

MIRABEL COMMUNITY ASSOCIATION CUSTOM HOME DESIGN GUIDELINES



10/1/2023

PREFACE

These Design Guidelines (Guidelines) are intended to provide guidance for all development and construction including —new buildings, building additions, site work and landscaping—as well as any subsequent changes or alterations to previously approved plans or existing homes. The Guidelines will be administered and enforced by the Mirabel Design Review Committee (DRC) in accordance with its good faith interpretation of the procedures set forth in the Mirabel Declaration of Covenants, Conditions and Restrictions (CC&R's) recorded with the State of Arizona, and as may be amended thereafter. In the event of any conflict between the Design Guidelines and CC&R's, the CC&R's shall govern and control.

The Guidelines may be amended from time to time by the DRC. It is the Homeowner's responsibility to be sure that they have current Guidelines and have carefully reviewed all applicable sections of the CC&R's. The illustrations in this document are intended to convey a concept, and not to portray specific plans for construction. The purpose of these Guidelines is not to create look-alike structures or other Improvements but to ensure, in the opinion of the DRC, that designs are compatible with the site, the overall desert environment and the design objectives of the Community as a whole.

These Guidelines are binding on any persons, company or firm that intends to construct, reconstruct or modify any permanent or temporary Improvements in the Community or in any way alter the natural setting of the desert environment. The CC&R's accompanying these Guidelines have been adopted and recorded to establish the community Mirabel Community Association, Inc. ("Association") and the Association rules and regulations. Homeowners and their consultants and contractors should familiarize themselves with these rules prior to the start of design or construction.

These Guidelines apply to all residential Improvements, including subsequent changes. Homeowners should refer to appropriate sections in these Guidelines and the Homesite Diagrams for conditions governing Improvements on their Lot.

A supplemental guideline is included herein addressing those homes in the El Corazon community.

Table of Contents

CHAPTER 1 – MIRABEL DESIGN PHILOSOPHY	6
1.1 AN INTRODUCTION TO THE MIRABEL COMMUNITY	6
1.2 SOUTHWESTERN BUILDING TRADITIONS	8
1.3 DESIGN CHARACTER.....	11
1.4 DESIGN INTEGRITY	11
CHAPTER 2 – SITE AND LANDSCAPE GUIDELINES	14
2.1 SITE AND LANDSCAPE GUIDELINES.....	14
2.2 HOMESITES	15
2.3 BUILDING ENVELOPE	16
2.3.1 PRIVATE AREA	16
2.3.2 TRANSITION AREA.....	16
2.4 THE NATURAL AREA	17
2.5 NAOS, ESLO AND WATERS OF THE U.S.	17
2.5.1 NATURAL AREA OPEN SPACE (NAOS)	17
2.5.2 ENVIRONMENTALLY SENSITIVE LANDS ORDINANCE (ESLO)	17
2.5.3 WATERS OF THE U.S.....	18
2.6 COMBINING LOTS	18
2.7 BUILDING COVERAGE AND MINIMUM FLOOR AREA	18
2.8 GRADING AND DRAINAGE	18
2.9 NATURAL DRAINAGE WASHES.....	22
2.10 DRIVEWAYS AND AUTO COURTS	23
2.11 GARAGES AND PARKING	24
2.12 PATHS, OUTDOOR STAIRS, COURTYARDS AND TERRACES	25
2.13 WALLS, FENCES AND GATES	26
2.14 LANDSCAPE STRUCTURES	27
2.15 PLANTING.....	27
2.15.1 PRIVATE AREA PLANTING GUIDELINES	29
2.15.2 TRANSITION AND NATURAL AREA PLANTING GUIDELINES	30
2.15.3 ACCENT PLANTING AREAS.....	32
2.15.4 REVEGETATION AND RESTORATION OF DISTURBED AREAS.....	33
2.16 POOLS AND WATER FEATURES	34

2.17	IRRIGATION	35
2.18	LIGHTING.....	35
2.19	EXTERIOR SERVICE AREAS.....	37
2.20	MAILBOXES	38
2.21	LANDSCAPE ART & SCULPTURE	39
2.22	EXTERIOR HOLIDAY DECORATIONS.....	39
CHAPTER 3 – ARCHITECTURAL GUIDELINES		41
3.1	ARCHITECTURAL DESIGN OBJECTIVES	41
3.2	THE MIRABEL STYLE	41
3.3	BUILDING HEIGHT AND FINISHED FLOOR ELEVATION.....	42
3.4	BUILDING FORMS AND MASSING	43
3.5	ROOFS	44
3.6	EXTERIOR WALLS AND FINISHES	45
3.7	DOORS AND WINDOWS.....	46
3.8	BUILDING PROJECTIONS AND ACCESSORY STRUCTURES	47
3.9	COLOR	47
3.10	DECORATIVE ELEMENTS	48
3.11	UTILITIES.....	48
3.12	OVERVIEW OF EL CORAZON.....	49
CHAPTER 4 – ENVIRONMENTAL CONSIDERATIONS.....		52
4.1	ENERGY AND RESOURCE CONSERVATION MEASURES.....	52
4.2	SKYLIGHTS	52
4.3	SOLAR EQUIPMENT.....	53
CHAPTER 5 – DESIGN REVIEW COMMITTEE ORGANIZATION.....		54
5.1	DESIGN REVIEW COMMITTEE MEMBERSHIP.....	54
5.2	APPOINTMENT AND TERM OF MEMBERS	54
5.3	MEMBERSHIP REQUIREMENTS.....	54
5.4	RESIGNATION OF MEMBERS.....	54
5.5	FUNCTIONS OF THE DRC	54
5.6	MEETINGS	55
5.7	COMPENSATION	55
5.8	AMENDMENT OF DESIGN GUIDELINES.....	55
5.9	NON-LIABILITY.....	55

CHAPTER 6 – DESIGN REVIEW PROCESS	57
6.1 OVERVIEW OF DESIGN REVIEW PROCESS.....	57
6.2 APPROVED DESIGN PROFESSIONALS	58
6.3 PRE-DESIGN CONFERENCE.....	58
6.4 CONCEPTUAL DESIGN REVIEW	59
6.4.1 CONCEPTUAL DESIGN REVIEW SUBMISSION MATERIALS	59
6.5 PRELIMINARY DESIGN REVIEW	59
6.5.1 PRELIMINARY DESIGN REVIEW SUBMISSION MATERIALS.....	59
6.5.2 STAKING	61
6.5.3 PRELIMINARY DESIGN REVIEW MEETING.....	61
6.5.4 PRELIMINARY SUBMITTAL EXPIRATION.....	61
6.6 FINAL DESIGN REVIEW	62
6.6.1 FINAL DESIGN REVIEW SUBMISSION MATERIALS.....	62
6.6.2 FINAL DESIGN REVIEW MEETING.....	64
6.6.3 FINAL DESIGN APPROVAL	64
6.6.4 FINAL SUBMITTAL EXPIRATION.....	64
6.7 RESUBMITTAL OF PLANS.....	65
6.8 EXTERIOR COLORS & MATERIALS/MOCK-UP WALL.....	65
6.9 CITY OF SCOTTSDALE APPROVALS AND OTHER AGENCIES.....	65
6.10 SUBSEQUENT CHANGES.....	65
6.11 WORK IN PROGRESS OBSERVATIONS	65
6.12 NOTICE TO COMPLY	65
6.13 NOTICE OF COMPLETION.....	66
6.14 RIGHT OF WAIVER.....	66
6.15 EXCEPTIONS	66
6.16 NON-LIABILITY	66
6.17 DESIGN REVIEW SCHEDULE	67
6.18 APPLICATION FEES	68
6.19 APPLICATION FORMAT	68
CHAPTER 7 – CONSTRUCTION AND BUILDER REGULATIONS	69
7.1 PRE-CONSTRUCTION CONFERENCE	69
7.2 CONSTRUCTION AREA.....	69
7.3 CONSTRUCTION SECURITY DEPOSIT	69

7.4	ACCESS TO CONSTRUCTION AREA	70
7.5	VEHICLES AND PARKING AREAS	71
7.6	STORAGE OF MATERIALS AND EQUIPMENT	71
7.7	CONSTRUCTION ACTIVITY TIMES.....	71
7.8	CONSTRUCTION TRAILERS AND/OR TEMPORARY STRUCTURES	71
7.9	SANITARY FACILITIES.....	71
7.10	DEBRIS AND TRASH REMOVAL.....	72
7.11	HAZARDOUS WASTE MANAGEMENT	72
7.12	EXCAVATION, GRADING, AND NAOS AND JUSISDITIONAL WASH AREA PROTECTION .	73
7.13	BLASTING	73
7.14	FOUNDATIONS	73
7.15	LOT SURVEY.....	74
7.16	CONSTRUCTION SCHEDULE	74
7.17	DAMAGE, REPAIR AND RESTORATION.....	74
7.18	CONSTRUCTION OBSERVATIONS	75
7.19	CONSTRUCTION SIGNS.....	75
7.20	NO PETS.....	76
7.21	SECURITY	76
7.22	NOISE	76
7.23	NO SMOKING	76
7.24	NO FIREARMS.....	76
7.25	SPEEDING AND OTHER RULES OF THE COMMUNITY	76
	APPENDIX A: DEFINITIONS	77
	APPENDIX B: APPROVED PLANT LIST	81
	APPENDIX C: PROHIBITED PLANT LIST	91
	APPENDIX D: GOVERNING REGULATIONS	92
	APPENDIX E: LOT SURVEY REQUIREMENTS	93
	APPENDIX F: LOT ACCENT AREAS.....	94
	APPENDIX G: FIREWISE	95

CHAPTER 1 – MIRABEL DESIGN PHILOSOPHY



1.1 AN INTRODUCTION TO THE MIRABEL COMMUNITY

Mirabel was planned as a desert community – one in which an active lifestyle is seamlessly integrated with the unique natural setting of the upper desert. These Guidelines have been developed to maintain the integrity of the Community, to provide criteria for the Community design theme, to establish the quality of design, to direct character and form, and to enhance the Community’s overall aesthetic experience and value.

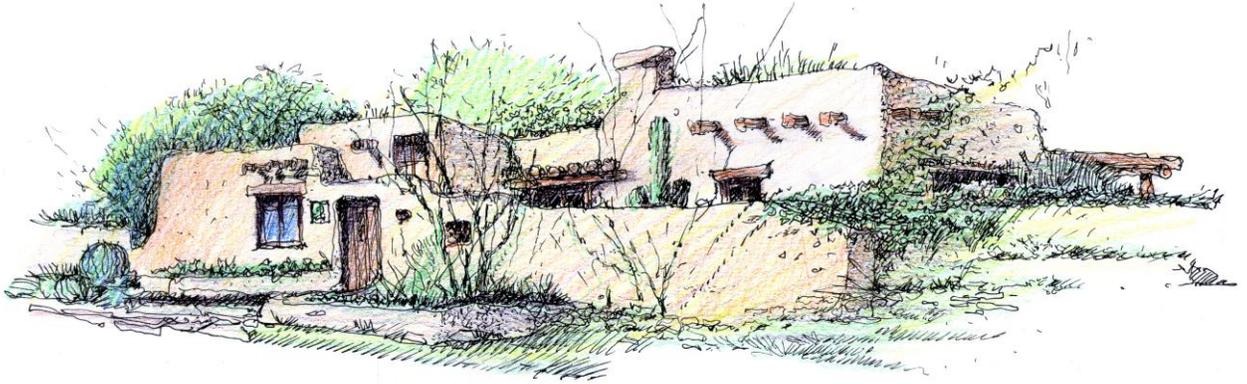
Objectives

Mirabel is situated within the desert foothills of North Scottsdale. Through extensive studies of these foothills and other natural assets, a master plan has been crafted that preserves, protects and enhances the desert environment while offering a unique setting for this new Community. Detailed studies of the site to understand topography, washes, wildlife, and other natural features were undertaken as the basis for protecting natural open space resources, ensuring that large areas of open space are maintained, and that individual Lot development is compatible with the overall desert environment. In order to take full advantage of these attributes, each Lot will require a unique approach in planning and design that embraces the following philosophical objectives:

1. These Guidelines have been developed to implement the goal of sustaining and preserving the openness of the high desert landscape. Minimum standards of design, arising out of the environment and climate of the desert, provide direction to Lot Owners and their Consultants in the planning, design, and construction of their Residences to ensure compatibility with the environment and surrounding uses.
2. These Guidelines describe the regional vernacular styles that evolved out of adaptations to the desert climate which include: the Pueblo, Colonial/Territorial, Tuscan, Frank Lloyd Wright, and Desert Contemporary influenced styles. Since these styles are particularly well suited to this region, understanding these traditions and

how their design concepts may be applied to today's building designs is important in developing any Improvement plans for Mirabel. These Guidelines do not dictate the use of a certain style but describe ways in which to translate the region's heritage into design solutions that are timeless and appropriate for the climate and the historical context of the Arizona desert. Quality design in whatever style is selected shall be required.

3. The purpose of the Guidelines is to allow Owners to create Residences which reflect their own individual style and values while designing a home which is compatible with the site and the community. No one Residence, structure or Improvement should stand apart in its design so as to detract from the overall environment of Mirabel. The DRC encourages creativity, innovative use of materials and design and unique methods of construction as long as the final result is consistent with these Guidelines and the overall design philosophy of Mirabel.
4. Living in the desert is about living on land with few barriers. Desert floor and mountain views, outdoor rooms and sun orientation provide the framework for creating living environments that blur the conventional distinction between inside and outside.

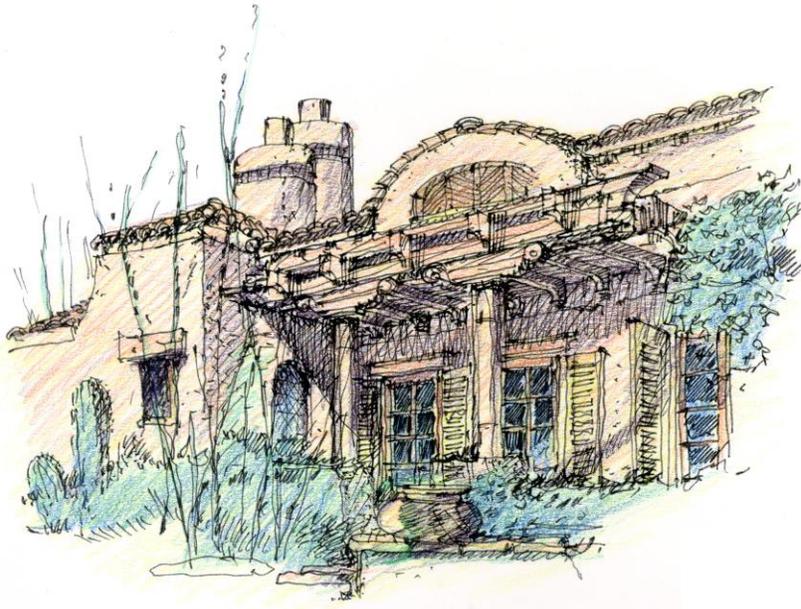


1.2 SOUTHWESTERN BUILDING TRADITIONS

One of the main design objectives at Mirabel is to draw upon the building and landscape traditions of the region and interpret those traditions for homes that are suited to modern living. A brief discussion of some of these traditions is included in this section that outlines the main elements of each style and the historical background which led to the evolution of each style. At Mirabel, the intent is to draw upon architectural traditions and interpret them in buildings and landscapes that respect the history and environmental factors of building in the desert while meeting the needs of today's Owners.

The Pueblo Tradition

The region's distinctive architecture began with the Native American buildings called "Pueblos." These buildings were a direct response to the climate, local materials and hunting and farming patterns. Most importantly, the advantages of using adobe brick were recognized because of its natural ability to absorb heat during the day and heat the structure during the cool nights. These buildings typically were simple multi-storied, soft edged, masses made of sun-dried clay that seemed to grow out of the land. The flat, earthen roofs were supported by massive horizontal timbers (vigas) on thick adobe walls. The vigas projected out of the exterior walls because of the difficulty of cutting the timbers. Limited technology and materials dictated smaller "punched" openings in massive room-sized forms. Openings were deeply recessed and walls and courtyards were integral to the building forms. The resulting structures were simple, sculptural masses that seemed to "grow" out of the desert floor. See Figure 1.3—The Pueblo Style.



The Spanish Colonial/Territorial Traditions

The Spanish built upon the early Pueblo architecture and introduced more decorative and carved details for windows, doors, and columns. The advent of the more stylized elements primarily came from the abundant supply of sawn lumber, a variety of woodworking tools and attempts to mix local folk-art traditions with Anglo-Spanish traditions. Typically, the roof was flat and utilized a brick or tile coping along the parapet. These houses also incorporated the Spanish and Tuscan traditions of the courtyard and/or central patio — south oriented, protected from sun and wind and bordered by a verandah. These homes often utilized thick adobe construction with wood columns, carved vigas and canales (waterspouts), decorative iron and tin and more stylized window and door trim. Since this tradition is based on similar design concepts as Tuscan architecture, this tradition may be used as a starting point in designing Tuscan styled buildings.

The Wright Tradition in the Desert

When Frank Lloyd Wright established Taliesin West in the Arizona desert in 1938, he created an architectural vocabulary that melded the long horizontal lines and hipped roof forms of the Prairie School with the more massive wall forms of local building traditions. This tradition, combined with the use of local stone and other materials, is the inspiration for the “Desert Lodge styled” buildings at Mirabel the Clubhouse and the Gatehouse. Roof pitches are low, often with broad overhangs that cast a deep shadow on windows. The distinction between “inside” and “outside” is blurred by the use of large, moveable window walls that allow interior rooms to flow effortlessly to the outside. The horizontal line is emphasized and expressed in multiple planes and heights. The use of rusticated stone, wood, or metals, as well as more refined “craftsman-like” materials and details, lend a hand-crafted quality to these buildings.

At Mirabel, understanding and drawing upon the regional building vernacular is important in designing buildings that are expressions of the historical southwestern traditions and the desert environment.



Desert Contemporary

The modernist movement paralleled the later Wrightian period of the 1940's through the 1960's characterized by Bauhaus and midcentury modernism and many others. Current desert contemporary embraces more of a clean line grouping of forms, a minimizing of clutter, and simple sculptural compositions. Many times, the structure itself is celebrated and expressed. Some of its characteristics embrace walls of glass contained with mass elements eliminating the barrier between interior and exterior.

The DRC will require a level of forms, detail, and texture, that in its opinion, avoids starkness or brutalism.

Transitional and Other Architectural Styles

Transitional architecture is a design approach that combines ideas from modern and traditional styles. The transitional movement began shortly after the modern and midcentury periods where designers and builders sought ways to embrace the features of contemporary living in the context of historical forms. It continues to evolve today as expressed in genres popularized like Mediterranean modern, modern farmhouse, contemporary pueblo, modern ranch, and so on. In most cases the transitional home has simple architecture, clean lines, layouts that balance symmetry and asymmetry, and features distinct focal points and details. The successful transitional home marries the southwest appropriate Mirabel root form with contemporary elements in a complementary and seamless manner.

The DRC will require that the marriage of proposed traditional and contemporary elements do not appear forced and arbitrary, but rather result in a pleasing integrated whole by meeting the design integrity aspects and all other elements of the guidelines.

1.3 DESIGN CHARACTER

The intent of this section is to encourage home designs that have exceptional visual texture, depth created by strong shade and shadow lines and a natural appearance blending with the existing environment and community context.

These Guidelines do not intend to dictate architectural style of design within Mirabel, although all designs must be of a character appropriate to the environment, climatic conditions, and community context. The Guidelines encourage architecture that uses natural materials in keeping with their physical nature and structural capabilities.

1.4 DESIGN INTEGRITY

Each residential design may comply with all of the technical requirements, but, in the opinion of the DRC, may not be visually pleasing in terms of architectural composition or Design Integrity.

Design Integrity will be reviewed for each design submission by the DRC as to conformance with the following nine Elements of Composition:

Elements of Composition

- 1. Site Integration** – Each home in Mirabel is to have a minimal intrusion into the landscape. This includes proper siting within the Building Envelope, topographic integration in establishing floor elevations that respond to the grade, adequate integration of drainage to respond to the existing natural and proposed future flows, and sensitive exterior material finish selection.
- 2. Scale** – All homes within Mirabel shall be appropriately scaled relative to the Building Envelope with vertical massing relative to the context and proportion of two-story to one-story massing (as applicable).
- 3. Proportion** – Each design element of the home has an inherent proportional relationship to each other and to the entire structure. This includes but is not limited to windows, doors, fascia details, columns or posts, entry areas, exterior walls, site walls, etc. The goal is for every home to be well composed with all elements each appearing in proportion to each other and to the whole composition.
- 4. Rhythm** – Rhythm refers to the regular or harmonious recurrence of forms, window or door openings, roof or fascia lines, structural support elements, or other shapes, colors, or materials. The Architecture is to exhibit a semblance of rhythm as appropriate to style of the architectural form.
- 5. Balance** – Balance in architectural design is measured by the overall composition of visual forms, exterior material placement and integration, proportion of the window area to wall mass and the composition of the building masses.
- 6. Color Value** – The use of color as a complement to the design and the overall context is extremely important. Mirabel seeks to support the use of color beyond the simplified applications, to create a diversity of color use that adds character to the individual homes, and to the entire community.
- 7. Texture** – The harsh desert sun reflects a greater amount of light off smooth surfaces. As such, a rich and varied palette of textures is desired to minimize the reflectivity of walls and roofs.
- 8. Shade/Shadow** – Another vital component of design is the use of depth in architectural design and detailing to compensate for the harsh desert sun. Without attention to this element of design, a home seems to be incompatible with the desert context. A series of transitional spaces or architectural features from the outside to the inside is a necessary component for the visual appeal and the livability of the Residence.

- 9. Material Integration** – The purpose of this element as part of Design Integrity is that while the correct type and amount may be provided, artfulness in overall composition is required. The combination of textures should be complementary.

The following chapter outlines Guidelines and standards for all site work relating to the Homesite, including grading, planting, siting of structures, design of outdoor areas, and preservation and enhancement of the landscape.

CHAPTER 2 – SITE AND LANDSCAPE GUIDELINES

2.1 SITE AND LANDSCAPE GUIDELINES

Objectives

1. To utilize the existing landscape and landforms on each Lot as the basis for designing all site and building Improvements.
2. To preserve, protect and enhance the existing desert landscape throughout the Community.
3. To re-vegetate and rehabilitate areas that were impacted by wildfires.
4. To create outdoor spaces that are natural extensions of the indoor spaces.
5. To design outdoor spaces that ameliorate the climate by providing shade, shadow, texture and/or capturing breezes.
6. To utilize plants, landscape structures and details that draw upon the region's heritage and respond to the unique climate and setting.
7. To utilize plant palettes that are sensitive to water conservation.
8. To utilize Firewise principles when designing and maintaining landscape. (Refer to the City of Scottsdale Firewise Guidelines.)

2.2 HOMESITES

A Homesite Diagram has been prepared for each Lot which describes the unique attributes of that Lot and indicates important design parameters such as Building Envelope areas, suggested finish floor elevations, easement areas, maximum number of stories, required Natural Area Open Space (NAOS) areas for dedication, drainage areas, planting accent area designations, any special restrictions and suggested driveway access.

Homesite diagrams are available at the Mirabel Design Review Committee (DRC) Office. Building Envelope locations were determined based on the specific characteristics of each Lot, zoning criteria - including Natural Area Open Space (NAOS) and Environmentally Sensitive Lands (ESL) guidelines - and on the planning and design objectives for Mirabel, specifically:

- minimizing grading;
- maximizing privacy;
- protecting the washes throughout the Community;
- protecting and enhancing the desert landscape;
- maintaining view corridors;
- preserving the dominance of the natural setting by siting buildings where they will blend into the site.

Each Homesite consists of:

The Building Envelope – That portion of the Homesite where all Improvements must take place. The Building Envelope consists of a Private Area where buildings, other vertical structures and landscape Improvements may occur and a Transition Area where only landscape or horizontal Improvements (patios, pools, paths etc.) may occur. The Building Envelope is more fully described in Section 2.3.

The Natural Area – That portion of the Homesite that lies outside of the Building Envelope and is to remain as natural desert or re-vegetated and enhanced according to the City of Scottsdale and DRC Guidelines. This area includes NAOS areas (designated undisturbed natural desert) that the Owner must configure, record and file with the City of Scottsdale as an easement dedication. Refer to Sections 2.4 and 2.5 of these Guidelines for descriptions of NAOS areas.

2.3 BUILDING ENVELOPE

Building Envelopes have been established for all Homesites to ensure that every home is sited to maximize mountain, golf and city light views minimize impacts to the site and maintain the privacy of Homesites. Building Envelopes are areas designated on the Homesite Diagrams within which all Improvements or site disturbances on the Lot (except utility connections, some landscape, drainage work and driveways) must take place.

Building Envelopes must comply with setback criteria and respond to natural features such as topography and view orientation. Creative site planning and architectural design solutions that do not parallel or delineate property or setback lines are encouraged. The DRC, in its sole discretion, will consider, on a case-by-case basis, adjustments to the shape and size of the Building Envelope only if the benefits of such an adjustment to the Homeowner and the Mirabel Community are demonstrated. The Building Envelope is made up of two areas; the Private Area and the Transition Area as described below:

2.3.1 PRIVATE AREA

The Private Area is that portion of the Building Envelope which includes buildings and outdoor private spaces. The buildings within the Private Area must conform to the maximum Building Height requirements and number of stories set forth in these Guidelines and as indicated on the Homesite Diagram. Within this area the Owner has more flexibility in creating a more ornamental and varied landscape provided that the plants are selected from the Approved Plant List in Appendix B.

2.3.2 TRANSITION AREA

The Transition Area is that portion of the Building Envelope which is visible from the golf course or other Common Areas, streets and neighboring Homesites and is adjacent to the Natural Area. No vertical structures may be located in the Transition Area, but pools, pool enclosure fences, low retaining and/or freestanding walls (maximum of 5 feet above natural grade), patios, spas, new native plantings or other horizontal landscape Improvements are allowed. Refer to the Approved Plant List in Appendix B.

Landscape structures (such as trellises and/or arbors etc.), walls over five feet that have the potential to block views are prohibited including swimming pool enclosure structures, (maximum of 5 feet above natural grade) in height per the City of Scottsdale Building Code.

2.4 THE NATURAL AREA

The Natural Area is that portion of the Lot that lies outside the Building Envelope and must remain as natural desert in accordance with these Guidelines. As indicated on the Homesite Diagram, a portion of the Natural Area shall be dedicated to the City of Scottsdale as NAOS lands. See Section 2.5.

Minimal grading for driveway access and to accommodate drainage is allowed within the Natural Area.

The Natural Areas may include washes that shall be preserved in their natural state. Additional plant material may be added in the Natural Area if the existing native landscape is significantly less dense than under natural conditions because of man-made or natural disturbances. Planting within the Natural Areas shall be accomplished with only indigenous plant material, in a density and mix that would naturally occur in the adjacent areas. Refer to Appendix B for plants that are approved for planting in the Natural Area. Temporary irrigation within Natural Areas is permitted for one year in order to establish new plantings.

2.5 NAOS, ESLO AND WATERS OF THE U.S.

2.5.1 NATURAL AREA OPEN SPACE (NAOS)

NAOS areas are areas of undisturbed natural desert with no man-made Improvements. Re-vegetation may occur in these areas with the approval of the DRC and the City of Scottsdale. Each Homesite Diagram indicates a required quantity of Natural Area to be set aside as NAOS lands by the Lot Owner. Each Owner shall file and record with the City of Scottsdale a Declaration of Natural Area Open Space Easement in accordance with City requirements. The Owner shall be responsible for preparing a site plan exhibit in recordable form of the Declaration of Natural Area Open Space Easement based on the area called out on the Homesite Diagram. No building Improvements of any kind may be done in designated NAOS areas.

2.5.2 ENVIRONMENTALLY SENSITIVE LANDS ORDINANCE (ESLO)

Mirabel is located within the area of Scottsdale which is covered by the Environmentally Sensitive Lands Ordinance (ESLO). The purpose of this ordinance is to encourage designs and land uses that are compatible with the fragile Sonoran Desert environment. These Guidelines in general incorporate the ESLO guidelines regarding site and building design. The Owner and their consultants are to familiarize themselves with ESLO guidelines prior to designing any Improvements within Mirabel.

2.5.3 WATERS OF THE U.S.

Mirabel contains specific washes which transect the property that are categorized as “Waters of the U.S.” or Jurisdictional Washes. Some of these washes are within a 100-year flood plain. These washes are natural drainage ways and provide corridors for desert wildlife. Residences, structures, and other Improvements must be sited to avoid such washes. These areas must remain unobstructed, and no improvements or site disturbance may occur in these areas including but not limited to fencing, patios, grading, buildings of any kind, utilities, and/or paths unless as shown on the Lot Diagram. Adequate protection measures are required to protect these areas during construction activities. Refer to Chapter 7 – Construction and Building Regulations.

2.6 COMBINING LOTS

In cases where the Owner owns two or more contiguous lots and wants to combine two or more lots into a single Homesite, the Owner must receive the consent of the Association and the City of Scottsdale. The proposed Building Envelope shall be approved by the DRC in the conceptual submittal process. The Owner will be responsible for paying all Association Dues and related assessments on each original Lot.

2.7 BUILDING COVERAGE AND MINIMUM FLOOR AREA

In no case shall Building Coverage (Gross Covered Roofed Area), exceed 30% of the total Lot area. The Maximum Floor Area for a home in Mirabel shall not be less than 3,500 square feet livable (or air-conditioned space). The DRC reserves the right to judge the appropriateness of proposed Improvements relative to the size and scale of the lot on which they are proposed and in context of the greater community. Subsequently, the design must respect the Building Envelope. The DRC will be reviewing applications to ensure that all Improvements are appropriately scaled to the Lot and surrounding landscape. For Floor Area and Building Coverage definitions, refer to Appendix A - Definitions.

2.8 GRADING AND DRAINAGE

Objectives

1. To blend new Improvements into the site.
2. To maintain and preserve the natural washes on the site.
3. To retain the character of the site’s natural topography by minimizing grading disturbance.

Grading Guidelines

- All cuts, fills and retaining walls must create smooth transitions at top and bottom of slopes and appear to be extensions of natural landforms. In general, finished slopes shall mimic the natural desert topography. Long, straight landforms shall be avoided, while rounded flowing forms are encouraged.
- For Building Envelopes that are located on top of or straddle ridges, the suggested finished floor elevation indicated on the Homesite Diagram generally requires a slight cut in the ridge. Grading should respond to the ridges, creating stepped building areas that follow the general profile of the ridge. In general, raising the elevation of ridge top Lots by the addition of fill will not be approved by the DRC.
- Grading at the outer edges of individual Lots shall not result in abrupt transitions to adjacent landforms or streets.
- The height of cuts and fills may not exceed eight feet when measured vertically from existing grade to finished grade.
- Slopes shall not exceed 3:1 unless it can be demonstrated that a steeper slope will not erode. When 3:1 slopes are used, their visibility shall be minimized and incorporate a landscape treatment that helps mitigate the abrupt visual character of the slope. Natural slopes are to be used instead of structures wherever feasible.
- In general, all grading shall be completed within the Building Envelope. The DRC realizes that some drainage-related grading may need to occur in the Natural Area on a limited basis.
- Cut and fill slopes are to be re-vegetated and restored with approved native plant materials to blend them into the surrounding environment. Revegetation shall be completed as soon as possible, and erosion control measures implemented upon completion of grading. Desert vegetation shall be re-established in a comparable density and pattern to that which exists in the adjacent undisturbed desert areas. Protected Plants as defined by the City of Scottsdale's Native Plant ordinance shall not be damaged, removed or relocated from any Lot without prior authorization from the City of Scottsdale. See Planting – Section 2.15.
- In general, cut and fill quantities from grading operations shall balance on site.

Retaining Wall Guidelines

- Retaining walls shall be designed in a character complementary to the architecture of the home.
- The maximum height of retaining walls within the Private Area is 6 feet as measured from the lowest finished grade level to the top of the wall. The maximum height for walls within the Transition Area is 5 feet. Retaining walls include any wall that retains earth 2 feet or more in depth. Retaining walls shall be built to extend and/or blend with the existing topography.
- Where grade changes exceed 6 feet, stepped-back or terraced wall structures with planting terraces (4 feet minimum width) generally should be used.
- Acceptable materials for retaining walls include integral colored stucco, stucco, adobe and/or stone. If stone is used, a dry stack pattern, structural in appearance, is required. Other material will be considered by the DRC, in its sole discretion, on a case-by-case basis.
- Stone or stone-faced walls are encouraged to be designed with a 2:12 batter if the overall wall height exceeds 3 feet.
- Retaining walls greater than 6 feet may be necessary to reduce overall impacts to the site. Specific permission of the DRC is required for any such wall. However, terraced walls are preferred over walls greater than 6 feet.
- The tops of walls are to be shaped to blend with natural contours. Ends of walls shall not be abrupt but are to be designed to create natural-looking transitions with the existing landforms and vegetation.
- In general, retaining walls should not delineate or parallel Building Envelope boundaries or property lines for long distances. Walls are to utilize multiple vertical and horizontal offsets that step with the site's topography and house design. In general, all walls shall utilize a minimum vertical offset of eight inches and a maximum vertical offset of 16 inches. Walls shall reflect the character of the architectural style of the home in material, composition, slopes, offsets, etc. Walls shall soften Transition areas of built structure to the native desert.
- Retaining walls shall incorporate multiple offsets and vertical variation to avoid long straight lines in the landscape.

Drainage Guidelines

- In general, increased water flows on Lots shall be detained on-site and directed into improved channels that detain water and encourage percolation. The historical entry and exit of water and flow rate on a Lot must be maintained. Drainage from impervious surfaces may not be directly dispersed into natural wash areas. Every effort shall be made to maintain and not to increase the amount of the historic water flow in existing washes. See Section 2.9 - Natural Drainage Washes.
- No changes shall be made to the natural or existing drainage patterns on any Lot that could cause an adverse effect upon another Owner or upon the natural flow of water in the washes. Drainage design shall reduce erosion, runoff, and adverse impacts to water quality.
- Improved channels or drainage Improvements are to be designed to appear and function like natural drainage ways.
- Surface drainage shall not drain to adjacent Lots, Common Areas or other open spaces (except as established by natural drainage patterns), nor cause a condition that could lead to offsite soil erosion on, or to, adjacent Lots, Common Areas or other open spaces.
- Culverts are to be designed and sized by a Civil Engineer. Materials for all culverts, visible drainage structures and driveways are to be approved by the DRC. Concrete or metal culverts shall be utilized rather than plastic culverts. The ends of culverts shall be blended into the landscape by utilizing boulders, plantings, approved headwalls and/or painting the interior of the culvert a dark color.
- Insides of culverts shall be painted a dark color for a minimum the distance of 2.5 times the opening width.
- When appropriate, gutters and downspouts will direct drainage from the roofs to on-site drainage collection areas. In no event shall gutters and/or downspouts drain onto adjoining Homesites. Gutter and downspouts shall be of a material and design appropriate to the architectural style of the home.
- In general, when utilizing rip-rap treatments for erosion control the following Guidelines shall be followed to create a more natural looking drainage way:
 - Stone may only be used in a color which is natural looking and blends with the desert. Stone riprap in Santa Fe Brown is the designated color for Mirabel.
 - Utilize stones that are a variety of shapes and sizes. Rounded stones (such as river rock) may not be used.

- Locate splash bowl or stone splash block at downspout or scupper locations to dissipate the energy of the water.
- Slopes shall not look “engineered” or abrupt. Drainage ways shall be further blended into the topography by covering the rock with vegetation.
- Alignments of rip-rap treatments shall utilize meandering rather than straight alignments and slowly “bleed” out to the desert by utilizing bigger paces between stones and smaller stones on the edges.

2.9 NATURAL DRAINAGE WASHES

Objectives

1. To protect, preserve and integrate the natural drainage washes throughout the design of the Community.
2. To ensure that all Improvements on the Lot do not adversely affect any adjoining or neighboring washes.

It is an Owner’s responsibility to retain a qualified civil engineer to prepare the drainage design for their property. Although the DRC requires a copy of the drainage plans for the records of the Association, the DRC does not review plans for drainage and accepts no responsibility for inadequate drainage plans. It is the Owner’s responsibility to contact the City of Scottsdale Stormwater Management Department for all drainage matters.

Guidelines

- The washes that transect most of Mirabel are an important environmental element that shall be maintained and protected. These washes are natural drainage ways and provide corridors for desert wildlife. Some of these washes are categorized as Jurisdictional Washes as described in Section 2.5.3 and are defined by an easement as indicated on the Homesite Diagram.
- Residences, structures and other Improvements shall be sited to avoid washes. Drainage shall not be directed to washes except for flows which were naturally occurring prior to development of the Lot. For washes with defined drainage easements, the areas of these easements are established on the Homesite Diagram. Drainage easement areas must remain unaltered and unobstructed, and Improvements shall not be located within such easements.
- Where a driveway crosses a wash, the drainage crossing detail in Figure 2.8 demonstrates an example of an approved crossing. All drainage crossing designs must be submitted for approval.

2.10 DRIVEWAYS AND AUTO COURTS

Objectives

1. To minimize visibility of paved areas from neighboring Lots through careful siting, design, use of architectural devices and use of grading and landscape.
2. To blend driveways into the natural terrain so that grading is minimized.
3. To create “auto courts” for parking and garage areas through the use of special paving, architectural devices, plantings and/or walls.

Guidelines

- All driveways are to follow alignments that minimize grading or other disruption to the site. The driveway-parking-garage layouts are to minimize the visibility of the garage doors, driveways and off-street parking from the street, communal areas and adjoining Homesites.
- One driveway entry will be permitted for each Lot. A suggested driveway access point is indicated on the Homesite Diagram. Alternate locations may be approved by the DRC if the applicant demonstrates that such a relocation furthers the objectives of the Mirabel Community.
- Approved materials for driveways and auto courts include colored and/or patterned concrete, precast concrete pavers, stone, brick and/or cobble. Stabilized decomposed granite and asphalt may not be used for driveways.
- Coloring and texturing of concrete is required. Colors of finish paving materials shall complement proposed buildings and integrate well with the surrounding earth tone colors. No smooth or broom finishes will be allowed (only seeded and exposed textures).
- Driveway paving shall be compatible with the style and/or color of paving used for other outdoor areas.
- Where driveways cross protected natural washes, the crossing shall be designed with a bridge or culvert crossing and/or cut off walls to minimize impacts. Culverts, bridges, and other constructed drainage structures shall be blended into the landscape by utilizing boulders, planting and approved headwalls. Visible structures shall be designed in a character compatible with the architectural style of the home.
- Maximum gradients on driveways shall be 15% or as directed by Fire Department regulations.

- Driveways shall be a maximum of twelve feet wide. However, two feet of decomposed granite or other material as approved by the DRC shall be permitted on either side of the driveway if a wider driveway is required by code. Parking and turnaround areas must be located within the Building Envelope and comply with all applicable Fire Department requirements.
- Driveway retaining and/or site walls shall incorporate multiple offsets and vertical variation to avoid long straight lines in the landscape.

2.11 GARAGES AND PARKING

Objectives

1. To minimize visibility of parking areas through planting, architectural projections and careful siting of garages.
2. To accommodate all parking needs for the Homesite on the Lot.

Guidelines

- All Lots shall include an enclosed garage that can accommodate a minimum of two cars.
- Guest Parking - Each Lot shall contain a minimum of two additional guest parking spaces (in addition to the required two enclosed spaces). Unenclosed spaces must utilize a combination of plantings and/or low walls (a minimum of 3 feet tall) to screen cars from view. All guest parking areas and garages shall occur within the Building Envelope.
- Parking spaces shall have a minimum dimension of 10 feet by 20 feet.
- Garages shall be sited and located so that visibility from the street is minimized. Side entry and/or angled entry garages are strongly encouraged. Separating a three-car garage into two masses (one single car and one two car garage) is encouraged. Three garage bays without an offset will not be approved. Single stall door openings are strongly encouraged. Garages are to be designed in the character of the architectural style of the home.
- Recessed (minimum of 12 inches) garage doors and single stall door openings are required. Tall RV garage doors will not be approved.
- Carports may be approved when designed as an integral feature of the overall design theme. Carports that appear to be tacked on and/or constructed with thin column supports and thin-banded fascias will not be approved.

- Limited on-street parking which does not unduly interfere with the flow of traffic is permitted to provide for temporary overflow/guest parking. No permanent on-street parking for Homeowner's vehicles is permitted.

2.12 PATHS, OUTDOOR STAIRS, COURTYARDS AND TERRACES

Objectives

1. To create outdoor spaces that ameliorate the climate through the use of plantings, walls, architectural devices and/or landscape structures.
2. To utilize materials that complement the architecture and materials of the building.
3. To create outdoor "rooms" which are natural extensions of the indoor rooms of the Residence.

Guidelines

- The spatial organization of the Residence as well as the organization of the outdoor spaces is to be designed as one unified whole. The demarcation line between indoors and outdoors is to be blurred.
- All paths, outdoor stairs and terraces are to be located within the Building Envelope.
- The use of natural materials such as stone, tile and/or decomposed granite is encouraged. Concrete may be used provided it is colored and textured to complement the Residence.
- Extending flooring materials from the inside of the Residence to the outdoor spaces is encouraged.
- The use of architectural devices such as courtyards, arches, trellises and/or porches to help in the gradual transition from indoors to outdoors is encouraged.
- Designs shall minimize the use of several different types of paving materials in order to produce an understated, unified design.

2.13 WALLS, FENCES AND GATES

Objectives

1. To construct walls, fences and gates which borrow from the regional building traditions and are thematically consistent with the architectural character of the home
2. To design walls, fences and gates that are related to and are natural extensions of the buildings.
3. To achieve privacy through berming, low walls and careful building and planting design, thereby minimizing the need for higher privacy walls and fences.

Guidelines

- Freestanding walls shall not exceed a maximum height of 6 feet above natural grade. It is encouraged that wall heights are as low as possible to preserve views and the visual character of the desert. Wall designs shall be extensions of the architecture of the building. See 2.12, 2.13 and 2.14.
- Approved wall materials include plaster or stucco finishes, and/or stone. Other materials will be considered on a case-by-case basis. The minimum thickness of walls shall be 8 inches. In addition, ornamental iron and/or decorative tiles may be incorporated into wall designs provided it is related to the architecture of the Residence and the regional vernacular.
- Site walls shall incorporate multiple offsets and vertical variation to avoid long straight lines in the landscape. In general, all walls shall utilize a minimum vertical offset of 8 inches. The horizontal separation between offsets shall be a minimum of 24 inches. This Guideline does not apply to walls along stairs.
- Vinyl clad cyclone, and/or open grid metal fencing will not be permitted.
- “View” fences are encouraged to preserve the openness of the desert landscape. These fences may utilize an open metal picket and design which is in general “see through” and frame rather than block the desert landscape beyond. These fences may be used for pool security fencing. View fences are required in rear yards that face the golf course.
- “Sticks in the desert”, when used, shall be free form to minimize its appearance and integrate with the landscape.
- Pool security fencing shall meet the requirements of the City of Scottsdale. Incorporating grade changes in conjunction with fencing to meet these requirements is encouraged.

- Fence Design shall reflect the character of the architecture of the home. Design elements shall be in the character of the home.
- Snake mesh needs to be the color of the fence or a dark non-reflective material.

2.14 LANDSCAPE STRUCTURES

Objectives

1. To design landscape structures that appear as extensions and/or additional building components of the main Residence.
2. To incorporate landscape structures which help to ameliorate the climate and create shade, shadow and texture.

Guidelines

- Landscape structures such as arbors, porches, greenhouses and/or decks must be located within the Private Area of the Building Envelope.
- The height, color, materials and style used for outdoor structures are to be the same or similar to the Residence. Heavy wood timbers if used for rafters, posts or trellis elements must be substantial in dimensions and treated with stain or paint to withstand the effects of climate.
- In general, the same Guidelines that apply to architecture apply to the design of landscape structures. The DRC may require the height of an outdoor structure to be substantially lower than that allowed for the main residence.
- Free standing outdoor fireplaces should not exceed 8 feet in height when measured from the inside grade.
- Premanufactured structures are not permitted, including but not limited to, canopies, ramadas, and storage sheds.

2.15 PLANTING

Objectives

1. To ensure that the existing desert landscape character is maintained by utilizing appropriate enhancement, rehabilitation and protection techniques.

2. To establish a gradual landscape transition from the more intensive landscape areas around the building to the natural desert landscape.
3. To utilize plant materials that are predominantly from the plant communities found on site.
4. To utilize plant materials to define outdoor rooms, frame views and/or provide landscape focal points.
5. To repair, restore and rehabilitate the area impacted by wildfires with native desert vegetation.
6. To incorporate Firewise principles into the design and maintenance of landscaped areas.

General Planting Guidelines

- In general, the planting design of the Lot shall take its cue from the existing desert plant palette found on the Lot prior to construction (with the exception of those Lots located in areas impacted by wildfires or other man-made disturbances).
- Plant materials are to be used to help complete structures and provide shade, texture or a focal point for outdoor rooms. Shrubs may be used as informal low walls and trees may be used to provide scale for building masses.
- Plant materials are to be used to help mitigate site wall heights.
- An Approved Plant List which lists indigenous and arid-region plant materials is located in Appendix B. This list indicates what areas (Private, Transition or Natural Area) of the Lot a plant is best suited for. In general, indigenous species are to be integral to the overall landscape design and not just limited to Natural and Transition Areas.
- Landscape plantings proposed for use that are not on the Approved Plant List shall be identified on all landscape submissions with a full description of the plant and why it is proposed for use. The DRC reserves the right to disapprove of any plant they find not to be compatible with the desert environment.
- The landscape design on each Homesite shall gradually transition from the Private Area as the most intensive landscape to the Natural Area as a natural desert landscape. The Private Area shall be separated from the Natural Area either by the Transition Area or by walls, courtyards and/or other structures.
- Surface-select decomposed granite boulders may be used in the landscape if appropriate to the particular site and setting. They shall be sunk a minimum of one-third (1/3) below grade and be massed in groupings of two or more to appear as natural rock outcrops.

- All trees, shrubs and ground covers must be maintained properly. All dead or dying plants shall be replaced within 30 days of notification to the Homeowner by the DRC. Maintenance for seasonal planting will be required in the off-season to remove all dead or frost damaged growth, leaf litter or other debris. Irrigation systems must be maintained to ensure survivability of plant material. Once vegetation is established in NAOS areas, on-going maintenance is not needed so that this area returns to the natural desert character.
- A Prohibited Plant List is included in Appendix C. These plants represent species with characteristics that are potentially destructive to the desert landscape and have weed-like characteristics. Under no circumstances may a plant from the Prohibited Plant List be used.
- All Improvements shall be sited to avoid any Protected Plant as described in the City of Scottsdale's Native Plant Ordinance. The City of Scottsdale and the DRC must review and approve any plans to remove or relocate a Protected Plant. Please refer to the City of Scottsdale's Native Plant Ordinance for more information.
- The protection and integration of saguaro cacti into the landscape design of each Residence is very important. Lot Improvements shall avoid existing saguaro cacti and design Buildings and outdoor Improvements around them. In the event a saguaro cactus must be relocated, the Owner shall retain a qualified saguaro devegetation contractor.
- A more comprehensive native desert planting program shall be used in Transition and Natural Areas on those Lots located in the areas impacted by wildfires to restore the desert character. See Section 2.15.4 for further information.
- The top six inches of desert pavement may be salvaged from the existing desert soil on the Lot and stockpiled. Disturbed areas are to be revegetated and covered with either a salvaged or imported desert pavement that matches the existing undisturbed area. Imported desert pavement shall be sifted to remove all vegetation. Imported desert pavement shall match the existing desert pavement in particle size, composition, color and nature. Decomposed granite is not allowed in the NAOS Areas.
- Hydroseeding is not permitted.

2.15.1 PRIVATE AREA PLANTING GUIDELINES

A larger variety of plant material, including non-native species, may be used in the Private Area. The Private Area is that area of the Lot defined by walls, Buildings, landscape structures and/or plant materials and is not visible from public areas, including adjoining Lots, golf course and/or Common Areas.

- Turf areas shall be confined to areas enclosed with walls and/or Building masses.
- The use of trees is preferred in areas close to the house to help blend buildings with the site, accentuate entry areas, provide for climate amelioration, and help to define outdoor spaces. To prevent “over planting” adjacent to homes and creating an unnatural looking concentration of trees adjacent to buildings, the tree planting requirement may be partially met by planting within adjoining Transition or Natural Areas.
- Firewise Guidelines should be considered when planting trees. See Firewise Appendix G.

Tree and Shrub Planting Requirements within Private Areas: In order to blend buildings with the site, the following plant materials shall be planted within Private Areas:

- Five trees, 48” box minimum.
- Ten shrubs (five-gallon minimum size) per 500 sq. ft. of building area. Building area shall be rounded up to the nearest 500 sq. to calculate the number of required shrubs.

2.15.2 TRANSITION AND NATURAL AREA PLANTING GUIDELINES

The Transition and Natural Areas shall be planted with the indigenous plant palette of the site in a similar pattern and density as the adjoining natural desert. Plantings are to slowly transition from the more intensively landscaped areas of the Private Area to the native desert landscape of the Natural Area. These areas shall be maintained so that they resemble the undisturbed natural desert. A low wall that separates the Private Area from these areas may also be used.

- An irrigation system may be installed to maintain these plantings until established (approximately one year). Once plants are established, the use of the system shall be discontinued.
- The placement and groupings of shrubs, ground covers, trees and cacti shall be naturalistic and random and not formal or straight. Owners and their Consultants are to study the existing desert landscape in adjoining areas for grouping and spacing characteristics.
- NAOS areas shall be planted and maintained in the same or similar manner as the balance of the Natural and Transition Areas. There shall be no visible distinction between these areas. All planting and revegetation practices to take place in a dedicated NAOS area shall be reviewed and approved by the City of Scottsdale and the DRC. The Owner and their Consultants are to familiarize themselves with all NAOS requirements and guidelines.
- Golf course lots are required to plant three additional saguaros in the transition area and/or the natural area facing the golf course in addition to other plantings which may be

required. It is required that there is a variation in size of the saguaros. One must be a minimum of 6', another must be a minimum of 8' and another must be a minimum of 10'.

General guide intended to approximate a slightly manicured, native desert aesthetic for non-private areas.

- Step 1 - Prepare the Existing Sub-grade.
 - Vigorously rake the existing ground to loosen the native soil and to remove unwanted pieces of rock, dirt clumps, erosion rivulets, etc.
- Step 2 - Prepare Base Layer
 - For every one hundred square foot area, spread a Base Layer consisting of a quarter ton to half-ton of Madison Gold ¼" Minus granite and rake to blend evenly into existing ground.
- Step 3 - Apply Topcoat
 - For every one hundred square foot area, spread a Topcoat of a quarter ton to half-ton of Madison Gold ½" Minus granite over the base layer and rake to blend evenly into existing ground.
- Step 4 - Feather the Edges
 - Blend the edges of the supplementary granite by lightly cross raking or brushing them. The intent is to provide an almost seamless transition between the applied granite and the adjacent native desert granite.
- Step 5 - Water In
 - Spray the completed project generously with a hose to settle the fines and to bring out the natural color.

(Note that in the case of individual lots, existing soil and granite conditions will vary, and your contractor may need to slightly modify the specific quantities and blending techniques described herein.)

Both sides of driveway could be top dress with ½ inch wash or minus size Madison gold gravel but blend into natural desert areas with "gravel formula "described above.

The distance from driveways, walkways, site walls, house foundations, etc. will vary with respect to existing conditions.

Private areas inside of site/court walls, and defined planters with raised beds or hard borders maintain the ability to choose from a more varied selection of granite types, colors, and gradation.

2.15.3 ACCENT PLANTING AREAS

The community's Landscape Master Plan has established an overall community landscape theme, creating a distinctive desert landscape, rehabilitating those areas damaged by fire or erosion, and generally enhancing existing vegetation communities. Part of this Landscape Master Plan will identify accent areas where a more intensive use of native plant material will create a stronger landscape identity. Homesites located adjacent to or within these accent areas have special planting requirements that will augment these accent areas or transition to or from abutting landscapes. The two types of accent areas are:

The Saguaro Accent Area

Prior to the area being cleared for ranching, the dominant plant type in the Mirabel area was the Saguaro cactus. These stately specimens are icons of the Sonoran Desert, and the intent is to re-introduce them to the community in specific locations creating a strong community landscape identity – a Saguaro Forest.” Lots in or near the Saguaro accent areas will help re-establish this “Saguaro Forest” in addition to the desert landscape plantings outlined in these Guidelines.

Saguaros shall be planted in Natural or Transition Areas on the Lot and in locations that visually augment saguaros planted in adjacent Common Areas. Saguaros may be planted in the Private Area, but saguaros planted in the Private Area shall not be credited towards the accent area requirement. All saguaros shall be spaced naturally. The DRC may require additional saguaros for large Lots or Lots that are critical to completing the Community Landscape.

The planting requirements for Lots located in Saguaro accent areas are as follows:

2 saguaros, 10-foot minimum height with minimum 2 arms (one-foot minimum arm length);

The Desert-Grove Accent Area

The Community was established with a grove of desert canopy trees in specific locations to create a landscape contrast between the open desert and the Saguaro Forest. This canopy has created areas of shade along roadways and help integrate building masses into the landscape. Lots in or near the Desert-Grove accent areas will establish an overhead canopy of desert trees in and around Residences in addition to the required desert landscape plantings outlined in these Guidelines.

For Lots within the Desert-Grove accent area a minimum of 5 – 54-inch box, multi-trunk trees shall be planted in Natural and Transition areas and/or in locations that visually augment other accent tree plantings in adjacent Common Areas or Lots. These trees shall

be either Mesquite (*Prosopis velutina*) or Blue Palo Verde (*Cercidium floridum*). The DRC may require additional canopy trees for large Lots or Lots that are critical to completing the accent area.

2.15.4 REVEGETATION AND RESTORATION OF DISTURBED AREAS

All areas disturbed by construction and/or areas impacted by wildfires and/or man-made disturbances shall be fully landscaped and repaired to reflect the dominant desert character in adjoining undamaged areas of the site.

- Re-vegetation includes using a mix of trees, shrubs, cacti and ground covers to achieve a consistent, community-wide approach to desert re-vegetation. Owners will be required to re-vegetate disturbed areas utilizing the plants indicated in Appendix B, Approved Plant List.
- These plants are to be field placed in a random manner that mimics the adjoining desert character.
- Additional plant material may be added in NAOS areas in accordance with these Guidelines and if specific approval is granted by the City and the DRC. Planting within NAOS areas shall be accomplished using indigenous plant materials only, in a density and mix found in the adjoining undisturbed desert area.
- Homeowners are encouraged, but not required, to revegetate the above-described areas with a combination of shrubs, cacti and groundcovers. Plant material used for revegetation should be a minimum size of 1 gallon and planted at approximately 10-feet on center.
- Temporary irrigation is required to all trees for approximately 1 year in any revegetation area. Once plants are established, the use of the system shall be discontinued.

Tree Planting Requirements in Revegetation Areas:

- All lots impacted by fire or previous disturbance shall install a minimum of (1) 36-inch box tree per 2000 square feet of Natural area outside the Building Envelope.
- Homeowner shall also install one tree per 1500 square feet of NAOS exclusive of any 404 wash or drainage areas. These trees shall be planted in the following mix of sizes:
 - 50% shall be 36-inch box in size
 - 50% shall be 24-inch box in size
- The predominant and approved species for revegetation of the NAOS areas include *Cercidium floridum* (Blue Palo Verde), *Cercidium microphyllum* (Foothills Palo Verde) and *Prosopis velutina* (Velvet Mesquite).

2.16 POOLS AND WATER FEATURES

Objectives

To design pools and water features which augment the outdoor spaces and extend the architectural style of the main buildings.

Guidelines

Cultures that developed in arid regions historically have treated water as a precious resource. Traditionally, this meant water sources were “protected” within enclosed courtyards; water movement was kept to a minimum to reduce evaporation and basins or “canals” were simple, geometric shapes, articulating arrival to an “oasis.”

- Pools, spas, ponds and other artificial water features may be built within the designated Building Envelope.
- In general, pools and water features are to be designed to be integral parts of the outdoor rooms and visually blend with the landscape. Landscaping should be selected and arranged to complement the water feature and create “outdoor rooms.”
- Swimming pool and spa areas must be screened with low landscape walls and/or plantings to minimize their visibility from any on-site Natural Areas, streets or the golf course. Swimming pools and spas, and the doors and gates leading thereto, must be constructed in accordance with the regulations of the City of Scottsdale, including fence and enclosure heights. Pool fencing shall utilize a combination of fencing and grade changes to meet fencing requirements.
- Mechanical equipment must not be visible from adjacent lots and shall be enclosed by walls or other suitably effective screening methods.
- The exposed edges of infinity or “negative” edge pools and spa edge must utilize an approved natural stone or shall be dark earthy color and/or match the color of the house. No bright bold, blue, or iridescent colored tiles are allowed. Exposed pool walls or surfaces that are visible from off-site must be screened with shrub, vine and/or ground cover plantings. The maximum height of the exposed wet edge shall be two feet maximum.

2.17 IRRIGATION

Objectives

1. To minimize the amount of landscape irrigation required through water sensitive landscape design.
2. To utilize irrigation systems that provide efficient water coverage and minimize water usage and runoff.
3. To ensure adequate levels of irrigation using automated systems to promote optimal plant growth and establishment of a mature desert landscape.

Guidelines

All landscaped areas within the Building Envelope must be irrigated. The use of drought tolerant plants combined with minimal irrigation must be the basis of all landscape submittals. The use of automatic underground drip irrigation systems will be required in most landscape areas to ensure the establishment and sustainability of the landscape.

- Group plant materials according to their water consumption needs.
- All irrigation systems will utilize an automatic, programmable controller to maximize efficiency.
- Temporary irrigation above grade may be installed in the Natural and Transition Areas only until plants are established or for a maximum of one year. All irrigation systems shall be removed and ground plane restored to its natural character.
- The irrigation system must be designed and installed to preclude overspray or runoff into the Natural Area, natural washes and/or roadways.

2.18 LIGHTING

Objectives

1. To preserve the nighttime dark sky by minimizing the amount and intensity of exterior lighting.
2. To utilize low intensity, indirect light sources to the extent required for safety and subtle drama.
3. To utilize light fixtures which complement the architecture.

Guidelines

When assessing areas of the outdoor environment to illuminate, the following should be considered:

- Safety Lighting
- Security Lighting
- Visual Enjoyment Lighting

These “layers” of exterior lighting should be installed to be able to function independently of one another.

The Design Review Committee reviews lighting plans on a case-by-case basis. Further, the DRC reviews exterior lighting based on the overall aesthetic appearance to the home, site and the Community as a whole. If deemed excessive, the DRC may require adjustments be made notwithstanding compliance with the specifics of this policy.

Exterior Lighting Source

- All lighting fixtures should be made of good quality materials and be complementary to the character of the architecture of the home.
- Generally, light sources (bulbs) shall not be visible from neighboring properties, common areas, or the golf course (excluding motion detectors).
- All lighting fixtures require a glare shield, diffuser, frosted covers, or baffles.

Exterior Building Lighting

- Exterior Building Lighting, whether attached to or as part of the building, shall be the minimum needed to provide for general illumination and security of entries, outdoor spaces and associated landscape structures.
- Directional lighting shall not be directed toward adjacent lots, streets, open spaces, golf course and must not be used to light walls or building elements for decorative purposes.
- Exterior lighting fixtures attached to the structure of the home shall not exceed 600 Lumens and a color temperature of 2700° Kelvin.
- The number of fixtures and total light in any given area shall not be excessive.
- Motion detectors for the purpose of security are subject to approval by the DRC. These lights should only be allowed to operate on a motion detector and stay lit for a maximum of five continuous minutes. All wiring and other appurtenances shall be visible. These lights are not allowed for the purposes of general illumination.

Exterior Site Lighting

- All landscape lighting plans must be submitted to the DRC for approval before installation, including modifications to existing landscape lighting. The DRC may require the adjustment of any landscape lighting installed without prior DRC review.
- The lighting shall be directed onto vegetation or prominent site features, such as plant material, water features, boulders and not upon the building.
- Down lights are preferred.
- Lighting of plant materials shall be achieved with hidden light sources and down lights from above. To preserve the dark sky, up lighting shall be minimal.
- Uplighting shall be “3 LED” Lumens maximum per fixture. 36” box trees or smaller shall have a maximum of one fixture. Larger trees shall be proportionally reviewed for the quantity of fixtures for the size proposed.
- Uplighting is not permitted in the NAOS.
- All lighting sources shall be a warm white color temperature (2700° Kelvin or lower). Cool, bright white and colored bulbs will not be permitted.
- Café lights/Bistro lights will be permitted if installed in so they are not visible from neighboring properties and common areas.
- String lighting is not permitted including, but not limited to trees and walls. However, see Section 2.22 regarding Exterior Holiday Decorations.

2.19 EXTERIOR SERVICE AREAS

Objectives

1. To screen service areas from off-site views.
2. To ensure any noise or smells from trash or equipment are contained within the service areas.

Guidelines

- Trash disposal areas, outdoor work areas, mechanical equipment and outside equipment (including antennae and satellite dishes) are to be completely screened from off-site views by the use of architectural features or plant materials. Where feasible, these areas are to be integrated into the main buildings. See Section 4.2 - Skylights
- Trash container storage areas must be located so that they are easily accessible to service personnel and smells are contained.
- Fixed BBQs, outdoor kitchens or similar amenities must be located within the Building Envelope regardless of their height.
- Pool, spa equipment and air conditioning units shall be located behind walls or in underground vaults to contain noise. Solid noise absorbing covers for equipment may be required after installation if it is discovered that the equipment is audible from adjacent properties.
- Exterior storage of patio furniture and outdoor living accessories (BBQs, heaters, etc.) in areas visible from off-site is allowed provided it meets the following requirements.
 1. If stored uncovered, the furniture is stored in the same locations as if it were in use.
 2. If stored with covers, the covers must be made from non-reflective material and of dark, earth tone colors.
- Electrical service entrance section (SES) shall be located and screened to minimize visual impact.
- In General, screen walls for all equipment shall be a minimum of 12" higher than the equipment it serves.

2.20 MAILBOXES

The mailbox is to be built and installed by the Owner in accordance with the Postal Service guidelines. The Owner shall submit plans to the DRC to obtain approval of the mailbox design. Mailbox design is to be compatible with the architecture of the home.

The following architectural standards have been developed to achieve the environmental, Community and aesthetic objectives for Mirabel. The intent of these Guidelines is to encourage a diversity of design solutions while at the same time producing a unified design aesthetic for the Community.

2.21 LANDSCAPE ART & SCULPTURE

When considering the addition of exterior landscape art or sculpture (“artwork”) for your home, it is strongly encouraged that exterior artwork be placed in the Private Area. No submittal to the Design Review Committee (DRC) is required if placed in the Private Area. The artwork shall be limited to eight (8) feet above existing finished grade, including any stands, pedestals or bases.

If the intent is to place the artwork outside of the Private Area and the artwork is larger than three feet in height and three feet in width, a request must be submitted to the Design Review Committee (DRC) for review and approval prior to installation. Artwork that is not being placed in the Private Area:

1. Shall be blended into the landscape in a contextual manner.
2. Shall be limited in height to no higher than eight (8) feet above existing finished grade, including any stands, pedestals or bases.
3. Shall not be illuminated by light fixtures aimed at the artwork or specifically intended to illuminate the artwork.

Exterior landscape art and sculpture shall not be allowed in the NAOS or any other Easement.

The Committee reserves the right to not approve any exterior landscape art or sculpture that it deems inappropriate for reasons of subject matter, height, color, size, reflectivity or proposed location.

2.22 EXTERIOR HOLIDAY DECORATIONS

The intent of this section is not to discourage decorating for the holidays, but rather, to maintain a standard of quality aligned with a community like Mirabel. Decoration displays should not have a commercial appearance and should not be “excessive”. The DRC and Association reserve the right to prohibit any holiday decorations deemed inappropriate in the opinion of the DRC and Association for the image of Mirabel.

No inflatables type holiday decorations may be displayed on the exterior of a Residence. Decorations shall not be allowed to be mounted on roofs or located outside in the NAOS.

While holiday lights are allowed, no chasing, twinkling, or blinking lights will be permitted. No exposed spotlights will be allowed.

Holiday decorations and lighting are permitted to be operational beginning November 15th and must be removed by January 15th. Holiday lighting must be turned off nightly by 11:00 p.m. Property owners may request approval for a variance for a specific date or dates when entertaining.

For holidays and celebratory events outside of this time period, decorations may be placed no earlier than one week before the holiday/event and must be removed within one week following the date of celebration. Decorations and signs may not be placed in a right-of-way, outside of the yard, in any natural open space and shall not be positioned on a member's property in a manner that creates a traffic hazard.

CHAPTER 3 – ARCHITECTURAL GUIDELINES

3.1 ARCHITECTURAL DESIGN OBJECTIVES

Objectives

1. To create buildings appropriate to a casual, outdoor desert lifestyle.
2. To encourage building designs that draw upon regional appropriateness including Pueblo, Spanish Colonial/Territorial, Tuscan, Wright and Desert Contemporary building traditions.
3. To design buildings that respond to the topography and seem to “grow out” of the site by responding to the climate, landforms, landscape and site elements.
4. To create buildings which have a strong indoor/outdoor relationship.

3.2 THE MIRABEL STYLE

Homes in Mirabel will be designed with these basic principles and elements:

1. Simple, multi-level forms, horizontal masses, typically one or partial two-story buildings that are punctuated by vertical elements.
2. Flat and/or low-pitched roofs or combinations of flat and pitched.
3. Building masses that are organized to create outdoor “rooms” with a strong link from inside to outside.
4. Building masses that are scaled as appropriate to the style of the architecture.
5. Deeply recessed doors that open directly onto terraces, porches and/or courtyard spaces.
6. The predominant use of natural materials such as stone, stucco, adobe, wood and/or metal.
7. Where stucco is a predominant surface treatment, it shall have inherent richness of detail and complementary secondary material shall be required to establish quality of design.
8. The use of hand-forged, custom, ornamental metal work.
9. The use of elements that create deep shade, canopies and dramatic voids, while providing protection from the sun and the weather.

3.3 BUILDING HEIGHT AND FINISHED FLOOR ELEVATION

Objectives

1. To ensure that view potential from each Lot is preserved.

Building Height Measurement

It is the intent of these Guidelines to encourage Building Heights and forms that follow the existing terrain, thereby creating buildings that step with the topography. The DRC recognizes that many building sites will require minor amounts of cut and/or fill to “fit” the home to the existing terrain. Accordingly, a suggested Finished Floor Elevation has been predetermined for each Lot in Mirabel as stated on the Lot Diagram.

In general, Building Height shall be determined by measuring the height of the building from the suggested finished floor elevation as stated on the Lot Diagram. Building Height may not exceed the maximum allowed by the City of Scottsdale. Homeowners and their designers are encouraged to familiarize themselves with the City’s building height ordinance.

The DRC reserves the right to modify maximum building height and suggested finished floor elevation upward or downward based on its interpretation of appropriateness of topography, architectural style and other aspects of these guidelines. Further, the DRC may grant a Building Height, Finished Floor and/ or Story Variance on a case-by-case basis at its sole discretion. Any variance with respect to one Lot shall not set a precedent with respect to other Lots.

Building Height and Story Height Information

The suggested finished floor elevations for each Lot are indicated on its Homesite Diagram. Allowable heights shall be measured from the Suggested Finish Floor Elevation. Building Height should not exceed 24 feet. Refer to the Homesite Diagram for Finished Floor Elevation information for each Lot. Story designations are described below:

One Story – For “One Story” homes, the Building Height generally may not exceed 18 feet. In order to allow for large volume rooms and effective massing, a maximum of 30% of the total roofed area may extend to 21 feet. The intention of this Guideline is to allow for a large volume space but not to provide for second floor living space. Chimneys may be a maximum height of 26 feet.

Two Story - For “Two Story” homes, the Building Height in general is 18 feet but may extend to 24 feet for a portion of the building as described below. The second Story element, either under or over the main floor may not exceed 30% of the roofed area. Chimneys are allowed a maximum height of 26 feet.

Subsequent to the preparation of the Homesite Diagram Suggested Finish Floor Elevation figures, the City of Scottsdale adopted a revised national standard concerning benchmark elevations referred to as NAVD88. The suggested FF figures on the Homesite Diagram shall be adjusted upward by 1.54 feet to meet the NAVD88 standard.

The DRC reserves the right to limit or modify the Building Height to better respond to design integrity and the proportion aspects of the elements of composition.

3.4 BUILDING FORMS AND MASSING

In general, buildings shall be composed of proportionate and complementary masses. In rare occasions, the DRC may, in its sole discretion, approve perimeter two story massing where it can be demonstrated that the proposed does not compromise the view or use of a neighboring property. Building massing shall be a composition of horizontal and vertical forms, punctuated and articulated by entries, varying levels, offsets, deep set windows and doors and building projections such as pergolas, trellises and/or covered porches.

- Massing shall be composed consistent with the architectural style of the home.
- Each building shall be constructed as a series of Visual Building Masses. Each residence shall be constructed of at least 3 Visual Building Masses or more as reflective of its architectural style. Refer to Visual Building Mass Diagram - Figure 3.6.
- Generally, massing shall be groups of distinct and simple geometric forms emphasizing the low profile of the desert environment.
- The play of light and shadow between building masses shall be carefully formulated to articulate masses, accentuate entries and/or building levels and to create texture.
- Where ends of parapets are visible, they shall convey appropriate width to the style of the architecture.

Buildings shall be designed to be viewed from all sides. Screening and/or designing service areas as integral parts of the overall architectural composition is required.

- Building designs shall incorporate varied projections such as wall offsets, trellises, covered porches or verandas that create texture, shade, scale and visual interest in context of the design. In general, building masses shall not exceed 40 feet in one direction without a change in roof alignment, wall offset or elevation unless it is demonstrated to be appropriate to the style of architecture.
- Detached garages which incorporate pergolas or trellises to connect to the main Residence are encouraged to avoid large bulky forms.

Exterior Wall Height

In general, the exterior wall height from finish floor to top of wall plate is 10 feet for the first floor and 10 feet for the second floor. In no case shall an unbroken vertical plane be more than 20' in height.

3.5 ROOFS

All roofs shall be carefully designed in color, material and shape so that they help to integrate the structure with the site and neighboring buildings and minimize the overall building massing. Trellises and outdoor covered areas shall be incorporated into the overall massing to avoid a “tacked” on appearance.

Roof Forms: Flat roof forms may include stylized parapet walls and/or overhangs. Pitched hip forms and/or shed roofs (for minor building elements). Roof forms, like massing, shall reflect the architectural style of the home. Flat roofs without fascias shall not contain any vents, stacks or other elements. Home shall be designed to contain these elements.

Flat Roofs: Flat roofs with no parapets shall not contain any non-screened vents, stacks, or other appurtenances.

Roof Pitches: Roof designs shall incorporate both flat and pitched roofs and/or multi-level designs to avoid the appearance of wide, unbroken roof planes as viewed from above or off site.

Eave Depths: Eaves shall be incorporated where appropriate.

Acceptable Roof Materials: Materials for roofs include flat tile, two-piece barrel tiles, clay s-tile, slate, standing seam metal and built-up roofing for flat roofs. Flat roofs shall be finished with a material of a color that harmonizes with the natural desert and the building and complies with the City of Scottsdale’s requirements.

Unacceptable Roof Materials: Reflective roof finishes (glossy copper or other shiny metal finishes) that may cause excessive glare, and asphalt or wood shingles or concrete “S” tile. Finishes may be approved by the DRC if the DRC finds that the material is not reflective and blends with the desert landscape.

Fascias: Fascia elements shall complement the architectural style of the home in shape, proportion, color and material. Metal fascias shall be designed and constructed to prevent oil canning.

Gutters and Downspouts: When used, gutters and downspouts shall not appear as if they were “tacked” on. The gutter profile and finish must be custom and appropriate to the style of the home.

Vents: Flues and vents shall be located on the structure where they are least visible. **All B-Vents shall be located and submitted for approval at the preliminary submission.** All unscreened flues and vents shall be painted to match the roof. The DRC, at their discretion, may require flues/vents to be screened. All screening methods and/or design must be approved by the DRC.

3.6 EXTERIOR WALLS AND FINISHES

In general, the exterior wall design of all Residences and Improvements shall incorporate the use of complementary materials in order to create subtle textural changes and to further articulate masses. Wall elements shall complement the style of the architecture.

Guidelines do not specifically require each home to have a percentage of secondary material. However, based upon the style and composition of the home, the DRC may at its discretion require trims, enhanced details or other elements of secondary material application.

Exterior wall design: The minimum exterior wall thickness shall be sufficient to provide a minimum recess of 6 inches at all glazing. In some cases, the DRC will require deeper recesses as based upon the style of architecture of the home. Walls shall be simple, refined compositions of materials in a logical structural relationship. Changes in material shall occur on the inside corners of masses.

Acceptable Materials: Natural stone, stabilized adobe block, dimensional and thin veneer stone and stucco with architectural accent elements such as facias, beams, window and door treatments and/or trim utilizing wood and/or ornamental metal. Faux stone may be considered if corners, lintels and sills are detailed to appear structural in nature. When using large format stone or other tile cladding, an appropriate detail shall be provided at Final Submittal and shown on the mock-up for review and approval.

Unacceptable Materials: Highly reflective or excessive areas of smooth finish materials lacking texture. Materials which are inappropriate include Spanish lace, wood sidings, and wood fiberglass siding. Wall finish shall continue to grade.

Stone/Rock: Stone masonry, including faux products, are to be structural in appearance and complementary to the character and style of the home in its use. Applications that do not convey structural quality in appearance are not permitted.

Adobe Block and Slump Block: The use of adobe or slump block as a principal building material is encouraged because of their natural properties of insulation and the ability to create straight and/or gently curved walls with a “handcrafted” appearance.

Exterior Plaster and/or Stucco: Old world inspired homes shall have a “handcrafted” appearance utilizing wavy textures or troweled patterns in a light to medium texture. Heavily textured stucco patterns will not be permitted. Stucco colors and texture shall reflect the architectural character and style of the home.

Wood Accent Elements: Due to climactic extremes, the use of wood on a residential exterior should be carefully considered and limited to accent areas or specific building elements such as entries, windows, beams, doors, covered porches and/or courtyards. corbels and/or beams.

Ornamental Metal Accent Elements: Metal may be used for railing, decorative window grilles, and/or gates provided that the design is not reflective and has the appearance of iron, and in general complements the architecture of the home.

3.7 DOORS AND WINDOWS

All windows and doors shall be recessed and/or shaded to create pattern, texture and a sense of thickness to the walls. Careful consideration shall be given to the fenestration design for each elevation. The size, number, placement and rhythm of windows and doors in relation to the building masses and exterior surfaces shall create a complete and balanced composition.

Windows: Windows shall be recessed a minimum of 6 inches from glazing to outside surface of wall and/or window surround. In certain circumstances, the DRC may require more than 6 inch recesses. Built up stucco pop-outs will not be allowed. Windows may utilize shallow arched, square or vertical shaped forms. Divided lite windows, when used, shall utilize true divided lites. Windows shall reflect the architectural character and style of the home.

Doors: Doors shall be of a design complimentary to the home and shall where appropriate match the finish of the window system. Doors shall be deeply recessed akin to windows. Single or double door units, paneled, naturally stained wood and/or multi-paned glass. Wood doors may be carved and/or have rough-sawn appearance. Doors shall reflect the architectural character and style of the home.

Window and Door Materials and Colors: Wood, aluminum clad or bronze anodized finish. Unfinished aluminum, shiny metal, and vinyl clad are not permitted. Doors, window and door frames may be stained and/or painted. The use of darker tone window finishes is encouraged.

Accent Trim: Wood and/or stone accent materials shall be used consistently around the structure and appropriate to the architecture of the home.

Shutters: Shutters of wood, naturally stained in appropriate designs that borrow from regional vernaculars. Double shuttered windows shall be full sash height and sash width for the window they adjoin. Single shuttered openings shall be full sash height and width for the window they adjoin. Shutters do not have to be operational but shall have convincing hardware.

Lintels: Cut stone, cast stone and/or rustic, stained, metal, rough sawn or refined wood.

Glazing and Glass: Glass may be coated or tinted to control solar heat gain, but a reflective, mirrored appearance is not permitted. Glazing at garages shall minimize light spill and the interior of the garage from the view of adjacent properties and common areas.

3.8 BUILDING PROJECTIONS AND ACCESSORY STRUCTURES

The uses of architectural extensions to provide shade and shadow, protect buildings from the intense sun and create a strong indoor/outdoor relationship are outlined below. The style and detail of these architectural elements, such as column and eave treatments, should reflect the architectural style of the home.

Pergolas/Trellises: Covered areas that connect separate building masses, extend the roofline and/or are freestanding are to be appropriately scaled to the home.

Entry and/or Side Porches: Porches that provide shelter from the sun and accentuate entry areas are to be appropriately scaled to the home. Flooring materials are to be natural stone, tile, colored concrete and/or colored concrete with stone and/or tile bands. In general, the flooring shall be an extension or natural complement to the flooring on the interior of the building. Flooring/Paving materials are to be complementary to the architectural style of the home and subdued in color. Bright and reflective materials will not be permitted.

Railing: Patterns, designs, and color are to be appropriate to the architectural style of the home.

Utility Gates: Shall be complementary in design and materials to the architectural style of the home.

Vents: Roof top equipment and/or large vents are to be grouped and concealed in roof or wall structures that match the materials and style of the building. Vents shall be located on the structure where they are not visible. All visible vents and flues shall be painted to blend with the color of the roof. The DRC may require the use of chimney-like structures to screen vents and/or flues.

Materials: Materials and colors shall be the same or similar to the main structure(s).

Accessory Structures: The design of Accessory Structures must be integrated into the overall Residence composition and are to be visually related to it by walls, courtyards or major landscape elements. A freestanding guesthouse must comply with applicable City zoning regulations and have the written approval of the DRC. No guesthouse or guest suite may be leased or rented, separate and apart from the lease or rental of the main residence.

3.9 COLOR

The colors of the exterior materials shall be subdued and complement the colors of the natural landscape. Locally found, muted desert tones are recommended, although occasional accent colors, used judiciously and with restraint, may be permitted. The colors of the desert are rich and varied and are highlighted by different light conditions based on time of day and season of

the year. In general, color shall come from the inherent natural color of the materials used and shall be subordinate to the colors of the natural landscape. Stains or paints may be used to protect wood from weathering, to give it a more refined texture or to achieve a darker hue. A shiny appearance is not permitted.

Roofs: Medium to dark browns and grays, color shall have a LRV of 35 or lower. Flat roofs shall comply with the City of Scottsdale ordinance. Sloped roof color shall have an aggregate LRV of 35 or lower.

Walls: Large areas of monochromatic surfaces shall be minimized. Walls shall have an aggregate LRV value of 40 or lower.

Trim and Accent Colors: Dark, rich earth tones that come from stains, woods and/or paint Colors shall complement the base color. Reflective Value (LRV). (All paint manufacturers categorize their products by LRV and this information is readily available from the manufacturers.)

Soffits & Eaves: An acceptable material with an LRV of 50 or less. Soffits and eaves differ from walls and other elements by virtue of always being in shadow. Lighter colors are therefore deemed more appropriate. For most homes in Mirabel, soffit color must be an LRV of 50 or lower. On a case-by-case basis, for contemporary designs featuring contiguous surfaces split by a glass line, the DRC may consider a color with a higher LRV. In no case shall any soffit or eave exceed an LRV of 85

3.10 DECORATIVE ELEMENTS

Metals, such as hand forged iron, tin and/or copper, carved stone, carved wood and/or decorative tiles may be used for fastenings, accent areas or for decorative purposes. Forms and motifs are to be consistent with the overall architecture and draw upon the the architectural style of the home.

Materials: Woods, stone, tin, non-ferrous metals and tile.

Shutters: Shutters shall appear as if they are operable and contain complementary hardware, inclusive of hinges and shutter dogs in a convincing manner.

3.11 UTILITIES

Cooling and Heating Equipment - All equipment shall be fully screened from surrounding streets, open spaces and adjoining Lots. Ground mounted units are required. The design shall locate units so as to minimize noise associated with the operation or maintenance of the units. Screen walls shall completely enclose the units with the wall a minimum of one foot higher than the highest part of the unit. If roof mounted, units shall be fully screened views from Public Areas.

Solid Waste Disposal – Trash and refuse areas shall be designed as integral parts of the building design. These areas must be screened from surrounding streets, open spaces and adjoining Lots. Trash enclosure covers may be required if it is discovered that smells emanating from enclosures are a nuisance to adjoining lots or Common Areas.

Electric and Gas Meters – All equipment shall be fully screened from surrounding streets, open spaces and adjoining lots. Screen walls shall completely enclose the equipment. The following chapter outlines Guidelines for systems regarding life safety, such as fire sprinklers and alarm systems, and presents ways in which to build resource and energy efficient buildings.

3.12 OVERVIEW OF EL CORAZON

One key element of Mirabel’s residential environment is the *El Corazon* district, which includes 35 developer-built homes that are geographically located at the “heart” of Mirabel.

Historically, the design guidelines for Mirabel have not differentiated between custom lots and the developer built *El Corazon* district. However, while many owners in *El Corazon* have been content with their homes to date, ownership changes and evolving resident needs have resulted in requests for additions and alterations that in some cases could materially alter the character of this district if allowed. As a result, the Design Review Committee, with the support of the HOA Board, concluded that Mirabel should establish supplemental design guidelines for *El Corazon*.

Three floor plans were originally offered by the developer in this district as summarized below:

**Summary of Homes Built in the
El Corazon District**

Model	Interior Area (SF)	Outdoor Living Area (SF)	Total Livable Area (SF)
El Tovar	3,931	1,663	5,594
La Posada	3,248	1,852	5,100
Bright Angel	3,129	1,686	4,815

The detached single- family homes in *El Corazon* have three or four bedrooms, and range in size from 3,129 to 3,931 square feet of interior (air-conditioned) space. The total amount of livable space, including both air-conditioned space and outdoor areas, ranges from 4,815 to 5,594 square feet. Each home has either a two or three car attached garage.

The floor plans for these three models are included at the end of this Chapter.

Supplemental Design Guidelines for Mirabel/*El Corazon*

The following guidelines will ensure that renovations and changes within *El Corazon* are consistent with both: 1) approved and adopted Design Guidelines; and 2) the unique character that is the signature statement for the original vision for *El Corazon*.

All other aspects of the Mirabel Custom Home Design guidelines and CC&Rs also shall apply unless specifically modified by the following supplemental guidelines.

Blending of ‘Contextual’ Criteria

The following pertains to all properties in *El Corazon*. Specifically: 1) Forms; 2) Massing; and 3) Scale shall be consistent with the original/existing home type. This will include elements like: roof types and pitch; plate/sill heights; and proportions of openings to solid areas.

Further, detailing of new elements are to match similar elements of a given existing structure. Materials, colors, finishes, and textures, for example, shall match existing elements and treatments. Examples of these elements include tile roofing, exterior wood and metal treatments, stucco and stone, doors and windows, flashings, grilles, gates, and paving solutions. “Terminals” (end points) of new or altered elements shall match existing details. If the proposed element is different than the existing element, the applicant must demonstrate that the proposed details are complementary and non-dominant relative to the existing elements in the neighborhood before proceeding with construction.

Special Considerations

- a. Driveways / Entryways/ Front Yards:(Common area) Given the prominence and visual dominance of the driveway / entryway / and front yards of homes in *El Corazon*, the elements that face the street play a key role in defining the character and integrity of this overall district. As a result, all potential modifications to the front area/yard of the house must be approved in advance, including but not limited to: 1) potential modifications to driveways relative to paver color / paver style, and extent of lot coverage; 2) the front door; 3) handrails; 4) light fixtures; and 5) landscaping. This area will be the most restrictively reviewed portion of the property relative to uses and changes in character. All modifications must meet contextual considerations.
- b. Rear Yards (Private area) Proposed rear yard improvements or modifications will be reviewed within the context of existing site considerations and the potential impact that a change may have on adjacent homeowners.
- c. Paint / Stain Guidelines: Paint and stain selections for *El Corazon* residences must match the existing palette of approved colors.

- d. Rebuilds: In the event a new home must be rebuilt on an original site located within *El Corazon* for whatever reason, one of the three original models / floor plans must be selected for new construction. As summarized earlier, the building options will only include El Tovar, La Posada, or the Bright Angel.

CHAPTER 4 – ENVIRONMENTAL CONSIDERATIONS

4.1 ENERGY AND RESOURCE CONSERVATION MEASURES

Site and building design along with construction techniques which utilize the latest advances in energy and resource conservation and home technology are encouraged. New building technologies, innovative building materials, thoughtful site planning and creative construction systems can be used to create more energy-efficient, durable, and better quality homes.

The following measures are strongly recommended in the planning and design of a home at Mirabel.

Suggested Energy Efficiency Measures

- Living areas, such as living rooms, dining rooms, kitchens and bedrooms should be planned for maximum ventilation. Locate windows for natural light and cross-ventilation. Shading devices should be used for unwanted heat gain.
- Consider increasing the required insulation in walls, ceilings and foundations to reduce energy consumption and to lower utility bills.
- Seal and insulate duct work and locate in “conditioned” spaces where possible.
- The use of solar panels are encouraged to reduce energy consumption requirements but must be screened from public viewing areas such as the golf course and Open Space.
- Install high-performance windows.

Suggested Resource Efficiency Measures

- Building construction and design should emphasize efficient building practices and the reuse and reduction of materials. Sort construction and demolition waste for recycling by utilizing job site bins for wood, metals, wallboard etc.
- Building designs should include adequate space for recycling bins in kitchens, utility areas, and trash enclosures.
- All buildings should utilize high-efficiency (low flow) showerheads, toilets, faucets and similar appliances.

4.2 SKYLIGHTS

Skylights must be integrally designed into the roof structure and located on the back of structures. Skylight glazing shall not be backlit or manufactured of reflective material. Skylight

framing and glazing shall be colored or coated to match adjacent materials. Skylights must be screened from view of neighboring lots, common areas and the golf course. All skylights must be reviewed and approved by the DRC.

4.3 SOLAR EQUIPMENT

Solar power generating equipment is encouraged but should integrate with the architectural design of the roof structure. Solar panels may not be visible to adjacent properties, the Golf Course, Common Areas or the street. All solar designs must be reviewed and approved by the DRC.

General:

- As with all design elements of a custom residence solar collectors and devices must be integrally designed, aesthetically pleasing, and meet all other provisions of the guidelines. A Solar energy device that is not installed on a roof must be placed in a rear or side yard and screened as much as possible to limit its visibility from other properties. A solar Energy Device installed on a roof must be located in a way to limit its visibility from other properties as much as possible.
- Such Solar Energy devices must comply with the above criteria to the extent that they do not impair the function of the device, or adversely affect the cost efficiency of the device or system.
- For all such installations any externally visible equipment or cable connecting devices must be fully hidden or encased in a chase located in an interior corner of the building and treated to match the external surface to which it abuts. Further, any such connecting equipment or cable cannot run over any visible parapets. But must run through them.

Specific Provisions:

- Provide submittal drawings by a licensed solar contractor.
- Photovoltaic Collector Panels: Frames to be non-shiny black or dark bronze. Submit a scaled plan indicating location on roofs or ground, provide a detail describing relationship to roof or mounting surface and any relationship to adjacent parapet or screening element.
- Other Equipment (disconnect, panels, boxes, inverters, etc.): Submit a plan indicating location and mounting height. Provide detail of screening element(s).
- Alternative Solar Collection Devices (mats, shingles, or other): Submit as above with cut sheets and details as appropriate.

CHAPTER 5 – DESIGN REVIEW COMMITTEE ORGANIZATION

5.1 DESIGN REVIEW COMMITTEE MEMBERSHIP

The Board of Directors will determine the composition of the Design Review Committee (DRC). Individuals appointed to the Design Review Committee shall be Owners. At least one member of the Board shall serve on the Design Review Committee as its Chairperson. The Board, in its sole discretion, may engage licensed design professionals in the fields of architecture, landscape architecture, building and/or engineering as consultants to the Design Review Committee. The Design Review Committee may contract and/or assign some of the Design Review Committee's administrative duties, but not authority, to any qualified design professional as needed.

5.2 APPOINTMENT AND TERM OF MEMBERS

All Members of the DRC will be appointed, removed, and replaced by the Board, in its sole and absolute discretion. The Board also may appoint alternate Members to act in place of a Member who is not participating in a particular decision.

The term of office of each member of the DRC, subject to the CC&R's, will be one year, commencing January 1 of each year, and continuing until his successor shall have been appointed. Should a DRC member die, retire or become incapacitated, or in the event of a temporary absence of a member, a successor may be appointed.

5.3 MEMBERSHIP REQUIREMENTS

Members of the DRC appointed by the Board shall be Members of the Association. The Board, in its sole discretion may appoint licensed design professionals in the fields of architecture, landscape architecture, building and/or engineering as consultants to the DRC. The DRC may contract and/or assign some of the DRC's administrative duties, but not authority, to any qualified design professional as needed.

5.4 RESIGNATION OF MEMBERS

Any Member of the DRC may at any time resign from the DRC upon written notice stating the effective date of the Member's resignation to the Board. Any Member may be removed at any time by the Board with or without cause.

5.5 FUNCTIONS OF THE DRC

It will be the duty of the DRC to consider and act upon such proposals or plans from time to time submitted to it in accordance with the Design Review procedures established by these Design Guidelines; to amend the Design Guidelines as deemed appropriate with the approval of the

Board; and to perform any duties assigned to it by the Board as set forth in this document and the CC&R's.

5.6 MEETINGS

The DRC will meet as needed to properly perform its duties. The DRC's actions on matters will be by a majority vote of the DRC. Any action required to be taken by the DRC may be taken without a meeting if a consent in writing, setting forth the action so taken, will be signed by all of the DRC Members. The DRC will keep and maintain a record of all actions taken by it. The powers of this DRC relating to Design Review will be in addition to all Design Review requirements imposed by the City of Scottsdale and any other authority having jurisdiction over Improvements at Mirabel.

5.7 COMPENSATION

The Board will have the right to set the compensation for consultants to the DRC. Compensation may at any time be revoked or changed by the Board with or without cause. All Members will be entitled to reimbursement for reasonable expenses incurred by them in connection with the performance of any DRC function or duty. The DRC may contract and/or assign some of the DRC's administrative duties, but not authority, to any qualified design professional as needed.

5.8 AMENDMENT OF DESIGN GUIDELINES

The DRC may, from time to time with the approval of the Board, adopt, amend and repeal, rules and regulations to be incorporated into, or amendments of, the Design Guidelines, which, among other things, interpret, supplement or implement the provisions of the Design Guidelines. All such rules and regulations or amendments, as they may from time to time be adopted, amended or repealed, will be appended to and made a part of the Design Guidelines. Each Owner is responsible for obtaining from the DRC a copy of the most recently revised Design Guidelines.

5.9 NON-LIABILITY

Provided that DRC Members act in good faith, neither the DRC nor any Member will be liable to the Association, any Owner or any other person for any damage, loss or prejudice suffered or claimed on account of:

1. Approving or disapproving any plans, specifications and other materials, whether or not defective.
2. Constructing or performing any work, whether or not pursuant to approved plans, specifications and other materials.
3. The development or manner of development of any land within Mirabel.

4. Executing and recording a form of approval or disapproval, whether or not the facts stated therein are correct.
5. Performing any other function pursuant to the provisions of the Design Guidelines.

This section provides a guide for the design review process for the Mirabel Community. The process involves a series of meetings between the Owner, their design team and the DRC. (See Chapter 5 for a complete description of the DRC). The process begins with an informal introductory meeting and concludes with the completion of construction. Along the way are a series of meetings designed to ensure a smooth and efficient review of the building and site design. The DRC is committed to assisting Owners through the design review process. The DRC should be thought of as a member of the Owner's design team as opposed to a regulatory review agency.

CHAPTER 6 – DESIGN REVIEW PROCESS

This section provides a guide for the design review process for the Mirabel Community. The process involves a series of meetings between the Owner, their design team and the DRC. (See Chapter 5 for a complete description of the DRC). The process begins with an informal introductory meeting and concludes with the completion of construction. Along the way are a series of meetings designed to ensure a smooth and efficient review of the building and site design. The DRC is committed to assisting Owners through the design review process. The DRC should be thought of as a member of the Owner’s design team as opposed to a regulatory review agency.

6.1 OVERVIEW OF DESIGN REVIEW PROCESS

Improvement plans will be carefully reviewed by the DRC to ensure that the proposed design is compatible with the design philosophy of Mirabel. This design review process must be followed for any of the following Improvements:

- Construction of all new buildings;
- The renovation, expansion or refinishing of the exterior of an existing building;
- Major site and/or landscape Improvements (including pools, driveways and/or culverts); and
- Construction of, or additions to, fences or enclosure structures.

The DRC evaluates all development proposals on the basis of these Design Guidelines. Some of the Guidelines are written as broad standards and the interpretation of these standards is left up to the discretion of the DRC. Other Guidelines such as Building Height or setbacks are more definitive, or absolute design parameters, and in many cases parallel City and building code requirements. It is the intention of this design review process that all Improvements comply with these absolute standards unless the DRC has granted an exception.

Mirabel’s design review process takes place in six steps:

1. Pre-Design Conference
2. Conceptual Review
3. Preliminary Design Review
4. Final Design Review
5. Construction Monitoring
6. Final Inspection

Any Improvement as described above will require and be preceded by the submission of plans and specifications describing the proposed Improvements accompanied by an application fee.

The Owner shall retain competent assistance from a licensed Architect, Civil Engineer, Landscape Architect, Soils Engineer and a licensed and bonded Contractor (Consultants) as appropriate. The Owner and Consultant(s) shall carefully review the CC&R's and these Design Guidelines prior to commencing with the design review process.

Having secured preliminary design approval from the DRC, the Owner is also required to meet all the submittal and approval requirements of the City of Scottsdale Planning and Building Department to obtain design approvals or any other discretionary permits and a building permit.

The final design approval is valid for one year. If the Owner does not commence construction within one year of the final design approval, the Owner must resubmit an application for approval. Whether a new application fee will be required will be at the absolute discretion of the DRC.

6.2 APPROVED DESIGN PROFESSIONALS

The DRC strongly recommends that Owners use the services of qualified professional architects, designers, and engineers.

6.3 PRE-DESIGN CONFERENCE

Prior to the preparation of any materials for the formal DRC review, the Owner and/or Owner's representative shall meet with representatives of the DRC for a Pre-Design Conference. An explanatory Pre-Design Conference package that includes the availability of the Design Guidelines and the Homesite Diagram - is available from the DRC Office and should be obtained before the meeting. The purpose of this meeting will be for the DRC's Representative(s) to help answer any questions the Owners and/or Consultant(s) may have and to offer guidance on the following subjects:

- The particular characteristics and restrictions on the Homesite, as shown on the Homesite Diagram to be provided by the DRC;
- Optimal orientation of buildings and outdoor spaces;
- Additional survey information requirements;
- Preliminary building and site development program ideas and requirements;
- Clarification and review of Design Guideline objectives;
- The requirements, fees, and schedule of the design review process.

6.4 CONCEPTUAL DESIGN REVIEW

After the Pre-Design Conference, the Owner (or Applicant) shall submit a written application for conceptual review together with conceptual design review submittal materials, described in Section 6.4.1 below.

6.4.1 CONCEPTUAL DESIGN REVIEW SUBMISSION MATERIALS

Within this step, the Owner (or Applicant) shall prepare and submit to the DRC for review a conceptual design review package, which should adequately convey existing site conditions, constraints, building orientation and design, vehicular and pedestrian access. The package shall include one full-size set (maximum sheet size of 30" x 42") and a digital sets of the following drawings and/or materials:

1. Conceptual Design Review Application Form and Fee (if applicable)
2. Concept Massing Plan (Roof Plan Drawn Over Natural Topography Identifying Heights)
3. Conceptual Site Plan
4. One (1) Concept Elevation
5. Staking Plan & Lot Staked (primary corners and/or height story poles as on a case-by-case basis or as requested by the DRC)
6. Inspiration Pictures/Drawings

6.5 PRELIMINARY DESIGN REVIEW

After the Conceptual Review, the Owner shall submit a written application and appropriate fee for preliminary design review together with preliminary design review submission materials, described in Section 6.5.1 below.

6.5.1 PRELIMINARY DESIGN REVIEW SUBMISSION MATERIALS

Within this step, the Applicant shall prepare and submit to the DRC for review and approval a preliminary design review package, which should adequately convey existing site conditions, constraints, building orientation and design, vehicular and pedestrian access, the proposed use of exterior materials and colors and conceptual landscape design. The package shall include one full-size set and a digital set of the following drawings (maximum sheet size of 30" x 42") and/or materials:

1. Preliminary Design Review Application Form and Fee

2. Homesite and Topography Survey - a property survey (minimum scale: 1"=20'-0") prepared by a licensed surveyor indicating property boundaries, the area of the property, all easements of record, 100-year flood plain, 404 corridors and setbacks, NAOS areas, Building Envelope and Transition Areas as shown in the Homesite Diagram, 1-foot contours, any significant natural features such as existing trees or any significant drainages as applicable.
3. Architectural Site Plan - 1"=10'-0" minimum scale, showing Building Envelope (existing and proposed), conceptual drainage (not engineered; with spot grades), delineate all elements of development on the site such as walls, SES, mechanical and pool equipment, patios, conceptual routing of utilities, driveways, guest parking and key tree placement/conceptual landscaping and paving materials and patterns.
4. Schematic Floor and Roof Plans - minimum 1/8" = 1'-0", defining all spaces and uses, proposed walls, door and window locations and location of mechanical and electrical systems. The roof plan shall be superimposed over the existing natural topography, indicating in site datums the top of parapets, ridges and all roof elements. A calculation of proposed roof exception area (portions over 18' above suggested finish floor) shall be provided graphically and numerically.
5. Schematic Elevations - minimum 1/8" = 1'-0", including wall and roof heights, existing and finish grades, and notation of exterior materials. Show site walls and proposed grade.
6. Site Sections - minimum scale 1/8"=1'-0", showing proposed buildings, Building Heights, elevations and existing and finished grades in relation to surrounding site, including adjacent Residences and roads as may be required by the DRC. This drawing should clearly illustrate how the proposed design conforms to the Building Height requirements.
7. Conceptual Landscape Plan - a conceptual plan at 1"=10'-0" minimum, showing irrigated areas, areas of planting, turf areas, preliminary plant list, water features, pools, patios, decks and any other significant design elements.
8. Digital Model – Model shall be fully realistic depicting forms, materials, details, colors, textures in the topography and vegetation of the site. Motion video rendition at grade and fly around shall be the format. Rough sketch-up models are not acceptable. The DRC reserves the right to require a Study Model as necessary.
10. Staking Plan - minimum scale 1"=20'-0", illustrating the layout of building corners, ridgelines and site Improvements. Staking should occur as described in Section 6.4.2. (If Required)
11. Sample Board - on 11" x 17" boards as needed:
 - Roof material and color.

- Wall materials and colors.
- Exterior trim material and color.
- Window material and color.
- Exterior door material and color.
- Stone/rock materials.
- Fence/wall materials.
- Exterior rails and paving materials.

Final approval is contingent upon field mock-ups of all colors and materials at the appropriate time in the construction process and in sizes and context that will allow a clear understanding of the final product. Regardless of previous approvals, the DRC reserves the right to require changes to the field mock-ups if they do not meet the objectives of the Design Guidelines.

6.5.2 STAKING

If not completed during the Pre-Conceptual Submittal, the DRC may require the Owner to stake the location of corners of the proposed buildings and all other major Improvements upon submittal of preliminary or final design review documents. In some instances, the DRC may require that ridgeline flagging be erected to indicate proposed heights of buildings.

6.5.3 PRELIMINARY DESIGN REVIEW MEETING

The Owner and/or their Consultant(s) are encouraged to attend the preliminary meeting. Incomplete submittals will not be reviewed. The DRC will review and comment on the application at the meeting, allow time for discussion with the Owner and/or Consultant(s) and subsequently provide the Owner with the conclusions of the meeting in writing.

The comments of the DRC on the preliminary submittal shall be binding on the Owner. An additional review meeting may be necessary to review corrected and/or new materials. Corrected materials will be provided to the DRC a minimum of ten working days prior to the next regularly scheduled meeting.

6.5.4 PRELIMINARY SUBMITTAL EXPIRATION

The Preliminary Submittal will be considered valid for twelve months from the date of review. The Preliminary Submittal will be considered expired if a subsequent submittal is not made within that time period. The Owner will be required to restart the Design Review process and submit a new Design Review Fee. The DRC, at its sole discretion, may determine if there is a reasonable basis for accepting any elements of the expired Preliminary Submittal materials, and waive portions of or a new submittal in its entirety. Further, the DRC, at its sole discretion, may waive a portion of or a new Design Review Fee in its entirety.

6.6 FINAL DESIGN REVIEW

Within one year of preliminary design review approval the Owner shall initiate final design review by submitting required final design documents. Required final design documents and procedures are described in Section 6.5.1 below.

6.6.1 FINAL DESIGN REVIEW SUBMISSION MATERIALS

The Applicant shall provide all information necessary to reflect the design of the proposed building(s), landscape or other features requiring the approval of the DRC. Final design documents shall generally conform with the approved preliminary design review documents. All architectural plans are to be prepared by a licensed Architect. All landscape architectural plans are to be prepared by a licensed Landscape Architect. Submit one full size set, and a digital set of final plans (maximum sheet size 30"x42") that include the following:

1. Final Design Review Application Form and Fee
2. Architectural Site Plan - 1"=10'-0" minimum, showing existing topography and proposed grading (1-foot contour interval), building footprint with finished floor grades, driveway, parking area, turnarounds, fences/walls, patios, decks, utility connections and pad locations, pools and any other site amenities.
3. Civil Grading, Drainage and Erosion Control Plans - 1"=20'-0" minimum, showing existing and proposed grading (1 foot contour interval), drainage elements and erosion control methods, and Drainage Report.
4. Floor and Roof Plans - 1/8"=1'-0" minimum scale, indicate all room dimensions, door and window locations and sizes, and location of mechanical and electrical systems. Indicate the location and type of all exterior lighting fixtures, proposed fireplaces, and kitchen appliances. Provide floor plans of all Accessory Structures.
5. Elevations - 1/8"=1'-0" minimum scale, illustrate the exterior appearance of all views labeled in accordance with the plans. Indicate the highest ridge of the roof, the elevation of each floor, and existing and finished grades for each elevation. Describe all exterior materials, colors, and finishes (walls, roofs, trim, vents, windows, doors, etc.) and locate all exterior lighting fixtures. Indicate proposed Building Height. Provide one set of colored elevations if directed by the DRC. Elevations, to include site walls, are to be drawn in context of proposed finish grades.
6. Sections - indicate building walls, floors, and interior relationships, original and finished exterior grades and any other information to clearly describe the interior/exterior relationships of the building as well as the building's relationship to the site.

7. Massing roof plan shall be superimposed over existing natural topography, indicating in site datum the top of parapets, ridges, and all other roof elements.
8. Landscape Plans - 1" = 10'-0" minimum, including a planting plan, layout plan, irrigation plan, lighting plan, and any site details including retaining walls, landscape structures, mailbox location, pools, patios, fences and or gates. All revegetation areas should be clearly marked and detailed with plant types, densities and cover.
9. Typical Exterior Architectural Detailing
 - Eaves, Facias & Beam tails.
 - Parapet caps with our without trims.
 - Windows & Doors – jam, sill, head with or without trim and header. Detailing 6-inch **minimum** glass recess from exterior surface.
 - Garage door detail of design, head and jamb.
 - Front door detail of design and any trim.
 - All decorative stone/trim profiles & finishes.
 - Metal railing, fencing or decorative details.
 - Negative edge pool details and color of visible tile.
 - Typical site wall with finishes.
 - Typical stucco wall to grade.
 - Typical stone/secondary material wall to grade.
 - Electric service location and method of screening.
 - Headwall details for culverts including architectural treatment.
 - Typical column, base and head.
 - Chimney cap details.
 - Pedestrian and driveway paving details where appropriate.
 - Gate details for mechanical or pool enclosures or entry courtyards.
 - Key elements of design as project appropriate.
 - Address marker/mailbox design and location.
 - Design of Scuppers for flat roof areas where appropriate.
 - Any other visible architectural features on home.
10. Copy of NAOS Dedication
11. Drainage Report
12. Construction Schedule - include start and completion dates for both building and landscape construction. All construction shall be started within one year of final design approval and shall be completed within 24 months from the start of construction.
13. Construction Site Plan - 1" = 20'-0" minimum, overlaid on the Site Plan, showing material storage areas, trash bins, porta-johns, contractor parking, construction trailer (if approved by the DRC), City of Scottsdale required fencing and other elements/function areas relating to the construction process.

All materials submitted to the DRC; included, but not limited to survey, schematics, plans, models, material boards, shall become the property of the DRC and need not be returned.

Final approval is contingent upon field mock-ups of all colors and materials at the appropriate time in the construction process and in sizes and context that will allow a clear understanding of the final product. Regardless of previous approvals, the DRC reserves the right to require changes to the filed mock-ups if they do not meet the objectives of the Design Guidelines.

6.6.2 FINAL DESIGN REVIEW MEETING

Upon receipt of the required documents, the DRC will notify the Owner of the scheduled meeting date to review the final design documents. In some instances, the DRC may request a final staking of the location of all corners of proposed buildings if the final design documents vary substantially from approved preliminary design documents.

The DRC will review and comment on the application at the meeting, allow time for discussion with the Owner and/or Consultant(s), and subsequently provide the Owner with an approval (see Section 6.6.3 below) or conclusive recommendations in writing for refinements to the design. A second review meeting may be necessary to review refinements, revisions and/or new materials. These materials will be provided to the DRC a minimum of five working days prior to the next regularly scheduled meeting.

6.6.3 FINAL DESIGN APPROVAL

The DRC will issue a written acknowledgement that the approved plans, including any approved amendments, are in compliance with all rules and guidelines in effect at the time of the approval and that the refund of the Construction Security Deposit requires that construction be completed in accordance with the approved plans. If the decision of the DRC is to disapprove the proposal, the DRC shall provide the Owner with a written statement of the basis for such disapproval to assist the Owner in redesigning the project so as to obtain the approval of the DRC.

6.6.4 FINAL SUBMITTAL EXPIRATION

The Final Submittal will be considered valid for twelve months from the date of review. The Final Submittal will be considered expired if a subsequent submittal is not made within that time period. The Owner will be required to restart the Design Review process and submit a new Design Review Fee. The DRC, at its sole discretion, may determine if there is a reasonable basis for accepting any elements of the expired Preliminary Submittal materials, and waive portions of or a new submittal in its entirety. Further, the DRC, at its sole discretion, may waive a portion of or a new Design Review Fee in its entirety.

6.7 RESUBMITTAL OF PLANS

In the event that final submittals are not approved by the DRC, the Owner will follow the same procedures for a resubmission as for original submittals. An additional design review fee must accompany each resubmission as required by the DRC.

6.8 EXTERIOR COLORS & MATERIALS/MOCK-UP WALL

All exterior colors and materials are required to be reviewed and approved by the DRC. The Applicant shall submit a Materials List and provide a mock-up wall display within 60 days from the start of construction. All materials shall be placed on the required Mock-Up Wall display for review and approval by the DRC.

If the Exterior Colors and Materials Submittal has not been received by the DRC within 60 days of start of construction, the DRC and the Association have the right, without the obligation, to suspend all construction activity until a complete exterior colors and materials list is received.

6.9 CITY OF SCOTTSDALE APPROVALS AND OTHER AGENCIES

The Owner shall apply for all applicable building permits from the City of Scottsdale Planning and Building Department and any other agencies. Any adjustments to DRC-approved plans required by City review must be resubmitted to the DRC for review and approval prior to commencing construction. The issuance of any approvals by the DRC implies no corresponding compliance with the legally required demands of other agencies.

6.10 SUBSEQUENT CHANGES

Subsequent construction, landscaping or other changes in the intended Improvements that differ from approved final design documents **must** be submitted in writing to the DRC for review and approval prior to making changes.

6.11 WORK IN PROGRESS OBSERVATIONS

During construction, the DRC will check construction to ensure compliance with approved final design documents. These observations are specified in Sections 6.14 of this document. If changes or alterations have been found that have not been approved, the DRC will issue a Notice to Comply.

6.12 NOTICE TO COMPLY

When as a result of a construction observation the DRC finds changes and/or alterations that have not been approved, the DRC will issue a Notice to Comply within ten working days of the

observation. The DRC will describe the specific instances of non-compliance and will require the Owner to comply or resolve the discrepancies.

6.13 NOTICE OF COMPLETION

The Owner will notify the DRC with a Notice of Completion a copy of the Certificate of Occupancy of any Improvement(s) given final design approval by the DRC have been completed. The DRC will make a final inspection of the property during the next scheduled design review meeting. The DRC will issue in writing a Notice of Completion within five working days of observation. If it is found that the work was not done in compliance with the approved final design documents, the DRC will issue a Notice to Comply within five working days of observation.

6.14 RIGHT OF WAIVER

The DRC recognizes that each Parcel has its own characteristics and that each Owner has their own individual needs and desires. For this reason, the DRC has the authority to approve deviations from any of the Design Guidelines or Regulations contained within this document. It should be understood, however, that any request to deviate from these Design Guidelines will be evaluated at the sole discretion of the DRC, and that the approval of deviations will be limited to only the most creative design solutions to unique situations. Prior to the DRC approving any deviation from a Design Guideline, it must be demonstrated that the proposal is consistent with the overall objectives of these Design Guidelines and that the deviation will not adversely affect adjoining Parcels or the Community of Mirabel as a whole.

The DRC also reserves the right to waive any of the procedural steps outlined in this Design Guideline document provided that the Owner demonstrates there is good cause.

6.15 EXCEPTIONS

The DRC reserves the right to grant exceptions for unusual circumstances or hardships in its sole discretion. The granting of any exception shall not be a precedent for granting a similar exception in the future.

6.16 NON-LIABILITY

Neither the DRC nor any member, employee or agent will be liable to any party for any action, or failure to act with respect to any matter if such action or failure to act was in good faith and without malice.

6.17 DESIGN REVIEW SCHEDULE

The DRC will make every reasonable effort to comply with the time schedule for design review. However, the DRC will not be liable for delays that are caused by circumstances beyond their control. The DRC will provide Design Review according to the following schedule:

1. Conceptual Review - Application and all documents are due a minimum of 10 working days prior to the next scheduled meeting.
2. Preliminary Design Review
 - Application and all documents are due a minimum of 10 working days prior to the next scheduled meeting.
 - Written comments from DRC meeting provided to Owner within thirty working days.
 - A second review meeting may be necessary to review corrected and/or new materials. All documents are due a minimum of 10 working days prior to the next scheduled meeting.
3. Final Design Review
 - Application documents to be submitted 10 working days prior to the next scheduled DRC meeting, and within one year of preliminary design approval.
 - Written comments from DRC meeting and/or written notice of final design approval will be provided to Owner.
 - A second review meeting may be necessary to review refinements, revisions and/or new materials. These materials are due a minimum of 10 working days prior to the next scheduled meeting.

4. Building Permits

The Owner or their representative is responsible for applying to the City of Scottsdale for all applicable building and use permits. A copy of the permits shall be submitted to the DRC before the start of construction.

5. Construction Observations

- Site observation with the Builder prior to any site disturbance.
- Framing observation within ten working days of receipt of written request.

- Final observation within seven working days of receipt of written request or the next scheduled DRC Meeting. The Certificate of Occupancy from the City of Scottsdale must be provided with the written request for the Final Observation.
- Notice of Completion issued within 15 working days of observation.

6.18 APPLICATION FEES

In order to defray the expense of reviewing plans, monitoring construction and related data, and to compensate consulting Architects, Landscape Architects and other professionals, the Board has established a Mirabel Design Review Fee Schedule.

Fees for resubmission shall be established by the DRC on a case-by-case basis. All Fees are subject to revision as determined by the Board.

6.19 APPLICATION FORMAT

An application and information package are available from the DRC's office for each submission. Each submission must be accompanied by the required information, as specified in the application package instructions and these Guidelines, in order to be scheduled for review. The Owner and/or design Consultants may attend the DRC meetings to explain a submission or be available to respond to questions.

CHAPTER 7 – CONSTRUCTION AND BUILDER REGULATIONS

7.1 PRE-CONSTRUCTION CONFERENCE

Prior to commencing construction, the Builder must meet with an authorized representative of the DRC to review the approved Final Plans, the Construction Area Plan, the Construction Regulations and to coordinate scheduling and construction activities with the DRC. At this meeting, the Owner or their representative (Builder) must bring a copy of the Building Permit issued and any related use permit from the City of Scottsdale Building Department. In addition, the Owner or their representative must provide a Certificate of Liability insurance naming Mirabel Community Association, Inc. as additionally insured at this meeting or before the start of construction.

7.2 CONSTRUCTION AREA

Prior to the commencement of any Construction Activity the Builder will provide the DRC, for its approval, with a detailed plan of the proposed construction area showing the area in which all Construction Activities will be confined, and how the remaining portions of the Homesite will be protected.

This Construction Area Plan will designate the location and size of the construction material storage, parking areas and the locations of the chemical toilet, temporary trailer/structure, dumpster, debris storage, construction trailer (if approved by the DRC) firefighting equipment, utility trenching, limits of excavation and erosion control.

The Plan should identify the area to be fenced with cyclone fencing or similar methods for the protection of NAOS and Jurisdictional Wash areas, and for screening and wind amelioration. Fencing may not encroach into NAOS, other than for a driveway, or Jurisdictional Wash areas. One entrance into the fenced enclosure shall be located at the driveway entry.

Care must be taken to avoid, or if unavoidable, minimize the visual impact of the Construction Area on neighboring Lots, Public Areas and roads.

7.3 CONSTRUCTION SECURITY DEPOSIT

Pursuant to Section 12.9 of the Declaration, the Mirabel Design Review Committee (DRC) may require security deposits to ensure compliance with the Design Review Guidelines. After the DRC approves the Owner's plans and prior to commencing Construction Activity, a Construction Security Deposit in the amount of \$25,000 shall be delivered to the Association. This deposit serves as security for the timely completion of the project as approved by the DRC and in conformity with the Design Review Guidelines. The Association may use, apply, or retain any part of the Construction Security Deposit to defray expenses for damage to Association property that occur in connection with Construction Activity. The Construction Security

Deposit may also be used for payment of any outstanding fines for violation of the Guidelines or Construction Rules in connection with the Construction Activity. In this event, the Owner of the Homesite shall reimburse that portion of the Construction Security Deposit expended so that the Construction Security Deposit is restored to its original amount. All Construction Activity shall be halted until the Owner has complied with this requirement.

The Owner or other party who delivers the Construction Security Deposit shall have no right to demand the Construction Security Deposit and the Association shall have no obligation to pay over the Construction Security Deposit until 30 days after the issuance of a Notice of Completion from the Association. At that point, the Owner or other party who delivers the Construction Security Deposit shall be entitled to receive the current amount of the Construction Security Deposit without any interest thereon.

In the event discrepancies with construction are noted at any time during construction and/or during the Final Walk-through, the Owner will be allotted a maximum of 90 days to rectify all discrepancies. Should the Owner fail to correct all discrepancies at the second inspection or Final Walk-through, the Owner will be charged a fee for every subsequent inspection or Final Walk-through that becomes necessary.

If the Owner fails to rectify the discrepancies within the allotted 90-day time period referenced above, or if all Construction Activity is not completed within 24 months of being commenced or Construction Activity ceases for a period of six (6) months, whichever occurs first, then the Construction Security Deposit will be forfeited, and a Notice of Non-Compliance will be recorded against the property. If the Owner conveys ownership of the Homesite to a new Owner prior to obtaining a Notice of Completion from the Association, then the new Owner must deliver a new Construction Security Deposit to the Association and the existing Construction Security Deposit will be returned to the original Owner or other party who paid it to the Association, assuming that no forfeiture of the existing Construction Security Deposit has taken place.

7.4 ACCESS TO CONSTRUCTION AREA

Mirabel requires all Builders to comply with the following:

1. Restrict access to the Construction Area only through the Mirabel construction gate or other approved method
2. Identify all vehicles entering Mirabel with the Builder's name and job site.
3. Enforce hours of access, speed limit and route of travel on the Mirabel road system as specified by the DRC.
4. Limit access to the Construction Area only on designated routes as specified by the DRC.

5. Consolidate all deliveries of materials and equipment to the extent feasible.

7.5 VEHICLES AND PARKING AREAS

Only vehicles, equipment and machinery that are essential to any Construction Activity may park within the Construction Area or such other specific area designated by the DRC so as to minimize potential damage to existing vegetation or landscape.

7.6 STORAGE OF MATERIALS AND EQUIPMENT

All construction materials, equipment and vehicles will be stored within the fenced boundary of the DRC-approved Construction Area. Equipment and machinery will be stored on-site only while needed.

7.7 CONSTRUCTION ACTIVITY TIMES

The time of construction will be limited to the period from 6:00 a.m. until 6:00 p.m. Monday through Saturday from April 1 through October 31. From November 1 through March 31 construction will be limited to the period from 7:00 a.m. until 5:00 p.m. Monday through Saturday.

No construction operations may occur on Sundays, New Year's Day, Memorial Day, July 4th, Labor Day, Thanksgiving Day, and Christmas Day. Quiet activities that do not involve heavy equipment or machinery may occur at other times subject to the review and approval of the DRC or their representative. No personnel are to remain at the construction site after working hours.

7.8 CONSTRUCTION TRAILERS AND/OR TEMPORARY STRUCTURES

Any Owner or Builder who desires to bring a construction trailer or the like to Mirabel must obtain written approval from the DRC. The DRC will work closely with the Owner and/or Builder to site the trailer in the best possible location to minimize impacts to the site and to adjacent Parcel Owners. All such facilities will be removed from the Lot prior to issuance of a Certificate of Occupancy. It is encouraged that construction trailers be painted colors that will not stand out in the landscape.

Temporary living quarters for the Owner, Builder or their employees on the Lot will not be permitted.

7.9 SANITARY FACILITIES

Sanitary facilities must be provided for construction personnel on-site in a location approved by the DRC. The facility must be screened from view from adjacent Residences and Roads and maintained regularly.

7.10 DEBRIS AND TRASH REMOVAL

Contractors must clean up all trash and debris on the Construction Site at the end of each day. Trash and debris must be removed from each Construction Site at least once a week and transported to an authorized disposal site. Lightweight material, packaging and other items must be covered or weighted down to prevent wind from blowing such materials off the Construction Site. Contractors are prohibited from dumping, burying or burning trash anywhere on the Lot or in Mirabel except in areas, if any, expressly designated by the DRC. During the construction period, each Construction Site must be kept neat and tidy to prevent it from becoming a public eyesore or affecting adjacent Lots. Dirt, mud or debris resulting from activity on each Construction Site must be promptly removed from roads, open spaces and driveways or other portions of Mirabel.

Any clean-up costs incurred by the DRC or the Association in enforcing these requirements will be billed to the Owner and/or Builder. Any costs incurred by the Association must be paid in full within 5 business days. The Association may halt construction activity at the Site until the Association has been paid in full.

7.11 HAZARDOUS WASTE MANAGEMENT

In order to be able to respond and monitor hazardous material use and/or spills, the contractor shall comply with the following criteria listed below:

- The contractor shall notify the Association immediately in case of a hazardous waste material spill. The contractor shall provide the Association with the details of the material(s) that were spilled.
- The contractor shall provide a contact person and telephone number for a company experienced in emergency response for vacuuming and containing spills for oil or other petroleum products.
- Absorbent sheets will be used for spill prevention and clean up. Several boxes should be located at fuel trucks, storage areas and in maintenance vehicles. Inventories must be maintained as necessary.
- A reportable spill is defined as a spill of one or more gallons and a significant spill is defined as more than ten gallons.
- The contractor shall maintain a list of product names and a Materials Safety Data Sheet (MSDS) for all hazardous material products used or located on site.
- Before a hazardous material is stored, the contractor shall check to ensure that:
 - The material is stored in an approved container;

- The container is tightly closed;
- The container has the proper warning label;
- The container is inspected for leaks.

7.12 EXCAVATION, GRADING, AND NAOS AND JURISDICTIONAL WASH AREA PROTECTION

During construction, erosion must be minimized on exposed cut and/or fill slopes through proper soil stabilization, water control and revegetation. Grading operations may be suspended by DRC during periods of heavy rains or high winds.

Contractors must take extreme care during excavation to assure that NAOS and Jurisdictional Wash areas are not damaged. All NAOS areas and Jurisdictional Wash areas must be properly fenced and flagged before the commencement of any grading operations. No compaction and/or disturbance may occur within 5 feet of any NAOS or Jurisdictional Wash area. Blowing dust resulting from grading and construction operations must be controlled by watering.

All topsoil disturbed by grading operations must be stockpiled and covered to minimize blowing dust within the Construction Area and reused as part of the site restoration/landscaping plans.

7.13 BLASTING

Any plans to blast shall be brought to the attention of and approved by the DRC before commencement. Proper safety and protective actions shall be used. The blasting contractor shall be liable for all blasting damage to any pre-existing structure as required by law. All applicable OSHA regulations and guidelines must be strictly observed at all times.

The contractor must present a report by a qualified expert that outlines the following:

- The specific scope of work proposed.
- The methods, techniques, and safeguards that must be employed.
- A certification identifying any damage to any pre-existing structure within the Mirabel community.

The DRC shall not have and will not assume any responsibility or liability for any damage caused by any blasting and/or impact digging performed by or on behalf of an owner or contractor.

7.14 FOUNDATIONS

The owner is encouraged to seek the assistance of a licensed Soil Engineer to examine and test soil conditions on his Lot prior to undertaking any design or construction. The Association, Board or DRC makes no representations or warranties, expressed or implied, as to the soil conditions.

The Owner and the Owner's Architect, Engineer and Contractor shall give due consideration to the design of the foundation systems of all structures.

It is the Owner's responsibility to conduct an independent soils engineering investigation to determine the suitability and feasibility of any Lot for construction of the intended Improvement.

7.15 LOT SURVEY

Prior to commencement of design, it is the responsibility of the buyer to obtain a survey by a Surveyor licensed in the State of Arizona to confirm existing grades, tops and toes of slopes and any other features or Lot attributes that would affect the design of any Lot Improvement.

7.16 CONSTRUCTION SCHEDULE

All Improvements commenced on a Lot shall be completed within 24 months after commencement according to approved final design review plans unless an exception is granted in writing by the DRC. If an Improvement is commenced and construction is then abandoned for more than 90 days, or if construction is not completed within the required 24 month period, the Association may impose a fine of not less than \$100.00 per day (or such other reasonable amount as the Association may set) to be charged against the Owner of the Lot until construction is resumed, or the Improvement is completed, as applicable, unless the Owner can prove to the satisfaction of the Board that such abandonment is for circumstances beyond the Owner's control.

7.17 DAMAGE, REPAIR AND RESTORATION

Damage and scarring to other property, including open space, adjacent Parcels, roads, driveways and/or other Improvements will not be permitted. If any such damage occurs, it must be repaired and/or restored promptly to its original condition at the expense of the person causing the damage or the Owner of the Parcel.

If the Contractor crosses into protected areas, such as Natural Area Open Space or Jurisdictional Washes, or other areas outside the limits of clearing, the Contractor shall:

1. To the Owner's satisfaction, revegetate the area disturbed immediately and maintain said vegetation until established; and,
2. Pay any fines imposed by the City of Scottsdale or other governmental agencies, including but not limited to the Arizona Department of Environmental Quality or the US Army Corps of Engineers, as a result of said violation.

Upon completion of construction, each Owner and Builder will be responsible for cleaning up the Construction Site and for the repair of all property that was damaged, including but not limited to restoring grades, planting shrubs and trees as approved or required by the DRC, and repair of streets, driveways, pathways, drains, culverts, ditches, signs, lighting and fencing. Any property repair costs as mentioned above, incurred by the DRC or the Association, will be taken out of the Compliance Deposit or billed to the Owner.

7.18 CONSTRUCTION OBSERVATIONS

In addition to the building inspections required by the City of Scottsdale, the following construction observations must be scheduled with the DRC:

1. Site Observation – This observation includes review of staking of the Construction Area including all corners of proposed buildings, driveways and extent of grading. In addition, flagging of all areas to be protected will be reviewed (including NAOS and Jurisdictional Wash areas). In addition, an on-site mock-up for color and materials shall be constructed for approval by the DRC. A full-scale mock-up (minimum 4 foot by 6 foot) shall be constructed which accurately conveys all proposed exterior materials, colors, and detailing, including window, corner and trim details and/or details of areas where one material changes to another. This observation must be approved by the DRC prior to the framing observation.
2. Framing Observation – This observation must be done prior to enclosure of exterior walls and roof.
3. Final Observation – This observation shall be completed subsequent to the Certificate of Occupancy that issued by the City of Scottsdale and may be scheduled when all Improvements, including all structures, landscaping and grading, have been completed. A copy of the Certificate of Occupancy shall be provided to the DRC.

7.19 CONSTRUCTION SIGNS

Temporary construction signage will be limited to one sign per Homesite. The sign shall not exceed six square feet of total area and shall be located within ten feet of the Construction Site entrance. Refer to Figure 7.1 for approved construction signs. All construction signs must be reviewed and approved by the DRC prior to installation. Layout for the sign must be submitted to the DRC ten working days prior to a regularly scheduled meeting. Alternatively, the DRC may require the contractor to construct a standardized construction sign. The contractor should contact the DRC prior to sign fabrication to confirm the required sign type.

No signs with the intended use of selling or describing the property are permitted. Refer to Section 13.3 of the CC&R's.

7.20 NO PETS

Construction personnel are prohibited from bringing pets, particularly dogs, into Mirabel.

7.21 SECURITY

Security precautions at the Construction Site may include temporary fencing approved by the DRC. Security lights, audible alarms and guard animals will not be permitted.

7.22 NOISE

Builder will make every effort to keep noise to a minimum. Radios will not be allowed in order to minimize disturbance to neighbors and wildlife.

7.23 NO SMOKING

Smoking is only allowed in enclosed vehicles. Fines of up to \$1,000 will be taken out of the Compliance Deposit or billed to the Owner in the event that smoking occurs out of vehicles on a construction site. Warning signs such as “No Smoking or Open Flame Allowed” must be posted at Construction Site.

7.24 NO FIREARMS

No firearms are allowed in Mirabel construction areas.

7.25 SPEEDING AND OTHER RULES OF THE COMMUNITY

All vendors, contractors and personnel shall follow the rules of the community, including the Speed Limit 25 MPH and the Speed Limit Policy.

APPENDIX A: DEFINITIONS

Unless the context otherwise specifies or requires, the following words or phrases when used in these Design Guidelines shall have the following meanings:

Accessory Structure

Any structure detached from the main Residence a minimum of ten feet.

Architect

A person licensed to practice architecture or landscape architecture in the State of Arizona.

Association

The Mirabel Community Association, Inc., an Arizona non-profit corporation, the members of which shall be the Owners of Parcels within Mirabel, their successors and assigns.

Board

The term “Board” shall mean the Board of Directors of the Association, its governing body.

Builder

A person or entity engaged by an Owner for the purpose of constructing any Improvement within Mirabel. The Builder and Owner may be the same person or entity.

Construction Security Deposit

The deposit that is required to be delivered to the DRC prior to commencing a Construction Activity.

Building Coverage

The total area of a Lot covered by building(s). Measured from outside of all exterior walls at ground level, it includes all exterior stairways, covered parking and outdoor rooms. It does not include roof overhangs, uncovered walkways, terrace or pool areas, and above-grade decks.

Building Envelope

That portion of any Parcel, designated as a Homesite (or Building Envelope) on the Homesite Diagram, and within which the construction of buildings, accessory and appurtenant structures and/or all Improvements are located.

Building Height

Building Height shall be determined by measuring the height of the building from the suggested finished floor elevation as stated on the Lot Diagram.

Common Areas

All real property (and the Improvements or amenities thereon) that may from time to time be owned or leased by the Association or otherwise held by the Association for the common use

and enjoyment of the Owners. The Common Areas include, but are not limited to, any Private Roads. The Common Areas do not include the Golf Club Facilities.

Construction Activity

Any site disturbance, construction, addition or alteration of any building, landscaping or any other Improvement on any Construction Site.

Construction Site

A site upon which Construction Activity takes place.

Construction Vehicle

Any car, truck, tractor, trailer or other vehicle used to perform any part of a Construction Activity or to transport equipment, supplies or workers to a Construction Site.

Design Guidelines and Regulations

The architectural, design and construction regulations, restrictions and review procedures adopted and enforced by the DRC as set forth in this document and as amended from time to time by the DRC.

Design Review Committee (DRC)

The DRC appointed by the Board as provided in the CC&R's to review and either approve or disapprove proposals and/or plans and specifications for the construction, exterior additions, landscaping, or changes and alterations within Mirabel.

Excavation

Any disturbance of the surface of the land (except to the extent reasonably necessary for planting of approved vegetation), including any trenching that results in the removal of earth, rock or other substance from a depth of more than 12 inches below the natural surface of the land or any grading of the surface.

Fill

Any addition of earth, rock or other materials to the surface of the land, which increases the natural elevation of such surface.

Final Map

The recorded final Subdivision map or Parcel map for any portion of Mirabel.

Floor Area

The sum of all horizontal floor areas of a building measured from the outside of all exterior walls.

Homesite Diagram

The term Homesite Diagram shall refer to the individual site plans for each Parcel provided to the Owner by the DRC at the commencement of the Design Review Process. Each Homesite Diagram specifies setbacks, Building Height and any special restrictions pertinent to the Parcel's

development as recorded with the City of Scottsdale, together with any additional factors that the DRC may consider to be pertinent.

Homeowner

See definition for Owner.

Improvement

See Definition contained in the CC & R's.

Lot

The term "Lot" means that parcel of land, described in the purchaser's purchaser contract, and illustrated by the Homesite Diagram, on which the purchaser intends to construct Improvements.

Maximum Floor Area

The Maximum Floor Area to be built on a Lot with Floor Area defined above.

Minimum Floor Area

Minimum Floor Area shall be 2,500 square feet (floor area is defined as in Floor Area, above).

Natural Area

The Natural Area is that portion of the Lot that lies outside the Building Envelope and must remain a natural desert in accordance with these Guidelines.

Outdoor Room

An outdoor, covered living or lounge area attached to the Residence or guest unit that is open on a minimum of two sides. The open sides of Outdoor Rooms are not enclosed with screens or sliding doors of any kind.

Owner

See definition contained in the CC & R's.

Parcel

The term "Parcel" shall be those parcels of land, together with any appurtenances, pursuant to the City of Scottsdale subdivision approval for the Mirabel Property.

Protected Plant

Cacti which are three feet or greater in height and trees which are four inches or greater in caliper of certain species as listed in the City of Scottsdale's Native Plant Ordinance.

Residence

The building or buildings, including any garage, or other accessory building, used for residential purposes constructed on a Parcel, and any Improvements constructed in connection therewith.

Story

That portion of any building (including garage) included between the surface of any floor and the surface of the floor above it, or if there is no floor above, then the space between the floor and the ceiling next above it. Any portion of a Story exceeding 18 feet in height shall be considered as an additional Story for each 18 feet or fraction thereof. If the finished floor level directly above a basement or cellar is more than six feet above grade, such basement or cellar shall be considered a Story.

Transition Area

The Transition Area is that portion of the Building Envelope which is visible from the golf course or other Common Areas, streets and neighboring Homesites and is adjacent to the Natural Area.

Visual Building Mass

The mass shall have a minimum depth and width of at least twenty (20) feet, be a minimum of five hundred (500) square feet in area and be offset by at least two (2) feet horizontally and two (2) feet vertically.

APPENDIX B: APPROVED PLANT LIST

Botanical Name	Common Name	Private Area	Transition Area	Natural Area/NAOS/Revegetation Area
Trees				
Acacia abyssinica	Abyssinian Acacia	X		
*Acacia constricta	Whitethorn Acacia	X	X	
Acacia farnesiana	Sweet Acacia	X		
*Acacia greggii	Catclaw Acacia	X	X	X
Caesalpinia cascalote	Cascalote	X	X	
*Canotia holocantha	Crucifixion Thorn	X	X	X
*Celtis pallida	Desert Hackberry	X	X	X
Celtis reticulata	NetLeaf Hackberry	X		
*Cercidium floridum	Blue Palo Verde	X	X	X
Ceridium hybrid	Sonoran Emerald	X		
*Cercidium microphyllum	Foothills Palo Verde	X	X	X
Ceridium praclox	Palo Brea	X	X	
*Chilopsis linearis	Desert Willow, Desert Catalpa	X	X	
*Juniperus monosperma	One-Seed Juniper	X		
*Olneya tesota	Ironwood	X		
*Pithecollobium flexicaule	Texas Ebony	X		
Prosopis alba	Argentine Mesquite, White Mesquite	X		
Prosopis glandulosa	Honey Mesquite	X		
Prosopis pubescens	Screwbean Mesquite	X		
*Prosopis velutina (juliflora)	Velvet Mesquite	X	X	X
Quercus turbinella	Scrub Oak	X	X	X
Vitex angus-castus	Chaste Tree	X	X	

Botanical Name	Common Name	Private Area	Transition Area	Natural Area/NAOS Revegetation Area
Shrubs				
Acacia angustissima	Fern Acacia	X		
Acacia craspedocarpa	Leather Leaf Acacia	X		
Acacia gregii	Catclaw Acacia	X	X	X
Agave species	Parryi Tomeyi	X		
Aloysia wrightii	Highmass	X		
Ambrosia ambrosioides	Giant Bursage	X		
Ambrosia deltoidea	Triangle Leaf Bursage	X	X	X
Ambrosia dumosa	White Bursage	X		
Anisacanthus thurberi	Desert Honeysuckle	X	X	
Asclepias subulata	Desert Milkweed	X		
Asclepias tuberosa	Butterfly Weed	X		
*Berberis haematocarpa	Red Barberry	X	X	
Bougainvillea species		X		
Buddleia davidii	Summer Lilac	X		
Buddleia marrubifolia	Woolly Butterfly Bush	X		
Bursera fagaroides	Fragrant Bursera	X		
Caesalpinia gilliesii	Yellow Bird of Paradise	X		
Caesalpinia mexicana	Mexican Bird of Paradise	X		
Calliandra eriophylla	Pink Fairy Duster	X	X	X
Calliandra californica	Red Fairy Duster	X		
Callistemon Citronus	Dwarf Bottle Brush	X		
Carissa grandiflora	Boxwood beauty	X		
Cassia arternisioides	Fethery Cassia	X		
Cassia lepcophylla	Gold Medallion Tree	X		
Cassia nemophila	Green Feathery Cassia	X		
Cassia phyllodenia	Silver Cassia	X		
Cassia wislizenii	Shrubby Cassia	X		
Ceanothus greggii	Desert Ceanothus	X		

Botanical Name	Common Name	Private Area	Transition Area	Natural Area/NAOS Revegetation Area
Shrubs (Cont.)				
Cercocarpus montanus	Mountain Mahogany	X		
Cordia parvifolia	Little Leaf Cordia	X		
Cuhea Hyssopifolia	Mexican False Heather	X		
Dalea bicolor	Indigo Bush	X		
Dalea formosa	Feather Dalea	X		
Dalea greggii	Greg Dalea	X		
Dalea pulchra	Smokebush	X		
Dalea wislizenii	Vislizenus Dalea	X		
Dodonaea viscosa	Hopbush	X	X	
Duranta Erectarepens	Sky Flower	X	X	
Dyssodia pentachaeta	Dogweed	X		
Encelia farinosa	Brittlebush	X	X	X
Ephedra species	Mormon Tea	X	X	X
Ericameria laricifolia	Turpentine Bush	X	X	X
Eriogonum fasciculatum	Flattop Buckwheat	X	X	
Eriogonum wrightii	Wright's Buckwheat	X		
Euonymous	Dwarf Burning Bush	X		
Euphorbia Rigida	Gopher Plant	X		
Europs Pectinatus	Eueops Daisy	X	X	
Fallugia paradoxa	Apache Plume	X		
Gardenia jasminoides	Gardenia	X		
Hesperaloe funifera	Coahuilan Hesperaloe	X		
Hesperaloe parviflora	Red Yucca	X	X	
Holocantha emoryi	Crucifixion Thorn	X		
Hyptis emoryi	Desert Lavender	X	X	
Hylotelephium spectabile	Ice Plants	X		
Jatropha cardiophylla	Limber Bush	X		
Jatropha Multifida	Coral Plant	X		

Botanical Name	Common Name	Private Area	Transition Area	Natural Area/NAOS Revegetation Area
Shrubs (Cont.)				
Justicia californica	Chuparosa	X	X	X
Justicia candicans	Firecracker Bush	X		
Justicia ghiesbreghtiana	Desert Honeysuckle	X		
Justicia spicigera	Mexican Honeysuckle	X		
Krameria grayi	White Ratany	X		
Larrea tridentata	Creosote Bush	X	X	X
Leucaena retusa	Gold Lead Ball Tree	X		
Leucophyllum frutescens	Texas Sage, Texas Ranger	X		
Leucophyllum laevigatum	Chihuahuan Sage	X		
Leucophyllum species		X		
Ligustrum Japonicum	Japenese Privet	X		
Liriopr Muscari	Lily Turf	X		
Lotus rigidus	Deer Vetch	X	X	X
Lycium brevipes	Thornbush	X		
Lycium fremontii	Wolfberry, Tomatillo	X		
Mimosa biuncifera	Catclaw	X		
Mimosa dysocarpa	Velvet Pod Mimosa	X		
Mimulus cardinalis	Monkey Flower	X		
Nolina bigelovii	Bigelow Nolina	X		
Nolina microcarpa	Bear Grass	X		
<u>Nyctaginaceae</u>	Bougainvillea Species	X		
Pittosporum undulatum	Pittosporum	X		
Plumbagoi auriculata	Blue plumbago	X		
Rhamnus californica	Coffeeberry	X		
Rhamnus crocea	Redberry Buckthorn	X		
Rosmarinus Officinalis	Rosemary Plant	X		
Ruellia peninsularis	Ruellia	X		

Botanical Name	Common Name	Private Area	Transition Area	Natural Area/NAOS Revegetation Area
Shrubs (Cont.)				
Salvia chamaedryoides	Blue Sage	X		
Salvia greggii	Autumn Sage	X		
Salvia species		X		
Senecio douglasii	Thread Leaf Groundsel	X		
Senecio salignus	Willow Leaf Groundsel	X		
Senna covesii	Desert Senna	X		
Setcreasea Pillada	Purple Heart	X		
Simmondsia chinensis	Joboba	X	X	X
Sophora arizonica	Arizona Sophora	X		
Sophora secundiflora	Texas Mountain Laurel	X		
Tecoma stans	Arizona Yellow Bells	X		
Trixis californica	Trixis	X	X	
Vauquelinia californica	Arizona Rosewood	X		
Viguiera deltoidea	Golden Eye	X	X	
Zinnia grandiflora	Prairie Zinnia	X		
Zizyphus obtusifolia	Greythorn	X	X	

Vines	Common Name	Private Area	Transition Area	Natural Area/NAOS/Revegetation Area
Antigonon leptopus	Coral Vine	X		
Cissus trifoliata	Arizona Grape Ivy	X		
Clematis drummondii	Old Man's Beard	X		
icus Pumila	Creeping Fig	X		
Gelsemium Semperviens	Carolina Jasmine	X		
Jasminum Multiflorum	Star Jasmine	X		
Mascagnia lilacina	Lilac Orchid Vine	X		
Pandorea Jaminoides	Bower Vine	X		
Passiflora Incarnata	Passion Vines	X		
Pyrocanthia	Pyrocanthia	X		
Rose Banksiae	Lady Bank Rose	X		
Tabebuia Impetiginosa	Pink Trumpet	X		
Tecomaria	Cape Honey Suckle	X		

Botanical Name	Common Name	Private Area	Transition Area	Natural Area/NAOS Revegetation Area
Grounds Covers				
Acacia redolens 'prostrata'	Trailing Acacia	X	X	
Dalea greggii	Trailing Indigo Bush	X	X	
Verbena peruviana	Peruvian Verbena	X	X	
Verbena pulchella		X	X	
<u>Verbenaceae</u>	Lantana	X	X	

Botanical Name	Common Name	Private Area	Transition Area	Natural Area/NAOS Revegetation Area
Annuals		X		
atura meteloides	Sacred Datura	X		
Erigeron species	Fleabane Daisy	X		
Eschscholtzia mexicana	Mexican Poppy	X		
Gilia flavocincta	Gilia	X		
Kallstroemia gradiflora	Arizona Poppy	X		
Lupinus arizonicus	Lupine	X		
Lupinus sparsiflorus	Lupine	X		
Lupinus densiflorus	Lupine	X		
Mentzelia species	Stickleaf, Blazing Star	X		
Oenothera species	Evening Primrose	X		
Phacelia cranulata	Scorpionweed	X		
Rafinesquia species	Desert Chicory	X		
Salvia columbariae	Chia	X	X	X

Botanical Name	Common Name	Private Area	Transition Area	Natural Area/NAOS Revegetation Area
Succulents and Cacti				
Agave species	Century Plants	X		
Aloe species		X		
Cacti species				
*Carengiea gigantea	Saguaro	X	X	X
Cereus greggi	Night-Blooming Cereus	X		
Cereus peruvianus	Peruvian Apple	X		
Cycas Revoluta	Sago Palm	X		
Dasyilirion wheeleri	Desert Spoon	X	X	
Echinocactus grusonii	Golden Barrel Cactus	X	X	
Echinocereus engelmannii	Hedgehog Cactus	X	X	X
*Ferocactus acanthodes	Compass Barrel	X	X	X
Ferocactus wislizenii	Fishhook Barrel	X	X	X
Fouquieria splendens	Ocotillo	X	X	X
Hesperaloe parviflora	Coral Yucca	X		
Mammillaria microcarpa	Fishhook Pincushion	X	X	X
Opuntia acanthocarpa	Buckhorn Cholla	X	X	X
Opuntia basilaris	Beavertail Prickly Pear	X	X	
Opuntia bigelovii	Teddy Bear Cholla	X	X	X
Opuntia chlorotica	Pancake Prickly Pear	X	X	
Opuntia engelmannii	Englemann's Prickly Pear	X	X	X
Opuntia fulgida	Chain Fruit Cholla	X	X	X
Opuntia leptocaulis	Desert Christmas Cholla	X	X	X
Opuntia violacea	Purple Prickly Pear	X	X	
Phoenix Robelenii	Pygmy Date Palm	X		
Yucca aloifolia	Spanish Bayonet	X	X	
Yucca baccata	Banana Yucca	X	X	X
Yucca brevifolia	Joshua Tree	X	X	
Yucca carnerosana	Giant Spanish Dagger	X	X	

Botanical Name	Common Name	Private Area	Transition Area	Natural Area/NAOS Revegetation Area
Succulents and Cacti (Cont.)				
*Yucca elata	Soaptree Yucca	X	X	X
Yucca Gloriosa	Spanish Dagger	X	X	
Yucca recurvifolia	Pendulous Yucca	X	X	
Yucca Rigida	Blue Yucca	X	X	
Yucca Rostrate	Big Bend Yucca	X	X	
Yucca schottii	Mountain Yucca	X	X	
Yucca thompsoniana	Thompson's Yucca	X	X	

Botanical Name	Common Name	Private Area	Transition Area	Natural Area/NAOS Revegetation Area
Perennials				
Baileya multiradiata	Desert Marigold	X	X	X
Cassia covesii	Desert Senna	X	X	X
Castilleja chromosa	Indian Paintbrush	X		
Delphinium scaposum	Bare-Stemmed Larkspur	X		
Dichelostemma pulchellum	Blue Dick	X		
Dyssodia pentachaeta	Dyssodia	X	X	
Machaeranthera species	Aster	X	X	
Melampodium leucanthum	Blackfoot Daisy	X	X	
Menadora scabra	Menodora	X		
Mirabilis multiflora	Desert Four o'Clock	X		
Muhlenbergia rigens	Deer Grass	X	X	
Oenothera	Evening Primrose	X	X	
Penstemon eatoni	Beard Tongue	X		
Penstemon parryi	Parry's Penstemon	X	X	
Penstemon species		X	X	
Penstemon superbus	Beard Tongue	X	X	
Phlox tenuifolia	Phlox	X		
Psilostrophe cooperi	Paperflower	X	X	X
Salvia farinacea	Mealycup Sage	X		
Senecio douglasii	Groundsel	X		
Sphaeralcea ambigua	Globemallow	X	X	X
Tagetes lemmoni	Mt. Lemmon Marigold	X		
Verbena (Glandularia)	Verbena	X	X	
Verbena gooddingii	Goodding's Verbena	X	X	
Verbena rigida	Verbena	X	X	

APPENDIX C: PROHIBITED PLANT LIST

The following plants are prohibited within Mirabel. Prohibited species in general may reach heights of over 20' at full maturity, are invasive, weedy and may produce noxious pollens:

- *Buccharis sarothroides*
- *Chamaecyparis* sp.
- *Citrus* sp.
- *Cupressus* sp.
- *Cynodon dactylon*
- *Olea europaea*
- *Nerium oleander*
- *Palmae* sp.
- *Parkinsonia aculeata*
- *Pennisetum setaceum*
- *Pinus* sp.
- *Thevetia* sp.

APPENDIX D: GOVERNING REGULATIONS

All proposed Improvements shall comply with the following regulations:

- This Guideline document.
- The Declaration of Covenants, Conditions and Restrictions for Mirabel.
- All applicable City of Scottsdale Ordinances, Regulations and Codes, including but not limited to:
 - The Environmentally Sensitive Land Ordinance (ESLO);
 - Native Plant Ordinance; and
 - Applicable Natural Area Open Space (NAOS) Guidelines and Requirements.
- All applicable Local, State and Federal Codes and Regulations.

APPENDIX E: LOT SURVEY REQUIREMENTS

The following information shall be included in all surveys of individual Homesites at Mirabel. These standards will allow for easier review and coordination of the designs within the entire project.

All drawings should be drawn in AutoCAD R14 or 2000 with the coordinate system and vertical datum conforming to the project engineer's coordinate system, which will be provided at the request of the surveyor. All AutoCAD entities (line types, colors, etc.) to be 'by layer'. All line type scales set at 1. Survey drawn at 1/1 formatted in architectural units. The survey is to be plotted at 1"=20' for review purposes. X-refs should be placed on individual specific layers (i.e. x-diagram).

The following items should be shown on separate layers: property boundaries; building envelope and transition areas; easements; all utilities including but not limited to the following:

- Electrical
- Potable water
- Gas
- Fiber Optics / Cable TV lines
- Non-potable irrigation water service (if applicable).

Utilities to show, where possible, depth of bury, location and points and sizes of service.

The following site elements are to be shown on the survey:

- Location of existing lakes (if applicable)
- Rock outcrops with spot grades at base and high points
- Existing trees and Saguaros with spot grades at trunk. Type of tree to be shown with trunk diameter and approximate height and spread canopy.
- Existing walls with TW and BW grades, if any.
- Edges of existing pavement
- Wash corridors
- Dedicated NAOS areas

All Homesites are to show grades drawn with polylines in the following manner - 1' contours and 10' contours shown on separate layers with zero width to polylines.

Other information may be required by the permitting authorities, and it is the lot surveyor's responsibility to ensure that the survey meets those requirements.

APPENDIX F: LOT ACCENT AREAS

As noted on their respective Homesite Diagrams, the following lots are identified as being either in a Saguaro Accent Area or a Desert-Grove Accent Area. Please refer to Section 2.15.3 for each area's landscaping requirements.

Saguaro Accent Area

Lots: 1, 9-11, 30-32, 38-39, 57, 87-88, 95-96, 98-99, 145-147, 155-158, 176-180, 244-246, 294, 323-324, 335, 346-347 and 350.

Desert-Grove Accent Area

Lots: 58-64, 69-81, 101-115, 125-127, 137-144, 150, 181-222, 253-275, 278-282, 284-288, 295, 299-301, 306, 311-320 and 326-332

APPENDIX G: FIREWISE