

# PINNACLE PEAK ESTATES UNIT THREE ARCHITECTURAL STANDARDS

**Section I – INTRODUCTION** - Each Lot within Pinnacle Peak Estates III (PPEIII) is unique in terms of its natural opportunities and constraints. In order to take full advantage of those attributes, each Lot will require different approaches in design and construction. It is the intent of the architectural standards and design restrictions set forth in these PPEIII Design Guidelines which are hereby made a part of these PPEIII Guidelines by reference, to preserve, protect and enhance, to the extent justified, the special environment of PPEIII.

It is expected that the design of each Residence in PPEIII 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 open space, views, significant existing plant materials and natural drainage patterns, each Residence will need to be sited so as to minimize disruption of the existing environment.

The purpose of the Architectural Review Committee is to evaluate each proposed design for appropriateness to its own Lot as well as its appropriateness to the overall community. The Committee may determine that what was found acceptable in one situation might not be acceptable in another. The goal is for the appearance and character of all Residences and Improvements to harmonize with and enhance their natural and manmade surroundings rather than to dominate and/or contrast sharply with them. The Architectural Review Committee does not require particular architectural styles or design types, but shall review all submittals based on appropriateness to the natural environment, adjacent homes, and the overall community.

Submittals must be made to the PPEIII ARC for any improvements requiring:

1. Building permits
2. Landscape change
3. Significant landscape change in character or plant density
4. Ornamental house or yard decoration
5. Alteration of existing grades that raise the grade more than 12 inches
6. Pools and any rear yard structures

**Section 2. REVIEW AND APPROVAL PROCESS** - In order to assist each Owner in the planning and designing of their Residence to take full advantage of the unique opportunities of their Lot, a comprehensive design review process administered by the PPEIII Architectural Review Committee (ARC) has been established. This process provides an opportunity for the Owner to draw upon expertise and knowledge of the ARC. The PPEIII ARC is charged with the responsibility of maintaining the standards set forth in the PPEIII Architectural Guidelines.

In general, the architectural review process is divided into four phases:

1. Pre-Design
2. Preliminary Submittal
3. Final Submittal
4. Final Inspection

It is strongly recommended that an Owner retain competent professional services for planning and design of their home. 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 ARC the concept and design of a proposed Residence or other Improvements, are all important elements of the architectural review process.

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 PPEIII Architectural Guidelines. An attempt has been made to streamline this process to eliminate excessive time delays. Nevertheless, each Owner is directly responsible for complying with the PPEIII Architectural Review Guidelines, and all other applicable provisions of the Declarations, as 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 PPEIII ARC will conduct reviews of projects during their regular meetings or at such other times, as they deem appropriate. Owners, Architects or Builders may attend any meeting of the Committee. If they have made a request to be on the agenda through the management company 10 days prior to the meeting or if specifically requested to attend by the ARC. The PPE ARC will respond in writing no later than 30 days after a submittal is completed. Any responses an Owner may wish to make in reference to issues contained in the PPEIII ARC's notice following review of submittals should be addressed to the PPEIII ARC in writing.

Although the Committee will enforce all provisions of the Architectural Guidelines, the following will be of particular concern:

- (A) Placement of the Residence and related improvements in relation to other homes including maintaining privacy from other existing Lots or open spaces.
- (B) Building heights
- (C) Exterior elevations of Residences in an effort to establish and maintain a high level of aesthetic quality.
- (D) Exterior paint and material colors as well as color usage and distribution.
- (E) Landscape

The following is a procedural walk-through of the Review and Approval Process.

**2.1 PRE-DESIGN MEETING** - To initiate the review and approval process prior to preparing any drawings for a proposed Improvement, it is advisable that the Owner and/or his Architect meet with the PPEIII ARC to discuss the proposed Residence and to explore and resolve any questions regarding building requirements in PPEIII or interpretation of the PPEIII Architectural 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 10 days in advance. (Contact Robin Thomas at AMCOR 948-5860 to schedule an appointment.)

**2.2 PRELIMINARY SUBMITTAL** - Preliminary drawings, including all of the exhibits outlined below, must be submitted to the PPEIII ARC after the Pre-Design Meeting.

2.2.1 Preliminary Submittals shall include:

- (a) A site plan showing the Lot, the Residence and all other buildings or major structures, driveway, parking areas, patios, pools, walls, proposed utility service facilities and routes, septic location, conceptual site grading, topographic features such as washes, existing trees and major shrubs, and preliminary finished floor elevations of all building floors.
- (b) 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.
- (c) Any other drawings, materials, or samples requested by the Committee.

2.2.2 All accessory Improvements contemplated on the Lot must be shown on the Preliminary Submittal.

2.2.3 To assist the PPEIII ARC in its evaluation of the Preliminary Submittal if requested, the Owner shall provide preliminary staking at the locations of the corners of the major Improvements and at such other locations as the Committee may request.

**2.3 PRELIMINARY REVIEW** - Upon receipt of all of the drawings and information listed in Section 2.2, the Preliminary Submittal will be deemed complete. The PPEIII ARC, at their next scheduled meeting, will then review the submittal for conformance to these PPEIII Architectural Guidelines and will provide a written response to the Owner or the Owner's Architect.

**2.4 FINAL SUBMITTAL** - After preliminary approval is obtained the following documents, which clearly comply with, or satisfactorily

resolve, the stipulations for preliminary approval, are to be submitted to the PPEIII ARC for final approval.

#### 2.4.1 Final Submittals shall include:

(a) Complete construction documents for the Residence including all data and information noted in Section 2.2.1 Paragraphs (a)(b)(c) and (d), building sections as required to illustrate the building, all utility locations, electric meter and transformer locations and locations and manufacturer's catalog cut sheets of all exterior lighting fixtures.

(b) Samples of all exterior materials and colors, and window and glass specifications, mounted on an 8 1/2" x 11" board clearly marked with Owner's name, filing date, and Lot number, and identified with manufacturer's name, color and/or number.

(c) Landscape plans at an appropriate architectural or engineering scale indicating: landscape improvements (with details as appropriate), aesthetic contours and spot elevations, proposed planting, landscape lighting and irrigation plans or notation that the landscaping will be installed with a fully automated irrigation system.

(d) Appropriate site drainage and FEMA Certification

(e) An approximate project schedule indicating approximate dates for start and completion of construction, completion of landscaping work and anticipated occupancy date.

**2.5 FINAL APPROVAL** - Upon receipt of the complete Final Submittal, the ARC will review at their next scheduled meeting the submittal for conformance to these PPEIII Architectural Guidelines, and to any preliminary approval stipulations and will provide a written response to the Owner or the Owner's Architect.

**2.6 CONSTRUCTION PERMIT** - Securing of a building permit is the responsibility of the Owner and/or Builder. Final Architectural Approval by the PPEIII ARC does NOT constitute an approval for a plan review or building permit from the City of Scottsdale. Construction shall be in accordance with the Final Submittal approved by the PPEIII ARC. Additionally, approval by the city does not necessarily mean or give approval by PPEIII.

**2.7 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 to the PPEIII ARC for approval.

**2.8 RESUBMITTAL OF DRAWINGS** - In the event of disapproval by the PPEIII ARC of either a Preliminary or a Final Submittal, any resubmission of drawings must follow the same procedure as the original submittal.

**2.9 WORK IN PROGRESS INSPECTION** - The PPEIII ARC 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 either approval by the PPEIII ARC of work in progress or of compliance with these PPEIII Architectural Guidelines, or the Declaration.

#### 2.10 FINAL INSPECTION

1. Upon completion of any Residence or other Improvement for which the PPEIII ARC gave final approval, the Owner shall give written notice of completion to the PPEIII ARC by forwarding a copy of the City of Scottsdale Certificate of Occupancy.

2. In such reasonable time as the PPEIII ARC may determine, but in no case exceeding 20 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 within 30 days.

3. If, upon the expiration of 30 days from the date of such notification by the PPEIII ARC, the Owner shall have failed to remedy such non-compliance, the PPEIII ARC shall notify the Owner, and may take such action to remove the non-complying

Improvements as is provided in these PPEIII Architectural Guidelines or the Declaration, including without limitation, injunctive relief

**2.11 NON-WAIVER** - The approval by the PPEIII ARC of any drawings or specifications for any work done or proposed, or in connection with any other matter requiring such approval under these PPEIII Architectural Guidelines or the Declaration, including a waiver by the Committee, shall not be deemed to constitute a waiver of any right to withhold approval as to any similar drawing, specification, or matter whenever subsequently or additionally submitted for approval. For example, the Committee may disapprove an item shown on the final submittal even though it may have been evident and could have been disapproved at the preliminary submitted.

**2.12 COMMENCEMENT OF CONSTRUCTION** - Upon receipt of approval from the PPEIII ARC, the Owner's shall satisfy all conditions thereof and commence the construction, reconstruction refinishing, alterations, or other work pursuant to the approved drawings within 180 days from the date of such approval. If the Owner shall fail to comply with this paragraph, any approval given shall be deemed revoked. Re-approval of existing or new plans will be required after revocation.

**2.13 CONSTRUCTION REGULATIONS** - Owner/Builder or Owner's Contractor shall be given a copy of the PPEIII Construction Regulations and shall acknowledge receipt of Construction Regulations.

1. No work of any kind shall commence until plans have been submitted and approved by the Architectural Review Committee.

a) Construction of approved plans must begin within one hundred eighty (180) days of approval. If construction is not started, approvals will expire and new approvals will be required.

b) Construction shall be completed within the following time schedules:

New construction - 12 months from approval date or 9 months from start of construction, whichever is sooner.

Remodeling - 9 months from approval date.

If construction is not completed within outlined schedules, approvals will be considered void and new approvals will be required.

2. The house shall be integrated on the site in such a way that the lowest possible contour of the lot (that conforms with FEMA regulations as approved by the City of Scottsdale) is used for the building pad so as to minimize the overall height of the structure.

3. Existing desert vegetation shall not be destroyed or removed except as it is necessary for construction of roads, dwelling houses and connecting buildings to the home except as approved by the Architectural Committee. Excessive disturbance or destruction of the natural desert shall be replaced in kind with indigenous materials and natural densities to the satisfaction of the ARC prior to any grading site areas to remain undisturbed are to be roped off.

4. All residences in Pinnacle Peak Estates III shall be single-family dwellings and single story structures. No interior second floor areas (including lofts) are allowed.

5. No four (4) bedroom single family dwelling house having a single floor area of less than twenty-four hundred (2,400) livable square feet and no single family dwelling house having a ground floor area of less than two thousand (2,000) containing less than four (4) bedrooms shall be erected, permitted or maintained on any of the lots.

6. No structure shall be erected, altered, placed or permitted to remain on any lot other than one (1) single family dwelling not to exceed one story in height and a private garage and/or a private guesthouse not to exceed one (1) story in height. Guesthouse shall be limited to three rooms and a bath. Kitchens are not

permitted in guesthouses. No guesthouse shall be rented for income purposes.

7. Maximum building height for any portion of any structure excluding chimney is twenty (20) feet. Chimney shall be no more than 3' above roofline.

8. Exterior roof decks may be allowed under the following conditions:

- a) Access will only be allowed by exterior stairs
- b) No roof or shade structures will be allowed on/over roof decks
- c) No objects of any kind that are deemed to be of a permanent nature can be placed on the deck that could be viewed from adjacent properties.

9. All dwellings to be Spanish, Southwest, Indian or Mexican architecture except as otherwise approved by the Architectural Committee.

10. Colors of all buildings and walls shall be earth tones and shall blend with the natural desert surroundings. Color must be specified in the plans (with samples -attached) and must be approved by the Architectural Committee.

11. All sloped roofs shall be of mission tile construction. All 'flat' roofs shall have parapets on all exposed sides. No roof-mounted appliances of any kind will be permitted. Any solar equipment must be mounted in an architecturally pleasing manner and approved by the ARC prior to installation.

12. No visible aerials or antennas shall be erected or maintained on roofs. All large satellite receiving earth stations may be located in rear and side yards provided that such installation is screened at least to the height of said units by means of solid walls or fences. Installation shall be limited to six (6) feet. It is recommended that satellite dish antennas be recessed into the site so as not to be seen from adjacent properties. All must be painted the same color as the main house.

a. All satellite type receiving antennas, regardless of size, will be mounted where they are inconspicuous or not visible from any view.

b. Any satellite-receiving unit must be approved by the Architectural Committee prior to its installation. (See attached Satellite Policy guidelines for planning your installation.)

13. All air conditioning units, pool equipment and other pipes, etc. must be screened from public view and placed where noise and vibration will not create a nuisance.

14. Exterior lighting shall be installed and maintained so that such light sources are shielded and not visible from any neighboring property and no light is directed onto neighboring property. Lights shall be shielded so that the light is directed downward. Lights should be mounted no higher than 8 feet from natural grade. Floodlights are expressly prohibited.

15. Driveways and front walks are to be concrete or decomposed granite and natural desert color. (Recommend 900 sq. ft. concrete maximum)

16. Security lighting: Only motion sensor type security lights are acceptable where security lighting is desired.

17. Rear and side yard living areas shall be enclosed with walls a minimum of four (4) feet, six inches high and a maximum of six (6) feet high from natural grade. Walls shall be built within the building envelope boundaries as provided in the recorded plat of the subdivision at natural grade. Walls and fences must be the same as the residence in texture, quality and color.

18. No walls/fences over two and one-half (2 1/2) feet high shall be constructed or maintained closer to the front street line of any lot than the closest portion of the building erected on such lot. No hedge more than three (3) feet in height shall be permitted closer than thirty (30) feet to the front lot line.

19. Concrete stem walls shall not be exposed. Use step footings at slope of natural grade. Earth immediately around the building should strike the walls at the slope of the natural grade.

20. To avoid unnecessary damage to the desert do not over trench for gas, electricity, water, phone, etc.

21. Roofs should blend with the desert. White, silver or other reflective materials are not permitted.

22. All residences must have a garage. Plan garage so it is not the focal point of the building when viewed from the street. All vehicles should be housed in garages.

23. No mobile home, motor home, camper or any type of recreational vehicle, including boats, motorcycles, jet skis, etc. are permitted on any lot unless it is stored in an enclosed garage so that it is not visible from any other lot.

24. Any and all attached awnings must be of the same color of the house and must be approved prior to installation by the Architectural Committee. Roll shades made of canvas or sunscreen materials need approval. Acceptable colors are the same as window awnings. Vinyl or bamboo roll shades are not acceptable. Roll shades must be mounted behind the beam to hide them when they are not in use. Sunshades should not be used to enclose the entire patio. Everything must be approved by the ARC

25. Patio Mist Systems: Any espoused piping for mist systems should be of rigid copper or PVC type piping and must be painted to match the color of the surface to which it is attached. Piping must be attached to follow the lines of the house to camouflage the piping. All systems must be approved by the ARC.

26. All landscaping plans, new or revised, must be submitted to the Architectural Committee for approval prior to installation. All landscaped areas visible from the street and outside of the fenced area shall be of a desert theme. No grass is permitted in these areas. Landscaping material must be selected from the approved plant list provided by the Architectural Committee.

a) All landscaping plans for new homes must be submitted prior to close of sale of home.

b) An automatic watering system shall be installed and maintained which is adequate to maintain all new vegetation in approved landscape plans by the Architectural Committee.

c) Landscaping of areas outside of walled areas must be completed within 90 days of closing the home sale.

27. Use of any allergy producing plants, grass or other material is prohibited. See attached prohibited plant list.

28. Violations of any landscaping guidelines will require replacement, to meet the CC&R's, Architectural Guidelines or plant list, by owner/builder.

29. All lot owners are responsible for keeping their lot free of litter, weeds and debris. Landscaping cuttings (i.e., trimmings of bushes, trees, ground covers, grass, etc.) shall be removed the same day trimmed by the owner's landscape maintenance crew.

30. Any revisions to approved construction and/or landscaping plans must be submitted to the Architectural Committee for review prior to construction.

31. All landscape or construction plans must be completed as approved by the Architectural Committee. All work is subject to final inspection by the ARC.

32. Any variances sought from the City of Scottsdale regarding building codes or zoning stipulations must be submitted to the Architectural Committee along with the proposed plans. The granting of any governmental variance does not relieve the owner of responsibilities for compliance with the often more restrictive covenants and architectural standards of PPEIII

33. Approval of plans by the Architectural Committee does not constitute certification that the plans and specifications are in compliance with the Declaration of Conditions, Covenants and

Restrictions, Architectural Standards, applicable statutes, codes, ordinances, regulations or professional standards. These matters are solely the owner's responsibility.

34. All construction and landscape plans, including remodeling and revisions, must be submitted as outlined in the attached Construction Standards. Construction and landscape plans should be submitted at the same time.

Basketball hoops - See attached policy: Plans shall be submitted to the ARC for approval prior to any installation of a basketball hoop. Use the guidelines in your planning. All basketball hoops and backboards shall be lowered to the lowest height when not in actual use. Lighting is prohibited.

Sport Courts - All plans for sport courts must be submitted to the ARC for approval prior to any installation. Lighting of sport courts is prohibited.

Signs - No sign of any type may be placed on properties except for the standard real estate "For Sale" sign. Real Estate for Sale signs shall have a maximum area of five square feet and a maximum height of five feet may be permitted in the front yard of the respective lot on a temporary basis. The signs must be removed within ten days of close of escrow.

#### ARCHITECTURAL AND DESIGN REVIEW PROCESS AND SUBMITTAL REQUIREMENTS

1. Pre-design Conference - Is a meeting with the Architectural Review Committee (ARC) to review ideas and goals prior to starting any drawing or design concepts. This will help ensure that the homeowner understands any design guidelines established by the CC&R's and provides the homeowner a unique opportunity to benefit from the assistance of the ARC. The Pre-design Conference is extremely important as it allows the ARC to approve the homeowner's ideas before they have spent much time and money in design efforts.

2. Preliminary Submittal - Submittal for review and approval of preliminary design drawings. The preliminary submittal process will attempt to catch any problems or design guideline violations before considerable work has been completed and help to avoid redesign work.

##### Submittal Requirements:

- \* Site Plan - to scale
- \* Floor Plan - to scale
- \* Elevations (2 minimum) to scale with identification of exterior materials
- \* Exterior Materials Worksheet (see attached)

3. Final Submittal - Submittal for review and approval of final construction documents. This is to ensure that all the requirements of the CC&R's and previous design review stipulations have been met.

##### Submittal Requirements:

- \* Site Plan including dimensions
- \* Setbacks
  - \* Driveway location
  - \* Septic location
  - \* Fences / Walls
- \* Drainage
  - \* Finished Floor Elevation/FEMA Certification
  - \* Floor Plan including Dimensions
- \* Roof Plan including
  - \* Roof Heights
  - \* Roof Materials
- \* Elevations including
  - \* All Four Sides
  - \* Heights of all roofs, building masses and chimneys
- \* Exterior Lighting (should be shown on elevations and site plan)
- \* Landscape Plan (including landscape grading, hardscape, planting, irrigation and lighting information)
- \* Exterior Materials Worksheet - see attached form General Construction Schedule

#### IV. Construction Review:

Review of home at completion of construction to ensure that all requirements have been fulfilled through actual completion.

Copy of Certificate of Occupancy from City of Scottsdale to be provided.

#### APPENDIX D EXTERIOR MATERIALS WORKSHEET

Exterior Walls: Materials #1:  
Color # 1:  
Materials #2:  
Color #2:

Windows: Frame Color:  
Glass Type:

Roofing: Materials #1:  
Color #1:  
Materials: #2:  
Color #2:

Fascia: Materials:  
(If applicable) Color:

Driveway: Materials:  
Color:

Perimeter Fence/ Materials:  
Rear Yard Wall: Color:

**Section 5 CONSTRUCTION REGULATIONS** - In order to assure that the existing improvements, landscape and common areas of PPEIII are 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 violation by a Builder shall be deemed to be a violation by the Owner of the Lot.

The ARC has determined that Committee Members and the Homeowner's Association Manager will do policing of building sites during construction. Violations to the Construction Regulations will be reported to the Association Manager who will send a letter to the Owner involved. Copies of the letter will be sent to the Builder and the PPEIII ARC.

5.1 No site clearance, earthwork or construction shall begin until the Architectural Committee has approved plans in writing.

5.2 Cordon off the actual building site and access drive to prevent trucks, etc. from damaging the natural desert.

5.3 For Sale signs:

- a) Shall be limited to one per lot
- b) Shall be located only on the lot
- c) Shall not exceed six (6) sq. ft. in size
- d) Shall be submitted to and approved by the Architectural Committee.
- e) No other signs are permitted.

5.4 OCCUPATIONAL SAFETY AND HEALTH ACT COMPLIANCE (OSHA) - Owners shall be responsible to ensure all applicable OSHA regulations and guidelines must be strictly observed at all times.

5.5 DEBRIS AND TRASH REMOVAL - The Contractor shall contain all building materials and refuse within the building envelope. A metal refuse container shall be maintained on the site at all times. Debris shall be picked up on a daily basis and put in the dumpster. In the event any of the above is not complied with, the Association shall be entitled (after five days written notice) to cause all refuse to be removed. The cost of such removal shall be charged to the lot owner. 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. Unsightly construction debris resulting from activity on each construction site shall be promptly removed and the general area cleaned up.

5.6 Construction of approved plans must begin within one hundred eighty (180) days of approval. If construction is not started, approvals expire and new approvals will be required.

5.7 Construction shall be completed within the following time schedules:

- a. New construction - 12 months from approval date or 9 months from start of construction, whichever is sooner.
- b. Remodeling - 9 months from approval date.

If construction is not completed within outlined schedules, approvals will be considered void and new approvals will be required.

5.8 **SANITARY FACILITIES** - Each Builder shall be responsible for providing adequate sanitary facilities for his/her construction workers. Portable toilets or similar temporary toilet facilities shall be located only within the Lot and serviced weekly. Toilets shall be set well back from the street and be screened from view.

5.9 **VEHICLES AND PARKING AREAS** - Construction crews shall not park on or otherwise use other Lots or any common open space. Private and construction vehicles and machinery shall be parked only within the Lot or in areas designated by the PPEIII ARC. All vehicles shall be parked so as not to inhibit traffic and destroy natural desert. Each Builder shall be responsible for its subcontractors and suppliers obeying the safe speed limits. Adhering to the safe speed limits shall be a condition included in the contract between the Builder and its Subcontract or Suppliers.

5.10 **EXCAVATION MATERIALS** - Excess excavation materials must be hauled away from PPEIII or incorporated into the landscape grading.

5.11 **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, concrete curbs and gutter, 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 or Owner as directed by, and to the complete satisfaction, of the ARC.

5.12 **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 PPEIII. The following practices are prohibited:

1. Changing the oil of any vehicle or equipment on the site itself or at any other location within PPEIII.
2. Allowing concrete suppliers, plasterers, painters or any other subcontractors to clean their equipment on any other Lot or any common areas.
3. Removing any rocks, plant material, topsoil, or similar items from any property of others within PPEIII including other construction sites.
4. Using disposal units other than those approved by the PPEIII ARC.
5. Careless disposition of cigarettes and other flammable material. At least one 10 pound, ABC rated, dry chemical fire extinguisher shall be present and available in a conspicuous place on the construction site at all times.
6. Catering trucks will not be permitted to use their horns; their schedules are routine enough for workers to be aware of break times. Also, trash generated by the purchase of items from these trucks and from construction practices generally should be contained and disposed of properly. Repeated problems with these requirements could result in the trucks being denied admittance to the property.

5.13 **DUST AND NOISE** - The Builder shall be responsible for controlling dust and noise, including without limitation music, compressor, backhoe, etc. from the construction site. Radios and other audio equipment playing music on construction sites at PPEIII are permitted provided music levels are kept at a comfortable listening level and do not disturb neighbors or other residents. If complaints are received, all radios will be prohibited at all times.

5.14 **DAILY OPERATION** - Standard daily working hours for each construction site shall be from sunrise to sunset for all exterior construction work or noisy construction work, unless the PPEIII ARC designates other hours in writing. Any work that causes loud noise (i.e., noise from power tools, portable engines, grading equipment or other noise inherent with construction) must stop by 6:00 P.M. each evening and may not begin before 9:00 A.M. on Sundays. Use of any lights prior to sunrise or after sunset for exterior construction of house is expressly prohibited.

5.15 The Architectural Committee is to be notified when construction is complete for final onsite review to verify that construction was completed in accordance with approved plans.

**APPENDIX F - PROHIBITED PLANT LIST** - The following may not be planted or maintained anywhere in PPEIII:

1. Any species of tree or shrub whose mature height may reasonably be expected to exceed 20 feet, with the exception of those species specifically listed as approved by the PPEIII ARC.
2. All Palms (Palmae) whose mature height may reasonably be expected to exceed 6 feet will be prohibited for esthetic reasons as well as their high maintenance requirements. Dwarf varieties whose mature height may reasonably be expected to be less than 6 feet will be allowed only within the confines of a walled rear yard.
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 6 feet will be prohibited for aesthetic reasons. Dwarf varieties and those whose mature height may reasonably be expected to be less than 6 feet may be used immediately adjacent to dwellings or connecting structures or within the confines of a walled rear yard.
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 (Thevetia species), 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.
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 aculeata) will be prohibited as a harbinger of pests and because of its ability to spread throughout the development, thereby altering the present natural desert.

#### **APPENDIX G - APPLICABLE GOVERNMENT REGULATIONS**

##### **NATURAL AREA OPEN SPACE (N.A.O.S.) EASEMENTS**

Areas required by the City to be designated as natural area open space (N.A.O.S.) May occur on either commonly or privately held lands. In all cases, they must be legally secured to assure that they continue as a permanent feature of the landscape.

The intent is that natural areas be natural desert free from any Improvements and any scars resulting from construction. As long as the vegetation and land surface are not permanently damaged, it is possible to clean and trim in natural areas. Landscaping such areas is not allowed unless needed to repair vegetation that has been destroyed. This repair is the responsibility of the property Owner.

