

DESIGN REVIEW GUIDELINES & COMMUNITY RULES

THE FOOTHILLS COMMUNITY ASSOCIATION
Amended September 1, 2013

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THE FOOTHILLS COMMUNITY ASSOCIATION DESIGN GUIDELINES AND REVIEW PROCESS

The requirements, objectives, standards and procedures contained within these Design Guidelines (hereinafter sometimes referred to as the "Guidelines") are all intended to establish and maintain the aesthetic appeal of The Foothills. Through these Guidelines and the design review process, a consensus is achieved between the aesthetic judgment and the broader interests of community standards.

In accordance with the Declaration, **written approval must be obtained prior** to making improvements or alterations on a home or lot. Residents who are considering making changes to their homes or lots must first complete the attached Design Review Committee Submittal Form. Please be advised that a drawing showing the lot dimensions and the exact location and dimensions of the proposed improvements or alterations must be attached to the submittal. The Design Review Committee (sometimes referred to herein as the "Committee") reviews your submittal and makes its decision in a fair and equitable manner to ensure that any proposed construction is coordinated with, and where applicable, approved by local, state and federal government agencies.

DESIGN GUIDELINES

Adopted 09/01/13

These Design Guidelines have been developed in accordance with the Declaration of Covenants, Conditions, and Restrictions for The Foothills (the "Declaration"), first recorded on April 10, 1987 as instrument No. 87-218943; First Amendment recorded on June 4, 1987, as instrument No. 87-352729; Second Amendment recorded on December 31, 1987, as instrument No. 87-767440; Third Amendment recorded on October 11, 1988 as instrument No. 88-501865; Fourth Amendment recorded on March 17, 1989, as instrument No. 89-121260, official records of Maricopa County, Arizona. The Design Guidelines are binding upon all properties in The Foothills, persons and Owners (as the term is defined in the Declaration), who at any time construct, reconstruct, alter, modify, or maintain any improvement at The Foothills or make any change in the natural or existing surface, drainage, or plant life thereof. The Design Guidelines shall be administered by the Design Review Committee in accordance with the Declaration and the procedures set forth herein. These Guidelines supersede and replace all previous versions of any and all Design Guidelines.

The Design Review Committee may amend or repeal all or any portion of the Design Guidelines at any time, without being obligated to notify any Owner. Consequently, it is the responsibility of each Owner to obtain and review a copy of the most current Design Guidelines in effect.

If these Design Guidelines are inconsistent with the terms of the Declaration, the terms of the Declaration shall control. Unless otherwise defined herein, all capitalized terms used herein shall have the same meanings assigned to such terms in the Declaration.

1.0 DESIGN REVIEW PROCEDURE

1.1 Design Review Committee

The Design Review Committee shall be constituted as provided in Article 11 of the Declaration.

The Design Review Committee shall hold regular meetings and shall keep minutes of their meetings. The vote or written consent of a quorum of members attending a meeting shall constitute a final decision by the Design Review Committee. A record will be kept of all decisions made at such meetings.

The Design Review Committee shall have the sole discretion of approving or disapproving plans. Every owner or applicant who submits plans to the Design Review Committee for approval agrees, by submission of such plans, that he will not bring any action or suit against the Design Review Committee, successors, assigns, or any member, agent, or employee thereof. Approval of plans by the Design Review

Committee or member thereof shall not be deemed an approval of the engineering design or representation that the applicant, in design and/or actual construction, has complied with applicable governmental regulations or ordinances. It is the responsibility of the owner or applicant submitting plans to comply with all applicable governmental ordinances, codes, or regulations.

These Design Guidelines shall be enforced by the Master Association of Declarant as provided herein or in Article 11 of the Declaration.

1.2 Submission of Plans

All development proposals, exterior remodels, or additions within The Foothills are subject to review and approval by the Design Review Committee. Construction shall not begin until written Design Review Committee approval has been received.

The review process consists of two submittals:

- 1) The initial submittal will include a complete review by all necessary parties associated with the Design Review Committee. Two (2) sets of plans shall be submitted; one (1) red-lined set shall be returned.
- 2) The final submittal shall be a compliance review (i.e., compliance to the initial requirements). Two (2) sets of revised plans, plus the initial red-lined set, shall be resubmitted. If the revised plans comply with the initial requirements, the plans will be signed by the Design Review Committee.

For design review purposes, "Applicant" will be any Owner, builder, or developer contemplating any construction activities at The Foothills. The submitted drawings will be of such quality as required for submittal to the City of Phoenix. All submittals shall include the following as applicable:

- A. An approximate time schedule indicating start and completion of construction, completion of landscaping, and expected occupancy.
- B. Site plan, if applicable (at no less than 1"=50'), showing parking areas, streets, landscape and open space areas, setbacks, and any other items as required by the City of Phoenix.
- C. Landscape and Irrigation Plan (at no less than 1"=50') showing location and dimension of proposed landscaping and materials to be used. Additionally, the location and size of all existing protected plants shall be indicated, along with the protection method for said plants. The irrigation method shall also be included.
- D. Improvement plans for review, which includes but is not limited to the following:
 - 1) A preliminary plat and grading plan, approval of which must be granted prior to review of the final plat and grading plan;
 - 2) A final grading and drainage plan;
 - 3) A final water and sewer plan;
 - 4) A final culvert plan; and,
 - 5) A final paving plan.
- E. Survey prepared by a licensed Surveyor or Civil Engineer showing: Lot boundaries and dimensions; topography on a scale standard in the industry for similar projects; all site features, such as rock outcroppings and washes; and all protected plants, indicating those plants which will be removed during construction or that are within 20 feet of the proposed improvements. Any Applicant submitting plans to the Design Review Committee shall certify to the accuracy of all lot dimensions, grades, elevations, and the location of all natural features in his development, before the Design Review Committee will undertake its review.

- F. Elevations and Floor Plan at no less 1/8"=1'0" for residential developments and 1/16"=1'0" for commercial, office, and industrial developments. Color and type of materials shall also be included.
- G. Schematic building section at no less than 1/16"=1'0" showing relationship to existing topography and proposed contour changes. (Required only in areas with 10% or greater slope.)
- H. Note all exterior materials and colors to be used and provide color and material samples to the Design Review Committee.
- I. Note rate of flow of plumbing fixtures as addressed in Section 4.19.
- J. Location and screening of all mechanical equipment.
- K. Designs of all street furniture, mailboxes, and entry features, including walls, landscaping, and lighting.
- L. Sign package including specific design, location, color, lighting method, and size of all signs to be used in the project.

Comments by the Design Review Committee will be issued to the applicant in writing or the stamped plan will be returned within 60 days of Applicant's submittal; otherwise, plans will be deemed approved.

With the exception of the original builder of commercial facilities and subdivision tract or semi-custom homes, applications must be accompanied by a fee, the rates which will vary based on the application, and which rates will from time to time be set by the Committee. Fees may be waived on a case-by-case basis at the discretion of the Design Review Committee.

The Design Review Committee reserves the right to retain outside consultants under special circumstances at the expense of the Applicant.

These guidelines are not intended to supersede City of Phoenix or Maricopa County ordinances, codes, regulations, or processes. If these Guidelines are in conflict with the above, the more restrictive shall govern. The securing of a building permit is the responsibility of the Applicant and/or Owner. Construction documents are to be in accordance with the final design and plans approved by the Design Review Committee and appropriate governmental entity.

1.3 Review of Plans

The Design Review Committee shall review all pending applications and plans for which fees have been paid or waived. Meetings shall convene as required for review of all submittals. Owners, Architects, or Builders shall attend the meeting when requested. They are also allowed to present their plans in person, if they so desire.

One set of plans will be returned to the Applicant with Design Review Committee comments written on them. Any changes to the plans required by the Design Review Committee shall be made on the original drawings. Two (2) revised sets of plans, with the red-lined set, must be resubmitted for final approval. If the owner has issue with the Design Review Committee comments, the owner must respond in writing, addressing specifically those items of issue.

If a response from the Design Review Committee is not provided within 60 days of receipt of Applicant's complete set of plans and properly completed application, each of which must comply with the applicable requirements in the Declaration and Guidelines, then said plans will be deemed approved. Noncompliant and/or incomplete plans and/or applications will be deemed rejected.

Final Design Review Committee written approval must be received before commencement of construction.

1.4 Changes and Re-submittal

Any revisions to an approved final design shall be submitted per the normal submittal procedure. No changes or deviations shall be made until the revisions are approved and a variance is given by the Design Review Committee in writing.

Any changes after completion of an approved development, or additional construction, landscaping, or other alterations, must be submitted for approval by the Design Review Committee prior to making such changes and/or additions.

If the Design Review Committee disapproves a submittal, a resubmission of plans shall be necessary, following the same requirements outlined for the original submittal.

1.5 Inspection and/or Completion

All work in progress is subject to random inspection by an agent of the Design Review Committee. Construction materials will be of generally accepted industry quality and are also subject to random inspection and approval. Written notice will be given to the owner of any non-compliance with the Design Review Committee approved plans. Absence of such inspection or written notice during construction does not imply approval of the Design Review Committee with work in progress or compliance with these Design Guidelines or the Declaration.

Upon completion of any development approved by the Design Review Committee, the owner shall give written notice of completion to the Design Review Committee. Following receipt of such written notice of completion, the project will be inspected by an agent of the Design Review Committee. If the work was not done in compliance with the approved final plan, the owner will be notified in writing. The notice will list in reasonable detail the specific areas of non-compliance and shall require the owner to correct them. If the corrections are not made within a reasonable period of time, remedies available pursuant to the Declaration may be invoked as determined by the Design Review Committee.

1.6 Construction

Owners and Builders must assure the Design Review Committee that protected plants and all other natural features will not be damaged during construction. Materials that cannot be removed shall be marked and protected by flagging or other barriers.

All excess excavation material must be promptly hauled from The Foothills or to a designated area within The Foothills. Any damage or scarring to preserves, adjacent properties, or landscaping must be restored promptly by the party responsible to at least the condition prior to said damage.

Owner and Builders shall remove all trash and debris in the construction area on a reasonably regular basis. Dirt, mud, or debris resulting from construction activity shall be removed from all streets, sidewalks, driveways, and common areas on a reasonably regular basis.

Construction vehicles and machinery will not park on, or otherwise use, adjacent property or common areas. The contractor shall be responsible for controlling dust and noise on the construction site.

All owners will be responsible for the conduct of their agents, representatives, contractors, and subcontractors during the construction process at The Foothills.

1.7 Community Association Acceptance

Certain open areas or landscaping within The Foothills will ultimately be maintained by The Foothills Community Association. Those items or areas an Owner, builder, or developer wishes to convey to the Association must be: a) inspected and approved by a representative of the Association or Design Review Committee in writing prior to acceptance; b) constructed and improved in accordance with approved plans and must conform and adhere to The Foothills Design Guidelines as set forth herein; and c) conveyed to the Foothills Community Association with a Title Transfer prior to acceptance. A Builder/Developer Acceptance Checklist is provided as Exhibit G.

The conveying party will warrant the quality of the materials and workmanship from acceptance date for:

<u>ITEM</u>	<u>WARRANTY PERIOD</u>
Walls	One (1) Year
Landscaping (plants)	Thirty (30) Days
Irrigation	One (1) Year
Signage	One (1) Year
Other Improvements	One (1) Year

1.8 Right-of-Waiver

The Design Review Committee reserves the right to waive or vary any of the procedures or standards set forth in the Design Guidelines at its discretion on a case-by-case basis. A waiver by the Design Review Committee shall not imply that a like waiver will be granted for other similar plans submitted for approval. The approval by the Design Review Committee of any plans, specifications or other matter shall not be deemed to be a waiver of any right to withhold approval of any similar plans, specifications or other matter subsequently submitted for approval.

2.0 THE FOOTHILLS DEVELOPMENT PHILOSOPHY

2.1 Overall Philosophy

The natural beauty of foothills and valleys comprise a majority of the total development; although portions exist that have been extensively scarred due to past construction equipment testing. The sensitive treatment of remaining hillside and rock outcropping along with the rehabilitation of damaged areas are key elements in the planning philosophy of The Foothills.

To maintain harmony with the Sonoran Desert and existing mountain terrain, designs shall reflect styles, materials, and colors consistent with this theme.

Water conservation and the use of native and drought tolerant plant material throughout The Foothills is required. City water will ultimately be utilized throughout the project in the irrigation of the golf course, as well as the maintenance of lake levels in order to remain consistent with current trends in water conservation.

The establishment of design criteria which encourages a cohesive and workable environment, related to South Mountain Park and water conservation, will ultimately create a unique identity for The Foothills.

2.2 Hillside and Scarred Areas

The extensive hillsides at The Foothills provide a unique opportunity for enhanced views. Scarred areas are viewed as special opportunity areas. The utilization of various design techniques, for example, steps to repair these areas to their natural state, which utilize and/or mask the existing scars, are encouraged. Innovative massing and the development of residential enclaves will replenish the "natural" character of

the environment. Roadways shall be designed to minimize cut and fill thereby reducing destruction of native rock facings and promoting a positive visual impact.

Where an Owner acquires a parcel with a boundary that is entirely or partially contiguous with the hillside area, it will be that Owner's responsibility to repair any scars on that portion of the hillside which front onto the property, unless said scars will be incorporated in the improvement of the subdivision's development. Such scarring, if it is a roadway, may be improved as hiking or bicycle paths, which may be incorporated into The Foothills Master Pedestrian/Bicycle Path Plan.

The following City of Phoenix hillside stipulations shall be adhered to throughout development of The Foothills, with all plan review to be conducted by the City of Phoenix and the Design Review Committee.

1. That a slope analysis be submitted on each development unit or portion thereof, prior to subdivision or site plan approval, to determine the allowed hillside density. All areas that have been previously scarred, both restored and un-restored, are to be defined on the slope analysis.
2. Those waivers to exceed the hillside density limitations shall be considered only within areas below the 25 percent slope line and/or have been previously scarred and meet the conditions of the Hillside Ordinance under which the City Council may grant waivers.
3. The hillside portion utilized in each development, excluding those designated open space areas, will be restored to the extent practicable by the application of such processes as chemical color testing (e.g., eoniting), re-vegetation (e.g., desert mulch), or re-grading or combination thereof, especially in the upper slope areas. Any other process proposed must be approved by the City of Phoenix Development Coordination Office.
4. That no development occur within the City Planned Community District (PCD) above the 1,600-foot elevation or the 25 percent slope line, except for lots 1 to 55, and pads 1 to 23, 25, 26, 34, and 37 within Development Unit 8 as designated on Exhibit A of the zoning stipulations or areas below the 1,600-foot contour elevation where extensive scarring has occurred and as approved by the Development Coordination Office. Provided, however, if the developer demonstrates that additional lots (not to exceed 9) can be developed which will generally not be visible from adjacent properties, the developer is not precluded by this stipulation from developing these additional lots. Appropriate agreements shall be executed to preserve open space as determined by the City's Law Department.
5. That approval of hillside development within Development Unit 8 is conditioned upon the provision of a roadway that assures accessibility for emergency and service vehicles and is designed in a manner that emphasizes aesthetics and safety.
6. Those roadways within the hillsides areas are to be designed to minimize cut/fill slopes and shall include retained slopes with native rock facing, where feasible, or fill slopes or existing roads which will be used are to be chemically color treated and/or landscaped. New cuts shall be included in the 10 percent allowable grading or each development unit. The intent of this stipulation is to minimize the visual impact of roadways, particularly the access from west within Development Unit 8.
7. That all developments providing single-family detached units shall submit individual grading and drainage plans prior to the issuance of building permits and shall be accompanied with a set of building plans. No lot shall grade more than 20 percent of the net lot area, or 6,000 square feet, whichever is less, exclusive of those areas under structural roof, regardless of the overall 10 percent grading allowed on the development unit or portion thereof. In addition, no tennis/game courts are to be provided on said hillside lots.
8. The residences within Development Unit 8 shall contain no exterior lighting on either the individual lots or roadways leading to the lots that exceed 3 feet in height.

9. That commercial and multi-family residential developments within hillside areas be designed in a manner sensitive to the native Arizona environment and shall include compatible architectural treatment design and landscaping. Skyline of structures is to be avoided except where hilltops have been leveled and the development will help restore a “natural” character to the slopes.

2.3 Paths and Trails

Bicycle and pedestrian paths are planned to link The Foothills with adjacent developments as well as South Mountain Park. Hiking trails located in mountainous terrain will also provide active recreational opportunities for the community. Builders will be required to expand the open space network by incorporating paths, trails and other recreational amenities into their site plans as stated in the following zoning approval stipulation:

“That prior to issuance of any building permit for individual building within the project, a master pedestrian/bike circulation plan shall be submitted and approved by the City’s Parks, Recreation and Library Department and the Planning Department. All individual projects within the development shall be required to make accommodations necessary to implement this plan.”

2.4 Lake Regulations

The Lakes at The Foothills provide a pleasing visual amenity while serving a practical retention area, storage for irrigation purposes, and sources of water circulation. The surrounding environment enhances the existence of the Lakes. Specific Lake rules are:

1. No swimming or wading in the Lakes. If boating or fishing takes place, then this will be at the user’s sole risk, and the user will absolve the Homeowner’s Association of any claim occurring from said action. Fishing is always “catch and release” only.
2. All watercraft shall be approved in advanced by the Association prior to use.
3. All watercraft approved for lake use shall display a permit decal provided by the Association for a registration processing charge of five dollars (\$5.00) one-time fee and complete and return the indemnification insurance form.
4. U.S. Coast Guard approved floatation gear will be carried on each water craft or an approved life vest shall be worn. Children under six (6) years of age shall wear a life vest at all times.
5. No windsurfing allowed at any time.
6. Propulsion shall be limited to electric motor and water craft shall not exceed five (5) miles per hour at any time. The Association may use a gasoline powered boat for maintenance or other approved uses.
7. No use of Lakes at night by watercraft.
8. Other rules that may be adopted from time to time.
9. Dock to conform to the typical detail provided at Exhibit C.2.(e) or otherwise approved by the Design Review Committee or Board of Directors.

3.0 SITE PLANNING CRITERIA

3.1 Climatic Design Concepts

Site planning for all structures shall optimize environmental orientations whenever possible. Street patterns shall also be planned with this in mind, whenever economically feasible.

An attempt should be made to keep East or West building openings at a minimum and to protect them from direct sun during the months of March through September. Design of overhangs and other shading devices is encouraged. Emphasis should be placed on passive solar planning techniques.

Exterior spaces should be designed to take advantage of the cooling effects of predominant southwesterly winds.

3.2 Construction Trailers

Construction trailer location, screening, landscape, parking, parking surface, and traffic flow shall be presented to the Design Review Committee for approval prior to initiating any of these activities. The Design Review Committee shall review construction trailer location in context to The Foothills development as a whole. The Design Review Committee shall consider the impacts on other developments in the area, including, but not limited to, traffic conflicts between construction equipment, residents, and potential buyers, views from adjacent streets, dust, and screening of materials.

3.3 Landscape Planning

A native desert landscaping theme shall be used throughout the community and shall be the basis for establishing an acceptable palette of water-conserving plant materials for all types of development. The intention of this guideline is to carry the project theme from the Common Areas into and through each and every part of the community. In conjunction with drought-tolerant and water-conserving plants, grass and other ground covers shall be utilized to create relief areas of greenery and dense vegetation. Particular attention shall be given to subdivision entries, Common Areas, and front yards. All landscaping shall be in conformance with the Master Landscape Plan.

Grass must be kept of weeds and trimmed with no bare spots or replaced with other approved covering. Be sure to refer to the approved plant list (available upon request). Include the number of palm trees and citrus trees currently on your property and their location. (You are allowed a total of 3 palm and citrus trees combined. Citrus trees are not allowed in front yard.)

Existing plants shall be saved and reused whenever possible. Native trees along major roads and all commercial, office, and industrial areas shall be encouraged. Builders are recommended to provide a complete landscape package with each dwelling. There is a maximum of one (1) tree per 1000 square feet of lot; the definition of (tree) is anything that can grow above (10) feet.

All commercial, office, industrial and multi-family developments shall be fully landscaped prior to occupancy or within 90 days of substantial completion, whichever occurs first. All residential developments shall have fully landscaped front and side yards within six (6) months of completion of the dwelling. Any rear yards that may be adjacent to or are visible from the Golf Course, Golf Course Lakes, Lakes, Common Areas, or any public right-of-way shall be fully landscaped within six (6) months of substantial completion. Any lot with a rear yard fully enclosed by a wall or fence not visible from the Golf Course, Golf Course Lakes, Lakes, Common Areas, or any public right-of-way shall be fully landscaped within six (6) months of date of issuance of the Certificate of Occupancy.

Total turf areas allowed for each lot of residence shall be limited to forty percent (40%) of the total landscapable area of a lot or residence. Artificially colored rock or decomposed granite will not be allowed to be used in landscaping. Use of indigenous materials is highly encouraged. All turf, plant

materials, and sprinkler components should be kept a minimum of 24 inches away from any demising wall of the home and any exterior concrete, including patios, driveways, and walks (other than sidewalks). No plastic liner or groundcover of any type should be installed within 36 inches of the foundation of exterior concrete. Trees and bushes that will become large and/or have extensive root systems should be planted a minimum of 4 to 6 feet away from the foundation, exterior concrete, and fences. Irrigation systems should be run in front of trees, shrubs, etc rather than on the wall side.

Common landscape areas, as identified in the Declaration and owned by the Master Association, shall be maintained by the Master Association. A Homeowner's Association specific to a particular subdivision may be formed to maintain certain tracts within the subdivision. Each Owner is responsible for any damage done by him to common area landscaping and shall promptly repair or replace the landscaping as required.

3.4 Natural Features

Desert washes, natural rock outcropping, and existing plant materials shall be preserved, whenever economically feasible, at all levels of development within The Foothills. Building site shall be designed to incorporate existing natural elements into the overall project design, or the existing elements shall be relocated in an acceptable manner, when feasible.

3.5 Storage, Loading, and Trash Areas

Storage, loading, and trash activities shall be screened when visible from adjacent public streets or sites and designed such that disruption of on-site and off-site traffic flows is minimal. These areas shall be designed as an integral part of the building architecture such that the entire operation is conducted within the confines of the site.

Articles, goods, materials, machinery, equipment, vehicles, trash, animals, or similar objects shall not be stored or kept in the open or exposed to view from adjacent streets or sites. All outdoor refuse containers shall be visually screened within a durable 6'-0' or higher non-combustible enclosure so as not to be visible from adjacent lots or sites, neighboring properties, or streets. Refuse enclosures shall be designed of durable materials with finishes and colors which are unified and harmonious with the overall architectural theme. Refuse collection areas shall not be permitted between a street and the front of a building. Deposited refuse shall not be visible from outside the refuse enclosure. Trash containers are allowed only to be in view from the street on the days of collection. Otherwise, these containers must be stored within the unit or behind the perimeter wall of the unit or otherwise out of view from neighboring properties. Any trash enclosure exposed to the public must be screened by view of a masonry stucco wall and gate.

3.6 Site Massing

Buildings shall be arranged on their site such that a lower profile face is adjacent to the street, particularly perimeter and corner lots. Buildings should be designed to follow the contours of the land in hillside areas whenever possible. Building setbacks shall vary in order to prevent monotony and to achieve interest in the overall site massing. Working with adjacent builders to achieve harmonious site massing is desirable in high density, commercial, industrial, and office park developments. Medium and low density housing developments should also respond to various site massing techniques to provide variety and interest along any one street.

3.7 Streetscape

An overall design concept for the streetscape shall carry the project theme throughout The Foothills. The Developer shall build the major roadways and infrastructure and shall develop and/or shall require the Builder to install the streetscape along those corridors including landscape, street lighting, signage, paving patterns, and median development. The Builder shall be expected to carry the theme of the streetscape into and through his specific development. Unless otherwise required in the Declaration or in a Tract

Declaration relating to a Parcel, the Owner shall provide a fifteen (15) foot variable landscape easement along all major arterials and collectors on which his specific property fronts.

Owners will also be expected to screen large parking areas from street view with berms, landscaping, and/or low profile walls which integrate with the streetscape theme. Perimeter walls shall be designed to vary in height and setback and be used in combination with berms to provide visual relief along the streets of the community. For continuity, the Owner will use as a design guideline The Foothills standard wall details as provided in Exhibit C.2.a and C.2.b. The Owner will also attempt to design a wall consistent with that of adjacent subdivisions or other established walls.

3.8 Utilities

All permanent utilities shall be installed underground, with the exception of control vaults, cable boxes, power meters to be read, and other similar items which may be required by the respective utility to remain above ground. All utility appurtenances within a site, including telephone pedestals, utility metes, transformers, and other similar items shall be screened from view or integrated into the streetscape (i.e., painted to match perimeter walls). They will also be subject to utility company regulations and approval from the Design Review Committee.

3.9 Water Edge Treatment

Water edges shall be designed to integrate with the natural desert landscaping theme of the community. Modifications of these edges shall not be permitted. Turf areas surrounding the water shall be kept to a minimum, with the exceptions of golf course frontage. Natural-appearing stone formations, decomposed granite, and plant materials shall be utilized along water edges in such a manner that does not obstruct neighboring views.

4.0 ARCHITECTURAL DESIGN STANDARDS

4.1 Arid Region Design

From March 21 through September 21, the intense sun of the Phoenix valley creates a climate which should be moderated by arid design solutions. Passive solutions include: shading building openings and courtyards, plan orientation for maximum solar protection, design for encouraging cooling breezes, low glare exterior building materials, and keeping building profiles low or below grade; however, this shall not preclude two-story development. Light colors and a palette of muted desert hues are recommended to minimize heat gain and to allow the natural colors of the desert to predominate. Pure whites shall not be permitted because of excessive reflectivity.

- A. Awnings and canopies shall be compatible with the architectural character of the home in terms of style, materials, color, and visual scale.
- B. Awnings and canopies over all windows shall be canvas or similar material of solid color on both sides.
- C. If visible from neighboring property or golf course, metal or wood frames for awnings shall be painted to match the trim or dominant color of the home.
- D. Plastic or rigid metal awnings or canopies are not permitted. The location of any awning or canopy shall not adversely affect views, sunlight, or natural ventilation of adjacent properties.
- E. All awning and canopy submittals must include a drawing with the location of the proposed installation.
- F. A sample of the material to be used, along with the color and design of the proposed awning or canopies, is required.
- G. Owner is responsible for maintenance and repair of awnings. Association retains the right to determine when an awning must be repaired and or replaced due to weathering, fading, tearing, ripping, etc.

As with all other elements of the Design Guidelines, the principal concern with awnings is both their relationship to the individual dwellings as well as their effect on the overall community and, in particular, the street scene. It is desirable, for example, that if awnings are used on any one side of the home, they be used on all sides. For corner lots, it is mandatory that awnings are utilized on the two sides which face the intersecting streets.

The awning base and trim colors shall be selected from or match one of the following colors as manufactured by Sunbrella Products:

- 1) Terra Cotta (4622)
- 2) Salmon (4627)
- 3) Toast (4628)
- 4) Linen (4633)
- 5) Beige (4620)

The trim color shall not exceed 5% of the total of one side of the awning fabric. The same trim color and pattern shall be used on the entire dwelling unit.

All fabric shall be 100% acrylic and pulled taut with no exposed framing, grommets, or lacing. All seams shall be sewn.

Awnings shall be repaired and maintained at all times to prevent fading and wear.

Submission requirements:

- 1) Awnings shown on unit elevation at $\frac{1}{4}$ " – 1'0"
- 2) A site plan depicting consistent awning treatment when viewed from all adjacent streets.
- 3) Wall paint colors and roof colors for the unit submitted on an 8 $\frac{1}{2}$ " x 11" color card.
- 4) Selected body and trim color for the awning fabric.
- 5) Selected trim pattern.

All awning packages shall be submitted to the Design Review Committee for written approval prior to installation.

4.2 Artificial Turf

The allowance of Artificial Turf was adopted February 27, 2008. The Design Review Committee and /or the Board of Directors require submittal for approval of the product, installation process as well as answer questions regarding discoloration, warranty, and resistance to the harsh elements of Phoenix.

The Board has agreed to allow Artificial Turf with the following conditions:

1. Color is to remain unchanged from the dark "lawn green" appearance.
2. Faded turf will have to be removed or replaced and the responsibility remains with the homeowner.
3. Texture and length of the artificial turf is to remain the same length and texture of the originally installed product.
4. Patches will not be allowed unless they are seamless and the exact "lawn green" color as the originally installed product.
5. A smooth or flat installation must be maintained in order to keep the turf from gathering or rolling (if rain or wind should erode the base which the turf sits on, then the base must be leveled).
6. No additional artificial turf will be allowed on the property without additional approval from the Design Review Committee.

7. Warranty disputes with the manufacturer of the artificial turf are the responsibility of the homeowner. The Board will allow a reasonable time frame not to exceed sixty (60) days to resolve the dispute and restore the turf back to the originally installed condition.
8. Replacement of the artificial turf must be pre-approved by the Design Review Committee to ensure like type color and quality of the replacement product.
9. Removal of the turf at the request of the Design Review Committee/and or Board of Directors will be at the sole cost of the property owners. The Owner shall be responsible for all attorneys' fees and costs incurred by the Design Review Committee should the Design Review Committee need to employ legal counsel to enforce any portion of this agreement.
10. The turf area shall be maintained like any other landscaped area and is to remain free of weeds, and debris.
11. Physical sample with the manufacturer's specification must be submitted.
12. Artificial turf may be installed in the front yard only if the coverage does not exceed forty percent (40%) of the front yard softscape.
13. Abide by the City of Phoenix ordinances.

If any of these terms and guidelines are not met or it is otherwise deemed by the Design Review Committee and/or Board of Directors that the artificial turf no longer looks the same as originally installed and as viewed by the Design Review Committee, then the Board reserves the right to rescind approval and the turf will have to be removed and the property landscaped under the guidelines set forth by the Design Review Committee. The removal and any subsequent work, and all associated costs, will be the sole responsibility of the property owners.

4.3 Basketball Goals

Permanent basketball goals are permitted only in the rear yard of the property; however, depending on the location, the Design Review Committee may require that the backboard be clear or painted a color to blend in with the surrounding area such as the color of the home. The Design Review Committee also may require that the pole be painted a similar color. Portable basketball goals are only permitted in front yard areas so long as when the goal is not in use, the goal is stored out of sight.

4.4 Building Envelope

An appropriate location for the building envelope on a site considers the existing topography, natural features such as rock outcropping, views, solar orientation, and relationship to adjacent buildings. Plan shape and roof configuration also have a strong impact on the perception of the building envelope. A variety of plan shapes and building setbacks shall be provided in order to promote an interesting street scene.

4.5 Driveways

Total concrete driveway width shall not exceed 27 ft. On narrow width lots, the Committee shall reserve the right to limit driveways to two cars so as not to result in a front yard consisting of an inordinate amount of concrete.

Driveway extensions will be reviewed on an individual basis with strong consideration of any impact on the architectural features of the neighborhood. Driveway extensions, materials and finishes will be review on an individual basis with strong consideration of any impact of the architectural features of the neighborhood.

4.6 Elevation Massing

Elevations shall be designed to vary in height and setback. All two-story residences shall attempt to incorporate single-story elements. Where a one-story residence occurs next to a two-story residence, the single story elements shall be adjacent to each other whenever possible. All single-story houses shall include some variation of the ridge line.

4.7 Entry Elevations

Deeply recessed entrances provide both protection from the elements and a sense of individuality. When used with all extensions, the entire entry can result in a court-yard effect which is very appropriate to the region. Individual entrances shall be distinctive architectural features. Combinations of overhanging roofs and some change in the plan configuration also work well with entrances. For multi-family or attached units, care should be taken to create a sense of privacy and identity.

4.8 Exterior Materials

Exterior surfaces shall blend with the mountain backdrop and desert landscape. Adobe, masonry, local stone, or stucco will be the predominant material palette. Large expanses of wood surfaces or wood-like sidings will not weather well in desert conditions and, therefore, shall not be permitted. Material changes are most successful if combined with a change of building plane or off-set.

4.9 Free Standing Structures

Free standing structures shall consist of Gazebos, Ramada's, Pergolas, Storage sheds, etc., and similar structures. Structures shall be constructed in accordance with the following guidelines:

- Be located a minimum of five (5) feet from any lot line and comply with the City of Phoenix building codes and setback requirements,
- Shall have a maximum height of twelve (12) feet,
- Must be painted or fabricated to match or complement the exterior color of the house,
- Roof color and tile shall match existing roof of house or submit a design review request for an open lattice type roof style for consideration,
- Solid flat roof structures may be allowed, provided that the patio roof has a minimum two (2) foot parapet wall,
- Lattice type roof structures will be considered, provided that they meet all other Design Review guidelines; these structures may be exempt from the parapet provision, if applicable,
- May consider composite materials for these types of structures; however the color must match or complement the exterior color of the house,
- The structure must be kept in good repair, in a quality condition and adequately painted and finished, as applicable, such that it will not detract from the high quality of the community,
- Lots adjacent to a golf course, lakes, view corridor, common area or parks may be subject to additional design specifications and setback requirements,
- Exposed wood will not be considered regardless of finish,
- Stucco columns shall be a minimum of 12" x 12" square finish matching the house color,
- Composite material columns shall be a minimum of 8" x 8" square finish or 25" in circumference and match or complement the house color,
- Decorative columns may be considered if they match the architectural design of the structure and/or house.

4.9.1 Temporary Free Standing Structures

Temporary Structures may consist of canvas gazebos and umbrellas, and similar items. Temporary Structures shall comply with the following guidelines:

- The type of structure (i.e., canvas gazebo) and dimensions shall be included on the architectural request form.
- The structure shall be 18" away from the nearest perimeter wall, for every 12" it is visible above fence line.
- The color shall match the body color of the house or have a natural color as follows:
 - Terra Cotta

- Salmon
- Toast
- Linen
- Beige
- The structure shall not be affixed to party or common walls.
- The structure will not be compliant and will be considered a violation if any of the following occurs:
 - The frame is visible standing without the canvas.
 - The canvas is faded.
 - The canvas is torn or ripped.
 - If the structure is not a temporary type of application (i.e., it is a permanent or permanently affixed structure).

4.10 Play Equipment and Trampolines

Homeowners must submit a request with the required forms and specifications prior to installation to the Design Review Committee for trampolines, surrounding net cages, play equipment as well as any other free-standing structures visible over a perimeter wall. The equipment shall reflect the following guidelines:

- Must be a minimum of 18" away from the nearest perimeter wall for every 12" that the highest point of the structure exceeds the wall height,
- A distance greater than 18" may be required, depending on particular circumstances, for example, the adjacent property considerations,
- Only black or dark green netting will be acceptable for play equipment net cages,
- The frame color must match either the netting color or the color of the house using an appropriate covering material, if necessary,
- Bright colors are not acceptable.
- Additional stipulations may be applied in specific cases, if deemed necessary by the design review committee.

4.11 Flags and Flag Poles

Flags may be displayed subject to the following:

- A. Only the following flags may be displayed on a Lot:
 1. The American flag, Army, Navy, Air Force, Marine Corps or Coast Guard flag if such flags are displayed in a manner consistent with the federal flag code.
 2. The POW/MIA flag.
 3. The Arizona state flag.
 4. An Arizona Indian nation's flag.
 5. The Gadsen flag.
- B. The maximum size of a flag shall be three feet in height by five feet in width (3'x5').
- C. Only one permanent, removable, wall mounted or freestanding flagpole is permitted on a single family Lot.
- D. Only one permanent, removable, wall mounted flag bracket may be mounted to structures on a condominium, after approval of location by the Committee, or displayed on a patio or balcony on a flagpole not to exceed six feet (6') in height.
- E. The height of a flagpole shall be no taller than the highest point of the roofline.
- F. Wall mounted flagpoles shall not exceed 5 feet (5') in length and must be painted to match the color of the attachment area.
- G. No flags that are ripped, torn or shredded may be displayed on a Lot.
- H. No flags may be displayed on any of the Common Areas.
- I. A maximum of only two (2) flags may be flown at one time.

4.12 Golf Ball Netting

Golf ball netting may be installed in the community per the following guidelines:

- Netting:
Typical 3/16" golf rope netting
Entire unit; net, poles and hardware to be black in color or an exact match
Maximum height may not exceed height of home
All nets must be approved in writing prior to installation
- Vertical Poles:
Minimum round pole size 2 3/8" schedule 10 (must be installed in 2' concrete footing)
Maximum round pole size 4" tough 40 (must be installed in 3' concrete footing)
- Horizontal Poles:
Minimum round poles size 1 5/8" schedule 10
Maximum round pole size 1 7/8" schedule 10

4.13 Mechanical Equipment and Trash Screening

All mechanical equipment shall be screened from view by adjacent properties and public rights-of-way. Screen walls and/or landscape buffers may be used to accomplish this. Any condensing units/air conditioners or other equipment must be screened by a stucco masonry wall, painted to match that of the related dwelling or building. So as not to be visually obtrusive to neighbors or general public, trash receptacles kept outside should be fully enclosed by a stucco masonry wall, with landscape screening where possible. All mechanical equipment locations are subject to review and approval by the Design Review Committee on a case-by-case basis.

4.14 Minor Building Elements

Elements such as chimneys, chimney screen caps, porches, stairways, railings, or trellises shall be designed as integral architectural elements which enhance the structure as a whole.

4.15 Paint Colors, Window and Door Treatment

IMPORTANT – Paint colors printed off the Foothills Community website may not be the exact color as the Dunn-Edwards paint swatch. Please make sure to go to one of the Dunn-Edwards store locations to obtain a color sample or paint swatch to use when selecting colors, color matching, etc. It is the homeowner's responsibility that the colors approved by the Design Review Committee are correctly painted onto the home. Specific paint colors are attached hereto as Exhibit K. Windows and doors utilizing wood, anodized aluminum, or baked enamel frames are acceptable for the desert climate. They shall be architectural features and, whenever possible, grouped into recessed areas or bordered by projections which provide a shadow pattern. Windows in the rear and side elevations or perimeter lots that may be directly viewed by the public, such as golf course or lake lots, shall be treated by installing pop-outs or surrounds. Consult with the Design Review Committee to determine which windows require pop-outs or surrounds. Shading devices such as awnings shall blend with the overall character of the building or structure. Skylights can also cause glare, and view of them from neighboring properties and the hillside shall be avoided.

4.16 Patios and Courtyards

Patios and courtyards shall be designed as an integral part of the architecture. Inward orientation of outdoor spaces minimizes impact on the desert environment as well as increasing the amount of privacy. Open areas shall be designed to take advantage of the natural environment of The Foothills.

- The patio roof shall be covered with the same tile as that used on the roof of the house,
- A flat roof patio may be allowed, provided that the patio roof has a minimum two (2) foot parapet wall (see Detail C.4),
- Porches or patios not designed as part of the roof system must include a parapet wall to screen the patio sheeting as shown by the typical detail in Exhibit C.4.a,
- Lattice type roof structures will be considered, provided that they meet all other Design Review guidelines; these structures may be exempt from the parapet provision,
- Composite materials may be considered for these type of structures; however the color must match the exterior color of the house,
- The structure must be kept in good repair, in a quality condition and adequately painted and finished, as applicable, such that it will not detract from the high quality of the community,
- Lots adjacent to a golf course, view corridor, lakes, common area or parks may be subject to additional design specifications and setback requirements,
- Balconies will be considered based on location and shall also have a minimum two (2) foot parapet wall, topped with wrought iron to function as a protective railing,
- Exposed wood will not be considered regardless of finish,
- Stucco columns shall be a minimum of 12" x 12" square finish matching the house color (see Detail C.4.),
- Composite material columns shall be a minimum of 8" x 8" square or 25" in circumference with a finish matching the house color,
- Decorative columns may be considered if they match the architectural design of the structure and/or house.

4.17 Privacy and Perimeter Walls

Privacy and perimeter walls shall be of stucco over masonry, adobe, or local stone or brick and shall be a visual extension of the structure or structures. Standard subdivisions shall use The Foothills project wall standard detail provided as Exhibit C.2.b. The raising or increasing in height of existing walls shall be generally limited to six (6) feet and require prior approval of the Design Review Committee. Wall should not exceed City of Phoenix building code.

Any perimeter wall installed shall have a stucco finish the same as that of the project wall and shall be painted Foothills Brown. Interior walls shall have the same finish and color as the primary structures within the subdivision or as approved by the Design Review Committee. Walls shall vary in height and setback to prevent monotony. Front yard walls of single family dwellings will not be approved unless the wall is designed to integrate with the structure. In other cases, such as multi-family or non-residential development, decorative walls will be reviewed and approved on a case-by-case basis.

Properties fronting on Golf Courses shall utilize a uniform wall design of masonry and rust resistant wrought iron as specified by the Design Review Committee. All Golf Course lots must have uniform fencing along the border of the Golf Course in accordance with the standard detail provided. All such fencing shall be placed so that each fence on any Golf Course lot connects with the fence placed on the adjacent lots. See Exhibits C.2.c and C.2.d for Golf Course wall details. No gates shall be constructed in a golf course or perimeter wall.

Side yard walls of lake lots shall incorporate a masonry and wrought iron design as shown by the typical detail in Exhibit C.

For hillside lots, the side yard masonry wall should be the typical wall detail and will extend up the hillside to the limit of the graded area of the lot. The rear yard wall design will utilize the typical golf course detail of Exhibit C.2.c. and will be stuccoed and painted on both sides.

Where cul-de-sacs end at perimeter walls, Developers/Builders should creatively incorporate an open metal design into the perimeter wall, thereby providing a break in the wall and allowing a view corridor into the subdivision.

For wall drains located 2 feet or more above adjoining grades, to eliminate exterior stains, the drains shall incorporate the wall scupper design of Exhibit C.2.f.

4.18 Roofs

All roofs shall be of a color, material, and texture approved by the Design Review Committee. Muted desert hues which are compatible with the environs are preferred for roofs in order to avoid conflict with the accent colors of the desert. Blending with the hillside and the desert landscape is the overall intention. Reflective roof coatings that create glare will not be permitted.

No mechanical equipment of any kind shall be allowed on roof tops in residential developments, except as noted in Section 4.7. In commercial developments, a minimum of roof openings and roof-top equipment will be allowed if screened from view and approved by the Design Review Committee prior to construction. The intention of this restriction is to avoid destruction of site lines from open spaces and hilltops both within and around The Foothills. Chimney cap design shall be included with the submittal of elevations for review and approval by the Design Review Committee.

4.19 Satellite Dishes and Antennas

The Federal Communications Commission Over the Air Reception Devices Rule (“FCC Rule”) governs Direct Broadcast Satellite dishes (DBS) less than 1 meter in diameter, multichannel multipoint distribution reception devices (wireless cable) and traditional television broadcast antennae (hereinafter referred to as “Direct Broadcast Satellite dish”).

This section of the Design Guidelines does not apply to satellite dishes that are greater than 1 meter in diameter or other types of antennas not covered by the FCC Rule. Satellite dishes and antennas not subject to or covered by the FCC Rule are subject to the relevant provision of the CC&R’s and, to the extent allowed by the Declaration, may only be erected or installed after obtaining the prior, written approval of the Committee.

All Direct Broadcast Satellite dishes must be installed in the least obtrusive manner possible. Specifically, the goal of these guidelines is to have as many Direct Broadcast Satellite dishes as possible ground mounted or otherwise obscured from view from adjacent property, streets or common areas.

a) DIRECT BROADCAST SATELLITE DISHES LESS THAN 1 METER IN DIAMETER

- An attempt should first be made to ground mount a Direct Broadcast Satellite dish in the rear yard.
- If installation of a Direct Broadcast Satellite dish on the ground does not provide an acceptable quality signal, the Direct Broadcast Satellite can be placed on the home.
- In placing the Direct Broadcast Satellite dish, the placement is required to be the least visible from the front and sides of the home as possible.
- If installation of the Direct Broadcast Satellite dishes or antennas cannot receive an acceptable signal mounted either on the ground or home, the Direct Broadcast Satellite dish may be placed on interior of a party wall between neighbors or shared walls with in Association.
- All Direct Broadcast Satellite dishes are required to be painted the color of the house if it is installed in any manner other than a “ground mount”.
- All Direct Broadcast Satellite dishes or antennas must be removed from lot if not in use.

4.20 Site and Building Lighting

Lighting plans are an integral part of the overall streetscape of the community. The intent of the lighting plan is to unify the community by keeping lighting to a minimum so that its use does not interfere with reasonable use and enjoyment of any adjacent property. All lighting shall be in accordance with City of

Phoenix Outdoor Lighting Ordinance Number G-2699, as may be amended or superseded, and the Master Lighting Plan for The Foothills.

Holiday lighting can be installed sixty (60) days before any holiday and must be removed at the maximum of thirty (30) days after any holiday.

The "Hillside Coach/Lantern Exterior Light" policy was adopted May 28, 2008 and effective as of August 1, 2008 and will remain in effect until further notice. This includes any lots within Eagle Ridge, Candlewood Views, Sanctuary and any other hillside lots within The Foothills Community. Hillside lots exterior light policy revision reflects that coach and lantern lights are allowed but they must be compliant with the "hillside ordinance" of City of Phoenix, Chapter 7, Section 23-100, Hillside Development – Outdoor Lighting. This resolution is effective August 1, 2008 and will remain in effect until further notice.

The objective is to preserve the night sky ambience and to use lighting only as needed for general purposes, safety, and aesthetics. Light fixtures should be screened, wherever possible, with plant materials, walls, or other features, and when applicable with the "hillside ordinance", shall be shielded so glare is not visible from hillside lots.

Hillside Development – Outdoor Lighting Ordinance:

- A. Purpose. The purpose of this section is to create standards for outdoor lighting so that it does not interfere with reasonable use and enjoyment of any adjacent property, while also minimizing atmospheric light scattering.
- B. Definitions.
Outdoor light fixtures: Shall include artificial illumination devices, outdoor fixtures, lamps, and other devices, permanent or portable, used for outdoor illumination. Such devices shall be, but not limited to, search, spot, or flood lights for:

- 1) Building and structures
- 2) Recreational areas
- 3) Parking lot lighting
- 4) Landscape lighting
- 5) Security lighting

Fully Shielded: Shall mean that those fixtures so designated shall be shielded in such a manner that light rays emitted from the fixture, either directly from the source of illumination or indirectly from the fixture, are projected below a horizontal plane running through the lowest point of the fixture where light is emitted.

Filtration: The outdoor light fixtures which have glass, acrylic, or translucent enclosures (quartz glass does not meet this requirement).

Requirements for shielding or filtration: When used for outdoor lighting, shielding or filtration shall be required for the lamp types as set forth in the following, unless the lighting contains an automatic shutoff device and is not used from 11:00p.m. until sunrise.

<i>Fixture Lamp Type</i>	<i>Shielded</i>	<i>Filtered</i>
High pressure sodium	Fully	None
Metal halide	Fully	Yes
Fluorescent	Fully	Yes
Quartz	Fully	None
Incandescent greater than 150 watts	Fully	None
Low pressure sodium	None	None

D. Other restrictions.

- 1) The installation of Mercury Vapor fixtures for use as outdoor lighting after January 1, 1995, is prohibited.
- 2) Other outdoor light regulations are contained in the Zoning Ordinance, appendix A, of this code.

Cross references: Pursuant to Ord. No G- 3377, sec 1, the Zoning Ordinance, as amended, formerly app. A of the code, was repealed and the “Zoning Ordinance of the City of Phoenix” was adopted by reference as set forth in Ch.41. The Zoning Ordinance is published as a separate volume. A copy of the Zoning Ordinance is on file in the office of the City Clerk.

- 3) A recreation facility, public or private, may use outdoor lighting from 11:00 p.m. until sunrise, to conclude an event or activity begun before 10:00 p.m.

E.Exemptions:

- 1) Fossil fuel light, produced directly or indirectly by the combustion of natural gas or other utility-type fossil fuels.
- 2) Unless otherwise regulated, these provisions shall not apply to outdoor lighting fixtures installed prior to January 1, 1995.

4.21 Site Drainage and Grading

Site design is encouraged which adds to the aesthetics and protects buildings from damage or disruption that may occur during extreme weather conditions. Design shall allow rainwater to be adequately absorbed or to drain off without causing excessive water collection on adjacent streets or properties. Berms, channels, swales, etc., shall be graded in such a way as to be an integral part of the grading and paved surface and designed with smooth transition between changes in slope. Hillside lots must utilize drainage ditches per the typical detail of Exhibit D. Subdivision barricades and handrails shall conform to the square-tubing detail shown on Exhibit D.1.

4.22 Solar Energy

A.R.S. § 33-1816 [planned communities] regulates solar energy devices. Notwithstanding any provision in the community documents, an association shall not prohibit the installation or use of a solar energy device as defined in section A.R.S. 44-1761. An association may adopt reasonable rules regarding the placement of a solar energy device if those rules do not prevent the installation. Planned community associations may be able to limit the total surface area of a roof that can be covered with a solar energy device. Such a “surface area” limitation allows an owner to install a solar energy device, and the regulation regarding “placement” does not impair the functioning or expense of the device.

No solar energy device which is visible from any street, the Common Area of any other Lot or Parcel may be installed or modified without the prior written approval of the Design Review Committee.

Roof-mounted solar energy devices will only be permitted if the solar energy device cannot be placed on the ground on any part of a Lot or Parcel without substantially decreasing the effectiveness of the solar energy device or substantially increasing the cost of the installation of the device. Solar energy devices installed on the ground must be installed on the part of the Lot or Parcel and in such a manner as to be the least visible from streets, the Common Area, and other Lots and Parcels.

Some active solar collectors may cause excessive glare and reflection and, therefore, they must be integrated into the structures of landscaping on a Lot or Parcel.

To the extent possible, without substantially decreasing the effectiveness of the solar energy device or substantially increasing the cost of installation of the device, roof-mounted solar panels must comply with the following rules and restrictions:

- A. The solar panels and equipment must be an integrated part of the roof design.
- B. The solar panels and equipment should be placed on the part of the roof which is the least visible from streets, the Common Area, and other Lots and Parcels.
- C. The solar panels and equipment must be permanently screened in a manner acceptable to the Design Review Committee so that the solar panels and equipment are not visible from the streets, the Common Area, and other Lots and Parcels.

- D. All parts of the solar energy device other than the collector panels must be painted to match the roof color or the house color, as appropriate.
- E. The solar panels and equipment must not break any roof ridge line.
- F. No stand-up solar panels are permitted unless there is no other alternative.

The Design Review Committee may impose such additional rules and restrictions on the installation of solar energy devices to the extent that the rules and restrictions do not substantially decrease the effectiveness of the device or substantially increase the cost of the installation of the device.

4.23 Street Decorative Items and Water Features

Decorative items, sculptures, or art objects visible from a neighboring property shall be muted tones chosen to blend rather than contrast with the home and surroundings. The Association reserves the right to require removal of decorative items in front yards, or visible from a neighboring property, based on size, quantity, color, location, and any other criteria that the Board may determine.

Sculptures, art objects, water features or fountains must be setback a minimum of three (3) feet from any property line. No street decorative item or water feature or fountain in the front or backyard is allowed to exceed six (6) feet in height or to drain directly into a wash corridor or common area. It is recommended that the water feature be chlorinated.

4.24 Storage Tanks

All water tanks, fuel tanks, or other storage tanks shall either be installed underground or shielded from view by walls or structures and landscaping, with the exceptions of those tanks required by the Developer for overall Foothills development. All such tanks and locations must be approved by the Design Review Committee and the City of Phoenix when applicable.

4.25 Swimming Pools and Spas

Swimming pools and spas shall be constructed according to Maricopa County Health Department and City of Phoenix regulations and shall be screened from the street and, whenever possible, the neighboring property views. The location of any swimming pool to be located on a Lakefront lot must be approved by the Design Review Committee. The location of a swimming pool on a Lakefront lot will not be approved if located too close to the lake so as to potentially jeopardize the structural integrity of the lake by placing too much pressure on the Lake Wall or lake border wall.

Any pool equipment exposed to the public must be screened from view by a masonry screen wall.

In certain circumstances, the most expedient route to access a rear yard to install a pool is through the perimeter wall. Any alteration to the perimeter wall requires the approval of the Design Review Committee, which will review requests on a case-by-case basis. The Design Review Committee may require a performance bond to cover repairs to the wall or other areas affected by the wall construction.

Pool equipment should be screened from view from the street. For those lots adjacent to the golf course, screening shall be provided to hide the pool equipment from view of the golf course as well. Proper screening shall consist of a masonry wall or other acceptable materials as approved by the Design Review Committee. In some instances it may be necessary to provide some type of fabric screening over the top of the equipment as well.

4.26 Tennis and Sport Courts

Tennis courts and all other sports court facilities shall be sited for minimum visual and environmental impact. The Design Review Committee must review and approve said facilities. Court lighting shall not be permitted, except as outlined in the Master Lighting Plan, in order to prevent light rays from shining onto adjacent properties, streets, lakes, or golf course.

4.27 Water Conservation and Planting Limitations

As discussed previously, plant materials that have lower water demands and are drought-resistant are encouraged. Total turf area allowed for each lot or residence shall be limited to 40% of the total landscapable area of said lot or residence. Integrating the limited turf areas or other landscape elements can provide for an 'oasis' feeling without the need for large areas of lawn or turf. Refer to Exhibit B for examples of acceptable plants and Exhibit B-1 for typical landscape design.

In accordance with The Foothills Water Conservation Program, water conserving plumbing fixtures will be required. Accordingly, the City of Phoenix has provided the following suggested list of plumbing fixture flow rates as used in its computations of daily per capita water usage in water-conserving communities.

Water Closet	-----	1.6 gallons per flush
Shower	-----	2.75 gallons per minute
Washing Machine	-----	42.0 gallons per load
Dishwasher	-----	8.5 gallons per load

5.0 COMMUNITY RULES

5.1 Bulk Trash

Bulk trash is material that must not be placed in the garbage or recycling container such as furniture, large appliances and large amounts of vegetation. Vegetation must be less than four feet long and 12 inches in diameter, except for palm fronds. Small amounts of vegetation should be bagged and tied, and placed in the garbage container.

City ordinance allows only nine days prior to the scheduled collection week to place bulk trash out for collection. It is a violation of city ordinance to place bulk trash out before the listed "**Placement Begins On**" date. Placement dates can be found at www.phoenix.gov/publicworks.

5.2 Parking

Vehicles of all Owners, Lessees and Residents, and of their employees, guests and invitees, are to be kept in garages, carports, residential driveways of the Owner, designated spaces in commercial areas, and other designated parking areas wherever and whenever such facilities are sufficient to accommodate the number of vehicles at a Lot or Parcel; provided, however, this Section shall not be construed to permit the parking in the above described areas of any vehicle whose parking on The Foothills is otherwise prohibited or the parking of any inoperable vehicle.

5.3 Pets

No animal, bird, fowl, poultry or livestock, other than a reasonable number of generally recognized house or yard pets, shall be maintained on any Lot or Parcel and then only if they are kept, bred or raised thereon solely as domestic pets and not for commercial purposes. No animal, bird, fowl, poultry, or livestock shall be allowed to make an unreasonable amount of noise or to become a nuisance. No structure for the care, housing or confinement of any animal, bird, fowl, poultry, or livestock shall be maintained so as to be Visible from Neighboring Property. Upon the written request of any Member or Resident, the Board shall conclusively determine, in its sole and absolute discretion', whether, for the

purposes of this Section, a particular animal, bird, fowl, poultry, or livestock is a generally recognized house or yard pet, whether such a pet is a nuisance, or whether the number of animals or birds on any such property is reasonable. Any decision rendered by the Board shall be enforceable in the same manner as other restrictions contained herein. The Board shall also have the authority to exempt from the foregoing restrictions, or portions thereof, (i) a pet shop or veterinary office in a General Commercial Land Use Classification or (ii) horses and horse stables and corrals in areas designated on a Recorded subdivision plat, in a Tract Declaration or in any other Recorded instrument signed by the Declarant as being suitable for the maintenance of horses and horse stables and corrals.

5.3A Barking Dog

When there is a problem with barking dogs, it is helpful to talk to or leave a note for the animal owner. Although this may be difficult to do at first, communicating with the animal owner is usually the most effective way to resolve the problem.

- Try to do this when you are NOT frustrated about the barking;
- When you approach your neighbor, be calm and plan to discuss the barking in a friendly manner. We found this makes a big difference;
- Have the attitude that you want to make your neighbor aware of the problem;
- Let them know the time of day or night that the dogs are barking.
- If possible, agree that you will contact them right away if the problem continues

If leaving a note for your neighbor:

- Try to explain what the dog does when the family is away from the residence.
- Choose words that are not offensive or intimidating to the dog owner.
- If you feel comfortable; leave them your name, a telephone number or your address so they can respond to your letter.

If this is an ongoing problem, you may contact the Mediation Program for assistance at 602-256-4309.

5.4 Motor Vehicles

No automobile, motorcycle, motorbike or other motor vehicle shall be constructed, reconstructed or repaired upon any Lot, Parcel or street in The Foothills, and no inoperable vehicle may be stored or parked on any such Lot, Parcel or street, so as to be Visible From Neighboring Property or to be visible from Common Areas or streets; provided, however, that the provisions of this Section shall not apply to (i) emergency vehicle repairs or temporary construction shelters or facilities maintained during, and used exclusively in connection with, the construction of any improvement approved in writing by the Design Review Committee; (ii) any automobile repair business which may be permitted in any General Commercial Land Use Classification.

5.5 Signage Concept

All signs within The Foothills shall be designed to provide visual continuity and to reinforce the streetscape character established by these Design Guidelines and the Developer. Main entry signs and features at Chandler Boulevard shall establish the theme and character of the community, supplemented by subdivision entry signage which shall create individual neighborhood identities throughout The Foothills. Identification elements shall mark common open spaces and follow the theme established by the project entry elements, when appropriate. The signage concept shall conform to the standards set forth in The Foothills Planned Community Signage Program which addresses sign design, areas, location, materials, and lighting for the sign types as summarized below.

Sign Types:

1. Traffic control and guidance signs
2. Identity, directory, and occupancy signs (such as business, building name, number, and occupant name)
3. Advertisement signs (product and service availability signs)
4. Temporary signs (business directional, sales, lease, rental, and political signs)
5. Subdivision entry and directional signage

Sign Locations:

1. Ground-mounted signs
2. Free-standing on pole
3. Projecting on marquee or canopy
4. Projecting perpendicular from a wall
5. Projecting parallel from a wall
6. Flush or flat on building
7. On glass windows or doors

All signs shall be oriented, located, and designed to convey the intended message with a minimum of information. Project signage shall be coordinated in design and typeface and be professionally produced. Uses such as office buildings, multi-family residences, hotels, and industrial parks shall confine signage to building name, project name, and address and depend on a combination of architecture and other streetscape for further identity. The identification signage system allows for a variety of sizes to meet differing owner/tenant identity needs, and is to be compatible with sites and buildings of various sizes. Tenant identification signage shall respond to two factors: best position for viewing from the roadway and best visual relationship to the architecture of the building. It is the intention of the guidelines that sign sizes be in aesthetic balance with site and building sizes.

All signage shall be in accordance with the City of Phoenix Sign Ordinance Number G-1832 and The Foothills Planned Community Signage Program, as may be amended or superseded, as well as revised and approved by the Design Review Committee.

5.5A For Sale/For Lease Signs:

- A. Condominiums: One commercially produced “for sale”, “for lease” or “for rent” sign may be displayed on the exterior or interior of a window of a condominium unit. An open house sign may also be displayed in such areas. .
- B. Single Family Residential Communities (other than condominiums): One commercially produced “for sale”, “for lease” or “for rent” sign and a sign rider may be displayed on a Lot. An open house sign may also be displayed on a Lot.
- C. All signs permitted and displayed pursuant to this section shall comply with the following:
 - All signs shall be commercially produced.
 - All signs shall be industry standard in size and shall not exceed eighteen by twenty four inches (18”x24”) in size; sign riders shall not exceed six by twenty four inches (6x24”).
- D. No signs of any kind, including “for sale”, “for rent”, “for lease” or “open house” signs may be displayed or placed on any portion of the Common Elements of a Condominium or the Common Areas of any Single Family Residential community in The Foothills, without the prior written approval of the Design Review Committee, or as otherwise authorized in these Guidelines or the Declaration. Any unauthorized or unapproved signs placed or installed on the Common Elements or Common Areas shall be subject to removal and disposal.

5.5B Political Signs

An Association member may display political signs on their property in conformance with the political sign provisions in the City of Phoenix Zoning Ordinance. Additional information may be obtained by contacting the City of Phoenix Sign Services department at (602) 495-0301.

5.5C Children Cautionary Signs

Children cautionary signs (i.e., “children at play”) may be used and displayed as follows:

1. The signs are displayed in residential areas only.
2. The signs are removed within one hour of children ceasing to play.
3. The signs are displayed only when children are actually present within fifty feet of the sign.
4. The temporary signs are no taller than three feet in height.
5. The signs are professionally manufactured or produced.

5.6 Trash Containers

Trash containers are allowed only to be in view from the street on the days of collection. Otherwise, these containers must be stored within the unit or behind the perimeter wall of the unit and otherwise out of view from neighboring properties.

THE FOOTHILLS COMMUNITY ASSOCIATION

**Watercraft Permit Application
Amendment Adopted 5/28/08**

NAME: _____

ADDRESS: _____

PHONE: _____ ACCOUNT #: _____

MAKE OF CRAFT: _____ LENGTH: _____

HULL MATERIAL: Aluminum _____ Wood _____ Steel _____
Fiberglass _____ Other (Describe) _____

PROPULSION: Wind/Sail _____ Oars _____ Paddles _____
Electric (Rating) _____

I have read and agree to abide by the Lake Rules of The Foothills Community Association. I understand that the Association assumes no liability for damage to boats, carts, trailers or other property of the permit holder(s) or for personal injury to the permit holder(s) while same is exercising the rights as a permit holder. I have read and signed the Indemnification, Waiver and Release for Use and Storage of Boats on the Lakes.

I currently carry liability insurance that covers my property and boat within The Foothills Community. I agree to continue to carry this liability insurance coverage for as long as I own this property.

I also understand that the Association may revoke a watercraft permit and has the right to revoke said watercraft from the Association lakes if:

- 1. The Lake Rules are violated;
- 2. Assessments are not current;
- 3. The information given above is false or incorrect.

I also understand that should the issued permit become unreadable, I will contact the management company immediately for a new permit.

Signature

Date

One-time only PERMIT FEE Charge is \$5.00 per watercraft.
Make checks payable and mail to: The
Foothills Community Association
c/o Premier Community Management
3930 S Alma School Rd., Suite 10
Chandler, AZ 85248

(For Association Use Only)

Permit # : _____ Date Issued: _____

Account # : _____ Issued By: _____

**THE FOOTHILLS COMMUNITY ASSOCIATION
INDEMNIFICATION, WAIVER AND RELEASE FOR USE AND STORAGE
OF BOATS ON THE LAKES
Amendment Adopted 5/28/08**

Welcome. Although we stress having fun and enjoying the various amenities and features of The Foothills, we do have to adhere to policies and procedures as well. The Foothills requires that residents sign this form before using, placing or storing boats on the Lakes. Please complete this form and return it to the community manager prior to using, placing or storing any boats on the Lakes. Thank you for your cooperation.

Waiver / Indemnification

_____, user of the Lakes (hereinafter "User") agrees to protect, defend, hold harmless, pay on behalf of and indemnify THE FOOTHILLS COMMUNITY ASSOCIATION, Inc. (and/or its designate(s)/agent(s)) ("Association") from and against any and all claims, actions, liabilities, damages, losses, injuries sustained, death, costs and expenses (including attorney's fees) arising out of or in connection with use, storage or placement of User boats on the Lakes.

User further agrees to WAIVE AND RELEASE The Foothills Community Association, Inc. from liability pertaining to the matters set forth below. I understand that by signing this Waiver and Release, I expressly and willingly agree to assume responsibility for any risk of injury that may arise from using, storing or placing my boat on the Lakes. On behalf of my heirs, assigns, and next of kin, I waive all claims for damages, injuries, and death sustained to me or my property, that I may have against the above named Association relating to such activity. I understand that the activity I will participate in is potentially inherently dangerous, and may cause serious injuries, including bodily injury, damage to personal property and/or death. If I and/or any of my guests, invitees, agents, heirs, assigns, and next of kin are injured from said activity, I will not hold the Association responsible even if the injuries were caused by a third-party and/or negligence on my part.

Name (Please Print)

_____, Phoenix, Arizona
Address in The Foothills

Signature

Date

IMPORTANT

Choose your shrubs, bushes, plants, trees, cactus, etc. from the enclosed approved plant lists at The Foothills.

The Design Review Committee must approve all front and rear yard landscaping plans before they are installed. Use the accompanying form.

All pool equipment must be shielded from view by a block wall around the equipment for homes adjacent to a golf course, lakes, view corridor, common area or parks. This enclosure must be stuccoed and painted. The enclosure entrance must face the home and not the golf course, lakes, view corridor, common area or parks.

PROHIBITED PLANTS

The Foothills, *in an attempt to conserve water and maintain the Southwest flavor of the area*, will prohibit the use of water-consumptive plants when utilized in mass or where they conflict with the desert character of the area. As discussed throughout the text, use of drought-resistant materials is encouraged. Total turf areas allowed for each lot or residence shall be limited to forty percent (40%) of the total landscapable area of said lot or residence.

Certain shrubs and ground covers may also be discouraged because of their character or watering requirements.

The Design Review Committee, at their discretion, may impose restrictions on varieties of plantings because of character, water consumption, excessive maintenance, and/or pollen production.

The following vegetation types and varieties are prohibited:

1. Olive trees (*Olea europaea*) other than the "Swan Hill" variety. These trees create considerable pollen, which disturbs allergy sufferers. A mature tree produces thousands of olives, which drop and create a mess in the landscape.
2. Oleanders (*Nerium oleander*) other than the dwarf variety and Thevetia (*Thevetia* Species). Oleanders other than dwarf or thevetia varieties get to such a size and trunk thickness that they are difficult to control on a lot.
3. All varieties of mulberry trees. Mulberry trees join fruiting olive trees as a major pollen contributor.
4. Mexican Palo Verde (*Parkinsonia aculeata*), known for its extreme shedding.
5. All varieties of Citrus are permissible, but only within the confines of the rear yard.

(SEE ATTACHED PLANT LIST)

**THE FOOTHILLS COMMUNITY ASSOCIATION
APPROVED PLANT LIST**

----- SHRUBS -----

COMMON NAME	DESCRIPTION (Foliage, Flowers)	Notes
Trailing Acacia	Evergreen, Small Yellow Flowers	
Bursage	Sticky gray-green triangular leaves	
Four Wing Saltbrush	Gray Green, Green non-showy flowers	
Quail Bush	Silvery, Yellow Flowers	
Nevada Saltbush	Evergreen, White Flowers	
Bougainvillea	Medium Green, Many Bright Colors	
Wooly Butterfly Bush	Silvery, Orange Flowers	
Yellow Bird of Paradise	Semi-Evergreen, Yellow/Red Flowers	
Red Bird of Paradise	Dark Green, Orange/Yellow Flowers	
Fairy Duster	Dark Green, Red Powder-puff Flowers	
Fair Duster	Medium Green, Pink Powder-puff Flowers	
Cassia	Green, Yellow Flowers	
Texas Olive	Gray-Green, White Flowers	
Sago Palm	Evergreen, Small Brown Cones	1
Indigo Bush	Silver, Indigo Flowers	
Indigo Bush	Silver, Indigo Flowers	
Green Hopbush	Large Evergreen, Pinkish/Lavender Flowers	
Brittlebush	Silvery Gray, Yellow Daisy-like Flowers	
Turpentine Bush	Bright Green, Yellow Cluster Flowers	
Fire and Ice	Grayish, Yellow/Orange/Red Flowers	
Common Winter Creeper (Variegated)	Structure Plant for Shade White in Color	1
Gopher Plant	Evergreen, Chartreuse	
Evolvulus	Evergreen, Blue Flowers	
Japanese Aralia	Plant in shade, Blue Flowers, Yellow Centers	1
Blue Marguerite Daisy	Evergreen, White/Blue Flowers	
Ocotillo	Grayish-brown, Red/Orange Flowers	
Junipers	Bushy Shrubs	
Chuparosa	Gray-Green, Orange/Red Flowers	
Desert/Mexican Honeysuckle	Red-Orange Flowers	2
Creosote	Dark Grey, Shiny Green Leaves	
Compact Texas Sage	Gray-Green, Lavender Flowers	
Texas Sage/Silver Cloud	White, Lavender Flowers	
Blue Ranger	Green, Lavender Flowers	
Waxleaf Privot	Dark Green, White Flowers	
Classic Myrtue	Dark Green, White Flowers	2
Heavenly Bambo	Green, White Flowers & Red Berries	2
Petite Oleander Salmon	Evergreen, Salmon-Color Flowers	2
Beigelow Nolina	Blue-Green, White Flowers	
Mexican Primrose	White, Pink, Lavender/Salmon Flowers	

----- SHRUBS (CONT'D) -----

Penstemon Varieties	Variety of Red/Yellow/Pink/Purple Flowers	
Philodendron	Deep-Cut Leaves, Needs Shade	2
Wheeler's Dwarf Pittosporum	Evergreen, Creamy White Flowers	2
Cape Plumbago	Evergreen, White/Light Blue Flowers	2
Indian Hawthorne	Evergreen, White/Pink Flowers	2
Collingwood Ingram/Trailing Rosemary	Evergreen, Blue Flowers	
Ruellia	Dark Green, Purple/Pink/White Flowers	
Ruellia	Dark Green, Purple/Pink/White Flowers	
Mexican Blue Sage	Evergreen, Purple, White Flowers	
Blue Lavender	Evergreen, Blue/Violet Clusters	
Texas Red Salvia	Evergreen, Red/Pink/White Flowers	
Jobba	Evergreen, Yellow/Green Flowers	
African/Tropical Bird of Paradise	Evergreen, Beak-Like Stealth Flowers	
Mount Lemon Marigold	Perennial, Golden Orange Flowers	
Arizona Yellow Bells	Bright Green, Yellow/Orange Flowers	
Cape Honeysuckle	Evergreen, Orange/Red Flowers	2
Arizona Redwood	Evergreen, White Clusters	2
Native Verbena	Semi-evergreen, Purple Clusters	
Desert Zinnia	Evergreen, White Daisy like Flowers	

----- GROUNDCOVER -----

African Aloe/Starfish Aloe (Red)	Evergreen, Orange/Red/Pink Flowers	
Queen Wreath/Coral Vine	Medium Green, Bright Pink Clusters	
Cast Iron Plant	Evergreen, Brownish Flowers	
Australian Saltbush	Evergreen, Inconspicuous Color	
Dwarf Coyote Bush	Evergreen, White Flowers	
Twin Peaks/Coyote Brush	Evergreen, White Flowers	
Desert Marigold	Evergreen, Blooms Yellow	
Natal Plum	Evergreen, White Flowers	1
Ground Morning Glory	Evergreen, Blooms Blue Lavender	
Trailing Indigo/Trailing Smoke Bush	Evergreen, Blooms Purple	
California Buckwheat	Evergreen, Blooms White/Pink Flowers	
Creeping Fig	Dark Green, needs Shade	
Pied Gazania/Treasure Flower	Evergreen, Orange Daisy like Flowers	
Lilac Vine	Dark Green Purple Clusters	
Radiation Lantana/Bush Lantana	Evergreen, Red/Orange Flowers	
Trailing or Weeping Lantana	Evergreen, Lavender/White Flowers	
Blackfoot Daisy	Evergreen, White w/ Yellow Center Flowers	
Sandlewood	Evergreen, Small White Flowers	
Firecracker Penstemon (Scarlet)	Bright Green Color Scarlet Spikes	
Satolina Gray	Grayish, Deep Yellow Flowers	

Satolina Green

Dwarf Shrub, Bright Lemon-Yellow Flowers

----- GROUNDCOVER (CONT'D) -----

Globe Mallow

Evergreen, Orange/White/Pink Flowers

Puruvian Verbena

Semi-Evergreen, Purple Clusters

Moss Verbena/Purple Verbena

Semi-Evergreen, Purple Clusters

----- TREES -----

SEE FOOTNOTE REGARDING PALM TREES AND/OR FRUIT TREES

Asyysinian Acacia

Brown, Corolla Red Flowers

Leather Leaf Acacia

Gray-Green, Yellow Puffs

Sweet Acacia

Medium Green, Golden Yellow Puffs

Fern Leaf Acacia

Semi-Evergreen, Yellow Flowers

Twisted Acacia

Evergreen, Golden Yellow Puffs

Sweet Acacia

Medium Green, Golden Yellow Puffs

Shoestring Acacia

Dusky Green, Cream Puffballs

White Bark Acacia

Evergreen, White/Light Yellow Flowers

Palo Blanca/Acacia Blanco

Medium Green, Cream Spikes

Silk Tree (Mimosa)

Deciduous, White/Pink Flowers

Queen Palm

Dark Green, Creamy White/Yellow Flowers **2**

Banohill Sage

Evergreen, Yellow Flowers

Rio Salado Bottle

Evergreen, White Flowers

Fan Palm

Evergreen, Cream Garlands **2**

Caesalpinia Cascalote

Evergreen, Showy Yellow Spikes

Desert Hackberry

Evergreen, Yellow/Green Flowers

Canyon Hackberry

Medium Green, Green Nonshowy Flowers

Carob/St. Johns Bread

Evergreen, Small Red Flowers

Blue Palo Verde

Blue-Green, Bright Yellow Flowers

Foothill Palo Verde

Lime Green, Sulfur Yellow Flowers

Palo Bera

Blue-Green, Bright Yellow Flowers

Mediterranean Fan Palm

Medium Green, Cream Flowers **1**

Desert Willow

Medium Green, White/Pink/Purple Flowers

Honey Locust

Large Shade Tree, Golden Green Flowers

Jacaranda

Gray Brown, Blue Flowers

Fern of the Desert

Semi-Evergreen, Cream Puffballs

Fruitless Olive

Gray-Green, Cream Nonshowy Flowers **3**

Desert Ironwood

Evergreen, Dusty Lavender Flowers

Date Palm

Dark Green, Yellow/Orange/Red Fruit **2**

Mondel Pineafgan Pine

Evergreen, Brown Cones **2**

Aleppo Pine

Evergreen, Brown Cones **2**

Mesquite

Semi-Evergreen, Yellow/Green Flowers

Chilean Mesquite

Semi-Evergreen, Yellow/Green Flowers

Honey Mesquite

Deciduous, Pale Yellow Flowers

Arizona Mesquite	Deciduous, Pale Yellow Flowers
African Sumac	Evergreen, Yellow/Green Fruits
Texas Mountain Laurel	Evergreen, Purple Clusters
Arizona Redwood	Evergreen, White Clusters
Chaste Tree	Deciduous, Lavender Spikes

----- TREES (CONT'D) -----

Composite Citrus Tree	1A
Lemon Tree	1A
Navel Orange Tree	1A
Peach	1A

----- SUCCULENT/CACTI -----

Agave	Evergreen, Bright Yellow Flowers
Saguaro	Evergreen, White Showy Flowers
Desert Spoon	Evergreen, Creamy Yellow Flowers
Common Hedgehog Cactus	Very Spiny Blooms, Deep Purple to Red
Rainbow Hedgehog	Very Spiny Blooms, Deep Purple to Red
Strawberry Hedgehog	Very Spiny Blooms, Deep Purple to Red
Golden Barrel Cactus	Evergreen, Yellow Flowers
Barrel Cactus	Bright Red Spines Yellow-Orange Flowers
Ocotillo	Deciduous, Red/Orange Flowers
Hesperalo	Evergreen, Greenish White Flowers
Beargrass	Evergreen, Pale Green/Cream Flowers
Beaver Tail Prickley Pear	Evergreen, Magenta/Pink Flowers
Coralyucca	Evergreen, Coral-red Spikes
Soft Tip Yucca	Evergreen, White Flowers
Our Lords Candle	Evergreen, White Flowers

- 1 – REAR YARD ONLY
- 1A – REAR YARD ONLY MAXIMUM OF 3 FRUIT TREES TOTAL
- 2 – TO BE APPROVED AT DISCRETION OF REVIEW COMMITTEE
- 3 – MUST BE SWAN HILL VARIETY OR EQUAL

The Foothills Community Association
Design Review Committee – Request for Approval

*****DRC MEETING IS THE 2nd WEDNESDAY OF EVERY MONTH *****

*****APPLICATION DUE BY 5:00PM ON WEDNESDAY PRECEDING TO MEETING DAY *****

The Covenants, Conditions, and Restrictions require that an owner obtain the prior written approval of the Architectural Committee for any exterior alteration or addition to property within The Foothills.

To comply with the Covenants, Conditions, and Restrictions, please complete the form below. Attach a detailed drawing or blueprint of the proposed alteration or addition. The Drawing should specify dimensions, materials to be used, and colors. This application and the drawing will be retained for the Committee records.

Name _____

Subdivision Name and Lot # _____

Complete Address _____

Phone: Home _____ Work _____
Cell _____ E-mail Address _____

Desired Alterations _____

Work to be performed by _____
Address _____

Start Date _____

Completion Date _____

Signature of Owner

Date

RETURN TO: The Foothills Design Review Committee
c/o Premier Community Management
3930 S. Alma School Rd., Suite 10
Chandler, AZ 85248
Fax: 480-704-2905
For additional information call: 480-704-2900

The Design Review Committee's review and approval is limited to the items described above. The fact that the information not specifically requested is shown on the plan does not mean that it is approved as part of the submittal.

This Side Reserved For Design Review Committee Response

_____ Approved

_____ Approved with Exception(s): _____

_____ Disapproved

- _____ Insufficient Information - Resubmit
- _____ Violation of Architectural Guidelines
- _____ Violation of CC&Rs
- _____ Other

Suggested Action:

- _____ Modify Request and Resubmit
- _____ Appeal to Foothills Community Association Board of Directors

Signature

Date

If the requested change is approved, the owner agrees to maintain the improvements. If, in the view of the Committee, the improvements are not being maintained, the Committee has the right to remove or maintain the improvements with the owner bearing all costs.

By approval of this application, it should not be construed that the items requested herein comply with the City of Phoenix ordinances. The owner agrees to comply "with all applicable city and state laws to obtain all necessary permits".

Foothills Community Association –Design Review Committee
Guidelines for Submitting Request for Approval

General

Please submit your paperwork on standard 8-1/2 by 11 paper whenever possible.
When submitting drawings, plans, prints, etc, they should be to scale and not 'free-hand' drawings.
Prints made by contractors, architects, etc., regardless of size, may be attached.
Avoid comparisons like "same as existing". Be specific and include visual aids.
Attach actual samples (pavers, rock, roof tile etc.) or a color brochure from contractor or store.
You may submit photographs; however, the benefit may be limited by resolution or color.

Artificial Turf

Color is to remain unchanged from the dark "lawn green" appearance.
Texture and length of the artificial turf is to remain the same length and texture of the originally installed product.
No additional artificial turf will be allowed on the property without additional approval from the Design Review Committee.
Warranty disputes with the manufacturer of the artificial turf are the responsibility of the homeowner. The Board will allow a reasonable time frame not to exceed sixty (60) days to resolve the dispute and restore the turf back to the originally installed condition.
Replacement of the artificial turf must be pre-approved by the Design Review Committee to ensure like type color and quality of the replacement product.
Physical sample with the manufacturer's specification must be submitted.
Artificial turf may be installed in the front yard only if the coverage does not exceed forty percent (40%) of the front yard softscape.
Abide by the City of Phoenix ordinances.

Driveways

Total concert driveway width shall not exceed 27ft. On narrow width lots, the Committee shall reserve the right to limit driveway to two cars so as not to result in a front yard consisting of an inordinate amount of concrete.
Driveway extension will be reviewed on an individual basis with strong consideration of any impact on the architectural features of the neighborhood. Driveway extensions, materials and finishes will be review on an individual basis with strong consideration of any impact of the architectural features of the neighborhood.

Free-Standing Structures

Free standing structures shall consist of Gazebos, Ramada's, Pergolas, Storage sheds, etc. Structures shall reflect the following guidelines:

- Be located a minimum of five (5) feet from any lot line and comply with the City of Phoenix building codes and setback requirements,
- Shall have a maximum height of twelve (12) feet,
- Must be painted or fabricated to match or complement the exterior color of the house,
- Roof color and tile shall match existing roof of house or submit a design review request for an open lattice type roof style for consideration,
- Solid flat roof structures will be allowed, provided that the patio roof has a minimum two (2) foot parapet wall,
- Lattice type roof structures will be considered, provided that they meet all other Design Review guidelines; these structures may be exempt from the parapet provision,
- May consider composite materials for these types of structures; however the color must match or complement the exterior color of the house,
- The structure must be kept in a quality condition that will not detract from the high quality of the community,
- Lots adjacent to a golf course, lakes, view corridor, common area or parks may be subject to additional design specifications and setback requirements,
- Exposed wood will not be considered regardless of finish,
- Stucco columns shall be a minimum of 12" x 12" square finish matching the house color,
- Composite material columns shall be a minimum of 8" x 8" square finish or 25" in circumference and match or complement the house color,
- Decorative columns may be an option if they match the architectural design of the structure and/or house.

Golf Netting

Typical 3/16" golf rope netting.
Entire unit; net, poles and hardware are to be black in color or an exact match.
Maximum height may not exceed height of home.
All nets must be approved in writing prior to installation.

Vertical Poles:

Minimum round pole size 2 3/8" schedule 10 (must be installed in 2' concrete footing)
Maximum round pole size 4" tough 40 (must be installed in 3' concrete footing)

Horizontal Poles:

Minimum round poles size 1 5/8" schedule 10

Maximum round pole size 1 7/8" schedule 10

Landscaping

See guidelines (under General) regarding prints, plans, drawings, etc.

Be sure that each item or symbol on a landscape print has a description in the "key" (be specific).

All yard area not covered by structure or hardscape must have an approved covering (grass, rock, etc.)

Grass must be kept green and free of bare spots or replaced with other approved covering.

Be sure to refer to the approved plant list (available upon request).

Include the number of palm trees and citrus trees currently on your property and their location.

Fountains – include separate documentation (dimensions, material, color, etc.).

Paint

IMPORTANT – Paint colors printed off the Foothills Community website may not be the exact color as the Dunn-Edwards paint swatch. Please make sure to go to one of the Dunn-Edwards store locations to obtain a color sample or paint swatch to use when selecting colors, color matching, etc. It is the homeowner's responsibility that the colors approved by the Design Review Committee are correctly painted onto the home.

You must have written approval for ALL exterior painting.

If you use Dunn-Edwards approved paint colors you will not need to provide a paint swatch sample.

You must include a paint swatch sample if the colors are not selected off the Foothills color palette.

Specifically identify where color(s) are to be used (e.g. main body, trim, pop-outs, front door, etc.).

Hillside lots have a more restrictive color palette (certain lighter colors will not be approved).

You may submit more than one color choice or combination. Number them in priority (first, second, etc).

(This may cause delays if the Design Review Committee can't tell what you intend, so communicate clearly.)

Patio and Courtyards

Patios and courtyards shall be designed as an integral part of the architecture. Inward orientation of outdoor spaces minimizes impact on the desert environment as well as increasing the amount of privacy. Open areas shall be designed to take advantage of the natural environment of The Foothills.

- The patio roof will be covered with the same tile as that used on the roof of the house,
- A flat roof patio will be allowed, provided that the patio roof has a minimum two (2) foot parapet wall (see Detail C.4),
- Porches or patios not designed as part of the roof system must include a parapet wall to screen the patio sheeting as shown by the typical detail in Exhibit C.4.a,
- Lattice type roof structures will be considered, provided that they meet all other Design Review guidelines; these structures may be exempt from the parapet provision,
- Composite materials may be considered for these type of structures; however the color must match the exterior color of the house,
- The structure must be kept in a quality condition that will not detract from the high quality of the community,
- Lots adjacent to a golf course, view corridor, lakes, common area or parks may be subject to additional design specifications and setback requirements,
- Balconies will be considered based on location and shall also have a minimum two (2) foot parapet wall, topped with wrought iron to function as a protective railing,
- Exposed wood will not be considered regardless of finish,
- Stucco columns shall be a minimum of 12" x 12" square finish matching the house color (see Detail C.4.),
- Composite material columns shall be a minimum of 8" x 8" square or 25" in circumference with a finish matching the house color,
- Decorative columns may be an option if they match the architectural design of the structure and/or house.

Security or Screen Doors

When considering security or screen doors for approval, the Design Review Committee will be concerned about the quality of the door, its color and design and its ability to blend with the color of the original house door and exterior paint colors. It would not be considered desirable if the door was so ornate or cluttered that it was the first thing that you would notice when you looked at the home. The Association will allow character designs on door provided they are in good taste and they do not exceed one character per door.

Solar Panels

Solar Panel installation must be pre-approved by the Design Review Committee.

No solar energy device which is visible from any street, the Common Area or any other Lot or Parcel may be installed or modified without prior written approval of the Design Review Committee.

The solar panel and equipment must be an integrated part of the roof design.

The solar panels and equipment must be permanently screened in a manner acceptable to the Design Review Committee so that the solar panels and equipment are not visible from the streets, the Common Area, and other Lots and Parcels whenever possible.

All parts of the solar energy device other than the collector panels must be painted to match the roof or the house color, as appropriate.

The solar panels and equipment must not break any roof ridge line.

No stand-up solar panels are permitted unless there is no other alternative.

**Foothills Board of Directors
Design Review Guidelines
“Political Signs, For Sale, For Rent and For Lease Signs—
HB 2471” Amendment
Adopted 8/22/2012**

The 2012 Arizona Legislation amended A.R.S. §§ 33-1261 and 33-1808. The Foothills Community Association Board of Directors resolved to amend the current policy for Political Signs, For Sale, For Rent and For Lease Signs in the Design Review Guidelines and Community Rules adopted February 22, 2012 (“Rules”) to bring them into conformance with the new laws. All other provisions in the Rules and amendments thereto shall remain unchanged.

At the August 22, 2012 Board meeting, it was resolved to amend the Rules to adopt the amended Arizona statutes pertaining to Political Signs, For Sale, For Rent and For Lease Signs. This resolution is effective August 2, 2012 and will remain in effect until further notice.

Section 5.5(A) – For Sale/For Lease Signs is amended to add a subsection E as follows:

E. The Association will not charge any fees for the use, placement or display of any “for sale”, “for lease” or “for rent” signs displayed in accordance with this rule.

Section 5.5(B) – Political Signs is amended to add the following:

Political signs may be displayed no earlier than seventy one (71) days before the day of an election and must be removed not later than three (3) days after the day of the election.

CC: Board Meeting Minutes 8/22/2012

