, an Arizona non-profit mutual benefit corporation, and its successors and assigns.

**Board** - The term Board shall mean the Board of Directors of the Association.

**Building Envelope** - The portion of a Homesite which encompasses the area in which all improvements must be built as specified on the Master Plan.

**Contractor** - A person or entity engaged by an Owner for the purpose of constructing any improvement with the Project. The Contractor and Owner may be the same person or entity.

**Declarant** - means GLAZ Corporation.

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

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

**Homesite** - The term Homesite shall be those parcels of land, together with any appurtenances, described as Homesites (Lots) on the subdivision map.

**Improvement** - Any changes, alterations, or additions to a Homesite including any excavation, fill, residence or buildings, outbuildings, roads, driveways, parking areas, walls, retaining walls, stairs, patios, courtyards, hedges, fences, signs and any structure of any type or kind.

**Member** - The term Member shall mean and refer to every person or entity who is an owner as defined below. Membership shall be appurtenant to any, and may not be separated from, ownership of any Homesite.

**Natural Area** - That portion of the Homesite which lies outside the Building Envelope.

**Owner** - The term owner shall mean the record Owner of any Homesite or Homesites as shown on the official records of the Maricopa County, Arizona Recorder. The owner may act through an agent provided that such agent is authorized in writing to act in such capacity.

**Residence** - The building or buildings, including any garage or other accessory building, used for residential purposes constructed on a Homesite, and any improvements constructed in connection therewith.

**1. FORWARD**

The following Architectural Committee Rules have been created to ensure that all improvements at Merit Crossing will preserve the natural beauty of the existing landscape, maintain a unified design theme and protect property values. The Architectural Committee Rules extend to such matters as height, color, massing and building materials.

These Rules are supplemental to the Declaration of Covenants, Conditions and Restrictions (CC&R's) for Merit Crossing first recorded on June 16, 1999 in Maricopa County, Arizona. The Architectural Committee Rules are to be used by all Homesite owners ("Owners") who are involved in any new development, additions, landscaping, or changes and alterations at Merit Crossing. The Rules will be administered and enforced by the Architectural Committee (the "Committee") in accordance with procedures set forth in this document and the CC&R's.

This document has been adopted by the Committee on August 29, 2017 and may be amended from time to time by the Committee. Before submitting plans, it is the responsibility of each Owner to obtain and review a copy of the most recently revised Architectural Committee Rules. Architectural Committee Rules will be included in the sales documents at time of purchase.

**2. GOVERNING REGULATIONS**

All development at Merit Crossing shall conform with the following:

- The Architectural Committee Guidelines
- The Declaration of Covenants, Conditions and Restrictions for Merit Crossing
- City of Scottsdale Ordinances, Regulations and Codes; and
- All applicable Local, State and Federal Codes and Regulations.

**3. DESIGN PHILOSOPHY**

Merit Crossing strives to be a premier community in north Scottsdale. The primary goal of these guidelines is to protect existing and future property values. Emphasis is given on privacy, aesthetics and to ensure that new construction is consistent with general style and scale of existing homes in Merit Crossing. All Owners are expected to comply with applicable building codes and requirements of the City of Scottsdale.

**4. ARCHITECTURAL COMMITTEE**

**4.1 PURPOSE**

The purpose of the Architectural Committee is to evaluate each proposed design to ensure that the homeowner's proposed design takes into account the particular circumstances of the homesite and blends well with those circumstances, with the ultimate goal of maximizing, not impairing, the value of all surrounding homesites in particular and the Merit Crossing subdivision in general. The goal is for the appearance and character of all residences and improvements to harmonize with and enhance their natural and man-made surroundings rather than to dominate and/or contrast sharply with them.

**4.2 MEMBERSHIP**

The Architectural Committee shall consist of a minimum of one (1), but no more than five (5), members as appointed by the Declarant, and thereafter, by the Board of Directors. Each person shall hold office until such time as he has resigned, or has been removed by the Declarant or the Board of Directors, and his successor has been appointed.

**4.3 APPOINTMENT OF MEMBERS**

The methods by which members are appointed to the Committee shall be consistent with Section 6.1 of the Merit Crossing Community Association, Inc. Bylaws.

#### **4.4 RESIGNATION OF MEMBERS**

Any member of the Architectural Committee may at any time resign from the Architectural Committee upon written notice delivered to the Board, as stated in Section 6.4 of the Merit Crossing Community Association, Inc. Bylaws.

#### **4.5 DUTIES**

It shall be the duty of the Architectural Committee to consider and act upon proposals or plans submitted to it pursuant to the Architectural Committee Rules, and to amend the Architectural Committee Rules when deemed appropriate by the Architectural Committee or Declarant.

#### **4.6 MEETINGS**

The Architectural Committee shall meet as necessary to properly perform its duties. The vote or written consent of a majority of members shall constitute the act of the Architectural Committee. The Architectural Committee shall keep and maintain a record of all actions.

#### **4.7 COMPENSATION**

Unless authorized by the Board, the members of the Architectural Committee shall not receive any compensation for services rendered. All members shall be entitled to reimbursement for reasonable expenses incurred by them in connection with the performance of any Architectural Committee function or duty. Professional consultants retained by the Architectural Committee shall be paid such compensation as the Architectural Committee determines.

#### **4.8 AMENDMENT OF ARCHITECTURAL COMMITTEE RULES**

The Architectural Committee may, in its sole discretion, adopt, amend, and repeal by unanimous vote, rules and regulations to be incorporated into, or amendments of the Architectural Committee Rules. Each Owner is responsible for obtaining from the Architectural Committee a copy of the most recently revised Architectural Committee Rules.

The most recent edition of the guidelines is kept by the property management



firm employed by the Board, with its current date. Before beginning any plans, it is the obligation of the Homeowner to check with the property manager to ensure that he/she has the most recent edition of the Architectural Committee Guidelines.

#### **4.9 NON-LIABILITY**

Neither the Architectural Committee, nor any member thereof, nor Declarant, nor any successor or assign of any of them, shall be liable to the Association or to any Owner or other Person for any damage, loss or prejudice suffered or claimed on account of (a) the approval or disapproval of, or failure to approve, any plans, drawings and specifications, (b) the construction or performance of any work, whether or not pursuant to approved plans, drawings and specifications, (c) the development, or manner of development of any property within Merit Crossing, or (d) the execution and filing of an estoppel certificate whether or not the facts therein are correct; provided, however, that such member has, with the actual knowledge possessed by him, acted in good faith. Every Owner and other Person who submits plans to the Architectural Committee for approval agrees, by submission of such plans and specifications, that he will not bring any action or suit against the Architectural Committee, any member thereof or Declarant to recover damages. Approval by the Architectural Committee, any member thereof or the Declarant shall not be deemed to be a representation or warranty that the Owner's plans or specifications or the actual construction of a Residence or other Improvement comply with applicable governmental ordinances or regulations including, but not limited to, zoning ordinances and local building codes. It shall be the sole responsibility of the Owner or other Person submitting plans to the Architectural Committee or performing any construction to comply therein.

#### **4.10 ENFORCEMENT**

These Architectural Committee Guidelines shall be enforced by the Architectural Committee, or Declarant as provided herein or in the Declaration.

## 5. MERIT CROSSING DESIGN REVIEW PROCESS

As an Owner at Merit Crossing, you should follow the steps outlined below if you plan to construct a residence.

Attached and incorporated by reference into this Architectural Committee Guidelines, is a comprehensive “Merit Crossing Pre-Construction Conference Checklist.” Please study this checklist carefully and follow it. Any questions should first be directed to the Merit Crossing Architectural Guidelines Committee.

### 5.1 DESIGN TEAM

It is strongly recommended that an Owner retain registered professionals for architectural engineering and landscape design services. The addition of specialized design skills and an understanding of site and environmental possibilities can be of major importance in realizing the special character and quality you want your residence to have. The design team is responsible for reading the Architectural Committee Guidelines and the Governing Regulations.

### 5.2 PRE-DESIGN MEETING

**Prior to preparing development plans, you and your Architect must meet with the Committee to discuss your particular Homesite and building requirements.**

Your Architect will need to prepare a Schematic Plan for your Homesite. The purpose of this plan is to communicate to the Committee your design intentions. This important early review is to ensure that your initial design conforms with the concepts contained in these Architectural Committee Guidelines. An early response by the Committee is intended to avert wasted time and professional fees that result from pursuing a solution in conflict with the Architectural Committee Guidelines.

The Schematic Plan submittal shall include one printed copy and one copy in PDF format of a graphic explanation of the design concept through a site plan, floor plans, elevations, lighting and illumination plan, character of the proposed structure. Preliminary landscape plans may be required on a case-by-case basis as determined by the Architectural Review Committee.

The graphic submittal is to be to readable scale and must be clearly labeled with pertinent information including the Homesite number, name, address and phone number of the Owner and architect.

### **5.3 DESIGN DEVELOPMENT**

The next step in the architectural review process is the point at which you communicate to the Committee, through drawings and related material, your residential design. See Appendix E "Architectural Committee Application for Design Development Submittal" for the required application.

Owners should not begin this step until the Committee has approved the Schematic Plan. At this time, a design review fee must be paid (Appendix F) with the application.

The Design Development Plan submittal shall include one printed copy and one copy in PDF of the following:

- A. Site Plan (presented at a minimum of 1" = 20'-0") prepared by a civil engineer using an accurate civil survey plan.

Indicate building location, building envelope, roof plan, property lines, driveway, parking, easements, view corridors, grading, tree locations, existing and proposed contour lines at 2'-0" intervals, existing and proposed grading and drainage plans, storm water storage facilities, decks, location of water features, utilities, septic systems, utility meter locations and accessory site development of any kind and building setbacks per City of Scottsdale and recorded final plat of Merit Crossing;

- B. Floor Plans and Roof Plans (presented at a minimum of 1/8" = 1'0");
- C. All exterior elevations (presented at a minimum of 1/8" = 1'0");
- D. Building Sections (presented at a minimum of 1/8" = 1'0"); Existing and proposed grades should be indicated.

**Note:** A computerized study model may also be required upon request of the Architectural Committee at the pre-design meeting.

- E. Landscape Plan (presented at a minimum of 1" =20'-0") to indicate:
- 1) Proposed plan material (name and size)  
**See Appendix B for suggested plant list.**
  - 2) Existing plant material (name and size)
  - 3) Decks, pavements, walls, service yards, driveways, other free standing structures
  - 4) Pool and pool equipment locations
  - 5) Outdoor lighting and illumination plan with manufacturer's cut sheets showing wattage, material and color.
- F. Irrigation plan (presented at a minimum of 1"=20'-0")
- G. The submittal shall also include an actual site staking of the building corners, driveways and other improvements.
- H. Landscape plan shall be coordinated with civil plan for grades, wall locations and site improvements.
- I. Roof plan indicating roof pitch, drainage methods and height above adjacent grade.

The Design Development Plan is to be submitted to the Secretary of the Committee at least 14 days prior to a scheduled Committee meeting.

The Committee will review the Design Development submittal in detail for compliance with the Schematic Plan and to ensure that it meets the intent of the Architectural Committee Guidelines. Although modification to the Architectural Committee Rules may be approved in certain instances, this will be the exception rather than the rule, and you should be prepared to carefully document the logic behind the requested exception. Should the design be in substantial variance with the general intents of the Design Philosophy for Merit Crossing and the Schematic Plan or violate any of the Architectural Committee Guidelines, disapproval may result and a revised submittal

#### **5.4 CONTRACT DOCUMENTS (APPENDIX F)**

Upon Design Development Approval, Contract Documents (working drawings) that conform with the approved plans shall be submitted. An "Application for Contract Documents" is provided herein as Appendix F. Any changes from the Design Development submittal should be documented and delivered to the Committee.

The Contract Document submittal shall include one printed copy and one copy in PDF of the following:

- A. Site Plan (presented at a minimum of 1" = 20'-0") prepared by a civil engineer using an accurate civil survey plan.

Indicate proposed building footprint, roof line, property boundaries and easements, utility locations, utility meter locations, existing vegetation, water feature locations, existing and proposed 1-foot contours, areas of cut and fill, drainage, proposed roads, driveways, trails, bridges, decks and any other proposed improvements. Indicate scale and north direction and building setbacks per City of Scottsdale final plat of Merit Crossing.

- B. Vicinity Plan (presented at a minimum of 1" = 50'-0)

- C. Floor Plans and Roof Plans (presented at a minimum of 1/8" = 1'0")

Include all room dimensions, door and window locations and sizes, and location of mechanical and electrical systems.

- D. Exterior elevations (presented at a minimum of 1/8" = 1'0")

Indicate the exterior appearance of all views labeled in accordance with the Site Plan, height of chimney(s), natural and finished grade for elevations of all views.

Describe all exterior materials, colors and finishes (walls, roofs, trim, chimneys, windows, doors, etc.). The elevation drawing should indicate material textures.

Provide design details to sufficiently represent the visual expression of the building, exposed connections and material interfaces.

E. Building Sections (presented at a minimum of 1/8" = 1'0"):

Indicate building walls, floors interior relationships, existing and finished exterior grade and any other information to clearly describe the interior/exterior relationships of the building.

F. Sample Board:

Samples of all exterior materials and colors, and window and glass specifications, mounted on an 8 1/2 X 11" (maximum size) heavy stock cardboard identified with manufacturer's name, color and/or number. Sample boards shall include your name, your architect's and builder's name, as well as the Homesite number. Samples of exterior materials such as stone should be submitted via the use of manufacturer's colored cut sheets that show color and coursing patterns.

Paint LRV and manufacturer's name and paint code number are required for all paints.

G. Construction Schedule:

Include starting and completion dates of the residence, as well as the landscape work.

H. Final landscape plan on same scale as site plan, including clearing plan, nursery location for new and salvaged vegetation and wildfire prevention plan.

### **5.5 BUILDING PERMIT**

Upon approval of your plans by the Committee, you must obtain a Building Permit from the City of Scottsdale. Owners should be advised that the City may have certain additional submittal requirements which will have to be met before issuance of a Building Permit.

It is recommended that Committee approval be obtained prior to submission to the municipality for building permit to avoid any possible time and costs of resubmittal.

All revisions or changes to be submitted to the Committee for approval.

## **6. SITE DESIGN RULES**

The general goal of the design review is to ensure that the privacy of neighboring lots is preserved as much as possible and that new construction is consistent with the general style and scale of existing homes in Merit Crossing.

### **6.1 GENERAL DESIGN CONSIDERATIONS**

At Merit Crossing, the harmonious integration of new residential construction and landscape improvements with the natural landscape is of paramount importance. The intent of this section is to ensure that adverse impact to the land is minimized as a result of careful siting of improvements combined with the creation of natural areas which remain free of disruption. These steps, together with the incorporation of certain performance standards and management programs, will aid in maintaining the current character of the desert.

### **6.2 DRIVEWAYS**

The construction and maintenance of driveways shall be the responsibility of the individual homeowner. Materials used in driveways and the course traversed by the driveway within the site are subject to approval by the Committee.

Integrally colored exposed aggregate concrete, textured colored stone, brick pavers, flagstone (fieldstone), and/or feature strips of a separate material are all approvable materials on a case-by-case basis. Driveways of uncolored or smooth concrete will not be approved. Asphalt may be approved if bordered with a suitable material, such as integrally colored concrete, to stabilize the edge of the asphalt.

Driveways shall be a maximum of 12 feet wide, running from the street to the residence.

The only approved access for construction of a residence will be over the approved driveway for the Homesite.

### **6.3 GARAGES AND PARKING SPACES**

Garages must be architecturally integrated with the residential design of the main building. They may be either attached or detached. Each home must have an enclosed garage for at least three cars and a minimum of two guest parking

spaces. Stone or masonry screen walls must be included at guest parking areas. No trailers, mobile homes, boats, boat trailers, tractors, vehicles other than automobiles, campers not on a truck, and garden or maintenance equipment shall be stored on the property unless in an enclosed garage. Owners are encouraged to discuss any special requirements with the Committee at the Pre-Design Meeting. No on-street parking will be permitted.

Garage doors visible from any vantage point from the street shall not be allowed. Owners must either have the garage doors not face the street or must build the garage in such a way that barriers, such as walls and landscape block the view of the garage doors entirely from any street.

#### **6.4 FENCES AND PRIVACY WALLS**

Fences, walls and barrier devices may be used for privacy and screening purposes but must be incorporated into the total residential structure design. The construction of fences along property lines is strictly prohibited, in order to maintain existing wildlife movement and natural open space. The Committee shall review the design, appearance, appropriateness, size, materials and construction of such structures in relation to the proposed residence and neighboring sites. Chain link or wire fencing is prohibited.

#### **6.5 SWIMMING POOLS AND TENNIS COURTS**

Site location of swimming pools require the approval of the Committee. Pools should be designed to complement the residential structure and should be placed so as to minimize impacts on adjacent Homesites and natural terrain.

Private tennis courts, sport courts, or basketball courts may be allowed, but in **no** case, will *lighted* courts be permitted.

#### **6.6 SIGNS**

Address identification signs including lighting for each residence are required. Power for lighting will be the responsibility of the homeowner.

No additional signage detached from the residence will be permitted. No "For Sale" or "For Rent" signs will be permitted.



### **6.7 EXTERIOR LIGHTING**

No exterior light whose direct source is visible from a neighboring property shall be permitted. Indirect sources and horizontal cut-off fixtures are recommended to reduce glare and provide general ambient light. Use of other than white exterior lights will require specific approval of the Committee. Final approval of the proposed illumination plan will be required by the Committee.

### **6.8 NATURAL WASHES**

No Owner or contractor shall interfere with or direct the natural course of any wash, nor construct any improvement, place any landscaping, or allow the existence of any condition whatsoever which shall alter the wash from its natural flow, without the approval of the Architectural Design Committee, which may require proof of review and approval by the City of Scottsdale of such changes. Involvement of a certified and bonded engineering firm at the Owner's expense may be required to ascertain that the proposed changes do not create hazards to the community, roads, or neighboring properties. Improvements should be sited to avoid washes, although they can be sited at the edge of a wash. Walls or other improvements may be designed and constructed to bridge washes without obstructing 100-year storm flow (and must be consistent with the requirements of applicable City of Scottsdale restrictions).

### **6.9 DRAINAGE**

Drainage ways should be maintained in as near natural condition as possible. This is recommended so that the volume of runoff entering and leaving the site does not change significantly and any pollutants generated on-site do not reach major waterways. If drainage courses are disrupted, they should be rehabilitated to match their natural state as much as possible.

### **6.10 PET CONTROL**

Pets may be contained within kennels and dog runs which are fenced.

## 7. ARCHITECTURAL STANDARDS

In addition to the Architectural Committee Rules, there are architectural standards that apply to the design and construction of residences and other building improvements. The following architectural standards shall apply

### 7.1 DESIGN INTENT

There is not a particular architectural style that is required at Merit Crossing. Diverse architectural character is encouraged through use of quality natural materials, with complimentary color, and forms that respect the heritage of the southwest.

### 7.2 GENERAL DESIGN CONSIDERATIONS

Special consideration must be given to the siting of all improvements with emphasis on the relationship to existing grades, preservation of natural site features and desert vegetation and the relationship to neighboring sites and vistas. All residences will have exterior elevations, roofs and details that shall be coordinated and consistent in their architectural treatment.

### FINISHES

No highly reflective finishes other than non-mirrored glass shall be used on exterior surfaces. To allow the natural colors of the desert to predominate, muted desert colors with a light reflective value (LRV) of 40 or less will be required.

### MASSING

Massing is the arrangement of three-dimensional building solids that form the exterior of the home. It is the combination of these solids that create the exterior appearance of the residence. Each residence must be composed of multiple masses with each mass distinguished by a minimal vertical and/or horizontal offset of 2' - 0". At least three distinct masses must be visible from each building elevation.

### 7.3 BUILDING HEIGHT

To protect **views** throughout the property, maintain a consistent appearance

with the low desert landscape, single story structures following the existing grade are encouraged. In no case will a two story be permitted with the second story being more than 30% (thirty percent) of the first story livable area. Height shall be measured from the Natural Grade. Natural Grade will be determined by the Architectural Committee.

In no case shall there be any unbroken wall heights exceeding 24 feet for a Residence measured in a vertical plane from Natural Grade. Additionally, in no case shall the overall height of a residence exceed 30 feet (per the City of Scottsdale Environmentally Sensitive Lands Ordinance standards). The Architectural Committee may require additional site work, vegetation or other means to soften the appearance of tall and uninterrupted walls.

In two story designs, careful consideration of adjacent neighboring lot privacy shall be employed. Balconies facing adjacent lots shall be discouraged and reviewed for privacy by the committee.

Retaining walls and other walls not directly supporting a building structure, except screen walls, shall not exceed 6 feet in height, measured from the lowest Natural Grade adjacent to the wall. The appearance of such walls over 6 feet in height must be softened by landscaping with trees or large shrubs.

#### **7.4 HOME SIZE**

All homes shall include a minimum livable (heated and cooled) square footage of 4,500 feet in the main structure, exclusive of patios, garages and guest casitas.”

#### **7.5 MATERIALS- EXTERIOR SURFACES**

Exterior surfaces will be generally of natural materials that blend and are compatible with the natural landscape. Stucco, both cementitious and synthetic, stone, traditional adobe or slump block are to be the predominant exterior surfaces. Unless specifically approved by the Committee, unit masonry with visible joints will typically not be approved for exposed walls. Other materials may be allowed at the sole discretion of the Architectural Committee.

## **COLOR**

The color of external materials must generally be subdued to enhance the colors of the natural landscape. Locally found, mute desert tones are recommended, although occasionally accent colors, used judiciously and with restraint, may be permitted. The colors of the desert are rich and varied and are highlighted by different light conditions based on time of day and season of the year. The intent of the project is to allow these colors to flourish. This is achieved by repeating the darker range values of the desert colors. Therefore, it is required that the exterior color of any Residence not exceed a Light Reflective Value of 40.

### **7.6 ROOFS**

All roofs shall be of a material, color and texture approved by the Architectural Committee. In keeping with the low landscape, roofs should be predominately flat or of low pitch. The color of roofs must conform to the color standards set forth in the Architectural Committee Rules. Reflective roof surfaces which cause excessive glare are not allowed.

Flat roofs must either be painted to match the color of the walls of the Residence or be surfaced with a material whose color harmonizes with the natural desert ar-1d blends with the building walls. Roof color must be submitted to the Architectural Committee for approval.

### **7.7 DOORS AND WINDOWS**

Generally, deeply recessed and articulated doorways and windows are desirable. Doors and window recesses shall be a minimum of 6" either by recessed widow within the wall or an architectural window projection detail which blends with the architectural vernacular.

Careful consideration should be given to the size, number and placement of windows to achieve an effective and sensitive counterpoint to wall surfaces. Reflective glass is not acceptable. Material and color of window frames can enhance the design of the structure and will be encouraged. Approval will be on a case-by-case basis; all colors to meet approved the LRV of 40.

### **7.8 UTILITY AND METER CONNECTIONS AND TREATMENT**

Utility and meter locations shall be screened. Design of such screening shall be reviewed and approved by the Committee.

#### **7.9 ANTENNAE AND SATELLITE DISHES**

No antenna or other device for the transmission or reception of television or radio signals or any other form of electromagnetic radiation including, without limitation, satellite or microwave dishes, shall be erected, used or maintained outdoors on any Lot, Parcel or other property, whether attached to a Residential Unit, building or structure, unless said device is a Direct Broadcast Satellite ("DBS") antenna less than one meter in diameter, a Multi-point Distribution Service ("MOS") antenna less than one meter in diameter, an antenna designed to receive television broadcast signals, or any other type of antenna which the Association must allow pursuant to rules promulgated by the Federal Communications Commission ("FCC") (hereinafter referred to as "Permitted Antennas"). If an Owner wishes to install a Permitted Antenna, the Owner must receive approval from the Architectural Committee, which shall not be withheld provided the device is not visible from the street.

#### **7.10 COOLING AND HEATING EQUIPMENT**

All air conditioning equipment must be ground mounted remote units. No mechanical equipment of any kind will be allowed on any roof area. All compressor units must be screened from all neighboring Homesites, roads, etc. Screen walls are to be constructed of the same materials as the residence. All equipment screen walls shall be a minimum of 12" above equipment.

## **8. LANDSCAPE RULES**

Each Homesite in Merit Crossing is unique, and it is the intent of the Landscape Rules to preserve those special attributes and, to the extent possible, minimize adverse impacts to the natural environment. Owners should realize that Merit Crossing's Sonoran Desert setting results in differences in climate from season to season. The list of plants that can be expected to flourish is limited. It is the responsibility of the Owner and their designers to respond accordingly in the landscape design of each residence. Recommended plant lists are provided in Appendix 8.

### **8.1 GENERAL DESIGN CONSIDERATIONS**

Adjacent to the residence, the Owner is encouraged to use plant material to enhance the architecture, define outdoor spaces in a manner that preserves both on and off site views and knit the structures to the site. Plants which are approved are listed in Appendix B.

The composition of the plant materials should consider present and mature size, enframement of certain views, background and foreground balance, relationship to the architecture and other site textures and judicious use of color and texture.

Grass will be permitted only in contained yards and shall not be visible to adjacent lots, or streets.

### **8.2 IRRIGATION**

All landscaped areas must be irrigated.

### **8.3 MAINTENANCE**

All trees, shrubs, and groundcovers, and the irrigation system must be maintained. All dead or dying plants shall be replaced promptly.

### **8.4 REVEGETATION**

Site planners should strive to integrate buildings with the existing landscape with minimal disturbance to vegetation. All areas revegetated need to blend with the adjacent non-disturbed area.

### **8.5 GRADING, SITE DRAINAGE AND HYDROLOGY**

Structures, roads, driveways and all other improvements should be designed to fit the existing contours of the site, minimizing excavation.

Site drainage and grading must be done with minimal disruption to the Homesite and the Owner shall ensure that any water flow shall not drain unnaturally to adjoining Homesites. Washes and water drainage patterns must continue to enter and exit the Homesite in the manner they did naturally prior to any construction. Both during and after construction, the Owner shall ensure that neither he, nor any party performing work on the Homesite, shall cause a site drainage or grading condition that could lead to soil erosion.

Developing a proper drainage plan will be the responsibility of the Owner. Ensure that when driveways intersect streets that any existing road shoulder drainage patterns are maintained. Any drainage damage that may occur from one Homesite to other Homesites or Common Areas, because of a change in natural conditions, will be the responsibility of the Owner of the Homesite that caused the unnatural drainage flow. Approval of a drainage plan by the Architectural Committee does not make the Committee liable or responsible to the Owner or others with respect to the adequacy of the engineering or otherwise, but merely implies compliance with the intent of these Architectural Committee Rules and with design aesthetics. Committee approval does not eliminate or reduce the obligation of the Owner to comply with all legal requirements and be responsible for all damages arising from changes in natural conditions.

All culverts, bridges or other drainage structures constructed must be finished with headwalls, wingwalls, or other devices so as to prevent the erosion of slopes or soils and/or the exposure of the conduit or any unfinished structure. These structures should be finished in integral colored concrete. Culverts must be a minimum of 18" in diameter and/or be sized to accommodate the existing roadway drainage or site drainage.

Topsoil should be stored for reuse in landscaping or replanting disturbed areas.

## 9. CONSTRUCTION REGULATIONS

In order to ensure that sites will not be irreparably damaged during the period a residence is being built, the following construction regulations shall be enforced during the construction period. These regulations shall be a part of the construction contract document specifications for each residence, and all contractors and Owners shall abide by these regulations.

### 9.1 CONSTRUCTION AREA

The Owner or contractor shall provide the Secretary of the Committee with a detailed plan showing how the Homesite will be protected and the area in which all construction activity will be confined prior to construction, including size and location of construction material storage, fencing, limits of excavation, drive areas, parking, chemical toilet location, temporary structures (if any), dumpsters, storage of debris, fire extinguisher, utility trenching and construction sign. This plan should identify the location of a 6' high chain link fence to be installed prior to construction, and left until the end of construction along the Natural Area Open Space line at the edge of the building envelope. It may not encroach into the Natural Area Open Space unless otherwise approved in advance by the City of Scottsdale.

It will be required that all disturbed Natural Area Open Space, if any, be returned to its natural state upon completion or discontinuance of construction.

### 9.2 IMPROVEMENT SURVEY

After the foundations have been poured, a licensed surveyor is required to make a site inspection to certify that all improvements are located within the Homesite's Building Envelope and that they match all approved plans, including certification of the finished floor. City required copy will be accepted.

### 9.3 CONSTRUCTION ACCESS

The only approved construction access during the time a residence is being built will be over the approved driveway for the Homesite unless the Committee approves an alternative access point. The chain link fence installed through the construction period shall protect the areas outside drive areas.

### 9.4 CONSTRUCTION TRAILERS OR TEMPORARY STRUCTURES



Temporary structures must be located on the Homesite within the screened construction envelope and must be approved by the Committee as to size, configuration and location. All temporary structures shall be removed after the occupancy permit issuance.

#### **9.5 STORAGE OF CONSTRUCTION MATERIAL AND EQUIPMENT**

Storage areas shall be designated and fenced according to the approved construction area plan prior to construction. The contractor will be responsible for the maintenance of these areas.

#### **9.6 DAILY OPERATION**

Normal daily working hours for each construction site shall be 6:00 am to 5:00 pm April through September and 7:00 am to 5:00 pm October through March unless otherwise restricted by the Committee.

#### **9.7 BLASTING**

Any plans to blast shall be brought to the attention of and approved by the Secretary of the Committee before commencement. Proper safety and protective actions shall be used. Blasting contractor to be liable for all blasting damage to any preexisting structures within 1/2 mile of site. All applicable OSHA regulations and rules must be strictly observed at all times.

#### **9.8 RESTORATION AND REPAIR**

Damage to any property other than the Owner's by contractors shall be promptly repaired at the expense of the Owner employing the person or entity causing the damage.

#### **9.9 DUST AND NOISE CONTROL**

Every effort shall be made to control dust and noise emitted from a construction area. The contractor shall be responsible for controlling excessive dust and noise from the site.

#### **9.10 EXCAVATION**

Excess excavation material shall be removed from Merit Crossing. The material shall not be placed in common areas, roads or other Homesites. The owner will be fined for the dumping of any substance, whether construction material, garbage, or excess excavation material, on any Common Area of **NAOS** area within the Association.

#### **9.11 DEBRIS AND TRASH REMOVAL**

Owners and Builders shall clean up all trash and debris on the construction site at the end of each day. Trash and debris shall be removed from each construction site at least once a week to a dumping site.

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

#### **9.12 VEHICLES AND PARKING**

All vehicles related to construction work shall be parked so as not to inhibit traffic, and within the designated construction area so as not to damage the natural landscape. Changing oil in vehicles and equipment without proper receptacles and removal procedures is forbidden.

No parking on streets where local traffic and emergency personnel are restricted from access.

#### **9.13 PORTABLE TOILETS**

Portable toilets shall be provided by the contractor and placed in an approved location within the construction area. No Portable toilets are allowed on the street, curb, NAOS or utility easements.

#### **9.14 SIGNAGE**

Temporary construction signs shall be limited to one sign per site, not to exceed 6 square feet of total surface area. This sign will be freestanding, and the design and location of such a sign shall be approved by the Committee. The sign shall be single-faced including builder's name and phone number, architect's name and phone number and Owner's name.

#### **9.15 FIRE EXTINGUISHER**

A minimum of one serviceable 1016 ABC-rated dry chemical fire extinguisher shall be located on each construction site in a conspicuous location. General Contractor shall be responsible for providing evidence of fire extinguisher upon random site inspection.

#### **9.16 FLAMMABLE ITEMS**

Careless use or storage of cigarettes and flammable items will not be allowed.

Alcohol on site is strictly prohibited and shall result in substantial fines and notification of authorities.

#### **9.17 PETS**

Contractors, subcontractors and their employees are prohibited from bringing dogs and other pets to the construction site.

#### **9.18 FIREARMS**

Discharging firearms is prohibited.

#### **9.19 UTILITIES**

Utilities should be designed and constructed for the most intensive use that can reasonably be foreseen.

All utilities should be buried. Water and septic piping must be allocated in different trenches, with separation distances as required by the City of Scottsdale; power, telephone and television cable may be in common trenches with other services.

Contractors should check with utility companies to determine current installation standards.

The following general considerations are applicable to buried utilities:

- In order to avoid damage from the rocky subsoils of the area, all pipe and wiring (including wiring in conduit) should be bedded over and under with at least 4 inches of sand or pea gravel.
- No pipe or wire should be installed directly above another; at least 18 inches horizontal offset should be provided.
- Location tape should be provided above all buried utilities, at a depth of approximately 1 foot. Location tape above non-metallic piping should be magnetically detectable. A separate location tape should be provided for each pipe or wire even if installed in a common trench.
- Accurate as-built drawings should be prepared by contractors to tie the locations of all utilities to permanent reference points. Copies should be submitted to the governing utility or regulatory agency upon completion of construction.

#### **9.20 FINES**

The Owner is ultimately responsible for all work performed upon his Lot. Therefore, the Board of Directors may impose fines on any Owner for violations of any provision of these Architectural Committee Rules by the Owner, the Owner's occupants or residents, or any agent, employee, or contractor of the Owners.

All notices to the contractor of intent to levy fines will be copied to the owner at such address as has been provided.”

**APPENDIX A: MERIT CROSSING PRE-CONSTRUCTION CONFERENCE CHECKLIST**

<b>Merit Crossing Pre-Construction Conference Checklist</b>	<b>Date Complete</b>	<b>Not Complete</b>	<b>Questions/Concerns/Date</b>
Submit \$6,000.00 Design Development Fee to Tri-City			
Provide proof of Completing Architectural Review Process			
Submit \$10,000.00 Construction Bond Deposit to Tri-City			
Construction signage must be approved by Architectural Review Committee			
Proof of Building Permit and Related Use Permit from City of Scottsdale			
Review Construction Plan: Designate location/size of material storage area, parking areas, location of sanitary facility, dumpster, fire equipment, trenching, limits of evacuation and erosion control.			
Foundations/Survey: Lot owner responsible for independent soils engineering to determine feasibility of construction. Survey required to confirm existing grades. Require copy of foundation letter provided by City of Scottsdale. PAD CERTIFICATION			
Access through Construction Gate Only			
Adequate gravel bed required at property/lot entrance to knock dirt from vehicle tires before they hit the road.			
Streets must be cleaned on a regular basis by lot owner/agent. Association may retain contractor to clean streets and shall deduct cost from lot owner's Builder Bond if not done.			
Construction materials, vehicles, and equipment must be stored within fenced boundary			
<u>Construction Times:</u> Monday through Friday: 6:00 AM - 5:00 PM May 1 through September 30 7:00 AM - 5:00 PM October 1 through April 30 Saturday: 8:00 AM - 1:00 PM QUIET work ONLY Sunday: NO WORK permitted			
Construction trailers/temporary structures must be submitted to Architectural Review Committee for approval			
Sanitary facilities required on site in and approved location per Construction Plan			
Debris and trash must be continuously picked up. Lightweight materials s/b weighted down. Dumping of materials, burying or burning of trash is PROHIBITED			
Construction site must be kept clean. Dirt and debris resulting from construction activity must be removed from the roads			
NAOS and Jurisdictional Wash areas must be fenced or flagged before grading operations begin. No disturbance within 5 feet of washes			
Damage Repairs - Must occur IMMEDIATELY			
Blasting plans (if any) must be approved by Architectural Review Committee			
No pets, radios, or firearms are permitted onsite. NO SMOKING. No open flame			
Construction Observations - Site, Framing and Final			
Materials Safety Data Sheet MSDS must be maintained on location. Cover Hazardous Waste Clean up			

\_\_\_\_\_  
 Signature Merit Crossing Representative

\_\_\_\_\_  
 Signature Builder Representative

\_\_\_\_\_  
 Print Name Merit Crossing Representative

\_\_\_\_\_  
 Print Name Builder Representative

Date of Pre-Construction Conference: \_\_\_\_\_

Lot #: \_\_\_\_\_

APPENDIX B: APPROVED PLANT LIST

Representative Indigenous Plants in Merit Crossing include the following:

Acacia constricta	White Thorn Acacia
Ambrosia Ambrosoides	Giant Bursage
Ambrosia deltoidea	Triangle-leaf Bursage
Justicia californica	Chuparosa
Calliandra eriophylla	Fairy Duster
Celtis pallida	Desert Hackberry
Cercidium microphyllum	Foothill Palo Verde
Cereus giganteus	Saguaro
Delea Formosa	Feather Dalea
Echinocereus engelmannii	Hedgehog
Encelia farinosa	Brittle Bush
Ephedra trifurca	Mormon Tea
Eriogonum Fasciculatum (var. Poliofolium)	Flat Tom Buckwheat
Ferocactus Mislizenii	Barrell Cactus
Fouquieria splendens	Ocotillo
Haplopappus laricifolius	Turpentine Bush
Holocantha emorvi	Crucifixion Thorn
Hyptis emorvi	Desert lavender
Justicia Candicans	Hummingbird Bush
Krameria grayii	White Ratany
Larrea tridentata	Creosote Bush
Lycium andersonii	Anderson Lycium
Lycium fremontii	Wolfberrv
O lyneva tesota	Ironwood
Opuntia acanthocarpa	Staghorn Challa
Opuntia bigelovii	Teddy Bear Challa
Opuntia Fulgida	Chainfruit Challa
Opuntia leptocaulis	Desert Christmas Cactus
Opuntia phaeacantha	Prickly Pear
Viguiera deltoidea	Golden Eye
Zizyphus obtusifolia	Greythorn

The Architectural Committee has found the representative plants included in the following list to be inherently compatible with the natural desert and encourages their use. Any species not contained herein may not be planted or installed without written approval from the Committee, after which the species may be included as an approved species. Any species not listed below which have been found to be indigenous are acceptable for use.

Any plant or tree proposed in design which is not in the APPROVED PLANT LIST shall be considered under a case by case variance. The botanical and common name, a photo and a description shall be submitted to the committee for review.

**TREES:**

Acacia Berlandieri	Guajillo
Acacia constricta	Whitethorn Acacia
Acacia eburnia	Needle Acacia
Acacia schaffneria	Schaffner Acacia
Acacia smallii	Sweet Acacia
Celtis pallida	Desert Hackberry
Cercidium floridum	Blue Palo Verde
Cercidium microphyllum	Foothills Palo Verde
Cercidium praecox	Palo Brea
Lysiloma thornberi	Fern of the Desert
Olneya testo	Ironwood
Pithecellobium flexicaule	Texas Ebony
Pithecellobium mexicana	Mexican Ebony
Prosopis cilensis	Chilean Mesquite
Prosopis glandulosa	Honey Mesquite
Prosopis pubescens	Fremont Screwbean
Prosopis velutina	Velvet Mesquite

**SHRUBS:**

Atriplex hymenelytra	Desert holly
Buddleja marrubifolia	Wooley Butterfly Bush
Calliandra eriophylla	False Mesquite
Cassia biflora	Texas Cassia
Cassia wislizenii	Shrubby Cassia
Dalea bicolor	Silver Dalea
Delea formosa	Feather Dalea
Dalea wislizenii	Wislizenus Dalea
Encelia farinosa	Brittle Bush
Ephedra trifurca	Mormon Tea
Forestiera neomexicana	Desert Olive
Fouquieria splendens	Ocotillo
Haplopappus larcifolius	Turpentine Bush
Hyptis emori	Desert lavender

**SHRUBS {CONT.}:**

Jatropha cardiphylla	Limberbush
Justica candicans	Firecracker Bush
Justica californica	California Beloperone, Chuparosa
Larrea tridentata	Cresote Bush
Lemaireocereus marginatus	Mexican Fence Post
Leucophyllum laevigatum	Chihuahuan Sage
Leucophyllum zygophyllum	Texas Sage (dwarf var.)
Lycium andersonii	Anderson Thornbush
Mimosa biuncifera	Catclaw, Wait-a-Minute Bush
Penstemon species	Penstemon (all var.)
Psilostrophe cooperi	Paper Flower
Rhus microphylla	Little Leaf Desert Sumac
Salvia chamaedryoides	Blue Sage
Simmondsia chinensis	Jojoba
Sophora secundiflora	Texas Mountain Laurel
Trixis californica	Trixis
Vauquelinia californica	Arizona Rosewood
Viguiera deltoidea	Golden Eye
Yucca baccata	Banana Yucca
Zizyphus obtusifolia	Greythorn

**GROUNDCOVERS AND VINES:**

Agave species	Several varieties
Asglerias subulata	Desert Milkweed
Atriplex semibaccata	Australian Saltbush
Bailey multiradiata	Desert Marigold
Calladeum Marcoptera	Yellow Orchid Vine
Cordia Parvifolia	Littleleaf Cordia
Dalea Frutescens	Black Dalea
Dalea greggii	Trailing Indigo Bush
Dyssodia pentachaeta	Dyssodia
Lotus Rigidus	Deer Vetch
Mascagnia Lilacina	Purple Mascagnia
Melampodium leucanthum	Blackfoot Daisy
Mimosa Dysocarpa	Velvetpod Mimosa
Oenothera berlandieri	Mexican Evening Primrose
Plumbago Scandens	Plumbago
Salvia Species	All Varieties
Senna covesii	Desert Senna
Verbena gooddingii	Goodding Verbena
Zinnia Grandiflora	Desert Zinnia



## APPENDIX C PROHIBITED PLANT LIST

1. Any species of tree or shrub whose mature height may reasonably be expected to exceed 15 feet with the exception of those species specifically listed as approved by the Architectural Committee.
2. All Palms (*Palmae*) whose mature height may reasonably be expected to exceed 6 feet will be prohibited for aesthetic reasons, as well as their high maintenance requirements. Dwarf varieties whose mature height may reasonably be expected to be less than 4 feet will be allowed only within the confines of a private garden.
3. All pines (*Pinus*), Cypress (*Cupressus*), False Cypress (*Chamaecyparis*), Juniper or Cedar (*Juniperus*), whose mature height may reasonably be expected to exceed 6 feet will be prohibited for aesthetic reasons. Dwarf varieties, and those whose mature height may reasonably be expected to be less than 6 feet, may be used immediately adjacent to dwellings or connecting Structures, or within the confines of a private garden.
4. Olive trees (*Olea europaea*), African Sumac (*Rhus Lancea*) and Mulberry (*Morusalba*) will be prohibited for reasons of their profuse production of allergy-producing pollen, as well as for aesthetic reasons.
5. All oleanders (*Nerium oleander*) and Thevetia (*Thevetia Species*), will be prohibited for aesthetic reasons, as well as for their profuse production of allergy-producing pollen. These poisonous plants will also be prohibited for their high maintenance requirements and excessive height.
6. All fountain Grass (*pennisetum setaceum*) will be prohibited as a defined weed, with the potential to spread throughout the development, and also as a fire hazard.
7. Mexican Palo Verde (*parkinsonia aculeata*) will be prohibited as a harbinger of pests and its ability to spread throughout the development, thereby altering the present natural desert.

ARCHITECTURAL COMMITTEE

APPENDIX D REQUEST FOR PRE-DESIGN CONFERENCE

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

Requested By: \_\_\_\_\_ Phone: \_\_\_\_\_

Owner: \_\_\_\_\_ Phone: \_\_\_\_\_

Architect: \_\_\_\_\_ Phone: \_\_\_\_\_

Conference Date: \_\_\_\_\_ (Schedule and Notify)

**ARCHITECTURAL COMMITTEE**  
**APPENDIX E APPLICATION FOR DESIGN DEVELOPMENT SUBMITTAL**

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

**Owner/Applicant:** \_\_\_\_\_  
Phone: \_\_\_\_\_  
Address: \_\_\_\_\_

**Architect:** \_\_\_\_\_  
Phone: \_\_\_\_\_  
Address: \_\_\_\_\_

This application will be considered complete only if the following are submitted (submit 1-Printed copy and 1- set in PDF format on disc drive):

- 1) Site Plan (1" = 20'0" minimum)
- 2) Floor Plans & Roof Plan (1/8" = 1'0" minimum)
- 3) Exterior Elevations (1/8" = 1'0" minimum)
- 4) Building Sections (1/8" = 1'0" minimum)
- 5) Lighting and Illumination Plan

A filing fee determined by the Board per dwelling unit must be submitted at this time. Site staking of building corners, driveway and other improvements, if requested, must be done at this time, for Architectural Committee approval.

<p><b>FOR COMMITTEE USE ONLY:</b></p> <p><b>Submittal Date:</b> _____</p> <p><b>Meeting Date:</b> _____</p> <p><b>Notice Date (Within 14 Days):</b> _____</p>
---

**NOTICE TO OWNER:**

Following your Design Development Submittal, the Committee:

- Approves your Design Development Submittal
- Approves your Design Development Submittal with the following conditions:  
\_\_\_\_\_  
\_\_\_\_\_

- Disapproves your Design Development Submittal for the following reasons and requires a revised Submittal:  
\_\_\_\_\_  
\_\_\_\_\_

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

**ARCHITECTURAL COMMITTEE**

**APPENDIX F APPLICATION FOR CONTRACT DOCUMENTS - FINAL SUBMITTAL**

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

**Owner/Applicant:** \_\_\_\_\_  
Phone: \_\_\_\_\_  
Address: \_\_\_\_\_

**Architect:** \_\_\_\_\_  
Phone: \_\_\_\_\_  
Address: \_\_\_\_\_

This application will be considered complete only if the following are submitted

- 1) \$10,000 refundable construction deposit

1-Printed copy and 1- set in PDF format on disc:

- 1) Site Plan (1" = 20'0" minimum)
- 2) Vicinity Plan (1" = 50'0" minimum)
- 3) Floor Plans (1/8" = 1'0" minimum)
- 4) Roof Plan (1/8" = 1'0" minimum)
- 5) Exterior Elevations & Details (1/8" = 1'0" minimum)
- 6) Building Sections (1/8" = 1'0" minimum)
- 7) Construction Schedule
- 8) Landscape Plan
- 9) The Sample Board depicting exterior materials, colors and texture must be included in this Submittal.

NOTE: See guidelines for specific requirements for each item above.

**FOR COMMITTEE USE ONLY:**

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

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

**Notice Date (Within 14 Days):** \_\_\_\_\_

Signed: \_\_\_\_\_

Note: A Building Permit must be obtained from the City of Scottsdale prior to commencement of construction. A Project Completion Review must be requested within ten days of the City of Scottsdale Occupancy Permit inspection. It is strongly recommended that final design approval from the committee prior to city submission for permit.