

*Vistoso Pointe*  
*Architectural Guidelines*

*April 2003*

*Revised 3/04 Section III.2(a) and Diagram III.2*

*Revised 4/16 Section II Item 9, Section V Item 2*

**SECTION I**  
**GENERAL**

**1. Vistoso Pointe HOA Philosophy**

Vistoso Pointe is a master planned community of custom homes amid the natural open desert with scenic vistas that are minimally disturbed by carefully integrated residences. It is expected that the design of each home will be tailored to the unique features of each individual Lot. The homes should be placed on the Lot such that it maximizes its views and privacy while minimizing its affect on the surrounding Lots. All improvements should be sited so as to minimize disruption of the existing environment, and ensure that the natural drainage is not altered.

To ensure the preservation of the natural desert for the enjoyment of all residents of Vistoso Pointe the concept of a maximum allowable developable area of the Lot, called the "Building Envelope", has been developed. This area, also known as the "Grading Limit", is limited to 16,000 square feet excluding driveway and utilities. All structures, walls, yards, landscaping and any other types of development is strictly limited to within the Building Envelope. Designs which, in the opinion of the Architectural Committee, overwhelm the Building Envelope and are therefore inconsistent with the Vistoso Pointe overall philosophy, will not be approved.

**2. Compliance with Codes & Regulations**

All construction on or grading or excavation of a Lot must comply with all applicable governmental regulations including, but not limited to building and zoning codes. Owners must receive any approvals or permits which may be required under any federal, state or local law, statute, ordinance, rule or regulation as well as the Master Rancho Vistoso Association, and these Design Guidelines, prior to the start of work.

**3. Architectural Theme**

Preliminary architectural designs for all buildings and

structures must be reviewed and approved by the Architectural Committee prior to the preparation of final plans to be submitted to the Town of Oro Valley. Santa Fe, Southwest Contemporary, Mexican Colonial, Pueblo, Spanish Colonial, Territorial and Mission architectural styles may be approved, such that they blend with the surrounding natural environment and architectural theme. Each design should incorporate complex visual relief through massing and building articulation on all sides/elevations of the structure with breaks and elevation changes in the roofline.

#### **4. Timely Construction**

When a building design has been approved and the necessary building permit obtained from the Town of Oro Valley, the Owner should proceed in a timely manner with the commencement and completion of all construction work. The Owner shall have 12 months to complete construction after receiving a building permit. Such commencement shall occur within 90 days from the date of obtaining the building permit. If the Owner shall fail to comply with the 90-day commencement, the approval from the Architectural Committee may be revoked. If the construction is not completed within 12 months, the Vistoso Pointe Association shall have the right to assess the Owner for the cost of completion, and shall collect such costs as provided in the Declaration. Said funds collected shall be used to complete the construction in accordance with the approved plans.

## **SECTION II** **DESIGN REVIEW PROCESS**

### **1. Architectural Committee Meetings**

The Architectural Committee will conduct reviews of plans during its regular meetings or at such other times it deems appropriate. In any event the Architectural Committee shall review and schedule a meeting with the Owner within sixty days of receipt of a completed submittal. Owners and their representatives shall only attend those meeting, or parts of those meetings, specifically dealing with their submittal. The Architectural Committee may meet in executive session without

the Owner or their representatives to discuss the compliance and appropriateness of the Owner's design. The Owner will be notified in writing of the committee's findings within thirty days of the meeting regarding the Owner's submittal. The Architectural Committee may require an Owner to retain qualified professional design services after the rejection of two consecutive submittals before any additional submittals will be reviewed.

## **2. Pre-Design Meeting**

During the Pre-Design Meeting the Owner and their representatives review with the Architectural Committee their general design concept. The purpose of this meeting is to provide the Owner an opportunity to receive general feed back on their design concept compliance with the Architectural Guidelines prior to the Owner expending time and money on a full Preliminary Design and submittal. Rough drafts and conceptual drawings of the Owner's proposed designs should be provided prior to this meeting.

## **3. Preliminary Design Submittal & Meeting**

The Owner's preliminary conceptual submittal package is reviewed by the Architectural Committee to insure conformance with the Design Guidelines. This occurs before the Owner finalizes the design and should include enough preliminary information such that a determination may be made regarding compliance with the Design Guidelines. This package should include drafts of the following:

- (a) Site Plan; including topographical contour lines (1 foot intervals), grading treatments, finished pad elevations, drainage, building envelope, home placement, yards & walls, Landscape Zones, driveway, and utilities trenches.
- (b) Home Design; including floor plan, elevations, roof treatments, building and exterior finish material, and color schemes.

If necessary, the Architectural Committee will schedule a meeting with the Owner and their representatives to review and discuss the submitted preliminary design.

#### **4. Final Design Submittal**

The Owner's refined and final design submittal package is reviewed by the Architectural Committee to ensure consistency with the previously approved preliminary design submittal and the Design Guidelines. This package should include final plans of the following:

- Site Plan/Grading Plan
- House Plan and Elevations
- Color Plan and Samples
- Landscape Plan
- Lighting Plan

If necessary, the Architectural Committee will schedule a meeting with the Owner and their representatives to review and discuss the submitted final design.

#### **5. Pre-construction Conference**

The Builder meets with a representative of the Architectural Committee to review pre-construction requirements and Construction Regulations. This occurs after delineation of the grading limits and prior to any commencement of construction.

#### **6. Construction-in-Progress Reviews**

The Architectural Committee verifies with the Builder that construction is proceeding in compliance with the approved Final Design Submittal and the Design Guidelines.

#### **7. Post-Construction Inspection**

The Architectural Committee determines whether actual construction has been completed in strict compliance with the approved Final Design Submittal and the Design Guidelines. This occurs when requested in writing by the Owner and prior to occupancy of the home.

## **8. Nature of Approval**

Any approval of plans, specifications or proposed construction given by the Architectural Committee shall be only for the purpose of permitting construction of proposed improvements within Vistoso Pointe and shall not constitute compliance with town, county, and state laws. SUCH APPROVAL SHALL NOT CONSTITUTE ANY APPROVAL, RATIFICATION OR ENDORSEMENT OF THE QUALITY OR ARCHITECTURAL OR ENGINEERING SOUNDNESS OF THE PROPOSED IMPROVEMENT, AND NEITHER THE ARCHITECTURAL COMMITTEE, ITS MEMBERS, THE BOARD OF DIRECTORS AND OFFICERS OF VISTOSO POINTE HOA, NOR THE DEVELOPER SHALL HAVE ANY LIABILITY IN CONNECTION WITH OR RELATED TO APPROVED PLANS, SPECIFICATION OR IMPROVEMENTS.

## **9. Submittal Fees**

The following schedule of fees have been established in conjunction with the outlined scope of work, required reviews and meetings of the Architectural Committee. All check should be payable to "Vistoso Pointe HOA" and must be submitted at the prescribed design review phase. The fees are as follows:

(a) New Residence Design Review Fee of \$1,000.00 non-refundable, payable at the Preliminary Design Submittal. This fee is to cover the cost related to reviewing a new home design and its related construction.

(b) Existing Home Modification Design Review Fee of \$250.00 (minimum) non-refundable, payable at the Preliminary Design Submittal phase. This fee is to cover the cost related to reviewing any proposed modifications, changes, additions, etc., to an existing home, or home under construction. Once the scope of the proposed work is determined an adjustment (either a refund or an additional charge) may be issued.

(c) Construction Compliance Deposit Fee of \$2500.00 refundable, payable at the Pre-Construction Conference. This deposit is to help ensure that all construction complies with all applicable standards of the Design Guidelines and the Vistoso Pointe CC&Rs and that any damage to natural area, other

private property or public infrastructure as a result of construction will be repaired promptly and correctly. Failure to comply with said standards and/or repair any such damage will result in the forfeiture of a portion, or all, of this deposit. In the event additional monies are required to bring the construction into compliance and/or make any repairs, exceeds the Construction Compliance Deposit the Architectural Committee shall require the Owner to make such funds available within 14 days of such a request. In the case of Existing Home Modifications, the Architectural Committee will determine the appropriate Construction Compliance Deposit, which in any case shall not exceed \$2500.00.

#### **10. Submittal Fees Adjustments**

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

### **SECTION III** **ARCHITECTURAL DESIGN STANDARDS**

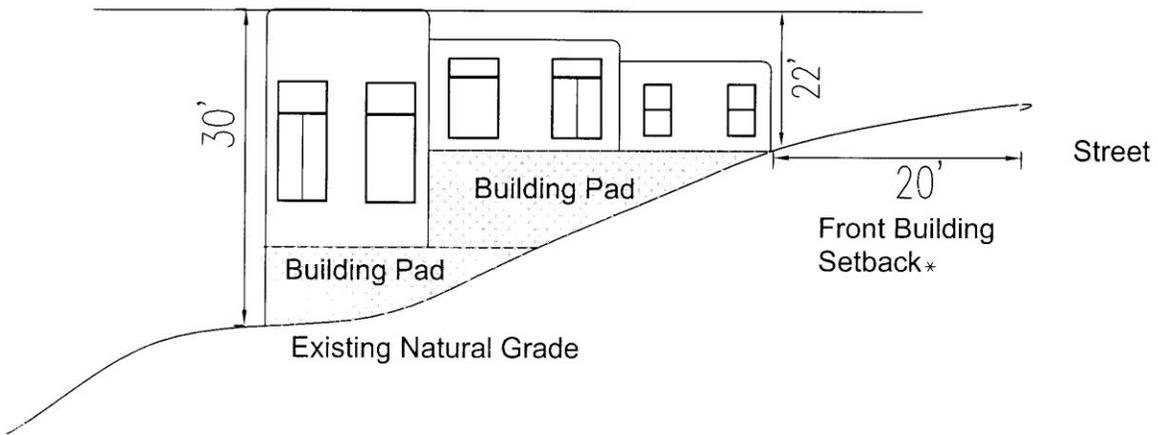
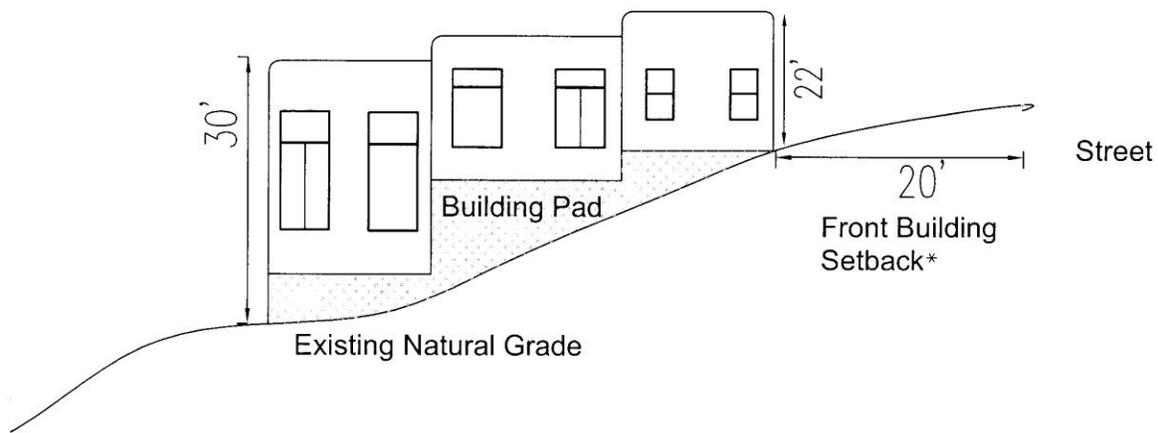
#### **1. Size**

All homes will exceed 2,400 square feet of living area, except and unless there are special circumstances or unique design solutions required. Conversely, any home shall not be developed to a size, which overwhelms the Building Envelope.

#### **2. Building Height**

(a) A maximum building height of 30 feet is allowed except

Revised March 2004  
DIAGRAM III.2  
MAXIMUM HOME  
HEIGHT LOTS 3, 14-18  
SIDE VIEW



\* See Section III 2(a) for Lot 3 requirements.

on Lots 3, 14, 15, 16, 17 and 18. Because of their ridge top location and/or their potential negative affects upon the views from other locations in Vistoso Pointe Lots 3 and 14 through 18 are limited to a maximum building height of 22 feet. On Lots 14 to 18 the 22 foot limit is measured from the existing grade at the front building set back. On Lot 3 the 22 foot limit is measured from the existing grade at a distance of 70 feet east of the east property line of Lot 2. On these Lots the actual height of the structure may increase as the Lot's Natural Grade decreases away from the front set back, however in no case may the home exceed the maximum building height of 30 feet. See Diagram III.2. (The definition of building height is as defined in the Town of Oro Valley Zoning Code)

(b) Although two story homes are allowed, they should be designed such that the second story does not dominate the street scape. Second story components fronting the street should be set back at least 15 feet further than the first story and not run the entire length of the first story. Long uninterrupted two story elevation lines are not allowed and the total area of second floor and/or loft space should be limited to 50% of the first floor living space. The Architectural Committee intends to discourage, and has the right to prohibit the construction of any home, which would appear to visually dominate the Lot or appear excessive in height when viewed from any Building Envelope.

### **3. Building Mass**

Massing is the arrangement of three-dimensional building solids that form the exterior of the home. Each home must be composed of multiple masses with each mass distinguished by a minimum vertical or horizontal offset of 3 feet. At least three distinct masses must be visible from each building elevation with each mass having a 10-foot minimum depth and 10 foot minimum width or be 100 square feet minimum in roof area.

### **4. Exterior Colors**

The exterior colors of all buildings and structures must be approved based on a submitted 6-square-foot-minimum sample color panel of both principal and accent colors. Extremely bright and/or primary colors will not be permitted. The intent is to

reflect the rich and varied desert colors. Specific exterior material colors (including, as applicable, main body color, trim color, roofs, window frames, doors, and accent color) shall not exceed a 40% Light Reflective Value (LRV).

Plans and specifications submitted must include detail of the exterior color scheme, including all exterior surfaces. Exterior surfaces must be compatible with the other buildings in the neighborhood. Any repainting or redecorating of exterior surfaces will also require submission of a color scheme for approval unless repainting with the same colors.

## **5. Building Materials**

All exterior building materials and the commencement of any exterior alteration must be approved by the Architectural Committee. Finished building materials must be applied to all exterior sides of buildings and structures. Each material selected shall express the Vistoso Pointe architectural theme in an appropriate manner, with colors and textures compatible with the natural surroundings and other building and structures in Vistoso Pointe. Acceptable finish materials include:

- (a) Plastered or stuccoed walls,
- (b) Adobe;
- (c) Stone;
- (d) Rough-sawn wood.

Other exterior finish treatments may be utilized, if deemed appropriate by the Architectural Committee. Use of wood-sheet or vinyl siding is strictly prohibited.

Unless otherwise approved in advance by the Architectural Committee patios or overhang supports shall be columns with a minimum size of 18"X18" or viga poles with a minimum 12 inch diameter. Exposed wood members shall be oversized with a minimum nominal thickness of 4 inches.

## **6. Roofs**

(a) General. All roofs shall be of a material, texture and color approved by the Architectural Committee. In keeping with the low landscape, roofs should be predominantly flat or of low pitch to reinforce the traditional desert architecture, which

emphasizes horizontal elements instead of vertical elements. Roofs must be designed to avoid large monoplane appearances by incorporating elevation changes, dimensional relief components or other architectural treatments.

(b) Color. The overall appearance of the Residence will be an important consideration. The color of roofs must conform to the color standards set forth by these Design Guidelines (see "Exterior Colors", above). Dominant colors such as black, white, red or tiles with a high content of red-orange or terra cotta colors detract from the natural colors of the desert and shall not be used.

(c) Flat Roofs. Flat roofs shall be any roof area having a slope of less than 1 vertical inch per 12 horizontal inches. Flat roofs and the related parapet walls shall create rooflines compatible with the overall character of Vistoso Pointe. All flat roofs shall be enclosed by a parapet wall that is a minimum of 12 inches taller than the immediately adjacent flat roof surface. Continuity of parapet walls in flat roof areas is required. False parapets shall only be used to form continuous enclosures and false parapet stepping is not allowed. Flat roofs shall be finish coated with a color that blends with the Structure's exterior wall color. White, off-white, or reflective finished-coated flat roofs are prohibited. All vents and other projections shall be colored to match the finished roof material coating color.

(d) Pitched Roofs. To avoid large vertical roof masses the slope of pitched roofs should be minimized and used in conjunction with flat roofs. These roofs shall be finished with a visually aesthetic material of rounded clay tile, rounded or flat concrete tile with a through color, chemically-aged metal roofing material with a mottled surface, patina-ed copper or other similar materials, all of which shall exhibit muted earth-tone colors and a low sheen. Pitched roof colors shall compliment the structure's exterior wall color. Reflective materials, including all other metal roof materials are prohibited. All vents and other projections shall be colored to match the finished roof material. No mechanical equipment or skylights of any kind will be permitted on pitched roofs.

## **7. Roof Mounted Mechanical Equipment**

Ground mounted heating and cooling equipment (HVAC) is very intrusive in both space and sound not only on its own Lot but also for the neighboring Lots. These negative aspects are eliminated when the HVAC equipment is located on a flat roof and enclosed by a parapet wall. Therefore, we encourage the placement of HVAC systems on flat roofs fully screened by a parapet wall. The HVAC equipment and its surrounding parapet wall must be located such that the HVAC equipment is not visible from neighboring Lots or streets. Exposed ductwork is not allowed on the roof or any exterior surface. No HVAC equipment of any kind will be permitted on pitched roofs. When used ground mounted HVACs must comply with setback requirements and be fully screened from view.

## **8. Windows and Skylights**

Window and door glazing that is mirrored is not allowed. Window and door frames shall be finished with anodized metal, baked enamel, vinyl clad, wood, and other appropriate materials all with finished colors as approved by the Architectural Committee. Skylights must be developed as an integral part of the roof and skylight glazing should be colored to match or blend with the roof.

## **9. Foundations**

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

## **10. Garages**

Garages are a major visual design element and their location articulation, detailing and orientation shall be given careful consideration. Locations and garage door orientations that visually dominate the street scape are discouraged. Garages must incorporate at least one horizontal elevation change of a minimum of 3 feet. Each Residence must incorporate a garage for at least three automobiles. Storage of all vehicles, including recreational vehicles and boats, must be within a garage. All garages shall be developed as a visual extension of

the home and should be connected by walls, courtyards, major landscape, or other design elements to the main building portion of the home. All garages must be fully enclosed and fitted with a garage door with a related automatic door opener.

#### **11. Fire Protection System**

All homes must comply with current Town of Oro Valley fire protection systems, including sprinkler requirements.

#### **12. Antenna and Satellite Equipment**

Antenna or satellite equipment installations will be processed and approved in compliance with all applicable Federal laws. All installations of antenna and/or satellite equipment will require proper placement and screening as permitted under applicable Federal law.

#### **13. Fireplace Chimneys**

Fireplace chimney height and forms must complement the home's overall design. Chimney height (including any cap, cover, or canopy) shall not extend more than 3 feet above the applicable building code minimum height criteria. Chimneys shall continue the same materials and colors as presented on the Structure.

#### **14. Solar Application**

When used on a flat roof, solar panels must be of a low profile, a minimum of 12 inches below any adjacent parapet, and screened so that they will not be visible from neighboring Lots or streets. Solar collectors can result in excessive glare and reflection, and can only be approved in advance by the Architectural Committee if they are integrated into the structures or landscaping on a Lot and will not be visible from neighboring Lots or streets.

#### **15. Utility and Service Equipment**

No machinery, fixtures or equipment of any type including, but not limited to, heating, cooling, air-conditioning and refrigeration equipment, propane tanks, soft water tank, pool equipment and clotheslines may be placed on any Lot without prior approval. Approval shall be conditioned upon proper screening or concealment from view of neighboring Lots and streets. The screening or concealment shall be solid and integrated architecturally with the design of the building or structure and shall not have the appearance of a separate piece or pieces of machinery, fixtures, or equipment.

All gas meters, electrical service meter panels, and trash containers must be located within walled and gated service yards such that they are not visible from neighboring Lots and streets. In addition, the electrical meter panels shall be painted to match the color of the surface from which it projects.

#### **16. Awnings**

Awnings for windows will only be considered on a design specific basis by the Architectural Committee.

#### **17. Home Identification/Mailboxes**

An Architectural Committee approved mailbox design standard, which includes address identification and lighting, must be placed at/near the access drive to each home. It is the Owner's responsibility to ensure that these lights are operating and illuminated each night.

#### **18. Ancillary Structures**

All ancillary structures, including but not limited to ramadas, gazebos, and pool pavilions, should be designed in the same architectural style as the main home, including use of colors, exterior materials, and landscaping. They should be visually connected by walls, courtyards or other major design elements.

**SECTION IV**  
**SITE PREPARATION AND GRADING**

**1. Building Orientation**

The location and orientation of all buildings and structures must be approved by the Architectural Committee prior to submittal to the Town of Oro Valley for construction permits. Building orientation and design should maximize the Lot's view and privacy while minimizing any impact upon the neighboring Lots and streets.

**2. Driveways**

(a) General. Driveways should be designed to minimize their visual appearance from the street. With the exception of a small widening where the driveway meets the edge of the street pavement, driveway width should be a maximum of 15 feet wide, however, driveways are permitted to widen within the building envelope to accommodate turning radii and guest parking areas. Large expanses of paving may require enhancement, as deemed appropriate by the Architectural Committee. Each lot shall have a single vehicular access point.

(b) Material. All driveways must be constructed of pavers, integrally colored concrete, exposed aggregate concrete or flagstone. Alternative driveway treatments and feature bands of separate materials may be considered on a case by case basis. No industry standard gray concrete or asphalt driveways will be permitted.

(c) Location. Siting of the driveway on the property shall take into consideration the location of utility services at the property line. To minimize the disturbance to the site, all utilities shall be brought onto the property via a common trench in the driveway alignment, unless otherwise approved by the Architectural Committee.

**3. Utility and Service Lines**

No gas, electric, power, telephone, water, sewer, cable television or other utility or service lines of any kind may be

placed or maintained upon, or above, the ground of any Lot. To minimize disturbance to the site, and where possible, all utilities shall be brought onto the property via a common utility trench along the driveway alignment.

#### **4. Yard & Screening Walls**

(a) Use. These walls may be used for privacy, to delineate yard areas from the rest of the Building Envelope, and as screening for service areas of the home. They should be a visible extension of the architecture of the home, and must be located within the Building Envelope. They may not be used to delineate Lot lines, or to arbitrarily delineate the Building Envelope. Privacy or screen walls exceeding 8 feet in height, including any underlying retaining wall, from the lowest Natural Grade adjacent to the outside wall, are generally not allowed and will require special circumstances to be approved by the Architectural Committee. The exterior appearance of all walls must be softened by landscaping with trees or large shrubs. All yards must be enclosed with walls of a minimum height of 56 inches as measured from the lowest Natural Grade adjacent to the wall.

(b) Material. All walls shall be constructed of at least 8 inch wide masonry, stuccoed and painted and shall be the same or compliment the main building's material and color selections. Ornamental iron may be used in combination with these walls. Other masonry or stone type walls may be considered on a case by case basis. Prior to the construction of any wall, plans indicating materials to be used and location shall be submitted to the Architectural Committee for approval.

#### **5. Retaining Walls**

All retaining walls shall be constructed of at least 8 inch wide masonry, stuccoed and painted and shall be the same or compliment the main building's material and color selections. Individual retaining walls shall not exceed 6 feet in height measured from the lowest Natural Grade adjacent to the wall. Total retaining requirements in excess of 6 feet may be accomplished by construction of multiple retaining walls, each

DIAGRAM IV.5.1  
RETAINING WALL  
GRADING EXAMPLE

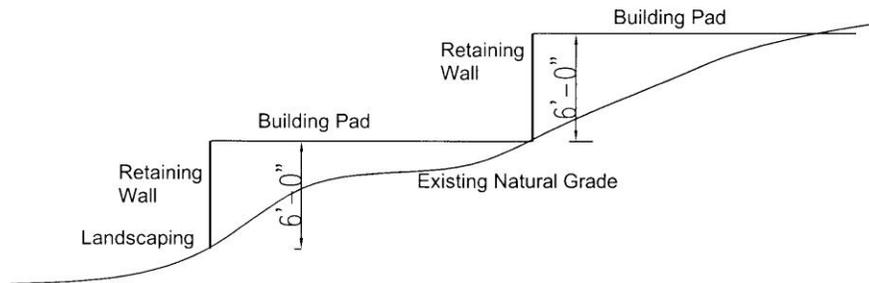
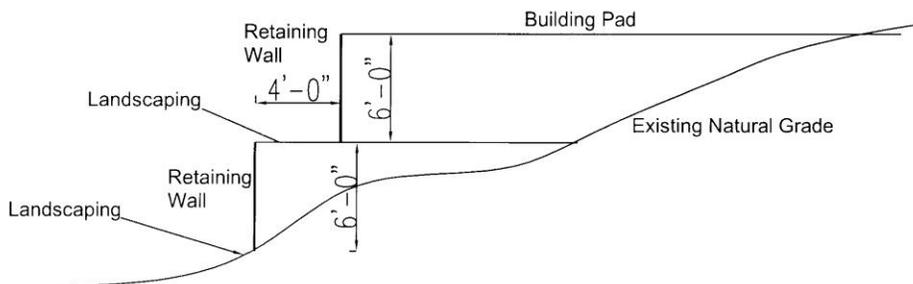


DIAGRAM IV.5.2  
RETAINING WALL  
GRADING EXAMPLE



separated by a minimum horizontal distance of 4 feet. This minimum 4 foot separation area must be landscaped and planted. The appearance of all retaining walls must be softened by landscaping with trees or large shrubs. Diagram IV.5.1 and IV.5.2.

## **6. Site Drainage**

(a) General. Site drainage and grading must be accomplished with minimum disruption to the Lot and shall neither drain onto adjoining Lots and Common Areas, except as established by natural drainage patterns, nor cause a condition that could lead to soil erosion on open spaces or the Conservation Easement spaces. Water drainage patterns must remain unchanged to entering and exiting the Lot in the manner they did naturally prior to any construction.

(b) Owner Responsibility. Developing a proper drainage plan will be the responsibility of the Owner. Existing road shoulder drainage patterns should be maintained where driveways intersect streets. Any drainage damage that may occur from one Lot to other Lots or Common Areas because of a change in natural conditions will be the responsibility of the Owner of the Lot which caused the unnatural drainage flow. Approval of a drainage plan by the Architectural Committee does not make the Architectural Committee liable or responsible to the Owner or others with respect to the adequacy of the engineering or otherwise, but merely implies compliance with the intent of these Design Guidelines and with design aesthetics. Architectural Committee approval does not eliminate or reduce the obligation of the Owner to comply with all legal requirements and be responsible for all damages resulting from changes in natural conditions.

## **7. Site Grading**

All grading must conform with Rancho Vistoso P.A.D. grading standards and those standards stated below. In the event that these Architectural Guideline standards are stricter and or more limiting than the P.A.D., the Architectural Guideline standards shall apply. Site improvements are encouraged to be developed on terraced multiple level pads, as opposed to grading a single

large pad. Treatments of site graded areas shall be blended into the adjacent undisturbed Natural Grades, with minimal visual impacts, utilizing one (or any combination) of the following standards:

(a) When possible 3:1 or lesser slopes (horizontal : vertical) should be used to transition between grade changes. These slopes will require re-vegetation and landscaping similar to the surrounding desert.

(b) Individual exposed cut and/or fill treatments with between 3:1 and 2:1 slopes, shall not exceed 6 feet in height. Cut and fill treatment requirements in excess of 6 feet may be accomplished by construction of multiple slopes, each separated by a minimum horizontal distance of 4 feet. This minimum 4 foot separation area must be landscaped similar to the surrounding desert. These slopes must have rip-rap over fabric treatments of 6 to 8 inch Coronado Brown rock or other material, approved by the Architectural Committee. Diagram IV.7.1

(c) Cut and fill treatments with greater than 2:1 slopes must have retaining walls (see Retaining Walls).

(d) Total cut and fill is limited to 12 feet. However, the finished building pad elevation of a Lot shall not be more than 2 feet above the highest existing natural grade at the front building setback of that Lot. Each terraced pad section should be limited to a 6 foot cut and fill. The total 12 foot cut and fill should be accomplished by the combination of two or more terraced pad sections. Diagram IV.7.2.

Proposed site grading treatments that exceed any of the above stated maximum heights or slopes are discouraged and will only be considered on a design specific basis.

## **8. Unauthorized Site Work**

Site disturbance shall not commence except as approved by the Architectural Committee and such other governmental jurisdictions who may require permits and approvals in connection with the construction, reconstruction, or alteration of any improvement on any Lot. By way of example are the following:

DIAGRAM IV.7.1  
GRADING EXAMPLE

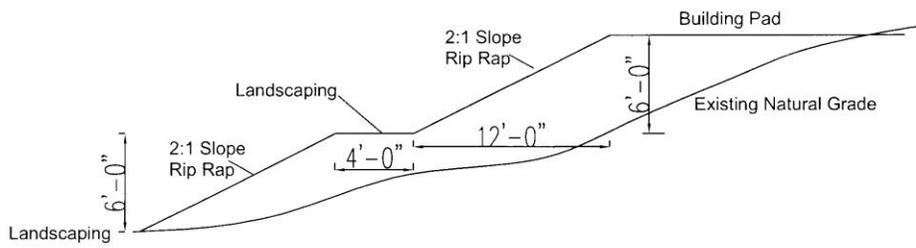
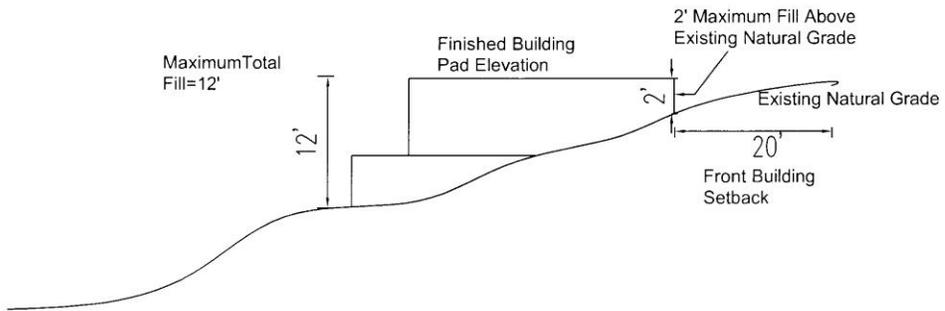


DIAGRAM IV.7.2  
MAXIMUM  
FILL LIMITS



(a) No brushing, clearing, grading, excavation or fill shall occur upon any Lot;

(b) No change in the natural or existing drainage for surface waters shall be made upon any Lot; and

(c) No plants shall be damaged, destroyed, or removed from any Lot.

In the event of any violation of (a) or (b) above, the Architectural Committee or the Association may cause such Lot to be restored to its state existing immediately prior to such violation; or, in the event of any violation of (c) above, cause to be replaced any plant which has been improperly removed or destroyed with either a similar plant in type and size or with such other plant as the Architectural Committee or the Association may deem appropriate. The Owner of such Lot must reimburse the Architectural Committee or the Association for all expenses incurred by it in performing its obligations under this paragraph.

**SECTION V**  
**LANDSCAPING**

**1. Ornamental Objects**

Exterior ornamental objects such as, but not limited to, metal, ceramic, or wood sculptures, fountains, ponds, statues, bird feeders and plastic characters require Architectural Committee approval. Approved fountains may be installed in rear yards and front courtyards and entryways and should be no greater than 6 feet in height. Ornamental objects must be of a scale appropriate to the adjacent home and be compatible with the architectural character of the community.

**2. Flags and Basketball Hoops**

Freestanding flagpoles are permitted on the property provided that the placement is incorporated into the overall landscape design and has received ARC approval. Freestanding flagpoles may not be taller than the highest point of the home. If attached to the home, the American flag, State of Arizona flag or an official United States military flag may be displayed if it is hung from a pole bracket that is mounted to the home and does not exceed 24 square feet in area.

Basketball poles, backboards, and/or hoops are not permitted on any Lot.

**3. Barbecues, Firepits and Fireplaces**

Built-in barbecue units, firepits and/or fireplaces must be contained within the rear yard or walled courtyard. Chimney elements must be sited to avoid obstructing views from adjacent properties. Also, caution must be exercised to avoid the proximity of smoke to neighboring Lots. Both gas and wood-burning units are currently permitted but either or both may be disallowed per future environmental regulations.

**4. Landscape Zones**

There are three major landscape zones which have been

identified throughout Vistoso Pointe; Natural, Transition and Private Zones.

(a) Natural Zone. The Natural Zone is that portion of the Lot which lies outside of the Building Envelope and must remain as natural undisturbed desert and, as such, irrigation of the Natural Zone is not permitted. In the event re-vegetation of a Natural Zone must occur, only plants indigenous to the area are to be used (see Appendix A "Natural Zone Plant List"). The density and distribution of any added plant material in the Natural Zone must approximate the densities and distributions found in the immediate area, and temporary irrigation will be required in the destroyed areas until replaced plants are established. Care shall be taken not to allow runoff to impact adjacent undisturbed Natural Zones.

(b) Transition Zone. The Transition Zone is that part of the Building Envelope which is visible from the street and from adjacent properties, and is adjacent to the Natural Zone. The plant materials which are permitted to be used in the Transition Zone are listed in Appendix B. The purpose of the Transition Zone is to provide the opportunity for a gradual transition between the indigenous plant materials of the Natural Zone and approved non-indigenous plant materials permitted within the Private Zone without establishing strong contrasts in vegetation elements. Irrigation systems must be designed to limit all irrigation to the Transition Zone, without any over spray or runoff onto the Natural Zone.

A minimum of two 24 inch box trees, seven 15 gallon plants and seven 5 gallon plants must be planted and irrigated in the front and side yards within this Zone. Decomposed Granite (DG) or rock ground cover, 3/4 inch or smaller in size, must be used in this Zone. The ground cover, any boulders and rock features within this Zone must be of similar color and form of native rock settings and must be approved along with a landscape plan by the Architectural Committee.

(c) Private Zone. The Private Zone is that part of the Building Envelope which is not visible from the street or from adjacent properties, such as rear yards and enclosed front courtyards, because it is hidden behind walls or structures, and is separated from the Natural Zone either by the Transition Zone or a design element such as an approved wall. The Private Zone

is the least restrictive in terms of what plants, shrubs, and trees can be planted therein excluding only those items listed in Appendix C "Prohibited Plant List".

## **5. Height of Landscaping**

Any plant or tree utilized in a Private Area may not exceed the height of the home (excluding chimneys or other such elements). In the event that any such plant or tree is not maintained to comply with this standard, upon request by the Architectural Committee, the Owner will be required to remove the plant or tree. All plants scheduled on the Natural Zone Plant List (see Appendix A) for use in Natural Areas are exempt from this height standard.

## **6. Prohibited Plants**

Any plant materials set forth in the Prohibited Plant List (see Appendix C) include species with characteristics which are potential 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 other similar traits.

## **7. General**

All landscaping must reflect the Southwest character of the development. Any disturbed areas including but not limited to construction and utility trenches within the Lots which are not covered by pavement or a structure shall be landscaped in accordance with the Zone that it lies within.

Completed homes must have all landscape material installed within 45 days upon the Final Inspection issued by the Town of Oro Valley. Prior to landscaping, all yards must be maintained in a neat, dust-free condition.

## **8. Exterior Lighting**

(a) Site lighting. Lighting mounted on the ground, on site walls, or by other means as decorative accent lighting or for the purpose of providing safe passage around the improvements. Site lighting must be directed downward onto vegetation, the ground, or boulders, and not upon the building.

(b) Building lighting. Lighting built into or mounted to buildings on wall, ceilings, eaves, or other locations for the purpose of providing decorative illumination, area illumination, general illumination, or security illumination for select and specific locations. Building lighting must be directed downward away from adjacent Building Envelopes.

(c) Shielding. All exterior lighting must provide for complete shielding of light sources. No bare lamps will be permitted and care should be taken to shield the lamp from view.

(d) Lumens. All exterior lighting must use low voltage lamps or incandescent lamps. All lamps shall have a rated lumens initial value equal to or less than a standard incandescent general service 100-watt lamp.

(e) General. Uplighting will generally be disallowed, as will an excessive number of fixtures, or excess light levels and glare. All exterior lights must comply with any existing governmental lighting regulations as minimum standards.

## SECTION VI CONSTRUCTION AND BUILDER REGULATIONS

### **1. General**

In order to assure that the natural desert landscape of each Vistoso Pointe Lot is not damaged during any construction activities and to generally control construction activities within Vistoso Pointe, the following construction and builder regulations shall be enforced during the entire construction period. These regulations shall be made a part of the construction contract document specifications for each Residence or other Improvements on a Lot and all Builders, Owners, and other persons shall be bound by these regulations. Any violation by a Builder shall be deemed to be a violation by the Owner of the Lot.

Prior to commencing construction, the Builder must meet with a representative of the Architectural Committee to review

construction procedures and coordinate his activities in Vistoso Pointe.

## **2. Construction Area Delineation**

The Building Envelope (grading limits) perimeter delineation (string line, construction fence, etc.) must be maintained in good repair during the entire construction phase. Under no circumstances shall this perimeter delineation be located outside of the Building Envelope. Enforcement of these requirements shall be the sole responsibility of the Builder.

## **3. Construction Trailer, Portable Field Offices, Etc.**

Any Builder who desires to bring a construction trailer, field office, or the like to Vistoso Pointe shall first apply for and obtain written approval from the Architectural Committee. Such temporary facility shall be located within the Building Envelope. Such temporary facility shall be removed promptly upon completion of construction. In no event shall this facility be used in any manner to market or sell any property or services other than the home on that Lot.

## **4. Debris and Trash Removal**

(a) Trash Containers. Trash containers or "dumpsters" shall be required on each construction site and must be located within the Building Envelope. Debris and trash shall be removed from each construction site as needed to keep the construction area clean and prevent debris from leaving the construction site. Lightweight material, packaging, and other items shall be covered or weighed down to prevent wind from blowing such materials out of the dumpster.

(b) Site Condition. During the construction period, each construction site shall be kept neat and shall be properly policed to prevent it from becoming a public eyesore, or affecting other Lots and any open space. Any clean-up costs incurred by the Architectural Committee or the Association in enforcing these requirements will be billed to the Owner. Dirt, mud, or debris resulting from activity on each construction site

shall be promptly removed from public or private roads, open spaces, and driveways or other portions of Vistoso Pointe.

## **5. Sanitary Facilities**

Each Builder shall be responsible for providing adequate sanitary facilities for all construction workers. Portable toilets or similar temporary toilet facilities shall be located within the Building Envelope.

## **6. Vehicles and Parking areas**

Construction workers will not park on, or otherwise use, other Lots or any open space including streets. In the event parking areas off-site of the Lot under construction are needed, all such parking shall not take place in front of existing residences, will not damage the street or curbs, and will be on only one side of any street. Construction vehicles and machinery shall be parked within the Building Envelope areas so as not to damage the natural landscape. Enforcement of these parking regulations shall be the sole responsibility of the Builder. In the event parking of construction vehicles damages streets, curbs, natural area, etc. the cost of such repairs will be forfeited, from the construction Compliance Deposit and any excess billed to the Owner.

## **7. Excavation Materials**

Excess Excavation materials must be hauled away from Vistoso Pointe. All temporary stockpiled materials must be located within the Building Envelope.

## **8. Restoration or Repair of Other Property Damaged**

Damage and scarring to other property, including, but not limited to, other Lots, open space, roads, driveways, and/or other improvements will not be permitted. If any such damage occurs, it must be repaired and/or restored promptly at the expense of the Owner of the Lot upon which the person causing the damage is working. Upon completion of construction, each

Owner and Builder shall clean his construction site and repair all property which was damaged, including but not limited to restoring, restoration of vegetation as approved or required by the Architectural Committee, and repair of streets, driveways, pathways, drains, culverts, ditches, signs, lighting, and fencing.

#### **9. Dust and Noise**

The Builder shall be responsible for controlling dust and noise from the construction site. Compliance with all Oro Valley ordinances and regulations shall be required.

#### **10. Construction Signage**

Temporary construction signs shall be limited to one sign per site. The sign shall be freestanding and the design and location of such a sign shall be approved in advance by the Architectural Committee. All Architects, Builders, lenders and related contractors involved with a specific construction project shall be listed on the single sign allowed for each site. Specifications for the size, color and materials of the temporary signs are available through the Architectural Committee.

#### **11. Construction Hours**

Monday through Saturday construction working hours shall be in accordance with Oro Valley regulations. No construction work will be allowed on Sundays or evening unless performed on the interior of the home with no disturbance to neighboring properties. In addition, all major holidays including New Years Day, Memorial Day, Fourth of July, Labor Day, Thanksgiving, and Christmas will be recognized non-working days. Daily construction working hours may be changed at the discretion of the Architectural Committee.

#### **12. Miscellaneous and General Practices**

All Owners will be absolutely responsible for the conduct and behavior of their Builders, representatives, agents,

contractors, and subcontractors at Vistoso Pointe. The following practices are prohibited:

(a) Repairing and or changing oil of any vehicle or equipment anywhere within Vistoso Pointe.

(b) Storing any vehicle, equipment and or supplies which are not actively being used for construction on that Lot.

(c) Allowing concrete suppliers and contractors to clean their equipment other than at locations within the site specific Building Envelope.

## SECTION VII DEFINITIONS

Unless otherwise defined all terms in this Architectural Guideline shall be as defined in the Vistoso Pointe Declarations (CC&Rs) or the Town of Oro Valley Town and Zoning Codes.

IMPROVEMENT: "Improvement" means any changes, alteration, or additions to a Lot including any Residences, Home, buildings, outbuilding, building projections, patios, swimming pools, walls, driveways, excavation, landscaping, and any Structure or other Improvement of any type or kind.

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

NATURAL AREA: "Natural Area" means that portion of the Lot, which lies outside of the building Envelope and must remain as undisturbed natural desert.

OWNER: "Owner" as defined in the Declaration.

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

VISIBLE FROM NEIGHBORING LOTS and/or STREET: "Visible from Neighboring Lots and/or Street" means the reasonable visibility of any given object or activity on a Lot, without artificial sight aids from six feet above that portion of any other Lot and or Street with similar and equal elevation to that portion of the Lot upon which such object or activity is located.