Settler's Point

Architectural Committee
Statement of Purpose and Guidelines Summary

The Settler's Point Homeowners Association ("Association"), an Arizona Corporation, is an association comprised of all the homeowners of the Settler's Point subdivision. The association is governed by deed restrictions called Covenants, Conditions and Restrictions (CC&R's), and has the general responsibility to implement the CC&R's.

The association is governed by the Board of Directors (BOD), and in accordance with section 14 of the CC&R's, the BODs can establish an Architectural Committee to enforce and from time to time amend, supplement or repeal architectural and landscape standards. The main goals of the CC&R's are to maintain the architectural integrity and the quality of the neighborhood, and to preserve property values.

14.1.1 – architectural design, with particular regard to the harmony of the design with surrounding structures and topography;
14.1.2 – landscaping design, content and conformance with the character of the Property, and permitted and prohibited plants;
14.1.3 – requirements concerning exterior color schemes, exterior finishes and materials.
14.5 – Inspection. Any member or authorized consultant of the Architectural Committee, or any authorized officer, director, employee or agent of the Association, may at any reasonable time inspect the improvements constructed or being constructed on such Lot to ascertain that such improvements have been, or are being built in compliance with the approved Architectural submittal.
14.2 – Submission and Review of Plans. No construction, building, additions, modifications, improvements, alterations, repairs, excavation, grading, landscaping or other work which in any way alters the exterior appearance of any Lot shall be made or done without the prior approval of the Architectural Committee. No changes or deviations in or from the plans and specifications once approved by the Architectural Committee shall be made without the prior written approval of the Architectural Committee.

The Committee has, in the enclosed document, established guidelines/rules for all members of Settler's Point. These guidelines were written in order to assist homeowners in applying for exterior alterations to their homes. Essentially, these guidelines are a tool that homeowners can use when planning installations of landscaping and architectural changes. It also serves to define the progress by which a homeowner submits plans to the Committee for approval. These Architectural Guidelines do not change the CC&R's, but serve to interpret, simplify and supplement them.

The Architectural Committee shall review all applications submitted and furnish a written decision within 45 days of receipt. This period may extend for an additional 30 days by written notice to the applicant explaining the reason for the extension. Any application that is disapproved may be resubmitted with new or additional information at any time. The applicant has 10 days after receipt of the Committees final decision to submit a written appeal notice/application to the BOD. This right

is outlined in Section 14.7 of the CC&R's and gives homeowners the right to appeal any decision of the Architectural Committee to the BOD. Members other than the applicant, who wish to appeal a decision of the Architectural Committee to the BODs, must do so within 10 days after the start of construction on the project in question.

Keep in mind that these guidelines/rules will evolve as the BODs in conjunction with the Committee identifies areas that are of concern to the members. It is important to note that these guidelines/rules are intended to help answer questions that you may have regarding changes to your home. They also establish penalties for non compliance with certain restrictions and rules. These are in no way intended to replace the CC&R's or deed restrictions under which all of our properties are owned.

ARCHITECTURAL GUIDELINES

<u>Use and Occupancy Restrictions</u> (Section 17)

RESIDENTIAL USE (17.1)

No part of the property shall be used for other than residential and related purposes. No religious, professional, commercial and/or industrial operations of any kind shall be conducted in or upon any lot or the common areas except that an Owner or other occupant may conduct business or trade activities within the home on a lots so long as (i) the existence or operation of the business activity is not apparent or detectable by sight, sound or smell from outside the home,(ii) the business activity conforms to all applicable zoning ordinances or requirements, (iii), the business activity does not involve persons coming on to the Lot or the door to door solicitation of Owners or occupants of other Lots, and (iv), the business activity is consistent with the residential character of Settler's Point and does not constitute a nuisance or a hazardous or offensive use or threaten the security or safety of other residents, as maybe be determined from time to time in the sole discretion of the BODs. The terms "business" and "trade" as used in this section, shall be construed to have ordinary, generally accepted meanings, and shall include without limitation, any occupation, work or activity undertaken on an ongoing basis which the provider receives a fee, compensation or other form of consideration, regardless of whether (i) such activity is engaged in full or part time, (ii) such activity is intended or does generate a profit, or (iii) a license is required for such activity. The leasing of a Lot shall not be considered a trade or business within the meaning of this section.

LANDSCAPING (17.2)

This section deals with any portion of every lot that is visible to neighboring property (including but not limited to the front yard of the Lot).

a) All landscaping installation for new homes **MUST** be completed within six months of the Lot being first occupied. Any alterations to that landscaping must be completed within 30 days of the start of the alteration. (i.e., replanting a tree, shrub, etc.)

The Architecural Guidelines for section 17.2 was ***amended July 26, 2016 to include the following.***

b) Homeowners are encouraged to use drought resistant and water conserving plants. In order to develop landscaping consistency throughout the neighborhood, a minimum of one (1) 15 gallon tree, tree substitute, or cactus that is a minimum of 4' in height (from final grade to top of tree), two (2) 5 – gallon shrubs or cacti, and three (3) 1 – gallon ground covers, as approved by the ARC committee.

c) Architectural approval is not required to replace plant or otherwise place a tree, shrub, or flower(s) on a lot.
d) Landscaping which involves a change of grading or slope, or installation of a retaining wall or other structure requires a complete application and approval from the Architectural Committee.
e) No Landscape material may extend beyond the property lines of the lot.
f) All landscaping should be kept orderly and neat.
g) Lawn ornamentation requires approval from the Architectural Committee (i.e., bird baths, statues, Etc.)
h) All landscape rock or ground cover must be earth tone in color. (i.e., no purples, blues, pink's etc.)

TEMPORARY STRUCTURES (17.3)

Temporary structures include but are not limited to sheds, tents, trailers, play equipment etc. All structures must have prior Architectural approval **BEFORE** construction can start. Failure to obtain approval can lead to fines, liens and costly changes that may be required by the guidelines.

The ARC reserves all rights to approve, approve with stipulations or disapprove the erecting of any Accessory Structures at its sole discretion on a case-by-case basis considering the unique aspects of each property. These structures may only be erected in rear facing yards and have the following limitations.

PERGOLAS, RAMADA'S AND GAZEBOS

a) Maximum structure height is 10' at the highest point.
b) Maximum structure size is 12' x 12' (measured by exterior structure boundary).
c) The structure must maintain a setback from any perimeter wall by 5' when the structure abuts a wall of any other community property.
d) The color of the structure and roof is to match the exterior house color or be a natural/earth-tone color that conforms to the neighborhood.

**Lighting for Pergolas, Ramada's and Gazebos will require a separate ARC request.*

***LIGHTING: PERGOLA, RAMADA AND GAZEBO**

a) String lights, strand lights, festival lights, party lights, café lights or other comparable continuous light strands must be approved by an ARC request prior to installation.
b) String lights shall not be installed above the first story lowest eave of any home. String lights should not be installed above this level on any exterior structure.

c) String lights are only allowed in the backyard.
d) Decorative shapes, flashing, flickering or blinking lights are strictly prohibited.
e) Any colors other than white are prohibited.
f) String lights shall not be left on past 10:00 PM unless they are actively being used and are not permitted to be used as security lighting.

SHEDS

a) All sheds exceeding the height of the fence must be submitted for architectural review.
b) Maximum height of 12" (1 foot) above the fence line at the lowest point of the fence.
c) Minimum setback of 5' (5-feet) from all perimeter walls including any street facing fence.
d) Sheds cannot exceed 100 sq ft (10'x10').
e) All sheds must be maintained in the same manner as the house and be kept in good repair.
f) No metal sheds are allowed.
g) The color of the structure and roof is to match the exterior house color or be a natural/earth-tone color that conforms to the neighborhood.
h) These guidelines are not applicable to sheds that are **BELOW** the fence line.

PLAY EQUIPMENT

Only children's outdoor play equipment that is permanent (i.e., needs to be secured to the ground or other structure) requires an application and approval by the Architectural Committee.

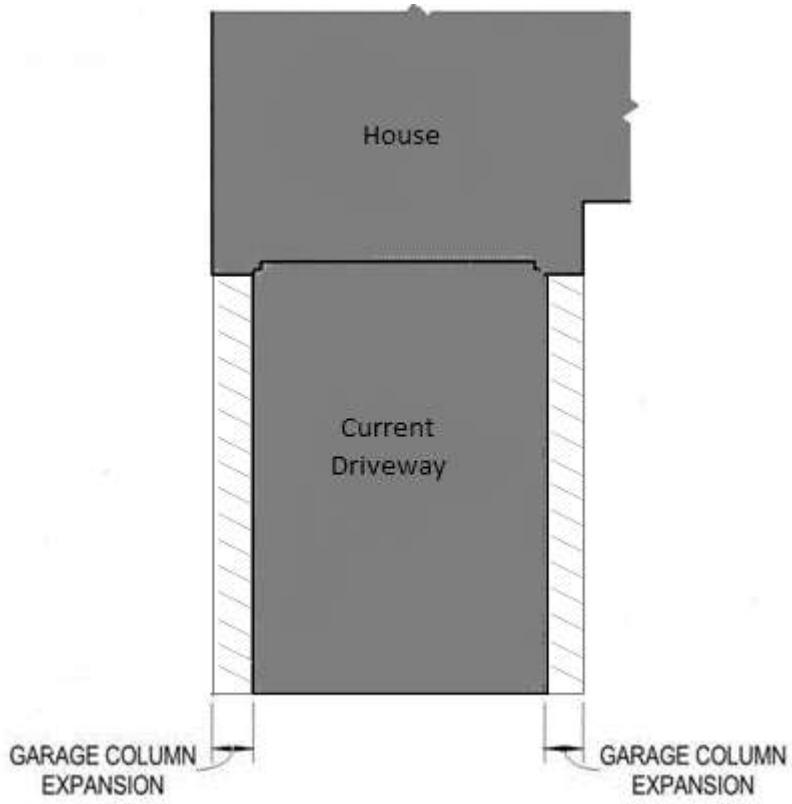
Play equipment must be placed in the backyard and not encroach the common areas.
No play equipment can extend more than one (1) foot over the wall line. These also require approval of the Architectural Committee; this includes but is not limited to swing sets, pool slides, etc.

BASKETBALL HOOPS

a) May not be secured to the house on garage. However, mobile free-standing basketball backboards are allowed, as long as they do not encroach on common property (i.e., sidewalks) and do not require approval by the Architectural Committee.
b) Hoops that are placed in a cement footing need a complete application and approval by the Architectural Committee. These will be required to be painted on all portions to match the existing house color. Also, written approval of the neighbor most effected will be needed if install between houses rather than on the inside of the driveway.

DRIVEWAY EXTENSIONS (Effective May, 2019)

a) All driveways extensions must receive approval from the Architectural Committee by submitting an architectural change form, found at settlerspointhoa.com.
b) The total width of the driveway may be expanded to the exterior/outer edge of the garage columns, and no further.
c) Proper drainage away from house and from the rear yard to the street must be maintained within the Lot. Driveway extensions and sidewalks may not interfere with the Lot or adjoining Lots drainage.
d) Driveways extensions and sidewalks must be either concrete or pavers material.



CANCELLATION OF INSURANCE (17.4)

No owner shall permit anything to be done or kept in his lot or in or upon any Common Areas that will result in the cancellation of insurance thereon, or which would be in violation of any law.

SIGNS (17.5)

a) Only signs that are for the purpose of selling or renting a property may be erected on that lot. The sign may have a total face area of no more than five square feet.
b) No Sign of any kind shall be placed on the common areas without prior approval of the committee.

PETS (17.6)

A reasonable number of small commonly accepted household pets shall be allowed.

a) Pet owners are responsible for the immediate removal and disposal of animal waste on all portions of the common areas and individual lots.
b) Pets shall not be permitted upon common areas unless they are carried or leashed.
c) No pet may be leashed to any stationary object on the common areas and left unattended.
d) Commercial breeding of animals in prohibited.
e) Pet owners are responsible for any property damaged, injury, or disturbances their pet(s) may cause or inflict.

Please be aware that pets should not be a source of annoyance to the neighborhood or other members. The Board of Directors has the authority, after a hearing, to determine whether a particular pet is a nuisance or a source of annoyance to other members, and such determination shall be conclusive.

NUISANCES (17.7)

a) No obstructions or interference with the rights of other owners/residents shall be permitted.
b) No Unreasonable Noises (i.e., loud music, un-muffled vehicles, fireworks, etc.)
c) No illegal acts shall be allowed.
d) All owners/residents are expected to comply with requirements of health and/or governmental authorities.

VEHICLES (17.8)

a) No Parking or storing of boats, motor homes, trailers, campers, trucks (larger than ¾ ton), unlicensed or inoperative vehicles on any lot.
b) No Parking or storing of boats, motor homes, trailers, campers, trucks (larger than ¾ ton), unlicensed or inoperative vehicles in the common areas or on the public streets.
c) No vehicle can be repaired or rebuilt anywhere within a lot or on community grounds, (external to structure), excludes garages.
d) Owners/Residents must park vehicles in garage or driveway.
e) Speed limits are posted within the subdivision and must be strictly adhered to. Reckless driving is not permitted.
f) Vehicles leaking oil or any other fluids are not allowed to be parked on the street at anytime. All vehicle fluids left on streets or driveways will be removed, by the offending homeowner.

LIGHTING (17.9)

a) All high intensity lighting (i.e., Flood lights) that have not been installed by the builder are restricted to illuminating own lot and not any part of common areas, or other lots.
b) Permanent outdoor party lights/string lights are prohibited.
c) Holiday lighting does not require approval; however, such lighting shall only be in place for one month prior to the holiday and one month following the holiday.
d) Permanent exterior lighting and wiring requires a complete application and approval.
e) All exterior lighting should be installed so as not to shire on adjacent property or public space.
f) Security lighting.
g) Light fixtures should only illuminate a specific area (i.e., doorway) on home.
h) Some lights may have to be shielded to prevent unwanted or excessive intrusion of light from one property to another.
i) Malibu lights (low watt, small garden lights), do not need approval from the Architectural Committee.
j) Front Exterior Lighting
    a) Porch lights must be white and of a wattage no greater than 100W.
    b) Garage lights fixtures must be white and of a wattage no greater than 100W.
    c) Exception color lights that are specific to support a cause, i.e. green lights to support our Troops and Veterans.

AIR CONDITIONING (17.10)

a) No portable window air conditioning units shall be installed. Any heating, cooling ventilation or air conditioning (HVAC units) that is visible from neighboring property will not be approved. “Visible from neighboring property” as defined in section 1.30 on the Covenants, Conditions and Restrictions for Settler’s Point means “capable of being clearly seen without artificial sight aids by an individual sex feet tall standing at ground level on any Lot or any public street in or abutting the property.”

SOLAR EQUIPMENT

No solar heating equipment or device is permitted outside the Residential Unit except such devices whose installation and use is protected by Applicable Law and governmental regulations. Notwithstanding such protection, if not installed by the Builder at initial construction of the home, an application for such equipment or device must be submitted for approval to the Architectural Committee prior to installation and approval will be granted based on the following guidelines:

a) Solar collectors should be installed on the plane of the roof and be flush mounted.
b) Panels may not break roof ridgeline.
c) Aluminum trim, if used and visible, should be anodized or otherwise color treated.

d) All exterior plumbing lines should be painted in a color scheme which matches as closely as possible to the color of the structure and materials adjacent to the pipes (i.e. pipes on walls should be painted the color of the walls while roof plumbing should be the color of the roof).
e) Panel materials should be dark in color.
f) A sample or illustrated brochure of the proposed solar unit should be submitted with the application, which clearly depicts the unit and defines the materials to be used in the installation.
g) Construction drawings for the proposed installation should be provided. They should be drawn to show the locations and number of collectors, method of attachment to the roof structure and location of any other exterior system components. A system approval issued by an authorized rating organization (such as SRCC or FSEC) also should be provided.
h) Solar units not mounted on the roof (ground mounted) should be installed according to the Town of Gilbert setback requirements. Any such structures should be concealed from View of Neighboring Property when reasonably possible and be free of all future likelihood of shading from fences, trees, shrubbery and other vegetation.

REFLECTIVE MATERIALS (17.1)

Reflective materials including, but not limited to, aluminum foil, reflective screens or glass, mirrors or similar type items may be installed or placed on the outside of any windows that are visible from neighboring property.

ANTENNAS (17.12)

a) Antennas and dishes expressly permitted by federal law, such as DBS and MDS antennas less than one meter in diameter, may be installed without prior approval of the Architectural Committee. They shall be no larger nor installed higher than is absolutely necessary for reception of an acceptable-quality signal. They shall not be installed on or damage any common area. They must be adequately secured and maintained by the owner and liable for any personal injury, property damage or voiding of warranties that occur due to antenna installation. If the antenna is visible from neighboring property, it should be painted the same color as the house, and should be adequately screened by plants if necessary and feasible. Owners are to notify the Association of their intent to install an antenna before installation. If the installation is other than a routine for any reason, the Board or Architectural Committee will establish a mutually convenient time to discuss installation methods and/or placement.
b) Any Cable TV lines must be out of sight of neighboring property.
c) Any damage to a common area caused by installation of any of the above will be the responsibility of the homeowner who has installation performed.

TRASH COLLECTION (17.13)

a) No garbage or trash can be kept on a lot except in town supplied receptacles.
b) Trash receptacles can be placed out 12 hours prior to collection and must be removed from public view within 12 hours of last pick up.
c) All trash receptacles must be stored out of public view. Hardship exceptions must be reviewed and approved by the Architectural Committee.

CLOTHESLINE (17.14)

No clotheslines or other facilities for drying or airing are permitted, unless they are below the fence line so that they cannot be seen from neighboring property.

VEGETATION (17.15)

No tree, shrub or other landscape material may extend the property lines without the consent of the effected homeowner. Consent may be revoked at anytime.

NO MINING (17.16)

No portion of the property shall be used in any manner to explore for or removed any water, oil or other hydrocarbons or minerals of any kind, nor to explore for or remove earth substances of any kind.

SAFE CONDITION (17.17)

Each homeowner shall maintain and keep his Lot and Common Areas subject to his exclusive control at all times in a safe, sound and sanitary condition and repair, and shall correct any condition or refrain from any activity which might interfere with interfere with the reasonable enjoyment by other Owners of their respective Lots or Common Areas.

ENFORCEMENT (17.18)

a) “The Board or its authorized agents may enter any lot in which a violation of these restrictions or the rules and regulations of the Association exists and may correct such violation at the expense of the Owner of the Lot. The Board may enact and impose a reasonable system of fines, penalties and/or fees for violation of these restrictions and the rules and regulations of the Association.” (Page 36, Covanants, Conditions and Restrictions.
b) If unpaid fines and/or correction of violation is not done in a timely manner (usually 60 days), a lien will be placed on the property.

RULES AND REGULATIONS (17.19)

Property ownership includes the responsibility for maintenance of all structures and grounds that are part of the property. This includes, but is not limited to, items such as mowing grass, removal of trash and debris, and structural maintenance. Maintenance affects the visual character and economic values of the property and neighborhood, and in some cases, safety. The Association has the right to enter a lot and repair, maintain and restore if necessary after notice, and owner is obligated to reimburse the Association (section 13.3).

Exterior Appearance – Residents are responsible for, maintaining the exterior of their dwellings and any other structure on their lot, such as decks, fences, landscaping, play equipment and other approved alterations.

The following represents some conditions that the Architectural Committee considers a violation:

a) Peeling paint on exterior trim or doors.
b) Fences that are cracking and in need of painting.
c) Broken or cracked windows or torn screens.
d) Broken, corroded or cracked lighting fixtures.
e) Roof tiles or structures in need of repair or replacement. Roof replacements must be of like tile materials. Shingled roofs are prohibited.

Most residents would not allow any of the above conditions to exist, as they seek to preserve and protect their investment in their homes and to limit their personal liability by keeping their lots in good condition.

a) Mowing- turf areas must be mowed at regular intervals, as is appropriate for turf involved.
b) Weeds must be kept under control.
c) Planted beds need to be kept in an orderly fashion.
d) Trash Removal – Each resident is responsible for picking up litter on their property and preventing wind-blown debris from originating on their property.
e) At no time is dumping of inorganic debris, or organic debris such as leaves, grass clippings and branches allowed on or in the common areas (except canal boundary areas).

Pesticides and Herbicides – May be applied according to label instructions for the specific problem. Emphasis should be placed on organic/biodegradable materials in order to ensure the least harm to the natural environment. These products must be contained to owner's property, and not effect common areas and adjoining homeowners.