

NICHOLAS HOMES

"Where Imagination Lives"

LANDSCAPE AND Architectural Guidelines

Missouri Estates

These Architectural Guidelines are in addition to the Declaration and are binding on all Homeowners and will be administered and enforced by The Missouri Estates Homeowners Association Board of Directors or the Architectural Committee as outlined in the Declaration and may be amended from time to time by the Committee, as it deems appropriate. It is the responsibility of each Homeowner to obtain and adhere to the requirements in the most recent Architectural Guidelines.

A. SUBMITTALS / NOTICES:

All submittals, notices, or other communications to the Architectural Committee shall be sent to _____, (the "Property Manager" or the subsequent property manager) employed by the Association, at the following address:

**Missouri Estates Homeowner Association
4645 E. Cotton Gin Loop
Phoenix, AZ 85040**

B. SUBMITTAL REQUIREMENTS / PROCESS:

1. *When to Submit:*
All improvements, landscape plans and designs must be submitted and approved by the Architectural Committee prior to the start of construction or installation.
2. *What is the Time Period to Complete Landscaping:*
Front yard landscaping sets a precedent for the community and shall maintain a standard throughout the community. Front yard landscaping must be fully installed within 90 days of close of escrow.
3. *What to Submit:*
The Homeowner must submit the architectural review request form, if one is currently being used, along with a copy of the plans and specifications for the backyard improvement or front yard landscaping and a deposit of \$85.00 payable to The Missouri Estates Homeowners Association. A blank architectural review request form may be obtained from the Property Manager. The plans and specifications must comply with the following:

Scale: All drawings to be drawn to a scale of 1" = 10' (engineers scale) or 1" = 16' (architects scale)

Quality of Plans: All plans must be completely legible. Blue line prints or Xerox copies are acceptable. Faxed copies will not be accepted.

Size of Plans: 8½ X 11 or 11 X 17 are preferable, 18 X 24 are acceptable (if 18 X 24, 3 copies must be submitted because we cannot make copies.)

Plans Must Show:

- The Scale
- Lot dimensions
- Proposed changes in grade, if any, to be completed as part of the landscaping
- All plants specifically shown with species and size labeled
- All trees specifically shown with species and size labeled
- All turf areas shown
- All granite areas with granite size and color
- Any header and borders with material labeled
- Additional hardscape areas including concrete, pavers, etc.
- Note that there is an automatic sprinkler or drip irrigation system and show location of control box (not visible from front of home)
- Any fountains or statues
- Do not color code – colors will not photocopy

4. Committee Review:

The Committee will review submittals during their regular meetings or other times they deem appropriate. The Committee will respond in writing no later than 30 days after acceptable and complete submittal including any ancillary information requested by the Committee.

C. DESIGN REQUIREMENTS:

Front Yard Design

1. Themes:

Arid (Xeriscape) landscape themes are encouraged to use plants and trees, which are conservative in their use of water. Please see approved plant list for authorized plant selections.

2. Trees:

A minimum of one 24-inch box tree and one 15-gallon tree must be included in each front yard area. Must be selected from approved plant list.

3. Plants:

A minimum of six 5-gallon plants must be included in the front yard area. Must be selected from approved plant list

4. Granite:

Approved sizes range from ¼ inch to 1 inch and must be of natural earth tone colors. White, green, blue, or red rock will not be approved. River rock may be used sparingly in accent locations only.

5. Irrigation System:

All front and side-yard landscaping visible from neighboring property is to be irrigated by means of an automatic inground irrigation system.

6. Mounding / Berms:

If berms are to be used in the landscaping design, they should be gently sloping and have natural looking shapes. The maximum height of a berm should be 24-inches. Berms cannot divert drainage flows onto any adjacent lot or open space.

7. Lighting:

Low voltage lighting to highlight entry walk, or accent trees may be used. Colored bulbs and lenses are prohibited. Light source shall be adjusted to minimize glare onto adjacent properties or streets.

D. DRAINAGE

Landscape plan submittals that incorporate the use of hardscapes must be accompanied with proper drainage plans. Hardscapes that compromise the integrity of the engineered grading and drainage for each individual lot will not be approved.

E. PARKWAY PLANTING AREAS

(Area between the street curb and sidewalk in front of individual homes.)

1. *Trees:* Minimum of one 24" box tree from approved plant list.
2. *Plants:* Minimum of five 5-gallon plants and five 1-gallon plants from approved plant list.
3. *Granite:* Approved sizes range from ¼" to 1" and must be natural earth tone colors. White, green, blue or red rock will not be approved.
4. *Irrigation System:* Parkway planting areas must be irrigated by means of an automatic in ground irrigation system.

E. HOMEOWNERS DEPOSIT:

To guarantee that these Architectural Guidelines are adhered to, before beginning installation, each Homeowner will pay to the Association a deposit of \$85.00 per lot (the "Homeowners Deposit.") If it becomes necessary for the Association to remedy any violation of these Architectural Guidelines, the cost of such remedy will be charged against the Homeowner's deposit. The Homeowners deposit shall not accrue interest while held by the Association. After the final inspection referred to in Section E of these Architectural Guidelines, \$60.00 of the Homeowner's deposit paid for each Lot will be returned to the Homeowner less any deductions for violations. (Thus, the only actual cost for plan review is \$25.00)

F. FINAL INSPECTION / REFUND OF HOMEOWNER'S DEPOSIT:

To obtain a refund of a portion of the Homeowner's deposit referred to in Section E, the Homeowner must give written notice to the Committee within 30-days after completion of the installation. The Committee, Board or Manager performs a final inspection to confirm it is in conformance with the approved plans. If in conformance, the Committee will refund the application portion of the Homeowners deposit within 60-days after the final inspection by the Committee. If it is found that the Backyard Improvement or Front Yard Landscaping was not installed according to the approved plans, the Committee will notify the Homeowner within 60-days of the Homeowner's notice of completion. If notice of noncompliance is given by the Committee, the Homeowner will be responsible for correcting all nonconforming work within 30-days of the Homeowners receipt of noncompliance. If a notice of noncompliance is not given by the Committee, it will be presumed that the Backyard Improvement or Front Yard Landscaping is in compliance with the approve plans.

G. ENFORCEMENT:

If any Homeowner installs Front Yard Landscaping without first complying with these Architectural Guidelines, the Committee shall have all rights and remedies at law or in equity and as provided in the Declaration and the Project Documents against the Homeowner to bring such landscaping into compliance with these Architectural Guidelines.

H. NON-UNIFORMITY:

Different lots may have different landscaping design criteria. The Committee shall not be required to approve or reject landscaping design simply because another similar or exact design has previously been approved or rejected. The Committee may, at its option and in extenuating circumstances, grant variances from the restrictions set forth in these Architectural Guidelines if the Committee determines, in its reasonable judgement, that a restriction would create an unreasonable hardship or burden on the Homeowner when the modified restriction permitted under a variance would not have a

substantial adverse effects on the other Homeowners or the Project and is consistent with the high quality of life within the Project.

I. VEHICLES:

Landscaping contractors and crews shall not park on other lots or on any open space. All vehicles shall be parked so as not to inhibit traffic.

J. RESTORATION OR REPAIR OF OTHER PROPERTY:

Damage to other property resulting from construction of Backyard Improvement or Front Yard Landscaping installation, including but not limited to, open space, other Lots, roads, driveways, or concrete curbs and gutters, will not be permitted. If any damage occurs, it must be repaired and / or restored promptly at the expense of the Homeowner who hired the contractor causing such damage.

K. ORDINANCES:

All landscaping and outdoor lighting must comply with all applicable planning and zoning ordinances; provided, however, that if the city amends or repeals all or a portion of any ordinances to be less restrictive, the Architectural Committee may enforce the former more restrictive requirements.

L. MAINTAINING VIEWS:

The Architectural Committee makes no assurance to any Homeowner that the views from a particular lot will not change over a period of time as residences are constructed and landscaping grows and matures within the lots and the common areas.

RESTRICTIONS

RAMADAS & GAZEBOS

Ramadas & Gazebos can only be constructed in backyards and with prior approval from Architectural Committee.

Following are guidelines:

- No more than 120' square feet under roof
- No more than 10' high at their highest point
- At least 5' from perimeter walls
- Painted to match the house
- Tile roof to match that of the existing house
- All lighting on the Ramada or gazebo must be approved by the Architectural Committee

PLAY STRUCTURES

Play structures can only be constructed in backyards and with prior approval of the Design Review Committee.

Following are guidelines:

- At least 7' from perimeter walls
- No more than 10' high at highest point
- No deck or platform higher than 4' from grade
- Shade or canopy to be a solid tan or earth tone in color
- Picture or brochure to be submitted to Design Review Committee

STORAGE SHEDS

Detached storage sheds are allowed if less than the height of the wall or fence surrounding the house and if not otherwise visible from adjacent portions of the property.

A/C AND HEATING SYSTEMS

All A/C and Heating Systems must be concealed and cannot be placed on rooftops

SIGNS

No signs are allowed where visible to public view. For Sale or Lease signs need prior Architectural Committee approval.

SATELLITE DISHES

Dishes larger than one meter (39") in diameter are prohibited. Smaller dishes are allowed in rear of lot but need the Architectural Committee approval if above the fence line.

OUTDOOR FIREPLACES

Outdoor fireplaces must have Architectural Committee approval prior to installation. All outdoor fireplaces must conform to State and Federal laws and local ordinances.

FLAGS & FLAGPOLES

Flying the American flag is permitted with the following restrictions:

- American Flag is the only flag allowed to be displayed
- Size of the flag may not exceed 3' X 5' (2' X 3' is recommended)
- United States Flag Code (36 U.S.C. 173-178) must be followed

U.S. Flag Code guidelines include removing the flag during inclement weather; the flag must never be allowed to touch the ground; the flag must be in good repair, without tatters or fading; the flag may only be displayed from sunrise to sunset unless appropriate lighting is installed that properly illuminates the flag without disturbing the quiet use and enjoyment of the neighboring properties.

The Association must approve the lighting of any flag. Homeowners are encourage to display the American Flag by attaching a flagpole bracket to the exterior of the home. No approval is necessary for bracket use.

Flagpoles may be installed on individual lots, at Homeowners expense, within the front or rear yard with the following restrictions:

- Poles may not exceed the heights of the height of the house (Telescoping flagpoles are preferred)
- If a Homeowner elects to install a flagpole, the Association must approve the location prior to installation. The Homeowner will be responsible for any Property damage in the event the pole should fall down.

BASKETBALL GOALS

Permanent basketball goals are prohibited in this community. However, portable basketball goals are permitted as long as they are moved out of view when not in use.

GUTTERS & DOWNSPOUTS

Gutters & downspouts require prior approval of the Ar Committee and must be painted or finished to match the color of the house.

SCREEN DOORS

Screen Doors require prior approval of the Architectural Committee and must be of high quality iron painted to match the front door and homes exterior.

APP. PLANT List

RVs / TRAILERS / BOATS

- Parking prohibited in community unless loading and unloading
- Storage behind double gates allowable only if the vehicle does not exceed 13' from ground level.

ANIMALS

- Only generally recognized house pets are allowable
- Animals that are solely domestic pets and not kept for commercial purposes are allowed
- Pets must be leashed at all times when outside the fence of the individual lot
- No animal will be allowed to become a nuisance by making excessive noise
- No structure for care or containment of the animal shall be constructed prior to obtaining the approval from the Architectural Committee.

LOT MAINTENANCE

- Landscaping must be kept in an attractive and neat manner
- Lots may not be used for storage or dumping
- Clothes drying facilities may not be visible
- Trash containers must be stored in garage or behind walls and out of view, except on days of collection

MISSOURI ESTATES APPROVED LANDSCAPE PLANT LIST

Trees:

Acacia Salicina (Coobah), Acacia smallii (Sweet Acacia), Prosopis chilensis (Chilean mesquite), Acacia saligna (Willow acacia), Schinus terebinthifolius (Brazilian pepper), Ficus b. "Nitida" (Weeping fig), Bauhinia congesta (Anacacho Orchid tree), Fraxinus velutina (Arizona ash), Citrus (Dwarf varieties), Dalbergia sissoo (Rosewood), Jacaranda mimosifolia (Jacaranda), Olea "Swan Hill" (Olive-fruitless), Arecastrum romanzoffianum (Queen Palm), Quercus virginiana (Southern live oak), Ulmus parvifolia (Chinese evergreen elm), Acacia saligna (Blue leaf acacia), Grewia Parvifolia (Willow tree), Oleander tree, and Brachychiton Populneus (Australian bottle tree).

Accents:

Phoenix roebelenii (Pigmy date palm), Chamaerops humilis (Mediterranean date palm), Yucca recurvifolia (Yucca), Yucca rosette (Beaked yucca), Agave Desmentiana (Tropical agave), Yucca elata (Soap tree yucca) and Agave gemuniflora (Twin flowered agave).

Shrubs:

Acacia redolens (Desert Carpet), Caesalpinia mexicana (Mexican bird of paradise), Cassalpinia pulcherrima (Red bird of paradise), Caesalpinia gilliesii (Yellow bird of paradise), Calliandra californica (Baja fairy duster), Calliandra eriophylla (Pink fairy duster), Callistemon citrinus "Little John" (Dwarf bottle brush), Cassia artemisoides (Feathery cassia), Carissa macrocarpa (Natal Plum), Nandina domestica (Heavenly bamboo), Moraea bicolor (Fortnight Lily), Xylosma compacta (Compact xylosma), Leucophyllum laevigatum (Chihuahuan sage), Leucophyllum frutescens (Texas ranger), Leucophyllum candidum (Silver sage), Hesperaloe parvifolia (Red Yucca), Hibiscus rosa-sinensis (Hibiscus dwarf var.), Tecomaria capensis (Cape honeysuckle), Thevetia peruviana (Yellow oleander bush form), Dasyllirion wheeleri (Desert spoon), Dodonaea viscosa (Hopseed bush), Tecoma stans Az Yellow Bells (Tecoma stans), Eremophila maculata (Emu bush), Ruellia brittoniana (Ruellia long leaf - purple & pink), Ruellia peninsularis (Desert ruellia), Salvia coccinea (Salvia spp.), Penstemon spp. (Penstemon spp.), Muhlenbergia rigens (deer grass), Convolvulus cheorum (Bush morning glory), Zauschneria californica v. latifolia (Hummingbird bush), Cassia phyllodenia (Silver leaf cassia), Dodonaea viscosa "Purpureaz" Leucophyllum frutescens (Green Cloud), Nerium oleander (Dwarf oleander), Cassia nempophylla (Desert cassia), Muhlenbergia capillaris (Regal mist), Ruellia brittoniana, Tecoma stans (Orange jubilee), Lantana Camara (Radiation), Hesperaloe (Yellow yucca), Rosmarinus officinalis (Trailing Rosemary),