

**DESIGN GUIDELINES
RULES AND REGULATIONS
FOR
SUNRISE TERRITORY VILLAGE TOWNHOMES
HOMEOWNERS ASSOCIATION, INC.
Hereinafter Sunrise Territory Village Townhomes**

DATE:_____

**THESE DESIGN GUIDELINES SUPERSEDE
ANY AND ALL PREVIOUSLY ISSUED DESIGN GUIDELINES**

The Design Guidelines / Rules & Regulations, as set forth in this document, interpret and implement procedures for the Architectural Review Committee's ("ARC") 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 standards of development existing within Sunrise Territory Village Townhomes. Unless specifically identified as not requiring approval of the ARC, prior approval of the ARC is required. The Guidelines are established to assist residents in conforming to the standards established, and amended from time to time, by the ARC. Each application for approval will be reviewed by the ARC on a case by case basis.

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

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

APPLICATION PROCEDURE

Submittal

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

Sunrise Territory Village Townhomes Homeowners Association, Inc.
C/O Platinum Management, Inc.
P.O. Box 14198
Tucson, AZ 85732-4198
(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
2. **Plot Plan**-A site plan showing dimensions, relation to existing dwelling and property lines (setbacks). Measurements must be written on the plans.
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 Sunrise Territory Village Townhomes and the use and appearance of all land within Sunrise Territory Village Townhomes, shall comply with all applicable Vail and Pima County zoning and code requirements as well as the Declaration and these Rules.

REVIEW-APPROVAL AND/OR DISAPPROVAL

The Architectural Review Committee has **30** days after receipt of the plans to approve or disapprove such plans. No verbal approvals/disapprovals will be given by the management company or any member of the ARC. All decisions will be in writing and will be mailed to the person who submitted the plans via US Mail. If the ARC requires additional time to review the plans, it will provide notice to the Owner of the Lot that additional time is necessary. The notice will state that the plans have been rejected, but that they may be approved within the additional time needed to conduct a full review of such plans.

Review and approval or disapproval will include, but is not limited to, consideration of the materials being used, the quality of workmanship, colors, and consistency with the external design and color of existing structures on the lot, as well as the impact on neighboring lots. The location of the improvement must also take into consideration the building permit issued and the setback requirements, topography, drainage and finished grade elevation.

Neither the Architectural Review Committee, nor the Board of Directors, nor the Declarant is liable, in any way for the approval or disapproval of any plans, specifications, or improvements. The approval of the plans does not mean that the ARC, Board or Declarant has evaluated the structural soundness of the improvement nor its effect upon existing or future drainage. The review and approval of the plans is for aesthetic purposes only.

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

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

Appeal

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

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C/O Platinum Management, Inc.
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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") is allowed outside the Dwelling Unit. Those satellite dishes or broadband receivers that are three feet (3') or less in diameter and whose installation and use is protected under the Telecommunications Act of 1994, are acceptable and do not require prior approval, provided that the unit is placed on the Lot in a location that minimizes visibility from the streets or the other Lots within Sunrise Territory Village Townhomes, while preserving an acceptable quality signal. Any installation outside of these guidelines must be submitted to the ARC for approval before installation.

The preferred locations of antennas protected under the Telecommunications Act of 1994, in 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. Additionally, any transmission cable for a receiver to the house must be underground, or if that installation is not feasible, it must be painted to match the color of the home. The restrictions shall be subject to any limitations imposed by law.

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. Shall be no higher than 8 ft

2. Only portable, free standing basketball backboards are permitted provided prior permission has been requested and received from the ARC. , Backboards cannot be placed in the street or upon sidewalks at any time. All equipment must be constantly maintained. Broken backboards, disfigured or bent rims, ripped torn nets, chipped and/or peeling pain, etc, should be promptly repaired or replaced. Only nylon or similar cord nets are acceptable. Metal or chain nets are expressly prohibited. Courts may not be painted or permanently outlined on the driveway or other concrete surfaces in the front or side yard.
3. Trampolines are permitted in the back yard only. All trampolines and enclosures shall be maintained and shall not be placed any closer than 20 ft from a wall.

Chimneys

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

Decorative Items

Decorative items to be installed in the front yards must be submitted for approval by the ARC. The Board 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. Be aware that there is a ten (10) foot easement in front of all properties that must be kept clear.

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 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, in 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. Any decorative art greater than these specifications will require approval by the ARC.

Water Features, Statuary

Items such as fountains, statuary, etc., are permitted within the rear yard and do not require submittal to the Architectural Review ARC. If the home does not have a block/stucco wall, any items installed in the rear yard must not exceed height of the wall or

fence. . Such items must be approved by the ARC 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 ARC reserves the right to limit the size and quantity of statuary in the front yard. Statuary must not exceed 24 inches in height, must be of earth tones and must be approved by the ARC. Any Owner who has allowed the water feature to have stagnant water will be notified of the need to clean the water to eliminate any health concerns for the community.

Party Walls

General Rules of Law to Apply

Each wall which is built as a part of the original construction of a building upon the Properties and placed on the dividing line between Lots shall constitute a party wall, and, to the extent not inconsistent with the provisions of this Article, the general rules of law regarding party walls and liability for property damage due to negligence or willful acts of omissions shall apply thereto.

Sharing of Repair and Maintenance

The cost of ordinary repair and maintenance of a party wall shall be shared equally by the Owners of the Lots which are divided by the wall.

Destruction by Fire and Other Casualty

If a party wall is destroyed or damaged by fire or other casualty, any Owner who has used the wall may restore it and is hereby granted a permanent access easement for such restoration. The Owners of the Lots which are divided by the wall shall share equally in the cost of such restoration.

Weatherproofing

Notwithstanding any other provision of this Article, an Owner who by his negligent or willful act causes a party to be exposed to the elements shall bear the whole cost of repairing all damage resulting from such exposure.

Right to Contribution Runs with Land

The right of any owner to contribution from any other Owner under this Article shall be appurtenant to the land and shall pass to such Owner's successors in title.

Arbitration

In the event of any dispute arising concerning a party wall, or under the provision of this Article, each party shall choose one (1) arbitrator and the two (2) arbitrators shall choose a third (3rd) arbitrator, and the dispute shall be decided by a majority of all the arbitrators.

Private Agreements

Private agreements between Owners may not modify the provisions of this article.

Eaves, Steps, Open Porches

For purposes of this Article, eaves, steps and open porches shall not be considered part of a building.

Use Restrictions

Land Use and Building Type

- A. All Lots shall be used for residential purposes only, and no structure whatever other than single-family residence shall be placed or maintained thereon.
- B. No building shall be placed or maintained on any of said Lots which shall have a ground floor area of less than 1200 square feet, such ground area to be exclusive of open porches, armadas or an attached garage.
- C. No business of any nature shall be conducted on said Lots.
- D. No room or rooms in any residence on said Lots may be rented or leased. Nothing in this paragraph shall be construed as preventing the renting or leasing of an entire Lot, together with its improvements. However, no Lot may be rented for a hotel or transient purpose, which shall be construed to mean for a period of less than thirty (30) days.

No Temporary Building or Trailers

- A. No temporary house, house trailer, motor home, tent, garage, camper, boat or outbuilding or any kind shall be placed or erected on any part of the Properties, and no residence placed or erected on any Lot shall be occupied in any manner at any time prior to its being completed in accordance with approved plans, as hereinafter provided, nor shall any residence, when completed, be in any manner occupied until made to comply with all requirements, conditions and restrictions set forth herein; a building or buildings on any Lot, necessary temporary buildings for storage or materials, etc., may be erected and maintained by the person doing such work. The work of constructing, altering or remodeling any building on any part of the Properties shall be prosecuted diligently from the commencements thereof until the completion thereof.
- B. No garage, nor other building or structure shall be erected, placed, or maintained on any Lot until the construction and completion of the principal residence thereof, except that the necessary outbuildings, garage, or other structures relating to the main residence may be simultaneously constructed, and nothing herein contained shall be construed to prevent the incorporation and construction of a garage in and as part of such residence.

No building of any nature shall be removed from without the Properties to any Lot within the Properties without written consent of the ARC and Board of Directors. In the event a building shall be so placed from without on any Lot, said building shall comply in all respects with each and every provision of this Declaration of Conditions and Restrictions relating thereto.

Resubdivision

No Lot or Lots shall be resubdivided except for the purpose of combining the resubdivided portions with another adjoining Lot or Lots, provided that no additional Lot is created thereby. Any resubdivision shall comply with state law and county ordinance.

Flags

In accordance with A.R.S. §33-1808, flags are allowed for the outdoor display of the following types of flags:

- a. The American flag or an official or replica of a flag of the United States army, navy, air force, marine corps or coast guard by an association member on that member's property if the American flag or military flag is displayed in a manner consistent with the federal flag code (P.L. 94-344; 90 Stat. 810; 4 United States Code sections 4 through 10).
- b. The POW/MIA flag.
- c. The Arizona state flag.
- d. An Arizona Indian nations flag.

Residents are allowed one (1) flagpole which shall be attached by bracket to the front of the home, or one (1) aboveground flagpole no higher than 20'. The American flag shall not be any larger than 3' x 5' as per the federal flag pole code P.L 94-344;90 STAT 810;4. The American Flag must be lit if it is kept on the flagpole after sunset.

Animals

No cattle, sheep, goats, pigs, rabbits, poultry or other livestock shall be bred, raised or kept on the Properties, nor shall dogs, cats or other animals be kept in kennels or similar enclosures on the Properties. This restriction shall not be construed, however, as prohibiting the keeping of ordinary domestic pets as long as such pets are kept confined in the single family residence and fenced yard.

Owners may not exercise their animals on Common Areas except on a leash as required by Pima County Ordinance. Owners will be required to clean up animal feces.

LANDSCAPE GUIDELINES

Front Yard Landscaping All front yard landscaping and irrigation systems shall be installed in accordance with plans approved in writing by the ARC. After installation of such landscaping, the Owner shall maintain the front yard of the Lot in a weed-free condition. Height of shrubs shall not exceed 4 feet in height and must be maintained and trimmed. Tree canopies must be trimmed above the driveway if the tree covers any portion of driveway. Be aware that there is a ten (10) foot easement in front of all properties that must be kept clear.

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

Rear Yard Landscaping Rear yard landscaping does not require Architectural ARC approval, unless installing a structure that is visible from the street.

Shrubs, Trees No shrubs, trees or obstructions of any kind shall be placed on corner Lots in such places as to cause a traffic hazard.

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 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.

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 their front, rear and side 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. Weeds must be cleared around the home as required by the local fire department. Tumble weeds may not be more than 2 feet in height on any portion of a Lot. .

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.

Any of the above plants already planted as of the date of this document, may remain. No further plantings of the above plants will be permitted.

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, a copy of which is attached hereto and made a part hereof, is the complete list of plants approved for Sunrise Territory Village Townhomes.

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 ARC and such approval may be withheld in the ARC'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.

No elevated tanks of any kind shall be erected, placed or permitted upon any part of the Properties, and any tanks for use in connection with any residence constructed on the Properties, including tanks for the storage of gas and fuel oil, gasoline, or oil must be buried or walled in to conceal them from neighboring Lots, roads or streets.

No structure designed for use in boring for water, oil or natural gas shall be erected, placed or permitted upon any part of the Properties, nor shall any water, oil or natural gas, petroleum, asphaltum or hydrocarbon products or substances be produced or extracted therefrom.

Paint Colors

The paint colors used by the original developer must be used in all instances. Trim colors shall not dominate the exterior appearance and shall be of the same color range of the main color. The ARC must approve paint colors prior to painting. Re-painting using the original colors or touch-ups does not require approval.

Patio Covers

Roofing materials should match those that 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. The roof of any patio covers should 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 ARC 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 such structures will extend over the height of the wall. The intent of this requirement 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 the written input of the 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.

Play structures cannot be placed any closer than ten (10) feet from any lot line. When considering plan approval, the ARC 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, if required, shall include a signed statement acknowledging the proposed equipment, its height, material and color. The neighbor's name, address, lot number and date signed must be noted.

Sanitation

No garbage or trash may be placed on any lot or parcel except in covered containers meeting the County specifications, and such containers must be stored out of sight, or on the side of garage where it's not feasible to keep such containers 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 on the Lot.

Each owner is responsible for removing rubbish, debris and garbage not only from the lot or parcel, but also from all public right-of-ways either fronting or alongside the lot, excluding (a) public roadway improvements, and (b) those areas specified in the Declaration or subdivision plat as being maintained by the municipality or the Association.

Security Lighting Devices

Security lighting must be directed so that it does not 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

Plans for wrought iron security/screen doors do not need to 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

Plans for the installation of security bars must be submitted to the ARC.

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 signs with a maximum face area of seventy - two (72) square inches.
- (c) One temporary “For Sale” or “For Lease” sign which is no larger than 18” by 24” with a 6” by 18” rider is permitted. (d) Signs used by the Declarant to advertise the lots and residence thereon for sale.
- (e) Signs that may be required under 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 that are approved by the ARC.
- (g) Security signs must not exceed 12 inches by 12 inches and must be maintained in good condition at all times.
- (h) Any and all other signs allowed or required by law

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.

Solar Panels and Equipment

Roof mounted solar equipment, (excluding solar panels), must match the color of the roofing 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 ARC.

Storage Sheds

Plans for storage sheds do not need to be submitted for approval, **provided that the maximum height of the shed, including roof, does not exceed the height of the immediately surrounding walls(s).** Sheds shall have a minimum setback of 5 feet from any wall on the Lot.

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

Vehicle Parking and Storage

The parking of vehicles on streets is expressly prohibited, except that Owners, their guests, and other invitees may temporarily park their vehicles on the streets in front of residences for the purpose of social events and other gatherings of residents and their invitees.

Parking or storing or recreational vehicles (including, but not limited to trailers, campers, motor homes, mobile homes, van conversions and boats) is prohibited on all portions of the Properties, except within the confines of an enclosed garage.

However, notwithstanding the foregoing provision, a recreational vehicle may be parked on the paved parking area on an Owner’s Lot for a period not exceeding three (3) days in any seven (7) day period, for the purposes of providing temporary parking for Owners and transient guests of Owners or tenants who may be traveling in or towing the recreational vehicle.

The Board of Directors may establish a system relating to and requiring issuance of parking permits for such temporary parking uses.

There shall be no automobile repairs or storage or parking of dead or junk automobiles or trucks as the same are customarily defines, on any lot; nor shall there be any storage of trailers on any Lot, except that a trailer may be kept in a garage.

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. The materials and style of exterior window coverings or treatments used to decorate openings must be compatible with the home.