

**SIERRA COLINA HOMEOWNERS ASSOCIATION**  
**DESIGN REVIEW GUIDELINES**  
(Adopted January 18, 2012)  
**RULES AND REGULATIONS**

**COMMUNITY ORGANIZATION**

The Board of Directors (the "Board") is charged with the responsibility for overseeing the business of the Association and has a wide range of powers. The Architectural Committee (the "Committee") is established by the Board to review all improvements within Sierra Colina including new construction and modifications to existing properties. The Committee has adopted Design Review guidelines and standards to evaluate proposed construction activities.

The Committee is hereby empowered to supplement and amend the Design Review guidelines and its procedural rules and regulations to the extent and with the frequency it deems necessary; provided, however, that such modifications are in general conformity with the standards set forth in the CC&Rs.

**DESIGN REVIEW PROCESS**

Any change, addition, or modification to a site or building exterior of a residential property requires the prior written approval of the Committee. Residents with proposed changes should contact the management company, with whom the Association has contracted for full Association management, to obtain the necessary Design Review guidelines and submittal documentation.

Simply stated, no new construction, front yard landscaping, or remodeling, including changes in exterior color, is to occur on any Lot or exterior of any home without the prior approval of the Committee. The responsibility of the Committee is to ensure the harmonious, high quality image of Sierra Colina is implemented and maintained. Submittals will be either approved, denied, or the Committee may request more information once it has been reviewed. Homeowners may appeal the decisions of the Committee to the Board for consideration, in which case the decision of the Board shall prevail.

It is the homeowner's responsibility to ensure that any proposed construction is coordinated with, and where applicable, approved by all counties, local, state and federal government agencies. The Committee, the Management Company and the Association assume no responsibility for obtaining these reviews and approvals.

**GENERAL PRINCIPALS**

The Committee monitors any portion of any lot or parcel that is visible from other lots or parcels, the street, or Association common areas. This would include backyards that are visually open to other lots or Association common areas. The Design Guidelines promote those qualities in Sierra Colina, which enhance the attractiveness and

functional utility of the community. Those qualities include a harmonious relationship among structures, vegetation, topography and the overall design of the community.

### **Design Compatibility**

The proposed construction must be compatible with the design characteristics of the property itself, adjoining properties and the neighboring setting. Compatibility is defined as harmony in style, scale, materials, color and construction details.

### **Electrical & Lighting**

All electrical and lighting changes must receive advance approval and follow the City of Phoenix requirements at the time of installation.

### **Protection of Neighbors**

The interest of neighboring property must be protected by making reasonable provisions for such matters as access, surface water drainage, sound and sight buffers, light and air, and other aspects of design that may have a substantial effect on neighboring properties.

### **Workmanship**

The quality of workmanship evidenced in construction must be equal to, or better than, that of the surrounding properties. In addition to being visually objectionable, poor construction practices can cause functional problems and create safety hazards. The Association and the Committee assume no responsibility for the safety or liability of new construction by virtue of design or workmanship.

## **BUILDING ARCHITECTURE**

In general, any exterior addition or alteration to an existing residence must be compatible with the design character of the original structure.

### **Basketball Goals**

Basketball hoops and backboards may not be attached to or placed on a Detached Dwelling Unit. However, goals may be approved for the base to be buried below the existing landscape rock. The backboards must be transparent or a standard type with highly visible logo material prohibited. The poles will be painted to closely match the color of the house. No lighting designed to illuminate basketball goals shall be installed.

Portable basketball goals that are approved for use on a Lot may be located in the Open Yard only when in use and will otherwise be stored in the Private Yard when not in use so as to minimize the structure being Visible From Neighboring Property or Visible on View Lots.

## **Clothes Drying Facilities**

Outside clotheslines or other outside facilities for drying or airing clothes are not permitted unless they are erected, placed or maintained on a Lot in a manner so as to not be visible from neighboring property.

## **Doors, Security**

The Committee must approve security doors in advance. Submittals should be high quality wrought iron or aluminum in a color that matches the color scheme of the house. Pictures or brochures should be submitted.

## **Driveways**

Driveways may not be expanded without the prior approval of the Committee. A minimum 2 foot separation is required between the existing driveway and any neighboring property. The use of decorative hardscape or colored paving may be used to provide the minimum prescribed separation. Any expansion shall not exceed maximum front yard surface coverages as specified per City of Phoenix codes.

Driveway extensions will be limited to concrete or paver stones. The property owner and/or legal occupant of the property shall be under a continuous duty to maintain the parking surface including removing oil spills or smoothing out ruts in the surface.

**NOTE:** *All driveways must be kept clean and clear of debris, oil, rust and other stains.*

## **Fireplaces, Outdoor**

Installation of outdoor fireplaces requires advance approval by the Committee. Outdoor fireplaces may not exceed fence height.

## **Flagpoles**

*An Association can not prohibit the outdoor display of the American flag by an Association member on that member's property if the American flag is displayed in a manner consistent with the Federal Flag Code. The Association shall adopt reasonable rules and regulations regarding the placement and manner of display of the American flag. The Association rules may regulate the location and size of flagpoles.*

- **Height:** Flagpoles should be limited to a maximum height of 15 feet. This is 9 feet above a typical privacy wall, and approx 5 feet below the roofline of a single-story dwelling. This height shouldn't affect neighboring homeowners "view" of surrounding scenery. This would also cover "telescoping flagpoles" on the market.

- **Location:**

1. Front Yard: Anywhere except for city street, city sidewalk, driveways, or on the shared privacy wall. If owner wishes to install lighting for a patriotic effect, lighting cannot be directed towards streets, common areas or neighboring property.
2. Back Yard: Anywhere except for the shared privacy wall. If owner wishes to install lighting for a patriotic effect, lighting cannot be directed towards streets, common areas or neighboring property.
3. If placing a flagpole on a house or garage, homeowners are advised to use brackets mounted on the house or garage to display flags. For this particular placement, the Design Review Committee has adopted that the size of the flagpoles not exceed 6 foot in length (such as a staff normally sold with the flag).

- **Construction:** Suggestion would be lightweight aluminum, or fiberglass, rust-free.

- **Rating:** For wind speeds – minimum 54 MPH (for monsoon season)

- **Flag size:** Flag sized is limited to 4 ft x 6 ft. Flag must be clean and mended at all times.

The owner will be responsible for all damages should flagpole damage any adjoining property (vehicles, residence, shared privacy wall, etc.). The owner would also be responsible to check with the city for any setback restrictions.

### **Gates; single or double**

Gates cannot be modified without prior approval from the Committee (i.e., painted or decoration/ornamentation). Double gates may be installed to allow access ways to yards and require Committee approval. Double gates should be the same type, design, and color as the originally installed single gates. Gates shall not exceed six feet in height pursuant to CC&R section 5.07.A.

### **Gutters and Downspouts**

Gutters and downspouts may be considered for approval. The finish on same must match the adjacent surface of the home in color. High-quality materials that offer long life are recommended, as the homeowner will be required to maintain these additions in good repair. Plans must also include the proposed locations of the gutters and downspouts, the quality of material to be used, warranty by the manufacturer, and the name and telephone number of the installer. All roof drainage must flow back onto the owner's property or towards the street without affecting neighboring property.

### **Lighting, Exterior (also see Electrical & Lighting)**

Any additional outdoor (exterior) lighting installed on a lot or dwelling must receive advance approval by the Committee. This includes decorative theme, accent, or security lighting. All exterior lightning must be Darksky Compliant (lightning may not be directed into the sky), and shall not be directed towards streets, common areas or neighboring property. All exterior fixtures will be maintained in good condition and repair.

**NOTE:** Temporary holiday lighting (i.e. Christmas lights as an example) is permitted only during the month of the observed holiday so long as they are removed after a reasonable period of time not to exceed 14 days past the observed holiday.

### **Ornamentation (in landscaping or attached to house)**

The utilization on non-living objects as ornaments in the landscape must be harmonious with the character of the neighborhood and must be approved by the Committee. This would include any ornamentation that can be seen above the fence line. Ornamentation should not create blind spots in front yard landscaping. Individual expression is encouraged so long as it does not detract from this goal.

**NOTE:** Temporary ornamentation (i.e., Halloween or Christmas displays) cannot be displayed until the month of the observed occasion. Contact the management company to determine if you might need a CC&R waiver during these occasions

### **Patio Covers and other structures**

Any permanent addition to a home, including patio covers and other structures, must be submitted to the Committee for approval prior to construction. Patio cover materials and color must match the existing house. Tile roof requirements apply only to detached buildings.

### **Planters and Walkways**

Planters, paved walkways and other landscape features visible from neighboring property must be reviewed and approved by the Committee.

### **Ramadas, Gazebos or similar structures**

Ramadas, gazebos and similar structures may be placed in the rear yards only and require prior review and approval by the Committee, subject to the following guidelines:

1. Maximum square footage (under roof area) is 144 square feet.
2. Maximum roof height is 10 feet at the highest point.
3. The structure must be set back a minimum of 7 feet from any perimeter wall.

4. The structure must be either natural wood or painted to match the house color and maintained in good condition.
5. Any roof tile must also match the tile of the house.
6. Any lighting must be approved prior to installation.

### **Roof & Wall-Mounted Equipment**

If the Dwelling Unit has a pitched roof, the roofing material for that portion visible from neighboring property must be clay or concrete tile. Any cords (electrical/cable/conduit) must be painted to closely match the base color of the house.

### **Satellite Dishes**

While the Association cannot prohibit the use of satellite dishes, they can regulate the size and location of the dish. Any dish larger than one meter (39 inches) may not be visible above the fence line to streets, neighboring property and common areas. Those homes with "view" fencing must locate the dish in the best possible location so as to minimize the visibility from neighboring property and common areas.

### **Solar Photovoltaic (PV) systems or Solar Water Heating systems**

Section 33-439 of the Arizona Revised Statutes, "Restrictions on Installation or Use of Solar Energy Devices Invalid," forbids associations from making rules that "effectively prohibit" homeowners from installing solar energy devices. The problem is: the law does not specifically define what "effectively prohibit" means.

The court did rule that a homeowners association does have a say about the use and placement of solar energy devices, but only as long as they do not make the restrictions too impractical and difficult for the homeowner, thereby "effectively prohibiting" the installation and use of such devices

Basically, an association can regulate the style, design, color, location and screening of solar devices as long as the rules don't make the device ineffective or impractical.

Any homeowner wishing to install such devices must provide the HOA with copies of permits approved by the City of Phoenix prior to construction start. In addition, you must submit copies of the roof plans indicating the locations of the thermal collector or photovoltaic systems.

### **Storage Sheds**

Storage sheds, classified as a temporary structure, shall be no higher than the fence. All storage sheds that can be viewed from neighboring property, streets and common areas shall match the character and color of the house. If a storage shed is placed near view fencing, the storage shed must be set back from the view fencing by a minimum of two feet and the storage shed shall be screened by landscaping approved by the

Committee. The storage shed shall not be served by any utility (electric, gas or water), and all roof drainage must flow back onto the owner's property. Roof turbines are prohibited. Storage sheds that cannot be viewed from neighboring property, streets or common areas shall not require prior approval.

### **Swimming Pools**

Prior to construction of a swimming pool, a homeowner should contact the Management Company to coordinate the point of construction access to assure damage to common landscaped areas and common perimeter walls is avoided. In most cases, residents will be advised to enter through the side yard wall, from the front of their homes. Any opening that affects a common Association wall shall require a Design Review submittal and a \$500 deposit for such work, payable to the HOA, and refundable after the walls and landscape are returned to their original condition.

The Committee may also require the Association to replace and repair any common wall, which has been affected to insure continuity within the community with the ability to charge back to the member for labor and materials.

Pool plans will not need prior approval unless there is a feature (pool slide or other structure), which would be visible above the top of the wall. All pool equipment shall be screened from view of neighboring property, streets and common area with walls, which match the character and color of the house, or the existing wall. If pool equipment is placed near view fencing, space must be allowed to accommodate the screening wall.

Swimming pool fence requirements are regulated by the City of Phoenix. The City should be contacted to determine the safety fence requirements for your pool. For safety reasons, all openings in walls must be securely covered during the construction to prevent children from entering and being injured.

Pools may not be backwashed or drained into the drainage ditches, natural washes, common landscaped areas, drainage-ways or streets. All backwashed water is to be retained on the owner's lot. If draining a large amount of water, this should be put down the home's sewer cleanout.

### **Window Coverings Criteria**

No reflective materials, including, but not limited to, aluminum foil, reflective screens or glass, mirrors or similar type items, or temporary window coverings such as newspaper or bed sheets shall be installed or placed upon the outside or inside of any window of any house without the prior written approval of the Committee.

No enclosures, drapes, blinds, shades, screens, awnings, or other items affecting the exterior appearance of the house shall be constructed or installed in any home without the prior written consent of the Committee. The Board has given blanket approval to all off-white, white or wood toned, shutters, mini-blinds, and vertical blinds installed on the interior of windows.

## **Windows, Security**

The Committee must approve exterior window protections (security bars or roll-up shutters) in advance. Submittals will be considered provided the minimum net clear opening size complies with City of Phoenix Construction Code, and such devices shall be releasable or removable from the inside without the use of a key, tool, special knowledge or force greater than that which is required for normal operation of the escape and rescue opening. A city permit will be required. Submittals should be high quality wrought iron in a color that matches the body of the house. Pictures or brochures should be submitted

## **Yard Sales/Garage Sales**

The City of Phoenix allows each resident 2 yard sales within a 12 month period. Each yard sale may not last more than 3 consecutive days. Signage shall meet City of Phoenix requirements as to size, amount, and placement:

- Must be anchored to the ground and must not be placed in the street, median, sidewalk, and pedestrian circulation areas. This includes street signs, stops signs and mail boxes.
- Allowed only while the event is on-going.
- Must be removed when event has been completed. Signs that are not removed once the event has been completed may be cited as a violation.