

ALPINE HEIGHTS HOMEOWNERS ASSOCIATION

ARCHITECTURAL PROPERTY RULES

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ARTICLE 1 PURPOSE AND INTENT; ARCHITECTURAL REVIEW COMMITTEE

The Declaration of Restrictions for Alpine Heights, as it may be amended from time to time (the "Declaration"), provides for an Architectural Review Committee (the "ARC"). The members of the ARC are to be appointed by the Board of Directors of the Alpine Heights Homeowners Association. The ARC shall review and approve or disapprove (i) any excavation or grading work to be performed on any Lot, and (ii) prior to construction or installation, any building, fence, wall or other structure or Improvement of whatever type, including landscaping, that will be Visible From Neighboring Property. Any additions or changes to existing Improvements or to the exterior of any Residential Unit, including repainting regardless of same or a change of color selected, also require the approval of the ARC prior to construction, repainting or installation. The ARC shall also establish architectural rules and guidelines for all such Improvements, additions and changes so that all Improvements within the community may exist in harmony to surrounding structures and topography. Unless specifically excluded from the requirement to obtain the approval of the ARC, any provision in the Declaration or in these Architectural Property Rules that sets forth a permitted use shall be deemed to permit such use only after approved by the ARC. Capitalized words in this document not otherwise defined shall have the same meaning as described in Article 1 of the Declaration. Prior to submitting a request for approval to the ARC, each Owner should read these Design Guidelines and the Declaration. Each document sets forth certain restrictions on the use of Lots and contains information regarding architectural control. Please be considerate of your neighbors so as not to disrupt scenic views.

ARTICLE 2 SUBMITTAL PROCESS

2.1 Required Documents. An Owner shall submit one copy of the following to the ARC and receive written approval prior to construction or installation of any Improvement that requires the approval of the ARC:

2.1.1 A completed request form (attached to this document). The request form must be signed and submitted by an Owner. The Association will not accept request forms signed and submitted by a contractor.

2.1.2 Plans and specifications for the proposed work, including, if applicable:

(i) Site plan for the Lot, showing the proposed Improvement in its proposed location along with all other existing Improvements on the Lot (Residential Unit, driveway, adjacent structure, pool, etc.). Dimensions from the proposed Improvement to the nearest existing Improvement also should be shown.

(ii) Plans, specifications, photographs and/or architectural renderings for all above-ground or in-ground construction (e.g., patio cover, gazebo, adjacent structure, water feature, pool) showing materials, height, width, paint color(s) and a depiction of the finished Improvement.

(iii) The time frame for beginning and completion of the work to construct or install the Improvement.

(iv) If the proposed work is landscaping, the requirements set forth in Section 4.1 of these Design Guideline shall apply.

(v) If the ARC deems it necessary to have plans and specifications for major improvements reviewed by professional consultants (Including architects and engineers), the Owner will be responsible for additional review fees. The ARC has the authority to stop all work being performed by either the Homeowner and/or his contractor for which an application has not been approved or which is deemed in violation of the Declaration. Failure of the Homeowner to comply may be a cause of an action at law or in equity, either for injunction, action for damages or such other remedy as may be available.

Additional information may be requested by the ARC, and until all requested information has been submitted, a request for review is considered incomplete.

2.2 Process. Owners may not rely on verbal approvals or indications from any person that Improvements will be approved by the ARC. The ARC shall either approve or disapprove in writing each request within 30 days after receipt of the request. If a request is denied within such 30-day period, then written denial shall be forwarded to the Owner stating the reason for denial. If the ARC requests additional information, then the 30-day period will not commence until all required information has been submitted. It is an Owner's responsibility to make sure that a request and all additional information required by the ARC is received by the ARC. All work applied for and approved must be completed within 60 days from the date of the approval letter unless otherwise set forth in the approval notice from the ARC.

2.3 Compliance with Requirements of Governmental Authorities. The ARC approvals required pursuant to the Declaration and these Design Guidelines shall be in addition to, and not in lieu of, any approvals or permits that may be required under any federal, state or local law, statute, ordinance, rule or regulation, Including all requirements of the Town of Payson. An approval by the ARC shall not be construed in any way to be an approval by any applicable federal, state or local governmental authority.

2.4 Warranty Disclaimer. Prior to commencing construction or modifying an Improvement, an Owner should investigate any effect such construction or modification will have on any warranties. The ARC will not be responsible for any warranty that is deemed void as a result of the ARC approving any such construction or modification.

2.5 Variances. The ARC, in the reasonable exercise of its duties hereunder, may authorize variances from the guidelines and procedures set forth herein.

ARTICLE 3 **NEW HOME CONSTRUCTION AND LOT IMPROVEMENTS**

3.1 All new home construction and initial lot improvement plans must be submitted to the Association ARC committee for approval. Please refer to the Alpine Heights Homeowners Association Declaration of Restrictions, Article II.A Single-Family Residential Use.

ARTICLE 4 **LANDSCAPING**

This Article 4 contains requirements for the submittal of landscaping requests. Please read the entire Article before preparing your request.

4.1 Maintenance of Property and Vegetation. Each Owner shall keep his/her lot free of trash, building material scraps, and other unsightly materials. No trees shall be cut down, destroyed or moved from a lot except as permitted by Town of Payson Code of Ordinances. All trees shall be kept free of mistletoe. All lots shall be maintained so as not to pose a fire hazard from brush, trees, or undergrowth, as determined by the Board. The maintenance of the greenbelt is the responsibility of the Owner. No Structures, open or enclosed, may be constructed within the designated greenbelt area, with the exception of fences.

4.2 Approval of all Landscaping Required. All landscaping installed by an Owner that will be Visible From Neighboring Property (at the time of installation or with the passage of time) must be approved by the ARC prior to installation. All requests from Owners should conform to the guidelines set forth in this Article 3.

4.3 Submittal Requirements. Requests for first-time installation of landscaping or major renovations of landscaping must be signed and submitted by an Owner and must include a landscape showing the following:

- (i) a North arrow;
- (ii) all property lines and easements;
- (iii) the location of each structure already existing on the Lot, including the Residential Unit, patio areas, courtyard areas and walls;
- (iv) the location of any new berms or grading changes over 6 inches from the grade provided by Declarant at the time of Lot closing;

- (v) an elevation drawing showing the direction and flow of drainage and demonstrating that proper drainage will be maintained after construction is complete. Drainage must not flow onto any other Lot;
- (vi) all tree and shrub materials shown by symbol in their proposed locations and a legend indicating the types and quantities to be used by their common names;
- (vii) the location of all proposed inert ground cover (decorative rock) with indication of size, color and depth of installation.
- (viii) the location of all proposed hardscape Improvements such as headers, walkways, patios, structures, pools, barbecues;
- (ix) the location of all proposed landscape lighting, including voltage and wattages; and
- (x) the location of any other proposed Improvement to be installed with the landscaping.

4.4 Plant Materials. Alpine Heights is a Firewise Community. Please refer to the Town of Payson Codes for acceptable plant materials. Mistletoe is an invasive, prohibited plant. It is the responsibility of the homeowner to keep all trees on their property free of mistletoe.

4.5 Drainage. The flow of drainage on a Lot may not be changed through the installation of landscaping or any other Improvement. Owners are responsible for any change of Lot drainage. It also is the responsibility of the Owner to maintain and clean drainage areas located within the Lot for proper irrigation and landscape maintenance. If the existing drainage course is altered in any way by the Owner, (i) the Owner will be responsible for damage to the Owner's property and any additional damage to neighboring Residential Units and other Improvements caused by altering the grade, and (ii) The ARC recommends that each Owner obtain a re-certification of proper drainage after installation of landscaping and walls.

4.6 Cleanup. Upon completion of any landscaping Improvements, all landscape material debris must be removed from the Lot and any soil or other residue remaining on the street must be cleaned.

ARTICLE 5

ANTENNAS/SATELLITE DISHES

5.1 Communication Services. If an Owner desires to install an antenna for the purpose of receiving television or other communications services, the rules in this Article 5 apply.

5.2 Approved Devices. An antenna 38 inches or less in diameter or diagonal measurement which is designed to receive signals from direct broadcast satellites (DBS) or designed to receive video programming services from multi-channel multi-point distribution (wireless cable) providers (MMDS) or an antenna that is designed to receive television broadcast

signals (TVBS) may be placed, installed, or kept on a Lot without the prior written approval of the ARC if the antenna complies with the restrictions set forth in Subsections 5.2.1 through 5.2.4. For the purposes of this Section 5.2, a restriction shall be deemed to impair the user's ability to receive signals from a provider of DBS, MMDS or TVBS if compliance with the restriction would unreasonably delay or prevent installation, maintenance or use of the antenna, unreasonably increase the cost of installation, maintenance or use of the antenna or preclude reception of an acceptable quality signal.

5.2.1 The antenna must be placed on the Lot in such a manner as to not be Visible from Neighboring Property unless it is impossible to do so without impairing the user's ability to receive signals from a provider of DBS, MMDS or TVBS.

5.2.2 If the antenna cannot be placed on the Lot in such a manner as to not be Visible from Neighboring Property without impairing the user's ability to receive signals from a provider of DBS, MMDS or TVBS, then the antenna must be screened by landscaping or by some other means so that it is not Visible from Neighboring Property, unless such screening would impair the user's ability to receive signals from a provider of DBS, MMDS or TVBS, in which event the antenna must be screened by landscaping or by some other means to reduce to the greatest extent possible its Visibility from Neighboring Property without impairing the user's ability to receive signals from a provider of DBS, MMDS or TVBS.

5.2.3 If the antenna is mounted on a residence or other structure and is Visible from Neighboring Property, the antenna must be painted a color that will blend into the background against which the antenna is mounted, unless the painting of the antenna would impair the user's ability to receive signals from a provider of DBS, MMDS or TVBS.

5.2.4 An antenna that is less than one meter in diameter and is designed to receive video program services from MMDS or an antenna designed to receive TVBS may be mounted on a mast which does not exceed 5 feet in height above the roof line. However, the mast shall be no higher than the height necessary to establish line of sight contact with the transmitter. If the mast or antenna is Visible from Neighboring Property, the mast or antenna must be painted a color that will blend into the background against which the antenna is mounted, so long as the painting of the antenna does not impair the user's ability to receive signals from the MMDS or TVBS provider.

5.3 Restricted Devices. No antenna which exceeds 38 inches in diameter or diagonal measurement and no mast which exceeds 5 feet in height above the roof line may be placed, installed, constructed or kept on any Lot without the prior written approval of the ARC

ARTICLE 6

OTHER IMPROVEMENTS AND ALTERATIONS

6.1 Fireplaces, Fire Pits and Barbecues. Proposals for the installation of permanent outdoor fireplaces, barbecues and fire pits must include materials, colors and the location and distance from neighboring Lots. All such installations must be 3 feet or greater from all Lot lines. Each proposal will be considered on a case-by-case basis depending on the location and height of the installation and clearance between structures. The style, color and materials of the proposed Improvement should complement the style, color and materials of the Residential Unit. Each Owner is responsible for assuring that the operation of the facility is in compliance with all applicable ordinances and laws.

6.2 Flags, Flag Poles. The Association may not prohibit the outdoor display of the American flag, an official or a replica of a flag of United States army, navy, air force, marine corps or coast guard, the Gadsden flag, the POW/MIA flag, the Arizona state flag, an Arizona Indian nations flag or any other flag that by law cannot be prohibited on a Lot (a "Permitted Flag"). The following guidelines shall be applicable to the display of flags:

6.2.1 Only Permitted Flags may be displayed on flagpoles. No free standing flagpole may be installed without the prior written consent of the ARC. A request for approval of a flagpole must include the materials and color of the flagpole and the proposed location of installation. Flagpoles installed on Lots shall be limited to the height of the residential structure and must be placed a distance the greater of (i) 10 feet back from the front sidewalk (or curb if there is no sidewalk), or (ii) 1/2 the distance from the front of the house to the edge of the front sidewalk (or curb if there is no sidewalk).

6.2.2 All displays of the American flag and military flags (and, if applicable, any other flag) on a Lot must be in a manner consistent with the Federal Flag Code (4 USC Sections 4 through 10). Flags are limited to two (2) per lot.

6.3 Signs. The number of political signs per lot is restricted per Town of Payson Code. Signs can be posted not more than sixty (60) days before an election date and must be removed within seven (7) days after the election date. "For Sale" real estate signs may remain in place as long as the home is for sale. Only one (1) such sign is permitted per lot. Only one (1) "For Rent or Lease" sign is permitted and must be removed immediately upon actual rental.

6.4 Holiday Decorations. Holiday decorations will not require approval if installed no earlier than 30 days before a holiday and removed no later than 30 days after a holiday. Any variation from these time periods will require approval of the ARC. The ARC reserves the right to request reasonable modifications to holiday decorations if deemed appropriate.

6.5 Pools, Spas and Water Features.

6.5.1 Swimming pools and certain spas require excavation and therefore are subject to review and approval by the ARC. Plans and specifications for the pool or spa, as prepared by the pool contractor, must be submitted to the ARC and must include any proposed fencing. The Town of Payson and Gila County have specific rules governing swimming pool fence enclosures, and an Owner should submit a proposal for a swimming pool fence only after being assured by the City that the proposed fence will not be in violation of those rules. The ARC may condition its approval upon receipt from an Owner of a copy of the Town of Payson building permit for the pool or spa, including the fence enclosure.

6.5.2 Provisions for backwashing and/or draining of pools/spas must be contained wholly on the Owner's Lot. The use of a dry well to retain such water is recommended. Backwashed/drained water shall not be permitted to seep onto an adjoining Lot.

6.5.3 Pool, spa and fountain equipment must be concealed within an enclosure from the view of neighboring Lots and streets and must be placed in locations on the Lot so that the noise generated by the equipment will be the least disruptive to neighbors.

6.5.4 Above-ground spas may be installed by an Owner without approval of the ARC so long as such spas (i) are installed on the surface of the ground and no substantive excavation is performed; (ii) are not set in a concrete-walled recess, and (iii) do not include any components that would be Visible from Neighboring Property.

6.5.5 Any walls removed during construction of a pool, spa or other Improvement shall be walls situated on the Owner's Lot. Any wall removed shall be replaced in its original state immediately after construction is complete, including paint.

6.6 Roofs. All replacement roofing material must be the same type as the original roof, or one approved by the ARC. All colors used must be compatible with the house or house trim and the surrounding neighborhood. Use of metal roofing will be approved based on the quality and color on a case-by-case basis.

6.7 Solar/Alternative Energy Devices. Solar roof panels will be considered for approval on a case-by-case basis if made to look like an integrated part of the roof design and mounted directly to the roof plane.

6.8 Gutters and Down Spouts. Gutters must match trim and down spouts must match the color of the house on which they are mounted. Gutters must follow the contour of the structure and cannot span open spaces or cross blank walls. Downspout extensions may not extend to the neighboring property lot lines.

6.9 Accessory Buildings. No more than one (1) accessory structure, as defined by the Town of Payson Code of Ordinances is permitted per lot, and any such structure shall not exceed two hundred (200) square feet. Square footage of all structures on the lot shall not exceed forty (40)% of the area of the lot, excluding green belt. Accessory structures must be located to the rear of the home, and not closer than three (3) feet from any property line. No accessory structure shall exceed a height of fifteen (15) feet. Such structures must be approved by the Architectural Committee and shall be in compliance with the Town of Payson Unified Development Building Codes and permit requirements. Roofing and siding must be compatible with the home. Canvas, metal or any non-wood structures are not permitted. All utilities to structures must be underground.

6.10 Water Storage. Storage Tanks for harvesting of water must be screened from view, not unsightly, and must be approved by the Architectural Committee. Such tanks must be to the rear of the home.

6.11 Fencing. All Fencing must be approved by the Architectural Committee and be in compliance with the Town of Payson Code of Ordinances. Maximum height of fencing is three (3) feet within the twenty (20) foot front set-back, and six (6) feet thereafter. No chain-link fencing is permitted within the twenty (20) foot front set-back

ARTICLE 7 **MISCELLANEOUS**

7.1 Modification. The foregoing Design Guidelines may be modified from time to time as deemed necessary in the sole discretion of the Architectural Review Committee of the Alpine Heights Homeowners Association.

7.2 Conflict. In the event of any conflict between these Architectural Property Rules and the Declaration, the Declaration shall control.