

THE CROSSROADS AT MINGUS
HOMEOWNERS ASSOCIATION



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DESIGN GUIDELINES

Revision 1

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DESIGN GUIDELINES

1 DEFINITIONS

Definition of terms used in this document are found in the Declaration of Covenants, Conditions, and Restrictions for The Crossroads at Mingus (Declaration). Defined terms should appear throughout with the initial letter of such term capitalized. Terms not otherwise defined herein shall have the meanings set forth in the Declaration.

- 1.1 "Dwelling Unit" means any building or portion of a building situated upon a Lot designed and intended for use and occupancy as a residence by a Single Family. (CC&R 1.26)
- 1.2 "Enclosed Side Yard" means the enclosed side yard portion of a Lot that is located behind, when viewed from the street in front of the Dwelling Unit, the front wall of a Lot. The Architectural Committee will be the sole and absolute judge as to what constitutes a Side Yard and an Enclosed Side Yard in accordance with this Declaration. (CC&R 1.50)
- 1.3 "Improvement(s)" shall mean each and every physical improvement of any kind whatsoever to any portion of the Real Property, including, but not limited to, any excavation, grading, fill work, building, Dwelling Unit, walkway, driveway, road, parking area, wall, fence, swimming pool, utility installation, drainage facility, stairway, patio, courtyard, pole, sign, and any and all components of any of the foregoing (including, but not limited to, exterior paint, texture, color and finish scheme) and any and all modifications, alterations of, or additions to, any of the foregoing. (CC&R 1.27)
- 1.4 "Lot" means any parcel of real property designated as a numbered lot on the Plat and any Improvements located thereon. The platted lots are referred to collectively herein as "Lots," and all such Lots in the Project are subject to the Declaration. (CC&R 1.28)
- 1.5 "Major" additions or alterations are generally defined as those which require a Building Permit.
- 1.6 "Minor" additions or alterations are generally defined as those which do not require a Building Permit.
- 1.7 "Non-Plant Landscaping" is defined as artwork, statues, symbols, artifacts, pots/planters, antiques, benches, chairs, tables, furniture, equipment, decorations, or any man-made objects.
- 1.8 "Open Yard" means that portion of the Yard that is Visible From Neighboring Property, whether located in front of, beside or behind a Dwelling Unit (typically, a front Yard or an open Side Yard or a rear Yard partially enclosed by a "view fence"). (CC&R 1.50)

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- 1.9 "Private Yard" means the portion or portions of the Yard that generally are not Visible From Neighboring Property and are shielded or enclosed by walls, fences and similar structurally enclosed items (typically, a back or enclosed Side Yard of the Lot or a courtyard). (CC&R 1.50)
- 1.10 "Screened From View" means that the object in question is appropriately screened when viewed from abutting Lots, Common Area and public and private streets by a gate, wall, shrubs or other approved landscaping or screening devices. The Architectural Committee will be the sole and absolute judge as to what constitutes an object being Screened From View and appropriately screened. An object may be Screened From View, in the opinion of the Architecture Committee, even though the object is Visible From Neighboring Property and may be seen through be the approved screening. (CC&R 1.43)
- 1.11 "Side Yard" (whether capitalized or not) will be used to describe that portion of a Lot located between the Dwelling Unit and the side Lot line and between the front and rear Yard setback areas. The Architectural Committee will be the sole and absolute judge as to what constitutes a Side Yard and an Enclosed Side Yard in accordance with this Declaration. (CC&R 1.50)
- 1.12 "Side Yard Parking Area" means that portion of the Enclosed Side Yard of a lot that has been designated by the Architectural Committee as a place for the parking of Commercial Vehicles, Recreational Vehicles or Personal Vehicles. The plans and specifications for any Side Yard Parking Area must be approved in writing by the Architectural Committee prior to its installation or construction.(CC&R 1.44)
- 1.13 "Visible From Neighboring Property" means with respect to any given object, that such object is or would be visible to a person six feet tall, standing on any part of such neighboring property (which may include a Lot or any part of the Common Area) at an elevation no greater than the elevation of the base of the object being viewed. (CC&R 1.48)
- 1.14 "Yard" (whether capitalize or not) means all portions of the Lot other than the portions of the Lot upon which the Dwelling Unit is constructed. (CC&R 1.50)

2 PURPOSE, ESTABLISHMENT, AND GENERAL INFORMATION

- 2.1 It is the purpose and intent of these Design Guidelines to create a harmonious and aesthetically pleasing community of high-quality homes at The Crossroads at Mingus development. These Design Guidelines have been developed to provide guidance to Lot Owners for the development and Improvement of their properties and to ensure continuity and harmony with the existing community.

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- 2.2 These Design Guidelines have been established by The Crossroads at Mingus Homeowners' Association Board of Directors and Architectural Committee in accordance with the Declaration of Covenants, Conditions and Restrictions (Declaration). The Design Guidelines are in addition to the Declaration. The Design Guidelines are intended to supplement the Declaration but in the event of any conflict between the provisions of the Declaration and the provisions of this document, the provisions of the Declaration shall control. (CC&R 6.5, CC&R 7.4)
- 2.3 Different sites and different designs will have different criteria. Consequently, it may seem that these Design Guidelines are not being uniformly applied. Notwithstanding any such apparent non-uniformity, the Architectural Committee shall not be required to approve any Improvement simply because another similar or exact design or detail has previously been approved.
- 2.4 The Design Review Process is solely intended to enforce The Crossroads at Mingus Design Guidelines and the standards contained in the Declaration. This document does not obviate the requirements of obtaining building permits and other permits and approvals required by the Town of Clarkdale or any other governing agency.
- 2.5 Neither the Architectural Committee, nor any member thereof, nor consulting individual shall be liable to the Association or to any Owner or other person for any loss or damage claimed on account of any decisions or actions taken by the Architectural Committee or the Association's Board of Directors. (CC&R 7.7)
- 2.6 The Design Guidelines are subject to amendment from time to time. It is the responsibility of each interested party to obtain a copy of the most recent revised version. A copy of the current version may be obtained from CrossroadsatMingusHOA.com. (CC&R 1.24)
- 2.7 If any provision of these Design Guidelines, or any section, clause, sentence, phrase or word, or the application thereof in any circumstance, is held invalid, the validity of the remainder of these Design Guidelines, and of the application of any such provision, section, sentence, clause, phrase or word in any other circumstances, shall not be affected thereby, and the remainder of these Design Guidelines shall be construed as if such invalid part were never included therein.

3 RESPONSIBILITIES

3.1 ARCHITECTURAL COMMITTEE

- 3.1.1 The Architectural Committee (ARC) has been established and charged with the responsibility of ensuring these Design Guidelines are adhered to throughout the development of The Crossroads at Mingus community. The Architectural Committee (ARC) uses these Design Guidelines for the design review and approval of new construction, remodels, additions, changes, or Improvements; and compliance monitoring during new construction, remodels, additions, changes, or Improvements to existing Dwelling Units or Lots. (CC&R 7.1)

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- 3.1.2 Architectural Committee (ARC) approval is required for all Improvements, including new construction, and for any additional Improvements, construction, or modification to appearance that changes the appearance of the Lot or Dwelling Unit. (CC&R 7.1)
- 3.1.3 The ARC shall have authority on the suitability of the character, materials, and/or design of submittals. The Crossroads at Mingus Declaration governs disputes or disagreements or any question of interpretation or application relating to the Design Guidelines. (CC&R 7.1)
- 3.1.4 The Architectural Committee reserves the right to waive or vary any of the Design Guidelines and any of the procedures set forth herein on a Lot-by-Lot basis at its discretion, for good cause shown.
- 3.1.5 The ARC may grant a waiver or variance on its own initiative in writing which includes a description of the waiver or variance, date, and reason for waiver or variance.
- 3.1.6 Approval by the Architectural Committee of any plans, drawings, or specifications for any work done or proposed shall not be deemed to constitute a waiver of any right to withhold approval of any similar plan, drawing or specification subsequently or additionally submitted for approval. Failure of the Architectural Committee to enforce any of the Design Guidelines shall not constitute a waiver of same.
- 3.1.7 Regular inspections are made by the ARC to ensure compliance with the Design Guidelines. The ARC may inspect all work in progress and give notice of noncompliance. The absence of such inspection or notification during the construction period does not constitute an approval by the ARC of work in progress or compliance with these Design Guidelines.
- 3.1.8 Upon learning of any deviation from approved construction documents, the ARC shall notify the Board of Directors and recommend a course of action.
- 3.1.9 The ARC may communicate with neighboring property owners if it determines a requested building envelope modification, exception, or exemption may potentially affect the neighboring properties.
- 3.1.10 The Architectural Committee shall hold meetings as it deems necessary and all approvals or disapprovals shall be in writing. The Architectural Committee shall keep and maintain a record of all actions taken at its meetings that shall include a description, date, and reason for approval or disapproval. (CC&R 7.3)
- 3.1.11 The decision of the Architectural Committee shall be final on all matters submitted to it pursuant to this Declaration. The Design Guidelines shall not be inconsistent with the terms of this Declaration and if there are any inconsistencies, the provisions of the Declaration shall control. (CC&R 7.4)
- 3.1.12 The Architectural Committee reserves the right to regulate (which approval may be in the form of rules and regulations of general applicability) size, colors, design, message content, number and location of any sign.

3.2 BOARD OF DIRECTORS

- 3.2.1 The Board of Directors shall have all available rights and remedies at law or in equity and as provided in the Declaration including levying assessments and fines.
- 3.2.2 The decision of the Board of Directors shall be final and in writing.

3.3 OWNER

- 3.3.1 Owners must adhere to and comply with all provisions in the Project Documents. (CC&R 6.30)

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- 3.3.2 It shall be the sole responsibility of the Owner to comply with all applicable governmental ordinances or regulations, including but not limited to zoning ordinances and local building codes.
- 3.3.3 It is expected that the design of each Dwelling Unit or other Improvement will be integrated with the unique features of each Lot, and it is strongly suggested that the Owner engage the services of a registered Arizona architect.
- 3.3.4 If any contractor/builder or Owner makes any Improvement without first complying with these Design Guidelines, the Architectural Committee shall have all rights and remedies delegated to it by the Board and Project Documents to enforce the terms of the Design Guidelines. (CC&R 6.5)
- 3.3.5 The Owner shall ensure the contractor/builder undertakes the responsibility for trash removal, control of dust and debris, and control of noise. (CC&R 6.30)
- 3.3.6 Any request for a waiver or variance from the Design Guidelines by an Owner shall be in writing which includes a description of the waiver or variance, date, and reason for waiver or variance.

3.4 CONTRACTOR, BUILDER, ARCHITECT, PROFESSIONAL ENGINEER

- 3.4.1 To ensure quality construction within The Crossroads at Mingus, an Arizona-licensed general contractor/builder, registered architect or professional engineer should be used.

3.5 TOWN OF CLARKDALE

- 3.5.1 Town of Clarkdale requires Architectural Committee approval prior to issuing Building Permits. (ToC 7-11-3)

4 REQUIREMENTS

- 4.1 All Improvements, changes or additions to a Lot or Dwelling Unit shall be submitted for review and approval to the ARC and must follow this Design Guideline document. (CC&R 7.1)
- 4.2 THE ARCHITECTURAL COMMITTEE MAY FIX A FINE OF UP TO \$10,000 FOR FAILURE TO OBTAIN REQUIRED APPROVAL FROM THE ARCHITECTURAL COMMITTEE OR FOR FAILURE TO COMPLY WITH ANY APPROVAL OF THE ARCHITECTURAL COMMITTEE AFTER PROPER NOTICE IS PROVIDED AND AN OPPORTUNITY TO BE HEARD HAS BEEN EXTENDED. (CC&R 6.5)
- 4.3 Any changes or additions to existing Dwelling Units that alter the exterior appearance either by finish or design must be approved by the ARC prior to implementation. (CC&R 6.4)
- 4.4 No Improvements shall be commenced, erected or maintained within any portion of the Property (other than by Declarant or an Affiliate of Declarant or a Developer in the ordinary course of constructing Dwelling Units) unless and until detailed plans and specifications (including site plans) showing the proposed nature, location, identity, type, and quality of proposed materials, size, area, height, color, shape and design of the proposed Improvements, as well as any other matters required, have first been approved by the Architectural Committee. (CC&R 7.1)

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- 4.5 No Improvement shall be commenced, erected or maintained within the Property except in compliance with this Declaration and with the approved plans and specifications for such Improvements. (CC&R 7.1)
- 4.6 Sixty (60) days following receipt by the Architectural Committee of a complete application for approval, including any plans, specifications or other materials or information submitted therewith or additionally requested by the Architectural Committee, the Architectural Committee shall be deemed to have approved such submittal and materials if the same have not been disapproved or otherwise acted upon by the Architectural Committee, either in writing or orally at a duly held meeting of the Architectural Committee. (CC&R 7.1)
- 4.7 Failure to seek prior written approval from the ARC may result in the removal of all, or a portion, of said unapproved construction or Improvements at the owner's sole and absolute expense. (CC&R 6.43)

5 DESIGN REVIEW AND APPROVAL PROCESS

The ARC will respond in writing within 60 days to any plan submitted. (CC&R 7.1)

Resubmittals of plans restarts the sixty (60) days.

5.1 PLAN SUBMITTAL

- 5.1.1 Site Plan (scale 1"=20' or larger) showing the entire property; location of the building envelope, street curb elevations at all property corner projections, all structures, driveway, parking areas, patios and/or decks, fences and or walls; retaining walls, existing and proposed topography at minimum 2' contour intervals; proposed finish floor elevations; Major terrain features; edge of pavement and utility locations.
- 5.1.2 Floor Plans (scale 1/8" = 1'-0" or larger) showing proposed finish floor elevations.
- 5.1.3 All Exterior Elevations (scale 1/8" = 1'-0" or larger) showing both existing and proposed grade lines, finish floor elevations, ridge heights and exterior materials.
- 5.1.4 Building & Site Section (scale 1/8" = 1'-0") showing the Dwelling Unit location and its relationship to the existing and finish grades and to the street.
- 5.1.5 Pre-Construction Compliance Agreement (Appendix A)

5.2 PLAN CHANGES

- 5.2.1 Changes or additions to the approved plans before, during, or after construction must first be approved by the ARC.
- 5.2.2 Prior to making any additional construction or other Improvements to a Dwelling Unit or Lot after receiving any approval from the ARC, changes must be resubmitted to the ARC for approval prior to making such changes or additions.
- 5.2.3 Exceptions for Minor additions, alterations, or modifications may be sought through the ARC.

6 PROPERTY PREPARATION

6.1 SITE WORK, GRADING AND DRAINAGE, EROSION

- 6.1.1 No Owner shall erect, construct, maintain, permit or allow any fence, landscaping or other Improvement or other obstruction or alteration of any grading
- (i) which would interrupt the normal drainage of the Lot or land from its natural or improved state existing on the date such property was first conveyed in fee by Declarant or an Affiliate of Declarant or a Developer to an Owner,
 - (ii) which would cause or facilitate drainage from such Owner's Lot onto another Lot, or
 - (iii) within any area designated on the Plat (or other building document) as a "Drainage Easement" or similar term, except that, with the prior consent of the Architectural Committee, non-permanent structures, including fences, may be erected in those areas which contain only underground closed conduit storm drainage facilities. (CC&R 6.21)
- 6.1.2 Grades, hillside slopes, or other areas subject to erosion shall be stabilized. (ToC 7-11-7)
- 6.1.3 Attention shall be given to the finish floor elevation height relative to the street curb height. Unless a need is demonstrated, finish floor height shall only be high enough to facilitate Lot drainage to the public right-of-way. Grading shall comply with the version of the Code(s) adopted by the Town of Clarkdale at the time of plan submittal.

7 DWELLING UNIT CONSTRUCTION STANDARDS

7.1 DWELLING UNIT SIZE

- 7.1.1 Any Dwelling Unit erected, permitted or maintained on any Lot shall have a minimum livable square footage, excluding garage, porches, guest house, and patios, as follows:
- | | |
|---------------------------|---|
| Lots 3-58 (inclusive): | one thousand six hundred (1,600) square feet |
| Lots 59-140 (inclusive): | one thousand three hundred fifty (1,350) square feet |
| Lots 141-240 (inclusive): | one thousand (1,000) square feet |
| Lots 241-251 (inclusive): | one thousand six hundred (1,600) square feet (CC&R 6.7) |

7.2 HEIGHT OF STRUCTURES

- 7.2.1 The height of any structure shall not exceed the height restrictions of 18 feet. (CC&R 6.18)
- 7.2.2 The Architectural Committee may but shall not be obligated to impose requirements and restrictions pertaining to, but not limited to, height, type and blocking of views from other Lots. (CC&R 6.9)
- 7.2.3 Rooftop decks will be reviewed with consideration given to the expected privacy of neighboring Lots, location and visibility of entrance steps and location and visibility of the deck from the street.

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7.3 FOUNDATION

- 7.3.1 Foundation walls must be finished in a material and color compatible with and repeated in the exterior wall construction of the Dwelling Unit, or otherwise approved by the ARC. In no case shall Dwelling Units on piers or columns be allowed unless piers or columns are walled so as to not be visible.

7.4 EXTERIOR MATERIALS

- 7.4.1 The predominant exterior material of a Dwelling Unit should be stucco. Wood accents are permitted. Manufactured stone may be used. Use of metal accents may be considered on a case-by-case basis. No ceramic tile products may be used.

7.5 ROOFING MATERIAL

- 7.5.1 Roof materials shall be Architectural grade shingle or higher (CC&R 6.8)
- 7.5.2 Metal roofs must have a Light Reflective Value less than 40% so as to restrict glare.

7.6 FLAT ROOFS

- 7.6.1 Flat roofs visible from the street must have a hot-mopped gravel finish in a color that blends with the Dwelling Unit or a fluid-applied acrylic roofing system with an Elastomeric surface with an integral color to blend with the stucco wall color or a single-ply membrane roof that blends with the Dwelling Unit color. In no case shall the flat roof system color have Light Reflectance Value over that approved for the exterior wall finish nor will drainage or scuppers on the street-facing side of the house be allowed.

7.7 SIDING

- 7.7.1 The use of metal siding, fiberglass siding, vinyl siding, plywood siding, clapboard siding, is prohibited. Use of cement-based siding or engineered wood siding may be approved on a case-by-case basis. In any event, pressed board siding shall not be permitted. (CC&R 6.8)
- 7.7.2 The aesthetic merits of any combination of exterior materials are subject to review and approval by the ARC.

7.8 GARAGES

- 7.8.1 An enclosed, attached garage for each Dwelling Unit is required, accommodating at least one automobile. Carports are prohibited. Garages designed to accommodate Recreational Vehicles, trailers, or campers will be permitted but must be designed in such a way that is aesthetically pleasing and in keeping with the balance of the residence. (CC&R 6.52, CC&R 9.9G)
- 7.8.2 No vehicular garage or garage additions shall be permitted on a Lot if detached from the Dwelling Unit, unless in compliance with all setback and other requirements of the Town and unless prior written approval of the Architectural Committee has been received. (CC&R 6.52)

7.9 WINDOWS, WINDOW TREATMENTS (INCLUDING COVERINGS, SHADES, BLINDS, SHUTTERS & DRAPES), AND AWNINGS

- 7.9.1 Exterior awnings, canopies, shutters and similar items, unless installed in the Private Yard and not Visible From Neighboring Property, may not be installed without ARC approval. (CC&R 6.25)

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7.9.2 The use of security devices such as grates, bars, or roll-down screens over exterior windows is strictly prohibited, as is the use of film on windows or additional tinting of windows.

7.10 EXTERIOR COLORS

7.10.1 The color of exterior materials must generally be subdued to blend with the natural landscape. Earth tones are recommended, although accent colors that are used judiciously and with restraint may be permitted subject to the approval of the ARC.

7.10.2 The allowance of accent colors applies only to wood or metal door frames and window trim or fasciae at roof eaves. Different colors of stucco may be used on different elements of a home but are subject to the approval of the ARC.

7.10.3 ARC approval for street-facing garage and entry door colors will be determined by the amount of contrast with the color of adjacent surfaces.

7.10.4 In no case will white or colors approaching the primary range (red, blue, and yellow) be allowed as exterior colors.

7.10.5 All exterior finishes (including paint colors, stucco, trim, stone, wood, roof, pavers, and concrete) must be submitted as actual samples to the ARC for approval before the installation or application of any finish materials. All materials should be submitted at the same time.

7.11 MECHANICAL EQUIPMENT

7.11.1 No air conditioning units, heating units, compressors, evaporative coolers, or similar equipment shall be constructed or installed on the roof, or in the windows or, in or on the exterior walls of any Dwelling Unit in the Project. (CC&R 6.11)

7.12 BUILDING PROJECTIONS

7.12.1 All building projections including roofs and cantilevered building elements must conform to the maximum height restrictions.

7.12.2 All projections from a Dwelling Unit or other structure including, but not limited to, chimney flues, vents, flashing, gutters, utility boxes, porches, railings, and exterior stairways shall match the surface from which they project or must be of an approved color.

7.13 COLUMNS

7.13.1 Exposed pipe columns and single thin posts, such as 4 inches by 4 inches (4"x4") wood or metal pipe columns and cast iron or aluminum lattice work are prohibited. Columns of 6 inches by 6 inches may be used as a free-standing form or as support for porch roofs or balconies.

7.14 UTILITIES

7.14.1 Electric meters or panels, cable TV or telephone junction boxes, and service entrances shall not be located on a wall of the house facing the street and if painted, shall be the same color as the house.

7.14.2 No lines, wires, or other devices for the communication or transmission of electronic current or power, including television, Internet, and radio signals, shall be erected, placed or maintained anywhere in or on the Lot unless the same shall be contained in conduits or cables installed and maintained underground or concealed in, under or on buildings or other structures. (CC&R 6.19)

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7.15 SOLAR APPLICATIONS

- 7.15.1 Solar energy devices must be located on the Dwelling Unit roof. Consultation with the ARC regarding the location of all solar energy devices and systems before their purchase and/or installation is recommended. (CC&R 6.12)

8 LOT IMPROVEMENT

8.1 LANDSCAPING

- 8.1.1 Within forty-five (45) days after the date on which the Town issues a Certificate of Occupancy for a Dwelling Unit on a Lot, the Owner of the Lot shall install plants and other landscaping Improvements (together with a sprinkle or drip system sufficient to adequately water the plants and other landscaping Improvements) in the Open Yard of his Lot in a manner that would give such portion of the Lot an attractive and fully landscaped appearance. (CC&R 6.14)
- 8.1.2 Within one hundred eighty (180) days after the date on which the Town issues a Certificate of Occupancy for a Dwelling Unit on a Lot, the Owner of the Lot shall install plants and other landscaping Improvements (together with a sprinkle or drip system sufficient to adequately water the plants and other landscaping Improvements) in the Private Yard of his Lot in a manner that would give such portion of the Lot an attractive and fully landscaped appearance. The grass, plants, trees and other landscaping Improvements shall be installed in accordance with any requirements or restrictions of the Town. (CC&R 6.14)
- 8.1.3 No tree, shrub, or planting of any kind on any property shall be allowed to overhang or otherwise to encroach upon any sidewalk, street, pedestrian way, or other area from ground level to a height of twelve (12) feet, without the prior approval of the Architectural Committee. (CC&R 6.37)
- 8.1.4 The Town of Clarkdale has established an Approved Plant List in Chapter 9, Section 9-130 of the Zoning Code, which may be revised from time to time. The Approved Plant List shall be consulted to determine acceptable landscaping plants. (CC&R 6.15)

8.2 NON-PLANT LANDSCAPING

- 8.2.1 Non-Plant Landscaping in the Open Yard cannot be larger than 40 square feet with a maximum of seven feet (7') high nor consist of more than a quantity of five.
- 8.2.2 If a Non-Plant Landscaping feature becomes damaged or deteriorated, it must be removed upon notice from the ARC or Board of Directors.

8.3 WALLS AND FENCING

- 8.3.1 No fences, hedges or walls shall be erected or maintained on any Lot in the Open Yard without the prior written approval of the Architectural Committee. (CC&R 6.13)
- 8.3.2 All walls greater than eighteen inches (18") in height and fencing require approval from the ARC, before installation. In no case will fencing or a wall be allowed in an easement or consist of reflective material. Any wall or fence requires a permit from the Town of Clarkdale. (ToC 13-010)

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- 8.3.3 All Perimeter Walls or Boundary Fences, gates and garden walls shall be constructed of non-reflective materials that are authorized and approved in writing by the Architectural Committee. The Architectural Committee may but shall not be obligated to impose requirements and restrictions pertaining to, but not limited to, height, type and blocking of views from other Lots. Perimeter Walls shall be consistent in structure and appearance in all locations where Lots are separated from Common Area. (CC&R 6.9)
- 8.3.4 Walls or fences are permitted and per the Town of Clarkdale, must not exceed six feet (6') in height in the rear Yard and four feet (4') in the front Yard. However, front Yard fences may exceed four feet (4') if they are a minimum of 80% open (TOC 4-080).
- 8.3.5 Retaining walls that are visible from an adjoining street or outside the building envelope may not exceed four feet (4') in height and must be stacked block or rock, or a block wall painted with a color approved by the ARC or stucco or rock facing.
- 8.3.6 Private Yard walls or fences contained within the Private Yard do not require ARC approval as long as wall or fence is not Visible From Neighboring Property.

8.4 ANTENNAS, SATELLITE DISHES, TRANSMITTERS, RECEIVERS AND ANY DEVICE USED FOR TELECOMMUNICATIONS

- 8.4.1 Although the Federal Communications Commission has enacted statutes limiting the extent to which homeowner associations can limit, control, or influence the installation of satellite dishes, et al, Owners shall consult with the ARC regarding the location of all antennas and satellite dishes.

8.5 SWIMMING POOLS AND SPAS

- 8.5.1 Above ground or in ground swimming pools and spas must be located completely within the back Yard of the Lot and shall be so walled or fenced as to prevent uncontrolled access by children from the street or any adjacent property. (ToC 4-060)
- 8.5.2 Above-ground spas and hot tubs are only permitted in the Private Area of the back Yard of the Lot and if not fenced or walled, must have a cover to prevent uncontrolled access by children from the street or any adjacent property.
- 8.5.3 Above-ground pools are allowed if Screened From View.

8.6 TENNIS/SPORT COURTS, PLAYGROUND, SPORTS EQUIPMENT AND BASKETBALL STANDARDS

- 8.6.1 Tennis courts, sport courts, racquetball, pickle ball, or similar sports courts are prohibited in The Crossroads at Mingus subdivision. (CC&R 6.34)
- 8.6.2 Playground equipment such as jungle gyms, swing sets, or similar sports equipment or structures shall be restricted to the height of two feet above the fence as seen from the street view, and may not be installed or erected on any Lot without prior written approval from the Architectural Committee. (CC&R 6.33)
- 8.6.3 Wall-mounted or freestanding permanent basketball goals are not allowed on any Lot. Roll-away goals may be used if they are stored in an area not Visible From Neighboring Property when not in use.

DESIGN GUIDELINES

8.7 MAILBOXES

- 8.7.1 Community mailboxes are provided by the United States Post Service. No personal mailboxes or other mail receptacles of any kind or nature shall be placed or utilized upon any Lot.

8.8 FLAGPOLES

- 8.8.1 A flagpole may be installed with the prior written consent of the ARC. A request for approval of a flagpole must include the materials and color of the flagpole, the height/size of the flagpole, and the proposed location of installation. The height of the flagpole may not exceed 15 feet from grade and not exceed the distance to the nearest property line; be securely anchored to the ground; capable of withstanding wind speeds of 80 mph; located within Lot boundary complying with setback requirements; not obstruct right-of-way or impede vehicle visibility or pedestrian traffic. Any lighting installed on the flagpole must comply with dark sky requirements. (ToC 4-250)

8.9 LIGHTING

- 8.9.1 In all instances, all lighting shall comply with the Town of Clarkdale's Dark Sky Ordinance (CC&R 6.16).
- 8.9.2 All exterior light fixtures including low-voltage landscape lights are subject to the approval of the ARC.
- 8.9.3 Only low-intensity accent lighting not exceeding 18 inches in height will be allowed at exterior locations.
- 8.9.4 No spotlights, flood lights or other high intensity lighting shall be placed or utilized upon any Lot which in any manner will allow light to be directed or reflected on any other Lot. (CC&R 6.16)

8.10 SIDE YARD PARKING

- 8.10.1 Prior to installation of any Side Yard Parking Area on a Lot, the Owner must submit to the Board for approval complete plans and specifications for the width, depth, design, location, composition or appearance of the Side Yard Parking Area. (CC&R 9.9F)
- 8.10.2 The approval by the Architectural Committee or the Board of a Side Yard Parking Area should not be construed as the approval to park or store Personal Vehicles, Commercial Vehicles or Recreational Vehicles in the Side Yard Parking Area, and the types of Personal Vehicles, Commercial Vehicles and Recreational Vehicles that may be parked or stored in the Side Yard Parking Area are governed by other provisions of the Project Documents. (CC&R 9.9F)
- 8.10.3 The Architectural Committee will be the sole judge as to whether any Commercial Vehicle or Recreational Vehicle will be considered a Personal Vehicle for the purposes of these Design Guidelines. Not all types of Commercial Vehicles or Recreational Vehicles will be considered Personal Vehicles. A determination by the Board will be final and binding on all persons. (CC&R 9.9I)

DESIGN GUIDELINES

8.11 PREFABRICATED BUILDINGS/SHEDS

- 8.11.1 All Dwelling Units and other structures on the Property shall be of new and permanent construction, and no structure shall be moved from any location on or off the Property onto any portion of the Property. Notwithstanding the foregoing, a shed or other storage structure may be located on a Lot on which a Dwelling Unit is constructed, so long as such shed or other storage structure is not Visible From Neighboring Property, meets all setback requirements, and is not otherwise a nuisance, as determined by the Architectural Committee in its sole and absolute discretion. (CC&R 6.10)
- 8.11.2 All use of prefabricated building elements must be reviewed and approved by the Architectural Committee.

9 FINAL DESIGN REVIEW AND SITE INSPECTION

- 9.1 Upon completion of any Improvement for which final approval was given by the ARC, the Owner shall submit a final design and give written notice of completion to the ARC. A copy of the Certificate of Occupancy, when applicable, shall accompany the written notice of completion.
- 9.2 The ARC will review the plans and inspect the Lot or Improvement to determine that conformance with the approved plans as depicted in the final design submittal are accurate and complete.
- 9.3 Ultimately, a final walk-around inspection will be the time at which conformance with the approved plans is determined. In other words, just because the ARC does periodic inspections does not mean approval of something that may have been missed during the inspection.
- 9.4 The ARC shall inspect the Improvements within 20 days of receipt of notice of completion and provide written approval or written notice of noncompliance that includes a description, date, and reason for approval or noncompliance to the Owner.

10 NONCOMPLIANCES, VIOLATIONS, DISAGREEMENTS, DECISIONS

- 10.1 Amicable resolution of disputes, disagreements, claims, grievances, or controversies between parties is encouraged. Declaration section 11.3, Alternative Dispute Resolution, should be used. (CC&R 11.3)
- 10.2 Upon discovering a violation of these Design Guidelines or the Declaration, the ARC shall provide a written notice of noncompliance to the Owner. When a notice of noncompliance is given by the ARC, the Owner will be responsible for correcting all noncomplying work within 30 days of receipt of the notice of noncompliance. (CC&R 6.43, CC&R 11.3)

DESIGN GUIDELINES

- 10.3 If the Owner does not correct the noncompliant items within 30 days of notice from the ARC, the Owner hereby authorizes the ARC or its authorized agents to enter or take whatever action the ARC deems appropriate, including commencement of an action for specific performance to correct the violation at the expense of the Owner of such Lot, which will be paid immediately upon completion of the noncompliant correction.
- 10.4 In the event of any disapproval, discrepancy, or noncompliance discovered by the ARC, a resubmittal may be required.
- 10.5 Any violation of these Design Guidelines shall also be deemed a violation of the Declaration and the ARC shall have all rights and remedies provided therein. Any amount payable by an Owner hereunder, including, without limitation, any liquidated damages levied against an Owner, shall be deemed a Special Assessment and shall be secured by the Assessment Lien created under the Declaration.
- 10.6 Disagreements or unresolved issues between the Architectural Committee and Owner may be appealed by the Owner to the Board of Directors of The Crossroads at Mingus Homeowners Association in writing.
- 10.7 Decisions by the Board of Directors resulting from the appeal shall be made within 30 days of the date of the appeal and shall be in writing and include the decision, date, and reason for the decision. The decision by the Board of Directors shall be final.

11 EXEMPTION/EXCEPTIONS REQUEST PROCESS

- 11.1 The owner and/or the architect/designer shall request an exemption or exception meeting or discussion with the ARC and submit any conceptual sketches or plans specifying what the exemption or exception is in writing for discussion.
- 11.2 The ARC evaluation may involve:
 - Site visitation to the Lot and neighboring Lots
 - Marking of the building envelope on the Lot and/or placement of story poles
 - Communication with neighboring Lot Owners that might be impacted
 - Request for additional information from the owner and/or architect/designer
 - Communication with the Town of Clarkdale
 - Request for additional Conceptual exterior plans
- 11.3 Actual approval of an exemption request stating what the exemption or exception is will be granted within 60 days via a letter from the ARC. Owner and/or architect/designer is responsible to determine and obtain any subsequent permits or approvals required from the Town of Clarkdale.
- 11.4 Should the Owner decide not to enact the exemption or exception, the Owner shall notify the ARC in writing and the ARC may, at its discretion, rescind approval.

12 POST-CONSTRUCTION IMPROVEMENTS

- 12.1 All exterior painting including the repainting of existing buildings, unless using the existing color, must be submitted to the ARC for approval before painting.

13 CONTRACTOR/BUILDER OBLIGATIONS

These contractor/builder obligations also apply to any jobs or Improvements undertaken by Owners that may fall outside the review of the Architectural Committee.

Any violation of these regulations by an Owner's agent, representative, builder, contractor or subcontractor shall be deemed a violation by the Owner.

13.1 DAILY OPERATION

- 13.1.1 Reasonable daily starting and stopping times for construction must be observed but in no case shall construction either begin before sunrise or 6:00am, nor continue after sunset or 6:00pm. No work is allowed on major legal holidays. Work on Saturday is permitted from 8:00am to 4:00pm. No Sunday exterior work is permitted.

13.2 ADJACENT LOTS

- 13.2.1 The use of or transit over any other Lot, adjacent or otherwise, requires written permission from Lot Owner.
- 13.2.2 Parking of any vehicle on an unimproved Lot is not permitted without the written consent of the Lot Owner.

13.3 CONSTRUCTION TRAILERS

- 13.3.1 Upon commencement of construction, a construction trailer or portable field office may be located on the building site within the Lot but must be removed upon receipt of or prior to Certificate of Occupancy.

13.4 SIGNS

- 13.4.1 Temporary construction signs are allowed. These signs shall be removed when the owner has obtained a Certificate of Occupancy. (CC&R 6.23)

13.5 VEHICLES AND PARKING AREAS

- 13.5.1 Construction crews shall not park on, or otherwise use, undeveloped portions of Lots without previously obtaining Lot Owner permission in writing. All construction vehicles shall be parked within the Lot or on the shoulder of the street fronting and contiguous to the Lot. Parking of vehicles shall not obstruct street access by any vehicle nor obstruct the sidewalk.
- 13.5.2 Commercial Vehicles may not be parked or stored upon a Lot or anywhere else within the Project (CC&R 9.9D). Questions regarding the use or parking of certain types of vehicles within the Project should be brought before the Board or Architectural Committee for resolution. (CC&R 9.9B)

DESIGN GUIDELINES

13.6 SANITARY FACILITIES

13.6.1 Each Owner or contractor/builder shall be responsible for providing adequate sanitary facilities for their construction workers. Portable toilets shall be located within the Lot. The final location must not be in the right of way.

13.7 CONTROL OF TRASH, DEBRIS, AND DUST

The Owner shall ensure the contractor/builder complies with the following activities:
(CC&R 6.28, CC&R 9.2)

- 13.7.1 All trash and debris shall be cleaned up at the end of each day. A trash receptacle may remain on the site for this purpose.
- 13.7.2 Dumping, burying, or burning trash anywhere in The Crossroads at Mingus is prohibited.
- 13.7.3 Concrete trucks may be washed out only in areas approved by the Architectural Committee.
- 13.7.4 Any trees, branches, or plant growth removed during construction must be promptly cleaned up and removed from the construction site.
- 13.7.5 Any cleanup costs incurred by the Architectural Committee or the Association in enforcing these requirements shall be payable by the Owner.
- 13.7.6 The contractor/builder shall be responsible for controlling dust from the construction site that is the result of construction activity on the site.
- 13.7.7 Dirt, mud, or debris resulting from activity on each construction site shall be promptly removed from streets, sidewalks, gutters, drains, and easements.

13.8 NOISE CONTROL

13.8.1 The playing of radios or use of other audio equipment in a manner disturbing to other Owners is prohibited.

13.9 MATERIAL DELIVERIES

- 13.9.1 All building materials, equipment and machinery required to construct a Dwelling Unit on any Lot must be delivered to and remain within the Lot. Adjacent Lots may be used with the prior permission in writing from Lot Owner.
- 13.9.2 Delivery drivers should not restrict street access by other vehicles.

13.10 FIRES AND FLAMMABLE MATERIALS

13.10.1 Fire of any type for any reason is permitted only with a Burn Permit from the Verde Valley Fire Department.

13.11 ANIMALS

13.11.1 Animals brought onto the property must be leashed. Contractor/builder takes full responsibility for animal activities, including removal of fecal matter, biting, aggressive behavior, etc.
(CC&R 6.27)

DESIGN GUIDELINES

13.12 RESTORATION OF PROPERTY

13.12.1 Upon completion of construction, each Owner and contractor/builder shall clean the construction site and adjacent Lot, if used, and repair all property which has been damaged, including but not limited to, restoring grade, planting shrubs and trees as approved or required by the Architectural Committee, and repair of streets, driveways, pathways, sidewalks, drains, culverts, ditches, signs, lighting and fencing.

APPENDIX A

DESIGN GUIDELINE PRE-CONSTRUCTION COMPLIANCE AGREEMENT

We acknowledge having received The Crossroads at Mingus Homeowners' Association Design Guidelines. We understand the Design Guidelines are revised periodically, and that the currently-effective version of these Design Guidelines may be obtained from the Association's website: CrossroadsatMingusHOA.com.

We understand that failure to comply with the regulations and guidelines set forth in the Project Documents following the issuance of a verbal or written violation warning or notice issued by the Association or Architectural Committee will (a) result in a stop-work order, and (b) that a monetary penalty of up to \$500 may be assessed. We further acknowledge that construction cannot recommence until (a) all noncompliant issues are resolved and inspected, and (b) assessed penalty is cleared through the HOA bank account.

We hereby agree to comply with all design standards, construction regulations, and guidelines set forth in this and the Association's Project Documents.

Lot Number: _____ Lot Address: _____

_____/_____

Owner 1 - Print Name

Owner 2 - Print Name

_____/_____

Owner 1 - Signature

Owner 2 - Signature

_____/_____

Date

Date

APPENDIX A

DESIGN GUIDELINES PRE-CONSTRUCTION COMPLIANCE AGREEMENT (continued)

Owner agrees to comply with all applicable town, county, and state laws, and to obtain all necessary permits. A copy of the building permit shall be submitted to the Architectural Committee, as a condition of final approval. Approval by the Architectural Committee shall not be deemed a warranty or representation as to the quality of such construction, installation, addition, alteration, repair, change or other work, or that work conforms to any applicable building codes or other federal, state, county, or local law, statute, ordinance, rule or regulation.

Owner Signature _____ Date: _____

Approved By _____ Date: _____

Architectural Committee Chairman (or designee)

Disapproved By _____ Date: _____

Architectural Committee Chairman (or designee)

Comments and/or Reason for Disapproval

Design Review requests will be reviewed within 60 days. Requests will be approved, rejected or returned for additional information. If a building permit is not issued and construction does not commence within one year of approvals, Architectural Committee review may be required again.

Original to CMHOA Board Secretary; copy to Owner

APPENDIX A