

ARCHITECTURAL DESIGN GUIDELINES

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Verdante

At Westland Estates

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VERDANTE

INTRODUCTION

Living In Harmony with Nature – From its inception, Verdante was planned as a community built in the native Sonoran desert leaving much of the surrounding native vegetation intact for residents to enjoy. That’s probably one of the reasons you chose to live here.

Native Areas (NAOS) – Those areas preserved beyond limits of disturbance. Undisturbed areas are to be protected to the greatest extent possible. Each lot has dedicated NAOS areas that are required by City ordinances to remain untouched. Rear yards may be extended from the building pad within the restricted envelope area identified for each lot on the building provided plot plan.

Transition Area – Unfenced and non-enclosed areas disturbed by construction are considered a transition area.

Semi-enclosed Areas – Areas directly along the foundation of the home, unit entries or semi-enclosed by low courtyard walls.

Enclosed Area – Defined as areas within a completely walled-in or fenced-in rear yard area.

Front Courtyard Area – Defined as that area immediately adjacent to the front door of the home, delineated by walls, archway and gate. Partial public view.

Private Area – The Private Area is the exterior portion of the lot inside the building envelope that is generally not visible from off-property because it is hidden behind walls, vegetation or other structures.

DEFINITIONS

“Architectural Committee” means the committee of the Association to be created pursuant to Article 5.10 of the CCR’s.

“Architectural Committee Rules” means any rules and guidelines adopted by the Architectural Committee pursuant to Article 5.10 of the CCR’s, as amended or supplemented from time to time.

“Areas of Association Responsibility” means (a) all Common Area (except for the outside 8.5 feet on each side of Tract “A” according to the Plat); and (b) all land, and the Improvements situated thereon, located within the boundaries of a Lot (or said 8.5-foot strip) which the Association is obligated to maintain, repair and replace pursuant to the terms of this Declaration or the terms of another recorded document executed by the Association, including (i) the gate, the walls, the entry, any sidewalk, and any adjacent area to be located on a portion of Lots 1 and 11, (ii) the monument and adjacent area to be installed on Lot 14, and (iii) any drainage structures including rip rap and landscaping material associated therewith installed, by Declarant all as may, subject to this date hereof, be specified on a Notice of Area of Association Responsibility executed and acknowledged by Declarant and recorded with the County Recorder of Maricopa County, Arizona specifying the location of those matters referred to in (i), (ii) and (iii) above.

“Association” means Verdante Homeowners Association, an Arizona nonprofit corporation and its successors and assigns and is the Verdante Homeowners Association referred to on the Plat.

“Association Rules” means any rules adopted by the Board pursuant to Section 5.3 of the CCR’s, as amended from time to time.

“Board” means the Board of Directors of the Association.

“Bylaws” means the Bylaws of the Association, as amended from time to time.

“Common Area” means (a) Tracts “A”, “B” and “C” according to the Plat, and (b) any other land, together with all Improvements situated thereon, which the Association at any time owns in fee or in which the Association has a leasehold interest for as long as the Association is the owner of the fee or leasehold interest.

“Improvement” means any building, fence, wall or other structure, any swimming pool, any playground or other recreational equipment, any road, driveway, or parking area, any trees, plants, shrubs, planters, sculptures, monuments or signs, any grass or other landscaping or hardscaping improvements of any type and kind.

“Lot” means a portion of the Project intended for independent ownership and use and designated as a lot on the Plat and, where the context indicates or requires, shall include any Residential Unit, building, structure or other Improvements situated on the Lot.

“Maintenance Standard” means the standard of maintenance of Improvements established from time to time by the Board or, in the absence of any standard established by the Board, the standard of maintenance of Improvements generally prevailing throughout the Project.

“Member” means any Person who is a member of the Association

“Owner” means the record owner, whether one or more Persons, of beneficial or equitable title (and legal title if the same has merged with the beneficial or equitable title) to the fee simple interest of a Lot. Owner shall not include Persons having an interest in a Lot merely as security for the performance of an obligation or a Lessee. Owner shall include a purchaser under a recorded contract for the conveyance of real property subject to the provisions of A.R.S. § 33-741 et seq. Owner shall not include a purchaser under a purchase contract and receipt, escrow instructions or similar executory contract which is intended to control the rights and obligations of the parties to the executory contract pending the closing of a sale or purchase transaction. In the case of Lots subject to a deed of trust pursuant to A.R.S. § 33-801, et seq., the Trustor shall be deemed to be the Owner. In the case of Lots the fee simple title to which is vested in a trustee pursuant to a subdivision trust agreement or similar agreement, the beneficiary of any such trust who is entitled to possession of the trust property shall be deemed to be the Owner.

“Person” means a natural person, corporation, limited liability company, business trust, estate, trust, partnership, association, joint venture, government, governmental subdivision or agency, or other legal or commercial entity.

“Plat” means the plat of Westland Estates recorded in Book 451, page 50, records of Maricopa County, Arizona, and all amendments, supplements and corrections thereto.

“Property” or **“Project”** means the real property described on Exhibit A, attached to this Declaration together with all Improvements located thereon.

“Style” shall be defined as the specific architectural character as defined by this document for the design of individual homes and all walls, structures, landscape and other Improvements related thereto.

“Visible From Neighboring Property” means, with respect to any given object, that such object is or would be visible to a natural person six feet tall, standing at ground level on any part of any other Lot or Common Area.

“Yard” shall refer to an area within the Lot that is outside the building footprint and is composed of an arrangement of ornamental planting, hardscape and furniture and may include water features.

“Work” means any construction, erection, installation, addition, alteration, repair, change, replacement or other work.

ARCHITECTURAL REVIEW

A. Generally. No Improvement which would be Visible From Neighboring Property shall be constructed or installed on any Lot without the prior written approval of the Architectural Committee. No Work which in any way alters the exterior appearance, including, but without limitation, the exterior color scheme, of any part of a Lot, or any Improvements located on a Lot which are Visible From Neighboring Property, shall be made or done without the prior written approval of the Architectural Committee. No excavation or grading work shall be performed on any lot without the prior written approval of the Architectural Committee for the foregoing matters as set forth under Article 3, CCR's. All work is to be accomplished in accordance with City regulations and required permits.

B. Pre-Design Meeting. If the proposed Improvement or Work is substantial, an Owner can request a meeting with a member or members of the Architectural Committee prior to commencing plans for the proposed Improvement or work with a view to obtaining guidance. Participation by a member or members of the Architectural Committee in a pre-design meeting does not insure that the proposed Improvement or Work will be approved by the Architectural Committee nor does it eliminate the need to strictly comply with the approval procedures set forth in the CCR's.

C. Design.

1. Community Design. All Improvements must be consistent with the architectural style currently in place within the community.

2. Exterior Materials. Exterior surfaces of all buildings and walls must be predominantly stucco, masonry or stone and shall be continued down to finish grade so there are no unfinished foundation walls.

3. Color. The color of exterior materials must be predominantly earth tones and is subject to approval by the Architectural Committee. Light reflective value (LRV) must conform to the City of Scottsdale's approved palette. In no event are LRV's to exceed 40%.

4. Roofs. All roofs shall be of a material, color and texture approved by the Architectural Committee and compatible with the rest of the building. Samples of proposed roof materials are to be submitted to the Architectural Committee.

5. No Reflective Surfaces. No highly reflective finishes that would cause excessive glare shall be used on exterior surfaces.

ARCHITECTURAL STANDARDS

ANTENNAE AND SATELLITE DISHES

To control the visual clutter of non-architectural elements attached to the exterior of the building, the following requirements must be met regarding antennae and satellite dishes. No satellite dish over twenty-six (26) inches in diameter will be allowed. All booster or supplemental type Antennae must be mounted to structure exterior and not be visible from neighboring property or common areas and must be approved in writing by the Architectural Committee. All antennae and satellite dishes may be ground mounted, wall mounted or installed on a flat roof with a parapet wall high enough to screen the view of the equipment from “public” view and adjacent lots. All equipment must be painted to blend into the structures upon which they are mounted. Trees, shrubs and walls shall be placed to further screen the view of the antennae and satellite dishes.

AWNINGS/WINDOWS

Canvas awnings installed on the exterior of the home are not permitted if within public view. Glass may be coated or tinted to control solar heat gain, but a reflective, mirrored appearance is not permitted unless permanently covered by sunscreens. All enclosures, shades, screens, tinting, awnings, or other items affecting the exterior of any window shall not be installed in any home without the prior written approval of the Architectural Committee.

BOULDERS

If additional boulders are proposed or existing boulders moved, they must be placed in a natural arrangement with the boulders being placed horizontally, not vertically, with a minimum of one-third of the boulder buried into the ground. Boulders should be naturally clustered, not “lined up” or evenly scattered. Boulders may not be placed “on top” of walls or pool edges. The color of potential additional boulders should match the color of the granite boulders native to Verdante. Boulders should be of surface select quality. Broken, crushed or marred surfaces of boulders may not be exposed. Detailed design sketches and/or photographs will be required to be submitted to the Architectural Committee for approval.

DRAINAGE/EROSION CONTROL

If rip rap or other rock-type erosion control is proposed for significant drainages, it should be naturally contoured and covered with a minimum of 8” of native soil and revegetation. This method can still provide the necessary engineered erosion control but creates a more natural looking drainage. In cases of rip rap or other rock-type erosion control for minor surface drainage, the rip rap should be hand placed with flat faces placed up to create a

surface plane. Space or voids between rocks should be provided to accommodate small desert plants and shrubs. River run rock will not be allowed as rip rap material.

EXTERIOR HOLIDAY DECORATIONS

The intent of this section is not to discourage decorating for holidays, but to insure a tasteful and very high standard of quality befitting Verdante. Holiday decoration should be subtle, soft, and tasteful. Decoration displays should not have a commercial appearance and should not be “over done” in brightness, size or visibility from public spaces and common areas. The Architectural Committee reserves the right to prohibit any holiday decorations it deems inappropriate for the image of Verdante.

No “lawn ornament” type holiday decorations or plastic sculptures may be displayed on the exterior of the Residence. Decorations shall not be allowed to be mounted on roofs or located outside of the site walls or Building Envelope. Cut evergreen trees decorated as Christmas trees will not be allowed on the exterior of the Residence.

Although holiday lights are allowed, no chasing, twinkling or blinking lights will be allowed. No more than ten (10) trees, cacti or plants may be decorated with lights (this does not include small plants immediately adjacent to the front door or patio door of a home). No exposed spotlights will be allowed. Lights are allowed around window frames, soffit/eave lines and landscaping only as noted above. Luminaries will be allowed along driveways and patios, but not on roofs or parapets. Paper luminaries with candles are not allowed due to potential fire danger. Care must be taken that luminaries do not blow away or litter adjacent properties.

Exterior holiday music is not allowed except for exterior music for personal and social enjoyment within the outdoor living spaces (i.e., patios, terraces, pools, etc.), provided it does not disturb other owners.

Christmas decorations will be allowed only between Thanksgiving and January 10th. No Christmas decorations are allowed before Thanksgiving and all must be removed by January 10th. Decorations for other holidays may be installed no more than two weeks prior to the holiday and must be removed within one week after the holiday.

EXTERIOR RECREATION OR PLAY EQUIPMENT

All exterior recreational or play equipment such as swing sets, play structures, jungle gyms and similar equipment must meet the intent and requirements of all sections of these Guidelines, including color. This type of equipment or structures should not be visible from adjacent properties. The height of this type of equipment shall be limited to a maximum of eight (8) feet above finished grade. Due to the fragile nature of the desert environment, tree houses or other play structures attached to native plants will not be allowed. All exterior recreational or play equipment require specific approval of the Architectural Committee prior to installation.

FLAG POLES

No freestanding flag poles will be allowed. Displaying one flag is allowed. A maximum of 3' x 5' flag may be displayed if it is hung on a six (6) foot or shorter pole that is attached to the main structure of the house with a pole bracket. The pole bracket shall not be mounted more than ten (10) feet above grade. An optional display is to hang it from a roof or overhang of the main structure. No other mounting techniques will be allowed.

HOUSE PAINTING

Homes are to be painted using one of the HOA approved colors. Use of color variation or tinting to highlight structural features is not permitted. Under most circumstances homes of the same color shall not be neighboring. Duplication of colors on same street is to be kept to a minimum at the discretion of Verdante Architectural Committee.

HOA Construction improvement Request (CIR) must be approved prior to painting even if repainting with same color.

Information on approved colors, community paint matrix by lot number and detailed painting requirements are located on Verdante Web Site in Governing Documents and General Information section(s).

IRRIGATION

While indigenous plants and many of the arid-region plant materials can survive on little or no supplemental irrigation, irrigation during the establishment period is critical. Drip systems versus traditional spray irrigation systems are the required method of irrigation for desert areas. Drip systems deliver water directly to the root zone. This results in lower water usage due to efficient applications, less impact to the microclimate as evaporation is decreased, and decreased weed growth as areas between shrubs are not irrigated. Spray irrigation systems shall be limited to turn areas because of the inefficient and effect the spray has on the microclimate. All irrigation systems shall operate on an automatic timer. Irrigation within the Natural Areas Open Space (NAOS) is not allowed except for special circumstances where specific approval is granted by the Architectural Committee to add additional trees in the Natural Areas. In this case, the irrigation system must be designed to be an above ground temporary system that will minimally impact the Natural Areas and must be removed after proper growth has been established. Temporary irrigation systems established within the Transition Areas must be designed to eliminate run-off into the adjacent Natural Areas. Established native vegetation does not need irrigation, supplemental water can lead to disease and death of many of these plants and contribute to the spread of undesirable plant species or weeds. Irrigation in the Natural Area is therefore prohibited.

LANDSCAPE STRUCTURES

Landscape structures such as arbors, porches, greenhouse and ramadas must be located within the Private Area of the Building Envelope.

The height, color, materials and style used for outdoor structures are to be the same or similar to the Residence. Heavy wood timbers if used for rafters, posts or trellis elements must be substantial in dimensions and treated with stain or paint to withstand the effects of the climate.

In general, the same Guidelines that apply to architecture apply to the design of landscape structures. The Architectural Committee may require the height of an outdoor structure to be substantially lower than that allowed for the main residence.

LIGHTING OUTDOOR

Exterior:

The intention of the outdoor lighting guidelines is to preserve the inherent low light level of the natural desert. It is important to supply the light necessary for safety, security and the enjoyment of outdoor living spaces but the objective to keep light levels low enough to protect against glare and excessive lighting. This will protect the view of the night sky for everyone in Verdante as well as prevent light trespass. **LED, 4-watt, 2700 – 3000 K color temperature or 20-watt Halogen are permitted. Mixing of LED, Incandescent, Halogen and CFL bulbs is not permitted.** The Architectural Committee reserves the right to refuse approval of any exterior lighting if, in its discretion, the Architectural Committee feels that the lighting would appear excessive or inappropriate in any way.

Lights on motion detectors for the purpose of security illumination are discouraged but may be allowed subject to specific approval of the Architectural Committee. If allowed by the Architectural Committee, these lights will only be allowed to operate on a motion detector and stay lit for a maximum of **ten (10)** continuous minutes. Security lights must still meet the requirements of shielding of the light sources, **and not exceed 75 watts or 1200 lumens per location.** If problems with these lights occur, the Architectural Committee and the Association reserve the right to demand that the fixtures be disconnected. If allowed, care must be taken to avoid setting off the motion detector by the motion of vegetation and the movement of wildlife. These lights will not be allowed to operate for the purpose of general illumination.

Site lighting is defined as lighting mounted on the ground, in trees or on the walls for the purpose of providing security or decorative accent lighting.

Building-mounted lighting is defined as lighting built into or attached onto buildings or walls, ceilings, eaves, soffits or fasciae for the purpose of providing general illumination, area illumination or security illumination.

- Site lighting must be directed onto vegetation or prominent site features such as boulders and may not be used to light walls or building elements, yard art or sculptures. Low voltage, LED 4 watt, 230 Lumens, (2700K Color Temperature) maximum permitted except for security lights.
- Building-mounted lighting must be directed downward away from Adjacent Lots, common areas, streets and open spaces and may not be used to light walls or building elements for decorative purposes. Downward lighting is defined as light that is cast out the bottom of a fixture, not through the top or sides. Shrouding must extend 2” below the bulb to ensure a down light. Garage door eave lighting is to be frosted incandescent 25watt/100 lumens.
- All exterior lighting must be low scale and directed downward, significant shielding must be provided to ensure that light sources and lamps are not visible from residential development in the area or from public viewpoint. No bare lamps or white glass will be permitted. Mixing of LED, Incandescent and CFL bulbs is not permitted. Recessed lights in exterior soffits, eaves or ceiling shall have the lamp recessed a minimum of three inches (3”) into the ceiling.
- Mailbox Lights are to be illuminated, dusk to dawn.

Driveway:

The lighting of driveways is strongly discouraged because of the negative visual impact from the street. If in the opinion of the Architectural Committee lights along driveways do not create visual concerns, the Architectural Committee may approve driveway lights subject to the following criteria. Light fixtures may be mounted no higher than 18” above the driving surface. The light source must be fully screened from below, including any light leak from the top of the fixture. Lights must only light the driveway surface and not retaining walls or landscape. Low voltage, LED 4-watt, warm white (2700K Color Temperature) maximum permitted. “Runway lighting” look is not allowed.

All lighting must comply with the City of Scottsdale ESLO (Environmentally Sensitive Land Ordinance) “Desert Night Sky” requirements and be submitted to the Architectural Committee for approval.

MINERAL LANDSCAPE FEATURES

Boulders, gravel, mineral ground covers, and similar features will be limited either to material indigenous to Verdante or to materials similar in color and appearance to the indigenous materials. Decomposed granite used as a landscape material is to be a maximum of ½” minus in size and similar in color to the native ground.

OUTDOOR ART

Outdoor art is discouraged but permitted on a case by case basis. Outdoor art that is visible from “public” areas or adjacent lots require Architectural Committee approval. Art that is fully screened from “public” view and the view of adjacent lots does not require Architectural Committee approval. The Architectural Committee reserves the right to not permit artwork that it deems inappropriate for any of the following reasons: subject matter, height, color, size, reflectivity or location. Outdoor art should not overpower the architecture of the home and should generally be limited to twenty-four (24) inches in height. Artwork should be placed to complement the welcoming and inviting nature of the home as viewed not only from interior private spaces but also as viewed from exterior “public” spaces. The artwork should be constructed of materials that do not cause a nuisance to adjacent property owners. Ornamentation such as skulls, wagon wheels, wagons, carts, etc. is not permitted in front yard areas or any other area within public view. Accent lighting may be approved by the Architectural Committee on a case by case basis.

OUTDOOR FOUNTAINS

Outdoor fountains are permitted only in areas not in public view and must be equipped with filters and recycling water systems designed to prevent algae and larva growth. All designs must be submitted to the Architectural Committee for approval.

OUTDOOR FURNITURE/UMBRELLAS

Outdoor furniture and umbrellas should generally complement the design of the house and surrounding landscape design and harmonize with the overall theme of the residence. It is desired that they be screened from public view and the view of adjacent lots whenever possible. White, bright and reflective colors will not be allowed. Umbrellas in public view and visible from adjacent lots are to be stored when not in use so they are not in public view during periods of non-use.

OUTDOOR POTS/VASES

Outdoor pots and vases may not exceed 5 feet in height. Accent lighting is not permitted.

OUTDOOR SCULPTURES

Outdoor sculptures are limited to 10' in height above natural grade and are allowed in private and front courtyard areas only. They may not be illuminated by light fixtures aimed directly at the piece or specifically intended to illuminate the piece. Samples of outdoor sculptures are metal desert plants, cactus and ocotillo. Contemporary style sculptures are not allowed.

ROOF DECK FURNITURE

All roof deck furniture and accessories must be screened from public view.

SPORTS/TENNIS COURTS

For reasons of noise control and aesthetics, sports/tennis courts will not be allowed on any lots.