

DESIGN GUIDELINES - RULES AND REGULATIONS

PECAN CREEK COMMUNITY ASSOCIATION

Revised: Effective July 9, 2007

Due to the nature of the community documents, it is important to converge all of the pertinent information regarding architectural submittals into one document: Design Guidelines and Rules and Regulations. These Design Guidelines and Rules and Regulations for Pecan Creek Community Association, as allowed in the Declaration of Covenants, Conditions and Restrictions (CC&Rs) for Pecan Creek and all resolutions to date, will provide you with all the latest information relevant to improvements which will require approval from the Architectural Committee (hereafter "Committee"), per Article 3.4 of the CC&Rs.

The Design Guidelines, as set forth in this document, shall interpret and implement procedures for the Architectural Design Review Committee's review and standards, including, but not limited to, architectural design, placement of buildings, landscaping, plant selection, color schemes, exterior finish and material, signage, and wall design. These documents are intended to enhance property values and high standards of development that exist within Pecan Creek. Unless specifically identified as not requiring submittal for approval within this document, prior approval from the Committee is required. The Guidelines are established to assist residents in conforming to the standards established, and amended from time to time, by the Architectural Design Review Committee. FOLLOWING THESE DESIGN GUIDELINES DOES NOT ELIMINATE THE NEED FROM SUBMISSION OF PLANS FOR APPROVAL BY THE COMMITTEE SHOULD THE COMMITTEE REQUIRE SUBMISSION FOR APPROVAL. Each application will be reviewed on a case-by-case basis.

PRIOR TO THE COMMENCEMENT OF CONSTRUCTION OR INSTALLATION, ALL PLANS MUST BE SUBMITTED, IF REQUIRED, TO THE COMMITTEE. APPROVAL TO PROCEED SHALL BE REQUIRED IN WRITING FROM THE COMMITTEE. FOLLOWING THESE GUIDELINES DOES NOT ELIMINATE THE NEED FOR SUBMISSION OF PLANS (UNLESS SPECIFICALLY NOTED).

APPLICATION PROCEDURE

Submittal

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

Pecan Creek Community Association
C/O AAM, LLC
7740 North 16th Street, Suite 300
Phoenix, AZ 85020
602-957-9191 / FAX 602-957-8802

The following information should be included with the submittal:

1. **Application Form:** A completed application form (Copies may be obtained from the sales or management office).

2. **Plot Plan:** A site plan showing dimensions, relation to existing dwelling and property lines (setbacks). Measurements must be written on the plans. Plot plans are available at the sales office.
3. **Elevation Plans:** Plans showing finished appearance of improvement in relation to existing dwelling.
4. **Specifications:** Detailed description of materials to be used, color samples and dimensions must be submitted.

All buildings, structures and other improvements erected within Pecan Creek and the use and appearance of all land within Pecan Creek, shall comply with all applicable County zoning and code requirements as well as the Declaration and these Rules.

REVIEW - APPROVAL AND/OR DISAPPROVAL

The Committee shall have **60 days** after submittal of plans to approve or disapprove plans. No verbal approvals/disapprovals will be given by the management company. All decisions will be mailed via US Mail.

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

Neither the Committee, nor the Board of Directors, nor the Declarant shall have any liability in connection with or related to approved plans, specifications, or improvements. The approval of the plans does not mean that judgment is passed on the structural soundness of the improvement 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 Committee's approval of the application or the Committee's approval shall be deemed withdrawn and plans must be resubmitted in accordance with these Rules.

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, at the Committee's discretion), such construction shall be completed within six (6) months of the date of the Committee's approval of the application.

Appeal Process

Any appeal of the Committee's decision must be submitted in writing, within 30 days of the mailing date of the Committee's decision to:

Pecan Creek Community Association
C/O AAM, LLC
7740 North 16th Street, Suite 300
Phoenix, AZ. 85020
602-957-9191 / FAX 602-957-8802

THESE DESIGN GUIDELINES - RULES AND REGULATIONS MAY BE AMENDED FROM TIME TO TIME BY A MAJORITY VOTE OF THE BOARD OF DIRECTORS.

DESIGN GUIDELINES

ANTENNAS/SATELLITE DISHES

This section applies to antennas, satellite television dishes, and other devices ("Receivers"), including any poles or masts ("Masts") for such Receivers, for the transmission or reception of television or radio signals or any other form of electromagnetic radiation.

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

1. A location in the back yard of the Lot where the Receiver will be screened from view by landscaping or other improvements;
2. An unscreened location in the back yard of the Lot;
3. On the roof, but completely below the highest point on the roof line;
4. A location in the side yard of the Lot where the Receiver and any pole or mast will be screened from view by landscaping or other improvements;
5. On the roof above the roofline;
6. An unscreened location in the side yard;
7. A location in the front yard of the Lot where the Receiver will be screened from view by landscaping or other improvements.

Wires must be securely attached to the dwelling and painted to match where attached.

AWNINGS

All awnings must be approved by the Committee. Awnings over all windows shall be canvas or similar material, of solid color on both sides, which match the color of the body of the exterior of the home or roof color and shall be installed only on the side and/or rear of the home. All awning submittals must include a drawing with the location of the proposed awning installation, a sample of the material to be used, along with the color and design of the proposed awning. Owner is responsible for maintenance and repair of awnings. Association retains the right to determine when an awning must be repaired and/or replaced due to weathering, fading, tearing, ripping, etc.

BASKETBALL GOALS

1. Portable basketball goals are expressly prohibited. "Portable basketball goals" shall refer to basketball equipment that has a base that is not permanently installed in the ground.
2. Only pole mounted backboard and goals are acceptable. Poles must be set in the ground permanently. Backboards shall not be attached to the house, garage or roof.
3. Goals must be installed on the "interior" of the driveway. (*Exterior locations need committee approval*) Goals may be no closer than 3 feet from the driveway and no closer to the street than 10 feet.
4. Permanent basketball poles located in front or rear yards must be painted to match the color of the body of the exterior of the home or black in color.
5. Backboards must be of a predominantly neutral color (gray, black or white) or match the color of the body of the exterior of the home. Clear Plexiglas backboards are acceptable without painting.
6. All equipment must be constantly maintained. Broken backboards, disfigured or bent rims, ripped or torn nets, chipped and/or peeling paint, etc., constitute grounds for fines and/or removal.
7. Only nylon or similar cord nets are acceptable. Metal or chain nets are expressly

- prohibited.
8. Courts MAY NOT be painted or permanently outlined on the driveway or other surfaces.
 9. Lighting for night use of the equipment is prohibited.
 10. Permanent basketball goals located in the rear yard must comply with all above guidelines.

Any basketball equipment that does not meet the above guidelines must be submitted for approval prior to installation.

Seasonal and Decorative Flags: Seasonal and decorative flags which are house mounted below the roofline do not require approval. Seasonal flags must be removed within thirty (30) days after the date of the holiday to which the flag pertains. Flags must be maintained in good condition at all times. Torn, ripped, faded, etc. flags constitute grounds for fines and removal. Flags shall not be offensive to the Association. The Board of Directors shall make this determination at its sole discretion.

Holiday Decorations: Holiday decorations may be installed forty (40) days prior to the holiday and must be removed within fifteen (15) days after the holiday.

Decorative Art and Seasonal Items: The Board of Directors reserves the right to require the removal of decorative items in front yards based on size, quantity, color, location and any other criteria. The Board of Directors, at its sole discretion, shall make its determination on a case-by-case basis. Decorative Art on houses shall be neutral in color and limited to 2 (two) items. Dimensions of decorative art shall be no greater than three feet in length, width and diameter.

Water Features, Statuary, Etc.: Such items must be approved by the Design Review Committee for installation in the front yard. It is recommended that water features be chlorinated. The Committee reserves the right to limit the size and quantity of statuary in the front yard, as well as rear yards with view fencing.

DRIVEWAY EXTENSIONS AND SIDEWALKS

Driveway extensions will be reviewed for approval provided the following conditions are met:

1. Only driveway extensions located in the side yard of the property will be considered.
2. Submittals must include a plat map with exact lot dimensions and the location and dimensions of the proposed extension.
3. The total parking area may not exceed thirty (30) feet of contiguous frontage or fifty percent (50%) of the lot width (existing plus extension) as measured at its widest point. (If you choose to go over the allotted 50% then brick/stone pavers of earth tone colors must be used and submitted for approval by the committee).
4. All extensions must end one foot from the side property line, unless written permission from adjacent home owner is submitted with plans. The area between the extension and the lot line must be landscaped with the same ground cover used in the front yard or a material approved by the Architectural Design Review Committee.
5. Painting of paved surfaces is prohibited.
6. Pavement is not allowed to be installed over Visibility Triangles on corner lots.

Additional Sidewalks

A sidewalk installed to utilize the single side gate does not need to be submitted if all of the following conditions are met: (Submittal is required for all double gate access)

1. The additional sidewalk is 48 inches or less in width.
2. The area between the home and the sidewalk addition (if any) must have shrubs/groundcover installed to match the existing shrubs/ground cover.

The Committee reserves the right to review and request changes to the addition per these requirements.

Additional sidewalks in any other location in the front yard must be submitted for approval.

DRIVEWAY SPILLS

Driveways are required to be free from vehicle spills or leaks at all times. Only *heavy, black mats* designed for the purpose of catching and concealing such spills are allowed. Oil pans, carpet, boards or other objects other than described above are strictly prohibited.

FENCES AND WALLS INCLUDING DECORATIVE WALLS

Plans to raise the height of a party wall must be submitted for approval with information on the height of all walls that will abut the wall(s) being raised. Side and rear walls may not exceed six (6) feet in height from ground level, as measured from the lowest side of the wall.

Plans for new fences or walls, including decorative or garden walls must be submitted to the Committee prior to construction. Walls must match the existing wall in texture and color, or be stucco and painted to match the base color of the home.

Perimeter walls on lots bordering common areas may NOT be torn down to allow access to rear yards. **AN ASSESSMENT OF \$2,000 WILL BE APPLIED TO A LOT IN WHICH A COMMON WALL HAS BEEN REMOVED WITHOUT COMMITTEE APPROVAL.** Access must be gained through the front wall on the side of the home, repairs to this wall must be completed in a timely fashion and include repairing the old wall to match the texture and color of the remaining wall.

FLAGPOLES

Flag may be flown from garage mounted bracket, hang vertically or horizontally against house. A freestanding flag must adhere to the following:

- Flagpole must not exceed 10 feet in height.
- Flag attachment must not produce disturbing noise (e.g.) pole and halyard clanging in the wind.
- Flag should be 10 feet from all surrounding property boundaries.
- Must comply with Flag etiquette.

STATE STATUTE 33-1808. Flag display; political signs

A. Notwithstanding any provision in the community documents, an association shall not prohibit the outdoor display of any of the following:

1. The American flag or an official or replica of a flag of the United States army, navy, air force, marine corps or coast guard by an association member on that member's property if the American flag or military flag is displayed in a manner consistent with the federal flag code (P.L. 94-344; 90 Stat. 810; 4 United States Code sections 4 through 10).

2. The POW/MIA flag.

3. The Arizona state flag.

4. An Arizona Indian nation's flag.

B. the association shall adopt reasonable rules and regulations regarding the placement and manner of display of the American flag, the military flag, the POW/MIA flag, the Arizona state flag or an Arizona Indian nation's flag. The association rules may regulate the location and size of flagpoles but shall not prohibit the installation of a flagpole.

C. Notwithstanding any provision in the community documents, an association shall not prohibit the indoor or outdoor display of a political sign by an association member on that member's property, except that an association may prohibit the display of political signs earlier than forty-five days before the day of an election and later than seven days after an election day. An association may regulate the size and number of political signs that may be placed on a member's property if the association's

regulation is no more restrictive than any applicable city, town or county ordinance that regulates the size and number of political signs on residential property. If the city, town or county in which the property is located does not regulate the size and number of political signs on residential property, the association shall permit at least one political sign with the maximum dimensions of twenty-four inches by twenty-four inches on a member's property. For the purposes of this paragraph, "political sign" means a sign that attempts to influence the outcome of an election, including supporting or opposing the recall of a public officer or supporting or opposing the circulation of a petition for a ballot measure, question or proposition or the recall of a public officer.

GATES

All requests for additional gates or gates other than that which were offered by the original developer of the lot/home must be submitted for architectural approval. Placement of gate(s) must be approved by the Committee. Double gates may be installed to allow wider access to rear yards. All gates (double or single) should be of the same material, design and color as the originally installed single gates unless approved by the Committee. Gates may be painted to match the fence with approval from the Committee.

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 gutters must be maintained in good condition at all times.

HVAC (INCLUDING EVAPORATIVE COOLERS)

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 written approval of the Committee. All units shall be ground mounted, located within the perimeter of the rear yard and screened or concealed from view of all neighboring property.

LANDSCAPE INSTALLATION

***Plans for landscape need not be submitted for approval, providing the following guidelines are met.** Hardscapes in the front yard must have prior approval.*

FRONT YARD LANDSCAPE:

Any hardscape items proposed for front yard installation must be approved by the Committee. Front yard landscaping must have a **minimum** of one (1) 24-inch box tree or three (3) five-gallon shrubs, five (5) five-gallon organic or inorganic ground cover and underground irrigation to the plant material. **Maximum** allowance of three (3) 24-inch box trees or four (4) Palm trees, 75% of landscapable area for shrubs and groundcover. No bare earth will be permitted. All drip lines must also be covered except where water is dispersed.

REAR YARD LANDSCAPE:

Rear Yard Landscaping for Lots with View Fencing Hardscape. *Only hardscape items that will be visible from neighboring property in the rear yard will require approval.* Materials included in hardscape are concrete, brick, tile, wood, etc. Examples of hardscape items are planters, walkways, retaining walls, decorative walls and fountains.

TURF:

The Association encourages water conservation. Turf is allowed, however, it is suggested that desert landscaping be considered. Turf must be overseeded and remain green year-round, including rear yards with view fencing (unless specifically waived by the Association). All landscaping shall be in compliance with the xeriscape principles and other applicable requirements set forth in the applicable municipal zoning ordinances.

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 or other bright colors. Artificially colored rock(s) or granite is

prohibited. Rock must be $\frac{3}{4}$ screened in size. River rock shall be one (1) to six (6) inches in diameter and not cover more than fifteen percent (15%) of the front yard landscaping. All rock areas shall be treated with a pre-emergent weed control at regular intervals to retard weed growth. Planting underliner is discouraged.

Prohibited Plant Material

The following vegetation types and varieties are expressly prohibited:

1. Olive trees (*Olea europaea*) other than a hybrid, non-fruit bearing variety.
2. Oleanders (*Nerium oleander*) other than the dwarf variety (i.e., petite) and *Thevetia*. (*Thevetia* species).
3. Fountain Grass (*Pennisetum Setaceum*) or Pampas grass (*Cortaderia selloana*).
4. All Varieties of Citrus are permissible within the confines of the rear yard only unless submitted for approval by Architectural committee.
5. Mexican Palo Verde (*Parkinsonia aculeata*).
6. All varieties of Mulberry trees.

FINE GRADING AND MOUNDING:

Fine grading is a critical aspect of landscaping. Each Lot has been graded such that all water will drain away from the dwelling. 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 City/County grading and drainage plan. Every effort should be made to make mounding appear natural.

LIGHTING

No flood lights, spot lights, or other high intensity lighting shall be placed or utilized upon any lot or structure which will allow light to be directed or reflected on any other property. Only lighting that has low reflectivity with low wattage bulbs, and shall be “down lighting” (as opposed to “up lighting” or “out lighting”). Any proposed exterior lighting must be submitted to the Committee for review prior to installation, and will be scrutinized as to its impact on the environment and the community.

LANDSCAPE LIGHTING

Low voltage lighting is encouraged to accent the architecture and planting and for safety reasons, but shall not be used to flood the entire property. In no situation shall lighting create nuisance glare to neighbors or the street; light bulbs shall not be visible. Shielded, quality fixtures should be used and be dark in color to blend into the landscape. Plastic low voltage fixtures will not be allowed where exposed to public view. Landscape fixtures shall be a maximum of fifteen (15) inches in height and be concealed behind boulders or shrubs. Down lights in trees shall be a maximum of eight (8) inches in length. Colored lenses or exposed bulbs will not be allowed. A system that is automated or photoelectric is preferred.

PAINT COLORS

Roofing materials should match that which were installed by the builder on the original roof of the home or that which were offered as an option by the builder for a patio cover. Asphalt shingles (including rolled shingles) are expressly prohibited unless used on the original roof of the home.

Exterior Wall Paint-Sherman Williams, Acrylic Flat Exterior Latex

<u>Colorant</u>	<u>#</u>				
I-Brown Oxide	3	B-Lamp Black	1	C-Yellow Oxide	2
		KX-White	0		

Color and material of supports should match the home. Roof shall be flat or match the pitch of the roof of the home. All patio covers not installed by the builder will need to be reviewed by the Committee on an individual basis, prior to installation, with strong consideration being given to any impact of architectural features in the neighborhood.

PLAYGROUND EQUIPMENT

Plans for play structures and similar recreational equipment must be submitted for approval since in most instances they protrude over the fence line. This is not to eliminate play structures, but to consider privacy issues for adjacent neighbors and to assure nothing unsightly is erected.

The maximum height which will be considered for approval of swing sets and other play equipment without written input of immediately adjacent neighbors shall be ten (10) feet (This may be closer with written neighbor consent submitted with plans). In no case will the maximum height of any such improvement be permitted to exceed twelve (12) feet. The maximum height for any deck/platform is four (4) feet above ground level.

The play structure may be placed no closer than five (5) feet to any lot line. When considering plan approval, the Committee will consider the appearance, height and proximity to neighboring property. Submittals must include a picture or photograph of the structure, total dimensions, materials and a plat map or drawing indicating the proposed location and its proximity to adjacent property lines. The color of canopy of the play structure must be of solid color.

Trampolines:

Safety structures/screens for trampolines are permitted and must be kept at least 10 feet from the wall.

POOLS AND SPAS

Pools and spas do not require the prior approval of the Architectural Design Review Committee. Perimeter walls on lots bordering common areas may NOT be torn down to allow access to rear yards. **AN ASSESSMENT OF \$2,000 WILL BE APPLIED TO A LOT IN WHICH A COMMON WALL HAS BEEN REMOVED WITHOUT COMMITTEE APPROVAL.** Access must be gained through the front wall on the side of the home, repairs to this wall must be completed in a timely fashion and include repairing the old wall to match the texture and color of the remaining wall.

All pool and spa equipment must be screened from view of neighboring property. (Lots with view fencing must submit plans for screening for approval by the Committee.)

Pools may not be backwashed into any common area. Check with your pool contractor concerning County ordinance requirements for backwashing. Damage, including erosion, to common area due to backwashing will be repaired by the Association and all expenses incurred by the Association will be billed to the homeowner.

POOL FENCING AND EQUIPMENT

The specifications for rear yard wrought iron pool fencing installation on a Lot with view

fencing shall be of a neutral earth tone color to match or blend with the exterior color of the home and meet all County, State, and Federal requirements.

Pool equipment on lots with view fencing must be screened from view from common areas. Screening may be through plant material or hardscape enclosure. Hardscape enclosures do not require approval if the enclosure does not exceed four (4) feet in height, and painted to match the base color of the home. All other screen materials require approval from the Committee.

ROOF AND ROOF STRUCTURES

If the dwelling unit has a pitched roof, the roofing material for that portion visible from neighboring property must be clay or concrete tile. Unless specifically authorized in this document, no heating, air-conditioning, ventilation equipment, or any other equipment or structures shall not be located or installed or maintained anywhere on a Lot if it is visible from neighboring property.

SANITATION

Trash cans may be placed out of site except for pickup and time allotted is no more than twelve (12) hours prior to pickup and must be removed from view no more than twelve (12) hours after pickup. Rubbish, debris and garbage shall not be allowed to accumulate.

Each owner shall be responsible for removal of rubbish, debris and garbage not only from his lot or parcel, but also from all public right-of-ways either fronting or alongside his lot or parcel, excluding (a) public roadway improvements, and (b) those areas specified on a Tract Declaration or subdivision plat to be maintained by the County or the Association.

SECURITY LIGHTING/DEVICES

Security lighting must be directed as to not shine on neighboring property.

Security features including but not limited to doors and windows must be submitted for approval.

SECURITY/SCREEN DOORS/SUNSCREENS

Wrought iron security/screen doors need not be submitted for approval provided they are painted to match the base color of the home.

Silver colored aluminum screen/security doors and/or wire screen mesh doors are strictly prohibited on front doors.

Screens that match the base house color do not need pre-approval. Bronze, gray, charcoal, brown or beige sunscreen material may be installed and not submitted for approval provided that the window frame matches the sunscreen material or the existing window frames.

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

SIGNS

a. One sign per Lot no larger than 30"x24" used exclusively to advertise the Lot for sale, lease, or rent;

For further details refer to your CC&Rs.

SOLAR PANELS AND EQUIPMENT

Roof mounted solar equipment (excluding the solar panels) must match the roof or house color. Panels must be an integrated part of the roof design and mounted directly to the roof plane. Solar units must not break the roof ridgeline. Visibility must be minimized from public view, and may be required to be screened from neighboring property in a manner approved by the Committee.

STORAGE SHEDS

Storage sheds will be permitted and need not be submitted for approval, provided the shed meets the following requirements:

1. Maximum height of the shed, including roof, does not exceed seven (7) feet;
2. Shed must be placed at least five (5) feet from all perimeter fencing (may be closer with affected neighboring unit's written consent);
3. Color of shed must match or blend with color scheme of house or be neutral.

If placed in a yard with a view fence, the shed must be screened from view with approved plant materials. Placement of a shed in a yard with a view fence requires approval of the Committee prior to installation.

Sheds not meeting the above noted specifications will need to be submitted to the Committee and will be considered on a case-by-case basis.

All sheds must be properly maintained at all times.

WINDOWS

Permanent draperies or suitable window treatments shall be installed on all front-facing windows within thirty (30) 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 or treatments used to shelf or decorate openings must be compatible, with respect to materials and color, with the style and color of the home, and must be properly maintained.

**Pecan Creek Community Association
Architectural Design Review Form**

Please mail or fax to:
Pecan Creek Community Association
c/o AAM, LLC
7740 North 16th Street, Suite 300
Phoenix, AZ 85020
Phone: (602) 957-9191 FAX: (602) 957-8802

Name: _____ Date: _____

Address: _____

Daytime Phone: _____ Lot #: _____

Requesting Approval of: _____

Work to be performed by: _____

Type of Material (attach samples/pictures/brochures): _____

Color to be used (attach samples/pictures/brochures): _____

SUBMITTAL MUST INCLUDE A PLOT PLAN INDICATING LOCATION OF REQUEST AND INCLUDE ALL APPLICABLE MEASUREMENTS AND DIMENSIONS.

INCOMPLETE SUBMITTALS WILL BE DENIED.

I agree to comply with all applicable County and State laws, and to obtain all necessary permits. I also agree not to begin work until I have been notified in writing of the Committee's decision and to maintain all improvements to their original condition. Committee must review all submittals within sixty (60) days. All work will be completed within six (6) months from day of approval.

Owner's Signature _____ Date _____

- Approved _____
- Conditionally Approved _____
- Denied _____

Committee Member Signature _____ Date _____