

# Legacy



DESIGN  
GUIDELINES  
AUGUST 22, 2006

# INTRODUCTION

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Building a home in the midst of the beautiful and fragrant orange groves provided by the North East Mesa area ensures that residents will have all the inspiration they need to create the best of both worlds: past and present, old and new. The careful incorporation of authentic area orange trees into the community and homesite environments is a large part of the overall theme that presides over Legacy. Designers have created a mold mingling traditional acceptance and love of the area with the Old World beauty and elegance Legacy will add to the landscape. The balance of past and present is a delicate one that we are willing to work hard to achieve in Legacy. Legacy Design Guidelines assure that the community will be a treasure trove of unique architectural and landscape designs. The standards set by the Design Guidelines will further ensure that the unique designs proposed will be implemented authentically and soundly. In addition to aesthetic integrity, the Design Guidelines protect the health and welfare of residents, preserve the facets of the orange grove that will be incorporated into the community plans, and help to prevent problematic situations that could result in the dissatisfaction of residents or the damage of community property.

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The Legacy Homeowner's Association (HOA) has appointed a Design Review Committee (DRC) and adopted these Design Guidelines to regulate and guide the design and construction of residences, qualified residential improvements, and related situations. The requirements of the Design Review Committee apply to all Owners and users of Legacy. Zoning and building ordinances of the City of Mesa will also apply to all relevant issues within the Legacy Community. The Guidelines contained herein are separate and apart from the regulations of the City of Mesa. If the situation occurs that the Design Guideline regulations conflict with those of

the City of Mesa, the stricter of the two will be adhered to. When consulting the Design Guidelines, individuals should verify that the Guidelines they are consulting are up to date and in accordance with current regulations.

Legacy reserves the right to make adjustments to the guidelines as necessary in response to on-going property conditions, issues that arise in the interpretation of the Guidelines, and in order to maintain the high standards of design quality Legacy has set.



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Legacy Design Guidelines are organized into the following sections for ease of understanding and use:

- The Residences
- The Landscape
- The Design Review Process
- The Design Review Committee
- Definitions

Note: All improvements that will in any way alter the exterior appearance of a lot will require DRC approval. This includes, but is not limited to: new construction, additions, exterior remodeling, landscaping, exterior installations, and other improvements.

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# THE RESIDENCES

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## *The Architectural Tone of Legacy*

One of the distinctive items setting Legacy apart from other quality residential communities is the acceptance of the beautiful, local landscape. Legacy's incorporation of the pre-existing, mature, orange trees that encompass every lot as well as the mountain views surrounding the area provide residents with a unique setting and a strong landscape theme serving as inspiration as designs are created and construction begins. The architectural tone of Legacy builds upon the foundation provided by the unique, yet traditional building site, promotes the unification of creative and diverse design and architectural ideas, and offers beauty through authenticity of design and construction.

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The following guidelines are enforced only to offer sound construction of character and diversity. Quality and authenticity should be the basis of all Legacy home designs no matter the architectural style. Architectural style will clearly depend upon the individual tastes of Owners. While designs will pass through the Legacy Design Review

Committee all original ideas and actual designs will depend entirely on the Owner of each homesite. Individual style preference will make the homes within Legacy stand out. The authenticity of design will unify the community and provide residents as a whole with the quality they require.



## *Architectural Style*

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While Legacy does not represent any one style, it does represent a strong unifying philosophy of design characterized by authentic aesthetics. The wonder of the community is in its unification of diverse designs through thematic character and charm which keeps tradition, elegance and luxury as the dominating features of the community. Residents are encouraged to incorporate authentic architecture to their designs that will represent this unifying theme such as: porches, overhangs, articulated massing and details, lush plant life, and luxurious landscape architecture. The Design Review Committee feels it is very important that each design submitted be site specific. Designs should be specifically created for each homesite's particular attributes. Pre-existing designs or plans created for other locations are highly discouraged. This will ensure that the home and landscape architecture successfully

incorporates the existing, mature orange trees and allows for site specific design opportunities that will make each home a unique creation. The Design Review Committee will aid in supporting the general aura of charm exuded by Legacy. Owners incorporation should reflect the lushness of the North Mesa Citrus Corridor that surrounds and is incorporated into the building site. As the Design Review Committee's purpose is to provide residents with the highest quality, most luxurious, and unique community possible, they will review plans and designs submitted for approval to ensure authenticity. Reflection of the community ideals of tradition, authenticity, elegance, luxury, and charm in each and every diverse design will allow even the most exacting of Owners to feel at home amongst the varying architectural styles.

## *Authentic Design Details*

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Whether derived from a classic French chateau or a stone English carriage house, authentic materials and textures, massing and forms and, in essence, authentic details, will make Legacy designs an ensemble that presents a unified front of stately and elegant homes accented by the beautiful, luxurious and charming surroundings. Comprehensive guidelines and rigorous review by the Design Review Committee will assure each residence at Legacy adheres to the design aspirations of the community. Individual architects will understand the design philosophy for the community and the environmental opportunities offered by incorporation of existing landscape into designs, as well as constraints of each home site. The existence of the Design Guidelines is in no way an attempt to create architecturally similar homes or to suggest that all Legacy homes need to be the same color or made of the same material, but to create a harmonious grouping of unique architecture and landscape environments compatible with and complimentary to the overall vision of Legacy. The world's most admired neighborhoods enjoy a patina of time

which the massive residential growth in the area lacks. Legacy refuses to be a part of this architectural blandness. Legacy intends to create a unique and rich gathering of diverse building styles. In order to do so without losing touch with the traditional, authentic feel, The Design Review Committee will review construction materials, structural details, and/or landscape designs to determine if proposals are lacking necessary points relevant to the architectural style chosen. The Design Review Committee will also require variety in order to create an appealing and interesting community of notable and admirable structures that reflect the love of beauty and style that Legacy residents will appreciate. In addition to creating a uniquely stylized architectural design, the existence of the Design Review Committee will also guarantee that designs are complimentary to the local landscape surrounding Legacy by incorporating the mature orange trees from the surrounding orange groves to accentuate the lush, Old World feel of Legacy's community landscaping.



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While the individual architecture for each homesite will vary greatly, the common design expressions of authentic beauty will make the community character rich and vibrant. Authentic design details will ensure unique beauty to each design as well as pro-

viding the community as a whole with the reflection of tradition and greatness that many residential communities lack. Not only will each residence be a special place, but the unique qualities of the diverse designs will gather to create a special community.

## *Building Envelopes*

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Legacy lots are individual in their features and therefore designs per lot will feature unique opportunities to facilitate the advantages of the specific homesite. For obvious purposes, each lot has its own designated area known as the building envelope. All construction related to the individual residences must occur within the building envelope designated for each homesite. Building envelopes were determined for each lot dependant on several factors: unique features of each lot, City of Mesa zoning ordinance, and other community planning considerations. All residences must be confined within the designated building envelope.

A primary factor regulating the placement of building envelopes throughout the community is the preservation of the orange trees throughout Legacy. The preservation of the trees will also be an important consideration when plans and footprints are being reviewed by the Design Review Committee. Owners and architects are strongly advised to take note of the placement of trees within their building envelope in order to creatively and distinctly integrate the existing trees into the overall footprint design of the homesite.

Initial Owners of Legacy lots will receive a Lot Exhibit outlining placement of property lines, building envelopes pertaining to their residence homesite, location and placement of all utilities within the

envelope, and a precise designation of existing orange trees in place at the time the exhibit is created.

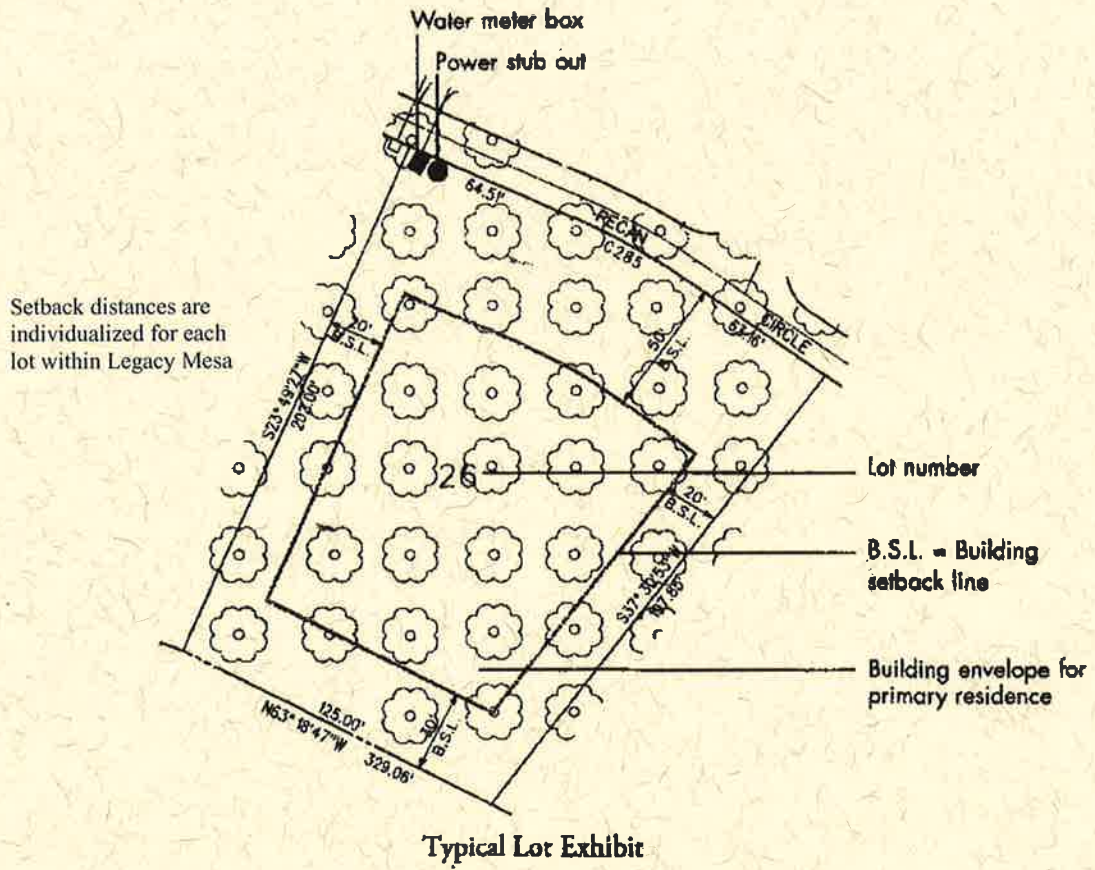
Lot Exhibits provided to each homeowner indicate any setback requirements. However, additional setbacks exist for two story designs. Any Owner constructing a two-story residence must allow a side and rear yard setback that is at least equal to the height of the finished home closest to the side yard. For example, if the height of the home adjacent to the side yard is twenty-five (25') high, the setback distance must be at least twenty-five feet (25').

Precise designations have been made in order to protect the rights of all Owners within Legacy and encroaching on adjoining lots is out of bounds. Restrictions not listed specifically on the Lot Exhibit will be decided as needed by the Legacy Design Review Committee.

Note: Prior to the final design submittal the Owner must commission a survey that identifies the exact number and accurate location of all trees on the lot.



Building Envelopes — Cont.



Please refer to CD for specific lot information

## **Building Envelopes — Corner Lots**

Legacy lots that front a street on more than one side have building envelopes and therefore Lot Exhibits that vary somewhat from the typical due to additional considerations relative to their perspective locations.

Homes on corner lots must exhibit proper massing and consistent architectural detail on both street fronting sides of the homes in order to present a

unified architectural and landscape design from both perspectives.

In addition to this, any accessory buildings on corner lots should be located opposite the side yard that faces the street and must follow designated setback guidelines dependent on specific lot location in order to ensure as little distraction as possible from the beautiful architecture and design featured.



***Building Envelopes***  
***Density, Area, Building and Yard Regulations***  
***(Referenced from City of Mesa Zoning Ordinance 11-4-5)***

Zoning	Minimum Lot Size	Maximum Density per Acre	Maximum Building Height	Minimum Setbacks-Front / Side / Street Side / Rear
R1-35 PAD	30,000SF	97 du / acre	30'2 Story	30'/20'each/20'/30'

## *Orange Tree Preservation and Lot Zones*

Legacy is a community that celebrates the natural landscape through the incorporation of orange trees from the orange groves the North East Mesa Citrus Corridor is known for.

Each lot within Legacy has a large number of existing citrus trees and each homeowner will be required to keep at least one row of trees along both sides and the rear of the backyard property lines.

A minimum of four citrus trees will be retained in the front yards at all times. Citrus trees will be removed as necessary on an individual lot basis as building pads are constructed.

A citrus area treatment will be preserved around the perimeter of the Legacy project. Along the outside of the theme wall one row of citrus trees will be retained or planted along McLellan

to help maintain the rural citrus character of the area.

Regarding lots inside of the theme wall, each lot owner will be required to maintain at least one row of citrus along the back of their property.

Decisions on citrus preservation amounts will be decided by the Design Review Committee on a lot by lot basis. Permanent irrigation will need to be in place on homesites since the citrus vegetation will require above normal water use in order to be maintained properly.

If citrus trees that are designated for preservation are removed, a minimum of a 35" box citrus tree must be planted in its place.

For additional information regarding the proper care of the orange trees contact the Design Review Committee.



## *Site Grading*

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Legacy lots will each require an effective grading and drainage plan. Landscape architects should keep in mind that irrigation will be a normal occurrence. The Owner is responsible for the plan and, in addition to passing the review of the Design Review Committee, must adhere to all City of Mesa regulations pertaining to the situation.

Fine grading is a critical aspect of landscaping. Each lot should be graded such that all storm water will drain away from the house and other structures. Natural appearing, subtle mounding or berming is encouraged to be incorporated into the landscape design provided drainage patterns for each individual lot is maintained.

Each lot will be required to retain its own storm and/or irrigation water. Possible suggestions and/or requirements include, but are not limited to: building pads, and reinforced perimeter berming. Possible solutions could include importation of soil from off the Property to achieve the proper pad and perimeter berm elevation. The grading or land

forms shall be contoured in a natural smooth rounded form. The maximum pad grade shall not exceed twenty-four inches (24") from adjacent top of curb.

Gradient changes should always take into account the possible negative effects on surrounding orange trees and should maintain the existing grade of the surrounding trees that remain. If roots are impacted they must be hand pruned. Tree removal by either the Association or the Owner will require the remaining hole be back-filled and properly compacted at the Owner's expense.

The City of Mesa must review and approve all drainage and retention plans. The passing of landscape and site plans through the Design Review Committee does not ensure that the City will approve. The Design Review Committee is reviewing plans solely in accordance with aesthetic, tree preservation, and guideline issues.

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## *Residence Dimensions*

Unless prohibited by City of Mesa regulation, residences may be one or two stories.

Single-story designs shall contain at least four thousand five hundred (4,500) square feet of enclosed living area. Two story residences shall contain at least three thousand, two hundred (3,200) square feet of enclosed living area on the first floor. Second floor living area should not exceed fifty percent (50%) of the first floor living area.

The Design Review Committee reserves the right to decline two story residence proposals as necessary depending upon specific site attributes and sur-

rounding community issues.

No residence or structure may exceed thirty feet (30') in height. Height will be measured from the approved pad grade to the highest ridge of the roof. In no case shall a residence height exceed thirty feet (30') measured from natural grade. Since chimneys are required by code to project above the roof, they may exceed the maximum building heights, however, in no case shall the top of chimney exceed thirty six (36').

Basement features such as exit stair rails shall not be visible from neighboring properties or community areas.

## *Garages and Parking*

Due to the minimization of hard surface coverage, street side parking is not a possibility at Legacy. Owners are encouraged to provide ample area for guest parking within their residence's building envelope. While access drives into each property are limited to one, and are not to exceed 18 feet in width at the point of entrance, Owners are highly encouraged to incorporate paved areas adequate for the parking of at least two guest automobiles within the landscape of their building envelope. Screening these additional parking areas with hard-scape or landscape features that are at least two feet (2') high is encouraged.

In addition to guest parking, residences are required to allow enclosed parking for at least three cars. All garage doors must be equipped with automatic garage door openers. Garage openings must be specifically placed to minimize visibility from the street. Garage doors should complement the architectural style chosen. Primary garage doors should be a maximum of twenty feet (20') wide and nine feet (9') high and recessed from the adjacent wall plane a minimum of twelve inches (12").

The Design Review Committee will deny plans for detached garages that appear excessive in size or overwhelming in relation to the property or community. Appropriate scale will always be considered in relation to overall height, square footage, location on site, setbacks, relationship to the main residence and other design considerations. Detached garages are in no way exempt from and in some ways held more accountable to following the specific design style as set forward by the architecture of the Primary residence. While there are no specific dimensional specifications, detached garages will undergo close scrutiny by the Design Review Committee. Owners with ideas including detached garages are advised to bring it to the attention of the Committee during the Pre-Design Conference in order to assure that they will be in accordance with acceptable criteria.

Recreational vehicles of all kinds are required to be parked and/or stored within an enclosed garage or behind a fence line resulting in their complete removal of view from outside the property.

## *Community Site Issues: Cooley Park*

The Legacy community is backed by Cooley Park, which includes several working softball fields. The situation created by the proximity of the ballpark is obvious, and should be taken into consideration during homesite planning. The Legacy Design Review Committee is aware of the situation and will make suggestions pertaining to design plans as needed to help alleviate any potential problems related to the attributes of Cooley Park, i.e. reflected light, errant baseballs, noise levels, etc. While the park is in use, the noise levels are low considering that attendance per game is typically less than 20 people.

The possibility of damage due to errant baseballs from Cooley Park cannot be eradicated in full, but design considerations that take into account the probable direction will lower the chances that Cooley Park may negatively affect your residence. The

Committee strongly recommends that, during site planning of a homesite adjacent to Cooley Park, considerable thought be given to the possibility of errant baseballs in relation to orientation of windows and other breakable surfaces of the residence. Having said this: netting, screens, excessive landscaping, inappropriate fences and/or large blank walls will not be allowed. Approval of your final submittal to the Design Review Committee in no way guarantees protection from errant baseball damage.

Legacy is aware of the situation in detail and is currently in negotiations with Cooley Park and neighboring community officials regarding possible solutions to lighting and noise issues. Contact the Design Review Committee with specific concerns.



## *Residence Massing*

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Residences at Legacy must be designed as "four-sided", meaning that wall materials, textures, design features, detailing, relief, recesses, and visual characteristics must be consistent throughout all elevations around the entire perimeter of the residence.

The form and massing of homes is of critical importance. It is one of several factors that will ensure that Legacy's goal of classic and authentic architecture as whole throughout the community is achieved. Each elevation of each residence must have three separate and distinctively recognizable masses.

Masses are differentiated by a minimum of two feet (2') of vertical and horizontal displacement from each adjacent mass. The Design Review Committee highly encourages courtyards and/or porches

facing the street. They offer variation in the architectural massing and promote a collective sense of community.

Dormers, turrets, and other features that break the mass of the roof and add scale distinction to the residences are encouraged.

In particular, homes on corner lots within Legacy must exhibit proper elevational masses and architectural detail on both street fronting sides of the home.

The Legacy Design Review Committee will be enforcing an overall maximum dimension of 30' in height in accordance with City of Mesa regulations.

## *Exterior Wall Finish*

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The Legacy Design Committee requires the use of three (3) or more complementary finishes on the vertical exterior walls of each residence. In no instance is attention to this requirement limited to the front elevation. As with other regulations, the use of three (3) or more finishes is to encircle the entire outside perimeter of the residence. The materials should also be balanced in their use throughout the perimeter.

The use of three (3) or more complimentary finishes will provide Legacy with a variety of style and mixture of quality that will set it apart from other communities. The use of three (3) or more finishes should in no way disrupt that authentic architecture of the design and architects should in all cases design using authentic materials in relation to the architectural style chosen.

## *Roofs*

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The rooftop design of each residence should be aesthetically pleasing from the street and should have a pleasing relationship to adjacent structures. Flat roofs are discouraged. Pitched, gabled, mansard, hip and kicked eaves are all roof styles that can be easily incorporated to top the overall design with a unique roof style.

Roof design should be in accordance with the chosen architectural style of the residence. Exposed rooftop mechanical equipment will not be approved. All roofs within an individual homesite must be of the same color and material. Visible skylights and awnings, including canvas or acrylic awnings, are

prohibited.

Miscellaneous items such as vents and gas equipment flues should be located to occur as much as possible on the least prominent side of the ridge line and painted to match the adjacent roof color. Rotating roof top ventilators are not permitted. The screening of gas flues and roof vents must be considered at the earliest stages of design.

Note that the City of Mesa zoning ordinance allows no more than 30% of your total acreage to be roof area.

## *Colors*

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Individual residency color palettes must be approved by the Design Review Committee. As exterior colors of individual homes will not only relate to the individual residence, but to the overall effect of Legacy as a whole, approval of color palettes will depend upon community issues as well as individual residences. Therefore, prior to choosing individual residence color palettes, Owners should refer to the comprehensive Legacy Color Palette. The palette is based on the colors and tonalities of the citrus area in which Legacy will reside.

Exterior colors should add to the richness and harmony of Legacy as well as complimenting the chosen architectural style and individual design of the residence in point. The Design Review Committee will evaluate residence color palettes in relation to the appropriateness to the particular style of architecture, and their aesthetic integration with and contribution to the natural and community surroundings.

Residence color palettes should be used consist-

ently on all elevations and appurtenant structures. All projections from a building, including, but not limited to, chimney caps, roof vents, gutters, scuppers, downspouts, utility boxes, porches, fencing, railings, and exterior stairways, shall match the color of the surface from which they project or be an appropriate accent color.

Ornamental metals or other similar features will be evaluated for appropriateness on a case by case basis and may be approved for deviation from the base wall color restrictions. In no case shall any exterior surface be reflective. Where more than one color is approved on a single structure, all color changed must be made at an inside corner.

The Committee's judgments regarding all attributes associated with wall color will take into account a range of considerations far broader than what can be spelled out in any prescribed list of rules. The Design Review Committee will be available to discuss decisions as needed.

## *Doors and Windows*

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The front door entrance to the residence is the most significant point of reference offered by individual homes to the streetscape elevation. The front door should, therefore, be fully incorporated into the unique architectural design of the house. The front door of the residence should have the minimum measurements of: six feet (6') wide by eight feet (8') in height.

Legacy encourages recessed entrance areas due to the unique design opportunities they offer. Creative and individual entrances and courtyards provide an aesthetic value to individual residences as well as the community as a whole.

Owners are further encouraged to make the front door entrance the focal point in comparison to the garage entrance. This can be readily achieved through the previous mentioned courtyard, unique architectural details accenting the front door, and/or porches/terraces.

The surface of all doors and windows shall be

recessed a minimum of four inches (4") from the finish face of walls in which they are placed. The only exception to this rule would be in the instance that a window is placed under a patio roof where a large overhang occurs. In this particular instance a minimum two inch (2") recess should be used. Surrounds of brick or other accent materials, and/or functional wood window shutters (depending on the appropriateness in correlation to the individual residence's architectural style) are encouraged.

Traditional divided lites in windows and doors are also encouraged if they will be consistent with the home's architectural style. No glass can be mirrored. Use of glass block should be minimal and is limited to 35 square feet (35ft<sup>2</sup>) or less in any single application. All grout joints must be colored to match closely the exterior building color.

Sun control and shading elements must be designed as an integrated part of the dwelling.



## *Lighting*

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### **Interior Lighting**

Typically, the interior portions of any house are not a matter of community concern, except in instances where the type and placement of interior lighting may cause exterior glare. For example, deck lighting visible from higher elevations through clerestory windows.

Interior lighting, while not responsible for accenting community design, should in no way affect it negatively.

Potential problems with interior lighting are far too site specific and wide in range to discuss in detail or categorize through general restrictions. Owners should be aware that lighting design should be respectful of other community members and that these issues will be of concern to the Design Review Committee. The Design Review Committee therefore reserves the right to require revisions in relation to possible community or neighboring property issues in relation to interior lighting within individual residence designs.

### **Exterior Lighting**

The use of outside landscape lighting is allowed provided it complies with the City of Mesa Dark Sky Ordinance. All lighting shall be shielded such that the bulb is not visible beyond any lot line. All outside lights shall be screened wherever possible with walls, plant materials, or internal shielding.

Spotlights and floodlights are prohibited unless activated by a motion detector and only when specifically approved by the Design Review Committee.

If approved, spotlights and floodlights must:

- be concealed from view by landscape details
- not be visible from neighboring property
- not produce hot spot lighting
- be painted an approved color
- never face the street or driveway

Exterior wall, fence, and building-mounted light fixtures should be integrated into the architecture of the house and painted a color to appropriately blend within its setting. Gas lamp fixtures are encouraged. Wall, soffit or pathway and landscape light fixture enclosures must be selected or designed to conceal the light source and must be of an approved color.

Consistent with municipal requirements for safety and security, Legacy's desire in relation to regulating lighting is to keep it as unobstructive as possible while allowing for landscape accentuation through light, as well as providing illumination along streets encouraging pedestrian use in the twilight hours.

## *Skylights*

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Skylights in general are prohibited. The Design Review Committee reserves the right to deny any design plans including skylights. Although the possible of exceptions exist if skylights are not

visible from either neighboring properties or the street and if they compliment the architectural style of the home authentically.

## *Fire Sprinklers*

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The placement of fire sprinklers should comply with City of Mesa regulations as well as the National

Fire Protection Association criteria and the International Fire Code 2000.

## *Satellite Dishes*

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The Design Review Committee must approve the location and height of any satellite dishes or other

wireless communication devices. Needless to say, placement should minimize visibility.

## *Heating, Air Conditioning, and Ventilation Units*

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Heating, Air conditioning, ventilating, or environmental enhancement devices are required to be ground mounted. There will be no approval of designs incorporating the mounting of any mechanical device on the roof of the residence.

In addition to the mounting of all mechanical devices on the ground, they are required to be screened so they cannot be seen from the street or neighboring property.

## *Outdoor Recreation Facilities*

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Outdoor recreational facilities that are visible from neighboring properties, community properties, or the street are subject to approval by the Design Review Committee as well as the exterior design guidelines set down for individual residences. Outdoor recreation facilities that are not visible from neighboring properties shall be subject to design review on regarding their impact on the preserved orange trees. Permanent basketball goals and/or poles are not allowed in the front or side yards.

Community features have been provided in the Village Green that should accommodate most of the outdoor recreational needs of the community, but approval of outdoor recreational additions to individual residences will be more probable if guidelines regarding exterior walls and landscape are adhered to in relation to the recreational additions, as well as minimal visibility which is most easily achieved through mature landscape screening.



## *Fencing*

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The design and material used for fencing of residential properties within Legacy should reflect the style of architecture reflected in the home design. Site walls or fences must appear as a visual extension of the residence, using similar or complimentary materials, finishes, and colors.

All lots require fences along the full length of the rear lot line and both side lot lines. Each residence must also have a fence that connects the residence to the side lot line fences in order to separate the front yard from the rear yard. These front fences must be placed no less than eight feet (8') back and parallel to the front plane of the residence.

Fences on the side and rear property lines shall be constructed as part of the initial site-work and be in place prior to beginning construction of the residence. The remaining walls and fences shall be in place prior to occupancy.

At no point should any fence exceed six feet (6') in height. All site walls must be composed of compatible materials on both sides of the wall. Masonry walls must be a minimum of 6" thick. No 4" block or Dooley wall systems will be approved.

Wrought iron fences may be approved on a case by case basis when a view beyond the wall is desired. As wrought iron fencing is to be used by the developer for common areas of Legacy, the appropriate use of wrought iron fencing on individual properties

is encouraged and will tie in to overall design themes.

Fence corners are required to feature a special detail, i.e. stair stepping the wall or providing an angle, etc.

All necessary care should be taken in sprinkler placement to avoid the consistent direct contact of water overspray on fence lines that could result in discoloration, or corrosion of the fence.

In the case of a common fence, the resident who moves in first will be required to complete the fencing required for the lot. The resident of the adjacent lot will be required to reimburse the first resident one half the cost of the common fence. Payment will be required prior to Design Review Committee approval for construction.

Special attention will be given by the Design Review Committee to fence lines adjacent to or in sight of the Village Green area as there should be a harmonious image presented by the connecting fence lines of the common area.

## *Swimming Pools and Spas*

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Street visibility of pools and spas on individual properties must be minimized, as well as visibility from neighboring properties and common areas. Swimming pools and spas within any Legacy home design must adhere to all pertaining City of Mesa regulations, including required fence and enclosure heights. Doors and gates leading to the pool and/or spa areas must meet the Maricopa County safety and closure regulations, including any doors opening directly from the residence to the pool and/or spa areas. Exterior decorative restrictions should be adhered to as closely as possibly in regards to type of material

used and color of material used in pool and/or spa design.

Due to environmental concerns, Legacy recommends that a drywell be constructed for disposal of pool backwash and draining. Any and all applicable governmental regulations governing disposal of pool water must be followed.

All pool equipment should be enclosed or suitably screened from view to a height of twelve inches (12") minimum above equipment height including, but not limited to: valves, pumps, filters, blowers, conduits, piping and controls, etc.

## *Entry Bollards*

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Each residence is required to have matching masonry bollards that are a natural, and aesthetic extension of their chosen architectural design style as well as nearby fences on the property. Bollards are to be a minimum of twenty-four by twenty-four inches (24" x 24") wide and a maximum of fifty-four inches (54") in height.

Bollards shall be installed on both sides of the entry drive and be setback two feet (2') from the rear face of the curb. One of the bollards shall incorporate the Legacy approved address identification.

## *Flags*

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Freestanding flag poles are prohibited as a permanent fixture on any Legacy lot. However a display of the American flag is permitted throughout the year if it is appropriate in scale, and if it is hung from a bracket mounted to the residence or

suspended from a roof overhang. Other flags, such as the Arizona State flag and other special interest flags, may be displayed temporarily (not to exceed one week) on special occasions in a similar manner to that of the American flag.

## *Exterior Decoration*

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Exterior sculpture will be permitted on a case by case basis depending on design implementation, use of authentic and agreeable materials, color, size, placement (focusing on minimal disruptive visibility to neighboring properties and common areas.

Exterior ornamentation not a part of the overall design of the residence, and not approved by the Design Review Committee is not permitted, i.e. freestanding fountains, statues, wagons, wagon wheels, representations of animals, weather vanes, etc.

Unique exterior features that are a part of the submitted design must be an integral part of the architecture of the residence and should include detailed design information including sketches, cut sheets, and photographs as part of the Preliminary Submittal and the Final Submittal for approval by the Committee.

Other outdoor decorations such as: garden art, sculpture, birdhouses, birdbaths, and miscellaneous yard appurtenances are welcome at Legacy as long as they are contained within the private area of the residence's outdoor area. Private areas are defined by their lack of visibility from outside of the specified property.



## *Signs*

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Exhibition of any type of sign on Legacy properties is prohibited. To seek exception to this rule,

contact the Design Review Committee.

## *Utilities*

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Utility services will be stubbed to the front property line of each homesite by the developer. Sewer, water, electricity, telephone, natural gas, and cable television service locations are clustered (usually with those of one adjacent homesite) in a utility easement located on one of the front corners of each homesite. All utilities must be installed underground from their connection at the front lot line to the residence by the Owner.

Builders are encouraged to construct utility lines along driveways and pathways to reduce trenching within the canopy of preserved orange trees. The final site plan shall indicate the path and depth of all underground wet and dry utilities anywhere on the property. The size, height and location of meters and meter boxes shall be included on the site plan.

## *Falcon Field Airport*

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The Property is within 1.5 miles of Falcon Field Airport. Additional information pertaining to aircraft operations and airport development may be obtained by contacting the Falcon Field Administration Office.

As required by the City of Mesa, a separate aviation easement for the Project has been or shall be recorded in the official records of Maricopa County, Arizona.

# THE LANDSCAPE

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Legacy resident landscaping draws inspiration from the vibrant surrounding area landscape: The North East Mesa Citrus Corridor. The partial preservation of the orange groves will be achieved by the incorporation of the mature, orange trees into residential property and common area landscape architecture. The Legacy area is unique. There aren't many "lush" landscapes in the middle of the desert. Therefore, it is crucial that residents remember to compliment the uniqueness of their home's setting with their planting designs. As much of the existing citrus as possible will be retained and undisturbed. New planting should blend with the existing citrus rather than distracting from the citrus. The area's natural charm should come through in the landscape architecture chosen. In order to ensure that this occurs, Legacy has defined three planting zones to be considered. These three areas are: Natural, Transitional, and Private. The lines between these three areas should blend within the Legacy landscape and offer a diverse mixture of lush plant life that will reflect the area's natural landscape characteristics.

## *The Landscape Concept*

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The orange grove will be the dominating residential landscape theme throughout Legacy. All landscape designs must reflect the Orange grove as the dominant characteristic of the design by choosing plant and hardscape materials that are compatible and complimentary.

As previously noted in the Design Guidelines Orange Tree Preservation and Lot Zones (RES-8) each Owner is required by the City of Mesa to maintain one row of Orange Trees along the perimeter of their backyard and at least four (4) Orange Trees in the front yard. The areas fulfilling these requirements are known as the Natural Areas. As the name suggests, they should remain, for the most part, in their natural state. Although, complimentary planting is allowed if appropriate to the citrus character, and non-disturbing to the Orange Trees.

Landscape architects should review the existing vegetation as well as neighboring properties and/or common areas in order to complement the surrounding community. Irrigation will be required to maintain the pre-existing Orange Trees.

The Transitional Area is the area within the building site that is visible to adjacent properties, common areas, and/or the street. The Transitional Area of each property should be designed to compliment both the chosen architectural style, and the surrounding areas.

Private areas are those areas not visible to

adjacent properties, common areas or the street. Private Areas are the areas that have the most lenient restrictions due to their minimal visibility and therefore should incorporate those landscape design ideas that are most personal to the Owner of the residence. They provide much greater flexibility with regard to species and color of plant life.

On properties with existing citrus in the front yard area, there are to be no additions of curbs, walls, or similar features along the property line that will disrupt the continuous flow of the orange trees. This will help to create a sense of community within Legacy.

Landscape materials must be approved by the Design Review Committee. All appropriate materials cannot be listed here due to the extensive nature of the list.

Main considerations of the Owner regarding possible landscape design prior to the pre-submittal conference should be:

- This is a citrus area rather than a desert area. Desert landscaping will not be approved.
- Take note of the Citrus you will be designing around. There will be no exceptions to this rule.
- Streetscape landscaping should compliment the Elm trees that will line the streets, providing a canopy when mature.



## *Landscape Concept — Cont.*

### *Goals and Objectives*

Legacy is a unique residential community within the Citrus Preservation Area in the City of Mesa. This gated community, rich in a variety of visual and recreational amenities is designed as a "lush, green" environment in keeping with the Citrus tree heritage of the area. The purpose of these landscape guidelines is to insure for the Owners continuity and harmony of design as well as a level of quality and consistency throughout the development.

A landscape theme has been developed for the project which has an emphasis on turf and canopy trees. A uniform street tree will be installed on all interior streets throughout the project. In addition, key existing Citrus trees in strategic locations are being preserved in place. Limited landscape planting areas are characterized by lush, green, and/or seasonally colorful shrubs, groundcovers, and accent plantings. Plants typically are grouped in massings and are placed in generally formalized arrangements.

Landscape designs should support this theme. Front yards are required to be primarily turf with the homeowner responsible for installing turf extending to the back of curb for the entire length of the lot excluding areas designated for driveway. Existing Citrus trees should be preserved and incorporated into the landscape where possible.

### *Turf Areas*

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Front yards are required to be a minimum of 50% turf. Turf shall extend to the back of curb on all lots for the entire length of the lot excluding the driveway. Areas of turf and planting areas shall be physically separated. Areas of turf shall be confined by either a continuous walkway, headers (concrete, brick, or tile), curb, boulders, or decorative walls.

### *Rock Ground Cover and Boulders*

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Landscape planting areas shall contain a minimum 2" depth of decomposed granite (3/4", 1/2", 3/8", or 1/4" sizes are acceptable). Color shall be earth tone compatible with house color. All granite areas shall be treated with pre-emergent weed control at regular intervals to retard weed growth.

Fractured granite (3"-8" size) or river run rock may be used for erosion protection if required.

Boulders shall be surface select granite boulders compatible in color to the decomposed granite. They must be buried 1/3 the diameter below grade and placement must be approved by the Architectural Review Committee.

## *Landscape Concept — Cont.*

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### *Plant Palette*

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The following plant palette represents a sampling of plant species incorporated into the common area landscapes throughout the development. Landscape materials used throughout the development are not limited to those species on this list but should be similar in character and compatible with the materials on the list.

	<u>Botanical Name</u>	<u>Common Name</u>
Existing Trees:	Citrus species	Citrus
Entry and Focal Areas:	Olneya tesota	Ironwood
	Phoenix dactylifera	Date Palm
	Prosopis species	Mesquite
	Schinus terebinthifolius	Brazilian Pepper
Park and Street Trees:	Dalbergia sissoo	Sissoo Tree
	Ficus nitida	Indian Laurel Fig
	Fraxinus velutina 'Rio Grande'	Fantex Ash
	Quercus virginiana 'Heritage'	Heritage Live Oak
	Ulmus parviflora	Evergreen Elm
Shrubs, Ground Covers, and Accents:	Agave sp.	Agave
	Chrysactinia mexicana	Damianita
	Convolvulus cneorum	Bush Morning Glory
	Dalea species	Dalea
	Hesperaloe parviflora	Red Yucca
	Hymenoxys acaulis	Angelita Daisy
	Lantana species	Lantana
	Leucophyllum species	Sage
	Nerium oleander 'Petite Pink' Dwarf oleander	
	Penstemon species	Penstemon
	Ruellia species	Ruellia
	Turf (Bermuda hybrid)	
	Annuals	



## *Landscape Concept — Cont.*

Corner homesites must additionally consider the necessity of a view triangle to prevent the hindrance of driver's vision of oncoming obstacles as they round corners within the community. The view triangle is created by a diagonal from point thirty feet (30') back from the corner. Combined plants or berming over three feet (3') in height are not allowed as measured from top of curb at the corner. Trees are allowed if the bottom of their canopy is kept up to eight feet (8').

When designing, allowances must be made for the mature size of the plant to prevent forced unnatural trimming at a later date.

Any walls, planting boxes, patios, courtyards, retaining walls, etc. incorporated into the landscape design are required to be an accurate reflection and/or extension of the overall architectural style and theme of the residence.

## *Irrigation and Sprinkler Systems*

All landscape planting areas and turf areas must be equipped with an automatic underground irrigation system. All irrigation and sprinkler systems, below drip grade, must be working prior to plant installation on site. Spray heads may only be used for turf and should be retractable. The system must have a backflow prevention device which, along with the timer, must not be visible. The irrigation system

must not cause run off or erosion.

Water harvesting, the onsite retention of storm runoff is encouraged to take advantage of natural runoff from rainfall. Berms, swales, and planting wells that direct overflow water to plants on-site, rather than, running off-site, are highly encouraged.

## *Landscape Berming*

While berming can be advantageous for collection and direction of water runoff as well as level changes pleasing to the eye, the use of landscape berming should be limited to appear as a natural extension of the existing grades. Dramatic, unnatural slopes will not be approved for implementation. Berming should not cause runoff to neighboring properties, common areas, or the street. It should

not affect community drainage in any way.

Where properties abut and both have areas that must be revegetated, homesite owners should work together to ensure that any berming necessary overlap the property line in order to make the berming appear natural and the community landscape unified.

## *Landscape Curbs & Headers*

Physical barriers such as concrete curbs, brick, paver, or stone headers must be installed between turf areas and adjacent shrub, groundcover or flower plantings.

The barrier must be a minimum of six inches (6") in width. Concrete must be compatible with the architectural color scheme. Wood, metal and plastic barriers are not allowed.

## *Landscape Accent Lighting*

Low voltage accent lighting is encouraged in landscape designs in order to provide further compliment unique aesthetic features of architecture and plant life and the blending of the two. Landscape lighting is subject to approval in voltage and placement by the Design Review Committee. In no instance is landscape lighting to be allowed to cause a glare visible to neighbors.

Accent lighting is just that; it is not to be used to flood an entire property with light. Fixtures of low

quality will result in the denial of landscape lighting proposals. All landscape lighting fixtures should be an appropriate color that will blend in to the landscape it accents. Landscape lighting fixtures will be a maximum of fifteen inches (15") in height and are to be concealed behind natural landscape attributes such as: boulders, shrubs, etc. except when used to light a pathway.

Note: Colored lenses or exposed bulbs are prohibited. Automated or photo-electric systems are required.

## *Decorative Landscape Walls, Retaining Walls & Planter Beds*

Incorporation of decorative landscape walls, retaining walls and planter beds are encouraged in appropriate areas. They are to be an authentic reflection of the overall style presented by the residence's architecture and should in no way detract from the aesthetics of design of the individual residence or the community as a whole.

Walls that retain soil such as raised planters or man made mounds must be properly engineered, grouted solid and waterproofed to prevent unsightly water leaching, cracking and peeling paint.

## *Landscape Suggestions*

For suggestions of appropriate plant species that accent both your architectural style and the overall citrus theme of Legacy contact the Design Review

Committee in connection with your landscape architect.

## *Landscape Plan Review and Approval*

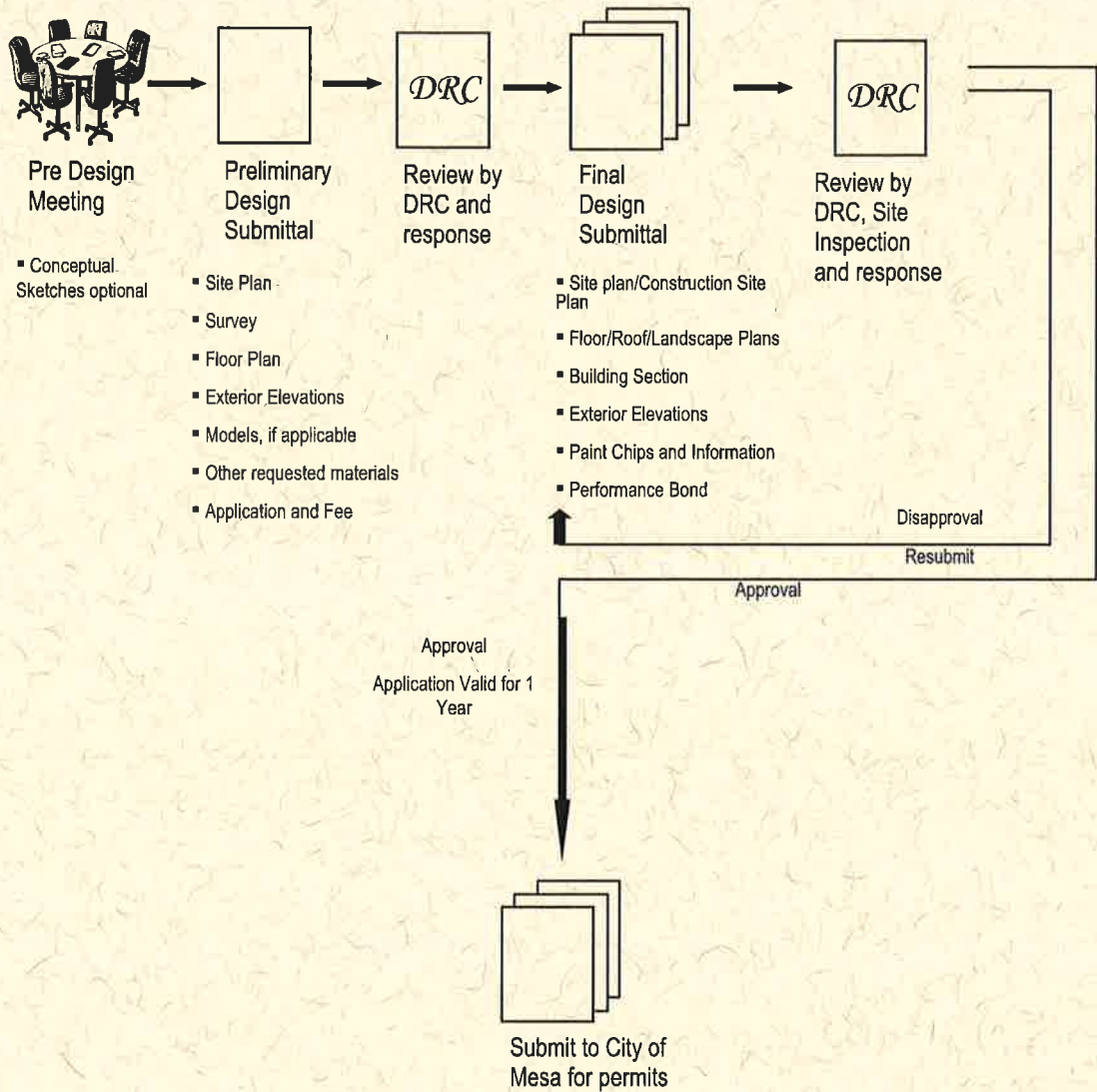
All landscape plans must be submitted to the Legacy Architectural and Landscaping Review Committee for review and approval prior to implementation. Landscape plans must be drawn to scale and shall show all materials including hardscape elements, rock ground cover, boulders, grading, lighting, planting, and method of irrigation. No landscaping

shall be installed without written approval of the submitted Landscape Plan.

Landscape plans must be submitted for review within 45 days of the closing date. Front yard landscaping must be completed within 90 days of written approval from the Legacy Architectural and Landscaping Review Committee.



# DESIGN REVIEW PROCESS



The above diagram shows the steps in the Design Review process in summary form. To assure that the submittal adheres to all requirements, carefully read the text in this section. It thoroughly describes the details necessary for a COMPLETE submittal.

All responses by the Design Review Committee will be sent in writing. Expect at least thirty (30) days for the completion of each review by the Design Review Committee.

## *General Provisions*

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Conferences will be scheduled, and plans and specifications shall be submitted to the Design Review Committee in accordance with the following procedures. The Design Review process will

proceed most efficiently if the Owner, design professionals, and Builder adhere to these procedures.

## *Qualified Design Services*

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The Design Review Committee will review all submittals for adherence to the provisions of these guidelines. To assure satisfactory compliance, Owners are strongly encouraged to utilize design professionals with expertise and experience in the design and construction of environments consistent with those called for at Legacy.

While engagement of the services of a State-of-Arizona registered architect, landscape architect, and/or civil engineer is recommended, regardless of the provider of the design services, all submissions must display the professionalism, technical competence and thoroughness that indicates the design meets the aesthetic and technical standards required by these guidelines.

## *Review of Plans by Design Review Committee*

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The Design Review Committee will conduct plan reviews during its regular meetings or at such other times as it deems appropriate. Regularly scheduled meetings of the DRC are working sessions for collaborative review and discussion by the DRC members and are not intended to be public hearings or forums. Neither members nor representatives of the DRC will be able to discuss results of reviews over the telephone. Any response the applicant or any Owner may wish to make in reference to issues contained in the DRC's comments or actions following review of submitted plans must be addressed to the DRC in writing. It is the intent of the DRC to enforce all provisions of the Design Guidelines.

The following will be of particular concern:

- Preservation of the orange trees
- Design authenticity and aesthetic qualities of the architectural style and setting
- Building heights, massing, roof, and window and door opening design
- Exterior materials and colors
- Landscape plan

The Design Review Committee has the authority and sole discretion to determine whether a home and/or landscape plan meets the intent of the Design Guidelines and/or the community.



## *Design Review Fee*

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A Design Review Fee will be charged for the Review Process. The amount of the fee will be discussed at the Pre-Design Meeting. If the Owner

decides not to proceed with submittal of plans for primary review, eighty percent (80%) of the Design Review fee will be returned.

## *The Pre-Design Review Process*

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### **Pre-Design Meeting**

Prior to preparing and/or submitting any preliminary plans for improvements to any property within Legacy, the Owner and designated architect meet with a representative of the Committee to discuss proposed plans and to resolve any immediate questions regarding building requirements at Legacy. In addition to the Owner and architect, all related professionals are encouraged to attend. This informal review is to offer guidance prior to initiating preliminary design, and should occur on site whenever possible.

At this meeting, Owner and Committee Representative will corroborate regarding general direction for design of the home and methods of authenticity that will be taken, intent of the Guidelines, advantages and constraints particular to the Owner's property, and any other issues or concerns. Owners are encouraged to bring conceptual sketches to the conference for discussion and comment.

Owners and professionals are also encouraged by the Design Review Committee to review the Design Guidelines prior to the Pre-Design Meeting. Make sure prior to perusal that you are in possession of the most current Guidelines as the Design Review Committee withholds the right to make changes as necessary.

### **Preliminary Design Submittal**

A Preliminary Design Submittal must follow within twelve months of the requisite Pre-Design Meeting. For a Preliminary Design Submittal to be accepted for consideration it must contain the following:

- Site Plan (scale at min. 1" = 10' or 1" = 8') accurately showing the entire homesite, location of the proposed Building Envelope and/or setbacks, the residence and all the buildings, driveway, parking area, existing and proposed topography,

proposed finished floor elevations, all major vegetation, if any, special terrain features to be preserved and trees to be removed.

- Survey (scale at min. 1" = 10' or 1" = 8') accurately by a registered land surveyor or licensed civil engineer showing homesite boundaries and dimensions, topography (maximum contours of two feet (2')), location of all citrus, edge of pavement or curb, and utility locations.

- Floor plans (scale 1/4" = 1'0") showing finished floor elevations.

- All exterior elevations (scale at min. 1" = 10' or 1" = 8') accurately showing both existing and proposed grade lines, plane heights, ridge heights, roof pitch and a preliminary indication of all exterior materials and colors.

- Models and colored perspective renderings may not be required, but are strongly encouraged, since they can facilitate the successful understanding of the design and as such, are helpful for not only the Design Review Committee, but the Owner. The Committee does, however, reserve the right to require a model if it is deemed necessary for the successful understanding or implementation of any particular design.

- Any other drawings, materials, or samples requested by the Design Review Committee.

- Application and Design Review Fee. Checks should be made payable to the Legacy Owners Association. The amount of the fee will be adjusted periodically, based on actual costs of the review process, which includes the engagement of a licensed architect as the Design Review Coordinator.

All Preliminary Design Submittals should contain two sets of prints, which shall be retained by the Design Review Committee.

## ***The Pre-Design Review Process — Cont.***

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### **Preliminary Design Review**

The Design Review Committee will review the plans and will endeavor to respond in writing no later than 30 days after a submittal is complete, indicating its decisions. Decisions received could be: approval, disapproval, or approval with stipulations. A lack of response by the Committee is not deemed as approval. An affirmative approval must be received in writing from the Committee.

Correspondingly, any response an Owner would like to make regarding Committee decisions must be addressed to the Committee in writing.

The Committee's approval of a preliminary design is valid for a twelve month period, after which approval would need to be regained. Except for extreme unforeseen circumstances, no preliminary approval will be revoked.



## *Design Submittal*

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### **Final Design Submittal**

A Final Design Submittal must follow the Preliminary Design Approval within the designated twelve month period of validity. Review by the Committee will not commence until the Final Design Submittal is complete. A complete Final Design Submittal must include the following:

- Site plan (scale 1" = 10' or 1" = 8') working drawings showing the entire property, location of the Building Envelope, location of remaining trees, the residence and all structures, driveway, parking area, existing and proposed topography, finished floor elevations, all trees to be removed, all utility sources and connections, and site walls.
- Construction site plan (scale 1" = 10' or 1" = 8'). Show on the site plan the location of the required construction fence, sanitary facilities (porta-johns) trash dumpsters, site office, trailers, etc.
- Floor plans (scale 1/4" = 1'0") showing finished floor elevations.
- Roof plan (scale 1/4" = 1'0") showing all roof pitches.
- Building Section (scale 1/4" = 1'0" or larger) indicating existing and proposed grade lines.
- All exterior elevations (scale 1/4" = 1'0") showing both existing and proposed grade lines, plate heights and roof pitch.
- Paint color chips and literature describing the brand and identifying number as requested by the Design Review Committee depicting or describing all exterior materials and colors.
- Complete landscape plans (scale min. 1" = 10' or 1" = 8") accurately showing size and type of all proposed plants, irrigation systems, all decorative material or borders and retained plants. A com-

design directive must be used and will be available from the Legacy HOA for each homesite.

- A performance bond in the amount of \$5,000.00 if a Legacy approved Featured Builder is being used, or a bond in the amount of \$20,000.00 if a non-Featured Builder is used. The bond is purchased in favor of the Legacy HOA to ensure compliance with the Design Guidelines and approvals given by the Design Review Committee.

- Compliance with stipulations from the Preliminary Submittal.

The Final Design Submittal must contain three (3) sets of prints which will be retained by the Committee.

Final Design Submittal must be received at the designated address of the Design Review Committee by noon of the Friday preceding a scheduled meeting in order to be included on the current meeting's agenda for consideration.

### **Site Inspection**

After receipt of the final Design Submittal, but before approval is given, a representative of the Design Review Committee will inspect the homesite to determine that conditions of the site are complete and accurate as depicted in the submittal.

### **Final Design Review**

The Committee will review the plans and will endeavor to respond in writing no later than 30 days after the submittal is received.

Results of reviews will not be discussed over the telephone and will always be handled in writing.

The Design Review Committee's approval of the final design is valid for twelve months.

*See Resolution. Next Page*

Legacy Mesa Homeowners Association  
c/o Right Way Community Management  
2500 S. Power Rd. Ste 221  
Mesa, AZ 85209


**Board of Directors & Design Review Committee Resolution  
Refundable Construction Deposit**

The Legacy Mesa Homeowners Association Board of Directors and Design Review Committee, does by unanimous written consent approve the amending of the Design guidelines to include an option of providing a refundable \$8,000 construction deposit in lieu of the performance bond (stated on page DES-5 of the design guidelines) if the owner should choose to exercise that option.


**Board of Directors**

**Design Review Committee**

  
\_\_\_\_\_  
Kevin Burdette                      Date

 2-6-13  
\_\_\_\_\_  
Kevin Burdette                      Date

  
\_\_\_\_\_  
Rose Ross                              Date

 2-6-13  
\_\_\_\_\_  
Martin Smith                          Date



## *Re-Submittal*

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### **Re-Submittal of Plans**

In the event you are required to resubmit for approval by the Design Review Committee for either a preliminary or a final submittal, include all the necessary documents. The same procedure should be followed for a re-submittal as an original submittal. An additional design review fee is

required with each additional submittal.

Design approvals for each step remain valid for one year only. If an application lacks the fulfillment of a preceding review phase by more than twelve (12) months, the pre-requisite step must be repeated, unless waived by the Design Review Committee.

## *Submittal for City of Mesa Building Permit*

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Upon approval by the Design Review Committee, the Owner should immediately submit the plans to the City of Mesa. The Design Review Committee is not responsible for any delays or extra costs if the Owner or the Owner's design professional elects to submit the plans prior to receiving approval of the Final Design Submission by the

Design Review Committee. The approval of the Design Review Committee should not be construed as approval to build. Permission to build can be obtained only through the City of Mesa. Engineering design and/or certification of foundations, retention basins, septic system and the securing of a building permit are all the sole responsibility of the Owner.

## *Home Modifications*

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Desired modifications after obtaining approval from the Design Review Committee requires re-submittal to the Design Review Committee for approval of the proposed changes, including, but

not limited to: landscape, exterior colors and/or other structural alterations, etc. Proposed changes must be received by the Design Review Committee in writing prior to commencing work.

# ***Construction***

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## ***General Provisions***

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Construction may not commence until all Design Review Committee and City of Mesa Requirements are complete, this includes: final submittal approval, possession of required permits, and completion of

pre-construction conference with the Design Review Committee.

All construction within Legacy must be performed by a licensed contractor.

## ***Construction Preparations***

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### **Pre-Construction Conference**

Prior to the start of construction, the Builder must meet with a representative of the Committee on site to review construction procedures and coordinate building activities within Legacy, including location of the construction office, storage sheds, material stockpiles, fire extinguishers, cement and paint clean out areas, trash containers, etc. In addition to layout issues, the Builder must at this

point provide the Committee representative with a list of subcontractors that will be involved in the building process.

### **Notification of Changes Required by Town**

The Owner will immediately notify the Design Review Committee of any changes required by the City of Mesa in connection to obtaining their building permits.

## ***Construction Commencement***

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### **Commencement of Construction**

Upon receipt of final approval from the Committee, and having satisfied all Maricopa County and City of Mesa review processes, the Owner will have satisfied all necessary conditions and will commence construction of any work pursuant to the approved plans within one year from the date of such approval.

If the Owner fails to begin construction within this time period, any approval given shall be deemed revoked.

### **Subsequent Changes**

Additional construction or other improvements or modifications to an existing residence or home-site, changes during construction or after completion of an approved structure, including landscaping and color modifications, must be submitted in writing with appropriate plans, color chips, etc. to

the Design Review Committee for approval prior to making such changes or additions. A formal application to the Committee with an associated fee is required. The fee will be determined by the Committee based on the scope of the change.

The Owner shall, in any event, complete the construction of any improvement on his homesite within one year after commencing construction thereof, except and for so long as such completion is rendered impossible or would result in great hardship to the Owner due to labor strikes, fires, national emergencies, natural calamities or other events beyond the control of the Owner.

If the Owner fails to comply with this schedule, the Design Review Committee will either have the exterior of the improvement completed in accordance with approved plans or remove the improvement, with all expenses incurred to the reimbursed to the Legacy Owners Association by the Owner.



## ***Construction Commencement — Cont.***

### **Inspections of Work In Progress**

The Design Review Committee will inspect all works in progress and give notice in the event of noncompliance. Absence of such inspection or notification during the construction period does not constitute an approval by the Design Review Committee of the work in progress and its compliance with these Guidelines.

### **Final Release**

Upon completion of construction or improvement, Owners should give written notice of completion to the Design Review Committee. The Design Review Committee will send a representative to the site within 10 days to inspect the residence or other improvement for compliance with the Guidelines as agreed. If all construction comply with the Guidelines, the Committee shall, in recordable form, issue a written "Certificate of Final Construction Approval" to the owner, constituting a final release of the improvements by the Design Review Committee. This release will be issued within thirty (30) days of the final inspection and may be recorded.

If it is found that the construction was not completed in accordance with the Guidelines and the plans as approved, the Design Review Committee may issue a written notice of noncompliance to the Owner outlining the acts of noncompliance. The Notice of Noncompliance, if necessary, will be issued within approximately thirty (30) days of the Final Inspection.

The Owner will have no longer than thirty (30) days from the date of the Notification of Noncompliance to remedy the acts of noncompliance. If, by the end of the time allotted, the owner has failed to remedy the non-compliant portions of construction, the

Design Review Committee may take action to remove the noncompliant construction and/or improvements as provided for in these Development Standards, including, without limitation, injunctive relief, the imposition of a fine, or both. Until a Certificate of Final Construction Approval is received, occupancy of the home may not occur unless the Design Review Committee makes an exception. In the event that the Design Review Committee does make an exception and the residence is occupied prior to receipt of the Certificate of Final Construction Approval, the

exception in no way alleviates the responsibility of the Owner to complete the residence in accordance with the Guidelines and the approved plans.

### **Non-Waiver**

The approval by the Design Review Committee of any plans, drawings, or specifications for any work to be done or proposed shall not be deemed to constitute a waiver of any right to withhold approval of any similar plan, drawing or specification subsequently or additionally submitted for approval. Failure to enforce any of the development standards contained herein shall not constitute a waiver of the same.

### **Right of Waiver**

The Design Review Committee reserves the rights to make adjustments to the Guidelines as necessary.

# DESIGN REVIEW COMMITTEE

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## Membership, Duties & Policies

### **Members**

The Design Review Committee will at all times consist of three members. Each of the three members will remain in office until the member resigns, been removed, or had a successor appointed. The Committee reserves the right to defer its responsibilities to a suitable, paid consultant.

### **Resignation of Member**

Members of the Design Review Committee may resign from their position on the Committee at any time. Written notice of resignation must be delivered to the Legacy Homeowner's Association, or the Declarant responsible for member appointments and removals.

### **Compensation**

Unless authorized by the Legacy Homeowner's Association, members of the Design Review Committee will not receive compensation for their membership. Members will be entitled to reimbursement for reasonable expenditures related to Committee duties. Professional consultants retained by the Committee will be paid as determined by the Committee and may be members of the Committee if appropriate.

### **Duties**

It shall be the duty of the Design Review Committee members to consider and act upon proposals or plans related to the development of Legacy that are submitted pursuant to the Design Guidelines when, and in a manner, deemed appropriate by the Design Review Committee.

### **Written Records**

The Design Review Committee will be responsible for keeping a complete set of written records of all applications for approval submitted (including one (1) set of all preliminary and final plans), of all actions of approval or disapproval, and of all other actions taken by it under the provisions of these Design Guidelines. All such records shall be maintained for a minimum of three (3) years after action is taken.

### **Non-Liability**

Neither the Design Review Committee nor its individual members, consultants, and/or representatives shall be liable to the Legacy Homeowners' Association or to any Owner or other person for any loss or damage claimed on account of any of the following: approval or disapproval of any submittals, construction or performance of any work whether or not approved, the development of any lot within Legacy, or inspections of improvements/lack of inspections of improvements. By submitting plans to the Design Review Committee every person agrees that he will not bring action or suit against the Design Review Committee, or any of its members, consultants or representatives regarding Design Review Committee actions or non-actions.

### **Enforcement**

The Legacy Design Guidelines may be enforced by the Legacy Design Review Committee, the Association, the Master Association, or the Developer as set down.

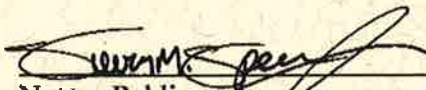
In the event that the Design Review Committee finds it necessary to declare that a violation of the Design Guidelines warrants it, a fine of \$10,000.00 may be imposed on the Owner. The Design Review Committee can impose the fine as often as necessary in the case of repeat offenses. If it is determined that the violation is not being corrected, Legacy Homeowners' Association incurs the cost to rectify the problem. Such costs will be reimbursed to the Association by the Owner of the property in question. Fines left unpaid may result in further fines and liens against the property.

### **Severability**

If any provision within the Design Guidelines is at any time deemed no longer valid, its removal does not constitute any other portion of the Design Guidelines invalid.

In the case of this event, the Design Guidelines will be reconstructed with the word, clause, or phrase deemed invalid removed and the remaining Guidelines will continue as if it did not exist.



  
\_\_\_\_\_  
Notary Public

My Commission Expires:

Aug 2, 2008



20051910360

**EXHIBIT A**  
**LEGAL DESCRIPTION OF PROPERTY**



**EXHIBIT "A"**

**LOTS 1 THROUGH 44 INCLUSIVE, OF LEGACY,  
ACCORDING TO THE PLAT OF RECORD IN THE  
OFFICE OF THE COUNTY RECORDER OF  
MARICOPA COUNTY, ARIZONA, RECORDED IN  
BOOK 748 OF MAPS, PAGE 1.**