

ARROYO MOUNTAIN ESTATES HOMEOWNERS ASSOCIATION
SINGLE FAMILY RESIDENTIAL ARCHITECTURAL COMMITTEE RULES
ARCHITECTURAL AND LANDSCAPE DESIGN GUIDELINES
EFFECTIVE: November 1, 2020

ARROYO MOUNTAIN ESTATES HOMEOWNERS ASSOCIATION

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INTRODUCTION

Welcome to the **Arroyo Mountain Estates Homeowners Association** (the “HOA” or “Association”). Many of you may be living in your first homeowner's association. In Arizona, HOAs are formed in order to govern the common areas and to establish architectural standards so as to preserve the value of the neighborhood as a whole.

There are two important documents that govern the HOA for which all Owners should be familiar with so as to understand their obligations pursuant to each document. The first is the Declaration of Covenants, Conditions and Restrictions, which are commonly referred to as the “CC&Rs” and the other is these Architectural and Landscape Design Guidelines. The CC&Rs establish the restrictive covenants and provide for the architectural standards of the Association. The CC&Rs authorize the Association to amend, adopt and repeal THE ARCHITECTURAL AND LANDSCAPE DESIGN GUIDELINES, which we call the “DESIGN GUIDELINES.” The DESIGN GUIDELINES provide you with, among other things, information relevant to Improvements which will require approval from the Association, per Article V of the CC&Rs.

These documents are intended to maintain and preserve the high architectural and aesthetic standards of development that exist within the Association. The Design Guidelines are also intended to assist residents in their understanding of the need to submit an application to the Architectural Committee for any structural or exterior improvement including, but not limited to, landscaping and hardscape (i.e., cement, pony walls, etc.), and other improvements you may desire in the future.

Following these rules does not eliminate the need for submission of plans for approval by the Architectural Committee or to the City or County. You should always check with the city or county to determine if a building permit is required. Even if the city or county grants a building permit for your proposed improvements, living in an HOA means you must also get specific written permission prior to beginning your home or lot improvement project from the Association.

Even if your proposed alteration is identical to another Owner's improvements and you know they received approved for what they built, your proposed alteration must be submitted for approval to the HOA's Architectural Control Committee, which we call the Architectural Committee. Because each situation may have different conditions such as different locations,

physical conditions or design considerations, etc., each application will be reviewed on a case-by-case basis. In the event of any inconsistency between these Rules and the CC&Rs, the CC&Rs shall control. All architectural approvals will be conditioned upon compliance with applicable county and/or city codes.

I. ARCHITECTURAL COMMITTEE

Pursuant to Article III, Section 3.4 of the CC&Rs, the Board will establish the Architectural Committee consisting of not less than three people to serve as members. The Board has the responsibility of selecting, appointing and removing persons who live and own property in the Community to serve as members of the Architectural Committee. (A renter is not eligible to be on the Architectural Committee.)

The purpose of the Architectural Committee is to determine whether any requested improvements are consistent with the aesthetical and harmonious nature of the community and are consistent with the CC&Rs. The Architectural Committee also adopts guidelines and procedures for the preparation, submission and determination of the Owners' applications for any approvals required for the construction of any structures, landscaping, or other improvements within the Community.

These Design Guidelines interpret and implement procedures for the Architectural Committee's review of, and the standards for the development of single family homes within the Community, including, but not limited to, architectural design, placement of buildings, hardscape, landscaping, plant selection, color schemes, exterior finish and material, signage, wall design and similar matters. The Design Guidelines shall have the same force and effect as the Association CC&Rs. When there is a conflict between the Design Guidelines and the CC&Rs, the CC&Rs shall govern.

1.1 APPLICATION AND APPROVAL REQUIREMENTS

Pursuant to Section 5.22 of the CC&Rs, any Owner wishing to do the following to his or her lot must submit to the Architectural Committee a written request for approval specifying in detail the nature and extent of the construction, installation, addition, alteration, repair, change or replacement of any improvement, which the Owner desires to perform:

- Excavate or alter the grading or drainage of his lot.
- Construct improvements Visible from Neighboring Properties.
- Add, alter, repair, change or other work which in any way alters the exterior appearance, including but without limitation, the exterior color scheme.
- Install a pool, spa, or other water features that would be Visible from Neighboring Properties.
- Construct or install walls, fences, or hard, permanent materials, such as paving, brick, masonry, wood trim, concrete, rocks, flagstone, outdoor barbeque, fireplaces, or other inert material (hardscape) Visible from Neighboring Properties.
- Place any object (i.e., lighting and decorations) on his or her lot Visible from Neighboring Properties.

The approval of the Architectural Committee shall be in addition to, and not in lieu of, any approvals, consents or permits required under the ordinances or rules and regulations of any county or municipality having jurisdiction over this community. It is the responsibility of the Owner to obtain permits or approvals as required. Approval by the municipality or county is not a guarantee that there will be approval by the Architectural Committee. Similarly, approval by the Architectural Committee is not a guarantee that approval will be granted by the county or municipality, nor does it satisfy the building permit requirements. If the county or municipality requires modifications to the plans after the Architectural Committee has approved the plans, ALL such modifications must be re submitted to the Architectural Committee for approval prior to commencement of construction.

Even when approvals are granted by the Architectural Committee, the Owners assume all liability and responsibility for any consequences of the work performed. Further, Owners shall hold the Committee and the HOA harmless and indemnify them against any damages resulting from Owners changes in the structure or upon the lot after close of escrow. Owners should be aware and research whether any of their planned improvements may void their homebuilders' warranty. For example, any Owners' changes to the finished grade of the lot may void their warranty, since a grade change could inadvertently direct water towards the foundation of the home and undermine the structure's integrity. To avoid these unintended consequences, a structural engineer should be engaged by the Owner to confirm that any desired grade changes will not have a negative effect on the existing structures, including walls, or the grading and drainage of their lots.

1.2 SUBMITTAL PROCEDURES

When submitting for Architectural Committee approval, the Owner must supply the following documentation:

1. A completed application form (copies can be obtained from the HOA management office).
2. Plot Plan - a site plan showing dimensions, relation to existing dwelling and property lines (setbacks). Measurements must be written on the plan and the pertinent parts should be drawn to scale.
3. Elevation Plan - Plan drawings showing finish appearance of improvement in relation to existing dwelling. An accompanying photograph of the proposed location is required for structural additions to the lot.
4. Specifications - Detailed description of materials to be used and color samples must be submitted.

Your completed application, plans and specifications must be submitted to:

ARROYO MOUNTAIN ESTATES HOMEOWNERS ASSOCIATION
c/o Vision Community Management
16625 S. Desert Foothills Pkwy, Phoenix, AZ 85048
Office: 480.759.4945; Fax: 480.759.8683
Email: ArroyoMountain@WeAreVision.com

The Architectural Committee may ask you for additional information and/or clarification. Until all requested information is provided, the application shall be deemed incomplete, and you should not proceed until you have received a written approval from the Association.

1.3 REVIEW PROCEDURES

Per Section 5.22(D) of the CC&Rs, the Architectural Committee shall have sixty (60) days after receipt of the COMPLETE APPLICATION (together with all supporting information, plans and specifications requested) to approve, deny or request additional information for the application. No verbal approvals or disapprovals will be given. The Architectural Committee's decision will be mailed to you.

The Architectural Committee, Board of Directors, Declarant or Builder shall have no liability in connection with or related to approved plans, specifications or improvements. The approval of the plans does not mean that judgment is passed on the structural soundness of the improvement nor its effect upon existing or future drainage. The approval of the Architectural Committee shall be in addition to, and not in lieu of any approvals, consents or permits required under the ordinances or rules and regulations of any county or municipality having jurisdiction over this community.

Construction must be started within sixty (60) days of the date of the Architectural Committee's approval of the application or the Architectural Committee's approval shall be deemed withdrawn and the plans must be resubmitted in accordance with the Rules.

Once started, construction shall be pursued diligently to assure prompt completion thereof. Absent a different deadline for completion of construction (which may be shorter or longer, at the Architectural Committee's discretion), landscape installation required in front yards and view fenced back or side yards shall be completed within one hundred twenty (120) days after close of escrow; other construction shall be completed within ninety (90) days of the date of the Committee's approval of the application or such additional period of time as may be approved by the Committee at the time of issuance.

1.4 RECONSIDERATION OF DENIED DECISIONS (“DENIALS”)

Any Owner shall have the right to request reconsideration of a Denial by resubmitting the information, documents and application fee (if applicable); however, such request shall be considered ONLY if the Owner appealing has modified the proposed construction or has submitted new information, which would warrant reconsideration. If an Owner fails to put in writing a request for Reconsideration of a Denial within thirty (30) days of the mailing date of the Committee's Denial, the Denial is final.

II. ARCHITECTURAL REQUIREMENTS & GUIDELINES

2.1 NOT VISIBLE FROM NEIGHBORING PROPERTY

This is a phrase that is used many times in the DESIGN GUIDELINES. It means "that an object is or would be visible to a person six feet (6') tall standing on a neighboring lot, neighboring Common Area, or street at an elevation not greater than the elevation at the base of the object being viewed." It is a measuring stick for certain improvements and will often trigger either prohibitions or require prior written approval from the Architectural Committee.

2.2 ANTENNAS AND SATELLITE DISHES

See CC&Rs, Article V Section 5.19 for specifics. Since this section is fairly complex, we recommend that you contact your HOA Management Company representative to discuss any questions you may have with this section.

This Section applies to antennas, satellite television dishes, and other devices ("Receivers"), including any poles or masts ("Masts") for such Receivers, for the transmission or reception of television or radio signals or any other form of electromagnetic radiation.

Receivers one meter or less in diameter are subject to Federal Regulations. The Federal Regulations govern "Regulated Receivers." The CC&Rs define "Regulated Receiver" vs. an "Unregulated Receiver."

Unregulated Receivers: Unless approved in writing by the Architectural Committee, no Unregulated Receivers shall be permitted outdoors on any Lot, whether attached to a building or structure or on any Lot, with such screening and fencing as such Committee may require. Unregulated Receivers must be ground mounted and not Visible from Neighboring Property.

Receivers shall be subject to the following requirements:

(i) No Receiver shall be permitted outdoors on any Lot, whether attached to a building or structure or on any Lot, unless approved in writing by the Architectural Committee, with such screening and fencing as such Committee may require. If such restriction is not permitted by law, the provisions of subsections (ii) and (iii) below shall apply.

(ii) A Receiver and any required Mast shall be placed so as not to be Visible from Neighboring Property if such placement will not (a) unreasonably delay or prevent installation, maintenance or use of the Regulated Receiver, (b) unreasonably increase the cost of installation, maintenance or use of the Regulated Receiver, or (c) preclude the reception of an acceptable quality signal.

(iii) Receivers and any required Masts shall be placed on Lots only in accordance with the following descending order of locations, with Owners required to use the first available location that does not violate the requirements of parts (a) through (c) in subsection (ii) above.

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 roof, but completely below the highest point on the roof line;
 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. On the roof above the roofline;
 6. An unscreened location in the side yard;
 7. A location in the front yard of the Lot where the Receiver will be screened from view by landscaping or other improvements.

Notwithstanding the foregoing order of locations, if a location stated in the above list allows a Receiver to be placed so as not to be Visible from Neighboring Property, such location shall be used for the Receiver rather than any higher-listed location at which a Receiver will be Visible from Neighboring Property, provided that placement in such non-visible location will not violate the requirements of parts (a) through (c) in subsection (ii) above.

All exposed wires must be attached and painted to match where attached.

(60) Owners shall install and maintain landscaping or other improvements (Screening) around Receivers and Masts to screen items that would otherwise be Visible from Neighboring Property unless such requirement would violate the requirements of parts (a) through (c) in subsection (ii) above. If an Owner is not required to install and maintain Screening due to an unreasonable delay in installation of the Receiver that such Screening would cause, the Owner shall install such screening within 30 (thirty) days following installation of the Receiver and shall thereafter maintain such Screening, unless such Screening installation or maintenance will violate the provisions of parts (a) through (c) in subsection (ii) above. If an Owner is not required to install Screening due to an unreasonable increase in the cost of installing the Receiver caused by the cost of such Screening, the Association shall have the right, at the option of the Association, to enter onto the lot and install such Screening and, in such event, the Owner shall maintain the Screening following installation, unless such Screening installation or maintenance will violate the provisions of parts (a) through (c) in subsection (ii) above.

2.3 AWNINGS AND CANOPIES

Awnings and canopies over all windows shall be synthetic canvas or similar material, of solid color which matches or complements the color of the body, the trim of the exterior of the home or roof color and shall be installed **only** on the side and/or rear of the home. Metal or wood frames for awnings and canopies must be painted as outlined above. Rigid metal or plastic awnings or canopies are prohibited.

All awnings and canopies must be submitted for approval prior to installation and must include a drawing with the location of the proposed installation, sample of material, color and design.

Owner is responsible for maintenance and repair of awnings and canopies and they are to be maintained in "like new" condition. The Association retains the right to determine when awning must be cleaned, repaired or replaced due to weathering, fading, tearing, ripping, etc.

2.4 BARBEQUES AND OUTDOOR FIREPLACES (also known as CHIMINEAS)

Wood burning and/or gas built-in barbeque units, outdoor fireplaces, and chimneys must be contained in the rear yard. Chimney elements should be set to avoid obstructing views from inside the house or from adjacent properties and must be setback a minimum of three (3) feet from any fencing. The chimney height may not exceed the height of the surrounding fencing, or if attached to the home, the chimney height shall not exceed the ridgeline of the adjacent wall to which the fireplace/barbeque unit is attached. Owners shall meet the then current state and federal laws regarding outdoor barbeques, fireplaces and chimneys.

2.5 BASKETBALL EQUIPMENT

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

Only pole mounted backboards and goals are acceptable. Backboards shall not be attached to the house, garage or roof.

Front yard basketball pole must be set in the ground permanently and must be installed on the "interior" side of the driveway. Your Architectural Request must include a site plan of the exact location of where the goal will be installed. Portable or temporary goals will be allowed in the FRONT YARD as long as they are stowed out of sight IMMEDIATELY after use.

Poles and support brackets must be black, white, or painted to match the house or trim color. Backboards must be of predominantly neutral color (black, gray, white) or match the house or trim color and must be free of brightly colored decals or graphics. Clear Plexiglas or other clear simulated glass backboards are acceptable.

Portable or temporary goals are acceptable in the front or back yard and must be maintained in good condition. All portable or temporary basketball goals must be stored so as not to be Visible from Neighboring Properties when not in use.

All equipment including poles, support brackets and netting shall be maintained in good condition. Broken equipment, including backboards, bent poles, supports, rims and netting and peeled or chipped paint are prohibited.

Netting is limited to nylon or similar cord netting. Metal or other chain nets are prohibited.

Spotlights or other lighting for the purpose of illuminating the area of play for use after sunset are prohibited.

The Owner of the home is fully responsible for ball containment on their individual property. Any damage to neighboring property or landscaping from basketballs shall be the property Owner's (with the goal or standards) responsibility to repair or replace.

Painting of the driveway for a basketball court layout or any other similar purpose is prohibited.

Rear yard basketball backboard installations must conform to all of the above specifications; however, rear yard basketball stands may be temporary or portable rather than permanent.

2.6 CHIMNEYS

Chimneys serving existing or added indoor fireplaces shall be constructed of the same materials and textures as utilized elsewhere on the exterior of the home and shall meet the then current state and federal laws regarding fireplaces. The chimney height may not exceed the minimum required height to obtain proper fireplace draft, according to then current indoor fireplace regulations for the municipality, county, state and federal regulations.

2.7 CLOTHES DRYING FACILITIES

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 and maintained exclusively within a fenced rear yard or otherwise concealed and Not Visible from Neighboring Property.

2.8 FLAGS AND HOLIDAY DECORATIVE ITEMS

(i) Flags: No more than two flagpoles of any type are allowed on a Lot/Unit. Flagpoles may be located in the front yard and/or backyard. Flagpoles may be attached to the house with brackets. The brackets should be painted to match the color of the house. If a freestanding flagpole is to be placed in the yard, it shall be no higher than the height of the rooftop of the house. No more than two flags may be displayed at one time from the same flagpole.

In accordance with A.R.S. § 33-1808 the following flags may be displayed:

1. The American flag or an official or replica of a flag of the United States army, navy, air force, marine corps or coast guard by an association member on that member's property if the American flag or military flag is displayed in a manner consistent with the federal flag code (P.L. 94-344; 90 Stat. 810; 4 United States Code sections 4 through 10).
2. The POW/MIA flag.
3. The Arizona state flag.
4. An Arizona Indian nations flag.
5. The Gadsden flag.

The flag of another nation may be displayed in lieu of the United States Flag on national holidays of such nation provided such display complies with the requirements for displaying the United States Flag. In addition to the above, a political flag that conforms to municipal restrictions may be displayed during the time period beginning seventy-one (71) days before the day of an election through three days after the day of an election. Only the flags listed in this guideline may be displayed. Any flag not listed herein is prohibited. There shall be no more than one American flag displayed at any one time, and no flag shall be disproportionately large to the width of the house

elevation (i.e., the flag should be less than 10% as wide as the front elevation of the house). The Association permits display of a reasonable number of additional American flags on the following National Holidays only (to be removed no later than 5:00 P.M. of the following day): Memorial Day, Flag Day, July 4th, Labor Day and Veteran's Day.

(ii) Holiday Decorative Items: Decorative seasonal lighting displays and holiday flags do not require approval. However, such decorative items shall not be displayed more than thirty (30) days prior to the actual holiday with which they are associated or more than twenty-one (21) days after the actual holiday. Owners should practice common sense in the extent to which they decorate so as not to cause a traffic nuisance on their street to the detriment of their neighbor's ability to enter and exit their streets and driveways.

(iii) Seasonal and Decorative Flags: Seasonal and decorative flags, pennants, and banners ("flags") shall not be displayed more than thirty (30) days prior to the actual holiday and must be removed within twenty-one (21) days of the date of the holiday. Flags must be maintained in a good condition at all times. Flags that are torn, ripped, faded, etc. are not allowed. Flags may not be offensive to neighbors or the Association. The Board of Directors, at its sole discretion, shall make this determination on a case-by-case basis.

(iv) Seasonal or Decorative Items: The Board of Directors of the Association reserves the right to require removal of decorative items in front yards based on size, quantity, color, location and any other criteria. The Board of Directors, at its sole discretion, shall make its determination on a case-by-case basis.

(v) Decorative Art on Houses: Decorative art located on houses which is Visible from Neighboring Property **MUST GET ARCHITECTURAL APPROVAL.**

(vi) Lawn Art: Front lawn art and lawn art in rear yards that have view fencing require Architectural Approval before installation and will be reviewed on an individual basis. Lawn art includes, but is not limited to, iron, ceramic, plastic, clay or wood figures, carts wagons, bridges or other unnatural or man-made items. Lawn art that is not "Visible from Neighboring Property" is permitted. Potted plants are not considered yard art; however, pots that are larger than four feet tall or four feet wide or that are in non-natural or non-neutral colors should be submitted for approval if Visible from Neighboring Property.

(vii) Park Benches and Outdoor Furniture: Park benches and other outdoor furniture are allowed in the front yards or front porch area of the house and in rear yards with view fencing so long as they are of natural, "earth-tone" or neutral colors and are kept in a like new condition. These items shall be located behind the most forward portion of the house including the garage when situated in the front yard behind pony walls. White or brightly colored resin benches, tables, chairs or chaises are prohibited if Visible from Neighboring Property. ALL functional and/or decorative items must be approved prior to placing in yards, including swings, benches, stools, etc., if such items are placed in the front yard or a rear yard with view fencing.

2.9 BACKYARD ACCESS EXTENSIONS AND SIDEWALKS

Backyard Access Extensions (formerly known as "Driveway Extensions") are discouraged and are prohibited without prior review and written approval by the Architectural Committee. Only Approved Backyard Access parking will be allowed. All vehicles parked on Backyard Access Extensions shall be in good working order. Plates and tags **MUST** be current. No project or inoperative cars will be allowed.

Acceptable materials for Backyard Access Extensions are concrete, pavers, and 1/4 minus.

Sidewalk additions will be reviewed on a case-by-case basis with strong consideration of any impact on the architectural features of the neighborhood. **NO PARKING IS ALLOWED** on Sidewalk Additions.

A plat map with exact lot dimensions and the location and dimensions of the proposed Backyard Access Extension or Sidewalk Addition must be submitted to the Architectural Committee. The plat map must show the existing driveway and sidewalk along with the proposed Backyard Access Extension or Sidewalk Addition.

The total width of the concrete area may not exceed thirty (30) feet of contiguous area or fifty percent (50%) of the lot width, whichever **is less**.

*Example: 2 car driveways seventeen feet (17') may request a Backyard Access Extension of a **maximum width of thirteen feet (13')***

*3 car driveways twenty-five feet (25') may request a Backyard Access Extension of a **maximum width of five feet (5')***

The base of the Backyard Access Extension shall meet the base of the existing driveway at a 45-degree angle. A minimum of two plants, three feet in height are required in the unpaved angle portion that remains once the Backyard Access Extension is situated. The Backyard Access Extension shall have a minimum of one-foot setback from the side property line.

Submittals for sidewalks will be reviewed on the following:

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

All extensions, driveways and sidewalks must be kept clean and clear of debris, oil, rust and other stains.

2.10 EXTERIOR COLORS

Exterior paint color must be selected from the color palette originally approved by the Declarant for the neighborhood in which the home is located. Owners who are painting their houses in the exact same paint color and paint color location as the originally approved color palette of their home do not need to seek prior approval of the Architectural Committee prior to painting. Other

compatible colors which did not originally exist on their particular house that the owner desires to paint should be submitted to the Architectural Committee for approval prior to painting.

All colors that were not originally within the approved color palette of all exterior buildings and structures must be approved by the Architectural Committee based on submitted manufacturer's color chips.

Plans and specifications submitted to the Architectural 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.

2.11 FENCES/WALLS/GATES

The Architectural 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 Architectural Committee approval of the size, location, color, and material. Residential developments requiring walls or fences around the parcel will have the walls or fences installed by the developer of the parcel.

Prior to the construction of any fence or wall, plans indicating materials to be used and location shall be submitted to the Architectural Committee for approval. New retaining walls will not be approved without a structural engineer's approved and stamped plans. For the integrity of the existing walls, interior plantings (including turf) within the lots and sprinkler system water zones must not be planted or installed closer than THREE (3) FEET from any Owner's fence, wall or structure wall and trees should not be planted or installed closer than FIVE (5) FEET from any Owner's fence, wall or structure wall.

No fences or walls installed by the Declarant or Builder shall be removed, altered, or painted without the Architectural Committee's prior written approval.

NOTWITHSTANDING THE ABOVE, PERIMETER WALLS MAY NOT BE TORN DOWN TO ALLOW ACCESS TO REAR YARDS. A FINE, AS OUTLINED IN THE FINE POLICY, WILL BE APPLIED TO A LOT OWNER IN WHICH A COMMON WALL HAS BEEN REMOVED WITHOUT ARCHITECTURAL COMMITTEE APPROVAL. ACCESS MUST BE GAINED THROUGH 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 THE REMAINING WALL.

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

2.12 BACKYARD POOL FENCING

Backyard pool fencing installed on a Lot with view fencing shall be of a color to match or blend with the exterior body or trim color of the home.

2.13 PONY WALLS

Pony Walls constructed in the front yard to form a courtyard or hardscape seating area must be of a color to match or blend with the exterior body or trim color of the home. All requests for Pony Walls that are Visible from Neighboring Property shall be submitted in writing to the Architectural Committee with a drawing showing the existing structures on the lot and the proposed location and size of the Pony Wall (s) prior to the commencement of construction. Pony Walls are not allowed to be placed forward of a garage in a front yard setting. Pony Walls that constitute a retaining wall in the back or side yards are not allowed against an HOA maintained wall without written and stamped plans that contain a confirmation by a structural engineer paid for by the Owner stating that the pressure from the weight of the soil within the proposed retained areas will not cause damage to the HOA maintained wall. Additionally, the Owner will be liable for any future damage(s) such pony wall/retaining wall may cause.

2.14 GARBAGE

In no event shall any garbage or refuse container be maintained so as to be Visible from Neighboring Property except to make the same available for collection After 4:30 PM the DAY BEFORE Scheduled Collection and Refuse Container must be returned a place not Visible to neighboring property BY 8:00 AM the DAY AFTER COLLECTION. Rubbish, debris and garbage shall not be allowed to accumulate.

Each Owner shall be responsible for removal of rubbish, debris 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 public road improvements and those areas specified on a subdivision plat to be maintained by the Association. When in doubt, Owners are urged to be a good neighbor and pick up blowing rubbish, whether they generated it or not. **The burning of any rubbish, debris, or garbage is prohibited per State and County laws.**

2.15 GUTTERS & DOWNSPOUTS

Gutters and downspouts will be considered for approval if the finish matches the exterior body, trim or roof tile color of the home. The Association strongly recommends use of high quality materials that offer long life, as the gutters must be maintained in good condition.

2.16 LIGHTING

Other than seasonal decorative lighting no higher than 5 feet above the house's highest ridgeline or low voltage landscape light fixtures that do not exceed 18 inches in height, no outside lighting may be placed, allowed, or maintained on any lot without the Architectural Committee's prior

written approval. Exact replacements of the lighting originally installed by the Declarant or Builder do not require Architectural Committee approval. Seasonal decorative lighting shall be installed and removed within the time period set forth for other seasonal or holiday decorations. No additional lighting, such as sconces, carriage lights or garage lights or additional lighting for porches shall be added to the front of the home unless the Architectural Committee approves such additions in writing prior to installation. New lighting shall not be placed higher than 10 feet high on the exterior of the house (including garage).

Exterior lighting shall not exceed an illumination intensity of more than one-foot candlepower as measured from the closest lot line. (This information can be obtained from the light manufacturer, factoring in the height of the light and the distance to the lot line.)

Lighting shall be indirect and shielded such that the light shines primarily on the lot on which it is installed. No light sources shall be Visible directly to Neighboring Properties or common area tracts. Lights that create glare visible from other lots are prohibited.

Motion-activated lighting, including floodlights shall be located beneath eave overhangs where eaves exist. In the absence of eaves, motion-activated lighting shall be shielded in accordance with the preceding paragraph.

Outside lights shall be screened, wherever possible, with walls, plant materials or internal shielding.

Low-pressure sodium bulbs are not permitted.

Tennis courts, sport courts, and other similar lighting shall be reviewed and approved on an individual basis. Approval is subject to light type, orientation, site plan, use brightness, and other factors that the Architectural Committee considers to be in the best interest of the Owners and residents of the Community.

2.17 MACHINERY & EQUIPMENT

No machinery, fixtures, or equipment of any type, including but not limited to heating, cooling, air conditioning, refrigeration equipment or clotheslines, may be placed on any lot without the prior approval of the Architectural Committee. Approval shall be conditioned upon prior screening or concealment from view of neighboring or public property. The screening or concealment should be solid and integrated architecturally with the design of the building or structure unless initially installed by builder. It should not have the appearance of a separate piece of machinery, fixture or equipment. It should be structurally stable in accordance with sound engineering principles.

Ground mounted air conditioning units must be concealed by a solid enclosure on all sides Visible to Neighboring Property. Proposed location and screening requires submittal to the Architectural Committee prior to installation. Wind turbines are not allowed.

2.18 PATIO COVERS AND DECKS

All patio covers, trellises, decks, porches, ramadas, arbors, gazebos and the like ("Patio Covers and Decks") not installed by the builder will need to be submitted to the Architectural Committee for review and approval.

Patio Covers and Decks must be constructed of materials that match and complement the home, including such products as, or similar in quality to, Alumni-Wood. Patio columns must be of sufficient mass and scale relative to the roof they support and must be painted to complement the color of the home. Columns should be eight (8) feet in height or less, unless specifically approved by the Architectural Committee. Unless constructed as an open grid top trellis, a patio roof "Visible from Neighboring Property" shall be of tile or other approved roofing material style and color to compliment the home. If constructed as a closed flat roof it must be of quality materials as Alumni-Wood or other approved material and color to complement the home and must have a fascia of sufficient height for the roof to not be "Visible from Neighboring Property." Corrugated fiberglass, corrugated sheet metal and the like are prohibited. Please submit a plot plan with the proposed Patio Cover or Deck in relation to the existing home and other structures and where the proposed additions are situated in relationship to the lot's property lines.

2.19 PARKING

Temporary parking is allowed on the street; however, **in no event shall overnight street parking be allowed for more than three accumulative nights in any given week.**

Parking in the front or side yard of any Lot or on unpaved surfaces is prohibited. Parking in rear or rear/side yards of view fencing lots will require that the parked/stored vehicle, boat, camper, trailer, etc., not be Visible from Neighboring Property. Items that may be viewed through the rear-view fence will require a screening method. The method of screening requires submittal to the Architectural Committee for review and approval.

Parking of boats, campers, trailers, large vehicles, RVs, etc., will be permitted for the following reasons:

1. For the limited purpose of loading and unloading, the Association shall ALLOW the parking of a Recreational Vehicle on or in front of owners' property for up to (6) six consecutive hrs.
2. **NO WATER OR ELECTRIC LINES MAY BE RUN ACROSS SIDEWALKS**
3. The Association **PROHIBITS** the use of a Mobile Home, Recreational Vehicle, or similar vehicle for Dwelling Purposes while temporarily parked within the community.
4. Must notify the Management Company at least 24 HOURS prior to bringing your Recreational Vehicle or similar vehicle onto the property, including the date and time when it will be on property and off property.
5. A violation of any of these rules may result in the imposition of monetary penalties as provided for in the Enforcement/Fine Policy.

2.20 PLAYGROUND EQUIPMENT

ALL PLAYGROUND EQUIPMENT MUST BE SUBMITTED FOR APPROVAL PRIOR TO INSTALLATION. Please submit an elevation, brochure, picture or drawing of the proposed equipment to be installed.

All playground equipment, including, but not limited to, play houses, forts, swing sets or trampolines that are "Visible from Neighboring Property" (including view fenced back and side yards) will require review and approval by the Architectural Committee prior to installation.

All such equipment will require a **minimum five (5) foot setback** from all neighboring walls and **may not exceed eleven (11) feet in height from ground level and shall not exceed a platform height of five (5) feet from ground level.** For every foot taller than 8 feet to the top of such equipment, the setback figure of five (5) feet shall increase by two (2) feet.

For example: A play structure that is 10 feet tall shall have a setback of nine (9) feet, calculated as 5 feet of minimum setback plus 4 feet (2 feet taller than 8 feet times 2 feet of additional setback). Equipment that is Visible from Neighboring Property shall be painted to match the color scheme of the house or have a natural wood finish. Any canvas covers should be solid, not patterned, in colors matching the house color, earth tone "natural" colors or green or blue. All structures shall be maintained so as to present a neat and clean appearance. Screening of such structures with appropriate landscaping and thorough consideration of all neighbors is required. Tree houses that are Visible from Neighboring Property are prohibited.

2.21 POOL AND SPAS

Pools and spas which do not have components like slides or rock waterfalls or rock platforms Visible from Neighboring Property do not require the prior approval of the Architectural Committee, however, they must conform to County and/or City regulations. Owners shall keep their pools and spas in a clean and sanitary condition to reduce the breeding grounds of mosquitoes and other insects. Slides, diving boards, rock waterfalls, rock climbing walls or other like accessories ("Accessories") that are "Visible from Neighboring Property" Must be submitted for prior approval of the Architectural Committee. Accessories, Items will be reviewed on a case by case basis with no such items permitted to exceed (5) five feet from ground or decking. Accessories must be setback a minimum of five (5) feet set back from all property lines and (7) seven feet from any wrought iron view fencing. On lots with wrought iron view fencing the installation of landscape to limit the visibility of Accessories from neighboring property shall be required.

NOTE: PERIMETER WALLS MAY NOT BE DEMOLISHED OR REMOVED TO ALLOW ACCESS TO REAR YARDS FOR THE PURPOSE OF POOL, SPA OR OTHER CONSTRUCTION. ANY OWNER WHO VIOLATES THIS PROVISION WILL BE ASSESSED THE REPLACEMENT COSTS NECESSARY TO RESTORE THE WALL TO ITS PREVIOUS CONDITION. THE ASSOCIATION WILL ALSO SEEK THE RECOVERY OF ITS REASONABLE ATTORNEYS' FEES AND COSTS INCURRED TO ENFORCE THIS PROVISION.

ACCESS AFTER CLOSE OF ESCROW MUST BE GAINED THROUGH THE FRONT 'RETURN' WALL(S) ON THE SIDE(S) OF THE HOME AND OWNER MUST RECEIVE APPROVAL FROM THE ARCHITECTURAL COMMITTEE PRIOR TO REMOVAL.

In the event the Architectural Committee approves wall removal of the FRONT RETURN SIDE wall of a home, the Committee may require a deposit to secure replacement of removed walls. Repairs to this front return side wall must be completed in a timely fashion and include repairing the wall to match the texture and color of the existing wall. Any damage to the common areas, including sidewalks, landscaping, irrigation or other HOA materials, plus any attorney's fees expended on behalf of the HOA in pursuit to such damage reimbursement for any wall damage by Owner or its Contractor shall be the Pool Owner's sole cost, and Pool Owner is responsible for repairing any such damages within 10 days of notice, or such other timely manner approved by the Architectural Committee. The re-built access way and the common area shall be inspected by the Architectural Committee prior to the refund of the wall removal deposit.

All pool and spa equipment must be thoroughly screened from view of neighboring property, including equipment situated in the back of yards with view fencing. No trellis or lattice type screening will be approved. Screening shall be designed to mitigate pump and equipment noise.

A pool may not be backwashed into any common area tracts, drainage ways or streets or other individual's property. All backwash water should be retained on the Owner's lot.

If you have a home that has view fencing, the pool/spa equipment must match the exterior color of the home or be hidden from view by screening with material such as a wall or fence.

It is the Owner's responsibility to confirm with the governing city or county whether the existing walls or fencing comply with the then current pool fencing requirements. The Declarant does not represent or guarantee that the height or design of the exterior fencing provided around a lot will be sufficient to comply with current or future pool fencing requirements. Exterior walls are constructed only as a means by which to visually separate lots; Owner should not presume the exterior walls or fences are sufficient as a safety barrier between the lot and anything dangerous contained within the lot.

OWNERS OF POOLS ASSUME ALL OF THE INHERENT RISK OF POOL OWNERSHIP.

2.22 SIGNS

No exterior signs or advertisements of any kind including posters, circulars, and billboards may be placed, allowed, or maintained on any lot without the prior approval of the Architectural Committee, except that the following types of signs may be erected without the Board's written consent:

1. Residential identification signs of face area of 75 square inches or less for identification of the occupant and its address.
2. One temporary sign no larger than 30 inches by 24 inches, for the purpose of

- advertising the lot “for sale” or “for rent.”
3. One temporary sign identifying the person installing landscaping or a pool on the lot, but only during the period that such installation is in progress.
 4. Signs used by Declarant to advertise the lots and residence thereon for sale or lease.
 5. Security signs:
 - a. Must be located a maximum distance of 4 feet from the front of the home.
 - b. Must not exceed 12" x 12" in size.
 - c. Must be professionally fabricated and maintained in good condition at all times.
 - d. No more than two (2) security signs may be placed in a front yard.
 6. Political signs that conform to municipality restrictions are permissible pursuant to A.R.S § 33-1808.

All signs must conform to applicable municipal ordinances.

2.23 STORAGE SHEDS

Storage sheds whose maximum height exceeds the height of the immediately surrounding perimeter or side yard walls or fences will require Architectural Committee approval. Such sheds should be painted to match the color scheme of the house and the roofing material shall match the roof of the dwelling or be approved by the Architectural Committee. Sheds requiring approval shall be submitted with a picture or drawing of the shed and a plot plan showing where on the property in relation to the house and property line the Owner proposes to place the shed.

All shed submittals MUST BE APPROVED by Architectural Committee, which will take into consideration, height, placement on lot and “Visibility from Neighboring Properties.”

2.24 OIL BOARDS

Oil pans, boards, carpet or any other object used to collect oil spills from the driveway are prohibited.

2.25 SUNSCREENS/ SECURITY DOORS/ SCREEN DOORS

(a) Window Sunscreens - Brown, tan, charcoal, or black sunscreen material may be installed without prior approval. All other sunscreen colors must be submitted for approval. Sunscreens must be maintained in their original condition, free from dirt, tears and bent frames.

(b) Screen Doors and Security Doors- Any security door designs will be subject to approval. Such doors do not need to be approved provided their frame and screen material color matches an exterior color of the home. Silver-colored aluminum screen/security doors and/or wire screen mesh doors are prohibited. Screen doors must be maintained in their original condition, free from dirt, torn screen material and bent frames.

2.26 TENNIS COURTS/SPORT COURTS

No tennis court or sport court may be installed without prior written approval of the Architectural Committee.

Courts may be allowed, providing their setting, visual appearance, lighting, noise generation, construction, and landscaping do not detract from the enjoyment of neighboring property as determined by the Architectural Committee. Each proposed installation will be judged on a case-by-case basis. The Architectural Committee may, in its sole discretion, allow or prohibit fencing and screening that is Visible from Neighboring Property. Any lighting for night play must be shielded and attached to the home no higher than ten (feet) high.

2.27 WATER FEATURES AND FOUNTAINS

Items such as water features and fountains are permissible with written approval of the Architectural Committee.

Architectural Committee approval must be obtained prior to installation of water features or fountains in front yards and those placed in back yards with view fencing.

Fountains should be no larger than five feet in height and natural or neutral in color. All fountains must be maintained in new condition. Painted or brightly colored fountains are prohibited.

It is recommended that water features be chlorinated. No fountain shall be allowed to drain directly into a common area tract. Owners shall keep water features and fountains in a clean and sanitary condition to reduce the breeding grounds of mosquitoes and other insects.

The Committee reserves the right to limit the size and quantity of water features or fountains in the front yard as well as rear yards with view fencing. Items must be of earth tones without painted finishes.

2.28 WINDOWS

Permanent draperies or suitable window treatments shall be installed on all front-facing windows within ninety (90) days of occupancy. Reflective glass or window film with a visible light reflection rate of twenty (20%) percent or greater is not allowed for any window or skylight. Non-reflective glass of bronze or similar color may be used. In no event shall the interior or exterior of any window be covered with reflective material such as foil, paper or bed sheets. No exposed metal including wrought iron is permitted on doors or windows with the exception of security doors (no windows) as approved by the Architectural Committee.

Metal frame windows or skylights must have a factory applied color finish similar to the house color. Wood frames shall be painted to match the color scheme of the house. Shade screens on windows shall be of a color compatible with the house.

2.29 VIEW FENCE LOT MAINTENANCE

Back yards which have view fencing are required to be kept neat and free of weeds and debris. Yard tools, equipment and general storage items should be stored out of sight when not in use. Parking of vehicles of any sort must be screened from view at all times. Any decorative changes made to the backyard walls visible on a view fence lot, i.e., painting or stuccoing, must be approved in advance by the Architectural Committee. Any hardscape additions to the back yard, such as concrete work, built in barbeques, fire-pits, fireplaces, etc. must be approved by the Architectural Committee. Plants, including potted plants, need to be kept in a healthy and manicured condition in attractive pots.

III. LANDSCAPE REQUIREMENTS AND GUIDELINES

ALL CHANGES IN FRONT YARD AND BACK YARD LANDSCAPING (ONLY FOR LOTS WITH VIEW FENCING) MUST BE SUBMITTED FOR APPROVAL TO THE ARCHITECTURAL COMMITTEE PRIOR TO INSTALLATION. Simple replacement of a plant with one of identical type does not require approval.

NOTE: YOU MUST CALL BLUE STAKE SERVICES TO LOCATE ALL UTILITIES, INCLUDING WATER LINE, PRIOR TO ANY DIGGING.

Please ensure applications for landscape approval are complete to include an application and a plot plan indicating the design, colors and type of material, quantities and locations of all items prior to submission.

The Owner shall install and maintain landscaping and irrigation improvements in compliance with xeriscape principles and other applicable requirements set forth in the applicable municipal zoning ordinances in that portion of owner's Lot which is between the street(s) adjacent to his Lot and the exterior wall of his residential unit or any wall separating the side or back yard of the Lot from the front yard of the Lot.

Any Lot that has view fencing (e.g., wrought iron rather than a solid wall) on any boundary of its rear yard shall be completely landscaped and irrigated (front, rear, and side yards) by the Owner of such Lot in compliance with xeriscape principles and other applicable requirements set forth in the applicable municipal zoning ordinances.

Upon transfer of ownership of a Lot, a new owner shall have 120 days to bring the front and backyard landscapes of the lot into compliance with these requirements.

All landscaping shall comply with the following minimum requirements:

3.1 FRONT YARD LANDSCAPING REQUIREMENTS

All Lots must maintain a front yard ground cover of landscape rock or other similar inert material, live sod, approved artificial turf or a combination thereof. No areas of bare soil are permitted. Areas of sod or artificial turf must be bordered by headers in accordance with section

3.6 to separate sod/turf areas from rock. Front yards shall include a variety of plants to create an attractive landscape. The minimum number of landscape plants shall be determined on a point system with a minimum score of 65 points required to be in compliance. Points shall be assessed as follows.

- 20 points for a tree 12 feet or taller with a maximum value of 20 points for this category.
- 15 points for a tree 6 feet or taller with a maximum value of 15 points for this category. Cacti, ocotillo and bird of paradise taller than 6 feet will be given credit for this category.
- 5 points per shrub, succulent, cacti or ground cover plant regardless of size with a maximum value of 50 points for this category. Shrubs that have grown together and are hedged as a single unit will only count as one plant. Plants grown in pots will not receive credit for this category.
- 15 points for live sod or approved artificial turf installed in accordance with the guidelines in paragraphs 3.5 and 3.6 of this document and at least 100 square feet in size.

3.2 BACK YARD LANDSCAPING REQUIREMENTS

All Lots must maintain a back yard ground cover of landscape rock or other similar inert material, live sod, artificial turf or a combination thereof. No areas of bare soil are permitted. Areas of sod or artificial turf must be bordered by headers in accordance with section 3.6 to separate sod/turf areas from rock.

3.3 MAINTENACE AND WATERING

All landscape shall be maintained in a neat and attractive condition. Minimum maintenance requirements include watering, mowing, edging, pruning, removal and replacement of dead or dying plants, removal of weeds and noxious grasses, and removal of trash. All Palm tree shall be maintained in a neat condition and all brown fronds shall be removed and under no circumstance shall Palm skirts be allowed to form. Trees with shallow and/or invasive roots planted within five feet of concrete walks shall include root barriers.

All landscape irrigation must be underground, automatic, and low water use drip systems, except for turf or flowerbed areas which may use spray systems. Timers, emitters and spray heads should be set to avoid excessive overspray or runoff onto sidewalks and streets. Great care should be taken to avoid spraying of walls, fences and other structures that may cause damage and void any warranty. Installation of plants and sprinkler systems at least three (3) feet for plants and at least five (5) feet for trees away from walls, fences and structures is required to avoid water and root damage to these walls, fences and structures.

3.4 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 home, walls, or any other structure. 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 approved grading and drainage plan. Every effort should be made to make mounding appear natural.

Drainage MUST flow away from all walls, fences and structures. DO NOT ALTER THE GRADING AND DRAINAGE OF YOUR LOT FROM THE ORIGINAL LOT PLANS WITHOUT CONSULTING AN ENGINEER. Doing so could cause damage to your home and walls.

3.5 INERT GROUND COVER

All decomposed granite/ landscape rock shall be 1/2 inch or larger in size and of natural earth tone colors. Gray river rock is not permitted as ground cover, but may be allowed for river bed designs upon approval of the Architectural Committee. White rock and any rock with coating (artificially colored rock) of any kind are prohibited. Ground cover, inert material and any other landscaping softscape or hardscape shall not be used to spell out or form names, nicknames, initials, words, names of states or cities, etc. Rip rap used for river beds should coordinate, in color, with your selection of decomposed granite.

Quarter minus size rock or inert material may be used in front of gates large enough to fit a standard sized automobile through (RV type gates). Quarter minus material shall be the same color as other landscaping rock in the front yard and shall be separated from 1/2" plus granite landscaping or sod with a concrete or tile divider which is not wider than one foot.

All granite areas shall be kept free of weeds. It is recommended they be treated with a pre-emergent twice per year.

3.6 LIVE SOD AND ARTIFICIAL TURF

Live sod is permitted in front and rear yard landscaping provided that no sod or spray irrigation shall abut walls or fences. Planting areas of at least five (5) feet are required between walls, fences, structures, turf and spray irrigation. Great care should be taken to avoid spraying of walls, fences and other structures that may cause damage and void any warranty. Drainage should flow away from all walls and any structures.

ARTIFICIAL TURF IS ONLY ALLOWED IN FRONT YARDS BY SPECIFIC APPROVAL OF THE ARCHITECTURAL COMMITTEE. Owners may submit approval requests for high quality artificial turf; the Architectural Committee will make case by case determinations regarding this material after reviewing the submittals, which shall include a sample of the proposed artificial turf. In the event artificial turf is approved, Owner must maintain the appearance of the artificial turf in a clean, first class, "like new" condition.

Note: LIVE SOD AND OTHER PLANT MATERIALS, AND SPRINKLER SYSTEM WATER SHALL NOT BE PLANTED OR INSTALLED DIRECTLY AGAINST ANY OF YOUR HOME WALLS OR FENCING. A BORDER OF NON-ORGANIC AND NON-WATERED MATERIAL AT LEAST FIVE (5) FEET WIDE BETWEEN SOD AND PROPERTY WALLS MUST BE USED INSTEAD OF LIVE SOD OR WATERED PLANTS.

3.7 HEADERS

Headers are continuous materials that separate turf from other planter or inert areas. Headers must be used to separate granite areas from turf areas and shall be concrete, masonry, bricks, Saltillo or Mexican tile materials and may not exceed 12" in width. Headers shall be flush where they abut other paved areas. Rock, railroad ties, plastic, steel, aluminum and redwood header boards are prohibited. FRONT YARD RESTRICTION ONLY.

3.8 PLANT SUPPORT RULES

Trellis or lattice must be painted to complement the color of the home and maintained in a "like new" condition. Trellis or lattice must be replaced and/or repainted when weathering occurs. Chain link and chicken wire is prohibited.

3.9 PROHIBITED PLANT MATERIALS

The following vegetation types and varieties are expressly prohibited due to reasons of profuse and noxious pollen, excessive heights, weed-like characteristics of excessive growth, high water demands or other similar traits. Under no circumstances is it permissible to plant a prohibited plant.

1. All Pines (Pinus), Cypress (Cupressus), False Cypress (Chamaccyparis), Juniper or Cedar (Juniperus), whose height may reasonably be expected to exceed ten (10) feet are prohibited. Dwarf varieties that will attain a height of less than ten (10) feet are allowed, but only within the confines of the rear yard.
2. Olive trees (Olea Europaea), except the fruitless varieties.
3. Oleanders (Nerium Oleander), except the dwarf variety and Thevetia species.
4. Mexican Palo Verde (Parkinsonia Aculeata).
5. All Eucalyptus.
6. All varieties of mulberry trees, except weeping or dwarf ever bearing if maintained under 10 feet.
7. Date Palms, front yard restriction only.
8. Sissou Trees.
9. Any other tree or plant specifically prohibited by any local or State laws.

THE BOARD OF DIRECTORS MAY, FROM TIME TO TIME ADOPT, AMEND AND REPEAL THESE ARCHITECTURAL AND LANDSCAPE DESIGN GUIDELINES BY A MAJORITY VOTE OF THE BOARD.