

# Sonoran Desert Willow Homeowners Association Design Guidelines

## INTRODUCTION

The Declaration of Covenants, Conditions and Restrictions (CC&Rs) Sonoran Desert Willow Homeowners' Association (the Declaration) provides for an Architectural Control Committee (the "ACC") appointed by the Board of Directors of the Sonoran Desert Willow Homeowners' Association to review additions, modifications and alterations (referred to in this document as an "Alteration") to all Lots within the community and to establish rules and guidelines for such Alterations so that a uniform standard for maintenance can be achieved. This is achieved by balancing individual rights with the community needs and values. Capitalized words in this document not otherwise defined shall have the same meaning as described in the Declaration. The purpose of this document is to establish Design Guidelines for the community. These Design Guidelines provide a foundation of criteria for owner projects.

## SUBMITTALS

All alterations need to be submitted, unless specifically stated in these Design Guidelines. The Owner shall submit the following to the ACC for approval prior to construction or installation of the Alteration:

1. The completed request form (attached to this document).
2. Plans and specifications for the proposed work, including, if applicable:
  - a. Site plan for the Lot, showing the Alteration in its proposed location along with all other improvements on the Lot (house, driveway, pool, etc.). Dimensions from the Alteration to the nearest existing improvement should also be shown. If plants are a part of the Alteration, the type of plant should be shown on the site plan.
  - b. Plans and specification for all above-ground construction (e.g. shed, patio cover, and gazebo) showing materials, height, width and paint color(s).
  - c. The time frame for beginning and completion of the work to construct or install the Alteration.
3. Additional information may be requested by the ACC.
4. The ACC reserves the right to request "reasonable" modifications to any Alteration, if deemed appropriate.

## VARIATIONS

The following are only guidelines. The ACC, at its discretion, may approve variations from the Design Guidelines, which will be evaluated on an individual basis.

## PERMITS

The Lot Owner is solely responsible for obtaining all required permits and approvals from applicable public agencies such as County or City. All improvements are subject to all appropriate permits and inspection being obtained.

The ACC will not knowingly approve any proposal that might violate governmental codes and regulations. However, the approval by the ACC does not indicate or imply compliance with such codes and regulations. Conversely, the governmental approval does not guarantee the ACC will approve the application.

## **OWNER DISPUTES**

The ACC will not address disputes between private property owners, nor will it serve as a liaison for resolving issues. The ACC will address Architectural issues only.

## **GENERAL CRITERIA**

All proposals should conform to the following general criteria:

- a. Positive Visual Impact: harmony with improvements existing on the Owner's lot and in surrounding neighborhood, i.e. similarity of style, material, color, size and quality, including similar character of trees and other landscaping.
- b. No Adverse Impact: the work does not impair access, sunlight, ventilation or drainage of adjacent properties, and does not create hazard or nuisance of any kind of neighborhood, including light pollution.
- c. Workmanship: professional, neat, finished, clean, safe.

You may want to discuss your proposal with neighbors before submitting an application to the ACC. In some cases, the ACC may request a written notification of your neighbors to be submitted along with your application, as one of the conditions of approval.

## **LIGHTING**

1. Accent Malibu type lighting SHALL NOT require approval if less than 15 lights are installed and bulbs are white or amber, not exceeding 18 watts per bulb, not exceeding twenty-four (24) inches in height from ground level, and illumination shall not cause excessive glare or light spillage onto adjacent Lots.
2. All flood lights SHALL require approval. All light not installed by the builder, must meet the following requirements:
  - a. The light emitting element and reflecting device of all lighting or illumination units shall be hooded or shielded so that it is not visible from any adjacent Lot or real property.
  - b. Lights or illuminating units shall not direct light, either directly or through a reflecting device, upon an adjacent real property.
  - c. Motion lights must be turned off within 5 minutes.
  - d. Pole lighting is PROHIBITED.
3. Rear and side yard lighting shall be confined to patio and pool areas and shall not cause excessive glare or light spillage onto adjacent Lots.
4. Holiday lighting SHALL NOT require approval if installed 45 days prior to the holiday and is removed 14 days after the holiday associated with the lighting. The opinion of the ACC as to what constitutes holiday lighting shall be binding.

## SECURITY SIGNS

Members are permitted to have one (1) sign on their property, which includes information related to a home security system actually in use at that property. Security signs are permitted. Signs SHALL NOT require approval if the total surface area on the display side of the sign will not exceed 110 square inches. The top of sign shall not be higher than 18 inches from the surface of the walkway, gravel, dirt, etc. The signs should face the street and shall be located not more than 24 inches from the structure.

## FRONT YARD LANDSCAPING/IMPROVEMENTS

1. All front yard landscaping SHALL require approval of the ACC prior to the installation thereof.
  - a. Hardscape accents (i.e., satio tile, brick pavers) may be used to construct stepping-stones and borders if the colors are compatible with the community. Acceptable colors include desert hues and other natural colors.
  - b. Lawn ornaments (bird baths, fountains, statues, etc.), except for temporary holiday decorations. Holiday decorations can be installed 45 days prior to the holiday and must be removed 14 days after the holiday.
  - c. Hardscape materials (i.e., concrete, brick, flagstone, tile, rock) used to construct: new or modified walkways, new driveways or driveway extensions, free-standing walls or retaining walls, porch, patio, or seating areas or other similar structures.
2. The following rear and side yard improvements SHALL require approval:
  - a. All trees. (See prohibited plant list.)
  - b. Pools, spas and ancillary components of pools and spas (slides, gazebos, machinery, etc.)
  - c. Any structures (i.e., storage sheds, patio fireplaces, patio covers, gazebos, etc.)
  - d. Any increase in the wall height SHALL require the prior written approval of the ACC. In addition, a request for changes made to a "shared" wall must be by a joint request signed by all Lot owners affected by the change. Any increases in wall height may also require approval of the City of Tucson and/or Pima County.
  - e. Removal of a wall, or a portion thereof, to facilitate access.

When installing landscaping or irrigation, care must be taken to maintain proper grading to eliminate drainage onto neighboring Lots. Irrigation systems should not produce excessive watering. All exposed pipes are to be painted the color of the surface they are attached to.

### All landscaping and vegetation must adhere to:

**Approved plant list – See Appendix A**  
**Prohibited plant list – See Appendix B**

## DISPLAY OF FLAGS

Display of the American flag SHALL NOT require approval if bracket mounted on the garage area of the house.

Windssocks are limited to the rear yard only.

## **POOLS**

ALL POOLS SHALL REQUIRE APPROVAL OF THE ACC.

1. Any wall removed during construction of a pool, spa or other Improvement shall be walls situated solely on the Owner's Lot; removal of walls abutting a Common Area shall not be allowed, without the expressed written consent of the Association. Any wall removed shall be replaced in its original state immediately after construction is complete, including stucco, rebar, and paint (if originally constructed with stucco and paint).
2. Backwashing of pools must be contained wholly on the Owner's Lot. The use of a dry well to retain backwash water is recommended. Backwashed water shall not be permitted to seep onto an adjoining Lot, common area, or street.
3. Above ground pools and the location of associated pool cleaning and circulation equipment must be approved by the ACC.

## **PAINTING – Exterior Color Scheme**

Use of the original exterior colors SHALL NOT require approval from the ACC. If you wish to change your present color scheme, and it conforms to any other original color scheme used in the Desert Willow Estates, no ACC approval is required. The ACC shall not limit requested color schemes to those found in the Sonoran Desert Willow Estates development. Requested color schemes shall not be extreme, such as the body paint in a bright pastel or other bright standout color, and must harmonize with the community. Harmonizing colors are those color schemes commonly found in and around the Sonoran Desert Willows Estates development and nearby residential developments.

All colors, not currently in use or previously approved by the ACC in the Sonoran Desert Willows Estates development SHALL first be submitted to the ACC for approval.

## **GATES**

Repainting gates either the original color installed by the builder or the same color as the block wall, or the same color as the house SHALL NOT require approval of the ACC. New gate installations must be substantially the same as those originally installed by the builder and SHALL require prior written approval of the ACC.

For additional privacy, natural wood slats (to exclude particle board and plywood) attached to your gate or the use of black metal screening SHALL NOT require the approval of the ACC.

Replacing the wood of gates using either natural cedar or redwood SHALL NOT require the approval of the ACC, so long as protective coatings (paint, stain, etc.) are limited to natural, clear preservative treatments, the dimensions of the gate are not changed, and the metal fasteners (screws, bolts, etc.) are either stainless steel or another material that will not rust or otherwise stain the wood over the life of the gate.

## **SCREENS/SECURITY DOORS**

Security doors SHALL NOT require the approval of the ACC if they are wrought iron and painted: (i) the same color as the house, or (ii) the same color as the window frames.

Designs on the doors SHALL require approval. Screen or security doors constructed of any other material or color SHALL require the prior written approval of the ACC.

### **GUTTERS AND DOWNSPOUTS**

The installation of gutters and downspouts SHALL NOT require the approval of the ACC if they are painted to match or blend with the color of the house or trim adjacent to where the installation occurs. The natural drainage pattern should not be affected by the installation of the gutters.

### **PROHIBITED MODIFICATIONS AND ADDITIONS**

Changing of the established rainwater drainage pattern shall be prohibited, whether within the perimeter walls or elsewhere upon the Lot.

### **STORAGE SHEDS**

Sheds proposed to be constructed on site by or for the Owner SHALL be submitted to the ACC for approval prior to construction or installation. **Metal sheds are PROHIBITED.** The installation of commercially available storage lockers, constructed of plastic, fiber glass or similar material, SHALL NOT require ACC approval providing no more than 12" of the height of the storage locker is visible above any wall from the street and it is placed 5' from any wall adjacent to another owner's property including common area property.

Criteria for approval:

1. Placement of any on-site constructed shed needs to be shown on a site plan, in relation to the placement of your house and neighboring property walls.
2. The exterior of the shed must be stuccoed and painted to match either the house or trim color.
3. Roof material of the shed must match the roof material of the house.
4. All ventilators must be painted to match the house or trim color.
5. Consideration will be given to the impact of neighboring properties.

### **TEMPORARY/PERMANENT BASKETBALL STANDARDS/HOOPS**

All basketball hoops SHALL require the approval of the ACC. All basketball hoops, portable or fixed as permanent, are required to be placed in the **REAR YARD ONLY**. Basketball hoops stored hanging over a wall or on the ground where they can be seen from the street are prohibited.

### **PLAY AND EXERCISE EQUIPMENT**

All Play Equipment that (a) exceeds the height of eight feet (8') from ground level to the cross bar or the highest point, and/or (b) is placed within ten feet (10') from all neighboring boundaries SHALL require ACC approval.

The ACC shall consider Play Equipment if it adheres to the following guidelines:

1. Climbing platforms and slides shall be placed not higher than two (2) feet below the highest point of the rear yard fence to protect the privacy of neighboring Owners.
2. Play Equipment exceeding the height of eight feet (8') and/or not placed a minimum of ten feet (10') from all neighboring boundaries shall be screened from said adjoining property by shrubs or trees which will equal the height of the Play Equipment within a reasonable time period. The ACC may require that equipment be painted a color compatible with the house on the subject Lot.
3. Brightly colored canopies, roofs, or other visual distractions which are attached to the Play Equipment shall not be visible from Neighboring Property.
4. Any lights on the Play Equipment must meet the requirements in the Lighting section of these design guidelines.
5. Written consent of adjacent Lot owners should be included with the submittal.

### **RAMADAS**

1. All Ramadas SHALL require ACC approval.
2. Any Ramada exceeding the height of ten feet (10') and/or not placed a minimum of ten feet (10') from all neighboring boundaries shall be screened from said adjoining property by shrubs or trees, which will equal the height of the Ramada within a reasonable time period. The ACC may require that the Ramada be painted a color compatible with the house on the subject Lot.
3. Any lights on the Ramada must meet the requirements in the Lighting section of these design guidelines.
4. Written consent of adjacent Lot Owners should be included in the submittal.

### **SHORT WAVE RADIO ANTENNAS**

Short wave radio antennas SHALL NOT require prior written approval but may not exceed twelve (12) feet in height above the roof line if the antenna complies with the following restrictions. Those requiring more than twelve feet must prove the necessity.

1. The antenna must be placed on the Lot in such a manner as to minimize its visibility from the street, unless it is impossible to do so without impairing the user's ability to receive a satisfactory signal to make the receiver/transmitter operationally efficient.
2. An antenna as described above SHALL **NOT BE MOUNTED** in a front yard.

### **ANTENNAS/SATELLITE DISHES**

An antenna one meter or less across which is designed to receive signals from direct broadcast satellites (DBS), internet connectivity providers, or designed to receive video programming services from multi-channel multi-point distribution (wireless cable) providers (MNMS) or an antenna that is designed to receive television broadcast signals (TVBS) may be placed, installed, or kept on a Lot if the antenna complies with the following restrictions in compliance with the Telecommunications Act of 1996, FCC Over-The-Air-Reception-Devices rules, and amendments to these rule in 1999 and 2000:

3. The antenna must be placed on the Lot in such a manner as to minimize its visibility from the street, unless it is impossible to do so without impairing the user's

ability to receive a satisfactory signal to make the receiver/transmitter operationally efficient.

4. An antenna as described above SHALL **NOT BE MOUNTED** in a front yard.

No restriction contained in this section shall be deemed to impair the user's ability to receive signals from a provider of DBS, MMDS or TVBS or unreasonably delay or prevent installation, maintenance or use of the antenna, unreasonably increase the cost of installation, maintenance or use of the antenna or preclude reception of an acceptable quality signal.

No antenna which is designed to receive signals from DBS or MMDS and which exceeds one meter across in measurement and no mast which exceeds twelve feet (12') in height above the roofline may be placed, installed, constructed or kept on any Lot without the prior written approval of the ACC.

### **Street side mailboxes**

Non-secure mailboxes shall conform to the existing color, style, and type of non-secure mail boxes currently in use in the Sonoran Desert Willows Estates (development).

Locking mailboxes may be used and shall need the prior approval of the Architectural Control Committee (ACC). Locking mail boxes shall conform to the color and positioning of non-secure mailboxes currently in use in the development. Approval from the neighbor currently sharing the mailbox post with the applicant seeking modification is required prior to ACC approval. Non-secure mailboxes previously sharing mailbox posts will need to be moved to leave the remaining non-secure mailbox straddling the post. the cost of this change will be paid by the modification applicant. The new locking mailbox request shall meet the mounting and positioning requirements of the U.S. Postal Service. prior to approval by the ACC.

### **Resolution of the Board of Directors of the Sonoran Desert Willow Estates Homeowners Association to replace the Association's Design Guidelines adopted on the 20<sup>th</sup> of October, 2007 with revised Design Guidelines.**

The Board of Directors of the Sonoran Desert Willow Estates Homeowners Association pursuant to Article 2, Section 2.8 of the Declaration of Covenants, Conditions, and Restrictions (CC&R's) and Easements for Desert Willow Estates aka Sonoran Desert Willow Estates.

**WHEREAS**, Article 2, of the CC&R's of the Association provides that the Association has the authority to adopt, amend or repeal such rules and regulations as it deems reasonable and appropriate (collectively the "Rules"), which shall be binding upon all persons subject to the Declaration and shall govern the use and/or occupancy of the properties.

**WHEREAS**, it is the desire of the board of Directors to protect the aesthetic look of the community for all its members;

**NOW THEREFORE**, the Board of Directors shall adopt these revised Design Guidelines including Appendices "A" and "B" with these Guidelines being effective immediately.

ADOPTED THIS 18th DAY OF May, 2009, BY A VOTE OF DIRECTORS PRESENT AND REPRESENTING A QUORUM:   4   FOR,   0   AGAINST.

Signed: *Glen L Bohne* dated 5/18/2009  
President, Sonoran Desert Willow Estates homeowners Association

Attested: *Robert B. Quinn* dated 5-18-2009  
Secretary, Sonoran Desert Willow Estates Homeowners Association