

**ARCHITECTURAL
GUIDELINES AND
ARCHITECTURAL
STANDARDS**

FOR

**Foothills Reserve Master
Association**

Version 2.0

Revised, Adopted and Effective

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1 ARCHITECTURAL GUIDELINES FOR FOOTHILLS RESERVE

The Architectural Guidelines, as set forth in this document, shall interpret and implement procedures for the Architectural Control Committee’s (“Committee” or “ACC”) review and standards, including (but not limited to) architectural design, placement of buildings, landscaping, plant selection, color schemes, exterior finish and material, signage, and wall design. These documents are intended to help enhance the property values and maintain the high standards of development that exist within the Foothills Reserve community. Unless specifically identified as not requiring submittal for approval within this document, prior approval from the Committee is required for anything that would change the exterior appearance of a Lot (see Section 4.1.1 of the Declaration for more information). The Architectural Guidelines are established to assist residents in conforming to the standards established, and may be amended from time to time, by the Committee.

Because each situation may have different conditions (e.g., different locations, physical conditions or design considerations, etc.), each application will be reviewed on a case-by-case basis. When reviewing applications, the Committee will use any factors its deems relevant, including, but not limited to, aesthetics, overall harmony with surrounding properties, and the interest of neighboring properties.

Note: Following these Architectural Guidelines does not eliminate the need to review the Declaration and comply with all restrictions contained therein. Unless otherwise defined herein, capitalized terms have the same meaning used in the Declaration.

1.1 ARCHITECTURAL REVIEW PROCESS

The following standards for architectural improvements shall apply to all Lots within the Foothills Reserve community.

Each Lot Owner should read, review, and make themselves acquainted with the Declaration and with these Architectural Guidelines, as may be amended from time to time. The Architectural Guidelines are intended to assist Owners in preparing an application to the Architectural Committee for any desired improvements. FOLLOWING THESE ARCHITECTURAL GUIDELINES DOES NOT ELIMINATE THE NEED FOR SUBMISSION OF PLANS FOR WRITTEN APPROVAL BY THE COMMITTEE PRIOR TO BEGINNING WORK. Even if your addition or alteration is identical to another which has been approved, it must be submitted for approval.

In the event of any inconsistency between these Architectural Guidelines and the Declaration, the Declaration shall control.

Please note that architectural approval does not indicate the structural soundness of a proposed project or its compliance with applicable codes and laws. The Committee only reviews for aesthetics, harmony, and compliance with the Association’s governing documents. The Association and the Committee disclaim all liability in relation to the review and approval/disapproval of submissions. For more information, please see Section 11.3 of the Declaration.

IF APPROVAL IS REQUIRED FROM A GOVERNMENTAL AGENCY (I.E., CITY, COUNTY, STATE), IT IS UP TO THE OWNER TO ENSURE THAT THE GOVERNMENTAL PERMITS/APPROVALS ARE RECEIVED PRIOR TO THE START OF CONSTRUCTION. Furthermore, all architectural approvals are conditioned upon compliance with applicable codes and statutes.

1.2 APPLICATION PROCEDURE:

Submittal

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

Foothills Reserve Master Association
c/o AAM, LLC ~ Attention: Community Manager
1600 W Broadway - Suite 200
Tempe, AZ 85282

Phone: (602) 957-9191 Fax: (602) 870-8231 or 866-477-9188

The form may be found at:

<http://www.foothillsreserve.org/ResourceCenter/38684/Documents>

The following information should be included with the submittal:

1.3 ARCHITECTURAL COMMITTEE SUBMITTAL FORM:

A completed application form with a photograph of the property and renderings of proposed upgrades. Homeowners must provide their contact information in the event that the

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Architectural Committee needs to physically inspect the Lot. An attached photograph with proposed alterations will assist the Architectural Committee in making cohesive and quicker decisions.

1.3.1 Plot Plan:

A site plan showing dimensions, relation to existing dwelling and property lines (setbacks). Measurements must be written on the plans. Plot plans are available at the sales office or from the Builder.

1.3.2 Elevation Plans:

Plans showing finished appearance of improvement in relation to existing dwelling and an accompanying photograph of the proposed location if possible.

1.3.3 Specifications:

Detailed description of materials to be used, color samples, and dimensions must be submitted.

1.3.4 Photograph:

If submittal is for an existing structure or improvement, a photograph of the structure or improvement must accompany the submittal application.

All buildings, structures and other improvements erected within Foothills Reserve, and the use and appearance of all land within Foothills Reserve, shall comply with all applicable City/County/State zoning and code requirements, as well as the Declaration and these Rules.

1.4 REVIEW-APPROVAL AND/OR DISAPPROVAL

The Committee shall have forty-five (45) days after submittal to approve or disapprove plans. No verbal approvals/disapprovals will be given by the management company. All decisions will be mailed via US Mail.

Review will include, but is not limited to, consideration of compliance with Declaration and these Architectural Guidelines, material, quality of workmanship, colors, and consistency with the external design and color of existing structures on the Lot and impact on neighboring Lots. The location of the improvement with respect to topography and finished grade elevation is also considered.

Neither the Committee, the Board of Directors, nor the 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 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.

1.5 APPROVAL EXPIRATION:

Construction must be started within ninety (90) 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 for approval.

1.6 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.

2 DISCLAIMER:

THESE ASSOCIATION RULES, DESIGN GUIDELINES AND ARCHITECTURAL STANDARDS MAY BE AMENDED FROM TIME TO TIME BY A MAJORITY VOTE OF THE COMMITTEE.

3 DESIGN GUIDELINES AND ARCHITECTURAL STANDARDS

3.1 ACCESSORY STRUCTURES:

Accessory structures shall include any structures not specifically called out in this document or the Declaration. Unless specifically stated herein, these structures must be set back at least five feet (5') from all surrounding property lines. They require the prior written approval of the Committee. Generally, the highest point of these structures should not break the plane of the lowest perimeter wall surrounding the property. The intent is to use colors that are consistent with the community; however, materials are subject to review by the Committee. If it is felt that the materials will not last in the Arizona weather, the Committee has the authority to

request additional information or require that the materials be better suited to the climate. All accessory structures must be maintained in like-new condition at all times.

3.2 ADDITIONS:

When considering an addition to an existing structure, the Committee will only consider the application if:

- 1) The height of any addition shall be no higher than the existing home.
- 2) All additions shall be built within the setback lines originally established by the builder and/or the Association, regardless of more lenient requirements of governmental authority.
- 3) When additions, alterations, or renovations are performed, the established Lot drainage must not be altered.
- 4) All new or altered roofs shall drain to the ground solely within the deeded Lot area. No roof may drain directly onto a neighboring property.

3.3 ANTENNAS AND SATELLITE DISHES:

The placement and screening of antennas and satellite dishes is governed by Section 4.1.8 of the Declaration. Please consult that section for further guidance. Advance approval by the Committee 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 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. On the roof above the roofline.
6. An unscreened location in the side yard.
7. A location in the front yard where the receiver will be screened from view by landscaping or other improvements.

All exposed wires 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

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installed as soon as possible, but not later than thirty (30) days following installation. Screening must be maintained by the homeowner and approved by the Committee prior to 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 Association harmless and indemnify the 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 governing documents.

The installation of the antenna or satellite dish must comply with all applicable city, county and state laws, regulations and codes. The Association must be provided with a copy of any applicable governmental permits. Installation must be pursuant to the manufacturer's instructions.

An Owner must complete the notification form attached to these Architectural Guidelines and submit a copy of the completed form to the Association within five (5) business days after installing an antenna or satellite dish allowed without prior approval. If requested by the Association, the Owner must establish a mutually convenient time to meet with a representative of the Association to review and discuss the antenna or satellite dish.

In the event of a violation of these provisions, the 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 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 twenty-one (21) days after the validation.

If an antenna or satellite dish poses a serious, immediate safety hazard, the 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 Association's governing documents, the 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.

3.4 AWNINGS:

Awnings over windows must be submitted for Architectural review and approval prior to installation per section 4.1.24 of the Declaration. The awnings shall be a solid color and the same color on the interior and exterior face. The awning must come with a minimum five-year guarantee / warranty from the manufacturer to ensure a high quality awning. When submitting, please identify the manufacturer's name, the awning color, and the material type, number of

year's guarantee / warranty and a sample of the material to be used. Owner is responsible for maintenance and repair of awnings. Association retains the right to determine when an awning must be repaired and or replaced due to weathering, fading, tearing, ripping, etc.

3.5 BASKETBALL GOALS:

Permanent or portable basketball goals must be submitted for architectural approval and will be considered on a case-by-case basis. Basketball goals will only be considered only if they meet the following requirements:

- 1) Basketball equipment must be stored in appropriate location like the rear or side yard when not in use, unless the Committee determines it is permissible for a high quality goal to stay halfway up on the outer side of the driveway.
- 2) Backboards must be of a predominantly neutral color (gray, black or white) or match the color of the body of the exterior of the home. (Clear backboards are acceptable without painting.)
- 3) Permanent Basketball poles must be painted to match the color of the body of the exterior of the home or black.
- 4) All equipment must be constantly maintained so as to be in good, attractive condition. Broken backboards, disfigured or bent rims, ripped, torn nets, chipped, faded and/or peeling paint, etc., should be promptly removed, repaired or replaced.
- 5) Only nylon or similar cord nets are acceptable. Metal or chain nets are expressly prohibited.
- 6) Lighting of basketball equipment for night play is expressly prohibited.

3.6 CONDUIT/PLUMBING/WIRES:

The Committee will consider the need and design for exterior conduit and plumbing on a case-by-case basis. Conduit/wire running through tile roofs is generally forbidden except where required for the operation of solar panels. Exterior wiring must be in appropriate conduit. Visible wiring, for instance for landscape lighting, is expressly forbidden. All wiring must be buried or shielded appropriately. Conduit that would protrude from a vertical home wall/eave must be approved by the Committee prior to installation, painted to match the body color of the

home, and in general will not be approved unless extraordinary circumstances exist. Devices mounted to the exterior of a home shall require plans and Committee approval.

3.7 DECORATIVE ITEMS:

Pursuant to Section 4.1.1 of the Declaration, any alteration (whether temporary or permanent) that changes the exterior appearance of a Lot must receive the prior written approval of the Committee. This includes decorative items that are Visible From Neighboring Property.

The Committee 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 Committee may determine on a case-by-case basis.

As to certain particular types of items, the Committee generally intends to consider the following standards:

- No permanent fire pit(s) will be allowed.
- Decorative items must be aesthetically pleasing and maintained in excellent condition. Failure to do so will result in a demand that they be removed.
- *Benches / Lawn Furniture:* These items must be made of materials that will last in the Arizona climate, be aesthetically pleasing and maintained in excellent condition. Plastic benches and furniture will never be allowed or approved for front yards. Approved furniture must reside on an appropriate and intentionally designed deck or patio.
- *Flower Pots:* These items must be maintained in like-new condition at all times, and must be continually planted with live foliage. Artificial plants and/or flowers are expressly prohibited. The Committee reserves the right to limit the number of pots.
- *Seasonal and Decorative Flags:* One (1) bracket for seasonal and decorative flags, house mounted below the roofline is permitted. Seasonal flags may be displayed thirty (30) days prior to and must be removed within thirty (30) days after the date of the holiday to which the flag pertains. Flags must be maintained in good condition at all times. Flags that are torn, ripped, faded, etc., constitute grounds for fines and removal. Flags shall not be offensive to the Association. The Committee shall make this determination at its sole discretion.
- *Seasonal Items:* Holiday decorative items, such as seasonal lighting, statuary, inflatables and holiday flags, do not require prior written approval from the Committee so long as the following standards are followed, as determined in the discretion of the Committee. Holiday decorations and lights shall be of

reasonable design and magnitude so as not to disrupt neighboring residences and property, and shall not be installed or utilized prior to 30 days before a holiday and shall be removed no later than fourteen (14) days following that same holiday. 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. Furthermore, installation shall not take place prior to 7:00 a.m. or after 10:00 p.m. Additionally, blinking lights and music within displays shall not be left on after 10:00 p.m. each evening.

3.7.1 Decorative art on houses:

Decorative Art on houses shall be aesthetically pleasing and must be maintained in excellent condition. Dimensions of decorative art shall be no greater than three feet (3') in length, width, and height.

3.7.2 Water features, statuary, etc.:

Items such as fountains, statuary, etc., are permissible within the rear yard and do not require submittal to the Committee, unless it will be visible above the fence. These items must be approved by the Committee prior to installation in the front yard. Water features in front yards may not exceed four and one half feet (4-1/2') in height. Water features must be chlorinated. Owners must keep the water clean so that pests cannot breed in the water. The Committee reserves the right to limit the number of statuary.

3.8 BACKYARD:

Decorative item(s) of any nature may be placed or installed in the Owners' backyard without Architectural Request review and approval provided such items are not Visible From Neighboring Property, the Common Areas, or the front of the home. All decorative items must be below fence level. Any item visible over the fence will require Committee approval prior to the installation. This includes shade umbrellas. See section under "umbrellas".

3.9 DOORS:

Any change to exterior front doors or doors Visible From Neighboring Property or Common Areas must be submitted for approval from the Committee. Materials must match as close as possible to the appearance of the original door (wood or wood like) with the color to remain the approved color from the approved paint palettes or wood stain. Glass panels are permitted in the upper half of the front door but they must be approved.

3.10 DRAINAGE:

Pursuant to Section 4.1.25 of the Declaration, “No Owner or Resident shall interfere with or obstruct the drainage pattern over his Lot from or to any other Lot as that pattern may be established or altered by the Co-Declarant or other Developer.” Providing for proper drainage on your Lot is extremely important. Drainage water may not be directed toward the building foundation or toward any neighboring property. Drainage may not be altered to create any condition that could lead to off-site soil erosion in open spaces. Any drainage / weep holes originally built into the block wall must be kept unblocked as any blockage could lead to permanent damage to the wall. Each Owner is responsible for obtaining appropriate expert advice with respect to drainage issues and ensuring compliance with all applicable laws. The Committee does not review plans for drainage compliance, but the Association may undertake enforcement action against any Owner that violates Section 4.1.25 or otherwise modifies drainage so as to create a nuisance on neighboring properties or the Common Area.

3.11 DRIVEWAY AND SIDEWALKS:

No addition to the width of the driveway will be permitted. Additional concrete to the side of the property where double gates lead to back yard will be considered on a case-by-case basis by the Committee. In no event may the area in front of the double gates be used for parking.

Sidewalks and driveways must not suffer from darkening/staining from overwatering of the front/side yards. If concrete becomes darkened/stained as a result of overwatering, the Owner is responsible for taking pro-active steps to clean the concrete and stop the overwatering. If overwatering leads to staining of gutters, then the Association may take steps to clean the gutters and assess the Owner the associated costs.

Coating of a driveway surface will be considered on a case-by-case basis. The design and color scheme must be complimentary to the home. Should a coating become unsightly, excessively faded or chipped, the Committee will require that a coating be redone or removed within a timely manner.

3.11.1 Additional Sidewalks:

Regardless of color or material, sidewalks installed to utilize the side gates must receive the prior written approval of the Committee and all the following conditions must be met:

- a) The additional sidewalk must be three feet (3') or less in width, one foot (1') or more from the property line, and one foot (1') or more from the home.
- b) The area between the home and the sidewalk addition must have ground cover installed per the landscaping guidelines or to match the existing front yard ground cover (i.e., decomposed granite).
- c) Must be professionally installed.

The Committee reserves the right to review and request changes to the addition per these requirements.

Sidewalks from the driveway to the front door or to a side gate may be altered with prior approval of the Committee.

3.12 FENCES AND WALLS, INCLUDING DECORATIVE WALLS:

Plans for new fences, walls (including decorative walls) or additions to existing residential structures must be submitted to the Committee for approval prior to construction. Plans to raise the height of a party wall (the wall between two Lots) must be submitted for approval. The application must include written permission from the adjacent neighbor(s) who share use of the wall, as well as information on the height of all walls adjoining the wall(s) being raised, material to be used to raise wall, and texture and color of the finished wall. Side and rear walls may not exceed seven (7) feet in height from ground level, as measured from the lowest side of the wall. A fence within 15 feet of the front property line cannot exceed 3 feet in height. New fences or walls must match the existing wall in texture and color.

Decorative or garden walls may not exceed thirty-six inches (36") in height. Decorative or garden walls must be submitted for approval prior to installation, and be finished to match the home in color and texture. Other materials not on the home will be considered on a case-by-case basis. When submitting, be sure to include enough detail and/or samples for the Committee to properly review the submittal.

3.13 FLAGPOLES:

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 rooftop of the Owner's home.

- 3) Only the following 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, or the Gadsden flag.
- 4) No more than two (2) of the flags noted above may be displayed at any one time. The size of the flag on the flagpole shall be no more than four feet by six feet (4' x 6').
- 5) These flags may be displayed from sunrise to sunset unless external/nighttime lighting is employed that has been approved by the Committee.
- 6) Owners installing flagpoles must take reasonable efforts to mitigate the noise created by the flagpole and all related hardware.
- 7) 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.
- 8) Display of the flags listed above shall also be permitted on a bracket mounted on the dwelling. Wall-mounted flagpoles may not be longer than five feet (5'), and the bracket must be painted to match the attachment area.

3.14 GARAGES:

Garages should be used to park cars day and night. It is the intent of the Declaration that the garages are to be maintained in a neat, clean and orderly fashion. Storage of personal items should not prevent vehicles from parking in the garage. Garage doors should only be left open as needed for ingress and egress, while working in your front yard, etc. Garage doors must be painted in the approved color from the approved paint palettes for The Foothills Reserve. Exceptions for custom/upgraded garage doors must be submitted to the Committee for approval and considered on a case-by-case basis.

3.15 GATES:

The replacement of an existing gate and/or the request for an additional gate must meet the following requirements.

- 1) All gates must be submitted for review and approval prior to installation and/or replacement.
- 2) If an additional gate is requested the submittal must include the placement of the new proposed gate.
- 3) All submittals must include the dimensions of the proposed gate. (Double gates will be considered on a case-by-case basis to allow wider access to rear yards)

- 4) All slats must either be natural wood stain or painted in complementary, wood-like, color to the house as approved by the Architectural Committee.
- 5) The metal frame must either be painted the body color of the house or the approved house trim or painted to match the color of the wall per special Architectural Committee exception.
- 6) Gates exiting to the mountain or NAOS areas are not permitted.

3.16 GUTTERS AND DOWNSPOUTS:

Gutters and downspouts will be considered for approval if the finish matches the 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 at all times. Downspouts are to be directed so as not to drain on neighboring properties.

Plans must include the proposed locations of the gutters and downspouts, the quality of materials to be used, warranty by the manufacturer, and the name and telephone number of the installer.

Gutters must match trim color and eaves of chosen Foothills Reserve approved paint scheme.

3.17 HOLIDAY/SEASONAL DECOR:

Holiday and seasonal décor may be displayed 30 days prior to the actual holiday date and must be removed within 10 days after the actual holiday date.

3.18 HVAC INCLUDING EVAPORATIVE COOLOERS:

All HVAC units and similar equipment must be ground-mounted behind return walls.

3.19 LANDSCAPE GUIDELINES:

Any alterations to and/or modifications in the appearance of an Owner's front yard landscaping must be submitted for Committee review and approval prior to the start of any landscaping work. Some examples are, but are not limited to:

- 1) Conversion of any area from turf to decomposed granite

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- 2) Addition, replacement, or removal of any hardscape (i.e. curbing, pavers, planters, etc.)
- 3) Addition of, replacement of, or removal of patios and/or porches.
- 4) Redesign of the existing landscape.

Owners shall keep all shrubs, trees, hedges, grass, hardscape, and other plant material neatly trimmed, properly cultivated, and free from trash, weeds, and other unsightly material. These requirements also pertain to public right-of-way or easement areas, which abut the Owner's Lot, and the paved areas of any street or sidewalk, except for the Common Areas for which the Association is responsible. Specific requirements for landscape maintenance are as follows:

3.19.1 Front Yard Landscaping:

Note: The following guidelines are the minimum requirements for landscape material based on the Lot size. Additional plants and/or trees may be required by the Committee in its discretion based on the design of the front yard.

Front yard landscaping requirements are based on Lot size and must always contain the following:

- Two (2) trees or cacti (mature Saguaro or Ocotillo, etc.)
- Three (3) shrubs
- Three (3) flowering shrubs
- Recommended: Six (6) ground covers

The tree requirement may be substituted with approved cactus. Please see Foothills Reserve Plant Schemes document for approved plant packages. The document is located on the community website.

3.19.2 Rear Yard Landscaping:

Rear yard non-structural landscaping does not require Committee approval unless it would be Visible From Neighboring Property.

Shrubs, Hedges, Trees and Other Types of Plants:

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- 1) Shrubs, hedges and other types of plants must be maintained in good health and must not extend into and/or over hardscaped areas, e.g., sidewalk, driveways, perimeter community walls.
- 2) All dead or dying shrubs, hedges, trees and other plants, in either the front or back of the property must be promptly removed; consideration must be given to the minimum plant requirement for the front yard landscape. If a plant has died, it must be replaced to meet the minimum plant requirement.
- 3) If seasonal flowers are not planted, dormant soil areas must be kept free of weeds and irrigation heads/lines buried.
- 4) If any visible tree, plant, shrub, cactus etc. appears unhealthy, distressed, and/or nutritionally deficient, the Owner will have one season from time of notice to correct the issue or the item in question must be removed and replaced.

3.19.3 Trees:

Trees should be neatly trimmed and maintained in a manner appropriate for the individual tree type. Tree branches extending over public walkways must be kept at a height of at least 8 feet. Newly planted trees should be properly staked. Trees damaged in a storm should be replanted and re-staked or promptly removed. Dead limbs and/or dead trees must be removed promptly.

A new tree must have Committee approval. A replacement tree, of the same species, may be re-planted in the same location without Committee approval. If an existing tree is removed and not replaced, then consideration must be given to the overall appearance of the yard, as well as the minimum plant requirement.

3.19.4 Lawns:

- 1) Grass should be mowed regularly and maintained to an even height that is appropriate for the particular type of grass. It must be maintained so it does not extend into and/or over hardscaped areas, e.g., concrete driveways, landscape curbing, sidewalks, front patios, and/or areas covered with rock or granite.
- 2) Edging around paving, concrete sidewalks, front patios and curbing should be performed on a regular basis for a neat appearance.
- 3) Irrigation heads must be kept in good repair and irrigation lines buried.

- 4) Over seeding of rye grass is required (late spring or fall) in front and side yards, and all grass areas shall be maintained in a clean and green manner year round.
- 5) All landscaped areas should be kept free of weeds, pet elimination, debris from plants and trees and other types of refuse.

3.19.5 Plant Support Standards & Procedures:

- 1) Trellis or lattice intended for use to support plants must have Committee approval.
- 2) Trellis or lattice supports must be no taller than the height of the home's perimeter walls.
- 3) Chicken wire or like material used as plant support is expressly prohibited.

3.19.6 Corner Lots:

Owners of corner Lots are required to landscape and maintain all areas of their Lot, including the area outside of the perimeter wall(s) adjacent to the street running alongside the corner Lot. If this area contains plant material, it must be maintained in good health, and not extend into and/or over hardscaped areas, e.g., driveway, sidewalk, roadway, etc.

Consideration to visibility for cars and pedestrians must be given regarding the type and height of a mature plant or tree when choosing plant material for corner Lot locations.

3.19.7 Hardscape:

- 1) Any hardscape items proposed for front yard installation must be approved by the Committee prior to installation.
- 2) Materials included in hardscape are concrete, brick, tile, wood, pavers, river rock, etc. Examples of hardscape items are planters, walkways, retaining walls, decorative walls, and fountains. Headers (or some other form of containment) are required to separate grass from other materials in front yards.
- 3) When headers of any type are installed between Lots, both Owners must approve the installation, or the header must be installed wholly on the Lot of the person requesting permission to install the header.

3.19.8 Rock Ground Cover:

- 1) If decomposed granite or other landscape rock is used, it must be of an "earth tone" color and not painted white, green, blue or other bright colors.
- 2) Decomposed granite must be at least 1/2" in size, and must be spread a minimum of 2" thick.
- 3) All decomposed granite areas must be treated with a pre-emergent weed control at regular intervals to retard weed growth.
- 4) No more than two (2) different colors of rock are allowed in the front yard. For example: River rock and decomposed granite.
- 5) River rock shall be one (1) to six (6) inches in diameter and not cover more than fifteen percent Of the front yard landscaping.
- 6) Boulders must be indigenous to Arizona and should be grouped and at least 1/3 buried for a more natural appearance.
- 7) No bare areas are allowed; all areas must be covered with some type of material (granite, grass, etc.).
- 8) All areas landscaped with granite or other type of rock must be kept free of pet elimination, debris from plants and trees and other types of refuse.
- 9) Granite landscaped areas should be raked regularly to maintain a neat appearance.
- 10) Irrigation heads/drip system emitters for plants within granite landscaped areas must be kept in good repair and irrigation lines buried, whether or not they support plantings.
- 11) Fine Grading and Mounding: Fine grading is a critical aspect of landscaping. Each Lot is graded so that all storm water will drain away from the home and not onto adjoining properties. It is extremely important that this drainage pattern be maintained when preparing the landscape design, especially if mounding or berming are proposed. It is suggested that mounds not exceed eighteen inches (18") in height. It is also suggested

that mounds and drainage swales be kept at least five feet (5') from sidewalks to prevent water collection underneath sidewalks. The Committee does not review plans for drainage compliance, but the Association may undertake enforcement action against any Owner that violates Section 4.1.25 of the Declaration or otherwise modifies drainage so as to create a nuisance on neighboring properties or the Common Area.

3.20 LIGHTING:

Exterior lighting is encouraged and will be approved by the Committee if all of the following are met:

- 1) Landscape fixtures may be no more than 15 inches above ground and blend into landscape or be shielded by plants and/or rocks.
- 2) Lighting shall be shielded such that light shines primarily in the Lot: lights that create glare visible from other Lots or Common Areas are prohibited.
- 3) Colored light bulbs (with the exception of holiday ornamentation), lenses, or reflectors are not permitted.
- 4) Low pressure sodium bulbs and metal halide are not permitted.
- 5) Outside lights should be screened wherever possible with walls, plant material or internal shielding.
- 6) Flood lights, spotlights or other high intensity lights are forbidden on front exteriors of the home.
- 7) All permanent exterior lighting be less than 3000 Kelvin as to keep in tradition with incandescent lighting and a congruent sense of warmth.
- 8) All interior home lighting that can be viewed from adjacent Lots or Common Areas must be less than 3000 Kelvin as to keep with tradition of incandescent lighting.
- 9) No wiring may be visible except the fixture to the buried lead.

3.21 MACHINERY AND EQUIPMENT:

No machinery, fixtures, or equipment of any type, including, but not limited to, heating, cooling, air conditioning, refrigeration equipment, and clotheslines, may be placed on any Lot so as to be Visible From Neighboring Property or the Common Areas.

Oil pans, carpet, boards or any other object used to collect oil spills from driveways must be removed when not in use to prevent them from being visible.

3.22 MAILBOXES:

The Association owns the mailbox structures. The individual mailbox is the responsibility of the Owner to maintain. Should an Owner break their mailbox key in the lock, or misplace the mailbox key, it is the Owner's responsibility to contact a locksmith to change the lock. It is the selling Owner's responsibility to provide the new Owner with the mailbox key.

3.23 MOTOR VEHICLES:

It is the intent to maintain the residential nature of the property and to prevent the storage and accumulation of certain numbers or types of vehicles on a Lot in a manner that would detract from the community standards, per Sections 4.1.20 and 4.1.21 of the Declaration.

3.23.1 Repair:

Except for limited emergency repairs, automobiles, trucks, etc., cannot be repaired within The Foothills Reserve (per Section 4.1.21 of the Declaration).

Parking:

- 1) Street Parking is not permitted per Section 4.1.22 of the Declaration.
- 2) Commercial vehicles may not be parked or stored up on a Lot or anywhere else within the Foothills Reserve; however, certain types of commercial vehicles may be treated as personal vehicles if their appearance is similar to that of a personal vehicle, as determined by the Committee.

The following types of commercial vehicles will automatically be considered personal vehicles:

- a) Commercial pick-up trucks with a manufacturer's capacity rating of 3/4 ton or less that depict or advertise the name of a business on the vehicle so long as nothing is attached

to or located in the bed of the truck other than tool chests or other equipment stored or located below eye level of the pick-up bed walls.

- b) Commercial pick-up trucks with a manufacturer’s capacity rating of 3/4 ton or less equipped with a camper or camper shell so long as the height of the truck with the shell is no more than seven feet in height when measured from ground level of the vehicle
- c) Vehicles that are similar to personal vehicles but that may have the name of a business or governmental organization on the vehicle (such as realtor cars or State vehicles).

3.23.2 Trucks, Trailers, Campers and Boats:

Recreational vehicles may not be stored or parked on a Lot (per Section 4.1.20 of Declaration), so as to be Visible From Neighboring Property, Common Area or the street.

Temporary parking of a recreational vehicle on a Lot for the purpose of loading and unloading is permitted with the following restrictions:

- 1) The vehicle shall not be parked on the Lot for more than 12 hours.
- 2) The vehicle shall not be parked on the street.

“Big-Rigs”, with the exception of delivering or moving, are not allowed in The Foothills Reserve.

3.24 OUTDOOR FIREPLACES:

Outdoor fireplaces will only be approved in rear yards. Fireplaces that exceed the height of the surrounding walls require Committee approval and will be required to be set back at least five feet (5’) from all surrounding walls. Fireplaces must be professionally planned and erected.

3.25 PAINT COLORS:

Homes may be painted only with body, trim, and accent colors from the approved color palette for the neighborhood in which the home is located (Parcel A-1, Parcel A-2, Parcel C and Parcel D). Only approved body, trim, and accent colors for the appropriate subdivision are used and must be submitted to the Committee for approval.

“Trim” as used in this section is defined as follows:

-Wood trim around front door

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- Wood trim around garage door(s)
- Exposed fascia
- All exposed wood components such as faux shutters.

Please note: A “pop-out” is an architectural element that is part of the body of the house. Although in many cases it is not flush with the remaining surface of the house (It is popped out.), it is not considered trim. Trim is defined as eave trim or door trim only. “Pop-outs”, as part of the body of the house, are to be painted the same color as the main body of the house on which they appear, except in the front of the home where the “pop-out” will be painted with the Accent color on the palette.

For submission to management and the Committee it is mandatory that a photo of the preexisting exterior of the home is submitted to Dunn Edwards's with Dunn Edwards plan for mockup. This will expedite the time it takes for the Committee to review submission.

All outer paint must be in new/good condition and all outer foundation (base) concrete (where a home comes in contact with Earth, but is not stucco' d) shall be kept (primer suggested) in good condition without obvious blemish.

Paint colors for The Foothills Reserve are available at the following Dunn-Edwards website:
https://www.dunnedwards.com/colors/archive/colorark_pro/57b33a4a9c95300909550006/57b33a4a9c95300909550004

Or at the Following Dunn-Edwards locations:

Tempe Store:

1872 East Broadway Road

Tempe, Arizona 85282 (Just east of McClintock on north side)

(480) 968-3413

Chandler Store:

2190 West Chandler Blvd., Bldg. E

Chandler, Arizona 85224 (NW corner of Dobson & Chandler Blvd.)

(480) 899-4141

3.26 PATIO COVERS/PERGOLAS:

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Plans for patio covers will be considered for approval on a case-by-case basis. A pergola is structure like a patio cover that may or may not be attached to the house. It has parallel colonnades supporting an open roof or girders or cross rafters. The following minimum standards are required:

3.26.1 Partial Shade Covers / Pergola's:

- 1) Horizontal shading members: minimum 2 x 2 rough sawn, running parallel to the dwelling unit, with a maximum overhang of 6 inches past a support and a maximum height of 8'.
- 2) Horizontal support members: minimum 4 x 6 rough sawn
- 3) Vertical support members: minimum 4 x 6 rough sawn.
- 4) May be attached to the house or free-standing but should be at least 5 feet from any wall.
- 5) Support members and shading members may be aluminum.
- 6) Color: to match existing trim or body of home.

3.26.2 Solid Patio Covers:

- 1) Flat roof pitch less than 1":12" must have a brae or other built-up roof application identical in color and quality to that installed by the builder.
- 2) Sloped patio cover with 4":12" and greater shall have tile to match existing dwelling.
- 3) Asphalt shingles (including rolled shingles) are expressly prohibited.
- 4) Color must match the existing trim or body of home.
- 5) Maximum height of 8'at end of slope.

3.26.3 Patio Umbrellas:

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Patio umbrellas are permitted and do not require approval from the Committee as long as they meet the following requirements:

- 1) Umbrellas must be Ten Feet (10') or less in diameter and 8 feet or less in height.
- 2) Umbrellas must be maintained in good condition at all times.
- 3) A maximum of 3 umbrellas' will be allowed in each back yard.
- 4) Umbrellas must be set back five feet (5') from all surrounding walls as measured from the outside edge of the umbrella canopy.

If it is determined that an Umbrella does not meet the above listed criteria, the Committee reserves the right to:

- a) Request the removal of an umbrella, OR
- b) Require an architectural request be submitted for an umbrella for further consideration

3.27 PLAYGROUND EQUIPMENT:

Plans for play structures and similar recreational equipment must be submitted for approval if they will be Visible From Neighboring Property, the Common Area, or the street. This is not to eliminate play structures, but to consider privacy issues for adjacent neighbors, and to assure aesthetic appeal. When considering plans, the Committee will consider the appearance, height and proximity to neighboring property and may require the homeowner to add additional screening of the structure. Submittals must include a picture or brochure of the structure, total dimensions, materials, colors, and a map or drawing indicating the proposed location and its proximity to adjacent property lines.

The maximum height that will be considered for approval of play structures is ten feet (10').

The maximum height for any deck/platform is four feet (4') above ground level.

All play structures must be installed at least five feet (5') from all perimeter walls. The color of canopy of the play structure must be one of the following:

- 1) a “neutral” color of off white, beige, or light brown;
- 2) a single solid color of red, blue, green, or yellow; or

- 3) striped with white and one other primary color (red, blue, green, or yellow). Prints and multi-colored striped canopies are prohibited.

Wood may remain neutral, but if painted it must match the color of the home. Any metal structure must be painted to match the base color of the home.

3.28 POOLS AND SPAS:

Pools and spa construction requires the prior approval of the Committee. Pool and Spa remodels do not require any approval. Perimeter walls on Lots bordering Common Areas and shared Association 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 (the return wall). Repairs to the wall must be completed in a timely fashion and must include repairing the wall to match the height, texture and color of the remaining wall. All pool and spa equipment must be screened so as not to be Visible From Neighboring Property.

No above ground pools, with the exception of toddler pools or wading pools, may be installed on the Lot.

Pools may not be backwashed into any Common Area or off of the Lot on which the pool has been installed. Check with your pool contractor concerning the City of Phoenix ordinance requirements for backwashing. Damage to Common Areas due to backwashing, including erosion, will be repaired by the Association, and all expenses incurred by the Association will be billed to the Owner.

3.29 RAMADAS AND GAZEBOS:

Ramada's and gazebos may be installed in rear yards after receiving Committee approval.

Ramada: a roofed shelter with usually open sides. Gazebo: a freestanding roofed structure usually open on the sides.

Ramada's and gazebos must meet the following requirements:

- 1) Maximum roof height is ten feet (10'), at the highest point.
- 2) Building must be set back at least five feet (5') from all surrounding walls.

- 3) Building should be a maximum of 12' x 12' in size.
- 4) Should be constructed as an “integral part” of the Residential Unit
- 5) Structure must be painted to match the house color
- 6) Structure must be maintained in like-new condition at all times.
- 7) Roofing materials must be tile to match the house.
- 8) Palapas or Tiki Ramada's shall not be considered for approval by the Committee.
- 9) Lighting of the structure must not shine onto neighboring properties, and should be subdued (accent lighting as opposed to bright lighting). Lighting must be approved by the Committee prior to installation. Photos of the proposed lighting will aid in this respect.

3.30 ROOF AND ROOF STRUCTURES:

Only tile roofs are permitted. If any of the originally installed roof tiles need to be replaced, the Owner must match as closely as possible the original builder-installed tiles in both color and style.

For patio roofs, please refer to section on PATIO COVERS.

3.31 SECURITY LIGHTING/DEVICES:

Exterior security features, including but not limited to: lights, (including motion detectors), alarms, doors, security / screen doors (except as clarified below), gates and window coverings, must be submitted for approval. Interior Security alarms and audible security alarms (local or monitored) need not be submitted for approval. Security lighting must be directed as not to shine on neighboring property. As with any other exterior installed device, all wiring shall be routed through the home. Wiring is expressly forbidden to be seen.

3.32 SECURITY/SCREEN DOORS:

Wrought iron security/screen doors need to be submitted for approval and they are to be painted to match the base color of the home, or are a neutral “earth tone” color. Silver colored aluminum screen/security doors and/or wire screen mesh doors are strictly prohibited on front doors. Committee approval is needed for any other cases.

3.33 SUNSCREENS:

Sunscreens must receive the prior written approval of the Committee. Black sunscreen material may be installed provided that the window frame matches the window trim and the sunscreens match the builder’s option in quality and professional installation. Silver or any other color aluminum screens are prohibited. The following must be included with the submittal:

- 1) Photograph, brochure, or detailed drawing showing the door frame design
- 2) Color of frame
- 3) Color of screen or other material

Window films with a reflectivity are expressly prohibited.

3.34 SIDEWALKS:

Please refer to DRIVEWAY EXTENSIONS AND SIDEWALKS.

3.35 SIGNS:

Signs of any kind are not permitted on any part of a Lot or the Common Areas except for the following: (a) Commercially-produced for sale/for rent signs not exceeding eighteen by twenty-four inches and an accompanying sign rider not exceeding six by twenty-four inches, may be placed wholly within an interior window; (b) and (c) Such other signs required by legal proceedings or which cannot be prohibited by law.

Pursuant to Section 4.1.13 of the Declaration and Arizona law, 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. No more than two (2) identification signs for individual detached residences or one (1) identification sign for attached residences, each with a face area of seventy-two (72) square inches or less.
2. Commercially produced “For Sale” and “For Lease” signs of industry standard size (18” x 24”) with an accompanying sign rider (6” x 24”) temporarily erected in connection with the marketing of any Lot.

3. Open house signs temporarily placed on a Lot. Open houses will be permitted only between the hours of 8:00 AM and 6:00 PM.
4. Such signs as may be required by legal proceedings or may not be prohibited by law.
5. 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.

3.36 SOLAR PANELS AND EQUIPMENT:

The Association recognizes the benefits to be gained by permitting the use of solar energy as an alternative source of electrical power for residential use. At the same time, the Association's desire is to promote and preserve the attractive appearance of the community.

The Association recognizes the Owner's right to install and use solar energy devices, as set forth in A.R.S. § 33-1816. The Association hereby adopts this Resolution and Policy in order to regulate the placement of solar energy devices that are governed by A.R.S. § 33-1816 and 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 regulations, to the extent that they do not impair the functioning of the device, or adversely affect the cost or efficiency of the device:

- 1) A sample or illustrated brochure of the proposed solar unit must be submitted with the application, which clearly depicts the unit and defines the materials to be used in the installation.
- 2) No solar energy device may encroach upon the Common Area or the property of another Owner.
- 3) A solar energy device must be placed in the back yard or on a portion of the roof facing away from the street or make use of screening or other concealment so as not to be Visible From Neighboring Property to the maximum extent possible.
- 4) A roof-mounted solar energy device must be mounted parallel to the roof plane and so as not to break the roof ridgeline to the maximum extent possible.

- 5) Solar units not mounted on the roof (ground mounted) shall be installed according to the City setback requirements.
- 6) 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.
- 7) 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.
- 8) Placement and installation must be pursuant to the Manufacturer's instructions.
- 9) Solar panels should be dark in color.
- 10) Aluminum trim, if used and visible, shall be anodized or otherwise color treated.

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 Association harmless and indemnify the 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 governing documents. All exposed equipment shall be maintained. Broken or damaged solar panels will be replaced within 30 calendar days or less.

Any applicable architectural review fee shall be waived for applications for Committee review of solar energy devices.

Notwithstanding anything contained in these provisions, the Declaration, or any other provision of the governing 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 or efficiency of a solar energy device. If any provision of these guidelines on 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.

3.37 STORAGE SHEDS:

No storage or tool sheds or similar structures shall be placed, erected or maintained upon any part of the Property except where such storage or tool shed or similar structure is constructed as an integral part of a Residential Unit (including materials, color and the like).

3.38 TRAMPOLINES:

Trampolines must be submitted for approval. The maximum height that shall be approved for trampolines and safety netting is ten feet (10'). Trampolines must be placed at least five feet (5') from all surrounding walls and screened to be unobtrusive and hidden from view as much as possible. Safety nets and their supports (top and side) must be black or painted / covered to match the house color. Equipment must be maintained in good condition at all times.

3.39 TRASH CONTAINERS AND COLLECTION:

No garbage or trash may be placed on any Lot except in covered containers meeting the City specifications, and these must be stored out of sight except when being made available for pick-up. Trash and/or Recycle cans may be placed out for pick-up no earlier than 5:00pm the day before collection and must be removed from view no later than 8:00pm the day of collection. Rubbish, debris and garbage shall not be allowed to accumulate on any Lot.

The exception to this is during “Bulk Trash Pickup”. “Bulk Trash” is allowed to be put out starting at the immediate Saturday prior to the the City of Phoenix scheduled removal of “Bulk Trash Pickup”.

Each owner shall be responsible for removal of rubbish, debris and garbage not only from his Lot, but also from all public right-of-ways either fronting or alongside his Lot, excluding (a) public roadway improvements, and (b) those areas specified on a Tract Declaration or subdivision plat to be maintained by the City or the Association.

No outdoor incinerators shall be kept or maintained on any Lot.

3.40 TRELLISES, ARBORS AND SIMILAR STRUCTURES:

A trellis is fame of latticework as a support for climbing plants. All trellises in the front yard must be approved prior to installation. They must not exceed the height of the surrounding wall and they must be covered with live vegetation at all times. Artificial plants, vines and/or flowers are expressly prohibited. All trellises and arbors in the rear yard must not exceed the height or the wall.

3.41 WINDOWS:

- 1) Any structural or material change to windows needs prior approval by the Committee.
- 2) Every effort must be made to match existing scheme (frame color, style, and window tint) when replacing windows in increments. When the intent is to replace all windows, frames must match (as closely as possible) the body color of the house.
- 3) All new or replacement windows must be installed inset into the frame or flush with the wall with a border no thicker than 3” so as to maintain the original architecture as designed by the builder. They may not be added as a border to the outside of the frame.
- 4) Permanent draperies or suitable window treatments shall be installed on all front-facing windows within 120 days of occupancy.
- 5) Temporary paper shades, bed sheets and any other temporary coverings are not permitted per Section 4.1.24 of the Declaration.
- 6) 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 per Section 4.1.24 of the Declaration.
- 7) Exterior window coverings are not permitted.

**Notice of Installation of Antenna
on Individually-Owned or Exclusive-Use Area**

Owner(s): _____

Address: _____

Phone: _____ **Day** _____ **Evening** _____

Type of Antenna: _____

Direct broadcast satellite 18-inch Other Size _____

Television broadcast

Multi-point distribution service Size _____

Internet Size _____

Company Performing Installation _____

Identify Installation Location _____

Date Installation Performed _____

Please indicate the method of installation _____

Will the installation be in compliance with all Association guidelines (which include manufacturers' guidelines and applicable building codes)? Yes No

Please provide three days and times for which you are available to meet with us to discuss antenna installation. At this meeting, you will need to provide information supporting the necessity for non-routine installation.

Is a mast necessary for reception? Yes No

If yes, is the mast required to extend more than 12 feet above the roofline?

Yes No

I will comply with all Association guidelines for installing, maintaining, and using antennas. I assume liability for any damage to Association and other owner's property that occurs due to antenna installation, maintenance and use.

Signed: _____ Date: _____