

DESIGN GUIDELINES RULES AND REGULATIONS FOR MIRASOL HOMEOWNERS ASSOCIATION, INC.

March 31, 2010

The Design Guidelines / Rules & Regulations, as set forth in this document, shall interpret and implement procedures for the Design 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 exist within Mirasol Homeowners Association, Inc. Unless specifically identified as not requiring submittal for approval within this document, prior approval from the Design 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 Design 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 DESIGN REVIEW COMMITTEE. APPROVAL TO PROCEED SHALL BE REQUIRED IN WRITING FROM THE DESIGN 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:

Mirasol Homeowners 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 Mirasol and the use and appearance of all land within Mirasol, shall comply with all applicable Pima County zoning and code requirements as well as the Declaration and these Rules.

REVIEW-APPROVAL AND/OR DISAPPROVAL

The Design 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 Design 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:

Mirasol Homeowners Association, Inc.
c/o Platinum Management, Inc.
P.O. Box 14198
Tucson, AZ 85732
(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 Design 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 3.5 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 Design 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.

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 Design 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 Design Review Committee, except Lots with view fencing. Any items installed in the rear yard must not exceed the wall or fence height. Such items must be approved by the Design 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, as well as rear yards with view fencing. Statuary must not exceed 12 inches in height, must be of earth tones and must be approved by the Design 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 Design 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 Design 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

Plans to raise the height of a party wall must be submitted for approval with written permission from the adjacent neighbor(s) as well as with information on the height of all walls which will abut the wall(s) being raised. 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 in texture and color.

Access for pool installation must be through the front gate access or by removing a portion of the front wall. Corner lots must receive prior approval to remove a portion of the sidewall.

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 and other flags as provided in A.R.S. § 33-1808, provided the American flag and military flags are 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.

The above does not apply to model homes where flags, in addition to or other than those flags allowed per A.R.S. §33-1808 may be displayed, but only during the time those homes are represented as models.

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 Design 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 Design Review Committee. Gates may be painted to match the fence with approval from the Design 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 Design 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 installed by developer must be maintained by homeowner. If landscaping is not installed by the Builder, it shall be installed by the Homeowner within 90 days after becoming the Owner of a Lot. The landscaping and irrigation improvements shall be installed in accordance with plans approved in writing by the Architectural Committee. Prior to installation of such landscaping, the Owner shall maintain the front yard of the Lot in a weed-free condition.

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 of an "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, except on Lots with view fencing. All rear yard landscaping must be installed within one (1) year after becoming the Owner of a Lot.

Turf No turf is allowed in the front yard. Although Bermuda Grass may be permitted, please be aware that it does produce a tremendous amount of pollen. Therefore, it is highly 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. Should this provision conflict with the Declaration of Covenants, Conditions and Restrictions, the Design Guidelines take precedence with regard to turf as stated herein.

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. Sweet Acacia and any other large thorn tree.
- g. 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, updated July, 2004, a copy of which is attached hereto and made a part hereof, is the complete list of plants approved for Mirasol.

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.

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 Design 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 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 Design 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 Design 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 must include 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 color of canopy of the play structure must be one of the following in the order listed:

1. Canvas covers shall be of a “neutral” color, off white, beige or light brown.
2. A single solid color of red, blue, green or yellow.
3. Stripped with white and one (1) other color either red, blue, green or yellow.

Except that prints and multi-colored stripped canopies are strictly prohibited.

Neighbor approval shall include a signed statement acknowledging the proposed equipment, it’s 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 Design Review Committee. Perimeter walls on lots bordering common areas and shared Homeowners Association walls may not be removed to allow access to rear yards.

Access must be gained by removing a portion of the front wall on the side of the home. Repairs to the wall must be completed in a timely fashion and include repairing the wall to match the texture and color of the remaining wall. All pool and spa equipment must be screened from view of neighboring property. (Lots with view fencing must submit plans for screening for approval by the Design Review Committee.)

Pools may not be backwashed into any common area or street. Check with your pool contractor concerning 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.

Pool Fencing and Equipment

The specifications for rear yard wrought iron pool fencing installation on a Lot with view fencing shall be of a neutral earth tone color to match or blend with the exterior color of the home and meet all County, State and Federal requirements.

Pool equipment on lots with view fencing must be screened from view from common areas. Screening may be through plant material or hardscape enclosure. Hardscape enclosures do not require approval if the enclosure does not exceed four feet in height and is finished with stucco and paint to match the base color of the home. All other screening material requires approval from the Design Review Committee.

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.

Sidewalks

Please refer to Driveway extensions and sidewalks.

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” “industry standard” sign not to exceed 18” x 24” per A.R.S. §33-1808(F).
- (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.
- (f) Other signs as may be approved by the Design Review Committee.

All signs shall conform and comply with County 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 Design 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.** The shed must be constructed of block, the building stuccoed and painted to match the home, with a shingle or tile roof that matches the existing roof of the home.

Storage sheds on lots with a view fence are subject to the following provisions:

The shed may not be placed adjacent to the view fence. The shed must be screened from view with approved plant materials. Placement of the shed must be approved prior to installation.

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. 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.

Mirasol Homeowners Association, Inc.
Architectural Design Review Form

Please mail or fax to:
Mirasol Homeowners Association, Inc.
c/o Platinum Management, Inc.
P.O. Box 14198
Tucson, AZ 85732
(520) 623-2324 Fax (520) 722-5039

Name: _____ Date: _____

Address: _____ Daytime Phone: _____

_____ Lot #: _____

Requesting Approval of: _____

Work to be performed by: _____

Type of Material (attach samples/pictures/brochures): _____

Color to be Used (attach samples/pictures/brochures): _____

SUBMITTAL MUST INCLUDE A LEGIBLE PLOT PLAN INDICATING LOCATION OF REQUEST AND INCLUDE ALL APPLICABLE MEASUREMENTS AND DIMENSIONS.

INCOMPLETE SUBMITTALS WILL BE DENIED

I agree to comply with all applicable county and state laws, and to obtain all necessary permits. I also agree not to begin work until I have been notified in writing of the Design Review Committee's decision and to maintain all improvements in their original condition. Design Review Committee must review and respond to all submittals within **60** days. All work must be completed within 90 days from day of approval.

Owner's Signature: _____ Date: _____

Approved: _____

Conditionally Approved: _____

Denied: _____

Committee Member Signature: _____ Date: _____