

# **Forty Eight East Homeowners Association, Inc.**

## **Architectural Guidelines and Association Rules**

**3rd Revision  
Adopted September 24, 2015  
With Amendments Adopted 11/12/15 & 01/28/16**

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# 1. OVERVIEW

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## 1.1 COMMUNITY ORGANIZATION

Every **Owner** of a Lot in **Forty Eight East** (the “**Community**”) is a **Member** of the **Forty Eight East Homeowners Association, Inc.** (the “**Association**”). The Association is 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** (the “**CC&Rs**”). The CC&Rs set forth procedures, rules and regulations, which govern the Community.

The **Board of Directors** (the “**Board**”) manages the affairs of the Association. The Board has a wide range of powers including the ability to adopt rules and regulations and to employ a management firm to assist in the operation of the Association.

The **Architectural Review Committee** (the “**ARC**”) was established by the Board to review all improvements within the Association including new construction or modifications to existing properties, to adopt and enforce Guidelines to aid in that review, and to assist the Board with the enforcement of its Rules.

A professional community management company (the “**Management Company**”) has been retained by the Board to manage the daily operation of the Association. The Management Company appoints a **Community Manager** to act as liaison between the Community and the Management Company. As managing agent for the Association, it is the function of the Management Company to implement Community policies set forth by the Board. The Management Company responds to all Members’ concerns regarding violations and enforcement of the CC&Rs, Rules, and Guidelines, and overall operation of the Community. The Board, however, maintains the ultimate responsibility for the management of the Association.

## 1.2 GUIDELINES AND RULES

Pursuant to Article V, Section 3 of the CC&Rs, the Board has adopted the **Forty Eight East Rules and Regulations** (the “**Rules**”). These Rules are intended to supplement and summarize certain major components of the CC&Rs of which all Members should be aware. However, in the event of a conflict between the Rules and the CC&Rs, the provisions of the CC&Rs shall prevail.

Pursuant to Article V, Section 3, and Article 11, Section 2 of the CC&Rs, the ARC has adopted the **Forty Eight East Design Guidelines** (the “**Guidelines**”) to evaluate all improvements to ensure they are consistent with the Community’s master plan, and that they promote those qualities in the Community which enhance the attractiveness and functional utility of the Community.

The Guidelines ensure excellence by establishing standards for constructing, remodeling, and relandscaping residences while the Rules assist in defining property use. The requirements, standards, and procedures contained in the Rules and Guidelines are intended to establish and maintain a harmonious image for the Community. Through them, an attempt is made to achieve a consensus between individual aesthetic judgment and the broader interest of Community standards. Your compliance with these Rules and Guidelines is necessary to make Forty Eight East a lastingly beautiful community.

### 1.3 ARCHITECTURAL REVIEW PROCESS

Before any additions or modifications are started or Architectural Requests are submitted, please consult the Association's CC&Rs, Rules, and Guidelines for requirements and information regarding improvements, landscaping, setbacks, building envelope, etc.

**No new construction or landscaping; or remodeling, relandscaping, or any other exterior changes, including changes in exterior color, are to occur on any lot or exterior of any property without the prior written approval of the ARC. Oral approvals are never given.**

Members making changes which are not approved in advance, not within the scope of an approval, or which were denied may be subject to escalating fines and/or restoring the unauthorized work to the original approved design(s) at their expense. Any Member requesting approval from the ARC shall complete the following application procedures.

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#### 1.3.1 APPLICATION PROCEDURE

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An **Architectural Request Form** must be completed and signed with every request. Forms can be obtained from the Management Company or the Association's website. Be sure to use a current form.

The following information is to be included:

- **Plot Plan** - (when applicable) A site plan with lot dimensions, the location and dimensions of the structure or modification, and setbacks from all property lines.
- **Elevation Plans** - (when applicable) Plans showing the finished appearance of the improvements in relation to the existing dwelling and property lines.
- **Drawing(s)** – that adequately describe the requested change or addition.
- **Specifications** – A description detailing the materials to be used (landscape materials, plant species, etc) with samples attached (color, tile, or rock samples, etc.); and a drawing or brochure of the structure providing its dimensions and color.
- **Timetables** – A statement indicating the expected start and completion dates of the project.
- **Photographs** – if available.

Submit the Request Form and plans to the address or email address indicated on the form.

Submittals will be returned within forty-five (45) days of receipt. **Remember, you must have written approval from the ARC before proceeding with a proposed project.**

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### 1.3.2 APPLICATION FINDINGS

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There are four (4) possible findings: approved, approved with conditions, denied, or returned for more information. If approved or approved with conditions, the form (which will stipulate the conditions under which it is approved) will be signed and dated by a member of the ARC and returned to the Management Company. The Management Company will then retain a copy of the approved request form in the Member's file and will return the approved form to the Member. If the request is denied or returned for more information, the form (with an itemization as to why the request was denied or what information is needed) will be returned to the Management Company to first record the denial in the Member's file and then to return to the Member. If the plan is returned for more information, the Member is required to attach a **new** form with revised plans and drawings once the required information is gathered.

The ARC may, at its option, grant variances from the Guidelines. Variances will be granted only in extenuating circumstances, based upon the determination that a restriction would create an unreasonable hardship or burden upon a Member, or that a change of circumstances since the adoption of the CC&Rs has rendered such a restriction obsolete. All requests for a variance must be accompanied by full documentation, including what the variance entails and the reason it is justified. Any modification permitted by the variance may not have an adverse effect upon other Members and must be in keeping with the high standards intended for the Community.

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### 1.3.3 PROJECT COMPLETION

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Upon approval from the ARC of any construction, installation, addition, alterations, repairs, changes or other work, the Member shall diligently pursue such work so that the project is **started within sixty (60) days and completed within one hundred twenty (120) days** of issuance of the approval or such additional period of time as may be approved by the ARC at the time of issuance.

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

## 1.4 VIOLATION ENFORCEMENT

One of the most sensitive issues in a planned community is the enforcement of the CC&Rs and other rules which are violated, either knowingly or unknowingly, by residents. Violations may be reported to the Community Manager by any Member by use of a complaint form in accordance with ARS 33-1803. Initial violations normally result in a friendly reminder letter to the responsible Member. This serves as an educational process and the Member is encouraged to contact the Community Manager for necessary clarification and guidance regarding the violation. Please afford the Community Manager the respect and courtesy you would to any of your neighbors, as he or she is, in a very real way, representing the interests of your neighbors.

If the violation is not corrected in a timely manner a second letter will notify the Member that if the violation continues, fines may ensue. If the violation is not corrected, then an escalating fine structure will be imposed until the violation is corrected.

If the Member disagrees with the Community Manager regarding the violation, he or she should contact the Community Manager to attempt resolution. If the matter is not resolved to the Member's satisfaction, the Member may submit a written appeal to the Board of Directors for review at the next regular meeting. The Member is encouraged to attend that meeting to explain their position, answer questions, etc. Once the Board has reviewed the matter and made a determination, their decision is final.

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## 2. ARCHITECTURAL GUIDELINES

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### 2.1 GENERAL PRINCIPLES

The purpose of the ARC is to ensure consistent application of the Guidelines, Rules, and the CC&Rs. The ARC monitors any portion of any lot which is visible from other lots, the street, and the Association common areas. The Guidelines promote those qualities 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.

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#### 2.1.1 BUILDING ARCHITECTURE

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



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### 2.1.2 DESIGN COMPATIBILITY

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The proposed construction must be compatible with the design and desert characteristics of the property itself, adjoining properties, and the neighboring setting. Compatibility is defined as harmony in style, scale, material, color, and construction details. Exterior colors of any building or structure shall be desert tans or browns.

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### 2.1.3 NEIGHBORING PROPERTIES

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The interests of neighboring properties must be protected by making reasonable provisions for such matters as access, surface water drainage, sound and sight buffers, preservation of views (as much as is possible), light and air and other aspects of design which may have an effect on neighboring properties. During the approval process for projects, the ARC may ask for input from surrounding property owners to ensure that enough information is gathered to make an adequate decision. However, neighbor consent is not necessarily a condition for approval; nor does it, by itself, constitute approval of the request.

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### 2.1.4 QUALITY OF WORKMANSHIP

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The quality of workmanship evidenced in construction or design plans and experience of craftsmanship 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 ARC assume no responsibility for the safety or livability of the new construction by virtue of design and workmanship. Members are encouraged to use licensed contractors.

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### 2.1.5 REPAIRS

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No building or structure shall be permitted to fall into a state of disrepair. Members are responsible for keeping all structures in good condition and adequately painted or otherwise finished. In the event any building or structure is damaged or destroyed, the Member is responsible for immediate repair or reconstruction.

## 2.2 PROPERTY GUIDELINES

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### 2.2.1 AWNINGS

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No awnings or shade structure may be installed unless approved by the ARC. Members are 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.

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## 2.2.2 BASKETBALL GOALS

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**Portable** Basketball goals are permitted in the Community with the following stipulations:

- Basketball poles must be black, white, or painted to match the color of the body of the home.
- 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.
- The equipment must be constantly maintained. Broken backboards, disfigured or bent rims, ripped or torn nets, chipped or peeling paint, etc., must be repaired or replaced.
- The equipment must be free-standing and stable enough to use safely without the added support of any ropes or any other device.
- Only nylon or similar cord nets are acceptable. Metal or chains are expressly prohibited.
- Courts may not be painted or permanently outlined on the driveway.
- Lighting for night use of the equipment is prohibited.
- Hours of use are restricted to 9:00 AM until 7:00 PM.
- If the goal is frequently used it may be left outside, in an upright position. If used infrequently, the equipment must be stored and not be visible from any adjoining lot, common area, or street. For purposes of this paragraph, infrequently shall mean the goal is not used for play at least once per month.
- **No permanent basketball goal or backboard shall be installed on any lot.**
- The equipment must be placed on the Member's lot and play will not be allowed in the street.

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## 2.2.3 CLOTHESLINES

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

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## 2.2.4 DRIVEWAYS AND DRIVEWAY EXTENSIONS\*

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Driveway extensions will be reviewed on a case by case basis with strong consideration of any impact on the architectural features of the neighborhood. All driveways must be kept clean and clear of debris, oil, rust, and other stains. Driveways consisting of sand, dirt, gravel or material other than concrete are not permitted. Granite or turf areas used to access rear yards may not be used for vehicle parking or show visual evidence of being used as a driveway.

\*Amended Rule 2.2.4 adopted on November 12, 2015

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## 2.2.5 FENCES AND WALLS

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All modifications or additions to fences or walls must be approved by the ARC and must meet all City of Phoenix requirements on placement and construction.

Fences, walls and enclosures must be constructed of block. No portion of the fence, wall or enclosure, including any retaining wall portion, may be over eight feet (8') from the exterior natural grade. Walls may be stuccoed, and if so, must be painted to match the house.

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## 2.2.6 FLAGS AND FLAGPOLES

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### **American Flag Display**

The American Flag must always be displayed in a manner consistent with the U.S. Flag Code. The following rules were adopted by formal resolution of the Board of Directors on September 16, 2002:

Flying the American flag is permitted with the following restrictions:

- Size of the flag may not exceed 3' x 5' (2' x 3' is recommended).
- United States Flag Code (36 U.S.C. 173-178) must be followed.
- The Arizona state flag is permitted to be flown under the American flag.

U.S. Flag Code guidelines include: removing the flag during inclement weather; the flag must never be allowed to touch the ground; the flag must be in good repair without tatters or fading; the flag may only be displayed from sunrise to sunset unless appropriate lighting is installed that properly illuminates the flag without disturbing the quiet use and enjoyment of the neighboring properties. **The association must approve the lighting of any flag.**

Members are encouraged to display the American flag by attaching a flagpole bracket to the exterior of the home. No approval is necessary for bracket use.

Flagpoles may be installed on individual lots, at Member expense, within the front or rear yard with the following restrictions:

- Poles may not exceed 20 feet in height and a base diameter not to exceed 5 inches. Telescoping flag poles are preferred.
- Poles must be non-reflective metal and colored white; gun metal aluminum or bronze.
- Flag poles must be properly maintained.
- Flag poles must be at least five feet from any property line.

**If a Member elects to install a flagpole, the ARC must approve the location prior to installation.**

The Member will be fully responsible for any property damage liability and/or personal injury liability due to the flag pole. Please be considerate of your neighbors and prevent unnecessary noise from lanyards striking the pole.

Members are responsible for the repair and maintenance of their flagpoles and flags. Failure to comply with the above could result in fines for violation.

### **Seasonal Flags**

Seasonal and decorative flags which are house-mounted below the roofline do not require approval. Seasonal flags must be removed within ten (10) days after the date of the holiday. The flag must be in good repair, without tatters or fading.

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#### 2.2.7 FRONT DOOR

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Any change to the style or color of the front door requires approval of the ARC. The front door color may be of a natural wood stain, or may match the existing color scheme of the house, i.e. the color of the exterior or the trim.

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#### 2.2.8 GATES

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All gates must be wrought iron with wood slats. Staining the slats with a natural wood color or painting the gate the same color as the Member's house does not require approval of the ARC. Repainting the gates with any other color must be approved by the ARC. In general, only natural wood stains or desert tans or browns are permitted. Painting the wrought iron any other color than its current color requires approval by the ARC. Replacing slats with any material other than natural wood must be approved by the ARC. The slats and wrought iron must be properly maintained. Any broken, rotted, discolored, or poorly maintained slats need to be repaired or replaced immediately and wrought iron that is chipped, rusted, or broken must be repaired and painted.

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#### 2.2.9 GUTTERS AND DOWNSPOUTS

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Gutters and downspouts must have a finish which reasonably matches the body or trim 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.

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#### 2.2.10 HVAC

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All heating, air conditioning or evaporative cooling units shall be ground mounted, located within the perimeter of the rear yard, and screened or concealed from the view of the neighboring property.

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### 2.2.11 OUTDOOR FIREPLACES

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Outdoor fireplaces in rear yards may not exceed fence height without ARC approval. (Fireplaces placed in the front yard fall under Hardscape requirements under Landscaping Guidelines and always require ARC approval.)

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### 2.2.12 PAINT

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Normal repainting of the home for maintenance purposes does not require approval if the colors of the exterior or trim are not changing. If the Member wishes to paint the exterior or trim of any structure on a lot a different color, ARC approval is required. The color selection must be compatible with the existing color theme of the home and must be in desert tans or browns. The choice of color must also take into consideration the color of the roof tile and of the neighboring properties. The request must include information regarding the placement of trim and exterior colors on the home if the entire home is being painted.

See Appendix A for a list of approved exterior and trim colors for the Community.

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### 2.2.13 PATIOS AND PATIO COVERS

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All patios and patio covers require prior approval before installation. The roofing material color should match the roofing material on the roof of the home. The color and material of the supports should match the color of the body or trim of the home.

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### 2.2.14 PLAY STRUCTURES

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Play structures may be erected in rear yards only, subject to prior review and approval by the ARC. They are subject to the following guidelines:

- Structures must be set back a minimum of seven feet (7') from any perimeter wall.
- The maximum height allowed to the top support bar or highest point of the structure, is 10 feet (10').
- The maximum height of any deck or platform is to be 4 feet (4') above the ground.
- The distance from the ground elevation to the top of the perimeter fence must be measured and submitted with plans.
- The ARC will take appearance, height, and proximity to neighboring properties into consideration.
- Any shade canopy must be a solid tan or brown color. The Member is responsible for maintaining and repairing the canopy. The Association and the ARC retain all rights to determine when the canopy must be repaired or replaced due to fading, tearing or any other damage.
- The Member must submit a brochure or picture with the request.

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## 2.2.15 POOLS AND SPAS

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Perimeter walls on lots bordering common areas and shared 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 not be visible from neighboring properties. Any pool equipment visible above the fence line (such as slides, etc.) must be approved in advance by the ARC. Backwashing or draining of pools must be contained within the Member's yard using the drain cleanout and is not permitted onto common areas, neighboring properties, streets, or drainage areas.

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## 2.2.16 RAMADAS, GAZEBOS AND SAIL SHADES

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Ramadas and gazebos are considered to be additional free-standing structures external to the home and are not enclosed.

Ramadas and gazebos may be erected in rear yards only subject to prior review and approval by the ARC, subject to the following guidelines:

- The maximum square footage (under the roof area) is one hundred twenty (120) square feet.
- The maximum roof height is 10 feet (10') at the highest point.
- The structure must be set back a minimum of seven feet (7') from any perimeter wall.
- The color of the structure must be a natural wood stain or match the house colors.
- The structure must be maintained in good condition.
- Any roof tile must match the tile on the house.
- Lighting of the structure must be approved by the ARC prior to installation.
- The ARC may request input from adjoining neighbors prior to approval.

Sail shade covers are limited to no more than 196 square feet in total size, which includes all shade structures. Heights and setbacks follow the same specifications as ramadas and gazebos.

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## 2.2.17 SATELLITE DISHES AND ANTENNAE

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No satellite dish or antenna or any other device for the transmission or reception of television or radio signals shall be installed without the prior approval of the ARC. All wiring must be installed and painted to match the home.

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

- A Request Form must be submitted to the ARC for approval with a diagram showing the location and size of the dish.
- Any dish larger than one meter (39.37 inches) in diameter that is visible from the street, neighboring property, or the common areas is prohibited.
- All dishes are to be located in the rear yard unless reception is limited.

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.

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#### 2.2.18 SCREEN AND/OR SECURITY DOORS

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All screen and/or security doors will be pre-approved if:

- They are constructed of wrought iron.
- The color of the door matches either the exterior body or trim color of the home.
- The design of the door is simple and does not include any picture and/or lettering.

All other screen and security doors will require ARC approval. Silver-colored aluminum screen doors are prohibited.

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#### 2.2.19 SIGNS

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##### **Signs in Common Areas**

No sign is allowed to be placed in the common areas of the Community.

##### **Signs on Individual Lots**

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

- One (1) temporary "For Sale," "For Rent," "Open House," or "Garage Sale" sign with maximum face area of four (4) square feet or less;
- One Temporary "Event" sign with a maximum area of sixteen (16) square feet (this type of sign may be displayed only on the day of the event);
- Standard security signs as supplied by a security company;
- Signs on or near the front door to prohibit solicitors (these signs shall be professional quality, constructed of either hard plastic or metal. Homemade signs are not allowed);
- Such signs as may be required by law; and
- Signs approved by the ARC.

The ARC shall reserve the right to require reasonable modifications to any of the above mentioned signs, if they are deemed inappropriate.

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## 2.2.20 SOLAR PANELS

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No solar equipment or panels shall be installed without prior written approval of the ARC.

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## 2.2.21 STORAGE SHEDS

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Storage sheds meeting the following conditions do not require prior approval of the ARC.

- Storage sheds may be placed only in rear yards.
- Sheds may not be visible above the top of the block wall. Nothing may be stored on top of the shed so as to be visible above the wall.
- Quality materials and construction are required.

The shed must be maintained to be clean and free of rust, debris or other unsightly material.

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## 2.2.22 WINDOW COVERINGS

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Permanent draperies or suitable window treatments must be installed on all front-facing windows within one hundred twenty (120) days of occupancy. No reflective materials, including but not limited to, aluminum foil, reflective screens or glass, sheets, 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. Professional window tint film is permitted, as long as the film is not highly reflective.

Window bars are prohibited. Other security devices, such as rolling shutters will be considered on a case by case basis.

## 2.3 LANDSCAPE GUIDELINES

*It is strongly recommended that a landscape architect be consulted before any landscape improvements, additions or modifications are submitted to the ARC.*

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## 2.3.1 FOUNTAINS, WATER FEATURES, AND STATUARY

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Items such as fountains, statuary, etc. must be approved by the ARC. Water features must be kept clean and the water must not be allowed to become stagnant. The ARC reserves the right to limit the size and quantity of statuary. Statuary must have prior approval by the ARC and must be finished or made of material in desert tans or browns; no painted finishes will be allowed.



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### 2.3.2 GRANITE GROUND COVER, RIVER ROCK, AND BOULDERS

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If decomposed granite or other landscape rock is used, it must be of a "desert tan" color and not white, green, blue or other bright colors. Artificially colored rock(s) or granite is prohibited.

Granite must be a minimum of one-half (½) inch in size. River rock shall be three (3) to six (6) inches in diameter. Not more than ten percent (10%) of the front yard landscape may be river rock. River rock must be surrounded by an area of decomposed granite.

**Areas covered by granite and river rock shall at all times be kept clear of grass and weeds.**

Surface select boulders may be grouped in clusters, with varied sizes, buried one-third (1/3) below grade and incorporated with grades to mimic a natural outcropping. Boulders may not exceed three feet (3') in height and shall have a natural oval character that is compatible with specific decomposed granite. Colored and lava rocks are prohibited.

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### 2.3.3 GRASS, NATURAL AND ARTIFICIAL

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Natural grass must be watered, mowed and trimmed to appear neat and clean. Grass must not appear spotty or blotchy. Winter dormancy is permitted.

Artificial grass is allowed as long as it is of high quality and resembles real grass as closely as possible.

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### 2.3.4 HARDSCAPE

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Any hardscape items proposed for front yard installation must be approved by the ARC. Hardscape items that will be visible from neighboring properties in the rear yard will also require approval. Materials used in hardscape include, but are not limited to, concrete, brick, tile, wood, etc. Examples of hardscape items are planters, fire pots, walkways, retaining walls, decorative walls and permanent fountains.

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### 2.3.5 IRRIGATION

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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 Member should provide a complete irrigation system compatible with the front yard design. Time clocks should be cycled for efficient deep watering.

Grass areas shall have spray irrigation designed to minimize overspray onto any sidewalks, streets, or granite areas. Irrigation spray systems must be directed inward away from all walls to eliminate staining or seeping into the walls, and draining onto other properties. Yards shall not be watered to the extent the water overflows onto the sidewalk, street or common areas.

Plants must be watered by an underground drip system to provide deep watering. Irrigation systems must be properly maintained. Care must be taken that the water maintaining plants and planters that are planted next to Community walls is not seeping through or damaging those walls. The Association and ARC require that any water seepage that is causing damage to a Community wall or water leakage from a lot through or under a Community wall be rectified immediately.

Garden hoses shall not be left out in the front yard. When not in use, garden hoses shall be coiled neatly on the ground under the hose bib, stored in a hose reel near the hose bib, or stored out of sight.

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### 2.3.6 LOT GRADING AND MOUNDING

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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. Raising of the front yard grade may cause water to collect and pond in the back yard or around the immediate home and cause damage to the residence. In all cases, the installation must comply with the city grading and drainage plan. Every effort should be made to make mounding compatible with the natural topography of the lot.

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### 2.3.7 ORNAMENTATION

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The use of non-living objects as ornaments in the landscape is discouraged. Such ornamentation includes, but is not limited to, driftwood, swings, wagons, animal skulls, wagon wheels, wind driven wheels, spinning devices, and plastic sculptures, including flamingos, deer, etc. In general, placing small temporary pieces of ornamentation in the front yard is discouraged. Functional and/or decorative items to be placed in the front yard with a height or diameter of eighteen inches (18") or less are limited to no more than three (3) items. These smaller items do not need prior approval; however the ARC reserves the right to require any inappropriate or offensive items be removed. Any additional items over the maximum number of three (3), or any item over eighteen inches (18") in height or diameter must be approved by the ARC. The goal of any landscape improvement is to promote a pleasing and harmonious neighborhood character. Individual expression is permissible so long as it does not detract from this collective goal. Empty pots left out with the intention of housing plants in the future count toward these three small items. In general, all pots not in use and not decorative in their own right must be stored away or placed in back yards until planted.

This does not apply to holiday decorations which are permitted without any prior approval. (See "Seasonal Decorations & Lighting" under "Rules for Property Use" in the Association Rules.)

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### 2.3.8 OUTDOOR LIGHTING

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Any outdoor lighting installed on a lot or dwelling must receive approval by the ARC. Lighting sources must not be directed towards streets, common areas or neighboring properties and must shine primarily on the lot on which it is installed. Lights that create a glare visible from other lots are prohibited. Only white lights may be used. In no event shall any outdoor lighting or light standard exceed twenty feet (20') in height. All lighting installed must comply with all City of Phoenix codes and ordinances.

Low level lighting (Malibu lights) will not require approval, but only white lights may be used.

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### 2.3.9 PLANT REQUIREMENTS

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Drought tolerant plants, trees and shrubs for alternating seasons of display and color are encouraged.

Members are encouraged but not required to plant at least one tree on their lot, preferably one that is non-deciduous, canopied, and produces very little organic litter. An example of this would be a Southern Live Oak. Trees which grow to a mature height of over fifteen feet (15') (including palms) should be planted far enough away from sidewalks, driveways, and the residence that their root system when mature will not damage those structures.

The landscape must include a minimum of six (6) shrubs or groundcover to provide color and interest. Since the purpose of this requirement is to add color to the landscape, if the landscape includes a large section (1/3 or more of the front yard) of natural or artificial grass, this minimum requirement is reduced to four (4). A combination of shrubs (excluding cacti) and ground cover is encouraged. Examples of shrubs are Natal Plum, Orange Jubilee, Sage, etc. Examples of groundcover are Lantana, Trailing Vinca, Asparagus Fern, etc.

Cacti and succulents are permitted, but may be used only as accent plants and will not be counted toward the minimum plant requirement above. An overabundance of cacti produces an uninviting landscape and one that detracts from the beauty of the community. Therefore, cacti and succulents are limited to no more than five (5) per lot of those that grow to a mature height of no more than eighteen inches (18"). Cacti and succulents that grow to a mature height of more than eighteen inches (18") are limited to one (1) per lot. If succulents are chosen that propagate by sending out shoots, the shoots must be destroyed so as to keep the plant contained to one. No portion of a cactus may be within five feet (5') of a sidewalk at any time.

Members are to select low shrubs or groundcover along driveways and street frontages to maintain visibility. Plants exceeding two feet (2') in mature height shall either be located at least five feet (5') feet back from public sidewalks, or must be routinely trimmed to maintain a height no greater than two feet (2'). Sight triangles on corner lots shall be maintained per the CC&Rs and Phoenix City Code 31-13.

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## 2.3.10 UPKEEP AND MAINTENANCE

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All landscaping shall be maintained in a neat and attractive condition, keeping areas neatly trimmed, cultivated and free of trash, weeds and unsightly material. Minimum maintenance requirements include watering, pruning, removal and replacement of dead or dying plants, removal of weeds and noxious grasses, and removal of trash.

- Gravel groundcover must be raked when needed to cover any bare areas and the stone refreshed as needed.
- Grass must be watered, mowed and trimmed to appear neat and clean.
- Special attention must be given to the appearance of palm trees regarding the trunk and the husk. If the husk becomes loose or missing in spots, the trunk shall be trimmed or “skinned” up to a uniform spot. Palm trees are to be trimmed back at least once per year, preferably during the Spring/Summer months, to avoid seed dropping. Dead or hanging fronds and seedpods must be removed.
- Sidewalks and driveways must be kept clear of seedpods, fruit, and other organic litter from any canopy tree (such as mesquite or citrus trees.) Fruit must be harvested promptly from citrus trees so as not to attract roof rats or other pests into the community. Members are responsible for cleaning resulting tree litter, fallen fruit, bird droppings, etc. from sidewalks and driveways at least weekly.
- No tree, shrub, or planting of any kind shall be allowed to overhang or otherwise to encroach upon any sidewalk or street from ground level to a height of eight feet (8').
- Yards must not become overgrown. Trees and bushes must be trimmed such that each individual plant can be distinguished from another within the landscape. Plants and trees must be kept trimmed so the front door and most of the largest first-floor front window of the home can be seen from the street. This is a safety issue.

The landscape plan as approved by the ARC must be maintained by the Member. As plants within the landscape die or become unhealthy, they may be replaced by the same or very similar plants of the same type and size without ARC approval. However, if a plant or tree dies and the Member wishes not to replace it at all, or to replace it with a different size (at maturity) and/or type of plant, ARC approval is required.

For example:

- If a Sage bush in the current landscape has died, and the Member wishes to replace it with a cactus, it would require ARC approval.
- If a Lantana in the landscape has died, and the Member wishes to replace it with another groundcover of the same height (at maturity) and type, such as Trailing Vinca, ARC approval would not be required.

When in doubt, the Member should apply for ARC approval rather than assume approval is not required. If there is no formal ARC-approved landscape plan on file and the Member cannot produce a copy of any ARC approval of their landscape, and the landscape has not been maintained such that it no longer meets the required minimum number of plants, the Member will be required to submit a new landscape plan for ARC approval to bring their

landscape up to the current requirements. This new plan must also meet all other landscape plant requirements, such as setbacks from sidewalks and height of plants on corner lots or along street frontages.

### 3. ASSOCIATION RULES

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The following Association Rules summarize some of the common provisions found in the CC&Rs, and also lists the rules which have been established by the Board. Cooperation on the part of all residents in following these rules will make living in the Community an enjoyable experience for everyone.

#### 3.1 GENERAL PROPERTY RESTRICTIONS

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##### 3.1.1 LEASES

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Members may rent only the entire lot or dwelling unit. Rental must be made only to one family. Members are responsible for the inclusion of a provision in the lease agreement requiring the lessee to comply with the CC&Rs and Association Rules and Guidelines. Members, however, are ultimately responsible for all compliance with the CC&Rs and Association Rules and Guidelines on their property.

Members will be required per ARS 33-1806.01 to complete a Tenant Information Form in its entirety and submit it with the required fee to the Community Manager in order to notify the Association of the existence of the lease agreement.

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##### 3.1.2 RESIDENTIAL USE

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No occupation, trade or other non-residential use shall be conducted on any property within the Community except if it meets the following criteria:

- The business is not detectable to the rest of the Community by sight, sound, or smell from outside the dwelling.
- The business conforms to all zoning requirements for the property.
- The business does not engage in any door-to-door solicitation of other Members.
- The business does not generate any vehicular or pedestrian traffic.
- The business is consistent with the residential character of the property and does not constitute a nuisance or hazard, or threaten the safety of other Members.

Whether or not the business meets these criteria is under the sole discretion of the Board. Members must receive Board permission to apply for any rezoning, variances, or use permits.

## 3.2 RULES FOR PROPERTY USE

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### 3.2.1 GARAGE DOORS OPEN

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No garage door shall remain open unattended. No parking area or garage shall be used to store junk or other unsightly material.

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### 3.2.2 GARAGE OR ESTATE SALES\*

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Two (2) garage or estate sales per household per year shall be allowed. Each sale shall not exceed a total of two (2) consecutive days. Garage sale signs do not require prior approval; however, they must be put up no more than one day in advance of the sale and must be removed by dusk the day the garage sale ends. Garage sale signs must follow the requirements of the Association's Guidelines under "Signs".

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### 3.2.3 MACHINERY AND EQUIPMENT

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No machinery, fixtures, or equipment of any type may be placed, operated, or maintained on any lot except machinery or equipment used during a period of authorized construction on or routine maintenance of the Member's property.

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### 3.2.4 PETS

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Members are allowed to keep a reasonable number of generally recognized house pets; provided that the pets are not kept, bred or maintained for any commercial purposes. No structure for the care or housing of any pet may be visible from a neighboring property, the street, or the common areas.

No pet is allowed to be an unreasonable disturbance or aggravation to neighboring properties. Pet owners must be mindful of the right of their neighbors to the quiet enjoyment of their property at all times. All pets must be leashed within the Community when not confined to a home or fenced yard. Pets must not be left unattended when leashed to a fixed object. Members and their guests are responsible for immediately removing their pet's droppings from their lot or anywhere else within the Community. Failure to do so is also a violation of Phoenix City Code 27-12.

\*Amended Rule 3.2.2 adopted January 28, 2016

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### 3.2.5 POLITICAL SIGNS

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Political signs are signs that attempt to influence the election of a public officer, or the adoption of a public measure, proposition, or recall. They are allowed during the election referenced and shall be placed out no more than seventy-one (71) days before an election and must be removed three (3) days after an election, per current Arizona Statutes. The number and size of the political signs will be restricted to the same limits that are allowed by the City of Phoenix.

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### 3.2.6 SEASONAL DECORATIONS & LIGHTING

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Temporary holiday decorations are permitted; so long as they are not placed on the exterior of the home or anywhere that is visible from the street or neighboring property more than four (4) weeks prior to the holiday and must be removed within a reasonable period of time (not to exceed three (3) weeks after the holiday).

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### 3.2.7 TRASH AND RECYCLING CONTAINERS AND COLLECTION

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No garbage or trash shall be kept on any lot except in covered containers as provided by the City of Phoenix. These containers shall be screened by fencing or placed in the garage so as to conceal them from view of neighboring dwellings and streets.

Trash and recycling containers shall only be out for collection after 5 PM the day before pickup until 8 AM the day after pickup. Containers must be placed curbside on the street, not on the sidewalk, and must be four feet (4') apart.

Bulk trash items may not be placed out for collection more than two (2) weekends or nine (9) days prior to the Monday of the scheduled bulk trash pickup week. If bulk items are placed out for collection before the above allotted time, the Association may have the items disposed of and, if so, charges for the disposal will be assessed to the Member. Bulk trash items are to be placed on the Member's property, not in the street or on the sidewalk.

Please notify the Community Manager when your trash or recycle container is being left out for replacement so you do not receive a violation letter.

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## 3.2.8 VEHICLES

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### 3.2.8.1 TRUCKS, TRAILERS, CAMPERS AND BOATS

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 the Community so as to be visible from a neighboring property, the common areas, or the streets.

This provision shall not apply to pickup trucks of less than 3/4 ton capacity with camper shells not exceeding seven feet (7') in height and mini-motor homes not exceeding seven feet (7') in height and eighteen feet (18') in length, as long as they abide by all other vehicle parking and storage restrictions and are used for regular and reoccurring transportation.

Boats and Campers will be allowed a two (2) day period prior to and two (2) day period after a boat or camper excursion for the purpose of loading and unloading. Members must provide notice in writing to the Community Manager regarding the specific dates the activity will occur. Notice must be provided at least three (3) days in advance. Email notification is acceptable.

### 3.2.8.2 INOPERABLE VEHICLES AND VEHICLE REPAIR

No automobile, motorcycle, motorbike or other vehicle shall be constructed, reconstructed or repaired upon any lot or street in the Community, and no inoperable vehicle, including but not limited to vehicles with flat tires, may be stored or parked on any lot or street so as to be visible from a neighboring property or from the common areas or streets. 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 specific improvement approved by the ARC.

### 3.2.8.3 VEHICLE PARKING

Vehicles of all Members, lessees, and residents, and of their overnight guests, must be kept in garages or parked on hard-surfaced driveways. In general, at all times, on-the-street parking is restricted except in emergency situations. Absent an emergency, overnight street parking is prohibited. Parking on any unpaved surface is prohibited. Vehicles parked in driveways shall at all times be fully on the driveway and no portion of the vehicle may extend over the sidewalk or street.

Overflow street parking for social events is permitted. For these events, please ask guests to primarily park on one side of the street so that enough leeway is left for neighbors to safely back out of their driveways and into the street.



APPENDIX A  
APPROVED PAINT COLORS FOR EXTERIOR AND TRIM

Frazer paint colors:

Exterior		Trim and Projections	
Washed Suede	8304M	Mineral Mauve	8302W
Smooth Brown	8324M	Auburn Sand	8322W
Sweetwood	8744D	Brickdust	8742W
Tomorrow's Taupe	8754D	Stonehenge Shadow	8752W
Slivered Bark	8314M	Misted Beige	8312W
Falling Leaf	8284D	Nutmeat	8282W

Roof Tile to House Paint Reference:

Pioneer Roof Tile		House Paint / Trim	
Copper & Almond	R-129	Washed Suede	Mineral Mauve
Copper & Almond	R-129	Tomorrow's Taupe	Stonehenge Shadow
Sable Brown & Rose	R-131	Smooth Brown	Auburn Sand
Sable Brown & Rose	R-131	Slivered Bark	Misted Beige
Brown & Copper	R-104	Sweetwood	Brickdust
Brown & Copper	R-104	Falling Leaf	Nutmeat