

**The Gardens
Architectural Policies and Procedures
July, 2021**

The following is a list of Architectural Policies and Procedures of The Gardens, as established by the Board of Directors.

As per the Covenants, Conditions, and Restrictions (CC&R), each unit consists of the dwelling, including the 2 (two) patio areas, and the 2 (two) carport stalls. Everything else (the fences, pool, driveway, walkways, etc.) is Common Area.

All changes to the exterior of a unit, as well as changes to the common area adjoining a unit, including the front entry, require an architectural change request. The architectural committee will approve or deny requests covered by these guidelines on behalf of the board. Items not covered or that deviate from policies in these guidelines will be reviewed and referred to the board with a possible recommendation.

If you are planning on making any changes you must submit a Change Request for approval to the HOA management company. This form is attached to the end of this document. Upon receipt, the HOA management company will forward the request to the Architectural Review Committee. The approval process may require up to 30 days for items included in these guidelines. Requests requiring additional review will be acknowledged to the requestor within 30 days, with an explanation of why extra time is required.

All work must be performed by a licensed and insured contractor as required by the city of Scottsdale.

When a homeowner has hired a company to perform work on their units, either repairs or upgrades, they will indemnify the community of any claims for personal injury or defective work.

The decision of the Board will be final. We suggest no owner purchase materials prior to approval by the Architectural Committee or The Board. Failure to submit a request prior to commencing work could result in a fine, or the reversal of work not approved. Cost for the reversal of work will be the sole responsibility of the homeowner.

The following Policies are covered by this document:

- Approved Ground Covers, Plants, Trees and Exterior Paint Colors
- Front Door
- Rear Door
- Front Common Area Alteration
- Windows
- Front Porch Light
- Patio Fan
- Front Entry Skylight
- Garage Addition
- Rock
- Rear Patio Trellis Cover

The Gardens

Front Common Area Plantings

The approved plant list is included and updated regularly on the HOA management company's website. If you would like a plant type to be added to the approved list, forward your request to the HOA management company. The request will be reviewed with the landscape committee.

Removal or addition of plants to the front area of any unit must be done by the landscape company employed by the HOA. A landscape request must be filled out and submitted to the HOA management company for approval. The landscape company will be directed to contact the homeowner for installation time and billing.

Paint Colors

To allow for manufacturer changes to the paint names and colors, no specific paint color or manufacturer will be specified.

All exterior painting, must comply with the current paint scheme of The Gardens. A sample of the paint color should be included with any architectural request that will also require exterior painting.

Front Door Policy

Front doors may be replaced with the homeowner's choice, subject to approval. Any replacement door must be rectangular in shape, no taller than 80", and have glass sidelights. Hinges and lock-sets may be of any consistent metal and color, at the owner's option. The glass sidelights will not be covered by an extended safety door. Glass sidelights may have an opaque, lightly colored patterned glass design **with prior approval** of the architectural committee.

Installer is responsible for repairing exterior trim, stucco, etc. Submit an Architectural & Landscape Change Request form via the HOA management company before ordering the new door. This will allow the committee to approve and anticipate inspection requirements.

Rear Door Policy

Rear doors are those doors leading to the rear yard of each unit. The original design and construction includes a sliding door in the living area and the master bedroom and a hinged door between the fireplace and rear wall ("side door").

The homeowner may replace one or both of the sliding doors. If preferred, the sliding door may be replaced with hinged French patio doors which include two (2) movable doors and two (2) sidelight doors, hinged or fixed.

The Board has approved a modified side door. This option calls for a movable window insert for ventilation in a standard hinged door.

If the homeowner wishes, the side door can be removed in total or replaced with a window. Any conversion of the doors will be at the homeowner's expense, including removal of existing doors, alteration of aperture to accommodate the new doors, safe removal of all construction litter, painting to match the stucco exterior walls, and repair of any damage or injury resulting from the construction. Submit an Architectural & Landscape Change Request form via the HOA management company before ordering a new door or having any work done.

Front Common Area Alteration

Homeowners must submit an Architectural and Landscape Change Request to change the hardscape surface for the area extending outward from the front door including the entire length of the walkway, and laterally from the exterior of the building to the adjoining unit. The Request should include a rendering of the requested change, a description of the materials to be used and a sample of any material. Requests will be considered to change the plantings and rock surface extending to the driveway, and to widen areas of the sidewalk, to allow easier access, but requests will not be considered to change the surface of the driveway or carport. Plantings must be from the approved list, and hardscape surface, rock size, color and texture must be consistent with the existing design theme of The Gardens. Landscaping must be maintained between the carport and the garage on both sides of the walkway. Acceptable hardscape surfaces include pavers, slate, concrete and natural stone in brown, tan, and gray tones. Homeowners who had received prior permission and added stone to their units will have their stone grandfathered.

Approval of any requested alteration pursuant to this policy does not confer any ownership right or interest in the owner making the alteration. Ownership of all common area belongs solely to the Association. However, any owner who, pursuant to this policy, makes any changes to the front common area, understands and agrees that any alteration of the existing irrigation system, and all future maintenance or repair of the altered common area, including the area under and adjacent to the alterations, will be the owner's, and any future owner's, sole responsibility (for example, a leak in the irrigation system under altered hardscape that requires repair, or causes damage to other common area or adjacent units, shall be the owner's sole responsibility, and the owner must defend and indemnify the Association against such claim). The owner further understands and agrees that if any claim for personal injury is made arising from the use of the altered common area, such claim is the owner's sole responsibility, and the owner agrees to defend and indemnify the Association against such claim. The owner agrees that if any such damage, maintenance or repair is not immediately corrected, the Association may arrange for the required work, and charge the owner's account for the full amount.

Window Policy

Owners who wish to replace any or all of their windows must submit a Request for Architectural & Landscape Change form. The request will be reviewed by the Architecture Committee, and if necessary, be referred to the Board for approval. The following guidelines will be applied in approving or denying the request. The Board may require that non-conforming windows installed without prior approval be removed. This policy does not apply to glass sidelights on front doors. Front doors and sidelights are addressed in the Front Door Policy.

Replacement windows must be the same style as the existing windows. Glass must be clear or use a Low-E coating system recommended for Arizona climate. The frames must be bronze or black metal.

The windows above both the front and rear door may be replaced with an arched window.

Any conversion of the windows will be at the homeowner's expense, including removal of existing windows, alteration of aperture to accommodate the new windows, safe removal of all construction litter and repair of any damage resulting from the construction.

Front Porch Light Policy

The Board does not require any particular style or manufacturer for replacement of the overhead front light fixture. Replacement fixture should be no taller than 24" with a maximum diameter of 13". Homeowners must:

1. Install the fixture with no exposed wires.
2. The light fixture must be installed so it does not swing excessively or hit the entry walls, front door or front transom window.
3. The cost of a new light fixture including installation is the responsibility of the homeowner. Any repairs to the front porch lights are the responsibility of the homeowner.

Patio Fan Policy

The Board of Directors is not requiring any particular style or manufacturer for rear patio fans. The Board does require that the colors blend with the existing exterior colors. Homeowners must adhere to the following guidelines:

1. Installed patio fan will have no exposed wires.
2. The fan will be installed as a ceiling mount.
3. The cost of the patio fan, including installation, is the responsibility of the homeowner. Any repairs to the fan are the responsibility of the homeowner.
4. A "Minor Electrical Permit" to install the patio fan is required by the City of Scottsdale. Homeowners must acquire this permit prior to installation of the fan.

Front Entry Skylight Policy

A 6' X 6' clear entryway skylight may be installed. Homeowners must adhere to the following guidelines:

1. Hire a licensed and insured contractor to install the skylight.
2. The cost of the skylight including installation and maintenance is the responsibility of the homeowner.

Garage Addition Policy

Homeowners are allowed to have one of the carports (the one outside of the second bedroom) converted into a garage. Design and finish must conform with existing garages in the neighborhood. All work is to be done by a licensed and insured contractor. The cost of the garage is the responsibility of the homeowner. Any repairs and maintenance are the responsibility of the homeowner. An Architectural & Landscape Change Request needs to be submitted with plans and must be approved prior to commencing.

Rock

The rock ground cover in the front of each unit is a part of the Common Area. Any request to change it shall be submitted to the Architectural Review Committee for approval. The Board reserves the discretion to determine whether any requested alterations are consistent with the overall design theme of The Gardens.

Rear Patio Trellis and Cover

The maintenance of the original (non-roofed) trellis structure, including the beams and supporting columns, are the responsibility of the HOA. The cost of this maintenance may be charged to the homeowner. The trellis and roof need to remain consistent with the colors/wood products provided by the HOA. Any trellis changes or addition of roof requires approval of the Architectural Committee prior to the commencement of any work. Consistent with all work at The Gardens, work is required to be performed by a licensed and bonded contractor.

Any owner who, pursuant to this policy, makes any changes or adds a roof to their Trellis structure, understands and agrees that any alteration of the existing structure, including roofs, and all future maintenance or repair of the altered trellis structure, will be the owner's, and any future owner's, sole responsibility (For example, a leak in the roof that causes beam damage or deterioration that requires repair, or causes damage to other common area or adjacent units, shall be the owner's sole responsibility, and the owner must defend and indemnify the Association against such claim). The owner further understands and agrees that if any claim for personal injury is made arising from the use of the altered trellis structure, such claim is the owner's sole responsibility, and the owner agrees to defend and indemnify the Association against such claim. The owner agrees that if any such damage, maintenance or repair is not immediately corrected, the Association may arrange for the required work, and charge the owner's account for the full amount.

The Gardens Homeowners Association Architectural & Landscape Change Request

Select one: **Architectural** _____ **Landscape** _____

Name _____ Phone _____

Address (including Unit Number) _____

Description of request in detail (use additional sheets and include drawings if necessary)

Work to be performed by _____

License number _____

Submit this request to: The Gardens Homeowners Association
C/O VISION Community Management
16625 S. Desert Foothills Parkway Phoenix, AZ 85048
phone: 480-759-4945 fax: 480-759-8683
TheGardens@wearevision.com

If approved, the Homeowner agrees to maintain the improvement. If, in the view of the Board of Directors, the improvement is not being maintained, the Association has the right to remove or maintain the improvement with the Homeowner bearing all costs. The Homeowner agrees to comply with all city, county and state laws and obtain all necessary permits.

Signature of Homeowner

Date Signed

The above described architectural / landscape change is:

___ Approved ___ Disapproved

Approved subject to the following conditions: _____

Signature of Vision Representative

Date Signed

This change is to be completed within 60 days from date of approval.

Disclaimer: The Architectural Review Committee, Board of Directors or the Homeowners Association assumes no liability in connection with or related to approved or disapproved improvements. An approved submittal does not in any way constitute approval of the structural integrity of the improvement or its effect upon the existing structure and landscaping drainage.