

Estates at 32nd Street Community Association

Association Rules and Design Guidelines

(December 19, 2019)

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EXHIBITS

- Exhibit A – Approved Plant List
- Exhibit B – Prohibited Plant List

ASSOCIATION OVERVIEW

Community Organization

Every Owner is a member of the Estates at 32nd Street Community Association (the “Association”). The Association is an Arizona nonprofit corporation formed to manage and maintain the Common Areas and to perform all duties and exercise all rights imposed on or granted to the Association by the Declaration of Covenants, Conditions, and Restrictions for Estates at 32nd Street the “Declaration”). Section 7.1 of the Declaration provides that the Architectural Control Committee (“ACC”) may adopt Design Guidelines to set forth the standards and procedures that will be used in the ACC’s decisions.

The ACC has adopted the Design Guidelines to evaluate proposed construction activities. The purpose of the Design Guidelines are to assist homeowners in gaining approval for structural and landscape Improvements and repairs, and to help enhance property values, desirability, and attractiveness of the properties located within the Association. These Design Guidelines may be amended by the ACC and reissued from time to time. In the event of any conflict between the Design Guidelines and the Declaration, the Declaration shall control.

The Board is responsible for the administration of the Association. The ACC is established pursuant to Section 7.1 of the Declaration to review all Improvements within the Association, including new construction and modifications to the existing Improvements.

Furthermore, Section 3.7 of the Declaration authorizes the Board to adopt and amend rules and regulations (the “Association Rules”) regarding the operations and use of the Common Area, the Maintenance Standard for Lots, and the use of Lots. In the event of any conflict between the Association Rules and the Declaration, the Declaration shall control.

Following the Design Guidelines does NOT eliminate the need for submission of plans for approval by the ACC except as specifically noted herein. In addition, following the Design Guidelines and Association Rules does not eliminate the need to review the Declaration and comply with all restrictions contained therein. Capitalized terms not defined herein shall have the meaning ascribed to them in the Declaration.

Design Review Process

As set forth in Section 7.2 of the Declaration, any Improvement or Exterior Alteration on a Lot requires the prior written approval of the ACC. Owners with proposed changes must

contact City Property Management Company (the “Management Company”), with whom the Association has contracted for the day-to-day management of its affairs, to obtain the necessary submittal documentation.

Simply stated, any addition, alteration, repair, or other work which in any way alters the exterior appearance of any Lot or Dwelling Unit requires the prior written approval of the ACC.

The responsibility of the ACC is to ensure the harmonious, high quality image of Estates at 32nd Street Community Association is implemented and maintained.

Any Owner requesting approval shall follow the application procedures listed below.

- **Applications submitted will typically be acknowledged in writing by the Management Company, within five (5) business days.**
- **If acknowledgement is not received within the allotted timeframe, it is the homeowner’s responsibility to contact the Management Company, to determine if application was received. Approval timeframe does not begin until the full and completed application is received by the Management Company. As used herein, “completed application” means a fully compliant application, together with all supporting information, applicable fees, plans and specifications requested by the ACC.**
- **The ACC shall make every effort to provide a written decision to the requesting Owner within 60 days of receipt of the completed application. Pursuant to Section 7.2 of the Declaration, any completed application for which no response is received within 60 days is deemed to be approved.**
- **Owners shall diligently pursue approved work so that it is completed as soon practicable or within such period of time as may be determined by the ACC at time of approval.**

Application Procedure

The following information must be included in each application:

- *Application Form completed and signed, 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 proposed to be installed.

- Elevation Plans – 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. The ACC may require you to submit physical samples of colors and/or materials.

Applications and plans must be submitted to:

**Estates at 32nd Street Community Association
c/o Management Company**

It is the Owner's responsibility to ensure that any proposed construction is coordinated with, and where applicable, approved by all county, local, state and federal government agencies. The ACC, the Management Company and the Association assume no responsibility for obtaining these reviews, approvals or permits. An approval by the ACC does not indicate or imply the request complies with local zoning or building code requirements. The Design Guidelines are independent of the obligation of Owners to comply with all applicable laws, ordinances, codes and regulations.

PURPOSE AND ORGANIZATION

Project Documents

The duties and powers of the Association are defined in the following documents, as the same may be amended, modified or supplemented from time to time (the “**Project Documents**”):

- The Articles of Incorporation of Estates at 32nd Street Community Association (“**Articles**”)
- The Estates at 32nd Street Community Association Bylaws (“**Bylaws**”)
- The Declaration, as amended and supplemented from time to time (“**Declaration**”)
- These Association Rules and Design Guidelines (“**Association Rules**” and “**Design Guidelines**”)

Each Owner of a Lot will receive copies of the Project Documents. An Owner is a Member of the Association and agrees to comply with the provisions of the Project Documents. Please read the Project Documents to learn how the Association operates and what restrictions are imposed against Lots within the Project.

Management

The Board of Directors (“**Board**”) of the Association is responsible for the administration of the Association and is authorized to hire a professional management company for the daily operation of the Association and its property. The Community Manager provided by the Management Company will work closely with the Board to assure that the Association is being operated in a manner that will enhance and preserve the Project. The Community Manager’s name, telephone number and address will be provided to each Person who purchases a Lot in the Project.

ASSOCIATION RULES

The following Association rules summarize some of the provisions found in the Declaration as well as rules established by the Board pursuant to its rulemaking authority as set forth in the Declaration.

Animals

Pursuant to Section 5.3 of the Declaration, residents are allowed to keep a reasonable number of customary household pets such as dogs, cats and household birds, as determined by the Board. 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 written approval of the ACC. Dogs must be kept on leashes at all times while on the Common Area and all Owners must clean up after their pets. No structure for the care, housing, or confinement of any house or yard pet shall be maintained so as to be Visible From Neighboring Property.

Backwashing of Pools and Spas

Backwash water from pools and spas (including water drained from pools or spas in order to perform maintenance on pools or spas) must be contained wholly on an Owner's Lot and may not be permitted to seep or flow onto an adjacent Lot, any Common Area, or the streets.

Garages

Pursuant to Section 5.5 of the Declaration, garages, including garage doors, are to be maintained in a neat and clean condition at all times. Garages are to be used for the parking of vehicles and the storage of normal household items, supplies and materials. Owners and residents shall first park vehicles inside and fully utilize the garages for parking vehicles before utilizing the driveway, and shall fully utilize the garage and driveway before utilizing the Roadways for parking. The storage of items in garages may not restrict the ability to park at least one vehicle per stall within the garage. Garages are not permitted to be converted into living quarters without the written approval of the ACC. Garage doors are only to be left open as needed for ingress or egress.

Holiday Decorations and Lighting

Holiday decorations do not require prior written approval from the ACC so long as the following standards are followed, as determined in the discretion of the Association. Holiday decorations and lights shall be of reasonable design and magnitude so as not to

disrupt neighboring Dwelling Units and property, and shall not be installed or utilized prior to 30 days before a holiday and shall be removed no later than 14 days following that same holiday. Seasonal decorative flags must be house mounted below the roof line. Decorations must be maintained in good repair and not be allowed to encroach on neighboring properties. Decorations shall not contain offensive language. No amplified music or amplified sound devices are allowed. Furthermore, installation shall not take place prior to 7:00 a.m. or after 11:00 p.m. Additionally, blinking lights and music within displays shall not be left on after 10:00 p.m. each evening.

Leases

Section 5.1(b) of the Declaration governs the rental of Lots and Dwelling Units.

No Owner may lease less than the Owner's entire Lot and Dwelling Unit. **No Lot may be leased for a term of less than 6 consecutive months.** Any Owner who leases a Lot must deliver to the Lessee, prior to the start of the Lease, a copy of the Declaration, these Association Rules and any amendments thereto.

Each Owner shall deliver to the Association, within 10 days of commencement of the lease, the name and contact information of all adult Lessees residing on the Lot, the time period of the lease, including the beginning and ending dates of lease, a description and license plate numbers of the Lessee's vehicles, and a \$25.00 rental registration fee, which is required for each new lease, but not for a renewal of a lease

Lessees, like Owners, are required to observe all Project Documents. However, the Owner is fully responsible for the conduct and actions of his or her Lessees, and his Lessees' family members, guest and other invitees.

Owners are required to notify the Management Company of Lessee changes in order to keep an up-to-date roster of the residents. If you need additional copies of the Declaration or the Association Rules, they are available through the Management Company.

Noise

Nothing will be permitted on any Lot that causes a loud noise that disturbs the peaceful enjoyment of neighbors. Pursuant to Section 5.12 of the Declaration, no radio, stereo, television or other speakers or amplifiers shall be installed or operated on any Lot so as to be audible from other Lots or the Common Area. Outside speakers, radio, stereo or television may not be Visible From Neighboring Property.

Parking

Except as provided below, vehicle parking is permitted only in the garage or on a driveway or an approved driveway extension. Vehicles, including those of guests of the Owner or Resident, must first utilize the garage for parking, then the driveway or approved concrete or paver driveway extension before parking in the street. Vehicles may not be parked on any portion of the front yard that is not the driveway or part of a paved driveway extension. Vehicles are not to be parked in a manner that blocks or obstructs the sidewalk.

No commercial vehicles or Recreational Vehicles (as defined in Section 5.10 of the Declaration) shall be parked in front of a Lot on the street or in a front driveway or otherwise where it can be seen from any street, except for temporary parking only not exceeding 4 consecutive hours. Commercial vehicles shall not include sedans or standard size pickup trucks that are used both for business and personal use, provided that any signs or markings of a commercial nature on such vehicles shall be unobtrusive and inoffensive as determined by the ACC.

No vehicles (including commercial vehicles and Recreational Vehicles) or other mechanical equipment may be dismantled or repaired (except for ordinary maintenance and repair of such vehicles and equipment inside an enclosed garage, and emergency repairs elsewhere for a time period not exceeding 48 hours) or allowed to accumulate on any Lot or in front of any Lot, or ever parked or used on any Common Area, including the Roadways. No vehicle which is abandoned or inoperative, or not currently licensed for street use, shall be stored or kept on any Lot or in front of any Lot in such manner as to be Visible From Neighboring Property, or on any Common Area, including the Roadways.

Patio Furniture

Standard patio furniture is permitted on patios only, including front patios/porches. Patio furniture is to remain on the patio/porch and is not to be placed in the landscaping. Household furniture is not permitted on patios/porches.

Plant and Tree Maintenance

All landscaping, at all times, must be maintained by each Owner in a neat and attractive manner and any alterations or modifications made to the original landscaping of a Lot as originally installed shall be improved in advance by the ACC. Plants (including trees, shrubs and groundcovers) are to be maintained in a healthy and thriving manner and trimmed as to not rest against the Dwelling Unit. Trellis/Lattice structures must have the prior written approval of the ACC.

No tree, shrub or planting of any kind on any Lot shall be allowed to overhang or otherwise to encroach upon any sidewalk, street, pedestrian way or other area from ground level to a height of 8 feet, without the prior written approval of the ACC.

Exposed tree trunks shall be kept clear of growing branches commonly known as tree suckers and tree volunteers. Painting of tree trunks is prohibited.

Trash/Recycling Containers and Collection

Pursuant to Section 5.15 of the Declaration, no garbage or trash shall be placed or kept on any Lot, except in covered (except during construction) containers of a type, size and style which are approved by the ACC or as provided by the City. Containers must be stored behind the fence or within the garage during non-collection times, so as not to be Visible From Neighboring Property except on day(s) of collection.

Trash and debris are not to be placed/accumulate on any Lot. Garbage or trash placed on any Lot solely in connection with any bulk trash pickup program shall be acceptable so long as such garbage or trash is placed neatly on the Lot and is made available for collection no earlier than the weekend immediately prior to the weekday of collection.

Window Coverings

Section 5.13 of the Declaration governs window cover materials.

Suitable interior window treatments such as curtains, drapes, shutters or blinds must be installed within ninety (90) 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. Window coverings, shelf openings, or treatments used to decorate must be compatible with respect to materials and color, and with the style and color of the Dwelling Unit, and must be approved by the ACC prior to installation. The frame for window screens must match the screen material and the color of the home.

Yard Sales

Residents are permitted to hold up to two yard sales within a 12 month period. Yard sales are to be held on weekends. Yard sales are not to begin prior to 6:00am and must conclude by 5:00pm. Residents are not to place signage for the yard sale anywhere except on their Lot on the morning/day of their yard sale.

DESIGN GUIDELINES

OVERVIEW

General Principles

A primary purpose of the ACC is to ensure consistent application of the Design Guidelines. The ACC monitors any portion of any Lot that is Visible From Neighboring Property. The Design Guidelines promote those qualities in the Estates at 32nd Street Community Association 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.

All buildings and structures erected within the Association, and the use and appearance of all land within the Association, shall comply with all applicable municipal requirements (including any zoning requirements), as well as the requirements contained in the Project Documents.

Design Compatibility

The proposed construction must be compatible with the design characteristics of the property itself, adjoining properties and the neighborhood. 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 ACC assume no responsibility for the safety or livability of any construction by virtue of design review.

Building Architecture

In general, any exterior addition or alteration to an existing Dwelling Unit 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 the Lot is solely responsible at all times for keeping all buildings located on the Lot 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.

Please refer to Section 5.9 of the Declaration for further information regarding the Lot maintenance requirement.

Setbacks

All structures erected in the back yard of a Lot that are 6 feet or lower in height shall have a minimum 5 foot setback from all Party Walls. For each additional foot of height above 6 feet, the setback for the structure shall increase by 1 foot – example: structure is 8 feet in height, so it would have to be at least 7 feet from all Party Walls. **NO STRUCTURE APART FROM THE DWELLING UNIT SHALL BE MORE THAN 10 FEET IN HEIGHT.**

Setback requirements stated above are the general setback requirements for the Association. However, some structures may require specific setbacks that differ from this section. Review sections herein related to the structure you desire for more details. The ACC reserves the right to reduce the setback requirement with respect to Party Walls adjoining Common Area. Owners are responsible to adhere to city or county code and permit requirements which may contain additional setback requirements.

Guidelines

Antennas and Satellite Dishes

The placement and screening of antennas and satellite dishes is governed by Section 5.6 of the Declaration.

Devices Not Subject to FCC Rule

Except with respect to devices protected by FCC rule (defined below), no antenna, aerial, satellite dish or other device for the transmission or reception of television or radio (including amateur or ham radio) signals of any kind may be installed on any Lot so as to be Visible From Neighboring Property without the prior written approval of the ACC.

No antenna or satellite dish may be installed on any roof or exceed 8 feet in height, and each such device must be screened by landscaping or other Improvements approved by the ACC so that the it is not Visible From Neighboring Property.

Devices Subject to FCC Rule

Advance approval by the ACC is not required for the installation of antennas and satellite dishes falling under the “Over-the-Air Reception Devices Rule” (47 C.F.R. § 1.400) adopted by the Federal Communications Commission (“FCC”). These include antennas one meter or less in diameter or diagonal measurement which is designed to receive signals from direct broadcast satellites (DBS) or designed to receive video programming services from multi-channel multi-point distribution (wireless cable) providers (MMDS) or an antenna that is designed to receive television broadcast signals (TVBS).

The Association recommends that devices subject to the FCC Rule be placed on the Lot in such a manner as to not be Visible From Neighboring Property unless it is impossible to do so without impairing the user’s ability to receive signals from a provider of DBS, MMDS or TVBS.

The preferred installation locations are as follows in descending order of preference:

- 1st - Ground mounted in back yard, screened from view by landscaping or other Improvements
- 2nd - Ground mounted in back yard, not screened from view
- 3rd - On the roof, completely below the highest point on the roofline
- 4th - In the side yard, in a location where the Receiver and any pole or mast is screened from view by landscaping or other Improvements
- 5th - On the roof, above the roofline
- 6th - In the side yard, not screened from view

All exposed wires must be fastened down and painted to match the body of the Dwelling Unit so long as doing so will not void the manufacturer’s warranty, affect the signal, or unreasonably increase the cost of installation.

The Owner is responsible for all costs associated with the installation and maintenance of an antenna or satellite dish. In addition, the Owner is responsible for all damage caused by or connected with the antenna or satellite dish. The Owner must hold the Association harmless and indemnify the Association in the event that someone is injured by the antenna or satellite dish. The Owner shall keep the satellite dish in good repair so that it does not violate any portion of the Project Documents.

The installation of the Antenna must comply with all applicable city, county and state laws, regulations and codes. The Association must be provided with a copy of any applicable governmental permits. Installation must be pursuant to the manufacturer’s instructions.

An Owner must complete the notification form attached to these Design Guidelines and submit a copy of the completed form to the Association within 5 business days after installing an antenna or satellite dish allowed without prior approval. If requested by the Association, the Owner must establish a mutually convenient time to meet with a representative of the Association to review and discuss the antenna or satellite dish.

In the event of a violation of these provisions, the Association may bring an action for declaratory relief with the FCC or the Maricopa County Superior Court after notice and an opportunity to be heard.

If an antenna or satellite dish poses a serious, immediate safety hazard, the Association may seek injunctive relief to compel the removal of the antenna or satellite dish. To the extent permitted by applicable law, the FCC rules, and the Association's governing documents, the Association shall be entitled to recover its reasonable attorney's fees, costs and expenses incurred in the enforcement of these provisions.

If any provision of these guidelines is ruled invalid, the remainder of these rules shall remain in full force and effect. If the FCC modifies its rules, the modified rules shall be incorporated into these rules as if fully set forth herein.

Basketball Goals

Permanent or portable basketball goals may, with the prior written approval of the ACC, be installed pursuant to the following guidelines:

1. Basketball poles must be installed on the interior side of the driveway at least halfway up the driveway from the street to the house. Backboards shall not be attached to the house, garage, or roof.
2. Basketball poles must be brushed aluminum, black, white, or painted to match the color of the body of the Dwelling Unit.
3. Permanent backboards must be of a clear material such as Plexiglas. Portable backboard must be of a clear material or a predominantly neutral color (gray, black, or white) or match the color of the body of the exterior of the Dwelling Unit.
4. All equipment must be constantly maintained. Broken backboards, disfigured or bent rims, ripped or torn nets, chipped or peeling paint, and other states of disrepair are not permitted.
5. Only nylon or similar cord nets are acceptable. Metal or chains are prohibited.
6. Courts may not be painted or permanently outlined on the driveway.
7. Lighting for night use of equipment is prohibited.

8. Portable basketball goals are allowed and must adhere to the aforementioned conditions (1-7). The goal must be stored so as to not be Visible From Neighboring Property when NOT in use.
9. Permanent basketball goals installed in the back yards of Lots must have a 7 foot setback from all fences located on or near perimeter Lot lines.

Clotheslines

Pursuant to Section 5.9 of the Declaration, clotheslines or other outside facilities for drying clothes are not permitted unless they are placed exclusively within the fenced back yard and not Visible From 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. Approved driveway extensions will be for the purpose of access to side/back yard double-gates and to widen the existing driveway. A landscaped buffer of at least 1 foot is required along the outside edge of the driveway and the property line. Subject to Section 5.5 of the Declaration (which requires that Owners and residents shall first park vehicles inside and fully utilize the garage before utilizing the driveway), use of driveway extensions for parking of vehicles is allowed; however, vehicles must not be parked within 5 feet from the property line. All driveways must be kept clean and free of debris, oil, rust, and other stains. The use of plant material between the street and driveway extension, and the driveway extension and property line may be required to minimize the effect of additional paving. Driveway extensions may widen the existing driveway so that it is no more than 30 continuous feet in width across the Lot. In no case may a Lot's driveway be more than 50% of the width of the front yard.

Lot owners must submit and receive approval from the ACC to remove and replace any portion of their existing driveway, or approved driveway extension, and replace it with concrete, pavers, cobblestones, or like material. Staining of driveways is prohibited.

Flagpoles

Flagpoles must be installed in a respectful manner and meet the following guidelines:

1. No flagpole shall be installed without the prior written approval of the ACC.
2. Poles must not exceed height of house roof line, and not extend more than ten feet from the edge of the Dwelling Unit. Only one flagpole is permitted per Lot.

3. Poles must be placed on a Lot so that they are as far from the property line as they are tall.
4. Poles must be brushed aluminum only.
5. Except as otherwise provided in these Design Guidelines, all flags are prohibited, except those permitted under A.R.S. § 33-1808(A), as it may be amended from time to time.
6. Flag size may not exceed twenty-four square feet.
7. Flag must be kept in good repair, and Residents may not display more than two flags at any given time. Flagpole must also be kept in good repair.
8. Owners installing flagpoles must take reasonable efforts to mitigate the noise created by the flagpole and all related hardware. Only non-metal clasps are allowed to mitigate noise.
9. Illumination of the flag and/or flagpole must be approved by the ACC.
10. If the flagpole, or its installation, causes physical damage to any other Lot or the Common Areas, the Owner of the Lot shall be responsible for all damage caused.
11. Display of the flags listed above shall also be permitted on a bracket mounted on the Dwelling Unit.

In addition to the flags discussed above, seasonal and decorative flags not referenced in A.R.S. § 33-1808(A), which are flown from a bracket mounted on the Dwelling Unit below the roofline, do not require prior ACC approval. However, seasonal flags can be installed no sooner than 30 days prior to a holiday and must be removed no more than 14 days after a holiday, and all flags must be maintained in good condition at all times. Seasonal or decorative flags not referenced in A.R.S. § 33-1808(A) that are determined by the Board, in its sole discretion, to be offensive to neighbors or the Association must be removed. Sports flags will only be allowed to be displayed on the day prior to and the day of the specified sports team's most recent game.

Owners are permitted to fly the flag of another nation on national holidays of such nation providing that such display complies with the requirements of the United States flag code.

Fences and Walls

Plans for new or modified fences or walls must be submitted to the ACC prior to construction. Subject to Section 6.1 of the Declaration and applicable law, plans to raise the height of a Party Wall or extend an existing Party Wall outward must be submitted for prior approval with written permission from the adjoining Owner(s) that share such Party Wall. Owners requesting the height adjustment are solely responsible for engineering new wall footings and submitting engineering plans with each request. Party Walls will not be permitted to exceed 8 feet in total height. Copies of all applicable municipal and other

approvals must be submitted with the requests. Walls must be finished to match the existing dwelling or wall in texture and color.

Corner Lots must observe all applicable sight line requirements. Per the Plat, where a Dwelling Unit sides on a street or open space tract, a 6-foot wall shall not extend more than 90-feet measured from rear property of the Lot along that tract or street.

Gates

Gates may be installed at either side of the Dwelling Unit to allow wider access to back yards with prior written approval from the ACC, provided that the installation of such gates does not require Party Wall modifications. Gates must be stained with color approved by the ACC. Painting of gates is not allowed.

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 ACC. All units must be ground mounted, located within the perimeter of the back yard and screened or concealed so as not to be Visible From Neighboring Property.

No portable or window-style heating, air conditioning or evaporative cooling unit shall be placed, installed, constructed or maintained upon any Lot.

Outdoor Fireplaces & Fire Pits

Outdoor fireplaces and fire pits require the prior approval by the ACC.

Outdoor Fireplaces

Fireplaces installed in the back yard of a Lot may be gas or wood burning. The Association encourages Owners to install gas burning fireplaces. Backyard, gas burning fireplaces may not be closer than 5 feet to the property line/wall. Backyard, wood burning fireplaces may not be closer than 20 feet from any property line/wall.

Proposals for the installation of outdoor fireplaces must include materials, colors, and the location and distance from neighboring Lots. The style, color and materials of the proposed Improvement must complement the style, color and materials of the community. Each Owner is responsible for assuring that the operation of the fireplace is in compliance with all applicable ordinances, codes, and laws. The ACC may solicit neighbor input as part of reviewing such Improvements.

Outdoor Fire Pits

Outdoor fire pits installed in the back yard of the Lot may be gas or wood burning. The Association encourages Owners to install gas burning fire pits. Backyard, gas burning fire pits may not be closer than 5 feet to the property line/wall. Backyard, wood burning fire pits may not be closer than 20 feet from any property line/wall.

Proposals for the installation of outdoor fire pits must include materials, colors, and the location and distance from party walls. The style, color and materials of the proposed Improvement must complement the style, color and materials of the community. Each Owner is responsible for assuring that the operation of the fire pit is in compliance with all applicable ordinances, codes, and laws.

Outdoor Lighting

Building and Lot Lighting

Any outdoor lighting installed on a Lot or Dwelling Unit must receive prior written approval from the ACC. Permanent lighting sources shall not be directed towards streets, Common Areas or neighboring property. Lighting mounted on the front or side of a building shall be in decorative fixtures that diffuse light and shall not contain colored bulbs. Pictures/brochures of proposed outdoor light and bulb wattage will be required at time of submittal to the ACC.

Landscape Lighting

Owners may use low voltage lighting to highlight entry walks, or accentuate trees where permitted by all applicable laws and ordinances and these Design Guidelines. Colored bulbs and lenses are prohibited. Light source shall be adjusted to minimize glare on adjacent properties, Common Areas and streets.

Patio Covers

All patio covers installed or extended from existing patio covers on a Lot must receive prior written approval from the ACC. Roofing material color shall match that which was installed by the builder on the original roof of the Dwelling Unit. The color of supports and material shall match the color of the body or trim. Structures must be professionally installed, and match the Dwelling Unit color. A setback to sidewalls that complies with applicable law must be maintained.

Painting

Owners will be required to submit to the ACC if they are repainting all or any portion of their Dwelling Unit. Lot Owners are required to provide color swatches/samples with their submittals.

Play Structures

Play structures may be erected in the back yards subject to the approval of the ACC, subject to the following guidelines:

1. Maximum height allowed to the top support bar or highest point of structure is 10 feet.
2. Maximum height of any deck or platform is to be 4 feet above ground.
3. The ACC will take appearance, height, and proximity to party walls into consideration.
4. Any shade canopy must be a solid color, such as green, yellow, red, earth tone, or match the color of the Dwelling Unit.
5. Setback of all slides and swings (including those used in connection with a swimming pool) and permanently mounted or portable rear yard basketball backboards and poles must have at least a 7 feet setback from all fences located on or near perimeter Lot lines, subject to any further requirements or restrictions of the City.

A sketch or drawing of the proposed play structure, showing all dimensions and setbacks is required at the time of submittal. Submittals must also include a brochure or picture.

Pools and Spas

Pools and spas require the prior written approval of the ACC and are subject to the guidelines provided below:

1. Party walls on Lots bordering Common Areas and shared Association walls may not be torn down to allow access to back yards.
2. Access must be gained by removing a portion of the front wall on the side of the Dwelling Unit.
3. 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.

4. All pool and spa equipment must be screened so as not to be Visible From Neighboring Property and placed in a location on the Lot so that the noise generated from such equipment will be the least disruptive to neighbors.
5. Except for hot tubs or whirlpool spas, above-ground pools are not permitted.
6. Plans and specifications for a pool or spa, as prepared by the pool or spa contractor, must include any proposed fencing. All slides, water features, etc. to be erected as part of the pool must be included on plans submitted for approval, and height must be given.

Pool Fencing

The specifications for back yard wrought iron pool fencing installation on a Lot with view fencing shall be neutral earth tone color to match or blend with the existing Dwelling Unit color or match the existing wrought iron fencing color. The applicable municipal authority may have specific rules governing swimming pool fence enclosures, and an Owner shall submit a proposal for a swimming pool fence only after being assured by the applicable municipal authority that the proposed fence will not violate those rules.

Ramadas, Gazebos and Pergolas

Ramadas, Gazebos and Pergolas may be erected in back yards with the prior written approval of the ACC, and subject to the following guidelines:

1. Maximum roof height is 10 feet at the highest point.
2. The structure must be painted a natural color or match the Dwelling Unit's stucco pattern and color and be maintained in good condition.
3. Any roof tile must also match the tile on the Dwelling Unit.
4. Lighting of the structure must be approved by the ACC prior to installation.

A sketch or drawing of the proposed Ramada or gazebo, showing all dimensions and setbacks is required at the time of submittal. Owners must provide the total number of square footage (under roof area) with their submittals. Submittals must also contain a list of all materials and finishes to be used. Color samples are preferred.

Setbacks

All structures erected in the back yard of a Lot that are 6 feet or lower in height shall have a minimum 5 foot setback from all Party Walls. For each additional foot of height above 6 feet, the setback for the structure shall increase by 1 foot – example: structure is 8 feet in height, so it would have to be at least 7 feet from all Party Walls. NO STRUCTURE

APART FROM THE DWELLING UNIT SHALL BE MORE THAN 10 FEET IN HEIGHT.

Setback requirements stated above are the general setback requirements for the Association. However, some structures may require specific setbacks that differ from this section. Review sections herein related to the structure you desire for more details. The ACC reserves the right to reduce the setback requirements set forth herein with respect to Party Walls adjoining Common Area. Owners are responsible to adhere to city or county code and permit requirements which may contain additional setback requirements.

Screen Doors

All screen and/or security doors must be submitted for approval prior to installation and must be painted to match the exterior body color or trim of the Dwelling Unit, or the color of the exterior door. Silver-colored aluminum screen doors are prohibited. Decorative art style screen doors are prohibited.

Shade Sails

Shade Sails may be erected in back yards with the prior written approval of the ACC, and subject to the following guidelines:

1. Maximum height is 10 feet at the highest point.
2. If using poles to erect the shade sail, poles must be painted white or to match the body of the Dwelling Unit.
3. The shade sail must be a natural color and be maintained in good condition.

A sketch or drawing of the proposed shade sail, showing all dimensions and setbacks is required at the time of submittal. Submittals must also contain a list of all materials and finishes to be used. Color samples are preferred.

Signs

Real estate signs may be placed on a Lot in accordance with A.R.S. § 33-441 and A.R.S. § 33-1808 pursuant to the following provisions:

1. Commercially-produced signs indicating the property is for sale, for rent or for lease.
2. The size of the sign and the sign rider shall be in conformance with the industry standards. The laws define industry standards as a sign that does not exceed 18 x 24 inches and the sign rider shall not exceed 6 x 24 inches.

3. Open house signs may not be prohibited by law. Open houses may only be conducted between the hours of 8:00am and 6:00pm.
4. Signs can only be placed on an Owner's Lot and are not permitted to be attached to a Party Wall.

No other signs shall be displayed on any Lot except the following:

1. One residential identification sign with a total face area of 80 square inches or less.
2. Such other signs as may be required by legal proceedings or may not be prohibited by law.
3. Security signs are acceptable but they may not exceed 80 square inches.

Solar Panels

The Association recognizes the Owners' right to install and use solar energy devices, as set forth in A.R.S. § 33-1816, and hereby adopts these provisions in order to regulate the placement of solar energy devices that are governed by A.R.S. § 33-1816 and A.R.S. § 44-1761. The placement of the solar energy device must be approved in advance by the ACC if it would be Visible From Neighboring Property. Such solar energy device must comply with the following guidelines, to the extent that they do not prevent the installation, impair the functioning of the device or restrict its use or adversely affect the cost or efficiency of the device:

1. No solar energy device may encroach upon the Common Area or the property of another Owner.
2. All piping and wires must be painted to match the structure/surface that it crosses.
3. The solar energy device should be shielded from view so as not to be Visible From Neighboring Property to the maximum extent possible. Any landscaping or structure used to shield the solar energy device must be approved in advance by the ACC.
4. The solar energy device must comply with all applicable city, county and state laws, regulations and codes. The Association must be provided with a copy of any applicable governmental permits.
5. Placement and installation must be pursuant to the manufacturer's instructions.
6. In order to protect against personal injury and property damage, the solar energy device may not be placed in a location where it may come into contact with a power line.
7. In order to protect against personal injury and property damage, all solar energy devices must be properly grounded and secured.

8. In order to protect against personal injury, solar energy devices may not block or obstruct any driver's view of an intersection or street.
9. The Owner is responsible for all costs associated with the installation and maintenance of the solar energy device and shall keep the device in good repair.
10. The Owner is responsible for all damage caused by or connected with the solar energy device.
11. The Owner must hold the Association harmless and indemnify the Association in the event that someone is injured by the solar energy device.
12. The Owner is responsible to ensure that all foliage and any structures are constructed are maintained so as not to materially impair direct sunlight to any solar panels that were installed by the Declarant.

Any applicable architectural review fee shall be waived for applications for ACC review of solar energy devices.

Notwithstanding anything contained in these provisions, the Declaration, or any other provision of the Project Documents, these provisions shall not be enforced in a way that (1) prevents the installation of a solar energy device; (2) impairs the functioning of a solar energy device; (3) restricts the use of a solar energy device; or (4) adversely affects the cost or efficiency of a solar energy device. If any provision of these guidelines on solar energy devices is ruled invalid, the remainder of these guidelines shall remain in full force and effect. If the Legislature of the State of Arizona modifies A.R.S. § 33-1816 or A.R.S. § 44-1761, the modified laws shall be incorporated into these guidelines as if fully set forth herein.

Stone Veneer

Stone veneer added to Dwelling Units requires the prior written approval of the ACC. Lot Owners must submit a photo or brochure along with a color sample, or make a sample available for view at the Dwelling Unit, with their submittal form.

Storage Sheds

Storage sheds require the prior written approval of the ACC and are subject to the following guidelines:

1. Storage sheds may not be Visible From Neighboring Property.
2. Quality materials and construction shall be required.
3. Sheds must be in harmony with the exterior color of the Dwelling Unit.

A sketch or drawing of the proposed storage shed, showing all dimensions and setbacks is required at the time of submittal. Submittals must also include a brochure or picture, if applicable.

Trampolines

Trampolines may be installed in the rear yards, and do not require approval from the ACC providing they meeting the following guidelines:

1. May only be placed in the rear yards.
2. Must be set back a minimum of 10 feet from any Party Wall.
3. Trampoline, along with any safety netting, must be maintained in like new condition at all times.

Walkways

Walkways require the prior written approval from the ACC and must be constructed as follows:

1. Walkways must be installed from existing side yard gates to existing driveways. Walkways from double-gates are not permitted. (See Driveway Extensions)
2. Walkways may not exceed 4 feet in width.
3. Walkways may be constructed of concrete, brick, pavers, cobblestones or similar, but colors should match the existing driveway and/or the Dwelling Unit.
4. A landscaped buffer of at least 1 foot is required along the outside edge of the walkway and the property line.

LANDSCAPE GUIDELINES

Maintenance

All landscaping shall be maintained in a neat and attractive condition. Minimum maintenance requirements include watering, mowing, edging, pruning, removal and replacement of dead or dying plants, removal of weeds and noxious grasses, removal of tree suckers and volunteer trees/plants, removal of trash, leaves, and debris.

Planting of Winter Rye grass in Arizona is a common process known as over-seeding in order to keep the lawn alive and green during the winter season when regular grass such as Bermuda goes dormant. This process **IS REQUIRED** by the Association.

Hardscape

The ACC must approve any hardscape (i.e., curbing, concrete slabs, etc.) items proposed for front yard installation. Hardscape items that will be Visible From Neighboring Property in the back yard also require prior written approval.

Approved Plants and Prohibited Plants

The Estates at 32nd Street is not a “desert” community. Therefore, a minimum of 40-50% of the front yard is required to be natural or artificial turf, this percentage is exclusive of existing driveway, sidewalk and or pavers. An all granite yard is prohibited. Prior to installation of permanent landscape, consistent effort to control dust and weed nuisance is expected. Front yards are required to be kept green all year long. Natural turf shall be over seeded with winter rye grass so the front yard is green all year long. Approved and Prohibited Plants are listed in Appendixes “A” and “B” respectively. Plants not included on either list will be considered on a case-by-case basis.

Artificial Turf

The quality and appearance of any synthetic turf should mimic that of real living grass and must: be professionally installed; not be plastic or artificial in appearance; and, have a mix of natural green color with some color variations, including minimal brown tones (for realistic appearance). “Astroturf” is not permitted. Maintaining synthetic turf in its original condition is required. Turf must be maintained free of weeds, discolorations, stain or tears. All turf grains must run in the same direction. All turf layers must be securely positioned.

Area

- Backyard:
 - Written Architectural approval is required. Additionally, no change to the natural grading of the lot may be made.
- Front yard:
 - Written Architectural approval is required. A minimum of 40%-50% natural or artificial turf required, exclusive of existing driveway, sidewalk and/or pavers.

Turf Specifications

- Quality:
 - Turf must be of the highest quality available (**Highly recommend only turf made in the U.S.A. is used**)
- Name of:
 - Manufacturer and warranty (minimum 10 years)
 - Product name and a 2' x 2' sample must be submitted with request
- Expected life:
 - 12-15 years

Installation

Professional installation is required and to manufacturer's standards. Concrete or brick border is recommended to be installed at perimeter of artificial turf.

Rock and Ground Cover

If decomposed granite or other landscape rock is used, it must match the original/installed landscape rock in color and size. Any alterations to landscape rock must be submitted for prior written approval by the ACC. Samples of landscape rock are required to be submitted with all requests. Lava and artificially colored rock(s) or granite is prohibited. It is recommended that all rock areas be treated with a pre-emergent weed control at regular intervals to hinder weed growth. River rock shall be 3 to 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 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 approved grading and

drainage plan. Mounding must appear natural. Installations of hardscape within the front, back and side yards must not change the grading, as to hinder the proper flow of water away from the house or direct it to neighboring properties. Please note that the ACC does not review for drainage compliance; ensuring compliance is the sole responsibility of the Owner.

Water Features and Statuary

Lawn ornamentalions, including, but not limited to, landscape sculptures, statues, outdoor art, decorative water features, waterfalls, fountains, ponds, animal replicas, pottery or similar landscape elements, or any material or object applied to a wall, fence, gate or other Improvement on a Lot, whether permanently installed or not, are considered Improvements and part of the landscaping and therefore subject to the prior written approval of the ACC before installation.

Front Yards

Fountains in the front yard may not exceed 4 feet in height. It is recommended that water features be chlorinated. Statuary is not allowed in the front yard except for seasonal decorations which must be removed in a timely manner (see Holiday Decorations and Lighting). Planters and pots located in the front yard are required to contain plant material and must be maintained.

Back Yards

Items such as fountains and statuary are permissible within the back yard (as long as they are not Visible From Neighboring Property). It is recommended that water features be chlorinated. The ACC reserves the right to limit the size and quantity of statuary in back yards where the Improvement is Visible From Neighboring Property. Statuary must be of earth tones, with no painted finishes, and must be approved in advance by the ACC.

Plant Requirements

Front Yards: The landscaping for the front portion of the Lot not installed by Declarant in conjunction with the sale of the Lot must be installed and substantially completed in an attractive manner by the Owner within 60 days of the date of closing.

Side and Backyards: The landscaping for the rear and side portions of the Lot not installed by Declarant in connection with the sale of the must be installed and substantially completed in an attractive manner by the Owner within 180 days from the Owner's acquisition of the Lot from Declarant.

All such landscaping, including irrigation Improvements, shall be installed based upon landscape plans that comply with the Declaration and these Design Guidelines and that are approved in advance by the ACC.

Approved and Prohibited Plants are listed in Appendixes “A” and “B” respectively. Plants not included on either list will be considered on a case-by-case basis.

Minimum Plant Requirements – Front Yard

<u>Plant Type</u>	<u>Size</u>	<u>Quantity</u>
Trees	36” Box	3

1. Owners are to select low shrubs/plants/groundcover along driveway and street frontages to maintain visibility.
2. Plants exceeding 2’ feet in mature height shall be located at least 5’ feet back from public sidewalks or curbs.
3. Plant material is not permitted to attach itself to any wall and/or metal view fence.
4. 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.
5. Ornamentation such as driftwood, skulls, wagon wheels, sculptures, and others are not permitted in front yards.

Owners are to install any trees at least three feet (3') from any wall. The distance measured must be from the above-ground portion of the tree that is nearest to the wall, within three feet of the ground level.

Irrigation

Each Owner shall provide a complete irrigation system compatible with the front yard design. Time clocks shall 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 shall be watered by an underground drip system to provide deep watering. All irrigation and drip system lines must be covered under gravel or within plant material. Exposed irrigation or drip system lines are prohibited. Any irrigation or drip

system lines that are not in use must be capped. **Sprinklers and drip irrigation are not permitted within 5 feet of any wall.**

APPENDIX “A”

Approved Plant List

Trees:	Common Name	Botanical Name
	Blue Leaf Wattle	Acacia Saligna
	Shoestring Acacia	Acacia Stenophylla
	Swan Hill Olive	Olea Europaea ‘Swan Hill’
	Sweet Acacia	Acacia Farnesiana
	Tipu	Tipuana Tipu
	Texas Mountain Laurel	Sophora Secundiflora
	Chitapla	Chitapla x ‘Pink Dawn’
	Evergreen Bird of Paradise	Caesalpinia Mexicana
	Fantex Ash	Fraxinus Veluntina ‘Rio Grande’
	Mondell Pine	Pinus Eldarica
	Red Push Pistache	Pistacia X ‘Red Push’
	Date Palm	Phoenix Dactylifera
	Queen Palm	Syagrus Romanazoffiana
	Pigmy Palm	Phoenix Roebelenil
	Jacaranda	Jacaranda Mimosifolia
	Smooth Cascalote	Caesalpinia Cacalaco
	Desert Willow	Chilopsis Linearis
	Sonoran Emerald	Palo Verde Hybrid
	Heritage Live Oak	Quercus Virginiana ‘Heritage’
	Mediterranean Cypress	Cupressus Sempervirens
	Varieties of Citrus Trees	
Shrubs:	Chuparosa	Beleperone Californica
	Bougainvillea	Bougainvillea Nyctaginaceae
	Red Bird of Paradise	Caesalpinia Mexicana
	Baja Fairy Duster	Calliandra Californica
	Feathery Cassia	Cassia Artemisioides
	Green Cassia	Cassia Nemopylla
	Silver Cassia	Cassi Phullodenia
	Silver Cloud Sage	Leucophyllum Candidum
	Green Cloud Sage	Leucophyllum Compacta
	Texas Ranger	Leucophyllum Frutescens
	Chihuahuan Sage	Leucophyllum Laevigatum

Ruellia
Yellow Bells
Cape Honeysuckle
Valentine Bush
Indian Hawthorne
Natal Plum
Gopher Plant
Hibiscus
Dwarf Oleander
Orange Jubilee
Little John
Desert Marigold
Regal Mist
Pink Trumpet Vine
Lilac Vine
Bougainvillea Vine
Jasmine Vine

Ruellia Peninsularis
Tecoma Stans
Tecomaria Capensis
Eremphila Maculata Valentine
Rhaphiolepis Indica
Tuttlei Natal Plum
Euphoriba Rigida
Hibiscus Rosa-Sinensis
Nerium Oleander
Tecoma X 'Orange Jubilee'
Callistemon Viminalis 'Little John'
Baileya Multiradiata
Muhlenbergia Capillaris
Podranda Ricoseana
Hardenbergia Villacea
Bougainvillea Spectabilis
Trachelospermum Jasminoides

Ground Covers & Herbaceous:

Parry's Agave
Octopus Agave
Aloe Vera
Desert Milkweed
Trailing Indigo Bush
Red Hesperaloe
Lantana
Blackfoot Daisy
Firecracker Penstemon
Superb Penstemon
Rosemary
Autumn Sage
Globemallow
Moss Verbena
Dwarf Myoporum
Trailing Rosemary
Angelita Daisy
Bush Morning Glory

Agave Parryi
Agave Vilmoriniana
Aloe
Asclepias Subulata
Dalea Greggii
Hesperaloe Parviflora
Lantana Montevideosis
Melampodium Leucanthum
Penstemon Eatonii
Penstemon Superbus
Rosmarinus Officinalis 'Corsican Prostrate'
Salvia Greggii
Sphaeraicea Ambigua
Verbena Pulchella Gracillor
Myoporum Parvifolium
Rosmarinus Officinalis 'Prostratus'
Hymenoxys Acaulis
Convolvulus Cheorum

APPENDIX “B”

Prohibited Plant List

The following vegetation types and varieties are expressly prohibited:

- All types of Palo Verde trees
- All types of Mesquite trees
- Cholla
- Creosote Bush
- Desert Broom (*Baccharis sarothroides*)
- Desert Museum Trees
- Ironwood Trees
- Mexico Palo Verde (*Parkinsonia aculeata*).
- Ocotillo
- Saguaro Cactus
- Trailing Desert Broom (*Baccharis hybrid*)