

# COLONY BILTMORE GREENS

HOMEOWNERS ASSOCIATION, INC.

## DESIGN GUIDELINES



June 10, 2022

**COLONY BILTMORE GREENS HOMEOWNERS ASSOCIATION, INC.  
DESIGN GUIDELINES**

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**---IMPORTANT---**

Any change that affects the exterior of a property – including structures, side gates, lighting and landscaping -- must be approved in writing IN ADVANCE of work beginning.

Following these Guidelines does not eliminate the need to submit requests for written approval PRIOR to work beginning.

No installation or commencement of any work permitted until written approval(s) are obtained.

Any modification not specifically approved in writing will be required to be modified or removed at the property owner’s expense, and a fine may be assessed.

All buildings and structures erected within CBG and the use of all land within CBG shall comply with all applicable City of Phoenix zoning ordinances, including lot coverage, building codes and other Maricopa County ordinances as well as the Declaration and these Guidelines.

**COLONY BILTMORE GREENS HOMEOWNERS ASSOCIATION, INC.  
Design Guidelines**

**I. INTRODUCTION**

WELCOME to the COLONY BILTMORE GREENS HOMEOWNERS ASSOCIATION, INC. (“CBG”). The Community has a strong commitment to protect and preserve its aesthetic value. It is the goal of the Architectural Committee to help you realize your home improvement goals by providing clear guidance when contemplating an exterior remodel or landscape changes. It is the intent is that all aspects of this Arizona heritage community be aesthetically appealing. When reviewing architectural requests, the Architectural Committee seeks to achieve the overall goal of harmony of external design in relation to the surrounding structures, topography, and geographic location and in the relationship within the Arizona Biltmore Estates Village Association (“ABEVA”). Preserving the open green spaces and front yards are significant contributors to this community’s aesthetics. Property values are often preserved by prohibiting clashing styles, incongruous materials, discordant colors, featureless landscapes and adding or maintaining enhancements like street monuments, entry monumentation and the guarded entry. In order to implement and preserve these principles, these Design Guidelines have been established to maintain certain standards by which the community may thrive for years into the future.

The Design Guidelines (“Guidelines”) provide an overall framework and a comprehensive set of guidelines by establishing criteria for the design, size, location, style, structure, materials and color of architecture and landscaping, as well as relevant criteria for the construction or the

modification of all improvements; made by any party. They also establish a process for the judicious review of proposed Improvements or alterations. However, the designs are not the exclusive basis for decisions of the Architectural Committee, variances are allowed and will be considered with individual applications but also note, compliance with the Design Guidelines does not guarantee approval of any application. The Committee is here to work with you to achieve your goals.

All terms used but not defined herein shall be given the meanings ascribed to them in the Declaration of Covenants, Conditions and Restrictions for Colony Biltmore Greens Homeowners Association (the "Declaration" or "CCRs") and any supplements or amendments thereto, unless the context requires otherwise. In the event of conflict between the Design Guidelines and any government ordinance, building code or regulation, the more restrictive standard shall prevail.

The Architectural Committee "Committee" or "ARC" pursuant to Article VIII of the Declaration will administer the Design Guidelines. The Committee is specifically charged with the responsibility for reviewing all architectural and landscape applications submitted by homeowners BEFORE any changes that affect the exterior of the property or modifications to landscape are made. Prior to any change, addition or alteration being made, an application must be submitted to the Committee containing all required information.

These Guidelines outline those characteristics that have created a unique community that will stand the test of time without being so restrictive that buildings within the neighborhood appear outdated by following styles that no longer support the special qualities of this unique region where CBG is located.

**The Committee routinely does grant variances from the Guidelines.** If the Committee determines, in its discretion, either that a restriction would create an unreasonable hardship or burden on an owner as determined by Committee, or that a change of circumstances since the recordation of the Declaration has rendered such a restriction obsolete and that activity permitted under the variance will have a positive aesthetic, not have any substantial adverse effect on the property owner or CBG and is consistent with the high quality of life intended for property owners within CBG, a variance may be granted.

## II. ARCHITECTURAL REVIEW PROCESS

### Submittal

Application and plans (which are kept on file with the Association) should be forwarded to

**Colony Biltmore Greens Homeowners Association, Inc.**

**C/o Vision Community Management**

**16625 S. Desert Foothills Parkway, Phoenix, AZ 85048**

**Phone : 480-759-4945 Fax : 480-759-8683**

**Email: [colonybiltmoregreens@wearevision.com](mailto:colonybiltmoregreens@wearevision.com)**

The following information must be included with each submittal.

1. Application Form – a completed application form. Blank application forms can be obtained directly from Vision Community Management, simply email your request to the address above or direct connect via the link: [colonybiltmoregreens@wearevision.com](mailto:colonybiltmoregreens@wearevision.com)
2. Plot or Site Plan – A plot plan, site plan or simple sketch showing dimensions, relationship to existing dwelling and property lines (setbacks). Measurements must be written on plans.

Residents are encouraged to submit photographs of impacted areas and sample products to be used.

3. Elevation Plans – Plans showing finished appearance of the proposed addition or change in relationship to existing dwelling. An accompanying color photograph of the proposed location would be helpful.
4. Specifications – Detailed description of materials to be used and material samples should be included in the submittal. Color photographs are helpful.
5. Work and Time Details – Information as to who will be performing the work and the estimated time of completion.

**All buildings and structures erected within CBG and the use and appearance of all land within CBG shall comply with all applicable City of Phoenix zoning ordinances, including lot coverage, building codes and other Maricopa County ordinances as well as the Declaration and these Guidelines.**

**Maximum lot coverage for all residential lots in our zoning district (PAD 8) is 40% inclusive of all roofed areas or structures capable of supporting a roof divided by the net area of the lot. The first three feet of roof overhang or projection shall not be included in the lot coverage.**

[As an addendum #1 to this document, please see more detail regarding the zoning, setback and lot coverage requirements for CBG.](#)

**NOTE: Only Home/Lot owners may request approval. Requests for approval may be submitted only after escrow closing on the acquisition of a Home/Lot.**

**Review – Approval and/or Disapproval.**

The Committee shall have 30 days from receipt of the completed submittal by the property management company to approve or disapprove plans. Review and approval or disapproval will include but not be limited to, consideration of material, colors, consistency with the external design and color of existing structures on the Lot and to neighboring lots. The location of the improvements with respect to topography and finished grade elevation will also be considered.

At the discretion of the Committee, if the homeowner request is deemed of a complicated nature, the Committee will have the option of hiring an outside consultant to assist in the review. The cost of the consultant would be a responsibility of the homeowner. In the event an outside consultant were needed, the review period could be extended beyond the 30 days noted above.

The Committee nor the Board of Directors shall not have any liability in connection with or related to approved or disapproved plans, specifications or improvements. The approval of the plans does not mean that judgment is passed on the structural soundness of the addition or its effect upon existing or future damage. Review of plans by the Committee is for aesthetic purposes only.

**Approval Expiration** – Construction must be started within 180 days of the date of the Committee’s approval of the applicable application or the Committee’s approval shall be deemed withdrawn and plans must be resubmitted in accordance with these Guidelines.

**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 12 months after the date of the Committee's approval of the applicable application. Extensions will be considered on a case-by-case basis but would be subject to review of the project status, obtaining a revised schedule and evidence of work proceeding in a timely manner.

**PRIOR TO THE COMMENCEMENT OF ALTERNATIONS, WORK OR CONSTRUCTION, THE COMMITTEE MUST APPROVE ALL PLANS. APPROVAL TO PROCEED SHALL BE REQUIRED IN WRITING FROM THE COMMITTEE.**

### **III. ARCHITECTURAL AND DESIGN CHARACTER**

1. The architectural design of all additions, alterations and renovations to the exterior of any residence shall conform to the design in style and detailing to the extent materials are still available or modified by these guidelines. .
2. The height of any addition to an existing residence shall not be higher than the original roofline.
3. All additions to residences shall be built within the setback lines originally established for CBG or as changed with the requisite approval of the City of Phoenix.
4. All materials used in the maintenance, repair, addition and alteration of any structure or Improvement subject to review hereunder to the extent materials are still available, shall match those used in the initial construction of the Improvement as to composition, type and method of attachment. The Committee may allow substitute materials if it deems such materials compatible with the theme of the Community or as modified by these Guidelines from time to time.
5. No addition, alteration or renovation of an existing residence or any other activity on a Lot may alter the established Lot drainage away from all structures.
6. Any addition or change to a Residence shall be within the model selection choices offered by the original Builder, or if it was not offered by the original Builder, may not exceed ten percent (10%) of the footprint of the Residence (subject to compliance with City of Phoenix zoning and codes, including lot coverage). Lot coverage is 40% of the lot area under roof as further defined on page 5, Architectural Review Process II (5).
7. Where a second story room is added, window placement to maintain privacy of neighbors is required. Also, note that when requesting a second story addition, approval of neighbors will be required.

### **IV. DESIGN GUIDELINES**

**A. ACCESSORY STRUCTURES** - Accessory structures may be erected in rear yards only. Accessory structures shall include gazebos, ramadas, and pergolas, play structures, etc. These structures shall require shielding or screening with approved landscaping materials to not be visible from the street or community common area open spaces. The intent is to use colors that are consistent with the Community; however, materials are subject to review by the Committee. Play structures greater than 6 feet are expressly prohibited. Other rear yard accessory structures greater than 6 feet in height are subject to approval by the Committee.

If a structure is requested to be constructed, the requesting homeowner must meet with and inform the impacted neighbors giving them the opportunity for comment. Separately, the Committee will review for impact to common areas. It is suggested that the requesting homeowner contact affected neighbors for input in advance of submitting a request to the Committee. Prior to approval or denial from the Committee, the Committee will seek the comments from impacted neighbors.

See Section V of this document for more details relating to Storage Sheds.

**B. ANTENNAS AND SATELLITE DISHES** - This section applies to antennas, satellite television dishes, and other devices (“Receivers”), including any poles or masts (“Masts”) for such Receivers, for the transmission or reception of television or radio signals or any other form of electromagnetic radiation. All Receivers one (1) meter or less in diameter are subject to the provisions of Title 47, Section 1.4000 of the Code of Federal Regulations (“Federal Regulations”) and shall be installed in the following locations, listed below in 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 rear yard of the Lot.
3. On the roof, but completely below the highest point on 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 from the street by landscaping or other improvements.
5. A location in the front yard of the Lot where the Receiver will be screened from view by landscaping or other improvements.

All brackets and cables used for installation of the dish must be securely attached and painted to match the color of the surface to which they are attached.

**C. AWNINGS, OUTDOOR DRAPES AND OTHER ARCHITECTURAL FEATURES** - Awnings, outdoor drapes, canopies, shutters, tile, iron, stone or other such architectural features on the front of the residence must conform to the theme and color scheme of the residence and Community. Awnings, outdoor drapes or canopies must be a high quality and durable fabric or material of a solid color. Patio awnings must be retractable, horizontally stabilized and made of quality material. The total square footage of the patio must not exceed ten percent (10%) of the livable square footage of the residence. Submittal and approval of such items must include a drawing with the location of the proposed installation, a sample of the material to be used, colors and designs in advance of installation. Owners shall be responsible for the maintenance and repair of such items. The Committee retains the right to determine when items must be cleaned, repaired or replaced due to weathering, fading, tearing, etc. If a homeowner is notified that items need repair, the homeowner will have 90 days to complete the repair or replacement.

**D. BASKETBALL GOALS** – No permanent basketball goals or backboards attached to a freestanding pole may be constructed, installed or maintained on a Lot. No portable basketball goals or backboards may be kept or stored on a Lot to be visible from neighboring property or street. Backboards shall not be attached to the house, garage or roof.

**Note:** Basketball courts are available for use in both the east and west tennis court common areas within CBG.

**E. CLOTHES DRYING FACILITIES** - No outside clotheslines or other outside facilities for drying or airing clothes shall be erected, placed or maintained on any Lot, parcel or other property to be visible from neighboring property.

**F. COURTYARDS** - Walled courtyard areas are defined as an enclosure of the front portion of the residence to create a private/semi-private walled area. Courtyard walls must be constructed of concrete masonry unit (CMU) block and be stucco and painted to complement the body color of the home. Front walls enclosing entry areas creating a private courtyard shall be no less than forty-eight (48) inches in height. Front courtyard pillars/columns are limited to a maximum height

of sixty (60) inches. Modifications to courtyard wall and pillar height requirements may be made on a case-by-case basis with strong consideration given to the home elevation. Owners must submit detailed information with exact height, materials to be used, picture or drawing of the home elevation. Subject to approvals, the placement of outdoor light fixtures is permitted on top of the pillars/columns. All wiring for outdoor lights must be concealed within the body of the pillar. .

Courtyard walls and pillars/columns, as described, cannot be outside the building setback area.

All gates installed on courtyard entrances must be submitted to the Committee for approval. Note: See more detail regarding gates in Section M of this document.

Plans to raise the height of a shared wall or common area wall must be submitted for approval. Any submittal should include the written permission of the adjacent neighbor. Walls must be covered in stucco and painted to match the existing dwelling.

**G. DECORATIVE ART ON HOUSES / LAWN ART** Decorative Art on the front or side of a house or walls that are visible from the street is prohibited. Artifacts, statuary, yard ornaments, gnomes, wagons, wagon wheels, barrels, wishing wells, sculpture, bird feeders, gazing balls, banners, murals, wall paintings, plaques, and items of this nature are not permitted in the front of any home.

Residents are encouraged to create a welcoming front entry to their home. Potted plants/flowers near the home entry of a reasonable number are not considered yard art and will not require approval by this Committee.

Fountains will be considered however will require approval in advance.

**H. DRAINAGE** - No residence, structure, building, landscaping, fence, wall or other Improvement shall be constructed, installed, placed or maintained in any manner that would obstruct, divert, interfere with or change the direction of flow of water in accordance with the drainage plans for the Community, or any part thereof, or for any Lot or Parcel as shown on the drainage plans on file with the City. Each Owner shall, at their own expense, maintain the rear yard drainage ways and channels on their Lot or Parcel in proper condition free from obstruction.

**I. DRIVEWAYS, EXTENSIONS AND SIDEWALKS** – Driveway modifications will be reviewed on a case-by-case basis. If a modification were to be considered for approval by the Committee, the Committee would consider several factors, including but not limited to:

1. Extensions not to exceed two (2) feet in width on the interior and/or exterior sides of the existing driveway,
2. Comparison of the existing total driveway / concrete area to the proposed.
3. Submittals must include a plot plan with the following noted thereon: (a) the location and dimensions of the proposed extension; (b) the existing driveway dimensions; (c) the total linear feet of Lot frontage; and (d) the material proposed for the driveway modification/extension.
4. Painting of paved surfaces is prohibited.
5. Driveway changes such as replacement, pavers or resurfacing with stamped concrete will be considered, however they must be submitted for approval in advance of work beginning.



6. When replacing a driveway, a 3-inch diameter PVC (schedule 40) pipe to serve as a conduit must be installed near the sidewalk to facilitate future repairs to landscape irrigation.

All proposals for driveway extensions or modifications need to be approved by the Committee in advance. Driveways shall not exceed the width of the garage of the home. Driveway materials such as pavers as well as stamped colored concrete will be considered. Asphalt, stone, rock, or similar material will not be considered. When making changes or updates, the concrete must match the existing seamlessly in color and texture (or completely redone). Painting a driveway OR placement of decals is not permitted.

**Sidewalk** changes or modifications must be approved in advance and will be reviewed on a case-by-case basis. Sidewalks installed to utilize the side gates must be submitted for approval and will be considered if certain conditions are met. The additional sidewalk would need to be four (4) feet or less in width and is setback one (1) foot or more from the property line and one (1) foot or more from the home. Such setback areas must have groundcover installed to match the existing front yard ground cover (i.e., decomposed granite, shrubs, grass). Exceptions reviewed on a case-by-case basis depending upon site conditions.

**J. EXTERIOR LIGHTING** – No spotlights, floodlights, or other high intensity lighting shall be placed or utilized on any Lot, which will allow light to be directed or reflected on any other Lot or any public street, this includes motion activated or motion sensor lighting. Lightening shall be a maximum of 800 lumens, 2700K and ‘warm’ in color. Exposed bulbs should be decorative in nature. Type and style of bulbs should be included in the request for approval.

Exterior lighting shall be permitted on a Lot or Parcel so long as (i) the source of such lighting is not visible from neighboring property; (ii) the source of the lighting is not pointed at or directly illuminates any neighboring property; (iii) such lighting is limited to that which is reasonably necessary for the safety and convenience of the residence Owner; and (iv) such lighting conforms with such other requirements as may be imposed by the Committee. Neighboring property for this section shall include Lots and Parcels, common areas, streets.

The Committee retains the right to determine when light fixtures must be cleaned, repaired or replaced due to weathering, rust, fading, tearing, etc. If a homeowner is notified that items need repair, the homeowner will have 90 days to complete the repair or replacement.

The replacement of older front outdoor lighting attached to the garages and near the front door is encouraged. Please include complete details of the light fixtures, color, size and bulbs to the Committee in advance of the work being started.

**K. FLAGS AND FLAGPOLES** - Per Arizona Statute #33-1808, display of one of the following flags shall be permitted: American, Arizona State, United States Air Force, United States Army, United States Navy, United States Marine Corp or United States Coast Guard, POW – MIA, Gadsden or an Arizona Indian Nation, and flags that support first responders, law enforcement and the military. No political, religious, disputatious, polemical or controversial flags are permitted. It is the intent this provision comply with Arizona statutes for the display of flags. Should that statute be changed or modified, this provision will match that new requirement. Sport team flags would be allowed 3 days prior to game days and must be removed the day after game day.

Prior approval is required for flagpoles that are installed in the front or rear yard of the Lot. If a permanent flagpole is considered it must be at least fifteen (15) feet from the property line. The height of the flagpole shall be no greater than the height of the highest point of the roofline. Flagpoles that are house mounted below the roofline of the Residence do not require prior approval of the Committee. Only one flagpole of any type (free standing or house mounted) is permitted on a Lot.

**L. GARAGES** - The Committee in advance of installation must approve garage door replacements. Garage doors that have horizontal windows placed high in the door are permitted. If windows are to be part of the garage door, windows should be at the upper location and preferably contain a glass that is frosted or otherwise muted (not clear) so as to no allow visibility of the garage contents. Garage door vents in any location on the door is not permitted. A picture (preferably in color) of the garage door, details on the materials, texture, decorative hardware, or windows needs to be included in the application for approval.

**Note:** The garage door must be painted in a color to match the home.

Additional information regarding the use of garages can be found in the Community Rules.

**M. GATES** - All requests for additional gates, replacement or alterations to existing side yard gates must be submitted for Committee approval. Single gates may be all metal, natural wood, stained a natural wood color with black metal frames, or may be a wood composite to match natural wood with black metal frames. Gates may slightly exceed the height of attached fence or wall if slightly curved or decorative. Gates that open to Association owned tracts or common areas are prohibited. The homeowner is required to keep all gates in good condition. Gates can be solid or contain slats for privacy screening with at least 90% reduction in the ability to see into the side yard. Gates that do not meet these criteria will not be considered. The objective of solid or screen gates is to screen from street view such personal items as garden equipment, pool equipment, BBQ equipment, trash cans and other items of this nature. If there are two side yard gates, these much match and be of the same material and design. If an existing gate does not screen the side yard from such items listed above, the items shall be removed from view or the gate modified or replaced to achieve the 90% screening requirement.

Metal Ornamental Gates: Full metal gates with privacy screening will be reviewed on a case-by-case basis. The gate color shall be black, brown or must match the base color of the block wall fence return. Under no circumstances may the gate depict characters, logos, messages, animals or any images of a distracting nature as decided by the Committee.

Wooden Gates: Wooden gates will be reviewed on a case-by-case basis. Wooden gates may have simple decorations such as ornamental metal tops if not overly ornate and under no circumstances may the decorative top of the gate depict characters, logos, messages, animals or any images of a distracting nature as decided by the Committee. Ornamental tops shall be black, brown or must match the base color of the block wall fence return. Wooden gates shall be stained a neutral color or may be painted to match the base color of the block wall fence return.

The Committee retains the right to determine when gates must be cleaned, repaired or replaced due to weathering, rust, fading, tearing, etc. If a homeowner is notified that a gate needs repair, the homeowner will have 90 days to complete the repair or replacement.

**N. ROOFS, GUTTERS, SCUPPERS AND DOWNSPOUTS** - All roof types, designs, colors and materials must be approved in writing by the Committee in advance of all demolition or new construction. The roof on a building shall be uniform in color, texture, shape and material. Color, texture, shape and material of the roof should be compatible with the neighborhood. The color of the roof should complement the building style and exterior color scheme.

The use of asbestos or wood shingles is not permitted.

For replacement of concrete tile roofs, the following materials and colors are approved:  
Phoenix area manufacture for all replacement roof tile: Eagle Tile

**SS 12 Capistrano individual solid colors**

**#3522**

**#3530**

**#3538**

**SS 16 Capistrano blended colors**

**#3698**

**#3697**

**SS 35 Bel Air individual solid colors**

**#4502**

**#4503**

**#4595**

**SS 40 Bel Air blended colors**

**#4689**

**#4602**

Gutters, scuppers and downspouts may be considered for approval. The finish on it must compliment the dwelling in color. High quality materials that offer long life are recommended, as the Lot owner will be required to maintain the addition in good repair. Applications are to include the proposed locations of the gutters, scuppers, and downspouts and the quality of materials to be used.

**O. HOLIDAY DECORATIONS AND LIGHTING** – Rules for displaying lights and decorations may be found in the COMMUNITY RULES.

Owners may display holiday lights located or visible from outside their residence if the lights are of reasonable size and scope and do not disturb the quiet enjoyment of other owners in the Community by excessive light or sound emission. Inflatable decorations are not allowed.

No colored bulbs are permitted in the community except during holiday periods of Easter, Halloween, Thanksgiving and Christmas, Hanukah and year-end holiday periods. All decorative lights shall be removed within 5 days after the holiday.

Sport team flags would be allowed 3 days prior to game day and must be removed within 1 day after game day.

The Committee reserves the right, on a case-by-case basis, to determine if decorations or lighting may be offensive to Association members or cause any kind of disturbance based on

size, quantity, color, location or other such criteria. The Committee reserves the right to require immediate removal of said offensive items on a case-by-case basis.

**P. HOUSE PAINT, PAINT COLORS, and STUCCO FINISHES** - Prior to exterior painting, the Committee must approve proposed colors from the approved paint pallet.

**The CBG approved exterior paint colors are:**

- a. **Dunn Edwards, DE6124 Whole Wheat**
- b. **Dunn Edwards, DEC716 Stoneish Beige**
- c. **Dunn Edwards, DEC747 Sahara**
- d. **Dunn Edwards, DE6190 Ball of String**
- e. **Dunn Edwards, DET648 White Picket Fence**

**Note:** Navajo White, Dunn Edwards DEC772 is no longer an approved home paint color. Consideration shall be given to homes that currently have Navajo White when making needed repairs or repainting the entire home.

**Note:** All whole-home exterior repainting will require an application to the Committee; this includes repainting of an existing color.

Trim or accent colors are not permitted. Trim should remain the same color as the body of the home. The homeowner must maintain all wood headers, terra-cotta details or stone accents. All visible signs of fading, chipping streaking, cracking or peeling must be repaired and properly maintained. All new paint requests of front façade or repainting the home the existing color includes matching all visible sides and rear of the residence.

A residence needs to be repainted when showing signs of fading, chipping, streaking or peeling. Homeowners are required to repaint homes every 10 years. Approval is not required for touchups. Touchups must be consistent and match the rest of the home.

All stucco resurfacing and changes in texture must be submitted for approval in advance of any work beginning. Smooth, Santa Barbara smooth, fine sand finishes any other stucco texture needs a sample included with the application for approval.

**Note:** Some previous textures such as Spanish Lace is no longer an approved stucco finish.

**Repair vs. Replace:** For clarification, if a homeowner is making a repair of stucco or paint, then it is acceptable to use the existing stucco pattern and paint color to match. If the entire home is to have new or modified stucco or new exterior paint, then the homeowner must select from the approved colors as noted above.

**Q. PARK BENCHES OR OUTDOOR FURNITURE** - Benches and other outdoor furniture, including cushions and umbrellas are allowed in the front porch or courtyard areas of the home so long as they are of natural, earth tone colors to complement the home and are kept in like new condition. Outdoor furniture of any kind, including cushions and umbrellas, that are visible from the street must be submitted for Committee approval. White or brightly colored resin benches, umbrellas, tables, chairs, cushions, pillows or chaises are prohibited if visible from neighboring property or from the street.

**R. FRONT PATIO COVER ADDITIONS** - Proposed patio covers not offered by the original Builder, may be considered if they comply with City of Phoenix zoning and do not exceed ten percent (10%) of the footprint of the Residence. Color and materials must match the home.

Please refer to page 5 and Addendum #1 regarding setback requirements and lot coverage restrictions.

Patio cover roofs shall be flat or match the pitch of the roof of the home. All patio covers will need to be approved by the Committee on an individual basis prior to installation, with strong consideration being given to any impact of architectural features in the neighborhood.

Skylights visible from the street, to an adjacent neighbor or the common area will need approvals by the Committee.

**S. POOLS, SPAS AND JACUZZIS** - In ground swimming pools do not require the prior approval of the Committee subject to the following restrictions: (a) perimeter walls on Lots bordering common areas cannot be torn down to allow access to rear yards. **A monetary assessment will be applied to an Owner if any which such wall has been removed without Committee approval;** (b) access for pool installation shall be through the front gate access or by removing a portion of the front wall. Repairs to the front wall must be completed in a timely fashion and include repairing the wall to match the texture and color of the remaining wall. In addition, any landscape that may be destroyed or damaged must also be replaced; (c) Owners are responsible to ensure all codes and ordinances are complied with regarding the installation of a pool; (d) pools may not be backwashed off the Lot. Check with your pool contractor concerning ordinance requirements for backwashing your pool. The Association will repair damage to common areas due to backwashing and all expenses incurred by the Association will be charged to the Owner.

Above ground pools or spas shall not be visible from neighboring yards, common area or the street

**POOL FENCING AND EQUIPMENT** - The specifications for rear yard pool fencing meet all City, County, and State and Federal requirements.

**POOL SCREENING WALLS** - All pool and spa equipment must be screened from street view.

**T. FRONT DOORS** – Wood or wrought iron doors must be submitted for approval in advance. Under no circumstances may the door depict characters, logos, messages, animals or any images of a distracting nature as determined by the Committee.

Acceptable are those doors that are powder coated or painted to match the base color of the home or are a neutral earth tone color such as dark bronze, dark gray, charcoal or black.

Silver colored aluminum screen/security doors and/or wire screen mesh doors are strictly prohibited on front doors.

Reflective window films are expressly prohibited.

**U. SIGNS** – Except for those required by law, no sign such as posters, circulars and billboards shall be erected within the Community. The following types of signs may be erected on a Lot or Parcel without written consent so long as the permitted signs are professionally painted, lettered and constructed:

1. Legal: Signs required by legal proceedings.

2. Realty: Signs do not require Committee approval so long as they are used in compliance with the following guidelines: No more than one (1) professionally lettered "For Sale" or "For Rent" or "Open House" sign with maximum size to be twenty four (24) x twenty-four (24) inches to be placed on any individual Lot within the Community. Such sign shall be located wholly within the Lot being advertised "For Sale" or "For Rent". Open house presentations will be permitted between the hours of 8:00 a.m. to 6:00 p.m. Open house signs cannot be in Association common areas.
3. Home Security and Alarm: Owners shall be permitted to post a reasonable number of professionally designed home protection/security signs from a security/alarm company providing services to such Owner or the residence. One single-sided security/alarm sign may be placed in the front yard where it is visible to persons approaching the residence and a sign may be placed in a window of the residence.
4. Temporary signs such as Pool or Landscape: One temporary sign identifying the contractor installing landscaping or a pool on the Lot or Parcel, but only during the period that such installation is in progress.
5. Political: Political signs do not require prior approval from the Committee so long as they are used in compliance with the following guidelines and / or Arizona law: (a) political signs are not restricted in number; each owner is limited to an aggregate total of sixteen (16) square feet of signage on their property. In compliance with Arizona law, political signs may not be in place more than seventy one (71) days before an election and must be removed within fifteen (15) days after the election to which the sign pertains; signs must conform to City or County sign ordinances or may not exceed a total of nine (9) square feet. Political signs cannot be placed in Association owned property.

**V. SOLAR EQUIPMENT PANELS OR DEVICES** - No heating, air conditioning, evaporative cooling or solar energy-collecting unit or panels shall be placed, constructed or maintained upon any Lot without the prior written approval of the Committee.

Owner should consider and discuss potential glare issues onto adjacent properties with solar installer prior to installation to avoid nuisances after the solar panels become active. The Committee does not review solar panel submissions for potential glare, due to the numerous potential factors involved and information that is not readily available to the Committee for such review. Any subsequent-to-installation glare or nuisance related to adjacent properties will need to be resolved by Owner and the adjacent Owner, not by the Association.

Solar collecting panels and devices must be placed so as not to be visible from neighboring property, or are placed in such locations and with such means of screening or concealment as the Committee may reasonably deem appropriate to limit, to the extent possible, the visual impact of such solar collecting panels and devices when visible from neighboring property or from the street, if possible. Solar roof panels should be made to look like an integrated part of the roof design and mounted directly to roof plane and may not break roof ridgeline. Any visible cabling must match existing color theme to blend in with roof, eaves, trim, etc. Cabling must be attached to structure and not allowed to hang loose.

Owners shall comply with these requirements to the extent such compliance does not prevent the installation, impair the functioning of the device or restrict its use, or adversely affect the cost or efficiency of the device.

**W. STORAGE SHEDS** - Storage sheds will be considered subject to Committee approval. To be considered for approval, the storage shed, the maximum height of the shed, including the roof, shall not exceed the height of the immediate surrounding wall(s) or fence(s). The shed shall have a minimum setback of five (5) feet from any rear or side walls.

Sheds must be constructed of materials that match the materials in the original construction of the residence. Shed must match in color (or painted to match) the exterior color of the residence.

**X. TANKS** – Underground fuel storage tanks must comply with all local, state and national installation guidelines including setback requirements. Nothing herein shall be deemed to prohibit use or storage upon any Lot or Parcel of an above ground propane or similar fuel tanks with a capacity of ten (10) gallons or less used in connection with a normal residential gas barbecue, grill, fireplace, spa or “hot tub”, so long as any such tank is appropriately stored, used and/or screened, in accordance with the Design Guidelines or as otherwise approved by the Committee so as not to be visible from the street. If the tank or tanks are visible through the side gate, the gate shall be modified consistent with section M GATES of this document.

**Y. WALLS AND FENCES INCLUDING DECORATIVE WALLS** - Plans to modify any boundary walls or property lines must be submitted for approval, this includes boundary walls and property lines as well as walls that separate lots. The application must include written permission from the adjacent neighbor(s), as well as information on the height of all walls that will abut the wall(s) being modified, materials to be used and texture and color of the finished wall. Side and rear walls may not exceed six (6) feet in height from ground level, as measured from the highest side of the wall.

Decorative walls in the front of houses shall be a minimum of forty-eight (48) inches in height but cannot exceed sixty (60) inches in height. Pillars or columns shall not exceed sixty (60) inches in height. Such decorative walls, pillars or columns shall be stucco and painted to match the body color of the home. The placement of outdoor light fixtures required on the top of the pillars/columns. All wiring for outdoor lights must be concealed within the body of the pillar. The location of all decorative walls, pillars and columns shall not encroach into the building setback lines and must be approved by the Committee.

See Section F of this document for additional detail relating to Courtyards.

**Z. WINDOW COVERINGS/SCREENS** - Drapes or other window coverings such as blinds and inside shutters must be white, off-white or have a white lining or backing. 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. No towels, sheets or other materials are permitted.

All window cladding / color and style must be consistent and match the entire home. If a replacement window is needed and current the manufacture has been discontinued, please note that your request form with photographs of the old and proposed replacement.

Any fogged glass or windows due to cracked seals or water damage must be cleaned or replaced with 120-day notice.

## **AA. LANDSCAPING REQUIREMENTS AND GUIDELINES**

**FRONT YARD LANDSCAPING** – The goal of landscaping within CBG is to increase the overall greenery by maintaining or increasing existing natural turf and adding evergreen trees, green leafy plants, flowering plants, ground cover, and other plant materials that achieve that objective. The Association maintains the front yard landscaping as installed including trimming, grass cutting, irrigation maintenance and the cost of water paid through the HOA. The cost of plant replacement is the responsibility of the homeowner; however, the HOA landscape service can assist in replanting and sprinkler placement for the replaced plant material.

If a homeowner would like to make changes to the front yard landscaping, the Committee must approve detailed plans including a plant list, drip irrigation system and sprinkler system detail needed in advance. Depending upon the requested changes to the front yard landscaping, some landscape maintenance and watering may be required to come from the homeowner versus the HOA. The Committee would be able to advise the homeowner at the time of request who would have the maintenance and watering responsibilities.

The Committee must approve all front yard-landscaping improvements prior to installation.

New installations of turf should never abut the foundation of a home, common area walls or homeowner walls due to the damage to structures caused over time due to watering.

Lightening shall be a 2700K and ‘warm’ in color.

Damage to the Association sprinkler system caused by the homeowner must be repaired or replaced at the homeowner’s expense.

**Note:** Please see Addendum 2 for approved plant material lists.

**GRANITE** – The Community has selected Table Mesa Brown as the color for all gravel or decomposed granite ground covering. This neutral earth tone color will blend into front yard landscapes and common area. When replacing granite, it should be Mesa Brown in a minimum of 1” minus (screened) of all smaller dirt and debris in size.

Granite shall be installed with a minimum one and one-half (1½) inch thick layer. All granite areas must be treated with a pre-emergent weed control at regular intervals to retard weed growth.

In no event will white, pink, blue, lavender or other artificially colored granite be allowed.

**BOULDERS** - Use of boulders to create a natural setting is subject to the Committee approval. Consideration for use of boulders would need to meet the following criteria:

Boulders must be “surface select” granite boulders and must be buried with one-third of the boulder being underground. Boulders shall be installed in a naturalistic manner and integrated within the landscape including other boulders or landscape materials such as plants, decomposed granite and contouring.

**TURF** - The Community enjoys the benefits of mature landscaping and seeks to, at a minimum, maintain the existing live turf in front yards and common areas. No turf or spray irrigation shall abut walls or fences. Planting areas of at least five (5) feet are recommended between walls, fences, structures and turf or spray irrigation. Great care should be taken to avoid spraying of walls, fences and other structures that may cause damage and void any warranty. Drainage



should flow away from all walls and any structures.

No artificial turf is allowed in the front of homes.

All turf must have a permanent border such as, extruded concrete curbing, brick border or other permanent material approved by the Committee.

**IRRIGATION** - All landscape irrigation must be underground, automatic and low water use drip systems, except for turf or flowerbed areas, which may use spray systems. Overspray onto sidewalks and streets is strictly prohibited. Great care should be taken to avoid spray of walls, fences and other structures that may cause damage and void any warranty.

**LANDSCAPE LIGHTING** - Landscape lighting shall be low-voltage only. Landscape lighting must be controlled with an electric clock or photocell device. Light sources must be shielded from view. See more specifics on lighting in Section J of this document.

**PROHIBITED PLANT MATERIALS** - The following vegetation types and varieties are expressly prohibited due to reasons of profuse and noxious pollen, excessive heights and weed-like characteristics of excessive growth, high water demands or other similar traits. Under no circumstances is it permissible to plant a prohibited plant or allow it to remain within the front yard or rear yard of any Lot within the Community:

1. Olive trees (*Olea Europaea*) other than the "Swan Hill" variety
2. Oleanders other than the dwarf or petite variety (*Nerium Oleander*) and *Thevetia* species
3. Mexican Palo Verde (*Parkinsonia aculeata*)
4. All varieties of Mulberry trees
5. Eucalyptus (all varieties)
6. Sissoo Trees
7. Cactus (all types are permitted in rear yard only)
8. Citrus Trees and other Fruit Trees (permitted in rear yard only)
9. Pine trees

**Note:** If any homeowner would like to remove a tree from your property, the tree must be replanted either someplace else in the homeowners yard or homeowner must replant the tree some place in the common areas of the community. The homeowner also has the option of paying the association \$500 to replant the tree in the common areas for them.

**Note:** Only 35-gallon replant trees will be acceptable from the approved plant list.

**FINE GRADING & MOUNDING** - Fine grading is a critical aspect of landscaping. Each Lot was originally graded such that all storm water will drain away from the residence. It is important that this drainage pattern be maintained when preparing the landscape design, especially if mounding or berming is proposed. In all cases, the installation must comply with the applicable county grading and drainage plan. Every effort should be made to make the mounding appear natural.

**The Committee must approve WATER FEATURES, FOUNTAINS** - Water features or fountains to be located in the front yard in advance of installation. Water features visible from neighboring property may not exceed five (5) feet in height and must be earth tone in color.

All maintenance and water costs for features and fountains will be responsibility of the homeowner; it is recommended that water be chlorinated.

**HARDSCAPE** - The Committee must approve any hardscape items proposed for front yard installation in advance. Materials included in hardscape are concrete, brick, tile, wood, etc. Examples of hardscape items are planters, walkways, retaining walls and decorative walls, driveways, changes to concrete, colored concrete, pavers, decorative plant pots, planter boxes and outdoor fireplaces.

**BB. PARKING AND DRIVEWAYS** - Replacement driveways or extensions will be considered. Materials including concrete, colored or stamped concrete and pavers will be considered.

### **CC. CONSTRUCTION, RENOVATION, DUMPSTERS**

Addendum #1: Zoning Ordinance Language affecting CBG for Lot Coverage & Height

Addendum #2: Approved Landscape Materials

Addendum #3: Construction and Dumpster Guidelines (THIS DOCUMENT NEEDS TO BE CREATED AND needs to include specifics on placement of dumpsters, i.e. when they can go in the driveway, the street, support under the dumpster to not damage the street, frequency of dumping, placement and maintenance of port-a-potty, days of the week, hours of operation that construction activity will be permitted.