



DESIGN GUIDELINES

REVISED MAY 2023



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ARCHITECTURAL VISION

The objective of Eagles Nest is to create a community that strikes an accord with the natural environment of the McDowell Mountains. The remarkable elevation and features of the pristine Sonoran Desert setting define Eagles Nest. Wondrous views of the majestic McDowell Mountains and surrounding ranges, fabulous sunrises and sunsets, and Sonoran wildlife amongst the native vegetation are amenities unlike any others.

The vision for this property is to minimize the intrusion of man-made construction and heighten an awareness of the natural environment through a development approach that appears to be a “soft touch” on the land. Meandering roads following the natural contours of the land and carefully sited custom lots provide an ideal backdrop to craft homes to realize this vision. Understanding the fragility of this place and adhering to a simple set of design principles should result in an unparalleled signature community with tremendous pride of ownership and timeless architectural authenticity.

The design theme of the community is Southwestern Ranch that echoes the local history, culture, and environment. Inspiration is to be found in architecture that respects the past or finds excitement in being responsive to the natural elements that dominate the environment. These Design Guidelines are meant to encourage creativity and develop designs that are both site specific and relevant to this theme. Each home should respect its place not only as an individual, but as part of the overall fabric of the community. The homes that evolve here will be like no others in elegance, quality, and relevance.



BUILDING DESIGN

SITE SPECIFICITY	SITE SPECIFICITY	ARCHITECTURAL STYLES
<p>All vertical structures must be located within the Development Envelope. No Lot will be allowed additional disturbance beyond that defined in its Development Envelope exhibit for any reason.</p> <ul style="list-style-type: none"> ❖ View and solar orientation should dominate development plans. Special emphasis is to be placed on amount and exposure of all fenestrations. ❖ Existing topography, geological features and native plant life should be integrated into the overall design. ❖ Building masses should respond horizontally and vertically to the natural features of the site. Homes designed on sloping lots should follow the contours of the natural terrain to minimize single level plans requiring high stem walls and/or retaining walls. Finished floor elevations should follow the natural contours of the site to minimize cut and fill to the extent possible. To the extent possible, use of the residential structure to retain grade and effectively integrate the structure into a sloping site is recommended. <p>Stock or production plans from other sites are prohibited. Designs should be custom to reflect a unique response to its site.</p>	<p>Location and configuration of exterior living areas should consider impact on adjacent Lots and common areas and demonstrate awareness of seasons and daily solar availability.</p> <p>The Architectural Committee may consider applications for changes in the original Development Envelope including relocation of the driveway and re-configuration of envelope boundaries. Applicants must obtain conceptual approval of envelope changes prior to submitting for Preliminary Design Review. Any request must include a conceptual site plan with finished floor elevations, driveway locations and a written rationale for the change.</p> <p>Development Envelope modifications intruding into the front, side, or rear yard setback is discouraged. The Architectural Committee conditions final approval of any Development Envelope change upon Final Design Review Approval of home construction. If the approved plans are not executed, the Development Envelope will revert to its original configuration.</p>	<p>The objectives of architectural expression are to reflect authenticity, high quality and reinforcement of the southwestern ranch theme of the community. Acceptable styles are:</p> <ul style="list-style-type: none"> ◆ Ranch ◆ Pueblo ◆ Spanish Colonial ◆ Territorial ◆ Arts and Crafts ◆ Organic ◆ Southwest ◆ Contemporary ◆ Modern ◆ Earth Integrated ◆ Tuscan ◆ Prairie ◆ Other indigenous designs <p>Styles such as Colonial, Tudor, Victorian, Swiss Chalet, Gothic, French, Chinese, Moroccan, African, Arabic, or Mediterranean are strongly discouraged.</p> <p>Architectural expression should be culturally relevant; that is, drawn from the local climate, terrain and from styles derived from the history of the southwest. Eclectic styles where architectural elements or materials do not belong together will not be permitted.</p> <p>Architectural expression should be innovative, profound, and unique.</p>



VISUAL IMPACT	MASSING	HEIGHT LIMITS
<ul style="list-style-type: none"> ❖ The color, massing, shape, and texture of the structures must be compatible with the natural environment and inconspicuous in the setting rather than to dominate the site. Highly reflective materials are not allowed. Any exterior color or finish shall not exceed an LRV of 40%. ❖ The overall three-dimensional composition of the structures should be restrained, stressing subtle massing changes vertically and horizontally and avoiding whimsical changes of color, materials, rhythm, and form. ❖ The design must comply with the Design Guidelines on all sides of the house and will be considered from vantage points near and far, and from points below and above the structure. <p>The thermal properties of materials and construction assemblies should consider the area's extreme temperatures.</p> <ul style="list-style-type: none"> ❖ Exterior materials should convey integrity associated with its use and should not appear to defy the laws of gravity or common sense. ❖ Exterior materials should avoid the look of being applied rather than integrated into the structure. ❖ Exposed metal must be painted or allowed to rust or patina. 	<ul style="list-style-type: none"> ❖ Scale and proportions can be deceptive in the hillside environments. Smaller structures can appear large and dominating against low landforms and vegetation. The proper massing of residences in Eagles Nest will reduce the scale of large structures and create building textures that will blend with the surrounding environment. ❖ Building masses should be designed to follow the direction of the natural terrain and provide visual interest to the structure through varying dimensions. ❖ Residences must be designed with at least three distinct building masses as viewed from any elevation. Masses shall have a depth and width that demonstrates logical proportions to be considered a mass the vertical plane offset must have a noticeable and proportionate offset from an adjacent mass. No single building mass may be greater than 40% of the total building area under roof. <p>See exhibits on pages 6 and 7.</p>	<p>Except for chimneys, no part of a structure may exceed a height of 30 feet above the existing natural grade.</p> <p>The Overall Improvement Height from the lowest point of all improvements to the highest point of the roof of all improvements shall not exceed 50 feet. In special circumstances involving extremely steep, natural slopes, the Committee may approve exceptions to the Overall Improvement Height.</p> <p>The maximum height of an exterior wall of a building shall not exceed 20 feet measured from the highest finish grade point adjacent to that wall to the top of the fascia or parapet.</p> <p>Notwithstanding the above, the maximum height of an exterior wall shall increase to 30 feet if the plane is broken by another contiguous mass of at least 4 feet in depth and 12 feet in height measured from the lowest finished grade adjacent to that mass to the top of the fascia or parapet.</p> <p>Chimneys may not extend more than 4 feet above the highest point of roofline within ten feet and may not exceed a horizontal dimension of 12 feet.</p> <p>See exhibits on pages 6 and 7.</p>



EXTERIOR WALLS	ROOFS	WINDOWS & DOORS
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All residences must incorporate at least two different complementing materials on exterior wall surfaces balanced and logical on all four sides of the residence. Material transition should occur on inside corners where possible. Any use of stone (real or artificial) should have the appearance of a legitimate structural element and must extend to the ground and not appear to be applied to a façade for decoration.

Wainscoting is discouraged. The Architectural Committee may grant the use of a single exterior material in its discretion if it is necessary to authenticate an architectural style.

Permitted exterior finish materials areas follows:

- ❖ Natural
- ❖ Stone Faux
- ❖ Stone
- ❖ Concrete
- ❖ Block Adobe
- ❖ Rammed
- ❖ Earth Brick
- ❖ Wood Siding
- ❖ Metal
- ❖ Stucco
- ❖ Concrete
- ❖ Non-reflective Glass
- ❖ Finished dimension of all exterior walls shall not be less than 8" thick, measured from inside of finish to exterior side of finish.
- ❖ Exterior materials must be durable and maintain their appearance and structural or thermal integrity over time.

No unbroken horizontal plane or roofline shall exceed 40 feet in length. The committee can review this condition on a case-by-case basis.

Pitched roof material must be metal (standing seam or corrugated steel, aluminum, or copper), clay, fiber cement or slate. Metal tiles, wood shingles, wood shakes, asphalt shingles and spray foam (pitched roofs only) are prohibited.

Pitched roof slopes shall be no less than 2'/12'. Flat roofs must be painted to closely match the color of exterior walls with an LRV of 40% or less and have a minimum ¼" per foot slope.

All flashing, vents, appurtenances, and skylights must be screened behind parapets.

Fascia to be no less than 6" in thickness.

Gutters and scuppers may be steel, copper, or painted aluminum.

Scuppers are allowed if they are integral to the architectural style of the house. Skylights and light tubes are permitted only on flat roof areas. The use of cathedral like attic insulation is encouraged to eliminate the need for attic vents.

Windows, Doors, and Garage Doors may be:

- ❖ Wood (painted or stained)
- ❖ Steel
- ❖ Copper
- ❖ Anodized Aluminum
- ❖ Glass

All Windows and Doors must be recessed a minimum of 5 1/2" from frame to exterior wall finish.

Windows and doors must be double, or triple glazed.

Reflective surfaces and single pane glass less than 3/8" thick are prohibited. Butted glass is allowed if appropriate for the architectural style of the home.

Arch style should be consistent around the structure. Pointed arches are discouraged. Exterior shutters that together are of the same size as the opening they flank are allowed.

Iron grills are allowed. Bay windows must enclose habitable space and continued to the ground.

Awnings are allowed if they are integral and compatible in style to the architectural style of the structure. Retractable styles must have wind sensors.



SITE WALLS, FENCES & RAILINGS	GARAGES	OTHER BUILDING ELEMENTS
<p>Retaining walls may not exceed an exposed height of 8feet.</p> <p>Terraced retaining walls are allowed in special circumstances where site conditions provide no other option. Architectural Committee shall review for acceptance.</p> <p>Terraced walls shall not be used in lieu of “practical” grading design when solutions are possible for grading without the need for unwanted floor steps.</p> <p>Screen walls may not exceed a height of 6 feet.</p> <p>Retaining Walls and screen walls shall be finished in the same materials as the principal structures.</p> <p>Fences and railings must be compatible in style and materials with the architectural components of the residence and may be wood, steel, iron, tempered glass, or concrete.</p> <p>❖ The use of dual or terraced retaining walls shall have a minimum of 4 feet distance between walls and distance shall be considered landscape areas. Vertical dimensions of walls should be different exposed heights to encourage variation on wall design and overall appearance. Lower wall should be on the outer side of the wall system to prove a “terraced” appearance.</p>	<p>Garages must be fully enclosed and should not dominate the architectural façade and no more than two garage openings shall occur on a single massing.</p> <p>Garages should be designed using side entries. Garage doors facing the street will be allowed only when no other solution is practical.</p> <p>Garage doors with windows or transparent glass prohibited. Additional consideration for garage widths requiring relief shall be given for garages utilizing single bay designs.</p> <p>Garage Doors must be recessed a minimum of 2 feet from building plane.</p> <p>Garages designed for motor homes or boat storage are discouraged unless the design of the home would aesthetically accommodate such a structure.</p>	<p>Columns shall not be less than 12” square or round and must be in proportion to the mass supported. Column bases should match exterior character and prevent wood from encountering the earth. Consideration for columns less than 12” shall be given for contemporary designs and designs which other dimensions are appropriate and require lesser column massing.</p> <p>Archways and piers must be a minimum of 12” thick.</p> <p>Chimneys must be designed as integral parts of the architectural character. Spark arrestors are to be hidden.</p> <p>Mailbox designs must be compatible with the residence.</p> <p>Mechanical equipment (including antennas and satellite dishes) must be ground mounted and screened from view from adjacent lots and common areas.</p> <p>Refuse containers must be enclosed and screened from view of adjacent lots and common areas.</p> <p>Propane storage tanks used for the main gas service to the home must be buried. Propane tanks for barbeques or outdoor heaters must be concealed.</p> <p>Sport courts and play sets shall be limited to backyards and screened from view of adjacent lots, public streets and common areas. Lighting of these amenities is prohibited.</p> <p>Driveways shall not exceed 18% slope and must be stone, brick, integrally colored concrete, or exposed aggregate concrete.</p>

Eagles Nest

EXHIBIT A

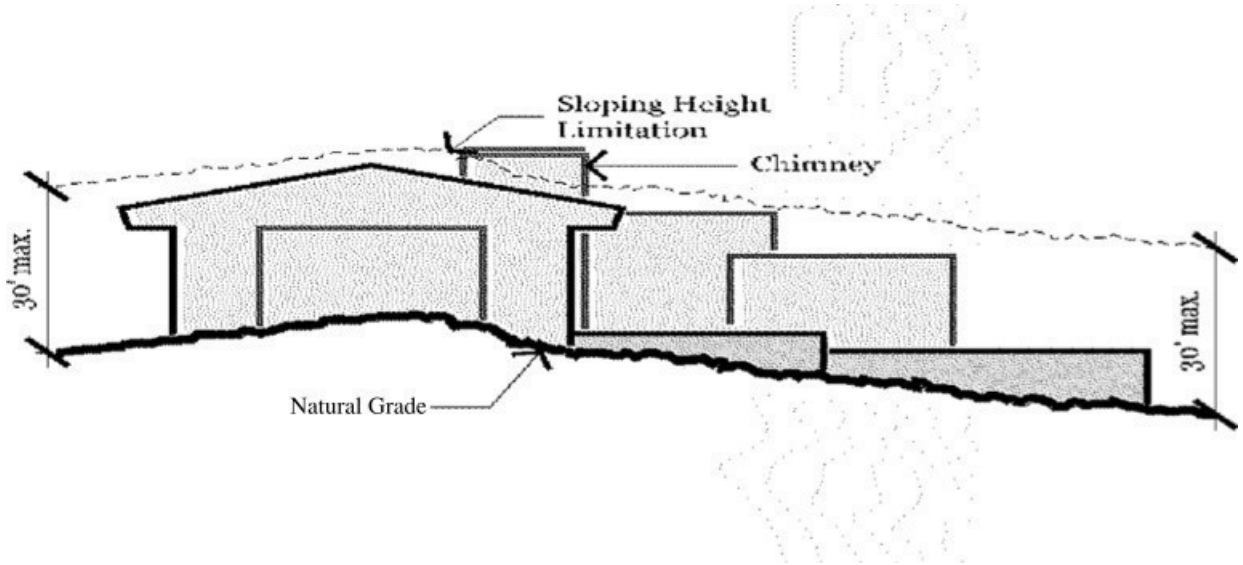
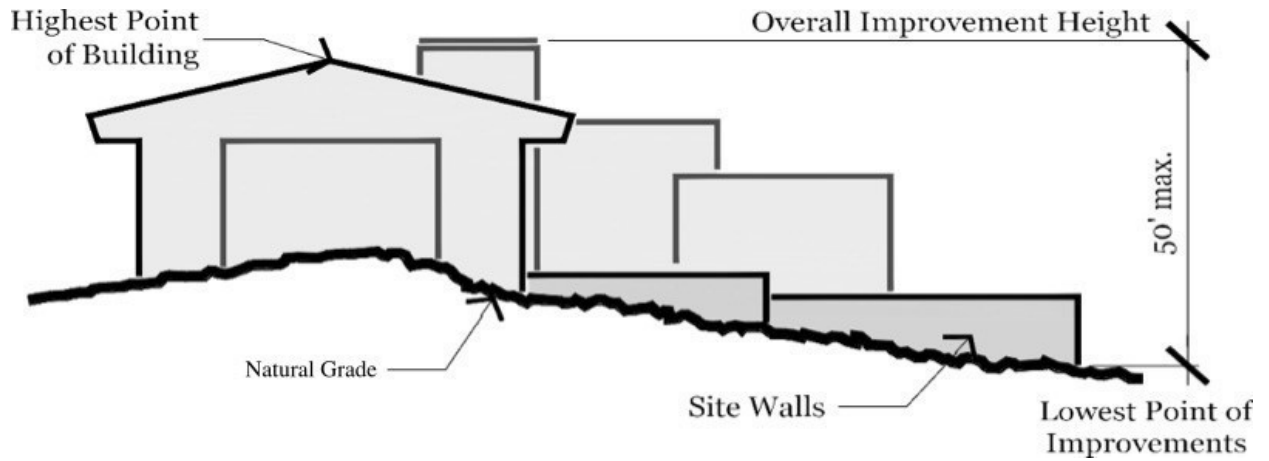


EXHIBIT B



Eagles Nest

EXHIBIT C

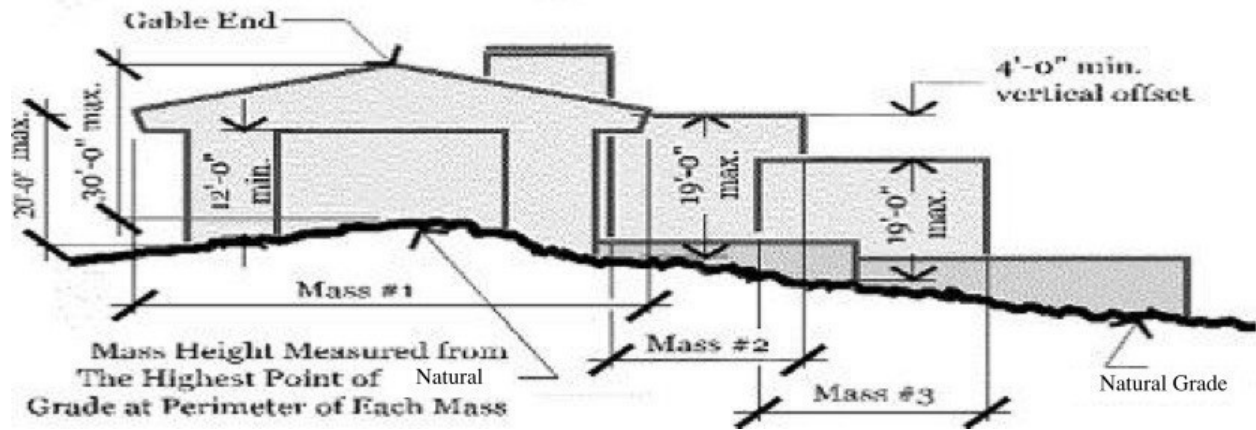
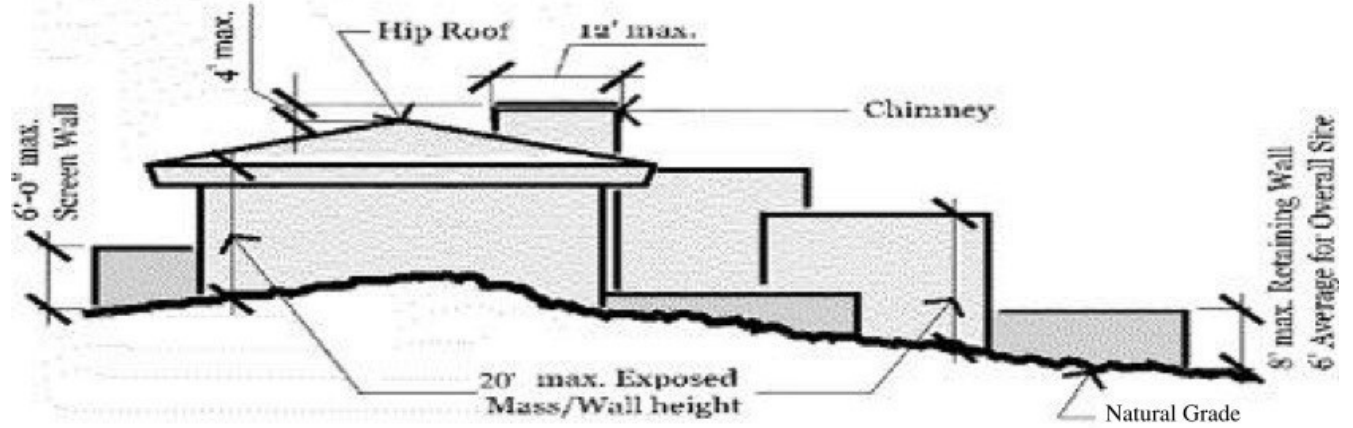


EXHIBIT D



Eagles Nest

SUSTAINABLE

CLASSIC

TEXTURE

**ENVIRONMENTALLY
SENSITIVE**

DETAIL



Eagles Nest

RANCH STYLE

PUEBLO

SPANISH COLONIAL

TERRITORIAL

ARTS AND CRAFTS

ORGANIC

**SOUTHWEST
CONTEMPORARY**

MODERN

CONTEMPORARY

EARTH INTEGRATED

TUSCAN

PRAIRIE





SITE PLANNING

OVERVIEW	OVERVIEW
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Custom Lots – Each residential Lot in Eagles Nest may be improved with a Single Family residence custom designed for the specific characteristics of the Lot. Each lot will contain Natural Areas and Disturbance Envelopes in which development may occur on Transition Areas and Private Areas.

Development Envelope - Development Envelopes have been established for each Lot to ensure every residential structure is sited to optimize its views, minimize negative impacts on neighboring lots and the community in general. Envelopes can be revised on a case by case basis if not negatively affecting neighboring lots.

A Development Envelope diagram for each Lot is available from the Association. Each diagram describes unique attributes of the Lot and indicates important design parameters such as limits of disturbance, view corridors, slope contours, wash corridors, notable natural features, access location, and Natural Areas. The Development Envelope is intended to assist the Owner in developing a design concept for construction that is customized for each particular lot.

Natural Area - The Natural Area is the portion of the Lot that lies outside the Development Envelope and is to remain in its undisturbed native condition or restored to its native condition as required by the Town of Fountain Hills or the Architectural Committee.

The Architectural Committee in its sole discretion may approve the addition of native plant material to the Natural Area in order to mitigate a unique detrimental site condition; however, these areas may also be restricted by Hillside Protections Easements (HPE's) to the Town of Fountain Hills, and any disturbance within these areas without Town approval may subject the owner to penalties from the Town. The Natural Area establishes an overall landscape framework for site development and will be considered by the Architectural Committee during the Design Review Process.

Transition Area - The Transition Area is a portion of the Development Envelope adjacent to the Natural Area in which disturbance may occur during construction, but in which native landscape must be restored upon completion. The size and configuration of the Transition Area is determined during the Design Review Process. There is no minimum or maximum size of the Transition Area; however, the Transition Area must provide a minimum distance of 5 feet between the Natural Area and the Private Area.

No buildings or vertical structures of any kind may be located in the Transition Area. Transition Areas must be restored after construction utilizing mature, native vegetation to match the existing surrounding natural densities and distribution and using a specified wild seed mix (See Appendix C). Transition Areas are important for creating a seamless flow from the native landscape into the built environment; and therefore, the Architectural Committee will consider it carefully during the Design Review Process.

Private Area - The Private Area is the portion of the Development Envelope where vertical construction and improved outdoor spaces may occur. Private Areas are the least restrictive in terms of landscaping as they are generally more hidden from view from the rest of the community. Within this area, the Owner has more flexibility in creating a lush and/or more ornamental landscape, although native or native adapted plants that provide a lush feel are recommended.



SITE PLANNING

SPECIFICATIONS	SPECIFICATIONS
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Setbacks - Individual Lot minimum setback requirements are found on the Eagles Nest Final Plats.

Minimum Building Size - 3,000 square feet of livable space (i.e. air conditioned space excluding garages).

Site Work - All development on Lots shall minimize alteration of the existing topography and natural conditions. All building masses and improvements should follow the direction of natural grade slopes as closely as possible and building footprints and finish floor elevations shall follow natural contour elevations **where possible**.

Cuts and Fills - Homes shall be designed to minimize the need for visible exposed cuts into natural slopes and minimize the use of un-retained fill slopes following construction. No cut shall exceed 10-feet in height unless deemed unavoidable or an appropriate design element by the Architectural Committee.

Natural Drainage Patterns - No improvements shall alter natural drainage courses in a manner that would adversely affect adjacent Lots, common areas or streets. Finished drainage ways shall follow the historic conditions of the Lot as closely as possible.

Elevation Certificate - Owner to consult a licensed civil engineer to certify all built finished top of structure levels have been built per the guidelines and the Planning and Zoning code

Drainage Plans - Drainage Plans are to be submitted as part of the Preliminary Submittal Requirements and shall illustrate that natural drainage patterns have been preserved and not diverted onto adjacent lots. It is the responsibility of the Owner to consult with a licensed civil engineer to address drainage issues because of building improvements on a Lot. The Architectural Committee and the Association do not warrant approved plans and are not responsible for defective designs.

Crossings - Should it be necessary to cross a natural wash condition with a bridge or culvert, those structures should be engineered and accompanied by a certification from a licensed civil engineer that the design is adequate in size and location to provide adequate water-flow to minimize erosion and to avoid water flow back-up that would be detrimental to adjacent properties or streets.

Culverts shall be concrete and not less than 18-inches in diameter.

Erosion Control - Drainage flow rates and volumes shall be controlled with un-grouted rip rap where needed as designated by a licensed civil engineer.

Combined Lots - If an Owner combines multiple lots into one, the Architectural Committee shall designate a new Development Envelope location for the newly combined lot along with supporting design criteria based on the new boundary lines. A Town of Fountain Hills submittal to re-plate the lot will also be required to complete this process. Owner will pay all HOA fees for the number of joined lots.



LANDSCAPE

OVERVIEW

DESIGN OBJECTIVES	DESIGN GUIDELINES
<ul style="list-style-type: none">❖ To ensure developed areas create outdoor environments that reflect a “soft touch” on the land where Private Areas emerge seamlessly and unobtrusively from the serene, natural environment.❖ To preserve and protect Natural Areas throughout the community.❖ To utilize plants, landscape structures and details that draw upon the indigenous landscape, traditions and architectural vernacular outlined in the Design Guidelines.❖ To create outdoor spaces that is natural extensions of indoor spaces, so that the boundaries between the two seem to disappear.❖ To create Private Area spaces that area esthetically pleasing environments and intimate in scale.	<ul style="list-style-type: none">❖ No landscape enhancement, hardscape or structure of any kind will be permitted in Natural Areas.❖ Landscape designs must conform to civil engineering plans and not restrict, increase, or redirect drainage designed for the site or facilitate erosion. Engaging a licensed professional for landscape design is strongly encouraged. Sketch form or rough draft layouts or free hand drawings shall not be accepted.❖ Native plants within Development Envelopes must be salvaged where possible in accordance with the Native Plant Salvage requirements discussed below.❖ All site work should conform or transition to the natural contours of the site wherever possible.❖ Landscape structures such as arbors, trellises, ramadas and decks must be located within the Private Area of the Development Envelope.❖ The style and color of outdoor structures should match or complement the main residential structure.❖ Any propane storage tank used for the main gas service to the home must be buried. Propane tanks for barbeques or outdoor heaters must be concealed.❖ All plantings must conform to the Planting guidelines discussed below using plants listed on the Approved Plant List or otherwise approved by the Architectural Committee.❖ Landscape lighting should not be excessive and follow the Lighting guidelines discussed on page 15.



NATIVE PLANT SALVAGE

It is the intent of the Association to preserve and protect desert vegetation throughout the community. All existing native trees in natural areas outside of Development Envelopes should remain in place and be protected during construction. Native specimen trees within the Development Envelopes should be salvaged where possible and incorporated into the site design. When removing native vegetation, the Owner must do the following:

- ❖ Palo Verde, Ironwood and Mesquite species of good health with a trunk caliper of 8 inches or greater must be salvaged, stored, and replanted as part of the landscape construction process. Caliper sizes of less than 8 inches but greater than 4 inches are recommended to be salvaged, stored, and replanted as part of the landscape construction process.
- ❖ Saguaro and Ocotillo species of good health with a minimum height of 4' for Saguaros and 10 canes and/or 8' in height for Ocotillo must be salvaged, stored, and replanted as part of the landscape construction process.
- ❖ Large scale shrubs of good health that possess a trunk caliper of 4 inches or greater are recommended to be salvaged, stored, and replanted as part of the landscape construction process.
- ❖ Yucca, cacti, and agave species of good health as well as surface boulders of good quality and usable are recommended to be salvaged, stored, and replanted/replaced as part of the final landscape.
- ❖ Native vegetation that is diseased and detrimental to surrounding vegetation may be removed with prior approval of the Architectural Committee. Examples include vegetation infested by mistletoe, which is a secondary infection that is prone to spreading to other vegetation.
- ❖ All native vegetation within the Development Envelope that meets the required salvage parameters should be identified on the native plant inventory for Preliminary Design Review and flagged with yellow marking tape in a visible location.
- ❖ If possible, salvage work should be performed between October 1 and March 31, which is best suited for the survivability of the plants.

We strongly urge Owners to salvage as much native vegetation as possible. This material is difficult to obtain at times and is generally more economical to salvage than to purchase. Environmental stewardship through re-use of native plant materials and the aesthetic quality and scale they provide to the community is valuable to all who reside in Eagles Nest.



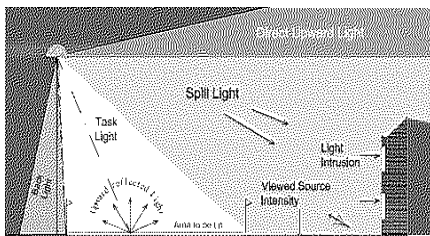
PLANTING

DESIGN OBJECTIVES	PLANTING DESIGN GUIDELINES
<p>To rehome or utilize native plant species salvaged from the site Development Envelope.</p> <p>To incorporate indigenous plant species and densities to re-landscape disturbed areas, creating a natural community landscape that dominates the environment.</p> <p>To limit the amount of landscaping requiring intensive irrigation.</p> <p>To use new plantings to frame views and lessen the impact of built structures in order to visually unify the community.</p>	<p>In general, planting densities should mimic the densities of the surrounding native areas. Transition Areas should incorporate native densities, sizes and plant species that enable the landscape design to blend into the natural areas.</p> <p>The use of larger specimen 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 define outdoor spaces.</p> <p>Planting of trees must take into consideration views from adjoining lots. Tall canopy trees (25' or more) are prohibited.</p> <p>Plant materials should envelop buildings and outdoor spaces to transition structures into the natural environment. Shrubs may be used as informal, low walls and vines may be used to visually soften walls between structures. Trees should be sized to an appropriate scale to complement building masses.</p> <p>Plant selections must be made from the Approved Plant List or otherwise approved by the Architectural Committee in its sole discretion. Under no circumstances may a plant for the Prohibited Plant List be used. Refer to Appendix A.</p> <p>Turf grass (natural or artificial) may be utilized in Private Areas only. Maximum turf grass area allowed on any given lot should not exceed 50% of the overall Private Area landscape.</p>

LIGHTING AND SOLAR ENERGY DEVICES	
DESIGN OBJECTIVES	DESIGN GUIDELINES

To preserve the nighttime dark sky and avoid artificial obtrusive light polluting the community (see exhibit below). Direct upward light is to be avoided, and exterior spill light beyond the immediate area intended for lighting should be mitigated. Exterior lighting should utilize low intensity, indirect light sources to the extent necessary for safety and subtle drama.

LIGHT POLLUTION



Solar Energy Devices. Solar energy devices (including solar panels) must be approved by the Architectural Committee. All such devices and related equipment should be designed and constructed to appear as an integral part of the building architecture and should be placed in the most aesthetically pleasing location (assuming such a location does not impair the efficiency or use of the equipment). A solar energy device installed on the roof should be in the backyard portion of the roof (to the extent possible) or in such a location to limit visibility from other properties. A solar energy device that is not installed on a roof must be placed in the back yard and screened from view as much as possible. All connecting equipment, cables or appurtenances should be painted the same color as the surface to which it is attached and placed in a location to minimize visibility from neighboring properties.

Fees for Remodels and Addition of Solar Energy Devices (Panels). Any minor exterior remodels or addition of solar panels must include all relevant criteria under the Preliminary Design Review, page 23, and include a \$1,000 Application Fee. This fee covers Review and (1) onsite inspection for compliance and one (1) final onsite inspection. Any additional inspections are \$300 each.

A \$10,000 (Refundable) Builder Deposit is required to insure any additions, including Solar Energy Devices, are built according to the Architectural Committee Approvals. Unless Solar Energy Devices are part of initial Building submittal, in which case the \$25,000 Builder deposit will be sufficient. Application fee of \$1,000 will still apply. Major exterior remodels will require all items under Preliminary Design Review, page 23, including a \$5,000 Application Fee and a \$25,000 Builder Deposit.

- ❖ Exterior building lighting should be the minimum needed to provide for adequate illumination and security of entries, patios and outdoor spaces. Light fixtures must have a shielded lamp to completely obscure the light source from view.
- ❖ Direct up lighting of structures or facades is prohibited except for subtle lighting of Driveway entries or address numbers. Direct low-intensity down lighting of facades is permitted. At main entry of the primary structure, a maximum of 2 translucent light figures are permitted as long as total lumens do not exceed 750 lumens. All other entrances will have only one (1) fixture.
- ❖ All fixtures shall be directed downward to increase their effectiveness to minimize the number of light fixtures.
- ❖ Exterior up lighting must be directed onto vegetation or prominent site features such as boulders or plantings and not upon buildings or walls. Fixtures shall have a 45 deg cutoff. Walkways and driveways may be illuminated by low, shielded pathway lights only.
- ❖ Only low voltage lighting fixtures with a maximum intensity of 0.25 foot candles may be used when measured at the property line for all landscape and hardscape lighting applications. The use of multiple lower-intensity lamps in place of a single higher-intensity lamp is encouraged to avoid glare and lighting "hot spots" where possible.
- ❖ No lighting may be installed outside the Development Envelope.
- ❖ Colored lamps, rope lights or equal shall be permitted only between October 15 and January 15
- ❖ Exterior lighting, except security lighting, that illuminates adjacent mountains or cliffs is prohibited.



IRRIGATION AND SUPPLEMENTAL LANDSCAPE MATERIAL	
DESIGN OBJECTIVES	DESIGN GUIDELINES

To minimize erosion and risk of water loss from runoff and evaporation and to promote hearty, deep-root plant growth sufficient to meet the requirements of the Approved Plant List; and to maintain the appearance of the community with efficient water coverage with minimal reliance on the availability of the public water system.

- ❖ Incorporate drip-irrigation systems that provide deep root-zone irrigation of trees and shrubs.
- ❖ Utilize an electronic irrigation controller with Wi-Fi connectivity and rain sensors to maximize irrigation system efficiency.
- ❖ The use of broadcast sprinklers is prohibited except for temporary irrigation necessary for germinating hydroseeded areas returning to natural desert vegetation.

SUPPLEMENTAL LANDSCAPE MATERIAL

- ❖ Decomposed granite shall be applied as a 2" thick layer, in a color which must be compatible with the desert floor. White rock and any rock with coatings are prohibited.
- ❖ Stones and Boulders shall be limited to those geologic types which are indigenous to the site. Boulders shall be buried into the grade a minimum of 1/3 of the height of the boulder to enhance a more natural appearance.
- ❖ All Stone and Decomposed Granite colors must be approved through the Architectural Review process.



POOLS, SPAS & WATER FEATURES

DESIGN OBJECTIVES	DESIGN GUIDELINES
<p>To incorporate pools, spas, and water features that relate in color, scale and configuration to the natural environment and are a seamless extension of the architectural style of the home and outdoor spaces. Also, to avoid unnecessarily inefficient use of water and negative impacts to the surrounding natural environment.</p>	<ul style="list-style-type: none">❖ Pools, spas, and water features should be designed to be integral parts of the outdoor rooms and visually blend with the landscape.❖ Landscaping should be selected and composed to complement water features.❖ Swimming pool and spa areas shall be set back a minimum of 5 feet from any Development Envelope limit.❖ Swimming pool and spa areas must be screened with low landscape walls and/or plantings to minimize their visibility.❖ Design solutions that eliminate the need for a pool fence are encouraged. Pool enclosures must meet all Fountain Hills and county ordinances.❖ All exposed edges of pools, spas and water features must utilize materials and colors that blend with the surrounding native textures and colors. Pool covers must also blend with the surrounding environment.❖ Diving boards, water slides and water sports equipment must not be visible from adjacent lots, streets, or community open spaces.❖ All pool equipment must be screened from view in walled enclosures.



DESIGN REVIEW

PROCESS

Overview. All new construction, alterations, or revisions to approved plans must apply for approval to the Architectural Committee. The Architectural Committee will review all applications for compatibility with the Architectural Vision Statement and these Design Guidelines. This process applies to construction of all new buildings; renovation or expansion of existing buildings; and any site alterations and landscape improvements including pools, patios, water features, driveways, culverts, and site walls/fences. The Architectural Committee may relax any guideline standard in its discretion if it deems a design attribute appropriate for the constraints of the site or for the authenticity of a design and to reject any design it deems detrimental to the aesthetic quality of the community.

Approved Architects/Designers Process. All homes and landscapes in Eagles Nest designed by architects or designers must be in accordance with the Design Guidelines. The Architectural Committee may elect to publish from time to time a list of those architects or designers ("Recommended List") that they believe understand the Design Guidelines, have experience designing in hillside topography, can perform a thorough analysis of hillside topography and can translate these into a building form compliant with the Design Guidelines. However, it is not mandatory for the professional to be listed on the "Recommended List" to practice design in Eagles Nest. This is merely an available resource for property owners. Neither the Architectural Committee nor the Association shall have any liability or responsibility for the services of homeowner chosen architects or designers, whether or not they are on the Recommended List. Although the Architectural Committee shall not mandate that any architects or designers be included on a Recommended List, it shall be that architect or designers' responsibility to submit work product compliant with the Design Guidelines. To the extent that the work product requires reviews by the Architectural Committee beyond the stipulated sessions provided for in these Design Guidelines, the owner shall pay a fee for such additional review, which must be paid to the Architectural Committee prior to each such additionally required review.

Committee Reviews. The Architectural Committee may enlist assistance from one or more or other persons to assist in its review process.

Review Fees. Each owner shall be responsible to pay a Design Review Fee, which currently is \$5,000.00, that is payable to the Architectural Committee at the Preliminary Submittal. This fee covers one Pre-Design conference, two preliminary reviews, two final reviews and two on-site reviews. It is anticipated that a qualified architect or designer

should be able to obtain Final Design approval within this structure. The use of a qualified architect or designer that doesn't understand the Design Guidelines or lacks sufficient experience can result in the necessity for additional reviews, which results in additional costs to be incurred by the Architectural Committee. Accordingly, any additional reviews beyond those described above will be billed to the Owner at the time the Owner is advised that such additional review shall be required. The current fee for each additional review is \$500 which covers up to three hours of additional review time, plus \$300 per hour fee for each additional hour required beyond the three-hour period. Checks or money orders should be made out to "Eagles Nest Community Association." Review fees and deposits provided for in these Design Guidelines are subject to change from time to time.

Fees for Remodels and Addition of Solar Energy Devices (Panels). Any minor exterior remodels or addition of solar panels must include all relevant criteria under the Preliminary Design Review, page 23, and include a \$1,000 Application Fee. This fee covers Review and (1) onsite inspection for compliance and one (1) final onsite inspection. Any additional inspections are \$300 each.

A \$10,000 (Refundable) Builder Deposit is required to insure any additions, including Solar Energy Devices, are built according to the Architectural Committee Approvals. Unless Solar Energy Devices are part of initial Building submittal, in which case the \$25,000 Builder deposit will be sufficient. Application fee of \$1,000 will still apply. Major exterior remodels will require all items under Preliminary Design Review, page 23, including a \$5,000 Application Fee and a \$25,000 Builder Deposit.

Builder Deposit. A builder deposit shall be required to be paid to the Architectural Committee at the time the Final Design is approved and prior to the commencement of any construction. Currently, the amount of this deposit is \$25,000. The Association will place the builder deposit in a trust account. The cost of the trust account will be shared equally between the Association and the Owner.

No interest shall be paid on the amount of the builder deposit. If the construction project is abandoned without completion, the builder deposit shall be forfeited.



PROCESS

Subsequent Changes. Alterations to approved plans after Final Design approval must be submitted in writing to the Architectural Committee for review and approval prior to implementation. The fee for such additional reviews currently shall be charged at a rate of \$500 which covers up to three hours of additional review time, plus \$300 per hour for each additional hour required beyond the three-hour period. All changes shall be submitted in accordance with the guidelines. NO PARTIAL, SKETCHES, VERBAL DISCRPTIONS OR OTHER INCOMPLETE APPLICATIONS SHALL BE ACCEPTED.

Pre-Design Meeting or Conference. It is required to apply for and schedule a Pre- Design Meeting or Conference prior to any design other than a preliminary site plan and exterior elevation sketches. This will reduce the amount of redesign during the review process as well as save time and costs to the applicant. The applicant shall submit in electronic format, a site plan showing home placement and general site design including how the design conforms to the lot slope and proposed screen and retaining wall placement, 4-color exterior elevations demonstrating building design style, conformance to the lot slopes, etc. and floor plan indicating overall design concept. Such exhibits shall be provided minimum 3 days prior to the scheduled meeting.



SCHEDULE

Comment. The Architectural Committee will meet a minimum of once per month if required or as needed to make reasonable efforts to comply with targeted time frames for review. However, it will not be liable for delays. The review schedule is as follows:

Pre-Design Conference. Prior to submittal of the formal preliminary review application.

Preliminary Design Review. Documents must be submitted 14 business days prior to the meeting of the Architectural Committee. Written comments will be provided within 10 business days after the date of the meeting. A second review may be necessary and will require a submittal 10 days prior to the next scheduled meeting. All incomplete applications will not pass review and shall be considered one review against the provided standard review session.

Building Permits. It is strongly suggested that the Owner apply to the Town of Fountain Hills for all applicable Building and Use Permits only after securing Preliminary Design Approval. Any Town required adjustments affecting the approved design plans must be resubmitted for review by the Architectural Committee prior to the start of construction.

Final Design Review. Application documents must be submitted at least 14 days prior to the scheduled meeting of the Architectural Committee. The Owner or Owner's agent may attend the final design review meeting. Written comments will be provided within 10 days after the date of the meeting. The Architectural Committee's final approval will acknowledge 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 deposit requires that construction be completed in accordance with those approved plans. A second review may be necessary and will require a submittal 10 business days prior to the next scheduled meeting.

Currently all Architectural Committee meetings are being held virtually, but the time frames above should still apply.

On-Site Reviews – During construction the Association will conduct two on-site reviews to determine if design appears to be in compliance with approved plans. The first on-site review will be held during the framing stage of the residence. The second on-site review will be held within 45 days of project completion (certificate of occupancy). Within five (5) business days after each on-site review, the Association shall provide the Owner or Owner's agent with a written report specifying any deficiencies, violations or unapproved variations from the approved plans that were observed by the Association. Noncompliant items or deficiencies not apparent or not detected by the Association during an on-site review will not absolve the Owner from compliance with the approved plans. **OWNERS MUST CONTACT MANAGEMENT TO SCHEDULE ON-SITE REVIEWS.**

Final Completion and Return of Deposit - The Architectural Committee shall make a final on-site inspection and review for compliance and issue an additional or updated written report listing any issues that are not in accordance with approved documents. If the written report does not specify any deficiencies, violations or unapproved variations from the approved plans, the Association will promptly release the balance of the builder deposit to the Owner or builder within 60 days. If the written report identifies deficiencies, violations or unapproved variations from the approved plans, the Owner shall have 30 days to make the requisite changes and the Association will hold the builder deposit until receipt of a subsequent report of construction compliance. If a report of construction compliance is received before the 60th day, the Association will promptly release the builder deposit less any outstanding charges due to the Association to the Owner or builder. If a compliance report is not received within 60 days, the Association will release the builder deposit promptly from the trust account to the Association. **OWNERS MUST CONTACT MANAGEMENT TO SCHEDULE FINAL INSPECTION.**

Fee Schedule. A warning will be given to the Builder/Owner with a 48-hour notice to comply with the Design Guidelines. If at the end of the 48 hours, they are still in non-compliance, a \$1,000.00 per day fine will be assessed. This fine will be charged to the Builder Deposit and will be retained by the HOA. Any future non-compliance situations that are similar in nature will not require 48-hour notice and will begin to accrue a \$1,000.00 per day fine immediately.

An additional \$5,000.00 fine (retention of Builder Deposit) will be assessed for any failure to have a Water Meter onsite with an attached hose, reaching the entire Development Envelope.



RIGHT OF WAIVER	DISCLAIMER
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The Architectural Committee recognizes that each lot has its own unique characteristics, and each Owner has his/her own tastes. For this reason, the Architectural Committee has the authority to approve variances based on merit. The Architectural Committee, at its own discretion, has the right to waive any requirement not governed by Town and/or County regulations, when the Owner has demonstrated good cause and where the effects are minimal on surrounding property Owners, the natural environment, or the design intent of the Guidelines and the development as a whole. However, no Owner has the right to demand a variance or waiver.

Neither the approval of the plans nor the approval of the actual construction by the Association or the Architectural Committee shall constitute a representation or warranty that the plans or construction comply with applicable governmental requirements or applicable engineering, design, or safety standards. The Association in its discretion may release all or any part of the builder deposit to the Owner or builder before receiving a compliance report. Release of the builder deposit to the Owner or builder does not constitute a representation or warranty from the Association that the construction complies with the approved plans.



PRE-DESIGN CONFERENCE

Prior to the formal submittal of any prepared materials or plans, the Owner must request a Pre- Design Conference and obtain a current copy of the Design Guidelines. This meeting is not for the purpose of preliminary design submittals and any reviews of designs, requests for variances, envelope modifications, and relief from items in the guidelines shall not be submitted at this time. The purpose of this conference is for a representative of the Architectural Committee to view the characteristics of the building site with the Owner or the Owner's representative and to provide guidance for general design attributes and the review and approval process including the following:

- ❖ Particular attributes of the site including identification of any unique topographical obstacles to be avoided, slopes and natural contours for which finished floors and elevation profiles should conform, and natural vegetation for which the development as a whole can preserve.
- ❖ Orientation of the building and outdoor spaces for minimizing the destruction of natural features of the site and the negative visual impacts to the Eagles Nest community.
- ❖ Property boundaries, disturbance limits, setbacks and natural drainage ways.
- ❖ Clarifications of the Design Guidelines if unclear to the Owner or the Owner's Architect or Designer.
- ❖ Review the Submittal Requirements.
- ❖ Review Fees and Schedules.
- ❖ Informal review of the Owner's proposed design concepts and intent to be true to a particular architectural style and confirming the Owner's understanding of the contents of the Design Guidelines and expectations of the Architectural Committee.



PRELIMINARY DESIGN REVIEW

Submittal Requirements - After the Pre-Design Conference, the Owner shall submit a written application for Preliminary Design Review including plans accurately conveying existing site conditions, disturbance envelope, setbacks, building orientation and design, vehicular access, guest parking, building heights, finished floor elevations, architectural character studies, colors and materials, and landscape/hardscape plans. All plans are to be prepared by a pre-approved architect or designer and all landscape plans are to be prepared by a landscape architect or pre-approved designer. Grading and drainage plans must be prepared by a licensed civil engineer.

The package shall include two full-size edge-bound sets and electronic PDF files of the following:

- ❖ Preliminary Design Review Application Form and Fee.
- ❖ Location Map - Illustration of Parcel within the development.
- ❖ Design Approach - Written description of the intended architectural style and design approach and how it meets the intent of the Design Guidelines. Include the existing Development Envelope exhibit.
- ❖ Site Plan - Minimum 1" = 20' scale illustrating property boundaries site area, all easements of record, the Development Envelope, 100-year flood plain/404 limits one-foot contours and any significant natural features to be accommodated.
- ❖ Civil Engineer Plan - Minimum 1" = 20' scale showing existing topography, proposed grading and drainage, lot/envelope coverage calculations, flow arrows, civil engineered pre/post development runoff coefficients, setbacks, 404 delineation, top/bottom of wall elevations, cut/fill calculations, finished floor elevations, wall elevations, building footprint/roof plan, driveway location, guest parking, walls/fences, patios, decks, pools, original and proposed envelope and any other site amenities.
- ❖ Schematic Floor Plans - Minimum 1/8" scale showing all proposed uses, area calculations (interior and exterior covered areas) walls, doors, windows and mechanical and electrical service locations. Floor Plans shall include adequate dimension notation to demonstrate compliance with measurement requirements in the Design Guidelines. The Architectural Committee will not make assumptions on measurements not adequately shown.
- ❖ Roof Plan - Minimum 1/8" scale with pitches, drains, color and LRV rating, any rooftop embellishments or equipment (e.g. chimneys, skylights, solar panels, etc.) and all massing calculations showing a minimum of three distinct masses with area calculations overlaid on natural site contours showing heights above natural grade.
- ❖ Schematic Elevations - Minimum 1/8", including building massing and heights, existing and finished grades, and the maximum building height limit restriction over natural grade. Finishes and materials are to be clearly identified.
- ❖ Building Sections - Minimum 1" = 20' scale showing proposed structures, building heights, existing/proposed grades property lines and roads including depicting natural site contours and the maximum building height limit restriction over natural grade.
- ❖ Native Plant Inventory - Minimum 1" = 10' scale showing locations of existing protected plant material on the site, salvage status, species, and physical specifications.
- ❖ Conceptual Landscape Plans - Minimum 1" = 10' scale showing grading contours, Development features, patios, pools, and any other exterior feature elements. Landscape site plan must match the civil site plan.
- ❖ Elevations - Four sided, four color elevations indicating all colors and materials to be used on the exterior of the home.



FINAL DESIGN REVIEW

Submittal Requirements - After the Preliminary Design approval, the Owner shall submit a written application for Final Design Review conforming to the approved preliminary plans and comments. All plans are to be prepared by an architect or designer and all landscape plans are to be prepared by a landscape architect or designer. Any architect or designer shall have all licenses as required by law. Grading and drainage plans must be prepared by a licensed civil engineer. Incomplete applications will not be reviewed and shall be considered one of the allowed review sessions. All submittal sets must be in order and all plan sets shall be edge bound. Loose sheets shall not be accepted.

The application shall include a resubmittal of two full-size sets and electronic PDF files of all items previously submitted as revised for this application with the addition of the following:

- ❖ Final Design Review Application Form.
- ❖ Civil Engineering Site Plan sealed by a registered civil engineer including the location of all utility lines from the PUE to the hook-up at the home.
- ❖ Floor Plans - Final building footprint and all improvements must match landscape and civil engineering plans.
- ❖ Building Elevations - Exterior colors and materials and type and location of exterior light fixtures showing compliance for shielding.
- ❖ Copy of Approved Preliminary Plans
- ❖ Builder identification signage including LRV rating of the sign face.
- ❖ Builder Deposit
- ❖ Material Sample Board - Actual materials or original manufacturer brochures of all exterior materials on 11" x 17" foam core boards. Specify manufacturer, color, style name, model number and LRV ratings including:
 - ◆ Roof Material
 - ◆ Wall materials including stone texture and pattern and mortar color
 - ◆ Exterior trim and trellises
 - ◆ Window frames and embellishments (shutters, awnings, decorative iron, etc.)
 - ◆ Exterior doors
 - ◆ Fences, walls, and railings
 - ◆ Exterior and landscape light fixtures with manufacturer's cut sheets
 - ◆ Walkway and driveway material including texture and pattern
 - ◆ Garage door style including material
 - ◆ Pools and water features, including spillway walls if applicable

The Architectural Committee will review and comment on submitted materials with final approval of colors and materials contingent upon mock-ups to be reviewed in the field prior to installation. Regardless of previous approvals, the Architectural Committee may in its discretion require changes to materials if the chosen materials do not meet the objectives of the Design Guidelines when inspected at a mockup on site. It is the responsibility of the Owner to call the Association to arrange for inspection of the color and materials on-site mock-up prior to installation or application.

Final approved plans are valid for one year after date of approval by the Architectural Committee. Approved plans not utilized in this time frame will be required to re-submit to the Architectural Committee and may be subject to additional review fees.

No disturbance of any kind including fencing, clearing & grubbing or site grading may occur prior to the issuance of a written Final Design Approval by the Architectural Committee.



CONSTRUCTION RULES & REGULATIONS

MAINTENANCE

- ❖ All parking shall be on one side of the road to allow for first responders and community residents to safely pass.
- ❖ No material, equipment, machinery, trash bins or toilets shall be located outside of the development envelope or on the street or sidewalk.
- ❖ All requirements for hours of operation and other items denoted in the attached pre-construction packet shall be adhered to.
- ❖ The area of construction limits is to be fenced with 6' high approved material during the entire duration of construction. Any disturbance or utilization of the areas outside of designated limits should not occur without prior approval.
- ❖ Debris and trash removal is required weekly to maintain a safe and clean site. Each site will have a metal dumpster located within the development envelope capable of holding a week's worth of debris on-site at all times. Builders will provide daily cleanup of the day's activities and trash that has been generated. No on-site disposal is allowed. No chain-link debris corrals will be permitted. Lightweight or potentially airborne materials shall be covered and secured to avoid fly-away material onto other sites or natural areas. It is the responsibility of the Owner/Builder to remove debris, dirt, mud, and litter from construction so as not to create pollution or inflict damage or injury.
- ❖ The homesite Owner/Builder is responsible for the behavior, appearance and conduct of all construction personnel. Break areas are limited to on-site locations. Interference or interaction with residents or guests, causing a nuisance, will not be tolerated.
- ❖ Equipment cleaning or vehicle maintenance is strictly limited to designated areas on the approved Construction Plan.
- ❖ Debris and runoff from cleaning up must be kept on-site as not to cause damage to adjacent property streets or natural areas.

SAFETY

- ❖ All applicable Occupational Safety and Health (OSHA) regulations are always in effect and must be observed.
- ❖ All homesites under construction must always maintain at least two fire extinguishers (seven pound minimum) on-site and two five-gallon buckets onsite before install of chain link construction fences. Once the Water Meter is installed, construction site must have a hose reaching the entire development envelope. The two five-gallon buckets of water may be eliminated **only** after water meter installation; the two 7lb fire extinguishers must remain on-site.
- ❖ Before any grading or grubbing on the site can occur, the Lot must have a Water Meter with an attached hose able to spread water over the entire site. Consequences for failure to have a Water Meter onsite with an attached hose, is \$5,000 which will be retained from Builder Deposit. (Once the Water Meter is installed the five-gallon buckets of water can be eliminated, this would apply only to the installation for the Construction Fence, which needs to be installed before a Water Meter can be applied for.)
- ❖ Smoking is prohibited within the confines of the site. Absolutely no fires of any kind are permitted. Persons failing to observe this requirement will immediately lose the right to work within the development.
- ❖ In the event of fire or medical emergency, dial "911".
- ❖ Sanitary facilities and drinking water must be made available on-site for all personnel during the entire duration of the project. Use of Ranch House or Gatehouse is not permitted.
- ❖ Radios, bullhorns, fireworks, or noise generating audio devices are not allowed and will be confiscated upon complaints. Violators may lose the right to work in the community.
- ❖ Speed limits will be strictly enforced, and reckless driving will not be tolerated. Personnel are to obey all signs and directions. Unless otherwise posted, the speed limit shall be 25 mph.



PROCESS	SITE MANAGEMENT
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Pre-Construction - The Owner or a designated representative must meet with Eagles Nest Community Association prior to start of construction to confirm construction and safety methodology and compliance. Submitted for review will be a detailed plan clearly illustrating the following requirements:

- ❖ Conservation of native plant material and natural features.
- ❖ How natural environment is protected.
- ❖ Boundary of construction and method of confinement.
- ❖ Size and location of material storage, chemical toilet, parking, dumpster, debris storage, job signage, drive access, limits of excavation, and fire suppression options.
- ❖ Acknowledgement of responsibility for costs incurred due to negligent or unnecessary property damage, including restoring grades, additional landscaping required for reparation of damaged areas, street repair, driveway repair, drains, culverts, bridges, gates, signs, lighting and fencing. The Owner or representative does duly recognize personal responsibility for restoring or repairing damaged property to satisfactory condition as determined by the Architectural Committee or Development Management. All repairs/restoration will be accomplished in a timely manner or be subject to lien on property for the value of identified damage and performed by Community Association.

Construction Observation - Periodic checks during construction may be made for compliance with approved documents. Notice to comply will be issued within five working days of observation of elements which are found to have changed from the approved design.

Post-Construction - The Owner or a designated representative will meet with the designated representative(s) of the Architectural Committee for final inspection and checklist of compliance. All debris is to be removed from the site prior to this meeting.

Introduction - It is of primary importance to protect the natural environment, residents, guests, and private property from any injury or harm caused by daily construction activities. All Owners/representatives, builders, sub- contractors, design professionals or interested parties shall be bound by these regulations. Any violation shall be deemed the responsibility of the acknowledged Owner.

- ❖ Construction-site options will be discussed with the Architectural Committee as noted in the required Pre-Construction Meeting.
- ❖ Construction access to Lots is by way of designated, gated access points only. It will be necessary for all personnel to have proper credentials, passes or approval to enter the site. Access is limited to permanent access roads. Parking is limited to the designated Construction Envelope and adjacent street frontage.
- ❖ Construction trailers may not be utilized on-site for field offices or storage.
- ❖ Construction hours are as follows: May 15 to Sept 15: M-F 5:30am to 6:30pm, Sept 16 to May 14: M- F 6am to 6:30pm; All year: Sat. 7am to 5pm and Sun. no work. Pre-treats and concrete flat work outside of these hours require pre-approval from the Committee representatives. The Architectural Committee reserves the right to review and amend these hours at any time.



HOLIDAYS, SIGNAGE AND PARKING

- ❖ Non-Workdays include Memorial Day, Independence Day, Labor Day, Thanksgiving, Christmas, and New Year's Day. The Architectural Committee reserves the right to proclaim additional no-work days as it deems necessary.
- ❖ Signage is limited to one builder's information sign which is to be approved by the Architectural Committee and located at the street frontage of the lot. Management must confirm there is a current request with plans on file prior to sending the Builder Sign request to the ARC Committee for approval. In addition, one realtor sign may be displayed. The Architectural Committee reserves the right to limit panels suspended from the sign, as well as information/brochure boxes. **The builders sign must be removed upon certificate of Occupancy.**
- ❖ Parking is limited to on-site locations or adjacent street frontage. All vehicles will be parked so as not to impede traffic or emergency access or cause unnecessary damage to the natural environment, street, or lots.
- ❖ General Contractor shall be responsible for insuring the preservation of the NAOS and all areas outside of the disturbance envelope (disturbed area). This includes ensuring no construction staging, storing or delivery of materials within the NAOS and areas outside of the fenced building envelope. Fencing shall be erected along the disturbance boundary and shall remain until construction is completed.
- ❖ General Contractor shall be responsible for ensuring that all streets and sidewalks remain clear of debris, building materials, toilet facilities and other obstructions.
- ❖ General Contractor shall be responsible for keeping the site free of construction debris and all construction waste be deposited in refuse containers at the end of each workday.
- ❖ The Association may levy fines to the General Contractor for associated costs for clean-up of areas related to debris originating from the construction site.
- ❖ The General Contractor shall be responsible for "like and kind" repairs of streets, curbs, gutters, and sidewalks damaged by any delivery, subcontractor or related party to the project. All repairs to match color, texture, finish, and material of the community improvements and shall be completed "prior" to requesting a final inspection for the project.



APPROVED PLANT LIST



APPENDIX A – APPROVED

PLANT LIST

BOTANICAL NAME	COMMON NAME	USE AREA	
		TRANSITIONAL AREA	PRIVATE AREA
TREES			
ACACIA CONSTRICTA	WHITEHORN ACACIA	•	•
ACACIA GREGGII	CATCLAW ACACIA	•	•
ACACIA SCHAFFNERI	TWISTED ACACIA	•	•
ACACIA SMALLII	DESERT SWEET ACACIA		•
ACACIA WILLARDIANA	PALO BLANCO		•
CAESALPINIA CACALACA	CASCALOTE		•
CERCIDIUM FLORIDUM	BLUE PALO VERDE	•	•
CERCIDIUM PRAECOX	PALO BREA	•	•
CERCIDIUM MICROPHYLLUM	FOOTHILL PALO VERDE	•	•
OLNEYA TESOTA	IRONWOOD TEXAS	•	•
PITHECELLOBIUM FLEXICAULE	EBONY MEXICAN	•	•
PITHECELLOBIUM MEXICANUM	EBONY ARGENTINE	•	•
PROSOPIS ALBA	MESQUITE CHILEAN	•	•
PROSOPIS CHILENSIS	MESQUITE HONEY	•	•
PROSOPIS GLANDULOSA	MESQUITE SCREWBEAN	•	•
PROSOPIS PUBESCENS	MESQUITE NATIVE	•	•
PROSOPIS VELUTINA	MESQUITE	•	•
CACTI, AGAVE, SUCCULENTS, YUCCAS			
AGAVE AMERICANA	CENTURY PLANT	•	•
AGAVE ATTENUATA	FOX TAIL AGAVE		•
AGAVE BOVICORNUTA	COWSHORN AGAVE		•
AGAVE COLORATA	MESCAL CENIZA	•	•
AGAVE DESMETTIANA	DESMETTIANA AGAVE		•
AGAVE GEMINIFLORA	TWIN FLOWERED AGAVE		•
AGAVE NEOMEXICANA	NEW MEXICO AGAVE	•	•
AGAVE OCAHUI	OCAHUI AGAVE	•	•



AGAVE PARRYI	PARRY'S AGAVE		•
AGAVE PICTA	PICTA AGAVE		•
AGAVE TOUMEYANA	TOUMEY AGAVE	•	•
AGAVE VICTORIAE-REGINAE	QUEEN VICTORIA AGAVE		•
AGAVE VILMORINIANA	OCTOPUS AGAVE		•
AGAVE WEBERII	SMOOTH EDGE AGAVE	•	•
ALOE SPECIES	ALOE		•
CARNEGIEA GIGANTEA	SAGUARO	•	•
CEREUS SPECIES	CEREUS		•
ENCHINOCEREUS ENGELMANNII	ENGELMANN'S HEDGEHOG	•	•
ENCHINOCEREUS GRUSONII	GOLDEN BARREL CACTUS		•
ENCHINOCEREUS STRAMINEUS	STRAWBERRY HEDGEHOG	•	•
EUPHORBIA SPECIES	EUPHORBIA		•
FEROCACTUS SPECIES	BARREL CACTUS	•	•
FOUQUIERIA SPLENDENS	OCOTILLO	•	•
HESPERALOE PARVIFLORA	RED YUCCA	•	•
LOPHOCEREUS SPECIES	TOTEM POLE CACTUS		•
OPUNTIA ACANTHOCARPA	BUCKTHORN CHOLLA	•	•
OPUNTIA BASILARIS	BEAVERTAIL PRICKLY PEAR	•	•
OPUNTIA BIGELOVII	TEDDY BEAR CHOLLA	•	•
OPUNTIA CHLOROTICA	PANCAKE PRICKLY PEAR	•	•
OPUNTIA ENCHINOCARPA	SILVER CHOLLA	•	•
OPUNTIA ENGLEMANII	ENGELMANN'S PRICKLY PEAR	•	•
OPUNTIA FULGIDA	FRUITCHAIN CHOLLA	•	•
OPUNTIA IMBRICATA	TREE CHOLLA	•	•
OPUNTIA LEPTOCAULIS	DESERT CHRISTMAS CHOLLA	•	•



OPUNTIA MACROCENTRA	PURPLE PRICKLY PEAR	•	•
OPUNTIA RAMOSISSIMA	DIAMOND CHOLLA	•	•
OPUNTIA RUFIDA	BLIND PRICKLY PEAR	•	•
OPUNTIA SANTA RITA	SANTA RITA PRICKLY PEAR	•	•
OPUNTIA SPINOSIOR	CANE CHOLLA	•	•
PACHYPODUM GEAYI	MADAGASCAR PALM		•
STENOCEREUS SPECIES	ORGAN PIPE		•
TRICHOCEREUS SPECIES	TRICHOCEREUS		•
YUCCA BACCATA	BANANA YUCCA	•	•
YUCCA BREVIFOLIA	JOSHUA TREE	•	•
YUCCA ELATA	SOAPTREE YUCCA	•	•

SHRUBS	
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AMBROSIA AMBRSIOIDES	GIANT BURSAGE	•	•
AMBROSIA DELTOIDEA	TRIANGLE LEAF BURSAGE	•	•
AMBROSIA DUMOSA	WHITE BURSAGE	•	•
ANISACANTHUS QUADRIFIDUS	ANISACANTHUS MEXICAN FLAME	•	•
ANISACANTHUS THURBERI	DESERT HONEYSUCKLE	•	•
ASCLEPIAS SUBULATA	DESERT MILKWEED	•	•
ATRIPLEX ACANTHOCARPA	TURBERCLED SALT BUSH	•	•
ATRIPLEX CANESCENS	FOURWING SALT BUSH	•	•
ATRIPLEX HYMENELYTRA	DESERT HOLLY	•	•
ATRIPLEX LENTIFORMIS	QUAIL BRUSH DESERT	•	•
BUDDLEA MARRUBIFOLIA	BUTTERFLY BUSH	•	•
CAESALPINIA MEXICANA	MEXICAN BIRD OF PARADISE	•	•
CAESALPINIA PULCHERRIMA	RED BIRD OF PARADISE		•
CALLIANDRA CALIFORNICA	BAJA FAIRY DUSTER	•	•
CALLIDANRA ERIOPHYLLA	NATIVE FAIRY DUSTER	•	•
CELTIS PALLIDA	HACKBERRY	•	•
CELTIS RETICULATA	DESERT HACKBERRY	•	•



CORDIA PARVIFOLIA	LITTLELEAF CORDIA	•	•
CYCAS REVOLUTA	SAGO PALM		•
DALEA FRUTESCENS	BLACK DALEA	•	•
DALEA PULCHRA	SMOKE BUSH	•	•
DASYLIRION ACROTRICHE	GREEN DESERT SPOON	•	•
DASYLIRION WHEELERI	DESERT SPOON	•	•
DIETES VEGETA	FORTNIGHT LILY		•
ENCELIA FARINOSA	BRITTLEBUSH	•	•
ENCELIA FRUTESCENS	GREEN BRITTLEBUSH	•	•
EPHEDRA SPECIES	MORMON TEA	•	•
HYPTIS EMORYI	DESERT LAVENDER	•	•
JUSTICIA CALIFORNICA	CHUPAROSA	•	•
JUSTICIA CANDICANS	HUMMINGBIRD BUSH	•	•
JUSTICIA SPICIGERA	MEXICAN HONEYSUCKLE		•
LARREA TRIDENTATA	CREOSOTE	•	•
LEUCOPHYLLUM CANDIDUM	SILVER CLOUD SAGE	•	•
LEUCOPHYLLUM FRUTESCENS	TEXAS SAGE SPECIES	•	•
LEUCOPHYLLUM LAEVIGATUM	CHIHUAHUAN SAGE	•	•
LEUCOPHYLLUM ZYGOPHYLLUM	BLUE RANER	•	•
LOTUS RIGIDUS	DEER VETCH	•	•
LYCIUM SPECIES	LYCIUM	•	•
PSILOSTROPHE COOPERI	PAPERFLOWER	•	•
RUELLIA BRITTONIANA	BARIO RUELLIA		•
RUELLIA PENINSULARIS	BAJA RUELLIA		•
SALVIA CLEVELANDII	CHAPARRAL SAGE	•	•
SALVIA COCCINEA	CHERRY RED SAGE	•	•
SALVIA GREGGII	AUTUMN SAGE	•	•
SENNA COVESH SENNA	DESERT SENNA	•	•
WISLIZENII SIMMONDSIA	SHRUBBY SENNA	•	•



CHINENSIS SOPHORA	JOJOBA	•	•
SECUNDIFLORA	TEXAS MOUNTAIN LAUREL		•
SPHAERALCEA AMBIGUA	GLOBEMALLOW	•	•
TAGETES LUCIDA	LICORICE MARIGOLD	•	•
TAGETES PALMERI (LEMMONI)	MOUNTAIN MARIGOLD		•
VIGUIERA DELTOIDEA	GOLDENEYE	•	•

GROUNDCOVERS

APTENIA CORDIFOLIA	HEARTS AND FLOWERS		•
ARGEMONE PLATYCERAS	PRICKLY POPPY	•	•
BACCHARIS SPECIES	BACCHARIS		•
BAILEYA MULTIRADIATA	DESERT MARIGOLD	•	•
CARPOBROTUS SPECIES	COMMON ICE PLANT		•
CONVOLULUS CNEORUM	BUSH MORNING GLORY		•
DALEA GREGGI	TRAILING INDIGO BUSH		•
DROSANTHEMUM SPECIES	ICE PLANT		•
DYSSIDIA ACEROSA	SHRUBBY DOGWEED	•	•
MALEPHORA LUTEA	ROCKY POINT ICE PLANT		•
MELAMPODIUM LEUCANTHUM	BLACKFOOT DAISY	•	•
OENOTHERA BERLANDIERI	MEXICAN EVENING PRIMROSE	•	•
OENOTHERA CAESPITOSA	TUFTED EVENING PRIMROSE	•	•
PENSTEMON SPECIES	PENSTEMON	•	•
PHLOX TENUIFOLIA	DESERT PHLOX	•	•
RUPELLIA BRITTONIANA	'KATIE' KATIE RUELLIA		•
SALVIA FARINACEA	MEALY-CUP SAGE		•
SEASONAL ANNUALS	ANNUALS		•
VERBENA GOODDINGII	GOODDING VERBENA	•	•
VERBENA PERUVIANA	PERUVIAN VERBENA		•
VERBENA RIGIDA	SANDPAPER VERBENA	•	•
VERBENA TENERA	ROCK VERBENA	•	•
ZINNIA ACEROSA	DESERT ZINNIA	•	•



TURF GRASS

•

VINES

ANTIGONON LEPTOPUS

QUEEN'S WREATH

•

MASCAGNIA MACROPTERA

CISSUS TRIFOLIATA

YELLOW ORCHID VINE

•

MASCAGNIA LILACINA

ARIZONA GRAPE IVY

•

MAURANDYA ANTIRRHINIFLORA

PURPLE MASCASNIA

•

MERREMIA AUREA

SNAPDRAGON VINE

•

PODRANEA RICASOLIANA

YELLOW MORNING GLORY VINE

•

ROSA BANKSIAE

LADY BANKS ROSE

•

NOTE: Plant species not on the approved list will be considered by the architectural committee. It will be at the sole discretion of the Committee to determine if additional species requested are appropriate for use in the community.



APPENDIX B – PROHIBITED PLANT LIST

The following may not be planted or maintained anywhere in Eagles Nest:

1. Any species of tree or shrub whose mature height may reasonably be expected to exceed twenty (20) feet, with the exception of those species specifically listed as approved by the Committee.
2. All Palms (*Palmae*) whose mature height may reasonably be expected to exceed 6 feet will be prohibited for aesthetic reasons as well as their high maintenance requirements. Dwarf varieties whose mature height may reasonably be expected to be less than six (6) feet will be allowed only in Private Zones within the confines of a private garden and behind site walls.
3. All Pines (*Pinus*), Cypress (*Cupressus*), False Cypress (*Chamaecyparis*), Juniper or Cedar (*Juniperus*) except those species specifically approved, whose mature height may reasonably be expected to exceed six (6) feet will be prohibited for aesthetic reasons. Dwarf varieties and those whose mature height may reasonably be expected to be less than six (6) feet may be used immediately adjacent to the entry to a residence, or in Private Zone within the confines of a private garden and behind site walls.
4. Olive trees (*Olea Europaea*) will be prohibited for reasons of their profuse production of allergy-producing pollen, as well as for aesthetic reasons.
5. Oleanders (*Nerium Oleander*) and Thevetia (*Thevetia Species*), will be prohibited for aesthetic reasons as well as for their profuse production of allergy-producing pollen. These poisonous plants will also be prohibited for their high maintenance requirements and excessive height.
6. Fountain Grass (*Pennisetum Setaceum*) will be prohibited as a defined weed with the potential to spread throughout the development and also as a fire hazard.
7. All varieties of Citrus will be prohibited for aesthetic reasons and for their profuse production of allergy-producing pollen. Dwarf varieties are permissible in Private Zones within the confines of a private garden and behind site walls.
8. Common Bermuda Grass (*Cynodon Dactylon*) will be prohibited as a defined weed.
9. Mexican Palo Verde (*Parkinsonia Aculeatra*) will be prohibited as a harbinger of pests and because of its ability to spread throughout the development, thereby altering the existing natural desert.
10. Desert Broom (*Buccharis Sarothroides*) plants are prohibited as a defined weed with potential to spread throughout the development.

Note: In addition to the above listed species of plants, the Architectural Committee reserves the right to deny the use of any plant species it deems inappropriate or detrimental in any way to the Eagle's Nest environment.



APPENDIX C – WILDSEED MIX

PLS LBS/AC.	BOTANICAL NAME	COMMON NAME
3.0	ENCELIA FARINOSA	BRITTLEBUSH
4.0	AMBROSIA DELTOIDEA	BURSAGE
1.0	EPHEDRA SPECIES	MORMON TEA
1.0	LARREA TRIDENTATA	CREOSOTE
2.0	OPUNTIA BIGELOVII	TEDDY BEAR CHOLLA
0.5	FOUQUIERIA SPLENDENS	OCOTILLO
1.5	FEROCACTUS ACANTHODES	COMPASS BARREL
3.0	SIMMONDSIA CHINENSIS	JOJOBA
4.0	ARISTIDA PURPUREA	PURPLE THREEAWN
3.0	BOUTELOUA CURTIPENDULA	SIDEOATS GRAMA

WILDSEED GENERAL NOTES:

1. Wildseed mix is to be used in conjunction with transitional plant material and hand-broadcasted in all natural areas and transitional areas disturbed by homesite construction.
2. Wildseed mix is to be raked into scarified soil to a minimum depth of two inches.
3. Wildseed mix is to be irrigated manually or by a temporary irrigation system for a minimum of 90 days after installation.



EXHIBIT D
LETTER OF INTENT TO LANDSCAPE

Date: _____

To the Eagles Nest Architectural Committee:

Re: Lot: _____, Block _____, Final Plat No. _____
Fountain Hills, Arizona

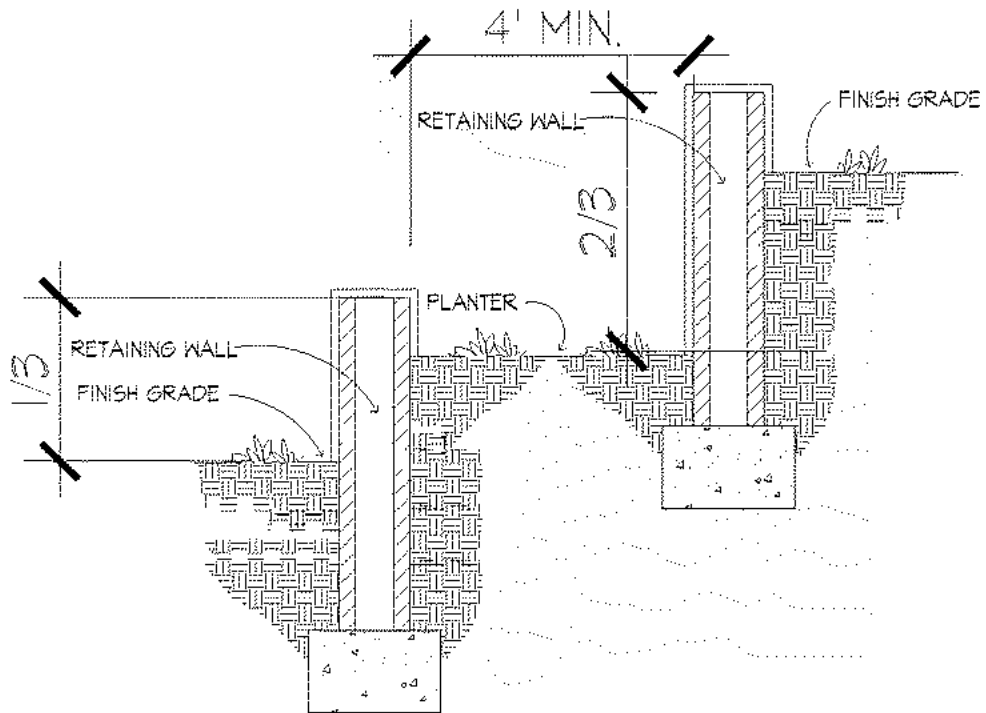
Gentlemen:

The undersigned Owner(s) of the above property hereby acknowledge that the landscaping plan submitted as a part of the formal application is an integral part of the overall approval process, and hereby agree to complete the proposed landscaping within the 60 day time period specified.

Additionally, the undersigned Owner(s) herein agree(s), in the event that said property is sold or transferred prior to the installation of the approved landscaping, to notify the new Owner(s) of this obligation.

The property Owner(s) is/are hereby notified that it is the intent of the Eagles Nest Architectural Committee to strictly enforce this agreement and any failure to complete the approved landscaping within the agreed time period will constitute a violation of the Declaration of Covenants, Conditions, and Restrictions.

Property Owner



E Dual Retaining Wall Detail

Terraced retaining walls are allowed. Architectural Committee shall review for acceptance. Terraced walls shall not be used in lieu of "practical" grading design when solutions are possible for grading without the need for unwanted floor plan steps.



GUEST HOUSES, POOL

All structures shall be attached to the main house and shall meet the criteria for the main structure. Such structures shall be located within the setbacks and Development Envelope as specified. They shall be visually connected to the main building with a common roof as a minimum and shall be architecturally integrated with the use of the same exterior building forms, materials, and colors as the main Dwelling Unit. No guest house, addition or other habitable dwelling shall be leased separate, or apart from the lease or ownership of the main Dwelling Unit. No structure shall be two story and compromise the privacy of adjacent property owners as shall be determined by the Design Review Committee (DRC).

Guest Houses-Pool Houses shall be below the highest point of the Main Dwelling Unit as measured from natural grade. Structure must not be located in the front yard or street side property lines and be located in rear or most concealed side of the property. No separate drive is allowed for the structure from the street. The structure shall not exceed twelve hundred (1,200) square feet. Material, finishes, paint and roof tile must match main Dwelling structure. Maximum distance between Guest House and main dwelling and have a common, connected roof shall be twelve feet (12').