

**NORTH COPPER CANYON
COMMUNITY ASSOCIATION**

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RESIDENTIAL DESIGN GUIDELINES

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I. INTRODUCTION

The Design Guidelines are a tool for Designated Builders and Owners (Applicants) to utilize as a guide for any new construction, changes, additions or modifications made to Lots within North Copper Canyon (“Covered Property”). The Design Guidelines are a requirement of the Declaration of Covenants, Conditions, Restrictions and Easements (“CC&Rs”). Please understand that not all situations may be listed. It is always recommended that if you are unaware or unsure of something to contact the Association’s management representative.

The CC&Rs also require formation of the Design Review Committee (Committee) to ensure a consistent application of the Design Guidelines process and procedures.

These guidelines are not meant to restrict, but rather guide Applicants so that following these guidelines will make living at North Copper Canyon an enjoyable experience.

THESE GUIDELINES MAY BE AMENDED FROM TIME TO TIME BY THE COMMITTEE IF APPROVED BY THE BOARD OF DIRECTORS.

II. DESIGN REVIEW PROCESS

Any new construction, change, addition, or modification to a home site or building exterior of a residential property by an Applicant requires the prior written approval of the Committee. Applicants should contact the Association’s management representative to obtain the necessary submittal documentation. Simply stated, no new construction, front yard landscaping, or remodeling, including changes in exterior color, is to occur on any lot or exterior of any home without the prior approval of the Committee.

Your initial submittal will be returned to you either approved, denied, conditionally approved or with a request for additional information. Applicants may appeal the decisions of the Committee to the Board for consideration; in which case, the decision of the Board shall prevail.

It is the Applicant’s responsibility to ensure that any proposed construction is coordinated with, and where applicable, approved by all counties, local, state and federal government agencies. The Committee and/or the Association assume no responsibility for obtaining these reviews and approvals. Furthermore, the Committee and Association (in reviewing or approving an Applicant’s proposal for improvements) assumes no liability for any impact Applicant’s improvements may have on other parties which may include Association Common Area or neighboring lots. It shall be the exclusive responsibility of the Applicant to take full responsibility for the improvements installed.

Applicants are required to submit plans to, and receive written approval from the Committee (unless specifically stated otherwise) prior to performing or installing: (1) additions, alterations, restorations or modifications to existing Covered Property, (2) exterior painting, (3) front yard landscaping, (4) walls, or (5) any concrete work or any other onsite improvements. It shall be the responsibility of the Applicant to comply with all standards and requirements of these

Guidelines, as well as, all requirements of the CC&Rs or any governmental authority having jurisdiction.

A. Applicants Submittals for Changes and Additions

The Applicant shall submit to the Committee via the management company in accordance with the “Design Review Request Application”. This form may be modified from time to time, so before any Applicant submits for Design Review, please coordinate with the Association’s representative (or Association website at www.northcoppercanyonhoa.com) to obtain the requirements for the submittal. The Design Review requirements may include, but are not limited to application, plot plans, elevations, front yard landscape design, wall design, specifications, options, or color chart.

B. Committee Response to Request

The Committee will review each submittal and will respond in one of the following ways:

- (1) “Approved” - The submitted is approved.
- (2) “Conditionally Approved” - The document submitted is partially approved. An Applicant may proceed with the work to be performed, unless noted otherwise; however, the Applicant must comply with all the Committee’s notations on the submittal. The response will set forth suggestions for bringing disapproved items into conformity with the CC&Rs and these Guidelines. If a building permit is required for the project, a request may be Conditionally Approved until a copy of the permit is submitted to the Committee.
- (3) “Denied” - The entire document submitted is not approved and no work may commence. The response will set forth the reasons for disapproval thereof and, if applicable, suggestions for bringing the document into conformity with the CC&Rs and these Guidelines.
- (4) “Request for Additional Information” - Additional information is required by the Committee to make a decision on a request. The additional items required to be submitted will be outlined in a letter sent back to you.

C. Construction Period

Once started, construction must be pursued diligently to ensure prompt completion thereof. Absent a different deadline for completion of construction (which may be shorter or longer, at the Design Review Committee’s discretion), such construction shall be completed within six (6) months of the date of the Committee’s approval of the application.

D. Effect of Building Permit

If the plans submitted require a building permit, the approval by the Committee shall not be considered an approval by the City of Surprise.

E. Protection of Neighbors

The interest of neighboring properties must be protected by making reasonable provisions for such matters as access, surface water drainage, sound and sight buffers, light and other aspects of design, which may have a substantial effect on neighboring properties.

F. Architectural Compatibility

The proposed construction must be compatible with the architectural characteristics of the property itself, adjoining properties and the neighboring setting. Compatibility is defined as harmony in style, scale, materials, color and construction details.

G. Workmanship

The quality of workmanship in construction must be equal to, or better than, that of the surrounding properties. In addition to being visually objectionable, poor construction practices can cause functional problems and create safety hazards. The Association and the Committee assume no responsibility for the safety or liability of new construction. The review of the plans is for aesthetic purposes only.

III. LANDSCAPE REQUIREMENTS AND GUIDELINES

A. Initial Installation

Front yard landscaping must receive prior written approval of the Committee. Within ninety (90) days of the date of closing from Designated Builder to a 3rd party buyer, front and side yard landscape and irrigation improvements must be complete. Within one-hundred eighty (180) days of closing from Designated Builder to a 3rd party buyer, backyards shall have landscape and irrigation improvements installed.

B. General Design Standards

- (1) Select plants for alternating seasons of display and color.
- (2) Shrubs and ground covers are to be placed in sufficient quantities to compliment trees.
- (3) Plant material placement shall be in conformance with the line of sight and sight visibility triangle requirements referenced in the City of Surprise Planning Design Guidelines.
- (4) Xeriscape design concepts are encouraged.

- (5) There must be a minimum of one 24" box tree and one shrub/groundcover installed and maintained by the homeowner between the street and the sidewalk landscaping area on side/corner lots. This needs to comply with the City of Surprise Planting Guidelines.
- (6) Plant size are to be based on Arizona Nurseryman's Association (ANA) standards.
- (7) If over 50% of the landscaped area of a front yard is turf, one tree may be eliminated and total of seven (7) shrubs will be required. If between 25% and 50% of the landscaped area of a front yard is turf, a total of nine (9) shrubs will be required. If less than 25% of the landscaped area of a front yard is turf, there is no adjustment in planting requirements.

C. Ground Cover

Painted rock, white rock, quartz, and other materials which appear artificial, unnatural, or out of character, will not be approved. Bark or cedar chips should be used only in planter beds. Concrete, brick or other masonry material, not plastic, should be used for edging. Grass or inorganic groundcover consisting of decomposed granite or other rock are to be provided in all landscapable areas. The rock shall be a minimum one-half-inch size.

D. Grading/Retaining Wall

Mounding and berming should not exceed a height of eighteen (18") inches above the natural grade in the front yard. Retaining walls should only be used to accommodate natural grade changes and cannot be used to elevate the ground surface above the finished floor level of the house. Grade changes which redirect runoff onto neighboring property or common areas will not be approved. Check the City of Surprise requirements before altering your lot grade.

Generally speaking, landscaping, mounding or any activity which changes the drainage towards the home or onto neighboring property will not be approved.

E. Parkway Landscaping Approved Tree List

The trees between the sidewalk and the street should be of the following type and need to comply with the City of Surprise Planting Guidelines:

- (1) Acacia Salicina (Willow Acacia)
- (2) Acacia Stenophylla (Shoestring Acacia)
- (3) Acacia Willardiana (Palo Blanco)
- (4) Callistemon Rigidus (Bottlebrush)
- (5) Quercus Virginiana (Southern Live Oak)
- (6) Sophora Secundiflora (Texas Mountain Laurel)

- (7) Chilopsis Linearis (Desert Willow)
- (8) Olea Europaea (Swan Hill Olive)
- (9) Fraxinus Greggii (Little Leaf Ash)

F. Prohibited Plant Material

The following plant material is prohibited:

- (1) Olive trees (Olea Europaea) other than the Swan Hill variety.
- (2) Fountain Grass (Pennisetum Setaceum) or Pampas Grass (Cortadena Selloana).
- (3) Oleanders other than the dwarf or petite variety (Nerium Oleander) and Thevetia species.
- (4) Mexican Palo Verde (Parkinsonia Aculeata).
- (5) All varieties of Mulberry trees.
- (6) Eucalyptus (all varieties).
- (7) Citrus and other fruit trees (permitted in rear yard only).

G. Watering System

An underground irrigation system will be required in the front yard. Automatic timers will be required. Sprinkler systems should be designed and maintained to minimize runoff on sidewalks and the street and prevent overspray onto house and yard walls.

H. Maintenance of Landscaping

All landscaping shall be maintained in a neat and attractive condition. Minimum maintenance requirements include watering, mowing, edging, pruning, removal and replacement of dead or dying plants, removal of weeds, leaves, noxious grasses, and removal of trash or debris. Replacing dead tree(s) need not require approval when replacing with tree(s) from Parkway Landscaping Approved Tree List.

Table A - Landscape Requirements

Lot Size	Plant Type (size)	Front Yard	Front Yard Parkway (Between curb and sidewalk)	Side Yard/Corner Lot (Behind sidewalk) ⁽³⁾	Rear Yard	Rear Yard with view fence ⁽²⁾
40x105	Trees (15 gallon)/Corner Lot min. (24" box)	2	1	1	2	2
40x105	Shrubs/groundcover (1 gal and 5 gal) ⁽¹⁾	12	1	1	N/A	2
48x115	Trees (15 gallon)/Corner Lot min. (24" box)	2	1	1	2	2
48x115	Shrubs/groundcover (1 gal and 5 gal) ⁽¹⁾	12	0	2	N/A	6
53x115	Trees (15 gallon)/Corner Lot min. (24" box)	2	1	1	2	2
53x115	Shrubs/groundcover (1 gal and 5 gal) ⁽¹⁾	13	0	2	N/A	7
58x115	Trees (15 gallon)/Corner Lot min. (24" box)	2	1	1	2	2
58x115	Shrubs/groundcover (1 gal and 5 gal) ⁽¹⁾	14	0	2	N/A	8
63x115	Trees (15 gallon)/Corner Lot min. (24" box)	2	1	1	2	2
63x115	Shrubs/groundcover (1 gal and 5 gal) ⁽¹⁾	15	0	3	N/A	9
68x115	Trees (15 gallon)	2	1	1	2	2
68x115	Shrubs/groundcover (1 gal and 5 gal) ⁽¹⁾	16	0	3	N/A	10
75x115	Trees (15 gallon)	2	1	2	2	2
75x115	Shrubs/groundcover (1 gal and 5 gal) ⁽¹⁾	17	0	3	N/A	11
83x120	Trees (15 gallon)	2	1	2	2	2
83x120	Shrubs/groundcover (1 gal and 5 gal) ⁽¹⁾	17	0	4	N/A	11

1) Cacti, flowers and succulents may replace shrubs/groundcover on a like size basis, but shall not replace trees.

2) Lots with pool/spa and view fence may reduce the shrub, and groundcover requirements as approved by the Committee on an individual basis.

3) Side yard/corner lot behind sidewalk landscaping should be installed with front yard and maintained by homeowner.

General Notes: Above table assumes lot is minimum lot size per zoning. Additional or fewer plants than noted in table may be approved at the discretion of the Committee in special circumstances except side yard/corner lots tracts. If there are any inconsistencies with the CC&R's and Design Guidelines, the CC&R's will prevail. If there are any inconsistencies with City Code or State Law, City Code and State Law will prevail.

IV. OTHER REQUIREMENTS AND GUIDELINES

A. Balconies and Walk Decks

The Applicant must submit an application to the Committee for approval prior to the installation of a balcony or walk deck if not approved in a prior submittal. Balconies or walk decks shall not be permitted on any lot unless it meets both of the following two requirements:

- (1) Balcony is constructed according to existing construction drawings of other balconies of the contractor.
- (2) Must show proof of City of Surprise approval and permit of construction.

B. Basketball Hoop Structures (Permanent)

- (1) All Basketball installations must receive prior written approval from the Committee.
 - (i) Only in ground concrete-anchored installations are allowed. The pole must be embedded in concrete to a depth that ensures resistance to high winds.
 - (ii) Basketball poles and hardware must be metal, and be a solid color of black or a solid color to match the main body color of the home.
 - (iii) Backboards may not exceed ten (10) feet in height, as measured at the basketball rim. Backboards must be white, clear, or a color that matches the main body color of the house. Graphics beyond the customary ball marking lines are not permitted.
 - (iv) The net must be of cloth material. Metal nets are not permitted.
 - (v) The structure must be placed in the front of the house adjacent to the driveway, at least half the distance of the driveway from the street. We encourage you to talk it over with your neighbor adjacent to the hoop structure.
 - (vi) Approval of any basketball structure can be revoked for failure to comply with the basketball requirements in the North Copper Canyon Rules and Regulations (separate document).

C. Building Repair

No building or improvement on any lot or parcel shall be permitted to fall into disrepair and each such building and improvement shall always be kept in good condition and repair and adequately painted or otherwise finished to maintain a first-class appearance.

D. Drainage

No Residential Unit, structure, building, landscaping, fence, wall or other improvement shall be constructed, installed, placed or maintained in any manner that would obstruct, divert, interfere with or change the direction or flow of water in accordance with the drainage plans for the Covered Property or Designated Builders' grading completed prior to sale to a 3rd party buyer. Each Owner shall, at its own expense, maintain the Lot's intended drainage in a condition free from obstruction. Applicants should be aware that any altering of drainage conditions that directs drainage towards a home will likely cause damage to the structural integrity of the home.

E. Exterior Lighting

Permanent lighting sources shall not be directed toward streets, common areas or neighboring properties that will create a nuisance or disturb a neighbor's ability to sleep. Owners may display temporary holiday lighting and/or decorations if they are of reasonable size and scope, and do not significantly disturb other owners or occupants by excessive light or sound emission or by causing an unreasonable amount of spectator traffic.

F. Flagpoles

Owners are strongly urged to use brackets mounted on the house or garage to display flags. The only flags, which may be displayed without prior approval, are the American flag, State flags and Military flags. Other flags may require approval.

When installing flagpoles, the poles cannot exceed 20' in height and have a removable sleeve, must be painted to match the exterior home paint color and be located within 10' of any part of the home structure. The flag must be displayed in compliance with the Federal Flag Code (copies may be obtained from the management company). Flag sizes may not exceed 3' x 5' in diameter. The pole must be removed from sleeve and stored as to not be visible by any neighboring property while the flag is not being displayed.

Flags and flagpoles used by Designated Builders for their model home sites are exempt from the above requirement.

G. Fountains

Fountains in the front yards must be submitted for approval to the Committee. The maximum height for a fountain is five (5) feet in height, and must be natural in color. Fountains shall be kept in like new condition.

H. Garages and Driveways

Garages shall be used only for parking vehicles and storage, and shall not be used or converted to non-garage use without the prior written approval of the Committee or unless constructed as such by the Declarant or Designated Builder. Driveways **may not** be expanded without the prior written approval of the Committee. Any addition cannot intrude into the building setbacks.

I. Gates

If conditions permit, double gates may be installed to allow wider access ways to side yards. Double gates should be the same type, design, and color as the single gates. Shrubs, trees or other plants should be located between the house and the double gates, where possible. Gates will not be permitted in any side yard wall or rear yard wall. All double gates require Committee approval unless installed by Declarant or Designated Builder.

J. Gutters and Downspouts

Gutters and downspouts may be considered for approval by the Committee. The color must match the adjacent surface or trim of the home. High-quality materials that offer long life are recommended, as the Applicant will be required to maintain these additions in good repair. Plans must include the proposed locations of the gutters and downspouts, the quality of material to be used, warranty by the manufacturer, and the name and telephone number of the installer.

K. Landscape Lighting

Landscape lighting may be installed without approval provided the following guidelines are met:

- (1) Light fixtures shall not exceed an illumination intensity of more than one (1) foot candle power as measured from the closest lot line. (This information can be obtained from the light manufacturer, factoring in the height of the light and the distance to the lot line).
 - (i) Colored light bulbs, lenses, or reflectors are not permitted.
 - (ii) Lighting shall be shielded so that the light shines primarily on the lot on which it is installed.

L. Outdoor Fireplaces

Installation of permanent outdoor fireplaces that exceed the fence height require advance approval by the Committee.

M. Ornamentation

The utilization of non-living objects as ornaments in the landscape must be harmonious with the character of the neighborhood. Individual expression is encouraged so long as it does not detract from this goal. Temporary holiday decorations are permitted so long as they meet the requirements discussed under “Exterior Lighting.”

N. Patio Covers and Storage Sheds

Plans for patio covers will require approval by the Committee. Materials, colors and design must match the existing house. Backyard storage sheds detached from the house must be lower than the home's surrounding wall or fence so that they are not visible from neighboring properties. Storage sheds, along with any permanent addition to a home, including patio covers, awnings and

other buildings, must be submitted to the Committee for approval prior to construction. **Permanent structures will need a building permit from the City of Surprise before final approval will be given.**

O. Planters and Walkways

Planters, paved walkways and other hardscape features visible from the front yard must have surface textures and colors that compliment the paint color and materials of the home.

P. Play Structures

Play structures may be erected in rear yards only and are subject to Committee approval. The guidelines are as follow:

- (1) Structures must be set back a minimum of 8 feet from any perimeter wall.
- (2) Maximum height allowed to top support bar or highest point of structure, is 10 feet.
- (3) Maximum height of any deck/platform is to be four (4) feet above ground.
- (4) The distance from the ground elevation to the top of the perimeter fence must be measured and submitted with plans.
- (5) The Committee will take the appearance, height and proximity to neighboring properties into consideration.
- (6) Any shade canopy must be a color compatible with the color palate of the home.
- (7) Submit a brochure or picture if possible.

Q. Pools, Spas and Jacuzzis

All Owners of a Lot installing a pool that require access across Common Area, walls or sidewalks will be required to submit a \$2,000.00 deposit made payable to the Association as part of their application to the Committee, to assure that sidewalks and walls are returned to the same condition as before the construction access began, and to ensure that all construction debris is removed. An Access Agreement is required.

An Access Agreement will only be initiated with the approval of the application and upon receiving the check (bank cleared funds) for \$2,000.00. No verbal requests will be honored in the field or the office of the management company. NO EXCEPTIONS!

The Association along with the Applicants will inspect the job site before issuing its approval to agree on the access point. Another inspection will be performed again after the construction is completed. Funds will be withheld until all repairs have been made and construction debris has been removed. If the job site is not cleaned-up and/or repaired to its pre-construction condition within 30 days after completion, the Association will clean and/or repair the site and retain up to the entire \$2,000.00 (including an administrative fee for

managing the repairs). In the event that the total cost is in excess of \$2,000.00 (including administrative fee) that owner will be back charged the cost in excess of \$2,000.00. The Applicant will be solely responsible for any short fall and will be responsible to pay the Association all costs to repair and clean the site above \$2,000.

In most cases, residents will be advised to enter through the front return wall, from the front of their homes.

The City should be contacted to determine the safety fence requirements for your pool, spa or jacuzzi. For safety reasons, all openings in walls must be securely covered during construction and repair period to prevent children from entering and being injured.

All pool equipment shall be screened from view of neighboring properties, streets and common area with walls which match the character and color of the house or the existing wall. If pool equipment is placed near view fencing, space must be allowed to accommodate the screening wall.

R. Ramadas and Gazebos

Ramadas and gazebos may be erected in rear yards only and may require prior review and approval by the Design Review Committee, subject to the following guidelines:

- (1) Maximum square footage (under roof area) is 120 square feet.
- (2) Maximum roof height is 10 feet at the highest point.
- (3) The structure must be set back a minimum of 5 feet from any perimeter wall.
- (4) The structure must be stained or painted to match the house color.
- (5) The structure must be maintained in good condition.
- (6) Any roof tile must match the tile on the house.
- (7) Lighting of the structure must not be offensive to neighbors.

S. Roof & Wall-Mounted Equipment

No solar heating equipment or device is permitted outside of the Dwelling Unit except devices whose installation and use is protected by applicable law. Notwithstanding such protection, an application for such equipment or device must be submitted for approval to the Committee prior to installation. Approval will be granted only if (a) such equipment or device is designed for minimal visual intrusion when installed (i.e., is located in a manner which minimizes visibility from the street or an adjacent lot); and (b) the equipment or device complies with the Design Review Guidelines, and is within the confines of the applicable laws and governmental regulations.

T. Security Doors

Approved colors shall either match the body color of the home or compliment the color palate of the home. Overly ornate designs will be discouraged. Pictures or brochures should be submitted to the Committee.

U. Sunscreens and Bug Screens

Bronze, gray, charcoal, brown, or beige sun and bug screen material may be installed. The frame for the window screens must match the screen material or existing window frames. As long as this guideline is met and the sunscreens and bug screens match the Designated Builder's option (if offered) in quality and professional installation, a request need not be submitted for approval.

V. Tanks

No tanks of any kind shall be erected, placed or maintained on any lot or parcel. Nothing herein shall be deemed to prohibit use or storage upon any lot or parcel of an above ground propane or similar fuel tanks with a capacity of ten (10) gallons or less used in connection with normal residential gas barbecue, grill, fireplace, so long as any such tank is appropriately stored, used and/or screened, in accordance with the Guidelines or has otherwise been approved by the Design Review Committee, so as not to be visible from neighboring properties.

W. Walls and Fences

- (1) No alterations, changes, or additions will be allowed to wall and/or fences provided by the Declarant or Designated Builder for any residential unit without the prior written approval of the Committee.
 - (i) All wrought iron will be the responsibility of the respective lot owner to maintain, repair and replace. All wrought iron must be maintained in a rust-free condition and painted in the same color as the home.

X. Enforcement Procedures

Please see enforcement policy adopted by Board of Directors. This policy can be found in the North Copper Canyon Rules and Regulations Handbook.

Questions, Submittals and Violations directed to the Management Company

For any questions, submittals or violations, please notify the management company. The management company's information shall always be located on the North Copper Canyon HOA website or as part of the most current forms that are associated with the Design Guidelines.