

COMMUNITY POLICIES
and
ARCHITECTURAL/LANDSCAPE
STANDARDS



*320 South 70th Street
Mesa, Arizona 85208*

*A 55+ Community
Approved by the Board of Directors, 2001*

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Architectural/Landscape Application Form

1.0 Governing Documents

It should be noted that for the convenience of the homeowner, the policies and standards herein reflect various information on matters of interest to the community, but the ultimate authority on these matters is the governing documents of the Association as described below. Every homeowner receives these governing documents at the time of purchase of their home and has the responsibility to familiarize themselves with these protective restrictions and requirements. If you have not received copies of these documents, please request one.

Hearthstone Villas has governing documents that create certain requirements which help protect the appearance and property values in our community. These documents have a hierarchy, or order of authority, in relation to each other.

1.1 Declaration of Covenants, Conditions and Restrictions (CC&Rs)

The highest authority in each association is the Declaration of Covenants, Conditions and Restrictions, dated March 11, 1997, as may have been amended.

1.2 Articles of Incorporation

The second document in the hierarchy is the Articles of Incorporation. The Articles establish the corporation process and protection for the Association Board Members. They may be amended by a vote of the members.

1.3 Bylaws

The third level of authority in the hierarchy is the Bylaws. These are generally related to meeting procedures and Association operations. The bylaws may be amended by a vote of the members.

1.4 Community Policies and Architectural/Landscape Standards

The Community Policies and Architectural/Landscape Standards are formally adopted and amended by the Association Board of Directors. These are the most easily changed and may be revised from time to time at the discretion of the Board.

2.0 Responsibilities of Hearthstone Homeowner's Association

The Association, through its Board of Directors, is responsible for the maintenance of the common areas, including the pool, spa and other amenity areas, entrance, water retention, parking, and common area landscape.

2.1 Membership

By purchasing property within Hearthstone Villas at Superstition Springs, a homeowner automatically becomes a member of the Association. All property owners are subject to certain community rules, regulations and deed restrictions as set forth in the governing CC&Rs. Additionally, owners are subject to certain policies and standards as set forth by the Board of Directors of the Association, and discussed in this guide.

2.2 The Board of Directors

There is a five-member Board elected by the homeowners at the annual Homeowner Association meeting. Among other things, the Board of Directors is empowered and directed to:

- Prepare the annual budget and establish the rate of assessments.
- Collect all assessments due the Association.
- Establish and amend rules and regulations governing the Association.
- Enforce provisions of the legal documents.
- Obtain adequate insurance coverage on the common areas.
- Keep detailed records of all receipts and expenditures.
- Appoint and dissolve committees of the Board. Delegate authority to these committees to carry out certain duties of the Association.
- Provide for the care and operation of the common areas.
- Take any other actions necessary for the administration of the Association.
- Establish an Architectural Committee.

2.3 Architectural Review Committee (ARC)

The CC&Rs (Article 5) authorizes the Board of Directors to appoint an Architectural Committee. In effect, Article 5 states that all property is subject to the CC&Rs and is subject to architectural, landscaping, and aesthetic review by the Committee. The Committee also has the authority to establish standards such as prescribed herein. All changes to the property that affect the outward appearance of the property, or that will be visible from adjacent areas or common areas, must be reviewed in advance by ARC.

3.0. Community Policies

Various Association policies are set by the Board of Directors and are noted here only for information and convenience and **do not require the homeowner to request prior written approval**. Please reference the CC&Rs for complete policies..

3.1 Automotive Repair and Maintenance

Automotive repairs and maintenance must be accomplished within an enclosed garage (exception is car wash). Non-operational vehicles must be parked in an enclosed parking garage.

3.2 Changes Existing Prior to January 2001 (Unauthorized)

3.2.1 Conforming

All existing changes that have been added by homeowners prior to January 2001 **and** that conform to this Guide will be documented to assure each homeowner that his/her home conforms to standard.

3.2.2 Nonconforming

Existing non-conforming changes made by homeowners prior to January 2001 will be categorized and documented in the Association file as **Approved Nonconforming**, or **Unauthorized Nonconforming**. The homeowner will be requested to correct Unauthorized Nonconforming violations (see 8.0).

3.3 Outside Storage

All clotheslines, equipment, garbage cans (except on pickup days), woodpiles, or storage piles shall be concealed from view from neighboring homes. Storage or tool sheds are only allowed in backyards, below the wall, with no portion of shed or roof visible from adjacent properties.

3.4 Parking

All vehicles must be parked in garages or on driveways. Parking on gravel areas along roadway must be avoided to avoid damage to the drip watering system. Temporary guest and contractor parking is only allowed on homeowner driveway or in overflow parking areas.

3.5 Pets

Household pets may not be kept, bred or maintained for any commercial purposes. Pets are allowed in the common areas, but only on a leash and they must be controlled by the owner

3.6 Bug Screens and Sun Screens

Bug Screens must be the same type as, or equivalent in appearance to, those screens provided on the windows originally. Sun screens are permitted to replace bug screens. In both cases, frame materials and color must match existing window frames. Screen material shall be dark brown or black and may be fiberglass mesh. Homeowners must include the window-pane grid on screens mounted on the front windows in keeping with the existing window treatment throughout the community. White or tan screening material is not permitted.

3.7 Unattended Homes

Unattended homes are defined as those homes where residents are away for extended periods of time. At these times only, plain white Styrofoam sheets, cut to fit the inside of the window, may be used to block the windows. No cardboard, foil, or reflective material may be used. No writing or pattern may be visible from the outside.

3.8 Yard and House Decorations - Front Yard

Exterior house decorations attached to the home are permitted. The decorations shall blend in with the yard and exterior house design and be compatible with the community motif. These items include, but are not limited to: wrought iron house decorations, yard ornamentation, pots and planters. The number of these items shall not exceed a **combined** total of five (5) items located in the front yard, on the building, and in the front entry area. Artificial plants and mobiles are not permitted in the front yard or visible from the front yard.

3.9 Yard and House Decorations - Seasonal

Non-permanent, colored holiday and party lights are allowed in front yards, but may be displayed only during the festive season for a maximum period of 45 days.

4.0 **Introduction to Architectural and Landscape Standards**

Hearthstone Villas is unique because it is made up of homes so similar design and style that, when viewed as a whole, represents a community of aesthetic value. To preserve this value, a set of CC&Rs was established and provided as part of the homeowner's purchase.

The homeowner shall be aware that anything that affects the outside appearance of any home, or is visible from adjacent properties, must be submitted to ARC for review before work can begin. An Architectural/Landscape Application and ARC process is included herein for the homeowner.

The ARC purpose is to keep Hearthstone Villas the pleasing community it is and to help homeowners complete projects in a manner that is acceptable to the community. Contact any current ARC member if you have questions. The Committee meets on a case-by-case basis whenever an Application is received.

4.1 This document supplements the CC&Rs for Hearthstone Villas at Superstition Springs, dated March 11, 1997, for the purpose of providing additional guidance and clarification to the homeowners of Hearthstone Villas.

4.2 This document does not amend the CC&Rs. Where a conflict occurs, the CC&Rs shall take precedence. It is intended that this document shall provide standardization and examples of those types of projects that require approval before a project is undertaken.

4.3 This document is used by the ARC in the evaluation of proposed additions and other changes to homeowner's property.

4.4 This document may be amended or revised from time to time for the purpose of addressing additional clarifications or definitions at the discretion of the Board of Directors.

5.0 Architectural Standards

Article 5 of the CC&Rs specify that *“no building, fence, wall, patio cover, awning, antenna, or other structure shall be commenced, erected, or maintained upon the Properties, nor shall any exterior addition to or change or alteration therein, be made until the plans and specifications showing the nature, kind, shape, height, materials, and location of the same have been submitted to and approved in writing as to harmony of external design and location in relation to surrounding structures and topography by the Board of Directors of the Association, or by the Architectural Committee appointed by the Board.”* For the purposes of this Guide, ALL changes to the exterior of the home or property that will be visible from adjacent or common areas requires prior review by ARC.

The following processes and general guidelines for standards are included as examples of commonly requested alterations or additions, including landscaping.

5.1 ARC Application Process

All changes must be approved in advance. Even if your planned addition or alteration is identical to another which has already been approved, it still must be submitted for review and documented in file for each homeowner. Because each situation may have different conditions (e.g., different locations, physical conditions or design considerations) each application will be reviewed on a case-by-case basis. In the event of any inconsistency between these standards and the CC&Rs, the CC&Rs shall control. All architectural approvals will be conditional upon compliance with applicable city and county codes.

5.2 Submitting the Application for Review

The Architectural/Landscape Application may be dropped in the HOA letter box or given to an ARC member or a Board member. Copies of the application and attachments will become a permanent record in the Association file for each homeowner.

The Application form included in this Guide may be copied. A new Application must be submitted with each new request. Complete information will expedite the review process.

5.2.1 Homeowners may mark their Application as “*Preliminary*” for use as a pre-application to inquire about the feasibility of a project. However, any preliminary inquiry must be followed up with an Architectural/Landscape Application showing proposed project details prior to beginning the project.

5.2.2 When submitting an Application, provide a description of the proposed work in sufficient detail to fully describe the nature and intent of the work. Attach drawings and descriptive literature, including catalog cuts and/or color samples.

5.2.3 Depending upon the complexity of the project, include a plan view, elevation, or schematic, as applicable. Provide dimensional references to define location details.

5.3 ARC Review Process

The review process includes, but is not limited to, consideration of aesthetics, materials, specified quality of workmanship, colors, and consistency with the existing structure/design of the home. The location of the improvements with respect to topography and finished grade elevation will also be also considered.

5.3.1 The Committee will meet on a case-by-case basis to review the Architectural/Landscape Applications in a timely manner.

5.3.2 The Committee will maintain an interactive presence with the homeowner to promote an open forum for the speedy disposition of the project.

5.3.3 Per the CC&Rs, the Committee must respond within thirty (30) days after a complete set of plans and specifications have been developed and received.

5.3.4 The Committee will 1) Approve, 2) Approve with Conditions, or 3) Deny with Recommendations for subsequent approval.

5.3.5 In the event that ARC, or the Board, fails to approve or disapprove said application within (30) days, the requirements Article 5 of the CC&Rs will be considered fulfilled. In this case only, the homeowner may assume approval and may proceed with the project as described on the Application.

5.4 Project Approval

Once the project is approved by the Committee, the owner accepts full responsibility for all parties for actions and/or results of work pursuant to this project.

5.4.1 The owner is responsible for obtaining permitting required by the City of Mesa.

5.4.2 Neither ARC, nor the Board of Director, shall have any liability in connection with approved plans.

5.4.3 ARC or Board approval of plans does not mean that judgment has been passed on the structural soundness of the proposed construction nor its affects upon existing or future drainage.

5.4.4 An approved project must be started within 60 days of the approval date on the application, and, the project must be completed 60 days from the date the project started. This means the homeowner has a maximum of 120 days from the date of approval to complete the project. If extraordinary circumstances do not allow completion with 60 days of project start, an extension must be obtained from ARC.

5.4.5 ARC, or its members, shall be allowed access to inspect the progress of the project.

5.4.6 It is strongly recommended that only bonded and licensed contractors and/or agents be employed and that final payment not be made until all work is satisfactorily completed.

5.4.7 All Application status will be documented by ARC in the Association file for future reference.

5.5 Project Disapproval

It is the intention that, while maintaining our community appearance, each homeowner request can be accommodated in some equitable way when projects are coordinated with the community before work begins and by utilizing the ARC process, the CC&Rs, and these general guidelines for architectural standards. If a project cannot be accommodated to the satisfaction of the homeowner by the Committee, the homeowner may appeal the ARC decision to the Board of Directors. The decision of the Board of Directors will be final.

6.0 General Guidelines for Architectural Standards

Houses shall be maintained in a state of good repair. Exterior paint shall be repainted with the same color when existing paint has deteriorated to a point to present noticeable changes in the appearance of the property. No color changes are permitted from the original color that was applied by the builder. Roof tiles shall be promptly replaced when broken or displaced. Replacement tile shall match the original roof. Any maintenance work that will change the outward appearance of the building, or that will be visible from adjacent properties, must be reviewed by ARC prior to beginning work.

This section is only offered as a reference guide and will be used by the ARC for consistency. This guide may be changed from time to time by the Board of Directors. The following types of changes all require submittal of an Architectural/Landscape Application.

6.1 Antennas, Towers, and Satellite Dishes

Antennas, vertical extensions, towers, and satellite dishes are allowed in compliance with current FCC regulations. The Application shall include the placement, elevation, and type of antenna, and the homeowner shall make every effort to conceal placement from view.

6.2 Canvas Awnings

Canvas awnings are not permitted on the front of homes due to their temporary nature (short service life), exposure to extreme desert conditions, and the subsequent difficulty in maintaining a uniform appearance throughout the community over time.

- 6.3 Driveways & Paving Stones
Painting and/or coating residential driveways is allowed for ease of maintenance. Driveways may be gray or clear coated, the color being as close to natural concrete as possible. Only one paint color can be used. No pattern, design, or border will be permitted. A paint chip indicating the color to be used must be included with the Application. Paving stones may be placed from the front door to the rear gate after the plan is reviewed by ARC.
- 6.4 Fireplaces and Barbecues
Built-in barbecues, fire pits and/or fireplaces must not be visible above the homeowner's backyard walls.
- 6.5 Flags
Only National or State flags may be displayed in conformance with federal guidelines.
- 6.6 Garage Vents
Garage vents for the purpose of ventilating the garage are permitted similar to those seen in the community. A picture of the proposed vents should be attached to the Application.
- 6.7 Screen or Glass Patio Enclosures
Screen or glass enclosures are permitted around the patio provided that construction details are submitted with the Application showing how the screens or glass will be mounted to the stucco, color of materials, etc.
- 6.8 Security Bars - Exterior Windows
Security bars on rear windows are permitted provided that an Application is submitted with a description and picture of the proposed bars. Security bars will be painted to match existing stucco.
- 6.9 Security Doors
Security doors are permitted and shall be made of steel or wrought iron. Frame color shall be black, brown, green, or white. A picture showing the door design should be included with the Application.

7.0 Landscape Standards

All landscaping shall be well maintained and kept free of debris. Excess plant growth shall be pruned, trimmed, or removed to prevent overgrowth. Trees shall be pruned or trimmed in a manner that will present a pleasing appearance and avoid visual obstructions to traffic. Trees shall not infringe upon adjacent owner's property. Weeds shall not be allowed to accumulate and may be controlled by periodic application of a pre-emergent weed killer.

While it is the responsibility of each homeowner to maintain his home and yard, the community at Hearthstone enjoys a shared responsibility for the front yard tree and shrub watering system. The intent of this section is to preserve and maintain the beautiful landscaping that we have. The standards below are listed for this purpose.

7.1 Rock

Landscape rock ground cover shall be maintained to match existing screened rock. No decorative rock patterns are permitted in front yards.

7.2 Ficus (Nitida) Trees

Ficus (Nitida) trees are the only type of tree permitted in front yards.

7.3 Fountains & Waterfalls

Water fountain and waterfall structures must not be visible to neighbors. No water features may be located at the front entry or front yard.

7.4 Paving

Any additional paving, concrete work, brick, tile, masonry, or paving stones in the front yard must be reviewed by ARC.

7.5 Lighting - Exterior

Only clear (not colored) bulbs or reflector lights are permitted. Non-permanent, colored holiday and party lights are allowed, but may be displayed only during festive seasons for a maximum period of 45 days.

7.5.1 All light fixtures shall be shielded so that the light shines primarily on the owner's lot. Lights which create glare visible from other homes are prohibited. No lights or lanterns shall be located on top of any wall.

7.5.2 Ground-mounted lights (maximum 12" in height) are permitted for driveways and walkways connecting to a driveway for safety reasons. In no case will lights be permitted along the curb.

7.5.3 Motion or thermally-triggered security flood lights are permitted in back yards only. The reflected light must be aimed within the owner's property limits, and sensors must be adjusted to detect only motion from within the owner's property.

8.0 Violations, Appeals, and Penalties

Any violation of the standards set forth in the CC&Rs or other Association documentation shall result in a Notification of Violation being issued to the offending homeowner.

8.1. The Notification of Violation will require the homeowner to take action to correct the violation by a specific date.

8.2 The homeowner may appeal to the Board of Directors within ten (10) days of receipt of Notification of Violation. The Board will respond to appeals promptly.

8.2.1 A successful appeal will be documented and kept on file as a permanent record, and a copy will be provided to the homeowner.

8.2.2 An unsuccessful appeal will result in the homeowner taking action to correct the violation by a specified date. If no corrective action is taken by the required date, a monetary fine will be levied against the homeowner for each day the violation continues. Unresolved violations will remain as a permanent record in the Association's homeowner file.

**Hearthstone Villas at Superstition Springs
Architectural/Landscape Application**

Name _____ Phone _____ Unit No. _____

_____ Construction Change _____ Landscape Change
Describe Work Requested (attach additional sheets if needed)

I agree to the conditions stated on the reverse side of this Application:

Signature of Homeowner

Date

For Use by Architectural Review Committee/Board

_____ Approved _____ Approved with Conditions Noted

_____ Request Denied with Recommendations Noted

ARC/Board Representatives:

Date Signed

1) _____

2) _____

3) _____

Architectural/Landscape Application Instructions and Conditions

1. Any change to dwelling or landscape that affects the outside appearance of the home, or is visible from adjacent properties, requires prior review and approval by the Architectural Review Committee before the change is made.
2. Work that is considered maintenance or maintaining the status quo does not require approval of the Committee. Examples of maintenance are: repainting with the same original color, replacing rock with the same kind/color of rock, replace a tree or shrub with the same tree or shrub, etc.
3. Description of the work proposed should be in sufficient detail to fully describe the nature and intent of the work. Separate drawings and descriptive literature, including catalog cuts should be attached to this Application. Particular attention should be made to describe colors and appearance of the work proposed.
4. The Architectural Review Committee meets on an as-needed basis to respond to requests from homeowners in a timely manner.
5. The owner accepts full responsibility for all parties for actions and/or results of work pursuant to this project. The homeowner further agrees to correct any property damage or disruption of service to other properties, including common areas, that result from actions commensurate with performance of this work. Failure to correct damages and/or restore property to original conditions may result in corrective action initiated by the Homeowner's Association, and the homeowner will be held financially responsible.
6. It is strongly recommended that only bonded and licensed contractors and/or agents be employed and that final payment not be made until all work is satisfactorily completed.
7. The Application and attachments will be retained and become a permanent record in the Association's homeowner's file.
8. The owner may appeal any decision of the Architectural Review Committee to the Board of Directors. Decision of the Board of Directors will be final.

**Hearthstone Villas at Superstition Springs
Architectural/Landscape Application**

Name _____ Phone _____ Unit No. _____

_____ Construction Change _____ Landscape Change
Describe Work Requested (attach additional sheets if needed)

I agree to the conditions stated on the reverse side of this Application:

Signature of Homeowner

Date

For Use by Architectural Review Committee/Board

_____ Approved _____ Approved with Conditions Noted

_____ Request Denied with Recommendations Noted

ARC/Board Representatives:

Date Signed

1) _____

2) _____

3) _____
