

# **Villas at Havasu Foothills Owners Association Inc.**

## **Architectural & Landscape Design Guidelines**

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## 1. INTRODUCTION

The Villas at Havasu Foothills Estates is the exclusive single-family residential community in Lake Havasu City. This unique setting provides recreational and southwestern desert dwelling opportunities unparalleled in the desert southwest. The Villas at Havasu Foothills Estates is located amongst the Desert Foothills east of Lake Havasu. These foothills provide privacy and a unique sense of exclusivity while enjoying dramatic desert, lake, and mountain views.

These Architectural and Landscaping Design Guidelines (Design Guidelines) are for Residences and related Improvements that are to be built at The Villas at Havasu Foothills Estates. These Design Guidelines function to unify the community as a whole through the implementation of high development standards and excellence of design in order to create and enhance lasting values. Design Guidelines are available at the Villas Models.

The design review for each dwelling is subject to the approval of the Committee to ensure continuity of excellence throughout The Villas at Havasu Foothills Estates. This review is not intended to supersede the permitting functions of the public agencies (compliance with which is the responsibility of each Homesite Owner) but to coordinate aesthetic design and construction standards for the development of all residences and other improvements throughout The Villas at Havasu Foothills Estates.

Subdivisions phases or portions of subdivision phases intended to be developed as a finished neighborhood of completed multiple unit, production residences or semi-custom residences to be sold by Janecek Homes Inc. to consumer buyers (“Semi-Custom Neighborhood”), shall be reviewed by the Committee as well. The Committee shall determine, at its discretion, and without limiting the scope of its authority for design review of all Improvements within The Villas at Havasu Foothills Estates including, but not limited to, the acceptable design, size, landscaping, hardscaping, setting, materials, colors, setbacks, and all elements of design review of a Semi-Custom Neighborhood and each of the Homesites and Residences proposed for the Semi-Custom Neighborhood. The requirements for Improvements within the Semi-Custom Neighborhood as determined by the Committee may vary from the standards set forth in the Guidelines. The Committee will exercise its authority for design review of Semi-Custom Neighborhoods within the spirit and intent of the Guidelines. An Owner seeking design review of the Semi-Custom Neighborhood must comply with the review process described in the Guidelines and with the design standards expressed in the Guidelines.

All capitalized terms within these documents are defined in Appendix C – “Definitions” of this document.

## **2. PHILOSOPHY**

The philosophy of The Villas at Havasu Foothills Estates is the sensitive integration of a unique architectural image within the natural desert environment. The goal of The Villas at Havasu Foothills Estates is to achieve “harmony with nature” by blending all improvements with the existing Mohave Desert and the surrounding mountains. The unifying theme for the community is the enhancement of the natural desert within a harmonious and aesthetically pleasing community.

The Villas at Havasu Foothills Estates is well suited to justifying such a philosophy. It is bordered on the west by the distinct features of the Seven Sisters and Lake Havasu while on the east by the Mohave Mountain Range. Close-range views of these mountains, vista-oriented views across the Colorado River Valley and views of Lake Havasu are available to most building sites throughout the property. The expression of architectural and landscape design must be responsive and complement the desert environment, rather than dominate these features and views.

The Villas at Havasu Foothills Estates’ philosophy encourages and fosters quality design in architecture and landscape where individual Homesite Owners, and the community as a whole, bear the responsibility and agree to cooperate to achieve The Villas at Havasu Foothill Estates’ goal of “harmony with nature.” To this end, the architecture and landscape design

emphasizes an organic inseparability between residences and the desert landscape.

The objective of the Design Guidelines is to reinforce this philosophy, acknowledge the mutual benefits to the The Villas at Havasu Foothills Estates community to be derived by implementing it and to do so in a spirit of cooperation between Owner and the Committee. The understanding and acceptance of this philosophy by everyone will ensure the success of The Villas at Havasu Foothills Estates Community.

## **3. SITE DEVELOPMENT GUIDELINES**

Below are guidelines and standards for all site work relating to the Homesite, including grading, landscaping, siting of structures, and outdoor areas.

Owners are required to obtain the services of a professional Architect, Civil Engineer or Landscape Architect / Designer. These professionals have the ability to analyze the unique potential of each site and to understand and address the needs of the Owner. They are also capable of portraying to the Committee, through detailed drawings and renderings, the site and landscape design concept.

To assist in the creation of a quality, environmentally responsible community, which preserves and enhances the desert setting, the site design and landscape of each Homesite shall be carefully planned according to the following standards:

### **3.1 Building Envelopes**

Building Envelopes have been established for all Homesites in order to ensure that every home is sited in the most appropriate location.

Establishing Building Envelopes are illustrated on the Homesite Diagram for each property. See Figure 1 for a sample Homesite Diagram.

All structural improvements on a Homesite (including outdoor amenities such as covered patios, accessory buildings, and related Improvements) must take place within the Building Envelope and constructed through Janecek Homes Inc.

### **3.2 Combining Homesites**

When an Owner combines two or more Homesites, The Committee and Janecek Homes Inc. will designate a new Building Envelope based on the new lot lines and the criteria above.

### **3.3 Easements**

Property lines are located approximately ten feet six inches (10' – 6") behind the back of the street curb of any street that abuts the

Homesite. This area between the back of the curb and property line represents the street right-of-way. This right-of-way is property of Lake Havasu City and consists of utilities and utility boxes, landscape (or streetscape) and potential sidewalks, mailboxes, street signs and other neighborhood improvements. It is the responsibility of the Owner to landscape and maintain this area in accordance with approved plans or existing landscape and streetscape themes.

Along with the street right-of-way, an adjacent on-site eight foot (8'-0") wide strip easement exists within each Homesite. This easement has been established for utilities and landscape (or streetscape). It is the responsibility of the Owner to landscape and maintain this area in accordance with approved plans.

Each Homesite is served with underground electricity, television cable, telephone, sewer and water line. The location of these utilities within easements is the responsibility of the Owner to determine and should be confirmed in the field when a survey of the Homesite is performed to verify the boundary and topographic features and future placement of other improvements.

Landscaping and the building of driveways or fencing within utility easements is permissible if done in accordance with an approved plan and is acceptable by governmental agencies or utilities with jurisdiction over the Homesite. There is a need for access to such utilities. Furthermore, the Utility Companies, Homeowners Association, or Developer has

no responsibility for damage to Owner improvements when accessing such utilities.

Drainage easements may be established over a portion of some Homesites. These easements are areas of special consideration due to the potential for water flows of a higher volume and must remain unaltered and unobstructed. Improvements designed and constructed by the Owner to bridge these drainage easements are encouraged. However, the design of such improvements must be submitted to the Committee for review and approval. Such improvements, if approved, shall be constructed to maintain in as natural setting as possible.

All utility company pull boxes, transformers, and similar facilities have been set at or below grade whenever possible, and within the easement. Future planting and grading must be designed and implemented to further diminish the visual impact of these facilities. The Committee will review individually all improvements planned for inclusion over easements held by utilities or public agencies as well as those held by the Association.

Easements that are located on Homesites include, but are not limited to, emergency access, water lines, irrigation lines, sewers, storm drainage, and utilities. Location of these easements are found on the corresponding tract map or within separate instrument. It is the Owner's responsibility to confirm the location and purpose of all easements and the improvements within the easements.

The Owner or Owner's design consultants should check with the Committee and local governmental agencies and utilities to determine restrictions relation to improvements constructed within easements.

### **3.4 Grading and Drainage**

Grading of homesites shall be done in a manner that compliments the elevation changes of the natural desert environment that defines the open spaces and surrounding foothills. All sloped areas should roll and fall in the forms of ridgelines, swales, washes, and rock outcroppings. Unnatural slopes that are steep and lack movement and contouring will not be allowed. Where slope conditions exist that prevent one from achieving functional and aesthetically pleasing slopes, retaining walls should be used to absorb the elevation change and help terrace the property.

No grading shall be done that may cause erosion on or off-site. No slopes shall be steeper than 2:1 except for existing slopes, or where a variance is allowed by the Committee. All finished grading must comply with any local jurisdictional codes.

In the desert water does not come often, but when it does it often comes hard and fast. Because of the rocky impermeable surfaces that make up the desert floor, adequate drainage patterns must be provided to deal with runoff. To prevent erosion damage to adjacent homesites, streets, and improvements all water must be directed to natural and designated drainage swales, washes, or the street. Along with the flow

paths and contouring of a homesite, water should be encouraged to create sheet flows rather than point loading water to narrow channels where erosion and damage are sure to occur. Where at all possible, retaining walls, retention swales, dry wells, and drainage basins should be used throughout the homesite to contain water onsite and minimize the amount of runoff.

### **3.41 Grading:**

- Any aesthetic landscape berming shall not direct drainage onto adjacent Homesites.
- All berming shall occur within the Building Envelope. All slope transitions shall be even and smooth rather than abrupt and unnatural looking.
- When transitioning to Natural Zones, the existing slope conditions of the Natural Zone should be augmented to create a smooth and natural transition.
- Landscape berming shall be in conformance with the overall approved drainage patterns established at The Villas at Havasu Foothills Estates.
- No grading shall be done that may cause erosion, on or off-site. No slopes shall be steeper than 2:1 except for existing slopes, and except where a variance is allowed by the Committee at the Committee's sole discretion.
- All finished grading must comply with any local jurisdictional codes.
- Any imported soil needed to create landscape berming shall be free of weeds and debris.

- Final grading of all planting areas shall be rolled, raked, and hand worked to achieve a smooth, continuous surface.

### **3.42 Drainage:**

- Concentrated run-off from roofs, driveways and other impervious surfaces onto adjacent property is prohibited except where a natural drainage condition exists.
- Drainage swales shall be designed to minimize run-off velocity to protect the Homesite from erosion. There shall be no increased water flows off of Homesites.
- Drainage shall always be directed away from any structure.
- All excavation and fill areas shall be sufficiently compacted to prevent erosion and future settling problems.

### **3.5 Retaining Walls, Fence Walls, and Fences**

Because of the rugged mountain foothill terrain that is home to The Villas at Havasu Foothill Estates, portions of the site will require the need for retaining walls, fence walls, and fences. All retaining walls, fence walls, and fences should be of natural desert hues and must blend in with the surrounding landscape and improvements

Retaining walls may never exceed eight (8') feet in height from the lowest elevation on either side of the wall. In areas where

additional retaining walls in excess of eight (8') feet are required, a terraced effect must be implemented. These terraces must have a minimum of three (3') feet of separation between walls and must be landscaped to help minimize the effects of the walls.

Fences and Fence Walls must be split faced masonry and of wrought iron or aluminum metal and painted in black or natural desert hues only. All split faced walls should match all existing walls throughout the Villas. Prior to construction or alteration of any retaining walls, detailed plans indicating materials, colors, heights, elevation changes and locations on the homesite must be submitted to the Committee for approval.

- The maximum approved slope from property line to top of wall is 2 to 1, except where a variance is allowed by the Committee and Local Building Authorities.
- No retaining wall shall exceed eight (8') feet in height unless otherwise approved by the Committee.
- Approved materials for retaining walls are split face only.
- Retaining Walls, Fence Walls, and terraces are restricted to a maximum combined height of sixteen feet (16'), with a minimum of one (1) terrace, in any one location. If a need exists to exceed the maximum of sixteen feet (16'), please consult the Architectural and Landscaping Control Committee.

### **3.6 Driveways**

Driveways shall be carefully designed, landscaped and sited to blend with the terrain and to minimize visibility from adjacent Homesites and the street. All driveways should be pavers only.

### **3.7 Service Areas and Utility Entrance Locations**

Service areas are intended primarily for the pickup of trash and for the storage of firewood, maintenance tools, and similar items. Pool, air conditioning, irrigation, and other mechanical equipment also must be located in these areas or underground. Walls are required around service areas and must be of an adequate height and length to conceal all equipment from view.

- Propane tanks must be screened or placed below grade.
- The interior of enclosed service areas must not be visible to the street or adjacent properties.

### **3.8 Art Objects**

Art and other freestanding objects must be located within the Building Envelope. If visible from streets and/or other public area, art objects must be approved by the Committee.

### **3.9 Satellite Dishes**

Satellite dishes shall not exceed eighteen (18”) inches in diameter.

### **3.10 Poles**

A flagpole for the display of the American flag only shall be permitted subject to Committee approval of placement, design and height. No flagpole shall be used as an antenna.

### **3.11 Signage**

The only signage permitted without further approval on a Homesite are the address numbers as part of the approved mailbox and any construction signs as described in Section 7 (Construction Rules and Regulations) of these Design Guidelines.

All other signage must be approved by the Committee. Standard sign requirements are available upon request from the Committee.

## **4. LANDSCAPE GUIDELINES**

### **4.1 Landscape Approach**

Landscaping is the most visible tool available to augment the natural setting and beauty intrinsic to The Villas at Havasu Foothills Estates.

The intent of the Landscape Guidelines is to promote the establishment of a continuous

desert landscape that compliments the existing Mohave Desert environment. In order to blend with the existing setting, a desert theme has been created for The Villas at Havasu Foothills Estates. By preserving existing vegetation where possible, and by re-vegetating and landscaping with similar plants, a unique and special character will be created. This character is reinforced throughout The Villas at Havasu Foothills Estates.

Desert landscaping does not mean sand or gravel with an occasional cactus. A vast number of plants exist which are native to the southwestern deserts that are lush and green in appearance. Cactus and succulents can be used in limited numbers as accents and focal points. Numerous colorful annuals and perennials are available and encouraged to add accent and seasonal color to the design. Within the confines of the Private Zones, greener tropical-like plants may be used to create a lush and cooling effect.

By using predominantly desert plant materials, the planted landscape shall not contrast or compete with the existing natural setting. To achieve this, a special plant pallet has been developed for this community (See Appendix B – Approved Plant Materials). The plants selected are adapted to the harsh desert climate of heat, wind, and sun. The unique characteristics of these plants allow them to survive and thrive in this climate with a minimum amount of water. The use of these desert plants will enhance the existing environment and wildlife habitat while helping blend and minimize the impact of the new improvements and homes throughout the property.

The landscape design of each homesite shall extend, preserve and enhance the overall landscape theme of the community. Landscaping shall help to integrate new structures and outdoor improvements with the Homesites, open space, and Natural Zones throughout the development. The overall landscape design theme calls for informal / native arrangements of plant and other landscape materials to enhance the natural beauty of the desert through use of subtle color, material, and size changes throughout the landscape.

Views of the natural open spaces, mountains, Lake Havasu and the expansive valley floor are found throughout many homesites within The Villas at Havasu Foothill Estates. Therefore, the placement and selection of tree types and sizes must be carefully considered in order to protect and enhance the valuable assets that these views provide to the community. Respect should be considered for neighboring homesites, open spaces, and streets.

The desert growing season is intense and can last for long durations of time, therefore, the appropriate selection of plant material, along with correct watering techniques must be considered to prevent plants from reaching uncontrollable sizes. Plants should be selected for each landscape zone based on their natural growth habits and the microclimates that exist around the homesite. Excessive and stylized pruning of plant material will not be allowed as pruning should only enhance the natural growth habits of the plant material to help achieve a more natural look.

To tie in with the natural character of desert trees, the use of multi-trunk trees is highly preferred over the typical standard or single-trunk trees. Hedgerows of trees are not allowed. Trees should be planted singly or in natural groupings.

Plantings of shrubs of a single variety shall be massed in groups of no less than three (3) plants to avoid a sporadic appearance. The variety of plant material shall be limited because too many types are often confusing and detract from the overall landscape.

Any portion of a homesite not covered by buildings, patios, driveways, sidewalks, or designated Natural Zones shall be landscaped as part of the improvements during the original construction of the home. All landscaped areas must be landscaped in accordance with these Landscape Design Guidelines and shall be irrigated with a fully automatic irrigation system. All approved plant material is labeled in Appendix B.

## **4.2 Planting Requirements per Landscape Zone**

### **4.2.1 The Natural Zone**

The Natural Zone is to remain untouched and in its current existing condition. Contractors and homeowners should take extreme caution and care so as to protect the Natural Zones.

If the Natural Zone on a property is damaged during construction, it must be restored as best as possible to its original natural condition.

With approval of the committee, a homeowner may enhance the natural zone to increase plant density, replace damaged or dead plant material, and to repair damaged portions of the Natural Zone.

Only plant material from the Natural Zone section of the Approved Plant List (see Appendix B) may be used in the Natural Zone.

#### 4.2.2 The Transition Zone

The plant character to be established in this zone is that of a lush desert, utilizing low water demand plant materials from arid regions. These plants were carefully selected for their ability to blend with the natural desert, their drought tolerate characteristics, and for their foliage and flowering seasons.

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 micro-climate change, and to define patio and/or outdoor areas.

The Transition Zone on each Homesite must be landscaped with approved plant materials which augment the adjacent street landscape and natural desert surrounding the Homesite.

##### Tree Planting Requirements:

Each Owner shall plant on their Homesite in the Transition Zone a minimum of one tree (24" box or larger) for every 25 feet of street frontage.

For example, a Homesite with 100' of street frontage would require a minimum of four trees to be planted.

Trees may be planted at various locations throughout the Transition Zone on the Homesite. Any existing trees on the Homesite may not be counted towards fulfilling this requirement. Corner Homesites should use the longer of their two street frontages to calculate the number of trees required.

Tree species shall be selected from the Approved Plant List for the Transition Zone (See Appendix C).

##### Shrub Planting Requirements:

Each Owner shall plant a minimum of 5 shrubs per 500 s.f. of Transition Zone area on their Homesite.

The following formula shall be used to calculate the Transition Zone area:

**Transition Zone** area sq/ft = **Lot** sq/ft **minus** Total sq/ft of **Residence** (Including Garages and Covered Patios) **minus** Any **Natural Zone** sq/ft found on the homesite.

EXAMPLE:

- Lot Size = 20,000 sq/ft
- Residence (Including Garages and Covered Patios) = 4,500 sq/ft
- Natural Zone = 3,000 sq/ft

$$\begin{aligned} \text{Transition Zone} &= 20,000 - 4,500 - 3,000 \\ &= \underline{12,500 \text{ sq/ft}} \end{aligned}$$

The following formula shall be used to calculate the required number of shrubs:

**Shrubs Required** = **Transition Zone** area sq/ft **divided** by **500 multiplied** by **5**

EXAMPLE:

- Transition Zone = 12,500 sq/ft

*Shrubs Required = 12,500 / 500 x 5*

*= 125 plants*

The Transition Zone Area shall be rounded up to the nearest 500 s.f. to calculate the number of required shrubs.

Of the required plant material quantities, the following sizes are required: 5% must be 15 Gal. or Larger, 55% must be 5 Gal., and the remainder (40%) must be a minimum of 1 Gal.

Shrubs species shall be selected from the Approved Plant List for the Transition Zone (see Appendix B).

### **4.2.3 The Private Zone**

A Private Zone is a portion of the homesite, typically the back yard or front courtyard, that is screened from view of streets, neighboring properties, natural open spaces, and parks. These zones are allowed a greater amount of flexibility in the design and landscape elements that may be used.

The landscape design of these areas must follow the overall principles of the landscape guidelines, however there are no specific quantities of plant material required. Since Private Zones will be different shapes, sizes, and contain different elements on each homesite, the landscape design of these spaces will be reviewed and critiqued on a site by site basis.

A sufficient amount of plant material must be used to complete the landscape of a Private Zone and all plant material must come from the Approved Plant List (see Appendix B).

## **4.3 Groundcover / Rock Mulch**

All landscape areas must be treated with a rock much ground cover material. To tie in with the natural desert terrain of the Havasu Foothills, decomposed granite is suggested. Rock mulch must cover all disturbed or unnatural surfaces throughout the homesite at a minimum of three (3) inches in depth.

Within Natural Zones the existing rock compositions must be used to reestablish the natural desert floor.

Within Transition Zones a mix consisting of the following shall be used:

- 90% of the material shall be:  
¾” Minus
- 10% of the material shall be:  
2” – 4’ Sized

Within Private Zones smaller material (1” or less) may be used in either Sized or Minus.

All Groundcover / Rock Mulch must be of desert hues that are reflected in the surrounding desert and mountains. Any rock that is obtrusive or contrasts with the natural desert will not be allowed. The Homeowner, Designer, or Contractor must submit samples and/or specifications for rock mulch to the Committee prior to installation.

## **4.4 Boulders**

Boulders are encouraged for use in the landscape to help continue and enhance the feel of the surrounding rock formations throughout the foothills and mountains.

Boulders shall be sunk a minimum of one-third (1/3) below grade and massed in

groupings of two or more to appear as natural as possible. All boulders must be of desert hues reflected in the surrounding desert and mountains. Any boulders that are too obtrusive or contrast with the natural desert will not be allowed.

#### **4.5 Existing Streetscape and Landscape on a Homesite**

The developer has installed landscape along some public streets and in some cases within Homesites. It consists of trees and other vegetation. This vegetation shall not be removed, and shall be incorporated into the overall design of the residential Homesite.

If streetscape landscaping exists on any portion of a Homesite, the style and theme must be preserved and continued along the entire streetscape of the property.

The Owner is required to assume responsibility for the watering of all landscaping within the Owner's Homesite Boundaries, and to the curb on street side, upon closing.

#### **4.6 Irrigation**

To aid in water conservation, careful planting design should reduce water consumption needs while using minimal and efficient irrigation systems:

- All landscaped areas shall be provided with an automatic irrigation system.
- Low-Volume drip irrigation is recommended for trees, shrubs, and

ground covers to conserve water. Bubblers are highly discouraged because flooding of plant beds causes unnecessary water loss. Spray or subterranean systems shall be used for turf areas.

- All systems shall be below grades.
- All systems shall have a backflow prevention device to prevent non-potable water from entering the potable system.
- Systems shall be designed to minimize run-off and loss of water. Use of ten-simeters and rain guards are encouraged to prevent the unnecessary watering of the landscape during rain storms.
- The system should be designed to meet the peak demands of all the plant material.
- Irrigation controllers and backflow prevention devices shall be located where they are not visible to adjacent Homesites and the street.
- Where spray heads are used, they shall be "pop-up" type. No exposed "knocker heads" are permitted.
- The irrigation system shall be designed for the scale of the yard. Spray heads shall have a maximum 20 foot radius throw, unless otherwise approved by the Committee.
- The landscape design of each Homesite shall group or zone plant material according to water consumption needs and soil requirements. For example, trees and shrubs should be on different zones to allow for different watering times and durations.

## **4.7 Paths, Outdoor Stairs, and Terraces**

Paths, outdoor stairs and terraces are to be designed to blend with the natural desert environment and to help in blurring the line between the indoors and the outdoors.

- The use of natural materials, such as stone, chipped stone or gravel, is encouraged. Other paving materials such as concrete modular pavers, brick, block or similar materials may be approved, provided their colors, structure, and composition complement the residence and the surrounding landscape.
- Paths, outdoor terraces and stairs may occur within the Transition Area provided they are surrounded with plantings, colored and designed to make a smooth transition to the Natural Area. This includes using colors which match the surrounding landscape and incorporating plant materials from the Approved Plant Lists (Appendix B) for the Transition and/or Natural Area.
- Designs should minimize the use of several different types of paving materials in order to produce a unified design.

## **4.8 Retaining Walls, Fence Walls, and Fences**

In the tradition of design within desert climates, walls are used to enclose outdoor spaces and to extend building masses and living areas into the landscape. Walls are typically designed and constructed with considerable mass and thickness, and are

punctuated with wrought iron and/or gates. All Retaining Walls, Fence Walls, and Fences shall be located within the Building Envelope.

- Walls shall be utilized to enclose the Private Area and to act as a separation between the Private Area and the Natural Areas.
- Retaining Walls shall not exceed eight (8') feet in height.
- Fences and Fence Walls shall not exceed six (6') feet in height.
- Where appropriate, walls should be extensions of the residential structure and integrated into the overall architectural design.
- Acceptable finish materials for walls are split face only.
- Walls should be constructed of materials and colors which match all existing walls.
- Gates should both be in scale to surrounding walls and be detailed and designed to complement the architecture.
- Gate structures may be in a maximum of eight feet (8') in height so as to accommodate overhead design features such as trellises and/or arbors.
- All walls must be of masonry from a minimum of six (6") in thickness and be appropriately finished to match or complement the exterior of the house. Wall offsets of architectural detailing to create shadow lines and texture is required to break up long, linear forms.

## **4.9 Pools and Spas**

All pools, spas, and related hardscape elements shall be located within the Private Zone and effectively screened from off site and adjacent Homesites.

- Swimming pools and spas shall be designed to be visually connected to the residence through the use of privacy walls and courtyards. All supporting equipment and safety fencing must be screened from view and screened or located so as to attenuate sound to other Homesites or public areas.
- Above ground pre-cast or molded spas are not acceptable unless not visible from roadways or neighboring properties. Custom designed in-ground spas are acceptable and encouraged.

## **4.10 Lighting**

Exterior lighting shall be low level and directed downward, recessed, or shielded so that the light source is not visible or obnoxious from residential development in the area or from a public viewpoint.

- Fixtures finishes shall be selected to blend with the area they are placed within.

## **4.11 Water Features**

Water features are discouraged unless they are water and energy efficient.

- Water features shall be kept in scale with the house and shall have limited

jets, sprays, and surface area, to reduce the loss of water through evaporation.

- It is recommended that water features be designed within courtyards and Private Zones for the benefit of the Homeowners only.
- Any water feature visible to public shall require approval by the Committee.
- Flash evaporation (micro-mist) systems are allowed subject to Committee approval.

## **4.12 Completion of Landscape**

All landscape for each Homesite, as approved by the Committee, shall be completely installed within six months of the issuance of a Certificate of Occupancy.

Landscape inspections shall occur at three times: First, after rough grading and boulder placement. Second, after placement of plant material to confirm plant species, quantities, size, and placement. Location of turf and other site amenities will also be inspected at this time. Third, for final approval of the landscape including the irrigation system, lighting, plant training, and site amenities, the landscape Contractor shall be responsible for arranging these inspections with the Committee, the Owner, and the Landscape Architect / Designer.

Upon completion of landscape and all exterior improvements to the property, the homeowner will be eligible for a final inspection and request for return of the compliance deposit. Contact the Association for final inspection and further information

### **4.13 Maintenance**

The Homeowner shall maintain all plantings in a healthy growing condition. Fertilizer, cultivation, and pruning shall be carried out on a regular basis.

- Multi-trunk trees shall not be pruned up so as to create “standard” forms except within the Private Area where it is not in the public view.
- Dead and dying plants shall be removed and replaced promptly.
- Irrigation systems are to be kept in proper working condition to avoid unnecessary loss of water. Owners shall be responsible for adjusting, repairing, and cleaning such systems on a regular basis.
- The irrigation system shall be designed and checked regularly to ensure that water from emitters or spray heads is not spraying onto walks or driveways, or off the Owner’s property causing excessive water loss, staining or irrigating areas not designed to receive water.

### **4.14 Modifications to the Landscape**

Any modifications to trees, palms, planted materials, hardscape elements, structural elements, and groundcover rock visible from the public view shall require approval by the Committee prior to the modifications being made.

## **5. ARCHITECTURAL GUIDELINES**

The following section sets forth guidelines and standards for residences and any ancillary structures to be constructed within the Building Envelope, including appearance, massing, height, color and materials.

### **5.1 Architectural Approach**

Building masses should be predominantly Spanish or Mediterranean in order to enhance the overall theme of The Villas at Havasu Foothills Estates.

Colors and features must be chosen to blend with the naturally occurring desert and mountain-scape as seen from a distance. Residences at The Villas at Havasu Foothills Estates may be seen from above and from far distances and, therefore, should be composed of shapes and tones responding to the adjacent improved and natural environments.

### **5.2 Approved Roof Heights**

The Architect is encouraged to design the residence to conform to the existing grades and elevations of the Homesite. Recognizing that the home may have several levels, the elevation of the highest point of the roof structure of a single-story residence must not exceed twenty feet (20'). Two story residences are not permitted in Phase 1 or 2 in The Villas.

Roof-mounted equipment is discouraged or must be placed within said height limitations

and shall be screened or mitigated from view. The location, screening, and mitigation of roof mounted equipment shall be submitted to the Committee for approval at the design development stage.

The maximum building height for Detached Garages or structures may not exceed eighteen feet six inches (18'6") in height. (See Section 5.14). Twenty foot (20') building height on detached structures must be approved by Janacek Homes Inc.

### **5.3 Building Masses**

In general, buildings shall be one Story and follow natural site contours and surrounding conditions to the greatest extent possible. Building masses should be predominantly horizontal rather than vertical, yet should not create long unbroken elements. (Refer to Figures and Examples of building masses and vertical height envelope):

- All Buildings must be located within the Building Envelope.
- Second Story homes are not permitted in Phase 1 and 2 of The Villas.
- Building, in general, should be made up of a group of distinct and simple geometric forms which emphasize the desert environment.
- Building designs shall incorporate varied projections such as wall offsets, trellises, decks or verandas that create visual interest and respond to the desert climate.
- The use of recessed doors (including garage doors) and window openings

is required to help create a sense of permanence.

### **5.4 Exterior Walls and Materials**

All materials used on the house exterior should be compatible with, and complementary to each other and to the overall design in regards to: style, texture, color, and character. All materials should harmonize with the desert environment. Stone and stucco are materials which meet the aesthetic criteria at The Villas at Havasu Foothills Estates. Examples of acceptable materials are available from Janacek Homes Inc.

### **5.5 Roofs**

From many viewpoints in and around the community, roofs will become the dominant element of the landscape and must create a harmonious relationship to the street, site and adjacent structures. All roofs shall be carefully designed in terms of color, material and shape so that they help to integrate the structure with its site and neighboring buildings. Examples of available colors and styles will be provided by Janacek Homes Inc.

### **5.6 Doors**

Entry doors or courtyard doors present opportunities to introduce "artistic" touches that will personalize residences. Doors and entrances should be recessed and have simple, straightforward lines which borrow from the regional southwest architectural traditions.

Examples of available doors will be provided by Janecek Homes Inc.

## **5.7 Windows**

Windows shall be recessed to create shade, shadow and a sense of massiveness. Examples of windows will be provided by Janecek Homes Inc.

## **5.8 Fascias**

Consideration shall be given to the fascia as an architecturally integrated design element.

## **5.9 Chimneys**

Fireplaces and chimneys are very dominant in an architectural design, and therefore, they need to be proportionate to and consistently detailed with the overall architectural design. Fireplaces must be equipped with an approved spark arrester. Flue pipes are required to be encased with a chimney enclosure of masonry or stucco, and supported by a foundation at grade when located on an exterior wall. Exposed metal flues are not acceptable.

## **5.10 Skylights**

Skylights must be integrally designed into the structure and should not be obtrusive. Skylight glare shall not be back-lit or manufactured of reflective material. Skylight framing shall be colored or coated to match adjacent materials.

## **5.11 Solar Equipment**

Solar equipment is encouraged but should integrate with the architectural design of the structure. Solar panels may not be visible to the adjacent properties or street. All solar designs must be approved by the Committee and Janecek Homes Inc.

## **5.12 Exterior Showers**

Exterior shower enclosures or equipment should not be visually exposed to the adjacent property.

## **5.13 Mechanical Equipment, Sheet Metal and Vents**

Roof mounted mechanical equipment must not be visible and must not generate excessive noise levels nor emit odors.

## **5.14 Guest Houses, Casitas and Detached Garages**

Guest houses should be designed as a single visual element with the residence, and should be visually connected by walls, courtyards, roofs or other major elements. The guest house must comply with the zoning regulations of the City and all other provisions of these Design Guidelines. No guest house or guest suite may be leased or rented. The maximum building height for Detached Garages or structures may not exceed eighteen feet six inches (18'6") in height unless approved by Janecek Homes Inc.

### **5.15 Exterior Trim and Detailing**

Exterior trim and detailing shall be consistent around the entire house.

## **6. DESIGN REVIEW**

The Architectural and Landscaping Control Committee (or “Committee”) is established to oversee the overall development of The Villas at Havasu Foothills Estates Community in accordance with the Design Guidelines and the professional judgment of the Committee members. The Committee is empowered as described within the Declaration of Covenants, Conditions, and Restrictions (the “Declaration”) to administer and enforce proper development and operation of The Villas at Havasu Foothills Estates. The Committee will perform its duties and be composed of a membership as described within the empowering document.

Design development and review will follow a logical sequence wherein the applicant/Owner and the Committee enter into a process-oriented relationship as described within the design review procedures of the Design Guidelines. Janecek Homes Inc. will manage all new construction submittals. All other improvement submittals must be submitted with a \$250 fee to the Design Committee for approval. Submittals will not be reviewed unless accompanied with an application form and all necessary fees.

## **7. CONSTRUCTION STANDARDS**

### **7.1 Speed Limit**

The speed limit within the boundaries of The Villas at Havasu Foothills Estates shall not exceed twenty (20) miles per hour. Due to the number of vehicles operation on the site, the speed limit must be observed.

### **7.2 Parking**

Parking will be confined to the Homesite under construction or as approved in writing by the Committee. No parking is permitted in front of a finished residence unless permission is granted in writing prior to parking.

### **7.3 Construction Hours**

Construction shall be limited to:

October 1<sup>st</sup> – April 30<sup>th</sup>

Monday through Friday

7:00 AM – 5:30 PM

Saturday

7:00 AM – 4:00 PM

May 1<sup>st</sup> – September 30<sup>th</sup>

Monday through Friday

5:30 AM – 7:00 PM

Saturday

7:00 AM – 5:00 PM

Note: Further restrictions on power tools are found in the Declaration of Covenants, Conditions and Restrictions.

No Construction-related activities shall be permitted during Sundays or official holidays of The Villas at Havasu Foothills Estates.

Official holidays of The Villas at Havasu Foothills Estates are as follows:

*New Years Day, Labor Day, Good Friday, Thanksgiving Day, Memorial Day, Christmas Day and Independence Day.*

#### **7.4 Committee and Association Access to the Homesite**

Representatives of the Committee and the Association shall have full access to the Homesite and building while under construction to:

1. Inspect the Homesite or Improvements at any time.
2. Remove security, health or safety risks or hazards.
3. Clean or maintain the Homesite or Improvements.
4. Enforce any provision of the Declaration or these Design Guidelines.

#### **7.5 Site Signage**

No signs other than approved address sign located on the plan box or standard committee Homesite identification signs will be permitted on Homesite under construction.

#### **7.6 Site Conduct and Safety Precautions**

The general contractor, job superintendent, and their employees, sub-contractors and suppliers shall:

1. Comply with all of the construction provisions established in these Design Guidelines and the Declaration.
2. Follow the directives of The Villas at Havasu Foothills Estates security staff and the Committee.
3. Not consume alcoholic beverages or non-prescription drugs on the site.
4. Not damage or disturb the work of others.
5. Take all necessary precautions for the safety of all persons, materials, and equipment on or near the site of dangerous conditions during the work.
6. Furnish, erect and maintain approved barriers, lights, signs and other safeguards to give adequate warning to everyone on or near the site of dangerous conditions during the work.
7. Not disturb residents or guests of The Villas at Havasu Foothills Estates.

## **7.7 Site Maintenance**

The general contractor, job superintendent, and their employees, sub-contractors, and suppliers shall comply with the following rules established for the maintenance and cleanliness of the site. The general contractors or job superintendent shall:

1. Maintain the site in a neat and clean condition, neatly stockpiling all materials delivered for or generated by the work and immediately remove any waste material or debris generated by the work.
2. Contain all blowable trash and bottles, cans and lunch debris.
3. Remove all equipment, materials, supplies and temporary structure when any phase of work is complete, leaving the area neat and clean. Equipment not in daily use must be removed from the job site.
4. Keep the streets, gutters and adjacent property clean and free of dirt, trash, debris or other material related to or caused by the work, and clean up all street spills. (Damage to street pavers or asphalt may require replacement or pavers or asphalt)
5. Maintain dust control on the Homesite.

Note: The Owners and builders are prohibited from dumping, burying or burning trash anywhere at The Villas at Havasu Foothills Estates.

## **7.8 Disposal of Site Spoils**

Any spoils generated from the site grading must be placed on the Homesite. No materials may be placed on the street or common areas.

Storage of spoils on adjacent property will not be permitted without the written permission of the adjacent Homesite Owner. Written permission must be on file with the Committee prior to placement.

## **7.9 Compliance**

The Committee and the Association reserves the right to deny site access to any general contractor, job superintendent, sub-contractors, supplier or their employees who are in violation of the construction regulations.

The Committee and the Association reserve the right to stop construction on a Homesite where:

1. Improvements are being built or the Homesite is being landscaped against approved plans.
2. These Design Guidelines, approved plans, the Declaration and/or The Villas at Havasu Foothills Estates security regulations are not being complied with fully.
3. The Committee inspector will inspect the Site periodically. An offense may result in a stop-work order and contractor entry restrictions. Any cost whatsoever incurred by the Association in enforcing these rules or remedying a violation will be billed to the

Owner. Exercise by the Committee or the Association of the rights delineated under this provision shall not be deemed a waiver by the Committee or the Association and shall not preclude the Committee or Association from initiating any legal action against the violators (including Owner) of the Declaration, construction regulations or Design Guidelines.

### **7.10 Revisions to Approved Plans During Construction**

Revisions to approved architectural and/or landscape plans during construction must be approved by the Project Architect or Landscape Architect or Designer before the Committee reviews them.

## **APPENDIX C – DEFINITIONS**

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

### **ACCESSORY STRUCTURE**

Any structure detached from the main residence a minimum of ten (10') feet.

Maximum height for an Accessory Structure or Detached Garage is twenty (20) feet.

### **ARCHITECT/LANDSCAPE**

#### **ARCHITECT**

A person licensed to practice architecture or landscape architecture in any of the States of the United States of America.

### **ARCHITECTURAL AND LANDSCAPING CONTROL COMMITTEE (THE COMMITTEE)**

The Committee appointed by the Declarant or the Board as provided in the Declaration of Covenants, Conditions and Restrictions for The Villas at Havasu Foothills Estates to review and either approve or disapprove proposals and/or plans and specification for the construction, exterior additions, landscaping, or changes and alterations with The Villas at Havasu Foothills Estates.

### **ARCHITECTURAL AND LANDSCAPING DESIGN GUIDELINES (DESIGN GUIDELINES)**

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

## **ASSOCIATION**

The Villas at Havasu Foothills Estates Community Association, Inc. (“Association”), an Arizona non-profit mutual benefit corporation.

## **BOARD**

The Term “Board” shall mean the Board of Directors of The Villas of Havasu Foothills Estates Community Association, Inc., its governing body.

## **BUILDERS**

A person or entity engaged by an Owner for the purpose of constructing any improvement within The Villas at Havasu Foothills Estates. The Builder and Owner may be the same person or entity.

## **BUILDING ENVELOPE**

The portion of any Homesite, designated as a Building Envelope on the Homesite Diagram, and within which construction of buildings and accessory and appurtenant structures and improvements is permitted.

## **CONSTRUCTION ACTIVITY**

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

## **CONSTRUCTION SITE**

A site upon which Construction Activity takes place.

## **CONSTRUCTION VEHICLE**

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

## **EXCAVATION**

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

## **FILL**

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

## **FINAL MAP**

The recorded final Subdivision map or lot map for any portion of The Villas at Havasu Foothills Estates.

## **HOMESITE**

The term "Homesite" shall have the same definition as "Lot".

## **HOMESITE DIAGRAM**

The term Homesite Diagram shall refer to the individual site plans for each Lot provided to the Owner by the Committee at the commencement of the Design Review Process. Each Homesite Diagram specifies setbacks, Building Height and any special restriction pertinent to the Lot's development, together with any additional factors that the Committee may consider to be pertinent.

## **IMPROVEMENTS**

Any changes, alterations, or additions to a Lot including any Excavation, Fill Residence or building, outbuildings, road, driveways, parking area, walls, retaining walls, stairs, patios, courtyards, hedges, posts, fences, signs, and any structure or other improvements of any type or kind.

## **NATURAL AREA**

That portion of the Homesite which lies outside of the Building Envelope and is to remain in an essentially natural condition.

## **OWNER**

The term Owner shall mean the record Owner of any Lot or Lots as shown on the official records of the Mohave County, Arizona Recorder. The Owner may act through an agent provided that such agent is authorized in writing to act in such capacity.

## **PRIVATE AREA**

That portion of the Building Envelope which is not visible from neighboring Homesite or street because it is screened by privacy walls, buildings and/or other landscape elements.

## **RESIDENCE**

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

## **ROOF HEIGHT**

The elevation of the highest point of the roof structure as measured from finished grade at that point.

## **STORY**

That portion of any building (including garage) included between the surface of any floor and the surface of the floor above it, or if there is no floor above, then the space between the floor and the ceiling next above it.

## **SUBDIVISION PUBLIC REPORT**

The final subdivision public report and amendments thereof issued by the Arizona Department of Real Estate.

## **TRANSITION AREA**

That portion of the Building Envelope which is visible from the streets and neighboring Homesites and is adjacent to the Natural Area.