

APPALOOSA MEADOWS PHASE II
ARCHITECTURAL REVIEW RULES AND GUIDELINES

REVISED JULY 2018

In accordance with the Declaration of Covenants, Conditions, Restrictions and Easements for Appaloosa Meadows II recorded at Instrument No 3555857 in the Official Records of the Yavapai County, Arizona Recorder on March 10, 2003 (the "Declaration") and its By-laws, the Board of Directors of Appaloosa II Homeowners Association has adopted the following Design Guidelines and Architectural Review Committee Rules (collectively, the "Guidelines") for the Architectural Committee (the "Committee"), which Guidelines shall apply to all Lots located within Appaloosa Meadows II. The Committee may, from time to time, and in its sole discretion, adopt, amend and repeal by unanimous vote, rules and regulations to be incorporated into, amendments to the Guidelines, which among other things, interpret, supplement, or implement the provisions of the Guidelines. Each owner is responsible for obtaining from the Committee a copy of the most recently revised Guidelines. The Guidelines are designed to protect and foster the unique and high quality environment found in the Town of Chino Valley and its environs and to ensure a level of design consistency and overall quality of character.

ARTICLE I

APPLICATION PROCEDURES

A. INTRODUCTION AND DEFINITIONS

Whenever any action by or approval of the Committee is required by the terms of the Declaration or these Guidelines, requests for such action or approvals shall be submitted to the Committee in accordance with the procedures set forth herein. Requests for approvals shall be reviewed by the Committee in accordance with these Guidelines and the Declaration. Capitalized terms used in these Guidelines shall have the meanings set forth in the Declaration. Unless otherwise provided for herein, all periods of time referred to in these Guidelines shall refer to calendar days and shall include all Saturdays, Sundays, and state or national holidays provided that if the date or last date to perform any act or give any notice with respect to these Guidelines shall fall on a Saturday, Sunday or state or national holiday, such act or notice may be timely performed or given on the next succeeding day which is not a Saturday, Sunday or state or national holiday.

B. FORMS/PLAN REVIEW

The Committee shall adopt a form upon which all requests for actions or approvals from the Committee must be submitted. Two complete sets of plans, specifications, site plans or other documents must accompany the application. Plans must include a plot plan of the home on the lot showing all setbacks, utility connection locations, fencing and air conditioning or other ground mounted equipment locations. Further plans shall include driveway plans identifying driveway construction materials and location. The form adapted by the Committee is attached (Page 15).

C. REVIEW FEE

The Committee may adopt a fee schedule in connection with its review and appeal if a dispute arises and a consultant is required.

D. TOWN CODE COMPLIANCE

All Owners are responsible for adhering to the Town of Chino Valley and County of Yavapai Codes and Regulations.

ARTICLE II

REVIEW PROCEDURES

A. MEMBERS/MEETINGS

The Committee shall consist of five (5) members. The Committee shall meet at least quarterly and shall meet more frequently as needed to timely review all applications for approvals. The Chairman of the Committee will be a board member and may call special meetings upon two days' prior written or oral notice to the other members. A quorum for each meeting shall consist of three members. An alternate member may participate at any meeting in which there is not a quorum of regular members present, may constitute a quorum by his or her presence, and shall have all of the authority of a regular member while so participating.

B. DECISIONS

The Committee shall review all applications submitted to it and shall furnish a written decision to the applicant setting forth the reasons for its decisions. An affirmative vote of a majority of the members representing a quorum at any meeting of the Committee shall be necessary for any decision. The Committee may disapprove any application if there is not sufficient information submitted for the Committee to exercise the judgment required by these Guidelines. In all cases, the Committee shall attempt to itemize

the nature of its objections. No construction shall begin until plans have been approved by the Committee.

C. VARIANCES

The Committee has the authority to deviate from the requirements contained in these Guidelines in extenuating circumstances if the following requirements would create an unreasonable hardship or burden for an Owner. An affirmative vote by a majority of the full Committee, at any meeting, must be gained for a variance to be granted.

D. APPEAL TO BOARD

Any owner who disagrees with the decision of the Committee may appeal the decision to the Board. Such appeal must be made within fifteen (15) days after the decision of the Committee and must be accompanied by the written decision of the Committee together with, if the appeal is made by the applicant, copies of the application and all items submitted to the Committee, and any other relevant evidence previously submitted to the Committee.

E. WRITTEN RECORDS

The Committee shall keep complete written records of all applications for approval submitted to it (including one set of preliminary sketches and all architectural plans), of all actions of approval or disapproval and of all actions taken by it under the provisions of these Guidelines. All such records shall be maintained by the Committee for a minimum of three (3) years after approval or disapproval.

F. NATURE OF APPROVAL

Any approval of plans, specifications or proposed construction given by the Architectural Committee shall be only for the purpose of permitting construction or installation of proposed improvements or alterations within the Appaloosa Meadows II, by Owners of Lots. Such approval shall not constitute an approval, ratification, or endorsement of the quality or architectural or engineering soundness of the proposed improvement and neither the Committee nor its members, the Board of officers of the Association, shall have any liability in connection with or related to approved plans, specifications or improvements.

G. FAILURE TO OBTAIN PRIOR APPROVAL FOR CONSTRUCTION

In the event any Owner commences or completes any construction, installation, alteration, addition or improvement without first obtaining approval of the Committee as required by the Declaration and these Guidelines, then the board shall have the right to fix

a fine on the offending Owner in an amount not to exceed \$2,000 per violation, which shall be secured by a reimbursement, assessment lien against the Owner's lot.

H. FINE SCHEDULE OTHER THAN CONSTRUCTION.

1. On discovery of a violation of the CC&R's and the Guidelines a Courtesy Letter will be forwarded to the Owner advising of the violation, requesting the violation be corrected within thirty (30) calendar days of the date of the letter, and advising of the Owners right to be heard before the Board. The Owner will have 30 days for the hearing from the date the hearing request is received by the Board. If this violation has not been remedied and thirty (30) calendar days has elapsed a fine will be imposed: first fine will be \$50.00; second fine will be \$75.00 and third fine will be \$100.00. Each fine increase will be thirty (30) calendar days after the previous fine. If this violation has not been remedied the fine will be \$100.00 each thirty (30) calendar day period, cumulative. Should the violation continue at the \$100.00 level for a period of one year, the Association may seek to file a lien against the offending Owners property.
2. Fines are cumulative, for example if an Owner receives a \$50.00 fine followed by a \$75.00 fine, that Owner then owes the Association \$125.00 plus any late charges on each incremental fine. Unpaid fines will incur a late charge of 10% for the unpaid incremental fine in accordance with CC&R's Article V Section 5.10 B. In addition, CC&R's Article V Section 5.10 D. allows that interest charges may be imposed monthly at a rate of 12% APR on any and all assessments and charges not paid by the due date.
3. If a violation is corrected and recurs within ninety (90) calendar days, the fines will increase to the next level. For example a weed violation was corrected at the \$50.00 level and recurs within ninety (90) calendar days, the fine for recurrence will start at \$75.00.
4. When the fine reaches the \$100.00 level, the Association in accordance with CC&R's Article IV, Section 4.04.B, will obtain an estimate to fix the problem and that estimate will be included in the letter to the Owner. If the Owner does not respond within thirty (30) calendar days, the Association will take steps to fix the problem and the Owner will be liable for the actual amount and all cumulative fines. After the problem is fixed, and the Owner does not respond, fines will continue to accumulate. If the Owner responds, additional fines will cease at that point and all previous fines will be immediately payable.

ARTICLE III

STANDARDS FOR CONSTRUCTION AND EXTERIOR APPEARANCE

A. COMPLIANCE WITH ZONING

All buildings, structures or alterations erected, constructed or installed within Appaloosa Meadows II, and the use and appearance of all land within Appaloosa Meadows II, shall comply with all applicable Town of Chino Valley and Yavapai County, Arizona, zoning and code requirements, as well as the Declaration and these Guidelines. Nothing contained in these guidelines shall be deemed to amend or supersede applicable zoning, building code or Declaration requirements or restrictions.

B. ARCHITECTURAL THEME/DETAILING

1. All buildings, exterior alterations and other improvements erected within Appaloosa Meadows II must be approved by the Committee prior to the commencement of construction.
2. When a building or structure design or alteration has been approved and all necessary building permits have been obtained from the Town of Chino Valley, Arizona, the applicant shall proceed in a timely manner with the commencement of construction or installation of the proposed improvement or alteration. Such commencement shall occur within ninety (90) days from the date of obtaining a building permit, and in all events, within six (6) months of receiving Committee approval. Failure to commence construction or installation of the proposed improvement or alteration within such time periods shall require the applicant to apply for a new approval of the proposed improvement or alteration and the original approval shall be deemed revoked. Construction and installation must be completed within sixty (60) days of the estimated completion date stated on the Request for Approval Application. All required landscaping shall be completed no later than one hundred twenty (120) days from the close of escrow of original Owner. If these completion dates are not met, the Committee may refer the matter to the Association for further action.
3. Permitted architectural themes of the homes shall be traditional style, contemporary, and ranch style. One and two story homes are permitted, depending on location. Variations in building elevations and in roof tile, ce-

ramic tile trim, siding, wood or masonry trim and paint colors is strongly encouraged and is solely within the Committee's discretion. Houses having the same building elevations must be separated by a minimum of one (1) Lot if located on the same side of a street and cannot be located within three (3) Lots lying most directly across the street. Even then, such similar houses shall be a different color and employ a different roof tile or such other design changes as may be required by the Committee.

4. Home design within Appaloosa Meadows II should feature use of the following elements:
 - a. Articulated floor plans which allow for coordinated and architecturally pleasing elevations for all sides. Box-like structures will not be approved. All four elevations must have architectural interest and harmony.
 - b. Windows should accent the elevations and maintain a continuous architectural theme. Window treatments should be consistent on all elevations. No reflective material shall be allowed.
 - c. Low 'E' glass is acceptable, front porches, and covered patios are encouraged.
 - d. Gazebos, Ramadas, Pergolas, and Patio Covers will be required to have approval by the Committee based on location, material, style and color.
 - e. Specifically prohibited are: large expanses of glass block, reflective glass coatings, round; styles not in keeping with Appaloosa Meadows II architecture, colors with a high reflectivity factor. Also prohibited are log homes, manufactured or modular homes, geodesic domes, earth homes, and other extremely contemporary designs.

C. ORIENTATION/SETBACKS

1. The location and orientation of all buildings and structures must be approved by the Committee prior to the commencement of construction or installation of any improvement.
2. All buildings shall have the following minimum setbacks:

Front yards

20'

Rear yards	20'
Side yards	10'
Side yards on corner lots	15'

3. Encroachments or projections into any yard setbacks shall comply with the Town of Chino Valley requirements.

D. EXTERIOR COLORS

1. No excessive contrast in colors will be permitted, although contrasting colors must be obviously different colors. The exception being, white trim.
2. The exterior colors of all buildings and structures, including fences, walls and all out buildings (i.e. storage sheds) must be approved by the Committee based on submitted paint manufacturers color chips prior to the commencement of construction or installation. All out buildings must match the color of the house.
 - a. Any repainting or redecorating of exterior surfaces that changes the color scheme will require submission to the Committee for approval.
 - b. If the repainting is a refresh of the original colors and color scheme, no approval from the Architectural Committee is required.

E. BUILDING SIZE/HEIGHT/MATERIALS

1. All Residential Units constructed or installed on a Lot shall not be less than One Thousand Five Hundred (1500) livable square feet (air conditioned living area). Two story houses may not have a ground level less than 1200 square feet and will be reviewed based on their mass, proportions and design appeal at the discretion of the Committee. A basement is allowed as long as it is completely or almost completely below grade.
2. Guest houses are allowed and they must comply with existing town and county ordinances. The architectural design of any ancillary buildings must match that of the primary residence. Guesthouses shall not be rented or sub-rented and/or otherwise listed for income purposes.

3. The maximum building height shall not exceed the lower of: (i) thirty-five (35) feet measured in a vertical plane from the highest parapet or roof ridge to the natural grade at the lowest point adjacent to the Residential Unit exclusive of the driveway; (ii) twenty-five (25) feet measured in a vertical plane from the highest parapet or roof ridge to the exterior finished grade projected through any structure cross section; (iii) no wall shall have an unbroken height of more than twenty (20) feet. A chimney may be three (3) feet higher than the highest point otherwise permitted under this section.
4. All exterior building materials must be approved by the Committee prior to the commencement of any exterior construction, installation or alteration.
5. Finished building materials must be applied to all exterior sides of buildings and structures. Each material will be used to express its characteristics in an appropriate manner with colors and textures compatible with the natural surroundings and other buildings and structures in the general vicinity.
6. Permitted materials include masonry, stucco, and rough sawn wood, wood siding, cementitious-plank siding, stone and masonry veneers. Other materials may be approved by the Committee.
7. Metal and plastic/vinyl out buildings (i.e. storage sheds) shall not be allowed when either the exterior siding or roof are of metallic or plastic/vinyl material.

F. ROOFS

1. All home and ancillary building roof types, designs, covering color and lateral must be approved by the Committee before the commencement of construction, installation or alteration. Roof materials shall be of architectural shingle, or concrete tile, and must be approved by the Committee for color and design.
2. Roofs shall be either flat, gabled, hipped or a combination of the above. Excessive roof heights and pitches, as determined by the Committee, will not be permitted. Reflective surfaces and glazed tile will not be approved.
3. Roofs must be designed to avoid long unbroken eaves or ridge lines. Roof elements must be articulated and provide for variation and interest, while maintaining consistency of pitch, detailing and architectural character.

4. Roof vents must be architecturally compatible with the structure. All vents, stacks, etc. shall be painted to match the roof color and place behind the ridge line whenever possible.
5. No mechanical equipment of any kind will be permitted on roofs without the approval of the Committee.
6. Overhead screens, shade covers, and other similar structures shall be constructed of materials and color to match or complement the main roof.

G. WALLS/FENCES/GATES/SCREENING

1. No walls, fences, or gates may be constructed or installed on any Lot without prior Committee approval of the size, location, color and material.
2. Walls and fences shall be a maximum of six (6) feet high from the highest adjacent finished grade. Closely spaced parallel walls are discouraged. All painted walls shall be painted to match the predominate color of the house or in the case of a Project perimeter wall the color shall match the preselected Project color. Chain link fences shall be allowed in the rear yards only and may be green or brown in color. Six foot high fences shall not be allowed forward of the garage side door by more than five feet. Only wood split rail, PVC., vinyl or stucco masonry fences shall be allowed beyond that point and may not exceed 4' in height. Masonry must be 4" Quality Block – "Earth Tone Brown".
3. Owners shall be solely responsible for verifying their Lot boundary lines. Neither the Committee nor the Association shall be responsible for arbitrating any dispute between Owners with respect to the construction, installation, repair or rebuilding of a party wall or fence, or with respect to the sharing of the cost thereof.
4. Pools, spas and other bodies of water on the Lots shall be fenced in accordance with State, County and municipal law.

H. PARKING/DRIVEWAYS

1. Each resident shall provide parking space within the lot for at least two (2) automobiles in an enclosed garage as an attached structure. All driveways shall be constructed to intersect with the street as close as practical to 90 degree angles for

safety, visibility and continuity.

2. Watercrafts, RV Trailers, Trailers, Motorhomes, and Non-Operating vehicles may not be parked for longer than 72 hours on any front driveway or forward of the front plane of the house.

I. SIGNAGE

No exterior signs or advertisements of any kind may be placed, allowed or maintained on any Lot without prior approval of the Committee. Review the Declaration for additional sign restrictions. Contractor and Landscape signs are allowed during construction and landscaping only and must be in accordance with Section P. hereof. "For Sale" signs shall be governed by the restrictions set forth in the Declaration.

J. LIGHTING/SKYLIGHTS

1. Skylights shall be bronze tinted and positioned to avoid glare or constructed to eliminate problems of glare. Skylights shall be located on rear facing slopes of pitched roofs wherever possible.
2. Outside lighting may not be placed, allowed or maintained on any Lot without the Committee's prior written approval.
3. Landscape and accent lighting must be soft and indirect.
4. No single exterior unshielded lighting fixture will exceed 60 watts or 1000 lumens. Floodlights are prohibited unless temporarily activated by motion sensors.

K. MACHINERY AND EQUIPMENT

No machinery, fixtures or equipment of any type, including but not limited to heating, cooling, air conditioning and refrigeration equipment, propane tanks, and clotheslines, may be placed on any Lot without the prior written approval of the Committee. Approval may be conditioned upon prior screening or concealment from view of neighboring properties. The screening or concealment shall be consistent with the design of the building or structure, shall not have the appearance of a separate piece or pieces of machinery, fixtures or equipment, and shall be constructed and positioned in such a manner so it is level and plumb with horizontal and vertical building components and shall be structurally stable in accordance with sound engineering principles.

L. SOLAR PANELS AND EQUIPMENT

All solar energy devices visible from neighboring properties or public view must be approved by the Committee. The criteria for screening set forth in Article III, Section K. shall apply to solar panels and equipment, depending on location.

M. EXTERIOR ACCESSORIES

1. Antennas

- a. Television or radio antennas may be placed, allowed, or maintained upon any Lot only with the prior written approval from the Committee. A satellite antenna less than 3 feet in diameter may be placed at the discretion of the homeowner.
- b. Roof mounted antennas may not exceed the Residential Unit's roof line by more than four (4) feet.
- c. Ham, citizen band or other similar antennas must be approved by the Committee.

2. Basketball Backboards. Permanent basketball backboards may not be installed in front or on a side of the house. A commercial portable backboard and stand may be allowed on or alongside the driveway provided it is maintained in a reasonable condition. Installation of a basketball court or pad in front of the house is prohibited.

3. Flagpoles

- a. Flagpoles shall be limited to a height of twenty (20) feet with one flagpole per Lot.
- b. Only the United States, State of Arizona, Arizona Indian Nation, U.S. Army, U.S. Navy, U.S. Air Force, U.S. Marine Corps, U.S. Coast Guard, MIA/POW and Gadsden flags may be displayed. Such flags must be no larger than 4' x 6'.

4. Mailboxes. No mailboxes or newspaper receptacle shall be allowed on any lot.

5. Utility and Service Lines. Except to the extent, if any, underground placement may be prohibited by law or would prevent the utility lines from being functional; gas, propane, electric, power, telephone, water, sewer, cable television or other utility or service lines of any nature or kind may not be placed, allowed, or maintained upon or above the ground on any Lot; provided, however, above ground service pedestals, splice-boxes, switch cabinets and transformers will be permitted where required for public utilities or the landscaping of Common Areas, if any.

6. Holiday Lighting and Decorations. Holiday lighting and holiday decorations of any nature on the front or side of the house shall be limited to display periods as follows:

- a. Between the dates of Thanksgiving weekend to no later than the following January 31 or 30 days at any other time of year.

N. GARBAGE, TRASH AND DEBRIS

1. Trash container storage areas shall be kept clean and trash contained within the containers. Containers shall be kept behind side lot fencing. On lots without side fencing, containers shall be kept on the garage side of the residence and kept within five (5) feet of the side entrance pedestrian door of the garage. If the garage does not have a side entrance pedestrian door, containers should be kept within fifteen (15) feet of the rear most portion of the garage sidewall. Trash containers may only be left out in front of the house for collection purposes and only for a period not to exceed 24 hours.
2. Rubbish, construction debris, garbage, loose sagebrush (tumbleweeds), weeds or any dead vegetation matter shall not be allowed to accumulate on any property. Each owner shall be responsible for the removal or destruction of any such material from his or her lot in a timely manner not to exceed thirty (30) days from notification.
3. Building supplies, auto parts, lawn and garden equipment, etc. must not be stored forward of the front plane of the house. Screening is required for those items that are stored in the side yard between the rear plane of the garage and the front of the house and such screening shall comply with Article III, Section K of this document.

O. LOT DEVELOPMENT/LANDSCAPING/DRAINAGE AND FILL

1. The original course of surface water flow shall not be disturbed or altered so as to adversely affect neighboring property. The Lot Owner cannot revise the grade of a Lot without approval.
2. Gutters, down spouts or scuppers shall be painted to match adjacent surface color within the limits of the manufacturer's standard available colors.
3. All Lot Owners are responsible for landscaping their front yard – from the front plane of the house to the edge of the asphalt for the entire width of the lot. In addition, owners of corner lots must landscape the street-side yard; this area extends from the end of the

front yard landscaping to the back plane of the house in one direction and from the side of the house to the edge of the asphalt in the other direction.


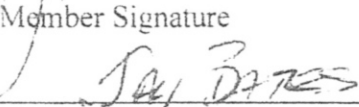
4. Plan guidelines applicable to front and visible side yards:
 - a. At least three 15 gallon-size trees are required in the front yard.
 - b. A maximum of 50% of the front-yard area shall be dedicated to hard surfaces, such as drives, walks and courtyard pavement.
 - c. Landscaping should be designed to blend the residence with the ground through plantings of shrubs in adequate numbers to cover and soften the foundation area.
 - d. Accents of boulders, gentle contouring, turf, colorful plant and ground covers, river rock and plantings are encouraged and may be required to soften or enhance particular architectural elements at the sole discretion of the Committee.
 - e. All non-turfed areas must have some type of ground cover approved by the Committee.

P. REGULATIONS FOR CONSTRUCTION

1. The Owner, or his contractors, who desire to install a temporary construction trailer shall obtain prior written approval of the Committee. Such trailers shall not be used for residential occupancy during construction.
2. The Owner and/or his contractors shall clean up all trash and debris on the construction site at the end of each day and trash and debris shall be removed at least once a week to a dumping facility. Dirt, mud or debris in the roads and streets in Appaloosa Meadows II caused by such construction activity shall be promptly removed by the Owner and/or his contractors as directed by the Committee.
3. The Owner and/or his contractors shall be responsible for providing adequate sanitary facilities. Portable toilets shall be located only where approved by the Committee.
4. Construction crews will not park on, or otherwise use, other Lots. All vehicles shall be parked so as not to inhibit traffic.
5. The Owner and/or his contractors shall be responsible for controlling dust and noise from the construction site. Yavapai County and municipal dust control policies for new

construction must be adhered to.

6. Temporary construction and landscaping signs shall be limited to one sign per Lot not to exceed six (6) square feet of total surface area. The sign shall be free standing and the design and location of such a sign shall first be approved by the Committee.
7. Daily working hours for each construction site shall be no earlier than 6:00 a.m. and no later than 6:00 p.m. or as set by the Committee.

 _____ Board Member Signature	7-30-15 _____ Date
 _____ Board Member Printed Name	

APPALOOSA MEADOWS II
ARCHITECTURAL COMMITTEE
REQUEST FOR APPROVAL
APPLICATION

The Declaration of Covenants, Conditions, and Restrictions for Appaloosa Meadows II ("CC&R's") require that any owner of a Lot obtain the prior written approval of the Architectural Design Review Committee for any exterior alteration, addition or improvement to Property within Appaloosa Meadows II, other than landscaping.

To comply with the CC&R's and the ARC Rules and Guidelines, please submit a completed copy of the Request for Approval form along with two (2) sets of plans and specifications, detailed drawings or blueprints (the "Plans") of the proposed alteration, addition or improvement to any member of the Committee. The plans should specify dimensions, materials to be used and colors. This Application and the Plans will be retained for the Committee records, for a minimum period of three (3) years.

If the request is approved, the Owner agrees to maintain the improvement, alteration or addition. The Owner also agrees to comply with all applicable laws and ordinances of the Town of Chino Valley, the County of Yavapai, Arizona and the State of Arizona and to obtain all necessary permits.

NO COMPLIANCE DEPOSIT IS REQUIRED. However, the Committee does reserve the right, without prior written approval of the Owner, to collect any fees for professional consultants if the Committee requires such services before rendering a decision.

Appaloosa Meadows II Architectural Committee
Request for Approval

NAME: _____ LOT NO. _____
ADDRESS: _____ PHONE: _____
EMAIL: _____ CELL: _____

Provide a description of the request in detail and use additional pages and drawings as necessary. Please include, if applicable, type of materials to be used, color(s) dimensions of structure and location on lot and name and phone number of contractor. Any omission of required drawings/information may delay design review approval or require you to resubmit your request.

All approvals and observations by the Architectural Review Committee (ARC) concern matters of an aesthetic nature only and do not guarantee or imply that improvements built in accordance therewith will be free of defects. Notes written on the plans by the ARC or its authorized agents(s) are considered part of the ARC requirements.

The homeowner has received and is familiar with the ARC guidelines and rules, agrees to comply with all applicable city, county and state laws, and will obtain all necessary permits.

Expected Commencement Date: _____ Expected Completion Date: _____

Date _____

[illegible]

Date _____

Date Completed: _____

Upon completion of work, return this form to the ARC for final inspection and sign off. A copy of the completed request will be returned to the homeowner with 14 days after the completion of the project.

Final Approval:

Date _____