

VENTANA LAKES RULES FOR HOMEOWNERS
Rule 1. Architectural and Landscaping Requirements

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Formerly “Architectural Guidelines” 2008-2009

1.1 Purpose And Policy

- A. These rules are adopted with the intent of homeowners maintaining their property within the established guidelines so as to avoid negatively impacting the values of Ventana Lakes. Compliance by homeowners is expected.
- B. If a homeowner seeks a variance it shall be granted by either the Architectural Committee or the Board of Directors after being submitted in writing.
- C. The responsibility of the Architectural Committee is to ensure that the harmonious, high-quality image of Ventana Lakes is implemented and maintained. They are intended to promote those qualities in Ventana Lakes that enhance the attractiveness and functional unity of the community. Those qualities include a harmonious relationship among structures, vegetation, topography, and overall design of the community.

Adopted 2-17-2010.

1.2 General

- A. Within the Declaration of Covenants, Conditions and Restrictions (CC&Rs) for Ventana Lakes, a provision grants the Board of Directors authority to appoint an Architectural Committee (AC) to ensure architectural consistency within the community master plan (Article XI, Sec. A).

- B. Homeowners shall submit a Change Request Form to the Architectural Committee, for additions and changes to home sites within Ventana Lakes.
- C. Article IV, Section C, 1. States - No improvements, alterations, repairs, excavation, grading, or other work which in any way alters the appearance of any Lot or Common Area within Ventana Lakes, or the improvements located thereon, from its natural or improved state (existing on the date a Tract Declaration for such property was first Recorded) shall be made or done without prior approval of the Architectural Committee, except as otherwise expressly provided in this Declaration. No building, fence, wall, residence or other structure shall be commenced, erected, maintained, improved, altered, or made without the prior written approval of the Architectural Committee. All subsequent additions to or changes or alterations in any building, fence, wall or other structure, including exterior color scheme, and all changes in the grade of Lots shall be subject to the prior written 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 prior written approval of the Architectural Committee. **All requests to make changes to a home must be made by the Recorded Owner.**
- D. In the event said Architectural Committee fails to approve or disapprove such design, location, or other matter described above within thirty (30) calendar days after the written request and plans and specifications have been submitted to it, approval will not be required and this Section C will be deemed to have been fully in compliance.

Adopted 2-17-2010.

1.3 Application Procedure

- A. Requests for approval shall be submitted in the following manner:
- 1) If a Change Request contains improvements that would require architectural plans, the request must include rough drawings and a detailed written explanation of what is being requested, **along with a “before” photograph.** If the request is not prohibited by the Governing Documents, the Architectural Committees should approve the Request with the stipulation that the approval is contingent on presentation of architectural plans. In all cases, the property owner must submit a written request giving specific details of what is being requested. Residents who wish to make several changes at the same time are to submit separate requests for each item. There are five Change Request Forms, as follows:
 - a. exterior changes to a home including installation of solar panels;
 - b. flagpole installation;
 - c. installation of a pool, spa, hot tub;
 - d. installation of a satellite dish;
- B. All of these forms are available at the Management Office or they may be downloaded from VLPOA's website **www.vlpoa.org**. Requests are valid for 90 calendar days except those for pools that have a 180-day completion time frame. Work not completed in this time frame will require submission of an extension request form.

- C. The Architectural Committee will review the request.
- D. The Architectural Committee usually meets on Mondays at 10 a.m. in the Management Office for the majority of months. The Committee Chair may change the schedule according to need, with advance notice to the Community and the Board. Residents are welcome to attend. All written requests and outcome decisions are maintained in the respective property owner's file.
- E. The property owner will be notified in writing as to whether the requested changes or alterations were approved or disapproved.
- F. If any owner or resident of Ventana Lakes disagrees with a decision of the Architectural Committee, he/she may appeal to the Architectural Committee in person or in writing within 10 business days of the decision. However, if after 10 business days no appeal has been received, the Architectural Committee's decision is final.
- G. Once the approved work has been completed, the approved Change Request is to be returned to the Office, so members of the Architectural Committee can make a final inspection of the work to ensure that it was done according to that which was initially approved. **For all completed alterations to the exterior of the house or yard, a "post" photograph is to be included.** If the change request was completed prior to the initial approval from the AC, the Homeowner will still need final approval from the Architectural Committee.[For further details, see section 16 of this Rule]
- H. **Variances.** The Board or the Architectural Committee may, at its option and in extenuating circumstances, grant variances from the restrictions set forth in Article IV of the CC&R's if the Board determines (a) either (1) that a restriction would create an unreasonable hardship or burden on an owner, or (2) that a change of circumstances since the recordation of the CC&R'S has rendered such restriction obsolete and (b) that the activity permitted under the variance will not have any substantial adverse effect on the owners and residents of Ventana Lakes and is consistent with the quality of life intended for residents of Ventana Lakes.

Adopted 2-17-2010.

1.4 Written Approval Required for Exterior

Homeowners wishing to change, alter or perform necessary maintenance to the exterior of a home or a lot require prior written approval from the Architectural Committee, UNLESS SPECIFICALLY EXEMPTED UNDER THESE RULES. (e.g., changing color of granite, replacing roof tiles, tree removal, etc.) Those not referenced to a specific CC&R have been categorized as belonging to Article IV, Section C.1. Architectural Control. It is the homeowner's responsibility to check with the Architectural Committee for clarification on a change, alteration or maintenance issue before proceeding.

Adopted 2-17-2010.

1.5 Completion Time Frame

All approved requests must be completed within three months (90 calendar days) of approval date, except swimming pools, which have a 180-day completion time frame.

Adopted 2-17-2010.

1.6 Alphabetical List of Requirements by Title of Project:

Air Conditioners for Garages. Air conditioners to cool a garage must have prior written approval from the Architectural Committee. The air conditioner must be placed below the height of the privacy wall and hidden from view.

Alumina wood patio covers: see Patio covers.

Antennae/Satellite or HDTV Dishes. The installation is to be made where it is **not visible** from the street or neighboring property, providing an acceptable signal can be received. This rule regulates the installation, use and maintenance of satellite dishes that are governed by the Federal Communications Commission. Members of the Architectural Committee are available to meet with homeowners prior to the installation to discuss possible sites for the dish placement. All requests must be made by the owner of record.

Attic Fans: Solar Powered. Prior written approval from the architectural committee is required. The attic fan must not extend above the ridgeline of the roof. The flashing and housing of the attic fan must be painted to match the color of the vents if roof mounted or the body color of the house if side vented. Penetration through the roof when installing the fan cannot exceed 18 inches.

Awnings-Window. Prior written approval from the Architectural Committee is required. All installations of any type of awning are restricted to the approved solid colors on file at the Ventana Lakes Management Office. A small border of another solid color as added by the manufacturer is permitted. Awnings must be kept in good condition and maintained in their original color.

- 1) **Fabric House awnings:** The color selected must be an approved color but need not match the body color of the house. The chosen color for the awnings may be coordinated with the house colors.
- 2) **Metal House Awnings:** The color must closely match the body color of the house.
- 3) **Backyard Retractable Patio Awnings/Rollup Patio Shades:** The color selected must be an approved color but need not match the body color of the house. The chosen color for the awnings may be coordinated with house colors.
- 4) **Retractable front yard RV type awnings are prohibited.**

Backyard issues. Homeowners with backyards not visible from outside the lot are not required to obtain approval for changes to their back yard, except as follows:

- 1) Installation of a pool, spa, and hot tub (has a separate Change Request Form.)

- 2) Pond, fountain or other water-related equipment must have water that re-circulates sufficiently to prevent the breeding of mosquitoes or the feature is to be left dry. Stagnant water is a breeding site for mosquitoes.
- 3) Nothing in the backyard may extend above the privacy wall except for trees, shrubs and umbrellas. Exception: see Gazebos
- 4) Trees must be planted at least 6 feet from the privacy wall and/or property line.
- 5) A grading change should not be made which will allow irrigation water to seep into the privacy wall which will eventually damage the wall.
- 6) Homeowners with lake front property shall obtain prior written approval for landscaping and other work for back yard.

Barbecue Grills: Permanent. Permanent barbecue grills must have prior written approval from the Architectural Committee. The structure of the barbecue grill must be lower than the height of the privacy wall.

Bird Feeders. No bird feeders, except those for hummingbirds, are permitted.

Boat Docks:

- 1) **Painting and Repairs.** Current owners with existing boat docks must keep them in good condition and adequately painted in an approved color. Painting of a boat dock and fence requires prior written approval from the Architectural Committee. Boat docks and dock fences are to have a good and clean appearance and be in good and safe condition and repair, including periodic repair, painting, etc. (CC&Rs Article IV, Sec. F5). Any repairs of a dock must be submitted to the Architectural Committee for review.
- 2) **Insurance Coverage.** In accordance with CCR ARTICLE IV, LAND USE CLASSIFICATION PERMITTED USES AND RESTRICTIONS, Section F. Covenants, Conditions, Restrictions and Easements Applicable to Lake Ares Land Use Classification; 5.d., Property Owners of docks shall be required to provide evidence of carrying a minimum of \$1,000,000 universal coverage for personal injury and property damage. This proof of insurance coverage shall name VLPOA as certified holder and a copy of the certificate shall be on file in the Management Office.

Building Repair. The owner of every home or structure within Ventana Lakes is responsible at all times for keeping the buildings in good condition, adequately painted or otherwise finished. CC&R's, Article IV, Section C. 7.

Coatings for Driveways, Walkways, and Patios. All driveway and patio coatings are restricted to the approved colors on file at the Ventana Lakes Management Office. The design and color selected should be coordinated with the house colors. Driveways, walkways, and patios may be done in the following designs: simulated cool deck, simulated flagstone, vinyl chip, pebble-tee and epoxy seal. All coatings must be of a satin finish and not glossy in appearance. Driveways and walkways must be kept free from stains, rust, oil, etc. Property owners are required to submit a Change Request Form to the Management Office listing the color selected before having a driveway, walkway, or patio coated.

Clothes Drying Facilities. Outside clotheslines or other facilities for drying or airing clothes may be erected, placed or maintained on any Lot so long as they are not visible from outside of the Lot. Lake lots shall remove items no later than sundown. . CC&R's, Article IV, Section C. 11.

Commercial Vehicles. Residents and their guests may not park commercial vehicles or other vehicles used in any profession that display materials or tools of a trade on the street and/or driveway of any lot. Exceptions are for those parked while providing a service to that owner and those exempt by law.

Communication Cables. All exposed wiring must match the body color of the house or trim wherever it is attached.

Completion Periods: See Section 5 of this Rule.

Curbing Between Yards. Prior written approval from the Architectural Committee is required before curbing is installed. Curbing must stay on a homeowner's property line.

Decorative Foot Walls. Decorative foot walls in the front of a house may not exceed two (2) feet in height. Prior written approval from the Architectural Committee is required for a foot wall.

Design Compatibility. For additions to the house (enclosed patio), the proposed construction must be compatible with the design characteristics of the property itself, adjoining properties, and the neighborhood setting. Compatibility is defined as: harmony in style, scale, materials, and color and construction details. The Change Request Form to the AC requests should include a copy of the drawing submitted to the City with all the dimensions.

Doors: New, replacement or refinishing of house doors. A new painted front entry door color should closely match the one being replaced. However, a painted door may be replaced with a wood-finish door with Architectural Committee approval. The color of a garage side door should closely match the body color of the house. All refinishing of an exterior house door or replacing an exterior door requires prior Architectural Committee approval. Also see Painting.

Driveway Extension: Driveway expansions require prior written approval from the Architectural Committee. The maximum width a driveway may be expanded is three feet on one side, or 18 inches on each side, providing that no more than 30% of the front yard is covered in concrete. Separate concrete strips, which may serve as a second driveway, may not be added.

Duck Decoys. See Lake Waterfowl decoys.

Evaporative Coolers. Evaporative coolers may be used to cool a garage or a house. The cooler may not be mounted on the roof. The cooler and associated duct work must be located below the height of the privacy wall or hidden from view.

Fence to prevent rabbits. A small piece of wire screen no higher than 24 inches may be used around individual shrubs and along an individual lot's existing perimeter fencing provided the additional wire screen is installed inside the existing fence.

Flagpoles. All flagpoles of a permanent nature must have prior written approval from the Architectural Committee. There is a separate Change Request Form for flagpoles. Such poles are intended to fly or display the American flag in the front yard, or in the back yard. When in the front yard the flagpole must be a distance of 10 feet from the inside edge (edge closest to the house) of the front sidewalk adjacent to the street. When a flagpole is in the back yard, rather facing a street, it must not pose a nuisance to neighboring properties, including light intrusion. No flagpole may exceed the height of the tallest portion of the house. Only two flags per pole. One smaller U.S. Military organization flag or AZ State flag may be flown on the same flagpole below the American flag. The Gadsden Flag, with the snake and the words "don't tread on me," is to be considered the equivalent of the traditional American Flag. The flags must be kept in good condition at all times or removed. All other flags are deemed decorative in nature and shall be displayed in accordance with the rules for Holiday Lights and Exterior Decorations.

Foil. Neither house nor garage door windows may have foil to reduce the effects of heat. Also see under Sun Screens.

Fountains. Height is limited to 4 feet in the front yard, and no higher than the fence in the back yard. Must have recirculating pump or be left dry. Stagnant water breeds mosquitoes.

Garage Door color.. When any home is repainted, the garage door must be painted at the same time to match the body color of the home. When a new section or entire garage door is replaced, it must be painted to match the body color of the home within 30 calendar days. Also, see Section on Painting (1.c).

Garage Door Louvers/Vents. Prior written approval from the Architectural Committee must be obtained before garage door louvers are installed. Vents cannot be homemade or altered from their original form or size as purchased. The vents are to be placed in the lower panels of the door. The vents must match the color of the garage door.

Gardens Landscaping. See Ventana Lakes Rules for Homeowners, Rule 2 - Garden's Landscaping Requirements.

Gates: Single and double, and side gate to backyard. Property owners may install double gates at Ventana Lakes to allow wider access to back yards only with prior written approval from the Architectural Committee. All gates must be constructed of an iron frame with closely placed wood slats. All frames are to be painted black or the color of the privacy wall. All wood slats must be sealed and preserved or painted the color of the wall. No additional solid surface, such as concrete, paver blocks, bricks, etc., is permitted in front of a double gate between the gate and street sidewalk.

Gazebo, Ramada, Elevated Spa Covers. Gazebo, Ramada, or Elevated Spa Covers require prior written approval from the Architectural Committee. A design plan with dimensions

including color, material and type of roof must accompany the Change Request Form. No tent coverings are permitted. The height of the structures cannot be over 8 feet from the ground.

Granite. Homeowners who are changing to granite, or changing the color of the granite in their yards need prior written approval of the Architectural Committee. Color must be a desert color. After the granite has been spread in the yard, the homeowner is responsible for sweeping up the dust that is left. The dust or dirt that has been left may not be hosed down the driveway or street.

Gutters and Downspouts. Installation of gutters requires prior written approval from the Architectural Committee. The color of the gutters must closely match the trim color of the house. The color of the downspouts must closely match the body color of the house.

Holiday Lights and Exterior Decorations. Holiday lights and exterior decorations shall be allowed 30 calendar days prior to the Holiday. No lights or decorations shall be left on walls or fences facing common areas longer than 15 calendar days after the holiday. Lights or decorations MUST be associated with the Holiday in question.

Home Additions. All additions to a home, including patio covers, security doors, walkways, and buildings, shall be submitted to the Architectural Committee for written approval prior to construction.

House Signs – see “Signs”

Iron Bars on Windows. No iron bars are permitted on the outside of windows for safety reasons. The fire department or police cannot get in to rescue persons inside in case of emergency.

Lake Waterfowl Decoys. No decoys of any kind are allowed on the lakes for an aesthetic reason and for possible damage to the Lake liner.

Lamp Posts & Lanterns. Lamp posts/lanterns must have prior written approval from the Architectural Committee. Lamp posts may not exceed 6 feet overall, and must be installed at least 4 feet from the sidewalk. The lamp bulb wattage shall not produce a luminescent nuisance to neighbors.

Lattice Material. The use of lattice material for privacy or to screen garbage cans is prohibited in any front yard. Lattice may be used for plant material in other areas of the yard as long as it is properly maintained, with a straight edge and no taller than block wall.

LIGHTS-Malibu; Lights on Front of Garage; Security Lights; Spotlights. Prior written approval from the Architectural Committee is required for lights on the front of a garage or for security lights. Malibu lights may be installed, but must be kept in good condition. Lights may not be installed if they will in any way reflect into a neighbor's property.

Neighboring Properties: See Protection of Neighbors

Outdoor Carpet. The colors of Monotone Blue, Brown or Green are the established colors for outdoor carpet **in the Gardens only**, and must have prior written approval from the Architectural Committee.

Outside Spot Lights: (See LIGHTS)

Painting Guidelines

1) **House Painting:**

- a. All repainting of exterior portions of homes is restricted to using approved paint color schemes on file at the Ventana Lakes Management Office. Painting of a home requires prior written approval of the Architectural Committee. Residents are asked to submit the letter/number of the color scheme selected on the application form.
- b. If touch up work is to be done on the house, the touched up areas must blend into the current colors so the areas repainted do not stand out. If the entire house is to be painted, the paint books in the Management Office are to be used to select a color scheme.
- c. When the house is painted, the garage door, the trim around it, and the front sidewalls (unless they have never been painted), that face the street and are attached to the house, must also be painted the body color of the house. If the front entry door is to be painted, the door and trim around it may be painted the body color of the house.
- d. Other notes regarding house painting: any material - wood or stucco – abutting the roof line and extending out from the house wall must be painted the trim color.
- e. Front sidewalls that extend to the street sidewalk area must be painted the body color of the house, unless they have never been painted. It is the Homeowners choice to paint or not.
- f. For a house on a corner lot where the wall on the side street is not common area, the homeowner is to maintain the outside of the wall. If the homeowner wishes to paint an unpainted wall, or needs to paint the outside of the wall on the side street, the homeowner must use Dunn Edwards' Navajo White paint or equal color.

2) **Fence painting by homeowner (wrought iron view fence on lakes or common areas):**

- a. A homeowner on a lake front lot or common area may paint his/her own fence with prior written approval from the Architectural Committee. All parts of the fence must be painted. Rust areas on the fence must be sanded and primed before the fence is painted. The paint color for the fence, other than at the Shores, is Dunn Edwards' Navajo White or equivalent color. The Shores' fence color is Dunn Edwards' Enchanting Ivy.

- b. The Association will not compensate a homeowner who paints his/her own fence. Owners who have fences that extend over the water at the back of their property are responsible for painting the fence.
- 3) **Painting Outside Wall:** Repainting of the outside of the privacy wall facing the side street, not on common areas, is the homeowner's responsibility. Dunn Edward's Navajo white color or equivalent color is to be used. Prior written approval from the Architectural Committee is required.

Parking. Vehicles of any type may not be parked on the granite or grass.

Patio Covers: (see also Awnings) Patio covers require prior written approval from the Architectural Committee

- 1) **Wood/Metal Patio covers** must closely match the body color of the house. Patio covers may be a combination of wood and metal. When wood trim is used, the color must match the house trim, and all columns must match the body color of the house. Patio covers must be attached to the house.
- 2) **Alumina wood patio covers** and supporting structures are restricted to the approved colors on file in the management office. Alumina wood patio covers must be attached to the house. In the Gardens, the Alumina wood patio cover must be centered and balanced on the patio. **No w-pan canopy cover is to be used.** The drainage water from the roof must be contained in the owner's backyard or run to the river rock. Property owners are required to submit a change request application to the management office listing the color selected for the patio cover before having awning covers installed.

Paving to edge of gunnite not allowed. Paving by a homeowner on lake front lots where the private property extends to the water's edge requires prior written approval of the Architectural Committee. The edge of the concrete, flagstone, or wood beams must be a minimum of 6 inches from the gunnite.

Political Signs/door-to-door materials, politicking – see "Signs"

Ponds – see Section 7 (Landscaping) of this Rule

Pools - see Swimming Pools

Protection of Neighbors. The interests of neighboring properties must be protected by making reasonable provisions for matters such as access, surface water drainage, sound and sight buffers, and preservation of views, light and air, and other aspects of design, which can have a substantial effect on neighboring properties.

Real Estate Signs – see "Signs"

Relationship of Structures and Site. Treatment of the site must relate harmoniously to adjacent sites and structures that have a visual relationship to the proposed construction.

Roof Equipment. No devices of any type, including, but not limited to, antennae, evaporative coolers, air conditioner units, ornamental owls, or wind gauges shall be placed on any roof, except solar panels which are allowed by Federal Rules.

Satellite Dishes: see “Antennae”

Security Doors; Screen Doors; Storm Doors: Color. The installation of Security doors, screen doors and storm doors requires prior written approval from the Architectural Committee. The color of the metal frame for a Security door, a screen door or a storm door should closely match the body color of the house. However, Navajo White or equal or a Tan color for the metal parts of these doors may also be approved. White is also allowed if the windows are white.

Shutters. The installation of Decorative Exterior Louvered Shutters (DELS) will be allowed on the back of houses only. Prior written approval from the Architectural Committee is required. Style is limited to a single panel louvered design (continuous louvers from top to bottom) with either a straight or eyebrow detail for the top frame of the panel. No solid or raised "Georgian" style panels can be used. Panel color shall match respectively the pop out color identified in the Ventana Lakes Exterior Color Schemes books available in the Management Office. The panel shall be no less than 9 inches and no greater than 18 inches in width. The length of the panel should be such that it does not exceed the height and depth of the framed inset of the window. The DELS cannot extend to within four inches of the house corner. No DELS can be installed on windows in the front of houses with vertical pop outs.

Sidewalks. Installation of a sidewalk from the front entrance to the street or from the driveway to the gate must have prior written approval from the Architectural Committee.

SIGNS

- 1) **House signs** which are visible from the neighboring property, shall not be erected or maintained on any lot except for the following: (a) signs required by legal proceedings; (b) no more than two (2) identification signs for individual residences, each with a face area of one hundred twenty (120) square inches or less; or (3) alarm/security system signs.
- 2) **Realtor signs/for rent or lease signs**
shall not be posted in common areas, as they are allowed only on personal property, one such sign is allowed. Once a home is sold, the Realtor's "Sold" sign must be taken down within five (5) business days after close of escrow. "For Sale" or "For Rent" or “For Lease” signs shall adhere to the City of Peoria City Code Enforcement Regulations. No more than two “Open House” signs on VLPOA Common ground. These signs must be removed at the end of each day.
- 3) **Political signs/door-to-door political solicitation:**
 - A. **Flyers:** It is a state misdemeanor to knowingly remove, alter or deface any political mailers, handouts, flyers or other printed materials of a candidate that are delivered by

hand to a residence for a period equal to forty-five days before a primary election and seven days after a general election. This does not apply to an owner or the owner's authorized agent who removes signs or materials from private property.

B. Politicking: Door-to-door political activity, including solicitations for support of individual candidates or ballot issues and the circulation of political petitions, is allowed including on all property that is normally open to visitors. However, it shall be limited to the period between sunrise and sunset, and all participants shall prominently display an identification tag, which must state the candidate or ballot issue involved.

C. Political signs: These must be no larger than 24" by 24" and may be placed in the front yard of the lot. According to Arizona law, the signs may be posted 71 calendar days before the election and must be removed within three calendar days after an election. Political signs are allowed only on personal property.

- 4) **All other signs with the exception of those mentioned in this section** must have prior written approval from the Architectural Committee. (CC&Rs Article IV, Sec.C,13.)

Solar panels for electricity production or water heating. Solar panels come under Federal Rules but the Architectural Committee should be informed of their placement by submitting a Change Request form with pre- and post- photos/drawings. Make sure that the applicable government permits are obtained. Any tubing from roof to ground is to be painted to match the body color of the house.

Solar Tubes and Skylights

These items may be installed only with approval of the Architectural Committee.

Storage Sheds. All storage sheds require prior written approval from the Architectural Committee. Storage sheds are allowed, but when installed can be no higher than the privacy wall. On lake lots, storage sheds are prohibited in the back yard, but may be placed in the side yard if hidden from view.

Structure height for front yards. The height, the width, or length of any structure may not exceed four feet in the front yard.

Sun Screens. A book with screening swatches showing various approved colors is available in the Ventana Lakes Management Office. All sun screens are restricted to these approved colors. Frames for sun screens are to match the frame color of the outside window. Property owners are required to submit a Change Request Form to the Architectural Committee through the Management Office, listing the color selected for the sun screens. No sheets, papers or foil may be used as a sun screen in house or garage windows. NOTE: Window Film is allowed. One Company, Suntek Window Films claim to block the sun's heat 78% and the ray's 99% and does not block the view.

Swimming Pools, Spas and Hot Tubs. Prior written approval from the Architectural Committee is required to install a pool, spa, or hot tub. Property owners who want to install an in-ground or above ground pool must submit a check (refundable) for \$500 made out to Ventana Lakes

Management to insure that waste water from the contractor will be contained and removed from the site, and that any damage to common landscape areas and common perimeter walls is repaired. (The \$500 deposit is not required for spas/hot tubs.) A pool must be no closer than 5 feet from the privacy wall. All back wash water and pool water must be retained on the owner's property.

Trash/Recycling Containers. In accordance with the CC&R's, no garbage or trash shall be placed or kept on any lot except in covered containers of a type, size and style which are issued by the City of Peoria. In no event shall containers be maintained so as to be visible from Neighboring Property or street except on collection day and then only for the shortest time reasonably necessary to effect such collection. Such containers stored on lake front lots must be screened from view from the lake, whenever possible, in a complete or obscuring manner that blends in with the architectural and landscaping scheme of the home.

Tree Planting – New Trees. All trees must be planted **at least six feet** from the privacy wall and or property line. Prior written approval is required from the Architectural Committee to plant trees. See recommended list of trees at the end of this document. No variance from this policy shall be allowed..

Tree Removal. When removing a tree, the tree stump must be removed or at least cut 2 inches below the ground level and then covered with landscape material.

Workmanship. The quality of workmanship evidenced in construction must be equal to or better than that of the surrounding properties. In addition to being visually objectionable, poor construction practices can cause functional problems and even create safety hazards. The AC assumes no responsibility for the safety or liability of new construction by virtue of design or workmanship.

NOTE: When an architectural request for additions, alterations or improvements has been approved, the project must be completed within three (3) months (90 calendar days) from the date of approval. The exception to this is the installation of a pool which has a six (6) month (180 calendar days) completion time frame.

Adopted 2-17-2010.

1.7 Landscaping Rules

A. The Association believes that landscape aesthetic integrity, compatibility and owner's pride can be satisfied by informing property owners of landscape rules. All front yard landscaping requires prior written approval from the Architectural Committee. Property owners, when landscaping their backyards, must request approval when doing any of the following:

- 1) Installing a pool, spa, hot tub: use separate Change Request Form.
- 2) Installing a pond, fountain or other water-related equipment: note that water features must have water that re-circulates or the feature is to be left dry; stagnant water is a breeding site for mosquitoes.
- 3) Planting trees: trees must be planted at least 6 feet from the privacy wall and/or property line.

- 4) Irrigation: should not be made that will allow irrigation water to seep into the privacy wall, which will eventually damage the wall.

B. Minimum Requirements: All landscaping shall be maintained in a neat and attractive condition. The minimum maintenance requirements include watering, mowing, edging, pruning, removal and replacement of dead or dying plants, removal of weeds and noxious grasses, and removal of trash. All grounds visible from the street not covered by structures, walkways or paved parking shall be landscaped, and 100% of this area shall be devoted solely to trees, shrubs and groundcover. The Association reserves the right to require a mandatory landscape design for additional landscape items, including low walls, planters, landscape lighting and similar items for each lot. All such facilities, if requested, shall be installed and maintained in good, clean and attractive condition. (CC&Rs Article IV, Sec. C.)

- 1) No fence, wall or solid hedge shall be constructed or placed on or between the front or street side setback lines without the prior approval of the AC.
- 2) The recommended turf to groundcover ratio is 30% maximum turf and 70% groundcover over 2" minimum depth of decomposed granite. Half-inch to three-quarter granite is recommended for longer life. Granite must be a desert color.
- 3) Shrubs are to be used as foundation plants.
- 4) It is imperative that all grading be done to prevent nuisance water from collecting on the sidewalk and running down the street. Swales are recommended for installation behind the sidewalk. All grading changes on the lot must have prior written approval from the AC.
- 5) Landscaping decor such as statues and lawn ornaments is limited to three items, and should measure no more than four (4) feet in any direction. Variance for either restriction may be requested through the Architectural Committee.

Adopted 2-17-2010.

1.8 Common Area Landscaping and Fences

- A. Homeowners may submit a request to the Management Office to request planting a replacement tree or shrub on common ground at their own expense, generally in memory of a resident who has passed away. This community gift will be recognized by the Board in the newsletter.
- B. When a fence separates a homeowner's property from common area, payment for maintenance shall be handled pursuant to the CC&R's, Article IV, Sec. C.16(e).
- C. If the homeowner chooses to paint their fence outside of the maintenance cycle, the homeowner will not be reimbursed for this.

Paragraph B per the Board June 20, 2009. Adopted 2-17-2010.

1.9 Recommended Trees and Shrubs

The following is a list of trees and plants/shrubs RECOMMENDED by the

Landscape Committee in 2007: Trees for Arid Areas:	
Blackbush Acacia	Desert Museum Palo Verde
Leather-leaf Acacia	Foothill Palo Verde
Shoestring Acacia	Palo Brea
Willow Acacia	Desert Willow
Sweet Acacia	Ironwood
Palo Blanco	Texas Ebony
White Thorn Acacia	Mexican Ebony
Acacia Berlandieri	Mastic Tree
Blue Palo Verde	Cascalote
Hybrid Palo Verde	Mexican Buckeye

If any statements in this rule are in conflict with the Association's legal governing documents, the terms of the legal documents will take precedence.

Adopted 2-17-2010.

1.10 The Gardens

Additional landscaping requirements for private property in The Gardens are addressed in Ventana Lakes Rules for Property Owners *Rule 2 - Gardens Landscaping & Exterior Requirements.*

Adopted 2-17-2010.

1.11 Revisions to the Architectural Rules; Committee Rules

If a homeowner objects to an architectural rule and wishes that the rule be amended or revised, the homeowner must present an amendment or revision to the Architectural Committee which will, without changing his wording, pass the homeowner's suggestions to the Board of Directors for action. However, the Architectural Committee may offer comments on the proposal. Rules for the Architectural Committee are contained in *Ventana Lakes Rules for the Architectural Committee.*

Adopted 2-17-2010.

1.12 Architectural Rules Violations: Notice of Alleged Violation (Complaint)

- A. The Architectural Committee oversees compliance with the Architectural Rules and Article IV Section C of the CC&R's.
- B. A violation letter from the Architectural Committee may not impose a fine, but may state that noncompliance will result in referrals to the Board of Directors, and the Board of Directors may impose a fine. The Architectural Committee may work with the homeowner to explain how a violation can be corrected and the home brought into compliance. Ventana Lakes Rules for Homeowners Rule 1. Architectural and Landscaping Requirements Page 16 of 17

- C. The homeowner may provide a written response by certified mail within ten (10) business days after the date of the letter from the Architectural Committee.
- D. If the homeowner's response questions the validity of the alleged violation, the Architectural Committee shall respond within ten business days after receipt of the certified mail, to the address provided in the certified mail, with a written explanation regarding the notice that shall provide at least the following information unless previously provided in the notice of violation:
 - 1) The provision of the community documents that has allegedly been violated.
 - 2) The date of the violation or the date the violation was observed.
 - 3) The first and last name of the person or persons who observed the violation.
 - 4) The process the homeowner must follow to appeal the notice of violation.
- E. The homeowner may provide a written appeal within ten (10) business days after the date of the notice. The Committee shall have ten (10) business days in which to respond to the appeal after the receipt of the appeal.
- F. If the homeowner believes the Committee's decision under paragraph E above was not based on a violation of the Architectural Rules, the homeowner may document this in a letter to the Board and request a meeting with them and the Architectural committee. Board deliberations on appeals are allowed to be conducted in executive session. (The Board shall have the option to deny the request for the meeting.) The decision of the Board is final.
- G. If the homeowner comes into compliance, or if the Architectural Committee determines that the violation does not create harm to the community and grants a variance with or without stipulations, the matter is closed, unless the Board, on its own, votes subsequently to reverse the Committee.
- H. If the Architectural Committee determines that the violation is a threat to the community, it shall refer the matter to the Community Manager for implementation of the rule below.

Adopted 2-17-2010.

1.13 Architectural Rules Violations: Second Notice of Alleged Violation (Complaint)

- A. The Community Manager shall send the second letter to the alleged violator homeowner by certified mail. The second letter shall include a copy of the Architectural Committee's violation notice and state that if there is no response within 10 business days of the date of the letter, the matter will be referred to the Board of Directors, who will make the decision whether court action and a fine will be imposed.
- B. The Community Manager, at the end of the 10 business days, will make an attempt to telephone the homeowner or otherwise contact them. If there is no compliance, this will be documented and the matter returned to the Architectural Committee for further action.

Adopted 2-17-2010.

1.14 Architectural Rules Violations: Assignment of Case Number & AC Referral Status List

- A. When the Community Manager gives the Architectural Committee documentation that the homeowner has not responded or has refused to remedy the violation, the Architectural Committee will assign a case number to the matter (*e.g.* 2008-01) and add it to a AC Referral Status List that will be available in the Community Manager’s office for reference by the Board and members of the Architectural Committee.
- B. The AC Referral Status List will have headings as follows:

CASE NO.	DATE REFERRED	FIRST BOARD REVIEW	EXPECTED DECISION DATE	FINAL DATE AND OUTCOME
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1.15 Architectural Rules Violations and Appeals: Board Review Packet

- A. The following procedure shall be used when the Committee submits a request to the Board for the review of an architectural rules violation for a possible monetary fine for non-compliance. The Architectural Committee shall also use this procedure when a homeowner has requested a hearing by the Committee and wishes to appeal the decision to the Board. The packet for the Board shall include the case number and the date referred (if applicable), and include copies of all letters sent to the homeowner by the Committee and the Community Manager. These should include the requirements of ARS § 33-1803.D which should be included in the notice of the alleged violation that was sent to the homeowner.
- B. ARS § 33-1803.D lays the foundation for an HOA to impose monetary fines. It documents that a homeowner was provided due process.
- C. Additional documents to be provided to the Board shall include:
 - 1) Copies of the homeowner’s letters of response.
 - 2) Documentation of any electronic or in person contact by an AC member or Community Manager with the homeowner listing the dates and a brief synopsis of what transpired.
 - 3) Photographs, drawings or diagrams of the alleged violation.
 - 4) Copies of any VLPOA incident reports, policy reports or written documents from neighbors regarding the alleged violation.
- D. The intent of a fine process is not monetary but an attempt to bring the homeowner into compliance. Continuing noncompliance, however, can result in daily fines being imposed, and also recovery of any legal fees regarding enforcement actions.
- E. Failing to obtain prior approval from the AC is not a fineable violation if there was no other violation of the rules.

- F. If after appeal to the Architectural Committee the homeowner believes the Committee's decision was not based on a violation of the Architectural Rules, the homeowner may document this in a letter to the Board and request a meeting with them and the Architectural Committee. (the Board shall have the option to deny the request for the meeting). Board deliberations on such matters are allowed to be conducted in executive session. The decision of the Board is final.
- G. The submission of the Board Review Packet will ensure all the proper procedures were followed and that the necessary documents were completed. A complete packet will afford the Board the opportunity to make a fair and sound decision regarding any alleged violation or to impose justified monetary fines.
- H. The Board will update the AC Referral Status List as it works through the process to keep everyone aware of the status of the matter without the person's name being made public.

Adopted 2-17-2010