

ASSOCIATION RULES AND RESIDENTIAL DESIGN REVIEW GUIDELINES FOR MONTELENA MASTER COMMUNITY ASSOCIATION

May 24, 2006

The Association Rules and Residential Design Review Guidelines ("Rules"), as set forth in this document, shall interpret and implement procedures for the Design Review Committee's ("Committee") 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 high standards of development that exist within Montelena Master Community Association. Unless specifically identified as not requiring submittal for approval within this document, prior approval from the Committee is required. The Rules are established to assist residents in conforming to the standards established, and amended from time to time, by the 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 COMMITTEE. APPROVAL TO PROCEED SHALL BE REQUIRED IN WRITING FROM THE COMMITTEE. FOLLOWING THESE RULES 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:

Montelena Master Community Association

City Property Management Company
4645 E. Cotton Gin Loop
Phoenix, AZ 85040

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 or from the Builder.
3. **Elevation Plans:** Plans showing finished appearance of improvement in relation to existing dwelling.
4. **Specifications:** Detailed description of materials to be used, 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 Montelena Master Community Association, and the use and appearance of all land within Montelena Master Community Association, shall comply with all applicable City/County/State zoning and code requirements, as well as the Declaration and these Rules.

REVIEW-APPROVAL AND/OR DISAPPROVAL

The Committee shall have forty-five (45) days after submittal of plans to approve or disapprove plans. No verbal approvals/disapprovals will be given by the management company. All decisions will be mailed via US Mail.

Review 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 with respect to topography and finished grade elevation is also considered.

Neither the 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 judgment 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 ninety (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:

Montelena Master Community Association
City Property Management Company
4645 E. Cotton Gin Loop
Phoenix, AZ 85040

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

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RESIDENTIAL DESIGN REVIEW GUIDELINES

ACCESSORY STRUCTURES: Accessory structures shall include gazebos, fireplaces, firepits, etc., in the rear yard. Unless specifically stated herein, these structures must be set back at least five feet (5') from all surrounding property lines. They require Committee approval if they are taller than the surrounding fences. The intent is to use colors that are consistent with the Community; however, materials are subject to review by the Committee. If it is felt that the materials will not last in the Arizona weather, the Committee has the authority to request additional information or require that the materials be better suited to our climate.

ANTENNAS: To the extent permitted by applicable law, the installation of antennas, satellite dishes or other devices for the transmission or reception of television or radio signals or any other form of electromagnetic radiation shall be subject to the prior written approval of the Committee unless applicable law prohibits the Committee from requiring such approval. If the applicable law prohibits the Committee from requiring prior approval for the installation of certain antennas, any such antennas are to be installed as follows:

The preferred installation locations are as follows in descending order of preference:

1. A location in the back yard of the Lot where the Receiver will be screened from view by landscaping or other improvements;
2. An unscreened location in the backyard of the Lot;
3. On the roof, but below the roofline;
4. A location in the side yard of the Lot where the Receiver 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 Receiver will be screened from view by landscaping or other improvements.

Wires must be securely attached to the dwelling and painted to match where attached.

AWNINGS: All awnings must be approved by the Committee. Awnings over all 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, rippling, etc.

BASKETBALL GOALS: Portable basketball goals will be considered if they meet the following requirements:

1. Basketball equipment must be stored out of sight when not in use.
2. All basketball poles used in front of the home must be placed on the interior side of the driveway.
3. Backboards must be of a predominantly neutral color (gray, black or white) or match the color of the body of the exterior of the home. (Clear backboards are acceptable without painting.)

4. All equipment must be constantly maintained. Broken backboards, disfigured or bent rims, ripped torn nets, chipped and/or peeling paint, etc., should be promptly repaired or replaced.
5. Only nylon or similar cord nets are acceptable. Metal or chain nets are expressly prohibited.
6. Painting of "keys" on driveways is prohibited.

CHIMNEYS: Chimneys shall be constructed of the same material, texture, and color of the home. Exposed flues are prohibited. If not attached to the home (as in beehive fireplaces), the structure shall be at least five (5') from all perimeter lot lines and surrounding walls.

DECORATIVE ITEMS: Front yard item(s) must be submitted for approval by the 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 thirty (30) days after the date of the holiday to which the flag pertains. Flags must be maintained in good condition at all times. Flags that are 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 thirty (30) days prior to the holiday and must be removed within fourteen (14) 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 (3') in length, width, and height.

Water Features, Statuary, Etc.: Items such as fountains, statuary, etc., are permissible within the rear yard and do not require submittal to the Committee, except on Lots with view fencing or if these items will be visible above the fence. These items must be approved by the Committee prior to installation in the front yard. Water features may not exceed four and one half feet (4-½') 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 in rear yards with view fencing.

DRIVEWAY EXTENSIONS AND SIDEWALKS: Driveway extensions will be reviewed for approval providing the following conditions are met:

1. Only driveway extensions located in the side yard of the property will be considered.
2. Parking on the driveway extension will not be allowed.
3. Submittals must include a plot plan with the following noted thereon: a) the location and dimensions of the proposed extension, b) the existing driveway dimensions, and c) the total linear feet of lot frontage.
4. The total parking area may not exceed thirty feet (30') of contiguous frontage or fifty percent (50%) of the lot width (existing plus extension) as measured at its widest point, whichever is greater.

5. Homeowners with four (4) car garages will not be permitted to add a driveway extension since this will exceed the provision directly above. Rather, these owners will be permitted to request one of the following options:
 - a. A stabilized decomposed granite driveway, which matches the existing granite in the front yard. Homeowners may not park vehicles on this extension. Color samples of existing and proposed granite must be submitted.
 - b. A sidewalk no more than three feet (3') in width from the rear of the yard to the existing driveway. Additionally, the sidewalk may not exceed three feet (3') past the front edge of the home and shall not run parallel to the driveway as to exceed the 30-foot limit.
 - c. Either option must be submitted to the Committee for approval.
6. Painting of paved surfaces is prohibited.

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

1. The additional sidewalk is three feet (3') or less in width, is one foot (1') or more from the property line, and is one foot (1') or more from the home.
2. The area between the home and the sidewalk addition must have groundcover installed per the landscaping guidelines or to match the existing front yard ground cover (i.e., grass, decomposed granite).

The 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.

FENCES AND WALLS INCLUDING DECORATIVE WALLS: Plans to raise the height of a party wall must be submitted for approval. The application must include written permission from the adjacent neighbor(s), as well as information on the height of all walls that will abut the wall(s) being raised, material to be used to raise wall, and texture and color of finished wall. Side and rear walls may not exceed six feet (6') in height from ground level, as measured from the lowest side of the wall.

Plans for new fences or walls must be submitted to the 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 inches (36") in height. Decorative or garden walls must be submitted for approval prior to installation, and be finished to match the base color of the home.

FLAGPOLES: Flag display requirements:

1. Only the flag of the United States and either the Arizona State flag or a nationally recognized Military Unit Flag (not both) may be displayed.
2. The maximum size of any flag shall be three feet by five feet (3' x 5').
3. The maximum height of a permanent, removable or freestanding pole shall be twenty feet (20') or the height of the roof peak, whichever is less and must be submitted for approval by the Committee.
4. Wall mounted flag poles shall be a maximum of five feet (5') long with attaching brackets painted to match the attachment area and will not require prior approval.

5. All poles and flags must be maintained in excellent condition according to the United States Flag Code, Title 36, U.S.C., Chapter 10.
6. Only one (1) permanent, removable, wall mounted or freestanding pole will be permitted per residence or lot.
7. It will be the responsibility of the homeowner or resident of the lot on which a flag is displayed to do so with proper respect and flag etiquette.

***These requirements are within the context of State Bill 1055, as approved by the Governor on April 29, 2002.**

GATES: All requests for additional gates or gates other than those which were offered by the original developer/builder of the lot/home must be submitted for Committee approval. Placement of gate(s) must be approved by the 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 Committee.

Gates may be painted to match the fence with approval from the 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 COOLERS: Except as initially installed by the Declarant, no heating, air conditioning or evaporative cooling unit shall be placed, installed, constructed or maintained upon any lot without the prior written approval of the 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: If landscaping is not installed by the Builder, it shall be installed by the homeowner within ninety (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 Committee. Prior to installation of such landscaping, the Owner shall maintain the front yard of the Lot in a weed-free condition.

For lots that are 70' wide and larger, front yard landscaping must contain a minimum of one (1) thirty-six inch box tree, one (1) twenty-four inch box tree, ten (10) five-gallon shrubs, ten (10) one-gallon shrubs, organic or inorganic ground cover and underground irrigation to plant material. The tree requirement may be substituted with approved cactus with a minimum height requirement of five feet (5).

For lots that are less than 70' wide, front yard landscaping must contain a minimum of two (2) fifteen gallon trees, five (5) five-gallon shrubs, five (5) one-gallon shrubs, organic or inorganic ground cover and underground irrigation to plant material. The tree requirement may be substituted with approved cactus with a minimum height requirement of five feet (5).

Rear Yard Landscaping: Rear yard landscaping does not require Committee approval, except on Lots with view fencing. All rear yard landscaping must be installed within ninety (90) days after becoming the Owner of a Lot.

Hardscape: Any hardscape items proposed for front yard installation must be approved by the

Committee prior to installation. Materials included in hardscape are concrete, brick, tile, wood, pavers, 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 painted white, green, blue or other bright colors. No more than two (2) different colors of rock are allowed in the front yard. River rock shall be one (1) to six (6) inches in diameter and not more than fifteen percent (15%) of the front yard landscaping.

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.

LIGHTING: Please refer to Security Lighting.

MACHINERY AND EQUIPMENT: No machinery, fixtures, 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 without screening or concealment from view from non-residential neighboring property or public property.

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.

PAINT COLORS: The paint colors used by the original developer are highly recommended for use in all instances. 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 as the major color. The Committee must approve 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 that which were 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 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 protrude over the fence line. This is not to eliminate play structures, but to consider privacy issues for adjacent neighbors, and to assure the aesthetic appeal.

The maximum height that will be considered for approval of play structures is twelve feet (12'). The maximum height for any deck/platform is four feet (4') above ground level.

The play structure may be placed no closer than ten feet (10') 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 drawing 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: 1) a "neutral" color of off white, beige, or light brown, 2) a single solid color of red, blue, green, or yellow, or 3) striped with white or another primary color and one (1) other color of red, blue, green, or yellow. Prints and multi-colored striped canopies are prohibited.

POOLS AND SPAS: Pools and spas do not require the prior approval of the Committee. Perimeter walls on lots bordering common areas and shared Homeowners Association walls may not be torn down 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 Committee.)

Pools may not be backwashed into any common area or off of the lot on which the pool has been installed. Check with your pool contractor concerning City ordinance requirements for backwashing. Damage to common areas due to backwashing, including erosion, 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 City, 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 (4) in height and painted to match the base color of the home. All other screening material requires approval from the Committee.

ROOF AND ROOF STRUCTURES: If the dwelling unit has pitched roof, the roofing material for that portion visible from neighboring property must be clay or concrete tile. 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 City specifications, and must be stored out of sight. Trash cans may be placed out for pickup no more than twelve (12) hours prior to pickup and must be removed from view no more than twelve (12) hours after pickup. Rubbish, debris and garbage shall not be allowed to accumulate. The suggested time for a trash can to be placed at the curb is from the evening of the day before pick-up to the evening the day of pick-up.

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 alongside 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 City or the Association.

SECURITY LIGHTING/DEVICES: Security lighting must be directed as not to shine on neighboring property. Floodlights are not allowed to be installed on the homes in Montelena.

Security features including but not limited to doors and windows must be submitted for approval.

SECURITY/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 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. Bronze or charcoal non-reflective window tinting may be installed without Committee review.

SIDEWALKS: Please refer to DRIVEWAY EXTENSIONS AND SIDEWALKS.

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

1. One nameplate and a single address plate identifying the occupant and address of a Dwelling Unit, with a maximum face area of eighty (80) square inches.
2. Signs used by the Declarant to advertise the lots and residence thereon for sale.
3. One temporary "For Sale" sign with a maximum size of eighteen inches by twenty-four inches (18"x24"), and must be professionally manufactured, and no sign is placed closer to the street than six (6) feet. **May be used by the Declarant ONLY until such time as the community is sold out.**
4. Such signs as may be required by law.
5. Political signs, not to exceed one (1) per lot, of a size not exceeding twenty-four inches by twenty-four inches (24"x24"). Such signs cannot be in place more than 30 days before an election and must be removed within five (5) days after the election to which the sign pertains.
6. Security signs must be located a maximum distance of two feet (2') from the front of the home. Security signs must not exceed eight inches by ten inches (8"x10") and must be maintained in good condition at all times.
7. Requests for signage by a homeowner must be submitted and approved by the architectural 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.

SOLAR PANELS AND EQUIPMENT: Roof mounted solar equipment (excluding the 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 Committee.

STORAGE SHEDS: Storage sheds will be permitted and need not be submitted for approval, provided the maximum height of the shed, including roof, do not exceed the height of the immediately surrounding walls(s) or fences(s). Sheds shall have a minimum setback of five (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 constructed of block, stuccoed and painted to match the home, and have a tile roof to match the existing tile on the home.

Storage sheds on lots with a view fence are subject to the following provisions: 1) The shed may not be placed adjacent to the view fence; 2) The shed must be screened from view with approved plant materials; and 3) Placement of the shed must be approved prior to installation.

WINDOWS: Permanent draperies or suitable window treatments shall be installed on all front-facing windows within sixty (60) days of occupancy. No reflective materials with a reflectivity greater than 20%, 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 shelf or decorate openings must be compatible, with respect to materials and color, with the style and color of the home.