

# **MONTANA BLANCA ESTATES PROPERTY OWNERS ASSOCIATION**

## **DESIGN GUIDELINES - RULES AND REGULATIONS**

**MARCH, 2003**

Due to the nature of the community documents, it is important to converge all of the pertinent information regarding architectural submittals into one document: Design Guidelines and Rules and Regulations. These Design Guidelines and Rules and Regulations for Montana Blanca Estates Property Owners Association, as allowed in the Declaration of Covenants, Conditions and Restrictions (CC&R's) for Montana Blanca Estates Property Owners Association and all resolutions to date, will provide you with all the latest information relevant to improvements which will require approval from the Architectural Committee, per Article V, Section 5.22 of the CC&R's.

The Design Guidelines, as set forth in this document, shall interpret and implement procedures for the Architectural Committee's review and standards, including, but not limited to, architectural design, placement of buildings, landscaping, color schemes, exterior finish and material, signage, and wall design. These documents are intended to enhance property values and high standards of development that exist within Montana Blanca Estates Property Owners Association. Unless specifically identified as not requiring submittal for approval within this document, prior approval from the Architectural Committee is required. The Guidelines are established to assist residents in conforming to the standards established, and amended from time to time, by the Board of Directors. **FOLLOWING THESE DESIGN GUIDELINES DOES NOT ELIMINATE THE NEED FROM SUBMISSION OF PLANS FOR APPROVAL BY THE ARCHITECTURAL COMMITTEE SHOULD THE ARCHITECTURAL COMMITTEE REQUIRE SUBMISSION FOR APPROVAL.** Each application will be reviewed on a case-by-case basis.

**PRIOR TO THE COMMENCEMENT OF CONSTRUCTION OR INSTALLATION, ALL PLANS MUST BE SUBMITTED, IF REQUIRED, TO THE ARCHITECTURAL COMMITTEE. APPROVAL TO PROCEED SHALL BE REQUIRED IN WRITING FROM THE ARCHITECTURAL COMMITTEE. FOLLOWING THESE GUIDELINES DOES NOT ELIMINATE THE NEED FOR SUBMISSION OF PLANS (UNLESS SPECIFICALLY NOTED).**

## **APPLICATION PROCEDURE**

### **Submittal**

Application and plans (which will be kept on file with the Association) should be mailed to:

Montana Blanca Estates Property Owners Association  
-  
Vision Community Management  
16625 S Desert Foothills Pkwy  
Phoenix, AZ 85048

The following information should be included with the submittal:

1. **Application Form - Architectural Committee Review Form** - a completed application form (copies may be obtained from the sales or management office).
2. **Plot Plan** - A site plan showing dimensions, relation to existing dwelling and property lines (setbacks). Measurements must be written on the plans. Plot plans are received upon execution of your sales contract.
3. **Elevation Plans** - Plans showing finished appearance of improvement in relation to existing dwelling.
4. **Specifications** - Detailed description of materials to be used, color samples and dimensions must be submitted.

All buildings, structures and other improvements erected within Montana Blanca Estates Property Owners Association and the use and appearance of all land within Montana Blanca Estates Property Owners Association, shall comply with all applicable City zoning and code requirements as well as the Declaration and these Rules.

### **REVIEW - APPROVAL AND/OR DISAPPROVAL**

The Architectural Committee shall have 60 days after submittal of plans to approve or disapprove plans. No verbal approvals/disapprovals will be given by the management company. All decisions will be mailed via US Mail.

Review and approval or disapproval will include, but is not limited to, consideration of material, quality of workmanship, colors and consistency with the external design and color of existing structures on the lot and impact on neighboring lots. The location of the improvement with respect to topography and finished grade elevation is also considered.

Neither the Architectural Committee, nor the Board of Directors, nor the Declarant shall have any liability in connection with or related to approved plans, specifications, or improvements. The approval of the plans does not mean that judgment is passed on the structural soundness of the improvement nor its effect upon existing or future drainage. The review of the plans is for aesthetic purposes only.

**Approval Expiration** - Construction must be started within 90 days of the date of the Committee's approval of the application or the Committee's approval shall be deemed withdrawn and plans must be resubmitted in accordance with these Rules.

**Construction Period** - once started; construction shall be pursued diligently in order to assure prompt completion thereof. Absent a different deadline for completion of construction (which may be shorter or longer, at the Committee's discretion), such construction shall be completed within six (6) months of the date of the Committee's approval of the application.

### **Appeal Process**

Any appeal of the Committee's decision must be submitted in writing, within 30 days of the mailing date of the Committee's decision to:

Montana Blanca Estates Property Owners Association

Vision Community Management  
16625 S Desert Foothills Pkwy  
Phoenix, AZ 85048

**THESE DESIGN GUIDELINES - RULES AND REGULATIONS MAY BE AMENDED FROM TIME TO TIME BY A MAJORITY VOTE OF THE BOARD OF DIRECTORS.**

## **DESIGN GUIDELINES**

### **AWNINGS**

All awnings must be approved by the Architectural 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 shall be installed only on the side 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 awning. Owner is responsible for maintenance and repair of awnings. Association retains the right to determine when an awning must be repaired and/or replaced due to weathering, fading, tearing, ripping, etc.

### **BASKETBALL GOALS**

1. Portable basketball goals are expressly prohibited, except in rear yards. "Portable basketball goals" shall refer to basketball equipment that has a base that is not permanently installed in the ground.
2. Only pole mounted backboard and goals are acceptable. Poles must be set in the ground permanently. Backboards shall not be attached to the house, garage or roof.
3. Goals must be installed on the "exterior" side of the driveway.
4. Permanent basketball poles located in front or rear yards must be painted to match the color of the body of the exterior of the home or black in color.
5. Backboards must be of a predominantly neutral color (gray, black or white) or match the color of the body of the exterior of the home. Clear Plexiglas backboards are acceptable without painting.
6. All equipment must be constantly maintained. Broken backboards, disfigured or bent rims, ripped or torn nets, chipped and/or peeling paint, etc., constitute grounds for fines and/or removal.
7. Only nylon or similar cord nets are acceptable. Metal or chain nets are expressly prohibited.
8. Courts MAY NOT be painted or permanently outlined on the driveway or other concrete surfaces.
9. Lighting for night use of the equipment is prohibited.
10. Permanent basketball goals located in the rear yard must comply with all above applicable guidelines.

Basketball equipment does not need to be submitted for approval providing the equipment is in compliance with the above rules.

### **DECORATIVE ITEMS**

Front yard item(s) must be submitted for approval by the Architectural Committee. The Board of Directors reserves the right to require removal of decorative items in front yards based on size, quantity, color and location and any other criteria that the Board may determine.

**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 30 days after the date of the holiday to which the flag pertains. Flags

must be maintained in good condition at all times. Torn, ripped, faded, etc. ... constitute grounds for fines and removal. Flags shall not be offensive to the Association. The Board of Directors shall make this determination at its sole discretion.

**Holiday Decorations** Holiday decorations may be installed 40 days prior to the holiday and must be removed within 40 days after the holiday.

**Decorative and Seasonal Items** The Board of Directors reserves the right to require the removal of decorative items in front yards based on size, quantity, color, location and any other criteria. The Board of Directors, at its sole discretion, shall make its determination on a case-by-case basis.

**Decorative Art on Houses** Decorative Art on houses shall be neutral in color and limited to two items. Dimensions of decorative art shall be no greater than three feet in length, width and diameter.

**Water Features, Statuary, Etc.** Items such as fountains, statuary, etc., are permissible within the rear yard and do not require submittal to the Architectural Committee, except on Lots with view fencing. Water features may not exceed 4-1/2 feet in height. 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 rear yards with view fencing. Statuary must not exceed 12 inches in height, must be of earth tones and must be approved by the Architectural Committee.

### **DRIVEWAY EXTENSIONS AND SIDEWALKS**

Driveway extensions will be reviewed for approval provided the following conditions are met:

1. Only driveway extensions located in the side yard of the property will be considered.
2. Submittals must include a plat map with exact lot dimensions and the location and dimensions of the proposed extension.
3. The total parking area may not exceed thirty (30) feet of contiguous frontage or fifty percent (50%) of the lot width (existing plus extension) as measured at its widest point, whichever is less.
4. All extensions must end one foot from the side property line. The area between the extension and the lot line must be landscaped with the same groundcover used in the front yard or a material approved by the Architectural Committee.
5. Painting of paved surfaces is prohibited.

### **Additional Sidewalks**

Sidewalks installed to utilize the side gates do not need to be submitted if all of the following conditions are met:

1. The additional sidewalk is three (3) feet or less in width, is one foot or more from the property line and is one foot or more from the home.
2. The area between the home and the sidewalk addition must have groundcover installed to match the existing groundcover.

The Architectural Committee reserves the right to review and request changes to the addition per these requirements.

Additional sidewalks in any other location in the front yard must be submitted for approval.

### **FENCES AND WALLS INCLUDING DECORATIVE WALLS**

Plans to raise the height of a party wall must be submitted for approval with information on the height of all walls that will abut the wall(s) being raised. Side and rear walls may not exceed six (6) feet in height from ground level, as measured from the lowest side of the wall.

Plans for new fences or walls must be submitted to the Architectural Committee prior to construction. Walls must match the existing wall in texture and color.

Perimeter walls on lots bordering common areas may NOT be torn down to allow access to rear yards. **AN ASSESSMENT OF \$2,000.00 WILL BE ASSESSED TO A LOT IN WHICH A COMMON WALL HAS BEEN REMOVED WITHOUT ARCHITECTURAL COMMITTEE APPROVAL.** Access must be gained through the front wall on the side of the home, repairs to this wall must be completed in a timely fashion and include repairing the old wall to match the texture and color of the remaining wall.

Decorative or garden walls may not exceed thirty-six (36) inches in height. Decorative or garden walls must be submitted for approval prior to installation and be stuccoed and painted to match the base color of the home.

## **FLAGPOLES**

Per Arizona State Bill 1055 signed by the Governor on April 29, 2002, the following rules shall apply to flagpoles in this community:

### **Display of the American / Arizona State Flags:**

1. These flags may be displayed from sunrise to sunset.
2. These flags should not be displayed on days when the weather is inclement, except when an all-weather flag is displayed.
3. No other flag or pennant should be placed above or, if on the same level, to the right of the American flag.
4. If the American flag is displayed from a vertical flagpole or a flagpole/staff projecting horizontally or at an angle from a windowsill or front of a home, the union of the flag (blue, where the stars are located) should be placed at the peak of the flagpole/staff unless the flag is at half staff.
5. The flag should never be displayed with the union down, except as a signal of dire distress in instances of extreme danger to life or property.
6. The flag should never touch anything beneath it (the ground, a floor, water, or merchandise).
7. The flag should never be fastened, displayed, used, or stored in such a manner as to permit it to be easily torn down, soiled, or damaged in any way.
8. The flag, when it is in such condition that it is no longer a fitting emblem for display, must be removed and replaced with a new flag.

### **Placement of American / Arizona State Flags Display; Poles; Number of Flags:**

1. Prior to installing a flagpole on any Lot, the Owner of said Lot must, in writing, submit a request including specific plans detailing the height, type, location, method of installation, and color of the pole to the Architectural Committee for approval.
2. Only one (1) flagpole of any type is allowed on a Lot.
3. The height of a flagpole can be no taller than the height of the highest point of the roofline or the distance between the point of placement of the pole in the yard and the closest point of either of the following:
  - a) The sidewalk (or the street if no sidewalk exists);
  - b) Any common area; or
  - c) Any neighbor's property line.
4. There shall be no more than one (1) American / Arizona State flag displayed at any one time on a Lot.
5. The Association permits display of a reasonable number of additional American flags on the following National Holidays only (to be removed no later than 5:00 p.m. of the following day): Memorial Day, Flag Day, July 4, Labor Day, Veterans Day.
6. The American / Arizona State flags may not be placed on common area.

## **GATES**

All requests for additional gates or gates other than that which were offered by the original developer of the lot/home must be submitted for architectural approval. Placement of gate(s) must be approved by the Architectural Committee. Double gates may be installed to allow wider access to rear yards. All gates (double or single) should be of the same material, design and color as the originally installed single gates unless approved by the Architectural Committee. Gates may be painted to match the fence with approval from the Architectural Committee.

## **GUTTERS AND DOWNSPOUTS**

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

## **HVAC (INCLUDING EVAPORATIVE COOLERS)**

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 written approval of the Architectural Committee. All units shall be ground mounted, located within the perimeter of the rear yard and screened or concealed from view of all neighboring property.

## **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 to not be visible.

## **PAINT COLORS**

Roofing materials should match that which were installed by the builder on the original roof of the home or that which were offered as an option by the builder for a patio cover. Asphalt shingles (including rolled shingles) are expressly prohibited unless used on the original roof of the home.

Color and material of supports should match the home. Roof shall be flat or match the pitch of the roof of the home. All patio covers not installed by the builder will



need to be reviewed by the Architectural Committee on an individual basis, prior to installation, with strong consideration being given to any impact of architectural features in the neighborhood.

### **PLAYGROUND EQUIPMENT**

Plans for play structures and similar recreational equipment must be submitted for approval since in most instances they protrude over the fence line. This is not to eliminate play structures, but to consider privacy issues for adjacent neighbors and to assure nothing unsightly is erected.

The maximum height, which will be considered for approval of swing sets and other play equipment, shall be ten (10) feet. The maximum height for any deck/platform is four (4) feet above ground level.

The play structure may be placed no closer than five (5) feet to any lot line. When considering plan approval, the Committee will consider the appearance, height and proximity to neighboring property. Submittals must include a picture or photograph of the structure, total dimensions, materials and a plat map or drawing indicating the proposed location and its proximity to adjacent property lines.

The color of canopy of the play structure must be one of the following:

1. Canvas covers shall be of a "neutral" color, off white, beige or light brown.
2. A single solid color of red, blue, green or yellow.
3. Striped with white and one (1) other color either red, blue, green or yellow.
4. Prints and multi-colored stripped canopies are prohibited.

### **POOLS AND SPAS**

Pools and spas do not require the prior approval of the Architectural Design Review Committee. Perimeter walls on lots bordering common areas may NOT be torn down to allow access to rear yards. **AN ASSESSMENT OF \$2,000.00 WILL BE ASSESSED TO A LOT IN WHICH A COMMON WALL HAS BEEN REMOVED WITHOUT ARCHITECTURAL COMMITTEE APPROVAL.** Access must be gained through the front wall on the side of the home, repairs to this wall must be completed in a timely fashion and include repairing the old wall to match the texture and color of the remaining wall.

All pool and spa equipment must be screened from view of neighboring property. (Lots with view fencing must submit plans for screening for approval by the Architectural Committee.)

Pools may not be backwashed into any common area. Check with your pool contractor concerning City ordinance requirements for backwashing. Damage, including erosion, to common area due to backwashing will be repaired by the Association and all expenses incurred by the Association will be billed to the homeowner.

### **POOL FENCING AND EQUIPMENT**

The specifications for rear yard wrought iron pool fencing installation on a Lot with view fencing shall be of a neutral earth tone color to match or blend with the exterior color of the home and meet all City, State and Federal Requirements.

Pool equipment on lots with view fencing must be screened from view from common areas. Screening may be through plant material or hardscape enclosure. Hardscape enclosures do not require approval if the enclosure does not exceed four (4) feet in height, stuccoed and painted to match the base color of the home. All other screen materials require approval from the Architectural Committee.

### **ROOF AND ROOF STRUCTURES**

If the dwelling unit has a pitched roof, the roofing material for that portion visible from neighboring property must be clay or concrete tile. Unless specifically authorized in this document, no heating, air-conditioning, ventilation equipment, or any other equipment or structures shall be located or installed or maintained anywhere on a Lot if it is visible from neighboring property.

### **SANITATION**

No garbage or trash may be placed on any lot or parcel except in covered containers meeting the City specifications, which must be stored out of sight. Trash cans may be placed out for pickup no more than 12 hours prior to pickup and must be removed from view no more than 12 hours after pickup. Rubbish, debris and garbage shall not be allowed to accumulate.

Each owner shall be responsible for removal of rubbish, debris and garbage not only from his lot or parcel, but also from all public right-of-ways either fronting or alongside his lot or parcel, excluding (a) public roadway improvements, and (b) those areas specified on a Tract Declaration or subdivision plat to be maintained by the City or the Association.

## **SECURITY LIGHTING/DEVICES**

Security lighting must be directed as to not shine on neighboring property.

Security features including but not limited to doors and windows must be submitted for approval.

## **SECURITY/SCREEN DOORS/SUNSCREENS**

Wrought iron security/screen doors need not be submitted for approval provided they are painted to match the base color of the home.

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

Bronze, gray, charcoal, brown or beige sunscreen material may be installed and not submitted for approval provided that the window frame matches the sunscreen material or the existing window frames.

Reflective window films are expressly prohibited. Bronze or charcoal non-reflective window tinting may be installed without Architectural Design Review Committee approval.

## **SIGNS**

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

- a. Signs used by Declarant to advertise the lots and residence thereon for sale or lease;
- b. One temporary "for sale" or "for rent" sign with a total face area of five (5) square feet or less;
- c. Such signs as may be required by law;
- d. One residential identification sign with a total face area of eighty (80) square inches or less; and,
- e. Signs approved by the Architectural Committee.

All signs must conform to applicable municipal ordinances. Signs advertising landscaping or pool contractors, etc., must be removed within forty-eight (48) hours of completion of work.

### **Security Signs**

Security signs must be located a maximum distance of two (2) feet from the front of the home. Security signs must not exceed 12 inches by 12 inches and must be maintained in good condition at all times.

## **SOLAR PANELS AND EQUIPMENT**

Roof mounted solar equipment (excluding the solar panels) must match the roof material. Panels must be an integrated part of the roof design and mounted directly to the roof plane. Solar units must not break the roof ridgeline. Visibility must be minimized from public view, and may be required to be screened from neighboring property in a manner approved by the Architectural Committee.

## **STORAGE SHEDS**

Storage sheds will be permitted and need not be submitted for approval, provided the shed meets the following requirements:

1. Maximum height of the shed, including roof, does not exceed seven (7) feet;
2. Shed must be placed at least three (3) feet from all party walls and perimeter walls within the community.
3. Color of shed must match or blend with color scheme of house or be neutral (i.e., beige, tan).

If placed in a yard with a view fence, the shed must be screened from view with plant materials. Placement of a shed in a yard with a view fence requires approval of the Architectural Committee prior to installation.

Sheds not meeting the above noted specifications will need to be submitted to the Architectural Committee and will be considered on a case-by-case basis.

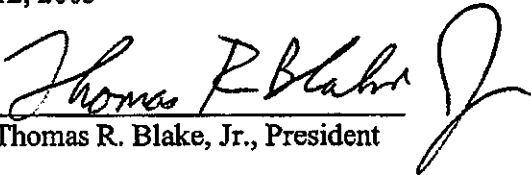
## **WINDOWS**

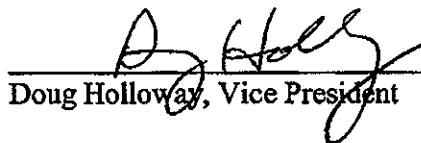
Permanent draperies or suitable window treatments shall be installed on all front-facing windows within thirty (30) days of occupancy. No reflective materials, including but not limited to, aluminum foil, reflective screens or glass, mirrors or similar type material, shall be installed or placed upon the outside or inside of any windows. Exterior window coverings or treatments used to shelf or decorate openings must be compatible, with respect to materials and color, with the style and color of home.

**UNANIMOUS CONSENT TO ACTION BY THE BOARD OF DIRECTORS OF  
MONTANA BLANCA ESTATES PROPERTY OWNERS ASSOCIATION  
C/O ASSOCIATED ASSET MANAGEMENT, INC.  
2400 E. ARIZONA BILTMORE CIRCLE, #1300  
PHOENIX, ARIZONA 85016  
(602) 957-9191**

The undersigned, constituting all of the members of the Board of Directors of MONTANA BLANCA ESTATES PROPERTY OWNERS ASSOCIATION, an Arizona non-profit corporation, hereby take the following actions in writing and without a meeting pursuant to Section 10-3821, 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, the Board of Directors of Montana Blanca Estates Property Owners Association, hereby approve of the Design Guidelines/Association Rules dated March, 2003 IN WITNESS WHEREOF, the undersigned have executed this consent as of June 12, 2003

  
Thomas R. Blake, Jr., President

  
Doug Holloway, Vice President

  
Jill K. Zimmerman, Secretary/Treasurer