

Neighborhood Notification
Open House Information
Citizen Comments
Affidavit of Posting
Site Sign
Legal Protest



STATE OF ARIZONA)
COUNTY OF MARICOPA) SS

I, Sita Barge, being first duly sworn, depose and say:

That on December 13, 2017, I posted notification poster(s) for the properties indicated below.

Site(s) must be posted on or before: **December 13, 2017**

Case No.	Description and Location of Project	No. of Signs	Date Posted
10-PP-2017	118th & Jomax, N 118th St	1	12/13/17

Date of Development Review Board Public Meeting: December 21, 2017, AT 1:00 P.M. IN THE CITY HALL KIVA, SCOTTSDALE, ARIZONA.

S Barge
(Signature)

Acknowledged this 18th day of December 2017.

Lorraine Castro
(Notary Public)

My commission expires 11/15/2020



480-312-2953
Email: jb@berryriddell.com

480-312-2953
Email: kniederer@scottsdale.gov

Case File Available at City of Scottsdale
480-312-7000

Project information may be researched at: <https://eservices.scottsdaleaz.gov/oldresources/>

PUBLIC HEARING NOTICE

REQUEST: Approval of a preliminary plat for a 51-lot Single-family residential subdivision, with Amended Development Standards, on a 77.58-acre site.

CASE#: 10-PP-2017

DATE: December 21, 2017

UNLESS OTHERWISE NOTIFIED, ALL PUBLIC HEARINGS ARE HELD AT:

SCOTTSDALE CITY HALL
3939 N. DRINKWATER BLVD.

YOUR COMMENTS ABOUT THIS REQUEST CAN BE MADE PRIOR TO OR AT THE ABOVE PUBLIC HEARING IF YOU WISH TO SPEAK AT THIS MEETING

HEARING DATE SUBJECT TO CHANGE
PLEASE CHECK OUR WEBSITE FOR LATEST INFORMATION



480-312-7000

HEARING DATE

12-13-2017

Affidavit

I, Spencer McNichols, acting on behalf of Jeff Nelson - Toll Brothers AZ Construction, hereby affirm that a copy of the preliminary plat of 118 and Jomax subdivision has been delivered to the following agencies for their review.

Table with 2 columns: AGENCY and DATE NOTIFIED. Lists agencies such as SALT RIVER PROJECT, ARIZONA PUBLIC SERVICE, and MARICOPA COUNTY DEPARTMENTS with notification dates of 7/6/2017.

Signature: Anderson Baron; Date: 7/6/2017; Address: 50 N. McClintocke Dr. Suite 1 Chandler, AZ 85226; Phone: 480-699-7956

**Neighborhood Notification Report
118th & Jomax
NEC of 118th Street & Jomax Road**

June 30th, 2017

Re: Neighborhood Notification Report

This Citizen Review and Neighborhood Involvement Report is being prepared as a part of the request for Preliminary Plat review and approval of the 80+/- acre site located at the northeast corner of 118th Street and Jomax Road. Proposed is a gated single-family residential community, with amended development standards, a total of 51 lots and an overall density of 0.64 dwelling units per acre (“du”). The site plan has been designed in an environmentally sensitive manner consistent with Environmentally Sensitive Lands Ordinance (“ESLO”) requirements.

On June 30th, 2017 a letter was mailed via first class post to the 51 property owners within a 750 foot boundary of the project site as well as to any other interested parties. The letter included a description of the proposed request, a context map, and contact information for the development team and the City of Scottsdale project coordinator. A copy of the letter and mailing list is attached to this report.

As this proposal moves forward, the applicant will continue to remain open and available to meet and/or engage in productive conversation with any interested parties willing to discuss the project in more detail throughout the public hearing process.

Attachments:

1. Neighborhood Notification letter
2. Neighborhood Notification List
3. Interested Parties Notification List

Neighborhood Notification
118th & Jomax
NEC of 118th Street & Jomax Road

June 30th, 2017

Re: 118th & Jomax, Preliminary Plat

Dear Neighbor/Landowner:

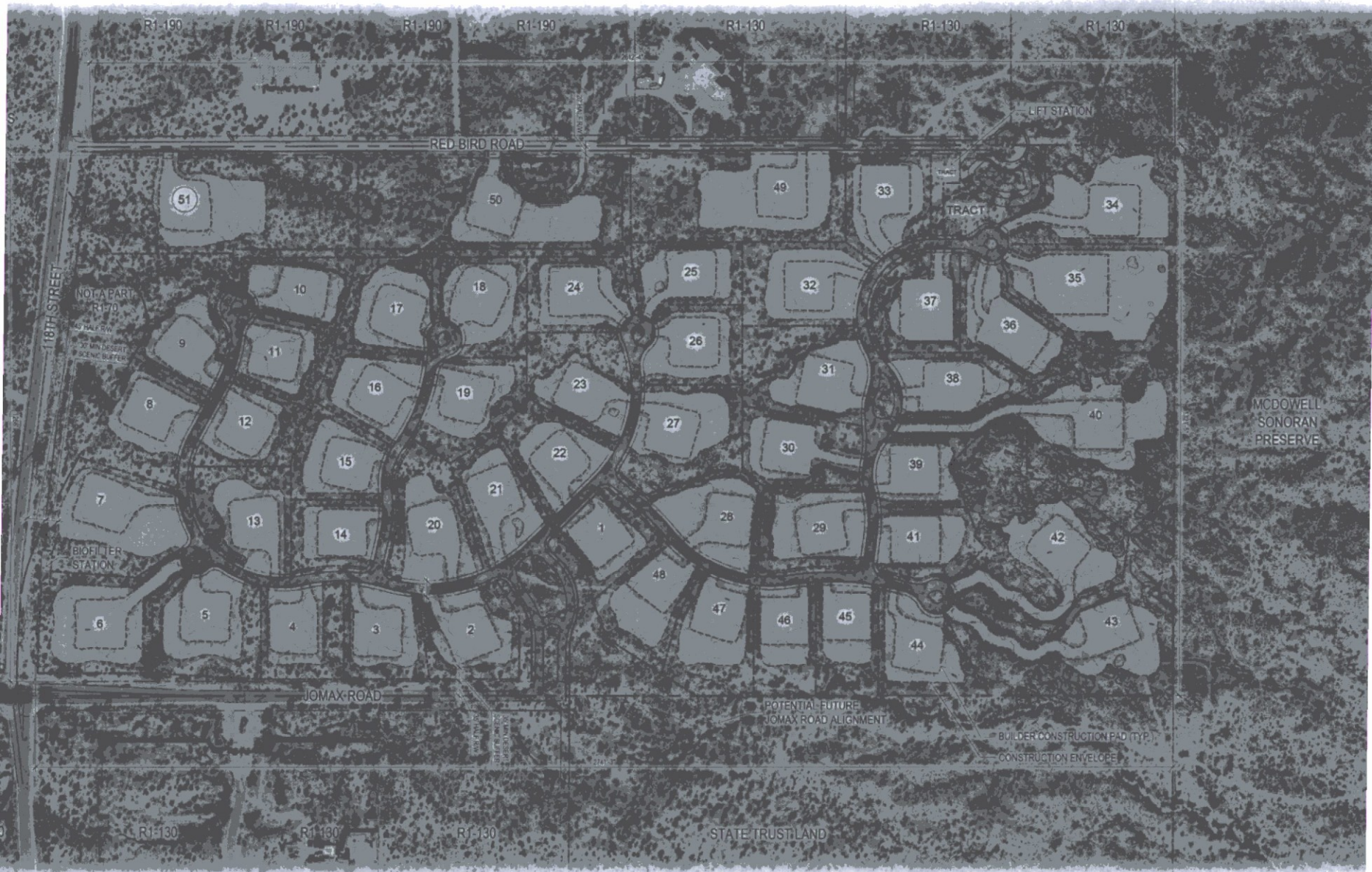
On behalf of the property owner of 118th and Jomax, located on the northeast corner of 118th Street and Jomax Road (see attached context aerial below). Andersonbaron will be submitting the Preliminary Plat application for review and approval of the 80+/- acre site planned as a gated single-family residential community, with amended development standards, a total of 51 lots and an overall density of 0.64 dwelling units per acre (“du”), on June 30th. The site plan has been designed in an environmentally sensitive manner consistent with Environmentally Sensitive Lands Ordinance (“ESLO”) requirements and is consistent with the previously approved zoning and site layout (25-ZN-2016).

Following the city’s review(s), there will be a Development Review Board Hearing to review this submittal. When that time comes, you will be notified by the City of that exact meeting date.

In the meantime, we would be happy to answer any questions or hear any comments you may have regarding this project. Please feel free to contact me by email (alex.fish@andersonbaron.com) or by phone (480) 699-7956. You may contact Keith Niederer with the City of Scottsdale at (480) 312-7000 and reference case 504-PA-2016.

Thank you!

Alex Fish
Andersonbaron



Dear 118th Street & Jomax Homeowner,

Considerable planning has gone into the design and development of 118th Street & Jomax. The goal is to carefully integrate the house architecture, landscaping and amenities into the native environment of the Sonoran Desert. Our unwavering focus on that goal and strict attention to detail has been the basis for these Design Guidelines to ensure that the integrity of the neighborhood vision developed for 118th Street & Jomax remains intact into the future.

These Design Guidelines are referenced in the Declaration of Covenants, Conditions and restrictions for 118th Street & Jomax in Article 5, Section 5.8. These Design Guidelines are binding upon all persons who may at any time construct, reconstruct, refinish, alter or maintain any improvements within 118th Street & Jomax or make any change to the natural or existing surface drainage or plant life.

These Design Guidelines are interpreted, administered and enforced by the 118th Street & Jomax Ranch Design Review Committee. The Design Review Committee will evaluate each proposed design, alteration, addition, etc. for consistency with these guidelines as well as appropriateness to its own lot, to the existing improvements and to the community as a whole. The underlying goal remains to ensure that the appearance and character of all homes and improvements in 118th Street & Jomax harmonize with and enhance the natural and manmade surroundings. To that end, any changes to the exterior of a residence must be in conformance with these guidelines and approved, in advance, by the Design Review Committee.

Sincerely,

Project Manager
118th Street & Jomax

INTRODUCTION

The Covenant, Conditions and Restrictions for 118th Street & Jomax (the “Covenants”) provide for a Design Review Committee (the “Committee”) to be formed by the 118th Street & Jomax Community Association. The Covenants provide that no improvements which would be Visible From Neighboring Property shall be constructed or installed on any Lot without the prior written approval of the Design Review Committee.

The Committee has adopted the design guidelines and standards set forth below (the “Guidelines”) to use in evaluating proposed Lot improvements and in rendering its decisions. The Committee retains the authority to modify, supplement or replace the Guidelines from time to time.

The 118th Street & Jomax Design Guidelines do not supersede City of Scottsdale Building Codes, Zoning Ordinances, City Guidelines or Environmentally Sensitive Lands Ordinance (ESLO) as they now exist or may be modified in the future.

PURPOSE AND PHILOSOPHY

The purpose of the Guidelines is to encourage creativity and diversity while maintaining a balance with the natural desert environment, to promote neighborly consideration and to address issues of privacy and architectural consistency, which will preserve property values and community image.

The Committee will evaluate proposed improvements on the basis of:

- 1) Integration and harmony with the natural desert environment;
- 2) Compatibility with neighboring lot improvements, and from one lot to the next;
- 3) Functionality, and quality of visual appearance, materials, textures, mass and durability;
and
- 4) Use and preservation of views from the site.

SPECIFIC GUIDELINES

These Guidelines contain specific requirements and prohibitions and apply to all exterior areas of the Lot outside the house building wall. The Guidelines apply to all improvements made after the date of these Guidelines; including construction, installation, addition, alteration, repair or change affecting the exterior appearance of the lot or the improvements thereon.

A. Building Envelopes and Protected Areas

1. Each Lot has a Building envelope area of approximately 12,000 to 15,000 square feet in accordance with approvals granted by the City of Scottsdale (“COS”). With the exception of the driveway, the disturbance to each Lot is limited to this amount of area including the house.

2. Each lot has substantial Natural Area Open Space (“NAOS”) areas designated on the Recorded Plat for 118th Street & Jomax and Map of Dedication. These NAOS areas have severe restrictions on use as defined by COS Ordinances.

In general, improvements or alterations within NAOS areas are limited to supplementary native planting and boulder placement using species, quantities and densities to approximate natural conditions of the desert vegetation community. No improvements containing hard surface paving, walls or other structures are permitted.

3. Required Yard widths/depths are as defined by COS Zoning Ordinance, Amended Standards Building Setbacks as follows: Front yard: 45’, Rear Yard: 45’, Side yard: 23’. Refer to City of Scottsdale approved Development Standards. Refer to Appendix I.

B. Driveways

1. Each Lot may have more than one driveway entrance to the fronting street. Dual entry drives (circle drives) are permitted.

2. Driveways, including backup aprons at garage, may not be closer than eight feet (8’) to side property lines.

3. Minimum width shall be twelve feet (12’) and maximum width shall be sixteen feet (16’).

4. Subject to the street pattern, driveways shall be located and designed for safe access to and from the Lot.

5. Driveway material must be concrete or concrete pavers with integral coloring complementary with the house color and adjacent native desert earth colors. Gray color concrete is not allowed. Bright or contrasting colors are prohibited.

6. Texture and score patterns. Grey pavers and grey exposed aggregate driveways are permitted, but grey standard broom finished or salt finished concrete is not allowed. Exposed aggregate, heavy rock salt, coarse broom and coarse trowel finishes are strongly encouraged. Smooth finish surfaces are prohibited. Distance between Score Joints or between a Score Joint and an Expansion Joint location shall not exceed eight feet (8’) in any direction.

C. Walls and Fences

1. Walls and Fences are intended to define and provide privacy to the immediate area of outdoor living spaces, and shall be designed and constructed to appear as an integral part of the house.

2. Walls and Fences are not permitted within ten feet (10’) of any Lot property line. Walls and fences are permitted along the line of designated NAOS areas, so long as any area that is disturbed by the construction of the wall is revegetated.

3. Walls and fences located in the required front yard shall not exceed forty inches (40") in height. Side and rear yard fences shall not exceed six feet (6') in height. Where retaining conditions or natural terrain conditions occur, an additional two feet (2') in height shall be permitted for a linear distance not to exceed sixteen feet (16'). Where on-site walls are placed adjacent to NAOS areas, at least fifty percent (50%) of the wall surface shall be view fence.

4. Walls shall be stucco-covered masonry textured to match the house, or stone (natural or cultured) matching the texture and color of "stone" elements in the 118th Street & Jomax Project Entry feature or exterior elevations. Fences shall be painted square steel tube posts, rails and pickets. Wood, adobe and reflective materials are prohibited. See Appendix E - Standard wall details.

5. Columns, if used on courtyard, shall be a minimum of twelve inches (12") wide, and shall not extend more than four inches (4") above the adjacent wall height.

6. Color and Texture. Masonry walls shall match house color and texture. Freestanding steel picket fencing shall be painted to match house color. Steel picket fence portions integrated into masonry walls shall be painted to match house or "rust" color.

7. Courtyard walls are not to extend more than fifteen feet (15') from the face of the house.

8. The rear yard enclosure wall must be a solid wall where it ties into the house to screen the side and rear yards from the street. Refer to Appendix B.

D. Covered Patios; Gazebos, Fireplaces and Other Structures

1. Covered patios, gazebos, fireplaces and other accessory structures must be submitted to the Design Review Committee for approval prior to construction and shall be designed and constructed to be an integral part of the house, and shall meet or exceed the quality of design and construction of the house. All elevations visible from neighboring lots or property shall include architectural features.

2. Maximum height of covered patio, gazebo or other accessory structure shall be twelve feet (12') above lowest finished floor elevation of the house. Maximum height of fireplace structures shall be eight feet (8') above lowest finished floor.

3. Covered patios, gazebos or other accessory structures shall not be located within fifteen feet (15') of side lot property line or 5' from NAOS. Fireplace structures, built in barbecues, serving counters and seat walls shall not be located within ten feet (10') of side lot lines.

4. Roof material of covered patio structures shall be the same as the house. Columns shall be a minimum of sixteen inches (16") wide. Wood columns are permitted if they are a minimum of eight inches (8") in diameter. Wood trellis work a minimum of three inches by three inches (3"x 3") or three inches (3") in diameter is permitted.

5. Sheds or other storage structures shall be screened from visibility from neighboring lots and property and the street.
6. Front yard water features are restricted to courtyard areas. Contractor is to provide shop drawings and elevations.
7. Fireworks are allowed in the rear yard if they are screened from the view of neighboring lots and property.

E. Lighting

1. Each house shall include two (2) or more coach lights on the front elevation of the house operated by a photocell to provide street side lighting. It is the owner's responsibility to promptly replace burned out bulbs and ensure that the lights operate as intended.
2. Owner shall submit plans for any additional or modified exterior lighting to the Committee for specific review and approval prior to installation.
3. All lighting shall be shielded and shall be installed, aimed and focused to cast light only onto the lot on which it is installed. All light sources shall be hidden from view from any surrounding property or lot.
4. Except for lighting that is an integral part of the house, all exterior lighting shall be low-voltage landscape lighting. Lamps shall be 20 watt, or less, halogen. Mercury-vapor and high-pressure sodium light sources are not permitted.
5. Lights shall be a combination of accent uplights, area downlights and low-level path lights to provide a layered affect visually.
6. No flood, broad-beamed or motion-activated lights are permitted for general area lighting. Under eave, house mounted security lights are permitted if the fixture is aimed at a downward angle of not more than thirty degrees (30°) from the vertical face of the house, subject to paragraph E.3. above. No area spotlights are permitted.
7. No lighting shall be mounted higher than nine feet (9') above adjacent natural grade.
8. No colored lamps or lenses are permitted.
9. No additional lights may be added to or installed on the exterior surfaces of the house.
10. No lighting is allowed within NAOS areas.
11. Any landscape light fixtures are to be offset a minimum of fifteen feet (15') from the street.

12. Low voltage path lights are allowed along the driveway. When three (3) or more fixtures are used, triangulated spacing is required. An excessive number of fixtures lining the driveway will not be approved.

13. Submit cut sheets of low voltage light fixtures. 'Malibu' type fixtures are not allowed.

14. An over-abundance of landscape light fixtures in the front yard will not be approved.

F. Ornamentation, Art or Sculpture

1. Ornamentation, art or sculpture visible from surrounding property or lots is not permitted.

G. Pools, Spas and Water Features

1. Pools and spas shall be screened from view from neighboring lots and property by design, location, screen walls or plant material.

2. Slides, diving boards or other accessories shall not be visible from neighboring lots and property.

3. Pools and spas shall not be drained onto streets, adjacent lots, property, washes or open spaces.

4. On lots with backyard grades at or below the lowest finished floor elevation of house, elevated terraces, patios and decking shall be no higher than eighteen inches (18") above lowest finish floor elevation.

5. Pool decks shall be no closer than ten feet (10') from property/lot lines.

6. Water features are limited to the rear yard or courtyard.

H. Solar Energy Devices

The Association recognizes the Owners' right to install and use solar energy devices governed by A.R.S. § 44-1761, and hereby adopts these guidelines in order to regulate the placement of solar energy devices. This provision applies only to the types of solar energy devices listed in A.R.S. § 44-1761. Any devices not falling under the statute, however, must still receive the prior written approval of the Design Review Committee pursuant to the Declaration.

If the solar energy device is one of the devices listed in A.R.S. § 44-1761, the placement of the solar energy device must be approved in advance by the Design Review Committee. All solar submittals must include a photo or brochure of the panels and equipment and the design documents submitted by the solar company to be approved by the Committee. Such solar energy device must comply with the following guidelines, to the extent that they do not impair the functioning of the device, or adversely affect the cost or efficiency of the device:

1. No solar energy device may encroach upon the Common Area or the property of another Owner.
2. A solar energy device must be placed in the backyard or on a portion of the roof facing away from the street so as not to be Visible from Neighboring Property to the maximum extent possible.
3. A roof-mounted solar energy device must be mounted parallel to the roof plane and so as not to break the roof ridgeline to the maximum extent possible.
4. A permit from the City must accompany the submission for a solar energy device to help ensure that all state, city, and county laws, regulations, ordinances, and codes are complied with.
5. Panels, framing, hardware and piping must match the roof color as closely as possible. All conduits, exposed cables, control panels, and other exposed equipment are to be painted the house body color. All painted materials are to be maintained and paint to be re-applied as necessary.
6. In order to protect against personal injury and property damage, the solar energy device may not be placed in a location where it may come into contact with a power line and it must be properly grounded and secured.
7. Solar energy devices may not block or obstruct any driver's view of an intersection or street.

The Owner is responsible for all costs associated with the installation and maintenance of the solar energy device and for all damage caused by or connected with the solar energy device. The Owner must hold the Association harmless and indemnify the Association in the event that someone is injured by the solar energy device. The Owner shall keep the solar energy device in good repair so that it does not violate any provision of the Project Documents. All exposed equipment shall be maintained. Broken or damaged solar panels will be replaced within 30 calendar days or less.

Any applicable design review fees shall be waived for applications for the Design Review Committee's review of solar energy devices.

Notwithstanding anything contained in these provisions, the Declaration, or any other provisions of the Project Documents, these provisions shall not be enforced in a way that (1) prevents the installation of a solar energy device; (2) impairs the functioning of a solar energy device; (3) restricts the use of a solar energy device; or (4) adversely affects the cost or efficiency of a solar energy device. If any provision of these guidelines on solar energy devices is ruled invalid, the remainder of these guidelines shall remain in full force and effect. If the Legislature of the State of Arizona modifies A.R.S. § 33-1816 or A.R.S. § 44-1761, the modified laws shall be incorporated into these guidelines as if fully set forth herein.

Approval (if granted) by the Association in no way makes the Association responsible for any roof or structural damage done by the solar energy device installer to the individual Residence. The Owner moves forward with this installation wholly at their discretion and taking full personal responsibility for any damage that may ensue. Any variation from the approved plans may require correction by the Owner.

I. Signage (The Declarant, as defined by the CC&R's, is not subject to the provisions of Section I of the Design Guidelines).

1. No signage detached from the house is permitted.
2. The Design Review Committee shall approve any signage, including temporary (not exceeding one-month display).
3. Notwithstanding anything to the contrary herein, commercially-produced "For Sale," "For Lease/Rent," and "Open House" signs and sign riders in conformance with the industry standard size (signs not to exceed 18 x 24 inches and sign riders not to exceed 6 x 24 inches) will be permitted on an Owner's Lot.
4. Under no circumstances shall signage exceed three feet (3') in height from natural grade.
5. Home security and protection signs shall be placed within ten feet (10') of the house, but not closer than fifteen feet (15') of the front lot line.

J. Flagpoles, Recreation/Sports Equipment and Trash/Recycling Receptacles

1. Flagpoles are not to exceed a height that is determined by measuring the distance between the highest foundation of the home and the rooftop of the home. In no event shall the flagpole be higher than the rooftop of the home. Additionally, to the extent that space is available, the flagpole must be installed within the building setback. Flagpoles must also comply with the following guidelines, pursuant to Arizona law:
 - (a) Only one flagpole is permitted per lot.
 - (b) Only the following flags may be displayed, and such flags must be displayed in a manner consistent with the Federal Flag Code (P.L. 94-344): The United States flag, the Arizona state flag, the flag of the United States Army, Navy, Air Force, Marine Corps, or Coast Guard, the POW/MIA flag, an Arizona Indian National flag, or the Gadsden flag.
 - (c) No more than two (2) of the flags noted above may be displayed at any one time. The flag on a flagpole shall be of a reasonable size as determined by the Design Review Committee.
 - (d) Owners installing flagpoles must take reasonable efforts to mitigate the noise created by the flagpole and all related hardware.
 - (e) Illumination of the flag and/or flagpole must be approved by the Design Review Committee.
 - (f) If the flagpole, or its installation, causes physical damage to any other Lot or the Common Areas, the Owner of the Lot shall be responsible for all damage caused.
 - (g) Prior to installation of a flagpole on any Lot, the Owner must submit an application with the Design Review Committee requesting approval for installation of the flagpole. The committee will consider the height of the flagpole, the requested location of the flagpole, the efforts of the Owner to mitigate noise created by installation of the flagpole and related hardware, and

the request, if any, to illuminate the flag and flagpole. The Committee shall not unreasonably deny a request to install a flagpole, but retains the right to approve the flagpole subject to the above height, location, noise and/or light restrictions.

- (h) Display of the flags listed above shall also be permitted on a bracket mounted on the house.

2. Recreation/Sports Equipment:

a. Permanent basketball goals or backboards are not permitted in front yards or driveways. Portable units that are stored in garages nightly are acceptable. However, no swingsets or other play structures shall be placed or constructed on any lot without the prior written approval of the Design Review Committee (including, without limitation, approval as to appearance and location). Basketball goals shall be located on the inside of the driveway in an area close to the house and colored to match the house. Backboards shall be clear glass or colored to match the house.

b. Driveways shall remain as provided during the original construction for access to garages only and shall not be expanded to accommodate sports or play equipment.

c. Swingsets and play structures (subject to approval as noted above):

- i. Play equipment not exceeding eight feet (8') maximum height above lowest finished floor elevation of the house is permitted in fully enclosed rear yard areas.

Canopy/shade/roof elements of play structures, if any, shall be an earth tone color meeting the Light Reflectance Values of the ESLO and complimentary to the house color. The color shall be compatible with the color of the house. Bright or primary colors are prohibited on structures above the height of the adjacent privacy wall.

- ii. Location. All structures shall be a minimum of fifteen feet (15') from the property lines. The Committee may approve variances based on specific circumstances, however, application and approval is required.
- iii. Maintenance. All structures shall be maintained so as to present a neat and clean appearance.
- iv. Screening of such structures with appropriate landscaping and thorough consideration for all neighbors is required.
- v. These Guidelines apply to residential lots and do not apply to Community Parks, Pocket Parks or any locations other than residential rear yards.

3. Trash/Recycling Receptacles should only be visible on the day of collection. Otherwise they must be screened from view.

K. Grading

1. All grading shall have smooth slope transitions and shall be constructed to approximate natural grade forms and transitions. Subject to engineering requirements, engineered slopes shall be "naturalized" by a combination of:

a. Rounding of abrupt changes in vertical and horizontal angles beginning a minimum of two feet (2') before top of slope and two feet (2') beyond top of slope;

b. Additions of fill or excavations to engineered areas to diversify widths, lengths and heights, eliminating straight lines and uniform shapes.

c. Decorative river rock 'stream beds' will not be approved.

d. Rip rap is to be visually screened from the street with the use of plant material.

e. Engineered drainage will typically not require stabilization thru the use of rip rap or rock. If your lot requires such treatment, rock shall be variable size and located primarily on the side slopes and bottom of swale to mimic a natural character. To further naturalize the character, backfill 2/3 depth with native granular soils to help stabilize rock and soften visual impact. These treatments will be approved and will be on a case by case basis.

L. Landscaping

1. All Owners shall submit Landscape Plans to the Committee for specific review and approval within 120 days of start of construction. Construction and installation of the front, sides and rear areas must be completed no later than 90 days after the close of escrow for the house.

2. It is the goal of these landscape requirements to meet the objectives of the City of Scottsdale ESLO guidelines. All plant species shall conform to the ESLO and the COS Native Plant List as it may be amended from time to time. Refer to restricted Plant List - Appendix C. A list of prohibited plants and materials appears in Appendix D: Prohibited Materials.

3. Turf, lawn or grass is not permitted in front yard areas. All turf, lawn or grass shall be screened from view from the street.

4. Landscape areas are broken down into zones that are intended to reinforce the natural character of the desert. In this booklet we have identified four (4) basic zones that apply to landscaping of your property. These zones identify natural transition, enhanced zone and streetscape zone. See Appendix B.

a. Native Areas - Those areas preserved beyond limits of disturbance. Undisturbed areas are to be protected to the greatest extent possible. Each lot has dedicated

118th STREET & JOMAX DESIGN GUIDELINES

NAOS areas that are required by City ordinances to remain untouched. Rear yards may be extended from the builder pad, within the restricted envelope area identified for each lot shown on the builder provided plat plan. Any revegetation in these areas must conform to the select native plant list.

b. **Natural Zone** - The front, side yard and rear yard areas outside of the rear yard enclosure walls, that have been disturbed, is considered the 'natural area'. It is the area from the house to the street excluding the transition zone. This area may include some undisturbed areas that are not NAOS. Planting design in this area should be done using native or near native plant varieties (refer to the Appendix 'C' - Restricted Plant List). Grades are to blend with adjacent landforms with softened contouring.

c. **Transition Zone** - Areas directly along the foundation of the home, front door entries, along the driveway (front entry side of drive only), the area directly inside the courtyard wall and the rear yard enclosure wall/fence. See zone map for a complete layout. These areas may incorporate a more liberal palette of low water use plants that add a greater diversity of color and texture. (Refer to Appendix 'C' -Restricted Plant List).

d. **Enhanced Zone** - This area is defined as the landscape area located within a completely walled in rear yard or a court yard area that is not visible from the street or adjacent lot. This area also incorporates a more liberal plant palette of low water use plants and turf. (Refer to Appendix 'C' - Restricted Plant List).

e. **Street Frontage Zone** - This is the first twenty feet (20') of landscape from back of curb. The requirement is one (1) tree per 60 lineal feet of street frontage.

Plant types and sizes within these areas are also governed by City of Scottsdale ESLO Ordinance restrictions.

Any additional plant varieties proposed for any zone will be approved on a case by case basis.

The Landscape Designer is required to delineate the landscape zone on their plan.

5. Front yard Requirements:

a. These requirements apply to non-NAOS areas of frontyards. Frontyard area is defined as the total amount of area from the back of street improvements (sidewalk or curb where occurs) to the face of house less the minimum area required for driveway. Front entry courts are deemed to be part of the front yard.

b. The Owner shall provide trees at the minimum rate of one (1) tree per 1000 square feet of front yard. For fractional amounts above 0.3 (three tenths) round up to the next whole number. Also provide one (1) tree per 60 lineal feet of street frontage within the first 20' of landscape. (Refer to zone map.) Required minimum tree sizes shall be 30% at 36 inch box, 70% at 24 inch box. In calculating tree quantities per size begin with the largest size, multiply the total quantity by the size percentage and round to the next nearest whole number, but never less than one (1). Then proceed to successively smaller sizes.

118th STREET & JOMAX DESIGN GUIDELINES

c. The Owner shall provide shrubs and ground covers at the minimum rate of one (1) plant per 40 square feet of front yard. Required minimum plant sizes shall be 40% at 5-gallon and 60% at 1-gallon. In order to blend new plantings into the natural, pre-development landscape; **30% of all required front yard shrubs shall be Bursage and 10% shall be Creosote Bush.** Ground cover plants shall not exceed 30% of the total plants required.

d. The Owner shall provide accent plants at the minimum rate of one (1) plant per 500 square feet. Required minimum plant sizes shall be 50% at 15-gallon and 50% at 5-gallon, 60% at 1-gallon. Accents shall be used in clusters with other plants, accents, boulders and berms to create points of interest in the front yard.

e. All non-paved, disturbed, front yard areas outside the NAOS shall be top-dressed and finished with a minimum 2" depth of native granular soil to match undisturbed areas or a mixture of 50% ½" minus and 50% ¼" minus Madison Gold decomposed granite.

f. Other materials. In order to create the most naturalistic visual environment, other materials may be used, including:

- Surface select granite boulders varying in diameter size from 18" to 6'. Boulders shall be set approximately 1/3 below ground and a minimum of ten feet (10') from street. An overabundance or sporadic 'here' and 'there' placement of boulders will not be approved.
- Mounding/grading with a minimum of 4:1 slopes and maximum height of three feet (3').
- Prohibited materials are listed in Appendix D: Prohibited Materials.
- Angular or 'pit run' boulders are not allowed.

6. Rear Yard Requirements

a. Rear/side yard areas disturbed outside of privacy walls shall be landscaped in the manner described above for front yards. This includes side yard fill or cut slopes.

b. Fully enclosed rear yards may be landscaped with a wider choice of plants and materials than listed in Appendix B: Approved Plant List. However, any plant not listed in Appendix B shall not be visible from adjoining properties or the street and shall not exceed the height of the rear yard privacy wall at any time.

c. Rear yard areas that are enclosed in part or in whole with view fencing are subject to specific review and approval by the Committee. The Committee reserves the right to require changes to the design or installation.

d. No landscaping, pruning, removal of native plants or other disturbance is allowed in the NAOS.

7. Irrigation Equipment. Irrigation water application may not be extended into NAOS areas. All irrigation clocks, valves and equipment shall be located or screened from direct view from the street. Any irrigation equipment located on the side of houses within views of neighboring lots, property or streets shall be painted and maintained to match the house color.

M. Landscape Plan Submittal and Requirements

1. Submissions/Fees

a. Each resident shall supply the Homeowners' Association with one (1) complete set of Front yard and Rear yard Plans and a landscape submittal worksheet (Appendix 'A' and 'G') prior to initiating landscape related work.

b. Front, Side and Rear yard Submissions shall be accompanied by a \$500.00 review fee and submitted to the Homeowners' Association. Review fees cover professional design review and installation inspections.

c. Separate Front yard and Rear yard submissions are discouraged, but will be provided with an additional review fee of \$300.00, payable with second submittal.

2. Review Process

a. The Homeowners' Association will issue a written response within fourteen (14) days upon receipt of your submission and review fee. Response will include summary of comments.

b. No reviews will occur without all the required design elements and payment included with the first review.

c. Plans may require a second submittal for review if noted on the first review.

d. Failure to obtain approval within two reviews, resulting in additional submissions, will require the applicant to pay an additional review fee of \$250.00.

3. Construction Review

a. The Committee may review work in progress and give notice of non-compliance. Absence of such reviews and notifications during construction does not constitute either approval by the Committee of work in progress or compliance with the 118th Street & Jomax Design Guidelines.

b. Final Review. Upon notification by the Owner of completion of the work, the Committee will conduct a review within fifteen (15) business days and will issue a written approval notice. If the work is found to be not in compliance with the Final Submittal and these Design Guidelines, a written notice will be issued to the Owner within ten (10) business days of the review. The Owner shall have thirty (30) calendar days to remedy non-compliance. When complete, the landscape will be re-inspected for compliance with initial comments.

c. Backyard landscape will only be reviewed as it relates to outside visibility and screening impact. The Homeowner assumes responsibility for hardscape, pool enclosures and planting installation consistent with the City of Scottsdale requirements.

M. Miscellaneous

1. Where side entry garages contain street side windows, Owner is required to install window treatments on those windows.

2. Window trim colors may not be changed from the original color installed during the construction of the house.

118th STREET & JOMAX DESIGN GUIDELINES

3. Owners are responsible for the conduct and behavior of their agents and contractors.
4. No alterations to or change in the style or color of roof tiles may be initiated without the prior approval of the Design Review Committee.
5. All HVAC equipment shall be screened from view from neighboring lots and property and the street by wall enclosures a minimum of eighteen inches (18") higher than the equipment being enclosed.

118th STREET & JOMAX DESIGN GUIDELINES

APPENDIX D: PROHIBITED MATERIALS

The following materials are prohibited from use within 118th Street & Jomax:

Prohibited Plants:

- Any species of tree or shrub whose mature height may be visible above patio walls or from surrounding property, unless it is on the Scottsdale Native Plant List or has been previously approved by the Design Review Committee.
- All Palms (Palmae) that will exceed six feet (6') at maturity. Dwarf varieties that will attain a height less than six feet (6') at maturity are allowed, but only within fully enclosed rear yard areas.
- All Pines (Pinus), Cypress (Cupressus), False Cypress (Chamaecyparis), Juniper or Cedar (Juniperus), whose height may reasonably be expected to exceed feet (6') will be prohibited. Dwarf varieties that will attain a height less than six feet (6') are allowed, but only within fully enclosed rear yard areas.
- Olive trees (Olea Europaea).
- Oleanders (Nerium Oleander and Thevetia Speies). Dwarf varieties will be allowed within fully enclosed rear yard areas.
- Fountain Grass (Pennisetum Socateum).
- All varieties of Citrus. Dwarf varieties that will attain a height less than feet (6') at maturity are allowed within fully enclosed rear yard areas.
- Common Bermuda Grass (Cynodon Dactylon).
- Mexican Palo Verde (Parkinsonia Aculeata).
- Desert Broom.
- Non-indigenous trees with a mature height greater than 20 feet.

Prohibited Materials:

- Polyethylene film under desert landscaped areas.
- Scalloped concrete or wooden headers for borders.
- Colored rock other than decomposed granites acceptable to the Design Review Committee.
- River run rock.
- Driftwood, wagons, skulls, tombstones, wagon wheels and sculptures.
- Water fountain, in native or transition areas, composed of pre-cast concrete, cast "stone", artificial rock/stone or any other material not designed as an integral part of the house. Water features in semi-private and enclosed rear yards are acceptable.
- Non-functional river rock "stream beds".

APPENDIX G
REQUEST FOR ARCHITECTURAL APPROVAL

Name _____

Address _____

Phone _____ Lot Number _____

Please provide a description of the request in detail; use additional pages as necessary. Please provide drawings, types of materials to be used, color(s), dimensions of improvement and location on lot. Two sets of plans should be submitted. Plans must include a statement that the design is in compliance with the design guidelines.

Work to be performed by: _____ Phone: _____

The Homeowner agrees to maintain the improvement if the Design Review Committee grants approval. The Homeowner further agrees to comply with all city, county and state laws and to obtain all necessary permits.

Signature _____ Date _____

The request as submitted above is:

Approved Disapproved

Comments:

Signature - Design Review Committee _____ Date _____

APPENDIX H

Scottsdale ESLO Guideline Summary

The following is a summary of Scottsdale ESLO Guidelines that relate to residential landscape guidelines.

- a. Planting programs for revegetated areas may include transplanted and seeded methods of application.
- b. Planting programs shall be consistent with the slope aspect of the surrounding natural vegetation, and shall be consistent to the extent possible with the species and density of surrounding vegetation.
- c. All materials, design and construction techniques for revegetation shall be approved by the project review director. Decisions of the project review director may be appealed to the development review board as provided in section 7.832.
- d. Continuity of open space within the development project and with adjacent developments.
- e. Preservation of the most significant features and vegetation, including rock outcroppings, natural watercourses, and significant concentrations of native vegetation in relation to the surrounding development project.
- f. Distribution throughout the developed area and avoidance of concentration in one (1) location.
- g. Location in areas where a buffer is desirable along the property boundary, or where it is contiguous with NAOS on adjacent property.
- h. Location in areas visible from streets or common areas.
- i. Avoidance of the use of walls or other visual obstructions that will limit the visibility of NAOS from streets or common areas.
- j. Materials used for exterior surfaces of all structures shall blend in color, hue, and tone with the surrounding natural desert setting to avoid high contrast.
- k. Surface materials of walls, retaining walls, or fences shall be similar to and compatible with those of the adjacent main buildings.
- l. Development design and construction techniques should blend scale, form and visual character into the natural landform, and minimize exposed scars.
- m. Exterior lighting should be low scale and directed downward, recessed, or shielded so that the light source is not visible from residential development in the area or from a public viewpoint.
- n. Reflective building materials are prohibited.
- o. No paint colors shall be used which have a light reflecting value (LRV) greater than forty (40) percent. The LRV of a paint is available from paint manufacturers and it measures the amount of light reflected by a certain color.)
- p. Plant materials that are not indigenous to the area shall be limited to enclosed yard areas and shall not exceed twenty (20) feet in height. A list of indigenous plants is available from the planning and zoning department. Outdoor community recreation facilities including parks and golf courses shall be allowed turf as specified in section 7.854(E)(2)(e).
- q. Turf shall be limited to enclosed areas not visible offsite from lower elevation. Outdoor recreation facilities, including parks and golf courses, shall be exempt from this standard.
- r. Boulder Features: Development shall not be permitted on boulder features identified on the ESLO Special Features Maps, unless approved by the development review board. The development review board may permit development on identified boulder features where the applicant demonstrates that the proposed construction will meet the appropriate criteria.