

(d) **“Grading”** means any disturbance of the surface of a Lot (except to the extent reasonably necessary for planting of approved vegetation), including any trenching which results in the removal of earth, rock or other materials from a depth of more than twelve (12) inches below the natural surface of a Lot, or any grading of the surface of a Lot.

(e) **“Indigenous Specie”** means a specie of plant, whether ground cover, shrub, cactus or tree, which is listed on the Indigenous Plant List set forth in Appendix A hereto.

(f) **“Natural Area”** means that portion of the natural desert within a Lot which must remain undisturbed pursuant to the regulations of the City, and no Improvements are to be built within the Natural Area

(g) **“Prohibited Plants”** means those plants and trees identified on Appendix B attached hereto.

(h) **“Protected Plants”** means those Indigenous Species of trees or cacti listed in the City’s Native Plant Ordinance No. 455, Article 7, as may be amended from time to time including, without limitation, those of four (4) inch caliper or six (6) foot in height or greater including: ironwood, Mesquite, palo verde, saguaro, barrel cactus, ocotillo and yucca.

(i) **“Unenclosed Area”** means that part of any Lot excluding the Natural Area and any Enclosed Area.

3. **Architectural Design Standards.** The concept and design of all proposed Improvements to be constructed on each Owner’s Lot must be approved by the Committee. It is recommended that each Owner retain competent professionals to plan and design Improvements. Only plans of professional quality will be accepted for review by the Committee. Each Owner must strictly comply with these Architectural and Landscaping Standards, the Declaration, the Rules and Regulations and any ordinances, laws and regulations of any governmental authority, in order to bring the design review process to a speedy and satisfactory conclusion. The following architectural standards must be followed in connection with any Improvements on any Lot:

(a) **Design.** The exterior of all Improvements within the Project must be a design consistent with what is commonly known as Santa Fe, Santa Barbara, Southwestern Tuscan or Mediterranean architecture.

(b) **Size.** Living Units shall exceed 3200 square feet of living area unless there are special circumstances requiring unique design solutions, in which case the size requirements can be slightly modified in the sole discretion of the Committee. Notwithstanding the foregoing, not more than sixty-five percent (65%) of the gross square footage of any Lot shall be covered by Improvements and the remainder of each Lot shall remain natural area/open space. In addition, any Residential Unit proposed to be constructed on a Lot that is contiguous at any point to 136<sup>th</sup> Street shall be orientated north and south (with all primary views facing north and south). For each such Residential Unit, a six foot (6’) high non-transparent wall shall run from within four (4) feet of the front of each structure to the rear of the building envelopes, and such wall must be completed before the Residential Unit is occupied. A diagram showing the wall is attached to the Mayo CC&Rs as Exhibit “E”.

(c) **Height and Siting of Structures.** Living Units shall be limited to a maximum height of (i) twenty-four (24) feet above the highest adjacent natural grade portion of the Lot, (ii) thirty (30) feet over the lowest point from the natural grade of the Lot, or (iii) any lower height limitations imposed by the City. Sensitivity to height and relationship to other Living Units immediately surrounding the Lot must be taken into consideration and will play a role in the review process by the Committee. Notwithstanding the foregoing, Improvements constructed within 200 feet of either Via Linda or 136<sup>th</sup> Street shall not exceed twenty-four(24) feet in height from the final building pad elevation.

(d) **Walls and Fencing.** To the extent not restricted by any applicable City ordinance, exterior walls with a stuccoed finish may be used for privacy. All fencing and walls built upon a Lot shall be of masonry and/or wrought iron material only and shall be meandering in configuration and shall be subject to and shall comply with City of Scottsdale Design Review Standards. Walls are required as screening to enclose all above-ground garbage and trash containers, heating and cooling equipment and other outdoor maintenance and service facilities, and such walls should be a visual extension of the architecture of the Living Unit. The maximum allowable height of walls shall be eight (8) feet measured from the top of the exterior side of the wall to this natural grade immediately adjacent to said wall, and a wall may not exceed an average of six (6) feet in height measured as herein provided. The color of walls must conform to the color standards set forth in Section 5 below. Walls may not be intended to delineate property lines. Acceptability of wall locations and heights shall be determined by the Committee.

(e) **Garages.** In order to establish a visually attractive residential streetscape and to encourage architectural creativity, side entry garages shall be encouraged on all Living Units. No garage doors directly facing a residential street shall be permitted except in cases of extreme hardship as determined in the sole discretion of the committee. Hardship shall be determined on the basis of safety, Lot grade and configuration, visibility from neighboring property and the architectural appropriateness and integrity of the proposed Living Unit as sited on the Lot as it relates to surrounding residences. In the event a hardship is determined to exist and a front-entry garage is permitted (garage doors facing the street), the garage faced shall be stepped back or recessed from the primary face of the Living Unit so as to diminish its prominence, and in such event, the maximum number of street-facing doors shall be three (3). In the event that a 3-door front-entry garage is approved, the face of all three garage doors may not be on the same plane; at least one door must be stepped back or recessed from the others and further differentiated by its roof line and treatment. All garage stalls must be immediately adjacent to each other. No garage door shall be permitted to be more than two (2) feet higher than any other garage door or standardized garage doors and no such larger than normal garage doors shall be permitted on front-entry garages.

(f) **Solar Application.** Passive solar application or the orientation and design of the Living Unit for winter solar gain will reduce winter heating needs and will be encouraged. Solar collectors, however, can result in excessive glare and reflection and will only be approved by the Committee if they are integrated into the structures or landscaping on a Lot and are not Visible from Neighboring Property. Rooftop solar collectors, however, are not allowed, except as otherwise required by law.

(g) **HVAC Facilities.** All heating, air conditioning, evaporative cooling or similar facilities may be installed, constructed or maintained upon any Living Unit only if (i) such facilities are ground mounted and (ii) the committee has approved the installation and location of such facilities.

(h) **Tennis and Sports Courts.** Tennis and sports courts shall not be permitted within the Project.

(i) **Lights.** Only low level, low intensity accent lights will be allowed at exterior locations on Lots and such lights must be used in a manner that softens the exterior character of the Living Unit. Spotlights or other lights shall not be installed, maintained or used in a manner which causes glare to neighboring property or an annoyance to the Occupants of neighboring property within the Project, and all spotlights shall be mounted and maintained so that the light is directed downward at no less than a 45° angle. Overhead swimming pool lights shall not be allowed except as approved by the Committee. All outside lights will be of a height, design and type approved by the Committee.

(j) **Roofs.** All roofs shall be of a material, color and texture approved by the Committee. The overall appearance of the Living Unit will be an important consideration. The Committee may approve pitched roofs up to a maximum pitch of 5 in 12. The color of roofs must conform to the color standards set forth in Section 5 below. Reflective roof surfaces which cause excessive glare are not allowed. Only roofs composed of clay, sandcast or concrete flat tiles or another material approved by the Committee shall be constructed on any Lot. No asbestos or shake shingle roofs shall be allowed. No Residential Unit shall include roof top patios, gardens or similar facilities.

(k) **Driveway Construction and Use.** The location of a driveway on all Lots is subject to the Committee's approval. All driveways shall be paved with concrete or other solid materials approved by the Committee. Each driveway shall be at least fifteen (15) feet in width. The use of special texturing, integral color borders, etc. shall be required with respect to all driveways.

(l) **Basketball Goals and Play Structures.** No basketball goal, backboard or similar structure or devise, and no swing set or other play structure shall be placed or constructed on any Lot without the prior written approval of the Committee (including, but not limited to, approval of the design, height, color, appearance and location). In no event shall basketball goals be permitted to be attached to any Living Unit. All basketball goals must be installed, placed and kept no further forward on any Lot than the garage doors of the Living Unit situated on that Lot. Permanent basketball goals must include a free-standing pole, which must be painted the color of the body of the Living Unit. The blackboard of any basketball goal must be composed of clear material.

(m) **Setbacks.** The front, rear, left and right side yard setbacks shall conform with the code of the City.

(n) **Porte Cochere.** A porte cochere shall be permitted on a Lot so long as (i) the side of the porte cochere closest to the street does not extend closer than twenty-five (25) feet