

MARLBOROUGH PARK ESTATES

ARCHITECTURAL & LANDSCAPE STANDARDS

(Formerly referred to as "Architectural Standards and Policies")



NOTICE:

The Marlborough Park Estates Homeowner's Association encourages and supports the repair, remodel or enhancement of homes or property within the community. However, any and ALL changes to the exterior of the home or front yard require the review and approval of the Marlborough Park Architectural Committee and/or the Board of Directors PRIOR to beginning any construction. Please review the standards herein before beginning any redesign work on any part of the exterior of the home or front yard.

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Third Revision:	05/01/12

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MARLBOROUGH PARK ESTATES

ARCHITECTURAL & LANDSCAPE STANDARDS

INTRODUCTION

Marlborough Homes originally prepared these standards as part of this planned community. Revisions are periodically required to deal with design and aesthetic issues for Marlborough Park Estates (MPE). These standards address new elements not anticipated by the builder or to cover items related to home maintenance and repair as the homes age. The goal of these standards is to maintain the unique environment of this community and maintain or enhance the values of the homes. These guidelines regulate many features and provide guidelines for other elements. If there is a question as to a particular item not addressed in these standards, the homeowner is advised to contact a member of the Architectural Committee prior performing a repair or up-grade to the home or lot.

As of May 1st, 2012, any modifications to the front yard or home within Marlborough Park Estates will be required to comply with the minimum design standards herein. Any modification to a front yard or home must be submitted to the MPE Board of Directors or Architectural Committee **PRIOR** to installation.

DESIGN PHILOSOPHY

These Architectural Standards and Policies are intended to promote a design theme and character for the community that embraces the adjacent natural setting of Papago Park and park like setting of Tempe Town Lake and reflects the unique characteristics of our community. To accomplish this goal, specific design standards for all homes and front yards within Marlborough Park Estates are presented below.

The primary objective of these design standards are intended to:

- Maintain a minimum quality standard for all homes and yards within the community.
- Protect property values for all owners.
- Establish a minimum landscape character for the community that is harmonious with the unique surroundings of our North Tempe neighborhood.
- Minimize allergen producing plant materials.
- Encourage the use of appropriate low-water use, arid region plants.
- Create shade and micro-climatic cooling with landscaping.
- Allow flexibility within the front yard to create an environment that complements the lifestyle of the homeowner.
- Maintain aesthetic continuity within the community.
- Minimize hazards and liabilities to the residents and visitors of Marlborough Park.

Note: These design standards do not supersede any Federal, State and/or City of Tempe building codes, zoning ordinances, guidelines or Marlborough Park Estates C.C. & R's as they exist currently or may later be modified. Compliance with those codes, ordinances, guidelines or standards is required as a condition of approval.

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A. FRONT YARD STANDARDS

The front yard is defined as the visible area of the front of the home and yard up to the side yard wall. This includes landscape areas, paving, court yards and the home. Additionally, for lots located at the corner of two streets, the front yard area shall also include the area along the adjacent side street.

Any changes to the front yard landscape area, paving, court yards or home require PRIOR approval of the Marlborough Park Board of Directors or the Architectural Committee.

EXAMPLES OF LANDSCAPE CHARACTER FOR MARLBOROUGH PARK ESTATES.



Good example of low water use and shade.



Good example of lush, colorful landscape.



Good example of turf use and xeriscape.



Good example of native desert landscape.

PLANT MATERIAL

Proposed plant materials shall reflect the design philosophies and criteria presented above. The minimum required plant standard is provided below. In lieu of recommending specific plants for use within MPE, the Board encourages the use of low water use plants. A comprehensive list of recommended low water use plants approved the Arizona Department of Water Resources (Phoenix Active Management Area) can be found at the following website:

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http://www.tempe.gov/conservation/LWU_Plants.pdf

In the interest of minimizing plants with undesirable traits such as excessive pollen, litter and/or liability, the Board and Architectural Committee will not approve the additional installation certain undesirable trees: See the section below for a list of those materials.

The following standards apply to the front yard of all homes within Marlborough Park Estates.

MINIMUM PLANT REQUIREMENTS.

The Board of Directors of MPE strongly encourages residents to maintain a low water use, lush, park-like landscape in the interest of creating an attractive environment. A GRANITE "ONLY" FRONT YARD IS NOT PERMITTED. The following minimum standards apply to the front yard of all homes within Marlborough Park Estates:

Plant Type	Quantity	Min. Size
▪ Trees	1	24" Box
▪ Shrubs, Ground Covers & Cactus	8	1 & 5 Gallon (50:50)

ADDITIONAL TREES (FOR SHADE AND COOLING) AND ADDITIONAL PLANTS OVER AND ABOVE THE MINIMUM REQUIREMENT IS STRONGLY ENCOURAGED.

Note: If turf is proposed, the amount of required ground cover plants can be reduced with Architectural Committee approval.

PROHIBITED PLANTS.

The following plants are prohibited for use in new construction within the front yard area of homes within Marlborough Park Estates. These plants are prohibited for use because they are known to possess the following undesirable traits:

- Invasive
- Heavy litter production
- High water use
- Heavy pollen production
- High maintenance requirements
- Aggressive growth habits (roots, etc.)

PROHIBITED PLANT LIST

(For new construction as of 05/01/12)

Plant Name	Reason
▪ Pine Species	Messy, heavy pollen producer
▪ Olive Trees	Heavy pollen producer
▪ Indian Laurel Fig Tree (Ficus nitida)	Frost sensitive, very messy, invasive roots
▪ Mulberry Trees	High water use, heavy pollen producer
▪ Mexican Palo Verde	Invasive, messy
▪ Cottonwood Tree	High water use, heavy pollen producer
▪ Fountain Grass	Invasive
▪ Desert Broom	Invasive
▪ Oleander	Aggressive growth
Exception: Dwarf varieties are acceptable.	
▪ Common Bermuda Grass	Heavy pollen producer
Exception: Hybrid varieties are acceptable.	

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Note: if these any of these plants exist currently in the front yard area of a home in MPE, they are permitted (grandfathered) to stay in their current location. However, the MPE HOA strongly encourages homeowners to replace these plants with undesirable characteristics with plants from the recommended list.

TURF GRASS.

Turf grass is permitted within front yards of MPE. However, turf is considered a high water use plant. As such, the economical and functional use of turf is encouraged in all locations. Turf grass is permitted subject to the following guidelines:

- Area: there is no restriction on the amount of turf allowed in the front yard.
- Turf should be a minimum of eight (8) feet in width to minimize irrigation over spray.
- It is recommended that new turf installations be setback a minimum of one (1) foot from public sidewalks and/or street curb to minimize irrigation overspray and careless water use.
- Winter over-seeding of turf is not required. However, all turf areas must be maintained in a healthy, neat, weed-free condition at all times.
- Turf must be irrigated by an automatic underground irrigation system.
- Turf area must be defined with a concrete or masonry border (4" minimum width) which includes concrete driveways, sidewalks, patios and/or walls. Wooden "bender board" edge treatments are short lived and are not permitted.

SYNTHETIC TURF.

In the interest of water conservation, the control of pollen and the desire of residents to reduce landscape maintenance responsibilities, "synthetic turf" may be substituted for real turf or grass. Design standards pertaining to real turf or grass shall apply to synthetic turf as well. Any synthetic turf MUST be approved by the Architectural Committee. The Architectural Committee and/or Board of Directors reserves the right to require removal and replacement of any area of synthetic turf which does not meet the standards set forth by these guidelines. The following additional guidelines shall apply. :

- Artificial turf must be professionally installed by a licensed representative of the manufacturer and covered by a manufacturer's warranty of at least seven years. The installation contractor must be licensed, bonded and insured.
- Any request for installation of synthetic turf must include a minimum of a one foot square boxed sample including infill of the proposed turf product. Tufted face weight (pile weight) range should be between thirty to seventy-eight ounces per square yard. The maximum width of the stitch gage is ¾-inch.
- Only turf requiring infill installation will be allowed. Infill material installation shall be according to turf manufacturer specifications or based upon standard industry guidelines. Minimum infill installation shall be two (2) pounds per square foot.
- Artificial turf must be installed in such a way as to appear seamless and uniform. All seams must be glued.
- Only natural colors are acceptable, to remain unchanged from the natural green lawn appearance, and subject to approval by the Architectural Committee.
- The length of the artificial turf shall be minimum of one and one-half (1½) inches, not to exceed two and one-quarter (2¼) inches.
- Artificial turf must be maintained. Any fading or deterioration of wear patterns, uniformity, visible seams and incidental damage of the product will necessitate replacement.

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IRRIGATION REQUIREMENTS.

All plant material in front yard areas shall be watered with an automatic underground irrigation system to maintain the health, vigor and appearance of the plants.

Visible irrigation equipment such as controllers, conduit, etc. shall be painted to match the adjacent surface.

Note: Extended or over-watering of plants may result in the death of the plant, excessive maintenance and/or poor growth habits.

DECOMPOSED GRANITE.

Decomposed granite should complement the adjacent natural desert parks. In visible front yard areas within Marlborough Park Estates, the homeowner should use natural desert colors such as brown, gold and beige colored decomposed granite. Decomposed granite should be no larger than 1-inch in size (screened or "minus"). White, green, brick red and/or other "unnatural" colors of decomposed granite are not permitted. **A GRANITE "ONLY" FRONT YARD IS NOT PERMITTED.**

MAINTENANCE.

Maintenance of the front yard area including landscape areas, paving, court yards and the home on individual lots is the sole responsibility of the owner of the home. Further,

- The homeowner shall maintain all visible front yard areas in clean, neat and weed-free condition.
- All dead and dying plants should be removed and replaced with same species or other compatible plants from the recommended plant lists herein.

BOULDERS AND RIP-RAP.

Use of boulders in the landscape is encouraged to create a natural setting subject to the following recommendations:

- "Surface select" granite boulders are recommended for a natural look.
- Boulders shall be installed in naturalistic manner (i.e.: buried approximately 1/3 below grade) and integrated within the landscape including other boulders, berming or landscape materials such as plants, decomposed granite and contouring.



Buried Correctly
Good



Buried Correctly
Good



"Floating" on the Ground
Poor

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Rip-rap may be used for erosion protection, storm-water management or aesthetic applications subject to the following criteria:

- Rip-rap must be crushed granite or river run rock that matches or complements the color of the decomposed granite or a complementary material such as river rock.
- Rip-rap should not be grouted unless required to prevent erosion or undesirable drainage conditions.
- Maximum size of rip-rap cobbles shall be 12 inches in diameter unless erosion or drainage conditions require larger material (subject to the approval of the Architectural Committee).
- Rip-rap should not exceed twenty percent (20%) of the total landscape area.

LANDSCAPE LIGHTING.

Landscape lighting is allowed in the community subject to the following criteria:

- Landscape lighting shall be low-voltage only.
- Landscape lighting must be controlled with an electric clock or photo-cell device.
- All light sources must be shielded from view; unshielded up-lighting is not permitted.
- All wiring for light fixtures must be buried below grade per the manufacture's requirements.
- Controller equipment must be located in a discrete location or screened from view from the street or adjacent property.
- Colored light bulbs, lens, or reflectors are not permitted.



Low Voltage Path Light



Low Voltage Spot Light with Shield

DRAINAGE.

Any new improvements to the front yard area of the lot shall not create additional run-off or erosion on to neighboring properties or the street.

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SITE GRADING.

Landscape grading for aesthetic purposes is encouraged and shall complement the contours found in the surrounding desert areas. Slopes should be gently rounded with varying side slopes, with a maximum allowable slope of 3:1. Grading shall be accomplished without creating sharp transitions or unnatural shapes.

B. ARCHITECTURAL STANDARDS FOR ALL HOMES

ANTENNAS & SATELLITE DISHES.

Exterior radio and television antennas will not be permitted per Article VIII, Section 11 of the Covenants, Conditions, and Restrictions (hereinafter referred to as CC & R's). The Architectural Committee will grant permission (see below) if the antenna or satellite dish is erected so as not to be highly visible from the adjoining Lot(s), Common Area or street. The dish, mounting and brackets should be painted to match the adjacent building material (Mesa White or Oxford Brown) a spray paint of closely matching color is recommended for durability. The face of the LNB or receiving element should be masked before painting as not to degrade the signal quality. Additionally, antenna cables shall be routed through the interior of the house if possible or attached to the exterior home in a discreet location. If cables are mounted on the exterior of the home they shall be painted the color of the adjacent building material. (Mesa White or Oxford Brown).

EVAPORATIVE COOLERS.

Placement of evaporative cooler(s) shall require approval by the Architectural Committee. It is the policy to accept locations on the rear of the house or where the unit would be generally obscure from view from the adjoining Lot(s), Common Area or street.

BASKETBALL GOALS.

The Marlborough Park Estates Homeowners Association requires, through the Architectural Standards and Section 4 of Article 8 of the CC&R's, that the proper use, type and maintenance of basketball goals be adhered to by the owners of the equipment.

- Basketball hoops or goals shall not be mounted on the home or any portion of the building including the garage, porch or covered patio areas.
- Portable basketball goals or post-mounted goals not permanently anchored or cemented into the ground are allowed, provided that the basketball goal and any aboveground post can be easily dismantled or removed.
- Basketball goal use shall be limited to daylight hours only and in no event prior to 7 AM or after 9 PM.
- Basketball goal equipment in view of any common area or any adjoining property shall be maintained in good condition.
- A change to the original manufacturing lettering and/or logos on the basketball goals requires prior written approval from the Architectural Committee.
- Owners of basketball goals are responsible for the regulation of all users of the equipment, including hours of use and maintenance requirements.

SOLAR PANELS.

Solar panel placement and design shall require approval of the Architectural Committee. It is policy to accept locations on the rear of the house where the units will be generally obscure from view from the adjoining Lot(s), Common Area or street. All panel appurtenances such as control panels, conduit, etc. shall be painted to match the adjacent building surface.

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SKY LIGHTS.

Approval is required by the Architectural Committee to install a sky light in a home. It is policy to accept locations on the rear of the house or places that allow the light(s) to be generally obscure from view from the adjoining Lot(s), common Area, or street.

ROOM ADDITIONS.

Approval is required by the Architectural Committee to add on to or expand the home's original external design. The homeowner will be required to submit scaled floor plans and elevations for all areas of proposed changes. Particular attention must be paid to the exterior facades in order to maintain consistency with all architectural features of our homes (i.e.: stucco texture, paint colors, use of wood, roof tiles, roof pitch, chimney design, windows, etc.).

PAINT & TRIM.

Homes shall be maintained to conform to the colors originally used by Marlborough Homes. The Homeowner's Association standard is Dunn-Edwards Paint Company's "Mesa White" (W704 Acri-flat) for the walls and "Oxford Brown" (W704V Acri-flat) for the trim. However, any IDENTICALLY matched paint may be used. The Homeowner's Association maintains a list of paints that have been matched and approved including Universal Paint and Dunn Edwards. Please note, over the years paint noticeably fades. When repainting the entire home, do not match the existing paint on your house, USE THE ORIGINAL APPROVED COLORS IN ORDER TO MAINTAIN CONFORMANCE WITH THE STANDARDS.



Existing Stucco Texture
Good Condition



Property Line Fence
In Need of Repair



Wood Trim
In Need of Repair

STUCCO FINISH.

The existing stucco texture on the homes of MPE has been uniformly applied to all homes and walls in the community. As such any modification to the stucco finish of the home MUST match the existing texture of the original home. Under no circumstances will any other stucco texture or finish be permitted (see exception below). Integral color or synthetic stucco finishes may be approved by the Architectural Committee so long as the color and texture precisely match the original finish of the home and the requirements set forth in these guidelines. If an owner chooses to use an integral color stucco finish, a sample panel of the product and color must applied to the

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home for the PRIOR approval by the Architectural Committee. Sample area should be placed on two elevations of the home (such as the corner of the home or garage) to validate the color in different exposures. Sample area should be a minimum of 6-feet wide by 6-feet in height.

Exception: An alternate smoother version of the original stucco (see MPE sign wall at entry) may be approved by the Architectural Committee if painted to match the requirements set forth in these guidelines.

Property line walls with a stucco finish must be maintained by the property owner unless the wall is otherwise designated as a common area wall. Any degradation to the stucco finish from water damage or other causes must be repaired and repainted to match the original stucco finish and color. If an owner is unclear who is responsible for the repair of a property line fence, they are encouraged to consult with a Board member or the association management company.

ROOF TILES.

Missing or broken roof tiles must be replaced immediately with a tile replacement that matches the existing color and material of the original tiles.



Existing Roof Tiles



Tiles Need Replacement

FRONT ENTRANCE DOORS.

Front entrance door(s) if replaced should be made of solid wood or wood veneered wood/composite material. They shall have 6 or 8 raised panels or simulated 6 or 8 raised panel look. The door or doors should be finished in a brown color stain or natural oak and protected with clear varnish. Steel or metal doors are permitted if they match the look and appearance of the original wood doors. Any glass panels contained within the doors and/or sidelight panels would need design approval from the Architectural Committee. Sidelight panels or fixed panels surrounding the entrance door would also need approval from the Architectural Committee.

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WROUGHT IRON.

Approval is required by the Architectural Committee to install any ornamental or protective wrought iron (including, but not limited to security screen doors, side yard gates, etc.) if it is visible from the street or adjoining lot(s). Approval will be granted if it conforms to the general appearance of the home, and the wrought iron is painted either Mesa White, dark brown, or black.

FOUNTAINS AND OTHER WATER FEATURES.

With water conservation in mind, visible displays of water such as waterfalls or fountains are discouraged within the front yard area. Such water features that are screened within courtyard walls or other means may be approved by the Architectural Committee. The design of such features must be compatible with the architectural character of the neighborhood.

All fountain equipment must be appropriately screened from the view of adjacent neighbors or common areas. Fountain equipment should be placed in a location that minimizes noise impacts on adjacent neighbors.

GATES.

Exterior gates must be maintained in good repair. Approval is required by the Architectural Committee to construct additional gates or to modify the appearance of an existing gate. It is the policy of the Architectural Committee to allow the replacement of stock wooden gates with wrought iron or metal framed wooden gates as long as the color of the metal portion of the gate conforms to the standards outlined under the wrought iron section (above). Any wooden portion of the gate must be painted "Oxford Brown" or stained with a redwood oil stain. If a homeowner chooses to have an open wrought iron gate, none of the items prohibited from view from the adjoining lot(s), common area, or street may be visible in this location (i.e.: trash containers, mechanical equipment, storage sheds, etc.)

Note: If you have a pool or spa, remember that the city, county and state have specific fence and gate requirements that you are required to meet.

STORAGE SHEDS.

Approval is required by the Architectural Committee to erect any storage shed that will be visible from the street or adjoining lot(s). The color and architectural styling shall match the features of the homes (wood color, stucco pilasters, etc.)

GAZEBOS.

Approval is required by the Architectural Committee to erect any gazebo that will be visible from the street or adjoining lot(s). The color and architectural styling shall match the features of the homes (wood color, stucco pilasters, etc.)

NEW WINDOWS.

Replacement windows for homes in MPE are subject to review and approval of the Architectural Committee. All new windows must closely match the existing style of windows in color and design. If the stucco surround is damaged during installation, it is the responsibility of the homeowner to repair the stucco to match the original conditions in color and stucco texture.

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EXTERIOR ARCHITECTURAL LIGHTING.

A change to the original home's exterior lighting including the lights on the garage façade and front entry of the home, or the addition of any new lighting must be approved prior to installation. New light fixtures should complement the Spanish Colonial, southwestern character of the homes. In general, the Architectural Committee will approve exterior lighting upgrades or replacement fixtures that maintain the southwest look and that are finished in a complementary material and color (dark brown, antique brass, terra-cotta or tile. etc.). Unshielded spotlights will not be approved. Ultra-contemporary fixtures are not permissible. Light fixtures that screen the bulb are preferred. Screening is accomplished with amber or frosted glass or the use of sconce type fixtures.

EXAMPLES OF ACCEPTABLE ARCHITECTURAL LIGHTING.



SECURITY AND SPOT LIGHTING.

Security spot lights must be installed in a manner that does not shine in an undesirable manner onto neighboring lots, streets or common areas. Lights should be directed downward away from neighboring lots, streets and common areas. Security spot lights should be directed downward and include a hooded shield to minimize light "spillage" off of the subject lot. Security spot lighting should be on a motion sensor to minimize any disturbance to adjacent neighbors. Installation of security lighting must be approved by the Architectural Committee.

PROPANE TANKS & WATER SOFTENERS.

Approval is required by the Architectural Committee to erect any propane tank(s) or water softener that will be visible from the street or adjoining lot(s). Approval shall be granted if appropriate screening is provided.

GARAGE DOORS.

Existing, builder installed garage doors must be maintained in their original condition free of rust, exposed or unpainted metal, dents, etc. All garage doors in MPE are must be painted the same color as the body of the home (see Paint and Trim section above). Garage door replacements require the prior approval of the Architectural Committee. Replacement doors should be 32 panel metal with embossed wood grain texture to match the original door. Windows and other decorative trim (hinges, straps, handles, etc.) are not permitted.

EXTERIOR WINDOW COVERINGS.

Any form of external window covering other than the original (color, size) screens as provided by Marlborough

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Homes must receive approval of the Architectural Committee. Awnings, "security roll-type shutters" and shutters that are visible from the front of the home and/or adjoining lot(s) will not be approved.

DRIVEWAYS.

Concrete driveways shall not be expanded or modified without approval of the Architectural Committee and are subject to the following criteria:

- In order to minimize solar heat gain and reflectivity, driveways may not be expanded in area beyond the original width without prior approval of the Architectural Committee.
- Repair or replacement of existing driveways must closely match the existing color, material and finish of the existing drive.
- Driveways may be repaired or replaced with other appropriate material such as various concrete finishes (stamped, salt finish, integral color, exposed aggregate), brick or unit pavers with prior review and approval.
- Short lived or faux finishes such as concrete overlay or veneer finishes will not be approved.

HARDSCAPE ELEMENTS.

Custom designed hardscape elements such as sidewalks, patios and decks are encouraged subject to the following criteria:

- Material and color of proposed hardscape elements must be compatible with and complement the architectural character of the home.
- Where practical, material, color and texture of the hardscape elements should minimize solar reflectivity.
- Short lived or faux finishes such as concrete overlay or veneer finishes will not be approved.

MAIL BOXES.

Mailboxes must be maintained in good condition at all times. Mailboxes can be repainted with a flat black wrought iron paint to restore the original appearance.

Any replacement mailbox shall be a Model 4325 Black Roadside Mailbox from Mailboxes.com (Salsbury Industries 1-800-624-5269). If mounted in pairs, **shall only be replaced in pairs** with a new model 4385 Black pole & Black spreader. Single mounted mailboxes shall be replaced with the same model 4325 Black Roadside Mailbox and model 4385 Black pole.



Original Mailbox



New Replacement Box



Non-Conforming Box

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GUTTERS & DOWN SPOUTS.

Gutters and downspouts will be approved as long as their color matches with the Dunn-Edwards Paint Co.'s "Oxford Brown" trim and/or "Mesa White" of the exterior walls. Gutters and downspouts must be painted to match the adjacent building material. Gutters shall be maintained (free of unsightly debris, painted as required, and properly hung) so as not to distract from the normal contour appearance of the home.

HOLIDAY LIGHTING.

Holiday lighting is permitted on a temporary basis only, Holiday lighting may be installed within forty-five (45) days of a holiday and must be removed within fourteen (14) days after the holiday without Architectural Committee approval.

ADDRESS MARKERS.

Additional or replacement home address markers shall complement the color and southwest styling of the homes.

FLAGS & BANNERS.

Flags and seasonal banners shall be maintained in good condition and have a neat appearance.

RODENT & PIGEON CONTROL.

Any rodent or pigeon control device that would Change the appearance of the home must be approved by the Architectural Committee prior to installation.

MISCELLANEOUS PLUMBING OR WIRING.

Any miscellaneous wiring or plumbing (hose bibs, vacuum breakers, irrigation controllers, etc.) shall be painted or screened from view if visible from the street

VEHICLES.

Vehicles must be parked in the garage, driveways or on the street. Parking anywhere else is prohibited.

TRASH & RECYCLING CONTAINERS.

Trash and recycling containers must be stored out of view from the street.

C. THE BASIS FOR ARCHITECTURAL APPROVAL

The Architecture Committee will review all items as stated above for adherence to the Standards and Policies and appropriateness for the Marlborough Park Estates Community

D. THE HOMEOWNER'S RESPONSIBILITY

It is the homeowner's must get signed approval on the Architectural & Landscape Renovation Application PRIOR to installation *or* up-grade and further, to maintain records of such approval as long as the improvement is in place.

E. THE ARCHITECTURAL APPROVAL PROCESS

The homeowner shall obtain an Architectural Application Form at the back of this document, from a Board Member, an Architectural Committee Member or the MPE Community Association website:

<http://www.wearevision.com/dnn2/Home/FindYourCommunity/MarlboroughParkEstates/tabid/97/Default.aspx>

The Homeowner is to complete and submit the request to a member of the Architectural Committee with any appropriately scaled drawings, photographs or other materials necessary to convey the proposed changes or up-grades. The Committee will respond with a written approval, conditional approval or denial within thirty (30) days. If the homeowner wishes to appeal an Architecture Committee ruling, the homeowner shall notify a Board member of their request for consideration at the next regularly scheduled Board Meeting

F. ARCHITECTURAL COMMITTEE DESIGN REVIEW PROCESS:

1. Prior to a Homeowner making any modifications which change the exterior appearance of their lot that can be seen from the street or any of the common areas, a Homeowner is required to submit a Design Review Application to the Community Manager's Office at 9633 S 48th ST, #150, Phoenix, AZ 85044. The Architectural Committee then has up to **(30) days** once it is received to act on the application.
2. The Community Manager will forward all current and complete applications to the Architectural Committee Chair for review.
3. The Architectural Committee meets when there are applications to review. Once the Committee reviews an application, they will approve, approve application with conditions, or disapprove the application.
 - **For Approvals** - The Committee will send the application to the Community Manager for those that are approved without conditions and the Community Manager will mail the approval to the Homeowner. The original will be kept in the Homeowner's lot file.
 - **Approvals with Conditions** - The Committee will send the original application with conditions to the Community Manager; the Community Manager will then mail the approval with conditions to Homeowner for the Homeowner follow through. The original will be kept in the Homeowner's lot file.

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- **Disapprovals** - The Committee will send the original application to the Community Manager with reason(s) for disapproval; the Community Manager will then mail the disapproval to the Homeowner for Homeowner notification purposes.
- 4. For Disapprovals and Approvals with conditions, the Homeowner, if in serious disagreement or belief that there are conditions that warrant special consideration, does have the option to appeal the decision. A request must be submitted in writing to the Board with the Application to be reconsidered.
- 5. Projects for which approval has been granted must be completed in a timely manner. A project completion date is required on the Application. If additional time is required to finish projects, an extension request is available and is listed on the second page of application.
- 6. For Disapprovals and Approvals with conditions, the Committee will create a log to determine appropriate time for a follow up inspection to verify that conditions have been met. This will be accomplished by a non-invasive inspection after the completion date.
- 7. The Architectural Committee will produce a report and/or minutes for the Community Manager, of the meeting shortly after any Committee meeting.

RULES, REGULATIONS AND CC&R's VIOLATION ENFORCEMENT POLICY

Effective Date: May 10, 1999
Revised: July 14, 2003

The Board of Directors of the Marlborough Park Estates Homeowners Association has established the following enforcement policy for Rules, Regulations, and Covenant, Conditions and Restrictions (CC&R's) violations, and any applicable monetary fines for continuing violations. This policy was formed following the established law of the State of Arizona, Section 1, Title 33, Arizona Revised Statute, Chapter 17, Planned Communities. The goal of this policy is to protect all of the Members of the Association from excessive costs in enforcing the CC&R's as outlined in the ARTICLES of the legal documents, and to safeguard the value of the Members' properties. The Board may choose to modify this policy on specific cases that require special handling.

FIRST NOTICE:

A letter will be sent to the Homeowner of the property outlining the violation. In the event that the Homeowner of the property can be identified as an absentee Homeowner, a copy of the violation letter will also be sent to the tenant at the property address. The Homeowner will be given at least thirty (30) calendar days to bring the violation into compliance. The homeowner has the responsibility of notifying MPE in writing when the violation has been corrected. *Request for additional time must be submitted to MPE, in writing and within 30 days from the date of the first notice, along with a plan of action to correct the violation. MPE will respond to the written request within 10 day from the date of your letter.*

SECOND NOTICE:

If we haven't received a written response, a notice will be issued for a \$50 monetary penalty if correction is still not made within 10 days from the date of the second notice. The second letter notifies the Homeowner that a monetary penalty will be assessed against them, and that if the violation continues for an additional time period of at least 30 calendar days, an additional monetary penalty will be assessed. The letter will offer an opportunity for a Hearing with the Board of Directors at the next regularly scheduled board meeting.

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THIRD NOTICE:

If we still have not received a written response within 30 days from the date of the second notice, you will receive a third notice, imposing an additional \$50 monetary penalty. The third letter and any subsequent letter notify the Homeowner that an additional monetary penalty has been assessed to their account. Continued violations will result in additional monetary penalties, legal action and legal costs assessed against the Homeowner at the discretion of the Board of Directors. The letter will offer an opportunity for a Hearing with the Board of Directors.

Monetary Penalties are due upon receipt.

TRASH CONTAINERS.

Homeowners will receive a CC&R violation notice if trash containers are not stowed away by the morning following the scheduled trash pick-up day. Board members and/or an authorized community management company; will be recording the date of each incident, and after a homeowner receives 3 notices, MPE will assess the homeowner a \$25 monetary penalty. These penalties are also in accordance with state statutes.

COMMON AREA POLICY.

Pursuant to the common Area Policy enacted by the Board of Directors on July 14, 2003, the monetary penalty for any violation of that Policy shall be a minimum of \$100.00 plus any actual damages. The Board shall determine the total monetary penalties and damages due on a case by case basis upon evidence presented to it.

HEALTH, SAFETY, AND WELFARE.

Immediate action will be required on any violation that affects the health, safety, and welfare of the Association or Association Members.

OPPORTUNITY TO BE HEARD.

Grievances (Statement of Defenses) arising from, or an appeal of, any enforcement Action and/or Assessment must be addressed in writing to the Board of Directors of the Association, dated and signed by an Owner, and forwarded to the Association with (14) calendar days of receipt of the formal notice of violation. Upon receipt of a request for a hearing, the Board shall set a date and time to hear the Owner's grievance, and the Board will provide notice to the Owner at least (7) calendar days prior to the date of the hearing. Decisions of the Board are final in all cases.

** An exception to the above enforcement policy applies to vehicle violations. See the monetary penalty schedule for clarification.*

*** Before any monetary penalties are levied against anyone, all violations will be verified. The Board has also provided all Homeowners with the right to appeal any infraction that they may receive.*

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MARLBOROUGH PARK ESTATES ARCHITECTURAL & LANDSCAPE RENOVATION APPLICATION

All applications for changes to the exterior of your residence must be submitted to the Marlborough Park Estates Homeowners Association's Architectural Committee/Board of Directors. The Marlborough Park Estates HOA's Covenants, Conditions and Restrictions (CC&R's) require that a homeowner obtain the prior written approval for any exterior alteration or addition to property within the Marlborough Park Estates Community. (See Article 7 of the CC&R's.)

Please note that approved applications must be completed in a timely manner. A project completion date is required on the Application. If additional time is required for you to finish your project, an extension request is listed on the second page of these forms.

To comply with the CC&R's, please submit this application with all the required attachments to:

Community Manager
c/o Marlborough Park Estates Homeowners Association
9633 S 48TH ST #150, Phoenix, AZ 85044
Phone: (480) 759-4945 | Fax: (480) 759-8683
EMAIL: marlboroughparkestates@wearevision.com | WEBSITE: www.wearevision.com

The time period for approval begins when this application is received by the Committee. The Committee has up to (30) days to approve, approve with conditions, or disapprove the application. If you have not received any form of communication from the Committee or the Association after (30) days, please call the Community Manager for a status update.

Homeowner's Name _____
Homeowner's Mailing Address _____
City _____ State _____ Zip _____ Phone _____
Lot # or Lot Address _____

The undersigned hereby submits its Application for Design Review to the Architectural Committee or the Board of Directors of Marlborough Park Estates Homeowners Association for review and approval of the following item(s):

_____ Painting of residence _____ Outer building _____ Walls/fences
_____ Installation of landscaping _____ Revision to landscaping
_____ Addition of _____ to/on the residence (building)
_____ Addition of _____ to/on the lot (property/land)
_____ Installation of a pool/spa
_____ Other _____

Attached please find plans and/or specifications of the above marked items for application, which includes (if appropriate):

_____ Dimensions (height, width, length) _____ Sample of Color(s) to be used
_____ Drawings _____ Plant type and location
_____ Type of material _____ Property plat (*required for pools, buildings, fences, etc.*)
_____ Samples or descriptions of materials to be used
_____ Any photographs or sample elevations for a visual picture of the proposed project

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Person doing installation/work _____
Licensed contractor? ____ Yes ____ No
Expected Completion Date: _____

Please notify me at _____ if you have any questions. I understand that should the application not be complete in order to determine approval or disapproval, the Architectural Committee or Board will disapprove the Application and return it to me with a statement for the disapproval. The owner agrees to comply with all applicable City, County, and State laws and to obtain all necessary permits. This application and the drawing will be retained for the Association's records.

COMPLETION DATE EXTENSIONS are available if required. If this application is requesting an extension what is that Date: _____

Homeowner's Signature _____ Date: _____

**FOR ASSOCIATION USE ONLY
Marlborough Park Estates HOA Architectural Committee or Board of Directors**

____ Approves the above Application
____ Approves the above Application with the following Conditions: _____

____ Disapproves the above Application with the following Reason(s): _____

____ Request you resubmit your application and provide: _____

SIGNATURE: _____ DATE: _____

Date Application Received:	Mailed to Committee	Received From Committee	Mailed to Homeowner
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