

**DESIGN GUIDELINES  
RULES AND REGULATIONS  
FOR  
TIERRA VISTA COMMUNITY ASSOCIATION, INC.**

June 24, 2002

The Design Guidelines / Rules & Regulations, as set forth in this document, shall interpret and implement procedures for the Architectural Review Committee's review and standards, including, but not limited to, architectural design, placement of buildings, landscaping, plant selection, color schemes, exterior finish and material, signage, and wall design. These documents are intended to enhance property values and maintain the high standard of development that exists within Tierra Vista. Unless specifically identified as not requiring submittal for approval within this document, prior approval from the Architectural Review Committee is required. The Guidelines are established to assist residents in conforming to the standards established, and amended from time to time, by the Architectural Review Committee. Each application will be reviewed on a case by case basis.

**PRIOR TO THE COMMENCEMENT OF CONSTRUCTION OR INSTALLATION, ALL PLANS MUST BE SUBMITTED, IF REQUIRED, TO THE ARCHITECTURAL REVIEW COMMITTEE. APPROVAL TO PROCEED SHALL BE REQUIRED IN WRITING FROM THE ARCHITECTURAL REVIEW COMMITTEE. FOLLOWING THESE GUIDELINES DOES NOT ELIMINATE THE NEED FOR SUBMISSION OF PLANS (UNLESS SPECIFICALLY NOTED).**

**APPLICATION PROCEDURE**

**Submittal**

Application and plans (which will be kept on file with the Association) should be mailed to:

Tierra Vista Community Association, Inc.  
c/o Platinum Management, Inc.  
P.O. Box 17539  
Tucson, AZ 85731  
(520) 623-2324  
Fax (520) 722-0539

The following information should be included with the submittal:

1. **Application Form – Architectural Design Review Form** - A completed application form (copies may be obtained from the sales or management office).
2. **Plot Plan**-A site plan showing dimensions, relation to existing dwelling and property lines (setbacks). Measurements must be written on the plans. Plot plans are available at the sales office.
3. **Elevation Plans**-Plans showing finished appearance of improvement in relation to existing dwelling.
4. **Specifications**-Detailed description of materials to be used and color samples, and dimensions must be submitted.
5. **Photograph** – If submittal is for an existing structure or improvement, a photograph of the structure or improvement must accompany the submittal application.

All buildings, structures and other improvements erected within the Tierra Vista Community and the use and appearance of all land within Tierra Vista, shall comply with all applicable City zoning and code requirements as well as the Declaration and these Rules.

### **REVIEW-APPROVAL AND/OR DISAPPROVAL**

The Architectural Review Committee shall have **60** days after submittal of plans to approved or disapprove plans. No verbal approvals/disapprovals will be given by the management company. All decisions will be in writing and will be mailed via US Mail.

Review and approval or disapproval will include, but is not limited to, consideration of material, quality of workmanship, colors, and consistency with the external design and color of existing structures on the lot and impact on neighboring lots. The location of the improvement must also take into consideration the municipal permit and set back requirements, topography, drainage and finished grade elevation.

Neither the Architectural Review Committee, nor the Board of Directors, nor the Declarant shall have any liability in connection with or related to approved plans, specifications, or improvements. The approval of the plans does not mean that judgement is passed on the structural soundness of the improvement nor its effect upon existing or future drainage. The review of the plans is for aesthetic purposes only.

Approval Expiration- Construction must be started within 90 days of the date of the Committee's approval of the application or the Committee's approval shall be deemed withdrawn and plans must be resubmitted in accordance with these Rules.

Construction Period- once started; construction shall be pursued diligently in order to assure prompt completion thereof. Absent a different deadline for completion of construction (which may be shorter or longer, at the Committee's discretion), such construction shall be completed within six (6) months of the date of the Committee's approval of the application.

### **Appeal**

Any appeal of the Committee's decision must be submitted in writing, within 30 days of the mailing date of the Committee decision to:

Tierra Vista Community Association, Inc.  
c/o Platinum Management, Inc.  
P.O. Box 17539  
Tucson, AZ 85731  
(520) 623-2324  
Fax (520) 722-0539

**THESE DESIGN GUIDELINES-RULES AND REGULATIONS  
MAY BE AMENDED FROM TIME TO TIME  
BY A MAJORITY VOTE OF THE BOARD OF DIRECTORS.**

## DESIGN GUIDELINES

### Antennas

No antenna, aerial, satellite dish or other device for the transmission or reception of television or radio (including amateur or ham radio) signals or any other form of electromagnetic radiation of any kind (collectively referred to herein as "antennas") shall be allowed outside the Dwelling Unit. Those satellite dishes three feet (3') or less in diameter and whose installation and use is protected under federal law or regulations, is acceptable, provided that an application for such satellite dish and/or antenna must be submitted to the Committee and such application will be approved only if: (a) the antenna is designed to assure the most minimal visual intrusion possible, provided an application for such antenna must be submitted to the Committee and such application shall only be approved if the antenna complies to the maximum extent feasible with the Design Guidelines and within the confines of applicable federal regulations, without precluding reception or a quality signal or unreasonably increasing the cost of the antenna. Upon the written request of the Owner when submitting an application, the Committee shall consider such application on an expedited basis and shall strive to render a decision within seven (7) days, but in no event no later than fourteen (14) days, from the date the completed application was submitted.

Should applicable law prohibit the Architectural Review Committee from requiring prior approval for the installation of certain antennas, the preferred locations, in descending order of preference, are as follows:

1. A location in the back yard of the property where the antenna will be screened from view by wall or fencing, landscaping or other improvements;
2. An unscreened location in the backyard of the Lot;
3. On the roof, but below the roof line;
4. A location in the side yard of the property where the antenna and any pole or mast will be screened from view by landscaping or other improvements;
5. On the roof above the roofline;
6. An unscreened location in the side yard;
7. A location in the front yard of the Lot where the antenna will be screened from view by landscaping or other improvements.

All wires must be securely attached to the dwelling and painted to match where attached. Additionally, any transmission cable for a receiver to the house must be underground. The restrictions in this *Section 7.13 of the Conditions, Covenants and Restrictions (CC&Rs)* shall be subject to any limitations imposed by law.

### Awnings

All awnings must be approved by the Architectural Review Committee. Awnings over windows shall be canvas or similar material, of solid color on both sides, which match the color of the body of the exterior of the home or roof color and shall be installed only on the side and/or rear of the home. All awning submittals must include a drawing with the location of the proposed awning installation. A sample of the material to be used, along with the color and design of the proposed awning, is required. Owner is responsible for maintenance and repair of awnings. Association retains the right to determine when an awning must be repaired and or replaced due to weathering, fading, tearing, ripping, etc. No metal or retractable awnings shall be allowed.

## **Sports Equipment**

The sports equipment referenced herein does not need to be submitted for approval providing the equipment is in compliance with the following restrictions.

1. Only portable, free standing basketball backboards are permitted provided prior permission has been requested and received from the Architectural Review Committee (the "ARC"). Backboards must be removed on a daily basis when not in use and shall only be used during daylight hours. In no event shall backboards be Visible from Neighboring Property, from the street, sidewalk or common areas when not in use. Backboards must be kept in good condition and all backboards must be positioned so as not to adversely affect the property of any adjacent/surrounding neighbor or Common Area(s). Further, backboards cannot be placed in the street or upon sidewalks at any time. The ARC reserves the right to rescind its approval, should the backboard cause a nuisance, such as traffic, noise or damage to any adjacent property or Common Area.
2. Trampolines are permitted so long as any safety netting is not Visible from Neighboring Property, and as may be subject to any further restrictions in the CC&Rs.
3. All equipment must be constantly maintained. Broken backboards, disfigured or bent rims, ripped torn nets, etc., should be promptly repaired or replaced.
4. Basketball courts may not be painted or permanently outlined on any concrete and/or asphalt surfaces in the front, side yard, or motor court areas.

## **Chimneys**

Chimneys shall be constructed of the same material, texture and color of the home. Exposed flues are prohibited.

## **Decorative Items**

Front yard item(s) must be submitted for approval by the Architectural Review Committee. The Board of Directors reserves the right to require removal of decorative items in front yards based on size, quantity, color and location and any other criteria that the Board may determine.

## **Seasonal and Decorative Flags**

Seasonal and decorative flags which are house mounted below the roofline do not require approval. Seasonal flags must be removed within 30 days after the date of the holiday to which the flag pertains. Flags must be maintained in good condition at all times. Torn, ripped, faded, etc. constitute grounds for fines and removal. Flags shall not be offensive to the Association. The Board of Directors shall make this determination at its sole discretion.

## **Holiday Decorations**

Holiday decorations may be installed 30 days prior to the holiday and must be removed within 30 days after the holiday.

## **Decorative and Seasonal items**

The Board of Directors reserves the right to require the removal of decorative items in front yards based on size, quantity, color,

location and any other criteria. The Board of Directors, at its sole discretion, shall make its determination on a case by case basis.

### **Decorative Art on Houses**

Decorative Art on houses shall be neutral in color and may be limited in number, so as to not dominate the appearance of the home. Dimensions of decorative art shall be no greater than three feet in length, width and height.

### **Water Features, Statuary**

Items such as fountains, statuary, etc., are permitted within the rear yard and generally do not require submittal to the Architectural Review Committee. Any items installed in the rear yard must not exceed the wall or fence height. Such items must be approved by the Architectural Review Committee for installation in the front yard. Water features may not exceed 4 ½ feet in height. It is recommended that water features be chlorinated. The Committee reserves the right to limit the size and quantity of statuary in the front yard. Statuary must not exceed 12 inches in height, must be of earth tones and must be approved by the Architectural Review Committee.

### **Driveway Extensions and Sidewalks**

Driveway extensions will be reviewed for approval provided the following conditions are met.

1. Only submittals for driveway extensions located in the side yard of the property will be considered.
2. Submittals must include a plot plan with i.) the location and dimensions of the proposed extension, ii.) the existing driveway dimensions, and iii.) the total linear feet of lot frontage.
3. The total parking area may not exceed the greater of thirty (30) feet of contiguous frontage or fifty percent (50%) of the lot width (existing plus extension) as measured at its widest point.

If the extension ends within five feet of the side property line, it shall require the written input of the adjacent neighbor closest to the proposed extension. Such input should include the homeowner's printed name, lot number, address, date, signature and clear statement of the proposed improvement. The area between the extension and the lot line must be landscaped with the same ground cover used in the front yard or a material approved by the Architectural Review Committee.

- a. Painting of paved surfaces is prohibited.

### **Additional Sidewalks**

Sidewalks installed to utilize side gates do not need to be submitted if all the following conditions are met.

1. The additional sidewalk is three (3) feet or less in width, is two feet or more from the property line and is one foot or further from the home.

2. The area between the home and the sidewalk addition must have groundcover installed per the landscaping guidelines to match the existing ground cover.

The Architectural Review Committee reserves the right to review and request changes to the addition per these requirements.

Additional sidewalks in any other location must be submitted for approval.

### **Walls Including Decorative Walls**

Side and rear walls may not exceed six (6) feet in height from ground level, as measured from the lowest side of the wall.

Plans for new walls must be submitted to the Architectural Review Committee prior to construction. Walls must match the existing wall (if any) in texture and color.

Decorative or garden walls may not exceed thirty-six (36) inches in height. Decorative or garden walls must be submitted for approval prior to installation, and be stuccoed and painted to match the base color of the home.

### **Flagpoles**

In accordance with A.R.S. §33-1808, flagpoles are allowed for the outdoor display of the American Flag, provided the 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). Residences are allowed one flagpole which shall be attached by bracket to the front of the home only for the display of the American Flag. The American Flag shall be no larger than 3' x 5'. The flag shall only be displayed from sunrise to sunset.

### **Gates**

All requests for additional gates, or gates other than those which were offered by the original developer of the lot/home, must be submitted for architectural approval. Placement of gate(s) must be approved by the Architectural Review Committee. Double gates may be installed to allow wider access to rear yards. All gates (double or single) should be of the same material, design and color as the originally installed single gates unless approved by the Architectural Review Committee. Gates may be painted to match the fence with approval from the Architectural Review Committee.

### **Gutters and Downspouts**

Gutters and downspouts will be considered for approval if the finish matches the color of the home. The Association strongly recommends use of high quality materials that offer long life, as the gutters must be maintained in good condition at all times.

### **HVAC Including Evaporative Cooler and Window Air Conditioner Units**

Except as initially installed by the developer, no heating, air conditioning, evaporative cooling or window air conditioner unit shall be placed, installed, constructed or maintained upon any lot without the prior written approval of the Architectural Review Committee. All units shall be ground mounted, located within the perimeter of the rear yard and screened or concealed from view of all neighboring property.

## LANDSCAPE GUIDELINES

**Front Yard Landscaping** All front yard landscaping and irrigation system shall be installed in accordance with plans approved in writing by the Architectural Committee. After installation of such landscaping, the owner shall maintain the front yard of the Lot in a weed-free condition. There shall be a minimum of one 15-gallon tree (minimum height of eight feet when mature) and two 5-gallon shrubs. A second 15-gallon tree (minimum height of eight feet when mature) can be planted in lieu of the required shrubs. Shrubs shall not exceed 4 feet in height. Tree canopies must be trimmed to a minimum of 8ft height clearance above sidewalks and driveways.

**Hardscape** Any change in hardscape items proposed for front yard installation must be approved by the Architectural Committee. Materials included in hardscape are concrete, brick, tile, wood, etc. Examples of hardscape items are planters, walkways, retaining walls, decorative walls and fountains.

**Rock Ground Cover** If decomposed granite or other landscape rock is used, it must be on "earth tone" color and not white, green, blue or other bright colors. River Rock shall be one (1) to six (6) inches in diameter and not more than fifteen percent (15%) of the front yard landscaping.

**Rear Yard Landscaping** Rear yard landscaping does not require Architectural Committee approval, unless installing a structure that is visible from the street or neighboring properties. In such event the Architectural Review Committee can require the signatures of affected neighbors.

**Turf** No turf is allowed in the front yard. Although Bermuda grass may be permitted in the rear yard, please be aware that it does produce a tremendous amount of pollen. Therefore, it is recommended that this specific grass be avoided. Turf is allowed in the rear yard only. Please be advised that due to its high pollen content, Bermuda grass is discouraged from use.

**Water** Water conservation is important and necessary. Therefore owners are requested to conserve water by limiting the size/amount of turf in rear yards.

**Weeds** Homeowners are required to promptly remove weeds from both their front and rear yards. Pre-emergent products and weed killers are usually very successful in keeping weeds under control, and can be used, provided the product use recommendations are carefully followed.

**Prohibited Plant Material** The following vegetation types and varieties are expressly **prohibited**:

- a. Olive trees (*Olea europaea*) other than the "Swan Hill" variety.
- b. Oleanders (*Nerium oleander*) other than the dwarf variety and *Thevetia*. (*Thevetia* species).
- c. Fountain Grass (*Pennisetum setaceum*) or Pampas grass (*Cortaderia selloana*).
- d. All varieties of Citrus are permissible within the confines of the rear yard only.
- e. Mexican Palo Verde (*Parkinsonia aculeata*).
- f. All varieties of mulberry trees.

### **Approved Plant List**

The Official Regulatory List from the Arizona Department of Water Resources, Tucson Active Management Area, Low Water Use/Drought Tolerant Plant List, which includes for the City of Tucson and Pima County, updated March 2007, a copy of which is attached hereto and made a part hereof, is the complete list of plants approved for Tierra Vista.

## **Lighting**

Since many areas of Pima County are regulated by light code restrictions, landscape lighting, used to enhance plants and yard areas, must not be excessive, nor adversely impose upon neighboring properties. All exterior lighting added to the home must be painted to match the color of the home.

## **Machinery and Equipment**

No machinery, fixtures, improvements or equipment of any type, including, but not limited to, heating, cooling, air conditioning, refrigeration equipment, and clotheslines, may be placed on any lot or parcel so as to be Visible from Neighboring Property. Any such placement of any machinery, fixtures, improvements or equipment requires the prior written approval of the Architectural Review Committee and such approval may be withheld in the Committee's sole discretion.

Oil pans, carpet, boards or any other object used to collect oil spills from driveways must be removed when not in use to prevent them from being Visible from the street or Neighboring Property.

## **Paint Colors**

The paint colors used by the original developer must be used in all instances, based upon zoning requirements. In the case of any variation from the original colors, the preferred colors are earth tones. Trim colors shall not dominate the exterior appearance and shall be of the same color range of the major color. The Architectural Review Committee must approve paint colors prior to painting.

## **Patio Covers**

Roofing materials should match that which were installed by the builder on the original roof of the home or what was offered as an option by the builder for a patio cover.

Color and material of supports should match the home. Roof shall be flat or match the pitch of the roof of the home. All patio covers, not installed by the builder, will need to be reviewed by the Architectural Review Committee on an individual basis, prior to installation, with strong consideration being given to any impact of architectural features in the neighborhood.

## **Playground Equipment**

Plans for play structures and similar recreational equipment must be submitted for approval since in most instances they extend over the wall height. This is not to eliminate play structures, but to consider privacy and noise issues for adjacent neighbors, and to assure the aesthetic appeal.

The maximum height which will be considered for approval of swing sets and other play equipment without written input of immediately adjacent neighbors shall be eight (8) feet. An architectural submittal for any such structure which exceeds eight (8) feet at its maximum height may be required to provide written approval from all adjacent neighbors. In no case will the maximum height of any such improvement be permitted to exceed twelve (12) feet. The maximum height for any deck/platform is four (4) feet above ground level.

The play structure may be placed no closer than ten (10) feet to any lot line. When considering plan approval, the Committee will consider the appearance, height and proximity to neighboring property.

Submittals must include a picture or brochure of the structure, total dimensions, materials and a plot map or sketch indicating the proposed location and its proximity to adjacent property lines.

The condition of the canopy of the play structure must be kept in excellent visual condition. It should be replaced if it becomes worn, faded or torn.

Neighbor approval shall include a signed statement acknowledging the proposed equipment, its height, material and color. Neighbors name, address, lot number and date signed must be noted.

### **Pools and Spas**

Pools and spas do not require the prior approval of the Architectural Review Committee.

All pool and spa equipment must be screened from view of neighboring property.

Pools may not be backwashed into any common area or street. Check with your pool contractor concerning City/County ordinance requirements for backwashing. Damage, including erosion, to common area due to backwashing will be repaired by the Association and all expenses incurred by the Association will be billed to the homeowner.

### **Mailboxes**

Mailboxes may be replaced with like (black, no graphics) and sturdier mailboxes. Creating a stuccoed enclosure is permissible as long as the color matches that of the base color of the home. All other requests for modifications must be formally submitted.

### **Roof and roof structures**

If the dwelling unit has pitched roof, the same roofing material and color must be used on any new/additional roof or roof structure. Unless specifically authorized in this document, no heating, air-conditioning, ventilation equipment, or any other equipment or structures shall be located or installed on any roof (please see Solar Panels). In addition, any such equipment or structures shall not be located or installed or maintained anywhere on a Lot, if it is Visible from Neighboring Property.

### **Sanitation**

No garbage or trash may be placed on any lot or parcel except in covered containers meeting the County specifications, and must be stored out of sight. Trash cans may be placed out for pickup no more than 12 hours prior to pickup and must be removed from view no more than 12 hours after pickup. Rubbish, debris and garbage shall not be allowed to accumulate.

Each owner shall be responsible for removal of rubbish, debris and garbage not only from his lot or parcel, but also from all public right-of-ways either fronting or along side his lot or parcel, excluding (a) public roadway improvements, and (b) those areas specified on a Tract Declaration or subdivision plat to be maintained by the municipality or the Association.

### **Security Lighting Devices**

Security lighting must be directed as not to shine on neighboring property. Additional visible security features, including but not limited to doors and windows, must be submitted for approval.

### **Security Doors, Screen Doors, Sunscreens**

Wrought iron security/screen doors need not be submitted for approval provided they are painted to match the base color of the home, or are a neutral "earth tone" color. Silver colored aluminum screen/security doors and/or wire screen mesh doors are strictly prohibited on front doors.

Bronze, gray, charcoal, brown or beige non-reflective sunscreen material may be installed and not submitted for approval provided that the window frame matches the sunscreen material or the existing window frames. Reflective window films are expressly prohibited.

### **Security Bars**

Security Bars are prohibited in the Tierra Vista Homeowners Association.

### **Signs**

No signs shall be displayed on any lot except the following:

- (a) Signs required by legal proceedings;
- (b) A maximum of two residential identification sign with a maximum face area of seventy - two (72) square inches.
- (c) One temporary "For Sale" or "For Lease" sign with a maximum area of five (5) square feet in size.
- (d) Signs used by the Declarant to advertise the lots and residence thereon for sale.
- (e) Such signs as may be required by A.R.S. §33-1808, which includes political signs. The specific details related to political signs are enumerated in Section 3.14 of the recorded CC&Rs.
- (f) Other signs as may be approved by the Architectural Review Committee.

All signs shall conform and comply with City ordinances. Signs advertising landscaping or pool contractors, etc. must be removed within forty-eight (48) hours of completion of work.

### **Security Signs**

Security signs must be located a maximum distance of 2 feet from the front of the home. Security signs must not exceed 12 inches by 12 inches and must be maintained in good condition at all times.

### **Solar Panels and Equipment**

Roof mounted solar equipment, (excluding solar panels), must match the roof material. Panels must be an integrated part of the roof design and mounted directly to the roof plane. Solar units must not break the roof ridgeline; visibility must be minimized from public view, and may be required to be screened from neighboring property in a manner approved by the Architectural Review Committee.

### **Storage Sheds**

Storage sheds need not be submitted for approval, **provided that maximum height of the shed, including roof, does not exceed the height of the immediately surrounding walls(s) or fences(s).** Sheds shall have a minimum setback of 5 feet from any rear yard walls.

Sheds whose maximum height exceeds the height of the immediately surrounding wall(s) or fence(s) **must be submitted to the ARC.** Sheds should be of a neutral color matching the exterior of home and be made of non-reflective material. All sheds must be maintained in good condition. Metal sheds are prohibited.

### **Windows**

Permanent draperies or other window treatments, such as blinds and shutters shall be installed on all front-facing windows within thirty (30) days of occupancy. Window coverings such as; flags and or bed sheets are prohibited. No reflective materials, including but not limited to, aluminum foil, reflective screens or glass, mirrors or similar type material, shall be installed or placed upon the outside or inside of any windows. Exterior window coverings or treatments used to decorate openings must be compatible with respect to materials and style.