

Design Guidelines



New Home Construction

January 1, 2005

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1 INTRODUCTION TO DESIGN GUIDELINES

Legend Trail is located within the high Sonoran Desert and the natural landscape makes this Community truly unique. Most Homeowners have chosen this development because of these qualities and therefore these Guidelines incorporate features and promote characteristics that promote a desert theme.

All of the Design Guideline documents, General, New Home Construction and Landscape, conform to the Declaration of Covenants, Conditions and Restrictions (CC&Rs) for Legend Trail, as well as provide clarification, interpretation of the CC&Rs extensive description. Nothing in these Guidelines is intended to relieve a Owner/Builder of their obligation to seek and obtain permission from the Association of any change to a Lot pursuant to Article IV of the Declaration of Covenants, Conditions and Restrictions for Legend Trail. In the event there is a conflict between these Guidelines and the CC&Rs, the CC&Rs take precedence. These Guidelines supersede any and all previous Guidelines of the same type as of the effective date displayed at the bottom of each page. Guidelines that refer only to Custom Homes in Parcels K, A, and E are designated by an asterisk. (Custom Homes are original floor-plan designs or production homes that have been uniquely modified.)

Because each Lot within Legend Trail is unique in terms of its natural opportunities and constraints, different approaches to design and construction will be necessary. Only low-profile, single-story family units are allowed within the Legend Trail Community. Key architectural concerns include building size, style, height, massing, roof detail, color, additional requirements for corner houses, and stylistic devices that are inappropriate to the Southwest. *For homes with lots larger than .4 Acre (17,424 sq. ft.), residences will contain at least 2,500 square feet of living area (not including garage or covered/uncovered patios).

These architectural Guidelines and design standards are intended to preserve, protect, and enhance the unique environment.

NO WORK MAY COMMENCE ON ANY LOT UNTIL THE APPROVAL OF THE LEGEND TRAIL ARCHITECTURAL CONTROL COMMITTEE HAS BEEN RECEIVED AND THE CITY OF SCOTTSDALE PERMITS HAVE BEEN ISSUED. THE REVIEW OF THE LEGEND TRAIL ARCHITECTURAL CONTROL COMMITTEE IS FOR AESTHETIC PURPOSES AND TO INSURE THAT THE PROPOSED CONSTRUCTION IS IN HARMONY WITH LEGEND TRAIL. ONCE APPROVAL HAS BEEN ISSUED, ANY PROPOSED CHANGES MADE DURING THE COURSE OF CONSTRUCTION MUST BE SUBMITTED TO THE COMMITTEE PRIOR TO THE FINAL INSPECTION.

*Refers only to Custom Homes in Parcels K, A, and E

2 WHO NEEDS TO SUBMIT

Anyone building a new home within Legend Trail. Owners must submit a plan in accordance with the New Home Construction Guidelines prior to construction.

3 ARCHITECTURAL COMMITTEE

The CC&Rs provide for the appointment of an Architectural Control Committee (referred to as the Committee) by the Legend Trail Board of Directors. The Committee has jurisdiction over all original construction, modifications, additions or alterations to buildings, structures, landscaping, fences, walls, etc.

These Design Guidelines have been developed by the Committee in accordance with the CC&Rs which provides the Committee with the authority to amend, supplement, and repeal the Guidelines.

It is the responsibility of all Owners/Builders to obtain current copies of Design Guidelines. These Guidelines are binding upon all Owners/Builders who at any time construct, reconstruct, renovate, alter, or maintain any improvement upon a property, or make any change in the natural or existing surface, drainage, or plant life.

4 ARCHITECTURAL REVIEW AND APPROVAL PROCEDURES

4.1 Non-Liability

The review of any proposed construction or changes to an Owners' residence are for aesthetic purposes only. No approval by the Committee of any proposed construction, modification, addition, or alteration shall replace a building permit or similar approval required by any governmental agency. Nor shall such approval be deemed to make the Committee liable or responsible for any damage or injury resulting or arising from the construction. The Committee (and each member thereof) shall be exempt from liability to the Association, any Owner, and every other party for any damage, loss or prejudice suffered or claimed on account of:

- (a) the approval or disapproval of any plans, drawings or specifications, whether or not defective; or
- (b) the construction or performance of any work, whether or not pursuant to approved plans, drawings and specifications.

4.2 Enforcement

These Design Guidelines may be enforced by the Committee, the Association, or the Community Manager as provided herein or in the CC&Rs.

4.3 Architectural Review Procedures

- a. This document contains the Guidelines for submittals to Legend Trail; however, much of Legend Trail construction is determined by City of Scottsdale Code.

- b. In order to assist each Owner/Builder in the planning and designing of a residence and to take full advantage of the unique opportunities of their Lot, a comprehensive Architectural Review process administered by the Committee has been established.
- c. The Committee will review projects during their regularly scheduled meetings or at such other times as they deem appropriate. Owners, Architects, or Builders have the right to attend any meeting of the Committee. Appointments should be made through the Community Manager for presentations at a meeting.
- d. Upon receipt of the complete New Home Construction Submittal, the Community Manager will send the drawings to a Licensed Architect for review. The Committee will then review the plans and respond in writing no later than forty-five (45) days, as stipulated by the CC&Rs, after a submittal is completed. This time may be longer if a resubmittal is necessary due to not receiving Committee approval. Results of reviews will not normally be discussed over the telephone by either the Community Manager or the Committee with an Owner, his Architect, or his Builder. Any responses an Owner may wish to make in reference to issues contained in the Committee's notice following review of submittals should be addressed to the Committee in writing.
- e. If an Owner disagrees with a decision made by the Committee, he may appeal the decision to the Legend Trail Board of Directors. All appeals must be in writing and must be received by the Board within thirty (30) calendar days of the date of the Committee's decision. The Board will respond to the Appellant/Owner in writing within seven (7) calendar days of the next Board Meeting after the appeal is received by the Board. If the Board does not agree with the Committee on any issue or question, the prior decision of the Committee shall be deemed modified to the extent specified by the Board.
- f. Generally the Architectural Review process is divided into three (3) phases:
 - Plan Submittal
 - Architectural Review
 - Inspection

4.4 Minimum Requirements for Submittal

All plan submittals must include two (2) copies of each of the exhibits/documents listed below. Inspections (as described below) will be based solely upon the plans submitted at this time (if approved). (See Section 4.7 re: changes.) Each item submitted must be clearly marked with Lot number, Parcel, Address and Owner's name. The committee will not review incomplete submittals. See checklists / forms attached for more clarification.

4.4.1 Application

Completion of Architectural Control Committee Application form (Appendix B).

4.4.2 Contractors Agreement Letter

If a contractor is being used to perform the construction / improvement, a Contractor's Letter of Agreement signed by the Owner and the primary contractor will be required. (Appendix C)

4.4.3 Review Fee

A check made out to: Legend Trail Homeowners Association in the amount of the required review fee. (Obtain the current list of fees from the Community Manager.) The fee includes a non-refundable amount to cover the costs associated with processing the proposal throughout entire review process as outlined herein, and the cost of any damage or clean up caused by construction that Builder or Owner does not rectify. Any remainder will be returned upon completion of the home.

4.4.4 Occupancy Date

A written statement detailing the approximate time schedule indicating dates for starting and completion of construction, and anticipated occupancy date.

4.4.5 Preliminary Site Plan

A site plan (minimum scale 1" = 10' or larger), showing Lot boundaries and dimensions, utilities, building location, finish and existing grades, NAOS areas, and paved areas.

4.4.6 Roof Plan and Floor Plans

A plan (minimum scale 1/8" = 1') showing room designations and finished floor elevations, flat and pitched roof locations, floor mounted equipment, parapet heights, ridge heights, roof slopes, driveway materials, and chimney heights.

4.4.7 Preliminary Elevations

A plan (minimum scale 1/8" = 1') for each elevation, showing grade lines, plate heights, roof and parapet heights, roof pitch, and an indication of all exterior materials and colors.

4.4.8 Site Section

A plan (minimum scale 1/8" = 1') @ 30' o.c. through the building and site showing natural and proposed grades.

4.5 Additional Required Submittal(s)

The Committee recognizes that not all items noted below will be planned or chosen until later in the process. **HOWEVER, PLANS FOR PAINT COLORS, LANDSCAPING, POOLS, LIGHT FIXTURES, OR GATES ETC. MUST BE SUBMITTED FOR APPROVAL PRIOR TO BEGINNING ANY WORK OR INSTALLATION.**

4.5.1 Site Plan

A plan showing any walls, swimming pools, spas, barbecues, fireplaces or firepits, fountains, waterfalls, gates, or any other structure that is being installed at this time but is not an integral part of the home.

4.5.2 Materials and Fixtures Schedule

Documentation showing all light fixtures, paint colors (including Manufacturer and LRV rating),

stonework, pavers, driveway finish, gates (including photos, drawings, colors and materials with samples), window and window frame color. (White window frames are not permitted because they exceed Light Reflective Value of 40%.)

4.5.3 Resubmitted Drawings

In the event drawings are not approved by the Committee, revised drawings must be submitted incorporating any requested changes or redesigns. The resubmittal requires same procedures for approval as the original submittal.

4.5.4 Scottsdale Approved Plans

A copy of plans approved by the City of Scottsdale must be submitted for the file. Any changes to plans originally submitted to the Committee will need to be reviewed by the Committee before building can commence. (Every effort for a quick turn around will be made by the Committee at this time.) If changes are approved, inspections will be based upon this new plan.

4.6 Sale of Lot

If an Owner gets plans approved for a Lot and then sells the Lot, the new Owner will be required to provide a new deposit and submit a new set of plans for approval before construction may commence. If the new Owner purchases the originally approved house plans, the new Owner has to resubmit these plans for approval if they are altered in any way. The new Owner must also submit a \$2,500 refundable deposit.

4.7 Additional Construction and/or Exterior Changes

Any changes made to the approved drawings before, during, or after construction must first be submitted for the review and approval of the Committee.

4.8 Review by Licensed Architect

Upon receipt of a complete submittal for new construction, the Community Manager will send the drawings to an architect retained by the Association. On receipt of the Architect's response, the Committee will review the plans and respond in writing to the Owner within the forty-five (45) days. This time frame may be extended if the Committee does not receive an approval from the Architect and the Committee requires plans to be resubmitted.

4.9 Construction Permit

Securing of a building permit from the City of Scottsdale is the responsibility of the Owner and/or Builder and is a separate process from the Architectural Review. Construction shall be in accordance with the submittal approved by the Committee, as well as the requirements of the City of Scottsdale.

4.10 Inspections

4.10.1 Work In Progress Inspection(s) by Homeowners' Association

The Community Manager and at least one (1) Committee member or professional authorized by the Committee (e.g. architect, builder, engineer, etc.) will inspect all work in progress and give notice of non-compliance, if found. Absence of such inspection and notification during the construction period does not constitute either approval, by the Committee, of work in progress or of compliance with these Design Guidelines or the CC&Rs.

4.10.2 Notice of Completion

Upon completion of any construction of Committee-approved submitted plan(s), the Owner shall provide the Association with written notice of completion. The final approval permit, if a permit is required, must also be submitted to the Association. For all new home construction a Certificate of Occupancy issued by the City of Scottsdale is required and must be submitted to the Association to consider the home completed. There is no provision for a Final Approval unless these documents are delivered.

4.10.3 Association Final Inspection

Within thirty (30) working days of Owner's written notification of completion and submittal of Certificate of Occupancy, the Community Manager and at least one (1) Committee member or professional authorized by the Committee (e.g. architect, builder, engineer, etc.) will inspect the construction for completion and compliance. If the construction is found to be in compliance with the approved plans and these Guidelines, the Association will issue a written approval to the Owner within forty-five (45) calendar days of receipt of the written notice of completion and submittal of Certificate of Occupancy. Final Approval is required to complete this project and will not be granted without conducting a final inspection. This Final Approval in no way implies that the construction or design is done correctly or in a quality manner. The Association / Committee, its members or representatives, or their respective successors or assigns shall not be liable for losses, claims, or damages to anyone whatsoever in connection with this Final Approval.

4.10.4 Compliance and Refundable Fees

At this time, a letter will go into the Owner's file indicating that the construction has been completed according to the plans approved by the Committee. After the installation of approved landscaping, and all trash and debris has been properly removed from the Lot and neighboring areas, any refundable fees will be returned.

4.10.5 Non-Compliance

- a. If it is found that the work was not done in compliance with the approved drawings, the Owner will be notified by the Community Manager in writing within forty-five (45) calendar days of receipt of the written notice of completion specifying those areas of non-compliance. The Owner will be required to correct the discrepancies.
- b. If the Owner fails to implement the corrections required within sixty (60) calendar days of receipt of notification by the Community Manager, the Community Manager shall notify the Owner and may take corrective action at the Owner's expense as provided in these

Design Guidelines or the CC&Rs, including without limitation, injunctive relief or the imposition of a fine.

5 CONSTRUCTION GUIDELINES

5.1 Construction Requirements

The following HOA Construction Requirements must be made a part of the construction contract documents for the construction of each Residence on a Lot. All Builders and Owners are bound by these requirements and any violation by a Builder shall be deemed to be a violation by the Owner of the Lot. The Owner will be subject to appropriate fines and/or other actions by the Association. As part of the Architectural Review Submittal, the Owner will be required to send a copy of the Contractor's Letter of Agreement to the Contractor stating that these guidelines must be complied with, to be signed and agreed to by the Owner and the Contractor. A copy of the letter must be sent to the Committee with the Plan Submittal.

5.2 General Practices

All Owners will be absolutely responsible for the conduct and behavior of their agents, representatives, builders, contractors, and subcontractors while ***within Legend Trail***.

5.3 Roping

Any roping of the Lot that is required by the City of Scottsdale and/or Maricopa County must be placed and maintained during the construction of the home.

5.4 Dumpsters, Debris and Trash Removal

- a. Debris generated from home construction cannot be accumulated on the property. New home construction dictates that a commercial dumpster for the containment of all trash and debris is provided on the building site as soon as grading or clearing of Lot commences. Dumpsters are never to be placed on curbs or the street. No plywood trash enclosures are allowed.
- b. Builders are prohibited from dumping, burying, or burning trash anywhere on surrounding or neighboring property.
- c. The debris accumulated when a Lot is cleared or scraped (before grading) shall be hauled away from the Lot within seven (7) working days after grading commences. Dumping of dirt on another Lot is never permitted within Legend Trail without the Owner's approval.

5.5 Sanitary Facilities

Owner/Builder shall be responsible for providing adequate sanitary facilities for construction workers as soon as grading or clearing of Lot commences. Portable toilets shall be located only within the Building Site.

5.6 Vehicles, Parking Areas, and Gated Entrances

- a. Construction crews shall not park on, or otherwise use, other Lots or any open space. Private and construction vehicles and machinery shall be parked only on the Lot under

construction or on the street in front of the Lot under construction. All vehicles shall be parked so as not to inhibit traffic, the delivery of mail, or infringe on neighboring property, such as driveways and landscaping. Streets must be kept clear for vehicular and pedestrian traffic at all times. No vehicles may be left on the street overnight.

- b. Reflectors and safety barriers are required if materials must be left in the street overnight.
- c. Each Owner/Builder shall be responsible for damage to the entrance gates within the Community or any neighboring property by their subcontractors and suppliers. All damages will be charged to the Owner.

5.7 Noise Level

Owners/Builders are responsible for seeing that noise levels do not exceed the noise laws of the City of Scottsdale and Maricopa County. No radios or other audio equipment playing music on construction sites are permitted.

5.8 Restoration or Repair of Other Property Damages

Damages and scarring to other property resulting from construction operations, including, but not limited to, NAOS, open space, other Lots (including landscaping), roads, driveways, community entrance gates, concrete curbs and gutters, signs and/or other Improvements, will not be permitted. If any such damage occurs, it must be repaired and/or restored promptly at the expense of the Owner.

5.9 Daily Operation

Shall be consistent with Legend Trail Homeowners Association Policy which may be stricter than City of Scottsdale ordinance. The hours are:

Monday through Friday: 5:30 a.m. to 5:30 p.m.

Saturday: 8:00 a.m. to 3:00 p.m.

Sunday and legal holidays: No construction is permitted.

5.10 Trespassing

Builders/Owners, their subcontractors or agents, or family members, shall not trespass onto other Lots or residences for the purpose of lunches, breaks, meetings, or any other reason.

5.11 Construction Site Access

The only approved construction access during the time a residence is under construction will be over the construction driveway for the Lot unless the Committee approves an alternative access point. In no event shall construction vehicles drive over another Lot without the Owner's written permission. An undeveloped Lot is still owned and probably contains native plants that are protected by the City of Scottsdale.

5.12 Signs

No signs of whatever nature shall be placed on the Common Areas except with respect to Association matters as approved by the Board. No signs of whatever nature shall be placed on any Lot or Parcel except: (a) signs required by legal proceedings or which may not legally be

prohibited; (b) an identification sign with a maximum face area of 72 square inches; and (c) signs, including “for sale” and “for lease” signs and subdivision or building identification signs the nature, number, location, content, and design of which shall be approved in writing by the Architectural Control Committee. Signs on any other portion of Legend Trail shall be subject to the prior review and approval of the Architectural Control Committee unless required by legal proceedings.

5.13 Prohibited Practices

- a. Bringing minor children to the construction site by builders, contractors, subcontractors, their representatives or personnel.
- b. Stacking or storing building materials on the curb or street.
- c. Allowing concrete suppliers, plasterers, painters, or any other subcontractors to clean their equipment other than at locations specifically designated for that purpose by the Builder. Designated cleaning area must be on the Lot under construction, and may not be on NAOS.
- d. Removing any rocks, plant material, topsoil, or similar items from any property of others within Legend Trail, including other construction sites.
- e. Using disposal methods or units other than those approved by the Committee.
- f. Careless disposal of cigarettes and other flammable material. At least one (1) 10-pound ABC rated dry chemical fire extinguisher shall be present and available in a conspicuous place on the construction site at all times.
- g. Careless treatment or removal of any desert plant materials not previously approved for removal by the city of Scottsdale.
- h. Bringing of pets, except for service dogs, onto the Lot by construction personnel.
- i. General servicing or maintaining of vehicles, such as changing oil on any vehicle or equipment on the sit itself or at any other location within Legend Trail.
- j. Removing native plants from Community property or open desert lands surrounding the Community.

6 SITE IMPROVEMENT GUIDELINES

6.1 Beginning of Work

NO WORK MAY COMMENCE ON ANY LOT UNTIL THE CITY OF SCOTTSDALE PERMITS HAVE BEEN ISSUED. This includes hauling, dumping, grading or any other change to the Lot.

6.2 Plants and NAOS

6.2.1 Protected Plants

Protected plants are those desert plants that must be protected pursuant to these Guidelines and the City of Scottsdale’s requirement under the Environmental Sensitive Land Ordinance (ESLO). The ESLO is available through the City of Scottsdale Developmental Service Group (480-312-5000) or at its website (www.ci.scottsdale.az.us). Owners must check with the City of Scottsdale for any pre-permit site meetings and plant inventories required by the City. The City

of Scottsdale also has an approved providers list for your use when considering protected plant contractors.

6.2.2 Natural Area Open Space

The Natural Area Open Space (NAOS) includes natural washes, designated NAOS Common Areas that are governed by the Legend Trail CC&Rs, and designated NAOS areas on individual Lots. Owners can refer to Article III of the CC&R's with respect to common and NAOS areas. These pages state that each Owner agrees to maintain the NAOS area as natural desert terrain and that no improvements shall be placed or made in the NAOS area, except as expressly permitted. Any changes to these areas must receive prior written approval from the City of Scottsdale (480-312-5000). In addition, Owners shall maintain the NAOS areas as natural desert terrain in accordance with all applicable ordinances, regulations and requirements of the City of Scottsdale.

These NAOS designated areas have been preserved due to their environmental sensitivity and are to remain undisturbed, as governed by the City of Scottsdale's Environmental Sensitive Land Ordinance (ESLO). All plans submitted to the Committee must have the NAOS areas delineated. NAOS areas must be maintained in their original state and must be kept free of all construction materials, supplies, debris, and trash at all times. Contact the City of Scottsdale for requirements and be sure that development is not outside of the City requirements.

7 ARCHITECTURAL DESIGN GUIDELINES

7.1 Address Identification

Individual address identification devices for each approved residence may be installed by the Owner and must be reviewed by the Committee prior to installation.

7.2 Air Conditioning Units, Electric Meters, and Miscellaneous Controls

All air conditioning units are to be shielded behind solid masonry walls which match the house in color and texture. Roof mounted air conditions are not permitted. The shielding devices must be permanent and high enough to completely shield the equipment. If still visible from any neighboring property, street, golf course, or the Preserve, a gate will be required on the enclosure. Electric meters and miscellaneous controls are to be either shielded behind a wall in a form acceptable to and accessible to the utility company and the Committee, or painted to match the house.

7.3 Antennas and Satellite Dishes

No antennas of any kind or nature, or other devices for the transmission or reception of television or radio signals, or any other form of electromagnetic radiation, including but not limited to, satellite dishes or microwave, radio towers, and television antennas shall be placed or maintained upon a Lot, unless approved by the Committee. Wires for the antenna/satellite dish are to be painted to match the surface to which they are attached. An out-of-sight location for antennas and dishes is preferable.

7.4 Barbecues

Built-in barbecue structures must be approved if they are visible from neighboring properties. All exterior materials must compliment the exterior of the home.

7.5 Building Heights and Massing

Only low-profile, single-story family units are allowed within Legend Trail, (except for Parcel D which contains residential condominiums). Building heights are subject to regulations established by the City of Scottsdale Zoning Ordinance. Building massing pertains to the size and design of a building that creates visual interest through architectural form and detailing. Visible interest is discernable at a distance.

***7.6 Building Size**

It is expected that Custom Homes in Parcels K, A, and E will contain at least 2,500 square feet of living area (not including garage or covered/uncovered patios).

7.7 Building Style

The desired architectural character is not one of any arbitrary style but simply an appropriate response to the geology and climate of the setting. The intended architectural character will result in a residential environment compatible with the existing Sonoran Desert. Stone treatments and other architectural features or embellishments will be reviewed on a case by case basis.

7.8 Carports

Whether free-standing or connected, carports are prohibited.

***7.9 Corner Homes**

The design and execution of homes on corner Lots should contain elements such as that in the front of the house. (i.e. varying architectural depth and detail, recessed windows, use of stone, window surrounds or detailing, etc.). These homes should present well on both streets, and not have the appearance of being devoid of architectural detail or be totally flat on the side exposed to the side street.

*Refers only to Custom Homes in Parcels K, A, and E.

7.10 Courtyards

Any items inside courtyards that will be visible over the wall must be submitted for approval, including plants. These plants must be from the Approved List. (See Landscape Guidelines.)

7.11 Covered Patios

All plans for covered patios attached to the house must be submitted to the Committee for approval. All materials must be consistent with that used in the construction of the home. All

structures must be a color that is complementary to the home; wood cannot be left in its natural state and must be painted or stained. Any setbacks required by the City of Scottsdale apply to these structures; however, in no case shall the structure be less than six feet (6') from any party walls

7.12 Entrance Drives

Driveway entrance(s) must lead to enclosed garage(s); however, circular driveways are permitted with Committee approval.

7.13 Equipment Shielding Walls and Retaining Walls

Shielding walls shall be of permanent construction. All shielding walls and exposed retaining walls are to be stucco and/or finished to match the other wall surfaces of the building. Both sides of the shielding wall must be finished. The walls are to be high enough to shield the objects and/or equipment located behind them. The use of wood shielding walls is not allowed. Shielding walls are to be designed and presented as a part of the final building elevation and should be a visual extension of the architecture of the residence. Both shielding walls and retaining walls must step with the topography. Retaining walls or walls used as planters are to be properly moisture proofed to avoid unsightly water staining. All shielding walls must be located within the Building Envelope or setback lines.

7.14 Exterior Colors

There is an approved Color Palette available at the Community Center for your use in selecting a color for your home. Colors with Light Reflective Values (LRV) of forty percent (40%) or below are required. Material samples for all exterior project elements (walls, roofs, trim, fascia, etc.) must be submitted to the Committee for approval during the plan submittal process. All new homes must submit all colors to the Committee for approval.

7.15 Exterior Surface Materials

Stucco and/or stone are permissible. No other materials are to be used except for accents and may include brick, stained wood, or matte finish metal.

7.16 Fences

Changing or adding fences or modifying existing fences requires Committee approval. If a permit is required from the City of Scottsdale, this permit must be submitted to the Committee after application is approved, but before construction begins. (See "Walls" 7.37)

7.17 Fire Pits and Fireplaces

All permanent fire pits and fireplaces must be approved if they are visible from neighboring properties. All exterior material must complement the exterior of the home. Spark arrestors are required for all wood burning fireplaces installations.

7.18 Foundation Walls

All exterior wall materials must be continued down to a minimum distance from finish grade as allowed by Scottsdale building codes, eliminating unfinished foundation walls.

7.19 Fountains and Other Water Features

All exterior fountains and other water features visible from neighboring properties require Committee approval. Colors must blend with existing architecture.

7.20 Garage Doors

Garage doors shall be painted or stained to match or harmonize with the surfaces of the main building.

7.21 Gates

All gates (including courtyard, driveway, etc.) require prior approval of the Committee. Double gates may be installed to allow wider access to backyards and should be the same type, design, and color as existing single gates.

7.22 Gazebos / Ramadas

All structures installed require Committee approval. All structures must be of a color that is complementary to the home; wood cannot be left in its natural state and must be painted or stained. Any setbacks required by the City of Scottsdale applies to these structures; however, in no case shall the structure be less than six feet (6') from any party walls.

7.23 Golf Ball Netting

Protective golf ball netting will not be allowed.

7.24 Guest Houses/Casitas

Guest Houses/Casitas are permitted with approval from the Committee and the City of Scottsdale. The architectural character and detailing of the Guest House/Casita must be consistent with the main building. Materials, finishes, and colors are to match the main building.

7.25 Hardscape

Hardscape may consist of sidewalks, stepping stones, pathway material, or other man-made items and may be installed in yards. All hardscape requires prior approval of the Committee.

7.26 Lighting

All proposals for installed lighting must be submitted prior to installation. This submittal must include a plot plan showing where the proposed lighting is to be installed, the fixture type, and the watts proposed per bulb and per fixture. Any lighting that falls outside the rules noted below

is susceptible to a violation letter, and possibly a fine. If an approved lighting fixture is being replaced by an identical lighting fixture, it is not necessary to submit a Design Review Application.

7.26.1 Building Mounted Lighting

This is lighting mounted either in or on the exterior of a building, whether on walls, ceilings, eaves, or fascias, for the purpose of providing general illumination or area illumination.

- a. Lighting must be directed away from adjacent Lots, streets, and open spaces. Further, any lights installed with bulbs facing up cannot spill light out of the top of the fixture.
- b. Lighting must provide for significant shielding of light sources; no visible bulbs will be permitted. Lighting fixtures cannot contain clear glass; glass must be frosted or otherwise obscured so that it is not clear. Colored lenses or bulbs are not allowed.
- c. The maximum wattage allowed per fixture is 75.
- d. Wiring must not be visible.
- e. Flood lights are not allowed.

7.27 Ornamentation, Statues, Sculptures, Depictions or Artifacts

The utilization of non-living objects as ornaments in the landscape is not permitted in front yards or street side yards. Such ornamentation includes, but is not limited to, driftwood, wagons, animal skulls, wagon wheels, and saguaro spines. No statues, sculptures, depictions or artifacts, (flamingos, deer, kokopelli, etc.) will be permitted in front or street side yards. The goal of any landscape improvement is to promote a pleasing and harmonious neighborhood character that blends well with the surrounding desert. Individual expression is permissible as long as it does not detract from this goal.

7.28 Roofs, Flat

Flat roofs are to be colored to approximate the building wall colors. White, highly reflective surfaces are not permitted. Painted surfaces are acceptable as long as the colors complement the color scheme of the building.

7.29 Roofs, Sloped

Sloped roofs are to be constructed of non-reflective materials which are commonly used in the area, colored in earth tones that complement the natural environment. Wood shakes or asphalt shingles are not permitted; however, clay or concrete roof tiles are acceptable provided they are muted, desert earth tones. Pitched roofs must not exceed a five in twelve (5/12) pitch.

7.30 Roof Vents, Curbs, Flashing

Roof vents, curbs, flashing, and other acceptable equipment are to be painted to match the roof. Roof vents must be clustered and concealed as much as possible, and generally located on the rear of the roof. Roof flashing is to be of metal, painted to match the wall or roof.

7.31 Roof Gutters

Exposed gutters and downspouts must be painted to match the surface to which they are attached. Scuppers are acceptable if they are constructed as an integral part of the architecture.

7.32 Screen Doors, Security Doors

All exterior screen or security doors require the approval of the Committee if they are visible from neighboring property or public view. The materials, finishes, color, architectural character and detailing of the door must be consistent with the structure to which it is attached. Screen material must be dark brown or black.

7.33 Solar Panels

No solar equipment may be installed without the approval of the Committee. Any solar panels and related appurtenances and equipment shall be designed and constructed to appear as an integral part of the building architecture. This shall generally mean that the panels shall be mounted on the rear roof so that the top surface is flush with the roof surface, with all appurtenances recessed into the structure’s attic. Ground mounted units will be placed within the fenced back yard and will be an integral color with adjacent materials and not visible from neighboring property, including public streets, golf courses, open space, and adjacent neighbors.

7.34 Sun Shade Devices

Approval from the Committee is required for special screening or shading devices. All exterior shade devices require Committee approval prior to installation and installation of shades etc. that are not permitted will require their removal at the Owner’s expense. These elements are considered an integral part of each building elevation, even though they may be installed after the building is completed or occupied. Brightly colored window shades or awnings and exterior steel or plastic shutters are not permitted. Sunscreens must be dark brown or black and the frame shall match the screen or the window frame. Security roll-down shades are not permitted. Window tinting must be non-reflective. All external sun shading devices and appurtenances must match the color of the body of the exterior of the structure to which they are attached.

7.35 Swimming Pools, Spas, Equipment, and Enclosures

All pools and spas require approval of the Committee. No pool or spa equipment can be visible from neighboring property or public view thus requiring a walled in area to provide necessary shielding. Pools must be properly enclosed and constructed according to City of Scottsdale and Maricopa County regulations. Pools cannot be drained onto adjacent property or NAOS.

7.36 Walls

All construction or modifications to walls, pillars, columns, etc. must be approved by the Committee. Submittal must include a copy of site plan showing all such construction or modifications. If a Permit is required from the City of Scottsdale, this Permit must be furnished

to the Committee after application is approved (by the Committee), but before construction begins. (See also 7.13 Equipment Shielding and Retaining Walls.)

- All solid walls are to be stucco (“brown” coat plus silica coat) on both sides and painted on both sides.
- Walls must match the color of the house except those areas of the Community where a standard wall color is required.
- Walls must be maintained in good repair.
- Retaining walls or walls used as planters are to be properly moisture-proofed to avoid unsightly water staining. All shielding walls must be located within the Building Envelope or set-back lines.

7.37 Windows and Window Frames

- a. Reflective glass is not permitted.
- b. Skylights must be flat (not bubbled), and compatible with roof color.
- c. Window frames must be 40% Light Reflective Value (LRV) or below. (White window frames are not permitted because they exceed this LRV.)

APPENDIX A: SUBMITTAL CHECKLIST

- **INCOMPLETE SUBMITTALS WILL NOT BE REVIEWED.**
- **OWNER IS RESPONSIBLE FOR NOTIFYING COMMUNITY MANAGER IF THE RESPONSIBLE PARTY (INCLUDING TELEPHONE NUMBER), CHANGES DURING THE COURSE OF THE PROJECT.**

Please check the documents off below as they are added to your submittal packet for the Committee. Double check for completeness!

Application Fee (Obtain the current list of fees from the Community Manager.)

• **Submittal: Two (2) copies each of:**

- Application Form (See Appendix B);
- Signed Contractor's Letter of Agreement (See Appendix C);
- City of Scottsdale Building Permit(s) when required;
- Site Plan (including dimensions from all existing structures and the location of NAOS);
- Roof Plan;
- Site Sections;
- Exterior Elevations;
- Sample of all Exterior Materials and Paint Colors (include Manufacturer and LRV number);
- Exterior, Building-mounted Lighting Plan and Photos of Fixtures (include colors and materials);
- Time Schedule for Construction; and
- Landscaping Plan (if available at this time).

If this submittal includes a Pool or Spa, you must provide the following:

- Pool Company Drawing of Pool / Spa; and
- City of Scottsdale Building Permit(s) when required.

Site Plan indicating:

- Location of solid walls, gates, (provide photos, drawings, colors and materials) and view fencing (including materials and colors);
- Location of Pool Equipment and Shielding. Pool equipment **MUST** be shielded with block wall from neighboring property and public view. Public view includes NAOS, Preserve, Golf Course, and Streets;
- Construction Access;
- Proposed elevations;
- Height and location of any ancillary structure (ex. BBQ, water feature, etc.); and
- Backwash method

Construction Checklist

- Submittal of Preliminary Design for Proposed Home
- Payment of Submittal Fee
- Submittal of Contractor's Letter of Agreement
- Submittal to Association of City-Approved Plan and Permit
- Prompt Removal of Brush and Debris from Site Prep Activity
- Secure Sanitary Facility for Site
- Secure Commercial Dumpster for Trash and Debris
- Use "Clean Build" Construction Method and Maintain Construction Requirements
- Submit any Exterior Changes to the Association for Review
- Submit Materials and Fixtures Schedule (Light fixtures, paint colors, stone, etc.)
- Submit Pool Plans before Installation (include walls)
- Submit Letter of Completion
- Submit Certificate of Occupancy to Association
- Submit Landscape Plan Within forty-five (45) days
- Install Landscaping within forty-five (45) days of Approval

APPENDIX B: NEW HOME CONSTRUCTION

DESIGN REVIEW APPLICATION

Together with this application, I have attached a check for the appropriate Architectural Review Fee made out to Legend Trail Homeowner's Association and the plans for our home. The plans have been prepared with the most recent copy of the "New Home Construction Design Guidelines For Legend Trail".

- Check here if this item has been previously submitted to the Committee

Lot Owner's Signature

Lot Owner's Signature

PLEASE PRINT OR TYPE ALL OF THE FOLLOWING INFORMATION

Owner(s)

Address

City, State, Zip Code

Architectural Firm

Project Architect

Address

City, State, Zip Code

(Area Code) Phone Number

Lot Number and Parcel

Contractor

License Number

Address

City, State, Zip Code

(Area Code) Phone Number

(Area Code) Cell Phone Number

Start of Construction

Completion of Construction

Move In Date

FOR LEGEND TRAIL OFFICE USE ONLY Application is: Complete / Incomplete
Fee of \$_____ received on _____ (date) by _____ (name)

APPENDIX C: CONTRACTOR'S LETTER OF AGREEMENT

Legend Trail Construction Guidelines Contractor's Letter of Agreement

This letter acknowledges my receipt of the "Construction Guidelines" (hereafter referred to as the "Guidelines") for the Legend Trail Homeowners Association effective December 2004. I further, acknowledge that I have been informed of and agree to the stipulations described under the Guidelines and, including but not limited to, the criteria under sub-title "Construction Guidelines" 5.1-5.13 inclusive which outlines my direct responsibility to adhere to specific requirements regarding Legend Trail Construction.

I also acknowledge that the Legend Trail Homeowners Association has the responsibility to enforce said "Guidelines" and to determine the adherence to same. Further, should these Guidelines and Regulations be violated, I understand that the Legend Trail Homeowners Association is empowered to stipulate certain requirements, corrective actions and/or fines as necessary to assure adherence to the CC&Rs and supportive Design and Construction Guidelines for Legend Trail.

Therefore, as a condition of design approval, I affix my signature below in recognition of the scope and conditions under which Construction may proceed in Legend Trail.

Owner (Signature)

Date: _____

Contractor (Signature)

Company Name

Contractor License Number

Date: _____