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# DESIGN GUIDELINES

## THE CAREFREE MOUNTAIN ESTATES COMMUNITY ASSOCIATION

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## **1. INTRODUCTION**

Each Parcel is unique in terms of its natural opportunities and constraints. In order to take full advantage of those attributes, each Parcel will require different approaches in design and construction. It is the intent of the development philosophy, and the architectural standards and design restrictions set forth in these Design Guidelines, to preserve, protect and enhance to the extent justified, the special environment of Carefree Mountain Estates.

It is expected that the design of each Residence in Carefree Mountain Estates will be tailored to the unique features of each individual Lot in an effort to achieve a synthesis of nature and Residence. To preserve the natural features of each Lot, such as views, significant existing plant materials and washes, each Residence will need to be sited so as to minimize disruption of the existing environment.

## **2. BUILDING ENVELOPES**

Before any conceptual planning is done, an Owner and his/her Architect should discuss the building with a representative of the Design Review Committee during the Pre-Design meeting. Since the Building Envelope is a maximum conceptual allowable building area, screen walls, berms or other landscape elements will not be permitted arbitrarily, or without relation to other elements of the Residence, to delineate Building Envelope borders.

## **3. REVIEW AND APPROVAL PROCESS**

In order to assist each Owner in the planning and designing of his/her Residence to take full advantage of the unique opportunities of his/her Lot, a comprehensive design review process administered by the Design Review Committee has been established. This process provides an opportunity for the Owner to draw upon expertise and knowledge which has been acquired during the planning and development of Carefree Mountain Estates. Under the Declaration, the Design Review Committee is charged with the responsibility of maintaining the standards set forth in the Design Guidelines, issuing all formal approvals or disapprovals of projects, and enforce the Design Guidelines. Each Residence must meet the criteria of the Design Guidelines.

In general, the design review process is divided into five phases: the Pre-Design meeting; the Preliminary Submittal; the Final Submittal; the Construction Permit; and the Final Inspection.

It is strongly recommended that an Owner retain competent professional services for planning and design. A thorough analysis and understanding of a particular Lot and the Owner's special needs and the skill to translate this into building form, as well as the ability to convey to the Design Review Committee the concept and design of a proposed residence or other improvement, are all important elements of the design review process. If an Owner elects to do his own design or to retain non-professional services, and the result in either case is not approved by the Design Review Committee, the Committee has the right to require that an Owner thereafter utilize professional design services.

The design review process was developed to provide adequate checkpoints along the way, in an effort to minimize time and money spent on designs which do not adhere to the Design Guidelines, or to the overall philosophy of Carefree Mountain Estates, and to streamline this process to eliminate excessive time delays. Nevertheless, each Owner is responsible for complying with the Design Guidelines and all other applicable provisions of the Declaration, as

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well as all rules and regulations of any governmental authority, in order to bring the design review process to a speedy and satisfactory conclusion.

The Design Review Committee will conduct reviews of projects during their regular meetings or at such other times as they deem appropriate. Owners, Architects, or Builders shall have no right to attend any meeting unless specifically requested to do so by such Committee. The Design Review Committee will respond in writing no later than 10 days after a submittal is completed. Results of reviews will not normally be discussed over the telephone by Committee with an Owner or his/her Architect or Builder. Any responses an Owner may wish to make in reference to issues contained in the Design Review Committee's notice following review of submittals should be addressed to the Design Review Committee in writing.

The following is a procedural summary of the Review and Approval Process.

### **3.1 PRE-DESIGN MEETING**

To initiate the review and approval process prior to preparing any drawings for a proposed improvement, it is necessary that the Owner and/or his/her Architect meet with a representative of the Design Review Committee to discuss the proposed Residence and to explore and resolve any questions regarding building requirements in the Design Guidelines. This informal review is to offer guidance prior to the initiation of preliminary design. An appointment for the Pre-Design Meeting should be made at least one week in advance.

### **3.2 PRELIMINARY SUBMITTAL**

Preliminary drawings, including all of the exhibits outlined below, must be submitted to the Design Review Committee after the Pre-Design Meeting.

#### **3.2.1 Preliminary Submittals shall include:**

(a) A survey, at no less than 1" = 20', prepared by a registered land surveyor, showing Lot boundaries and dimensions, existing surface contours at two-foot intervals, major terrain features such as washes, and all Protected Plants, highlighting those plant materials which will be removed during construction or those which are within 20 feet of the proposed improvements. Each Owner submitting drawings for approval to the Design Review Committee shall be responsible for the accuracy of all information contained therein.

(b) A site plan at the same scale as the survey showing the locations and areas of the (proposed) Building Envelope, the residence and all other buildings or major structures, driveway, parking areas, patios, pools, walls, proposed utility service facilities and routes, site grading including existing and proposed contours and topographic features such as washes, rock outcroppings and existing trees and major shrubs to be retained and to be relocated, and elevations of all building floors, patios, and terraces, shown in relation to site contour elevations.

(c) Roof Plans and Floor Plans (at no less than 1/8" = 1' 0"). Roof plans should show areas of flat and sloped roofs and all roof-mounted equipment such as air conditioning units, if permitted, and solar collectors.

(d) Exterior elevations of all sides of the Residence, at the same scale as the floor plans, with both existing and proposed grade lines shown and all exterior materials and general colors indicated.

(e) A market value Design Review Fee to be disclosed to the Owner at the first appropriate opportunity, but in no event later than at the Pre-Design Meeting.

(f) Any other drawings, materials, or samples requested by the Committee.

3.2.2 All accessory improvements contemplated on the Lot must be shown on the Preliminary Submittal.

3.2.3 To assist the Design Review Committee in its evaluation of the Preliminary Submittal, the Owner shall, if request, provide preliminary staking at the locations of the corners of the Residence or major improvement and at other such locations as the Committee may request.

### **3.3 POSTING OF PROPERTY**

As soon as the submission of preliminary drawings is complete, the Design review Committee will post a notice at the Lot stating that drawings have been submitted with respect to the Lot and will be available for review by other Owners during the period stated in the notice. Written comments may be submitted to the Design Review Committee regarding the posted Lot within five calendar days of the date of posting of the notice. The date of posting and the last day for comments shall be noted on the posted notice.

### **3.4 PRELIMINARY REVIEW**

After the posting and comment period and any staking of the Lot, the Preliminary Submittal will be deemed complete. The Design Review Committee will then review the submittal for conformance to the Design Guidelines and make its recommendation which will include a written response to the Owner.

### **3.5 FINAL SUBMITTAL**

After preliminary approval is obtained, the following documents are to be submitted to the Design Review Committee for final approval.

3.5.1 Final Submittals shall include:

(a) Complete construction documents for the Residence including all data noted in §3.2.1 (b), (c) and (d); building sections as required to illustrate the building; all utility locations; any adjustments to locations and/or areas of the Building Envelope or the Residence; and locations and manufacturer's catalog cuts of all exterior lighting fixtures.

(b) A list of materials to be used shall be submitted and a sample may be required. Samples of all exterior materials and colors, and window and glass specifications, may be required by the Design Review Committee. A submittal of manufacturer's cut sheets and specifications will be required by the Design Review Committee.

(c) A complete landscape plan at the same scale as the site plan showing: areas to be irrigated, if any; locations and sizes of all existing and proposed plants and any decorative features such as pools or imported rocks; art work, lighting, and a list of all proposed plants.

(d) A hydrology report, performed by a competent civil engineer, in a form determined by the Design Review Committee.

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(e) An approximate time schedule indicating approximate dates for starting and completion of construction, utility hook-up, completion of landscape work, and anticipated occupancy date.

3.5.2 All plants proposed for transplanting shall be tagged.

### **3.6 FINAL APPROVAL**

Upon receipt of the complete Final Submittal, the Design Review Committee will review the submittal for conformance to the Design Guidelines and to any preliminary approval stipulations, and make its recommendation, providing a written response to the Owner.

### **3.7 CONSTRUCTION PERMIT**

Securing a building permit is the responsibility of the Owner and/or Builder. Construction shall be in accordance with the Final Submittal approved by the Design Review Committee.

### **3.8 ADDITIONAL CONSTRUCTION AND/OR EXTERIOR CHANGES**

Any changes to the approved drawings before, during or after the construction of an improvement must first be submitted for review to the Design review Committee.

### **3.9 WORK IN PROGRESS – INSPECTION**

The Design Review Committee may inspect all work in progress and give notice of non-compliance, if found. Absence of such inspection and notification during the construction period does not constitute approval by the Design Review Committee of work in progress or of compliance with the Design Guidelines.

### **3.10 FINAL INSPECTION**

Upon completion of any Residence or other Improvement, the Owner shall give written notice of completion to the Design Review Committee.

3.10.1 Within such reasonable time as the Design Review Committee may determine, but in no case exceeding ten days from receipt of such written notice of completion, it may inspect the Residence and/or Improvements. If it is found that such work was not done in strict compliance with the approved Final Submittal, it shall notify the Owner in writing of such non-compliance within 30 days of its receipt of the Owner's notice of completion, specifying in reasonable detail the particulars of non-compliance, and shall require the Owner to remedy the same.

3.10.2 If, upon expiration of 30 days from the date of such notification by the Design Review Committee, the Owner shall have failed to remedy such non-compliance, the Design Review Committee shall notify the Owner, and may take such action to remove the non-complying improvements as is provided in the Design Guidelines or the Declaration including, without limitation, injunctive relief or the imposition of a fine.

3.10.3 If, after receipt of written notice of completion from the Owner, the Design Review Committee fails to notify the Owner of any failure to comply within the provided period following the Design Review Committee's inspection, the Improvements shall be deemed to be in accordance with the approved Final Submittal.

### **3.11 RIGHT OF WAIVER**

The Design Review Committee reserves the right to waive or vary any of the procedures or standards set forth herein at its discretion, for good cause shown.

### **3.12 ESTOPPEL CERTIFICATE**

Within 30 days after written demand therefore is delivered to the Design Review Committee by any owner, and upon payment thereto to the Design Review Committee of any reasonable fee from time to time to be fixed by it, the Design Review Committee shall record an estoppel certificate executed by any two of its members, certifying with respect to any Lot of said Owner that, as of the date thereof either (a) all improvements and other work made or done upon or within said Lot by the Owner, or otherwise, comply with the Design Guidelines; or (b) such improvements and/or work do not so comply, in which event the certificate shall also (1) identify the non-complying Improvements and/or work and (2) set forth with particularity the cause or causes of such non-compliance. Any purchaser from the Owner or mortgage or other encumberer shall be entitled to rely on said certificate with respect to the matters therein set forth, such matters being conclusive as between the Association, Design Review Committee, Developer, all Owners and other interested Persons, and such purchaser, mortgage, or other encumberer.

### **3.13 COMMENCEMENT OF CONSTRUCTION**

Upon receipt of approval from the Design Review Committee, the Owner shall satisfy all conditions thereof and commence the construction, reconstruction, refinishing, alterations, or other work pursuant to the approved drawings within one year from the date of such approval. If the Owner shall fail to comply with this paragraph, any approval given shall be deemed revoked unless, upon the written request of the Owner made to the Design Review Committee prior to the expiration of said one-year period, and upon a finding by the Design Review Committee that there has been no change in circumstances, the time for such commencement is extended in writing by the Design Review Committee. The Owner shall, in any event, complete the construction, reconstruction, refinishing, or alteration of the foundation and all exterior surfaces (including the roof, exterior walls, windows, and doors) of any Improvement on his/her Lot within one year after commencing construction thereof except when, and for so long as, such completion is rendered impossible or would result in great hardship to the Owner due to strikes, fires, national emergencies, or natural calamities. If Owner fails to comply with this paragraph, the Design Review Committee may inform the Association of such failure and the Association, at its option, shall either complete the exterior in accordance with the approved drawings or remove the Improvement, and the Owner shall reimburse the Association for all expenses incurred in connection therewith.

## **4. SITE DEVELOPMENT GUIDELINES**

The Upper Sonoran Desert landscape at Carefree Mountain Estates is fragile and may take years to naturally mitigate impacts to site and vegetation. Due to these concerns, the Town of Carefree has also developed regulations intended to provide protection for the natural desert areas. Although an effort has been made to have these Design Guidelines be consistent with the Town's regulations, each Owner, through his/her Architect, is responsible for reviewing applicable Town regulations and ensuring compliance therewith. As outlined below, each Lot consists of the Natural Area and the Building Envelope, which includes a Transitional Area and a Private Area. The following site development standards deal with issues of siting, grading, excavation and landscaping.

### **4.1 BUILDING ENVELOPE**

The Building Envelope is the portion of each Lot within which all Improvements must be built and alterations to the existing landscape may occur. An appropriate Building Envelope will be identified by the Owner and the Design Review Committee. The envelope shall take into consideration natural features of the Lot, views, relationship to the adjacent buildings, and topography. The Building Envelope acts as a limit beyond which no construction activity may take

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place or materials be stored. The total area of the Building Envelope shall not encompass greater than 50% of the total Lot area. For larger Lots which may exceed one acre in total Lot area, the Building Envelope shall not exceed 22,500 square feet.

#### **4.2 NATURAL AREA**

The Natural Area is that portion of the Lot which lies outside of the Building Envelope and must remain as natural desert. Irrigation of the Natural Area is not permitted, since the indigenous vegetation does not require additional water. Irrigation of the Natural Area can lead to disease and death of the native plants, particularly cactus, and aid in the spread of undesirable plant species or weeds.

#### **4.3 TRANSITIONAL AREA**

The Transitional Area is that portion of the Building Envelope which lies between the Natural Area and the wall of a Residence or Improvement and is visible from the adjacent properties, streets or public areas. Upon completion of construction, this area must be replanted to match the adjacent Natural Area in appearance. An irrigation system, carefully designed to avoid overspray or runoff onto the Natural Area, must be installed to maintain the Transitional planting until it has become established (approximately one year). At that time, the system must be abandoned.

#### **4.4 PRIVATE AREA**

The Private Area is that portion of the Building Envelope which is not visible from adjacent properties, streets, or public spaces because it is hidden behind walls or structures. The Private Area is the least restrictive in terms of what plants, shrubs and trees can be planted therein. These include those plant materials listed in Appendix D ("Approved Plants") and, if first approved in writing by the Design Review Committee, any other plant not included in Appendix E ("Prohibited Plants"). The Private Area includes, for example, a courtyard or atrium, or the area behind a wall where non-indigenous plants would be appropriate despite their increased watering needs. The Private Area may be designed as a mini-oasis area which may be as lush and varied as desired by the Owner; however, all plants which are visible from a street or public area or from an adjacent Lot must be one of the plants listed in Appendix D ("Approved Plants") or be approved by the Design Review Committee.

#### **4.5 PROHIBITED PLANT LIST**

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

#### **4.6 PROTECTED PLANTS**

Protected Plants are those desert plants which must be protected pursuant to Town regulations. Improvements should be sited to avoid these protected species if at all possible; however, they may be carefully transplanted. It is recommended that competent professionals be consulted prior to transplanting and desert plant materials and the Design Review Committee may require replacement of any plant which dies during transplanting with a plant of the same species and size.

#### **4.7 SITE WORK**

While the natural topography varies considerably from Lot to Lot, the following general limitations will apply in the absence of special circumstances justifying exceptions as may be approved by the Design Review Committee:

- (a) Cut and fill may not be exposed following completion of construction;
- (b) No change in natural or existing drainage patterns for surface waters shall be made upon any Lot that could adversely affect another Owner;
- (c) No Protected Plants shall be damaged, destroyed, or removed from any Lot, although such plants outside the Natural Area Easement may be relocated;
- (d) retaining walls and other walls not directly supporting a building structure, except screen walls, shall not exceed eight feet in height, measured from the lowest natural grade adjacent to the wall. The appearance of such walls over six feet in height must be softened by landscaping with trees or large shrubs. Screen walls may not exceed four feet eight inches in height measured from natural grade in the manner described above for retaining walls.

#### **4.8 PARKING SPACES**

Each Residence shall contain parking space within the Lot for at least two automobiles in an enclosed garage whether attached to or detached from the main structure of the Residence. A minimum of two additional parking spaces should be provided to accommodate guest parking. No on-street parking will be permitted for resident's vehicles. Views of guest parking area from adjacent Lots, streets, or public spaces shall be mitigated and diffused by screen walls or a combination of screen walls and landscaping. Walls shall be between 36" and 48" high. Landscaped berms may also be used. No exterior storage of recreational vehicles or boats will be permitted.

#### **4.9 SITE DRAINAGE AND GRADING**

Site drainage and grading must be done with minimum disruption to the Lot. Surface drainage shall not drain to adjoining Lots or open spaces except as established by natural drainage patterns. It is the intent of these Guidelines to discourage excessive cut and fill and no grading may be done outside the Building Envelope. Any alterations to washes carrying 50 cubic feet per second or more resulting from a 100-year storm may require special consideration for approval by the Committee.

#### **4.10 SETBACKS**

All setbacks will be reviewed on the merits of the submitted site plan design. Minimum setbacks from Lot lines are as follows:

- Front yards: 40 feet.
- Side yards: 20 feet.
- Rear yards: 40 feet.
- Minimum distance between buildings on adjacent Lots: 40 feet.
- Minimum distance between main and accessory buildings on a Lot: 15 feet.

#### **4.11 ENTRANCE DRIVEWAYS**

Entrance driveways should be located so as to minimize their visual impact on important natural features of a Lot such as large or significant plant materials, washes or drainageways, and to minimize disruption of the existing landscape. Driveways shall be a maximum of 14 feet wide at the property line and shall intersect the street at a minimum angle of 60 degrees and in such a way as not to interfere with drainage in the street right of way. Uncolored smooth concrete may not be used. One driveway will be allowed for each Residence. For corner Lots or in situations where an additional driveway may be required, the Design Review Committee may approve two driveways.



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#### **4.12 WASHES AND DRAINAGE EASEMENTS**

These natural drainageways occur frequently throughout the Development and should not be obstructed. Structures and other Improvements should be sited to avoid these washes, although they can be sited at the edge of a wash. Bridging by buildings, and other Improvements designed so as not to obstruct 100-year storm flows, is encouraged.

Drainage easements have been established encompassing some washes with projected 10-year storm flows greater than 50 cubic feet per second. These easements are areas of special consideration due to the potential for water flows of high volume and must remain unaltered and unobstructed. As with any wash, Improvements designed and constructed to bridge these easements are encouraged; however, in such cases, if required by the Design Review Committee, a backwater flood analysis prepared by a licensed civil engineer and ensuring the safety and feasibility of the design, must be submitted and will be subject to review by a licensed civil engineer retained by the Design Review Committee.

#### **4.13 SWIMMING POOLS**

Swimming pools should be designed as being visually connected to the Residence through walls or courtyards, and must be screened from view from adjacent Lots, streets, and public areas.

#### **4.14 SPORTS/TENNIS COURTS**

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

#### **4.15 BASKETBALL HOOPS AND PLAYGROUND EQUIPMENT**

Basketball hoops, playground equipment and miscellaneous items used for exercise or children play may be installed on any Lot, subject to approval by the Design Review Committee. Playground equipment and some additional items may only be allowed with Private Areas.

#### **4.16 UNIFORM ADDRESS MONUMENTS**

Individual address identification devices for each approved Residence will be installed by the Lot Owner. The Design Review Committee shall establish some uniform criteria for Address Monuments regarding size, lighting and other visual considerations. Such devices must utilize the same materials and colors as the Residence and must reflect its design character. No "unique" identification devices will be permitted, except temporary construction signs or other signs as permitted by the Declaration and approved by the Design Review Committee.

#### **4.17 LIGHTING**

An overall lighting plan for Carefree Mountain Estates will be designed with the goal of creating a unified, natural effect which will not interfere or compete with the dramatic nighttime panorama of views of the desert, surrounding mountains and the valley below. Any additional lighting on individual Lots must be approved by the Design Review Committee and will be approved only if it is limited to a small area within the Building Envelope, is of low intensity, and does not result in excessive glare. Special lighting regulations may also be established by the Town.

### **5 ARCHITECTURAL DESIGN STANDARDS**

The following architectural standards have evolved in response to climatic and aesthetic considerations in Carefree Mountain Estates. During the summer months, the intense sun creates a climate which should be moderated by various design devices, such as keeping buildings at or below grade, shading window openings and courtyards, and not using reflective exterior materials or colors which will increase glare.

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### **5.1 NO REFLECTIVE FINISHES**

No highly reflective materials except glass, which may not be mirrored or opaque, and door hardware shall be used on any exterior surfaces.

### **5.2 BUILDING HEIGHTS**

The terrain of Carefree Mountain Estates is varied and unique, with ridges, valleys and other changes in elevation, making absolutely uniform applicability of height restrictions for residence inadvisable. These considerations are particularly important with residences constructed along tops of ridges where, without limiting this generality, the Design Review Committee could refuse to allow any portion of the Residence or other structure to exceed the 16 foot standard maximum height for a flat roof Residence. The maximum height of any building mass of a Residence may not exceed 16 feet, measured to the top of the surrounding parapets on flat roofs, except that a maximum of one-third of the enclosed livable area of the Residence may exceed these limits to a maximum of 19 feet measured to the top of the surrounding parapets on flat roofs. Single slope and "shed" roofs shall conform to the height limitations for flat roofs. Height shall be measured from the highest adjacent natural grade at each building mass. Except in a very unusual circumstance, the overall plane from the height of a Residence shall not exceed 24 feet measured in a vertical plane from the highest parapet to the natural grade at the lowest point adjacent to the Residence.

### **5.3 BUILDING SIZES**

It is expected that Residences will contain at least 2,500 square feet of living area; however, smaller Residences may be approved by the Design Review Committee if, in its opinion, the design would not result in a Residence which would be out of character with the other Residences.

### **5.4 ROOFS**

Since roofscapes will form an important part of the visual environment, they must be carefully designed. It is intended that all roofs are to be flat and not pitched roofs. The only pitched roof will be "shed" or single slope roof, conforming to the height limitations and used only over exterior porches and/or covered patios. Mansard roofs are prohibited; however, the Design Review Committee shall have the authority to approve shed roofs when, in their judgment, they do not add to a Residence's visual massiveness. Dominant roof colors such as white, black, red, and reflective roof surfaces are prohibited. Roof-mounted mechanical equipment is prohibited unless, in the judgment of the Design Review Committee, it does not adversely affect views from the streets, other Lots, or public spaces. When permitted, such equipment shall be screened from view from streets, other Lots, or public spaces.

### **5.5 COLORS**

Colors must be muted tones chosen to blend with the natural colors of the vegetation and mountains as seen from a distance. Since Residences at Carefree Mountain Estates will be seen from above and from great distances, colors shall be chosen to blend, rather than contrast, with the Residence's surroundings. Subdued accent colors may be used subject to Committee approval on an individual case basis. The Design Review Committee will prepare a list of approved colors for use. Flat roofs may be surfaced with a material whose color harmonizes with the natural desert but does not contrast with the building walls or may be painted to match the building walls. See Appendix G for color list.

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## **5.6 MATERIALS – EXTERIOR SURFACES**

Exterior surfaces must generally be of materials which harmonize with the natural landscape. Stone masonry, painted slump block, or stucco should be the predominant exterior surfaces. They provide an outer surface to withstand the climate extremes. Large expanses of wood will not weather well in desert conditions and will not be approved.

## **5.7 BUILDING PROJECTIONS**

All projections from a building including, but not limited to, chimney caps, vents, gutters, downspouts, utility boxes, porches, railings, and exterior stairways shall match the color of the surface from which they project, unless otherwise approved by the Design Review Committee. All building projections must be contained within the Building Envelope.

## **5.8 NO ANTENNAE**

There shall be no antennae of any sort, either installed or maintained, which are visible from Neighboring Property, except as expressly permitted by the Design Review Committee.

## **5.9 SKYLIGHTS AND WINDOWS**

Skylights are not recommended because they are a source of heat gain and undesirable reflections. If used, they must be located so as to minimize their visibility from other Lots, particularly those above, and they should not cause any objectionable glare.

Windows should be located and sized so as to limit heat gain to the Residence's interior and not cause any objectionable glare at any time. All windows should provide a 2" minimum recess from exterior walls.

## **5.10 PATIOS AND COURTYARDS**

Patios and courtyards should be designed as an integral part of the Residence so they can be shaded and protected from the sun by roofs and building masses. These open areas can take advantage of natural air flows to produce cooler temperatures. By orienting these outdoor spaces inward, disturbance of the desert will be minimized.

## **5.11 SOLAR APPLICATIONS**

Passive solar applications or the orientation and design of the Residence for maximum winter sun gain will reduce the winter heating needs and will be encouraged. Solar collectors can cause excessive glare and reflections, and only can be approved if they are integrated into the structures or landscaping on a Lot and are not so visible from Neighboring Properties as to be unreasonable or objectionable.

## **5.12 SCREEN WALLS**

Screen walls should be a visual extension of the architectural design of the Residence. They may be used to separate the Private Areas from the rest of the Building Envelope and as screening for parking and service areas. They may not be used to delineate property lines or to arbitrarily delineate the Building Envelope. The colors of the walls must conform to the same color standards described in §5.5 of the Design Guidelines.

Finish materials on all building walls and Screen Walls must be continued down to finish grade, thereby eliminating unfinished foundation walls.

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### **5.13 SERVICE YARD**

All above-ground garbage and trash containers, clotheslines, mechanical equipment, and other outside maintenance and service facilities must be screened by walls from other Lots, streets, or public spaces.

### **5.14 GUEST HOUSES AND GUEST SUITES**

Such structures must be designed as a single visual element with the Residence, and should be visually related to it by walls, courtyards, or major landscape elements. The Guest House must comply with Town zoning regulations. A Guest House can be constructed on any Lot, with approval from the Design Review Committee. A Guest Suite may be incorporated into any residence. No Guest House or Guest Suite may be leased or rented, separate and apart from the lease or rental of the main house.

### **5.15 NO VISIBLE STORAGE TANKS**

All fuel tanks, water tanks, or similar storage facilities shall either be shielded from view by walls or structures or shall be located underground with all visible projections screened from view.

### **5.16 RADON GAS**

Although there is no indication that significant amounts of radon gas are present in the soil of Carefree Mountain Estates, the individual Lot Owners should test the building site to determine if a radon gas protection system should be incorporated into the design of the Residence.

## **6 CONSTRUCTION REGULATIONS**

In order to assure that the natural desert landscape of Carefree Mountain Estates is not unduly damaged during construction, the following Construction Regulations should be made a part of the construction contract documents for each Residence or other Improvements on a Lot. All Builders and Owners shall be bound by these Regulations and any violations by a Builder shall be deemed to be violations by the Owner of the Lot. To guarantee that the Regulations are adhered to, the Builder shall post a cash bond in the amount of \$2,000.00 prior to beginning construction. Such bond will be released to the Builder upon Final Inspection and approval of construction activities.

### **6.1 PRE-CONSTRUCTION CONFERENCE**

Prior to commencing construction, the Builder may be required to meet with a representative of the Design Review Committee to review construction procedures and to coordinate construction activities.

### **6.2 OCCUPATIONAL SAFETY AND HEALTH ACT (OSHA) COMPLIANCE**

All applicable OSHA regulations and guidelines must be strictly observed at all times.

### **6.3 CONSTRUCTION TRAILERS, PORTABLE FIELD OFFICES, ETC.**

Any Owner or Builder who desires to bring a construction trailer, field office, or the like to Carefree Mountain Estates shall first apply for and obtain written approval from the Design Review Committee. To obtain such approval, he/she must submit a copy of the Architect's design plan with proposed locations of the construction trailer or field office, the portable toilet, and the trash receptacles noted thereon. Such temporary structures shall be removed upon completion of construction.

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#### **6.4 FENCING**

To protect the Natural Area of a Lot from damage due to construction operations, a fence at least five feet high shall be installed to completely enclose the Building Envelope. The fence shall follow the alignment of the natural Area line, shall have a single entrance located at the driveway entrance, and shall be maintained intact until the completion of construction.

#### **6.5 DEBRIS AND TRASH REMOVAL**

Builders shall clean up all trash and debris on the construction site at the end of each day. Trash and debris shall be removed from each construction site frequently and not be permitted to accumulate. Lightweight material, packaging, and other items shall be covered or weighed down to prevent their being blown off the construction site. Builders are prohibited from dumping, burying, or burning trash anywhere on Carefree Mountain Estates except as expressly permitted by the Design Review Committee. During the construction period, each construction site shall be kept neat and clean, and shall be properly policed to prevent it from becoming a public eyesore or affecting other Lots or any open space. Unightly dirt, mud, or debris resulting from activity on each construction site shall be promptly removed and the general area cleaned up.

#### **6.6 SANITARY FACILITIES**

Each Builder shall be responsible for providing adequate sanitary facilities for his/her construction workers. Portable toilets or other similar temporary toilet facilities shall be located only within the Building Envelope or in areas approved by the Design Review Committee.

#### **6.7 VEHICLES AND PARKING AREAS**

Construction crews shall not park on, or otherwise use, other Lots or any open space. Private and construction vehicles and machinery shall be parked only within the Building Envelope or in areas designated by the Design Review Committee. All vehicles shall be parked so as not to inhibit traffic.

#### **6.8 CONSERVATION OF LANDSCAPING MATERIALS**

Builders are advised that the Lots and open spaces of Carefree Mountain Estates contain valuable native plants and other natural features such as topsoil, rock outcroppings and boulders that should be absolutely protected during construction. The Carefree Mountain Estates philosophy of plant material conservation is based on the Town's "Native Tree Preservation Regulations."

#### **6.9 EXCAVATION MATERIALS**

Excess excavation materials must be hauled away from Carefree Mountain Estates.

#### **6.10 BLASTING**

If any blasting is to occur, the Design Review Committee must be informed far enough in advance to allow it to make such investigation as it deems necessary to confirm that all appropriate protective measures have been taken prior to the blasting. No blasting or impact digging causing seismic vibrations may be undertaken without the approval of the Design Review Committee. Applicable governmental regulations concerning blasting must be observed.

#### **6.11 RESTORATION OR REPAIR OF OTHER PROPERTY DAMAGES**

Damage and scarring to other property resulting from construction operations including, but not limited to, open space, other Lots, 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 Builder.

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## **6.12 MISCELLANEOUS AND GENERAL PRACTICES**

All Owners will be absolutely responsible for the conduct and behavior of their agents, representatives, Builders, contractors, and subcontractors while on the premises of Carefree Mountain Estates. The following practices are prohibited:

**6.12.1** Changing oil on any vehicle or equipment on the site itself or at any other location within Carefree Mountain Estates other than at a location designated for that purpose by the Design Review Committee.

**6.12.2** Allowing concrete suppliers, plasterers, painters, or any other subcontractor to clean their equipment other than at locations specifically designated for that purpose by the Design Review Committee.

**6.12.3** Removing any rocks, plant material, topsoil, or similar items from any property of others within Carefree Mountain Estates, including other construction sites.

**6.12.4** Carrying any type of firearms within Carefree Mountain Estates.

**6.12.5** Using disposable methods or units other than those approved by the Design Review Committee.

**6.12.6** Careless disposal of cigarettes and other flammable material. At least one 10-pound dry chemical fire extinguisher shall be present and available in a conspicuous place on the construction site at all times.

**6.12.7** Careless treatment or removal of any desert plant materials not previously approved for removal by the Design Review Committee.

**6.12.8** No pets, particularly dogs, may be brought into Carefree Mountain Estates by construction personnel. In the event of any violation hereof, the Design Review Committee, the Association or Developer shall have the right to contact Maricopa County authorities to impound the pets, to refuse to permit the Builder or subcontractor involved to continue to work on the project, or to take such other action as may be permitted by law or the Design Guidelines.

## **6.13 CONSTRUCTION ACCESS**

The only approved construction access during the time a Residence or other Improvement is under construction will be over the approved driveway for the Lot unless the Design Review Committee approves an alternate access point. In no event shall more than one construction access be permitted onto any Lot.

## **6.14 DUST AND NOISE**

The Builder shall be responsible for controlling dust and noise, including without limitation music, from the construction site.

## **6.15 CONSTRUCTION SIGNAGE**

Temporary construction signs shall be limited to one sign per site not to exceed six square feet of total surface area. The sign shall be free standing and its design within the Building Envelope and location shall be subject to approval by the Design Review Committee.

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#### **6.16 DAILY OPERATION**

Daily working hours for each construction site shall be from 30 minutes before sunrise to 30 minutes after sunset unless other hours are designated in writing by the Design Review Committee.

#### **6.17 FIRE SPRINKLERS**

Each Residence shall construct an individual fire sprinkler unit. The system will be designated to meet the requirements of the Rural Metro Fire Department.

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## APPENDIX A - DEFINITIONS

Unless the context otherwise specifies or requires, the following word or phrases, when used in the Design Guidelines, shall have the following specific meanings. Terms used herein which are defined in the Declaration shall have the meanings specified therein.

- 1 **“Architect”** means a person appropriately licensed to practice architecture or landscape architecture in Arizona.
- 2 **“Association”** means The Carefree Mountain Estates Community Association, as defined in the Declaration.
- 3 **“Board”** means the Board of Directors of the Association.
- 4 **“Builder”** means a person or entity engaged by an Owner for the purpose of constructing any Improvement on the Owner’s Lot. The Builder and Owner may be the same person or entity.
- 5 **“Building Envelope”** means that portion of a Lot, as described in §4.1, which encompasses the maximum allowable developable area of the Lot.
- 6 **“Town”** means the Town of Carefree, Arizona, a municipal corporation of the State of Arizona.
- 7 **“Declaration”** means the declaration of Covenants, Conditions, Restrictions and Easements (CC&Rs), as mentioned from time to time.
- 8 **“Developer”** means R.J.L. Properties, Inc., as defined in the Declaration.
- 9 **“Excavation”** means any disturbance of the surface of the land (except to the extent reasonably necessary for planting of approved vegetation), including any trenching which results in the removal of earth, rock or other substance from a depth of more than 12 inches below the natural surface of the land, or any grading of the surface.
- 10 **“Fill”** means any addition of earth, rock or other materials to the surface of the land, which increases the natural elevation of such surface.
- 11 **“Guest House”** means a structure, separate from the main Residence, having sleeping facilities for one or more guests.
- 12 **“Guest Suite”** means sleeping facilities incorporated into the main Residence for the use of one or more guests.
- 13 **“Improvement”** means any changes, alterations, or additions to a Lot, including any Excavation, Fill, Residence or buildings, outbuildings, roads, driveways, parking areas, walls, retaining walls, stairs, patios, courtyards, hedges, poles, signs, and any structure or other Improvement of any type or kind.
- 14 **“Lot”** means a subdivided Lot or other building site as shown on the plat of record for the various units in Carefree Mountain Estates.



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- 15 **“Natural Area”** means that portion of the natural desert which must remain undisturbed, lying within a Lot but outside of the Building Envelope.
- 16 **“Owner”** means the Owner (as defined in the Declaration) of a Lot. For the purposes herein, the Owner may act through his designated agent, provided that such agent is authorized in writing or by law to act in such capacity.
- 17 **“Design Guidelines”** means the restrictions, procedures and regulations relating to Carefree Mountain Estates only and set forth herein, as adopted and enforced by the design review Committee, and as amended from time to time by it.
- 18 **“Design Review Committee”** means the Design review Committee establishes pursuant to the Declaration.
- 19 **“Residence”** means any building or buildings, including any garage or other accessory building used for residential purposes, constructed on a Lot, and any Improvements constructed in connection therewith. Unless otherwise defined, “Residence” shall mean a single-family residence.
- 20 **“Structure”** means anything constructed or erected on a Lot, the use of which requires location on the ground or attachment to something having location on the ground.
- 21 **“Visible from Neighboring Property”** means that an object or activity on a Lot which is or would be in any line of sight originating from any point six feet or above any other property, including other Lots.

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## **APPENDIX B - DESIGN REVIEW COMMITTEE**

### **1 Design Review Committee Membership Organization**

The Design Review Committee, herein called the Committee, shall consist of three members. Each member shall hold his/her office until such time as he/she has resigned or been removed or his/her successor has been appointed as set forth herein or in the Declaration.

### **2 Appointment of Members**

The right from time to time to appoint and remove members of the Committee shall be as set forth in the Declaration.

### **3 Resignation of Members**

Any member of the Committee may at any time resign from the Committee upon written notice delivered to Developer or to the Board, whichever then has the right to appoint and remove members.

### **4 Duties**

It shall be the duty of the Committee to consider and act upon such proposals or matters as, from time to time, are submitted to the Design Guidelines or the Design Review Committee.

### **5 Meetings**

The Committee shall meet from time to time as is necessary to properly perform its duties hereunder. The vote or written consent of a majority of the members shall constitute an act by the Committee unless the unanimous decision of its members is otherwise required. The Committee should keep and maintain a record of all actions taken by it at such meetings or otherwise. Meetings by telephone are permitted.

### **6 Compensation**

Unless authorized by the Association, members of the Committee shall not receive any compensation for services rendered. All members shall be entitled to reimbursement for reasonable expenses incurred by them in connection with the performance of any Committee function or duty. Professional consultants retained by the Committee shall be paid such compensation as the Committee determines.

### **7 Non-Liability**

Neither the Committee nor any member thereof shall be liable to the Association or to any Owner or other person for any damage, loss, or prejudice suffered or claimed on account of (a) the approval or disapproval of any drawings or specifications, whether or not defective; (b) the construction or performance of any work, whether or not pursuant to approved drawings and specifications; (c) the development or manner of development of any property within Carefree Mountain Estates; or (d) the execution or filing of an estoppel certificate whether or not the facts therein are correct; provided, however, that such member has, with the actual knowledge possessed by him/her, acted in good faith. Without in any way limiting the generality of the foregoing, the Committee or any member thereof may, but is not required to, consult with or hear the Association or any Owner or other person with respect to any drawings or specifications or any other proposal submitted to it.

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## **8 Non-Liability of the Carefree Mountain Estates Design Review Committee and the Developer**

The Design Review Committee or the Developer, or their respective successors or assigns, shall not be liable in damages to anyone submitting drawings or specifications to them for approval, or to any Owner or other person by reason of mistake in judgment negligence, or nonfeasance arising out of, or in connection with, the approval or disapproval or failure to approve any drawings or specifications. Every Owner or other person who submits drawings or specifications for approval agrees, by submission of such drawings or specifications, that he/she will not bring any action or suit against the Design Review Committee, any member of the Committee, or the Developer to recover damages. It shall be the sole responsibility of the Owner or other person submitting drawings or specifications to the Committee or performing any construction to comply with applicable governmental ordinances.

## **9 Enforcement**

The Design Guidelines may be enforced by the Design Review Committee, the Association, or the Developer as provided herein, in the Design Guidelines.

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## APPENDIX C - APPROVAL CHECKLIST

### 1. Pre-Design Meeting

### 2. Preliminary Submittal

- Site plan
- Survey of Lot
- Roof plan and floor plans
- Exterior elevations
- Design review fee
- Posting of Lot for other Owners' inspection of submittals
- Preliminary approval from Design Review Committee

### 3. Final Submittal

- Complete construction documents
- Time schedule for construction, utility hookup and landscaping
- Hydrology report
- Samples of all exterior materials, colors, and glass specifications as required by the Design Review Committee
- Landscaping plan
- Exterior lighting plan and lighting fixture cuts
- Tagging of any plants proposed for transplanting
- Final approval by Design Review Committee

### 4. Town Building Permit

- Upon completion of above steps, a copy of working drawings approved by the Design Review Committee is one of the required submittals.

### 5. Construction Regulations

- Builder must, if required, meet with a representative of the Design Review Committee prior to commencement of construction
- Approval from the Design Review Committee must be obtained prior to bringing in any construction trailer, field office, etc.
- Natural area must be fenced
- Final inspection by Design Review Committee

### 6. Final Inspection Certificate

- Issued by the Town upon completion of construction and all required inspections

## APPENDIX D - APPROVED PLANT LIST FOR PRIVATE AREA

The Design Review Committee has found the plants included in the following list to be inherently compatible with the natural desert existing at Carefree Mountain Estates and encourages their use. Any species not contained herein may not be planted or installed within Carefree Mountain Estates without written approval from the Design Review Committee. All species of cacti are acceptable for use within Carefree Mountain Estates as are any species of trees or shrubs not listed below which have been found to be indigenous to the Carefree Mountain Estates area.

Non-indigenous plant materials which normally reach a mature height greater than 20 feet may not be used.

### TREES

Acacia abyssinica	Abyssinian Acacia
Acacia aneuria	Mulfa
Acacia cavenia	
Acacia constricta	White Thorn Acacia
Acacia eburnia	Needle Acacia
Acacia farnesiana (smallii)	Sweet Acacia
Acacia greggii	Cataclaw Acacia
Acacia pennatula	
Acacia occidentalis	
Acacia schaffneri	
Acacia stenophylla	Shoestring Acacia
Acacia willardiana	White Bark Acacia
Caesalpinia cacalaco	
Caesalpinia mexicana	Mexican Poinciana
Caesalpinia platyloba	Bird of Paradise
Caesalpinia pumila	Copper Bird of Paradise
Canotia holacantha	Crucifixion Thorn
Celtis pallida	Desert Hackberry
Celtis reticulata	Net Leaf Hackberry
	Palo Blanco
Cercidium floridum	Blue Palo Verde
Cercidium microphyllum	Littleleaf Palo Verde
Cercidium praecox	Palo Brea,
	Sonoran Palo Verde
Ghilopsis linearis	Desert Willow,
	Desert Catalpa
Juniperus monosperma	One-seed Juniper
Lysiloma candida	Palo Blanco
Lysiloma thornberi	Fern of the Desert
Nicotiana glauca	Tree Tobacco
Onneya tesota	Ironwood
Pithecollobium bervefolium	Apes Earring
Pithecollobium flexicaule	Texas Ebony

TREES CONT'D

Pithecollobium mexicana  
Pittosporum phylliraeoides  
Prosopis alba

Prosopis chilensis  
Prosopis glanulosa  
Prosopis pubescens  
Prosopis veluntina  
Rhus ovata  
Zizyphus obtusifolius

SHRUBS

Abutilon incanum  
Acacia angustissima  
Acacia craspedocarpa  
Acourtia wrightii  
Aloysia lyciodes  
Aloysia wrightii  
Agave Species  
Ambrosia deltoidea  
Ambrosia ambrosioides

Aristolochia watsoni  
Artemesia ludoviciana  
Asclepias subulata  
Astragalus praelongus  
Atriplex canescens  
Atriplex hymenelytra  
Atriplex lentiformis  
Atriplex mullaria  
Atriplex Nummularia  
Atriplex polycarpa

Atriplex rhagodiodes  
Atriplex torreyi

Baileya multiradiata  
Baccharis sarahtroides

Bebbia juncea  
Berberis haematocarpa  
Brickellia coulteri  
Buddleia marrubifolia

Bursera microphylla  
Bursera fagaroides  
Caesalpina gilliesii  
Caesalpina pulcherrima  
Calliandra californica  
Calliandra eriophylla

Mexicana Ebony  
Willow Pittosporum  
White Mesquite  
Argentine Mesquite  
Chilean Mesquite  
Honey Mesquite  
Fremont Screwbean  
Velvet Mesquite  
Mountain Laurel  
Graythorn

Indian Mallow  
Fern Acacia  
Leather Leaf Acacia  
Perezia  
White Bush

Century Plants  
Bursage  
Gaintleaf Bursage  
Spanish Daggers  
Arrow Root  
Wormwood  
Desert Milkweed  
Locoweed  
Four Wing Salt Bush  
Desert Holly  
Quail Bush

Old Man Salt Bush  
Desert Salt Bush  
Cattle Spinach

Nevada Salt Bush  
(Atriplex lentiformis  
Var. Torreyi)  
Desert Marigold  
Desert Broom  
(male plants only)  
Chuckawalla's Delight  
Barberry  
Coulters Bricklebush  
Wooly Butterfly Bush,  
Summer lilac  
Elephant Tree  
Fragrant bursera  
Yellow Bird of Paradise  
Mexican Bird of Paradise  
Red/Baja Fairy Duster  
Pink Fairy Duster

SHRUBS CONT'D

<i>Caliandra penninsularis</i>	False Mesquite
<i>Cassia artemisioides</i>	Fairy Duster
<i>Cassia biflora</i>	Feathery Cassia
<i>Cassia candoleana</i>	Texas Cassia
<i>Cassia circinnata</i>	New Zealand Cassia
<i>Cassia goldmannii</i>	
<i>Cassia leptophylla</i>	
<i>Cassia nemophylla</i>	Green Feathery Cassia
<i>Cassia philodinea</i>	Silver Cassia
<i>Cassia purpussiae</i>	
<i>Cassia sturtii</i>	Sturts Cassia
<i>Cassia wislizenii</i>	Shrubby Cassia
<i>Castilleja chromosa</i>	Indian Paint Brush
<i>Ceanothus greggii</i>	Buckthorn
<i>Cercocarpus montanus</i>	Mountain Mahogany
<i>Cirsium neomexicanum</i>	Thistle
<i>Clanthus formosus</i>	Sturts Desert Pea
<i>Cordia parvifolia</i>	
<i>Crossosoma bigelovii</i>	Bigelow Ragged Flower
<i>Dalea bicolor</i>	Indigo Bush
<i>Dalea formosa</i>	Feather Dalea
<i>Dalea pulchra</i>	Gregg Dalea
<i>Dalea spinosa</i>	Smoke Tree
<i>Dalea wislizeni</i>	Indigo Bush
<i>Dasyilirion wheeleri</i>	desert Spoon
<i>Delphinium scaposum</i>	Barstemmed Larkspur
<i>Dichelostemma pulchellum</i>	Blue-dick
<i>Dysodia porophylloides</i>	Dysodia
<i>Dodonaea viscosa</i>	Hop Bush
<i>Encelia farinosa</i>	Brittle Bush
<i>Ephedra species</i>	Mormon Tea
<i>Ericameria laricifolia</i>	Turpentine Bush
<i>Erigeron species</i>	Fleabone Daisy
<i>Eriogonum fasciculatum</i>	Buckwheat
<i>Eriogonum inflatum</i>	Flat-topped Buckwheat
<i>Eriogonum wrightii</i>	Wrights Buckwheat
<i>Eysenhardia polystachya</i>	Kidney wood
<i>Fallugia paradox</i>	Apache Plume
<i>Forestiera neomexicana</i>	Desert Olive
<i>Fouquieria splendens</i>	Ocotillo
<i>Galium (Relbunium) microphyllum</i>	Bedstraw
<i>Gutierrezia sarothrae</i>	Snake Weed
<i>Hedeoma species</i>	Mock Pennyroyal
<i>Hesperaloe funifera</i>	
<i>Hesperaloe parviflora</i>	Coral Yucca
<i>Holacantha emoryi</i>	Crucifixion Thorn
<i>Hymenoclea monogyra</i>	Burrobush
<i>Hyptis emoryi</i>	Desert Lavender
<i>Isocoma =acradenia</i>	Alkaline Bush
<i>Jatropha cardiophylla</i>	Limber Bush
<i>Jojoba simmondsia</i>	Jojoba

SHRUBS CONT'D

Justicia candicans  
Justicia californica  
Justicia ghiesbreghtiana  
Keckiella antirrhinoides  
Krameria grayi  
Larrea tridentata  
Leucaena retusa  
Leucophyllum frutescens  
Leucophyllum laevigatum  
Lotus rigidus  
Lycium Andersonii  
Lycium brevipes  
Lycium fremontii  
Machaeranthera species  
Marah gilensis  
Maytenus phyllanthiodes  
Melampodium leucanthum  
Mentzelia species  
Menodora scabra  
Mimosa biuncifera  
Mirabilis bigelovii  
Mimosa dysocarpa  
Nicotiana trigonophylla  
Nolina bigelovii  
Nolina microcarpa  
Penstemon species  
Phoradendron californicum  
Porophyllum gracile  
Psilostrophe cooperi (tagetina)  
Quercus tubinella  
Rhamnus californica  
Rhamnus Crocea  
Rhus trilobata  
Ruellia californica  
Ruellia penninsularis  
Rumex hymenosepalus  
Salvia farinacea  
Salvia greggii  
Salvia chamyorioides  
Senna covesii  
Senecio douglasii  
Senecio salignus  
Sophora arizonica  
Sophora secundiflora  
  
Sphaeralcea ambigua  
Tecoma stans  
Tetracoccus hallii  
Trixis californica  
Vauquelinia californica  
Verbena (Glandularia)  
Viguiera deltoidea  
  
Firecracker Bush  
Chuparosa  
Desert honeysuckle  
  
White Rantany  
Creosote Bush  
Gold Lead Ball Tree  
Texas sage, Texas Range  
Chihuahuan Sage  
Desert Rock-pea  
Anderson Thornbush  
Thornbush  
Wolfberry, Tomatillo  
Aster  
Marah  
Gutta Percha Mayten  
Blackfoot Daisy  
Stickleaf  
Menodora  
cataclaw  
Wishbone Bush  
Velvet Pod Mimosa  
Wild Tobacco  
Bigelow Nolina  
Bear Grass  
Beard Tongue  
Desert Mistletoe  
Odora  
Paperflower  
Shrub Oak  
Coffee berry  
Redberry Buckthorn  
Lemonade Bush  
  
Canagre, Wild Rhubarb  
Mealy Cup Sage  
Texas Red Salvia  
Blue Sage  
Desert Senna  
Groundsel  
Willow-Leaf Groundsel  
Arizona Sophora  
Mescal Bean,  
Texas Mountain Laurel  
Globe Mallow  
Arizona Yellow Bells  
  
Trixis  
Arizona Rosewood  
vervain  
Golden Eye



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**SHRUBS CONT'D**

Yucca baccata  
Yucca elata  
Zauschneria latifolia  
  
Zizyphus obtusifolia

Banana Yucca  
Soap Tree Yucca  
Hummingbird Flower,  
California Fuchsia  
Graythorn

**ANNUALS**

Amsinckia intermedia  
Amsinckia tessellata  
Cryptantha  
Datura meteloides  
Emmenanthe penduliflora  
Eriogonum deflexum  
Erodium Cicutarium  
Erodium texanum  
Eschscholtzia Mexicana  
Euphorbia species  
Gilia flavocincta  
Lysinius concinnus  
Lysinius sparsiflorus  
Oenothern species  
Phlox tenuifolia  
Plantago species  
Rafinesquia species

Fiddleneck  
Fiddleneck  
Cryptantha  
Sacred Datura  
Whispering Bells  
Buckwheat Slettonweed  
Filaree  
Filaree  
Mexican Poppy  
Spurge  
Gilia  
Lysine  
Lysine  
Evening Primrose  
Phlox  
Plantain  
Desert Chicory

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**LAWNS**

Any grass except Common Bermuda Grass may be used in lawns. Lawns and irrigated ground cover will be limited in uses to areas confined by walls or structures and may not be visible from natural desert areas.

**MINERAL LANDSCAPE FEATURES**

Boulders, mineral ground covers, and similar features will be limited either to materials indigenous to Carefree Mountain Estates or to materials similar in color and appearance to indigenous materials.

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## **APPENDIX E - PROHIBITED PLANT LIST**

The following may not be planted or maintained anywhere in Carefree Mountain Estates:

**1** Any species of tree or shrub whose mature height may reasonably be expected to exceed 18 feet, with the exception of those species specifically listed as approved by the Design Review Committee.

**2** All Palms whose mature height may reasonably be expected to exceed six feet will be prohibited for aesthetic reasons as well as their high maintenance requirements. Dwarf varieties whose mature height may reasonably be expected to be less than six feet will be allowed only within the confines of a private garden.

**3** All Pines (Pinus), Cypress (Cupressus), False Cypress (Chamaecyparis), Juniper or Cedar (Juniperus) except those species specifically approved, whose mature height may reasonably be expected to exceed six feet will be prohibited for aesthetic reasons. Dwarf varieties, and those whose mature height may reasonably be expected to be less than six feet, may be used immediately adjacent to dwellings or connecting structures, or within the confines of a private garden.

**4** Olive trees (Olea Europaea) will be prohibited for reasons of their profuse production of allergy-producing pollen, as well as for aesthetic reasons.

**5** Oleanders (Nerium Oleander) and Thevetia will be prohibited for aesthetic reasons as well as for their profuse production of allergy-producing pollen. These poisonous plants will also be prohibited for their high maintenance requirements and excessive height. Dwarf varieties will be allowed within a private garden.

**6** Fountain Grass (Pennisetum Setaceum) will be prohibited as a defined weed with the potential to spread throughout the development and also as a fire hazard.

**7** All varieties of Citrus will be prohibited for aesthetic reasons and for their profuse production of allergy-producing pollen. Dwarf varieties are permissible within the confines of a private garden.

**8** Common Bermuda Grass (Cynodon Dactylon) will be prohibited as a defined weed.

**9** Mexican Palo Verde (Parkinsonia Aculeatra) will be prohibited as a harbinger of pests and because of its ability to spread throughout the development, thereby altering the present natural desert.

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### APPENDIX F-1 - NATURAL AREA PRESERVATION

The intent is that Natural Areas be natural desert free from any Improvements and any scars resulting from construction. Landscaping such areas is not allowed unless needed to repair vegetation which has been destroyed. This repair is the responsibility of the property Owner.

### APPENDIX F-2 - PROTECTED PLANTS

Any and all transplantable species of Yucca, Ocotillo (*fouquieria splendens*), and all members of the Cactus family including, but not limited to, Barrel, Saguaro, Staghorn Cholla, Mammalaria (or Nipple Cactus), and Hedgehog, but excluding Teddy Bear (or Jumping) Cholla (*opuntia bigelovii*), Chain Fruit Cholla, and Prickly Pear.

Indigenous trees, which are four inches or greater in caliper measured one foot above ground level, of the following species:

#### Botanical Name

Acacia Constricta  
Acacia Greggii  
Canotia Holocantha  
Celtis Reticulate  
Cercidium Floridum  
Cercidium Microphyllum  
Chilopsis Linearis  
Juniperous species  
Olneya Tesota  
Populus Fremontii  
Prosopis species  
Quercus species  
Rhus Ovata  
Vauquelinea Californica

#### Common Name

Whitehorn Acacia  
Catclaw Acacia  
Crucifixion Thorn  
Hackberry  
Blue Palo Verde  
Foothills Palo Verde  
Desert Willow  
Juniper  
Ironwood  
Cottonwood  
Mesquite  
Scrub Oak  
Sugar Sumac  
Arizona Rosewood

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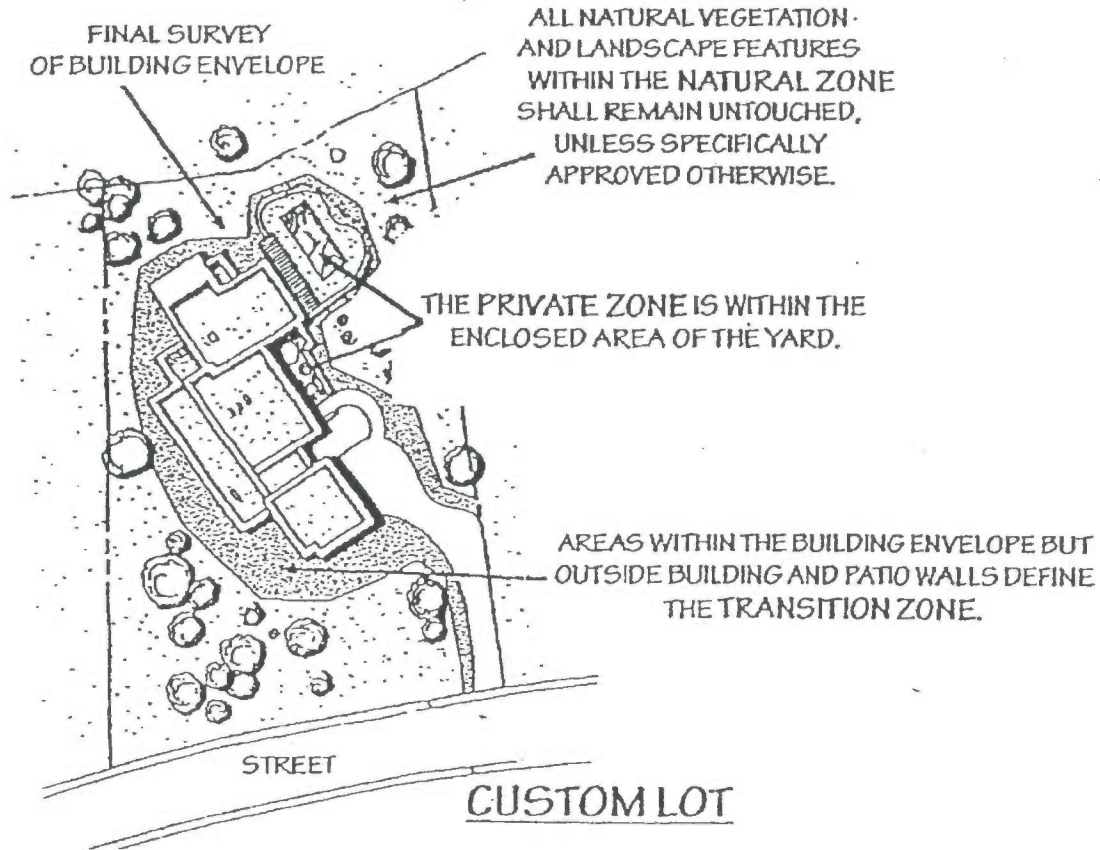
## APPENDIX G - APPROVED COLORS LIST

The Design Review Committee has found the colors listed below to be compatible with the natural environment at Carefree Mountain Estates and has approved them for use on Residences. The colors are identified by color number, color name and light reflection value (LRV), the number in parenthesis.

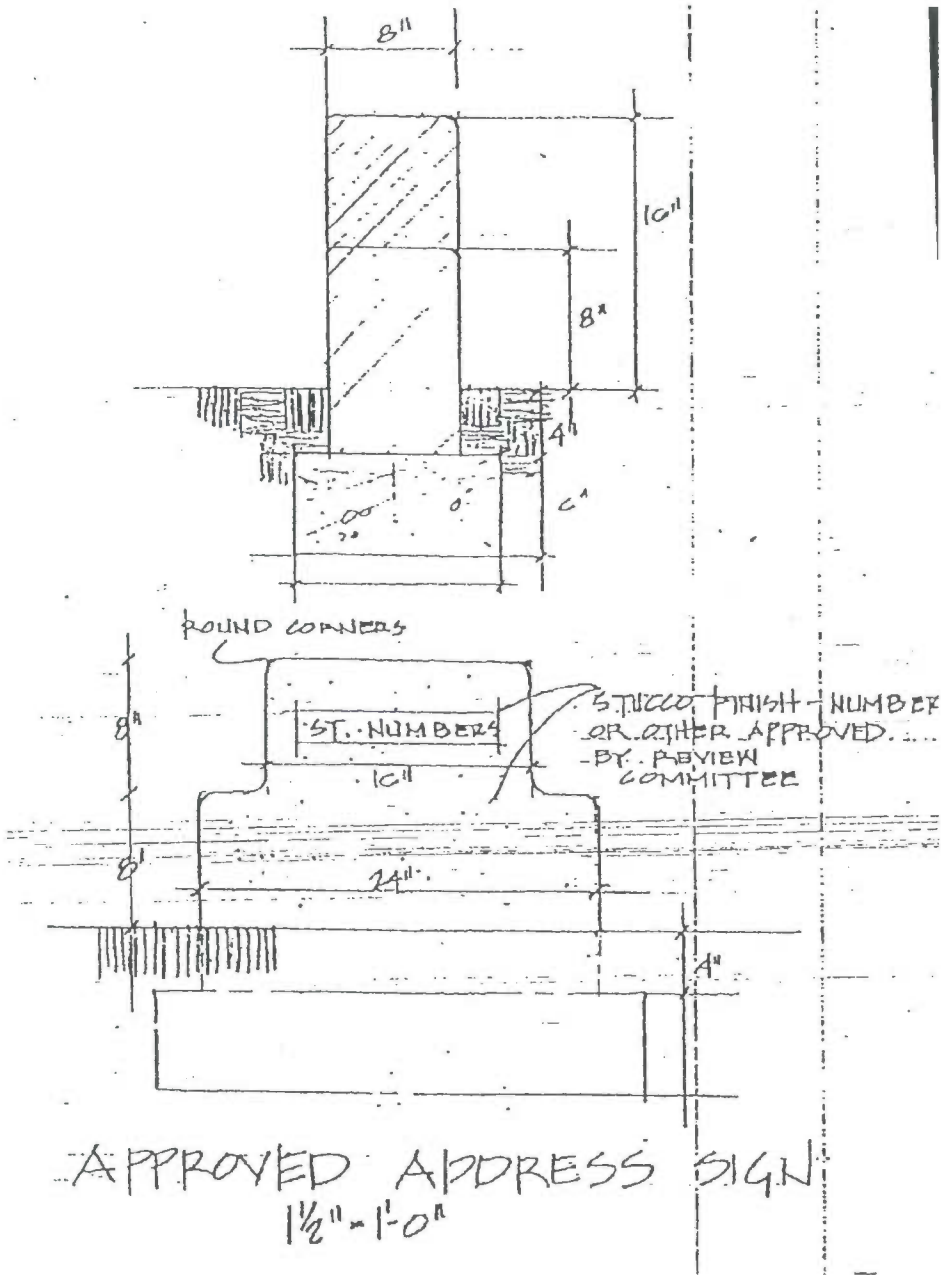
### **Dunn-Edwards Colors**

Q1-19D	Flint Smoke	(32)
Q1-20D	Walrus	(23)
Q1-39D	Grand Mariner	(31)
Q1-59D	Risa	(21)
Q2-60D	Zebra Agate	(21)
Q3-19D	Dry Earth	(32)
Q5-20D	Moonlily	(24)
Q8-19D	Flintstone	(31)
Q8-39D	Beaverwood	(34)
Q8-40D	Antler Brown	(38)

**APPENDIX H - SAMPLE BUILDING ENVELOPE AERIAL**



**APPENDIX I - APPROVED ADDRESS SIGN**



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## APPENDIX J - NATIVE AREA PLANT LIST

Carefree Mountain Estates' Goal: to mitigate the effect of construction upon the native Sonoran Desert by inconspicuously slipping homes in amongst the native vegetation.

Natural Area is defined by these Guidelines as that portion of the lot which lies outside of the building envelope and MUST remain natural desert.

Natural Area Preservation: the intent is that Natural Area be native desert, free from any scars resulting from construction. Landscaping such areas is not allowed, unless needed to repair vegetation which has been destroyed. This repair is the responsibility of the property owner.

Destroyed Natural Desert Must be Re-planted to Match the adjacent Natural Area in appearance. While irrigation of the Natural Area is not permitted, revegetation of destroyed Natural Areas will require the installation of an automatic irrigation system carefully designed to avoid over-spray or runoff onto undisturbed Natural Areas. The drip irrigation must be installed to maintain the revegetative plantings until they have become established (approximately 1 year). When these plants have "naturalized" or become able to live on our natural rainfall alone, the drip system must be abandoned.

### TREES Which May be Planted in the Natural Area:

- **Desert Ironwood (*Olneya tesota*)**  
30' high x 30' wide, lavender spring flower, fine gray-green foliage, fast grower on water, low water use, no thorns, minimal litter.
- **Foothill or Little-leaf Palo Verde (*Cercidum microphyllum*)**  
20' x 20', yellow-green bark and foliage, yellow spring flower, slow grower, low water use, thorns, moderate litter.
- **Blue Palo Verde (*Cercidium floridum*)**  
34' x 30', blue-green bark and foliage, yellow spring flower, fast grower, low to moderate water use, thorns, moderate litter.
- **Velvet Mesquite (*Prosopis velutina*)**  
30' x 20', yellow spring flower, gray-green foliage and dense shade, fast growth rate, low water use will give best structural growth, deep water 1x/month April - August.
- **Catclaw Acacia (*Acacia greggii*)**  
10' x 15', pale yellow flower, perfumes spring air but spines grab and hang on, feathery gray-green foliage, winter-deciduous, moderate growth on low water.

NATIVE AREA PLANT LIST (continued)

ACCENT or TEXTURE PLANTS:

- Saguaro (*Carnegiea gigantea*) 30' high x 2' wide
- Ocotillo (*Fouquieria splendens*) 15' x 20'
- Crucifixion Thorn (*Canotia holacantha*) 15' x 10'
- Banana Yucca (*Yucca baccata*) 4' x 6'
- Soaptree Yucca (*Yucca elata*) 15' x 8-10'
- Buckhorn Cholla (*Opuntia acanthocarpa*) 4' x 5'
- Desert Christmas Cholla (*Opuntia leptocaulis*) 2' x 3'
- Compass Barrel Cactus (*Ferocactus acanthodes*) 4' x 2'
- Prickly Pear Species (*Opuntia phaeacantha*) 4' x 4'
- Hedgehog Cactus (*Echinocereus engelmannii*) 1' x 3'

SHRUBS:

- Tomatillo (*Lycium fremontii*) 10' x 10'
- Sugar Bush (*Rhus ovata*) 8-15' x 8-15'
- Jojoba (*Simmondsia chinensis*) 10' x 6'
- Desert Hackberry (*eltis pallida*) 8' x 10'
- Desert Wolfberry (*Lycium andersonii*) 6' x 16'
- Creosote Bush (*Larrea tridentata*) 6' x 6'
- Chuparosa (*Justicia californica*) 3' x 4'
- Giant Bursage (*Ambrosia ambrosioides*) 3' x 4'
- Pink Fairy Duster (*Calliandra eriophylla*) 3' x 4'
- Mormon Tea (*Ephedra species*) 3' x 3'
- Turpentine Bush (*Ericameria laricifolia*) 2' x 3'
- Bursage (*Ambrosia deltoidea*) 1.5' x 2'

GROUNDCOVERS:

- Skeletonleaf Goldeneye (*Viguiera stenoloba*) 3' x 3'
- Globemallow (*Sphaeralcea ambigua*) 3' x 3'
- Texas Betony (*Stachys coccinea*) 1' x 2'

Competent Professionals should be consulted prior to transplanting any desert plant materials. Our Design Guidelines require that any plant which dies as a result of transplant be replaced with a plant of the same species and size.

Recommended Book: **NATIVE PLANTS FOR SOUTHWESTERN LANDSCAPES** by Judy Mielke University of Texas Press, Austin, Texas, 1-512-471-7233

Glossy Plant photos, well worth the \$22.95 + shipping,

Where to Find These Plants:

Summer Winds Nursery, 602-867-1822  
17826 N. Tatum, Tatum & Bell

Suncrest Nursery, 480-488-1968  
4204 E. Lone Mountain Road  
Lone Mountain & Cave Creek

Desert Gardens Nursery, 602-569-1300  
21222 N. Cave Creek Road  
Cave Creek, N. of SR101

Desert Foothills Gardens, 480-488-9455  
33840 N. Cave Creek Road  
Cave Creek, south of Carefree Hwy



## APPENDIX K - TRANSITIONAL AREA PLANT LIST

**Carefree Mountain Estates' Goal:** to mitigate the effect of construction upon the native Sonoran Desert by inconspicuously slipping homes in amongst the native vegetation.

**Transitional Area:** That area visible from adjacent properties, streets, etc. and an area that is between your home and the natural, undisturbed desert. The transitional areas must be replanted to match the adjacent natural area in appearance, including the installation of an underground automatic drip irrigation system, carefully designed to avoid over-spray or runoff onto the natural area. The drip irrigation must be installed to maintain the transitional planting until it is established (approximately 1 year). When these plants have "naturalized" or become able to live on our natural rain fall alone, the drip system must be abandoned.

### TREES Which May be Planted in the Transitional Area:

- **Desert Ironwood (*Olneya tesota*)**  
30' high x 30' wide, lavender spring flower, fine gray-green foliage, fast grower on water, low water use, no thorns, minimal litter.
- **Foothill or Little-leaf Palo Verde (*Cercidium microphyllum*)**  
20' x 20', yellow-green bark and foliage, yellow spring flower, slow grower, low water use, thorns, moderate litter.
- **Blue Palo Verde (*Cercidium floridum*)**  
34' x 30', blue-green bark and foliage, yellow spring flower, fast grower, low to moderate water use, thorns, moderate litter.
- **Desert Willow (*Chilopsis linearis*)**  
25' x 15' fragrant pink to lavender, ruffled, trumpet-shaped flowers similar to an orchid appear April - September, medium green foliage, winter-deciduous but attractive seed pods hang through the winter, can be grown as a large shrub.
- **Velvet Mesquite (*Prosopis velutina*)**  
30' x 20' yellow spring flowers, gray-green foliage and dense shade, fast growth rate, low water use will give best structural growth, deep water 1x/month April - August.
- **Catclaw acacia (*Acacia greggii*)**  
10' x 15', pale yellow flower perfumes spring air but spines grab and hang on, feathery gray-green foliage, winter-deciduous, moderate growth on low water.

## TRANSITIONAL AREA PLANT LIST (continued)

### COLOR: (also see Groundcovers, below)

- Firecracker Red Penstemon (*Penstemon eatoni*) 2' high x 2' wide
- Hot Pink Perry's Penstemon (*Penstemon parryi*) 2' x 2'
- Fuchsia Desert Penstemon (*Penstemon pseudospectabilis*) 2' x 2'
- Coral Superb Penstemon (*Penstemon superbus*) 2' x 2'
- Native Verbena (*Verbena gooddingii*) 1' x 2'
- Sacred Datura (*Datura nieteloides*) 1' x 4'

### SHRUBS:

- Jojoba (*Simmondsia chinensis*) 10' x 6'
- Desert Hackberry (*Celtis pallida*) 8' x 10'
- Desert Wolfberry (*Lycium andersonii*) 6' x 16'
- Creosote Bush (*Larrea tridentata*) 6' x 6'
- Chuparosa (*Justicia californica*) 3' x 4'
- Giant Bursage (*Ambrosia ambrosioides*) 3' x 4'
- Pink Fairy Distr (*Calliandra eriophylla*) 3' x 4'
- Brittlebush (*Encelia farinosa*) 3' x 4'
- Desert Holly (*Atriplex hymenelytra*) 3' x 3'
- Mormon Tea (*Ephedra* species) 3' x 3'
- Turpentine Bush (*Ericameria laricifolia*) 2' x 3'
- Bursage (*Ambrosia deltoidea*) 1.5' x 2'

### GROUNDCOVERS:

- Skeletonleaf Goldeneye (*Viguera stenoloba*) 3' x 3'
- Globemallow (*Sphaeralcea ambigua*) 3' x 3'
- Paperflower (*Psilostrophe cooperi*) 2' x 2'
- Shrubby Dear Vetch (*Lotus rigidus*) 1.5' x 2'
- Texas Betony (*Stachys coccinea*) 1' x 2'
- Blackfoot Daisy (*Melampodium leucanthum*) 1' x 2'
- Desert Marigold (*Baileya multiradiata*) 1' x 1'
- White Primrose (*Oenothera caespitosa*) 6" x 1'

**Competent Professionals should be consulted** prior to transplanting any desert plant materials. Our Design Guidelines require that any plant which dies as a result of transplant be replaced with a plant of the same species and size.

**Recommended Book:** NATIVE PLANTS FOR SOUTHWESTERN LANDSCAPES by Judy Mielke  
University of Texas Press, Austin, Texas, 1-512-471-7233  
Glossy plant photos, well worth the \$22.95 + shipping.

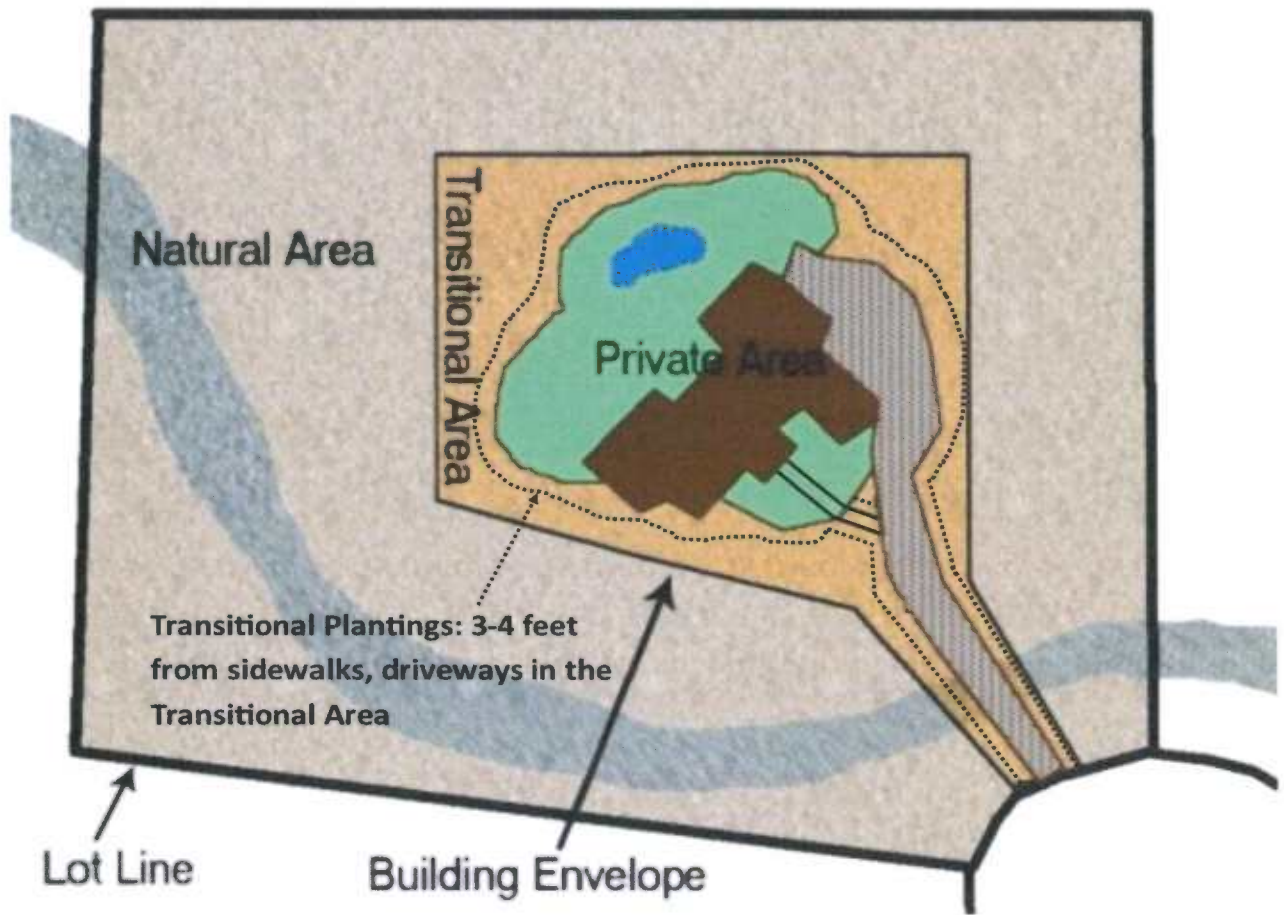
### **Where to Find These Plants:**

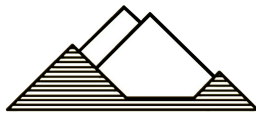
**Summer Winds Nursery**, 602-867-1822  
17826 N. Tatum, Tatum & Bell

**Desert Gardens Nursery**, 602-569-1300  
21222 N. Cave Creek Road  
Cave Creek, N. of SR101

**Suncrest Nursery**, 480-488-1968  
4204 E. Lone Mountain Road  
Lone Mtn & Cave Creek

**Desert Foothills Gardens**, 480-488-9455  
33840 N. Cave Creek Road  
Cave Creek, south of Carefree Hwy





Carefree Mountain Estates

CAREFREE MOUNTAIN ESTATES  
DESIGN REVIEW APPLICATION AND CHECKLIST

Owner: \_\_\_\_\_

Address: \_\_\_\_\_

Phone: \_\_\_\_\_ Email: \_\_\_\_\_

Engineer: \_\_\_\_\_

Address: \_\_\_\_\_

Phone: \_\_\_\_\_ Email: \_\_\_\_\_

Architect: \_\_\_\_\_

Address: \_\_\_\_\_

Phone: \_\_\_\_\_ Email: \_\_\_\_\_

Contractor: \_\_\_\_\_

Address: \_\_\_\_\_

Phone: \_\_\_\_\_ Email: \_\_\_\_\_

SITE INFORMATION:

Lot No. \_\_\_\_\_ Proposed Building Envelope Side: \_\_\_\_\_

Has building envelope been staked for review? \_\_\_\_\_

Proposed Finished Floor Elevation: \_\_\_\_\_

Width of Driveway at Property Line: \_\_\_\_\_

Proposed Driveway Material: \_\_\_\_\_

(First 20 feet of drive shall be colored concrete or better i.e textured concrete, exposed Aggregate)

List on-site equipment, construction trailer, field office, dumpster, etc \_\_\_\_\_

\_\_\_\_\_

HOMEOWNER REQUIREMENTS:

1. A \$2,500 **cash** bond is to be submitted to VISION MANAGEMENT

THIS IS REQUIRED AT THE PRELIMINARY SUBMITTAL STAGE.

THE DESIGN REVIEW WILL NOT CONTINUE WITHOUT THIS BOND.

NO INSURANCE BONDS WILL BE ACCEPTED!

2. A copy of the building permit is to be sent to VISION MANAGEMENT

DESIGN REVIEW ENFORCEMENT POLICY FOR NON-COMPLIANCE:

The Design Review and/or Landscape Committee, upon discovery of a non-compliance of the Design Review Guidelines, will initiate the following actions for enforcement:

1. Phone call followed by: **One notice** will be given in order to advise the Homeowner of the violation. The Homeowner is asked to respond to VISION MANAGEMENT upon receipt of this notice. The Homeowner will inform VISION MANAGMENT of the date the violation will be remedied. If the violation is not corrected on this date, the Homeowner will be fined.
2. Failure to remedy the violation or pay the fine will result in legal actions. Once the violation has been assigned to an attorney, the lot owner will be responsible for all costs incurred including, but not limited to, any actions to contract outside vendors to correct non-compliance.

---

Homeowners Signature

---

Date

If you have any questions, contact

Vision Community Management - 480.759.4945  
CarefreeMountainEstates@WeAreVision.Com

Who is providing a porta potty? \_\_\_\_\_

When will porta potty be emptied? \_\_\_\_\_

RESIDENCE INFORMATION:

Side: Total Under Roof: \_\_\_\_\_ Livable: \_\_\_\_\_

Garage: \_\_\_\_\_ Guest House: \_\_\_\_\_

Maximum Building Height: \_\_\_\_\_

Exterior Wall Material and Finish (Type) \_\_\_\_\_

PROPOSED PAINT COLOR: (main color of exterior walls)

Brand: \_\_\_\_\_

Name: \_\_\_\_\_

Light Reflected Value: \_\_\_\_\_

GARAGE DOORS:

Brand: \_\_\_\_\_

Materials: \_\_\_\_\_

Proposed Finish: \_\_\_\_\_

EXTERIOR WINDOWS:

Brand: \_\_\_\_\_

Materials: \_\_\_\_\_

Color/Finish: \_\_\_\_\_

Do the plans include a window detail? \_\_\_\_\_

See attached approval checklist. All submittals must be complete.

Please include a check payable to the Carefree Mountain Estates Homeowners Association; Design Review Fee will be billed per invoice received from the Architectural Consultant.

Design Review Fee- Is the responsibility of the homeowner

LANDSCAPE INFORMATION:

Most of the landscape information here has come from the Carefree Regulations. The intent is that our Homeowners will only have to prepare one landscape plan that will satisfy Entrada and the Town as well. The Town of Carefree landscape guidelines do conform to our design guidelines.

Have all Protected Plant materials been tagged for Review? \_\_\_\_\_  
(red= salvage ; blue= destroy)

How many trees are being boxed and watered? \_\_\_\_\_

Irrigation Method: \_\_\_\_\_ Manual \_\_\_\_\_ Automatic

Salvage Contractor: \_\_\_\_\_

Address: \_\_\_\_\_

Phone: \_\_\_\_\_ Fax: \_\_\_\_\_

List any native trees or Saguaros being donated to the Homeowner's Association for relocation? (see enclosed sample letter) \_\_\_\_\_

\_\_\_\_\_ Are they tagged? \_\_\_\_\_

How many Saguaros are being relocated on the lot? \_\_\_\_\_

Saguaro Contractor: \_\_\_\_\_

Address: \_\_\_\_\_

Phone: \_\_\_\_\_ Fax: \_\_\_\_\_

Where will the designated nursery be located? \_\_\_\_\_

Have you submitted a Preliminary or Final landscape Plan, consisting of planting plan, plant list, lighting and irrigation plan with materials list, proposed treatment of all ground surfaces (rock), and specifications? \_\_\_\_\_

Note: River Rock and common Bermuda grass are prohibited.

Landscape Architectural Review- Is the responsibility of the homeowner.

Landscape Architect: \_\_\_\_\_

Address: \_\_\_\_\_

Phone: \_\_\_\_\_ Fax: \_\_\_\_\_

Landscape Contractor: \_\_\_\_\_

Address: \_\_\_\_\_

Phone: \_\_\_\_\_ Fax: \_\_\_\_\_

Completion of landscape construction, final inspection, and approval by the Landscape Committee must be obtained prior to the release of the \$2,500 cash bond.

Landscaping shall be installed with adequate precautions to help insure survival of protected plants, as shown on the approved landscape plan.

\*SEE APPROVAL CHECKLIST, ATTACHED  
ALL SUBMITTALS MUST BE COMPLETE  
IF YOU HAVE ANY QUESTIONS CONTACT :

Vision Community Management - 480.759.4945  
CarefreeMountainEstates@WeAreVision.com



JOB SITE RULES: TO BE SIGNED and included with Design Review Enforcement Policy for Non-compliance which should also be signed.

- \_\_\_\_\_ Safety 1<sup>st</sup> \_\_\_\_\_ No smoking
- \_\_\_\_\_ ABSOLUTELY NO FIRES ALLOWED- Protect the desert
- \_\_\_\_\_ Fire extinguishers must be conspicuously on site
- \_\_\_\_\_ WELDING – EXTERIOR: Wet down area prior to welding and shield area with plywood; Have an Extinguisher on hand
- \_\_\_\_\_ Clean as you go; unkempt sites are subject to fines and clean-up will be done at the owners expense
- \_\_\_\_\_ List size of dumpster to be provided on-site; Dumpster to be dumped 1/month or when filled
- \_\_\_\_\_ Burying trash is strictly prohibited, and is subject to fine
- \_\_\_\_\_ 5' high chain-link fence will be installed around building envelope following foundation pour; If the fence is NOT UP within 5 business days following foundation pour, the Homeowner will be subject to fine
- \_\_\_\_\_ All native trees and saguaros inside and outside the envelope will be protected from damage
- \_\_\_\_\_ Natural areas to remain free from construction scars
- \_\_\_\_\_ Driving over medians or other lots is not permitted. Damage will result in fines and any damaged plant material, including Saguaros, will be replaced at the Homeowners expense
- \_\_\_\_\_ During the construction period, if applicable, adjacent cul-de-sacs/medians must be cordoned off with a rope fence to protect these Natural Area Open Space (NAOS) areas
- \_\_\_\_\_ During the construction period, the NAOS between the street and 5' **chain-link** fence must be cordoned off with a rope fence to prevent parking in the NAOS.
- \_\_\_\_\_ Dumping materials or soil on other lots is strictly prohibited and is subject to fines; Clean-up will be done at the Homeowners expense
- \_\_\_\_\_ Concrete suppliers, plasterers, painters, other subcontractors are prohibited from dumping and/or cleaning equipment on-site or other lots
- \_\_\_\_\_ DUMPING OF PORTA POTTY IS STRICTLY PROHIBITED

All owners will be absolutely responsible for the conduct and behavior of their agents, representatives, builders, contractors, and subcontractors while on the premises of Entrada.

Homeowners Signature: \_\_\_\_\_ Date: \_\_\_\_\_