

# EMPEROR ESTATES PARCEL H HOMEOWNERS ASSOCIATION

## DESIGN REVIEW COMMITTEE RULES AND DESIGN AND LANDSCAPE GUIDELINES

### DESIGN REVIEW PROCESS

In accordance with the Declaration of Covenants, Conditions and Restrictions for Emperor Estates Parcel H recorded in the official records of Maricopa County (the "Declaration"), the Design Review Committee has adopted the following Rules, Design Guidelines and Landscape Guidelines (the "Guidelines"), which shall apply to all lots within Emperor Estates Parcel H (the "Community").

Each lot owner should read, review, and acquaint himself/herself with the Declaration and with these Guidelines as may be amended from time to time by the Design Review Committee. These documents are intended to enhance property values and the high standards of development that exist within the Community.

The Guidelines are established to assist residents in preparing an application to the Design Review Committee for structural and landscape improvements. **FOLLOWING THESE GUIDELINES DOES NOT ELIMINATE THE NEED FOR SUBMISSION OF PLANS FOR APPROVAL BY THE DESIGN REVIEW COMMITTEE.** Even if your proposed structure, addition or alteration is identical to another, which has been approved, **it must be submitted for approval.** Because each situation may have different conditions, e.g., different locations, physical conditions or design considerations, etc., each application will be reviewed on a case-by-case basis.

In the event of any inconsistency between these Guidelines and the Declaration, the Declaration shall control. All design approvals will be conditioned upon compliance with applicable City codes.

### APPLICATION PROCEDURE

#### Submittal --

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

Emperor Estates Parcel H Homeowners Association  
c/o City Property Management  
4645 E Cotton Gin Loop  
Phoenix, Arizona 85040

The following information should be included with submittal:

1. Application Form -- A completed application form (copies of which can be obtained from the management office).
2. Plot Plan -- A site plan showing dimensions, relationship to existing dwelling and property lines (setbacks). Measurements must be written on the plans.
3. Elevation Plans -- Plans showing finished appearance of addition in relationship to existing dwelling. An accompanying photograph of the proposed location would be helpful.
4. Specifications -- Detailed description of materials to be used and color samples must be submitted.

All buildings and structures erected within the Community, and the use and appearance of all land within the Community, shall comply with all of the applicable City's zoning ordinances, building codes and other ordinances as well as the Declaration and these Guidelines.

#### **Review - Approval and/or Disapproval --**

The Design Review Committee shall have 45 days after submittal of plans to approve or disapprove plans.

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

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

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

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

## **Appeal --**

Any final decision of the Design Review Committee may be appealed to the Board of Directors of the Association. Such appeal must be made within fifteen (15) days after the decision of the Design Review Committee and must be accompanied by the written decision of the Design Review Committee along with copies of the application and all items previously submitted to the Design Review Committee. The appeal must be in writing and sent via certified mail or hand delivered to the management company for the Community. Any decision by the Board of Directors to overrule the Design Review Committee must be unanimous. The decision of the Board of Directors will be final.

## **DESIGN GUIDELINES**

### **ANTENNAS**

Except as otherwise provided by applicable laws and regulations, no antenna, satellite dish, pole, or tower will be permitted that is visible from neighboring property unless prior approval has been received by the Design Review Committee. If such devices will be located such that they are visible from neighboring property, approval will be granted only if another location, that is not visible from neighboring property, is unavailable or inadequate (i.e., due to lack of signal strength).

### **AWNINGS**

Awnings over windows shall be a canvas type with the color the same on the inside and exterior face. A minimum five-year guarantee is expected from the manufacturer to insure a high quality awning. Submittal to the Design Review Committee prior to installation should include the manufacturer, color, type, and number of years' guarantee.

### **BASKETBALL GOALS OR SIMILAR STRUCTURES**

Basketball goals, both permanent as well as temporary, must be submitted for approval and will be considered based upon their appearance and their relationship to other properties. In all cases, the location must be a minimum of 20 feet from all side and rear property lines. This will require the goal be placed on the interior side of the driveway in most cases.

### **CHILDREN'S PLAY STRUCTURES; POOL LADDERS**

Plans for children's play structures must be submitted for approval since in most instances they protrude over the fence. This is not intended to eliminate play structures, but to assure nothing unsightly is erected.

When selecting the location upon which the structure is to be placed, the distance from the ground elevation to the top of the perimeter fence must be measured and submitted with the plans for the structure. When considering plan approval, the Design Review Committee will take into consideration the appearance, height, and proximity to neighboring property.

**DECORATIVE ITEMS (INCLUDING FOUNTAINS, LIGHT POLES, AND ORNAMENTAL STATUARY) (Also see "Hardscape" under "Landscaping" for further information)**

These items must be located in the rear yard and screened from view of neighbors, streets and common area, unless approved by the Design Review Committee in writing.

**DRIVEWAYS**

Plans must include a plot plan of the existing lot and the direction in which expansion is proposed. The exact measurements of the proposed paved surface must be stated on the plan. Proper drainage away from house and from rear yard to street must be maintained within the lot.

**FENCES AND WALLS (INCLUDING DECORATIVE WALLS)**

Plans for new fences or walls or additions to existing structures must be submitted to the Design Review Committee for approval prior to construction. (This includes decorative walls).

Stucco and paint must match the existing dwelling in texture and color.

**FLAGPOLES**

Homeowners may install flagpoles and display flags in a manner consistent with the Federal Flag Code and subject to such reasonable rules and regulations as the Design Review Committee may adopt from time to time regarding placement, manner of display, and location and size of flagpoles. The American 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 property. Such lighting must be approved by the Design Review Committee. Except at the models, the height of the flagpole can be no greater than the distance between the point of placement of the pole in the yard and closest point of the sidewalk, any common area, or any neighbor's property line.

## **GATES**

Double gates may be installed to allow wider access ways to back yards, however, double gates will not be allowed on side streets of corner lots. Double gates should be of the same type, design, and color as the originally installed single gates. Shrubs, trees, or other plants should be located between the house and the double gates, where possible.

## **GUTTERS AND DOWNSPOUTS**

Gutters and downspouts may be considered for approval. The finish on same must match the dwelling in color. High-quality materials that offer long life are recommended, as the homeowner will be required to maintain the addition in good repair. Plans must include the proposed locations of the gutters and downspouts, the quality of materials to be used, warranty by the manufacturer and the name of the installer and telephone number.

## **HEATING, VENTILATING, AND AIR CONDITIONING UNITS (INCLUDES EVAPORATIVE COOLERS)**

All units must be ground mounted and located within the perimeter of the backyard.

## **PATIO COVERS**

Plans for patio covers will be considered for approval and should be built using the same specifications as those covered patios built by Declarant.

## **POOLS AND SPAS**

Pools and spas need not be submitted for design approval provided the following requirements are met: (1) pool ladders/slides need to be approved and will be considered based upon appearance, height, and proximity to other properties; and (2) perimeter walls on lots bordering Association landscaped areas may not be torn down. Access must be gained by tearing down a front wall on the side of the home, leaving the perimeter wall intact, assuring it matches in texture and color throughout the Community unless other access is approved by the Design Review Committee.

## **SOLAR PANELS; WIND TURBINES AND EQUIPMENT**

All solar energy devices visible from neighboring property or public view must be approved by the Design Review Committee prior to installation. All rear yard ground mounted locations should be considered prior to a roof-mounted location. Roof-mounted solar panels and equipment must match the roof material. Panels must be an integrated part of the roof design and mounted directly to the roof plane. Solar units must not break the roof ridge line. Wind turbines must be approved by the Design Review Committee as to appearance and placement.

## **STORAGE SHEDS**

Any storage shed will require approval by the Design Review Committee. If approved, proper screening will be required.

## **SUN SCREENS AND WINDOW TINTING**

1. No aluminum material or other reflective material may be installed in windows.
2. Bronze or charcoal sun screen material may be installed. The frame for window screens must match the screen material or existing window frames.
3. Screen doors in the front of the house must be submitted for approval.

## **SECURITY DEVICES**

Security features, including but not limited to lights, doors and window coverings, must be submitted for approval. Security alarms need not be submitted for approval.

## **LANDSCAPING GUIDELINES**

**Plans need not be submitted to the Design Review Committee for prior approval. However, all landscaping is subject to the following requirements and guidelines:**

The Declaration requires that all yards visible from the street shall have acceptable landscaping installed within 90 days from close of escrow. It is recommended that back yard landscaping be installed at this time as well since construction access to the back yard is often through the front yard. Owners shall maintain their lots free of weeds and debris; lawns shall be neatly mowed and trimmed; bushes shall be trimmed; and dead plants, trees, or grass shall be removed and replaced.

In all cases, the installation must comply with the applicable City's drainage and grading requirements.

## **LANDSCAPING PLACEMENT**

All turf, plant materials and sprinkler components should be kept a minimum of 24 inches away from the foundation of the home and any exterior concrete, including patios, driveways and walks (other than sidewalks). No plastic liner or groundcover of any type should be installed within 36 inches of the foundation or exterior concrete. Trees and bushes that will become large and/or have extensive root systems should be planted a minimum of 4 to 6 feet away from the foundation, exterior concrete and fences.

## **TURF**

The Homeowners' Association joins the City in encouraging water conservation. Therefore, it is recommended that you consider turf installation in areas where it can be used for play, for example; and consider desert landscaping in other areas.

## **ROCK GROUND COVER**

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

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

## **IRRIGATION SYSTEM**

A drip irrigation system is strongly encouraged for all landscaped areas, except turf.

## **MINIMUM NUMBER OF PLANTS**

All front yard landscaping shall include a minimum of eleven (11) shrubs or groundcover plants. These shall be one (1) gallon size or larger.

## **ASSOCIATION PROHIBITED PLANT LIST**

The following vegetation types and varieties are prohibited:

1. Olive trees (*Olea europaea*) other than the "Swan Hill" variety. These trees create considerable pollen, which disturbs allergy sufferers. A mature tree produces thousands of olives, which drop and create a mess in the landscape.
2. Oleanders (*Nerium oleander*) other than the dwarf variety and *Thevetia* (*Thevetia* Species). Oleanders other than dwarf or *thevetia* varieties get to such a size and trunk thickness that they are difficult to control on a lot.

3. Fountain Grass (*Pennisetum setaceum*) or Pampas Grass (*Cortaderia Selloana*). Within a very few years, fountain grass and pampas grass build up thatch which makes them extremely difficult to trim back. As a result, they are often let go and are unattractive or owners end up removing them. Pampas grass blades are so sharp, they can easily produce sliver cuts.
4. All varieties of mulberry trees. Mulberry trees join fruiting olive trees as a major pollen contributor.
5. Mexican Palo Verde (*Parkinsonia aculeata*), known for its extreme shedding.
6. All varieties of Citrus and other fruit-bearing trees not described above are permissible, but only within the confines of the rear yard.

### **FINE GRADING & MOUNDING**

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

### **WATER FEATURES (FOUNTAINS, ETC.)**

Water features are permitted within rear yard areas. It is recommended water be chlorinated. Water features must be approved by the Design Review Committee when in the front yard.

### **HARDSCAPE**

Any additional pavement areas in any form, e.g., concrete, brick, tile, or any wood decks, etc. in the front yard must be approved by the Design Review Committee. Any decorative items (including fencing, fountains, statuary, etc.) in the front yard must be approved by the Design Review Committee.

### **LIGHTING**

- A. Lighting shall be shielded such that the light shines primarily on the lot; lights, which create glare visible from other lots are prohibited.
- B. Light fixtures shall not exceed an illumination intensity of more than one (1) foot candle power as measured from lot line.

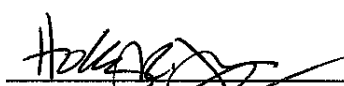



- C. Outside lights should be screened wherever possible with walls, plant materials, or internal shielding.


ANY ADDITIONS OR IMPROVEMENTS THAT CHANGE THE EXTERIOR OF THE HOME'S APPEARANCE, EXCEPT FOR NATURAL VEGETATION, MUST BE APPROVED BY THE DESIGN REVIEW COMMITTEE.

These Design Review Committee Rules, Design Guidelines and Landscape Guidelines may be amended by the Design Review Committee from time to time in accordance with the Declaration.

ADOPTED By the Design Review Committee of Emperor Estates Parcel H Homeowners Association this 4<sup>th</sup> day of December, 2013.

  
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