

**ANNECY HOMEOWNERS ASSOCIATION
DESIGN REVIEW GUIDELINES**

GUIDELINES FOR ANNECY HOMEOWNERS

REVISED: May 2021

NOTE TO LOT OWNER: THESE RULES AND PROCEDURES FOR ANNECY HAVE BEEN FORMULATED FOR THE BENEFIT OF YOU AND YOUR NEIGHBORS. THEY ALSO OFFER YOU AN OPPORTUNITY TO HAVE YOUR PRELIMINARY PLANS REVIEWED BY THE DESIGN REVIEW COMMITTEE PRIOR TO HAVING INCURRED THE COSTS OF FINAL WORKING BLUEPRINTS. AS THE DESIGN REVIEW COMMITTEE IS OBLIGATED TO ENFORCE ITS AUTHORITY REGARDING THE ANNECY CC&R'S AND THE RULES AND REGULATIONS (THROUGH INJUNCTIVE RELIEF, IF NECESSARY), IT IS IMPERATIVE THAT YOU READ AND UNDERSTAND THEM SO AS NOT TO BE IN VIOLATION THEREOF.

Universal rules of the entire spectrum of architectural design which may be submitted to the Design Review Committee (or "Committee") are not practical. The Committee is required to make subjective judgments and is given the authority in the Declaration of Covenants, Conditions, Restrictions, Reservations and Easements dated March 28, 2006 and recorded on the records of Maricopa County on March 30, 2006, as may be revised from time to time (the "Declaration"). Any capitalized term not defined herein shall have the meaning set forth in the Declaration.

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A. PURPOSE OF THE GUIDELINES

The primary purpose of these Guidelines is to familiarize homeowners at Annecy with the objectives, scope and application of design standards and guidelines which are intended and will be employed to maintain the aesthetic appearance and environmental quality of the Annecy community.

The Guidelines enumerate specific design standards and guidelines which have been adopted by the Board of Directors of the Annecy Homeowners Association. It also explains the application and review process which must be adhered to by homeowners seeking approval for any exterior improvements, modifications or changes to their homes or Lots which are subject to approval by the Association. These Guidelines will serve as a valuable reference source and will assist homeowners in preparing acceptable applications for review by the Association's Design Review Committee. All homeowners are encouraged to familiarize themselves with its contents and to retain the Guidelines for future use.

B. BASIS FOR AND OBJECTIVES OF PROTECTIVE COVENANTS

The legal documents for the Annecy Homeowners Association contain covenants, including those pertaining to design standards. Legally, these covenants are a part of the deed for each home and are binding upon all initial homeowners and their successors in ownership, irrespective of whether or not these owners are familiar with such covenants.

The primary purpose of design covenants is to maintain environmental and architectural design standards for the entire community. The promulgation and enforcement of design standards is intended to achieve the following objectives:

- Maintain consistency with the overall design concept for the community;
- Promote harmonious architectural and environmental design qualities and features;
- Promote and enhance the visual and aesthetic appearance of the community.

The enforcement of design standards not only enhances the physical appearance of a community but protects and preserves property values. Homeowners, who reside in association communities which enforce design covenants are protected from actions of neighbors which can detract from the physical appearance of the community and, in some cases, diminish property values. In fact, surveys of homeowners living in association communities consistently reveal that this was an important consideration in their decision to purchase a home.

C. ROLE OF THE DESIGN REVIEW COMMITTEE

All homeowners at Annecy are automatically members of the Annecy Homeowners Association. The Association is an Arizona non-profit corporation which owns and is responsible for the upkeep and maintenance of all common properties within the community.

The Association is also responsible for the administration and enforcement of all covenants which are applicable to property owners, including design standards and restrictions. The Declaration for the Annecy Homeowners Association provides that the responsibility for the enforcement of design standards shall be exercised through a Design Review Committee, the members of which shall be appointed by the Board of Directors of the Association.

The Design Review Committee is to consist of three (3) regular members and an alternate member initially appointed by the Declarant, and later appointed by the Board of Directors, pursuant to the terms of the Declaration.

The Design Review Committee shall be responsible for enforcing the Association's Design Review Guidelines with respect to exterior modifications to homes and Lots proposed by Owners. The Design Review Committee shall review and approve (or disapprove) applications submitted by Owners for visible exterior additions, alterations or modifications to a home or Lot. The review process shall be governed by the Design Review Guidelines.

As part of its responsibilities, the Design Review Committee will supplement and amend the Design Review Guidelines and its procedural rules and regulations to the extent and with the frequency it deems necessary; provided, however, that such modifications are in general conformity with the standards set forth in the Declaration.

D. ALTERATIONS REQUIRING REVIEW AND APPROVAL BY THE DESIGN REVIEW COMMITTEE

Essentially, no changes, permanent or temporary, as improvements, alterations, repairs, excavation, grading, landscaping or other work which in any way alters a Lot, or the exterior appearance of improvements located thereon, shall be commenced, made or done without the prior written approval of the Design Review Committee. The review process is not limited to major additions or alterations, such as constructing a house or adding a room, deck, or patio; it also includes items that might be considered minor, such as changes in color and materials, and landscaping. Approval is also required when an existing item is to be removed.

There are a number of exceptions to this otherwise inclusive review requirement.

1. Building exteriors may be repainted or re-stained provided that there is no color change from the original. Similarly, exterior building components may be repaired or replaced so long as there is no change in the type of material and color.
2. Minor landscape improvements will also not require an application. This includes foundation plantings, or single specimen plantings. In general, landscape improvements of a small scale which do not materially alter the appearance of the Lot, involve a change in topography or grade and which are not of sufficient scale to constitute a natural structure will be exempt from the design review process.

If there is any doubt as to whether or not a proposed exterior change is exempt from design review, and approval, homeowners should first seek clarification from the Design Review Committee before proceeding with the improvement.

E. APPLICATION AND REVIEW PROCEDURES

It is the responsibility of the applicant Owner to communicate with the Design Review Committee and provide a Design Review Application with supporting materials, and to provide additional materials as requested by the Committee. The process of the Design Review is as follows:

1. Design Review Applications. Design Review Applications for proposed improvements must be submitted in writing using the application form authorized by the Design Review Committee. A copy of this form is attached to these Guidelines. Additional copies of the Design Review Application form may be obtained from the Association. Applications must be complete in order to commence the review process. Incomplete Design Review Applications will be returned to the applicant with a statement of deficiencies which must be remedied in order to be considered for review. Applications that require deposits must be mailed or hand-delivered; applications that do not require deposits may be submitted through the website, via email Legacycommunitymanagement@gmail.com, mailed or hand-delivered to:

Design Review Committee
Annecy Homeowners Association

Legacy Community Management
3233 East Halifax Circle
Mesa, AZ 85213

2. Supporting Documentation. Each Design Review Application must include a complete and accurate description of the proposed improvement(s). In order to permit evaluation by the Design Review Committee, supporting exhibits will frequently be required by the Design Review Committee in its sole discretion. At a minimum, each Design Review Application must include a scaled plan prepared by a licensed architect or licensed building designer and shall include the following: two (2) sets of complete improvement plans including a site plan, floor plan, elevations of all four sides, roofing plan and material, landscaping plan with full detail of all elements, mechanical locations, and finishes, colors and textures of all exterior building materials. All plans should be no larger than 24" x 36" in size. (11" x 17" is preferable).
3. Time Frame for Completion of the Review. The Design Review Committee is required to approve or disapprove any proposed improvement within thirty (30) days after the receipt of a properly completed Design Review Application. However, the thirty (30) day review period will only commence upon the receipt of a complete Design Review Application form, including any required exhibits. It is therefore advisable for homeowners contemplating substantial improvements to first ensure that they are aware of all required supporting documentation prior to submitting a Design Review Application.
4. Notice of Approval/Disapproval. Homeowners who have submitted Design Review Applications will be given written notice of the decision of the Design Review Committee.
5. Final Construction Review. Once construction is complete, a final approval must be given by the Committee to guarantee the return of the Performance Deposit (as defined below).
6. Appeals Procedure. Homeowners may appeal decisions of the Design Review Committee to the Board of Directors. A homeowner may appeal a decision of the Design Review Committee by submitting a written request to the Board of Directors within ten (10) days after the date of an action by the Design Review Committee. This request should include any new or additional information which might clarify the

requested change or demonstrate its acceptability. The Board may, at its sole discretion, conduct an informal hearing related to the appeal. The Board will respond in writing to an appeal within sixty (60) days from the date of receipt of an appeal.

7. Refundable Performance Deposit. To secure the performance of the Owner's obligations to clean up and/or remove equipment, building materials, dirt, debris and similar materials, and to protect from damage and repair any damage to improvements sustained, in connection with construction activities by or for the benefit of Owner and to ensure that the construction or modification will be made in accordance with the plans and specifications approved by the Design Review Committee, a Refundable Performance Deposit will be required for the following items :
 - a. Cabanas, Room additions, Guests House, Detached Garages and Swimming Pools will require a \$1,000.00 refundable deposit.
 - b. Owners must submit a Refund Request form upon completion of their project.
8. Construction Activities. Each Design Review Application shall also include a description of the Owner's plans to (a) prohibit the accumulation of rubbish or debris of any kind upon or adjacent to any Lot and no odors shall be permitted to arise or emit there from so as to render any such property or any portion thereof, or activity thereon, unsanitary, unsightly, offensive or detrimental to any other Lot in the vicinity thereof or to the occupants of such other Lot; (b) locate temporary toilets in reasonable proximity to each Lot upon which construction has commenced and shall be maintained in such locations during the entire course of such construction, and all construction workers shall be required to use such toilets (such toilets shall be maintained in presentable, safe, clean, sanitary and odor-free condition and removed immediately after completion of construction); (c) keep the Lot in a neat and tidy condition during construction periods, trash and debris shall not be permitted to accumulate and supplies of brick, block, lumber and other building materials shall be piled only in such areas as may be approved by the Design Review Committee; and (d) immediately remove any dirt, mud or debris collecting in public streets as a result of the Owner's construction activities. All construction equipment and building materials stored or kept on any Lot during construction of improvements may be kept only in areas approved by the Design Review Committee. The Design Review Committee may also require screening of said storage areas.
14. Commencement of Construction. When a building design has been approved and the necessary building permit obtained from the City of Mesa, the Owner will proceed in a timely manner with the commencement and completion of all construction work. Such commencement will occur within ninety (90) days from the date of obtaining the building permit. If the Owner shall fail to comply with the 90-day commencement, the approval from the Committee will may be revoked.

F. DESIGN REVIEW GUIDELINES

While it is impossible to include universal rules that covers the entire spectrum of design for improvements to Lots within Annecy, the Design Review Guidelines, as set forth in this document, shall set forth minimum procedures for the Committee's review of, and the standard for development within Annecy, including but not limited to, architectural design, placement of buildings, landscaping, plant selection, color schemes, exterior finishes and materials, signage, wall design, and similar matters and shall have the same force and effect as the Association Rules.

1. Number and Height of Structures. No structure shall be erected, altered, placed or permitted to remain on any Lot in the Property other than one (1) detached single family dwelling, one (1) guest house, one (1) outbuilding, one (1) tennis or "sport" court (provided, however, the artificial lighting, if any, proposed for any tennis court shall not be installed or operated without the prior written consent of the Design Review Committee) and one (1) detached private garage. No guest house, outbuilding, tennis or "sport" court", garage, or any other ancillary building shall exceed the height of the single-family dwelling.
2. Architectural Theme and Orientation. Approved additions shall match the architectural theme/style and color of the primary residence.
 - a. Owners are further discouraged from the following:
 - Boxy architectural designs with uninterrupted horizontal walls and two-story vertical walls.
 - Dramatic variations in building height between adjacent residences and neighborhood pattern.
 - Attention to placement of home in relation to adjacent Lots and community areas.
 - Windows, balconies or decks that face directly into a neighbor's home or livable outdoor space.
 - Locating high activity spaces adjacent to low-activity spaces on adjacent properties (such as a backyard patio that is adjacent to neighbor's bedroom windows).
 - Creating large blank walls as a result of trying to address privacy concerns.
 - Dramatically deviating from the streetscape and neighborhood landscape patterns.
 - Using landscaping to try to hide the mass of a new residence or addition
3. Antennas and Satellite Dishes. Satellite dishes which are larger than one meter in diameter are prohibited. Satellite dishes which are one meter in diameter or less are permitted with prior approval from the Design Review Committee subject to the guidelines below:
 - a. Location - Devices are not to be installed in the front of the Lot or on the front facade of a residence so long as another location exists on the Lot or residence from which an acceptable quality signal can be received. They are to be located so as to be as visually unobtrusive as possible, without unreasonably increasing the cost of installation, maintenance and use and without precluding the reception of an acceptable quality signal. Whenever possible, the devices should be located in the rear yard. If they absolutely must be installed at roof level, then they should be situated on the rear side of the roof ridge line, so as to have no, or minimal, visibility from the front of the home.
 - b. Screening - To the extent possible, dishes should be screened so that they are not visible either from the street or to other Lot owners.
 - c. In order to minimize any adverse visual impact, a device which is affixed to a residence should be painted to match the color of the portion of the house to which it is attached, so long as painting the device will not void the manufacturer's warranty.

4. Attic Ventilators. Attic ventilators and turbines are not permitted.
5. Building Materials.
 - a. Finished building materials must be applied to all exterior sides of buildings and structures. Each material will be used to express its characteristics in an appropriate manner with color and textures compatible with the natural surroundings and other buildings and structures in the general vicinity.
 - b. The use of reflective surfaces, except windows, shall be prohibited.
 - c. Accessory structures and additions to principal and accessory structures, six (6) feet or more in height and/or 120 square feet or more in area shall utilize like colors, materials, and architectural style as the principal residence.
 - d. Permitted exterior finished materials include plastered unit masonry, adobe, slump and split or decorative block. Other materials may be approved by the Design Review Committee. The use of brick and stone accents is strongly encouraged.
 - e. The use of decorative pilasters, moldings, cornices and other façade treatments is encouraged to enhance the building appearance.
6. Carpeting. Indoor/outdoor carpeting and synthetic grass on any exterior surfaces (for example, front stoops, patios, etc.) are prohibited and will not be approved. Indoor/outdoor carpeting for decks and screened porches may be approved on a case by case basis only.
7. Exterior Colors.
 - a. The exterior colors of all buildings and structures must be approved by the Design Review Committee based on submitted manufacturer's color chips.
 - b. Plans and specifications submitted to the Design Review Committee must include details of the exterior color scheme, including all exterior surfaces. All exterior paint color changes are required to have a section painted on the specific area of the house with the color your are proposing; proposed color samples on the house shall be painted by one another so they are visible side by side (ex: body and trim colors). Exterior surfaces must be compatible with the other buildings in the neighborhood.
 - c. Any repainting or redecorating of exterior surfaces will also require submission of a color scheme to the Design Review Committee for approval.
 - d. A Design Review Application and Design Review Committee approval is not required in order to repaint or re-stain an object to match the original color. However, all exterior color changes must be approved. This requirement applies to siding, doors, shutters, trim, roofing and other appurtenant structures.
8. Exterior Decorative Objects. Approval will be required for all exterior decorative objects, whether natural or man-made, which were not part of the original construction design, either as a standard or optional feature. Examples include but are not limited to: bird houses, bird baths, driftwood, weather vanes, sculptures, and fountains, free standing poles of all types, house address numerals, and any items attached to approved structures.

These will be evaluated in terms of their general appropriateness, size, location, compatibility with architectural and environmental design qualities and visual impact on the neighborhood and the surrounding area. Sculpture, garden statues, bird baths, bird houses and similar items are restricted to rear yard locations and should not be visible from the front yard or a street. Exceptions may be granted when they are used to hide or soften the appearance of a utility box (i.e. cable or telephone).

9. Exterior Lighting.

- a. Lighting which is part of the original structure may not be altered without prior approval of the Design Review Committee. Proposed replacement or additional fixtures must be compatible in style and scale with the applicant's house.
- b. No exterior lighting shall be directed outside of the applicant's property. Proposed additional lighting shall not be approved if it will result in an adverse visual impact to adjoining neighbors due to location, wattage or other features.
- c. Tennis court, sport court and other similar lighting shall be reviewed and approved on an individual basis. Approval is subject to light type, orientation, site plan, use, brightness and other factors which the Design Review Committee considers in the best interest of the Owners and residents of Annecy.

10. Fences and Walls. General guidelines for the construction and approval of fences are provided below.

- a. Chain-Link and Barbed Wire Fences - Chain link and barbed wire fences will not be approved under any circumstances.
- b. Walls. Each Owner shall enclose its back and side yards with a masonry, slump block or cinder block wall as set forth below. If slump block is used, it shall be of the same color and quality as used on the Dwelling Unit. If cinder block is used, it shall be stucco-finished on any portion thereof facing a street or Visible from Neighboring Property to the same color and texture as the Dwelling Unit unless otherwise approved by the Design Review Committee. All masonry, slump, or cinder block wall shall be six inches in depth. Wrought iron inserts are permissible if they are approved by the Design Review Committee and painted to blend with the color of the Dwelling Unit. Except as may be specifically permitted by the Design Review Committee, no side or rear fence and no side or rear wall (except the wall of the building constructed on any of said Lots), shall be more than six (6) feet in height, as measured from the higher side of such fence or wall. Walls between areas with an elevation difference of greater than one foot will require case-by-case approval by the Design Review Committee. In the event of a dispute between Lot owners with respect to the construction, repair or rebuilding of a party wall or party fence, or with respect to the sharing of the cost thereof, such adjoining Lot owners shall submit the dispute to the Design Review Committee. The decision of the Design Review Committee shall be binding.

11. Landscaping.

- a. A minimum of 60% of the front yard, excluding paved areas for driveway and walkway, shall be landscaped with grass.
- b. Each owner shall oversee the lawn in the front yard with winter rye grass unless this requirement is waived in writing by the Board of Directors for the respective year. ***All members are required to over seed their front lawns with Winter Rye grass by October 31st and maintain a green, attractive, weed-free lawn. The winter rye lawn must be established by November 15th of that***

same calendar year. A \$500.00 fine will be assessed every seven (7) days to any owner for noncompliance of this requirement.

- c. All landscaping must reflect the character of the development; rocks and boulders, patios, sidewalks, etc., may be used to supplement and create imaginative landscape design. Artificially colored rock yards are not acceptable at any location.
- e. All landscaped areas shall be watered by an automatic irrigation system. The landscape plan shall note the total square footage of landscape area.
- f. The intent of these guidelines is to be flexible so as to encourage innovative design. At the discretion of the Design Review Committee, portions of these guidelines may be waived in the case of outstanding landscape architecture design.
- g. Design Review Application and review is not required for the following modifications:
 - (i) Planting of annuals or perennials in existing beds.
 - (ii) The installation of individual trees or shrubs on the Lot, provided that such plantings at maturity are in scale with the home and Lot.

12. Machinery and Equipment.

- a. No machinery, fixture or equipment of any type, including but not limited to heating, cooling air-conditioning and refrigeration equipment, may be placed on any Lot or parcel without prior approval of the Committee. Approval shall be conditioned upon prior screening or concealment from view of neighboring or public property. The screening or concealment should be solid and integrated architecturally with the design of the building or structure. It should not have the appearance of a separate piece of machinery, fixture or equipment, and should be constructed and positioned in such a manner so it is level and plumb with horizontal and vertical building components. It should be structurally stable in accordance with sound engineering principals.
- b. The Design Review Committee will not approve window or wall air conditioning units or fans.

13. Parking/ Garage. Garages shall be used principally for the parking of vehicles and shall be furnished with garage doors. Any garage that is attached to the principal permanent residence shall be designed to permit vehicular entry from its frontage street through the side of such garage unless (i) otherwise approved by the Design Review Committee in the exercise of its sole and absolute discretion, and (ii) the front-entry garage is no less than forty-five feet (45') from the street fronting the house. Detached garages with appropriate decorative garage doors may be permitted only if approved by the Design Review Committee in the exercise of its sole and absolute discretion. Garages shall not be used for any extended period for storage except such storage as is nominal and incidental and as otherwise meets the approval of the Design Review Committee. The parking capacity of garages must be sufficient to house at least three (3) automobiles and the maximum parking capacity is subject to approval by the Design Review Committee.

14. Roofs.

- a. All roofs must be clay or concrete tile or wood shake construction. No roof shall be permitted with a pitch of 3 feet by 12 feet or less. Flat roofs are discouraged and may only be permitted on a portion of the house as approved by the Design Review Committee for a specific plan on a case-by-case basis. Roof lines should vary from homes on adjacent Lots and directly across the street.

- b. No white, light colored, aluminum or other reflective colors or materials will be allowed on flat roofs.
 - c. Skylights should be located such that they are not visible from the front of the dwelling unit or a street. Skylights are not permitted on the front side of the roof ridgeline. Skylights which are constructed flush with the roof line are preferred.
 - d. All exposed metal chimney flues, vent pipe stacks and any equipment protruding above the plane of the roof and visible from a neighboring property must be approved by the Design Review Committee.
 - e. Roof mounted equipment shall be prohibited.
 - f. Decorative metal roofs may also be permitted provided they are approved by the Design Review Committee for a specific plan.
15. Security Bars. In general, the use of security bars or grates on windows and doors will be prohibited. Exceptions may be made where the security apparatus will not be visible from the street and from adjoining properties. Homeowners concerned about the security of their residence are advised to consider alternatives, including alarms and sophisticated lock systems.
16. Signs. Security signs, described below, are permitted on Lots or common areas without the prior approval of the Design Review Committee. Real estate sign offering a property for sale or rent is permitted, provided that the sign does not exceed six square feet in area. Such signs must be removed within the weeks following the sale or rental of the home.
17. Security Signs. Two security signs, each not exceeding a total of sixty-four (64) square inches may be posted on the property. Only one such sign may be posted forward of the front plane of the home. The approved location shall be at the front door. A second sign may be posted in the rear yard.
18. Storage Sheds.
- a. The use metal storage sheds is prohibited. The use of prefabricated storage sheds will be considered on a case by case basis. Owners must submit a Design Review Application prior to purchasing/installing a prefabricated storage shed.
 - b. Storage or accessory which meet the design criteria below may be attached to the home or may be a free-standing structure.
 - i. The architectural design of the shed should be compatible with the design of the home.
 - ii. The finish materials and colors must be identical to those for the home.
 - iii. The roof slope and the type and color of roofing material should match the primary residence.
 - iv. The architectural design of the shed should be compatible with the design of the home.

19. Walkways. Approval is required for a change in an existing walkway or the construction of a new walkway. Materials to be used should be compatible with existing materials in the community (e.g., flagstone, brick, or poured concrete). Long stretches of poured concrete should be avoided, and walkways of wood decking will not be approved.
20. Utilities. All utilities and ground mounted mechanical equipment shall be fully screened from view and shall meet the setback required by the City's zoning and ordinance. No gas, electric, power, telephone, water, sewer, cable television or other utility or service lines of any nature or kind may be placed, allowed or maintained upon or above ground on any Lot or parcel except to the extent, if any, underground placement may be prohibited by law or would prevent the subject line from being functional. Provided, however, above ground service pedestals, splice boxes, switch cabinets and transformers will be permitted where required for public utilities of the landscaping of the Common Area.
21. Amplifiers. No radio, stereo, television, broadcast or loud speaker unit, and not amplifier of any kind, may be placed upon or outside, or be directed to the outside of any building without prior written approval from the Design Review Committee.
22. Basketball Standards / Backboards. No basketball standards / backboards shall be installed without the prior written approval from the Design Review Committee.
23. Tennis Courts / Sport Courts. No tennis court or sport court may be installed without prior written approval of the Committee. Courts may be allowed, providing their setting, visual appearance, lighting, noise generation, construction and landscaping do not detract from the enjoyment of neighboring property as determined by the Committee. Each proposed installation will be judged on a case-by-case basis.
24. Natural Gas Appliance Requirement. Each residence shall include, at a minimum, (i) a natural gas water heater, and (ii) a natural gas furnace or kitchen range