

# **ARCHITECTURAL REVIEW COMMITTEE GUIDELINES**

## **MOON MOUNTAIN VISTA HOMEOWNERS ASSOCIATION COMMITTEE RULES Revised March 2019**

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The Architectural Committee (“Committee”) has adopted these Architectural Committee Rules as provided in Section 7 of the Home Owners Declaration of Covenants, Conditions and Restrictions of Moon Mountain Vista (the “Declaration”). They will provide you with information relevant to improvements or alterations which will require prior written approval from the Home Owners Association, per Article 7 of the Declaration.

*Note: Following these Architectural Committee Rules does not eliminate the need to review the Declaration and comply with all restrictions contained therein. In addition, the Board has adopted resolutions on certain aspects of Home Owners Association governance that may apply. Unless otherwise defined herein, capitalized terms have the same meaning used in the Declaration.*

### **COMMITTEE**

In accordance with the Declaration, the Committee has been established and performs the duties set forth in the Declaration. The Architectural Committee Rules set forth the standards and procedures the Committee will use in its review of Owner requests. These standards for Moon Mountain Vista include but are not limited to, architectural design, placement of buildings, landscaping, plant selection, color schemes, exterior finish and material, signage, and wall design.

### **MOON MOUNTAIN VISTA HOMEOWNERS ASSOCIATION**

C/O Brown Community Management  
7255 E Hampton Ave # 101,  
Mesa, AZ 85209  
(480) 539-1396

**PURSUANT TO SECTION 7.4 OF THE DECLARATION, PRIOR TO THE COMMENCEMENT OF CONSTRUCTION OR INSTALLATION, OF ANY ALTERATION, ADDITION, OR CHANGE THAT WOULD AFFECT THE EXTERIOR APPEARANCE OF A LOT AND WOULD BE VISIBLE FROM NEIGHBORING PROPERTY, AN OWNER MUST OBTAIN THE WRITTEN APPROVAL. ALL PLANS AND SPECIFICATIONS FOR THE ALTERATION OR ADDITION MUST BE PROVIDED TO THE COMMITTEE. FOLLOWING THESE GUIDELINES DOES NOT ELIMINATE THE NEED FOR SUBMISSION OF PLANS (EXCEPT AS SPECIFICALLY NOTED HEREIN). INSTALLING OR CONSTRUCTING ANY ITEM THAT IS VISIBLE FROM NEIGHBORING PROPERTY PRIOR TO SUBMITTING A REQUEST AND/OR RECEIVING COMMITTEE APPROVAL COULD RESULT IN EITHER A FINE AND/OR REQUIREMENT THE PROPERTY IS RETURNED BACK TO ITS ORIGINAL STATE.**

## **APPLICATION PROCEDURE**

### **Submittal**

Application and plans (which will be kept on file with the Association) should be mailed, faxed or emailed to:

**MOON MOUNTAIN VISTA HOMEOWNERS ASSOCIATION**  
C/O Brown Community Management  
7255 E Hampton Ave # 101  
Mesa, AZ 85209  
(480) 539-1396

The following information should be included with the submittal:

1. **Application Review Form** – A completed attached application form (last page).  
Additional copies may be obtained from the management office.
2. **Plot Plan** – A site plan showing dimensions, relation to existing dwelling and property lines (setbacks). Measurements must be written on the plans.
3. **Elevation Plans** – Plans showing finished appearance of improvement in relation to existing dwelling.
4. **Specifications** – Detailed description of materials to be used, color samples, and dimensions must be submitted.
5. **Photograph** – If submittal is for an existing improvement, a photograph of the improvement must accompany the submittal application.

**ALL IMPROVEMENTS ERECTED WITHIN MOON MOUNTAIN VISTA, AND THE USE AND APPEARANCE OF ALL LAND WITHIN MOON MOUNTAIN VISTA, SHALL COMPLY WITH ALL APPLICABLE COUNTY ZONING AND CODE REQUIREMENTS AS WELL AS THE DECLARATION AND THESE RULES, RESTRICTIONS AND POLICIES.**

### **REVIEW AND APPROVAL/DISAPPROVAL**

1. Pursuant to Section 7 of the Declaration, if the Architectural Committee fails to approve or disapprove, a complete application meeting all of the requirements of this Declaration and of the Architectural Committee Rules within thirty (30) days, then the application will be deemed to have been approved. The management company will not provide verbal approvals or dis-approvals; all decisions will be mailed via U.S. Mail.
2. Factors considered during the Committee's review will include, but are not limited to, consideration of material, quality of workmanship, colors, and consistency with the external design and color of existing Improvements on the Lot and impact on neighboring Lots. The location of the alteration or addition with respect to topography and finished grade elevation is also considered.
3. Neither the Committee, nor the Board of Directors, nor the Home Owners Association, shall have any liability in connection with or related to approved plans, specifications, or

improvements. The approval of the plans does not mean that the judgment is passed on the structural soundness of the improvement nor its effect upon existing or future drainage. The review of the plans is for aesthetic purposes only.

4. Approval Expiration: Construction must be started within one hundred and eighty (180) days of the date of the Committee's approval of the application or the Committee's approval shall be deemed withdrawn and plans must be resubmitted in accordance with these Rules.
5. Construction Period: Once started, construction shall be pursued diligently in order to assure prompt completion thereof. Absent a different deadline for completion of construction (which may be shorter or longer, at the Committee's discretion), such construction shall be completed within six (6) months of the date of the Committee's approval of the application.

## **APPEAL**

Pursuant to Section 7 of the Declaration, an appeal of the Committee's decision may be made to the Board. Appeal requests must be submitted in writing to:

**MOON MOUNTAIN VISTA HOMEOWNERS ASSOCIATION**  
C/O Brown Community Management  
7255 E Hampton Ave # 101  
Mesa, AZ 85209

## **ANTENNAS AND SATELLITE DISHES**

The placement and screening of antennas and satellite dishes is governed by Section 8.1 (b) and (c) of the Declaration. Please consult that section for further guidance. Advance approval by the Home Owners Association is not required for the installation of antennas and satellite dishes falling under applicable federal regulations.

The preferred installation locations are as follows in descending order of preference:

1. A location in the back yard of the Lot where the receiver will be screened from view by landscaping or other improvements.
2. An unscreened location in the backyard of the Lot.
3. On the back part of the roof but completely below the highest point of the roofline.
4. A location in the side yard of the Lot where the receiver and any pole or mast will be screened from view by landscaping or other improvements.
5. An unscreened location in the side yard.

**All exposed wires that can be seen from the front of the property must be fastened down and painted to match the body of the house so long as doing so will not void the manufacturer's warranty, affect the signal, or unreasonably increase the cost of installation.** Landscaping or other improvements ("screening") shall be installed as soon as possible, but not later than thirty (30) days following installation. Any screening used must be maintained by the homeowner and approved by the Committee prior to dish or antenna installation.

The Owner is responsible for all costs associated with the installation and maintenance of an antenna or satellite dish. In addition, the Owner is responsible for all damage caused by or connected with the

antenna or satellite dish. The Owner must hold the Home Owners Association harmless and indemnify the Home Owners Association in the event that someone is injured by the antenna or satellite dish. The Owner shall keep the satellite dish in good repair so that it does not violate any portion of the Community Documents.

The installation of the antenna or satellite dish must comply with all applicable city ordinances, county and state laws, regulations and codes. The Home Owners Association must be provided with a copy of any applicable governmental permits, if necessary. Installation must be pursuant to the manufacturer's instructions. If requested by the Home Owners Association, the Owner must establish a mutually convenient time to meet with a representative of the Home Owners Association to review and discuss the antenna or satellite dish.

In the event of a violation of these provisions, the Home Owners Association may bring an action for declaratory relief with the FCC or the Maricopa County Superior Court after notice and an opportunity to be heard. To the extent permitted by the FCC or Court, the Home Owners Association shall be entitled to levy fines of \$50 per violation and additional fines of \$10 per day if the relevant portion of these provisions is validated and the violation is not corrected within thirty (30) days after the validation.

If an antenna or satellite dish poses a serious, immediate safety hazard, the Home Owners Association may seek injunctive relief to compel the removal of the antenna or satellite dish. To the extent permitted by applicable law, the FCC rules, and the Home Owners Association's governing document, the Home Owners Association shall be entitled to recover its reasonable attorney's fees, costs and expenses incurred in the enforcement of these provisions.

If any provision of these guidelines is ruled invalid, the remainder of these rules shall remain in full force and effect. If the FCC modifies its rules, the modified rules shall be incorporated into these rules as if fully set forth herein.

## **AWNINGS**

Awning over windows may be metal or synthetic canvas or similar material, of solid color or stripes which matches or complements the color of the body of the exterior of the home or roof color. All awnings must be submitted for approval prior to installation and must include a drawing with dimensions, location of the proposed awning installation, sample of material to be used, color of awning and design of awning. Owner is responsible for maintenance and repair of awnings. The Home Owners Association retains the right to determine when awning must be cleaned, repaired or replaced due to weathering, fading, tearing, ripping, etc.

## **BASKETBALL EQUIPMENT**

No basketball backboards shall be installed without the prior written approval of the Committee.

1. Basketball backboards shall not be installed on a building or structure (they must be pole mounted).

2. The basketball pole must be set in the ground permanently or be a portable type basketball system.
3. Backboards must be professionally manufactured, of neutral color (clear, white, gray or tan) and free of brightly colored decals or graphics.
4. Poles and support brackets must be painted black or match the body color of the house.
5. All equipment including poles, support brackets and netting shall be maintained in good condition.
6. Broken equipment, including backboard, bent poles, supports, rims and netting and peeled or chipped paint are prohibited.
7. Netting is limited to nylon or similar cord netting. Metal or other chain nets are prohibited.
8. Spotlights or other lighting for the purpose of illuminating the area of play for use must be submitted and approved before installation.
9. Painting of the driveway for a basketball court layout or any other similar purpose is prohibited.

Use of the basketball hoop or bouncing of balls creates noise which may disturb homeowner and therefore should not be used after dark or between the hours of 9 pm and 9 am. The Owner of the home is fully responsible for ball containment on their individual property. A Review Form must include a site plan of the exact location of where the goal will be installed.

## **CHIMNEYS**

Chimneys shall be constructed of the same materials and textures as utilized elsewhere on the exterior of the home.

## **CLOTHES DRYING FACILITIES**

Pursuant to Section 8.1 (q) of the Declaration, outside clotheslines or other outside facilities for drying or airing clothes shall not be erected, placed or maintained on any Lot or Parcel unless they are erected, placed or maintained exclusively within a fenced service yard or otherwise concealed so as not to be visible from neighboring property.

## **DECORATIVE, PATRIOTIC AND HOLIDAY ITEMS**

Pursuant to Section 8.1 (d) of the Declaration, any alteration that changes the exterior appearance of a Lot or its Improvements must receive the prior written approval of the Committee. This includes decorative items that are Visible from Neighboring Property. The Home Owners Association reserves the right to require removal of unapproved decorative items that are Visible from Neighboring Property based on size, quantity, color, location, and any other criteria that the Board may determine.

**Outdoor Seasonal and Holiday Decorations:** Holiday decorations, including, but are limited to, seasonal or decorative flags and lights, **do not require prior written approval** from the Committee so long as the following standards are followed, as determined in the discretion of the Home Owners Association. Holiday decorations and lights shall be of reasonable design and magnitude so as not to disrupt neighboring residences and property, and may not be installed or utilized prior to 45 days before a holiday and shall be removed no later than fifteen (15) days following that same holiday. Seasonal, decorative or patriotic flags that are house mounted must be at or below the roof line. Decorations must be maintained in good repair and not be allowed to encroach on neighboring

properties. Decorations shall not contain offensive language. No amplified music or amplified sound devices are allowed.

**Decorative Art on Houses:** Decorative art on houses shall be neutral in color and may be limited to three items of similar character, color and style. **The largest dimensions of decorative art shall be no greater than three (3) feet in length, width or diameter.** Items that will be Visible from Neighboring Property must be submitted for prior written approval by the Committee.

## **DRIVEWAY EXTENSIONS AND FRONT YARD SIDEWALKS**

Pursuant to Section 8.1 (d) of the Declaration, Drive extensions are discouraged and are prohibited without prior review and approval by the Committee. Sidewalk additions will be reviewed on a case-by-case basis with strong consideration of any impact on the architectural features of the neighborhood.

1. A drawing with exact lot dimensions and the location and dimensions of the proposed extension must be submitted to the Committee.
2. The total width of the area may not exceed thirty (30) feet of contiguous area or fifty percent (50%) of Lot width, whichever is less.
3. The driveway extension must end more than two feet (2) from the side property line.

Submittals for sidewalks will be reviewed according to the following actions:

1. Additional sidewalks will only be considered if there is landscaping on each side.
2. Sidewalks upon individual Lots shall not exceed four feet (4) in width.

## **EXTERIOR COLORS**

Pursuant to Section 8.1 (f) of the Declaration, The exterior colors of all buildings and structures must be approved by the Committee based on the approved color schemes for the community. ([http://www.neighborhoodlink.com/Moon\\_Mountain\\_Vista/pages/529211057](http://www.neighborhoodlink.com/Moon_Mountain_Vista/pages/529211057))

1. Any repainting or redecorating of exterior surfaces requires submission to the Committee for prior written approval. If you wish to repaint your home, the original approved color(s) (not just matching the current color(s) of the home, which likely are faded from the original color(s), then you still must submit for approval to confirm with the Committee that you are repainting the original color(s) and identifying what those are. That way, the Committee can confirm the original, approved colors are being used.
2. Plans and specifications submitted to the Committee must include details of the exterior color scheme, including all exterior surfaces. Exterior surfaces must be compatible with the other buildings in the neighborhood.
3. Garage doors must be painted with new paint either the same color as the body or trim of the house within 60 days of a garage door replacement.

## **FENCES/WALLS/GATES**

Pursuant to Section 8.1 (t) of the Declaration, The Committee has approved standard wall designs that shall be used on all exterior walls of the subdivision where a theme wall or view wall is required. Gates may not be constructed in any wall or fence without prior Committee approval of the size,

location, color and materials. Our planned development required walls or fences around the parcel installed when developed. Prior to the construction of any fence or wall, plans indicating materials to be used and location shall be submitted to the Committee for approval. Any fences or walls installed by the Declarant will not be removed, altered, or painted without the Committee's prior written approval. Repairs to this wall must be completed in a timely fashion and include repairing the wall to match the fixture and color of the remaining wall. Stucco walls will be painted the same color as the body of the house. No walls visible from the front of the house shall be painted unless otherwise stuccoed to match the body of the home.

All Lots with perimeter view fencing and all party walls cannot be painted any other color than the installation color or altered in any way, unless the Committee, at its sole discretion, changes the color scheme or orientation for the entire community.

## **FINE GRADING AND MOUNDING**

Fine grading is a critical aspect of landscaping. Each lot has been graded such that all storm water will drain away from the house. It is important that this drainage pattern is maintained when preparing the landscape design, especially if mounding or berming is proposed. In all cases, the installation must comply with the city ordinances, approved grading and drainage plans. Every effort should be made to make mounding appear natural.

## **FLAGPOLES/FLAGS**

Per Arizona Revised Statutes § 33-1808, the following provisions shall apply to flagpoles.

1. Prior to installing a flagpole on any Lot, the Owner of said Lot must, in writing, submit a request including specific plans detailing the height, type, location, method of installation, and color of the pole to the Committee for approval.
2. The flagpole must not exceed the height of the roof top of the Owner's home or twenty (20) feet, whichever is less.
3. Only one permanent or freestanding pole will be permitted or 2 wall bracket mounted removable flag poles with a maximum combination of two (2) poles will be permitted per residence or lot.
4. Flags may be displayed, and such flags must be displayed in a manner consistent with the Federal Flag Code (P.L. 94-344): the United States flag, the Arizona State flag, the flag of the United States Army, Navy, Air Force, Marine Corps, or Coast Guard, the POW/MIA flag, an Arizona Indian Nations flag, the Gadsden flag, college and sports teams flags.
5. No more than two (2) of the flags may be displayed at any one time. The flags must be kept in good repair. The size of the flag on the flagpole shall be no more than three feet by five feet (3' x 5').

## **BOARD OF DIRECTORS RESERVES THE RIGHT TO LIMIT OFFENSIVE FLAGS AND SHALL HAVE THE FINAL DETERMINATION ON DISPLAYED FLAGS.**

6. These flags may be displayed from sunrise to sunset unless eternal/nighttime lighting is employed that has been approved by the Committee.



7. Owners installing flagpoles must take reasonable efforts to mitigate the noise created by the flagpole and all related hardware.
8. If the flagpole, or its installation, causes damage to any other Lot or the Common Area, the Owner of the flagpole shall be responsible for all damage caused.
9. Flagpoles shall have a flag aloft except during high winds or inclement weather. Abandoned and unused flagpoles shall take down.

## **GARAGES AND DRIVEWAYS**

The interior of all garages situated on any lot shall be maintained in a neat and clean condition. Garages shall be used only for the parking of vehicles and the storage of normal household supplies and materials and shall not be used for or converted for living or recreational activities. For safety and security, garage doors should only be left open as needed for ingress and egress.

## **GARBAGE**

Pursuant to Section 8.1 (g) of the Declaration, No garbage or trash may be placed in any Lot or Parcel except in covered containers meeting the specifications of the City of Phoenix trash collection provider or of a type, size and style with prior written approval by the Committee. City of Phoenix Bulk pickup would be an exception to the "no container" requirement.

All rubbish, trash, garbage, building material or animal waste shall be promptly removed from all Lots, and shall not be allowed to accumulate thereon. All owners shall be responsible for removal of rubbish, debris, boxes and garbage not only from his Lot or Parcel, but also from all public right-of-ways either fronting or siding his Lot or Parcel, excluding: (a) public road improvements, and (b) those areas specified on a Tract Declaration of subdivision plat to be maintained by the Moon Mountain Vista Homeowners Association.

## **GUTTERS AND DOWNSPOUTS**

Gutters and downspouts will be considered for approval if the finish matches the exterior body, trim or roof tile of the home and the location of the gutters and downspouts shall not cause flooding to neighboring properties. The Committee strongly recommends use of high quality materials that offer long life, as the gutters must be maintained in good condition.

## **INSTALLATION AND MAINTENANCE OF LANDSCAPING**

Any Landscaping that will be Visible from Neighboring Property must be submitted to the Committee for approval prior to installation.

Pursuant to Section 8.1 (e) of the Declaration, within ninety (90) days of acquiring a Lot, each Owner shall landscape (if not already landscaped) such Lot and any public right-of-way areas lying between the front or side boundaries of such Lot and any adjacent street.



The landscaping and irrigation improvements shall be installed in accordance with plans, in writing and approved by the Committee. All irrigation shall be underground drip with all equipment concealed along side yards. Prior to installation of such landscaping, the Owners shall maintain the front yard and back yards of the Lot in a weed and debris-free condition. All plantings, trees, bushes, shrubs and vines shall be maintained and trimmed as to not encroach upon buildings, structures nor neighboring property.

If decomposed granite or other landscape rock is used, it must be of an earth tone color (natural, indigenous to Arizona) and not white, green, blue or other bright colors. All rock areas should be treated with a pre-emergent weed control or other weed killers at regular intervals to retard weed growth.

1. All varieties of Citrus are permissible, preferable in the backyard. The fruit must be picked clean at maturity.

### **Prohibited Plant Material List:**

2. Fountain Grass (*Pennisetum Setaceum*) or Pampas grass (*Cortaderia Selloana*).
  3. All varieties of Eucalyptus trees including Silver Leaf, Ghost Gum, Blue Gost, and Rainbow
  4. Ponderosa, Goldwater and Eldarica Pine re too large for most residential lots and require adequate space to develop properly. (<https://extension.arizona.edu/pubs/az1584.pdf>)
  5. Screwbean mesquites trees are prohibited. Honey and velvet mesquite trees are allowed.
  6. All varieties of Citrus are permissible; however the fruit must be picked clean annually.
  7. All varieties of Mulberry trees and Olive trees (*Olea Europaea*) other than the "Swan Hill" variety.
- Also pollen varieties Trees are prohibited by Section 39 of the city of Phoenix Neighborhood Preservation Ordinance

All hard-scape for front yards **must** receive approval prior to installation. Hard-scape includes but is not limited to walls, driveway extensions, walkways, lighting, fountains, and additional concrete or hard-scape additions. Boulders shall be set 1/3 below grade. River rock shall be one inch (1) to six inches (6) in diameter, and cover no more than ten percent (10 %) of the front yard.

The Moon Mountain Vista Homeowners Association encourages water conservation. Grass turf is not prohibited; however, it is recommended that you consider desert landscaping. Artificial turf with a grass-like appearance is preferred. If grass is removed to replace with rock, consider removing curbing if not using to separate different contrast rock. If you choose to install turf, you have the option to over seed with winter rye, but are not required to do so. Bermuda grass should be fertilized and well maintained during summer. Dormant Bermuda grass in the winter is allowed but the turf area must still be maintained. The association's expectation of maintained turf includes a weed free area, mowed, and containing turf (a patch of dirt instead of turf is not acceptable).

### **LIGHTING**

Exterior lighting must be soft and indirect. Flashing or blinking lights on front exterior are prohibited except for holiday displays. Coach lights, porch lights, spotlights and floodlights that are activated by a motion detector may be installed but must be specifically approved prior to installation by the Committee. These lights may never face into neighboring Lot. A limited number of wall, soffit or pathway and landscape light fixtures or enclosures may be selected. They should be designed to

conceal the light source and direct most of the light downward. Additional lighting for porches and garages, including sconces and carriage (garage) light must receive Committee approval prior to installation.

*Low voltage lighting* is encouraged to accent the architecture and planting and for safety reasons, but shall not be used to flood the entire property unless they are direct at the home. In no situation shall lighting create nuisance glare to neighbors or the street. Shielded, quality fixtures should be used to blend into the landscape. Landscape fixtures shall be a maximum of 15 inches in height and should be concealed behind boulders or shrubs. Down light in trees shall be a maximum of 8 inches in length. Colored lenses or exposed bulbs may be restricted. A system that is automated or photoelectric is preferred.

## **MACHINERY & EQUIPMENT**

No machinery, fixtures or equipment of any type, may be placed on any Lot without the prior approval of the Committee. Approval shall be conditioned upon screening or concealment so that the item is not visible from neighboring property. The screening or concealment should be solid and integrated architecturally with the design of the building or structure. It shall not have the appearance of a separate piece of machinery, fixture or equipment. It shall be structurally stable in accordance with sound engineering principles. The Committee will review location and screening. Wind turbines are prohibited.

## **BOARDS AND STAINS ON DRIVEWAYS**

Driveways must be kept free of all spots and stains including but not limited to oil, rust or paint. Oil pans may be used temporarily to collect dripping oils from spilling on the driveways and must be removed when no longer in use. No other material (IE boards or carpet) may be used to collect oil spills on driveways without Committee approval.

## **PATIO COVERS/PERGOLAS/GAZEBOS/SUNSHADE STRUCTURES**

All patio covers, pergolas, gazebos and other sunshade structures are required to be submitted to the Committee for consideration and approval prior to installation. All plans submitted must include detailed sketch, dimensions and materials to be used.

All structures must be constructed of materials that match and/or complement the home and similar to materials used on other homes in the neighborhood. These structures can be a maximum height of eight (8) feet from ground to highest point and must be setback from walls at a minimum of six (6) feet.

## **PLAYGROUND EQUIPMENT**

All playground equipment including but not limited to playhouses, forts, or swing sets Visible from Neighboring Property will require submission and approval by the Committee prior to installation. All playground equipment is prohibited in any part of the front Lot.

All such equipment will require a minimum 6 foot setback from neighboring walls (side and rear). Color and type of building materials are subject to Committee consideration and approval. Canvas covers shall be tan, beige, green or brown.

Height restrictions of playground equipment must be no more than ten (10) feet. The Committee may require screening landscaping as a condition of approval. Play structures must be kept properly maintained. The Home Owners Association has the right to determine when a structure needs repair or maintenance.

## **POOLS AND SPAS**

Initial installation of in-ground pools and spas do require the prior approval of the Committee. Notwithstanding the foregoing, any equipment or other items related to any pool or spa (in-ground or above ground) that would be Visible from Neighboring Property must receive the prior written approval of the Committee before installation.

Swimming pools and spas must be constructed according to all governmental agency ordinances, and other applicable regulations, including required fence and enclosure heights. Doors and gates leading to the swimming pools and spas must meet all governmental agency safety and closure regulations, including doors that open directly from the residence to any pool or spa area. Due to environmental concerns, pool backwash and draining cannot be disposed of into the streets, retention basins, common areas or other natural drainage area. Cartridge filter systems are recommended. DE and sand filter systems backwashing shall comply with City ordinances.

Pool equipment, including all valves, pumps, filters, blowers, conduits, back flow preventers, piping and controls, must not be Visible from Neighboring Property, and must be enclosed by walls and a gate or other suitable screening method to a minimum height of 12 inches above the equipment.

**Perimeter walls on lots bordering common areas and shared HOA walls may not be torn down to allow access to rear yards. Access must be gained by removing a portion of the front wall on the side of the home.** Repairs to this wall must be completed in a timely fashion and include repairing the wall to match the texture and color of remaining wall.

## **SIGNS**

Pursuant to Section 8.1 (k) of the Declaration, no exterior signs or advertisements of any kind that would be Visible from Neighboring Property may be placed, allowed or maintained on a lot without the prior written approval of the Committee except for those noted below.

1. Signs required by legal proceedings.
2. No more than two (2) identification signs for individual residences, each with a face area of seventy-two (72) square inches or less.
3. "For Sale" and "For Lease" signs temporarily erected in connection with the marketing of any Lot.
4. Signs and notices erected or posted in connection with the provision of building security.

5. Promotional and advertising signs of any builder on any Lot approved from time to time in advance and in writing by the Committee as to number, size, color, design, message content, location and type.
6. Such signs as may be required by law or may not be prohibited by law.
7. Such other signs (including, but not limited to, construction job identification signs, builder identification signs, and subdivision identification signs) which are in conformance with the applicable requirements of all governmental agencies and which have been approved in advance and in writing by the Committee as to size, color, design, message content and location.
8. Political signs may be displayed according to Arizona Revised Statute Chapter 33-1808. Political signs shall not be displayed earlier than seventy-one days before the day of an election and later than three days after an election day. The maximum aggregate total dimensions of all political signs on a member's property shall not exceed nine square feet.

## **SOLAR PANELS**

Except as initially installed by the Declarant or Builder, no solar energy collecting unit or panels shall be placed, installed, constructed or maintained upon any Lot without prior approval by the Committee. Please review Section 7 of the Declaration for more information on solar energy devices.

The Home Owners Association recognizes the Owner's right to install and use solar energy devices, and hereby adopts these guidelines in order to regulate the placement of solar energy devices. This provision applies only to the types of solar energy devices listed in A.R.S. § 44-1761.

If the solar energy device is one of the devices listed in A.R.S. § 44-1761, the placement of the solar energy device must be approved in advance by the Committee. Such solar energy device must comply with the following guidelines, to the extent that they do not impair the functioning of the device, or adversely affect the cost efficiency of the device:

1. No solar energy device may encroach upon the Common Area or the property of another Owner.
2. A roof-mounted solar energy device must be mounted parallel to the roof plane and so as not to break the roof ridge-line to the maximum extent possible.
3. A permit from the City must accompany the submission for a solar energy device to help ensure that all state, city, and county laws, regulations, ordinances, and codes are complied with.
4. Panels, framing, hardware and piping must match the roof color as closely as possible. All conduits, exposed cables, control panels, and other exposed equipment to be painted the house body color. All painted materials to be maintained and paint to be re-applied as necessary.
5. In order to protect against personal injury and property damage, the solar energy device may not be placed in a location where it may come into contact with a power line and it must be properly grounded and secured.
6. Solar energy devices may not block or obstruct any driver's view of an intersection or street.

The Owner is responsible for all costs associated with the installation and maintenance of the solar energy device and for all damage caused or connected with the solar energy device. The Owner must hold the Home Owners Association harmless and indemnify the Home Owners Association in the event

that someone is injured by the solar energy device. The Owner shall keep the solar energy device in good repair so that it does not violate any provision of the Project Documents. All exposed equipment shall be maintained. Broken or damaged solar panels will be replaced within 90 calendar days or less.

Notwithstanding anything contained in these provisions, the Declaration, or any other provision of the Community Documents, these provisions shall not be enforced in a way that (1) prevents the installation of a solar energy device; (2) impairs the functioning of a solar energy device; (3) restricts the use of a solar energy device; or (4) adversely affects the cost efficiency of a solar energy device. If any provision of these guidelines solar energy devices is ruled invalid, the remainder of these guidelines shall remain in full force and effect. If the Legislature of the State of Arizona modifies A.R.S. § 33-1816 or A.R.S. § 44-1761, the modified laws shall be incorporated into these guidelines as if fully set forth herein.

## **STORAGE SHEDS**

Storage sheds must be submitted for approval by the committee prior to installation on any Lot. Submittals will be reviewed on a case-by-case basis. Prefabricated and custom built sheds shall be securely anchored to the ground, or a foundation of adequate weight, to prevent storm damage (wind). The maximum height of freestanding storage shed, (in its entirety, including roof) shall not exceed the height of eight (8) feet. Floor square footage shall not exceed 100 square feet and shall be placed a minimum of 2 feet from any Lot walls. Color of shed shall match body of home and roof color shall match roof of home.

## **SUNSCREENS/SECURITY DOORS/SCREEN DOORS**

**Sunscreens:** Sunscreen material may not be installed without prior approval if different in color or appearance from that originally installed by the builder. Sunscreens shall be maintained to their original condition, free from dirt, torn screen material and bent frames.

**Front Screen Doors:** Wooden and silver-colored aluminum screen doors and/or wire screen mesh doors are strictly prohibited.

**Security Doors:** Wrought iron security doors must be submitted prior to installation, for approval by the Committee. The following information shall be submitted for the Committee's consideration: Photograph, brochure or detailed drawing showing the door frame design, color of frame, color of screen or other material. Approved colors must match the colors of the home.

## **WATER FEATURES AND STATUARY**

Items such as fountains, statuary, etc., are permissible with written approval by the Committee prior to installation. Photograph, brochure or detailed drawing which shows the water feature and/or statuary should be submitted. Fountains should be natural in color and maintained in new condition. Painted or brightly colored fountains are generally prohibited. It is recommended that water features be chlorinated.

## **WINDOW SECURITY**

Wrought iron window security bars shall be prohibited. Rolling shield type security shutters may be considered if they are a solid color which matches or complements the color of the body of the exterior of the home or roof color and must receive the prior written approval of the Committee before installation.

#### **AWNINGS/WINDOW COVERINGS/WINDOW TREATMENTS**

Pursuant to Section 8.1 (d) of the Declaration, permanent draperies or suitable window treatments shall be installed on all front-facing windows within 90 days of occupancy. No reflective materials, including but not limited to, aluminum foil, reflective screens or glass, mirrors or similar type material shall be installed or placed upon the outside or inside of any windows. Temporary window treatments such as paper, bed sheets, paper blinds, etc., are **not** permitted. Exterior window coverings or treatments used to shield or decorate openings shall be compatible, with respect to materials and color, with the style and color of the home.

