

## **The PINES AT SOUTH MOUNTAIN HOMEOWNERS ASSOCIATION ARCHITECTURAL GUIDELINES**

The Pines at South Mountain Development is governed by rules and regulation in the CC&Rs and enforced by the Homeowner Association Board. The Pines at South Mountain Development is located on Baseline Road between 21st and 23rd Street in Phoenix, Arizona.

These guidelines will be periodically updated and published by The Pines at South Mountain Architectural Committee to modify, clarify and expound on or promulgate guidelines, standards and procedures as stated in CC&Rs 5.10.

The Architectural Committee (AC), appointed by the Board of Directors, has the responsibility to maintain the existing high standards of architecture and landscaping within its authority, and has complete and final say in all matters within its assigned authority, subject to right of appeal as outlined herein.

It is the responsibility of the AC to assure that the aesthetics of the community are not compromised and that the Declarations of Restrictions are not violated. Obviously, some situations are unique and the AC must make discretionary decisions that serve the best interest of the community to maintain property values. **Not all situations are covered in this document. If you are uncertain whether a particular improvement or change will require Architectural Committee approval, please contact the Homeowner's Association Property Manager or Architectural Committee.**

Nothing contained herein shall be construed as altering, amending or changing the Conditions, Covenants and Restrictions (CC&Rs) that run with the land and are recorded with the County of Maricopa, or the Articles of Incorporation and Bylaws of The Pines at South Mountain Homeowners Association unless specifically allowed by the governing documents.

### **ATTENTION HOMEOWNERS**

Pines at South Mountain HOA and/or the AC will not recommend or advise as to building contractors or landscaping contractors to perform exterior changes or modifications and/or landscaping. Carefully research contractors before selecting and paying money for services in advance.

Licensed, bonded, and insured contractors can be verified at the Arizona Corporation Commission or Arizona Registrar of Contractors.

## Table of Contents

ARCHITECTURAL REVIEW PROCESS.....	4
COMPLETING THE ARCHITECTURAL CHANGE FORM.....	4
NON-COMPLIANCE/FAILURE TO COMPLY.....	5
DEFINITIONS USED IN THIS DOCUMENT .....	5
ARCHITECTURAL SPECIFICATIONS.....	5
ADDITIONS (structural).....	5
AIR CONDITIONING CONDENSER REPLACEMENTS.....	6
ANIMAL CONTROL AND SAFETY.....	6
ANTENNA.....	7
AWNINGS .....	7
BASKETBALL STANDARDS.....	7
BUG LIGHTS, BIRD FEEDERS/BIRD HOUSES, AND YARD DECORATIONS.....	7
CARPORTS.....	8
CLOTHESLINES, OUTSIDE DRYING OF CLOTHES .....	8
EVAPORATIVE COOLERS.....	8
DOWNSPOUTS.....	8
DRIVEWAYS .....	8
EASEMENTS and RIGHT TO USE AREA.....	8
FENCES.....	8
FLAGS / FLAG POLES.....	9
GARAGES .....	9
GARBAGE and TRASH .....	9
GATES .....	9
GAZEBOS.....	10
GUTTERS.....	10
GROUND COVER -FRONT YARD.....	10
IRRIGATION SYSTEM.....	10
LANDSCAPING .....	10
LIGHTING (attached to house) .....	11
PAINTING -EXTERIOR OF HOUSE.....	11

PARKING (See Towing) ..... 11

PATIO COVERS..... 12

PLANT PALETTE ..... 12

POOLS/ SPAS (PRIVATE) ..... 12

PROPANE TANKS ..... 13

RAMADAS (Patio Covers and Gazebos)..... 13

ROOFS..... 13

RUBBISH AND/OR DEBRIS ..... 13

SATELLITE RECEIVERS ..... 13

SCREENED IN PATIO ..... 13

SECURITY DOORS..... 14

SIGNS/ DECALS ..... 14

SKYLIGHTS ..... 14

SOLAR PANELS..... 14

SOLAR POOL HEATERS..... 14

STORAGE FACILITIES..... 14

SUNSHADES..... 15

TOWING (See Parking) ..... 15

TRELLISES..... 15

VENTILATION DEVICES ..... 15

WALKWAYS..... 15

WALLS..... 15

WATER FEATURES ..... 16

WATER SOFTENER TANKS ..... 16

WIND TURBINES ..... 16

WINDOW COVERINGS..... 16

## ARCHITECTURAL REVIEW PROCESS

Regardless of whether specifically referenced in the Architectural Guidelines, all exterior modifications or changes to the home, landscape, hardscape, or any other part of the property must be reviewed and approved by the AC prior to commencing work.

Homeowners who wish to make exterior changes to their property (house, addition and/or landscape) must complete an Architectural Change Form (ACF). Forms are available from the property manager. Forms will be reviewed by The Pines at South Mountain Board or Architectural Committee.

## COMPLETING THE ARCHITECTURAL CHANGE FORM

1. Attempt to answer all information when completing form.
2. A plot plan, drawings and/or specifications must be submitted with any ACF requests. Once approved, no changes or deviations of such plans and specifications may be made without written approval of the AC authorizing the amended plans. Please include a complete set of plans or construction documents along with any required permits with the ACF. These plans will not be returned and will be retained in the homeowner's property file.
3. A plot plan must be attached whenever additions or alterations to the existing structure are involved or whenever property lines or setbacks are involved. No construction on setbacks is allowed.
4. It is the responsibility of the homeowner to obtain the necessary zoning clearances and building permits from the City of Phoenix. A copy of the City of Phoenix permit, if required, must be filed with the ACF. All construction must be in compliance with city, county, state, and federal zoning and building codes. The Pines at South Mountain Homeowners Association reserves the right to require more restrictive requirements based upon the type of construction and the changes made to the existing structure.
5. Plans will be approved/denied or returned to the homeowner within thirty (30) working days after receiving the request. Copies of an approved request will be returned to the homeowner. This approval must be available for inspection by the AC while the work is being done. Upon completion, the homeowner must notify the property manager that the work has been completed for visual inspection of the work by a member of the AC.

In accordance with the CC&Rs, If the Architectural Committee fails to approve or disapprove an application for approval within thirty (30) working days after the application and all supporting information, plans, and specifications requested by the Architectural Committee have been submitted to the Architectural Committee, *approval will not be required* and compliance will be deemed to have been complied with by the Owner requesting approval of such Modification.

6. If plans are denied, upon request from the homeowner, an appeal may be made to the Board of Directors at the next board meeting.
7. All work must be completed within specified time. If work cannot be completed in this time frame, the homeowner is required to submit a request for a time extension.
8. All construction materials, landscaping materials, debris, etc. must be maintained in a neat and organized manner. The homeowner is responsible for assuring access to all neighboring properties, drive, sidewalks, etc. Failure to maintain materials and debris can result in a fine to the homeowner.

## **NON-COMPLIANCE/FAILURE TO COMPLY**

The AC reserves the right to require the homeowner to stop any and all work being performed either by the homeowner and/or contractor for which a modification has not been approved or which is not being performed, constructed, or finished as defined in the request and approved by the AC. Homeowners not in compliance will be subjected to penalties as defined in Board policies.

If a violation is noted, the homeowner will receive a notice of violation from the AC requesting a reply within 10 days or the matter will be referred to the Board of Directors.

## **DEFINITIONS USED IN THIS DOCUMENT**

**PUBLIC COMMON AREA VIEW** This is the area visible in a view lot (perpendicular view to the wrought iron fence only) from a constructed path/walkway.

**PRIVATE COMMON AREA VIEW** This is the area visible in a view lot (through the wrought iron fence only) from a common area not intended for public access (there is no sidewalk).

### **STREET VIEW**

Anything that is viewable from the street and/or sidewalk.

**NEIGHBORING PROPERTY VIEW** Any object visible to a person six (6) feet tall, standing at ground level on any part of an adjoining Lot at the same elevation as the object being viewed.

## **ARCHITECTURAL SPECIFICATIONS**

### ***ADDITIONS (structural)***

Additions must be of similar design with compatible materials to existing residence and harmonious to the community. The addition cannot extend beyond the approved building setbacks. CC&R regulations should be followed regarding allowed additions. Any structural addition and/or modification must be in conformity with the established aesthetics of the neighborhood. Requires AC approval.

### **AIR CONDITIONING CONDENSER REPLACEMENTS**

Any replacement of condensers on the outside of your property must be submitted to the AC. Replacements should also be located in the same location as the original equipment.

### **ANIMAL CONTROL AND SAFETY**

In order to maintain a safe environment, the following rules apply to all residents of the community.

- *No more than two (2) "Permitted Pets" per residential Lot.*
- "Permitted Pets" means dogs, cats, parakeets or similar household birds, that are kept, bred, or raised solely as domestic pets and not commercial purposes.
- " Permitted Pets" shall NOT be allowed to make an unreasonable amount of noise or become a nuisance to owners or residents in the community.

Only a dog or cat is permitted to leave a residential Lot with the following restrictions:

1. The dog or cat is kept on a leash not to exceed six feet (6') in length.
2. The dog or cat shall not be permitted to enter any other residential Lot.
3. *No "Aggressive Dog" is permitted within the community. "Aggressive Dog" means any dog that has bitten or attacked a person or domestic animal without provocation. Reference Arizona Revised Statue Title 11-1014.*
4. Any person that brings or permits a dog or cat to be on the Common Areas or any residential Lot is responsible for immediately removing any solid waste deposited by such dog or cat. Poop-bags are provided at dispensers near turf areas.

To report a Permitted Pet that an Owner or Resident claims is making an unreasonable amount of noise, becoming a nuisance, or is a dog which is an "Aggressive Dog," Owners or Residents may file a written request with appropriate supporting documentation to [ThePines@wearevision.com](mailto:ThePines@wearevision.com). The Architectural Committee will determine whether a violation exists and recommend enforcement against the Lot owner to the Board. The Board of Directors will review the Architectural Committee's decision and authorize the notice of a violation, appropriate monetary penalty, and any additional action(s).

### ***ANTENNA***

Exterior antennas are not allowed on any residential lot except to the extent permitted by federal law. Satellite dish antennas must meet both federal government and AC regulations. Any deviation from these criteria requires AC approval. Any wires, cables, etc. that are visible on the outside of your home must be securely attached to the house and painted to match the house.

### ***AWNINGS***

Rear locations only are permitted. Color, material and style must be specified for awnings or sunshades to be reviewed. Sunshades must be tied down when extended. The color of awnings and sunshades must be consistent with the existing color of the home. Awnings and sunshades must be properly installed and maintained in good condition.

### ***BASKETBALL STANDARDS***

Portable basketball standards must be stored out of view when not in use. Permanent basketball standards are not permitted. Please note that all noise and/or damage issues arising out of usage of basketball standards are the responsibility of the owner of the lot.

### ***BUG LIGHTS, BIRD FEEDERS/BIRD HOUSES, AND YARD DECORATIONS***

To maintain the architectural character of the community, no member or resident may place bug lights, bird feeders, birdhouses, or yard decorations in/on the front yard granite or street-facing window sills.

Attaching permanent hangers or anchors to fences or exterior walls of the house is not allowed, except within the covered entranceway. Temporary attachments for holiday decorations must be removed within thirty (30) days after the holiday.

Live potted plants may be placed on sidewalks or within covered entranceways as long as the planter does not obstruct or impede safe passage along the sidewalk. No front yard may exceed more than two pots on the homeowner's sidewalk with a drip line secured to the planter.

## **CARPORTS**

See Garages

## **CLOTHESLINES, OUTSIDE DRYING OF CLOTHES**

Outside clotheslines or other outside facilities for drying or airing clothes shall not be erected, placed or maintained on any property unless hidden from the street view and neighboring property view.

## **EVAPORATIVE COOLERS**

Evaporative coolers are not permitted on the roof or attached to any window or wall.

## **DOWNSPOUTS**

See Gutters

## **DRIVEWAYS**

Extension of walkways and/or driveways requires plot plans specifying the work to be performed. Driveways cannot exceed twenty-two (22) feet in width per these design guidelines. It is the responsibility of the homeowner to make sure that utility lines or cable lines are not disturbed when extending existing exterior walkways and/or driveways.

All changes in color or texture of walkways and/or driveways whether by painting, seal coating or any other method must be accompanied by sample colors or patterns. All coating of driveways requires an AC approval.

## **EASEMENTS and RIGHT TO USE AREA**

Each owner must research County requirements as well as the declaration of Covenants, Conditions and Restrictions for The Pines at South Mountain to ensure full compliance with any change and/or addition.

Homeowners should be aware that they are responsible for any damage caused to party walls or residences as a result of landscaping, drainage or irrigation whether willful, negligent or accidental.

## **FENCES**

See Walls

## **FLAGS / FLAG POLES**

Only one permanent, wall mounted or freestanding flagpole is permitted on a Lot. Flags may not be displayed in Common Areas.

The height of a freestanding flagpole shall be no taller than 15 feet (15') or the highest point of the roofline, whichever is lower. Wall mounted flagpoles shall not exceed 5 feet (5') in length.

Flags and flagpoles must be maintained in good condition at all times and in accordance with state or federal laws/codes or traditions.

The maximum size of a flag shall be three feet in height by five feet in width (3'x5').

Flags that may be displayed on a Lot are officially designed as: American flag; United States Army, Navy, Air Force, Marine Corps, Coast Guard or related national guard; POW/MIA, Arizona State, an American Indian Tribal flag, or Gadsden flag.

## **GARAGES**

All garage doors must be of the overhead type and match design and color of the residence. No artwork is allowed on garage doors. Garage doors may be left open no more than eight (8) inches to allow *clean* air exchange and reduce heat build-up.

## **GARBAGE and TRASH**

Garbage containers must be kept so they are not visible from the Public Common Area View except to make them available for collection and then only for the shortest time necessary to affect this collection. Common areas should not be used for placement of debris.

## **GATES**

Wrought iron gates must be painted the color of the stucco wall on which it is mounted or black.

1. Wrought iron gates painted the color of the stucco will have wood inserts painted the color of the stucco and maintained without peeling, chipping or faded color.
2. Wrought iron gates painted black will have composite inserts in either a gray or brown color. Composite color should accent the body color on the home.

Replacement or new gates must match the type, size, and design scheme of the original gate installed on your fence. Gates over 4 feet wide will not be approved.

## **GAZEBOS**

See Ramada's

## **GUTTERS**

Gutters and downspouts of any type are not with the property's design guidelines and will not be approved.

## **GROUND COVER -FRONT YARD**

The front yard areas cover with a chocolate brown landscape stone.

## **IRRIGATION SYSTEM**

Each owner's front yard landscape sprinkler or watering system is the sole responsibility of the Owner. Costs incurred by the Association to remove and replant vegetation caused by systems not properly maintained, including watering schedules, will accrue to the Owner(s) and payable within 30 days of letter of expense.

## **LANDSCAPING**

Any and all changes to the front yard landscaping require AC approval. Landscaping changes to the rear yard area do not require approval unless changes are visible from the Street View or Neighboring Property View. See "Irrigation System above for regulations on irrigation valves for the back yard.

Homeowners are provided with an approved plant palette maintained as a separate document but is an extension of the Architectural Guidelines. See Plant Palette.

The following guidelines for plant locations are provided.

1. Plants must be on the current, approved plant palette.
2. Shrubbery must not obstruct access paths: driveway, sidewalks, entrance doors and gates. An eighteen (18) clearance on each side of the driveway must be maintained.
3. Shrubbery must not obstruct lighting and house number.
4. Shrubs may not exceed a height of eight (8) feet.
5. Plants located in the front of a house on North or South facing-window will not exceed the height of the window's bottom or stucco enclosure.
6. Trimming and pruning should ensure that a plant does not exceed the limits set forth in this section, except for short periods of time between landscape maintenance events.

Homeowners must obtain Blue Stake markings to avoid damage to utility lines.

***LIGHTING (attached to house)***

Lights must be directly pointed downward toward the property on which they are located. Lighting shall be shielded so that the light shines primarily on the lot; lights, which create a glare visible from other lots, are prohibited. Non-metal lighting fixtures should be painted to match the exterior color of the house. Metal lighting fixtures should be in a color tone that matches the character and color scheme of the house.

***PAINTING -EXTERIOR OF HOUSE***

All painting requires prior approval. The approved paint palette is available from the Property Manager and for download from the HOA’s website. The Architectural Committee will not approve requests for painting a home using a color that is no longer approved for the community, nor will the committee approve “color matching” techniques for partial repaints/touchups.

The Paint Palette and Painting with the Color Palette documents fall under the rules and restrictions of the HOA’s governing documents, are considered addendums to this document and are available as a separate document for homeowner’s convenience.

The Painting with the Color Palette document contains general information about painting for homeowner’s convenience and defines the guidelines for the Color Palette implemented in March 2019.

***PARKING (See Towing)***

Owners and residents may park in the garage or on the concrete driveway on their lot. Vehicles parked on a driveway should not extend beyond the driveway and interfere with unobstructed access to use of sidewalk. At no time is parking on a sidewalk, partially or wholly, acceptable.

Between the hours of midnight and 4:00 a.m. no parking of any vehicle of any type or classification, except vehicles belonging to an employee of a public service corporation or public safety agency (as specified in A.R.S. 33-1809), except as follows:

1. Temporary parking of recreational a vehicle for not more than forty-eight consecutive hours, and not more than seventy-two hours in a seven-day period for the purpose of loading and unloading such vehicle.

2. Temporary construction trailers or equipment used in connection with an active improvement approved by the Architectural Committee.
3. Motor vehicles of guests of Owner(s) may park on street for a period of not more than forty-eight hours during any seven-day period and must clearly display a temporary parking permit obtained from community manager.

### ***PATIO COVERS***

See Ramada's

### ***PLANT PALETTE***

The Plant Palette is available from the Property Manager and for download from the HOA's website. The Plant Palette falls under the rules and restrictions of the HOA's governing documents, is considered an addendum to this document and is available as a separate document for homeowner's convenience.

Plants not on the current approved palette when planted will be removed at the homeowner's expense. Plants on previous versions of the palette are no longer approved for planting.

### ***POOLS/ SPAS (PRIVATE)***

When laying out a pool for your yard, please remember to stay out of the neighbor's five-foot setback/right to use area-it is their property. This means pool, pipes leading to pool, motors, pumps, pool decking and landscaping.

All pools require a permit from the City of Phoenix before they will be considered for approval by the AC. The owner is responsible for complying with all regulatory agencies.

During pool construction, the homeowner is responsible for maintaining a sufficient barrier from the common area, as well as their front yard and the backyard of the residence. Any walls or fences, or portions thereof that are removed by the homeowner, or its agents, must be replaced to match in structure, size, finish, and color of the original fences or gates. The homeowner is also responsible for replacing any damaged landscaping, concrete, or walls that may be affected by the pool installation. If the homeowner does not replace these items to the AC's standards or timelines, the AC may have these items corrected at the expense of the homeowner.

All pumps, heaters and tanks must be concealed from the street and neighboring property. No equipment of any type relating to the pool may be permanently attached to party walls.

All equipment must be located so as not to disturb neighbors and must be maintained in good working condition. Pools/Spas must not be drained into common area property.

### ***PROPANE TANKS***

Permanent propane bottles are not allowed.

### ***RAMADAS (Patio Covers and Gazebos)***

These proposed structures must have a plot plan, construction plans and color specified for review by the AC. Patio covers require AC approval and may require a City of Phoenix permit prior to construction.

Structure cover materials must be painted to match the color of the home and maintained in accordance with other rules related to exterior maintenance. Roofs must match that of the home.

### ***ROOFS***

Only concrete tile roofs are allowed (All homes at The Pines at South Mountain have Eagle Ponderosa roofing tiles). Color changes must be approved by AC.

### ***RUBBISH AND/OR DEBRIS***

See Garbage

### ***SATELLITE RECEIVERS***

See Antenna

### ***SCREENED IN PATIO***

Screening in an existing patio requires a plot plan showing the location of the existing covered patio and specifications of the proposed screening area. The color should match the color of home.

### ***SECURITY DOORS***

Screen/Security Doors colors shall match the color of the house and must have AC approval before installation of the door. Black iron may be allowed if home's backyard entrance gate is black.

### ***SIGNS/ DECALS***

Security Signs shall be installed at a distance no less than 9 feet from the outside curb of the street and must be conservative in size. One sign per yard is permitted. Most security companies offer window decals for all operable windows.

Only HOA approved dog signs may be installed. Homeowners wishing to install the HOA approved dog sign must submit an architectural request to the management company for approval to display the sign and to purchase/obtain the dog sign. Approved dog signs may only be displayed on side gate to backyard.

### ***SKYLIGHTS***

Skylights are not permitted. Solar tubes are permitted.

### ***SOLAR PANELS***

Specifications of the roof and location of proposed solar collectors/panels must be submitted. Additionally, a brochure or sketch of the solar panel must accompany the plans. The AC will review each application on a case-by-case basis.

### ***SOLAR POOL HEATERS***

Specifications of the roof and location of solar collectors/panels must be submitted. Additionally, a brochure or sketch of the solar panel must accompany the plans. The AC will review each application on a case-by-case basis.

### ***STORAGE FACILITIES***

Complete specifications as to the size, type of material and location of the storage facility being erected must be submitted to the AC for approval.

Storage facilities must be on a concrete or brick slab. If the storage facility is viewable from The Public Common Area View, Street View or Neighboring Property View, it must be painted the same color as the house or finished in stucco to match the house.

A storage facility must be in back of the home, not permanently attached to a party wall and should not be visible from the street view or neighboring property view.

### **SUNSHADES**

Color, material and style must be specified for sunshades to be reviewed. The color of sun shades must be consistent with the existing color of the home. Sunshade frames must match exterior of window frame. Sunshades must be properly installed and maintained in good condition.

### **TOWING (See Parking)**

To maintain safe navigation on community streets and meet the terms of the community's CC&Rs, towing of vehicles will occur as follows:

1. On random days between midnight and 4:00 a.m. a towing company will make a "sweep of the community" and remove any vehicles parked in violation of the CC&Rs.
2. Vehicles towed at the expense of the vehicle's owner.
3. Owner(s) will reimburse the Association for any costs incurred in connection with towing of a vehicle Owner and payable within 30 days.

### **TRELLISES**

Trellis is not permitted in the front yard area. Trellises in the rear yard area should not be Visible from the street view or neighboring property view (unless AC approval is received).

### **VENTILATION DEVICES**

Any additions of turbines, dormers, tile vents, or electric vents must be submitted for AC approval.

### **WALKWAYS**

See Driveways

### **WALLS**

Masonry - Each homeowner is subject to the Declarations of Restrictions with respect to party wall. Alteration or modification of any party wall requires written consent of the

adjacent lot owners. Walls and fences must match color and texture of the existing development party walls.

Wrought iron fences built as a part of the developer construction on greenbelt lots may not be removed. Fences and walls must be kept painted and rust free. Homeowner is only responsible for the inside of the wall; the outside of a fence facing the green belt is the responsibility of the HOA. The HOA is responsible for painting all wrought iron.

Guidelines for Replacing Fences and Walls Adjacent to Common Areas must be of like construction and material of original wall and conform to overall community structure. Color must conform to existing theme wall color. The wrought iron portions of the fence must be black.

View Walls (Combination of Masonry and Wrought Iron) are part masonry and part wrought iron. Minimum 2 feet masonry w/ 4 feet wrought iron or maximum 6 feet masonry. Masonry must match color and texture of existing development party walls. The wrought iron rails must be painted black. Masonry should have no open or decorative block.

### ***WATER FEATURES***

Water features must not be visible from the street view or neighboring property view unless AC approval is obtained.

### ***WATER SOFTENER TANKS***

All soft water or water filtration systems must be placed inside your home.

### ***WIND TURBINES***

See Ventilation Devices

### ***WINDOW COVERINGS***

Aluminum foil, sheets, blankets, cardboard, newspaper, insulation material, or any other such material is not allowed inside or outside to shade windows from the sun. No reflective window treatment or coverings allowed without the prior written approval of the Architectural Committee.