

Brighton Park Community Association

Architectural Committee Rules

INTRODUCTION

The Architectural Committee's primary concern is preserving and enhancing community property values. We strive to ensure esthetic integrity with architectural styles that complement and perpetuate existing design in the community, while attempting to fulfill each property owner's desires and needs. If something is done in violation of the CC&R's, it is the Committee's goal to assist in resolving the situation. This can include requiring changes or removal.

Per the CC&R's (Article VII, Section 7.2) the Architectural Committee shall promulgate architectural guidelines, standards and procedures to be used in rendering its decisions. Such guidelines, standards, and procedures may include, without limitation, provisions regarding: (i) the size of Residential Units; (ii) architectural design, with particular regard to the harmony of the design with the surrounding structures and topography; (iii) placement of Residential Unit and other buildings; (iv) requirements concerning exterior color schemes, exterior finishes and materials; (v) signage; and (vii) perimeter and screen walls and appearance. The decision of the Architectural Committee shall be final (subject to possible review by the BP CA Board of Directors if requested by the Homeowner) on all matters submitted to it pursuant to this Declaration.

In theory this means everything. Obviously this is not practical, nor would the Committee wish to infringe on a property owner's rights to maintain his or her home without approval. To that end the Brighton Park Architectural Committee has drawn up a "Test" that all homeowners should apply to any projects affecting their property before proceeding. When in doubt, please ask the Committee for guidance.

- Does the project comply with the CC&R's?
- Is it reasonable to the typical homeowner?
- Is it consistent with the neighborhood?
- Do your neighbors who can see it think it's OK?
- Is it unobtrusive to the average homeowner?
- Does it enhance the value of your property without harming the neighborhood values?
- Is the project merely maintenance?

If your project(s) meets the above "Test" (you can answer yes to all), then it is likely that the Architectural Committee will approve your request for property changes.

The following projects DO NOT require Architectural Committee Approval:

- Replacing a plant with the same type
- Routine maintenance of existing sprinkler/drip system
- Routine maintenance of existing structure, sidewalks, fences
- Routine pruning and shaping of existing plants and shrubs
- Repainting of existing fence or structure in the same color (change of color DOES require prior approval of the Architectural Committee, with few exceptions – see "Painting")
- Routine maintenance of existing exterior building and shrubbery lighting
- Routine maintenance of existing walkway lighting
- At-grade projects in your back yard unless visible from neighboring property
- Security/Screen doors that match the color of your home
- Storage sheds (under six feet) not visible from neighboring property

1.35, CC&R's. Definition of "Visible From Neighboring Property" means with respect to any given object, that such object is or would be visible to a person six (6) feet tall, standing at ground level on any part of such neighboring property; provided, however, that an object shall not be considered as being Visible From Neighboring Property if the object is visible to a person six (6) feet tall, standing at ground level on any part of neighboring property only by such person being able to see the object through a wrought iron fence and such object would not be visible to such person if the wrought iron fence were a solid fence.

The following projects ALWAYS require Architectural Committee Approval

- Basketball nets/goals
- Concrete coatings
- Gates
- Roof Gutters
- Walls and Fences
- Additions or alterations to existing Patio Covers
- Screen Rooms
- Storage Sheds (over six feet) visible from neighboring property
- Gazebos
- Window Awnings
- Walkways
- Changes to the roof or roof lines
- Flags and flag poles
- Changing the color of the structure or fence (with few exceptions – see "Painting" below)

If you wish to do something to your property, it is recommended that you to check with the Committee prior to committing to any work or contracts. It's much easier, faster and more cost-effective to get prior approval for anything that changes the appearance of your property. The Architectural Committee will be happy to review any plans you may wish to undertake. The Architectural Review Submittal form (ARS) is attached to these guidelines as Appendix A. Additional copies may be obtained from the Management Company.

Note: It is the responsibility of the Architectural Committee to investigate and assist in the resolution of any complaints relating to the esthetics of all property (except common areas) in Brighton Park.

If your changes affect your neighbors and they complain, the Architectural Committee is required to assist in resolution of the issue. When in doubt, check with a member of the Committee. The following paragraphs detail the appropriate CC&R (s) for the above listed Architectural Guidelines.

Additions and Alterations

Section 7.1, CC&R's. The approval by the Architectural Committee of any construction, installation, addition, alteration, repair, change or other work pursuant to this Section shall not be deemed a warranty nor representation by the Architectural Committee as to the quality of such construction, installation, addition, alteration, repair, change, or other work or that such construction, installation, addition, alteration, repair, change or other work conforms to any applicable building codes or other federal, state or local law, statute, ordinance, rule or regulation.

Basketball Goals

Portable or permanent basketball hoops and poles may be installed in the backyard. No basketball hoops or poles are allowed in front of the house.

Children's Play Structures

8.29 CC&R's. Children's Play Structures. Children's play structures that are Visible From Neighboring Property may be erected only in the Private Yard after written approval by the Architectural Committee. If the structure is visible it must remain a natural wood color to match the color of the house. Any shade or awning must be approved prior to installation.

Clothes Drying Facilities

8.19, CC&R's. No outside clotheslines or other outside facilities for drying or airing clothes shall be erected, placed or maintained on any Lot.

Concrete Coatings

Concrete coatings on driveways and walkways visible from the street and/or neighboring property must be approved by the Architectural Committee prior to installation. Considerations include location and color. Preferred colors match or complement the color of the home and the neighborhood.

Double Gates

Double gates may be installed to allow more convenient access to rear yards. Double gates should be of the same type, design and color as originally installed. The gates should not exceed the height of the adjacent walls. Requests for approval of double gates must be submitted to the Architectural Committee prior to construction.

Exterior Lighting

When changing or adding any exterior lighting, each resident should apply the "Test" questions found on page 1 of this document. Caution must be taken to avoid offending other residents near your home. Reasonable exterior lighting does not require approval from the Architectural Committee. However, complaints involving exterior lighting will be resolved with the assistance of the Architectural Committee. Resolution may include changing location, changing alignment, and/or removal of the exterior lighting.

Fences

5.7 CC&R's. All fencing adjacent to Common Areas constructed of a combination of wrought iron atop a masonry block base shall not be altered in any way, except for normal repairs and maintenance. No solid walls, except for the base, shall be used for replacement purposes

Flags and Flagpoles

No flagpole may be installed without the prior approval of the Architectural Committee. ARS 33-808 states: "The outdoor display of the American flag by an association member on that member's property is permitted if the flag is displayed in a manner consistent with the federal flag code (P.L. 94-344; 90 Stat. 810; 4 United States sections 4 through 10). The association rules may regulate

the location and the size of the flagpole, but not prohibit the installation of a flagpole.

Seasonal flags, i.e., for holidays, teams may be erected thirty (30) days before and removed thirty (30) after the event. Any flags displayed that may be distasteful or offensive must be removed immediately. Distasteful or offensive may be determined at the discretion of the Board of Directors.

One flag bracket is allowed per Lot.

Gutters and Downspouts

Gutters and downspouts are permitted to be installed with approval, provided the color of the gutters and downspouts matches the color of the surface to which they are affixed.

Increased Risk

8.17 CC&R's Nothing will be done or kept by an Owner in or on any Lot or Unit that will increase the Association's rate of insurance without prior written consent. No Owner will permit anything to be done on or in the Owner's Lot or Unit that will result in the cancellation or reduction of insurance on any Unit or any insurance of the Association or that would be a violation of the law.

Landscaping and Lot Maintenance

This specification pertains to the front, rear and side yards. If you apply the Architectural Guideline "Test" to any landscaping project you intend to install, then it is likely that the Architectural Committee will approve your request for landscaping changes.

5.5 CC&R's. A Lot must be landscaped within ninety (90) days from becoming the Owner. All front landscaping plans must be submitted for approval prior to installation, including lawns, plants, irrigation systems, sprinklers, shrubs, trees, decorative features, i.e., fountains, water features, flag poles, plants, bird baths, sculptures, and walkways. The landscaping must incorporate at least one (1) fifteen (15) gallon non-deciduous tree in the front yard of the Lot. IF such tree dies, becomes diseased or is cut or knocked down resulting in less than one (1) tree being located in the front yard, the Owner is responsible for replacing the tree with a minimum fifteen (15) gallon non-deciduous tree.

Tree List

The rear yard landscaping, if not visible over the walls surrounding your property, generally requires no Architectural Committee approval. Trees must be planted 3' from adjacent walls/fences to allow room for growth and reduce damage to shared walls.

Painting

Residents who are repainting their homes due to fading or repairs do not need approval from their neighbors or the Architectural Committee if they are painting with the same color as their current fences, walls or home. The Architectural Committee has established a Color Book of each approved original BP color. Homeowners may also elect to change the color of their home to another of the original approved BP colors; provided that no house may be painted the same color as any adjacent house.

In all other circumstances, the painting of fencing, walls and homes requires submission of a completed ARS Form to the Architectural Committee. The color of exterior materials must generally

be the current color of the residence or desert hues. The Architectural Committee must approve changes in exterior color in advance. A color swatch must be included with the Architectural Design Submittal.

Roof Equipment

8.6 CC&R's No air conditioning units, evaporative cooling units, or any other equipment may be mounted, installed or maintained on the roof of any residential unit or other building so as to be visible from neighboring property.

Note: ARS 33-439 states "Any covenant, restriction or condition contained in any deed, contract, security agreement or other instance affecting the transfer or sale of, or any interest in, real property which effectively prohibits the installation of solar energy device as defined in section 44-1761 is void and unenforceable.

Any solar panel approved by the Architectural Committee for placement on a roof must be flush mounted if Visible from Neighboring Property.

Satellite Dishes

The satellite dish specifications approved in the Brighton Park subdivision shall be installed only under the following guidelines and only upon the submission and approval of a completed Architectural Review Submittal to the Architectural Committee.

In August 1996 the Federal Communications Commission enacted policies regarding the following types of equipment used for receiving communication:

- Satellite dishes one meter or less in diameter; AND
- Dishes used to receive multipoint distribution video services which are one meter or less in diameter or diagonal measurement;
- Over-the-air TV antennas

The Association may not prohibit installation that may:

- Cause an unreasonable delay or prevent installation, maintenance or use of these video reception devices; OR
- Cause an unreasonable increase in the cost of installation, maintenance or use of such devices; OR
- Preclude reception of an acceptable quality signal.

The small, 18" satellite dishes are allowed. HOWEVER, the Association can and does request that every reasonable effort be made to place your dish in the most unobtrusive position possible beginning on the ground in the back, then placement on the side wall between houses, so as not to be readily visible from neighboring property, and so on, while still insuring an acceptable signal. The Association also requests that your dish be painted the color of your house so it will blend in as much as possible.

Please work with your satellite dish vendor on this issue when discussing installation and keep in mind the potential impact of a dish on your neighbors. If you have any questions, please contact your Architectural Committee for clarification

Security & Screen Doors

Security doors visible from the street or the neighboring property are required to be blend with the exterior color of your home. Each resident should apply the "Test" questions found on page #1 of this document. Pre-approval is required from the Architectural Committee unless the color *closely* matches the structure. Accent colors must be pre-approved and of desert hues.

Variances

The Architectural Committee, may, at its option and in extenuating circumstances, grant variances if the Architectural Committee determines in its discretion that (i) a restriction would create an unreasonable hardship or burden on an Owner, Lessee or Resident or a change of circumstances since the recordation of this Declaration has rendered such restriction obsolete; and (ii) that the activity permitted under the variance will not have any substantial adverse effect on the Owners, Lessees and Residents of the Project, and is consistent with the high quality of life intended for residents of the Project.

Walkways & Patios

All walkways that are visible from the street or visible to adjoining neighbors require Architectural Committee approval. At-grade back yard patio slabs do not require approval.

Windows

The following specifications for windows were created to ensure esthetic integrity with architectural styles that complement and perpetuate existing design in the community, while attempting to fulfill each property owner's desires and needs.

Window Treatment

- No natural or unpainted aluminum material or other reflective material may be installed on the exterior of windows.
- No paper, aluminum foil, bed sheets or any other coverings, temporary or permanent, not specifically intended for the purpose of covering a window may be installed in any windows.
- No interior or exterior reflective material shall be used as a window covering unless the Architectural Committee has approved such material.

Adopted by the Brighton Park Community Board of Directors

XXX, 2006

Important note:

If these guidelines are determined to be in conflict with the Declarations, Bylaws, or CC&R's of Brighton Park, the Declarations, Bylaws, or CC&R's will prevail. Nothing in the guidelines shall be interpreted to waive or supersede any provisions of the official Brighton Park Community "Documents".

The following CC&R's are referenced in this guideline document even though they do not require Architectural Committee approval. Experience has shown that these CC&R's generate a number of questions.

Animals

8.7 CC&R's. No animals, livestock, horses, birds or poultry of any kind will be raised, bred or kept on or within any Lot or structure of a Lot; however, an Owner may keep a reasonable number of dogs, cats, or other common household pets in the Unit or in an enclosed yard if permitted under local zoning ordinances. The Board will be the sole judge as to what constitutes a reasonable number of pets and what constitutes a common household pet.

Upon the written request of any Owner, Lessee, or Resident, the Architectural Committee shall conclusively determine, in its sole and absolute discretion, whether, for the purposes of this Section, a particular animal or bird is a nuisance or making an unreasonable amount of noise. Any decision rendered by the Architectural Committee shall be enforceable in the same manner as other restrictions set forth in this Declaration. Any Owner, Resident or other person who brings or permits his pet to be on the Common Area or any Lot shall be responsible for immediately removing any solid waste deposited by said pet.

Holiday Decorations

Holiday decorations are permitted no sooner than four weeks before the holiday and are to be removed within four weeks after the holiday. Decorations do not need to meet the Landscaping Specifications but should pass the "Tests" in the Architectural Guidelines statement.

Landscaping and Lot Maintenance

The front yard and side yards are visible to all, neighbors, visitors and potential home buyers, etc. and thus are much more critical in appearance. Each homeowner is responsible for keeping his yard neatly trimmed, properly cultivated and free of trash, weeds, and other unsightly material. Gravel (Madison Gold) is to be maintained at a depth sufficient to provide full ground cover and a uniform appearance. No weeds, dead trees or plants, rubbish or debris of any kind shall be permitted to accumulate. No tree, shrub or planting of any kind shall be allowed to overhang or otherwise encroach on any sidewalk, street or other areas (including neighbor's property) from ground level to a height of eight (8) feet.

Parking

3.19 CC&R's. No car, van, truck, mobile home, travel trailer, tent trailer, trailer, camper shell, detached camper, recreational vehicle, boat, boat trailer, or other similar equipment or vehicle may be parked, maintained, reconstructed or repaired on any Lot or Common Area or on any street or Private Access Way so as to be visible from Neighboring Property, except for: (i) the temporary parking of such a vehicle on the concrete driveway situated on a Lot for a period of not more than 24 consecutive hours and not more than 48 hours within any 7 day period for the purpose of loading or unloading such vehicle or equipment; (ii) temporary construction trailers or facilities maintained during, and used exclusively in connection with the construction of any improvement approved by the Architectural Committee; (iii) such vehicles parked in garages on Lots so long as such vehicles are in good operating condition and not under repair; or (iv) motor vehicles not exceeding 7 feet in height and 18 feet in length which are not used for commercial purposes and which do not display any commercial name, phone number or message of any kind and which are parked in the garage or on the concrete driveway situated on the Lot.

Note: HB2492, effective August 2004 allows residents to park public-safety vehicles (used by police, fire and ambulance services) of less than 20,000 pounds on a street or driveway in the Association.

Commercial Vehicle Parking

8.23 No Commercial or Recreational Vehicles may be parked upon a Lot unless prior approval was received from the Board of Directors for temporary parking, i.e., loading or unloading of a motor home.

Signs

8.3 CC&R'S. No signs whatsoever (including, but not limited to, commercial, political, "For Rent" and similar signs) which are Visible from Neighboring Property shall be erected or maintained on any Lot except:

Signs required by legal proceedings

Residence identification signs provided the size, color, content and location of such signs have been approved in writing by the Architectural Committee.

- One (1) "For Sale" sign provided the size, color, design, and message content, location, and type has been approved in writing by the Architectural Committee.
- A single, small, typical alarm company warning sign
- Garage sale signs

"Sold" real estate signs must be removed no later than 10 days after the completion of the sale of the home. All other signs not listed above require approval of the Architectural Committee

Note: ARS 33-1808 effective July 2004, states: "The indoor or outdoor display of a political sign by an association member on that member's property, an association may prohibit the display of political signs earlier than forty-five days before the day of an election and no later than seven days after an election day. An association may regulate the size and number of political signs that may be placed on a member's property if the association's regulation is no more restrictive than any applicable town or county ordinance that regulates the size and number of political signs on residential property, If the city, town or county in which the property is located does not regulate the size and number of political signs on residential property, the association shall permit at least one political sign with the maximum dimensions of twenty-four by twenty-four inches on a member's property. For the purposes of this paragraph, "political sign" means attempts to influence the outcome of an election, including supporting or opposing the recall of a public official, supporting or opposing the circulation of a petition for a ballot measure, question or proposition or the public officer.

Trash Containers and Collection

8.9 CC&R's. All rubbish, trash or garbage will be regularly removed from a Lot and will not be allowed to accumulate on any Lot. In no event shall such containers be maintained so as to be curbside except to make the same available for collection and then only for the shortest time reasonably necessary to effect such collection. ~~When possible,~~ trash containers should be stored out of sight or near the side of the house. No outdoor incinerators shall be kept or maintained on any Lot or other property.

BRIGHTON PARK HOMEOWNER'S ASSOCIATION

SIGNS

At the May 25th Board meeting, the Board of Director's elected that all "For Sale", "For Rent" and "For Lease" signs will no longer be allowed to be posted in the front landscaping. Per Section 8.3 of the CC&R's, the Board is to designate the location of these signs. Signs will only be allowed to be posted in the front window of the home. Only one sign is allowed and may only have a total face area of five (5) square feet or less. Effective 6/28/06, this will be strictly enforced; violation letters will be sent to those who do not comply.

Thank you for your cooperation with this matter.

The Brighton Park Board of Directors

**BRIGHTON PARK HOMEOWNERS ASSOCIATION
APPROVED TREE & SHRUB LIST**

TREES: THORNLESS MESQUITE DESERT MUSEUM PALO VERDE
BLUE PALO VERDE THORNLESS ACACIA
SISSOO LIVE OAK
YUCCAS AGAVES
DESERT SPOONS

SHRUBS: BOUGANVILLA BAJA FAIRY DUSTER
PURPLE HOPSEED BUSH CHUPAROSA
MEXICAN HONEYSUCKLE GREEN CLOUD SAGE
THUNDER CLOUD SAGE BLUE RANGER SAGE
AUTUMN SAGE RED DEER GRASS
PETITE PINK OLEANDER DESERT RUELLIA
JASMINUM GOLD SPOT EUONYMUS
LILLY TURF BOXWOOD BEAUTY

GROUND COVER: VARIOUS LANTANA
DALEA CAPITATA
VERBENA

Appendix A

ARCHITECTURAL REVIEW SUBMITTAL GUIDELINES

It is important that this form is completed in its entirety. Please describe the proposed changes or additions to your property. Include a copy of your property plat and indicate the exact location of the proposed changes or additions, distance to the property lines from the changes or additions, dimensions of backyard property, and relevant surrounding features. The submittal must include a sketch with the following information: style, dimensions, materials to be used, color of the proposed changes or additions and the proposed construction time schedule. Requests for repainting must include a color sample. Should the Board require additional information, your request will be deferred until additional information is received.

Notes:

1. Requests from an owner with a delinquent assessment account will be denied on the basis of the delinquency. Once the account is current, the submittal will be reviewed and acted upon.
2. The owner understands and agrees that no work in this request shall commence until written approval by the Board is received. Failure to commence work without prior written approval may result in a fine and additional enforcement measures.
3. Once approved, construction must be completed within thirty days and must be done in a way that does not unreasonably interfere with neighboring properties.
4. The homeowner has responsibility for removal, in a timely manner, of any debris resulting from the improvement.
5. Construction must meet all zoning, building codes and laws of the City of Phoenix. You can call the zoning office at 602-262-7884 for construction specifications and building permits. Approval of this submittal in no way binds the Board or Morrison Group, Inc. that compliance has been met with all required zoning and building codes.
6. Misrepresentation of any items in this request, either oral or written, may void any approval by the Board.

I have read the Architectural Submittal Guidelines. These proposed changes or additions meet the requirements and standards specified above.

Homeowner Signature: _____ Date: _____

BRIGHTON PARK COMMUNITY ASSOCIATION

P.O. BOX 25466
TEMPE, ARIZONA 85285-5466
(480) 820-3451
(800) 678-9936
FAX (480) 820-7441

MODIFICATION APPROVAL REQUEST FORM

DATE: _____

1. OWNER'S NAME: _____
UNIT ID & LOT NUMBER: _____ PHONE NUMBER: _____
COMPLETE ADDRESS: _____

2. CONTRACTOR NAME, ADDRESS, AND PHONE NUMBER: _____

3. DESCRIPTION OF WORK TO BE DONE: _____

4. TYPE OF MATERIALS TO BE USED: _____

5. COLOR (S) TO BE USED: _____
6. DIMENSIONS OF STRUCTURE (HEIGHT, WIDTH, ETC.), IF APPLICABLE: _____

7. PLEASE INCLUDE TWO COPIES OF ALL DRAWINGS, IF APPLICABLE.
8. **Please retain a copy for your records.**

COMMITTEE APPROVAL/DENIED

DATE

ADDITIONAL COMMITTEE COMMENTS: _____

The Committee's review and approval is limited to, and only pertains to, the ITEMS DESCRIBED ABOVE. The fact that any 'other' information, improvement, or modification is shown on the plan(s) submitted does not mean that it is considered a part of the submittal.