

**AMENDED AND RESTATED  
ARC GENERAL GUIDELINES AND RULES  
FOR  
North Star Estates Homeowners Association  
July 8, 2019**

**ARC General Guidelines and Rules**

**General**

The CC&R's require that any and all improvements and alterations, which change the appearance of any Property must be approved by the Architectural Review Committee (ARC). It is important that any improvements and alterations be made in harmony with and not be detrimental to the rest of the community.

Each homeowner bears the responsibility to maintain the appearance of his/her home and related landscaping so that it contributes to the overall appearance and aesthetic values of the neighborhood and the community.

The Guidelines contained herein are subject to revision by the Board of Directors and interpretation by the ARC.

**Development Standards**

In planning landscaping (and construction), consideration must be given to allow access for maintenance of areas that have TV cable, electrical boxes, water meters, etc. No plants will be allowed that will hinder utility maintenance personnel or meter readers.

All additions shall be built within the setback lines originally established for North Star Estates regardless of more lenient requirements of any local governmental authority. The height of any addition to an existing home shall not be higher than the original roof or parapet line. The architectural design of any and all additions, alterations, and renovations to the exterior of an existing home shall strictly conform to the design of the original home in style, detailing, materials, and color. All materials used in additions and alterations shall conform, to the extent practical, to those used by the Developer as to composition, type, and method of attachment. The ARC may allow substitute materials compatible with the theme of the community.

**Landscaping Requirements and Guidelines**

All landscaping shall be maintained, using a reasonably high standard, in accordance with the CC&Rs. No weeds, tree debris or dead plants shall be allowed to accumulate on Property. This includes the easement between the street and sidewalk.

Front and side yard grounds shall be covered with inert and/or living materials. Inert materials shall include decorative rock, and native river-run rock. Decorative rock must be the same color of rock initially installed by the Developer. Replenishment of existing rock does not require ARC approval. No

artificially colored rock or crushed man-made material shall be permitted. It is recommended that no plastic sheeting be placed under crushed rock for weed control. *Only low water requirement plants will be used in the landscape.*

All ground-mounted mechanical equipment, such as air conditioning units, shall be screened from street view by a structure no higher than the equipment to be screened or by plant materials of adequate density to accomplish the same result. Such screening structures shall be of a material and color compatible with the design of the residence. No equipment may be attached to party or common walls.

Each homeowner is responsible to see that no shrub, tree, exterior addition, or modification to his/her yard or home creates a negative impact on his/her neighborhood. The ARC is on guard against such potential impacts through the architectural/landscape plan approval process. However, shrubs and trees sometimes exceed size expectations. Should such a condition give rise to a dispute between neighbors, the ARC would encourage the affected parties to attempt to achieve a mutually acceptable resolution. However, if the parties are unable to resolve their dispute and a written complaint is rendered, the Board will review the matter. If the complaint is found to be so, the Board through the ARC will inform the offending homeowner to either maintain, trim, or remove said plant material as appropriate. Said homeowner shall have a maximum of thirty (30) days from the date of the notice to comply.

It shall be the responsibility of the individual homeowner to provide landscaping in all rear yards.

### **Specifications**

#### **Ancillary Equipment**

All ground-mounted mechanical equipment, water softeners and solar equipment shall be screened from view of the street and neighboring properties. ARC approval is required.

All pools and spas must be installed according to Pima County ordinances and may require protective fencing. ARC approval is required.

All air-conditioning and evaporator cooler units installed by homeowners must be ground-mounted. Window units are prohibited. The top of the unit should be no higher than forty-eight (48) inches above grade. The unit must be screened from view. ARC approval is required.

Every attempt should be made to minimize noise transmission to adjacent property. All owner installed ground level equipment should be located to reduce potential annoyance to neighbors. This includes ancillary equipment, such as pumps and other noise- emitting equipment.

#### **Antennae, Satellite Dishes**

All antennae or other devices used for the transmission of television or radio signals or other forms of electromagnetic radiation shall not be erected, used or maintained on any Property without the written approval of the ARC.

Any device used for the reception of video programming services, including direct broadcasting satellite (DBS), television broadcast, and multi point distribution service (MDS) which meet FCC video programming requirements may be installed without the prior written approval of the ARC providing the following provisions are met:

1. The antenna must be situated in a location with the least visual impact to neighbor's while providing optimum reception. If this is not the case, the Association may determine that the antenna must be mounted elsewhere, and the homeowner will be responsible for all costs associated with moving the antenna. The ARC may require painting of the dish to match the existing color of the home depending on the location.
2. A DBS or MDS antenna that is one meter (39.37 inches) in diameter may be installed without the written approval of the ARC.
3. Antenna designed to receive television broadcast signals, regardless of size, must not extend more than 12 feet above the roof line.

### **Artifacts**

Any and all artifacts (fountains, statuary, ornamental animals, large rocks and boulders, etc.) including furniture (benches, chairs, etc.) placed in front yards must be of a complimentary, natural or stone color only and requires the prior written approval of the ARC. No plastic or similar composites are permitted in the front yards of homes.

### **Basketball Hoops**

Basketball hoops must be portable and cannot be attached to any portion of the home. They must be moved back by the garage/driveway of the property when NOT in use. They cannot be stored on the sidewalk, front yard, easement or in the street.

### **Covered Porches**

Such structures must be attached to the house, constructed of wood or wood-grain materials and painted to match the body and/or trim color of the house. Written prior approval of the ARC is required.

### **Driveways/Walkways**

Extension of driveways and/or walkways requires prior written approval of the ARC and may not extend into utility easements. Altering original color of concrete requires ARC approval.

### **Exterior Bars on Windows**

Bars installed on windows must be painted to match the body color of the house and be mounted entirely within the frame of the window.

### **Exterior Lighting**

All permanent, full voltage exterior lighting must be approved by the ARC prior to installation and must conform to the architectural design installed by the Developer. Lighting must be shielded and/or directed downwards so as not to shine into adjacent Properties or create an annoyance to neighbors. Security light fixtures must be painted the body color of the house.

### **Flag Poles/Flags**

The installation of flag poles requires prior written approval of the ARC. The location of the pole must be at least ten (10) feet from any street and at least five (5) feet from all other lot lines. A flagpole may not exceed the grade level of the lot by more than twenty (20) feet and may not extend higher than the highest point of the house. Flags shall be displayed in accordance with proper protocol. No flag shall exceed three (3) feet by five (5) feet in size. Flag brackets attached to house must be painted the body color of the house.

**Gates**

Gates shall be constructed of either wood or wrought iron. If constructed of wood, the gates may be left natural. If constructed of metal or wrought iron, the gates and inserts shall be painted black or the color of the house or trim.

**Gazebos/Free-Standing Ramadas**

Such structures must be constructed of wood or wood-grain materials. The structure shall be painted to match the body and/or trim color of the house. The roof shall be constructed of tile to match those on the home or wooden shakes or beams the same color as the finished structure. Neighbor's permission is required. Written prior approval of the ARC is required.

**Holiday Decorations/Lighting**

Holiday decorations and/or lighting may be placed on Properties no more than 30 days prior to the holiday and must be removed no later than 30 days after the holiday.

**House Painting**

North Star Estates has four approved color palettes. Body and trim colors are not interchangeable. ARC approval is not required when the color palette is identical to that previously used. The color palette must not be the same as adjoining Properties.

**Mailboxes**

Homeowners are responsible for maintaining mailboxes and posts in good condition. The color and design of mailboxes and posts are to remain the same as originally provided by the Developer.

**Parking**

Recreational vehicles owned by a Homeowner of the North Star Estates Homeowners Association may be parked in front of said Owner's Lot (and not in front of any other Lot) for a maximum of seventy-two (72) hours for the sole purpose of loading and/or unloading such vehicle prior to or after the use thereof. Disabled vehicles may not be parked in front of any Owner's Lot, or any other Owner's Lot, for more than seventy-two (72) hours. A "disabled vehicle" shall be defined as a vehicle that cannot be driven under normal circumstances due to mechanical or maintenance issues. Utility and all other trailers may not be parked in the street or driveway and must be stored completely within the Owner's garage.

**Front Doors/Screen and Security Doors**

The colors must match the house or house trim color. Must be constructed of good grade steel (no aluminum doors are permitted in the front of a home)

**Sheds**

Sheds that extend above the wall height and/or are visible from the street and neighboring properties are prohibited.

**Walls**

No alterations, changes, or additions to walls shall be made without prior written approval of the ARC. The extension must match the existing wall in color, texture and shade. Approved wall color is available from the ARC.

## ARC Review Requirements

The ARC monitors and guides the environmental development of the North Star Estates community through a formal review of landscape and related improvement plans. This process ensures continuation of the standards of excellence established by the Developer and subsequently by individual homeowners.

### **A. Plans**

Architectural Review Request Forms with supporting documents must be submitted and approved prior to start date.

2. Requirements for submittal of a plan are as follows:

a. Landscaping plans will include the following:

- \* A plot plan with a complete description of all landscape elements drawn to scale. Plant material is to be depicted at mature growth.

- \* All plant material shown should include the common name.

- \* Location of all mechanical equipment, including any required screening.

b. Residence modification plans will include the following:

- \* Site plan, including finished floor elevations; driveway and sidewalk widths; planters; grading and drainage; utility enclosures; site lighting (size and type); mechanical equipment location; and any screening for air conditioning and other mechanical equipment.

- \* Floor plans of all buildings indicating dimensions and exterior materials.

- \* Exterior elevations indicating type of materials and color of exterior surfaces.

- \* Roof plan indicating type and color of materials and parapet heights.

3. The ARC *reserves the right to deny any plan that does not meet the standards in these guidelines*. The ARC's decision shall be rendered in writing:

a. **"Approved"**: The entire plan submittal is approved.

b. **"Approved As Noted"**: The plan submitted is partially approved. A homeowner may proceed with the work to be performed but agrees to comply with any and all notations on the submittal.

c. **Not Approved**: The entire plan submitted is not approved, and no work may commence.

4. An ARC review request form and all supporting documentation must be submitted, and approval received before any work begins. If it is determined by the ARC that work completed or in-progress is not in compliance with the approved plans, ARC guidelines, or CC&Rs, the ARC shall notify the homeowner in writing of such noncompliance. Such notice will be within thirty (30) days of inspection and will specify the particulars of noncompliance. The homeowner must remedy the same within the

specified time. If the owner fails to remedy such noncompliance, action may be taken to remove the non-complying improvements, and/or seek injunctive relief, and recovery of costs incurred.

### **C. County Permits**

In all cases when Pima County Building Permits are required, it is the homeowner's responsibility to obtain all necessary permits and provide copies of said permits to the ARC. This action does not relieve the homeowner of obtaining ARC approval of all aspects of the proposed development plans.

### **D. Appeals**

1. Any homeowner aggrieved by a decision of the ARC may appeal the decision, *in writing*, to the Board within thirty (30) days of such decision. The appeal will be considered only if the appellant has modified his or her original request or has new information relevant to the original request.

2. The Board shall respond, *in writing*, within thirty (30) days of the appeal.

### **D. Limits of Liability**

ARC approval of plans shall not constitute a representation, warranty, or guarantee that such plans and specifications comply with engineering design practices or with zoning or building ordinances or other governmental regulations or restrictions. By approving such plans and specifications neither the ARC, any member thereof, or the Board, any member thereof, assumes any liability or responsibility thereof or for any defect in the structure constructed from such plans or specifications. None of the aforementioned shall be liable to any member, homeowner, occupant, or other person or entity for any damage, loss, or prejudice suffered or claimed on account of (a) the approval or denial of any plans, drawings, and specifications, whether or not defective, or (b) the construction or performance of any work, whether or not pursuant to the approved plans, drawings, and specifications. All portions of the CC&Rs regarding this subject are in effect.

## APPENDIX A

### PROHIBITED PLANTS

<u>NAME</u>	<u>REASON</u>
Eucalyptus species (except those with a maximum height of 20 feet)	H
Mulberry ( <i>Morus alba</i> )	A
European Olive ( <i>Olea europea</i> )	A
California Pepper ( <i>Schinus molle</i> )	H,B
Italian Cypress ( <i>Cupressus sempervirens</i> )	H,P
Cottonwood ( <i>Populus fremontii</i> )	H
Lombardy Poplar ( <i>Populus nigra Italica</i> )	H,I
Sycamore ( <i>Platanus wrightii</i> )	H
Tamarisk ( <i>Tamarix aphylla</i> )	H
Arborvitae	P
Silk Oak ( <i>Grevillea robusta</i> )	H,F
Mexican Palo Verde ( <i>Parkinsonia aculata</i> )	A,P
Desert Broom ( <i>Baccharis sarothroides</i> )	A,I
Fountain Grass, Pampas Grass	I

### KEY TO SYMBOLS

H.....Size of tree is unacceptable  
F.....Likely to be damaged by heavy frost  
A.....Allergenic  
B.....Subject to breakage  
P.....Pest prone  
I.....Invasive