

***DESERT VISTA
PLACE***

***RULES AND
REGULATIONS***

OCTOBER 2005

**2016/2017 DESERT VISTA PLACE
BOARD OF DIRECTORS**

PRESIDENT

Jimmy Carr

VICE PRESIDENT

Jack Humerickhouse

SECRETARY

Jan McMasters

TREASURER

Mary Abel

MEMBERS AT LARGE

Emma Carr

**IF YOU NEED TO CONTACT SOMEONE, PLEASE
CALL ARIZONA HOA MANAGEMENT INC. AT
602-944-3338. IF THERE IS AN EMERGENCY
PLEASE CALL 911.**

10/10/16



Download Edit and reply Show email



Word Online

Download Save to OneDrive Print Find ...

ARCHITECTURAL COMMITTEE

JACK HUMERICKHOUSE - CHAIRMAN

PAUL MC MASTERS

JEFFERY GREENMUN

Architectural Request Forms are located in the clubhouse on coffee table.

PLEASE RETURN COMPLETED FORMS TO JACK OR PAUL.

10/10/16

MANAGEMENT COMPANY

The management company is the contractual administrator of the association. The management company carries out the day-to-day business of the association including but not limited to all accounting functions, homeowners' inquiries, overseeing maintenance of all common properties, and is charged with enforcement of these rules and regulations and the other governing documents of the association.

It is most IMPORTANT that if you receive a letter for a violation, parking ticket or any inquiry, you MUST respond to the management company if you dispute the situation or you do not understand.

If the problem cannot be resolved, then a hearing may be requested by the homeowner to come before the Board of Directors.

The current Management Company is:

ARIZONA HOA MANAGEMENT COMPANY
10000 N 31ST AVE, C-205
PHOENIX, ARIZONA 85051

Phone: 602-944-3338
Fax: 602-944-3339

EMERGENCIES

Only non-life threatening emergencies arising on the property are to be directed to the management company or a board member who is equipped to respond immediately. **Imminent threats to persons or property should be directed to the *911 emergency number.**

INTRODUCTION

These Association Rules have been adopted by the DESERT VISTA PLACE PROPERTY OWNERS ASSOCIATION pursuant to Article IV, Section 4, of the DESERT VISTA PLACE Covenants, Conditions and Restrictions, as recorded in the records of Maricopa County, Arizona in Docket #84-313226 dated July 18, 1984, which provides as follows:

ASSOCIATION RULES: The Association shall have the power to adopt, amend, and repeal such rules and regulations that it deems reasonable (hereinafter sometimes referred to as the "Association Rules"). The Association Rules shall govern the use of the Common Areas including, but not limited to, any recreational facilities and private streets, by any owners, the family members of any owner, or by any guest, invitee, contract purchaser, lessee, or renter of the owner, of the respective family members, guest or invitees; provided, however, that the Association Rules shall not be inconsistent with or materially alter any other provisions of this Declaration, the Articles or Bylaws. A copy of the Association Rules may from time to time be adopted, amended or repealed, shall be mailed or otherwise delivered to each Owner and a copy shall be posted in a conspicuous place within the Development. In the event of any conflict between any such Association Rules and any other provisions of this Declaration, the Articles or Bylaws, the provisions of the Association Rules shall be deemed to be superseded by the provisions of this Declaration, the Articles or the Bylaws to the extent of any such inconsistency.

These Rules and Regulations have been written to help in maintaining property value, ensure equality among homeowners and provide safety for all residents. All Rules and Regulations stated herein are in full compliance with State and County Codes.

INDEX

ITEM	SECTION	PAGE
Mandatory Landscaping Requirements	1	1
Lot and Home Maintenance & Appearance	2	2
Architectural Rules	3	4
Children	4	10
Recreational Facilities	5	11
Pool and Spa Area Rules	6	12
Clubhouse	7	13
Pool Room	8	14
Conduct	9	15
Vehicles	10	16
Parking	11	17
RV & Boat Storage Area	12	18
Pets	13	19
For Sale Signs & Commercial Activities	14	20
Rental Properties	15	21
Pond Area	16	22
Waterfall	17	23
General Rules & Regulations	18	24
Assessments of Fines and/or Penalties	19	25

RULES:

1. MANDATORY LANDSCAPING REQUIREMENTS:

- 1.1 All HOMEOWNERS must landscape their homesite in the most professional manner possible to enhance the beauty and value of their home and the appearance of the community.
- 1.2 All HOMEOWNERS must complete at least gravel and edging on their homesite within sixty (60) days from occupancy.
- 1.3 Only the HOMEOWNER, or licensed and insured contractors, may install landscaping.
- 1.4 HOMEOWNERS must provide their plans or the name of the contractor with a plot plan that sets forth the design of the landscaping. The Architectural Committee and/or the Board must approve the landscape design in writing, prior to the installation of any landscaping.

NOTE: Contractors must be licensed and insured. If a contractor has not performed well in the past, a complaint should be filed with the Registrar of Contractors and the contractors should not be allowed to do further work until prior problems have been resolved. If a HOMEOWNER chooses to use a contractor that is not licensed and insured, the HOMEOWNER will be held liable for any damage caused by the contractor.

2. LOT AND HOME MAINTENANCE AND APPEARANCE:

2.1 HOMEOWNERS shall maintain their homesite, home, and all landscaping, structures, improvements and other things attached to or placed thereon in good condition and repair, and in neat, clean attractive well-kept fashion. All concrete driveways and other surfaces shall be maintained in good condition and repair, kept clean and maintained free of oil and all sticky or oil substances. When the HOMEOWNER is away, it is the HOMEOWNER'S responsibility to have someone maintain his home and homesite.

2.2 The maintenance obligation concerning the home and all accessory equipment, structures and appliances, including those items, which are presently installed, or which may be installed in the future. This obligation includes the replacement of any such items, which are missing or are damaged to the point that they cannot reasonably be repaired. This obligation also includes the re-painting of the home, accessory equipment, structures and appliances when they are reasonably in need of re-painting. The color and materials used must be of manufactured type and color approved by the ARCHITECTURAL COMMITTEE AND/OR BOARD. The ARCHITECTURAL COMMITTEE AND/OR BOARD must additionally approve the location and type of all air conditioning and/or evaporative units.

As Clarification: Appliance refers to evaporative coolers, water heaters, water softener, solar heaters, air conditioners, etc. With regard to the location and type of all a/c or evaporative units, the intent is to avoid having the units installed on the roof or installed in windows.

2.3 Nothing may be placed or stored under the home, or outside of the home or storage shed, unless specifically permitted by the Community's governing documents or approved by the ASSOCIATION. This includes all items that are visible from neighboring properties or from the street or front of the unit, and includes but is not limited to outdoor patio furniture approved for use by the ASSOCIATION (such approval not to be unreasonably withheld) may be used on the patio, porch, yard or other portions of the homesite. This includes but is not limited to, over-stuffed furniture, appliances, ironing boards, brooms, mops, tools, gardening equipment, debris, refuse, litter, or appearance. Firewood may be stored on property as long as it is neat and/or covered. Patio barbecue equipment, all of which are to be maintained in an attractive and neat condition, are the only items permitted outside of the home or storage shed. Nothing is to be hung outside of the home or shed to dry and air or for any other purpose.

Furniture includes only that which is built to withstand weather and outdoor conditions, or that which is manufacturer-specified as patio furniture.

2.4 No TV or radio, antenna(s) are allowed on top or outside of any home. New small dishes 18 inches or less are permitted if approved by the Architectural Committee.

- 2.5 Building permits, licenses and other similar permissions from governmental or quasi-governmental bodies or agencies are required and must be obtained before construction or installation of certain accessory equipment and structures and appliances and all such appliances, equipment and structures must comply with all Federal, State and local laws and ordinances.
- 2.6 Only licensed contractors may do spray painting in the community or install items which are required to be connected to the electrical, gas or water supplies.
- 2.7 Only manufactured accessory equipment, structures and appliances are permitted; and not "homemade" equipment, structures or appliances may be installed without the ARCHITECTURAL COMMITTEE'S AND/OR BOARD'S prior approval. No accessory equipment, structures or appliances may be installed without the ARCHITECTURAL COMMITTEE'S AND/OR BOARD'S prior approval.

3. ARCHITECTURAL RULES:

3.1 Ground Cover:

A. Outside of fenced ground areas:

1. Shall be covered by gravel, river rock, marble, granite or lava rock.
2. Natural colored material, as found in Arizona quarries, must be used with the exception that colored rocks can be used as accents that are less than five (5) percent of the ground area.
3. Minimum depth of cover shall be one (1) inch.
4. Minimum grade size shall be one-half (1/2) inch.
5. No grass is allowed in the front two-thirds of yard area.

B. Area enclosed by fence:

1. Grass is allowed in back.
 - a. Provisions must be made to prevent spread of grass beyond lot lines.
 - b. Owner shall be responsible for removal of grass beyond lot lines.
2. Flowers and vegetable gardens are allowed.

3.2 Patios:

- A. May be constructed of cedar, redwood or concrete. Redwood or Cedar must be treated.
- B. If the patio is adjoined to the carport, it cannot be higher than the floor level of the carport.
- C. They must be on the rear one-half (1/2) of the lot.

3.3 Shrubs and Trees:

- A. No olive, mulberry, cottonwood, Eucalyptus trees or Castor Bean trees are allowed.
- B. Branches of trees should not overhang sidewalks unless they are 78 inches above the sidewalk.
- C. Area around the utilities on property must be kept clear to allow for safe working conditions.
- D. This is not a rule, however, it is recommended that only low water use plants be used.

3.4 A REQUEST FOR APPROVAL OF LANDSCAPING AS REQUIRED BY RULES AND REGULATIONS #1.4, to the Architectural Committee must be in writing and contain the following:

- A. The name of all trees and shrubs to be used.
- B. Color, size and type of ground cover.
- C. Color and type of border.

3.5 Trash:

- A. Trash shall not be stored on lots unless contained in receptacles provided by the City of Peoria.
- B. Trash receptacles must be removed from the sidewalks within twelve (12) hours from time of pickup.
- C. Trash receptacles must be stored back of the front edge of the home. **BEWARE** not to have it in front of neighbor's front door.
- D. Receptacles must be placed next to the storage shed or house.

3.6 Property Borders:

- A. Borders should be used to prevent spread of ground cover outside of lot.
- B. They can be made of concrete, brick, redwood, cedar, treated lumber or plastic.
- C. Maximum height shall not exceed three (3) inches above ground level.

3.7 Fences:

- A. Are permitted from the back one-third of the house.
- B. Shall have a minimum height of four (4) feet and a maximum height of six (6) feet.
- C. Shall be constructed of redwood, cedar or cement block.
- D. Property line fence between 2 lots can be built from the backyard fence out to the street, not to exceed twenty-four (24) inches high.

3.8 Painting:

- A. Wood fences can be left natural color if treated by a product equal to "Thompson's Water Seal" or may be painted to match house.
- B. Cement block fences may be of the manufactured color or be painted to match the house.
- C. All additions, such as screen doors and awnings, shall match the color of the house. All cedar and redwood must be treated.
- D. Lattice screen shall be treated the same as mentioned in "A" above.
- E. Approval by the Architectural Committee must be obtained for re-painting of the house or shed. The request to the Architectural Committee must be in writing and include the name of the manufacturer, color name and a color chip. To paint the same color does not need approval of the Architectural Committee.

3.9 Utilities:

- A. All utility services provided to this community shall be underground.
- B. All high voltage wiring outside the house shall be in conduit, attached to the house or shed and painted to match the house or shed. This does not apply to wiring for seasonal displays.
- C. Telephone cable and low-voltage wiring shall be painted to match the house.

3.10 Changes, Variances and Waivers:

- A. Request by individual owners for variances must be made in writing, citing reasons for change request.
- B. Must be approved by a majority of the Architectural Committee and the Board.
- C. The approval of the Architectural Committee and Board for any plans, drawings, specifications for any work done or proposed, or for any other matter requiring approval of the Architectural Committee and Board, shall not be deemed to constitute a waiver of any right to withhold approval for any similar plans, drawings, specifications or other matter subsequently submitted for approval.

3.11 "GRANDFATHER" Clause:

- A. All landscaping or other additions made in good faith after consultation with the previous Architectural Committee shall be allowed.
- B. On May 11, 2005, a resolution was passed by the Board that any outside structure that did not have architectural approval before this date would be Grand fathered in. But, from this date forward a resident must have an approved architectural request before beginning any work.

3.12 Amendments:

- A. Amendments to the Architectural Rules may be made by a majority vote of the Architectural Committee and a majority vote of the Board.

3.13 Installation Criteria:

Pursuant to Article IV, Section 5 of the Covenants, Conditions and Restrictions of Desert Vista Place Property Owners Association ("Desert Vista Place"), the **ARCHITECTURAL COMMITTEE** has adopted the following Architectural Rules.

- A. No home, building, fence, wall, carport, foundation, or other structure, or improvement, shall be constructed or placed on any lot in Desert Vista Place, nor shall any exterior addition change or alteration be made to any home or structure in Desert Vista Place, until the plans and specifications have been submitted to and approved in writing by the **ARCHITECTURAL COMMITTEE**.
- B. Plans and specifications submitted to the **ARCHITECTURAL COMMITTEE** shall show the nature, shape, dimensions, materials, and location of the proposed structure or improvement as provided in Rule 2. The **ARCHITECTURAL COMMITTEE** shall approve or disapprove the plans and specifications in writing unless the **ARCHITECTURAL COMMITTEE** finds that the proposed structure or improvement:
 - 1. Does not conform to all applicable government ordinances and regulations.
 - 2. Does not comply with these Architectural Rules and the Covenants, Conditions and Restrictions of Desert Vista Place.
 - 3. Is not harmonious in design and location in relation to the surrounding improvements and topography.

- C. All new homes to be placed in Desert Vista Place shall have:
1. Hardboard or lap siding, to include vinyl or stucco.
 2. Asphalt shingle or tile roofline is to be 3/12 or 4/12 pitch.
 3. Eaves on the front door side with front and rear overhangs (minimum 14" in width).
- D. All used homes to be placed in Desert Vista Place shall comply with Rule C.3 unless the Architectural Committee has received an approved variance from the Board.
- E. If the home is ordered from the factory, the electric meter must be mounted on the carport side of the home facing the carport. In the case of a used home, since the utilities may not have previously been mounted on the home and a freestanding pedestal may be necessary, prior approval is required from the Architectural Committee. This approval, in writing, must be obtained before the home is brought into Desert Vista Place and placed on a lot. Approval requires a visual inspection of the home prior to being brought into Desert Vista Place. If utilities are placed on a pedestal, the pedestal must be placed on a minimum of one-third back of the home. When ordering a home from the factory, it is less expensive to have the electric meter mounted on the home.
- F. The home together with all the accessory structures including but not limited to storage shed, fence, carport/patio cover, etc., shall not occupy more than seventy percent (70%) of the area of the lot.
- G. **Carports:** The carport for all homes in Desert Vista Place shall conform to the following minimum requirements:
1. The city of Peoria requires parking for two (2) cars.
 2. Be free standing and of wood construction.
 3. A front carport facing the street must have a peaked roof with 3/12 or 4/12 pitch and asphalt shingles.
 4. The front pull-in parking cannot be directly in the front of the home. The concrete must start 13 feet from lot line on either side of the home. This is to allow for front landscaping.
 5. Soffit board must be installed in the ceiling of front side-by-side carports.
- H. **Setbacks:** The setback requirements are as follows:
1. The front of the home and the carport shall be minimum of seven (7) feet from the lot side of sidewalk.
 2. Except for the street side on a corner lot, the home and any patio or carport shall be at least three (3) feet from the side lot line.
 3. In the case of a corner lot, the home and any patio or carport shall be at least seven (7) feet from the rear lot line.
 4. The home and any patio or carport shall be at least seven (7) feet from the rear lot line for lots that border against the perimeter boundary of Desert Vista Place, and at least five (5) feet from the rear lot line for all interior lots.
 5. The front pull-in parking cannot be directly in front of the home, but offset from one side or the other in order to comply with front yard landscaping requirements.

- I. **Separation Requirements:** No home shall be located any closer than twenty (20) feet from any home located on an adjoining lot to either side. In compliance with the City of Peoria, separation requirements are fifteen (15) feet on end to side placement and ten (10) feet on end-to-end placement. Lots of forty-five (45) feet must be able to accommodate a twenty-four (24) foot wide home.
- J. Prior to occupancy, all installations and improvements must be completed and certified by the City of Peoria as conforming to all zoning and other governmental requirements.
- K. Driveway, carport and sidewalk leading to the front door must be completed according to the plot plan before occupancy of home.
- L. All axles, wheels and hitches must be detached and removed from Desert Vista Place. No storage is permitted under the home.
- M. A recessed installation shall be used. The foundation must be recessed to conform to existing homes and must have a perimeter block foundation to be flush with all sides of home. Footing must be undisturbed ground.
- N. All work requiring a City Building Permit must be done by State licensed and insured contractors or homeowners. Copies of all licenses must be on file with the ARCHITECTURAL COMMITTEE before the commencement of any work.
- O. All contractors doing work within Desert Vista Place shall be given a copy of these Architectural rules prior to beginning work from the Board or Architectural Committee.
- P. It is the responsibility of prospective and existing homeowners to thoroughly familiarize themselves with the above rules and be certain that they are in compliance.

3.14 Window Awnings:

- A. Can be made of wood or metal and must match existing colors of the home.

3.15 Storage Sheds:

- A. Two storage sheds are permitted and must be built of same material as the home or a material that is approved by the Architectural Committee. All sheds must be the same as the home in color. Roof must match color of home.
- B. Size of shed must not exceed 100 square feet.

3.16 Age of Home:

- A. New homes to be installed in Desert Vista Place.
- B. Older homes must have approval of the ARCHITECTURAL COMMITTEE and/or BOARD.

3.17 Holiday Décor:

- A. All items must be removed within fifteen (15) days after the holiday for which it is being used.

3.18 Sidewalk and Driveways:

- A. Sidewalk and driveways are the responsibility of the lot owner. Any cracks or movement is the owner's responsibility to repair and must be done within sixty (60) days after notification by Management that such repairs are necessary.
- B. Sidewalks on Desert Cove and common areas belong to Desert Vista HOA.

4. CHILDREN:

- 4.1 This community is a family community, therefore, children are a part of the community and all considerations shall be given to their presence at all times. Parents have the responsibility to maintain the supervision of their children at all times, and will be held accountable for any damages caused by their children.
- 4.2 Curfew will be enforced in Desert Vista Place. Curfew in Desert Vista Place is from 10 p.m. to 6 a.m. All children under eighteen (18) must be accompanied by an adult after 10 p.m. and before 6 a.m.
- 4.3 Children under the age of eighteen (18) years may not smoke in common areas of Desert Vista Place.