



## ***NOBLE MOUNTAIN ESTATES ARCHITECTURAL GUIDELINES***

### **Introduction**

In accordance with Noble Mountain Estates' Declaration of Covenants, Conditions and Restrictions (known as CC&R's), the Board of Directors has adopted the following revised guidelines to be administered by the Committee. These rules shall apply to all lots located within Noble Mountain Estates.

The Committee reserves the right to interpret the guidelines within reason, for the purpose of insuring aesthetic compatibility and enhancing the appearance within the community. The goal is to prevent features that dominate or sharply contrast with community harmonized standards.

The Architectural Guidelines supplement the CC&R's. The Architectural Guidelines may be revised from time to time, subject to the Board of Directors' approval.

Noble Mountain Estates has a strong commitment to protect and preserve its aesthetic qualities. The Noble Mountain Estates Design Review Committee is specifically charged with the responsibility to review and approve all applications before building is initiated, or before any changes occur that affect the exterior appearance of a property. Prior to any construction, change, alteration or addition being made, a formal application must be submitted for Architectural Committee review and approval. The decision of the Architectural Committee will be based on the approved guidelines. Requests which do not conform to existing guidelines require a written variance approved by the Board of Directors.

### **1.0 Design Review Committee**

#### **1.1 Committee Members**

The Committee shall consist of not less than three (3) members and not more than five (5) members. Each member shall be appointed by the Board and serve a one (1) year term. Members may serve consecutive terms.

#### **1.2 Meetings**

The Committee shall schedule timely meetings to review applications submitted. Special meetings may be called by the Executive Director upon providing a two (2) day written notice to the Committee members. The Committee shall keep and maintain a record of all actions. Three (3) members present shall constitute a quorum.

### **1.3 Compensation**

Unless authorized, members of the Committee shall not receive any compensation for services rendered. All members shall be entitled to reimbursement for Board pre-approved expenses incurred by them in connection with the Committee's performance of its duty.

### **1.4 Professional Consultants**

In the event that a Lot owner fails to submit the required documents necessary to obtain architectural approval, then the Architectural Committee may hire Professional Consultants with Board approval and these consultants shall be paid for rendering such services to the Architectural Committee. The cost of providing such services may be passed on to the applicant.

### **1.5 Forms**

The Committee shall adopt forms which members must complete for all requests prior to the Committee's review. All forms are available at the Noble Mountain Estates Community Association business office located at 11324 East Carol Avenue, Scottsdale, Arizona, 85259. The forms indicate required information to be supplied by the applicant. It is important that the applicant submits clear and concise information so the Committee may render a decision. Incomplete applications and/or unclear requests lacking information cannot be processed by the Architectural Committee until all necessary information is received.

### **1.6 Decision**

The Architectural Committee shall review all applications submitted and shall furnish a written decision to the applicant, setting forth its reasons for the decision. In the event the Committee fails to take any action within thirty (30) days after an application is submitted, the application shall be deemed approved. All applications submitted are required to be acknowledged by the Committee with a date stamp. It is the responsibility of the applicant to verify receipt of the application. The Committee may disapprove any application for lack of information. In all cases the Committee shall state its objections. In the event of a resubmitted application, the Committee must act within thirty (30) days or the application shall be deemed approved.

### **1.7 Review Process**

Prior to submitting an application, a meeting is encouraged between the applicant and a representative of the Committee. The purpose of this meeting is to informally discuss the architectural guidelines and submittal process, and to give useful information as to expedite the review process.

## **1.8 Appeal to Board**

Any Lot owner aggrieved by the decision of the Architectural Committee may appeal the decision to the Board. Such appeal must be made within fifteen (15) days after the written decision of the Architectural Committee is mailed to the Lot owner.

The appeal must be based on one of the following criteria: (1) a decision made by the Architectural Committee in violation of its guidelines or procedures; (2) the inability of the applicant to perform due to financial hardship or legal requirements. A Noble Mountain Estates member cannot claim a financial hardship as reason for an architectural appeal when initially the member knowingly failed to comply with the Community Association documents. A subjective opinion or interpretation by an individual on aesthetic qualities also is not acceptable grounds for an appeal. In every case, an appeal to the Noble Mountain Estates Board regarding a Committee decision must be submitted in writing. The details of this appeal must include the above stated criteria and all supporting facts and documentation.

The submittal will be reviewed by the Board and if appropriate, an appeal hearing date will be scheduled. At that time, Lot owner may make a formal oral presentation to the Board. The decision of the Board is final.

## **1.9 Non-Liability**

Any approval of plans, specifications, or proposed construction given by the Architectural Committee, shall be only for the purpose of permitting construction of proposed improvements in Noble Mountain Estates. Such approval shall not constitute an approval, ratification, or endorsement of the quality of architectural or engineering soundness of the proposed improvements, and neither the Committee nor the Board shall have any liability for any defects in the plans, specifications or improvements.

## **1.10 Variances**

The Architectural Committee may, at its discretion, grant a variance from the guidelines under extenuating circumstances, if the Committee determines that: (1) the guideline creates an unreasonable hardship or burden on the applicant; and (2) the variance does not create any substantial adverse effect on Noble Mountain Estates residents, and is consistent with the high quality of life within the community.

## **1.11 Grandfather Clause**

From time-to-time, these Architectural Guidelines may be amended, to create a restriction on an item previously permitted. When this occurs the resident is permitted to continue under the previous guidelines, until such time as one of the following takes place: (1) the item is removed or requires replacement; or (2) property transfer, if the item is not attached to the main residence.

## **2.0 Architectural Guidelines:**

### **2.1 General**

The architectural theme for Noble Mountain Estates will have a distinctive identity with the forest setting expressing a thoughtful integration of building structures with the forest.

The architecture can be characterized by strong, unifying elements such as a high pitched roof, projecting eaves, simple logs or wood siding, stone and copper accents, uncluttering details and recessed openings conveying a sense of solidity and permanence. These forms and materials traditionally provide a response to the need to provide shelter in the forest with thick walls for insulation, and natural wood colors that blend in with the environment. The result is a structure both visually and functionally enduring with respect to the climate and culture of the northeastern Arizona forest.

### **2.2 Single Family Use**

Except as specifically provided within the CCR's, all lots shall be used only for single family residential purposes. Only a private Dwelling Unit and garage for not more than three (3) cars shall be erected, placed or permitted to remain on any of the lots. All Dwelling Units shall have minimum of eight hundred (800) square feet living space area excluding storage, and also exclusive of any portion thereof used for open porches, gazebos, patio, carports or garages, whether or not they are attached to, or adjacent to, a Dwelling Unit. The Property is expressly restricted against the use of manufactured homes, mobile homes and house trailers for residences and cannot be used for a trailer park.

### **2.3 Building Massing and Detailing**

The architectural image of Noble Mountain Estates is perceived primarily from public space such as streets, open spaces and trails. Therefore, building massing, scale and roof forms as primary design components require careful consideration in expressing architectural elements to these public spaces. Large expanses of flat wall planes vertically or horizontally are prohibited. Columns incorporated as a structural or aesthetic design element shall convey a solid, durable image as expressed through bold forms. Columns may be used as a free-standing form or as support for porch roofs and balconies. As an architectural form, chimneys shall be simple in design, having the same material and texture as the building, or of stone to insure the consistency of character and style. Chimney caps should be simple, contemporary and integrated with the trim color. The use of balconies or porches is encouraged. Balconies should be incorporated into the building form to articulate and break up large wall masses. The shade producing qualities of balconies and porches is important in the forest setting. Garages are a more visual element in single family housing. Orientation is encouraged as it relates to the architecture and provides visible variety along the streetscape. These design treatments includes color accents and architecture features consistent with the main dwelling.

## **2.4 Building Heights**

A unique identity is a major goal for the residential homes in Noble Mountain Estates. Consideration should be given to rear elevations by providing variations in plans and/or roof forms which are viewed from roads, public spaces or neighboring property. All structures within the subdivision shall be of new construction not exceeding forty (40) feet in height from the highest point of natural grade immediately adjacent to the new structure and at the bottom of the stem wall. Two story dwellings must be designed in such a manner as to not interfere with the view of another home site.

## **2.5 Roofs**

Since roofscapes will form an important part of the visual environment, they must be carefully designed. Dominant roof colors such as white and reflective surfaces are prohibited. Roof mounted mechanical equipment and mansard roofs are prohibited. All metal flashings or roof accessories must be painted or stained to blend with roof materials. Roof projections and overhangs are encouraged as a response to energy and climate concerns

## **2.6 Materials and Colors**

Exterior building materials shall be compatible with, and reflect the elements of the surrounding forest environment. This includes wood, stone, masonry, concrete and metal roofs. Cultured stone or its equivalent is acceptable. Stucco and brick exteriors are not permitted. Exposed wood sheathing shall be limited to the underside of roofs or patio decks. Finish material on all building walls must continue to finish grade, eliminating exposed or unfinished foundation walls. Complimentary accent materials and colors are allowed and encouraged. Other prohibited materials include vinyl, aluminum and Masonite siding.

## **2.7 Building Projections**

All projections from a building including, but not limited to, chimney caps, vents, gutters, downspouts, utility boxes, porches, rails and exterior stairways, shall match the color of the surface from which they project, unless otherwise approved by the Committee.

## **2.8 Antennas**

There shall be no antennas of any sort either installed or maintained, visible to neighboring property or public view.

## **2.9 Air Conditioning Equipment and Satellite Dishes**

No air conditioning or refrigeration equipment, or satellite dish greater than 24 inches in diameter, shall be placed, allowed or maintained anywhere other than on the ground or in the attic.

## **2.10 Skylights and Windows**

Skylights and Windows shall not cause any objectionable glare. Highly reflective glass is prohibited.

## **2.11 Decks, Patios and Courtyards**

Decks, Patios and Courtyards should be designed as an integral part of the residence.

## **2.12 Solar Applications**

Passive solar applications, or the orientation and design of the residence for maximum sun gain will reduce the energy needs and will be encouraged. Solar collectors can cause excessive glare and reflections and can only be approved if they are integrated into the roof surface or exterior landscaping on the lot.

## **2.13 Screen Walls**

Screen walls shall be a visual extension of the architectural design of the residence. They may be used to separate the private areas from the rest of the building area and as screening for mechanical equipment, parking and service areas.

## **2.14 Storage Tanks**

All fuel tanks, water tanks or similar storage facilities shall either be shielded from view by landscaping, walls or structures, or shall be located underground. No Lot owner shall in any way permit any fluids, solvents or other toxic liquids or solids to enter into the water table, nor shall any such be disposed of on any lot.

## **2.15 Awnings and Exterior Shutters**

No awnings, exterior shutters, shades or grills will be permitted without Committee approval. Window sunscreens are permitted subject to the color of the wire mesh screen.

## **3.0 Site Plan:**

### **3.1 General**

The following general limitations will apply:

- a.** Excepting for the purposes of actual construction upon a Lot, no trees, stone, sand, gravel, soil, or natural growth shall be removed from any Lot.
- b.** Unless suitable retaining walls are constructed to support the earth, the natural angle of repose of the ground shall not be altered by excavation within seven (7) feet on any boundary line or any Lot by other than a slope of one and one-half (1 1/2) feet horizontal to one (1) foot vertical.
- c.** No change in natural or existing drainage patterns for surface waters shall be made upon any lot that could adversely affect another owner.

### **3.2 Site Drainage and Grading**

- a.** Site drainage and grading must be done with a minimum disruption to the lot. Structures, roads, driveways or any improvement should be designed to fit the existing site, minimizing excavation. Surface drainage shall not drain towards any lot except as established by natural drainage patterns, nor cause a condition that could lead to offsite soil erosion.
- b.** All surface waters shall be left free to their natural flow unless lawfully diverted to a drainage ditch. Final grades shall not be disturbed in any manner which adversely affects any other Lot or property whether within Noble Mountain Estates or elsewhere.
- c.** Drainage from lots shall be discharged into existing drainage systems in an acceptable manner approved in writing by the Committee. Direct discharging of water into the roadways is not permitted without the Committee's written approval.
- d.** The Lot owner shall be responsible for any damage to, or increased maintenance costs incurred by the damaged properties, including floods, erosion, situation and nuisance flows caused by uncontrolled runoff from the lot. If the Lot owner does not clear these obstructions immediately and return the area to its original condition, the corrective work may be done by the Community Association and the responsible Lot owner billed.

### **3.3 Setbacks**

All setbacks will be reviewed on the merits of the submitted site plans. Setbacks may exceed the minimum setbacks from lot lines as set forth in the single family residential property development standards established by Apache County. In the event that one person shall own two or more contiguous lots, the lots may be considered as one lot, in which event the setback lines shall be measured from the external rather than internal lot lines of the two or more contiguous lots and the easement reservation shall apply to the external lot lines.

### **3.4 Entrance Driveways**

Driveways shall be a maximum of twenty (20) feet wide except for front entry three car garages at the property line, and shall intersect the roadway in such a way as not to interfere with drainage in the roadway. Only one driveway entrance will be permitted for each lot except in special circumstances when the Committee may permit a second entrance.

### **3.5 Lighting**

Site lighting means lighting mounted either on the ground, in trees, or on side walls for the purpose of providing security or decorative accent lighting. Building mounted lighting means lighting built into or attached to buildings, whether on walls, ceilings, eaves or fascias, for the purpose of providing general illumination, area illumination or security illumination. Security lighting means lighting intended to provide bright general illumination of the area adjacent to a residence during emergency situations.

- a.** Site lighting must be directed onto vegetation or prominent site features such as boulders and away from neighboring property.
- b.** Building mounted lighting must be directed downward away from lots, streets and open spaces, and may not be used to light walls or building elements for decorative purposes.
- c.** All exterior lighting must provide for significant shielding of light sources.

- d. Only incandescent lamps with a maximum wattage of 75 watts will be allowed, unless express approval is received by the Committee.
- e. Security lighting will be permitted only with the understanding that it will only be used in emergencies.

#### **4.0 Construction Guidelines**

##### **4.1 General**

The following construction guidelines and regulations shall be made a part of the construction documents for all improvements on a lot.

The Association has determined that policing of building sites during construction will be done by members of the Committee and the Developer's agents acting as roving inspectors on their regular rounds. Violations to the construction guidelines and regulations will be reported to the Committee, who will send a letter to the lot owner involved.

##### **4.2 Survey Corners**

All surveyed lot corners shall not be removed. If for some reason this occurs, then the Lot owner responsible must pay to have a surveyor replace them or the Committee can hire this work to be done and then bill the Lot owner for this expense.

##### **4.3 Building Permits**

All wells, septic systems and structures, etc. built or installed within Noble Mountain Estates shall obtain the necessary building permits required by Apache County, the State of Arizona or any future municipal authority.

##### **4.4 Builder's Risk Insurance**

During the course of construction, it is required that each Property Owner acquire a Builder's Risk Insurance Policy and list the Noble Mountain Community Association as an additional insured. Furthermore a copy of this insurance policy must be delivered to the Architectural Committee prior to commencement of any work on each lot and shall be kept current until all construction has been completed.

##### **4.5 Preconstruction Conference**

Prior to commencing construction, the Lot owner must meet with a representative of the Committee to review construction procedures and to coordinate construction activities. The Lot owner will be asked to fill out a form including a list of subcontractors and suppliers for access to the project.



#### **4.6 Occupational Safety and Health Act Compliance (OSHA)**

All applicable OSHA regulations and guidelines must be strictly observed at all times.

#### **4.7 Construction Trailers, Portable Field Offices, Etc.**

Any Lot owner who desires to bring a construction trailer, travel trailer or camper to Noble Mountain Estates to be used a total of six (6) months during the course of construction, shall first apply and obtain written approval from the Committee. To obtain such approval, the Lot owner shall submit a copy of the site plan to the Committee that shows the location of the trailer or camper. The Lot owner also must sign a contract that states that the trailer or camper must be removed within six (6) months or the Committee can have it removed and bill the Lot owner for this expense.

#### **4.8 Temporary Storage along Roadways**

In the event that it is necessary to temporarily store construction materials on roadways due to a hardship of building on a particular lot, then a minimum of a twelve (12) foot thoroughfare along the roadway needs to be maintained in order to allow vehicles to pass. Such temporary use of the roadways for storage must be approved in writing by the Architectural Committee prior to commencement of construction and this storage use will be only for short periods of time as set forth by the Committee.

#### **4.9 Debris and Trash Removal**

Lot owners and/or their representatives shall clean up all trash and debris on the construction site at the end of each day. Trash and debris shall be placed in dumpsters or within a fenced in area. Trash and debris shall be removed from each site a minimum of at least once per month and shall not be permitted to accumulate. Lightweight material, packaging and other items shall be covered or weighted down to prevent their being blown off the construction site. Lot owners or their representatives are prohibited from dumping, burying or burning trash anywhere in Noble Mountain Estates or on surrounding properties. During the construction period, each construction site shall be kept neat and clean and shall be policed by the Lot owner to prevent it from becoming a public eyesore or affecting other lots or any open space. Unsightly dirt, mud or debris resulting from activity on each construction site shall be promptly removed and the general area cleaned up.

#### **4.10 Sanitary Facilities**

Each Lot owner shall be responsible for providing adequate sanitary facilities for his construction workers. Portable toilets or similar temporary toilet facilities shall be located only in approved locations.

#### **4.11 Vehicles, Parking Areas and Speed Limits**

Construction crews shall not park on, or otherwise use, other lots or any open space. Private and construction vehicles and machinery shall be parked only within the site boundaries or in areas designated by the Committee. All vehicles shall be parked so as not to inhibit traffic and said passageway to be at least twelve (12) feet wide.

Each Lot owner shall be responsible for their contractors, subcontractors and suppliers, driving no faster than 25 miles per hour or less, as prudent, within the development. Fines will be imposed against the Lot owner or his representatives for repeated violations. Adhering to this provision and these construction guidelines and regulations shall be a condition included in the contract between the Lot owner and his contractor /subcontractors /suppliers.

#### **4.12 Excavation Materials**

Excess excavation materials must be promptly hauled away from Noble Mountain Estates.

#### **4.13 Blasting**

If any blasting is to occur, the Committee must be informed far enough in advance to allow it to make such investigation as it deems necessary to confirm that all appropriate protective measures have been taken prior to the blasting. No blasting or impact digging causing seismic vibrations may be undertaken without the approval of the Committee. Applicable governmental regulations concerning blasting must be observed.

#### **4.14 Restoration, Repair or Other Property Damage**

Damage and scarring to other property resulting from construction operations, including but not limited to, open space, other lots, roadways, drainage areas, private entry gates and other improvements will not be permitted. If any such damage occurs, it must be repaired and/or restored promptly by the offending Lot owner. Otherwise the Committee will hire the work done and the Lot owner will be responsible for the expense to have it corrected.

#### **4.15 Miscellaneous and General Practices**

All Lot owners will be absolutely responsible for the conduct and behavior of their agents, representatives, builders, contractors, suppliers and subcontractors while on the premises of Noble Mountain Estates. The following practices are prohibited:

- a.** Changing oil on any vehicle or equipment on the site itself or at other locations within Noble Mountain Estates.
- b.** Allowing concrete suppliers or any other subcontractors to clean their equipment on any other lot, etc. other than on the actual lot at which the house or cabin is being constructed.
- c.** Removing any trees, stone, sand, gravel, soil, or other natural growth from any property within Noble Mountain Estates.
- d.** Carrying any type of firearm or weapon within Noble Mountain Estates.
- e.** Using disposal methods other than those approved by the Committee.

- f.** Careless disposition of cigarettes and other flammable material. At least one ten (10) pound bag of ABC rated dry chemical fire extinguisher shall be present and available in a conspicuous place on the construction site at all times.
- g.** Careless treatment or removal of any forest plant materials not previously approved for removal by the Committee.
- h.** Trespassing on any other lot or open space in Noble Mountain Estates. This includes removing building materials, firewood, etc.

#### **4.16 Construction Signage**

In an effort to maintain the residential character of Noble Mountain Estates and to minimize the visual clutter that unlimited construction signage can cause, the Committee will require all construction and marketing signs to meet the following criteria:

- a.** Builders are allowed to have one (1) sign for each residence under construction. It shall be no larger than 18" x 24". At completion of the home, the sign must be removed.
- b.** Security identification signs can be up to 60 square inches.

#### **4.17 Daily Operation**

Daily working hours for each construction site shall be from 6:00 a.m. to 5:00 p.m. unless other hours are designated in writing in advance by the Architectural Committee.