

# Architectural Committee Rules

**The Terraces at Tiburon Condominium  
Association, Inc.**

Adopted: 6/6/2023

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## Introduction

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In accordance with the Declaration of Condominium and Declaration of Covenants, Conditions and Restrictions for The Terraces at Tiburon Condominium and any subsequent amendments thereto (the “CC&Rs”) and the Bylaws of The Terraces at Tiburon Condominium, Inc. (the “Bylaws”), the Architectural Committee for The Terraces at Tiburon Condominium Association, Inc. (the “Association”) may adopt Architectural Committee Rules.

Pursuant to Section 6.3 of the CC&Rs and Article VI of the Bylaws, an Architectural Committee has been established to review all applications for alterations, additions, or improvements within the Association, in accordance with Section 4.3 of the CC&Rs and the Architectural Committee Rules.

Pursuant to Section 15.11 of the CC&Rs, in the event of any discrepancies, inconsistencies, or conflicts between the Architectural Committee Rules and the CC&Rs, the CC&Rs shall prevail in all instances. Unless otherwise defined herein, capitalized words and phrases used in the Architectural Committee Rules shall have the same meaning assigned to them in the CC&Rs.

## Architectural Review Process

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The Architectural Committee Rules set forth the procedures for the submission and the Architectural Committee’s review of an application for any approval required for the construction/installation/alteration of any structure, landscaping, and other improvement (collectively referred to as, “Improvement(s)”) within the Association. The Architectural Committee Rules are intended to assist Unit Owners in conforming to the standards established within this document, which serve to enhance property values and the desirability and attractiveness of the properties located within the Association.

Unless specifically identified as not requiring a submittal for approval within the Architectural Committee Rules, prior written approval from the Architectural Committee is required for all Improvements (whether temporary or permanent).

Even if a proposed Improvement is identical to another Improvement previously approved by the Architectural Committee, a Unit Owner must still submit an application and obtain approval from the Architectural Committee. Each application is reviewed on a case-by case basis to afford the Architectural Committee an opportunity to consider the unique conditions and circumstances related to the proposed Improvement at issue.

***Following the Architectural Committee Rules does not eliminate the need for submitting an application to, and obtaining approval from, the Architectural Committee.***

## Structural vs. Non-Structural Improvements

Unit Owners are strictly prohibited from making any Improvements to any **structural** portion of a Unit or the General Common Elements, without the prior written approval of the Members entitled to cast at least 80% of the votes in the Association.

With respect to proposed Improvements to any structural portion of the interior of a Unit, in order for a proposed Improvement to be taken to the membership for a vote, the Owner must obtain prior written approval from the Architectural Committee. In order to be considered for approval, the Owner must obtain and submit a certification from an architect or engineer, licensed in the State of Arizona, stating that the proposed Improvement will not impair the structural integrity of the Building in which the Unit is located.

A Unit Owner may make non-structural Improvements within their Unit without prior approval from the Architectural Committee, if the proposed Improvement is not visible from the exterior of the Building in which the Unit is located. If the non-structural Improvement would be visible from the exterior of the Building in which the Unit is located, the Owner must obtain prior written approval from the Architectural Committee.

**PLEASE BE ADVISED THAT THERE ARE POTENTIALLY SIGNIFICANT CONSEQUENCES TO MAKING UNAUTHORIZED STRUCTURAL MODIFICATIONS TO A UNIT OR OTHER PORTION OF A BUILDING. THESE CONSEQUENCES INCLUDE THE RISK OF PROPERTY DAMAGE AND PERSONAL INJURY TO RESIDENTS, AND ASSESSMENT OF ANY COSTS ASSOCIATED WITH DAMAGE AGAINST THE OFFENDING OWNER.**

**A UNIT OWNER WHO ALTERS THE COMMON ELEMENT OR ANY OTHER AREA MAINTAINED BY THE ASSOCIATION, WITHOUT PRIOR AUTHORIZATION FROM THE ARCHITECTURAL COMMITTEE, SHALL BE LIABLE FOR THE COST TO RESTORE THE COMMON ELEMENT/PROPERTY TO ITS ORIGINAL CONDITION. ANY COSTS INCURRED BY THE ASSOCIATION TO REPAIR/RESTORE THE COMMON ELEMENT SHALL BE ASSESSED AGAINST THE OFFENDING OWNER.**

### Application Submittal Procedure

The application form that must be submitted to the Architectural Committee is available on the Association's website at <http://www.wearevision.com>.

The following documentation and information must be included with each completed and signed application form:

- Plans and specifications showing the location, nature, kind, shape, height and materials, including the color and any other requirements set forth in these Architectural Committee Rules, clearly indicating all proposed modifications.
- Floor plans, if an Owner is requesting permission to remove or relocate a wall.

- For structural Improvements, the Owner must provide: (1) names and addresses of contractors to perform the work, including certificates of insurance and proof of valid workers compensation insurance; (2) certification from an architect or engineer stating that such addition, alteration or improvement will not impair the structural integrity of the Building; and (3) copy of permits.
- A proposed construction schedule (including proposed start and completion dates).

All Improvements erected within the Association shall comply with all applicable city, county, and/or state zoning and code requirements. If approval is required from a governmental entity (e.g., city, county, state, or federal), the Owner shall ensure that any and all necessary permits/approvals/licenses are obtained prior to the start of construction. In approving an application, the Architectural Committee does not represent or warrant that the proposed Improvement complies with any applicable zoning, codes, ordinances, laws or regulations.

The application form and requisite supporting documentation and information must be submitted to the Association's Management Company on behalf of the Architectural Committee, via U.S. mail to, or personal delivery at, the following address:

The Terraces at Tiburon Condominium, Inc.  
c/o Vision Community Management  
16625 S. Desert Foothills Pkwy.  
Phoenix, Arizona 85048

The application form and requisite supporting documentation may also be submitted via the Association's website at <http://www.wearevision.com>.

## **Application Review**

The Architectural Committee Rules promote qualities of Improvements that enhance the attractiveness of the property located within the Association by maintaining a harmonious and aesthetically pleasing relationship between structures, other Improvements, and the overall design of the Association. A proposed Improvement must be compatible with the design characteristics of the Unit and surrounding property. Compatibility includes harmony in style, scale, material, color, and construction details.

Neither the Architectural Committee nor the Board shall have any liability in connection with or related to approved/disapproved plans, specifications, or Improvements. The approval of a plan does not represent or warrant the structural soundness of the Improvement, its effect upon existing property, its compliance with any applicable governmental ordinances/codes/regulations/laws, or its compliance with industry standards for design or construction. The review of the plans is for aesthetic purposes only.

## **Approval Process**

The Management Company will provide the Unit Owner with written confirmation of receipt of the application and requisite supporting documentation and information within five (5) business days after receipt. If the Owner does not receive a confirmation notice, it is the Owner's responsibility to contact the Management Company to determine whether the Management Company received the application and requisite supporting documentation and information.

The Architectural Committee has 30 days after a **complete** application is received to approve or disapprove the application. The review and approval period does not begin until the Management Company, acting on behalf of the Architectural Committee, has received a complete application with all requisite supporting documentation and information. If an Owner fails to provide the documentation and information required by the Architectural Committee Rules, the Architectural Committee may disapprove the application and require the Owner to submit a new application.

An application will be deemed to be "Approved", if the Architectural Committee fails to approve or disapprove the application within the 30-day period.

If the Architectural Committee disapproves an application, the denial and basis for the denial shall be provided in writing to the Owner. Any approval of an application must be in writing. No oral approval/disapproval shall be given by the Association or Management Company, or relied upon by an Owner.

Upon receipt of written notice from the Management Company that the Architectural Committee has approved an application, the Owner shall diligently pursue the completion of the approved work, so that it is completed as soon as practicable or within such period of time as specified by the Architectural Committee at the time of approval.

## **Approval Expiration**

A Unit Owner must commence the approved work within 30 days after receiving approval of the application. If the Owner fails to commence the approved work within 30 days and fails to obtain a written extension of this deadline from the Architectural Committee, the approval shall be deemed withdrawn and the application must be resubmitted in accordance with the Architectural Committee Rules.

## **Construction Period**

Once started, construction shall be pursued diligently in order to ensure prompt completion thereof. Absent a different deadline for completion of construction (which may be shorter or longer, at the Architectural Committee's discretion), such construction shall be completed within three (3) months following the commencement of the construction.

The Architectural Committee, at its discretion, may extend these time periods on a case-by-case basis, if more time is required. Unit Owners should be proactive and communicate any possible construction delays to the Architectural Committee as soon as possible.

## Architectural Guidelines

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### Antennas & Satellite Dishes

A Unit Owner may install an antenna (including a satellite dish) that is protected/governed by the Federal Communication Commission's (the "FCC") Over-The-Air-Reception Devices rules (the "OTARD Rule") without prior approval from the Architectural Committee. All other antennas/dishes must be approved by the Architectural Committee prior to installation.

The following devices collectively referred to as "Permitted Satellite Dishes, Exterior Antennas and Receivers" are **protected** by the OTARD Rule:

1. Any antenna that is designed to receive direct broadcast service (DBS), including direct-to-home satellite services, of one (1) meter or less in diameter;
2. Any antenna that is designed to receive video programming services via multi-point distribution services (MMDS) of one (1) meter or less in diameter;
3. Any antenna that is designed to receive television broadcast signals; or
4. Any similar antenna or satellite dish, the residential use of which is protected under the applicable laws, rules and regulations.

Permitted Satellite Dishes, Exterior Antennas and Receivers must comply with the following regulations:

1. No antenna may encroach upon the Common Element or the property of another Owner.
2. Antennas shall not be mounted on any patio/balcony wall or exterior wall.
3. An antenna must be placed inside the Unit if an acceptable signal quality may be received from any place within the Unit.
4. The antenna must be shielded from view so as not to be visible from neighboring property or the Common Element to the maximum extent possible as long as an acceptable signal quality may be received.
5. Antennas, masts, and any visible wiring must be painted to match the color of the structure to which they are installed, provided that the painting does not interfere with an acceptable quality signal and does not void the manufacturer's warranty.
6. The antenna must comply with all applicable city, county, state, and federal laws, regulations, and codes. The Association must be provided with a copy of any applicable governmental permits.

7. Installation must be pursuant to the manufacturer's instructions and must not damage the Common Element or impair the integrity of the exterior of the Unit.
8. In order to protect against personal injury and property damage, an antenna may not be placed in a location where it may come into contact with a power line and it must be properly grounded and secured.
9. If the antenna is attached to a mast, the following regulations apply: (a) mast height shall be no higher than absolutely necessary to receive acceptable signal quality; (b) masts must be installed and painted to match their surroundings; (c) masts must not encroach upon the Common Element or another Owner's property; and (d) in order to protect against personal injury and property damage, a mast may not be installed so that it would touch a power line if it fell.
10. An Owner is responsible for all costs associated with the installation and maintenance of an antenna. In addition, the Owner is responsible for all damage caused by or connected with the antenna. The Owner must hold the Association harmless and indemnify the Association in the event that someone is injured by the antenna. The Owner shall keep the antenna in good repair so that it does not violate any portion of these Rules.
11. If requested by the Association, the Owner must establish a mutually convenient time to meet with a representative of the Association to review and discuss the antenna.
12. In the event of a violation of these provisions, the Association may bring an action for declaratory relief with the FCC or the Maricopa County Superior Court after notice and an opportunity to be heard. To the extent permitted by the FCC or Court, the Association shall be entitled to impose fines.
13. If an antenna poses a serious, immediate safety hazard, the Association may seek injunctive relief to compel the removal of the antenna.
14. If the FCC modifies its rules, the modified rules shall be incorporated into this document as if fully set forth herein.

To be eligible for Architectural Committee approval, all other proposed antennas, which are not protected by the OTARD Rule, must be installed/constructed in such a manner so as not to be visible from neighboring property.

### **Back Patio/Rear Yard Area**

A Unit Owner must obtain approval from the Architectural Committee prior to installing any furniture, pots, plants or other items, which extend above the patio's Party Fence.

#### ***Landscaping***

1. All rear yard landscape must be maintained in a neat and tidy appearance, and properly trimmed and pruned. Landscape must be kept free of weeds, leaves, trash, debris, and animal waste. Dead landscaping must be promptly removed.

2. Absent prior approval from the Architectural Committee, there shall be no exposed dirt areas.
3. Planted bushes/plants/flowers must be trimmed on a regular basis and must not exceed Party Fence height or encroach upon adjoining property. Residents are encouraged to use potted bushes/plants/flowers or planter boxes. Potted bushes/plants/flowers and planters shall not be attached to the patio walls or other exterior surface.
4. **Trees:** Subject to the exemption set forth below, due to the small size of the rear yard, the planting of trees in the ground is prohibited.
  - **Potted Trees:** A potted tree may be placed in the rear yard without prior approval from the Architectural Committee, subject to the following conditions: (a) The tree may not be larger than a 15-gallon tree; and (b) Olive trees (*Olea Europaea*) and mulberry trees (*Morus Alba*) are prohibited.
  - **EXEMPTION:** Existing trees which were planted prior to the adoption of these Architectural Committee Rules may remain. However, if an existing tree is removed, the Owner is prohibited from planting a replacement tree in the ground.
    - Trees must be trimmed and pruned to ensure that they do not encroach upon adjoining property. Trees must be trimmed with one foot clearance of the the Unit, Building, and Party Fences and cannot exceed the roofline. If trees cannot be trimmed in this manner the tree must be removed.
    - If the tree is a fruit tree, the Owner must remove any fruit that is past its prime off of the tree and remove any dropped fruit from the ground as it attracts rodents. Fruit trees must be trimmed in such a manner so as to prevent roof rats from jumping to and from the tree to the Unit, Building, and Party Fences.
5. An Owner must obtain Architectural Committee approval prior to installing any irrigation/drip systems in the rear yard. Owners are solely responsible for the maintenance and repair any such system and must ensure that any leaks are promptly fixed.
6. No landscaping or other vegetation shall be permitted to attach to the exterior surface of any Unit or Building.

### ***Patio Covers, Pergolas & Shade Sails***

A Unit Owner must obtain approval from the Architectural Committee prior to installing a patio cover, pergola, or shade sail.

To be considered for approval, proposed shade sails must match as closely as possible the color of the exterior of the Unit. Drawings or brochures of the proposed shades to be installed must be submitted with the application. The Unit Owner is solely responsible for repairing any damage sustained to the exterior of the Unit or Building as a result of the installation.

Non-permanent pergolas that are not attached to the Unit, and which extend above the Party Fence, must be painted to match the color of the exterior of the Unit.

Patio covers, pergolas and shade sails must be maintained in good condition and repair at all times. If the Board determines, in its sole discretion, that the appearance of the item is dilapidated, the Owner will be required to remove the item.

### ***Play Structures***

Child play structures may be installed without prior approval from the Architectural Committee. Play structures which exceed the height of the Party Fence are prohibited.

### ***Retractable Shades***

An Owner must obtain approval from the Architectural Committee prior to installing retractable shades. The installation should be performed by a licensed professional. Drawings or brochures of the proposed shades to be installed must be submitted with the application. The Unit Owner is solely responsible for repairing any damage sustained to the exterior of the Unit or Building as a result of the installation.

### ***Storage Sheds***

Storage sheds are prohibited.

### ***Water Features and Statuary***

An Owner must obtain approval from the Architectural Committee prior to installing a water feature, such as a fountain, or statuary. To be considered for approval, the height of the proposed water feature/statuary cannot exceed the height of the fence. It is recommended that water features be chlorinated. The Architectural Committee reserves the right to limit the size and quantity of water features/statuary.

The Unit Owner is responsible for ensuring that water does not become stagnant or a source of mosquito breeding. It is recommended that the Owner take steps to ensure proper care of the water during prolonged absences from the Unit.

## **Doorbells**

A Unit Owner must obtain approval from the Architectural Committee prior to installing a doorbell. The application must identify the type and style of doorbell proposed to be installed. Please refer to the section titled "Exterior Security Cameras & Ring Doorbells" for any installation of Ring Doorbells or other similar type security doorbells. The Unit

Owner is solely responsible for repairing any damage sustained to the exterior of the Unit or Building as a result of the installation.

## **Exterior Light Fixtures**

Except as authorized below, no light fixtures shall be removed from, altered, or installed on, any surface that is Common Element.

A Unit Owner may install an exterior light fixture that exclusively services their Unit with prior approval from the Architectural Committee. The application must identify the color and style of the proposed light fixture. A brochure or photograph of the proposed light fixture must be submitted with the application. The Unit Owner is solely responsible for repairing any damage sustained to the exterior of the Unit or Building as a result of the installation.

The Architectural Committee reserves the right to identify certain styles and color of fixtures that must be used.

## **Exterior Security Cameras & Ring Doorbells**

An Owner must obtain approval from the Architectural Committee prior to installing any security cameras, Ring Doorbells, or other similar devices, that are visible from neighboring property. To be considered for approval, any such device must satisfy the following conditions:

1. The security camera must be installed underneath the eaves of the Unit and at an angle so as to eliminate or substantially restrict the view of neighboring property.
2. No spotlights, floodlights, motion detectors, or other high intensity lighting shall be used in conjunction with a security camera, which would allow light to be directed at or reflected onto neighboring property.
3. Security cameras shall not be mounted on trees or vegetation.
4. The security camera must be stationary.
5. An Owner shall take reasonable steps to conceal the security camera from view, but in such a manner that allows the camera to properly function.
6. Any wires, cables, or hardware associated with the security camera must be painted to match the color of the surface to which it is attached.
7. The Unit Owner is solely responsible for repairing any damage sustained to the exterior of the Unit or Building as a result of the installation.

## **Front Doors**

A Unit Owner must obtain approval from the Architectural Committee prior to installing a front door. The application must indicate the color and style of the proposed door. A brochure or photograph of the proposed door must be submitted with the application.

## **Garage Doors**

A Unit Owner must obtain approval from the Architectural Committee prior to replacing a garage door. The application must identify the style, manufacturer, material and warranty. The color shall be determined by the Architectural Committee.

## **Gates**

A Unit Owner must obtain approval from the Architectural Committee prior to replacing a wooden gate. To be considered for approval, the proposed replacement gate must be made of composite material to help mitigate damage from pests, especially termites. Composite material must resemble a natural wood color. Composite colors shall be determined by the Architectural Committee.

A Unit Owner must obtain approval from the Architectural Committee prior to painting a wooden gate that is original to the Unit. The color shall be determined by the Architectural Committee.

## **HVAC**

Heating, ventilation, and air conditioning units must be installed in its original location except for basement Units that obtain Architectural Committee approval to move the unit outside of the garage. If the location of the unit will be visible from neighboring property, the Unit Owner must obtain approval from the Architectural Committee prior to installation.

## **Party Fence**

A Unit Owner must obtain approval from the Architectural Committee prior to replacing a Party Fence. In order to be considered for approval, the Unit Owner must submit with their application, a written statement from the adjoining Unit Owner consenting to the replacement of the Party Fence.

A Unit Owner must obtain approval from the Architectural Committee prior to painting a wooden Party Fence that is original to the Unit. The color shall be determined by the Architectural Committee.

A Unit Owner must obtain approval from the Architectural Committee prior to painting an original Party Fence made of block wall construction. The color and texture of the wall must match the Unit.

## **Screen Doors/Security Doors**

A Unit Owner must obtain approval from the Architectural Committee prior to installing a screen/security door. The application must identify the color and style of the proposed door. A brochure or photograph of the proposed door must be submitted with the application.

## **Unit Numbers**

A Unit Owner must obtain approval from the Architectural Committee prior to affixing a Unit number marker on any exterior surface of a Unit/Building. Unit number markers must be uniform in appearance and affixed in a location designated by the Architectural Committee. The Unit Owner is solely responsible for repairing any damage sustained to the exterior of the Unit or Building as a result of the installation.

## **Windows, Window Screens & Coverings, Skylights**

A Unit Owner must obtain approval from the Architectural Committee prior to installing any window or window screen or skylight. The application must identify the proposed location of the installation of the window/screen, the style, type of material to be used, color, and installer.

Drawings or brochures of the proposed window or window screen to be installed must be submitted with the application.

Subject to the exemption noted below, only exterior window screens with black screening and white frames/muntins will be considered for approval. Window guards, tinting and window air conditioner units are prohibited.

Unit Owners are encouraged to replace screens with the SRP Shade Screen Rebate program. The application submitted to the Architectural Committee should note that the screens are being proposed in conjunction with the SRP Shade Screen Rebate program. If SRP Shade Screens have differing frame colors and/or do not have muntin available, then the Unit Owner will be granted an exemption.

Draperies or other suitable window treatments may be installed on the interior of windows without prior approval from the Architectural Committee. Bed sheets, paper, or any sort of non-standard window treatments, are prohibited. 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 inside or outside of windows at any time.

The Unit Owner is solely responsible for repairing any damage sustained to the exterior of the Unit or Building as a result of the installation of a window or window screen.