

DESERT CREEK HOMEOWNERS ASSOCIATION REVISED 2014

**COMMON PROJECT GUIDELINES
FOR BUILDER-HOMEOWNER RESIDENCES**

Effective 4/30/2014

**As adopted by the Desert Creek Architectural and Landscape Review Committee and approved
By the Association Board of Directors on April 30, 2014**

This document is subject to revision and may be amended or supplemented from time to time. To ensure that you have the most recent edition, please contact the Association management representatives, Lewis Management Resources, 520-742-5674.

These Architectural Review Committee Design Guidelines (DG) for Builder-Homeowner Production Residences have been promulgated, pursuant to Article 2, Section 2.4 to the Declaration of Covenants, Conditions, Restrictions, and Easements for Desert Creek (the Declaration), first recorded at Docket 9881, page 340 in the office of the Pima County Recorder, Pima County, Arizona, and as may amended or supplemented from time to time.

The DG are binding upon each Owner, Builder-Developer, or other person who, at any time, constructs, reconstructs, refinishers, alters or maintains any Improvement upon a Lot, or makes any change in natural or existing surface, drainage, or plant life thereof. The DG are administered and enforced by the Architectural Review Committee (ARC) in accordance with the Declaration and procedures herein and therein set forth. It should be noted that these Builder-Developer DG's would apply to homeowner projects within Desert Creek subsequent to the initial sale of Lots.

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A. Submittal Form

1. DESERT CREEK/TRADITIONS OF DESERT CREEK PHILOSOPHY

Desert Creek is located within Pima County. The community is unique because of its rich contrasts in topography and the abundance and variety of typical Sonoran desert plant and animal life.

The overall intent for Desert Creek is to create a community set respectfully into the natural desert. This community is envisioned and planned to respect its natural desert setting. Development will strive to preserve and enhance the natural setting of this unique location.

2. PURPOSE OF THE DESIGN GUIDELINES

As a part of the Design Guidelines, a mandatory program of architectural review has been established to evaluate every development proposal. The purpose of the review program is to ensure that the high standards set forth in the document are upheld in each phase of development.

These Design Guidelines are intended to be a conceptual guide to development and as such are subject to change where the Board of Directors and Architectural Review Committee (ARC) determine such change is in the best interest of the community.

3. RELATIONSHIP TO CC&R'S AND ZONING PLAN

Accompanying the Design Guidelines are Covenants, Conditions and Restrictions (CC&R's) which have been adopted formally and recorded to establish the Homeowner's Association and to guarantee long-term maintenance of all common facilities within Desert Creek.

4. ARCHITECTURAL DESIGN THEME

The architectural theme for Desert Creek reflects the thoughtful integration of structures with the desert environment.

In order to assist each owner in the development (planning, design and construction) of his/her particular project, an easy to understand design review process has been established pursuant to these Design Guidelines. The process provides an opportunity for the owner to draw upon the expertise and knowledge which has been acquired during the planning and development of Desert Creek. The preservation and enhancement of a particular existing production home community's character, within the overall Desert Creek context, is an important principle that the ARC is charged with ensuring and carrying out.

By way of a practical reminder, modifications, alterations, additions, or changes to the original scope, construction, and improvements of any residence as specified in the Design Guidelines must be submitted to, and approved by, the ARC prior to construction or implementation of such contemplated work. Please refer to Section 6, subsection 17, Design Review Process and Submittal Requirements, which outline specific information and criteria dealing with all project submittals.

5. GRADING AND DRAINAGE

Grading should not occur outside pavement margins. The overburden of trenching should not be stored or piled on and/or adjacent to roadways. Retaining walls may be used instead of, or in combination with, manufactured slopes to encourage terracing. Wall should be constructed of materials that are harmonious with the adjacent structures(s) and the indigenous materials of the site. Hand placed or grouted desert rock and/or native material shall be used to prevent erosion and create a visually pleasing treatment. All water runoff must be channeled so as not to affect neighboring lots and/or common property.

6. COMMON PROJECT DESIGN STANDARDS

Please consider your neighbors when planning your projects and designs.

- (1) Homeowner is responsible for all state and local permits and restrictions (as required).
- (2) Party Walls: Any walls removed during construction shall be walls situated on the owner's lot: any wall removed shall be replaced in its original state immediately after construction is complete (including stucco and paint). Removal of walls abutting common areas shall not be allowed.

(3) Lighting (front yard)

The following are common lighting projects:

- a. Accent lighting
- b. Security/motion lighting
- c. Flood lighting
- d. Holiday lighting
- e. Wall/safety mounted lamp/light
- f. Pole mounted lights

(3.1) Specific approval conditions, exclusions, etc, for lighting projects: Accent Malibu type light **shall not** require approval if less than 15 lights are installed and bulbs are white in color, not exceeding 18 watts per bulb (including accent/mini lights strung in/on and around patios, eaves, porches, trees, plants, shrubs & cactus).

(3.2) Security motion detectors are to be installed with illumination directed at owner's property and should shut off approx. 5 minutes after triggering, and be hidden when possible.

(3.3) No permanent flood/spot lights will be permitted with the exception of lighted flagpoles.

(3.4) Holiday lights can be installed 30 days prior to the recognized holiday and must be removed within 30 days after the holiday associated with the lighting

(3.5) The exterior wall-mounted lights at the garage door and front porch of homes must always be operational. Lights are to be 60-watt maximum or energy efficient equivalent and are to be replaced as necessary by the homeowner.

(3.6) Pole mounted lights are to be 60-watt maximum or energy efficient equivalent: placement to be approved by ARC upon submittal

(4) Structural Additions

The following are common structural addition projects:

- a. Attached structural additions
- b. Ramadas/Gazebos
- c. Sheds
- d. Carports
- e. Tents
- f. Rubbermaid-type storage units

(4.1) Specific approval conditions, exclusions, etc. for structural additions: Attached structural additions require the **material and color** selection to closely match the architectural construction of the existing house structure. This includes accent walls and planter boxes

(4.2) Ramadas/ Gazebos are permitted in rear yards **only** and must maintain a 4' setback to any adjacent property line. The acceptable dimensions of such structures shall not exceed 9' in height or 10' in width. Acceptable materials and colors should blend with the existing surroundings (natural wood, or wood hue stains and desert hue paint as listed from the structure paint charts) should be used. Rubbermaid storage sheds are acceptable within the size and setback restrictions provided.

(4.3) Storage sheds must be no larger than 8' by 8', with height not exceeding 7'. Storage sheds are not permitted in front yards or side yards in front of the privacy wall. Architecture must match that of the home exactly (stucco), same color, same type of roof, etc. Shed can be located no closer than 5' to neighboring walls.

(4.4) Carports are not a permitted structural addition.

(4.5) Permanent tent structures are not permitted. Temporary tents (e.g., plant shading) are permitted in the rear yard only, and which are not visible from neighboring properties.

(5) Utility Equipment

The utility company has the right –of –way for the curbside utility boxes and can displace any screening or landscaping (at the owner's expense) in order to work on the equipment.

(6) Mechanical Equipment

The following are common mechanical equipment projects:

- a. Air conditioning units
- b. Evaporative coolers
- c. Outdoor water softeners/conditioners

(6.1) General guidelines (expected approved uses) for mechanical equipment projects: In general, the Association encourages placement of mechanical equipment in garages or behind privacy walls, to shield it from neighboring views. Mechanical equipment potentially visible at the front of the house from the street or sidewalk must be shielded from view by a masonry-screening wall that shall be stuccoed and painted the same color as the home. Shielding must be approved by the ARC. The upkeep and maintenance must comply with CC&R's and is the homeowner's responsibility. No mechanical equipment (as outlined above) will be installed on any roof.

(7) Exterior Paint Color Standards

In general, all exterior paint shall match the current color selections of the house. Any contemplated color changes, which are markedly different from the current, must be submitted and approved by the ARC prior to proceeding with such changes. The ARC has color charts showing the acceptable house and trim colors. The Association promotes color choices in harmony with the surrounding desert.

(8) Pools/Spas (and related equipment)

The following are common pool/spa (and related equipment) projects:

- a. Diving boards
- b. Pool Slides
- c. Above-ground pools
- d. Pool/Spa equipment

(8.1) Specific approval conditions, exclusions, etc. for pool/spa projects:

- a. Diving boards are restricted to deck level height only: no platform types are permitted.
- b. Pool slides are not allowed.
- c. Aboveground pools are prohibited.
- d. Pool and Spa mechanical equipment shall not be located outside privacy walls. Consider your neighbors when locating the equipment so as to reduce noise level.

(9) Yardscaping

The following are common yardscaping projects:

- a. Vegetation (ground cover, shrubs, trees, cactus, vines, grass, flowers)
- b. Gravel (rocks, boulders, wood chips)
- c. Irrigation and drainage
- d. Trellises, fencing, staking, plant protection, screening
- e. Flagstone, brick/pavers, concrete, steps
- f. Driveway expansions

(9.1) General guidelines for yardscaping projects

The Desert Creek concept is based on a philosophy of compatibility with the existing Sonoran desert, sensitivity to its fragile ecosystems, and a commitment to low water usage vegetation. The Association promotes the seven principles of “Xeriscaping Design” which include:

- a. Water conserving design
- b. Low water use/drought tolerant plants
- c. Reduction in turf areas
- d. Water harvesting techniques
- e. Appropriate irrigation methods
- f. Soil improvements and use of mulches
- g. Proper maintenance practices

(9.2) Specific approval conditions, exclusions, etc. for yardscaping projects: All plants incorporated into any yardscaping project should comply with the “Low Water Use/Drought Tolerant Plant List” as compiled by the AZ Dept. of Water Resources Tucson Active Management Area, http://www.azwater.gov/azdwr/WaterManagement/AMAs/documents/LWU_Plants1.pdf and the Agricultural List of Prohibited Regulated and Restricted List. <http://www.pima.gov/cmo/sdcp/reports%5Cd26%5C136INVSP.PDF>

(9.3) All landscaping must be installed in a manner to prevent the appearance of a “hedge” or “wall height extension”. Specifically, no hedges will be permitted along property lines, sidewalks, etc. as such non-random placement of landscaping would have the effect of raising sections of privacy walls, creating a secluded front yard area, etc.

- a. No tree, shrub, cactus or plant of any kind on any lot or parcel may overhang or encroach or impede sidewalk or other pedestrian way or bikeway. Homeowners are responsible for maintenance of the area between curb and sidewalk per CC&R section 4.13.
- b. All landscaping must be maintained within the property lines. All trees must have a 3’ setback from the walls.
- c. When installing landscaping and/or irrigation, care should be given to maintaining proper grading on the lot to eliminate any undue drainage onto neighboring lots. Irrigation systems should not produce excessive watering on walls so as to cause structural damage to party (neighbor-neighbor) walls.
- d. Additional irrigation systems components are to be located below the grade, in standard boxes, flush with the grade. All exposed pipes are to be painted the color of the surface they are attached to if visible from neighboring property.
- e. Adding to or replacing front yard gravel with the originally approved color scheme will not require approval.
- f. Trellising, fencing, etc. in the front/side yards must be approved by the ARC.
- g. All steps, paving (including driveway extension) projects in the front/side yards must be approved by the ARC.

(10) Signage

The following are common sign projects:

- a. For sale/Open house signs SS33-1808
<http://www.azleg.gov/FormatDocument.asp?inDoc=/ars/33/01808.htm&Title=33&DocType=ARS>
- b. Security alarm signs
- c. Construction signs
- d. Vehicular for sale signs
- e. Curbside numbers

(10.1) No flyer –type (paper) “For Sale/Lease, Realtor/Owner” signs are allowed for postings on common areas, postal/mail units, Pima County rights-of-way, regulatory poles/signs, utility boxes, fire hydrants, entryway monuments/signage or buffer walls/plantings.

Notwithstanding any provision in the community documents, an association shall not prohibit or charge a fee for the use of, placement of or the indoor or outdoor display of a for sale, for rent or for lease sign and a sign rider by an association member on that member's property in any combination, including a sign that indicates the member is offering the property for sale by owner. The size of a sign offering a property for sale, for rent or for lease shall be in

conformance with the industry standard size sign, which shall not exceed eighteen by twenty-four inches, and the industry standard size sign rider, which shall not exceed six by twenty-four inches. This subsection applies only to a commercially produced sign, and an association may prohibit the use of signs that are not commercially produced. With respect to real estate for sale, for rent or for lease in the planned community, an association shall not prohibit in any way other than as is specifically authorized by this section or otherwise regulate any of the following:

1. Temporary open house signs or a member's for sale sign. The association shall not require the use of particular signs indicating an open house or real property for sale and may not further regulate the use of temporary open house or for sale signs that are industry standard size and that are owned or used by the seller or the seller's agent.

2. Open house hours. The association may not limit the hours for an open house for real estate that is for sale in the planned community, except that the association may prohibit an open house being held before 8:00 a.m. or after 6:00 p.m. and may prohibit open house signs on the common areas of the planned community.

3. An owner's or an owner's agent's for rent or for lease sign unless an association's documents prohibit or restrict leasing of a member's property. An association shall not further regulate a for rent or for lease sign or require the use of a particular for rent or for lease sign other than the for rent or for lease sign shall not be any larger than the industry standard size sign of eighteen by twenty-four inches on or in the member's property. If rental or leasing of a member's property is not prohibited or restricted, the association may prohibit an open house for rental or leasing being held before 8:00 a.m. or after 6:00 p.m.

(10.2) Alarm/security identification signs are permitted without ARC approval, providing signs are placed on lots within three (3) feet of the structure, no more than 18" to top of sign no such signs may not be self-illuminating. Total surface area on the display side of the sign not to exceed 110 square inches.

(10.3) Construction signs: Temporary pool and construction signs as required by governmental agencies, and not self-illuminating, are permitted. Signs shall be removed upon completion of the project.

(10.4) Vehicular "For Sale" sign: No vehicular for sale signs are allowed for postings on lots, parcel, common areas, model home, postal/mail units, regulatory poles/signs, utility boxes, Pima County rights-of-way, fire hydrants, or buffer walls/plantings.

(10.5) Curbside street number identification sign: One (1) permitted per lot. The surface must not exceed 6" in height and 12" in width. Sign must have a white background with black numbers. Maintenance is the responsibility of the homeowner.

(11) Ornamentation

The following are common ornamentation projects:

- a. Yard furniture
- b. Lawn/garden ornamentation
- c. Roof ornamentation
- d. Flag poles
- e. Decorative containers

- f. Hanging ornamentation
- g. Fountains in the front yard

(11.1) General guidelines for ornamentation projects:

- a. In general, the Association promotes ornamentation in harmony with the surrounding southwestern desert theme and colors. Furniture, wall and yard ornamentation should be used in unobtrusive proportion to the size of the house and yard. Specific approval conditions, exclusions, etc. for ornamentation projects: Lawn/garden/patio furniture or decorative wrought iron furniture/benches in the front yard must be well maintained and in the style of the community.
- b. Permanent placement of lawn/garden ornamentation in driveways is not permitted.
- c. Permanent roof mounted ornamentation is not permitted.
- d. Flag(s) can be displayed on eaves-mounted bracket type of pole if the pole is painted the same color as the house and limited to specific patriotic American holidays. The American flag can be displayed at anytime in accordance with adherence to the proper procedures for display. Another acceptable display procedure is to install a permanent sleeve in the ground for the flagpole itself; flagpole not to exceed 15' in height. This is not considered a permanent installation as the flagpole may be removed when the flag is not displayed. SS33-1808.
<http://www.azleg.gov/FormatDocument.asp?inDoc=/ars/33/01808.htm&Title=33&DocType=ARS>
- e. Decorative containers should be a reasonable size, quantity, shape, and color in southwest theme.
- f. Hanging ornamentation (e.g. wind chimes) is limited to within the patio area. Be considerate of your neighbors regarding placement and number of wind chimes.
- g. Fountain style/form should conform to the southwest theme. Permanently placed fountains in the front yard must have the approval of the ARC.

(12) Enclosure Projects (Walls, Gates, Wrought Iron, Railings)

The following are common enclosure projects: Walls (raising/lowering)

- a. Walls (construction)
- b. Gates
- c. Front privacy walls
- d. Existing walls

(12.1) Specific approval conditions, exclusions, etc. for enclosure projects:

If raising or lowering the height of a party wall (shared wall between neighboring properties), the approval of all owners of record of the wall(s) is required. For buffer zones and/or common areas, the neighboring property owner may be the Association. Any increases in wall height must also have the approval of Pima County (homeowner/lot owner responsible for all necessary permits and/or approvals). Pima County guidelines permit a maximum height of a residential property of six (6) feet. All walls and fences shall be of masonry construction. Walls may be combined with open metal (wrought iron) to provide view when appropriate.

(12.2) Gates as part of the wall enclosure can be wooden or wrought iron. The appearance should be properly maintained. Paint color to match the home, trim color or be bronze or black. Exterior wrought iron window bars will be considered on a case-by-case basis.

(12.3) Front area privacy walls, which enclose the front yard, cannot be installed beyond the furthest frontal point of the existing house structure.

(12.4) Front yard patio/porch:

Where the forgoing description of Front Area Privacy Walls does not permit the construction of a front yard patio/porch area, the following limitations shall apply:

The ARC Committee must approve the project.

1. The patio/porch extension must be contiguous (connect) to the house.
2. The area and or wall can not be wider than the house.
3. The wall can not extend forward from the house more than seven (7) feet.
4. A security wall, if included, shall be limited to a height of four (4) feet (including the wall cap) and the wall should be included within the limitations of (c) and (d) above.
5. A roof or roof extension is not permitted.

(12.5) No approval is needed to rebuild or replace any wall or fence that is or was done in accordance with originally approved plans and regulations.

(13) Antennas/Satellite Dishes

The following are common antenna projects:

- a. Conventional
- b. Dish
- c. Cabling

(13.1) General guidelines for antenna projects:

Antenna definitions: Antennas are defined as any antenna or other device for the transmission or reception of television or radio signals or any other form of electromagnetic radiation (including related hardware, cables, and brackets). That shall be erected, used, or maintained outdoors on any lot, whether attached to a building or structure or otherwise located within the lot.

- a. The definition of antennas is universal and pertains to all manufacturers and technologies.
- b. All cables must be painted to match the base color of the home.
- c. In general, antenna installations will conform to the Federal government regulations as defined in FCC 96-328 <http://www.fcc.gov/guides/over-air-reception-devices-rule> or as currently amended.

(13.2) Specific approval conditions, exclusions, etc. for antennas:

In general, antennas and satellite dishes should be placed so as not to be visible from neighboring properties or the street. It is usually the case that there are several locations which would be acceptable for signal reception. Work with your provider to choose a location which would be the least objectionable. In no event, however, per FCC regulations, shall any satellite/antenna installations be restricted so as to:

- a. Impair an owner's ability to receive signals.
- b. Unreasonably delay or prevent installation, maintenance, or use of such a device.
- c. Unreasonably increase cost of installation, maintenance, or use of such device.
- d. Preclude reception of an acceptable quality signal.

(14) Doors/Windows/Awnings

The following are common door/window/awning projects:

- a. Gutters
- b. Sunscreens/shade materials
- c. Security doors
- d. Window framing

(14.1) General guidelines for door/window/awning projects

In general, the Association promotes installation of exterior treatments in harmony with the surrounding southwestern desert theme in colors. Exterior additions and changes should be used in unobtrusive proportion to the size of the house and yard. Exterior treatments are subject to weathering conditions and will require periodic maintenance to remain in good condition.

(14.2) Specific approval conditions, exclusions, etc. for the door/window/awning projects:

The color of gutters and downspouts shall closely match the surface to which they are to be attached (highly reflective aluminum is prohibited).

- a. Awning materials must be in desert hues and match the exterior house/trim colors. Sunscreen/shade materials will be in black, bronze, or match existing screen color. No bright colors such as orange, purple, green, yellow, blue or red are permitted. Plastic sheeting material, when visible from neighboring properties, is prohibited as an awning for patios.
- b. Security doors painted the same color as the house or color of trim on the house, or black or bronze, made of welded steel tube or wrought iron are permitted.
- c. No aluminum material or high reflectivity material may be installed in windows or doors.
- d. Garage doors must be painted to match the body or trim color of the home.

(15) Roof-mounted Devices

The following are common roof-mounted device projects:

- a. Solar panels
- b. Solar heaters
- c. Solar tubes
- d. Skylights
- e. Roof ventilators
- f. External gable ventilators

(15.1) Specific approval conditions, exclusions, etc. for roof-mounted device projects: In general, the Association encourages the use of energy efficient devices. In no event, however, as per Arizona Revised Statutes section 33-1816

<http://www.azleg.gov/FormatDocument.asp?inDoc=/ars/33/01816.htm&Title=33&DocType=ARS> regarding solar energy devices, shall any solar energy device installation be prohibited. Project details should be submitted to the ARC for informational purposes only.

- a. Roof-mounted devices such as solar tubes and skylights shall have flashing colored or painted to closely match the adjacent roof color. All glazing shall be solar bronze or clear with no white glazing allowed.

(16) Miscellaneous Items

The following are common miscellaneous items:

- a. Refuse/recycle containers
- b. Maintenance equipment (tools, ladders, hoses)

(16.1) Specific approval conditions, exclusions, etc. for miscellaneous items:

Trash/refuse and recycling containers should be visible only in the day of trash pickup. Trash and recycle containers will be stored in such a place that is not visible by neighbors or from the street (i.e., behind privacy walls, in garages, etc.)

- a. All tools and equipment used routinely to maintain the house structure and landscaping must be stowed in a neat, attractive manner. Such equipment and tools must be stored in a location not visible from off-property, and during temporary use should not be visible more than 48 hours.

(17) Design Review Process and Submittal Requirements

a. Construction Projects

1. In general no construction activity related to any proposed project shall be allowed to commence until the ARC has approved the project, per these Design Guidelines.
2. All proposed projects must be submitted to the ARC for review and approval prior to construction or installation of the alteration and must include:

(17.1) Completed "Architectural Review Committee Submittal Form": (attached to this document)

a. Plans and specifications for the proposed work as follows:

1. Structural additions: submit design layout with structural specifications, note the following (at a minimum):
2. Type of material
3. Dimensions (width, height, length) of structure
4. Color sample of structure
5. Lighting installation
6. Relationship to existing house structure
7. Location of structure on property
8. Pictorial and/or photo of proposed structure (if available)
9. House expansion requires a set of floor plans and elevation drawings

(18) Design Guideline Enforcement

These Guidelines shall be enforced by the ARC or the Association as provided herein or in the Declaration. The ARC reserves the right to waive, vary, or otherwise modify any of the standards or procedures set forth herein at its discretion, as deemed appropriate and necessary, on a case by case basis. Notwithstanding this, the Design Guidelines may not conflict with the provisions of the Declaration.