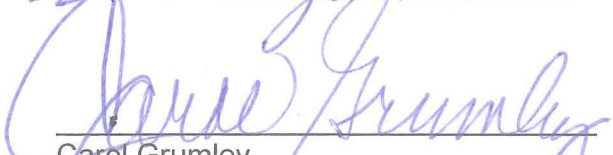



**UNANIMOUS CONSENT TO ACTION  
BY THE BOARD OF DIRECTORS  
MOUNTAIN TRAILS COMMUNITY ASSOCIATION  
c/o AAM, LLC  
1600 W. Broadway Rd., Ste 200  
Tempe, AZ 85282  
(602) 957-9191**


The undersigned, constituting all of the members of the Board of Directors of Mountain Trails Community Association, an Arizona nonprofit corporation, hereby take the following actions in writing and without a meeting pursuant to Section 10-3821, Arizona Revised Statutes, which actions shall have the same force and effect as if taken by the Board at a duly called meeting of the Board.

**RESOLVED** that the Board of Directors hereby adopts the attached Association Rules and Design Guidelines dated June 15, 2016.

IN WITNESS WHEREOF, the undersigned have executed this consent as of the 22 day of June, 2016.

  
\_\_\_\_\_  
Carol Grumley  
President and Director, Board of Directors

  
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Michael Milovanovic  
Vice President and Director, Board of Directors

  
\_\_\_\_\_  
Ryan Johnson  
Secretary/Treasurer and Director, Board of Directors

# **MOUNTAIN TRAILS COMMUNITY ASSOCIATION**



## **ASSOCIATION RULES AND DESIGN GUIDELINES**

June 15, 2016

**MOUNTAIN TRAILS COMMUNITY ASSOCIATION  
ASSOCIATION RULES AND DESIGN GUIDELINES**

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**MOUNTAIN TRAILS COMMUNITY ASSOCIATION  
Association Rules and Design Guidelines**

**I. INTRODUCTION**

Mountain Trails Community Association is a community designed to respect the climate and regional character of its location, minimize environmental impact and maximize water and energy conservation principles. In order to implement and preserve these principles, these Design Guidelines have been established to maintain certain standards by which the community may grow and develop.

The Design Guidelines provide an overall framework and a comprehensive set of guidelines by establishing criteria for the design, size, location, style, structure, materials and color of architecture and landscaping, as well as relevant criteria for the construction or modification of all Improvements made by any party other than the "Declarant". They also establish a process for the judicious review of proposed Improvements or alterations. However, the Design Guidelines are not the exclusive basis for decisions of the Design Review Committee, and compliance with the Design Guidelines does not guarantee approval of any application.

All terms used but not defined herein shall be given the meanings ascribed to them in the Declaration of Covenants, Conditions and Restrictions for Mountain Trails (the "Declaration") and any supplements or amendments thereto, unless the context requires otherwise. The Design Guidelines will be administered by the Design Review Committee pursuant to Article 5 of the Declaration.

In the event of conflict between the Design Guidelines and any government ordinance, building code or regulation, the more restrictive standard shall prevail.

**II. ARCHITECTURAL REVIEW PROCESS**

**APPLICATION PROCEDURE**

**Submittal**

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

**Mountain Trails Community Association  
c/o AAM, LLC  
1600 W Broadway Rd., Ste 200  
Tempe, AZ 85282-1112  
Phone: 602-957-9191 Fax: 602-870-8231**

The following information must be included with each submittal;

1. Application Form – a completed application form (copies of which can be obtained from the Management office)
2. Plot Plan – A site plan showing dimensions, relationship to existing dwelling and property lines (setbacks). Measurements must be written on plans.
3. Elevation Plans – Plans showing finished appearance of the proposed addition or change in relationship to existing dwelling. An accompanying photograph of the proposed location would be helpful.
4. Specifications – Detailed description of materials to be used and color samples.

In addition to all other requirements, the Owner of a Lot must be in Good Standing to be eligible to submit plans for Improvements, additions, alterations, repairs, changes, or other work to the Design Review Committee for approval.

All buildings and structures erected within Mountain Trails and the use and appearance of all land within Mountain Trails shall comply with all applicable City of Phoenix and Maricopa County zoning ordinances, building codes and other ordinances as well as the Declaration and these Guidelines.

**NOTE: Only Lot Owners may request approval. Requests for approval may be submitted only after the closing on a Lot.**



**Review – Approval and/or Disapproval.**

The Design Review Committee shall have 45 days after submittal of plans to approve or disapprove plans. Review and approval or disapproval will include but not be limited to, consideration of material, colors, consistency with the external design and color of existing structures on the Lot and to neighboring lots. The location of the improvements with respect to topography and finished grade elevation will also be considered.

The Design Review Committee, Board, Declarant and Designated Builder shall not have any liability in connection with or related to approved or disapproved plans, specifications or improvements. The approval of the plans does not mean that judgment is passed on the structural soundness of the addition or its effect upon existing or future damage. Review of plans by the Design Review Committee is for aesthetic purposes only.

**Approval Expiration** – Construction must be started within 90 days of the date of the Design Review Committee’s approval of the applicable application or the Design Review Committee’s approval shall be deemed withdrawn and plans must be resubmitted in accordance with these Guidelines.

**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 Design Review Committee’s discretion), such construction shall be completed within six (6) months after the date of the Design Review Committee’s approval of the applicable application.

**PRIOR TO THE COMMENCEMENT OF CONSTRUCTION, THE DESIGN REVIEW COMMITTEE MUST APPROVE ALL PLANS. APPROVAL TO PROCEED SHALL BE REQUIRED IN WRITING FROM THE DESIGN REVIEW COMMITTEE.**

**III. ARCHITECTURAL AND DESIGN CHARACTER**

1. The architectural design of all additions, alterations and renovations to the exterior of any Dwelling Unit shall conform to the design of the original Dwelling Unit in style, detailing, materials and color.
2. The height of any addition to an existing Dwelling Unit shall not be higher than the original roof line.
3. All additions to Dwelling Units shall be built within the setback lines originally established by the Final Plat for Mountain Trails or as changed by the Declarant with the requisite approval of the City of Phoenix.
4. All materials used in the maintenance, repair, addition and alteration of any structure or Improvement subject to review hereunder, shall match those used in the initial construction of the Improvement as to color, composition, type and method of attachment. The Design Review Committee may allow substitute materials if it deems such materials to be compatible with the theme of the Community.
5. No addition, alteration or renovation of an existing Dwelling Unit or any other activity on a Lot may alter the established Lot drainage (as established by the Declarant).
6. Any addition or change to a Dwelling Unit shall be within the model selection choices offered by the original Builder, or if it was not offered by the original Builder, may not exceed ten percent (10%) of the footprint of the Dwelling Unit.

**IV. DESIGN GUIDELINES**

**A. ADDITIONAL STRUCTURES:** Additional structures shall include any structures not specifically called out in this document or the Declaration. Unless specifically stated herein, these structures must be setback in compliance with local City/State requirements from all surrounding property lines. They require Design Review 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 Design Review Committee. If it is felt that the materials will not last in the Arizona weather, the Design



Review Committee has the authority to request additional information or require that the materials be better suited to our climate. Lattice and/or trellis structures will be required to be painted to match the base color of the home or left natural redwood (redwood may be sealed so that it looks good for a longer period of time). All additional structures must be maintained in like-new condition at all times.

**B. ACCESSORY STRUCTURES** - Accessory structures shall include gazebos, ramadas, pergolas, etc. These structures must be setback at least five (5) feet from all surrounding property lines; for every six (6) inches over the six (6) foot wall height a structure must be setback an additional twelve (12) inches away from the wall (*i.e., a structure that is 7 feet tall would need to be 7 feet away from wall, a structure that is 9 feet tall would need to be 11 feet away from wall*). The Accessory structure may require shielding with approved landscaping material on Lots with view fencing.

Accessory structures require Design Review Committee approval if they are taller than the surrounding fences or are Visible From Neighboring Property, including other Lots or Association Common Areas. The intent is to use colors that are consistent with the Community; however, materials are subject to review by the Design Review Committee. If it is felt that the materials will not last in the Arizona weather, the Design Review Committee has the authority to request additional information or require that the materials be better suited to our climate. Any lighting proposed for accessory structures must be included in the submittal and approved by the Design Review Committee prior to installation.

Accessory structures may be erected in rear yards only, subject to prior review and approval by the Design Review Committee and subject to the following guidelines: (a) the maximum roof height may not exceed ten (10) feet at the highest point; (b) ramadas or gazebos must be painted or stained to complement the house color; (c) pergolas must contain an open slatted roof and must be painted to complement the body color of the home; (d) support pillars must be painted to complement the body color of the home or faced with stone accents as applicable to the Community; (e) palapas or tiki huts will not be considered for approval. (f) Structure shall not be attached at any point to any fence (including any block wall fence).

See STORAGE SHEDS below for additional information with regard to Storage Sheds.

**C. ADDITIONS:** When considering an addition to an existing structure, the Design Review Committee will only approve the application if:

1. The height of any addition shall be no higher than the existing home.
2. All additions shall be built within the setback lines originally established for Mountain Trails, regardless of more lenient requirements of governmental authority.
3. When additions, alterations, or renovations are performed, the established lot drainage must not be altered. All new or altered roofs shall drain to the ground solely within the deeded Lot area. No roof may drain directly onto a neighboring property.
4. Additions shall not be attached at any point to any fence (including any block wall fence).

**D. ANTENNAS AND SATELLITE DISHES** - This section applies to antennas, satellite television dishes, and other devices ("Receivers"), including any poles or masts ("Masts") for such Receivers, for the transmission or reception of television or radio signals or any other form of electromagnetic radiation. All Receivers one (1) meter or less in diameter are subject to the provisions of Title 47, Section 1.4000 of the Code of Federal Regulations ("Federal Regulations") and shall be installed in the following locations, listed below in order of preference:

1. A location in the rear yard of the Lot where the Receiver will be screened from view by landscaping or other improvements;
2. An unscreened location in the rear yard of the Lot;
3. On the roof, but completely below the highest point on the roof line;
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.

All brackets and cables used for installation of the dish must be securely attached and painted to match the color of the surface to which they are attached.

**E. AWNINGS AND OTHER ARCHITECTURAL FEATURES** - Awnings, canopies, shutters, security shields, tile, iron, stone or other such architectural features on the front of the Dwelling Unit must conform to the theme and color scheme of the Dwelling Unit and Community. Awnings or canopies must be a high quality and durable fabric of a solid color. Patio awnings must be retractable, horizontally stabilized and made of quality material. The total square footage of the patio must not exceed ten percent (10%) of the livable square footage of the Dwelling Unit. Submittal of awning must include a drawing with the location of the proposed installation, a sample of the material to be used, colors and designs. Owners shall be responsible for the maintenance and repair of such items. The Association retains the right to determine when items must be cleaned, repaired or replaced due to weathering, fading, tearing, etc.

**F. BASKETBALL GOALS** - No basketball goal, backboard or similar structure or device shall be placed or constructed on any Lot so as to be Visible From Neighboring Property without the prior approval of the Design Review Committee, including without limitation, approval as to appearance, height and location.

No basketball backboard, hoop or similar structure shall be attached to a Dwelling Unit or other structure. Basketball backboards, hoops or similar structures attached to a free-standing pole may be placed in the front yard provided the location, style, and color of the basketball backboard, hoop, and free-standing pole or similar structures are approved in writing by the Design Review Committee.

Basketball poles must be located on the side of the driveway closest to the front door to minimize impact to the neighbor. 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. Permanent basketball poles must a predominantly neutral color (gray, black or white) or match the color of the body of the exterior of the home. Only nylon or similar cord nets are acceptable. Metal or chain nets are expressly prohibited. All equipment must be maintained in good condition.

Portable basketball goals need not be submitted for approval. Portable basketball goals must be placed next to the driveway on the front entry door side. Any portable goal not maintained in this location must be stored in the garage or rear yard in a manner not to be Visible From Neighboring Property. Goals may not be placed on the sidewalk, curb or street at any time. All goals must be maintained in good condition.

**G. CLOTHES DRYING FACILITIES** - No outside clotheslines or other outside facilities for drying or airing clothes shall be erected, placed or maintained on any Lot so as to be Visible From Neighboring Property.

**H. COURTYARDS** - Walled courtyard areas are defined as an enclosure of the front portion of the residence to create a private/semi-private walled area. Courtyard walls must be constructed of concrete masonry unit (CMU) block and be stucco and painted to complement the body color of the home. Courtyard walls may be enhanced by stone or other accents that are consistent with that used on the homes within Mountain Trails. Front walls enclosing entry areas creating a private courtyard shall be no more than forty-eight (48) inches in height. Front courtyard pillars/columns are limited to a maximum height of fifty-two (52) inches. Modifications to courtyard wall and pillar height requirements may be made on a case-by-case basis with strong consideration given to the home series and elevation. Owners must submit detailed information with exact height, materials to be used, picture or drawing of the home series and elevation. The placement of 'Coach Light' type fixtures and planting pots is permitted on top of the pillars/columns. All wiring and irrigation for coach lights and pots must



be concealed within the body of the pillar. The location of front courtyard walls shall be around the front entrance area of the house creating a courtyard that does not encroach into the building setback line.

The color of the planting pots must complement the body color of the home. Courtyard walls and pillars/columns, as described, cannot be outside the building setback area.

A courtyard arch may be constructed, but must meet the following criteria:

- A minimum twenty-four (24) inch depth.
- Ten (10) feet at the highest point.
- Be stucco and painted to match the body color of the home or finished with accents as applicable to the Community.

All gates installed on courtyard entrances must be submitted to the Design Review Committee for approval.

**I. DECORATIVE ART ON HOUSES/LAWN ART** Decorative items in rear yards or courtyards that are screened from the view of neighbors and Common Areas do not require prior approval by the Design Review Committee. Front yard and/or porch items that are Visible From Neighboring Property or the street must be submitted for approval by the Design Review Committee. Potted plants are not considered yard art, however, pots that are larger than four (4) feet tall or four (4) feet wide or that are in non-natural or non-neutral colors should be submitted for approval if Visible From Neighboring Property. The Design Review Committee reserves the right, on a case-by-case basis, to limit the number of pots Visible From Neighboring Property.

**J. DRAINAGE** - No Dwelling Unit, structure, building, landscaping, fence, wall, driveway extension or other improvement shall be constructed, installed, placed or maintained in any manner that would obstruct, divert, interfere with or change the direction of flow of water in accordance with the drainage plans for the Community, or any part thereof, or for any Lot as shown on the drainage plans on file with the City of Phoenix. Each Owner shall, at their own expense, maintain the drainage ways and channels on their Lot in proper condition free from obstruction.

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

1. Only driveway extensions located on the side yard of the property will be considered; however, extensions not to exceed two (2) feet in width shall be permitted on the interior and/or exterior sides of the existing driveway.
2. 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; (c) the total linear feet of Lot frontage; and (d) the material proposed for the driveway extension.
3. Driveway extension must be at least two (2) foot off of the side Lot line.
4. Painting of paved surfaces that will be Visible From Neighboring Property is prohibited.

Any additions, removal and/or replacement of the driveway and sidewalk (e.g., to utilize colored concrete, exposed aggregate, stamped concrete, etc.) must be submitted on the landscaping plans with color specifications, etc. for approval.

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

1. The additional sidewalk is four (4) feet or less in width and is setback one (1) foot or more from the property line and one (1) foot or more from the home.
2. Such setback areas between the property line and the sidewalk and the home and the sidewalk must have groundcover installed to match the existing front yard ground cover (i.e., decomposed granite, grass).

Sidewalks that do not meet the above conditions must be submitted for approval and will be considered on a case-by-case basis. Additional sidewalks in any other location must be submitted for approval.

**L. EXTERIOR LIGHTING** – Except as initially installed by Declarant or Designated Builder, no spotlights, floodlights, or other high intensity lighting shall be placed or utilized on any Lot which will allow light to be directed or reflected on any other Lot or any public street.

Exterior lighting shall be permitted on a Lot so long as (i) the source of such lighting is not Visible From Neighboring Property; (ii) the source of the lighting is not pointed at or directly illuminates any neighboring property; (iii) such lighting is limited to that which is reasonably necessary for the safety and convenience of the Dwelling Unit Owner; and (iv) such lighting conforms with such other requirements as may be imposed by the Design Review Committee. Neighboring property for this section shall include Lots, Common Areas, and streets. Notwithstanding the foregoing, but subject to reasonable regulations by the Design Review Committee, exterior floodlights may not continuously remain on after 10:00 PM.

**M. FLAGS AND FLAGPOLES** - Per Arizona Statute, display of one of the following flags shall be permitted: American, Arizona State, United States Air Force, United States Army, United States Navy, United States Marine Corp or United States Coast Guard, POW – MIA, Gadsden, or an Arizona Indian Nation.

Prior approval of the Design Review Committee is not required for flagpoles so long as the height of the flagpole is no greater than the height of the highest point of the roofline. Flagpoles must be setback a minimum of 5 feet from all surrounding walls. Flagpoles that are house mounted below the roofline of the Dwelling Unit do not require prior approval of the Design Review Committee. Only one flagpole of any type (free standing or house mounted) is allowed on a Lot.

**N. GARAGES** - Garages shall be used only for the parking of vehicles and the storage of normal household supplies and materials and shall not be used for or converted to living quarters or for hobby/recreational usage without the prior written approval of the Design Review Committee and applicable City and County Zoning and Code requirements. Garage doors shall be kept closed at all times except to the limited extent reasonably necessary to permit the entry or exit of vehicles or persons. No merchandise or other items, to include vehicles of any type, shall be placed, maintained or displayed for the express and sole purpose of sale in front of the garage or in any part of driveways, unless specifically approved by the Design Review Committee.

**O. GATES** - Double gates may be installed at Mountain Trails to allow wider access ways to rear yards. Double gates will not be allowed on side streets of corner lots. Double gates should be of the same type, design, and color as the originally installed single gate. Shrubs, trees, or other plants should be located between the Dwelling Unit and the double gates, where possible.

When gates are in need of maintenance, a Lot Owner with wrought iron gates with wood inserts must paint the wrought iron to match its original color and must maintain the wood in its natural color.

Gates of any kind on perimeter walls or view fencing on Lots bordering Common Areas are prohibited.

**P. GUTTERS AND DOWNSPOUTS** - Gutters and downspouts may be considered for approval. The finish on same must match the Dwelling Unit in color. High quality materials that offer long life are recommended, as the Lot Owner will be required to maintain the addition in good repair. Plans must include the proposed locations of the gutters and downspouts, the quality of materials to be used, warranty by the manufacturer and the name and telephone number of the installer.

**Q. OUTDOOR FIREPLACES** - Outdoor fireplaces must be contained within the walls of the property, whether they are located in the front yard, side yard or rear yard. Outdoor fireplaces that exceed the height of the surrounding walls require Design Review Committee approval and will be required to be setback at least five feet (5') from all surrounding walls.



**R. PAINT COLORS** - Prior to exterior painting, the Design Review Committee must approve proposed colors.

**S. PARK BENCHES OR OUTDOOR FURNITURE** - Park benches and other outdoor furniture are allowed in the front yards, front porch or courtyard areas of the home and in rear yards with view fencing so long as they are of natural, earth tone colors to complement the home and are kept in like new condition. These items shall be located behind the most forward portion of the home, including the garage, when situated in the front yard setting. White or brightly colored resin benches, tables, chairs or chaises are prohibited if Visible From Neighboring Property.

**T. PATIO COVER ADDITIONS** - Patio cover additions shall be of the same design as those offered by the original Builder. If proposed patio cover addition was not offered by the original Builder, such addition may not exceed ten percent (10%) of the footprint of the Dwelling Unit.

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 Declarant or Designated Builder will need to be reviewed by the Design Review Committee on an individual basis prior to installation, with strong consideration being given to any impact of architectural features in the neighborhood.

**U. PLAY STRUCTURES** - Play structures installed in rear yards that do not have a play platform, do not exceed a height of eight (8) feet from ground level and are placed a minimum of five (5) feet from all neighboring boundaries shall not require Design Review Committee approval. Swing sets and play structures that have play platforms and exceed eight (8) feet in height, must be submitted to the Design Review Committee for approval. The maximum height for a play platform on a play structure shall be five (5) feet from ground level. No play structure shall exceed twelve (12) feet in height to include any canopy or roof. All play structures must be setback a minimum of five (5) feet from all surrounding property lines, for every six (6) inches over the six (6) foot wall height a structure must be setback an additional twelve (12) inches away from the wall (*i.e., a structure that is 7 feet tall would need to be 7 feet away from wall, a structure that is 9 feet tall would need to be 11 feet away from wall*) and shall require shielding with approved landscaping on Lots with view fencing.

A canopy on the play structure must be an approved color blending with the color of the dwelling stucco.

Trampolines, batting cages or any other playground equipment that shall be Visible From Neighboring Property must be submitted to the Design Review Committee for approval. Such items shall be placed a minimum of five (5) feet from all neighboring boundaries and shall not exceed twelve (12) feet in height. For every six (6) inches over the six (6) foot wall height such equipment must be setback an additional twelve (12) inches away from the wall (*i.e., a structure that is 7 feet tall would need to be 7 feet away from wall, a structure that is 9 feet tall would need to be 11 feet away from wall*). Safety nets, if any, must be brown, black or a neutral color with supports painted to match the net.

All playground equipment must be maintained in good condition at all times.

**ALL PLAY EQUIPMENT MUST BE APPROVED BY THE DESIGN REVIEW COMMITTEE PRIOR TO INSTALLATION.**

**V. POOLS, SPAS AND JACUZZIS** - In ground swimming pools do not require the prior approval of the Design Review Committee subject to the following restrictions: (a) perimeter walls on Lots bordering Common Areas cannot be torn down to allow access to rear yards. **An assessment of \$5,000.00 will be applied to an Owner in which such wall has been removed;** (b) access for pool installation shall be through the front gate access or by removing a portion of the front wall. Repairs to the front wall must be completed in a timely fashion and include repairing the wall to match the texture and color of the remaining wall. In addition, any landscape that may be destroyed or damaged must also be replaced; (c) pool ladders, slides, rock waterfalls, etc. that will be Visible From Neighboring



Property must be submitted to the Design Review Committee for approval; (d) Owners are responsible to ensure all codes and ordinances are complied with in regard to the installation of a pool; (e) pools may not be backwashed off of the Lot. Check with your pool contractor concerning ordinance requirements for backwashing your pool. Damage to Common Areas due to backwashing will be repaired by the Association and all expenses incurred by the Association will be charged to the Owner.

Above ground pools shall not be permitted on Lots with view fencing. Above ground spas shall be permitted on Lots with view fencing subject to Design Review Committee approval. Spas must be setback a minimum of ten (10) feet from all surrounding property lines and shall be shielded from view with landscaping as approved by the Design Review Committee.

**POOL FENCING AND EQUIPMENT** - The specifications for rear yard wrought iron pool fencing 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 SCREENING WALLS** - All pool and spa equipment must be screened from view of neighboring property. Lots with view fencing must submit plans for screening to the Design Review Committee for approval. Pool equipment screening walls may not exceed five (5) feet in height and shall be painted to match the base color of the home.

**W. ROOFTOP EQUIPMENT** - No machinery, fixtures or equipment of any type, including but not limited to heating, ventilating, cooling, evaporative, air-conditioning and appurtenant equipment may be mounted, installed or maintained on the roof or wall mounted on the Dwelling Unit or other building so as to be Visible From Neighboring Property.

**X. SECURITY DOORS** - Security doors shall be permitted provided that they are of a color to match the front door or exterior base color of the home. Silver-colored aluminum screen doors are prohibited. Ornamental doors require approval from the Design Review Committee. All screen door designs must be submitted to the Design Review Committee for approval prior to installation.

**Y. SIGNS** - No sign shall be erected within the Community, except those required by law, including posters, circulars and billboards; provided the following types of signs may be erected on a Lot without written consent so long as the permitted signs are professionally painted, lettered and constructed:

1. Signs required by legal proceedings.
2. Two (2) residential identification sign, identifying a Lot or Dwelling Unit by number, address or occupant in a style designated by the Design Review Committee, not to exceed seventy-two (72) square inches in size will be permitted.
3. No more than one (1) industry standard size "For Sale" or "For Rent" or "Open House" sign with maximum size to be eighteen (18) inches x twenty-four (24) inches to be placed on any individual Lot within the Community. Such sign shall be located wholly within the Lot being advertised "For Sale" or "For Rent".
4. One single-sided security/alarm sign may be placed in the front yard where it is visible to persons approaching the Dwelling Unit. The signs shall not exceed a face area of seventy-two (72) inches in size.
5. Per Arizona Statute, political signs may not be in place more than seventy one (71) days before an election and must be removed within three (3) days after the election to which the sign pertains; signs may not exceed an aggregate of nine (9) square feet.

**Z. SOLAR EQUIPMENT PANELS OR DEVICES** – Except as initially installed by the Declarant, no heating, air conditioning, evaporative cooling or solar energy collecting unit or panels shall be placed, constructed or maintained upon any Lot without the prior written approval of the Committee.

Owner should consider and discuss potential glare issues onto adjacent properties with solar installer prior to installation to avoid nuisances after the solar panels become active. The Committee does not review solar panel submissions for potential glare, due to the numerous potential factors involved and



information that is not readily available to the Committee for such review. Any subsequent-to-installation glare or nuisance related to adjacent properties will need to be resolved by Owner and the adjacent Owner, not by the Association.

Solar collecting panels and devices must be placed so as not to be Visible from Neighboring Property, or are placed in such locations and with such means of screening or concealment as the Design Review Committee may reasonably deem appropriate to limit, to the extent possible, the visual impact of such solar collecting panels and devices when Visible from Neighboring Property. Solar roof panels should be made to look like an integrated part of the roof design and mounted directly to roof plane and may not break roof ridgeline. Any visible cabling must match existing color theme so as to blend in with roof, eaves, trim, etc. Cabling must be attached to structure and not allowed to hang loose.

A ground mounted installation may be approved only if; the resulting potential visual exposure is reduced when compared to a similar roof mounted installation, existing vegetation and other natural features of the Lot are not disturbed or eliminated, and related visual mitigation screening (such as walls, landscape, etc.) is included.

Owners shall comply with these requirements to the extent such compliance does not prevent the installation, impair the functioning of the device or restrict its use, or adversely affect the cost or efficiency of the device.

**AA. STORAGE SHEDS** - Storage sheds will be permitted and need not be submitted for approval, provided the maximum height of the shed, including the roof, does not exceed the height of the immediate surrounding wall(s) or fence(s). The shed shall have a minimum setback of five (5) feet from any back or side walls.

Sheds whose maximum height exceeds the height of the immediately surrounding wall(s) or fence(s) must be approved prior to construction; for every six (6) inches over the six (6) foot wall height a structure must be setback an additional twelve (12) inches away from the wall. (*i.e., a shed that is 7 feet tall would need to be 6 feet away from wall, a shed that is 9 feet tall would need to be 8 feet away from wall*). Sheds must be constructed of materials that match in color the materials used by the Builder in the original construction of the dwelling.

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; (3) the shed must be constructed of materials that match in color the materials used by the Builder in the original construction of the dwelling; and (4) placement of the shed must be approved prior to installation.

**BB. TANKS** - No tanks of any kind (including tanks for the storage of fuel) shall be erected, placed or maintained on any Lot unless such tanks are buried underground. Nothing herein shall be deemed to prohibit use or storage upon any Lot of an above ground propane or similar fuel tanks with a capacity of ten (10) gallons or less used in connection with a normal residential gas barbecue, grill, fireplace, spa or "hot tub", so long as any such tank is appropriately stored, used and/or screened, in accordance with the Design Guidelines or as otherwise approved by the Design Review Committee so as not to be Visible From Neighboring Property.

**CC. WALLS AND FENCES INCLUDING DECORATIVE WALLS** - Any fences or walls installed by the Declarant or Designated Builder shall not be removed or altered without prior written approval of the Design Review Committee.

Plans to modify any Party Walls must be submitted for approval. Party Walls are defined in the Declaration in Section 4.9 as any wall or fence that is located between Lots or between Lots and an Area of Association Responsibility whether the wall is located directly on the dividing line between the Lots or between the Lots and an Area of Association Responsibility or whether it is not located directly on the dividing line but serves as the wall or fence separating the Lots or separating the Lots and an



Area of Association Responsibility. 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 modified, materials to be used and texture and color of the finished wall. Side and back walls may not exceed six (6) feet in height from ground level, as measured from the highest side of the wall.

Decorative walls shall not exceed forty-eight (48) inches in height. Pillars or columns shall not exceed fifty-two (52) inches in height. Such decorative walls, pillars or columns shall be stucco and painted to match the body color of the home or enhanced by stone or other accents that are consistent with that used on the homes within Mountain Trails. The placement of 'Coach Light' type fixtures and planting pots is permitted on the top of the pillars/columns. All wiring and irrigation for coach lights and pots must be concealed within the body of the pillar. The location of all decorative walls, pillars and columns shall not encroach into the building setback lines and must be approved by the Design Review Committee.

See COURTYARDS above for additional information with regard to courtyard walls.

**DD. WINDOW COVERINGS/SCREENS** - Permanent draperies or suitable window treatments shall be installed on all front-facing windows within ninety (90) days of occupancy. No reflective materials, including but not limited to, aluminum foil, reflective screens or glass, mirrors or similar type material, shall be installed or placed upon the outside or inside of any windows.

Bronze, gray, charcoal, brown or beige sunscreen material may be installed. The frame for window screens must match the screen material or existing window frames. Replacement sunscreens that do not match those originally installed by the Builder must be submitted for approval.

**EE. LANDSCAPING REQUIREMENTS AND GUIDELINES** – Front yard landscaping has been installed by the Builder. The Owner of a Lot with wrought iron view fencing shall complete the rear yard landscape and irrigation improvements (if not already landscaped) within one hundred eighty (180) days of acquiring a Lot with a Dwelling Unit thereon, in compliance with the following guidelines (as may be amended from time to time).

PRIOR TO AND AFTER INSTALLATION OF LANDSCAPING, THE LOT OWNER SHALL MAINTAIN THE LOT IN A WEED-FREE CONDITION.

**PLACEMENT** - All turf, plant materials and sprinkler components should be kept a minimum of twenty-four inches (24") away from the foundation of the Dwelling Unit and any exterior concrete, including patios, driveways, perimeter walls, and walks (other than sidewalks). No plastic liner or ground cover of any type should be installed within thirty-six inches (36") of the foundation or exterior concrete. Trees and bushes that will become large and/or have extensive root systems should be planted a minimum of four (4) to six (6) feet away from the foundation, exterior concrete and fences.

**GRANITE** - Decomposed granite used in Mountain Trails shall be of a neutral "earth tone" color and 3/4" to 5/8" in size.

Granite shall be installed with a minimum two (2) inch thick layer. All granite areas must be treated with a pre-emergent weed control at regular intervals to retard weed growth.

River run rock of an "earth tone" color is also permitted, but shall be three inches (3") to six inches (6") in diameter. Not more than ten (10) percent of the front yard landscape may be river run rock.

**BOULDERS** - Use of boulders to create a natural setting is permitted subject to the following criteria:

Boulders must be "surface select" granite boulders and must be buried with one-third of the boulder being underground. Boulders shall be installed in a naturalistic manner and integrated within the landscape including other boulders or landscape materials such as plants, decomposed granite and contouring.



**TURF** – Turf is permitted in front and rear yard landscaping provided that no turf or spray irrigation shall abut walls or fences. Planting areas of at least five (5) feet are recommended between walls, fences, structures and turf or spray irrigation. Great care should be taken to avoid spraying of walls, fences and other structures that may cause damage and void any warranty. Drainage should flow away from all walls and any structures.

Turf must be overseeded and remain green year-round, including rear yards with view fencing (unless specifically waived by the Association).

Turf coverage should comply with any applicable City of Phoenix Ordinances.

Homeowners may submit approval requests for high quality artificial turf; the Design Review Committee will make case by case determinations regarding this material after reviewing the submittals which shall include a sample of the proposed artificial turf. In the event artificial turf is approved, homeowner must maintain the appearance of the artificial turf in a clean, “like-new” condition. Association retains the right to determine when the artificial turf must be replaced due to weathering or other types of damage. Artificial turf must be replaced with same turf originally approved or real turf if replacement or repair is required.

All turf must have a permanent border such as extruded concrete curbing, brick border or other permanent material approved by the Design Review Committee.

**IRRIGATION** - All landscape irrigation must be underground, automatic and low water use drip systems, except for turf or flowerbed areas, which may use spray systems. Overspray onto sidewalks and streets are strictly prohibited. Great care should be taken to avoid spray of walls, fences and other structures that may cause damage and void any warranty.

**LANDSCAPE LIGHTING** - Landscape lighting shall be low-voltage only. Landscape lighting must be controlled with an electric clock or photo-cell device. Light sources must be shielded from view.

Light fixtures shall not exceed an illumination intensity of more than one (1) foot candlepower as measured from the Lot line. Outside lights should be screened wherever possible with walls, plant materials, or internal shielding.

**PROHIBITED PLANT MATERIALS** - The following vegetation types and varieties are expressly prohibited due to reasons of profuse and noxious pollen, excessive heights and weed-like characteristics of excessive growth, high water demands or other similar traits. Under no circumstances is it permissible to plant a prohibited plant or allow it to remain within the front yard or rear yard of any Lot within the Community, unless specifically noted below.

1. Olive trees (*Olea Europaea*) other than the “Swan Hill” variety
2. Fountain Grass (*Pennisetum setaceum*) or Pampas Grass (*Cortadena Selloana*)
3. Oleanders other than the dwarf or petite variety (*Nerium Oleander*) and *Thevetia* species
4. Mexican Palo Verde (*Parkinsonia aculeata*)
5. All varieties of Mulberry trees
6. Eucalyptus (all varieties)
7. Citrus and other Fruit trees (permitted in rear yard only)

**FINE GRADING & MOUNDING** - Fine grading is a critical aspect of landscaping. Each Lot has been graded such that all storm water will drain away from the Dwelling Unit. It is important that this drainage pattern be maintained when preparing the landscape design, especially if mounding or berming is proposed. In all cases, the installation must comply with the applicable grading and drainage plan. Every effort should be made to make the mounding appear natural.

**WATER FEATURES, FOUNTAINS** - Items such as water features and fountains are permitted within rear yard areas and do not require approval by the Design Review Committee, except on Lots with view fencing. Water features and fountains to be located in the front yard or in the rear yard of Lots with view fencing must be approved in advance of installation by the Design Review Committee. Water features and fountains Visible From Neighboring Property may not exceed five (5) feet in height and must be earth tone in color. It is recommended that water be chlorinated.

**HARDSCAPE** - The Design Review Committee must approval any hardscape items proposed for front yard installation. Only hardscape items that will be Visible From Neighboring Property in the rear yard will require approval. Materials included in hardscape are concrete, brick, tile, wood, etc. Examples of hardscape items are planters, walkways, retaining walls and decorative walls.

All visible portions of the Lot within the Community are subject to the following guidelines:

- Owners shall maintain all visible landscape areas in a clean, neat and weed-free condition.
- All dead and dying plants must be replaced with same species or other appropriate plants.
- Yard tools, equipment and general storage items should be stored out of sight when not in use.
- Parking of vehicles of any sort in a rear yard shall require screening from view of neighboring property at all times.
- Any hardscape additions such as concrete work, built in barbecues, fire-pits, fireplaces, etc. must be approved by the Design Review Committee prior to installation.

**FF. MAINTENANCE OF LANDSCAPING** - Each Owner shall maintain the landscaping on such Owner's Lot and any right-of-way areas lying between the front, rear, or side boundaries of such Lot and an adjacent street (including, without limitation, landscaping located on the Lot between the sidewalk and street and landscaping located within a public right-of-way adjacent to a Lot), shall keep the land free of debris and weeds at all times, and shall promptly repair portions of the landscaping which have been damaged. Landscaping shall be installed under Section 4.17 of the Declaration as to be consistent, in terms of general appearance and level of care and attention, with other normal completed residential landscaping within the Property and within other residential properties in the vicinity of the Property and in accordance with these Design Review Guidelines established by the Design Review Committee. Each Owner shall maintain the aforementioned landscaping and exterior of the Owner's Dwelling Unit in a neat, clean and attractive condition consistent in appearance with other properly maintained, improved Lots within the Property. In the event any such landscaping is damaged or disturbed as a result of the installation or maintenance of any utility lines, cables or conduits for the use or benefit of the Owner of the Lot, then, in that event, such Owner shall promptly repair and restore any damage or disturbance to such landscaping in accordance with the landscape plans previously approved by the Design Review Committee, if applicable. Each Owner shall promptly (i) replace any dead tree and (ii) restore any uprooted or toppled tree to an upright position if such tree is Visible From a Neighboring Property, provided that, if the Owner wishes to replace the tree with a different type of tree, then the Owner shall submit a plan to the Design Review Committee for review and approval pursuant to Article 5 of the Declaration.

**GG. OVERHEAD ENCROACHMENTS** - No tree, shrub or planting of any kind on any Lot or other property shall be allowed to overhang or otherwise to encroach upon any sidewalk, street, bicycle path or pedestrian way from ground level to a height of eight feet (8') without the prior approval of the Design Review Committee.

## V. ASSOCIATION RULES

**A. ANIMALS:** No animal, bird, poultry, or livestock, other than a reasonable number of generally recognized house or yard pets, shall be maintained on any Lot and then only if they are kept, bred, or raised thereon solely as domestic pets and not for commercial purposes. No house or yard pets shall be allowed to make an unreasonable amount of noise or to become a nuisance. No structure for the



care, housing, or confinement of any house or yard pet shall be maintained so as to be Visible From Neighboring Property. Upon the written request of any Member or Resident, the Board shall conclusively determine, in its sole and absolute discretion, whether, for the purposes of this Section, a particular animal, bird, poultry, or livestock is a generally recognized house or yard pet, whether such a pet is a nuisance, or whether the number of animals or birds on any such property is reasonable. Any decision rendered by the Board shall be enforceable in the same manner as other restrictions contained herein and in this Declaration. The Board may adopt such reasonable rules and regulations as it deems necessary regarding animals permitted and maintained on the Property.

**B. HOLIDAY DECORATIONS AND LIGHTING** - For the holiday seasons that occur during November and December, decorations may be displayed beginning November 20<sup>th</sup> and must be removed by January 20<sup>th</sup>. For other seasonal holidays, decorations may be put up one week before the holiday and must be removed within one week after the holiday.

The Design Review Committee reserves the right, on a case-by-case basis, to determine if decorations may be offensive to Association members or cause any kind of disturbance based on size, quantity, color, location or other such criteria. The Design Review Committee reserves the right to require immediate removal of said offensive items on a case-by-case basis.

**C. SEASONAL ITEMS AND DECORATIVE FLAGS:** Seasonal and decorative flags which are house mounted below the roofline do not require approval. Seasonal flags may be displayed thirty (30) days before and must be removed within twenty-one (21) 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.

**D. TRASH AND RECYCLING CONTAINERS AND COLLECTION:** No garbage or trash shall be placed or kept on any Lot, except in covered containers of a type, size, and style which are approved by the Board and provided by a governmental authority or other authorized provider. The Board may adopt such reasonable rules and regulations as it deems necessary regarding trash containers and collection of trash. In no event shall such containers be maintained so as to be Visible From Neighboring Property except to make the same available for collection and then only until nine (9) a.m. the day following collection. Trash containers shall be placed on the street, not the sidewalks, for collection, unless otherwise required by the garbage collection company. All rubbish, trash or garbage shall be promptly removed from all Lots and shall not be allowed to accumulate thereon. No outdoor incinerators shall be kept or maintained on any Lot.

**E. YARD SALES:** Owners may hold "yard sales" to sell personal property of such Owners only in compliance with the following requirements: (i) yard sales shall be limited to two (2) days per year on any Lot; (ii) no yard sale shall commence prior to 6 a.m. or continue after 5 p.m.; (iii) no Owner shall post any signs advertising any yard sale anywhere on the Property except that a temporary sign may be posted on such Owner's Lot on the day that a yard sale is being held; and (iv) if the Association ever adopts standard yard sale dates for the Property, yard sales shall be held only on such dates. The Association shall give reasonable notice to all Owners if it adopts standard yard sale dates for yard sales on the Property.



**DESIGN REVIEW COMMITTEE SUBMITTAL REVIEW FORM**

Please Submit To:

**Mountain Trails Community Association ~ c/o AAM, LLC  
1600 W Broadway Rd., Ste 200 ~ Tempe, AZ 85282-1112  
Phone: 602-957-9191 Fax: 602-870-8231**

Owner's Name: \_\_\_\_\_ Date: \_\_\_\_\_

Community: \_\_\_\_\_ Lot#: \_\_\_\_\_

Address: \_\_\_\_\_ Phone#: \_\_\_\_\_

Submittal Type (i.e., landscaping changes to be made to my property, changes to the exterior of my home, etc.)

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

Type of Material to be used (attach samples/pictures/brochures): \_\_\_\_\_

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

Color to be used (attach samples/pictures/brochures): \_\_\_\_\_

\_\_\_\_\_

**A PLOT PLAN INDICATING LOCATION OF SUBMITTAL AND ALL APPLICABLE MEASUREMENTS AND DIMENSIONS MUST BE INCLUDED WITH SUBMITTAL**

**INCOMPLETE SUBMITTALS WILL BE DENIED**

Owner agrees to comply with all applicable City, County and State laws, and to obtain all necessary permits. Approval by the Design Review Committee shall not be deemed a warranty or representation as to the quality of such construction, installation, addition, alteration, repair, change or other work, or that work conforms to any applicable building codes or other federal, state or local law, statute, ordinance, rule or regulation.

Owner of a Lot must be in Good Standing to be eligible to submit plans for Improvements, additions, alterations, repairs, changes, or other work to the Design Review Committee for approval. I understand that I must have no outstanding assessments, fines or unresolved compliance issues in order for this submittal to be considered by the Design Review Committee.

Design Review Committee requests will be reviewed within 45 days. Requests will be approved, approved with stipulations rejected or returned for additional information.

Owner's Signature: \_\_\_\_\_ Date: \_\_\_\_\_

Owner's Email Address: \_\_\_\_\_

\_\_\_\_\_