



GUIDELINES FOR COMMUNITY LIVING

These Guidelines are authorized by
Sections 5.3 and 11.1 of the CC&Rs

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**MCDOWELL MOUNTAIN RANCH COMMUNITY ASSOCIATION
GUIDELINES FOR COMMUNITY LIVING**

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DEFINITIONS

Back Yard: Defined as everything behind the gates and/or walls of a property.

Common Area: All Association Land and the Improvements thereon.

Design Guidelines: The architectural guidelines and standards put into effect by the Design Review Committee

Design Review Committee (DRC): The committee of the Association created to review and approve applications submitted by Owners. Uphold and recommend revisions of the Design Guidelines.

Dwelling Unit: Any building or portion of a building situated upon a Lot or Parcel designed and intended for use and occupancy as a Residence by a single Family.

Front Yard: Defined as everything to the front of the side gates and/or wall of a property.

Improvement: Buildings, roads, driveways, levees, dams, channels, basins, parking areas, fences, walls, rocks, hedges, plantings, planted trees and shrubs, and all other structures or landscaping Improvements of every type and kind.

Lot: Any area of real property within the covered property designated as a Lot on any subdivision plat recorded and approved by the Board.

Natural Area Open Space (NAOS): Areas designated on a recorded subdivision plat of tract declaration as natural area open space as defined in the ordinances of the City.

Part Wall: A wall or fence constructed on or immediately adjacent to the common boundary of Lots or Parcels or the common boundary of Common Areas and a Lot or Parcel.

Side Yard: The area to the right or left of the dwelling between the front and back yards.

Sub-Association: An owners association created within McDowell Mountain Ranch other than the McDowell Mountain Ranch Community Association and subject to the McDowell Mountain Ranch Declaration. Each owner who is a member of a Sub-Association shall also hold membership in the McDowell Mountain Ranch Community Association.

Visible: Such object that is or would be visible to a person six feet tall, standing at ground level on any part of any Lot, Parcel or Common Area, which adjoins the Lot, or Parcel on which such object is located.

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These Guidelines are also available on the McDowell Mountain Ranch web site,
www.mmraz.com.

SECTION ONE INTRODUCTION COMMUNITY ORGANIZATION

1.0 Community Association

Every property owner of McDowell Mountain Ranch is a member of the McDowell Mountain Ranch Community Association (the “Association”), the entity responsible for the management of all Common Areas and related homeowners facilities, as well as administration of the affairs of the community. The Association is created by the recording of the Declaration of Covenants, Conditions, Restrictions, Assessments, Charges, Servitudes, Liens, Preservations and Easements (the “CC&Rs”). The CC&Rs set forth procedures, rules, and regulations, which govern the community. The Guidelines for Community Living are an extension of the CC&Rs and they are designed to be used in harmony. The Guidelines are authorized by the CC&Rs as set forth on page 28, Article V, Section 5.3 and page 48, Article XI, Section 11.1, of the document.

The Board of Directors (the “Board”) is charged with the responsibility for overseeing the business of the Association and has a wide range of powers. The Design Review Committee (DRC) is established by the Board to review all improvements within McDowell Mountain Ranch including new construction and modifications to existing properties. The Design Review Committee has adopted architectural guidelines and standards to evaluate proposed construction activities.

NOTE: Design Review Guidelines for the sub associations of Castle Chase, Cimarron Hills and 100 Hills may be more restrictive than the Guidelines for McDowell Mountain Ranch (Master Association). Consult your individual documents.

ARCHITECTURAL REVIEW PROCESS

1.1 Design Review Committee

The CC&Rs require prior written approval of the DRC before any Visible change, addition, or modification to a site or building exterior of a residential property is made. Residents with proposed changes should contact McDowell Mountain Ranch Administration Office at (480-473-0877) to obtain the necessary architectural guidelines and submittal documentation.

The responsibility of the DRC is to ensure that the harmonious, high quality image of McDowell Mountain Ranch is implemented and maintained. Your submittal will be returned to you either approved, approved with stipulations, rejected, or with a request for more information within forty-five (45) days of receipt of your request. Homeowners may appeal the decisions of the DRC to the Board for consideration; in which case, the decision of the Board shall be final.

It is the homeowner's responsibility to obtain all necessary permits and comply with all codes as required by city, county, state and federal government agencies.

Note: The communities of Castle Chase, Cimarron Hills and 100 Hills must submit design applications to their sub association management for initial review.

SECTION TWO DESIGN GUIDELINES

2.0 General Principles

The purpose of the Design Review Committee (DRC) is to ensure consistent application of the Design Guidelines. The Committee monitors any portion of any Lot or parcel, which is Visible from other Lots or parcels, the street, or Association Common Areas. The Design Guidelines promote those qualities in McDowell Mountain Ranch, which enhance the attractiveness and functional utility of the community. Those qualities include a harmonious relationship among structures, vegetation, topography, and overall design of the community.

The DRC strives to maintain consistency of our community and of its decisions. There are, however, exceptions. Generally, the communities of Sonoran Estates I, Sonoran Estates II, Sonoran Estates III and 100 Hills the Retreat have roughly one acre sized Lots whose boundary walls are not coincidental with the property line; therefore, Variances will be considered from setback and height requirement. Homeowners in these communities must submit all plans and indicate any variances requested.

All exterior modifications require DRC approval in advance of work commencing.

NAOS: A large portion of McDowell Mountain Ranch is dedicated as Natural Area Open Space. No modifications may be made in these Common Areas. However, in cases where the NAOS exists inside a property line in the communities of Sonoran Estates I, Sonoran Estate II, Sonoran Estates III or Sunrise Point, the City of Scottsdale does allow homeowners to apply for a permit to use this land. Homeowners must show proof of application and acceptance when requesting approval for alterations in these areas.

2.1 Protection of Neighbors

The interest of neighboring properties must be protected by making reasonable provisions for such matters as access, surface water drainage, sound and sight buffers, light and air, and other aspects of design, which may have a substantial effect on neighboring properties.

2.2 Design Compatibility

The proposed construction must be compatible with the design characteristics of the property itself, adjoining properties and the neighborhood setting. Compatibility is defined as harmony in style, scale, materials, color, and construction details.

2.3 Workmanship

The quality of workmanship evidenced in construction must be equal to, or better than, that of the surrounding properties. In addition to being visually objectionable, poor construction practices can cause functional problems and create safety hazards. The Association and the DRC

assume no responsibility for the safety or livability of new construction by virtue of design or workmanship.

2.4 Building Architecture

In general, any exterior addition or alteration to an existing residence shall be compatible with the design character of the original structure.

2.5 Outbuildings

Any enclosed, roofed structure must be submitted to the DRC prior to installing. The structure must be lower in height than the surrounding wall or fence, must not be Visible to Common Areas or neighboring properties and must be compatible in color and style with the McDowell Mountain Ranch Community.

2.6 Roof & Wall-Mounted Equipment

The installation of equipment, including but not limited to air conditioning units, chillers and/or swamp coolers on roofs or through walls is not permitted. The exception to this is solar panels. All solar applications must be approved by the DRC.

2.7 Satellite Dishes

The Association requests that the homeowner notify the Association of installation of satellite dish and over-the-air devices. Any dish exceeding 1 meter (39) inches, will not be allowed.

The Association has the right to review the installation and regulate it to the following extent:

- Visible dishes may be required to be painted to match the home's body color.
- Visible runs of cable are required to be neatly affixed to the walls and run in either horizontal or vertical runs – no diagonal runs or draped cable.
- A reasonable amount of screening (shrubs, bushes, etc.) may be required to shield the dish from view.

2.8 Flagpoles

A flagpole is defined to be a pole or staff of wood, aluminum, or metal, either attached to a homeowner's Dwelling or freestanding. Prior to installing a flagpole on any Lot, the resident must submit a request, in writing, to the DRC detailing the height, type, location, and color of the flagpole. This section applies only to the display of flags in residential areas of the community.

2.8.1 Flagpoles attached to dwelling:

Flagpoles: (1) are not to exceed seven (7) feet in height measured from the base of the flagpole to its highest point; (2) are to be mounted vertically or horizontally off a homeowner's Dwelling; and (3) if made of metal other than unfinished aluminum, must be painted to match the house colors. The flag of the United States of America, State of Arizona, Arizona Indian Nation, all Armed Forces, and/or POW/MIA may be displayed. In addition, one temporary "seasonal" flag, such as a holiday or sports team flag may be displayed; however, no more than two (2) flags may be displayed at any time.

2.8.2 Flagpoles / Freestanding

Flagpole: (1) shall not be installed without the prior written consent of the DRC; (2) is limited to one flagpole in the front yard, flying the flag of the United States of America, State of Arizona, Arizona Indian Nation, all Armed Forces, and/or POW/MIA; (3) may not exceed fifteen (15) feet in height as measured from the base of the house; (4) if made of metal other than unfinished aluminum, must be painted to match the house colors; and (5) items located on the flagpole (including, but not limited to, metal fasteners, cleats, halyards, clips, and pulleys) may not cause an unreasonable amount of noise, but must be covered in a material suitable to the DRC, if necessary, to prevent such noise; (6) is to be located no closer to curb, neighboring properties, property lines, and common areas than the height of the flag pole; (7) flag must be removed at sunset in accordance with U.S. flag display guidelines, or may be illuminated with a maximum of two 20 Watt low voltage landscape spot lights. Care should be taken to not point lights at neighboring properties or streets.

2.9 Basketball Goals

Basketball Goals will be allowed as a permanent installation in the driveway or attached over the garage of the home. Portable goals are prohibited. Backboards, poles, and any pads must be transparent or painted to match the color of the home. No goals will be approved for Backyards. Basketball goals must be located beside the driveway at a point between the garage door and midway to the curb. Curbside locations will not be approved. Basketball goals must be submitted to the DRC for review prior to installation.

2.10 Trash / Recycle Containers and Collection / Screening

No garbage or trash shall be kept on any Lot except in covered containers as provided by the City of Scottsdale. These containers may be placed curbside for pick-up at dusk the evening prior to pick-up and must be placed out of sight by the end of the collection day. Those homeowners who wish to store trash containers in Backyards must screen containers so as not to be Visible to neighboring properties and Common Areas. Screening may consist of either a block wall (stuccoed and painted to match either the house or perimeter wall) or landscaping. Both the wall and the landscaping must be submitted to the DRC prior to installation.

Bulk trash containers, such as roll offs, or any dumpsters associated with construction may not be placed in the street. These containers would be allowed to be placed at the property for a maximum of 2 weeks. Any time extensions would need approval by the DRC.

2.11 Play Structures

Play structures may be erected in Backyards only, subject to prior review and approval by the DRC and subject to the following guidelines.

- May be erected in Backyards only and structures must be set back a minimum of seven (7) feet from any perimeter wall.
- Maximum height allowed to top support bar or highest point of structure is ten (10) feet.
- Maximum height of any deck/platform is to be four (4) feet above ground.
- The distance from the ground elevation to the top of the perimeter fence must be measured and submitted with plans.
- The DRC will take the appearance, height, and proximity to neighboring property into consideration.
- Any shade canopy must be a solid earth tone, beige or dark green. Include a brochure or picture with application.
- Any canopy or roof material must be canvas or roof tiles which match the house.
- Typical play structure examples: swing sets, trampolines and slides.

2.12 Ramadas, Cabanas, and Gazebos

Ramadas, cabanas, and gazebos may be erected in Backyards only, subject to prior review and approval by the DRC, subject to the following guidelines:

- Maximum square footage (under roof area) is one hundred twenty (120) square feet.
- Maximum roof height is ten (10) feet at the highest point.
- The structure must be set back a minimum of seven (7) feet from any property line.
- The structure must be painted to match the house color and maintained in good condition.
- Any roof tile must also match the tile of the house.
- Lighting of the structure must be approved by Design Review prior to installation.
- Size and dimension variance is considered based on lot size and impact to neighbors.
- When design is such that floor level is below grade, drain water must not exit property into Natural Area Open Space (NAOS).

2.13 Planters and Walkways

Planters, paved walkways and other hardscape features must be reviewed and approved by the DRC. Surface textures and colors are to match the paint color and materials of the house.

2.14 Gates

Double gates may be installed to allow wider access to Backyards and are restricted to no more than ten (10) feet in width and six (6) feet in height. Double gates require DRC approval prior to installation. Double gates must be the same type, design and color as the originally installed single gate. Separate paved driveways leading to gates are not permitted, though natural

landscaping products, such as allowed crushed granite types may be used to create a base suitable for vehicle access. However, storage of boats, trailers, etc. may not exceed the gate height and **motorized** vehicles of any kind may not be stored behind gates or in Backyards.

2.15 Gutters and Downspouts

Gutters and downspouts must be approved in advance by the DRC. The finish must match the adjacent surface of the home in color. High-quality materials that offer long life are recommended, as the homeowner will be required to maintain these additions in good repair. Plans must include the proposed locations of the gutters and downspouts, and the quality of material to be used.

2.16 Screen / Security Doors

Screen doors and “security doors” must be approved in advance by the DRC. Submittals should be high quality wrought iron in a color that matches the body of the house. Pictures or brochures must be submitted. Aluminum storm doors are not permitted.

2.17 View Decks (addition to one-story home)

The DRC will consider submittals for view decks to homes. The DRC will evaluate how the deck impacts the neighboring properties rights of reasonable privacy.

The following information must be included in the detailed submittal/application to the DRC:

- Type of material to be used
- All colors must match house color
- Exact dimensions of the structure
- Lot dimensions and home placement on the Lot (plot map)
- Aerial, side views and rear view of the deck
- Detail on the view fence, including height
- Spiral staircase design and detail, including railing, if applicable (railing must match the detail of the view fence)
- Full Backyard elevation view

2.18 Pet Enclosures

Pet enclosures must have prior approval of the DRC and be located so as not to be Visible from neighboring properties or Common Areas. Materials and color shall be consistent with existing walls. No pets of any kind may be raised for commercial purposes.

2.19 Driveways

Driveways may not be expanded without the prior approval of the DRC. In such cases where expansion is granted, the expansion will not exceed twelve (12) inches on each side. The number of driveway parking positions in front of the home is equal to the number of garage bays.

Driveways that are gravel must be in compliance with the City of Scottsdale code that states the driveway must be clearly designated by a border. Hard surface percentage guidelines must be observed. Variances may be made for larger Lots such as those found in One Hundred Hills The Retreat, Sonoran Estates I, Sonoran Estates II and Sonoran Estates III.

2.20 Window Coverings

No enclosures, shades, screens, tinting, awnings or other items affecting the exterior of the window shall be installed in any home without the prior written consent of the DRC. The Board has given blanket approval to all off-white or white shutters, mini-blinds, and vertical blinds installed on the interior of windows. All others require Architectural approval.

2.21 Clotheslines

Clotheslines or other outside facilities for drying clothes are not permitted unless they are placed exclusively within a fenced yard and not Visible.

2.22 Fireplaces, Fire Woks, Firepits, Kivas, Patio Heaters, Torches (Tiki type)

Installation of all outdoor fireplaces, kivas, and firepits require advance approval of the DRC and are restricted to Backyards. All outdoor fireplaces, kivas, fire woks and firepits must be gas (no wood burning permitted). The top of any portion of a fireplace or kiva shall be no higher than any adjacent wall or fence and if the rear of said structure is visible from any neighboring property or Common Area, it shall be completed in a finished state. All flames emitted from these fire-producing devices shall be a minimum of four (4) feet from any property line or structure. These outdoor devices must be consistent in materials and color with the residence or perimeter wall. Fire wok flame height may not exceed fence height. Fire wok follows setback requirements of firepit.

When within code, a variance may be allowed for Sonoran Estates I, Sonoran Estate II and Sonoran Estates III due to their large acre sized Lots. These fire-producing devices are not permitted in Front courtyards or Front Yards.

2.23 Chimeneas, Portable Open Flame Sources

Chimeneas and other portable open flame sources may be used for decorative purposes only. Wood burning is prohibited.

2.24 Barbecues

Installation of all outdoor permanent BBQs requires advance approval of the DRC (portable BBQs are permitted and do not require approval of the DRC provided they are located a minimum of four (4) feet from any perimeter wall/fence or structure). All outdoor BBQs shall be required to have gas or propane. Propane tanks must be of the standard 25-pound type used on most barbeques – bulk propane storage tanks are not permitted. The top of any portion of a BBQ shall be no higher than any adjacent wall or fence and if the rear of said structure is Visible from

any neighboring property or Common Area, it shall be completed in a finished state. All flames emitted from these fire-producing devices shall be a minimum of four (4) feet from any property line or structure. Barbecues will not be permitted in Front Yards.

2.25 Decorative Art

This guideline applies to the installation of any decorative art or objects which will be Visible from other Lots or Common Area. Homeowners must submit an application to the DRC for approval prior to the installation of any decorative art or object including dimensions and accurately represent the conditions at the site. Decorative objects should be constructed of materials and in such a style as to complement the Sonoran Desert environment of McDowell Mountain Ranch.

The color of decorative objects should complement the color of the home and the Sonoran Desert environment of McDowell Mountain Ranch. Approved colors include muted earth and desert tones.

2.26 Sidewalks

This guideline applies to sidewalk installations in the front of the dwelling or Visible from the front of the dwelling or street. Homeowners must submit an application to the DRC for approval prior to the installation of any sidewalks. All plans submitted for review shall be drawn to scale; include dimensions and accurately represent conditions of the site. The total surface area of all sidewalks and driveway borders are to be included in consideration of total front hardscape limitations as set forth elsewhere in these community guidelines.

Front sidewalks connecting to a side yard area. In general, these sidewalks are intended to facilitate pedestrian travel and transport of trash and recycle containers and the like to the side yard areas. These sidewalks are not intended to act as an auxiliary driveway. These sidewalks should be no wider than 48 inches at any point including any border and constructed using a material and color that complement the existing driveway or other Front Yard hardscape. These sidewalks should typically join perpendicularly to the driveway or Front courtyard area although some latitude is allowed in terms of flaring near the terminal points.

Front sidewalks joining parallel or substantially parallel to the driveway and thus serving to widen the driveway will not be approved.

Front sidewalks connecting to the front entrance to the home. In general, these sidewalks are intended to facilitate pedestrian travel from the driveway to the front entrance of the home. These sidewalks may widen significantly to form or join to a front courtyard area. No specific limitations are placed on these sidewalks in terms of width, style, and material beyond that found elsewhere in these community guidelines.

The DRC will approve such sidewalks and courtyards that are in keeping with the overall community style and the scale of the lot and home.

Front sidewalks connecting to the street or community sidewalk. In general, these sidewalks are intended to facilitate pedestrian travel from the street or community sidewalk to the front entrance of the home or front courtyard area. These sidewalks should be no wider than 60 inches at any point including any border and constructed using a material and color that complement the

existing driveway or other front yard hardscape. These sidewalks should typically join perpendicularly to the street or community sidewalk although some latitude is allowed in terms of flaring near the terminal points. Front sidewalks joining parallel or substantially parallel to the street or community sidewalk will not be approved.

Hardscape may be used to border the driveway and should be no wider than 12 inches at any point. Such borders should be constructed using a material and color that complement the existing driveway or other front yard hardscape.

2.27 Hardscape (front yard)

All hard surfaced areas (i.e.: pavement, concrete, stone walks, patio areas, etc.) located in the Front Yard shall conform to the guidelines set forth herein. Items not to be considered as part of the hardscape surface shall be natural boulders, natural landscape stones, walls and free standing benches used primarily for aesthetic landscaping

The total hardscape surface (including driveway) within the Front Yard area shall not exceed forty-five percent (45%) of the total yard area. The hardscape surface, exclusive of the driveway shall not exceed twenty percent (20%) of the total Front Yard area.

For the purposes of this section, the Front Yard area shall be defined as all land in front of the dwelling and within the boundaries of the property that is Visible from the street. This shall exclude enclosed courtyards, covered alcoves and street sidewalks (as shown on the master plan & located within the property boundaries, if any).

NAOS shall be included in such calculations for lots that include NAOS as part of their property in Sonoran Estates, I, Sonoran Estates II and Sonoran Estates III.

All plans submitted for review and approval shall be drawn to scale and shall accurately represent the conditions at the site.

2.28 Signs

House number signage must conform to community aesthetics. CCRs allow a maximum of two house number signs. Additions or modifications require DRC approval. An additional house number identification is typically desirable for homes significantly set back from the curb, or located behind another home such that the house number is not visible.

No commercial signs will be permitted on any lot.

2.28.1 Signs – Real Estate

“For Sale” or “For Lease” signs are permitted on the homeowner’s property subject to any restrictions from the sub-association. Such signs shall be no larger than 25” x 20” and must be mounted on a free standing post and located at least 5 feet from a neighbor’s property line. Signs can be placed in the Front Yard only and no signs shall be placed in the rear of a home, on the rear wall or in windows. Signs may have a maximum of two (2) attachments/riders such as a realtor’s name or a feature such as a pool. After close of escrow, all signs and posts are to be removed within three (3) days.

No signage of any kind may be placed in any Common Area of the McDowell Mountain Ranch Community Association without prior written approval of the DRC and/or the Board of Directors. However, the foregoing notwithstanding, "open house" signs may be displayed from 9:00 AM – 5:00 PM on Wednesday, Saturday, and Sunday without prior authorization.

Open House Sign detail:

Signs should be close to the ground and professional in detail.

An open house directional sign assembly is comprised of two components: the sign and the frame.

Sign dimensions shall be 24" width by 18" height. At a minimum, brokerage information and a very visible directional arrow is required. Optional information such as agent name and telephone is at the discretion of the agent. Color choice is at the discretion of the sign owner. Additional information such as "views, luxury home, and area specialist" may be incorporated into the message of the sign, but additional sign riders are not allowed.

Frames should be kept close to the ground and constructed of bent angle iron, bent steel rod, or "tent" construction. Elevated, or "tall" frames raising the bottom of the sign more than approximately four inches above ground level are prohibited. The top of any sign frame should be approximately 26" above ground level.

For Sale By Owner:

Property owners selling their home on their own shall follow the same guidelines except that brokerage information will be eliminated. High quality signs may be customized and frames may be purchased from any of the sign companies in the area.

Placement:

Signs may not be placed on sidewalks, curbs or in the street and must be placed so as not to restrict public right of way.

Prohibited:

- Wire, twine or braces made of wood.
- Handwritten messages or phone numbers – all information must be professionally printed.
- Inappropriate messages.
- More than two (2) riders
- Pennants, pendants, flags or balloons attached to sign or frame.
- Elevated frames rising above ground level.
- Redundant signs (more than one clumped together by the same agent).

2.29 Water Features / Fountain Guidelines

The DRC will examine all water feature proposals with respect to the size of the feature, the style of the feature, the location of the feature, quality, and the impact of the feature on neighboring properties. Permanently installed water features are preferred, but the DRC will evaluate non-permanent structures. Water features shall incorporate the use of recirculating pumps. There shall be no “bird baths” or non-circulating ponds. Any desired lighting onto water features shall not exceed eighty (80) watts total, with no single light exceeding forty (40) watts. For the purpose of DRC review, water features are broken into two (2) categories: the in-ground “waterfall” style and the above ground “fountain” style.

2.29.1 “Waterfall Style” Water Features

As part of its review of the proposed water feature, the DRC will examine the feature’s proportions to existing structures and landscape and judge whether the feature is “in scale” with its surroundings. Front Yard water features shall incorporate the use of stonework (rock) and paint palette that the builder has established as the theme for the specific neighborhood. Exposed masonry block (regardless of type) whether painted or not is not allowed. All rock formations must be consistent with the regional desert appearance in style and color. Natural rock is preferred; however, “manufactured” rock that is consistent with the look, color, and texture of natural rock may be submitted to the DRC for consideration.

2.29.2 “Fountain Style” Water Features

Fountains must be located close to the house and fully or partially obstructed from view. Proposed fountains in the Front Yard should be located within front door alcoves or behind landscaping walls. Those to be located in other Visible areas (such as through view fencing) should use landscaping or walls to obscure their visibility. Plans for landscaping walls shall be submitted to the DRC for review prior to construction.

Fountain height shall be in scale with the house and the Front Yard size. Typically, fountains greater than seven (7) feet in height, measured from the base of the fountain to the top of the fountain structure will not be approved. Fountains should not be capable of emitting water streams greater than six (6) inches above the height of the emitter (or the height of the fountain if the only emitter is on the top of the fountain).

Fountains shall be constructed either of concrete colored to match the McDowell Mountain Ranch environment, or natural rock of the color and style of the Sonoran Desert environment. Fiberglass or metal fountains will not be approved. Fountain style shall be of a Southwestern nature. Elaborate, overly ornate, or styles inconsistent with Southwestern Sonoran Desert will not be approved.

2.30 Lighting (outdoor)

All lighting must be consistent with the City of Scottsdale Environmentally Sensitive Land Ordinance (ESLO) requirements and be submitted to the DRC in advance for approval. “Installed by builder” does not constitute approval.

Lighting mounted on a Dwelling unit: must be submitted to the DRC for approval prior to installation. Lights must be concealed from street view, Common Area view, and adjacent neighbor’s views. Concealment may be accomplished by locating the light under eave lines, in niches, or within specially designed structures or shields. Additionally, all light fixtures must be painted or finished to match either the color of the surface to which they are attached. Flood or security lights are not to be installed on the Front or Side of any property. Light sources must be directed downward onto owner’s property at all times and shall not be directed towards streets, Common Areas, or neighboring property and fixture must be of a type in which the bulb is concealed – no Visible bulbs.

Landscape lighting: for Front and Backyards is limited to twenty (20) watts per light and may not exceed two hundred (200) watts for the Front Yard, and 200 watts for the Backyard. All landscape lighting must be submitted to the DRC for approval. Exceptions are made for the communities of Sonoran Estates I, Sonoran Estates II and Sonoran Estates III due to their large Lot sizes.

2.31 Patio Covers

Patio covers and other additions must be in scale with and similar to the nature and character of the existing dwelling, including materials, textures, and colors. Submission data must clearly show the location of the proposed improvement along with sufficient dimensions and details to insure compliance with all areas of this section. Wood, aluminum, stucco, and stone of earth tone colors are permitted materials.

2.32 Awnings

Awnings shall be permitted in the Backyards and Side Yards of the home only, and front courtyards if not Visible from the street. Awnings must match the color of the house. Submittal should include a picture, sample of fabric showing color, and location. Awnings must be approved by the DRC prior to installation.

2.33 Additions

General principles include:

- The addition of a second story will not be approved for single story homes.

- Impact on neighbor privacy will be considered.
- City of Scottsdale setback requirements must be met.
- Additions should be architecturally consistent with building and neighborhood.
- All exterior designs and finishes should be completed in a workman-like manner and be consistent with original design and finish of existing home.

2.34 Walls / Common and Privacy (height modification)

Modifications of Party Walls require the agreement of both parties. In the case of modification of walls between two property owners, only the agreement of the two owners is required. Modification of a wall between an owner and Common Areas requires DRC approval. However, if a modification between owners would create a significant change as Visible from Common Area or neighboring lots, DRC approval will be required. Check with management before proceeding. Fence and gate heights are held to 6' except for retaining walls where the higher lot is 6', but the lower lot may be greater as required to support the retention wall.

2.35 Conduits

Any and all conduit must be run only on the property owner's side of any walls. Any Visible conduit must be painted to match house. No conduit may be run on a neighbor's side of a property-dividing wall.

2.36 Accent Walls & Pilasters:

Accent walls cannot not exceed 36" height, and pilasters must not exceed 42" in height. Exceptions are made for Sonoran Estates I, Sonoran Estates II and Sonoran Estates III due to their large Lot sizes. Submit to DRC for approval. Accent walls must be setback off the property line by three (3) feet.

Pilasters which are commonly use to mark the entrance of a driveway must be set back from the curb a minimum of ten (10) feet.

2.37 View Preservation

View preservation is not guaranteed.

2.38 Vermin/Pest Control

Submit screen sample to DRC for approval. Chicken wire is not permitted. Earth tone colors are preferred. Only plastic ties/fasteners are allowed as direct metal contact to the fence causes corrosion-UV resistant plastic ties are recommended..

2.39 Umbrellas

Umbrellas must be of earth tone colors of tan, white, green (prohibited example: solid blue, or advertising word or slogan umbrellas). Acceptable materials are solid canvas like materials, or grass type thatch.

2.40 Feeding Wildlife

Feeding of wildlife is prohibited. Note that javelina are attracted to pumpkins for food.

2.41 Bird Feeders

Birdfeeders are prohibited due to attracting undesirable animals, with the exception of hummingbird feeders.

2.42 Portable Storage Containers

Portable moving storage containers may be placed in the homeowner's driveway for a period not to exceed seven (7) days.

2.43 Roller Shutters

Roller shutters will be approved based on location and Visibility. Must submit detail of location and design to DRC for approval. Color must match house.

2.44 Garage Sales

Individual garage sales will not be permitted. A community garage sale will be held twice per year (Spring and Fall). The community sale will be coordinated by the Association.

2.45 Exterior Painting

If you are about to paint your home and intend to paint it the same color, there is no need to gain approval from the DRC as there is no "Visible change."

However, if you wish to change the color of the exterior of your home, you will have to submit your color choice to the Design Review Committee (DRC) with the following information required for the approval of your color choice:

- 1) Light Reflective Value (LRV). City of Scottsdale, by ordinance, restricts

colors in our high desert location to no more than a 35% LRV. However, MMR was grandfathered in at 40%. This scale is based on pure white being 100% reflective and pure black being 0%. Paint stores can verify the LRV of premixed colors for you. Your color choice must be between a value of 20% to 40% value in order to be approved.

- 2) For changes of color you may pick an existing color scheme only within your subdivision and you may submit that choice to the DRC for approval (must be a LRV between 20% and 40%). Submitted samples must be a “draw down” (paint store can supply) which is a large sampling of the color(s) on, at least, an 8 x 10 inch sheet and must be accompanied by the address of the house whose scheme you wish to duplicate.
- 3) Only flat exterior paint will be approved for the body and trim of the house. However, low gloss or satin sheen enamels are allowed for metal garage doors only.

Departures from the approved color scheme will require a repaint to the originally approved colors.

Should you have any questions, please do not hesitate to call the McDowell Mountain Ranch Community Association at (480) 473-0877.

SECTION THREE LANDSCAPING GUIDELINES

3.0 Initial Landscape Installation

Front Yard landscaping will be installed by builders and such plans are pre-approved by the DRC. Any portion of a Lot which is Visible to other Lots, the street, or Association Common Areas must be landscaped within one hundred eighty (180) days of close of escrow and must receive prior written approval by the DRC. Per the Documents, the Front Yard* is defined everything to the front of the side gates (or wall if no gate exists) of the property. The Backyard is everything behind the same gates (walls).

3.1 Landscaping / Tree Guidelines

Indigenous trees may grow to their natural height but non-indigenous trees must be maintained at a height not to exceed twenty (20) feet as measured from the base of the tree. This restriction reflects the restriction imposed by the City of Scottsdale for trees that are not native to our high desert location. Non-indigenous trees are restricted to enclosed Backyards only. All yard plantings must be approved by the DRC, who will evaluate them based on aesthetics and the approved plant list. Homeowners may select any plants for the Backyard except those found on the Prohibited Plant List.

3.2 Plants (approved for front yards)

Front Yard plants and trees must comply with the plant/tree list approved by the City of Scottsdale and by McDowell Mountain Ranch. The list is to be attached to the Design Review Committee submittal form. No plants or trees on the “Prohibited Plant List” may be installed in the Front Yard or Backyard landscaping. All landscaping must be submitted to the Design Review Committee for approval. The Approved and Prohibited Plant Lists are attached as Exhibit A at the end of this document.

3.3 Bermuda Grass

Common Bermuda grass is prohibited plant material. The DRC will approve hybrid Bermuda with a sod, sprigging or hydro seeding installation. Grass is allowed in Backyards only.

3.4 Holiday Decorations & Ornamentation

Temporary holiday decorations may be displayed from 30 days prior to the holiday and must be removed within fourteen (14) days following the holiday.

3.5 Landscape Maintenance

All landscaping shall be maintained in a neat and attractive condition. Minimum maintenance requirements include watering, mowing, edging, pruning, removal and replacement of dead or dying plants, removal of weeds and noxious grasses, and removal of trash.

3.6 Landscape Maintenance on Corner Lots

Corner Lot owners are generally responsible for the area between their boundary wall and the curb. These areas are to be maintained by the homeowner as the owner's Lot line transitions to Public Right of Way (City Property), which the homeowner, by the CC&Rs and City statute, is required to maintain. Any changes to these areas require the approval of the DRC. If you are in doubt as to whether the land outside your perimeter wall is private or common area property, please call McDowell Mountain Ranch HOA management.

3.7 Natural Area Open Space (NAOS) Guidelines

Creation and maintenance of Natural Area Open Space (NAOS) within Mc Dowell Mountain Ranch was mandated by the City of Scottsdale when it enacted the Environmentally Sensitive Land Ordinance (ESLO) in 1991. Simply stated, the community must contain a minimum percentage of NAOS within its boundaries. You will see NAOS in the wash corridors adjacent to your home or in open space corridors directly behind your home. The Association owns and controls these areas. Certain rules apply to the NAOS:

- No direct access will be allowed from individual lots to the NAOS areas. Pedestrian pathways have been developed to allow access to the NAOS areas.
- No landscape planting, trimming, clearing, etc. will be allowed within the NAOS areas. All fire prevention trimming and clearing will be accomplished by the Association.
- No bird feeders, birdbaths, etc. are allowed in the NAOS.
- Absolutely no dumping of trash, landscape trimmings, or any other material will be allowed. Any violations will be reported to the City of Scottsdale Code Enforcement officials.

The NAOS shall remain in its natural state and shall not be used in any manner, which will detract from or alter its natural and open desert setting. No fences, signs, buildings, improvements, structures, or materials of any kind shall be constructed or placed thereon, except by approval of the City of Scottsdale and the DRC.

3.8 MMR Approved Granite

Decomposed granite shall be applied as a 2-inch thick layer. Only ¼, ½, and ¾ inch will be approved. ½ inch is recommended. Madison Gold is approved throughout McDowell Mountain Ranch. Any other color must be submitted to the DRC for approval.

SECTION FOUR SWIMMING POOL, SPA, AND SPOOL GUIDELINES

4.0 Swimming Pools-Note: Above ground pools are not permitted.

All pools, spa, and spools are required to be submitted to the DRC for approval prior to installation. Water's edge set back to be 4 feet from property line. When there is view fencing on the property then the pool equipment is to be screened with a ponywall, stuccoed and painted to match the house. Access is to be from the front of the property through the side gate or RV gate. In the cases where construction access is so limited as to require opening a common wall, or by permission to cross common areas will be considered on a case by case basis only. If this access is granted, then a Construction Deposit in the amount of \$1,500.00 will be required prior to entry and the owner will be required to obtain and submit to the DRC the written authorization from the City. If such access authorization is granted by the Association and entrance to the back yard area requires entering through a common wall, the homeowner must sign the NAOS/Common Wall Maintenance Responsibility Agreement prior to construction. The deposit will be refunded after walls and landscape are repaired and returned to their original condition.

Filtration: only cartridge filters are permitted. Pools, spas, or spools installed prior to December 1, 2006 with filters requiring backwash must retain all backwash water on the owner's lot. If necessary, a backwash pit should be dug and filled with rocks to provide for the needed capacity. No backwash may be discharged into the drainage ditches, natural washes, Common Area and landscaped areas, drainage-ways, or streets.

Pool fence requirements are regulated by the City of Scottsdale. The City should be contacted to determine the safety fence requirement for your pool. If the fencing is attached to the home, the homeowner may paint the fence the same color as the body of the home. For safety reasons, all openings in walls must be securely covered during construction to prevent children from entering and being injured.

Above ground portable spas must be screened from view so that the wood or other materials that create the structure is painted to match the home and screened with stucco or stone walls or heavy vegetation, all requiring DRC approval.

Pool volleyball nets, basketball hoops, or other play structures shall not exceed the height of the lowest property fence height.

Total height of a pool slide shall not exceed the height of the wall with a required setback of no less than seven (7) feet. Special consideration will be given for Lots on which the property line is outside of the perimeter wall, i.e. Sonoran Estates I, Sonoran Estates II and Sonoran Estates III.

SECTION FIVE (5.0) MAJOR CONSTRUCTION

Overview:

Major Construction activities shall include, but not limited to, exterior additions, remodeling and new home construction (pools are excluded from this section). All rules shall apply to interior remodeling with the exception that a Security Deposit and Fence is not required.

Construction Deposit:

Should access through NAOS for construction be requested and approved, a \$1,500.00 deposit will be required to assure the return of NAOS to its original condition. Deposit will be refunded upon satisfactory restoration. Satisfactory restoration shall be at the sole discretion of Management.

Streets and Parking:

Street must remain accessible. Overnight parking on the street is prohibited by the CC&Rs and will be enforced. No construction materials may be placed on the street. Streets must be “broom clean” daily. Damage done to the street, such as what may occur by heavy machinery or concrete spills, must be reasonably repaired and returned to the original condition.

Hours:

Any exterior construction or remodeling activity may be performed only during the hours from 6:00 AM until 6:00 PM Monday through Saturday only.

Dumpster:

Must be located on homeowner property. Maximum of 60 days, or at the completion of a submitted and approved project plan specifically requesting a variance to the 60 day rule. Should be emptied frequently enough not to create a nuisance (for example, odors, debris above the top of the container or trash blowing from it) for neighboring properties and common areas. Dumpster must have a protective netting cover to contain debris within when not in use. Dumpster should be in reasonably good condition without exterior graffiti or major markings other than the owner’s identification. Homeowner shall protect dumpster from becoming the “neighborhood dumping spot” to prevent landscapers and neighbors from using it. Only solid construction materials, such as lumber, wire, drywall, etc., may be disposed in dumpster (no liquids or perishable garbage).

Portable Toilets:

Must be located on homeowner’s property within the building envelope. Maximum of 60 days, or at the completion of a submitted and approved project plan specifically requesting a variance to the 60 day rule. No curbside placement allowed. Should be located as close to the owner’s building structure as reasonably possible. Structure should be in reasonably good condition without exterior graffiti or major markings other than the owner’s identification. Frequent cleaning and pumping is required to eliminate odor. HOA, at its sole discretion, may deem it a nuisance and may require its removal or frequent pumping or cleaning at owner’s expense.

EXHIBIT A

**McDowell Mountain Ranch Community Association
Architectural Design review Committee**

Front Yard Landscaping

For each plant in your landscape plan, enter the quantity. For example, if you enter one Whitehorn Acacia for your front yard, your landscape plan illustration must show one Whitehorn Acacia depicted in the front yard. Return this with the completed Design Review Application.

This is the McDowell Mountain Ranch approved plant list, based on the City of Scottsdale approved plant list (<http://www.scottsdaleaz.gov/codes/NativePlant/eslo.asp>).

1.1. Trees		
Common Name	Botanical Name	Front Yard Quantity
Whitethorn Acacia	Acacia constricta	
Catclaw Acacia	Acacia greggi	
Crucifixion Thorn	Canotia holocantha	
Hackberry	Celtis pallida	
Blue Palo Verde	Cercidium floridum	
Foothill Palo Verde	Cercidium microphyllum	
Desert Willow	Chilopsis linearis	
Ironwood	Olneya tesota	
Cottonwood	Populus fremontii	
Arizona Mesquite	Prosopis velutina	
Scrub Oak	Quercus turbinella	
Sugar Sumac	Rhus ovata	
Arizona Rosewood	Vauquelinea californica	
1.2. Succulents / Cacti		
Common Name	Botanical Name	Front Yard Quantity
Saguaro	Carnegiea gigantea	
Hedgehog Cactus	Echinocereus engelmannii	
Compass Barrel	Ferocactus cylindraceus	
Fishhook Barrel	Ferocactus wislizenii	
Ocotillo	Fouquieria splendens	
Fishhook Cactus	Mammillaria microcarpa	
Staghorn Cholla	Opuntia acanthocarpa	
Teddy Bear Cholla	Opuntia bigelovii	
Engelmann's Prickly-pear	Opuntia engelmannii	
Chainfruit Cholla	Opuntia fulgida	
Desert Christmas Cholla	Opuntia leptocaulis	
Desert Night-Blooming	Peniocereus greggii	

Cereus		
Banana Yucca	Yucca baccata	
Soaptree Yucca	Yucca elata	
1.3. Shrubs / Bushes		
Common Name	Botanical Name	Front Yard Quantity
Giant Bursage	Ambrosia ambrosioides	
Triangle-leaf Bursage	Ambrosia deltoidea	
White Bursage	Ambrosia dumosa	
Desert Honeysuckle	Anisacanthus therberi	
Fourwing Saltbush	Atriplex canescens	
Quailbrush	Atriplex lentiformis	
Desert Saltbush	Atriplex polycarpa	
Red Barberry	Berberis haematocarpa	
Fairy Duster	Calliandra eriophylla	
Desert Senna	Cassia covesii	
Desert Hackberry	Celtis pallida	
Hopbush	Dodonaea viscosa	
Sacred Datura	Datura wrightii	
Brittlebush	Encelia farinosa	
Green Brittlebush	Encelia frutescens	
Mormon Tea	Ephedra aspera	
Turpentine Bush	Ericameria laricifolia	
Flat-top Buckwheat	Eriogonum fasciculatum	
Snakeweed	Gutierrezia sarothrae	
Desert Lavender	Hyptis emoryi	
Chuparosa	Justicia californica	
Creosote Bush	Larrea tridentata	
Deer Vetch	Lotus rigidus	
Wolfberry	Lycium andersonii	
Arrow Weed	Pluchea sericea	
Joboa Bush	Simmondsia chinensis	
Trixis	Trixis californica	
Goldeneye	Viguiera deltoidea	
Greythorn	Ziziphus obtusifolia	

*Bougainvillea		
*Lantana		
*Verbena		
*Approved by Special Resolution by the Board of Directors on October 16, 1997		
1.4. Annuals / Perennials / Vines		
Common Name	Botanical Name	Front Yard Quantity
Sand Verbena	Abronia villosa	
Fiddleneck	Amsinckia intermedia	
Desert Marigold	Baileya multiradiata	
Coyote Gourd	Cucurbita digitata	
Desert Hyacinth	Dichelostemma pulchellum	
Dogweed	Dyssodia pentachaeta	
Woolly Daisy	Eriophyllum lanosum	
Mexican Gold Poppy	Eschscholzia mexicana	
Gaillardia	Gaillardia aristada	
Starflower	Gilia latifolia	
Slender Janusia Vine	Janusia gracilis	
Goldfields	Lasthenia chrysostoma	
Bladderpod Mustard	Lesquerella gordonii	
Desert Lupine	Lupinus sparsiflorus	
Purple Aster	Machaeranthera asteroides	
Blackfoot Daisy	Melampodium leucanthum	
Owl's Clover	Orthocarpus purpurascens	
Parry's Penstemon	Penstemon parryi	
Arizona Penstemon	Penstemon pseudospectabilis	
Desert Bluebell	Phacelia campanularia	
Scorpionweed	Phacelia crenulata	
Cream Cups	Platystemon californicus	
Devil's Claw	Proboscidea parviflora	
Paper Flower	Psilostrophe cooperi	
Indian Wheat	Plantago purshii	
Desert Chicory	Rafinesquia neomexicana	
Desert Chia	Salvia columbariae	
Desert Globemallow	Sphaeralcea ambigua	

Desert Straw	Stephanomeria pauciflora	
1.5. Grasses		
<i>1.6. McDowell Mountain Ranch does not permit any grass in the front landscaping.</i>		
1.7. Landscaping Lights		
Light Type	Front Yard Total Wattage	Back Yard Total Wattage
Path (down) lights		
Spot (up) lights		



LANDSCAPE GUIDELINES

Revised December 12, 2006

PROHIBITED PLANT LIST

1. Non-indigenous trees are not to exceed 20 feet as measured from the original grade of the yard. This restriction reflects the restriction imposed by the City of Scottsdale for trees that are not native to our high desert location. Non-indigenous trees are restricted to enclosed rear yards only.
2. All palms which exceed 6' in height. ONLY dwarf palms may be used in backyards, private patios or courtyard out of public view. California and Mexican Fan Palms, Queen Palms, Date Palms are among those prohibited.
3. All pines, junipers, cypress or cedar species for aesthetic reasons.
4. Olive trees because of pollen and for aesthetic reasons.
5. All oleanders which exceed 6' in height. ONLY petite/dwarf oleanders are permitted in enclosed backyards and must not exceed fence height.
6. Fountain Grass because it re-seeds freely.
7. ONLY dwarf citrus varieties are permissible in backyards, private patios or courtyards preferably in containers.
8. Common Bermuda Grass because it re-seeds freely.
9. Mexican Palo Verde (Parkinsonia) because of excessive litter and for aesthetic reasons.

SUPPLEMENTAL LANDSCAPE MATERIAL

1. Decomposed granite shall be applied as a 2" thick layer. Any size up to 3/4" will be approved. 1/2" minus is recommended. Granite color must be the color pre-approved for each individual builder.
2. Stones and boulders shall be limited to those geologic types which are indigenous to the site. Boulders shall be buried into the grade a minimum of 1/3 the height of the boulder to enhance a more natural appearance.
3. The use of river run stone (rounded) for any purpose is not permitted. All stone shall be indigenous.