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**CABALLEROS HOMEOWNERS ASSOCIATION**

**DESIGN GUIDELINES**



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## **PREFACE:**

These Guidelines are intended to be used for new construction and Modifications to landscaping and existing structures. The Caballeros Homeowners Association (CHOA) encourages and supports the repair, remodel or enhancement of homes or Property within the Community. However, as required by the Third Amended and Restated Declaration of Covenants, Conditions, and Restrictions for Caballeros Homeowners Association dated March 16, 2022 (the Declaration) and these Design Guidelines, Major Modifications to the exterior of a Residence or Property require the review and written approval of the CHOA Design Review Committee (DRC) prior to beginning any Modification. These Guidelines should be used in conjunction with the Design Guidelines Processes document and Information for Contractors and Owners During Construction document which are incorporated here by reference. Please review these documents prior to beginning any exterior work. The Design Review Committee is dedicated to assisting Owners in the planning and approval processes.

The DRC shall be advised of Minor Modifications, including exterior maintenance, to a Residence or landscape and may choose to approve minor remodeling or landscape projects without formal review. Request for Minor Modifications should be initiated by a brief letter to the DRC explaining the proposal. The DRC will follow up with questions or comments regarding additional information necessary to provide a decision. Under all circumstances, the Owner shall adhere to these Design Guidelines, which are provided to help Owners, Architects, and Contractors understand CHOA building and landscape requirements. Please review the guidelines before beginning any new construction or redesign work on any part of the exterior of your Residence or landscape. Members of the DRC will be pleased to work with you during all phases of your project. Feel free to contact the DRC with any questions or clarifications.

These Design Guidelines do not supersede any local jurisdictional Building Codes, Zoning Ordinances, or local Agency Guidelines as they now exist or may be later modified. Wherever there is a conflict between the Design Guidelines and any applicable Codes or Ordinances, the more restrictive requirement will apply.

### **Grandfathering of Existing Residences and Improvements**

All architectural and landscaping Improvements on Lots completed prior to the effective date (March 16, 2022) of the Third Amended and Restated Declaration of Covenants, Conditions, and Restrictions for Caballeros Homeowners Association shall be deemed Grandfathered with the exception of exterior paint colors on all Improvements, including Residences, garages, guest houses, walls, and fences (see Community Paint Policy Exhibit A.). Modifications to existing Improvements shall meet current Design Guidelines. Further, current required conditions that are not met as of the date of the Declaration are Grandfathered subject to the requirements detailed in this document. Owners are encouraged to bring their homes up to the standards set forth herein.

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## **Section A – DEFINITIONS**

**NOTE:** Whenever the initial letter of a word within this document is capitalized, it is defined within this Definitions section.

**ARCHITECTURAL CHARACTER** means the building style that would include size, height, form, materials, colors and general description of the exterior aspects of the building.

**ASSOCIATION** shall mean the Caballeros Homeowners Association, Inc., (CHOA), an Arizona nonprofit corporation.

**BOARD** shall mean the CHOA Board of Directors.

**BRIDGES** are an alternate solution to a wash crossing instead of a concrete or piped culvert crossing.

**BUILDING ENVELOPE** means that portion of the Lot available for all vertical construction and improvements. This does not include the area outside of the Residence and Private Areas (i.e. Transitional Desert Area).

The plat for Unit 3 (Middle Mesa) shows the Building Envelopes; if the Building Setback Lines encroach upon the Building Envelope, the Building Setback Lines will take precedence. For Units 1, 2, Parcel X and the South Mesa, the Building Envelopes are defined by the Setbacks. .

**BUILDING SETBACK LINES** are defined as lines forty (40) feet from the front Property line (that line which abuts upon the street) and the rear Property line and thirty (30) feet from the side Property lines.

**CC&Rs or DECLARATION** means the Third Amended and Restated Declaration of Covenants, Conditions and Restrictions for Caballeros Homeowners Association dated March 16, 2022, as amended from time to time governing the CHOA Community.

**COMMUNITY** Residences surrounding the Rancho de los Caballeros Ranch and Golf Club (The Ranch and Golf Club) consisting of Units 1, 2, 3 and Parcel X and the South Mesa as further described and depicted on Exhibits A, AI, and A2 attached to the CC&Rs and depicted on Exhibit B attached to the CC&Rs.

**COVERED PROPERTY** refers to Community Residences as further described and depicted on Exhibits A, AI, and A2 attached to the Declaration and depicted on Exhibit B attached to the Declaration.

**DARK SKY** refers to an effort to reduce light pollution.

**DESIGN GUIDELINES** means the rules, regulations, restrictions, architectural, lighting and landscaping standards and guidelines from time to time proposed by the Design Review Committee and approved by the CHOA Board.

**DECLARATION** means the Third Amended and Restated Declaration of Covenants, Conditions, and Restrictions for Caballeros Homeowners Association dated March 16, 2022.

**DESIGN REVIEW COMMITTEE (DRC)** means the committee created pursuant to Article 7 of the Third Amended and Restated Declaration of Covenants, Conditions, and Restrictions of the Caballeros Homeowners Association. The purpose of the Design Review Committee is to review plan submittals and approve and administer the Design Guidelines for all exterior Improvements to a Residence or Lot.

**DRAINAGE EASEMENT (DE)** means a Drainage Easement as legally established and recorded across a lot or parcel of land to allow for the natural flow of surface water.

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**DEMOLITION** refers to the tearing down of a building or other artificial structures or landscaping.

**DRC CHAIR** shall mean the Chairperson of the CHOA DRC. The Chair is required to be a member of the CHOA Board.

**DRIVEWAY APRON** is the area where the driveway meets the street pavement. A Driveway Apron may facilitate a smoother transition from the driveway to the street.

**EASEMENT** means a portion of any Lot or Parcel of land that has been legally established and recorded for the specific use of such functions as public utilities, vehicular circulation, pedestrian or equestrian circulation, storm drainage, or protection of the natural desert.

**EXCAVATION** means any disturbance to the natural terrain by scraping, digging, or moving of any natural feature.

**FENCE** means any site wall construction, open or closed, and not related to the basic construction of the living area of the Residence.

**FILL** means any disturbance to the natural terrain by adding material to the original natural surfaces.

**GRANDFATHERED** means: (a) all Improvements and lighting on Lots, including the South Mesa, that existed as of the date the Declaration was recorded (March 16, 2022); and (b) as otherwise set forth in the Third Amended and Restated Declaration of Covenants, Conditions, and Restrictions for Caballeros Homeowners Association and these Design Guidelines. All such Grandfathered Improvements and lighting shall be deemed approved. Conditions required in the Guidelines that are not met as of the effective date of the Declarations are also Grandfathered consistent with the stipulations with respect to subsequent Improvements.

**GUEST HOUSE** means an accessory building used to house guests of the occupants of the principal building.

**IMPROVEMENT** means, without limitation, (a) a Residence or other building; (b) a fence or wall; (c) a below ground swimming pool (d) a garage, road, driveway, or parking area; (e) a tree, plant, shrub, grass or other landscaping Improvement of any type and kind; (f) a statuary, fountain, artistic work, craft work, figurine, or ornamentation of any type or kind; (g) any other structure of any type, kind, or nature; and (h) any disturbance of the natural terrain and/or construction of any type thereupon.

**INDIGENOUS LANDSCAPING** means any plant or landscaping material that is native to the High Sonoran Desert.

**LOT** means any area of land within the Covered Property that is: (a) designated as a Lot on an original recorded subdivision plat; (b) otherwise legally created and identified by a tax Parcel number and on which a Residence may be lawfully constructed; or (c) leased by Rancho de Los Caballeros Ranch and Golf Club, LLC to a Lessee or sold by the Rancho de Los Caballeros Ranch and Golf Club, LLC to an Owner in the South Mesa portion of the Covered Property and on which a Residence is or may be lawfully constructed

**LIMITS OF CONSTRUCTION** refers to a boundary established prior to any Improvement or construction beyond which no activity may take place or materials be stored.

**MAJOR MODIFICATION** refers to modifications to the exterior of the Residence, including landscape, with an estimated cost of more than \$20,000. For landscape only, a Major Modification shall refer to an estimated value of more than \$5,000.

**MASSING** refers to the three-dimensional form of a building.

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**MINOR MODIFICATION** refers to Modifications to the exterior of the Residence or property with an estimated cost of less than \$20,000. For landscape only, Minor Modification shall refer to an estimated value of less than \$5,000.

**NEW RESIDENCE CONSTRUCTION** refers to the design and construction of an entirely new Residence.

**OWNER** means the record holder of legal title to the fee simple interest in any portion of the Covered Property but excluding those who hold title merely as security for the performance of an obligation. In the case where the fee simple title is vested of record in a trustee pursuant to A.R.S. 33-801 et seq. (as amended from time to time), legal title shall be deemed to be in the Beneficiary. For purposes of the Design Guidelines, Owner also shall include Lessee.

**PARCEL** means any land within the limits of the Covered Property that is not a Lot.

**PROPERTY** means any portion of the Covered Property, a Lot or Parcel, as applicable.

**PROPERTY LINES** form the legal boundaries of a property.

**PRIVATE AREAS** are those areas partially or fully enclosed inside private site or patio walls, fences, and gates.

**PRIVATE ROADS** means all streets located within the Community and the Ranch and Golf Club

**PUBLIC UTILITY EASEMENT (P.U.E.)** means a legally established and recorded easement across a lot or parcel of land to allow for the installation and access of locally serving utilities.

**RANCH AND GOLF CLUB** means the Rancho de los Caballeros Ranch and Golf Club, LLC.

**RESIDENCE** means a building or buildings, including garage facilities, constructed for single-family use only.

**R.O.W.** means the Right-of-Way or area reserved for public and/or private vehicular, pedestrian, or equestrian circulation established by the Ranch or local governing authorities within which no additional private development or improvement is allowed.

**SETBACKS** refer to the distances between the Property lines and any of the main building construction or site development improvements.

**TRACT OR PARCEL** means any land within the limits of Covered Property that is not a Lot.

**TRANSITIONAL DESERT AREA** means all areas outside the Residence and Private Areas and within the Property lines of any Lot.

**VARIANCE** means the granting of an exception to a requirement in these Design Guidelines or the Declaration.

**VISIBLE FROM NEIGHBORING PROPERTY** shall mean, with respect to any given object, that the object is, or would be, visible to a person six feet tall, standing on the same plane as the object being viewed at a distance of 200 feet or less from the nearest boundary of the property being viewed.

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## **Section B – INTRODUCTION & PHILOSOPHY**

### **INTRODUCTION TO THE COMMUNITY**

The CHOA Community is a well-established and prestigious enclave located in the dramatic foothills of the Bradshaw, Weaver, Vulture, and Wickenburg mountains in northwestern Maricopa County. The Community surrounds the genuine western guest ranch of Rancho de los Caballeros Ranch and Golf Club (The Ranch and Golf Club), which is the heart of the neighborhood. Residents choose to live in the Community to enjoy congenial community living, abundant sunshine, and the expansive natural beauty of the Sonoran Desert.

### **DESIGN PHILOSOPHY**

The traditional southwestern lifestyle is the basis for the layout of the Community and its predominant aesthetic character. While each home is an individual expression of the Owner's personality and taste, there is a consistency in historical western ambiance.

Lots and Residences have been arranged to protect and enhance each property's views of mountains, foothills, desert and/or golf course vistas. The character of the existing Residences borrows from the example of southwestern architecture.

While there is no single style of Residence found in or required for the Community, Residences demonstrate high quality construction, use of natural and authentic materials, and sensitive siting in relation to solar and view orientation.

Residence characteristics include:

- Low horizontal massing.
- Multiple smaller building masses in lieu of single "big box" massing.
- Deep overhangs and deep-set windows and doors for sun protection.
- Use of desert appropriate materials that tolerate our desert climate and convey a sense of permanence.
- Well-developed outdoor living areas to take advantage of the mild winter and shoulder seasons.
- Desert appropriate colors and non-reflective finishes.
- Transitional desert areas that are enhanced through the use of appropriate native landscaping.

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## **Section C – SITE DEVELOPMENT GUIDELINES**

### **Setbacks and Building Envelopes**

#### **CHOA Building Setback Lines (excluding South Mesa and Unit III)**

All Residences, including attachments thereto, shall be located within the building setback lines. Building setback lines are defined as lines forty (40) feet from the front Property line (that line which abuts upon the street) and the rear Property line and thirty (30) feet from the side Property lines. If applicable governmental regulations require greater setbacks, then such greater setbacks shall also be required by the Design Review Committee. Incursions of entrance stoops, decks, terraces, swimming pools, patios, steps, eaves, cornices, and gutters into the area between Property Lines and Setback Lines must be approved by the Design Review Committee and are not permitted unless a demonstration of the architectural merit, the prevention of possible drainage or erosion issues, or other unusual circumstances justify such incursions.

**South Mesa Setbacks** In the instance of new construction or Major Modifications to Residences on Lots leased or sold in the South Mesa portion of the Covered Property, the building setback lines shall be determined by the Design Review Committee.

### **Building Envelopes**

**Units I, II, Parcel X and the South Mesa:** The Building Envelopes are defined by the building Setback lines,

**Unit III:** The plat for Unit III shows Building Envelopes on Lots. For Lots on which a building envelope is delineated, no dwelling units shall be allowed beyond these proposed building site limits (envelopes).

### **Construction in Conjunction with Natural Drainage Washes**

If an Owner desires to modify a natural wash, the Owner shall engage the services of an Arizona registered Professional Civil Engineer to provide drainage and water flow or retention calculations and grading and drainage design engineering as required by the local jurisdiction. Under most conditions, building in, or altering a natural drainage course should be avoided. Approval by an engineer and/or the local jurisdiction does not guarantee DRC approval. Any approvals required by any local zoning or ordinance shall be the sole responsibility of the Owner.

### **Driveways and Driveway Aprons**

- All Lots must have their vehicular access on a dedicated street.
- The material for driveway surfacing must be approved in writing by the DRC prior to installation.
- Driveways and driveway Aprons shall be constructed of concrete, pavers, stabilized decomposed granite, chip seal (macadam), and other similar material approved by the DRC. Driveways and apron colors should be compatible with the color of the Residence and desert palette. For new construction, asphalt, sealcoat, and other black surfaces are not permitted.
  - Acceptable alternates for the driveway Apron material are exposed aggregate concrete and pre-cast concrete pavers. Alternate Apron material must be approved by the DRC for both material and color.
  - A suitable driveway edging of wood, rocks, or other similar material may be used to contain loose driveway material.

### **Curbs**

The Private Roads within the Community are owned by the Rancho de los Caballeros Ranch and Golf Club, LLC and maintained by the CHOA. All roads that are not the Private Roads will be maintained by the Rancho de los Caballeros Ranch and Golf Club, LLC. Owners are not permitted to install curbs on any of the Private Roads or non-private roads.



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## **Walls and Fencing**

In order to preserve the free and open natural quality and aesthetic appearance of the Community, fences and walls should be limited to the types and styles which are in keeping with the architectural character of the house and the other Residences within the Association. Fenced or walled enclosures shall be limited to the types and styles appropriate to the purpose of the enclosure, except where required by law (such as around a swimming pool).

No site walls, patio walls, fences, or gates, shall be permitted at or along any property line. All patio walls shall be of masonry, adobe or other DRC approved permanent material and shall be an integral part of the design of the main residential building. Wood, chain link, barbed wire, plastic, live ocotillo, or similar fences are not permitted.

Wrought iron fencing should be unpainted or painted a color compatible with the residential building color or other appropriate desert hue. Rebar fencing may be used in lieu of traditional wrought iron fencing.

A detailed drawing of the fence design must be received as part of the Final Design Review Application and must be approved by the DRC prior to its installation.

No wall or fence more than two-and-one-half feet (2 ½) high shall be built nearer than forty feet (40') from the front or back Property Lines and/or thirty feet (30') from the side Property Lines. No fence or wall, other than the walls of the Residence, shall be more than six feet (6') in height.

The maximum height allowed for any patio wall or fence wall may be modified only if unusual natural terrain requires additional height for a limited portion of the wall. However, under no circumstances shall the height of such wall exceed six (6) feet measured from the finished grade level of the Residence outside the wall. Under normal circumstances this six (6') feet height restriction will only be approved for retaining walls.

## **Screening of Equipment**

All exterior mechanical units shall be visually concealed from all streets, adjacent properties and the golf course by solid screen walls extending to a minimum of the highest point of the equipment. The visual screen walls shall be finished in material, color, and texture to complement the main residential buildings.

Electric service panels and meters (such as gas meters, water meters) shall be screened with screen walls as described above or with mature vegetation.

## **Refuse and Recycling Containers**

The Owner shall provide a solid screen wall, fencing or mature vegetation to screen refuse containers so as to not be visible from another Residence, the street, or the golf course.

## **Public Utility and Drainage Easements**

It is the responsibility of the Owner and professional design team to verify the location of all Public Utility Easements (PUE's) and Drainage Easements (DE's) prior to initiating the design of a new home or major remodel effort.

## **Public Utility Services**

The Owner is responsible for verifying with the local serving utility companies all aspects of making connections and running required utility lines to the residential buildings on the Owner's Lot, including, but not limited to, all connection fees and deposits related thereto. If offsite utility connections or other work are necessitated by Improvements to an Owner's Lot, the Owner remains responsible for any offsite work regardless of who performs the work (including utility companies), and the Owner must repair to the Association's current standards and satisfaction, any disturbance to the Private Roads, including the shoulders on the roads, and other Owners' property.

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## **Section D – ARCHITECTURAL GUIDELINES**

It is the intent of the CHOA to maintain a built environment in harmony with the natural desert. It is strongly recommended that an Owner engage the services of a registered professional architect or other design professional for the design of new construction or any remodeling/renovation of an existing Residence.

**New Construction** All Improvements constructed on Lots or Parcels shall be of new construction. No buildings or other structures shall be removed from other locations and placed onto any Lot or Parcel.

### **Grading & Drainage Retaining Walls, and Finish Floor Elevations**

All proposed building, site or landscaping development that may cause interruption to natural washes shall have been reviewed, designed, and engineered by a registered Architect or Engineer.

Finished floor elevations of all residential buildings, including garages, shall not exceed two (2) feet above the existing natural grade, unless approved in advance by the DRC because of unusual site conditions.

The design of Bridges (vehicular or pedestrian), culverts across, and other spans over natural washes shall incorporate the implications of sediment and other storm driven obstacles which might impede the flow of water under or through such spans. The engineering of all construction shall have been approved in advance by the local jurisdiction and shall be included in any required building permit prior to commencing any construction on site.

The Owner shall provide details to clearly describe how any construction within any or over any natural wash will preserve or restore the natural appearance and function of the drainage way.

### **Minimum Size of Residence and Lot Coverage**

**Minimum Size of Residence.** No Residence shall be built having less than three thousand (3,000) square feet of interior floor area, exclusive of basement, porches, and garages.

**Lot Coverage.** No Residence, excluding swimming pool, driveways, or other paved areas as newly constructed or modified, shall occupy more than 15% of the total Lot area. Should adjacent Lots be combined, any Residence thereon shall not exceed 15% of the largest Lot contributed to the combination. Any deviation from these standards shall require a special prior written approval of the DRC. There shall be no more than one (1) single-family Residence on any single (1) Lot.

### **Building Heights and Massing**

**Height.** All buildings and structures shall be no more than one (1) story (exclusive of a basement) or more than twenty-four feet (24') in height above the approved finished first floor height.

**Massing.** Each elevation of the proposed Residence should be broken into a minimum of three distinct building masses. Off-setting of adjacent mass wall surfaces shall be a minimum of 2 feet horizontally and vertically. The surface area of the masses should be visually balanced across the elevation. Long unbroken surfaces will not be approved.

### **Roofs**

As it is the expressed intention of the community design philosophy to retain a low-profile single-story concept of building structures in harmony with the high desert environment, the following guidelines shall apply:

#### **Flat Roofs**

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All flat roof surfaces shall be constructed of materials that are or can be painted to blend in with the color of the exterior of the residential building(s) and are compatible with the natural colors of the desert. The interior of parapet walls and all vertical surfaces containing flat roofs must be painted the color of the home down to the midpoint of the radius adjoining the roof's surface. Alternate desert toned colors may be acceptable with prior written approval of the DRC. It is recommended that the material of flat roof areas be finished to match the approved exterior color of the residential building(s). While white flat roofs are permitted, the DRC strongly encourages that the roof be painted to match the exterior of the home with the Light Reflectance Value (LRV) of the roof color not to exceed a maximum LRV of 40 to reduce light reflectivity towards adjacent properties.

**Roof parapets** may be of varied heights above the finished roof line and should be of an adequate height to obscure all roof mounted equipment or utilities, including roof vents, skylights, antenna, television and communication devices, and solar panels, from visibility from any street or neighboring property within CHOA.

### **Sloped Roofs**

Sloped roofs may not exceed a roof pitch of more than 4:12. Sloped roofs must be finished with an appropriate, durable material such as clay or concrete tiles, standing seam metal or other locally appropriate material. Asphalt and wood shingles are not permitted on any home.

### **Garage and Car Ports**

A Residence must include a garage that shall accommodate a minimum of two full-sized automobiles. All Lots must have their vehicular access on a dedicated street. Unless otherwise approved by the DRC, garage doors may not face the primary Private Road used to access the Residence.

Garage doors shall not exceed ten feet (10') in height. Car ports and other open free standing shade structures for vehicles are prohibited.

### **Chimney Shrouds**

Chimney shrouds (visual screening of prefabricated chimney caps) are required on all chimneys other than brick and tile lined chimneys. Chimney shrouds shall complement the chimney mass design and shall conceal the spark arrestor and/or gas vent cap. The Owner must comply with applicable building codes, current Fire Department Regulations and the fireplace manufacturer's specifications and recommendations.

### **Scuppers and Downspouts**

Scuppers and downspouts are considered to be integral parts of the residential buildings and, therefore, they shall be painted to match or blend with the approved colors of the residential building. This requirement applies to all scuppers and downspouts, whether they are constructed of wood, metal, tile, or other material. All visible surfaces of a scupper or downspout including the interior faces must be finished.

### **Recessed Setbacks at Windows and Doors**

The building designer is encouraged to organize exterior doors and windows into deep recesses from the exterior wall surfaces, thus producing significant shadow and thick wall expressions. All windows and doors must include a minimum of 3" recess from the face of the building wall(s).

Pop-out type construction to artificially simulate the effect of recessed windows and doors described above will not be approved by the DRC.

### **Windows**

Replacement windows and doors should appear to be original construction and complement the style and color scheme of the home and the Community. Replacement windows that feature "over-fit trim", reduce the required 3" minimum window recess (described above) or unusually increase the width of the window frames will not be approved. Further, the frame material should be a durable, long-lasting material that holds up to the extreme desert temperatures.

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### **Exterior Colors and Materials**

The DRC must review and approve all exterior building materials, textures and colors during the review process described earlier. (Please see the Design Guideline Processes document.)

#### **Stucco Texture**

Proposed stucco textures should be smooth, sand, or equivalent finish. No rough 'lace' textures will be approved.

#### **Stone**

Stone and exposed exterior masonry should be appropriate for the desert environment.

#### **Metal**

Any exposed architectural metal accents on the Residence shall have a non-reflective color and finish.

#### **Garage Doors**

Garage doors should complement the character and style of the Residence in material, color, and design. Garage doors may include small glass windows, but predominantly glass garage doors will not be approved.

#### **Exterior Stairways**

All exterior stairway treads, risers and handrails of all exterior stairways shall be visually integrated into the design of the Residence and screened from view from adjacent lots or from any street within the community.

#### **Paint Colors**

The predominant exterior color of a Residence and freestanding wall surfaces shall be soft, earth-tone colors respectful of the natural desert and in harmony with the general aesthetic of the Community.

Owners must submit a proposed paint scheme for approval prior to work beginning. The paint guidelines are fully described in Exhibit A, (page 20)

All building, trim, and site wall exterior surfaces, including colored bricks, shall be painted with soft, earth-tone colors respectful of the natural desert.

For final approval of all exterior colors, prior to painting or repainting the Residence, Owners must complete at least one 24" x 24" sample of each of the proposed preliminary approved colors placed on an area of the building that has full sun exposure. The Owner must also submit a completed Exterior House Paint Application (Design Guidelines Processes Document, page 8.)

Exterior paint shall be properly maintained by the Owner for the life of the building. All subsequent repainting shall also meet the above Design Guidelines and must receive prior written approval from the DRC.

#### **Other Materials**

Other exterior materials should be of high quality and durability and appropriate for the desert extremes. The colors and materials of any exterior material should be non-reflective and consistent with paint colors of the residence and freestanding walls.

### **Accessory Buildings – Guest Houses**

Buildings and structures detached from the Residence, including, but not limited to, sheds and tents are prohibited.

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### **Guest Houses**

Guest houses shall be constructed and finished to match the architectural character, details, materials, textures, and color(s) of the main residential building(s). Guest houses must be connected visually to the main Residence by a completely covered passageway such as a roof or by a patio wall, in an architectural style compatible with the Residence.

If cooking or other major appliances are required, the guest house must be equipped to operate major appliances consistent with prevailing building codes.

### **Exterior Lighting**

#### **Decks & Patios**

Exterior decks and patios which are not enclosed behind patio walls and fences, and which extend beyond the main building's exterior surfaces, shall be considered exterior elements, to which the requirements of these Design Guidelines shall apply.

#### **Permanent Exterior Clotheslines**

Permanent outside clotheslines or other outside facilities for drying or airing clothes are not permitted on any Lot or Parcel. Posts and hooks may be installed for temporary clotheslines, provided that such posts and hooks, as well as the drying laundry, are not visible from neighboring property.

#### **Architectural Screening, Sunshade Devices, Pergolas, and Trellises**

Owners should utilize internal sun control devices such as curtains, blinds, shutters, or DRC approved window tinting instead of exterior commercial looking solutions.

All exterior architectural features for sun control require approval of the DRC prior to installation. This includes all sun screening devices to be installed after the completion of construction of the residence. Sunshades and screens, when permitted, shall match, or complement the main residential building color(s) and must be approved by the DRC. No reflective awnings, window shading devices, steel shutters, or wall-mounted shading devices are permitted. The Owner shall submit samples of tinted windows for review and approval.

Pergolas and trellises must be approved by the DRC.

#### **Solar Heating or Solar Electrical Generating Devices**

The Association recognizes the Owners' right to install and use solar energy devices, as set forth in A.R.S. § 33-1816 <https://www.azleg.gov/ars/33/01816.htm>, and applicable law. The Design Review Committee may adopt reasonable rules regarding the placement of a solar energy device on a Lot, Parcel, or Residence, provided that such rules do not prevent the installation of the device, impair the functioning of the device, restrict the device's use, or adversely affect the cost or efficiency of the device.

In addition to solar device plans, the Owner must submit for DRC review the name and credentials of all solar consultants who are utilized in the installation and design of the solar devices. Plans should indicate the location of the solar generating device(s) and detailed drawings. If allowed by Arizona law, solar devices located on land should be screened according to Design Guidelines, and rooftop solar devices should be located so as to minimize visibility from neighboring Lots or roads. Any visible accessories such as conduit and electrical panels should be located in a discrete location and painted to match the adjacent surface.

## **Section E – LANDSCAPE GUIDELINES**

### **Design Approval of Landscape Plans**

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It is strongly recommended that the Owner engage a registered landscape architect familiar with the high Sonoran Desert region and the Property within the Community to assist in incorporating the appropriate plant materials and systems in all approved planting areas.

DRC approval for new construction landscape or for Major Modifications to existing landscape, including landscape lighting, must be obtained by the Owner prior to any landscape installation.

Replacement of dead or dying plants with substantially similar plants from the approved plant list (see below) is permitted without a formal review except for any plant that could exceed a height of 25 ft. at maturity. If in doubt, please contact the DRC Chair or designee for determination.

## **PLANT LIST**

Plants that may be appropriate for use in the Community can be found in the following link: [Phoenix Active Management Area Low Water Use/Drought Tolerant Plant List \(azwater.gov\)](https://www.azwater.gov/Phoenix-Active-Management-Area-Low-Water-Use-Drought-Tolerant-Plant-List)

**Grandfathering.** Landscaping completed prior to the effective date of the Declaration is Grandfathered so long as the plants remain alive and in good condition. If a Grandfathered plant is to be replaced after the date of adoption of the current guidelines, an appropriate replacement plant should be selected from the above list (see link) unless the DRC grants an exception.

## **Prohibited Plant Materials**

Plant material alien to and potentially harmful to the desert environment due to excessive watering requirements, excessive pollen production, toxicity, or excessive mature height or size is prohibited in all planting areas unless the DRC grants an exception. Such prohibited plants include, but are not limited to:

- Palm Trees
- PineTrees
- CyprusTrees
- Olive trees (except for fruitless varieties)
- Eucalyptus Trees (any variety)
- Fountain Grass
- Bermuda Grass

Non-native plants that can be reasonably expected to exceed 25' in height are not permitted. Exceptions may be granted by the DRC.

## **Landscape Areas**

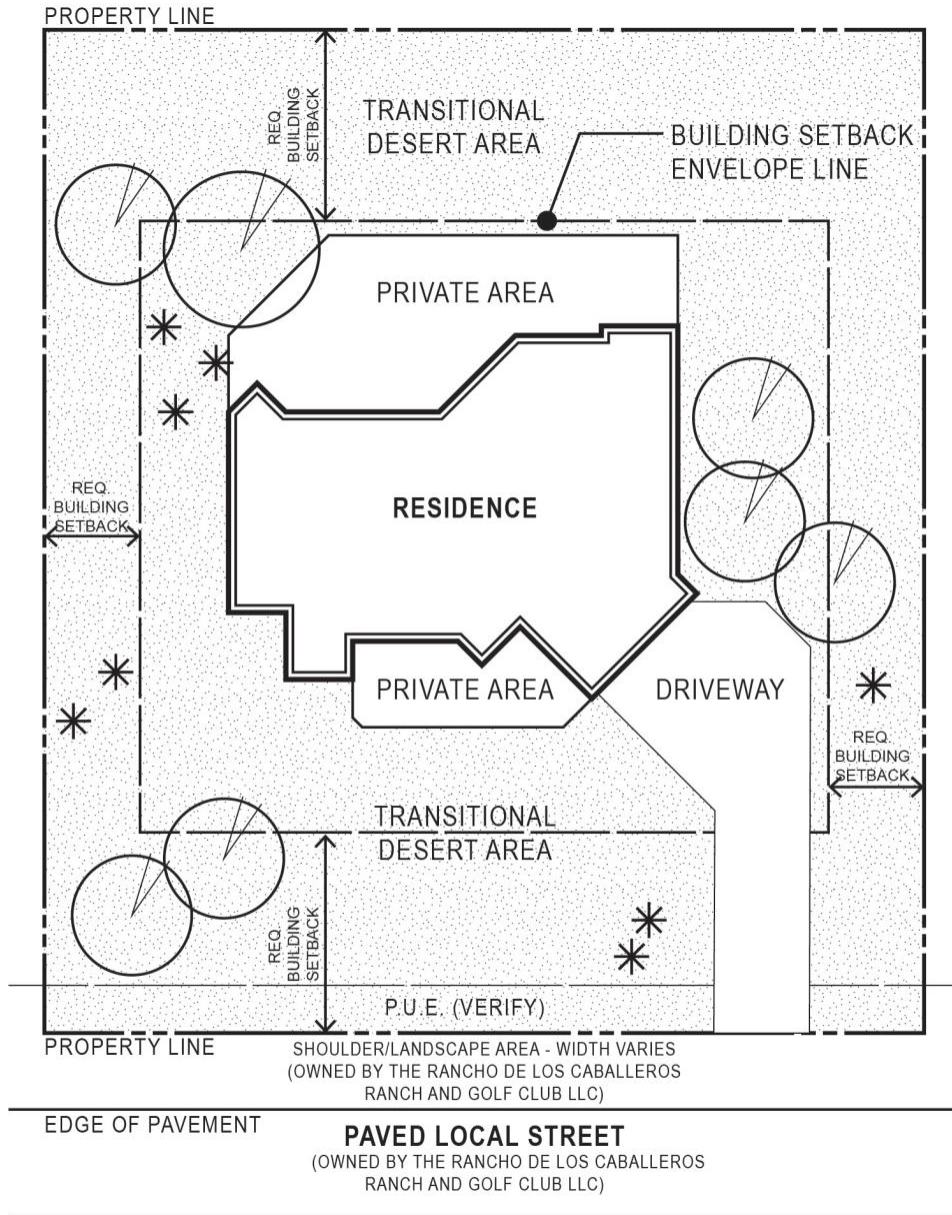
Each private Lot in the Community features two landscape areas (See Landscape Areas Exhibit below):

**Transitional Desert Areas.** Transitional Desert Areas are those areas outside of the main Residence and Private Areas and extending to the property line of each Lot. The DRC encourages the protection of the existing native desert landscape in Transitional Desert Areas through the preservation of indigenous native desert plants, topography, and other site features, when possible. These areas may be modestly maintained by removal of dead and dying plants, clean-up of weeds and invasive species, and/or supplemental planting of native and near native, low-water use plants from the approved plant list with the prior approval of the DRC.

The DRC may approve Transitional Desert Area plant material not on the Plant List if such plants meet the intent of the guidelines. Any modification to the transitional desert areas must be approved by the Design Review Committee.

**Private Areas.** Private Areas are those areas partially or fully enclosed inside private site or patio walls, fences and gates. They may be landscaped with material suitable for this micro-climate. Acceptable plants include those listed on the list or other such appropriate, low-water use plants.

**Visible Depiction of Terms**



**ADDITIONAL LANDSCAPE REQUIREMENTS**

**Grass Lawns**

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Live turf lawns and synthetic turf lawns (recommended minimum 80 oz. Quality) are permitted only within Private Areas of the property. Lawns (live or synthetic) are strictly prohibited in the Transitional Desert Areas.

### **Landscape Lighting**

**Grandfathering.** All existing exterior landscape lighting shall be deemed Grandfathered per the Declaration; Major modifications or installation of new exterior landscape lighting shall be in full compliance with these Design Guidelines, the Declaration, and with the Dark Sky Policy attached hereto as Exhibit B.

**Landscape Lighting Zones** – As described above, there are two distinct landscape zones found on each residential property:

**Transitional Desert Area.** Landscape lighting in Transitional Desert Areas should be minimized. Lighting of selective, specimen or feature elements is allowed, including trees, cacti, boulders, and pathways.

**Private Area.** There are no restrictions of lighting in the Private Area other than the general requirements contained herein. Lighting may not negatively impact neighboring properties.

**Types and Quantity of Lighting** - The types of fixtures that may be allowed include, but are not limited to, the following: up lights, path lights, wall lights, step lights, down lights and under water lights. The color of the light fixture and its shield, housing, or trim, including exterior soffit lights, shall be compatible with the building color. Plastic light fixtures (e.g., “Malibu Lights”) are not allowed. Cut sheets or photos for each type of lighting must be submitted for DRC approval and are subject to the following:

1. All fixtures must have shielded bulbs.
2. Incandescent, halogen and LED lamps are allowed. The maximum wattage allowed is: 20 watts for incandescent or halogen bulbs, 7 watts for LED bulbs or the equivalent of 265 lumens measured at 20 feet.
3. Diffusers and frosted lenses specifically designed for low voltage lights are allowed. These materials aid in the reduction of “glare” and “hot spots”.
4. Multiple fixtures on one landscape element are typical in most landscapes. The goal is to properly light each element chosen, not to light every element.
5. Driveway and Pathway Lighting - Driveway and parking area lighting is intended to define the edges of the driving and walking surface and allow the safe use of those areas. The spacing of the lighting should “wash” the surface and not create a “runway” effect. Driveway lighting shall not illuminate any areas off the property. Driveway and pathway fixtures may be pole-mounted or wall-mounted. Path lights shall not be higher than eighteen inches (18”).
6. Fluorescent, High-Pressure Sodium, Mercury Vapor and Metal Halide lamps are not allowed.
7. Building Illumination - Buildings and walls shall not be lighted with landscape spot or flood lighting.
8. Spot or up-lighting must be shielded from neighboring properties and must not shine onto adjacent properties.

### **Decomposed Granite and Rip-rap**

#### **Decomposed Granite**

Only rock and granite materials blending in color and texture with the existing community soils are acceptable for landscaping use within visible areas of the property such as Transitional Desert Areas. Restored natural areas should utilize a decomposed granite color and size that closely matches the existing granite. Decomposed granite within Private Areas that is not highly visible from off-site may be a color and size that suits the style of the home and owner.



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### **Rip-Rap and Boulders**

Although Arizona Gold or Madison Gold are recommended by the CHOA, rip-rap of various sizes and brown and gold colors are acceptable with prior approval, as are natural granite boulders of various colors of browns and golds that mimic the boulders found in and around the community. Rip rap and other forms of erosion control are permitted in the setback areas.

### **Irrigation within the Transitional Desert Areas and Private Areas**

The CHOA encourages the use of low water and drought resistant planting. An Owner may irrigate landscape planting within Transitional Desert and Private Areas as necessary.

## **Section F – COMMUNITY LIVING**

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**Owner Maintenance of Residences** Residences and all Improvements on each Lot and Parcel shall be constructed and maintained in an attractive and sound condition in accordance with the above requirements. Any replacement required of old or worn-out driveways, equipment, fences, walls, and associated plumbing, or other Improvements built and/or installed prior to the adoption of the Declaration and these Guidelines, will also be done in accordance with the standards set forth herein. Structures damaged or destroyed by fire, storm, or other causes shall be repaired or removed with reasonable promptness, normally within six (6) months, subject to any requirements of the Board.

**Owner Maintenance of Landscaping**

- Each Owner shall keep all shrubs, trees, hedges, grass, plantings, and landscaping of every kind located on the Owner's Lot or Parcel (including setback areas) neatly trimmed, properly cultivated, and free from trash, weeds, and other unsightly material.
- An Owner must remove all dried weeds, and dead and dying plants within the Transitional Desert Area to create a firebreak.
- Parasitic tree growth such as mistletoe and other invasive plants can destroy the desert environment and must be removed when identified.
- In order to maintain natural appearances, live trees and shrubs should be lightly trimmed and not sculpted.
- Each Owner shall keep all areas on an Owner's Lot or Parcel free of vegetation that grows over the roads to enhance the ability of drivers to see oncoming traffic or pedestrians.

**Mailboxes.** Mailboxes shall complement the architectural character of the home and should include the house number. Mailboxes with home address markers may be illuminated until dawn for public safety reasons but must comply with the other lighting requirements herein.

**Outdoor Music and Sound Systems**

Outdoor sound systems may be installed in private areas only and must not transmit music that can be heard from neighboring properties.

**Sports Courts**

Basketball courts, tennis courts, platform tennis courts, paddle ball courts, and pickle ball courts are prohibited on Lots.

**Swimming Pools, Hot Tubs and Spas**

All swimming pools, hot tubs, and spas for new or remodeled construction must be approved by the DRC. Pools shall be screened from adjacent properties by a protective patio wall, fence, or permanent structure not less than five (5') feet in height but not to exceed six (6) feet, as measured from the outside final finished grade. This 5' high minimum requirement shall cover the length of the wall or fence containing the swimming pool. The design of the protective enclosure(s) shall be submitted as a part of the design review process for DRC approval.

The Owner is responsible for complying with all laws, codes, and ordinances at all times, and for obtaining a swimming pool building permit prior to commencing with construction. In addition, the Owner and any subsequent Owner(s) are required to continue to comply with the requirements of these regulations after the completion of construction.

Above ground swimming pools are not permitted. All pool and hot tub heaters and pumps must be fully screened or walled in so that they are not visible to other Lots or from the roads.

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### **Approval of Items to be displayed on an Owner's Lot**

Miscellaneous displays installed within enclosed private areas of the property, such as an entry courtyard or rear yard patio, and not visible to adjacent properties or the street, do not require DRC approval. Otherwise, all exterior miscellaneous displays such as vehicles, carts, wagons, antiques, art, sculptures, and banners and their location on the Lot must be approved by the DRC.

### **Flags**

One flagpole may be installed in the front or back yard of a Lot, not to exceed the height of the rooftop of the Residence and shall not be closer than thirty feet (30') from any Lot line.

### **TV & Communications Antenna**

The DRC recommends that TV and communication antennas, dishes, and any signaling devices be installed in locations where they cannot be seen from adjacent properties or from surrounding streets within the Community such as behind parapets on the roof and/or on the ground to the extent that the reception of an acceptable signal would not be impaired.

Any visible accessories such as conduit, or service panels should be located in a discrete location and painted to match the adjacent surface.

### **Firepits, Fireplaces and Barbeques**

Firepits, fireplaces and barbeques are not permitted outside of any Private Area and must be enclosed within patio walls or fences.

**Smokestacks** The exterior portion of all permanent barbecue smokestacks shall be enclosed with brick or other stone masonry or with other suitable material compatible with the Residence and shall not exceed six (6) feet in height.

### **Non-Portable Tanks.**

Non-portable tanks for the storage of any substance, including gas, water, or fuel, whether above ground or underground, are not permitted.

**Generators (emergency only).** Emergency standby power generators must be approved by the DRC prior to installation. They must be visually screened by solid walls or mature vegetation. In reviewing applications for generators, the DRC will pay particular attention to maximum sound ratings so that neighbors will not be disturbed by noise.

### **Variances**

It is understood that situations may arise such that strict adherence with the Guidelines and/or Declaration is not possible or desirable. The DRC will entertain requests for variances as appropriate. Generally, a variance may be granted in cases where strict compliance would present an undue hardship to the Owner and where other Owners would not be inappropriately affected. Owners who decide to appeal a DRC decision, including a denial of a DRC Variance request, should follow the process outlined on page 4 of the Design Guideline Processes Document.

### **No Warranty; Non liability for Approval of Drawings and Specifications**

Approval of the DRC is required for all drawings and specifications as to style, exterior design, appearance and location. The DRC is not responsible for approving engineering design, drainage specifications, or compliance with zoning and building ordinances. The approval by the DRC of any plans or specifications shall not be deemed a warranty or representation by the DRC as to the quality of such plans or specifications or that the construction or modification of any Improvements conforms to applicable building codes or other federal, state or local law, statute, ordinance, rule or regulation. By approving drawings, plans and specifications neither the DRC, nor any member thereof, nor the Association, nor any Member, nor the Board, nor any officer or director of the Association, nor any

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consultant utilized by the Association, Board or DRC, assumes any liability or responsibility therefor, or for any defect in any structure constructed from those plans, drawings, and specifications. Neither the DRC, nor any member thereof, nor the Association, nor any Member, nor the Board, nor any officer of the Association, nor any consultant utilized by the Association, Board or DRC, shall be liable to any Owner or other Person (as defined in the Declaration) for any damage, loss or prejudice suffered or claimed on account of (a) the approval or disapproval of any plans, drawings and specifications, whether or not defective; (b) the construction or performance of any work, whether or not pursuant to approved drawings and specifications; (c) the change in the size, configuration or location of any building envelope or the changing of the natural grade of any Lot or the effectiveness of any drainage systems; (d) the execution and filing of any estoppel certificate pursuant to the Design Guidelines, whether or not the facts therein are correct. Approval of plans, drawings and specifications by the DRC, or the approval of any change in the size, configuration or location of any Building Envelope, or a change in natural grade of any Lot is not, and shall not be deemed to be, a representation or warranty that those drawings, specifications or changes comply with applicable governmental ordinances or regulations including, but not limited to, zoning ordinances and building codes.

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## Exhibit A

### COMMUNITY PAINT POLICY

#### **Intent**

It is the intent of this policy to facilitate Owners' selection of exterior paint colors in the context of our Community and in recognition of the desert environment in which we live.

#### **Exterior Paint Colors**

Because exterior colors significantly set the tone of our community, existing color schemes are not grandfathered. All paint color schemes must meet guidelines and must be approved prior to repainting.

#### **General Guidelines**

All Residences and Exterior Walls shall be painted or constructed from materials in colors that consist of earth tones that blend into the natural desert surrounding. Colors that cause the Residence to stand out in stark contrast to the desert or to the Community are not permitted.

To follow is a link to **examples** of earth tone colors used by another Homeowners Association. <https://www.dunnedwards.com/colors/color-ark-pro/desert-star-homeowners-association/new-color-palette/> The DRC does not suggest that these colors be used exclusively, but rather has inserted this link to assist Owners in their choice of paint colors. Please note that the DRC does not limit **trim** or **accent** colors to earth tones, but all color schemes must be approved by the DRC, with paint chips provided for the body of the house, trim, and accent colors (See Design Processes Guidelines page 8 External Paint Application).

Light Reflectance Value (LRV) quantifies the lightness and brightness of a color. It helps to evaluate how much light a color will contribute to the overall aesthetic and atmosphere. LRV includes three dimensions; hue, value, and chroma. Hue is the color such as red or blue. Value is the lightness or darkness of a color. Chroma is the saturation or brilliance of a color. Each of these affects the appearance of a paint color depending on the amount and intensity of the light hitting the painted surface. Because the sunlight in our area is so intense on most days, LRV is a critical component in the selection of paint colors. Colors in the lower half of the LRV scale are recommended in most situations. Consideration will also be given to other factors including the color of visible roof elevations, trim colors, other architectural elements resulting in shading, shading resulting from trees and other landscaping, etc. Sheen: finishes that will result in excessive reflection will not be allowed. Flat finish is recommended for body applications. Depending on the LRV of trim colors, some gloss i.e., Eggshell or satin finishes may be allowed to provide protection for wood and other vulnerable materials.

#### **Maintenance Requirements**

If there are concerns that a home needs to be repainted, the Owner will be notified in writing and will be requested to paint his/her home consistent with the terms of this Paint Policy within 6 months.

#### **Painting a Home Without DRC Approval**

Owners who paint their Residences or paint/stain their garage doors without DRC approval will be required to repaint within 60 days using paint/finish consistent with these guidelines.

#### **Partial Home or Garage Door Painting**

Partial painting of a Residence or garage door must be approved by the DRC prior to commencing the work. Partial painting is allowed only if the color is an exact match to the existing color of the Residence. If the Residence has been painted more than two years prior, it is recommended that the Residence be repainted corner to corner to ensure that the touch up matches.

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## Exhibit B

### Dark Sky Policy

#### **Preface:**

The purpose of a Dark Sky Policy is to encourage stewardship of the night sky through responsible Community lighting practices which:

- reduce excessive light levels and minimize glare
- avoid interference with Owners' night-time views by minimizing light trespass onto neighboring properties
- create a consistent and harmonious outdoor lighting level throughout the Community

A dark sky does not necessarily imply a dark ground. Responsible lighting practices can create a balance between preservation and protection of the dark skies and safety. Owners are referred to:

<https://www.darksky.org/wp-content/uploads/bsk-pdf-manager/2020/08/Dark-Skies-Issue-Guide-7-27-2020.pdf>

<https://www.darksky.org/dark-sky-friendly-home-lighting-program/>

The CHOA Board requests that Owners voluntarily bring existing architectural and landscape lighting into compliance with the Dark Sky Policy as set forth in this document. Dark Sky status cannot be achieved without the support of all Owners.

#### **Grandfathered Lighting**

- All existing architectural and landscape lighting is grandfathered. Owners are asked to familiarize themselves with this Dark Sky Policy and the lighting requirements in the current Design Guidelines and to implement them voluntarily as described below.

#### **Design Guidelines**

- All exterior architectural and landscape lighting for new construction and Modifications shall adhere to the requirements contained in the CHOA Design Guidelines Section D - Architectural Guidelines and Section E - Landscape Guidelines.
- Architectural and landscape lighting for new construction and Modifications requires the approval of the DRC. Lighting plans must be submitted with applications for new construction and for modifications

As defined in the Design Guidelines, there are two distinct landscape zones on each residential property:

Private Areas – those areas fully enclosed inside private site or patio walls, fences and gates. There are no restrictions on lighting in Private Areas other than the general requirements below and contained in the Design Guidelines. Lighting may not negatively impact neighboring Residences or Lots.

Transitional Desert Areas – areas outside of Private Areas and extending to the property line of each Lot. Landscape lighting in Transitional Desert Areas should be minimized. Lighting of selective, specimen or feature elements is allowed, including trees, cacti, boulders and pathways.

#### **Additional Lighting Guidelines for Consideration**

- Lights should not be brighter than needed for the task. Using the proper amount of light, along with properly directing the light and limiting the duration of its use, is important to minimize glare.

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- All outdoor lighting should be designed, installed, and aimed such that it only illuminates its intended target and prevents emission of light into the night sky.
    - This does not preclude the use of architectural, landscape, or similar aesthetic lighting, including lighting of water features and swimming pools, provided that their design minimizes impacts on other Residences and Lots.
  - Outdoor lighting should be designed to minimize glare and light trespass.
    - Full cut-off fixtures, mounting heights, and shielding should be utilized
    - Expansive lighting of walls, towers, and roofs should be avoided.
  - With rare exceptions, exterior lights in Transitional Areas and in Private Areas visible to neighboring Owners should be extinguished by 10 PM each night.
  - Security lights should be on motion sensors and timers and should be directed toward the ground.
    - Motion sensors should trigger only upon sensing motion in large objects such as animals and humans.
    - Trigger duration should not exceed (10) minutes, at which point the security light should be automatically extinguished.
  - Lighting should use lamps with the warmest color appearance possible. For general applications the correlated color temperature of lamps shall not exceed 3000 Kelvins.

### **Voluntary Implementation of the Dark Sky Policy**

When considering voluntary implementation of the Dark Sky Policy, Owners should self-evaluate their existing exterior lighting:

- Does this light serve a clear purpose?
- Does the light fall only where it serves that purpose?
- Does exterior lighting meet the following principles?
  - Avoid over lighting of property
  - Direct lighting downward
  - Use lowest intensity of light to accomplish the purpose:
    - Reduce the number of fixtures
    - Lower brightness of existing bulbs
  - Replace bulbs that emit a high level of blue light
- Are exterior lights extinguished automatically at 10PM, and are after hours security lights on motion detectors which extinguish after 10 minutes when movement is detected?
- Is the light source warm in color?
- Is exterior lighting interfering with neighbors' dark sky views?