

**ARIZONA VALENCIA II
HOMEOWNERS ASSOCIATION**

**ASSOCIATION RULES AND
DESIGN GUIDELINES**

ARIZONA VALENCIA II HOMEOWNERS ASSOCIATION

TABLE OF CONTENTS

RESIDENTIAL DESIGN GUIDELINES

Design Review Process	page	3
Application Procedure	page	4
Patio Covers and Storage Sheds	page	5
Satellite Dishes	page	5
Roof and Wall-Mounted Equipment	page	6
Outdoor Fireplaces	page	6
Outdoor Lighting	page	6
Swimming Pools	page	6
Flagpoles	page	7
Basketball Goals	page	7
Driveways	page	7
Clotheslines:	page	7
Window Coverings	page	8
Planters and Walkways	page	8
Ramadas and Gazebos	page	8
Play Structures	page	8
Gates	page	8
Gutters and Downspouts	page	9
Screen Doors	page	9

COMMUNITY RULES

Initial Landscape Installation	page	10
General Property Restrictions	page	10
Trash/Recycling Containers	page	10
Pets:	page	10
Machinery and Equipment	page	10
Vehicles, Campers and Boats	page	10
Parking	page	10
Building Repair	page	11

RULES AND REGULATIONS

COMMUNITY ORGANIZATION

Every resident of Arizona Valencia II is a member of the Arizona Valencia II HomeOwners Association (the "Association"), the entity responsible for the management of all common areas and related homeowners facilities as well as administration of the affairs of the community. The Association is created by the recording of the Declaration of Covenants, Conditions, Restrictions, and Easements (the "CC&R's"). The CC&R's set forth procedures, rules and regulations, which govern the community. The Guidelines for Community Living are an extension of the CC&R's and are designed to be used in harmony.

The Board of Directors (the "Board") is charged with responsibility for overseeing the business of the Association and has a wide range of powers. The Design Review Committee (the "Committee") is established by the Board to review all improvements within Arizona Valencia II including new construction and modifications to existing properties. The Committee has adopted architectural guidelines and standards to evaluate proposed construction activities.

DESIGN REVIEW PROCESS

Any change, addition, or modification to a site or a building exterior of a residential property requires the prior written approval of the Committee. Residents with proposed changes should contact Kinney Management Services, with whom the Association has contracted for full Association management, to obtain the necessary architectural guidelines and submittal documentation.

Simply stated, no new construction or remodeling, including changes in exterior color, is to occur on any lot or exterior of any home without the prior approval of the Committee. The responsibility of the Committee is to ensure the harmonious, high quality image of Arizona Valencia II is implemented and maintained. Please follow the application procedures on the following page for submittals. Your submittal will be returned to you either approved, denied, or for more information within sixty (60) days of receipt of your request. Homeowners may appeal the decisions of the Committee to the Board for consideration, in which case, the decision of the Board shall prevail.

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

APPLICATION PROCEDURE

The following information should be included:

- Application Form completed and signed (copy attached, additional copies may be obtained from Kinney Management Services by calling 820-3451.
- Plot Plan – A site plan indicating dimensions relating to the existing dwelling and property lines (setbacks, etc) and the 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 structure indicating dimensions and color.

Submit the application and plans to:

ARIZONA VALENCIA II HOMEOWNERS ASSOCIATION
P.O. BOX 25466
TEMPE, ARIZONA 85285-5466

DESIGN GUIDELINES

GENERAL PRINCIPLES

The purpose of the Committee is to ensure consistent application of the Design Guidelines. The Committee monitors any portion of any lot or parcel which is visible from other lots or parcels, the street, or Association common areas. This would include backyards which are visually open to other lots or Association common areas. The Design Guidelines promote those qualities in Arizona Valencia II 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.

Protection of Neighbors

The interest of neighboring properties must be protected by making reasonable provisions for such matters as access, surface water drainage, sound and sight buffers, light and air, and other aspects of design, which may have a substantial effect on neighboring properties.

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, materials, 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 Committee assume no responsibility for the safety or livability of new construction by virtue of design or workmanship.

BUILDING ARCHITECTURE

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

Patio Covers and Storage Sheds

Backyard storage sheds detached from the house will be considered provided they are lower than the home's surrounding wall or fence so as not to be visible from neighboring property. Storage sheds, along with any permanent addition to a home, including patio covers and other buildings, must be submitted to the Committee for approval prior to construction.

Satellite Dishes

While the Association cannot prohibit the use of satellite dishes, they do regulate the size and location of the "dish" on the following basis.

1. Any "dish" larger than one meter (39 inches) that is visible from the street, neighboring property or the common areas is prohibited.
2. All dishes are to be located in rear yards only.

3. Homes with "view" fencing must locate the dish in the most unobtrusive location possible while still receiving a quality signal.
4. All dishes that are visible from neighboring property, streets, or the common areas are to be painted to match the body color of the house.
5. All other antennae such as those used to receive signals from multichannel multipoint distribution services and television broadcast stations will be reviewed on a case by case basis.
6. All dishes and antennae are to be submitted to the Committee with a diagram showing the location and size of the device.

Roof & Wall-Mounted Equipment

No devices of any type, such as evaporative coolers or air conditioning units shall be placed on any roof without prior written approval of the Committee. Electrical boxes, panels, conduits or irrigation controllers attached to the home are to be painted to match the adjacent surface. Any rooftop solar equipment must be integrated into the roof structure and requires advance approval by the Committee.

Outdoor Fireplaces

Installation of outdoor fireplaces requires advance approval by the Committee. Outdoor fireplaces may not exceed fence height.

Outdoor Lighting

Any outdoor lighting installed on a lot or dwelling must receive advance approval by the Committee. Permanent lighting sources shall not be directed toward streets, common areas or neighboring property.

LANDSCAPING

Ornamentation

The utilization of non-living objects as ornaments in the landscape must be harmonious with the character of the neighborhood and must be approved by the Committee. Individual expression is encouraged so long as it does not detract from this goal. Temporary holiday decorations are permitted so long as they are removed after a reasonable period of time.

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, and removal of trash.

MISCELLANEOUS ITEMS

Swimming Pools

Prior to construction of a swimming pool, a homeowner should contact the Management Company to coordinate the point of construction access to assure damage to common

landscaped areas and common perimeter walls is avoided. In most cases, residents will be advised to enter through the side yard wall, from the front of their homes. Any opening which affects a common Association wall shall require an architectural submittal and a deposit for such work, refundable after walls and landscape are repaired and returned to their original condition. The Committee may also require the Association to replace and repair any common wall that has been affected to insure continuity within the community with the ability to charge back to the member for labor and materials.

Pools may not be backwashed into the drainage ditches, natural washes, common landscaped areas, drainage-ways or streets. All backwash water is to be retained on the owner's lot. If necessary, a hole should be dug and filled with rocks to provide for the needed capacity. Swimming pool fence requirements are regulated by the City.

The City should be contacted to determine the safety fence requirement for your pool. For safety reasons, all openings in walls must be securely covered during construction to prevent children from entering and being injured.

Pool plans will not need prior approval unless there is a feature (pool slide or other structure) which would be visible above the top of the wall. All pool equipment shall be screened from view of neighboring property, streets and common area with walls which match the architectural character and color of the house or the existing wall. **IF POOL EQUIPMENT IS PLACED NEAR VIEW FENCING, SPACE MUST BE ALLOWED TO ACCOMMODATE THE SCREENING WALL.**

Flagpoles

Flagpoles are not allowed in residential areas. Homeowners are advised to use brackets mounted on the house or garage to display flags.

Basketball Goals

Basketball goals mounted on a free standing pole may be allowed as a permanent installation and must comply with the Association Rules and Design Guidelines by the Board. Please refer to Exhibit B attached to the CC&R's for further information. Strict guidelines will be adhered to regarding the quality of equipment and installation and special attention will be paid to placement of the pole on the lot. No lighting designed to illuminate basketball goals shall be installed without prior written approval of the Committee.

Driveways

Driveways may not be expanded without the prior approval of the Committee. All driveways must be kept clean and clear of debris, oil, rust and other stains. A minimum two-foot colored paver or landscape separation is suggested between the driveway and any expansion.

Clotheslines

Clotheslines or other outside facilities for drying clothes are not permitted unless they are placed exclusively within a fenced yard and not visible above the top of the block wall or otherwise concealed.

Window Coverings Criteria

No reflective materials, including, but not limited to, aluminum foil, reflective screens or glass, mirrors or similar type items, or temporary window coverings such as newspapers or bed sheets shall be installed or placed upon the outside or inside of any windows of any house without the prior written approval of the Committee.

No enclosures, drapes, blinds, shades, screens, awnings, or other items affecting the exterior appearance of a house shall be constructed or installed in any home without the prior written consent of the Committee. The Board has given blanket approval to all off-white or white, shutters, mini-blinds, and vertical blinds installed on the interior of windows. All others shall require advance approval by the Committee.

Planters and Walkways

Planters, paved walkways and other hardscape features visible from neighboring property must be reviewed and approved by the Committee. Surface textures and colors are to match the paint color and materials of the house.

Ramadas and Gazebos

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

- 1) Maximum square footage (under roof area) is 120 square feet.
- 2) Maximum roof height is 10 feet at the highest point.
- 3) The structure must be set back a minimum of 7 feet from any perimeter wall.
- 4) The structure must be painted to match the house color and maintained in good condition.
- 5) Any roof tile must also match the tile of the house.
- 6) Lighting of the structure must be approved by the Committee prior to installation.

Play Structures

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

- 1) May be erected in rear yards only and structures must be set back a minimum of 7 feet from any perimeter wall.
- 2) Maximum height allowed to top support bar or highest point of structure, is 10 feet.
- 3) Maximum height of any deck/platform is to be 4 feet above ground.
- 4) The distance from the ground elevation to the top of the perimeter fence must be measured and submitted with plans.
- 5) The Committee will take the appearance, height, and proximity to neighboring property into consideration.
- 6) Any shade canopy must be a solid tan or earthtone color.
- 7) Submit a brochure or picture if possible.

Gates

Double gates may be installed to allow wider accessways to yards. Double gates should be 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. All double gates require Committee approval.

Gutters and Downspouts

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

Screen Doors

Screen doors and "security doors" must be approved in advance by the Committee. Submittals should be high quality wrought iron in a color that matches the body of the house. Overly ornate designs will be discouraged. Pictures or brochures should be submitted.

COMMUNITY RULES

The following community rules summarize some of the common provisions found in the CC&R's as well as rules established by the Board. Cooperation on the part of all residents in following these rules will make living at Arizona Valencia II an enjoyable experience.

Initial Landscape Installation

Any front yard landscaping installed by builders is pre-approved by the Committee. Any portion of a lot which is visible to other lots, the street, or Association common areas must be landscaped within ninety (90) days of close of escrow. Landscaping plans must have written approval by the Committee prior to installation.

General Property Restrictions

Owners may rent only the entire lot or dwelling unit. Rental must be made only to a single family. No gainful occupation, trade or other non-residential use may be conducted on the property for the purpose of receiving products or services related to such usage. Owners must receive Board permission to apply for any re-zoning, variances or use permits.

Trash/Recycling Containers and Collection

No garbage or trash shall be kept on any lot except in covered containers as provided by the City. These containers must be stored out of sight except for days of collection.

Pets

Residents are allowed to keep a reasonable number of generally recognized house or yard pets. 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 approval of the Committee. Dogs must remain on leashes at all times while on Association property. All owners must clean up after their pets.

Machinery and Equipment

No machinery or equipment of any kind shall be placed, operated or maintained upon any lot or any street.

Vehicles, Campers and Boats

No motor vehicle classed by manufacturer rating as exceeding one ton in carrying load or cargo capacity, eight-four (84) inches in height or width or two hundred twenty-two (222) inches in length, mobile home, travel trailer, camper shell, boat, or other similar equipment or vehicle may be parked, maintained or repaired on any lot or on any street so as to be visible from neighboring property. Temporary parking of recreational vehicles, boats and similar equipment will be permitted, if it is apparent that the item(s) are being loaded or unloaded. All motorized vehicles, including ATV's, motorcycles, go-carts and similar vehicles are prohibited from entering onto any common areas. No commercial vehicles shall be parked on streets or lots in the community. Vendors may park for a reasonable amount of time while rendering a service.

Parking

Vehicles of homeowners and their guests are to be parked in the garage, carport or driveway. Neither inoperable vehicle nor those with expired tags shall be parked in driveways or streets. No vehicle shall be parked on landscaped areas such as grass or granite.

Building Repair

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 the buildings 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 be kept in good repair at all times.

**ARIZONA VALENCIA II HOMEOWNERS ASSOCIATION
P. O. BOX 25466
TEMPE, AZ 85285
480-820-3451**

June 9, 2003

**TO: HOMEOWNERS AND TENANTS OF
ARIZONA VALENCIA COMMUNITY HOMEOWNERS ASSOCIATION**

Pursuant to the CC&R's of the Arizona Valencia II homeowners Association Article 5, Section 5.12 VEHICLES (A) "Private, non-commercial, passenger automobiles or pickup trucks which when including all attachments do not exceed one (1) ton in carrying load or cargo capacity, eighty-four (84) inches in height or width or two hundred twenty-two (222) inches in length. May be parked on the Property within a garage or in a private driveway appurtenant to a Dwelling Unit but as provided in the next sentence may not be parked elsewhere on the Property, or streets adjoining the Property. The preceding sentence shall not preclude occasional overflow parking in a street right-of-way** for guests or other reasonable purposes provided that no inconvenience is imposed on the Owners or Occupants of other Lots."

"Article 5, Section 5.12 VEHICLES The City code states that there shall be no parking or other obstructions in designated fire lanes which presently consist of both sides of each street within the Project, except as may be otherwise approved by the City. The Association shall use reasonable efforts to enforce these City requirements."

Regretfully, since the cited provisions are being violated on a community wide basis, it is necessary to enforce the no parking rules. Towing of vehicles parked in the fire lanes (which is the street from curb to curb) will start three weeks (June 30, 2003) from the date of this notice. Vehicles will be towed on an every other night basis. The cost of impound is \$150.00 plus \$15.00 per day. If this does not keep the streets clear, then towing shall be conducted on a nightly basis.

Shirley Belluomini
Community Manager on behalf of
And for the Arizona Valencia II HOA

All Rental Agencies and Landlords, it is your responsibility to provide your tenants with a copy of the CC&R's and give them notice of the above decision even though one has been sent to them by the HOA.

**Street right-of-way meaning guest parking only.

ARIZONA VALENCIA II HOMEOWNERS ASSOCIATION

P.O. BOX 25466
TEMPE, ARIZONA 85285-5466
(480) 820-3451 (800) 678-9936
FAX (480) 820-7441

Dear Member:

In accordance with Article 5, Section 5.7 of the Declaration of Covenants, Conditions, and Restrictions for Arizona Valencia II,

"The design, size, color, location and elevation of any improvement or landscaping which is visible from neighboring property. And all changes thereto, must be approved by the Committee prior to installation. All improvements and landscaping constructed or installed by the Declarant and all changes thereto done by or for Declarant shall be conclusively deemed approved by the Committee. A storage shed, other equipment and other improvements which is/are visible from neighboring property may not be placed or installed on a lot unless approved by the committee."

To obtain approval, submit the attached form to the Association. Please note that two accurate drawings of the proposed structure, modification or improvement must be attached to this form indicating your lot dimensions, the location and dimensions of the structure or modification and the distances from all perimeter walls. For room additions, patio covers, ramadas, gazebos, storage sheds or anything that must tie into the roofline of your home, a permit from the City may be required and must also be attached to this submittal if applicable. The Design Review Committee will return your submittal to you either approved, denied or for more information.

Your cooperation in submitting for approval prior to installation is greatly appreciated. Should you have any questions regarding architectural control or specific questions regarding your submittal, please feel free to Contact the Association at either of the above numbers.

The Arizona Valencia II Homeowners Association.

ARIZONA VALENCIA II HOMEOWNERS ASSOCIATION

P.O. BOX 25466
TEMPE, ARIZONA 85285-5466
(480) 820-3451 (800) 678-9936
FAX (480) 820-7441

DATE: _____

1. OWNERS'S NAME: _____

UNIT ID & LOT NUMBER: _____ PHONE NUMBER: _____

COMPLETE ADDRESS: _____

2. CONTRACTOR NAME, ADDRESS, AND PHONE NUMBER: _____

3. DESCRIPTION OF WORK TO BE DONE: _____

4. TYPE OF MATERIALS TO BE USED: _____

5. COLOR (S) TO BE USED: _____

6. DIMENSIONS OF STRUCTURE (HEIGHT, WIDTH, ETC.), IF APPLICABLE: _____

7. PLEASE INCLUDE TWO COPIES OF ALL DRAWINGS, IF APPLICABLE.

8. **Please retain a copy for your records.**

COMMITTEE APPROVAL/DENIED _____ DATE _____
ADDITIONAL COMMITTEE COMMENTS: _____

The Committee's review and approval is limited to, and only pertains to, the ITEMS DESCRIBED ABOVE. The fact that any 'other' information, improvement, or modification is shown on the plan(s) submitted does not mean that it is considered a part of the submittal.