

**Center Pointe  
Vistoso  
Community  
Association**

**Design Guidelines**

**JULY 2021**

# Center Pointe Vistoso Community Association

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## OVERVIEW

### **Rancho Vistoso Philosophy**

The Rancho Vistoso Landscape concept is based on a philosophy of compatibility with the existing Sonoran Desert, a sensitivity to its fragile ecosystems, and a commitment to low water usage and energy-conservation techniques. The majority of introduced plant materials will be indigenous arid or semi-arid. Plants ensuring minimal water usage and compatibility with the built and natural environments. An aggressive revegetation program has been implemented in all areas impacted by construction to ensure an uninterrupted sense of “fit” between the community and its physical environment.

### **Community Organization**

Every Resident of Center Pointe Vistoso is a Member of Center Pointe Vistoso 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, Restrictions, Assessments, Charges, Servitudes, Liens, Reservations and Easements for Center Pointe Vistoso (the “CC&Rs”). The CC&Rs, as amended from time to time, provide for Design Guidelines and Rules and Regulations to interpret, clarify, and implement the restrictions detailed in the CC&Rs (the “Design Guidelines”). Each Lot in the Association is also subject to the Declaration of Covenants, Conditions and Restrictions for Vistoso (the “Master CC&Rs”) which contains its own set of architectural rules. These Design Guidelines are independent of each Owner’s obligation to comply with the Master CC&Rs, and any rules, regulations, or guidelines promulgated pursuant to the Master CC&Rs. In the event of any conflict between the Design Guidelines and the CC&Rs, the CC&Rs shall control.

The Board of Directors of the Association (the “Board”) is responsible for the administration of the Association. The Architectural Committee is appointed by the Board, as set forth in the CC&Rs to review all Improvements within Center Pointe Vistoso, including new construction and modifications to the existing Improvements.

The Architectural Committee has adopted the Design Guidelines and standards to evaluate proposed construction activities. The purpose of the Design Guidelines is to assist Owners in gaining approval for structural and landscape improvements and repairs, and are necessary to enhance Property values, desirability, and attractiveness of the Property located within the Association. These Design Guidelines may be amended by the Architectural Committee and re-issued from time to time. **Following the guidance detailed in these Design Guidelines does NOT eliminate the need for submission of plans and approval by the Architectural Committee except as specifically noted herein.**

### **Design Review Process**

Any change, addition, or modification to a Lot or a building exterior of a residential Property requires the prior written approval of the Architectural Committee. Residents with proposed changes must contact 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, no improvements, alterations, repairs, additions, landscaping, or other work, including changes in exterior color, repainting exterior the original colors, are to be constructed on any Lot or exterior of any home from its improved state existing on the date such Property was first conveyed by Builder to a Purchaser without the prior written approval of the Architectural Committee. The responsibility of the Architectural Committee is to ensure the harmonious, high quality image of Center Pointe Vistoso is implemented and maintained. Any Owner requesting approval of any construction, installation, addition, landscape alteration, repair, change or other work to their Lot or home shall follow the application procedures listed below. Approved submittals will be returned to the applicant within thirty (30) days of receipt. Owners must complete the approved work within one hundred twenty (120) days of issuance of the approval or notify the Architectural Committee if additional period of time is required.**

### **Application Procedure**

The following information must be included in each application:

- ❑ Application Form - Completed and signed (typed name in signature area will be accepted as a signature). Additional copies can be obtained from the Association's management office and online.
- ❑ Plot Plan – A site plan indicating dimensions relating to the existing dwelling and Property lines (setbacks, etc.) and the proposed Improvement 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 the proposed Improvement indicating dimensions and color.

Applications and plans must be submitted to:

### **Center Pointe Vistoso Community Association**

Mission Management Services LLC  
8375 N Oracle Road #150  
Tucson, AZ 85704  
(520) 797-3224  
customerservice@missionmanagement.biz

It is recommended that when submittals require Town of Oro Valley approval, that submittals be made to the Architectural Committee prior to being submitted to the Town of Oro Valley. Approval by the Architectural Committee of site plans, building permits, or variances does not guarantee approval by any governing agency. Nor does approval by any governing agency guarantee approval by the Architectural Committee. The HOA Management company forwards all Requests to the Master Association for their approval.

It is the Owner's responsibility to ensure that any proposed construction is coordinated with, and where applicable, approved by all city, county, state, and federal government agencies. The Architectural Committee, the management company and the Association assume no responsibility for obtaining these reviews, approvals, or permits. An approval by the Architectural Committee 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.

The Architectural Committee has the authority to deviate from the requirements contained in these Guidelines if following the requirements would create an unreasonable hardship or burden for an Owner, Tenant or Resident. An affirmative vote of a majority of the Members of the Architectural Committee must be gained for a variance to be granted. All variances are to be in writing and maintained in the Association records. Variances may have expiration dates as determined appropriate by the Architectural Committee at the time the variance is granted.

**NOTE: Only Lot Owners may request approval. Requests for approval may be submitted only after closing on a Lot.**

# **DESIGN GUIDELINES**

## **SECTION 1 General Principles**

The purpose of the Architectural Committee is to ensure consistent application of the Design Guidelines, as set forth in the CC&Rs. The Architectural Committee monitors any portion of any Lot or parcel that is visible from Neighboring Property, the street, or the Association Common Areas. The Design Guidelines promote those qualities in Center Pointe Vistoso 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 CC&Rs.

The HOA Management company forwards all Requests to the Master Association for their approval. The Master Association monitors any portion of any Lot or parcel.

## **SECTION 2 Design Compatibility**

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

## **SECTION 3 Workmanship**

The quality of workmanship evidenced in construction or landscaping 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 Architectural Committee assume no responsibility for the safety or livability of any construction by virtue of design review.

## **SECTION 4 Building Architecture**

In general, any exterior addition or alteration to an existing residence shall be compatible with the design character of the original structure. Prior to construction, plans indicating material to be used and location shall be submitted to the Architectural Committee for approval.

## **SECTION 5 Building Repairs**

No building or structure shall be permitted to fall into a state of disrepair. The Owner of every home or structure is responsible at all times for keeping all buildings located on the Lot in

good condition and adequately painted or otherwise finished. In the event any building, roof or structure is damaged or destroyed, the Owner is responsible for 30-day repair or reconstruction.

## **SECTION 6**

### **Awnings**

The Architectural Committee must approve all awnings.

- a. Metal framing shall be beige or other color as approved by Committee.
- b. Awnings are permitted in the rear yard area only (no front or side elevation awnings).
- c. One awning is permitted in lieu of or in addition to a rear covered patio structure, the dimensions of the patio area/awning shall not extend out from the house more than 12' (twelve feet) from the access door and at full extension, shall not be any closer than 5' (five feet) from any privacy wall. The width of the awning across the structure shall not exceed 20' (twenty feet).
- d. All awnings must be commercially manufactured, and requests for the Architectural Committee's approval of the same must include: (i) a drawing with the location of the proposed awning installation, (ii) a sample of the material to be used, and (iii) the color and design of the proposed awnings.
- e. Awnings must be maintained in good condition at all times.
- f. Plastic, metal, or aluminum awning material are not allowed (except frame).
- g. Awnings are restricted to lower story only.
- h. Only solid color to match main exterior house color (not trim color).
- i. No ground mounted vertical supports.

## **SECTION 7**

### **Basketball Goals**

Permanent and portable basketball goals will be considered if they meet the following guidelines:

1. Permanent Goals:
  - A. Permanent goals that exist as of the posting of the Revised Guidelines will be allowed. No more than one (1) basketball goal is permitted per lot. After the posting of the Revised Guidelines, no permanent goals other than the rear yard will be approved. Only one (1) basketball goal per lot will be allowed after January 2020.
  - B. Architectural Committee must approve the positioning of pole in the backyard.
  - C. Permanent basketball poles and brackets must be painted black or match the color of the house. Basketball backboard and/or pole can't be attached to any Structure on the Lot.
  - D. Backboards or poles shall not be attached to the house, garage, roof, or any structure on the lot.
  - E. Backboards must be of a predominantly neutral color (gray, black or white) or painted to match the color of the body of the home. Only clear plexiglass backboards are acceptable.
  - F. Only nylon or similar cord nets are acceptable. Metal or chains are expressly

prohibited.

- G. To receive an approval letter from the Committee for the installations of a permanent or portable basketball pole, the basketball poles must be placed in the enclosed rear yard areas, 10 (ten feet) from any privacy wall.
- H. Basketball courts may not be painted or permanently outlined on any surface
- I. 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 a violation.

2. Portable Goals:

- A. Portable goals cannot be placed or used in Common Areas, the street or upon sidewalks at any time. No more than one (1) basketball goal is permitted per lot. Only one (1) basketball goal per lot will be allowed after January 2020.
- B. Portable goals must be removed and stored daily when not in use and shall not be visible from Neighboring Property.
- C. To receive an approval letter from the Committee for the installations of a permanent or portable basketball pole, the basketball poles must be placed in the enclosed rear yard areas, 10 (ten feet) from any privacy wall.
- D. Backboards shall not be attached to the house, garage, roof, or any structure on the lot. To receive an approval letter from the Committee for the installations of a permanent or portable basketball pole, the basketball poles must be placed in the enclosed rear yard areas, 10 (ten feet) from any privacy wall.
- E. Only nylon or similar cord nets are acceptable. Metal or chains are expressly prohibited. Backboards must be of a predominantly neutral color (gray, black or white) or painted to match the color of the body of the home. Only clear plexiglass backboards are acceptable.
- F. Basketball courts may not be painted or permanently outlined on any surface
- G. 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 a violation.

The Architectural Committee reserves the right to rescind its approval, should the backboard cause a nuisance, such as traffic, noise or damage to any adjacent Property or Common Area.

## **SECTION 8**

### **Clotheslines**

No outside clotheslines or other facilities for drying or airing clothes shall be placed on a Lot or parcel without the prior written consent of the Architectural Review Committee unless they are not visible from Neighboring Property.

## **SECTION 9**

### **Driveway Extensions**

Driveway extensions will be reviewed on a case-by-case basis with strong consideration of any impact on the architectural features of the neighborhood. The maximum driveway width (existing and addition) shall not exceed thirty (30) feet of contiguous area will it be approved should it become the dominant feature of the lot. Approval for driveway extensions greater



than thirty (30) feet may be granted only to those lots in Pinnacle (Block 4) or that are larger than 70' wide. Use of driveway extensions for parking of vehicles is not allowed. All driveways must be kept clean and free of debris, oil, rust, and other stains. The use of planting material between the street and driveway extension is required to minimize the effect of additional hardscape.

## **SECTION 10**

### **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 Architectural Committee.
2. Poles must not exceed 12' in height, and only one flagpole is permitted per Lot.
3. Poles must be white, a neutral color or painted to match the color of the home.
4. Flag size may not exceed 3' x 5', and no more than two (2) flags shall be displayed at one time.
5. Flags must be displayed in a manner consistent with the Federal flag code.
6. Flag must be kept in good repair and only displayed on a flagpole.
7. Owners installing flagpoles must take reasonable efforts to mitigate the noise created by the flagpole and all related hardware.
8. Illumination of the flag and/or flagpole must be approved by the Architectural Committee.
9. The Architectural Committee will consider the height of the flagpole, the requested location of the flagpole, the efforts of the Owner to mitigate noise created by installation of the flagpole and related hardware, and the request, if any, to illuminate the flag and flagpole. The Architectural Committee shall not unreasonably deny a request to install a flagpole but retains the right to approve the flagpole subject to the above height, location, noise and/or light restrictions.
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. All flags are prohibited, except (a) those permitted under A.R.S. § 33-1808(A), as it may be amended from time to time.
12. Only one (1) flagpole per lot is permitted.
13. Permanent free-standing flagpoles require Architectural Committee preapproval.
14. House mounted flagpoles must be located by the home entryway.

## **SECTION 11**

### **Front Yard Courtyards/Front Entry Courtyards**

Front entry courtyards are a traditional way to create partially enclosed semi-private outdoor space and added individualized distinctiveness on the street side of a home. Front entry courtyards are permitted with the approval of the Architectural Committee, subject to the following guidelines:

1. While partially enclosed privacy areas are permitted, the general design shall be open-air courtyards with visibility from the street and shall be reflective of a traditional southwest

architecture complementary to the architecture of the home.

2. Only Courtyard walls are allowed in front yard. Such walls shall not be installed any further forward than 1/3 of the distance from the front of the house structure to the sidewalk and must be in an appropriate proportional percentage to the front yard area.
3. Walls shall not exceed forty-eight (48) inches in height.
4. Such walls shall be stucco and painted to match the base color of the house or shall be another color or material approved by the Architectural Committee.
5. Entry gate or doorway in an arch or vertical structure shall not exceed eight (8) feet in height.
6. The Architectural Committee must approve any hardscape items proposed for front yard installation. Hardscape items that will be visible from Neighboring Property, the streets, or the Common Area in the rear yard also require prior approval. Permanent placement of lawn/patio furniture or decorative wrought iron furniture/benches in front yard requires Architectural Committee approval.

## **SECTION 12**

### **Security Doors, Screen Doors and Sunscreens**

Security/screen doors must be submitted for approval.

Security doors shall be fabricated of welded steel, wrought iron or aluminum enclosures. Highly reflective aluminum is prohibited.

Security Doors must be painted to match the exterior color of the home or black, charcoal gray, copper, rustic overlay, antique bronze, weathered brown or match main color of house or trim. Must be harmonious to the neighborhood.

Bronze, gray, charcoal, brown, beige Sunscreen material must be submitted for approval. Must be harmonious to the neighborhood.

Reflective window films are expressly prohibited. Bronze or charcoal non-reflective window tinting may be installed without the Architectural Committee's review.

## **SECTION 13**

### **Fences and Walls**

Prior to construction of any fence or wall, plans indicating material to be used and location shall be submitted to the Architectural Committee for approval. Subject to Section 5.21 of the CC&Rs and applicable laws, plans to raise the height of a common wall must be submitted to the Architectural Committee for prior approval with written consent from the adjacent neighbor(s). Owners requesting the height adjustment are solely responsible for engineering new wall footings and submitting engineering plans with each request. Copies of all applicable municipal and other approvals must be submitted with the requests. Wall improvements must match the existing walls in texture and color. Boundary wall improvements or modifications are prohibited.

Residential walls and fences in "normal" conditions shall be maximum of 6' (six feet) and a minimum of 5' (five feet) as measured from the highest adjacent average finished grade

measured on the outside of the wall. Closely spaced parallel walls shall be disapproved.

Prior to construction, The Owner shall verify property lines. In the event of a dispute regarding rebuilding of a party wall or party fence with respect to the haring of the cost thereof, this matter will remain between the adjoining Owners to resolve. Resolution will not become the responsibility of the Association.

Fences and walls installed as part of a home's original construction will not be removed, altered, or painted without the Architectural Committees prior approval

## **SECTION 14**

### **Gates**

Double gates at the side of the home may be installed to allow wider access to rear yards with prior written approval from the Architectural Committee, provided that the installation of such gates does not require boundary wall modifications. All gates (double or single) shall be the same material, design, and color as the originally installed single gate. If repainted, the gate must be the current color of the body of the house. Shrubs, trees, and plant material must be installed and maintained between the street and the gate access whenever possible. No gates or other openings that provides access to the Golf Course Facilities through the wall of fence separating a Lot from the former Golf Course Facilities may be constructed or installed on any Lot.

## **SECTION 15**

### **Gutters and Downspouts**

Gutters and downspouts will be considered for approval if the finish matches the color of the home. The Association strongly recommends use of high-quality materials that offer long life as the gutter must be maintained in good condition. Downspouts must be directed so as not to drain on to neighboring Property.

## **SECTION 16**

### **HVAC**

Except as initially installed by the Builder, no heating, air conditioning shall be placed, installed, constructed, or maintained upon any Lot without the prior approval of the Architectural Committee. All units must be ground mounted, located within the perimeter of the rear yard, and screened or concealed so that they are not visible from neighboring property.

## **SECTION 17**

### **Outdoor Fireplaces**

Outdoor fireplaces may only be installed and used in rear yards and require the prior approval of the Architectural Committee. Outdoor fireplaces may not exceed six (6) feet in height and may not be attached to the Property wall and must not be visible from Neighboring Property. Proposals for the installation of built-in outdoor fireplaces and built-in barbecues must include materials, colors and the location and distance from Neighboring Property, party walls and

common area walls. The style, color and materials of the proposed Improvement shall 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 Architectural Committee may require neighbor approval of such improvements.

### **SECTION 18 Outdoor Lighting**

Any outdoor lighting installed on a Lot or home must receive advance approval from the Architectural Committee and be in compliance with The Town of Oro Valley lighting standards. 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 or bulbs with wattage greater than forty (40) watts or four hundred and fifty (450) lumens or three thousand (3,000) kelvins. All exterior lighting must provide for complete shielding of light sources. Care should be taken to shield the lamp from view. One should see the effect of the light, not the lamp itself. Backyard patio lights must comply with The Town of Oro Valley dark skies. String lighting is prohibited. Holiday lighting can be installed 30 days prior to the recognized holiday and must be removed within 20 days after the holiday associated with the lighting.

### **SECTION 19 Patio Covers**

Roofing material color shall match that which was installed by the Builder on the original roof of the home. The color of supports and material shall match the color of the body or trim of the home. Structures must be professionally installed, and match the exterior color of the home. A setback to sidewalls that complies with applicable regulations must be maintained. All patio covers that are attached to the house will need a building permit from The Town of Oro Valley before sending to Architectural Committee.

### **SECTION 20 Ramada, Gazebo, Cabana, Pergola and Similar Structures**

Ramada, gazebo, cabana, pergola, and similar structures may be erected in rear yards with the prior approval of the Architectural Committee, subject to the following guidelines:

1. Maximum roof height is ten feet (10') at the highest point.
2. The structure must be at least ten feet (10') from the house.
3. The structure must be set back a minimum of five feet (5') from any common wall.
4. The structure must be painted a natural cedar or match the color of the home and be maintained in good condition.
5. Any roof tile must also match the tile on the home
6. Lighting of the structure must be approved by the Architectural Committee prior to installation.

**SECTION 21**  
**Play Structures**

Play structures may be erected in rear yards only with the prior approval of the Architectural Committee, subject to the following guidelines:

1. Structures must be set back a minimum of seven (7) feet from any common wall.
2. Maximum height allowed to the top support bar, highest point of structure or shade canopy is ten (10) feet.
3. Maximum height of any deck or platform is to be four (4) feet above ground.
4. Play structures must be located in the back yard. Side yard location is prohibited and will be approved only on a case-by-case basis.
5. The distance from the ground elevation to the top of the common wall must be measured and submitted with plans.
6. The Architectural Committee will take appearance, height, and proximity to neighboring properties into consideration.
7. Any shade canopy must be solid tan or current color palate of Center Pointe Vistoso.
8. A brochure or picture must be included with each submittal.

**SECTION 22**  
**Pools and Spas**

Pools and spas require the prior approval of the Architectural Committee as provided below:

1. The Town of Oro Valley Review and Permits required prior to installation of pool and structural additions.
2. Common walls on Lots bordering Common Areas may not be torn down to allow access to rear yards.
3. Access must be gained by removing a portion of the front wall on the side of the home. Replacement block and grout must match original.
4. Gates, walls, and any front yard landscaping that is removed or damaged must be returned to their original condition within 120 days. After 120 days, Owners must file for an extension to be approved by the Architectural Committee.
5. All pool and spa motors and associated equipment must be screened or concealed so they are not Visible From Neighboring Property and placed in a location so that noise generated from such equipment will be the least disruptive to neighbors.
6. Lots with view fence must include an equipment screening plan for approval by the Architectural Committee.
7. Except for hot tubs or whirlpool spas, above-ground pools are not permitted.
8. Plans and specifications for a pool or spa, as prepared by the pool or spa contractor, must include any proposed fencing.
9. To the greatest extent possible, hot tubs and spas shall be located in such a manner that they are not Visible From Neighboring Property.
10. Backwash water from pools and spas (including water drained from pools or spas 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 or Common Area (including streets). The Owner of the Lot shall be responsible for all damage caused to an adjacent Lot or Common Area due to backwash, including erosion.

11. Pool ladders, slides, rock waterfalls, etc. that exceed the height of the fence or wall must have the prior approval of the Architectural Committee. Such items shall not exceed eight (8) feet in height, must be set back a minimum of six (6) feet from the Property lines and color shall be restricted to blue or desert hues.

## **SECTION 23**

### **Pool Fencing and Equipment**

The Town of Oro Valley Review and Permits required prior to installation of pool and structural additions.

The specifications for rear yard pool fencing installation on a Lot with view fencing shall be neutral earth tone color to match or blend with the existing color of the home or fencing. Pool fence enclosures must meet all city, county, state and federal requirements, and an Owner shall submit a proposal for a pool fence enclosure only after being assured by the applicable municipal authority that the proposed fence enclosure will not violate those requirements.

Pool equipment on Lots with view fencing must be screened so as to not be Visible From Neighboring Property. Screening may be through plant material or hardscape enclosure. Hardscape enclosures do not require approval if the enclosure does not exceed four (4) feet and is painted to match the exterior color of the home. All other screening material requires the approval of the Architectural Committee.

## **SECTION 24**

### **Satellite Dishes and Antennas**

No antenna, aerial, satellite dish or other device for the transmission or reception of television or radio (including amateur or ham radio) 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), or designed to receive and/or transmit data services including Internet access of any kind or (collectively referred to herein as "Antennas") will be allowed outside any Dwelling Unit, except that a device covered by 47 CFR Section 1,400 (Over-the-Air reception Devices Rule), as amended, repelled, or recodified, will be permitted. An antenna one (1) meter or less in diameter or diagonal measurement may be placed, installed, and must comply with the applicable antenna installation rules of the Association.

If the FCC expands the types of antennas that fall under the FCC Rule, this Section shall encompass those antennas as well. The Board is hereby vested with the broadest discretion to enact rules and regulations to implement this Section to conform to the law. The Board may enact rules and regulations that are more restrictive than this Section, if permissible by federal

and state law.

Should applicable law prohibit the Architectural Committee from requiring prior approval for the installation of certain antennas, the preferred locations, in descending order of preference, are as follows

1. The antenna must 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.
2. If the antenna cannot be placed on the Lot in such a manner as to not be Visible From Neighboring Property without impairing the user's ability to receive signals from a provider of DBS, MMDS or TVBS, then the antenna must be screened by landscaping or by some other means to reduce to the greatest extent possible its Visibility From Neighboring Property without impairing the user's ability to receive signals from a provider of DBS, MMDS or TVBS.
3. If the antenna is mounted on a residence or other structure and is Visible From Neighboring Property, the antenna must be painted a color that will blend into the background against which the antenna is mounted, unless the painting of the antenna would impair the user's ability to receive signals from a provider of DBS, MMDS or TVBS.
4. An antenna that is less than one (1) meter in diameter and is designed to receive video program services from MMDS or an antenna designed to receive TVBS may be mounted on a mast, provided that the mast may be no higher than twelve (12) feet above the roofline or the height necessary to establish line of sight contact with the transmitter, whichever is lower. If the mast or antenna is Visible From Neighboring Property, the mast or antenna must be painted a color that will blend into the background against which the antenna is mounted, so long as the painting of the antenna does not impair the user's ability to receive signals from the MMDS or TVBS provider.

## **SECTION 25**

### **Signs**

No sign of any kind which is Visible from Neighboring Property shall be installed or displayed on any Lot or Common Area without the prior written approval of the Architectural Committee as to size, color, design, message content, number, and location except:

1. Such signs as may be used by Developer or Designated Builder in connection with the development and sale of Lots in the community.
2. Such signs as may be required by legal proceedings, or which by law may not be prohibited.
3. One temporary sign per Lot no larger than thirty (30) inches by twenty-four (24) inches used exclusively to advertise the Lot for sale.
4. Political sign (as defined by A.R.S. §33-1808) with a maximum aggregate total of nine (9) square feet, provided that no political signs may be displayed earlier than seventy-

- one (71) days before an election day or more than three (3) days after an election day.
5. Such signs as may be desired by Developer or Designated Builder or required for traffic control, construction job identification, builder identification and subdivision identification as are in conformance with the requirements of the City.
  6. Security signs are acceptable, but they may not exceed seventy-two (72) square inches.

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

## **SECTION 26**

### **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 guidelines 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. If the solar energy device is one of the devices listed in A.R.S. § 44-1761, the placement of the solar energy device must be approved in advance by the Architectural Committee. Such solar energy device must comply with the following guidelines, to the extent that they do not impair the functioning of the device, 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. A solar energy device must be placed in the rear patio or on a portion of the roof facing away from the street so as not to be Visible From Neighboring Property.
3. The solar energy device must be shielded from view so as not to be Visible From Neighboring Property to the maximum extent possible. The landscaping or structure used to shield the solar energy device must be approved in advance by the Architectural Committee.
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.

**SECTION 27**  
**Storage Sheds**

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

1. Storage sheds are subject to rear setbacks of a minimum of five (5) feet from any Property line.
2. Sheds may not be visible From Neighboring Property, the streets or the Common Areas and can't exceed 6 feet (6') height.
3. Quality materials and construction shall be required.
4. Sheds must be in harmony with the exterior of the residence including siding, color, and roofing materials.

**SECTION 28**  
**Window Coverings Criteria**

Permanent draperies or suitable window treatments must be installed on all interior windows facing the street or Common Areas within sixty (60) days of occupancy. No reflective materials, including but not limited to aluminum foil, reflective screens or glass, mirrors or similar type material shall be installed or placed upon the outside or inside of any windows. Exterior window coverings, shelf openings, or treatments used to decorate must be compatible with respect to materials, color, and style of the home, and require the prior written approval of the Architectural Committee.

**LANDSCAPE GUIDELINES**

**SECTION 29**  
**Front Yard Landscape Minimum Standards**

Approved front yard landscape packages have been designed to include minimum quantities and sizes of plant material; however, the Architectural Committee may consider variations of these requirements if courtyard walls, or other items are installed not allowing for the minimum requirements specified in which the completed landscape plan results in an attractive front yard.

1. Plants must be selected from those detailed in the Recommended Plant List set forth in Exhibit A attached hereto. The Architectural Committee will consider additional plant material so long as the requested material is consistent with the overall community landscape and is not listed in the Prohibited Plat Materials set forth in Exhibit B attached hereto.
2. Owners are to select low shrubs/ground cover along driveway and street frontages to maintain visibility. Plants shall not exceed four (4) feet in mature height and shall not encroach onto sidewalks or curbs.
3. Ornamentation such as driftwood, skulls, wagon wheels, sculptures, and others are not

- permitted in front yards as of January 1, 2020.
4. Plants must meet minimum front yard requirements set forth in Exhibit C attached hereto.
  5. All bare ground must be covered by an approved material to provide a neat, dust-free appearance (decomposed decorative rock is not approved).

**SECTION 30**  
**Rear Yard Landscaping**

Rear yard landscaping Improvements on Lots where the rear and/or side yards are enclosed with wrought iron view fence and are visible from Neighboring Property shall be completed within ninety (90) days of home purchase. Including any sprinkler system or drip irrigation system sufficient to adequately water the landscaping Improvements, on such rear yard and/or side yards. All landscaping Improvements installed in such areas must be approved by the Architectural Committee prior to installation.

Rear yard landscaping improvements on Lots that are not visible From Neighboring Property shall be completed within one hundred eighty (180) days of home purchase. All landscaping Improvements installed in such areas must be approved by the Architectural Committee.

**SECTION 31**  
**Fine Grading and Mounding**

Fine grading and mounding are a critical aspect of landscaping. Each Lot has been graded such that all storm water will drain away from the home. It is important that this drainage pattern is maintained when preparing the landscape design, especially if mounds or berms is proposed. In all cases, the installation must comply with the approved grading and drainage plan. Mounding must appear natural.

**SECTION 32**  
**Rock and Ground Cover**

Decorative Rock in the community shall be of a neutral earth tone color, artificially colored rock or granite is prohibited. Decorative Rock must be congruent with existing Decorative Rock in color and size. Rock shall not spell out any words or names. All granite areas must be treated with a pre-emergent weed control at regular intervals to retard weed growth. White Decorative Rock is specifically prohibited.

Rip rap that matches or complements the front yard Decorative Rock, placed in a “run” must also meet the percent (10%) maximum coverage. River rock is specifically prohibited as of January 1, 2020.

**SECTION 33**  
**Boulders**

Use of boulders to create a natural setting is permitted subject to the following criteria:

Boulders must be “surface select” granite boulders and must be buried with one-third of the boulder being underground. Boulders shall be installed in a naturalistic manner and integrated within the landscape including other boulders or landscape materials such as plants,

decomposed granite and contouring. 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 three (3) feet in height and shall have a natural character that is compatible with specific decomposed granite. Colored and lava rocks are prohibited.

## **SECTION 34**

### **Natural and Artificial Turf**

Natural and Artificial Turf are approved ground covers permitted in rear yard landscaping only. No natural turf spray irrigation shall abut walls or fences. Planting areas of at least five (5) feet are recommended between walls, fences, structures, and natural turf irrigation. Great care should be taken with natural turf to avoid spraying of walls, fences and other structures that may cause damage and void any warranty. Drainage for natural turf shall flow away from all walls and any structures, and Owners shall maintain proper grading on the Lot to eliminate any undue drainage onto neighboring Lots. Irrigation systems shall not produce excessive watering on walls so as to cause structural damage to common walls.

## **SECTION 35**

### **Irrigation**

With an average rainfall of less than nine (9) inches, most plant material requires a supplemental irrigation system to sustain plant life yet preserve our precious water supply. All landscape irrigation must be underground, automatic, and low water use drip systems with time clocks cycled for efficient deep watering, except for turf and flower bed areas which may use spray systems with 100% head-to-head coverage. Overspray onto sidewalks and streets is strictly prohibited, and great care should be taken to avoid spray of walls, fences and other structures that may cause damage and void any warranty. 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 lines that are not in use must be capped.

No irrigation shall abut walls or fences in the back yard. Drainage shall flow away from all walls and any structures, and Owners shall maintain proper grading on the Lot to eliminate any undue drainage onto neighboring Lots. Irrigation systems shall not produce excessive watering so as to cause structural damage to common walls.

## **SECTION 36**

### **Landscape Lighting**

Lighting, other than that installed by Builder, must be approved by the Architectural Committee, and be in compliance with The Town of Oro Valley lighting standards. The following outlines the minimum standards for lighting:

1. Lighting shall be shielded such that the light shines primarily on the Lot on which it is installed. Lights which create glare visible From Neighboring Property are prohibited.
2. Lights shall be screened whenever possible with walls, plant materials or internal

shielding to allow the light to be seen, but not the fixture itself.

3. Only low-voltage landscape lighting is permitted, and fixtures shall not exceed an illumination intensity of more than one (1) foot-candle power as measured from the closest Property line.
4. String Lighting is prohibited.
5. Lighting made of plastic material is specifically excluded as of January 1, 2020.

### **SECTION 37 Maintenance**

All landscaping must be maintained within the Property lines 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, and removal of trash, leaves, and debris. Plant replacement shall not require the approval of the Architectural Committee so long as it is the same type, size and location as initially installed.

### **SECTION 38 Water Features and Statuary**

Lawn ornamentations, 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 Architectural Committee before installation. Items such as fountains and statuary are permissible within the rear yard (as long as they are not visible above the fence line). Fountains in the front yard are prohibited. Statuary is not allowed in the front yard except for seasonal decorations which must be removed in a timely manner (see Holiday Lighting). It is recommended that water features be chlorinated. The Architectural Committee reserves the right to limit the size and quantity of statuary in rear yards where the Improvement is Visible From Neighboring Property. Statuary must be of earth tones, no painted finishes, and must be approved in advance by the Architectural Committee.

### **SECTION 39 Lawn Art**

The Architectural Committee must approve any Lawn Art items proposed for front yard installation. Lawn Art items that will be visible from Neighboring Property, the streets, or the Common Area in the rear yard require prior approval. Permanent placement of lawn/patio furniture or decorative wrought iron furniture/benches in front yard requires Architectural Committee approval.