



**MOONLIGHT CANYON
AT
SAGUARO RANCH**



ARCHITECTURAL DESIGN GUIDELINES

Approved by the Board of Directors

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1. MOONLIGHT CANYON AT SAGUARO RANCH PHILOSOPHY & OVERVIEW

Moonlight Canyon (hereinafter MLC) at Saguaro Ranch is dedicated to ensuring the integrity and harmony of all the project resources, ranging from real estate to wildlife and natural scenery. The design guidelines provide a framework for development that will support this commitment. The guidelines outline standards for architectural design and materials, site planning, and landscape architecture, as well as policies and procedures of the Architectural Review Committee (hereinafter ARC) and its role in approving all projects and construction regulations.

These guidelines pertain to MLC at Saguaro Ranch and have been prepared to ensure that private homes integrate into the desert environment while preserving natural areas and open space. Consistency and simplicity in building materials, colors, and forms will help create a sense of continuity among the homes in the development and ensure that the design work complements the contours and character of the land. One specific design objective is to create architecture that is in scale with its desert environment. Another objective is to establish a sense of place for the homes through design that aesthetically compliments each site.

Design standards and restrictions have been developed to implement this philosophy. Minimum standards of design provide direction in the development (planning, design, and construction) of the Subdivision to ensure compatibility with the fragile environment and climate of the Sonoran Desert. The purpose of the Design Guidelines (hereinafter DG) is to create a harmonious architectural approach compatible with the desert. The ARC will encourage creativity in design, innovative use of materials, and unique methods of construction to provide unique homes.

Each Lot within MLC is unique in its natural opportunities and constraints. In order to take full advantage of those unique attributes, each Lot will require different approaches in design and construction within the framework of this document. The design standards and restrictions set forth in this document ensure that the special environment of MLC will be preserved and enhanced over time.

2. OVERVIEW OF ARCHITECTURAL REVIEW PROCESS

Saguaro Property Development, LLC and others have planned and designed luxury residences for MLC that are available to choose from in multiple floor plans, varying exterior elevations, and amenity options. The luxury homes will be constructed by the Preferred Builder (hereinafter PB) of MLC. PB and the Architectural Review Committee will provide direction and have ultimate decision-making authority for matching luxury home plans and other custom options with specific MLC lots. PB will obtain all necessary permits required to commence and complete each home. No semi-custom luxury home with identical elevations shall be built on either side of it or directly across the street from it. These pre-designed model home plans shall be required to undergo a design review process. All lots in MLC have varying degrees of natural slope, unique topography, and natural Sonoran Desert character.

For Custom Homes, each Owner in the development (planning, design, and construction) of their Residence, and in the understanding of the unique opportunities of each particular Lot, a comprehensive design review process has been established pursuant to these DG. The process provides an opportunity for the Owner to draw upon the expertise and knowledge that has been acquired during the planning and development of MLC at Saguaro Ranch. Since the preservation and enhancement of the unique and fragile desertscape at MLC at Saguaro Ranch are important principles, the ARC is responsible for ensuring that these principles are carried out in all phases of development.

For custom homes, an Owner should retain an Architect to provide competent professional design services for any project in MLC. Clear comprehension of the DG, a thorough analysis and understanding of a particular Lot, the Owner's special needs and living patterns, as well as the ability to convey to the ARC, through drawings and other submittals, the concept and design of a proposed Residence or other Improvement, are all important elements of the design review process. In addition, an owner should retain a

builder to provide competent professional construction services related to the execution of any project in MLC. If an Owner elects to provide their services or retains non-professional services, and the ARC does not approve the result in either case, then they have the right to require that an Owner thereafter utilize professional design or construction services. Additional reviews are required for custom home projects - which are not the pre-approved model home plans.

In general, the design review process is progressive and divided into six phases as follows:

- 1) Preliminary Design Submittal (see 4.9 Preliminary Design Submittal), during which the ARC reviews the owner's conceptual submittal package to ensure conformance with the DG. This occurs before the Owner finalizes the design.
- 2) Final Design Submittal (see 4.10 Final Design Submittal), during which the ARC reviews the Owner's refined submittal package to ensure consistency with the previously approved preliminary design submittal and the DG.
- 3) Pre-Construction Conference (see 4.11 Pre-Construction Conference), during which the Builder meets with a representative of the ARC to review pre-construction requirements and Construction Regulations. This occurs prior to any commencement of construction.
- 4) Post-Construction Inspection (see 4.13 Post-Construction Inspection), at which time the ARC determines whether actual construction has been completed in strict compliance with the approved Final Design Submittal and the DG. This occurs when requested in writing by the Owner and prior to occupancy of the Residence.

3. MOONLIGHT CANYON AT SAGUARO RANCH ARCHITECTURAL STANDARDS

At MLC, the climate and the existing landscape are important factors that must be considered in the design of Improvements. The following design standards are divided into two general areas for convenience. The first area, Site Development Design Standards, relates to the land and deals with the issues of siting, landscaping, grading, and the like. The Architectural Design Standards address the design requirements and restrictions for the Residence and other Improvements constructed upon the Lot, including massing, height, materials, color, and other design features.

Site Development Design Standards

The natural desert landscape at MLC is fragile, can be easily damaged, and may take years to grow back once damaged. The maximum allowable Area of Disturbance for each lot is 16,000 SF, exclusive of the driveway.

3.1 Natural Area

The Natural Area is that portion of the Lot that lies outside of the proposed Area of Disturbance for each lot and must remain as an undisturbed natural desert. The only exception allows for driveway improvement and septic system occurring in a Natural Area.

3.2 Natural Area Restoration

Restoration of a Natural Area must occur if the designated undisturbed natural desert is inadvertently damaged during construction. Restoration must include only indigenous plants as scheduled in the Approved Plant List. All plantings within the damaged area will require irrigation until they are established. The final result of the Restoration shall be a continuum of the undisturbed natural desert.

3.3 Area of Disturbance

The maximum allowable Area of Disturbance is 16,000 SF (excluding driveway, utility trenches, and septic system).

3.4 Private Area Landscaping

The Private Area portions available for landscape treatments are the least restrictive in terms of what is allowed. The plant materials are as scheduled in the Approved Plant List. It is anticipated that private area landscaping will be included within each home's patio walls and private yards.

3.5 Prohibited Plants

The plant materials set forth in the Prohibited Plant List include species with characteristics that are potentially destructive to the Natural Areas and indigenous plants by reason of profuse and noxious pollen, excessive height, and weed-like characteristics of excessive growth, high water demands, and other similar traits. Under no circumstances is it permissible to plant any Prohibited Plant on any Lot.

3.6 Protected Plants

Protected Plants are those indigenous desert plants which, because of size, age, or type, must be protected. These include, but are not limited to, the following tree species of eight-inch caliper and greater or all cacti species six feet and greater in height: Ironwood, Mesquite, Palo Verde, Acacia, Saguaro, Barrel cactus, Ocotillo, and Yucca. Improvements shall be made to avoid these protected species if possible. If a protected plant is threatened by construction, it shall be transplanted on the Lot.

If, as certified in writing by the Licensed Landscape Professional, the successful transplanting of certain plants is remote, removal of said plants and replacement on the Lot with similar plants in type and size will be required.

3.7 Unauthorized Site Work

Except as approved by the ARC and such other governmental jurisdictions who may require permits and approvals in connection with the construction, reconstruction, or alteration of any Improvement for which the Owner has obtained the approval of the ARC:

- (1) No Excavation shall be performed upon any Lot;
- (2) No change in the natural or existing drainage for surface waters shall be made upon any Lot; and,
- (3) No Protected Plants shall be damaged, destroyed, or removed from any Lot.

In the event of any violation of (1) or (2) above, the ARC or the Association may cause such Lot to be restored to its state existing immediately prior to such violation; or, in the event of any violation of (3) above, cause to be replaced any Protected Plant which has been improperly removed or destroyed with either a similar plant in type and size or with such other plant as the ARC or the Association may deem appropriate.

The Owner of such Lot must reimburse the ARC or the Association for all expenses incurred by it in performing its obligations under this paragraph; provided, however, that with respect to the replacement of any Protected Plant, the Owner shall not be obligated to pay an amount in excess of the expenses which would have been incurred had the Owner elected to replace the damaged, destroyed, or removed Protected Plant with a plant similar in type and size.

3.8 Setbacks

All Improvements, including any alterations to the undisturbed natural desert such as, but not limited to, any

excavation, site grading, driveways, parking areas, retaining conditions, walls, patios, and structures, must comply with the following standards:

Front Yard Setback:	30'-0" minimum
Rear Yard Setback:	40'-0" minimum
Side Yard Setback:	20'-0" minimum

Notwithstanding the above standard (1), a driveway or septic system may be allowed to cross the front yard setback and enter the side yard setback.

For information purposes only, the following setback standards per Town of Marana are as follows:

Front Yard Setback	30'-0" minimum
Side Entry Garage Setback	15'-0" minimum
Side Yard Setbacks	10'-0" minimum
Street Side Setback	20'-0" minimum
Rear Yard Setback	20'-0" minimum

3.9 Driveways

Driveways must be sited to avoid important natural features of a Lot, such as Protected Plants, washes, or drainage ways, and to minimize disruption of the existing landscape. Any portion of a driveway that crosses from the street through the front yard setback to the set Area of Disturbance shall not exceed fifteen feet in width. Parking spaces, pull-outs, or other similar features must be developed within the designated Area of Disturbance. Driveways shall be surfaced with precast concrete driveway pavers or pea gravel exposed aggregate concrete. Other materials will be considered on a case-by-case basis.

3.10 Septic Alternative Systems

Pima County Health Department Approved Septic Alternative Systems that incorporate water reuse treatment systems and that minimize site disturbance are required for private sewage disposal. Each lot will have a private septic disposal system approved by the Pima County Health Department. Septic tanks should be discretely screened with landscape features. The leach field area must also be "restored."

3.11 Washes and Drainage Easements

These natural drainage ways occur frequently throughout MLC and must not be obstructed. Improvements shall be sited to avoid these and to protect the adjacent natural vegetation.

3.12 Site Drainage

Site drainage must be accomplished with minimum disruption to each Lot and shall not impact adjacent Lots or Common Areas, except as established by existing natural drainage patterns, nor cause a condition that could lead to soil erosion. All drainage shall exit from any Lot in a manner similar to the original runoff.

The ARC shall reserve the right to require a written certification from the Owner's licensed Engineer stating that the overall characteristics of drainage runoff from the Lot have not been affected by volume, rate, or flow as a result of the Improvement's design and execution. The owner or owner's architect shall consult with the civil engineer to prepare the grading plans.

3.13 Site Grading

Site grading must be accomplished with minimum disruption to the Lot and shall complement the character of the natural site. No more than 16,000 SF of any property may be graded. Improvements are encouraged to be

developed architecturally with stem walls or retaining walls, as opposed to grading a larger level pad, in response to the varied natural topography and terrain of the Lot. All site grading shall be accomplished with rounded transitions and be blended smoothly into the adjacent undisturbed natural grades. Treatments of site-graded areas shall reinforce the landscaping and architectural nature of the Improvements utilizing one (or any combination) of the following standards:

- 1) Exposed cut and/or fill treatments shall not exceed four feet in height. Slopes are to be three horizontals per one vertical, and they must be re-vegetated.
- 2) Rock riprap treatments shall not exceed four feet in height. Slopes to be 1.5 horizontal per 1 vertical maximum and must be combined with re-vegetation so that a 50% minimum of any single slope is planted.
 - a. All riprap shall be native site rock (Tortolita Mountain rock/boulder) and must be broken up in response to existing topography and vegetation. The use of large boulders in lieu of riprap rock is encouraged.
- 3) Retaining wall treatments, either free-standing or as a part of a Structure, shall not exceed six feet of exposed wall. Natural rock walls constructed of rock from the Saguaro Ranch environment may be constructed to eight feet.

Proposed site grading treatments that exceed any of the above-stated maximum heights will be considered on a design-specific basis by the ARC. Any such proposed treatment must incorporate an intermediate four-foot minimum width shelf area. This shelf area must be landscaped.

3.14 Parking Spaces

Each Residence must incorporate a garage for at least two automobiles. At least one guest parking space must be provided to accommodate guest parking. On-street parking is not allowed. All additional parking spaces, if contemplated, shall be developed on each lot. All such parking spaces are to be screened with walls, landscaping, or other Improvements, all as approved by the ARC. No mobile home, travel trailer, tent trailer, trailer, camper shell, boat trailer, or similar equipment shall be parked, kept, or stored on any property in MLC.

3.15 Sports Courts

Tennis courts or other similar large-surfaced areas are not allowed to be developed on any Lot within MLC. Any basketball backboard will only be considered on a design-specific basis and must be approved by the ARC in advance of its placement within the Area of Disturbance on any Lot. In the event that any basketball backboard is placed without approval by the ARC, upon request by the ARC, the Owner will be required to remove it. No jungle gyms or swing sets that would be visible from neighboring property shall be permitted.

3.16 Signage

Address identification signs for each Residence must conform to the ARC-approved design standard and must be installed by each Owner. No additional signage detached from the Residence will be permitted, except temporary construction signs or other signage as permitted by the Developer and approved by the ARC.

3.17 Exterior Lighting

The ARC must approve each Residence's proposed exterior lighting plan during the design review process. In order to preserve the dramatic night sky, the ARC has established the following exterior lighting standards:

- 1) "Site lighting" means lighting mounted on the ground, on-site walls, or by other means as decorative accent lighting or for the purpose of providing safe passage around the Improvements. Site lighting must be directed onto vegetation and boulders but not upon the building.
- 2) "Building lighting" means lighting built into or mounted to buildings on walls, ceilings, eaves, or other locations for the purpose of providing decorative illumination, area illumination, general illumination, or security illumination for select and specific locations. Building lighting must be directed downward.
- 3) All exterior lighting must provide for complete shielding of light sources. No bare lamps will be permitted. Care should be taken to shield the lamp from view. One should see the effect of the light, not the lamp itself.
- 4) All exterior lighting must use low-voltage lamps or incandescent lamps. All lamps shall have an initial value of rated lumens equal to or less than that of a standard incandescent general service 60-watt lamp.
- 5) All lighting must meet the Town of Marana Exterior Light Ordinance regulations.

Each Owner is responsible for complying with the above-outlined standards during the development and subsequent occupancy of their Residence. However, the ARC shall reserve the right to require an Owner to correct, repair, replace, or remove any exterior light or combination of lighting that is determined by the ARC to not comply with these standards.

Architectural Design Standards

The following architectural design standards have evolved in response to climatic and aesthetic considerations at MLC. A general design approach that stresses integrating the buildings into the natural desert context should be developed for each project. During most of the year, the climate is mild and comfortable, but during the summer months, the intense sun creates a climate that should be moderated by various design solutions, such as keeping buildings at or below grade, encouraging cooling breezes, shading window openings and courtyards, and not using exterior materials which will increase glare. Understated designs, using muted colors and other similar design requirements, shall allow the natural desert's context and colors to predominate and preserve the integrity of the MLC philosophy.

3.18 Size

It is expected that all Residences will exceed 2,700 square feet of living area, except and unless there are special circumstances or unique design solutions required. Conversely, any Residence shall not be developed to a size that overwhelms its site.

3.19 Building Height

The terrain of MLC is varied and unique, with hilltops, valleys, and other changes in topography. As such, any Residence is encouraged to be developed as a multiple-level design (either with levels as slab-on-grade conditions or with levels stacked above full, partial, or daylight basement conditions), as opposed to a larger single-level design, in response to the Lot's varied natural topography. The ARC intends to discourage, and has the right to prohibit, the construction of any Residence that would appear to visually dominate the Lot or appear excessive in height when viewed from the street frontage.

The maximum building height for any Structure shall not exceed 16 feet except that the height of one-third of the roof area may exceed 16 feet but not exceed 18 feet. All heights shall be measured from the "average natural grade elevation" occurring on that portion of the Lot on which the Structure is located and shall be reviewed on a design-specific basis. In pitched roofed areas, the top of the structure will be measured to the finished roof surface material of the highest ridge or peak condition.

In addition, no portion of the home may be greater than 21 feet above the existing natural grade at that location, and no wall shall have a continuous vertical dimension over 21 feet.

The ARC may consider unique design solutions for sloping lots with multiple floor levels and additional heights.

Average Natural Grade will be calculated as an average of existing elevations taken every 10 feet along an outline of the exterior walls of all structures that have been offset 5 feet out from exterior walls.

3.20 Building Mass

In order to enhance the concept of predominance of the environment, building masses must be predominantly horizontal rather than vertical, yet not create long, unbroken elements. Massing is the arrangement of three-dimensional building solids that form the building. At least three distinct masses shall be visible from each building elevation. In addition, each mass shall be represented by a minimum vertical and horizontal offset appropriate to the home design.

3.21 Roofs

All roofs shall be of a material, texture, and color approved by the ARC. Roof lines shall be compatible with the overall character of the foothills topography and be predominantly flat or of low pitch to reinforce the traditional desert architecture, which emphasizes horizontal elements of walls instead of roofs.

Flat roofs shall be any roof area having a slope of less than 3 vertical per 12 horizontals. Flat roofs, including all vents and other projections, shall be finished coated to "Desert Tan" or darker.

Pitched roofs shall be any roof area having a minimum slope of 3 verticals per 12 horizontals ranging up to a maximum slope of 4 verticals per 12 horizontals. Pitched roofs shall be finished with a visually aesthetic material of low-sheen prefinished metal in earth tones, rusted or painted standing seam metal, and rusted corrugated steel, all of which shall exhibit muted earth-tone colors. Pitched roof colors shall complement the Structure's exterior wall color. All vents and other projections shall be finished to match the finished roof material color.

3.22 Materials

Exterior surfaces will be generally made of natural materials that blend and are compatible with the natural landscape. Masonry, stucco, native rock, traditional adobe, rammed earth, and cast-in-place concrete shall be the predominant exterior wall surfaces. Exposed structural wood members shall be oversized with a minimum nominal thickness of 6 inches. Roof materials shall be as outlined above. The review committee will review alternate materials on a case-by-case basis.

3.23 Colors

The color of exterior materials must generally be subdued to enhance the colors of the natural landscape. Muted earth tones shall be exhibited on all exterior surfaces, although small amounts of accent colors, which are used judiciously and with restraint, will be considered on a design-specific basis. Specific exterior material colors (including, as applicable, main body color, trim color, roofs, window frames, doors, and accent color) shall not exceed a 40 % Light Reflectance Value (LRV) and must be submitted as samples for specific ARC approval. Colors that, in the judgment of the ARC, do not reinforce and complement the natural landscape will not be allowed.

3.24 Reflective Finishes

Highly reflective finishes are not allowed to be used on exterior surfaces, including, without limitation, the exterior surfaces of any of the following: walls, roofs, window frames, doors, building projections, and

equipment. Small amounts of exposed finished trim, such as door hardware, are allowed to be left exposed. Window and door glazing that is mirrored is not allowed.

3.25 Windows and Skylights

Window and door glazing that is mirrored is not allowed. The window and doorframes shall be finished with anodized metal, baked enamel, or wood, and all will be finished in colors as approved by the ARC. Windows shall be set back into exterior walls a minimum of 6 inches to express wall thickness.

The use of Skylights is discouraged. Skylights must be developed as an integral part of the roof. Skylight glazing shall be solar bronze. White glazing is not allowed. Skylight flashing or frames must be colored to match or blend with the roof. The use of tinted glass roof windows is allowed if the glazing is bronzed.

3.26 Garages

Garages are a major visual design element, and their location and orientation should be carefully considered. Locations and garage door orientations that visually dominate the streetscape are discouraged. Each Residence must incorporate a garage for at least two automobiles. All vehicles must be stored in a garage. All garages shall be developed as a visual extension of the Residence and should be connected by walls, courtyards, major landscape, or other design elements to the main building portion of the Residence. All garages must be fully enclosed and fitted with (a) garage door(s) and a related automatic door opener.

3.27 Guest House

The development of a guest house as a part of any Residence will be considered on a design-specific basis by the ARC. Such guest quarters shall be developed as a visual extension of the Residence and should be connected by walls, courtyards, major landscape, or other design elements to the main building portion of the Residence. Any guest quarters development and occupancy must comply with the Declaration and all Town of Marana zoning regulations.

3.28 Building Projections

All projections from a Residence including, but not limited to, flues, vents, gutters, downspouts, utility boxes, porches, railings, ornamental iron, exterior stairways, patio furniture, play equipment, and basketball backboards shall match the color of the surface from which they project or shall be of an approved color. All building projections must be located and contained within the Building Envelope.

Ground-mounted flagpoles must be located within the building envelope as defined for the lot, with the location subject to approval by the ARC. The flagpole must be a bronze matt finish, black anodized, or other non-reflective material, or it should be painted in a color that is compatible with the natural desert surroundings. No flagpole may be constructed of a reflective material, such as steel or aluminum, unless the metal surface is painted with a non-reflective color as approved by the ARC. No freestanding flagpole can extend any higher than 15' from the ground on which it is mounted. All ground-mounted flagpoles must be telescoping and may not be extended to their full height unless a flag is being flown from it. No owner may install any uplighting around the flagpole without the approval of the ARC. The standard size of all flags must be 3'x5' maximum unless the ARC has approved a different size. Flagpoles that will be mounted on the wall of the home should have a 45-degree mounting bracket and must be mounted in a location that places the top of the flagpole in a location that is not any higher than the top of the immediately adjacent parapet wall or the roof line on the home on the lot.

3.29 Fireplace Chimneys

Fireplace chimney heights and forms must complement the Structure's overall design. Chimney heights (including any cap, cover, or canopy) shall not extend more than 3 feet above the applicable building code

minimum height criteria. Chimneys shall continue the same materials and colors as presented on the Structure.

3.30 Walls, Patios, and Courtyards

Patios and courtyards shall be designed as an integral part of the adjacent building. The development of such areas must respect all setback standards and shall not be allowed to encompass or delineate the Building Envelope. In addition, the following standards shall apply:

- 1) All walls, freestanding walls or retaining walls, shall be constructed of masonry or other approved materials and shall be the same or complement the main building's material and color selections. In addition, ornamental iron may be used in combination with such approved wall materials.
- 2) Wall heights shall be 8 feet maximum. Any combination of retaining wall condition and freestanding solid wall shall not exceed 8 feet in height. Wall heights shall be measured from the natural grade at the exterior of the wall. Proposed walls that exceed eight feet in height must incorporate an intermediate four feet minimum width shelf area that is to be landscaped (see 3.6 Transitional Area Landscaping).
- 3) All walls shall be developed in response to the natural grade conditions. Wall designs that are a. stepped, offset, and otherwise break up large surfaces are encouraged.
- 4) Walls or fences constructed of wood, chain link, and wire are not allowed.
- 5) Rusted steel materials may be used for Ancillary Screen Walls.

3.31 Foundations

All exterior wall materials must be continued down to finish grade, thereby eliminating unfinished foundation walls.

3.32 Utility and Service Equipment

All heating and cooling equipment, including ductwork, must be located on the ground or concealed within the building. Exterior clotheslines for any outside laundering or drying of clothes are not allowed.

All exterior mounted air conditioning and heating equipment, gas meter, electrical service meter panel, soft water tank, pool equipment, and trash containers must be located within walled and gated service yards and will not be visible from Neighboring Property. In addition, the electrical service meter panel shall be painted to match the color of the surface from which it projects and must be screened from view. Trash containers must be enclosed by screen walls.

3.33 Solar Applications

Solar applications will only be considered on a design-specific basis by the ARC. Solar panels or collectors can result in excessive glare and reflection. Any solar applications shall be an integral part of the Structure and be concealed by it or be ground mounted and concealed by landscaping so that no portion of the solar application will be viewed from any other Lot or Common Area (See 3.36 Solar Energy Devices).

3.34 Awnings

Fabric awnings for windows are discouraged but will only be considered on a design-specific basis by the ARC. Metal awnings are not allowed.

3.35 Antennae and Satellite Equipment

Antenna or satellite equipment installations will only be considered on a design-specific basis by the ARC. Any installations of such equipment must be concealed so that the equipment will not be viewed from any other Lot or Common Area.

3.36 Solar Energy Devices

The Saguaro Ranch Association Resolutions establish architectural review requirements for all types of projects. This document serves as an attachment to the Design Guidelines. For the Architectural Control Committee (ARC) to consider the placement and appearance of any proposed solar energy device installation project, the following requirements must be established.

Every Owner has the right to install and maintain solar energy devices, subject to compliance with the design guidelines and upon the approval of the ARC, after first providing a submittal to the ARC and subsequently completing the balance of the requirements outlined herein. The ARC acknowledges the applicable Arizona Revised Statutes that regulate their ability to review and approve solar energy devices. However, those same statutes also allow the ARC to create “reasonable rules regarding the placement of a solar energy device.”

1: Placement

- a) In reviewing any proposed location, the ARC prefers locations that eliminate or minimize the potential visual exposure of the installation. In addition, they expect that the size or scope of any installation is consistent with the normal energy demands of a typical Dwelling within the Association.
- b) In reviewing any proposed location, the ARC considers a) the potential visual exposure from adjacent streets or other Common Areas, b) the design integration with the Dwelling or other Improvements, c) the topography and vegetation context on the Lot, and d) the potential visual exposure and relationship to adjacent Lots.
- c) A ground-mounted installation will be considered if: a) the resulting potential visual exposure is reduced when compared to a similar roof-mounted installation; b) the applicable setback to lot property lines is maintained; c) existing vegetation and other natural features of the Lot are not disturbed or eliminated; and, d) related visual mitigation screening (such as walls, landscape, etc.) is included.
- d) A roof-mounted installation will be considered if the resulting potential visual exposure is reduced when compared to a similar ground-mounted installation. In most instances, a roof-mounted installation on flat roof areas of the Dwelling is preferred to any installation on pitched roof areas of the Dwelling.
- e) Any flat roof-mounted installation is preferred to incorporate collectors or panels that: a) are mounted directly to and parallel with the roof plane and b) maintain a height profile that is below the height of the lowest surrounding parapet wall top condition. A reasonable increase in the total collector area or array size may be necessary to maintain these criteria.
- f) Any pitched roof-mounted installation is preferred to incorporate collectors or panels that: a) are mounted directly to and parallel with the roof plane; b) maintain a height profile that is below the height of the lowest adjacent roof ridge top or peak condition. A reasonable increase in the total collector area or array size may be necessary to maintain these criteria.

2: Appearance of Solar Equipment

As a part of the above placement criteria, the ARC considers the appearance of the related equipment components of any installation. As applicable, these include but are not limited to mounting frames, hardware, piping, conduit, storage tanks, inverters, etc.

- a) All related equipment components are preferred to be: a) concealed by the Dwelling or other Improvements and/or b) positioned below the footprint of the collectors or panels so as not to be visible.
- b) Excluding the surface face of the collectors or panels, all related equipment components not complying with item number one above are considered to be visible. As applicable, visible components of the entire installation should: a) match the adjacent ground or roof material color, b) be a uniform dark color, or c) match the adjacent surface finish color of the Dwelling or other Improvements whenever possible.
- c) The finish color of the surface face of the collectors or panels should be considered when manufacturing options are available. Finish color options that are more compatible with the adjacent surface finish color of the Dwelling or other Improvements are preferred. A reasonable increase in the total collector area or array size may be necessary to maintain this criterion.

4. ARCHITECTURAL REVIEW PROCESS AND SUBMITTAL REQUIREMENTS

4.1 Architectural Review Process Phases

The architectural review process is progressive and intended to assure compliance with these DG. The process is divided into six phases as follows:

- 1) Preliminary Design Submittal
- 2) Final Design Submittal
- 3) Pre-Construction Conference
- 4) Post-Construction Inspection

4.2 Minimum Submittal Requirements

In order to assist an Owner in the preparation of specific submittals, the ARC has established a series of minimum submittal requirements for each stage of the design review process. It is the Owner's responsibility to see that these minimum requirements are met and are received by the ARC in adequate time to allow for proper consideration and review. The ARC will not consider any specific submittal that does not meet the outlined minimum requirements and will be returned to the applicant. Beyond the outlined minimum submittal requirements, any additional information that can be provided to clarify, illustrate, or otherwise aid the ARC in the design review process is encouraged. All submittals shall be made in triplicate. All submittals shall be coordinated through the office of **Saguaro Ranch office**. They can be reached at **DColonMateo@SaguaroRanchAZ.com**, **ATTN: Deborah M. Colon-Mateo, Ph.D., Director of Operations – 3755 West Conrad's Way – Marana, AZ 85658**. Minimum submittal deadline dates will be 21 calendar days prior to the review meeting date.

4.3 Commencement of Construction

No construction activity related to any proposed Improvement shall be allowed to commence on any Lot until the first four phases of the design review process are completed and approved by the ARC. The last phase is a post-construction review and approval by the ARC prior to the use or occupancy of the Improvement.

4.3.1 Grading Commencement Without Continued Construction

Once commenced, construction of any Improvement shall be diligently pursued to completion. Construction must be completed within eighteen (18) months after commencement of site work if using the Saguaro Ranch preferred builder. However, if a Lot Owner uses their own builder, construction should be completed within thirty-six (36) months from the commencement of site work, unless an extension is granted in writing by the Architectural Review Committee (ARC).

If an Owner or Builder initiates grading or other site-disturbing activity on a Lot but does not begin vertical construction within three (3) consecutive months, the Owner must submit written notification to the ARC explaining the reason for the delay and providing an anticipated date for resuming activity. The ARC reserves the right to approve or deny any construction hold request and may require additional documentation to justify the delay.

If the Owner elects not to move forward with the project after grading has occurred, a Restoration Plan must be submitted to the ARC within thirty (30) days of that decision. The Restoration Plan must outline how the Lot will be returned to a visually acceptable and environmentally stable condition, which may include, but is not limited to:

- Regrading to match the original contours,
- Revegetating disturbed areas using native plant materials,
- Staining or weathering visible disturbed rock to blend with the natural setting,
- Removing any temporary fencing, debris, or construction-related materials.

If a Restoration Plan is not submitted or approved within the designated timeframe, the ARC, pursuant to enforcement rights in the CC&Rs, shall have the authority to undertake restoration of the Lot. The ARC's restoration efforts may include any of the above actions and will be carried out at the Owner's expense. All associated costs shall be assessed to the Owner and secured as a lien on the Lot, consistent with the enforcement provisions outlined in the governing documents.

Additionally, in accordance with the enforcement rights provided under the CC&Rs, continued inactivity or failure to maintain meaningful construction progress may result in the imposition of a Benefited Assessment. The Association may levy a charge of One Thousand Dollars (\$1,000) for each full calendar month of non-compliance. This assessment is a reasonable estimate of the costs and burdens incurred by the Association and shall be in addition to, and not in lieu of, any other legal or equitable remedies available, including lien enforcement, restoration work, and forfeiture of any Construction Compliance Deposit.

It is the Owner's responsibility to ensure consistent construction progress or to proactively communicate with the DRC/ARC regarding any delays or changes to the project timeline.

4.4 Submittal Fees

The following fee schedule has been established in conjunction with the outlined scope of the proposed work. All fee amounts are subject to periodic adjustment as determined by the ARC. All checks should be made payable to "The Saguaro Ranch Property Owners Association" and must be submitted at the prescribed design review phase. The fees are as follows:

- 1) The new Custom Residence Design Review Fee of \$4,200.00 is non-refundable, payable at the Pre-Design Orientation phase. This fee covers the cost of reviewing a new home design and its related construction. Multiple reviews or site visits will be billed at an hourly rate of \$200.00. The fee for new homes does not apply to the pre-approved model plans.
- 2) Lot owner when using a pre-approved model plan, prior to commencement of construction, shall pay a non-refundable Design Review Fee of \$2,400.00 for review of the site plan and any structural

modifications of the pre-approved model plans. The Design Review Fee shall be payable upon submittal of the site plan and any structural home modifications.

- 3) Existing Home Modification Design Review Fee of \$2,400.00 for Major Addition/Remodel and \$1,200.00 for a minor project (Minimum), non-refundable, payable at the initial submittal phase. A nonrefundable fee for reviewing a Solar Project will be \$1,000 and any color changes that need review will be a fee of \$400.00. This fee covers the cost related to reviewing any proposed modifications, changes, additions, etc., to an existing home. Once the scope of the proposed work is determined, an adjustment (either a refund or an additional charge) will be issued.
- 4) New Custom Residence or PB Luxury Homes Road Maintenance Fee of \$8,000.00 non-refundable, payable at the Pre-Construction Conference phase. For any other scope of construction modification, changes, additions, etc., a non-refundable fee of \$1,000.00 has been established. This fee covers the cost related to normal wear and tear caused by construction vehicles on the Association's privately owned maintained streets. A New Residence Road Maintenance Fee is required for all homes constructed by PB commenced after November 1, 2023.
- 5) An Administrative and Management Fee of \$3,000.00 is non-refundable, payable at submittal for New Custom Residence, but not applicable to PB-built MLC pre-designed luxury residence.
- 6) New Construction Compliance Deposit of \$20,000.00, refundable, payable at the Pre-Construction Conference phase. This deposit is to ensure that all construction complies with all applicable standards of the DG and the Declaration. Failure to comply with said standards will result in forfeiture in favor of the Association of any portion or all of this deposit. This deposit will be required in full for all new home construction. For any other scope of construction modifications, changes, additions, etc., to an existing Residence, providing that the footprint of the existing home is modified or any major exterior changes are contemplated, the refundable Construction Compliance Deposit is set at \$20,000.00. The deposit shall be in the form of a cash payment, certificate of deposit, letter of credit, or performance bond. Such bond shall be in force and effect at all times until completion of construction and shall be released upon written approval of the ARC but without representation or warranty whatsoever relating to such construction or completion.
- 7) A New Construction Compliance Deposit of \$20,000.00 is required for homes constructed by PB.

4.5 Submittal Fees Adjustments

All fees are subject to periodic adjustment as determined by the ARC. In addition, under most conditions, the design review process is a linear one with continued movement in a forward direction. However, certain projects might backtrack and repeat a particular phase of the total design review process. When this occurs, an additional design review fee over and above the amount scheduled shall be paid on a pro-rated basis as determined by the ARC, considering the particular phase of the design review process that was required to be duplicated or repeated.

4.6 Reviews of Submittals

The ARC shall conduct reviews of submittals during its regularly scheduled monthly meetings or at such other times as it deems appropriate. The ARC has set minimum submittal deadline dates at least 21 calendar days prior to the review meeting date. The Owner or an owner's representative shall not attend any meeting of the ARC unless specifically requested by the ARC. The ARC will endeavor to respond in writing within 14 calendar days after the ARC completes the review, provided that the submittal is in accordance with the requirements outlined. Members of the ARC will not discuss the results of reviews over the telephone with an Owner or an owner's representative. Any responses by an Owner or an owner's representative made in relation to an ARC decision must be addressed to the ARC in writing.

4.7 Enforcement

These DG shall be enforced by the ARC or the Association as provided herein or in the Declaration. The ARC reserves the right to waive, vary, or otherwise modify any of the standards or procedures set forth herein at its discretion for good cause shown. Notwithstanding this, the DG may not conflict with the provisions of the Declaration. Approval by the ARC, at any phase of the design review process, as outlined herein, for any Improvement refers only to the DG and in no way implies conformance with any government regulations. It shall be the sole responsibility of the Owner to comply with all applicable government regulations, ordinances, and procedures and to adequately coordinate such required governmental reviews with the process and procedures outlined in these DG.

4.8 Preliminary Design Submittal Phase (Applies to Custom Homes only, not to Pre-Approved Model Plans)

During this phase, the Owner or the owner's representative must meet with an ARC representative to review the DG, the Building Envelope, particular Lot aspects, and other conceptual design criteria of the Owner. This occurs before any designs or plans are prepared. Specific submittal requirements of this phase include:

- 1) Written confirmation, in the form of a letter prepared by the Owner, authorizing any representative to act on behalf of the Owner in all matters related to the DG and the design review process.
- 2) Payment of the applicable Design Review Fee and Administrative and Management Fee (see 4.4 Submittal Fees).

During this phase, the Owner's conceptual submittal package is reviewed by the ARC to ensure conformance with the DG. This occurs before the Owner finalizes the design. Specific minimum submittal requirements of this phase include:

- 1) Topographical Survey (scale of 1 inch equals 20 feet)
 - a. Show and label all boundary lines, bearings, and lot dimensions.
 - b. Show and label all existing utility service locations or stub outs.
 - c. Show and label the adjacent street or other Common Areas.
 - d. Show and label all easements and flood-prone areas as applicable.
 - e. Show and label all setbacks.
 - f. Show and label existing topographical contour lines at not greater than 2-foot intervals to a distance of not less than 20 feet beyond any Area of Disturbance or Improvement.
 - g. Show and label all major natural terrain features, including rock outcroppings and washes.
- 2) Site Plan (scale of 1 inch equals 20 feet)
 - a. The site plan drawing, as referenced herein, must be prepared to include and reflect the above-outlined aerial photo and topographical survey requirements in addition to the following requirements.
 - b. Show and label the complete extent of all site development elements or Improvements.
 - c. Show the proposed Area of Disturbance.
 - d. Show and label the Construction Area Limit Proposed Limits of Disturbance.
 - e. Show and label all driveway treatments.
 - f. Show and label all utility services.
 - g. Show and label all major site drainage treatments.
 - h. Show and label all modified topographic contour lines at not greater than 2-foot intervals.
 - i. Show and label all proposed major site grading treatments.
 - j. Show and label all parking spaces, including related screening treatments.
 - k. Show and label all buildings, including specific finished floor elevation value call-outs.
 - l. Show and label all patios, courtyards, terraces, etc., including specific finished deck grade elevation value call-outs.
 - m. Show and label all wall conditions, including specific top-of-wall elevation value call-outs.

- n. Show and label all utility and service equipment locations and related screening Treatments.
 - o. Show and label the "average natural grade elevation(s)" contour as it relates to the Improvements.
- 3) Average Natural Grade Calculation Diagram (scale of 1 inch equals 20 feet)
- a. Show and label existing topographical contour lines at not greater than 2-foot intervals to a distance of not less than 20 feet beyond any Area of Disturbance or Improvement.
 - b. Show and label existing topographical contour values measured at 10-foot intervals around the perimeter of the Structure (or portion thereof) that is being evaluated. Provide a scheduled summary of such values and calculate the average natural grade elevation value.
- 4) Landscaping Plan (scale of 1 inch equals 20 feet minimum)
- a. Show and label all Protected Plants, with specific inventory noting those specimens within 20 feet of any Area of Disturbance or Improvement.
 - b. Show and label all areas that will require landscaping treatments.
 - c. Show and label all major plant container specimen locations and design effects. Provide a scheduled summary of required plantings, including disturbed area calculations, specific plant density calculations, and general plant specimen palettes.
- 5) Floor Plans (scale of one-eighth inch equals one-foot minimum)
- a. Show and label all finish floor elevation(s) values.
 - b. Label all major room names.
 - c. Show and schedule all enclosed living area square footage totals.
 - d. Show and label the locations of all utility and service equipment and the related screening treatments.
- 6) Roof plans (scale of a one-eighth inch equals 1-foot minimum) Show and label all major components and materials, including a general concept statement of proposed material color schemes.
- 7) Elevations (drawn to the same scale as the Floor Plans)
- a. All major exterior building elevations shall be represented.
 - b. Show and label all existing contour grades and proposed finished contour grades.
 - c. Show and label all finish floor elevation(s) lines and values.
 - d. Show and label all top-of-wall and top-of-roof elevation call-outs or dimensions for all major building components.
 - e. Show and label all major exterior materials and include a general concept statement of proposed material color schemes.
 - f. Show and label all top-of-wall elevation call-outs and material specifications for all utility and service equipment screening treatments.
- 8) Preliminary site staking
- a. To assist the ARC in its evaluation of the preliminary design submittal, the Owner shall provide preliminary staking at the locations of the major corners of the Structure and the related major Improvements. A minimum of 10 location points will be required.
 - b. Submit a "key plan" identifying and correlated to the actual labeled and flagged staking location points. Include a written certification of the layout and a summary of the location points' existing natural grade values, all as prepared and field verified by the Owner's registered surveyor.
- 9) (Miscellaneous requirements
Any other drawings, scaled models, materials, or samples prepared by the Owner or as requested by the ARC that will aid the ARC during this phase of the design review process.

4.9 Final Design Submittal (Applies to Custom Homes only, not to Pre-Approved Model Plans)

During this phase, the Owner's refined submittal package is reviewed by the ARC to ensure consistency with the previously approved Preliminary Design Submittal and the DG. Specific submittal requirements of this phase include:

- 1) Topographical Survey (scale of 1 inch equals 20 feet). All requirements as outlined in 4.8 (1) above
- 2) Site Plan (scale of 1 inch equals 20 feet). All requirements are outlined in 4.8 (2) above.
- 3) Average Natural Grade Calculation Diagram (scale of 1 inch equals 20 feet). All requirements are outlined in 4.8 (3) above.
- 4) Landscaping Plan (scale of 1 inch equals 20 feet minimum)
 - a. Show and label all Protected Plants, with a specific inventory noting those specimens within 20 feet of any Area of Disturbance or Improvement.
 - b. Show and label all Transitional Areas that will require landscaping treatments. Show and label all plant container specimen locations and all planting treatments, including irrigation schemes for all planting areas. Provide a scheduled summary of required plantings, including disturbed area calculations, specific plant density calculations, and specific plant specimen selections.
 - c. Show and label all Private Areas that will require landscaping treatments. Show and label all plant container specimen locations and all planting treatments. Provide a scheduled summary of all plantings, including specific plant specimen selections.
- 5) Floor Plan (scale of one-quarter inch equals one foot)
 - a. Show and label all finish floor elevation(s) values.
 - b. Label all major room names.
 - c. Show and schedule all enclosed living area square footage totals.
 - d. Show and label the locations of all utility and service equipment and the related screening treatments.
- 6) Roof plans (scale of a one-eighth inch equals 1-foot minimum) Show and label all major components and materials.
- 7) Elevations (scale of one-quarter inch equals one foot)
 - a. All major exterior building elevations shall be represented.
 - b. Show and label all existing contour grades and proposed finished contour grades.
 - c. Show and label all finish floor elevation(s) lines and values.
 - d. Show and label all top-of-wall and top-of-roof elevation call-outs or dimensions or all major building components.
 - e. Show and label all major exterior materials.
 - f. Show and label all top-of-wall elevation call-outs and material specifications for all utility and service equipment screening treatments.
- 8) Lighting Plan
 - a. Show and label all exterior lighting to be developed in conjunction with the proposed Structure or other related Improvements.
 - b. Show and label all exterior lighting to be developed in conjunction with the proposed landscaping treatments.
 - c. Schedule all proposed lighting fixtures by type, location, description, shielding, and tamping requirements.
- 9) Balance of drawings

The balance of drawings required will be the complete drawings and specifications in sufficient detail for construction and subsequent Town of Marana Building Codes approval.

- 10) Exterior materials and color sample board
 - a. Samples must be presented on an 18" x 24" board (at least 1/8 thick) clearly marked with the Owner's name, filing date, and Lot number. All samples must be identified with manufacturer's specifications, including name, product number, color, and light reflectance value.
 - b. Specific material samples and colors shall be made for (as applicable) the main body material, trim, roofs, window frames, doors, and accents. In addition, include the manufacturer's specifications for window glazing.
- 11) Miscellaneous requirements
Any other drawings, scaled models, materials, or samples prepared by the Owner or as requested by the ARC that will aid the ARC during this phase of the design review process.

4.10 Pre-Construction Conference (Applies to Custom Homes and Pre-Approved Model Plans)

During this phase, the Builder meets with a representative of the ARC to review and/or complete the following requirements and to review the Construction Regulations. This occurs prior to any commencement of construction.

- 1) Final site staking
 - a. To assist the ARC in its evaluation during this phase, the Owner shall provide final staking at the locations of the major corners of the Structure and the related major Improvements. A minimum of ten location points will be required.
 - b. Submit a "key plan" identifying and correlated to the actual labeled and flagged staking location points. Include a written certification of the layout and a summary of the location points' existing natural grade values, all as prepared and field verified by the Owner's registered surveyor.
 - c. Establish, reference, and provide a written certification by the Owner's registered Surveyor of the site-specific benchmark point to be used during the subsequent construction phase.
 - d. All plants proposed for transplanting shall be tagged.
 - e. Construction area limit fencing shall be in place.
- 2) Construction area limit fencing
 - a. That portion of the Area of Disturbance is anticipated to be damaged during construction (see 3.3 Area of Disturbance) and contains all of the proposed Improvements shall be cordoned off as described herein.
 - b. The fencing shall be constructed of steel posts and a minimum of two strands of smooth wire with flagging tape attached. The fencing will be continuous around the proposed Improvements and will be extended out to the street area.
 - c. The fencing shall remain intact and securely in place for the entire duration of the construction phase of the project.
- 3) Construction area plan (scale of 1 inch equals 20 feet)
 - a. The Builder shall provide a detailed graphic plan representing the manner and the areas to which all construction activity will be confined, including limits of excavation, size, and location for construction material storage, chemical toilet location, construction debris/trash dumpster location, construction trailer location, construction signage location, and construction vehicle parking.

- 4) Construction duration schedule
 - a. The Builder shall provide a written schedule indicating approximate starting and completion dates of all major phases of the construction process.
- 5) Subcontractor list
 - a. The Builder shall provide a complete written list of all contractors approved by the Builder and/or the Owner for work on the specific project. This list is to be updated continuously throughout the entire construction phase.
- 6) Town of Marana building permit
 - a. The Builder shall provide a copy of the permit card issued by the Town of Marana covering the entire scope of work on the specific project.
- 7) Construction compliance deposit
 - a. Payment of applicable submittal fees (see 4.4(5) New Construction Compliance Deposit)

4.11 Constructions-in-Progress Reviews

During this phase, the DRC verifies with the Builder that construction is proceeding in compliance with the approved Final Design Submittal and the DG.

- a. The DRC may inspect all work in progress and give notice of non-compliance. Absence of such inspection and notification during the construction-in-progress phase does not constitute either approval of the DRC with work in progress or compliance with these DG or the Declaration.
- b. The Owner shall be required to provide their registered surveyor's written certification of the actual finished floor slab elevation(s) as installed within one week of the pouring of these floor slabs. In addition, the Owner shall be required to provide a surveyor's written certification of the top-of-structure elevations as constructed, prior to the post-construction inspection and occupancy.

4.12 Post-Construction Inspection (Applies to Custom Homes to Pre-Approved Model Plans)

During this phase, the ARC determines whether actual construction has been completed in strict compliance with the approved Final Design Submittal and the DG. This occurs when requested in writing by the Owner and prior to occupancy of the Residence. The ARC will provide a written response to the Owner.

5. CONSTRUCTION AND BUILDER REGULATIONS

In order to ensure that the natural desert landscape of each Lot and the Common Area of MLC at Saguaro Ranch are not damaged during any construction activities and to generally control construction activities within MLC, the following construction and builder regulations shall be enforced during the entire construction period. These regulations shall be made a part of the construction contract document specifications for each residence or other improvements to a lot, and these regulations shall bind all builders, owners, and other persons. Any violation by a Builder shall be deemed to be a violation by the Owner of the Lot.

Prior to commencing construction, the Builder must meet with a representative of the ARC to review construction procedures and coordinate his activities in MLC.

The Owner and Builder are hereby advised that failure to comply with all applicable standards of the DG or failure to comply with specific requirements of the project's Final Design Submittal approval and/or Pre-Construction Conference Submittal approval will result in the forfeiture in favor of the Association, of any portion or all of the Construction Compliance Deposit.

5.1 Construction Area Limit Fencing

This fencing requirement that is to be installed during the Pre-Construction Conference phase must be maintained in good repair during the entire construction phase. Under no circumstances will this fence be allowed to be removed, even on a temporary basis, during the construction phase. Enforcement of these requirements shall be the sole responsibility of the Builder.

5.2 Construction Trailers, Portable Field Offices, Etc.

Any Builder who desires to bring a construction trailer, field office, or the like to MLC shall first apply for and obtain written approval from the ARC. The ARC will coordinate with the Builder to determine the best possible location within the Construction Area Limit Fencing for such a temporary facility. Such a temporary facility shall be removed promptly upon completion of construction.

5.3 Debris and Trash Removal

Builders shall clean up all debris and trash on the construction site at the end of each day. Rubbish containers or "dumpsters" shall be required on each construction site and must be located within the Construction Area Limit Fencing. Debris and trash shall be removed from each construction site at least once a week and placed at a dumping site located off the project. Lightweight material, packaging, and other items shall be covered or weighted down to prevent wind from blowing such materials out of the dumpster. Builders are prohibited from dumping, burying, or burning trash anywhere on the Lot or in MLC. During the construction period, each construction site shall be kept neat and properly policed to prevent it from becoming a public eyesore or affecting other Lots and any open space. Any clean-up costs incurred by the ARC or the Association in enforcing these requirements will be billed to the Owner. Dirt, mud, or debris resulting from activity on each construction site shall be promptly removed from public or private roads, open spaces, driveways, or other portions of MLC.

5.4 Sanitary Facilities

Each Builder shall be responsible for providing adequate sanitary facilities for all construction workers. Portable toilets or similar temporary toilet facilities shall be located within the Construction Area Limit Fencing and must be approved by the ARC.

5.5 Vehicles and Parking Areas

Construction workers will not park on or otherwise use other Lots or any open space, including streets, except as provided in writing by the ARC. Private and construction vehicles and machinery shall be parked only within the Construction Area Limit Fencing. All vehicles will be parked so as not to inhibit traffic and within the designated areas so as not to damage the natural landscape. Enforcement of these parking regulations shall be the sole responsibility of the Builder.

5.6 Conservation of Landscaping Materials

Builders are advised that the Lots and open spaces within MLC contain valuable native plants and other natural landscaping materials that must be absolutely protected during construction, including topsoil, rock outcroppings and boulders, and plant materials. The Construction Area Limit Fencing shall cordon off all such areas.

5.7 Excavation Materials

Excess Excavation materials must be hauled away. All temporary stockpiled materials must be located within the Construction Area Limit Fencing.

5.8 Blasting

If any blasting is to occur, it shall be the sole responsibility of the Builder and the Owner to determine and comply with all applicable governmental regulations, standards and practices of the industry, safety requirements, insurance provisions, etc., so as to assure the integrity and well being of all other Lots and Common Areas within MLC or other surrounding subdivisions or areas.

5.9 Restoration or Repair of Other Property Damaged

Damage and scarring to other property, including, but not limited to, other Lots, Common Areas, open spaces, roads, driveways, and/or other improvements, will not be permitted. If any such damage occurs, it must be repaired and/or restored promptly at the expense of the Owner of the Lot upon which the person causing the damage is working. Upon completion of construction, each Owner and Builder shall clean his construction site and repair all property that was damaged, including but not limited to restoring grades, restoration of vegetation as approved or required by the ARC, and repair of streets, driveways, pathways, drains, culverts, ditches, signs, lighting, and fencing.

5.10 Construction Access

All construction access during the time a Residence or other Improvements are being built will be over the approved driveway alignment for the specific Lot.

5.11 Dust and Noise

The Builder shall be responsible for controlling dust and noise from the construction site. Compliance with all Town of Marana rules and regulations shall be required.

5.12 Construction Signage

Temporary construction signs shall be limited to one sign per site. The sign shall be free-standing, and the design and location of such a sign shall be approved in advance by the ARC. All Architects, Builders, lenders, related contractors, and realtors involved with a specific construction project shall be listed on the single sign allowed for each site. Specifications for the size, color, and materials of the temporary signs are available through the ARC (please see Deborah M. Colon-Mateo, Ph.D., Director of Operations, for the signage standards).

5.13 Construction Hours

Daily construction working hours, Monday through Saturday, for each construction site, shall be 7:00 am - 5:00 pm for October through March and 6:00 am - 5:00 pm for April through September. Construction personnel will not be allowed access to MLC except during the above-stated hours. No construction access or work will be allowed on Sundays or major holidays, including New Year's Day, Memorial Day, Fourth of July, Labor Day, Thanksgiving, and Christmas.

5.14 Miscellaneous and General Practices

All Owners will be responsible for the conduct and behavior of their Builders, representatives, agents, contractors, and subcontractors on MLC. The following practices are prohibited on MLC:

- (1) Changing the oil of any vehicle or equipment anywhere within MLC.
- (2) Removing any rocks, plant material, topsoil, or similar items from any property of others within MLC, including construction sites, Common Areas, or open areas.

- (3) Careless treatment or removal of any desert plant materials not previously approved by the ARC.

6. DEFINITIONS

Unless the context otherwise specifies or requires, the following words or phrases, when used in these Design Guidelines, shall have the following specific meanings. Terms used herein that are defined in the Declaration (6.5) shall have the meanings specified therein.

6.1 Architect

"Architect" means a person or entity appropriately licensed to practice architecture in the State of Arizona and engaged by an Owner for the purpose of designing any Improvement within MLC. This person shall exhibit a clear comprehension of the Design Guidelines, a thorough analysis and understanding of a particular Lot, the Owner's special needs and living patterns, as well as the ability to convey to the Architectural Review Committee through drawings and other submittals, the concept and design of a proposed Residence or other Improvement.

6.2 Association

"Association" as defined in the Declaration (6.5).

6.3 Builder

"Builder" means a person or entity appropriately licensed to perform contracting in the State of Arizona and engaged by an Owner for the purpose of constructing any Improvement within MLC. This person or entity shall exhibit and provide competent professional construction services related to the execution of construction of any project in MLC.

6.4 Common Area

'Common Area' as defined in the Declaration (6.5).

6.5 Declaration

"Declaration" means the Declaration of Covenants, Conditions, and Restrictions for MLC, as the same may be amended or supplemented from time to time.

6.6 Design Professional

"Design Professional" means a person or entity engaged by an Owner for the purpose of designing any Improvement within MLC. This person shall exhibit a clear comprehension of the Design Guidelines, a thorough analysis and understanding of a particular Lot, the Owner's special needs and living patterns, as well as the ability to convey to the Architectural Review Committee through drawings and other submittals, the concept and design of a proposed Residence or other Improvement.

6.7 Architectural Review Committee (ARC)

"Architectural Review Committee" means the committee established by the Board of Directors of the Association pursuant to provisions of the Declaration (6.5).

6.8 Design Guidelines (DG)

"Design Guidelines" means the design standards, restrictions, review process, submittal requirements, and construction regulations adopted and enforced by the Architectural Review Committee as set forth herein and as may be amended or supplemented from time to time.

6.9 Excavation

"Excavation" means any disturbance of the surface of the land, including any grading, trenching, grubbing, or clearing that results in the relocation, removal, or addition of earth, rock, or other substance of the surface of the land.

6.10 Improvement

"Improvement" means any changes, alterations, or additions to a Lot, including any Residence, buildings, outbuildings, building projections, patios, swimming pools, walls, driveways, excavation, landscaping, and any structure or other improvements of any type or kind.

6.11 Lot

"Lot" means and refers to the separately designated and numbered plots of land shown upon the recorded subdivision Plat of MLC, together with the Improvements thereon.

6.12 Owner

"Owner" as defined in the Declaration (6.5).

6.13 Residence

"Residence" means any building or portion of a building situated upon a Lot and any Improvements constructed in connection therewith that is intended for use and occupancy as a single-family residence.

6.14 Structure

"Structure" means anything constructed or erected on a Lot, the use of which requires location on the ground or attachment to something having a location on the ground, including buildings, outbuildings, garages, porches, fireplaces, pavilions, ramadas, building projections, or any other similar Improvement that has a height that exceeds six feet when measured from the ground or surface from which it extends.

7. APPENDICES

APPENDIX A

Approved Plants List

The following plants are approved for use at MLC in designated areas. Plants approved for revegetation in Natural Areas (indigenous plants) are designated by (N). Plants approved for use in Transitional Areas are designated by (T) and include all (N) plants. Plants approved for use in the Private Areas are designated by (P) and include both (N) and (T) plants. Some of the varieties listed may need protection from freezing; check with your local nurseryman and/or landscape architect.

<u>Areas</u>	<u>Scientific Name</u>	<u>Common Name</u>
Trees:		
T	Acacia abyssinica	Abyssinian Acacia
N	Acacia constricta	Whitethorn Acacia
N	Acacia farnesiana	Sweet Acacia
N	Acacia greggii	Cat Claw Acacia
N	Acacia smalii	Southwest sweet Acacia
T	Acacia stenophylla	Shoestring Acacia
N	Celtis pallida	Desert hackberry
T	Celtis reticulata	Netleaf hackberry
T	Celtis douglasii	Western hackberry
N	Cercidum floridum	Blue Palo Verde
N	Cercidum michophyoom	Foothills Palo Verde
N	Chilopsis linearis	Desert Willow
P	Eriobotrya japonica	Loquat
T	Heteromeles arbutifolia	Toyon
T	Laurus nobilis	Sweet Bay
N	Oleaya tesota	Ironwood
T	Pithecellobium flexicaule	Texas Ebony
P	Podocarpus macrophyllus	Yew Pine
N	Prosopis ssp	Mesquite
P	Prunus ssp.	Purple Plum, Carolina Laurel Cherry
T	Quercus emeryi	Emory Oak
T	Quercus gambelii	Gamble Oak
N	Sambucus carnadensis	Elderberry
T	Sophora secundiflora	Mescal Bean, Texas Mountain Laurel
T	Vitex agnus-castus	Chaste Tree
Shrubs and Accent Plants:		
P	Abelea grandiflora	Glossy abelia
T	Acacia redolens	Ground Cover acacia
P	Acanthus mollis	Bear's Breech
N	Agave americana	Century Plant
N	Agave huachucensis	Wide-leaf agave
T	Agave vilmoriniana	Octopus agave
N	Agave weberi	Smooth-edge agave
N	Ajuga reptans 'purpurea'	Bronze ajuga
N	Aloe barbadensis	Aloe vera
T	Aloe ferox	Cape aloe
N	Ambrosia deltoidea	Bur sage
P	Antigonon leptopus	Queens Wreath
T	Arctostaphylos pungena	Poinleaf manzanita

P	<i>Asparagus desniflorus sprengeri</i>	Asparagus fern
	<i>Atriplex</i> ssp	Saltbush-many varieties
N/T	<i>Baccharis polularis</i>	Coyote bush
T	<i>Baileya multiradiata</i>	Desert marigold
T	<i>Bambusa</i> ssp	Bamboo
P	<i>Bougainvillea</i> ssp	Bougainvillea
P	<i>Caesalpinia gilliesii</i>	Mexican Bird of Paradise
T	<i>Caesalpinia pulcherrima</i>	Red Bird of Paradise
T	<i>Callistemon citrinus</i>	Lemon Bottlebrush
P	<i>Callistemon viminalis</i>	Weeping Bottlebrush
P	<i>Camellia japonica</i>	Camellia-many varieties
P	<i>Carissa grandiflora</i>	Natal Plum
P	<i>Cassia</i> ssp	Cassia and Senna-many varieties
T	<i>Carnegiea gigantea</i>	Saguaro
N	<i>Carnegiea gigantea</i>	Saguaro
T	<i>Convolvulus mauritanicus</i>	Ground Morning Glory
P	<i>Cotoneaster</i> ssp	Cotoneaster-many varieties
P	<i>Cycas revoluta</i>	Sago Palm
P	<i>Cyperus alternifolius</i>	Umbrella Plant
N	<i>Dasylyron wheeleri</i>	Desert Spoon
N	<i>Dodonaea viscosa</i>	Hopseed Bush
P	<i>Eleaagnus macrophylla 'Ebingei'</i>	Silverberry
N	<i>Encelia farnosa</i>	Brittle Bush
P	<i>Euonymus</i> ssp	Euonymus
P	<i>Fatshedera lizei</i>	Fatshedera
P	<i>Fatsia japonica</i>	Aralia
T	<i>Feijoa sellowiana</i>	Pineapple Guave
N	<i>Ferocactus</i> ssp.	Barrel Cactus
P	<i>Ficus</i> ssp.	Fig
N	<i>Fouquieria splendens</i>	Ocotillo
P	<i>Gardenia jasminoides</i>	Gardenia-many varieties
T	<i>Gazania</i> ssp	Gazania-many varieties
T	<i>Gelsemium sempervirens</i>	Carolina jasmine
P	<i>Hedera</i> ssp	Ivy
T	<i>Hesperaloe parviflora</i>	Red Aloe
P	<i>Hibiscus</i> ssp	Hibiscus
P	<i>Ilex</i> ssp	Holly
P	<i>Jasminum</i> ssp	Jasmine
T	<i>Juniperus</i> ssp	Juniper (see Prohibited Plant List)
T	<i>Justica spigera</i>	Desert Honeysuckle
P	<i>Lagerstroemia indica</i>	Crape Myrtle
T	<i>Lantana</i> ssp	Lantana
N	<i>Larrea divaricata</i>	Creosote Bush
T	<i>Leucophyllum frutescens</i>	Texas Ranger
P	<i>Ligustrum</i> ssp	Privet
P	<i>Liriope muscari</i>	Liriope
N	<i>Lysiloma thornberi</i>	Feather Bush
P	<i>Macfadyena unguis-cati</i>	Cat's Claw Vine
T	<i>Mahonia aquifolium</i>	Oregon Grape
T	<i>Malehore crocea</i>	Ice Plant
P	<i>Motrs itifioifrd</i>	Fortnight Lily
P	<i>Myrtus comminus</i>	Myrtle
T	<i>Nandina domestica</i>	Heavenly Bamboo
P	<i>Nerium oleander "petite"</i>	Dwarf Oleander ONLY
P	<i>Ophiopogon japonicus</i>	Mondo Grass

N	Opuntia ssp	Prickly Pear Cactus
T	Osteospermum fruticosum	Trailing African Daisy
T	Penstemon ssp	Penstemon
P	Pilodendron selloum	Philodendron
T	Photinea ssp	Photinia
P	Pittosporum ssp	Mockorange
T	Potentilla ssp	Cinquefoil
P	Pyracantha ssp	Pyracantha
P	Raphiolepis indica	Indian Hawthorn
T	Rhus Ovata	Sugar Bush
P	Rose	Rose
T	Rosa banksiae	Lady bank's Rose
T	Rosmarinus officinalis	Rosemary
T	Santolina ssp	Santolina
T	Senecio cineraria	Dusty Miller
N	Simmondsia chinensis	Jojoba
P	Spirea ssp	Spirea
T	Tecoma stans	Trumpet Bush
P	Tecomaria capensis	Cape Honeysuckle
T	Teucrium chamaedrys	Gemander
P	Trachelospermum ssp	Star Jasmine
N	Vauquelinia californica	Arizona Rosewood
P	Viburnum ssp	Viburnum
P	Vinca ssp	Periwinkle
N/T	Yucca ssp	Yucca, many varieties

APPENDIX B
Prohibited Plants List

- 1) Any species of tree or shrub whose mature height may reasonably be expected to exceed thirty (30)-feet, with the exception of those species specifically listed above or those approved by the ARC, are prohibited.
- 2) Specific plants prohibited because of aesthetic reasons or their allergy-producing characteristics, or susceptibility to disease include:

Betula ssp	Birch (aesthetic)
Cupressus	Cypress (aesthetic)
Eucalyptus	All varieties (aesthetic)
Fraxinus velutina	Arizona Ash (aesthetic)
Populus fremontii & augustifolia	Cottonwood (aesthetic)
Platanus wrightii	Sycamore (aesthetic)
Parkinsonia aculeata	Mexican Palo Verde (disease)
Pistacia ssp	Pastiche (aesthetic)
Salix – many species	Willow (aesthetic)
Melia acedarach	Mulberry (law)
Magnolia – many species	Magnolia (aesthetic)
Acer – many species	Maple (aesthetic)
Arundo donax	Giant Reed (aesthetic)
Baccharis sarothroides	Desert Broom (weed)
Brachychiton populneus	Bottle Tree (aesthetic)
Gleditsia ssp	Locust (aesthetic)
Grevillea ssp	Silk Tree (aesthetic)
Olea europaea	Olive (law)
Rhus Lancea	African Sumac (aesthetic)

- 3) Fountain grass (*Pennisetum setaceum*), pampas grass (*Cortaderia selloana*), buffelgrass (*Pennisetum ciliare*), and Desert Broom will be prohibited as a defined weed with the potential to spread through the development.
- 4) All Palm trees whose mature height may reasonably be expected to exceed six (6) feet will be prohibited for aesthetic reasons.
- 5) Common Bermuda grass will be prohibited as a defined weed for its profuse production of allergy-producing pollen.
- 6) All varieties of citrus will be prohibited for aesthetic reasons and their profuse production of allergy-producing pollen. Dwarf varieties are permissible within enclosed private areas.
- 7) All Pines, Cypress, False Cypress, Juniper, and Cedar, whose mature height may reasonably be expected to exceed six (6) feet, will be prohibited for aesthetic reasons. Dwarf varieties, and those whose mature height may reasonably be expected to be less than six (6) feet, may be used immediately adjacent to dwellings or connecting structures or within the confines of a private garden.