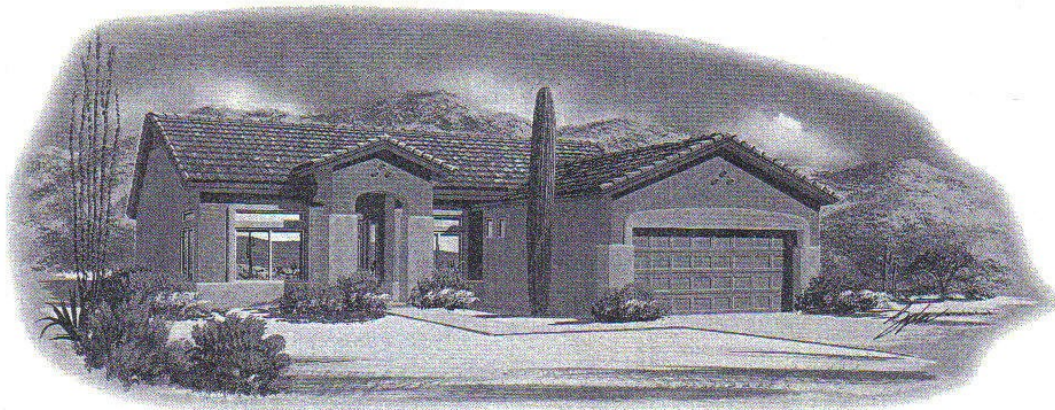


**Gold Canyon Ranch Association  
Dba MountainBrook Village,  
Fairway Vista & Pinnacle Vista**



**CC&R Excerpts,  
Architectural Standards  
And Community Policies**

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The Management Company

For

MountainBrook Village At

Gold Canyon Ranch Association

**Rossmar & Graham  
9362 E. Raintree Drive  
Scottsdale, AZ 85260  
Phone 480-551-4300 Fax 480-551-6000**

**Activity Center Office  
Office Hours 8am - 4pm Monday through Friday  
5674 S. Marble Drive  
Gold Canyon, Arizona 85118  
480-983-5555**

## **WELCOME!**

You have become a homeowner in a Village that has a real sense of community. We know that you will enjoy being an active part of the community.

MountainBrook Village is a vibrant and exciting development designed to provide its residents a high quality of life, which includes beautiful mountainous surroundings and many recreational opportunities. The goal of the MountainBrook Village at Gold Canyon Ranch Association is to help maintain the value and desirability of the community, both now and in the future.

The community concept is one of teamwork. Board members, homeowners and management need to be united toward the common goal of enhancing the community. With your help, the rules and guidelines that contribute to the overall quality of our community will be strengthened. An investment in time and energy is required from each of us to become informed of and comply with the special requirements and responsibilities that are a part of ownership in a community that has the special qualities of MountainBrook.

We believe that our combined efforts and teamwork will yield impressive dividends for all of us. Again, welcome to the community.

This document supplements the MountainBrook Village, Pinnacle Vista and Fairway Vista CC&R's to provide additional guidance and clarification.

Sincerely,

The Board of Directors  
MountainBrook Village at Gold Canyon Ranch Community Association

## **PURPOSE**

This document supplements the amended and restated declaration of Covenants, Conditions and Restrictions (CC&R's) for MountainBrook Village at Gold Canyon, dated June 7, 1989 and Pinnacle Vista's and Fairway Vistas CC&R's. This document does not amend the CC&R's. Where a conflict occurs, the CC&R's shall take precedence. It is intended that this document provide CC&R's clarification and other such definition as approved by the Association's Board of Directors. It is not intended that this document completely summarize the CC&R's. The homeowner should be aware of the requirements described in the CC&R's. This has been done in the best interest of the Association membership.

This document is used by the Architectural Committee (homeowner volunteers) in the evaluation of proposed additions and/or other changes to homeowners' property.

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 Association's Board of Directors.

It will be the homeowner's responsibility to update this document as revisions are issued.

### **1. ORGANIZATION**

#### **1.1 GOLD CANYON RANCH COMMUNITY ASSOCIATION**

Prior to March 1999, Gold Canyon Ranch Community Association was known as the master association which governed the common areas surrounding the residential areas. This included common area landscaping, natural wash areas, and the front entry water feature. There were three age-restricted sub-associations within Gold Canyon Ranch Association - MountainBrook Village (MBV), Pinnacle Vista (PV) and Fairway Vista (FV).

##### **1.1.1 MountainBrook Village at Gold Canyon Association**

Prior to March 1999, MountainBrook Village Association was a sub-association of Gold Canyon Association and was the governing body of the Activity Center and the surrounding area. The MBV Association was also responsible for deed restriction enforcement and for the care and maintenance of the Activity Center. In March of 1999 the homeowners voted to merge MBV and Gold Canyon Ranch Association under one name; Gold Canyon Ranch Association dba MountainBrook Village. The merger does not eliminate the CC&R's or governance responsibilities of either association; it simply merges the two corporations, permitting one board to manage the affairs of both associations.

##### **1.1.2 Pinnacle Vistas and Fairway Vistas at MountainBrook Village**

Pinnacle Vistas and Fairway Vistas are sub-associations within MBV at Gold Canyon Ranch Association. Homeowners in these sub-associations pay separate association fees to maintain the builder installed landscaping/irrigation and a reserve for periodic repainting of the home exteriors. Common areas within PV and FV are maintained under the Gold Canyon Ranch Association fees. Pinnacle Vistas and Fairway Vistas homeowners are also members of the Gold Canyon Ranch

Association dba MountainBrook Village. Both Pinnacle Vistas and Fairway Vistas are subject to the MountainBrook Village Architectural Guidelines.

## **1.2 GOVERNING DOCUMENTS**

It should be noted that for the convenience of the homeowner, these guidelines include various information on assessments, age restrictions, pets and other matters but the ultimate authority on these matters is the governing documents of the Associations as described below. Every homeowner receives these at the time of purchase of their home and has the responsibility to read all of the governing documents to familiarize themselves with these protective restrictions and requirements of living at MBV, PV and FV. If you have not received a copy of these documents, please request one by calling the management company.

Both the master association, Gold Canyon Ranch Community Association, and the sub-associations, MBV, PV and FV, have governing documents that create certain requirements which help protect the appearance and property values in the community. These documents have a certain hierarchy, or order of authority, in relation to each other.

### **1.2.1 Declaration of Covenants, Conditions and Restrictions**

The highest authority in each association is the Declaration of Covenants, Conditions and Restrictions as may have been amended. (Refer to paragraph 1.18 of those documents). These are sometimes referred to as the CC&R's. People also commonly call them the Dec's or the Covenants. Plat filing maps are also considered equivalent to the authority of the CC&R's, and are sometimes part of the CC&R's.

### **1.2.2 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 are amended by a vote of the members. (Refer to paragraphs 1.6, 1.30 and Article 3 of the CC&R's).

### **1.2.3 Bylaws**

The third level of authority in the hierarchy is the Bylaws. These are generally related to meeting procedures and association operation, and are amended by a vote of the members. (Refer to paragraph 1.11, 1.30, and Article 3 of the CC&R's).

### **1.2.4 Association Rules and Architectural Standards**

The Association Rules (Refer to Paragraph. 7.3 of the CC&R's) and Architectural Standards (Refer to Para. 9.1 of the CC&R's), 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. The Gold Canyon Ranch Association dba MountainBrook Village is the only association to which the homeowner needs to submit requests for architectural approvals.

### **1.3 RESPONSIBILITIES OF GOLD CANYON RANCH ASSOCIATION dba MOUNTAINBROOK VILLAGE**

Through its Board of Directors, Gold Canyon Ranch Association dba MountainBrook Village is responsible for the maintenance of the Activity Center buildings, recreation areas including the pool, spa and other amenity areas, parking lots and common area landscape adjacent to and around the Activity Center. The association is also responsible for the maintenance of the common landscape, natural washes and the entrance water feature.

### **1.4 MEMBERSHIP**

By purchasing property within MBV (including PV or FV), a homeowner automatically becomes a member of the MountainBrook Village. Further, homeowners purchasing property within the PV and FV communities also become members of the PV and FV in addition to MountainBrook Village. All property owners are subject to certain community rules, regulations and deed restrictions as set forth in the governing CC&R's. Additionally, owners are subject to certain rules and standards as set forth by the Board of Directors of MountainBrook Village (discussed later in this booklet).

### **1.5 THE BOARD OF DIRECTORS**

MBV and Gold Canyon Ranch Association, until March of 1999, were governed by two separate Boards of Directors. The homeowners voted in March 1999 to merge the two associations into one. There is a seven-member Board elected by the homeowners at the annual homeowners meeting. (Refer to paragraph 7.8 of the CC&R's).

Among other things, the Board of Directors of MountainBrook Village is empowered and directed to:

- Prepare the annual budget and establish the rate of assessments.
- Provide for necessary personnel to operate the association.
- Collect all assessments due the association.
- Establish and amend rules and regulations.
- Enforce all provisions of the legal documents.
- Obtain adequate insurance coverage on the common areas within the association.
- Keep detailed records of all receipts and expenditures.
- Appoint and dissolve committees of the Board. Delegate to these committees the Board's authority to carry out certain duties of the association.
- Provide for the care and operation of the common areas and Activity Center and the associated common areas.

- Take any other actions necessary for the administration of the association.
- Establish an Architectural Committee and other standing committees as needed.

## **1.6 ARCHITECTURAL COMMITTEE**

The CC&R's (Article 9) authorizes the Board of Directors to appoint an architectural committee. In effect, Article 9 states that all property subject to the CC&R's is subject to architectural, landscaping, and aesthetic review by the architectural committee. The committee also has the authority to establish standards such as prescribed in this architectural standards document (Refer to Paragraph 9.1 of CC&R's). All changes to the property that affect the outward appearance of the property must be approved in advance by the architectural committee.

## **1.7 ASSESSMENTS**

To accomplish the tasks for which it is responsible, MountainBrook Village must have adequate operating funds. All property owners within MountainBrook Village must pay annual assessments to the association. The rate of assessments required to operate the association will be established each year by the Board of Directors, concurrent with the adoption of the annual budget. The CC&R's limit the annual assessment increase to 10%. An increase of over 10% requires a vote of the membership (Refer to paragraph 1.7 and Article 8 of the CC&R's).

MountainBrook Village is charged with the duty to vigorously pursue the collection of any delinquent assessments. The association is empowered to collect late fees and interest on past due accounts; it can cause a lien to be placed on the property; it can bring suit against the property owner(s); and can go as far as selling the property through foreclosure proceedings. While this may seem extreme, MountainBrook Village is a nonprofit organization that can operate only if all owners pay the assessments when due.

## **1.8 COMMUNITY AMENITIES**

All members of the association are entitled to the use of the Activity Center. The center offers a wide range of activities and special events, as well as swimming, exercise and other facilities. The amenities are locked for the exclusive use of owners and their guests. Please stop by the office in the Activity Center to request your amenity fob.

## **1.9 MANAGEMENT**

To assist in the task of operating and administering MountainBrook Village, the Board of Directors has employed a professional association management company. The management company works at the direction of the Board of Directors and will serve as the homeowners' primary point of contact in communication with the association.. A list of the responsibilities delegated to the management company includes the following:

- \* Accept requests for architectural modifications.

- Billing and collection of assessments.
- Maintain the financial records of the associations.
- Accept, record and supervise requests for repairs or maintenance to the common areas.
- Supervise contractors hired on behalf of the association.
- Act as liaison with the established committees at the MountainBrook Village.
- Respond to homeowner inquiries regarding MBV at Gold Canyon Ranch Association.
- Administration of common area insurance and directors and officers insurance.
- Monitor deed restriction violations and oversee resolution of infractions.

The management company is to be notified of any problem or complaint relating to the Activity Center and common areas within MountainBrook Village. Their address and phone number is listed in the front of this booklet.

The management is not responsible for:

- Repairs or maintenance to individual homes within the association.
- New home construction warranty items.

## **2. ASSOCIATION RULES**

Various association rules are noted here only for information and convenience. For additional details, the homeowner must read the CC&R's which are the final authority and terminology.

### **2.1 AGE RESTRICTION**

Pursuant to Article 10.1.2. of the CC&R's of MBV at Gold Canyon Ranch Association, a home is intended for occupancy by at least one (1) person 55 years of age or older. No children under age 18 may reside in the home for more than a total of 90 days per calendar year.

### **2.2 Animals and Pets**

Livestock or poultry of any kind may not be raised, bred or kept. Household pets are allowed, but are subject to any rules and regulations adopted by the Board of Directors. 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 must be controlled by a responsible individual. In addition, it is the pet owner's direct responsibility to immediately clean up after their pet. If pets become a nuisance to the neighboring properties or in the common areas the owner must take corrective action or the pet can be removed from the property. (Refer to paragraph 10.19 of the CC&R's).

### **2.3 Automotive Repair and Maintenance**

Automotive repairs and maintenance must be accomplished within an enclosed garage (exception is car wash). All non-operational vehicles (including those without a current license) must be parked in enclosed parking areas. (Refer to paragraph 10.11.3. and 10.11.4 of the CC&R's).

### **2.4 Clothes Drying Area**

Outdoor clothes drying or hanging is not allowed unless concealed from neighboring properties. (Refer to paragraph 10.18 in the CC&R's).

### **2.5 Golf Balls**

The CC&R's of the Master Community Association, Gold Canyon Ranch Community Association, contain specific language in Section 12.5 (page 66-67) which requires all owners to assume responsibility for any golf ball damage as a result of living next to or near the golf course and further holds others harmless for such related nuisances.

### **2.6 Golf Carts**

All golf carts must be licensed with the State of Arizona if they are driven on public streets, and Pinal County does enforce this. Golf carts are considered motor vehicles and must be driven in a safe manner and by a licensed driver.

### **2.7 Sanitation**

Garbage containers must be concealed from view except on pick up days. Containers should be removed from sight by the end of each pick up day. "Removed from sight" equates to placement in your garage or concealed by an approved structure. (Refer to paragraph 10.14 of the CC&R's). The association requires that cans be shielded from neighbors view. Please consult section 3.2.26 prior to erecting a structure to shield your trash container. Architectural approval is required prior to construction.

### **2.8 Signs**

The CC&R's specifically restrict the size and posting of signs. (Refer to paragraph 10.5 of the CC&R's). **ENFORCEMENT / VARIANCE:** Signs which are not in conformance with these guidelines may be removed by MountainBrook Village without notification to the homeowner or the real estate firm. Such signs will be retained at the Activity Center for a period of 10 days and then discarded.

#### **2.8.1 Real Estate (For Sale or Rent)**

Real estate (For Sale) signs shall comply with industry standards and be commercially produced. Signs shall be a maximum of 18 x 24 inches, and a sign rider shall not exceed 6 x 24 inches. A holder for pamphlets defining features of the home, which represents an offering by an owner or a real estate

agency, is permitted. Holders cannot exceed dimensions of approximately 14” deep and 4” wide by 4” high (tubes) or approximately 14" x 10" x 4" (boxes). Signs may be displayed only on the owner's property and must be removed when the property is taken off the market or within seven days of the close of escrow.

Real estate signs -- For Lease or For Rent -- are permitted as follows:

- Signs must be commercially produced and are restricted to the homeowner’s property. No signs are permitted in common areas.

### **2.8.2 Open House and Temporary Signs**

The placement of signs used for the purpose of directing persons to home and estate sales in the subdivisions is prohibited except for temporary signs as prescribed below. It is the responsibility of the homeowner to make the agency aware of these restrictions.

Signs may be placed on common area property on the day in which a bona fide event is to be held. The temporary signs must be commercially produced and may be placed by either the agent or homeowner. The signs may be in place during daylight hours and must be removed by dusk or when the agency representative leaves the property for the day.

### **2.8.3 Garage/Yard Sale Sign Placement**

The placement of garage and/or yard sale signs shall also be subject to the preceding guidelines except that the sale time shall not exceed 8 hours per day. A variance to these guidelines may be requested from MountainBrook Village. The request must be submitted in writing at least 5 days prior to the intended placement of the sign.

### **2.8.4 Security System Signs**

Decals may be placed in windows of home denoting that a security system has been installed. Each shall be limited in size to 36 square inches. Security signs in yards are not permitted. (Refer to paragraph 10.5 of the CC&R’s).

### **2.8.5 Contractor Signs**

Contractors' signs are strictly prohibited. For example; “Landscaping by...” or “Pool installed by...”

### **2.8.6 Political Signage**

Political signs on residential lots within MountainBrook Village are permitted, provided however, that such signs shall be erected no more than 71 days prior to, and removed within 15 calendar days following the date of the election to which they refer. Signs cannot exceed 9 sq. ft. Signs shall be planted securely into the ground or otherwise anchored to prevent damage to neighboring property or injury to others. Signs shall not interfere with traffic or pedestrian visibility. A homeowner who

permits political signage to be placed on their property understands that they are solely responsible for any damage or injury to another party which may arise from placement of this signage on their property. At no time shall political signage be placed in Association common areas.

## **2.10 Parking**

### **2.10.1 Personal Vehicles**

All private homeowner passenger automobiles, golf carts, all terrain vehicles, pickup trucks, etc. must be parked in garages or on driveways. Parking on lawns, gravel areas along driveways, or on areas not designated for such is prohibited. (Refer to paragraph 10.11.1. of the CC&R's). Temporary guest and contractor parking on the street is permitted.

### **2.10.2 Recreational Vehicles, Boats and Mobile Homes**

No mobile home, motor home, boat, recreational vehicle, trailer, truck, camper, or other vehicles of similar kind may be parked or stored on any public street or right of way or on any residential lot for a period exceeding 72 hours (intended for the purposes of loading, unloading and cleaning such vehicles). (Refer to paragraphs 10.3 and 10.11.2 in the CC&R's). If for any reason (mechanical or otherwise) one of the above type vehicles must exceed the 72 hour limit, please contact the management company. Recreation vehicles shall not be occupied by guests or any persons while parked in streets at houses. As a matter of safety, all slide outs shall be pulled in before dusk. At all times, RV's shall be parked so as not to create an obstruction for emergency response vehicles. Streets shall be protected with suitable wooden blocks or shocks to prevent damage by leveling devices or jacks. Overnight parking of visitor/guest RV's is not permitted.

## **2.11 Temporary Structures**

Temporary residence, garage, or storage structures are not allowed. (Refer to paragraph 10.3 of the CC&R's).

## **3. ARCHITECTURAL STANDARDS**

The CC&R's specify that the Architectural Committee shall have exclusive jurisdiction over all original construction and any modifications, additions or alterations to improvements on any portion of the property. (See paragraph 9.2 of the CC&R's). **ANY** change to the exterior of the home or property requires the approval of the Architectural Committee. Following are the standards pertaining to procedures and commonly requested alterations or additions.

### **3.1 APPLYING FOR A CHANGE**

#### **3.1.1. Review Process**

In accordance with the Declaration of Covenants, Conditions and Restrictions (CC&R's) for Gold Canyon Ranch Association dba MountainBrook Village, the Board of Directors has adopted the

following Standards for Architectural improvements which shall apply to all lots within MBV. (Refer to paragraph 9.1 of the CC&R's).

All lot owners should familiarize themselves with Gold Canyon and MountainBrook CC&R's recorded as deed restrictions in the public records of Pinal County. Each owner should also be aware of these architectural standards, as may be amended from time to time by the Board of Directors. These documents are intended to help preserve property values and the high quality of life that exists within MBV. The standards are established to assist residents in preparing applications to the Architectural Committee for any and all construction projects, modifications, alterations or additions affecting the exterior appearance of any residential unit. This includes landscaping.

**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 approval. Because each situation may have different conditions, e.g., different locations, physical conditions or design considerations, etc., each application will be reviewed on a case-by-case basis. In the event of any inconsistency between these standards and the CC&R's, the CC&R's shall control. *All architectural approvals will be conditional upon compliance with applicable state and county codes.*

The Architectural Committee will review the request at the first committee meeting following the timely submittal of the paperwork. The homeowner is encouraged to attend this meeting. Although every effort is made to have a definitive response at this meeting, subsequent consideration may alter the Committee's recommendation. Therefore, the homeowner should not proceed with any work until a written letter of approval is received.

### **Fairway Vistas and Pinnacle Vistas Landscape Changes**

Homeowners in the Fairway Vistas and Pinnacle Vistas subdivisions must receive prior approval from their Board of Directors if landscaping revisions, modifications, or additions are made in the front or back yards for Fairway Vistas or the front yards for Pinnacle Vistas. This approval is required because the respective Association maintains these areas for the homeowners and modifications to this landscaping may affect the irrigation and landscaping costs. After the homeowner obtains approval for their landscape project from either the Fairway Vistas or Pinnacle Vistas Board, the homeowner must then submit their plans to the MBV Architectural Committee. Please note that this extra approval step pertains only to landscape changes for homeowners who live in Fairway Vistas or Pinnacle Vistas.

#### **3.1.2 Application Procedure**

##### **3.1.2.1 Submittal - See Appendix**

Application and plans (which will be kept on file with the Association) may be dropped off at the Activity Center Office *no later than 11am two days prior to the scheduled meeting.* In order to expedite the approval process, residents are encouraged to attend this meeting in person to clarify or answer questions that may be asked at the meeting. (Attendance does not excuse you from submitting your plans two days before the meeting). Copies of the submittal will not be returned.

***NOTE: Since the submittal will become a part of a permanent record, neatness is required! Noncompliance may result in rejection of your submittal.***

The following information should be included:

- The Application Form - a **Request for Approval of Architectural Change** form may be obtained from the Activity Center. A new form must be submitted with each submittal or re-submittal.
- Plot Plan - A site plan showing dimensions and relationship to existing dwelling, property lines, and setbacks. Measurements must be written on the plans.
- Elevation Plans - A sketch or plan showing the proposed improvement in relation to the existing dwelling. An accompanying photograph of the proposed location is also very helpful.
- Specifications - Detailed description of materials to be used as well as color samples must be submitted. All samples and sheets should be labeled with your name and lot number.

All buildings, structures or additions within MBV, as well as the use and appearance of all land, must comply with all applicable Pinal County zoning and code requirements, the CC&R's and these standards. (Refer to paragraphs 9.3 and 9.4.1. of the CC&R's).

### **Covenants Coordinator Approvals:**

The Board of Directors of MountainBrook Village has allowed the position of Covenants Coordinator to approve the following architectural submittals. The benefit is that it would allow the Architectural Committee to continue to meet on a bi-weekly basis and allows the committee to concentrate on the larger projects in the community. This also allows the homeowner to proceed with the project in a more timely manner. In order for the approval to be given, the submittals must be turned in with complete information and reflect the guidelines of the applicable standard.

Approvals can be given by the Covenants Coordinator for the following:

- Satellite dishes
- Concrete patio extensions in the backyard that attach to an existing patio
- Concrete driveway extensions that do not exceed the 5' maximum width
- Landscape modifications and/or replacements from the approved plant list
- Garage vents
- Rain gutters and downspouts
- Sunscreens
- Malibu lights, security lights or accent lights in yard
- Security doors and sidelights
- Exterior repainting of homes

Should the Covenants Coordinator feel for any reason that the committee should review the submittal the Covenants Coordinator would have the responsibility to forward the submittal to the committee for review. Any future additions or deletions from the above list would be sent to the Board for approval.

### **3.1.2.2 Approval Procedure**

The Architectural Committee shall have 45 days after receipt to approve or disapprove applications. (Refer to paragraph 9.3 of the CC&R's).

The review process includes, but is not limited to, consideration of aesthetics, materials, specified quality of workmanship, colors, consistency with the design of existing structures on the lot and MountainBrook Village design style or motifs. The location of the improvement with respect to topography and finished grade elevation is also considered. (Refer to paragraph 9.4.1. and 9.6 of the CC&R's).

*Neither the Architectural Committee nor the Board of Directors shall have any liability in connection with approved plans.*

The approval of plans does not mean that judgment has been passed on the structural soundness of the addition nor its effects upon existing or future drainage.

### **3.1.2.3 Approval Expiration**

Except for initial landscaping, an approved project must be started within 60 days of the approval date or the plans must be resubmitted. Also, within 60 days from the date the project starts, the project must be completed. This means the homeowner has a maximum of 120 days from approval date to complete the project. If additional time is required, the management company should be contacted.

Inspection - The management company and/or the architectural committee shall be allowed unrestricted access to inspect the project. (Refer to paragraph 9.8 of the CC&R's).

## **3.2 General Guidelines**

### **3.2.0 New Construction**

All buildings and structures shall be of new construction and shall not have been moved to the property from other locations. (Refer to paragraph 10.4 of the CC&R's). Each lot must have a single family dwelling (i.e. Tearing down houses on adjacent lots for the purpose of constructing one house over two lots is not permitted. Refer to Article 1 Section 1.44 of the CC&R's for Gold Canyon Ranch). In the event that a house is destroyed due to fire or other reasons, the rebuilt house must be one of the existing models that were built in the community. Basements are allowed, provided the above-ground portion of the house is at the same level it would be without the basement. No split level homes are permitted.

**3.2.0.1 Home Additions** shall apply with regard to plans, building codes and Pinal County building permit.

In order to preserve the architectural integrity of each individual home, its neighborhood and this community, no unattached home addition or second story shall be constructed. Home additions shall not be made on the front face of the structure. All additions must be attached to the main body of the house and share a minimum of 50% of the additions common wall. Should a homeowner want to add on to their home, they will be allowed to add any option that was available at the time of construction.

This means that additions to the front will only be allowed to the Picacho or Belmont models. (This is an exception to the above rule). In the case of the Picacho, the outside walls must be in line with the side of the house and the front of the garage. All other additions are to be made to the side or rear of the house and conform to the existing guidelines as to percentage of common wall attachment. The garage may be extended to the front or the side to the extent of what would have been available at the time of initial construction.

The garage may be extended to the inside with the following stipulations.

- (1) The addition will not conceal the front door or eliminate any front window. If an owner of a Picacho model without a casita chooses to add to the side of the garage toward the front door of the house, the option to add the casita will no longer be available.
- (2) The addition will maintain the County-required distance to the property line.
- (3) The ridge of the garage roof will be centered, and the slope of the roof will be the same on each side.
- (4) The ridge of the garage will not be higher than the ridge of the main body of the house.  
(Note: Bay windows are not considered a room addition and therefore may be added on any side of the house, provided that structural integrity is maintained). In order to be reviewed and considered by the Architectural Committee, any proposed home addition must fit within the confines of the rear and/or side yards and must be within all previously established building setback lines. The exterior materials and construction must conform to the existing structure.

Requests for such home additions will be considered by the Architectural Committee on an individual basis with regard to lot size, lot shape and the orientation of the house on the lot. (Refer to paragraph 10.15.2 of the CC&R's).

Approval of the proposed home additions shall adhere to the following process. The intent of this three-step process is to allow homeowners to obtain preliminary approval of home addition or expansion projects before going to the expense of commissioning detailed drawings.

1. The homeowner must submit conceptual plans and drawings to the Architectural Committee that describe the proposed addition. These preliminary plans and drawings should include, but not be limited to, elevations, roof lines and site orientation. The drawings must be of sufficient detail to ensure the proposed addition conforms to the architectural standards of MountainBrook Village. They must be submitted with the Request for Approval of Architectural Change.
2. Upon receipt of preliminary conceptual approval, homeowner must submit to Pinal County detailed architectural/construction drawings sufficient to satisfy all applicable building codes and to obtain a Pinal County building permit.
3. Upon receipt of the Pinal County building permit, a copy of the detailed drawings and the building permit must be submitted to the Architectural Committee for final approval. The Architectural Committee reserves the right to request a professional architectural rendering prior to final approval.

### **3.2.1 Antennas, Towers, and Satellite Dishes**

#### **3.2.1.1 Antennas and Towers**

Antennas and vertical extensions for the purpose of receiving video programming signals are permitted by the FCC regulations. A height (vertical rise) limit above the highest point of the roof shall not exceed twelve (12) feet. (O.T.A.R.D. Rule - 1999) Any radio transmitting equipment must be properly filtered so as to not cause interference with radio or television equipment located in the area. (Refer to Article 10, section 10.8 of the CC&R's)

#### **3.2.1.2 Satellite Dishes**

Satellite dish antennas less than 1 meter (39.37) inches in diameter must be installed in one of the following two locations:

- (a) On the roof or body of the home at the rear or either side. No wall or fence mounting is permitted.
- (b) Ground installation on a rigid pole in the rear or side yard, as close to the home as reasonably practical and not to be installed in the common area. The pole should be set in concrete in-ground, and the top of the mounted dish should be a maximum of 10 feet off the ground. All ground installations will require prior Architectural Committee approval. Skid mounting on the ground will not be allowed. In the event that a home is on a corner lot or that the rear yard is otherwise visible from a street, the pole and dish shall be mounted as far toward the non-street side of the home as reasonably practical.

Dish antennas 1 meter or more in diameter must be ground installed and concealed as much as practicable from adjacent properties.

All dish antennas must comply with current Federal Communication Commission Rules and Regulations.

Dish Antennas are defined as those;

- (a) Designed to receive direct broadcast satellite service, including direct-to-home satellite service, or to receive or transmit fixed wireless signals via satellite; or
- (b) Designed to receive video programming services via broadband radio service (wireless cable) or to receive or transmit fixed wireless signals other than via satellite.

To prevent a homeowner from inadvertently violating the Standard and incurring increased costs, an Architectural Change Request shall be submitted to the Architectural Committee which records the proper location of the dish on the homeowner's property and that the dish will be mounted in accordance with this Standard. The Covenants Coordinator may approve a request for home mounted installation if it otherwise complies with Std. 3.2.1.2.

### **3.2.2 Awnings**

### **3.2.2.1 Awnings**

With the single exception of the item referenced in Standard 3.2.2.2, awnings are not permitted.

### **3.2.2.2 Motorized Retractable Fabric Patio Covers**

Retractable fabric patio covers may be installed. The installation must be on back yard patios only. They may be the width of the patio and extend up to ten (10) feet. They may not be attached to ramadas and may not protrude beyond the side of the house. The following specifications must be met:

- The back bars which holds the mounting brackets must be steel. It will be attached to the house with lag screws measuring a minimum 3/8-inch in diameter. The lag screws must be driven into a laminated beam, a top plate on the wall frame, or a wall stud. Any other attachment must be approved by the Architectural Committee.
- The roller which stores the fabric while in the retracted mode must be made of steel.
- The back bar, roller brackets and support frame must be colored by the powder coating process to match, or closely match, the trim or body color of the house.
- Support frames will be made of minimum 14-gauge extruded aluminum tubing or metal of equivalent strength. If supports are of the articulating type, they must have dual springs at the joint.
- The fabric must be a minimum of nine (9) ounce per square yard, acrylic and fade resistant. The fabric must be one solid color and must be a muted desert earth tone. A sample must be presented with the request for approval. When two or more covers are installed, the same color fabric must be used on each.
- The extension and retraction of the cover shall be powered by an electric motor controlled by switch or remote control.
- The cover shall have a wind sensor installed to automatically retract at a preset wind speed.
- An optional photo cell or sun sensor is permitted for automatic extension/retraction of the cover but is not required.

### **3.2.3 Beehive Fireplaces, Barbecue Accessories and Fire pits**

Plans for built-in barbecue units, fire pits, and/or fireplaces must be submitted to the committee for approval prior to construction. Style, material and color selections must compliment the architecture of the home and the neighborhood in which the home is located. Barbecue enclosure walls are only permitted if they are built as an integral part of a permanent built-in barbecue. Barbecue backsplash shall not exceed four (4) inches above the closed cover of the cooking unit. Fireplaces, barbecues and fire pits shall not be located forward of the front face of the structure. The height of the beehive fireplace shall not exceed five feet. Wing walls on beehive fireplaces may start at a maximum height

of 40 inches, extend out 3 feet at this height, and then must step down to a maximum of 32 inches. Fire pits shall be constructed of masonry and shall be a minimum of twelve (12) inches in depth and a maximum of thirty (30) inches in diameter. Non-gas operated fire pits shall have a metal mesh cover.

### **3.2.3.1 Fireplaces in Courtyard of Picacho Model Home**

Plans for the fireplace must be submitted to the Architecture Committee prior to construction. The home must have the six (6) foot wall between the guest cottage and the home to enclose the courtyard. This wall must be of cinder block construction, stuccoed and painted to match the body color of the home and guest cottage. The chimney must be of the nominal height of existing fireplaces in Picacho Model homes, which is approximately ten (10) feet. The portion of the chimney which protrudes above the wall shall be painted the body color of the home. If the proposed fireplace is placed along the wall no part of the fireplace or any decorations may protrude above the wall. The fireplace centerline if the fireplace is located against the block wall must be no closer to the home than one half (1/2) the distance between the home and the guest cottage. If the fireplace is constructed in the position and with a design allowed by the original Picacho model home plans the homeowner is cautioned to assure a four (4) inch air gap between the fireplace walls and the guest cottage to prevent fire damage to the guest cottage. Fire safe construction is the responsibility of the homeowner. The cone type designs must be painted to match the body color of the home. The approval process delineated in Std.

### **3.2.4 Driveways**

Painting and/or coating of residential driveways are not allowed.

Driveways painted or coated prior to July 28, 2009 with prior Architectural Committee approval, must continue to be maintained as originally approved or paint or coating be removed.

Driveway width extensions shall not exceed (a total of) 5 (five) feet and must be concrete with the following exceptions. Any walkway or front entry connecting to a driveway may be extended down the side(s) of a driveway. The material of such extension must match the walkway or front entry per section

### **3.2.5 Supplementary Cooling Devices for Garages**

Evaporative coolers, air conditioners or heating devices installed in garages must be mounted on the ground or be mounted at or within two (2) feet of ground level in the wall. If visible they must be painted the same color as the body of the home and concealed either behind an enclosure wall so that the top of the unit does not exceed the height of the wall or concealed with plantings from the approved plant list. **Residential window units will not be permitted.** (Refer to paragraph 10.6 of the CC&R's)

#### **3.2.5.1 Supplementary Cooling/Heating Devices for Room Additions for Enclosed Patios**

Air Conditioners/heaters installed in room additions or enclosed patios may be units similar to those units used to cool the home or a through the wall unit. Through the wall units must be mounted within two (2) feet of ground level. All units must be painted the body color of the house if visible or

concealed behind an enclosure wall or plantings from the approved plant list, or parapet walls if mounted on a Santa Fe style roof. Exposed (external) parts of any cooling/heating device must be painted the body color of the home. **Residential window units will not be permitted.** (Refer to paragraph 10.6 of the CC&R's)

### **3.2.6 Fences and Walls and Curbing**

Plans for new fences or walls, or for additions to existing fences or walls, must be submitted to the committee for approval prior to construction. This includes decorative walls. (Refer to paragraph 10.15 of the CC&R's).

#### **3.2.6.1 General Requirements**

- A stuccoed block wall shall have a maximum height of 32 inches and a minimum height of 8 inches as measured from the high ground side. Width of the block fence shall conform with the width of existing walls. Wrought iron may be added to a wall to reach a maximum of 60 inches as measured from the high ground side. Please see 3.2.6.2 which follows for additional information on walls and privacy screens pertaining to Pinnacle Vistas and Fairway Vistas developments.
- If elevation changes occur along the lot lines, stuccoed block wall shall be stepped in increments in such a way that the maximum height of 32" as defined above is still maintained. The same concept shall be followed for stepping wrought iron fence so that the maximum 60" height is maintained.
- The fence around a pool shall be five feet high and conform with Pinal County ordinances. It is the responsibility of the homeowner to check the Pinal County pool codes as to limits on block height when combined with iron fence on top of block.
- Walls located in side yards shall connect to the side of the house no closer than five feet behind the front of the house.
- All fencing material shall be painted to match neighborhood theme walls. All fence material must be painted one color.
- All gates shall be made of wrought iron and be the same height as the adjoining wall. Trash enclosure gates must have wood inserts or a 1/2" thick solid wood panel as an insert. Solid wood panels must be grooved vertically to give the appearance of tongue and groove construction. All wrought iron and wood shall be painted to match the adjoining wall.
- Decorative walls installed in the front of the house are to be constructed of masonry, stuccoed to match the house and painted a single color or they may be two-toned in color with the main body of the wall stuccoed to match the main body of the house and the pop-outs and/or the top caps of the wall stuccoed and painted to match the trim of the home. Colors must match according to the exterior paint table located in the Appendix. Natural boulders may be incorporated into the walls as accents. The minimum height of a front wall enclosing a patio shall be 24" and a maximum of 32". A flagstone cap not exceeding 2" may be placed on top of the wall. Supporting columns are not to exceed 36" in height.
- A front patio, with a decorative wall may be five (5) feet from the furthest standard building surface without regard to the distance to the upper edge of the street curbing.
- A front patio extension with a decorative wall may not extend beyond eight (8) feet from the furthest standard building surface.
- To extend between five (5) feet and eight (8) feet from the furthest standard building surface, a minimum of ten (10) feet must be maintained from the upper edge of the street curb.

- Walls shall be placed within the lot lines without encroaching on the neighboring properties unless there is an agreement between neighbors to have the wall centered on the lot line. A copy of this agreement must be included with the submittal for the proposed wall. Walls may be constructed in a recorded utility easement, per the above limits, with the understanding that should the utility company require access, it would be the financial responsibility of the homeowner to remove and, if desired, replace the wall and/or patio. Walls may not be constructed in any easement where the natural flow of water may be obstructed.
- Picacho Model courtyard walls – For homeowners who own the Picacho Model home with an existing 6-foot courtyard wall which connects from the front of the home to the freestanding guest cottage, a "view port", or opening, may be installed. The opening shall meet the following criteria: size shall not exceed 20 inches high by 36 inches wide
  - measurement from top of the wall to top of the opening shall not exceed 26 inches
  - the opening shall be centered in the wall enclosing the courtyard looking from the outside of the courtyard to the inside
  - the shape of the opening shall be oval, flat bottomed with arched top, or rectangular, or round
  - the opening must be stuccoed, painted, and finished to match the existing wall with either squared or rounded edges
  - no stained glass, bars, decorations, plants, or other objects may be placed upon, hung from, or incorporated into this opening
  - detailed drawings with dimensions must be submitted with the application
- A front entry fence and gate may be approved. It shall be constructed of wrought iron and the height may not exceed six feet (6'0"). The color shall be according to the table in the Appendix.
- A lightweight veneer stone may be installed on the outside surface of the home. The location for installation includes the front, back and side of the home. The following guidelines shall be followed:
  - Manufactured wall caps, water sills or post caps of coordinating colors may be used with the thickness and location approved by the Architectural Committee.
  - The installation of stone may be placed on but not limited to columns, arches, window areas, entryways, front yard patio wall enclosures, surface area around the garage door front and other flat wall surfaces.
  - The stone patterns commonly known as or referred to as Canyon Ledge, Drystack and English Cobble may be used, a combination of two or more of the approved stone patterns shall not be used.
  - River Rock, Fieldstone and face brick veneers shall not be permitted,
  - In the backyard only, free standing features including but not limited to barbecues, fire pits and water features may also be trimmed in stone veneer.
  - The colors of the stone must be of a muted earth tone and compliment the house body color.
  - The stone veneer must be installed in a professional workmanlike manner. All exposed finished edges must have a properly approved finish trim or a natural stone appearance.
  - A completed installation of the stone veneer on an entire front, side or back house wall is not permitted.
  - A stone veneer shall not be permitted on a side or back yard wall. A wall that is not constructed as a property perimeter wall in the back yard may be approved by the Architectural Committee.
  - The homeowner must submit with the Architectural Change Request Form to the Architectural Committee for approval along with a detailed elevation drawing or detailed photo showing the intended placement of the stone veneer along with a sample of the stone veneer, stone pattern and the stone color.

- The Architectural committee shall have the authority to determine or limit the total amount of the stone veneer to be placed on the front, side or back wall.

### **3.2.6.2. Pinnacle Vistas and Fairway Vistas Walls**

With prior approval, Pinnacle Vistas and Fairway Vistas homeowners may enclose their side/rear yards with a stucco block wall having a maximum height of 32 inches and a minimum height of 8 inches as measured from the high ground side (see exception below). The width of the wall shall match the width of the existing walls but shall not be less than 6 inches. Wrought iron may be added to a wall to reach a maximum total height of 60 inches as measured from the high ground side. Walls connecting to the dwelling shall be no closer than 5 feet behind the front of the dwelling. For this purpose, the “front” shall be defined as the wall containing the front entry door in the Lantana model, and the rear corners of the front bay in the Bayberry model. No walls will be permitted toward the front from this point.

Gates shall conform to the requirements in **3.2.6.1**. Access to the enclosed yard shall be maintained by the homeowner without encroaching on neighboring properties, including common areas.

Walls connecting the dwelling to a side yard shall not exceed 60 inches in height as measured from the highest adjacent ground. This is an exception to the 32-inch limit above. If a gate is part of this connecting wall it shall not exceed the height of the wall.

See **3.2.6.1** for requirements on the location of new walls with respect to property lines, for painting of the walls, and for the method of handling elevation changes.

Privacy or screen walls between attached units are permitted within Pinnacle Vistas and Fairway Vistas. The design of such walls must meet the following requirements:

- The wall must be block, stuccoed and painted to match the dwelling.
- The maximum height shall be six feet and the minimum height shall be 32 inches. The maximum length of wall higher than 32 inches shall be 10 feet.
- The wall shall contain at least two step-downs.

**Note:** If the homeowner chooses to enclose the property as described herein, the homeowner then assumes responsibility for any landscape maintenance within the enclosure.

Trash can enclosures for Pinnacle Vistas and Fairway Vistas Properties will be considered on a case-by-case basis. Such enclosures must be of masonry construction (6-inch minimum thickness), or treated wood or metal framed wall secured on a concrete slab or foundation covered with composite wall board (examples: cement board or wonder board) to form wall. Walls must be stuccoed inside, top and outside and painted to match the body color of the home. The enclosure wall shall not exceed 60 inches in height (an exception to the 32-inch requirement) and must be located at least five feet behind the front of the house as defined above. The inside of the enclosure shall measure not more than 4 feet by 8 feet. Adjacent property and/or common areas shall not be used as access to the trash enclosure. Consideration must be given to the visibility of the trash container from the street as well

as from neighboring properties. The Architectural Committee may require complete enclosure (with gate) for adequate screening or to prevent encroachment onto adjacent property.

### **3.2.7 Curbing**

Curbs will be allowed only for the purpose of separating side and/or rear property lines. Under no circumstances will curbing be allowed across the front of the property. Curbs shall be placed within the lot lines without encroaching on the neighboring properties unless there is a written agreement between neighbors to have the curb centered on the lot line. (A copy of this agreement must accompany the request for architectural review). Curbs may be constructed in a recorded utility easement with the understanding that should the utility company require access, it would be the responsibility of the homeowner to remove and replace the curb. Curbs **may not** be constructed in any easement where the natural flow of water could be obstructed. Nothing may be mounted and/or set atop the curbing such as lights, planters, water features, etc. The curbs must conform to the following specifications:

- Curbs must be poured or extruded concrete. Pre-cast curbs, paving stones, bricks, etc., will not be permitted.
- Maximum height of the curb above ground shall be 4” (four inches) high and the minimum width shall be 4” (four inches). The maximum width is 8” (eight inches). The exposed corners of the curbing shall be rounded.
- Curbs must be natural, earth tone, or colored the same as the color of the home. A color chip must be submitted with the architectural request. (See color table in the Appendix).
- An expansion strip must be installed where the curb abuts other permanent structures.

### **3.2.8 Flagpoles**

United States flags may be displayed on flagpoles or by using wall brackets. Brackets are to be attached to the homes in a manner that will not cause damage to the exterior walls (special consideration is required due to stucco construction) and the brackets shall be painted and maintained the same as the color of the area to which they are attached. Flagpoles mounted in the ground may not exceed the height of the highest peak of the roof. Flags are limited to two (2) approved flags. State approved flags are restricted to the Arizona State Flag, Arizona Indian Nations Flag, Military Service Flags (The American flag or an official or replica of a flag of the United States Army, Navy, Air Force, Marine Corps or Coast Guard if the American 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), POW/MIA Flag and Gadsden Flag (Don’t Tread on Me). No other flags are permitted. (Also, see Decorative Flags and Banners in 3.2.30.1).

### **3.2.9 Golf Ball Protection Devices**

#### **3.2.9.1 Golf Net Screening/Protection**

Specific screening/protection devices designed to help protect against damage due to golf balls are allowed per the following guidelines. A framed, sturdy net may be installed. The frame should be a minimum of 2” in diameter or width. The frame shall extend across the top and bottom and both sides of the net. In no cases will conduit be allowed. The frame shall not exceed 24” higher than the peak

of the roof. An upright support may be required every 8 to 10 feet depending upon the length of the screen. No frames are to be mounted on a wall that separates property, unless there is a written agreement between neighbors to have a frame installed. (A copy of this agreement must accompany the request for architectural review). The net material shall be 3/4" vinyl coated golf net, black in color. The golf netting shall be affixed with lacing on all four sides. The frame shall be painted the color of the stucco of the home being protected. See the table for exterior colors located in the Appendix. The layout of the framework, and a sample of the framing material and a sample of the netting material, shall be submitted with the request.

### **3.2.9.2 Window Glass Replacement**

**Lexan:** A clear non-breakable material that comes in thickness to fit in regular window frames. Recommended for use in single-pane windows; however, the homeowner should consult a window company for possible fitting in double-pane windows. Special care is needed in cleaning and it may discolor over time due to exposure to ultraviolet light.

**Tempered glass:** Six times stronger than regular glass but shatters into small pieces rather than sharp splinters. Possible use could be for double-pane windows (if one pane breaks the second may not).

**Safety glass:** Thicker than regular glass; consult a window company for proper installation in existing frame.

### **3.2.9.3 Window Screening/Protection**

Metal roll-down screening devices may be used for protection from golf balls on property adjacent to the golf course and can only be installed on the exterior side or rear windows. Installation must be above the window and enclosed so that mechanical and electrical operating equipment is shielded from view. Color of the metal roll-down device and the enclosure for the operating equipment must match the body color of the home. (See also, #3.2.29 Roll-Down Screen Devices for Patios).

Sunscreens installed 3"-5" away from the window with a metal frame may also be used for golf ball protection on windows. Screening must be dark brown or black and framing must match that of the existing window frame color.

### **3.2.9.4 Replacement Windows**

Homeowners may wish to replace some or all windows in their homes. Generally, replacement windows should be the same size, shape and style as the existing windows of the home. Modifications or changes to windows will be reviewed by the Architectural Committee on a case by case basis. The new window frames must match the existing style and color previously installed on the home. If an exact match is not possible than a frame color as close to the original color must be selected and installed. If a homeowner requests to replace only some of the windows with a frame color different than the non-replaced windows they will be required to paint and maintain the non-replacement frames in the color matching the new window frames. The homeowner must provide pictures of the proposed new windows and a color sample of the frame to the committee for approval.

### **3.2.10 Garage Vents**

Garage vents for the purpose of ventilating the garage are permitted. Vents may be installed in the bottom panels of the garage door and must be painted the same color as the garage door. A maximum of two upper and lower vents may also be installed on each side of the garage. If upper and/or lower vents are installed, the upper vents must be one foot below the garage ceiling and the lower vents one foot from the garage floor. These dimensions also apply if only an upper or a lower vent is installed. The wall openings shall not exceed 8” by 14” to accommodate a standard commercial vent. All vents must be painted to match the body of the house.

### **3.2.11 Gutters and Downspouts**

Gutters and downspouts are permitted. Gutters shall match the trim color of the home and downspouts shall match the body color of the home. High-quality materials that offer long life are recommended. Gutters must follow the contour of the structure to which they are attached. They must not span open spaces or cross blank walls. Installation of the downspouts shall not affect the drainage pattern of the lot and shall not induce added water flow to neighboring lots.

### **3.2.13 Patio Covers**

Patio covers are permitted providing the following guidelines are followed:

#### **General Requirements:**

The architectural design and style of patio covers must be consistent with MountainBrook architectural design and style.

#### **Ramada Style Construction:**

No freestanding ramadas or gazebos are permitted. Ramadas shall be constructed of either wood or aluminum and are permitted in back yards only. All wood ramadas shall be painted to match the house trim or body color. If aluminum construction is used, it is preferable to have factory applied paint, however, if an exact color match is not available for the pre finished aluminum ramada, then the homeowner shall have the responsibility to provide a color sample closest to the house trim or body color to the Architectural committee for the committee’s approval. All wood construction shall be rough-sawn material. Ramada depth shall not exceed 12 feet from the back of the home or patio cover to which it is attached.

#### **Strip Style Ramada Construction**

Top strips may run either parallel or perpendicular to the rear of the house and shall have minimum dimensions of 1 ¾ inches by 1 ¾ inches. Each space between strips shall be equal to the width of an individual strip. The ends of strips may extend a maximum of 12 inches beyond the last support. Supporting posts must be at least 4 inches by 4 inches and should be larger if required by structural considerations. Stuccoed posts may be used if structural integrity is maintained.

Top strips, or panels running parallel to the rear of the house shall be supported by cross framing members spaced not more than 24 inches center to center. This cross framing shall consist of 1 ¾ inch by 5 ¾ inch material or larger if necessary to satisfy design considerations. In all cases, top strips must be adequately supported so that they remain stable, flat and will not warp or sag.

Top strips running perpendicular to the rear of the house must have adequate support to prevent twisting or sagging.

Ramadas extending to the side of the home, either new or attached to an existing ramada/patio cover, are permitted under the following guidelines: If the ramada is attached to an existing ramada/patio cover, it must be painted to match the ramada/patio cover, and the integrity of the structure shall be maintained so that all similar components are the same size and type as described above. The ramada must be entirely shielded by an intervening part of the permanent structure of the home (i.e. garage) such that the ramada is not visible from the street. The ramada may not extend out toward the side property line any further than the side of the home which shields it and may not extend forward past the back corner of the home.

Complete detailed construction plans must be submitted with the application.

### **Solid Roof Construction**

If a pitched (greater than 15 degree slope) roof is to be used, it must be constructed of concrete tiles (according to the table located in the Appendix) to match the existing roof on the house.

Flat (15 degree slope or less) patio roofs or Ramada roofs may be built using composition roofing material, or pre-painted aluminum, self supporting insulated laminated embossed panels (NOT CORRUGATED PANELS) but must closely match the color of the existing house roof tiles or accompanying Ramada. A sample must be submitted to the Architectural Committee for approval. A drainage system, gutters and downspouts, must also be provided for flat roof or panel style construction (See Gutters and Downspouts 3.2.11).

Patio roofs must have fascia trim to match existing fascia material. Roof color must be submitted with the application.

### **3.2.14 Patio Enclosures - Screened or Glass**

Patio enclosures are permitted providing they are enclosed primarily with screens or glass or a combination thereof and are used as a sun room or enclosed patio area. In this instance, the existing patio roof may be used. However, if the enclosure involves expanding the patio area to become an integral part of the interior living area and includes adding stucco to the outside as well as removal or altering of the original house wall, then it becomes a room addition and falls under the room addition standard #3.2.0.1. In that case, the patio roof (unless it is tile or Santa Fe) may not be used. Also, see Sun Screens & Window Tinting #3.2.24.

### **3.2.15 Patio Floors**

Patio floors must be constructed of concrete, masonry, or pavers. Concrete floors may be coated with cool decking, tile, or other permanent overlays. The main coating for back yard patios must be a muted earth tone color. Color samples of the overlay must be submitted with the request for approval. Indoor/outdoor carpeting and wooden patio decks are not approved for patio floors.

### **3.2.16 Pools, Spas and Hot Tubs**

Plans for pools and spas need to be submitted for approval. Above ground pools will not be approved. Submit pool company's drawing of the location of the pool on the lot. Perimeter "theme" walls on lots bordering association landscaped areas may not be torn down. Access during construction must be gained from the front of the lot, or from the side (if a corner lot). Check with Pinal County regarding pool fence ordinances. Plans for additional fencing or other means of securing the pool or spa area must be submitted at the time plans for the pool/spa are submitted for approval.

Pool equipment shall be screened from neighbors view as well as street view. Structures similar to trash enclosures may be utilized for screening of the pool equipment.

Hot tubs and spas shall be located in a manner to be least obtrusive and least viewable from neighboring lots or streets. The location shall be such as to not create a nuisance to adjoining properties caused by pump noises or other disturbances. Spas and hot tubs shall be shielded from view to the greatest extent possible and shall be painted to match the body of the home and hidden (shielded) from view by plantings such as Dwarf Oleander (AP-26), Texas Sage (AP-58), or similar shrubs from the approved plant list.

All pools, spas and hot tubs shall comply with the most recent Pinal County regulations.

### **3.2.17 Roof Turbines**

Roof turbines are not allowed.

### **3.2.18 Security Doors & Sidelights**

Security doors are permitted, however, they must be made of steel or wrought iron. This applies to single or double doors (the security door must match the entire size of door entrance). All parts of the door except the screen material shall be black, dark bronze, or a color closely matching the fascia trim or the body of the house. Screen material shall be a dark brown or black. If metal mesh screening is used instead of a bug or sunscreen, it shall be either black or the same color as the framing on which it is welded. The door specifications and a picture showing the door design as well as a color sample, shall be provided to the ARC prior to installation.

Sidelights, or decorative vertical bars, are permitted on the narrow sidelight windows parallel to the front door if the following requirements are met:

- Sidelight color shall match the color of the security door which it is parallel to
- Sidelights shall cover only the length and width of the window and shall not extend any farther in any direction (i.e. to the ground or door frame).

- Sidelight application shall be submitted with the security door application for approval, or, if the security door has already been approved, a photograph of the door shall be submitted with the application for the sidelight bars.
- Decorative bars will not be permitted on any other window of the home.

### **3.2.19 Screen Doors**

Screen doors are permitted. However, they must be made of aluminum with fiberglass mesh screening. All parts of the door except the screen material shall be black, dark bronze, or a color closely matching the fascia trim or the body of the house. ARC shall review and approve color prior to installation. A color sample must be provided to the ARC. This applies to single or double doors. The door specifications and a picture showing the door design shall be provided with the submittal. Screen material for the doors shall be a dark color.

### **3.2.20 Skylights**

Skylights are permitted. They are to be totally screened from street view. No skylights are permitted on the front side of a home.

### **3.2.21 Solar Tubes**

Solar tubes are allowed. Due to structural considerations and the difficulty involved in working with the concrete roof tiles, it is recommended that professional installation be utilized. As opposed to skylights, solar tubes may be mounted under the following guidelines.

- The solar tube cannot exceed 14 inches in diameter.
- The metal flashing used to seal the solar tube to the roof surface must be painted to match roof tiles.
- The maximum height from the top of the dome to the roof tile is not to exceed 12 inches.

Should a request be made for a solar tube exceeding the 14 inch diameter allowed, a professional opinion attached to the application must be submitted stating why the requested size is recommended/needed.

### **3.2.22 Solar Energy Devices**

Solar energy devices are permitted, but must be approved first and must generally meet the requirements of paragraph 10.7 of the CC&R's. In general, these requirements prescribe that the panels be shielded from view from the street or from adjacent properties. Solar collectors, wherever possible, should be installed on the plane of the roof material. All exterior plumbing lines must be painted to match the color of the structure and materials adjacent to the pipes (i.e. pipes on walls must be painted the color of the walls while roof plumbing must be the color of the roof). A sample or illustrated brochure of the proposed solar unit, which clearly depicts the unit and defines the materials to be used in the installation, should be submitted with the application. Construction drawings for the

proposed installation should be provided. They should be drawn to show the location and number of collectors, method of attachment to the roof structure, and location of any other exterior system components.

Solar units not mounted on the roof (ground mounted) must be installed according to the local jurisdiction's zoning setback requirements. Any such structure should be concealed from the neighbor's view as far as is reasonably possible and be free of all future likelihood of shading from fences, trees, shrubbery and other vegetation on the property and neighboring properties.

### **3.2.23 Storage Sheds**

Storage, tool sheds or similar structures are not allowed, unless constructed as an integral part of a residential unit.

### **3.2.24 Sun Screens & Window Tinting**

Sun screens are permitted for windows and doors. Frame materials and color must match existing window frames. Screen material shall be dark brown or black and may be fiberglass mesh, or louvered-type aluminum. White or tan screening material is not permitted. If sun screens are installed on patio enclosures, the framing must be black, bronze, or painted to match the house.

Selective interior window tinting is permitted provided the tinting does not create a "mirror effect" when viewed from the exterior of the home. Only tan, light bronze (Llumar N1035B-SR CDF or equivalent), or light gray (Huper Optik Sech Film or equivalent) colored tinting may be used on the street side of the home. Light bronze (Llumar N1020B-SR-CDF or equivalent) or light gray (Huper Optik Sech Film or equivalent) may be used on the non-street sides. A sample of the proposed tinting shall be submitted with the application to the architectural committee prior to installation. **It should be noted that tinting materials sometimes damage double pane windows and may affect the warranty on the windows.**

### **3.2.25 Window Insulation**

Only plain white styrofoam, cut to fit the window, may be used when owners are away from their home for an extended period of time. Styrofoam is not permitted while the home is occupied. No cardboard, foil, or reflective material may be used except as provided for in standard #3.2.24.

### **3.2.26 Trash Can Enclosures**

Trash can enclosures shall be constructed as follows:

1. Solid masonry or block stuccoed inside, top and outside and painted to match the body color of the home.
2. Treated wood or metal framed wall secured on concrete slab or foundation and covered with composite wall board (examples: cement board or wonder board) to form wall, stuccoed inside, top and outside and painted to match the body color of the home.

(Note: Drainage holes are recommended to allow for water to run through the wall.)

The enclosure wall shall not exceed five (5) feet in height (this is an exception to the 32" limits prescribed in #3.2.6.1) and must be located at least five (5) feet behind the front of the house. Trash containers must be concealed from view except on pick up days. Containers should be removed from sight by the end of each pick up day. Trash enclosures shall not be used as storage.

All gates shall be made of wrought iron and be the same height as the adjoining wall. Trash enclosure gates must have wood inserts or a 1/2" thick solid wood panel as an insert. Solid wood panels must be grooved vertically to give the appearance of tongue and groove construction. All wrought iron and wood shall be painted to match the adjoining wall.

Existing lattice enclosures which have become badly deteriorated shall be replaced in accordance with the above paragraph.

**Note:** See 3.2.6.2 for the requirements for trash can enclosures in Pinnacle Vistas and Fairway Vistas.

### **3.2.27 Trellises, Lattice & Privacy Panels**

All approved trellises, lattices and privacy panels shall be maintained in good repair. They must not sag or droop, and broken members must be replaced. They shall be painted periodically to assure good appearance.

#### **Trellis**

Trellises are defined to be a structure for supporting plant growth. Trellises are allowed under the following guidelines:

- A trellis may be installed against any exterior wall of the home only and must be securely supported.
- A trellis must be made of wood, metal or plastic and painted to match the body color of the home.
- The spaces between the slats are to be a minimum of 2" and the maximum slat width shall be 2". Purchased trellises are permitted.
- Plants that are being used in conjunction with the trellis must be submitted with the application for the trellis.

#### **Lattice**

Lattice is defined as a permanent structure which is to be used as a screen, or provide filtered shade. The standards set forth herein are intended to ensure that lattice work will be of adequate durability and of sufficiently rugged construction to withstand our extreme elements and the continued use associated with a permanent structure.

The entire lattice structure shall be made of wood, metal or plastic. The space between the strips shall be the same as the width of the strips. All materials used in lattice construction must be painted to match the body color of the home.

Freestanding lattice may not exceed a height of 6' as measured from the ground and a width of 8'. It must be securely supported in concrete and framed so that it will not sag or warp.

No freestanding lattice is permitted in the front yard. Location of a freestanding lattice is limited to screening for side yard and back yard windows, covered back yard patios, ramadas, and shielding for spas (screening for spas shall not exceed 50% of the perimeter of the spa). If used in conjunction with a back yard patio or ramada, the total of all horizontal dimensions (not including the house side) for any single patio or ramada area will not exceed 50% of the perimeter dimensions of the covered patio or the ramada. A freestanding lattice (size as defined above) must be within 3' of the patio or if the lattice is attached to the patio, it must be securely supported on both top and bottom in order to present a stable appearance. If used to screen a window, lattice must be installed within 3' of that window.

If using lattice in Pinnacle Vistas or Fairway Vistas to provide a screen between adjacent non-attached dwellings, the affected adjoining property owners must agree to the construction, maintenance and location of the proposed lattice, and this agreement, in writing, must be submitted with the application to the Architectural Committee.

Plants beneath a lattice structure are optional. Under no circumstances shall lattice be used for the purpose of a patio or ramada enclosure.

### **Privacy Panel**

A privacy panel is defined to be a permanent structure to be used to screen covered back patios for the purpose of privacy and/or filtered shade. Privacy panels shall be flush with the edges of the patio cover and constructed of wood, metal or plastic and must be painted to match the body color of the home.

Privacy panel strips shall run vertically and shall be attached either to a covered back patio or a ramada which is attached to the home. Privacy panel strips must be regularly spaced and must not form a solid wall. Strips shall be securely supported on the top and bottom. The total of all horizontal dimensions (not including the house side) for any single patio area where a privacy panel is used, may not exceed 50% of the perimeter dimensions of the covered patio/ramada.

### **3.2.28 Front Walkway & Entry Treatments, Stepping Stones**

Paving stones, concrete blocks, or bricks are not permitted solely as a means of extending the driveway width. Concrete, tile, paint, permanent overlays and stepping stones are not allowed in the front yard, beyond or outside the most exterior point of the house, unless behind a decorative wall. An exception allows putting these treatments on an existing walkway connecting to a driveway. Walkways may be tiled, painted gray or an epoxy etching process that simulates flagstone may be applied. The epoxy coating must match the house color. A paint chip indicating the color must be included with the application for approval. Stepping stones or pavers are allowed if color is a muted earth tone, compatible with the landscaping. Other treatments will be considered on an individual basis. Indoor/outdoor carpeting is not allowed.

### **3.2.29 Roll Down Screen Devices for Back Patios**

Fabric roll-down screen devices may be used to provide shade and in some cases, protection from golf balls on back patios only. Installation must be on the inside of the fascia so that mechanical and electrical operating equipment is not visible from outside of the screened area. Color of the shade material may be a brown mesh or shall match the body color of the house or the fascia trim. If after a good faith effort it is determined that no commercially available color is an exact match, a color which is as close as possible to the required color may be used. In all cases, color samples of the screen material and the house/fascia trim paint must be submitted to the Architectural Review Committee prior to installation. (See also, #3.2.9.3 Other Devices)

### **3.2.30 Yard and House Decorations**

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 MountainBrook Village design style and motif. Total number of yard and house decorations shall be limited to five. Height restriction on yard decorations is 18". Homes whose side yards run parallel to a street are subject to the same restrictions as the front yard.

#### **3.2.30.1 Decorative Flags and Banners**

Decorative flags and banners may be displayed in rear yards only. They may not exceed 28" x 40" in size.

#### **3.2.30.2 Artificial Plants**

Artificial plants are not permitted in the front yards, except within the entry enclave or behind decorative walls.

### **3.3 LANDSCAPING**

#### **3.3.1 Goals and Objectives:**

MBV (including Pinnacle Vistas and Fairway Vistas) is an outstanding example of the Arizona Sonoran Desert vegetation and topography; therefore, the climate and the existing native plant materials are important considerations in the design of alterations and improvements to the landscape.

The native vegetation of this region is the basis of the plant selection for all landscaping. The use of native plants in all highly visible areas is intended to create a community which is in harmony with its natural desert environment. Whenever possible, all washes shall be preserved in their natural state and used as buffers and edges between properties. The community has been planned to preserve existing cacti, shrubbery and trees in their natural locations whenever possible.

## **Recommendations on Preparing a Landscape Design Plan**

It is strongly recommended that the owner retain professional services for landscape planning and design.

The Arizona Registrar of Contractors (602-542-1525 or [www.rc.state.az.us](http://www.rc.state.az.us)) can confirm if a contractor you are considering is licensed to work in Arizona. You are urged to get references from various contractors and contact references provided.

### **3.3.2 Process**

#### **3.3.2.1 Landscaping Plan Review and Approval**

All plant additions or landscape modifications must be submitted to the Architectural Committee for approval. Plantings must be from the Approved Plant List. When reworking an entire yard, the landscape plans must show, in addition to vegetation, all hardscape elements and lighting. The landscape plans must be submitted for review and be approved by the Architectural Committee prior to commencing work.

**NOTE: It is the homeowner's, not the landscape contractor's, responsibility to submit the "Request for Architectural Change."**

#### **3.3.2.2 Front Yard**

All front yard landscaping is to be in accordance with the requirements specified. The minimum plant requirements are as follows:

- One 24" box tree
- OR
- One six foot Saguaro (as measured from the ground to crown)
- OR
- Two 15 gallon Ocotillo
- AND
- Ten small desert shrubs

**All plants must be chosen from the approved Plant Palette.**

#### **3.3.2.3 Yard Sizes**

Front yards which are smaller than 750 square feet of plantable area may employ a lesser number of plants than are required under Front Yard Landscaping Requirements. Front yard is defined as that area in front of the house and along the far side of the driveway (it does not include the driveway or the area in the entry enclave). The determination will be on a case-by-case basis. Homeowners should identify that they are applying for this deviation and indicate the size of their yard on their plot plan.

### **3.3.2.4 Pinnacle Vistas / Fairway Vistas**

The front yards and unenclosed side and rear yards in Pinnacle Vistas and the front and rear and side yards in Fairway Vistas subdivisions, were planted by the developer and are maintained by their respective associations. Unless the side and rear yards of any lot within these subdivisions have been enclosed by the homeowner, as provided in 3.2.6.2, or unless approval has been granted for a trash can enclosure (see 3.2.6.2), a lattice (see 3.2.27) or hardscape (see 3.3.10.3), no changes shall be made by the homeowner to the yards being maintained by their respective association.

### **3.3.2.5 Construction Period**

All landscaping changes must be completed within the time period specified on the approval letter. Approvals are valid for 120 days from the date of approval and all modifications/improvements must be completed within 60 days from the date of commencement.

### **3.3.3 Rock Ground Cover**

Landscape rock ground cover must be provided for entire yard and shall be ½” or ¾” screened. The rock color names vary from quarry to quarry. A rule of thumb is that the rock be earth tone color and blend with the natural desert landscape. Samples of ground cover which are approved in MBV at Gold Canyon Ranch are available from the Covenants Coordinator. Only one color and size of stone is permitted in a yard (i.e. no decorative patterns are allowed). A minimum of granite/ground cover must be installed to control dust and weeds in the back yard.

White, purple, green, blue, red or other bright colored rock is prohibited. A sample of the granite is to be submitted with the initial landscape form. Planting underliners are prohibited.

River run rock or rip rap shall be approximately three (3) to six (6) inches in diameter. Broken concrete is not allowed. Not more than ten percent (10%) of the front yard landscape may be river rock.

### **3.3.4 Boulders**

Granite boulders of a color similar to the native rock of the surrounding area are permitted.

### **3.3.5 Turf**

Turf areas, to include grass lawns or artificial turf, are allowed in the back and side yards but shall be limited to no more than 30% of the landscaped portion of those yards, and none shall be in the front yards. Turf areas are not to be placed in side yards that are adjacent to streets on corner lots.

### **3.3.6 Gardens**

A flower or vegetable garden may be planted in the rear yard of the house only, with the maximum size of 100 square feet, and plants not higher than 5’ high. Annual plants must be planted in the rear of the home unless they are native desert flowers.

### **3.3.7 Tree Maintenance**

All trees must be kept under twenty-five (25) feet in height.

### **3.3.8 Plant Palette**

Included in the Appendix is a list of plants and trees that are acceptable for MountainBrook Village. Plants and trees not included in this list are prohibited. See Section 3.3.6 for guidelines on flower and vegetable gardens and annual plants. Pots used for potted vegetation must be entirely above ground. It is recommended that potted vegetation be limited to approximately 5 feet high.

### **3.3.10 Additional Requirements**

#### **3.3.10.1 Fine Grading and Mounding**

Fine grading is a critical aspect of landscaping. Each lot has been graded such that all storm water will drain away from the house. It is important that this drainage pattern be maintained when preparing the landscape design, especially if a mound or a berm is proposed.

In no instance shall any mound or berm be permitted within an area measured 7' from the curb along the entire frontage of the lot.

Mounding and other proposed grade changes will be closely scrutinized by the Architectural Committee to assure that mounding will appear natural.

#### **3.3.10.2 Water Features**

Different standards apply to water features such as fountains and waterfalls, depending on whether they are in the front or back yard. All fountains and waterfalls must be submitted to the Architectural Review Committee for approval prior to installation.

Waterfalls of any type or location will be considered on an individual basis. Approval will be based on consideration of size, location, local natural material and appearance.

Small fountains may be located at the front entry if they conform to the following conditions:

The total height of a fountain, including any figurines, shall not exceed 3 feet. Fountains must be installed at finished grade level. Fountain treatments will not be allowed to be mounted on walls.

Fountains must be installed within the confines of the front entry, immediately adjacent to the front entrance, where possible. If there is a decorative wall in the front of the house, the fountain may be installed within the confines of the wall. Fountains in the front yards of houses with inadequate area in the front entry, or without a decorative wall, will be considered on an individual basis. Fountains located in corner lots on the side facing a street must meet the same size, installation and design standards as fountains located in front entries. Fountains and waterfalls located in back yards shall not exceed five (5) feet in height.

### **3.3.10.3 Hardscape**

Any additional pavement areas in any form, such as concrete, brick, tile or masonry, etc., must be approved by the Architectural Committee. Wooden decks are not permitted.

Homeowners in **Pinnacle Vistas and Fairway Vistas** must also request approval for the construction of walkways and their side and rear yards, and patio extensions in the rear yards, and these requests will be considered by the Architectural Committee on a case-by-case basis.

### **3.3.10.4 Lighting**

Only clear (not colored) bulbs or reflectors are permissible. Non-permanent, colored holiday and party lights are allowed, but may be strung only during the festive period. **NOTE: A Pinal County ordinance specifies that lights shall not be aimed above the horizon (i.e. skyward).**

- All light fixtures shall be shielded such that the light shines primarily on the lot; **lights which create glare visible from other lots are prohibited.**
- Clear (white), low voltage/low wattage (12 watts max.) accent lights, lenses, or reflectors to provide soft accent for trees, shrubbery, and structures are permitted.
- The number of accent lights will be limited to ten lights (this comprises both the front yard and the rear yard).
- Ground mounted lights (i.e., 12” in total height, or less) are permitted for driveways and walkways connecting to a driveway for safety reasons only. These lights are to provide limited illumination to define the edge of the driveway and walkway. Light fixtures shall be placed a minimum distance of 6 feet apart. In no cases shall they be permitted along the curb. Design of ground mounted pathway/driveway lights shall be limited to a standard low voltage Malibu style light or an unobtrusive low voltage dome shaped light. Lights shall be earth toned colors or may be a black, brown, silver or a copper metal. Ground mounted decorative lighting and novelty lighting (including but not limited to an animal motif, flower motif, lantern motif, etc.) shall be permitted in back yards only. All ground mounted lights must be submitted for approval. Solar lights which give off a yellow or blue light will not be permitted
- Bulbs in security light fixtures shall not exceed 75 watts total. If the security light fixture contains two bulbs, each bulb cannot exceed 40 watts. Bulbs in ceramic hooded fixtures shall not exceed 40 watts. Bulbs in all other exterior fixtures shall not exceed 25 watts and shall be shielded in a manner to not be visible from neighboring lots or areas.
- Low pressure sodium bulbs are not permitted.
- Motion or thermally triggered security flood lights are permitted, but the reflected light must be aimed within your property limits. Sensors should be adjusted to detect only motion from within your property.

- All garage lights must be ceramic or hooded fixtures and must be painted a color matching the body or fascia trim color of the home.
- No lights or lanterns will be permitted to be mounted on top of any wall, adjoining pillars, or post. Lights may be mounted on the side of the wall if they are integral to the wall and provide the proper shielding.

**NOTE: Lights placed along the street are strictly prohibited, as they are considered a distraction to neighbors. Ground mounted lights over 12” in height are prohibited (these include portable solar lights).**

### **3.4 MINIMUM STANDARDS OF MAINTENANCE**

#### **3.4.1 Exterior of Houses**

Houses shall be maintained in a status of good repair. Exterior paint shall be repainted when the existing paint has deteriorated to a point to present noticeable changes in appearance to the property. Roof tiles shall be promptly replaced when broken or displaced. Replacement tile shall match tiles of the original roof. In the event that the original tile is no longer being manufactured and no available supply is found, a replacement tile as close as possible to the original must be selected and submitted to the Architectural Committee for approval. Every possible effort will be made by the homeowner and the Committee to avoid a patchwork appearance. (Also refer to Standards 3.5 and 3.5.1) Any maintenance work that will change the outward appearance of the building must be approved by the Architectural Committee prior to initiating any work.

Pop-outs are defined as sections of stucco which protrude from the body of the house, typically built around windows, doors, columns.

**PLEASE NOTE:** When you decide to reverse or entirely change the colors of your home, all improvements which were originally required to match the body or trim color of the home, must also be painted to match the new body or trim color of the home. If a security door on the home was originally approved to match the body or fascia trim color of the home, it too, must be painted to match either the new body or new fascia trim color of the home. Perimeter walls should remain the theme color of the neighborhood.

Any two colors or all colors within a grouped combination may be used as long as the body and fascia/trim colors are different. Colors between groups may not be mixed. Using only one color on all exterior areas is not permitted.

Garage doors must be painted to match the body color of the home.

For those homeowners who wish to repeat their home's original colors, combinations from the **original** palette, "Galaxy/Architectural Hues" If you are repeating the original colors, in their existing locations, Architectural Committee approval is not necessary as this is considered maintenance. If you are repeating the colors but reversing their locations, you must still seek approval from the Committee.

Pinnacle Vistas homeowners may paint their pop-outs to match the trim color of their home as specified in the color palette for this subdivision. However, homeowners in this subdivision **MUST** receive prior written approval from their Board of Directors prior to any changes as exterior painting is maintained by their Association. Fairway Vistas homeowners must also have approval from their Board of Directors for any exterior paint color changes as their exterior painting is also maintained by their Association. Any changes must then be submitted for approval by the Architectural Committee.

Pinnacle Vistas and Fairway Vistas – Exterior colors for these areas are listed on the “Perfect Palette”

**MOUNTAINBROOK VILLAGE APPROVED EXTERIOR COLOR SPECTRUM**  
**CURRENT**  
**DUNN EDWARDS "THE PERFECT PALETTE"**

**Combinations with Order Numbers:**

Moenkopi Tan - DEC 704  
Travertine - DEC 738

Inside Passage - DEC 764  
Desert Gray - DEC 760

Terracotta Sand - DE 6136  
Mesa Tan - DE 718

Rustic Taupe - DE 6129  
Stone Beach - DE 6132  
Wooded Acre - DE 6130

Practical Tan - DE 6115  
Sandpit - DE 6118  
Dover Plains - DE 6116

Fine Grain - DE 6213  
Pigeon Gray - DE 6214  
Wooden Peg - DE 6215

Mesa Tan - DEC 718  
Practical Tan - DE 6115

***Fairway Vistas***

Birchwood - DEC 752  
Barrel Stone - DE 6216

***Pinnacle Vistas***

Terracotta Sand - DE 6136  
Mesa Tan - DE 718

Graham Cracker - DE 6144  
Lonely Road - DE 6146  
Almond Latte - DE 6143

Wood Lake - DE 6075  
Baked Potato - DEC 717  
Coral Clay - DEC 719

Bannister Brown - DE 6069  
Cobblestone Path - DE 6068  
Crushed Stone - DE 6067

Barrel Stone - DE 6216  
Bison Beige - DEC 750  
Birchwood - DEC 752

Wood Lake - DE 6075  
Baked Potato - DEC 717  
Dry Creek - DE 6122

Cliff Brown 50% - DEC 711  
Cliff Brown 100% - DEC 711  
Cliff Brown 200% - DEC 711

**FOR LOT PERIMETER WALL COLORS SEE 3.4.1.1 Lot Perimeter Walls.**

## **MOUNTAINBROOK VILLAGE ORIGINAL EXTERIOR COLOR SPECTRUM**

### **DUNN EDWARDS “GALAXY / ARCHITECTURAL HUES”**

**\*\*\*THESE COLORS CAN ONLY BE USED IF YOUR ARE REPAINTING & NOT CHANGING PAINT COLOR\*\*\***

#### **Combinations with Order Numbers:**

Travertine – SP 63  
Stone Beige – Q4 18T

Desert Gray – DEC 760  
Inside Passage – DEC 764

Mesa Tan – DEC 718  
Terracotta Sand – DE 6136

Zemo's Way – DE 3054  
Masterpiece – DE 6053  
Flatter Me – DE 3052

Darkness doe – DE 3082  
Density – DE 3081  
Dry Dust – DE 3080

Wolverine – DE 3028  
Eagle – DE 3025  
Solid Granite – DE 3024

Zemo's Way – DE 3054  
Masterpiece – DE 3053  
Lit Consent – DE 3051

#### ***Fairway Vistas***

Solid Granite – DE 3024  
Wolverine – DE 3026

#### ***Available for Hidden Canyon area only:***

Cliff Brown 50% - DEC 711  
Cliff Brown 100% - DEC 711  
Cliff Brown 200% - DEC 711

#### ***Pinnacle Vistas***

Stone Beige – Q4 18T  
Travertine – SP63

#### **3.4.1.1 Lot Perimeter Walls**

Perimeter walls must be maintained by the homeowner(s) (Std. 3.4.1) and should be painted the theme color (the original color) of the neighborhood. Perimeter fences must also be painted the theme color of the neighborhood (Std. 3.2.6.1) with the exception of Hidden Canyon (see below). The homeowner(s) must maintain BOTH sides of the walls and fences including those which border Common Areas and the Golf Course.

Neighborhood theme colors are as follow:

TRAVERTINE (DESP 63): Ironwood II, Ironwood II, Ironwood III, Shadowridge I, Shadowridge II, Sonoran Sunset, Pinnacle Vistas, Desert Fairways (from Birdie Lane West)

LIT CONSENT (DE 3051): Eagle Rock, Desert Greens, Desert Willow, Desert Valley, Fairway Vistas, Desert Sage, Desert Fairways (from Birdie Lane East)

CLIFF BROWN (DEC 711): Hidden Canyon (HC Fences are Travertine)

### **3.4.2 Landscaping**

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 on adjacent owners property. Weeds shall not be allowed to accumulate and may be controlled by periodic application of a pre-emergent weed killer.

### **3.5 Tile Roof Replacement – Entirely New Roof**

A homeowner may wish to replace the existing tile roof. The homeowner may be unable to obtain tile of the original color and shape currently on the home. For some subdivisions this is highly likely; in which case, the homeowner must replace the entire roof with a tile that is compatible with the color of the home and the existing tile in the neighborhood/subdivision. The replacement tile must be applied to the roof of existing bay windows and any home additions approved under Standard 3.2.0.1. The tile selected must be of muted colors and shapes consistent with the MountainBrook Village design style and motifs. Bright colors, such as green, red, orange, turquoise, brick red, white, black, etc. are not allowed. Terra-cotta tile of the California mission style is not permitted. All tile roof replacements must be submitted to the Architectural Committee and approval obtained prior to start of work. A sample of the proposed tile or a brochure which shows the exact color of the tile to be used must be submitted with the Architectural Change request.

#### **3.5.1 Damaged Tile Roofs**

In the event of a micro-burst or other act of nature which causes extensive damage to a roof, the homeowner may need to make emergency repairs to prevent further damage from wind or water. The homeowner shall make repairs by choosing tile which is as close as possible to the original tile in color and shape (to avoid a patchwork appearance). If the tile obtained does not match the original, weathered tile color, the homeowner must paint or stain the tile to match the original color, but is cautioned that the paint must be maintained over time to avoid a patchwork look. The homeowner must submit an Architectural Change Request; but in recognition of the emergency nature of the request, the change may be approved by the Covenants Coordinator and the Chair of the Architectural Committee or the Covenants Coordinator and an Architectural Committee Member Designee who has knowledge of the Architectural Standards.



## INSTRUCTIONS AND CONDITIONS

1. All changes to your property that affect the outward appearance of the dwelling or property, including landscaping, require prior approval of the Architectural Committee before the changes are made. Work that is considered maintaining the status quo does not require approval of the committee.
2. All work must conform to the latest version of the MBV Architectural Standards available online at mountainbrookvillage.org under Community Documents, Architectural Standards.
3. Description of the work proposed should be in sufficient detail that it will fully describe the nature & intent of the work. **Separate drawings, plot plans & descriptive literature should be attached to the submittal.** Include colors &/or appearance of the work proposed.
4. **Fairway Vista & Pinnacle Vista homeowners submitting for landscaping revisions must receive approval from their respective Board of Directors prior to submitting for approval from the MBV Architectural Committee.** Please note this extra step is required for landscaping modifications only for front & back yards in Fairway Vista & front yards in Pinnacle Vista.
5. The Architectural Committee meets every other Thursday at 9:45 am in the Mesquite Room. Request forms must be dropped off at the Activity Center Office no later than 11am on the Tuesday preceding the Thursday meeting. Owners are encouraged to attend these meetings to address questions that may arise which will avoid delay or denial of the approval. If the owner is represented by a third party at the meeting, the owner agrees to accept any condition made by the representative.
6. The owner accepts full responsibility for all parties for actions &/or results or 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 &/or restore property to original conditions will result in corrective action initiated by the homeowners association and the homeowner will be held financially responsible.
7. It is strongly recommended that only bonded & licensed contractors &/or agents be employed & that final payment not be made until all work is satisfactorily completed. You can check the status of a contractor's license on the Registrar of Contractors website.
8. The owner should make copies of the submittal as the approval form & all attachments will be retained in the homeowner's lot file.
9. The owner may appeal any decision of the Architectural Committee to the Covenants Review Committee & to the MountainBrook Village Board of Directors if necessary. The decision of the Board of Directors will be considered final.
12. Approval/Denial letters can be picked up in the Activity Office on the Friday after the Architectural meeting after 1pm.

### **THE FOLLOWING IS THE 3 STEP PROCESS FOR HOME ADDITIONS.**

The intent of this three-step process is to allow homeowners to obtain preliminary approval of home addition or expansion projects before going to the expense of commissioning detailed drawings.

1. The homeowner must submit conceptual plans and drawings to the Architectural Committee that describe the proposed addition. These preliminary plans and drawings should include, but not be limited to, elevations, roof lines and site orientation. The drawings must be of sufficient detail to ensure the proposed addition conforms to the architectural standards of MountainBrook Village. They must be submitted with the Request for Approval of Architectural Change.
2. Upon receipt of preliminary conceptual approval, homeowner must submit to Pinal County detailed architectural/construction drawings sufficient to satisfy all applicable building codes and to obtain a Pinal County building permit.
3. Upon receipt of the Pinal County building permit, a copy of the detailed drawings and the building permit must be submitted to the Architectural Committee for final approval. The Architectural Committee reserves the right to request a professional architectural rendering prior to final approval.

## MOUNTAINBROOK VILLAGE APPROVED PLANT LIST

Revised: January 2012

PREVIOUS LISTS ARE NOT VALID

This list is the official guide for selecting landscape plants and trees approved for use in MountainBrook Village. Plants, shrubs and trees not listed are not approved for landscape use. Please refer to the Architectural Standards for additional information on required specimen plants, the minimum number of plants, restrictions on turf areas (lawns), flower and vegetable gardens and non-native annuals.

### Approved Plants and Shrubs

AP-1	African Cassia ( <i>Cassia purpussiae</i> )	AP-42	Golden Ball Lead Tree ( <i>Leucaena retusa</i> )
AP-2	Agave (all species)	AP-43	Golden Medallion Tree ( <i>Cassia leptophylla</i> )
AP-3	Aloe (all species)	AP-44	Golden Wonder Cassia ( <i>Cassia golfmannii</i> )
AP-4	Anderson Lycium ( <i>Lycium andersonii</i> )	AP-45	Green Feathery Cassia ( <i>Cassia nemophila</i> )
AP-5	Autumn Sage ( <i>Salvia greggii</i> )	AP-46	Hibiscus ( <i>Hibiscus rosa-sinensis</i> )
AP-6	Blue Ruellia ( <i>Ruellia pensilaris</i> )	AP-47	Hopbush ( <i>Dodanea viscosa</i> )
AP-7	Bottle Brush Bush ( <i>Callistemon viminalis</i> )	AP-48	Indigo Bush – Trailing Dalea ( <i>Dalea bicolor</i> )
AP-8	Brittlebush ( <i>Encelia farinosa</i> )	AP-49	Jasmine ( <i>Oleaceae</i> )
AP-9	Bursage ( <i>Ambrosia deltoidea</i> )	AP-50	Jojoba ( <i>Simmondsia chinensis</i> )
AP-10	Bush Bougainvillea ( <i>Bougainvillea brasiliensis</i> )	AP-51	Lantana ( <i>Lantana camara</i> or <i>montevidensis</i> )
AP-11	Bush Morning Glory	AP-52	Lavender ( <i>Hyptis enuri</i> )
AP-12	Cassia ( <i>Candoleana</i> )	AP-53	Lilac Vine ( <i>Hardenbergia</i> )
AP-13	Cactus (See Saguaro, listed at AT-31)	AP-54	Little Leaf Cordia ( <i>Cordia parviflora</i> )
AP-14	Cape Honeysuckle ( <i>Tecomaria capensis</i> )	AP-55	Mormon Tea ( <i>Ephedra</i> )
AP-15	Cholla (Hedge, Staghorn, Teddy Bear)	AP-56	Myoporum ( <i>Myoporaceae</i> )
AP-16	Chuparosa ( <i>Beloperone californica</i> )	AP-57	Natal Plum ( <i>Carissa macrocarpa</i> )
AP-17	Corkscrew Flower, a.k.a. snail vine ( <i>Vigna caracalla</i> )	AP-58	Ocotillo ( <i>Fouquieria splendens</i> )
AP-18	Creosote Bush ( <i>Larrea tridentata</i> )	AP-59	Pyrachantha ( <i>Coccinea</i> )
AP-19	Crepe Myrtle ( <i>Lagerstroemia</i> )*	AP-60	Red Bird of Paradise ( <i>Caesalpinia pulcherrima</i> )
AP-20	Crown of Thorns ( <i>Euphorbia milii</i> )	AP-61	Rosemary ( <i>Rosmarinus</i> )
AP-21	Crucifixion Thorn ( <i>Holcantha emoryi</i> )	AP-62	Ruellia ( <i>Acanthaceae</i> )
AP-22	Desert Holly – <i>Salt Bush</i> ( <i>Atriplex hymenelytra</i> )	AP-63	Sage ( <i>Leucophyllum</i> )
AP-23	Desert Lavender ( <i>Hyptis emoryi</i> )	AP-64	Salt Bush (Desert Holly) ( <i>Antriplex muller</i> )
AP-24	Desert Marigold	AP-65	Shrubby Cassia ( <i>Cassia wiselzenii</i> )
AP-25	Desert Milkweed ( <i>Asclepias subulata</i> )	AP-66	Silver Leaf Cassia/ <i>Phyllodenia</i> ( <i>Cassia phyllodenia</i> )
AP-26	Desert Sage ( <i>Salvia</i> )	AP-67	Spanish Bayonet ( <i>Alofolial</i> )
AP-27	Desert Salt Bush ( <i>Antriplex polycarpa</i> )	AP-68	Sturts Desert Peg ( <i>Clianthus formos</i> )
AP-28	Desert Spoon ( <i>Dasylyron wheeleri</i> )	AP-69	Succulents (all forms)
AP-84	Diamiantia	AP-70	Tecoma Stans ( <i>Stanolobium stans</i> )
AP-29	Dwarf Oleander ( <i>Nerium oleander</i> )	AP-71	Texas Cassia ( <i>Cassia biflora</i> )
AP-30	Dwarf Pomegranate ( <i>Punica granatum</i> )*	AP-72	Thevetia ( <i>Thevetia oleander</i> )
AP-31	Dwarf Pittosporum ( <i>Pittosparaceae</i> )	AP-73	Trumpet Vine
AP-32	Elephant Tree ( <i>Bursera Microghylla</i> )	AP-74	Turpentine Bush ( <i>Haplopappus laricifolia</i> )
AP-33	Euphorbia ( <i>Euphorbia rigida</i> )	AP-75	Verbena
AP-34	Fairy Duster ( <i>Calliandra californica</i> )	AP-76	White Bush ( <i>Aloysia lyciodes</i> )
AP-35	False Mesquite ( <i>Calliandra eriophylla</i> )	AP-77	White Ratany ( <i>Krameria grayi</i> )
AP-36	Feather Dalea/Pea Bush ( <i>Dalea pulchra</i> )	AP-78	Wolfberry ( <i>Lycium fremonti</i> )
AP-37	Feathery Cassia ( <i>Cassia artemesiodes</i> )	AP-79	Woolly Butterfly Bush ( <i>Buddleia murrabufolia</i> )
AP-38	Fern Acacia ( <i>Acacia angustissima</i> )	AP-80	Yellow Bird of Paradise ( <i>Caesalpinia gillesii</i> )
AP-39	Firecracker Bush ( <i>Justica candicans</i> )	AP-81	Yucca (all species)
AP-40	Firethorn/ <i>Pyracantha</i> ( <i>Rosaceae</i> )	AP-82	Emu Bush – <i>E. decipiens</i> ( <i>Eremophila</i> )
AP-41	Four Wing Salt Bush ( <i>Atriplex canescens</i> )	AP-83	Emu Bush – <i>E. Valentine</i> ( <i>Eremophila</i> )

**\*BACK YARD ONLY**

## Approved Trees

- AT-1 Abyssinian Acacia (*Acacia abyssinica*)
- AT-2 Apes Earring (*Pithecellobium flexicaule*)
- AT-3 Arizona Mesquit (*Prosopis velutina*)
- AT-4 Bird of Paradise (*Caesalpinia cacalaco*)
- AT-5 Blue Leaf Wattle (*Acacia salicina*)
- AT-6 Blue Palo Verde (*Cercidium floridum*)
- AT-7 Brazilian Pepper Tree (*Schinus terebinthifolius*)\*
- AT-8 Caraban Acacia (*Acacia cavenia*)
- AT-9 Catclaw Acacia (*Acacia greggii*)
- AT-11 Chilean Mesquite (*Prosopis chilensis*)
- AT-11 Citrus (Dwarf varieties only)\*
- AT-12 Copper Bird of Paradise (*Caesalpinia pumila*)
- AT-13 Desert Hackberry (*Celtis pallida*)
- AT-14 Desert Myrtle (*Myrtus*)
- AT-15 Desert Willow  
(*Chilopsis linearis*/*Jaglans ruperstris*)
- AT-16 Feather Bush/Desert Fern/Fern of the  
Desert (*Lysiloma thornberi*)
- AT-17 Ficus Benjamina\*
- AT-18 Foothill Palo Verde (*Cercidium microphyllum*)
- AT-19 Golden Medallion Tree (*Cassia leptophylla*)
- AT-20 Hackberry Acacia (*Acacia occidentalis*)
- AT-21 Honey Mesquite (*Prosopis juliflora*)
- AT-22 Ironwood (*Olneya tesota*)
- AT-23 Jacaranda (*Mimosifolia*)\*
- AT-24 Joshua Tree (*Yucca brevifolia*)
- AT-25 Leather Leaf Acacia (*Acacia craspedocarpa*)
- AT-26 Mulga (*Acacia aneuria*)
- AT-27 Needle Acacia (*Acacia eburnia*)
- AT-28 Netleaf Hackberry (*Celtis reticulata*)
- AT-29 Palo Blanco (*Acacia willardiana*)
- AT-30 Palo Brea (*Cercidium praecox*)
- AT-31 Saguaro (*Carnegia gigantea*)
- AT-32 Santa Rita Acacia (*Acacia millefolia*)
- AT-33 Screwbean Mesquite (*Prosopis pubescens*)
- AT-34 Shoestring Acacia (*Acacia stenophylla*)
- AT-35 Smoke Tree (*Dalea spinosa*)
- AT-36 Sonoran Palo Verde/Palo Brea (*Cercidium  
praecox*)
- AT-37 Sugar Bush (*Rhus ovata*)
- AT-38 Sweet Acacia (*Acacia farnesiana*)
- AT-39 Texas Ebony (*Pithecellobium flexicaule*)
- AT-40 Texas Mesquite (*Prosopis juliflora*)
- AT-41 Texas Mountain Laurel (*Latifolia*)
- AT-42 Twisted Acacia (*Acacia shaffneri*)
- AT-43 Weeping Acacia (*Acacia pennatula*)
- AT-44 White Bark Acacia/Palo Blanco (*Acacia  
willardiana*)
- AT-45 White Thorn Acacia (*Acacia constricta*)
- AT-46 Willow Pittosporum (*Pittosporum phillyraeoides*)
- AT-47 Yellow Bird of Paradise (*Caesalpinia platyloba*)

## Approved Annuals

- AA-1 African Daisy (*Demorphotoeca*)
- AA-2 Baby Blue Eyes (*Nemophilla insignis*)
- AA-3 Bird's Eye (*Gilia tricolor*)
- AA-4 Black-eyed Susan(*Rudbeckia hirta*)
- AA-5 Blanket Flower (*Gaillardia aristata*)
- AA-6 Butterfly Weed (*Asclepias tuberosa*)
- AA-7 California Bluebell (*Phacelia campanularia*)
- AA-8 California Poppy (*Eschshcolzia californica*)
- AA-9 Candytuft (*Iberis umbellata*)
- AA-10 Catchfly (*Silene armeria*)
- AA-11 Coneflower (*Rudbeckia amplexicaulis*)
- AA-12 Coreopsis (*Coreopsis* sp.)
- AA-13 Flax (*Linum lewisii*)
- AA-14 Iceplant (*Carpobrotus chilensis*)
- AA-15 Lupine (*Lesquerella gordonii* or *L. Sparciflora*)
- AA-16 Mexican Hat (*Ratibida columnaris*)
- AA-17 Mexican Evening Primrose (*Oenothera berlandieri*)
- AA-18 Owls Clover (*Orthocarpus purpurascens*)
- AA-19 Penstemon (*Penstemon* sp.)
- AA-20 Toadflax (*Linaria maroccana*)
- AA-21 Yarrow (*Achillia filipendula*)

**\*BACK YARD ONLY**

Approved by the Board of Directors

June 11, 1997

**VIOLATIONS AND NOTIFICATIONS PROCEDURES  
MONETARY PENALTY SCHEDULE AND COLLECTION  
for  
MOUNTAINBROOK VILLAGE AT GOLD CANYON RANCH**

Violations of the MountainBrook Village at Gold Canyon Ranch Architectural Standards and Covenants, Conditions and Restrictions (CC&R's) will be subject to the following process:

First Notification: A letter requesting that the violation be corrected within 14 days will be sent to the owner of the lot or parcel. If the violation is landscape in nature a maximum of 30 days may be given for correction of the violation.

The CC&R's, Section 10.22 outlines landscape and maintenance. This section provides the Association with the authority to perform maintenance obligations, should the owner fail to do so, at the owner's expense. This expense, together with attorney's fees and interest provided in section 12.8, shall be secured by a lien on the owner's lot.

Second Notification: A second letter will be sent notifying the owner of the lot or parcel that the Board of Directors or its designated committee will be holding a hearing on the violation to determine if the monetary penalty should be assessed. The owner of the lot or parcel is entitled to appear at this hearing to provide his/her version of the matter prior to a monetary penalty being assessed by the Board upon recommendation by its committee. Should the Board impose a monetary penalty, it would be assessed immediately.

The monetary penalty will be \$75.00 plus \$10.00 per day thereafter for every day that the violation remains unresolved. If the owner corrects the violation after the fine is assessed, he/she will still be held responsible for the fine unless a waiver of the fine is approved by the Board of Directors.

The Board of Directors shall also have the power to suspend the right of the owner to use the recreational facilities for a period not to exceed sixty days or until said violation is corrected. If the violation is not corrected within thirty days after assessing the monetary penalty, the matter will be forwarded to the Association's Attorney for injunctive relief.

# STANDARDS REVISION LIST

[This list reflects all changes since 4/1/05 Reissue]

<u>Standard No.</u>	<u>Standard Title</u>	<u>Board of Directors Approval Date</u>
2.8.1	Real Estate	08-28-07
		09-27-11
2.8.2	Open House and Temporary Signs	09-27-11
2.8.6	Political Signage	09-27-11
3.1.2.1	Submittal	08-31-06
		02-27-07
3.2.0.1	Home Addition	09-26-06
		07-03-08
3.2.1.2	Satellite Dishes	09-25-07
		03-31-11
3.2.2	Awnings	07-31-07
3.2.4	Driveway	07-02-09
3.2.5	Supplemental Cooling/Heating Devices	07-29-09
3.2.3.1	Fireplaces in Courtyard of Picacho Model Home	07-03-08
3.2.6.1	General Requirements	11-15-05
		07-02-09
		03-30-10
3.2.8	Flagpoles	09-27-11
3.2.9.3	Window Screening	05-31-11
3.2.9.4	Window Replacement	09-27-11
3.2.13	Patio Covers	11-29-05
		10-22-09
3.2.15	Patio Floors	03-28-06
3.2.22	Solar Energy Devices	08-28-07
3.2.27	Trellises, Lattice & Privacy Panels	08-28-07
3.2.29	Roll Down Screen Devices for Back Patios	11-15-05
3.3.5	Turf	08-23-05
3.3.8	Plant Palette	03-27-07
3.4.1	Exterior of Homes	01-31-06
		02-27-07
3.4.1.1	Lot Perimeter Walls	06-15-08
3.5	Tile Roof Replacement – entirely New Roof	12-12-06
3.5.1	Damaged Tile Roofs	12-12-06
	Perfect Paint Palette	07-03-08

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