

# The Premier at Desert Breeze Homeowners Association

## Design Guidelines And Association Rules

Adopted: -----, 2011

Revised:

# The Premier at Desert Breeze Homeowners Association

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## Overview

### Community Organization

Every resident of Premier at Desert Breeze is a member of The Premier at Desert Breeze Homeowners Association (the "Association"), the entity responsible for the management of all common areas as well as administration of the affairs of the community. The Association is created by the recording of the Declaration of Covenants, Conditions, Restrictions, Assessment, Charges, Servitude's, Liens, Reservation and Easements (the CC&R's). The CC&R's set forth Procedures, rules and regulations, which govern the community. The Association Rules and Design Guidelines are an Extension of the CC&R's and are to be used in harmony.

The Board of Directors (the Board) is charged with responsibility for overseeing the business of the association and has a wide range of powers. The Design Review Committee (the "Committee") is established by the Board to review all improvements within Premier at Desert Breeze including new construction and modifications to existing properties. The Committee has adopted Design Guidelines and standards to evaluate proposed construction activities.

### Design Review Process

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

**Simply stated, no improvements, alterations, repairs, additions, or other work, including changes in exterior color, are to occur on any lot or exterior of any home from its improved state existing on the date such property was first conveyed by Builder to a purchaser without prior approval of the Committee. The responsibility of the Committee is to ensure the harmonious, high quality image of Premier at Desert Breeze is implemented and maintained.**

**Any owner requesting approval from the Committee shall follow the application procedures listed below. Submittals will be returned to you within (30) days of receipt. Upon approval from the Committee of any construction, installation, addition, alterations, repairs, changes or other work, the owner shall, as soon as practical and diligently pursue such work so that it is completed within (60) days of issuance. Unless a variance is granted by the Committee permitting an extension of time of such approval as may be approved by the Committee at the time of issuance.**

## **Application Procedure**

The following information should be included:

- Application Form completed and signed (copy enclosed). Additional copies can be obtained from the Association's Management Office.
- Plot Plan – A site plan indicating dimensions relating to the existing dwelling and property lines (setbacks, etc.) and the improvement to be installed.
- Elevation Plans – showing finished appearance of the improvements in relation to the existing dwelling and property lines.
- Specifications – Description detailing materials to be used with color samples attached: drawing or brochure of structure indicating dimensions and color.

Submit the application and plans to:

**The Premier at Desert Breeze Homeowners Association  
C/O Kinney Management Services  
P.O. Box 25466  
Tempe, AZ 85285**

**Office: (480) 820-3451  
Fax: (480) 820-4771**

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

## **Design Guidelines**

### **General Principles**

The purpose of the Committee is to insure consistent application of the Design Guidelines. The Committee monitors any portion of any lot or parcels which is visible from other lots or parcels, the street, or the Association common areas. The Design Guidelines promote those qualities in Premier at Desert Breeze that enhance the attractiveness and functional utility of the community. Those qualities include a harmonious relationship among structures, vegetation, topography and overall design of the community.

### **Design Compatibility**

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

### **Workmanship**

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

### **Building Architecture**

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

### **Building Repairs**

No building or structure shall be permitted to fall into a state of disrepair. The owner of every home, or structure, is responsible at all times for keeping the buildings in good condition and adequately painted or otherwise finished. In the event any building or structure is damaged or destroyed, the owner is responsible for immediate repair or reconstruction. Roofs must also be kept in good repair at all times.

### **Awnings**

All awnings must be approved by the Committee. Awnings over all windows shall be canvas or similar material, of solid color on both sides, which match the color of the body of the exterior of the home or roof color and should only be installed on the sides and/or rear of the home. All awning submittals must include a drawing with the location of the proposed awning installation. A sample of the material to be used, along with the color and design of the proposed awnings is required. Owner is responsible for maintaining and repairing of awnings. The Association retains all rights to determine when an awning must be repaired and/or replaced due to weather fading, tearing, ripping, etc.

## **Basketball Goals**

1. Only portable goals are allowed and must be removed from street view when not in use.
2. Basketball poles must be black, white or a neutral color.
3. Backboards must be predominantly neutral color (gray, black, or white). Clear plexi-glass backboards are acceptable.
4. All equipment must be constantly maintained. Broken backboards, disfigured or bent rims, ripped or torn nets, chipped and/or peeling paint, etc. constitutes grounds for a fine and/or removal.
5. Only nylon or similar cord nets are acceptable. Metal or chains are expressly prohibited.
6. Courts may not be painted or permanently outlined on the driveway.
7. Lighting for night use of equipment is prohibited.

## **Clotheslines**

Clotheslines, or other outside facilities for drying clothes, are not permitted unless they are placed exclusively within the fenced yard and not visible to neighboring property.

## **Driveway Extensions**

Driveway extensions will be reviewed on a case by case basis with strong consideration of any impact on the architectural features of the neighborhood. The maximum driveway width (existing and addition) shall not exceed 30 feet of contiguous area. A landscape section must be included between the driveway area and the property line. All driveways must be kept clean and clear of debris, oil, rust, and other stains.

## **Flagpoles**

Flagpoles are allowed in residential areas and must be set back a minimum of 7 feet from the property line and no higher than 16 feet. The use of brackets mounted on the house or garage to display flags is allowed. When displaying a flag, Homeowners must follow the Flag Code as adopted by Congress. Flags flown at night must be illuminated.

## **Fences and Walls**

Plans to raise the height of a party wall must be submitted for approval with written permission from the adjacent neighbor(s). Plans for new fences or walls must be submitted to the Committee prior to construction. Copies of City Approvals must be submitted with the requests. Walls must be stuccoed and painted on both sides to match the existing dwelling or wall in texture and color.

**Gates**

Double gates may be installed to allow wider access to rear yards. All gates (double or single) should be the same material, design and color as the originally installed single gate. Shrubs, trees and plant material should be installed and maintained between the house and double gates whenever possible. Gates located in the NVAE are limited to foot traffic only.

**Gutters and Downspouts**

Gutters and downspouts will be considered for approval if the finish matches the color of the house. The Association strongly recommends use of high quality materials that offer long life, as the gutter must be maintained in good condition.

**HVAC**

Except as initially installed by the Declarant, no heating, air conditioning or evaporative cooling unit shall be placed, installed, constructed or maintained upon any lot without the prior approval of the Committee. All units shall be ground mounted, located within the perimeter of the rear yard and screened or concealed from view of neighboring property.

**Outdoor Fireplaces**

Installation of outdoor fireplaces requires advance approval by the Committee. Outdoor fireplaces may not exceed fence height. This section may not apply to fireplaces installed by the Declarant.

**Outdoor Lighting**

Any outdoor lighting installed on a lot or dwelling, subsequent to initial lighting installed by the builder, must receive advance approval by the Committee. Permanent lighting sources shall not be directed towards streets, common areas or neighboring property.

**Patio Covers**

Roofing material color should match that which was installed by the builder on the original roof of the home. Color of supports and material should match the color of the body or trim of the house. Patio covers and extensions will be reviewed on a case by case basis.

### **Ramadas, Gazebos and Other Structures**

Permanent Ramadas, gazebos and other structures may be erected in rear yards only subject to prior review and approval by Committee, subject to the guidelines listed below. All submittals are required to have a plot plan with dimensions and setbacks noted. All applications will be considered on a case by case basis. Applications for enclosed structures will require a complete architectural drawings package and an application fee.

1. The structure must be set back a minimum of 7 feet from any perimeter wall.
2. Maximum roof height is 10 feet at the highest point.
3. Maximum square footage (under roof area) is determined by overall lot size and is as follows:

<u>Lot size in square feet</u>	<u>Maximum Structure Size</u>
7,500 – 12,000	250 square feet
12,001 – 17,000	350 square feet
17,001 – 22,000	450 square feet
22,001 and above	550 square feet

4. The structure must be painted to match or blend with the house colors and be maintained in good condition.
5. Any roof tile must also match the tile on the house.
6. Lighting must be included in the submission and adhere to the outdoor lighting guidelines.

### **Play Structures**

Play structures require prior review and approval by the Committee and are subject to the following guidelines:

1. May be erected in the rear yards only and structures must be set back a minimum of 7 feet from any perimeter wall.
2. Maximum height allowed to top support bar or highest point of structure, is 10 feet.
3. Maximum height of any deck or platform is to be 4 feet above ground.
4. The distance from the ground elevation to the top of the perimeter fence must be measured and submitted with plans.
5. The Committee will take appearance, height and proximity to neighboring properties into consideration.
6. All play structures and canopies must be solid tan or earth-tone color.
7. Submit a brochure or picture if possible.



## **Pools and Spas**

Pools and spas must have approval of the Committee. Perimeter walls on lots bordering common areas and shared Homeowner Association walls may not be torn down to allow access to rear yards. Access must be gained by removing a portion of the front wall on the side of the home. Repairs to the wall must be made in a timely fashion and include repairing the wall to match the texture and color of the remaining wall. All pool and spa equipment must be screened from view of neighboring property. Any pool and spa equipment visible above the fence line (such as slides, etc) must be approved in advance by the Committee. Backwashing or draining of a pool must be in accordance with the City of Chandler guidelines.

## **Pool Fencing**

The specifications for rear hard wrought iron pool fencing on a lot with view fencing shall be neutral earth-tone color to match or blend with the existing home color or match the existing wrought iron fencing color.

## **Satellite Dishes**

While the Association does not prohibit the use of satellite dishes, the Association does regulate the size and location of the "dish" on the following basis:

1. Any "dish" larger than one meter (39 inches) that is visible from the street, neighboring property or the common areas is prohibited.
2. All dishes are to be located in the rear yard only.
3. Homes with "view" fencing must locate the dish in the most un-obstructive location possible while still receiving a quality signal.
4. All dishes that are visible from neighboring property, streets, or the common areas are to be painted to match the body color of the house.
5. All other antennae such as those used to receive signals from multi-channel multi-point distribution services and television broadcast stations will be reviewed on a case by case basis.
6. All dishes and antennae are to be submitted to the Committee with a diagram showing the location and size of device.

## **Screen Doors**

All screen and/or security doors must be submitted for approval and should be painted to match the exterior body color or trim of the home, or the color of the exterior door. Silver-colored aluminum screen doors are prohibited.

## **Signs**

No signs shall be displayed on any lot except for the following:

1. Signs used by Declarant to advertise the lots and residences thereon for sale.
2. One temporary "For Sale" sign with maximum face area of 5 square feet.
3. "For Rent" signs are prohibited.
4. Such signs as may be required by law.

**Solar Panels**

Except as may be initially installed by the Declarant, no solar energy collecting unit or panels shall be placed, installed, constructed or maintained upon any lot without prior written approval of the Committee.

**Storage Sheds**

Storage sheds may not be visible above the top of the block wall. Homes with “view” fencing must submit for approval and the shed may not be placed on the “view” fence. In addition, landscaping or some other means of screening approved by the Committee may be required for storage sheds on lots with “view” fencing.

**Window Covering Criteria**

Permanent draperies or suitable window treatments shall be installed on all front-facing windows within thirty days of occupancy. 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. Exterior window coverings or treatments used to decorate must be compatible, with respect to materials and color, with the style and color of the home.

Bronze, gray, charcoal, brown, or beige sunscreen material may be installed. The frame for window screens must match the screen material or existing window frames.

## **Landscape Guidelines**

### **Maintenance**

All landscaping shall be maintained in a neat and attractive condition. Minimum maintenance requirements include watering, moving, edging, pruning, removal and replacement of dead or dying plants, removal of weeds and noxious grasses and removal of trash.

### **Hardscape**

Any Hardscape items proposed for front yard installation must be approved by the Committee. Hardscape items that will be visible from neighboring property in the rear yard will also require approval. Materials included in Hardscape are concrete, brick, tile, wood, etc. Examples of Hardscape items are planters, walkways, retaining walls, decorative walls and fountains.

### **Rock and Ground Cover**

If decomposed granite or other landscape rock is used, it must be of an "earth tone" color and not white, green, blue or other bright colors. Artificially colored rock(s) or granite is prohibited. All rock areas should be treated with a pre-emergent weed control at regular intervals to retard weed growth.

River rock shall be three (3) to six (6) inches in diameter. Not more than 10% of the front yard landscape may be river rock.

### **Fine Grading and Mounding**

Fine grading is a critical aspect of landscaping. Each lot has been graded in such a way that all storm water will drain away from the house. It is important that this drainage pattern is maintained when preparing the landscape design, especially if mounding or berming is proposed. In all cases, the installation must comply with the city grading and drainage plan. Every effort should be made to make mounding appear natural.

### **Water Features, Statuary, Etc.**

Items such as fountains, statuary, etc. are permissible within the rear yard and do not require submittal to the Committee, except on lots with view fences. Such items must be approved by the Committee for installation in the front yard. It is recommended that water features be chlorinated. The Committee reserves the right to limit the size and quantity of statuary in the front yard, as well as the rear yards with view fences. Statuary must be of earth tones, no painted finishes, and must be approved by the Committee. All functional and/or decorative items must be approved before being placed in the front or rear yards with view fencing.

## Lighting

Lighting, other than that put in by the builder, must be approved by the committee. The following outlines the minimum standards for lighting.

1. Lighting shall be shielded such that the light shines primarily on the lot on which it is installed. Lighting that creates a glare visible from other lots are prohibited.
2. Light fixtures shall not exceed an illumination intensity of more than one (1) foot-candle power as measured from the closest lot line.

## Plant Requirements

The owner shall landscape in compliance with The Premier at Desert Breeze Homeowners Association CC&R's and the following guidelines as adopted and amended from time to time, in that portion of the lot which is between the street(s) adjacent to the lot and the exterior wall of the residential unit or any wall separating the side or back yard of the lot from the front yard of the lot. Back yards which are visible from common areas shall adhere to the installation requirements.

Front yards and rear yards with view fencing must have the following landscape requirements.

<u>Plant Type</u>	<u>Size</u>	<u>Quantity</u>
Trees	15 gal	1
Shrubs or cactus	5 gal	1
Shrubs	1 gal	5
Ground Cover	1 gal	0

1. Select plants for alternating seasons of display and color.
2. Homeowners to select low shrubs/groundcover along driveway and street frontages to maintain visibility. Plants exceeding 2'0" in mature height shall be located at least 8'0" feet back from public sidewalks or curbs.
3. Surface select boulders may be grouped in clusters, with varied sizes, buried 1/3 below grade and incorporated with grades to mimic a natural outcropping. Boulders may not exceed 3' in height and shall have a natural oval character that is compatible with specific decomposed granite. Colored and lava rocks are prohibited.
4. Homeowners may use low voltage lighting to highlight entry walks, or accentuate trees. Colored bulbs and lenses are prohibited. Light source shall be adjusted to minimize glare on adjacent properties, common areas or streets.
5. Ornamentation such as driftwood, skulls, wagon wheels, sculptures, etc. are not permitted in front yards.
6. Special design features such as low walls, trellis, water features or other structures must be approved in advance by the Committee.

**Irrigation**

With an average rainfall of less than nine inches, most plant materials require a supplemental irrigation system to sustain plant life yet preserve our precious water supply. Each homeowner should provide a complete irrigation system compatible with the front yard design. Time clocks should be cycled for efficient deep watering. Turf areas shall have spray irrigation with 100% head to head coverage, designed to minimize overspray onto any paved or granite areas. All supplemental plants should be watered by any underground drip system to provide deep watering.

**Association Rules**

The following Association rules summarize some of the common provisions found in the CC&R's as well as rules established by the Board. Cooperation on the part of all residents in following these rules will make living at Premier at Desert Breeze an enjoyable experience for everyone.

**General Property Restrictions**

Owners may rent only the entire lot or dwelling unit. Rental must be made only to a single family. No gainful occupation, trade or other non-residential use may be conducted on the property for the purpose of receiving products or services related to such usage. Owners must receive Board permission to apply for any rezoning, variances or use permit.

**Trash/Recycling Containers and Collection**

No garbage or trash shall be kept on any lot except in covered containers as provided by the City of Chandler. These containers must be stored out of sight except on days of collection.

**Pets**

Residents are allowed to keep a reasonable number of generally recognized house or yard pets. Animals cannot be kept or raised for commercial purposes, and they are not allowed to make an unreasonable amount of noise or become a nuisance to neighbors. Dog runs must have prior approval of the Committee. Dogs must be kept on leashes at all times while on Association property. All owners must clean up after their pets.

**Holiday Lighting**

Temporary holiday decorations are permitted from Thanksgiving through January 15. Any other temporary holiday decorations are permitted so long as they are removed after a reasonable amount of time.

### **Seasonal and Decorative Flags**

Seasonal and decorative flags which are house mounted below the roofline do not require approval. Seasonal flags must be removed within ten days after the date of the holiday. Flags must be maintained in good condition at all time. Torn, ripped, faded, etc. constitute grounds for fines and removal. Flags may not be offensive to neighbors or Association. The Board shall make this determination.

### **Machinery and Equipment**

No machinery, fixtures or equipment of any type, including, but not limited to heating, cooling, air-conditioning, refrigeration equipment and clotheslines, may be placed on any lot or parcel without screening or concealment from view of non-residential neighboring property or public property. Oil pans, carpet, boards or any other object used to collect oil spills from driveways must be removed when not in use so as not to be visible.

### **Vehicles**

No motor vehicle, mobile home, recreational vehicle, travel trailer, tent trailer, camper shell, detached camper, boat, boat trailer, hang glider, ultra light, or other similar equipment or vehicle may be parked or maintained on any lot or parcel or any street in Premier at Desert Breeze so as to be visible from neighboring property, the common areas or the streets. RV vehicles may be parked in front or in the driveway of the resident's home for a period of not more than 24 hours for loading and unloading.

No automobile, motorcycle, motorbike or other vehicle shall be constructed, reconstructed or repaired upon any lot, parcel or street in Premier at Desert Breeze, and no inoperable vehicle, including but not limited to vehicles with flat tires, may be stored or parked on any such lot, parcel or street so as to be visible from neighboring property or to be visible from common areas or streets; provided, however, that the provisions of this section shall not apply to emergency vehicle repairs or temporary construction shelters or facilities maintained during and used exclusively in connection with the construction of any improvement approved in writing by the Committee.

### **Parking**

Vehicles of all owners, lessees and residents and of their employees, guests and invitees, are kept in garages, carports, residential driveways of the owner, designated parking areas, designated spaces in commercial areas, and other designated parking areas wherever and whenever such facilities are sufficient to accommodate the number of vehicles at a lot. Owners are requested to restrict overnight street parking except in emergency situations.


**Action in Writing  
of the Board of Directors of  
Mesquite Groves Homeowners Association**

The undersigned, constituting all of the members of the Board of Directors of Mesquite Groves Homeowners Association Homeowners Association, an Arizona nonprofit corporation, hereby take the following actions in writing and without a meeting pursuant to Section 10-1095, Arizona Revised Statutes, which actions shall have the same force and effect as if taken by the Board at a duly called meeting of the Board:

**RESOLVED**, that Mesquite Groves Homeowners Association, an Arizona corporation, be and it hereby adopt the Architectural Guidelines and Association Rules dated September 11, 2001.

Dated this 30 day of October, 2001.

  
\_\_\_\_\_  
President

  
\_\_\_\_\_  
Vice-President

  
\_\_\_\_\_  
Secretary/Treasurer