

Tamarac at Moon Valley Architectural Guidelines

Introduction

Tamarac at Moon Valley is a planned community. Its character was established by zoning, common amenities and the type and style of housing built by the original developers. Conditions, Covenants and Restrictions (CC&Rs) were established to ensure that the character of the community is maintained to protect property values and to preserve lifestyles. At the time of purchase, every property owner receives a copy of the CC&Rs.

The CC&Rs govern the use, design and alteration of all properties with Tamarac. They establish a Homeowners' Association and a Board of Directors elected by the property owners to run the association and enforce the CC&Rs. The CC&Rs also authorize a Board appointed Tamarac Architectural Committee (TAC) to be established to review and approve all exterior property improvements. The CC&Rs grant the TAC the authority to adopt guidelines to supplement the CC&R regulations.

These guidelines set forth the adopted policies of the Tamarac Architectural Committee. They are intended to reflect broad community values and will be used by the TAC in its review of proposed alterations. They also provide guidance to property owners on the types of improvements that need TAC approval and that are generally acceptable. In the event of any conflicts between these guidelines and the CC&Rs, the CC&Rs will take precedence.

The TAC is made up of 3 or more members who volunteer their time plus one member of the Board, all of whom volunteer their time to serve the community. The TAC is committed to responding to homeowner's authorization requests and questions in a timely manner.

Authorization

The TAC is established "...to regulate the external design, appearance and use of the Property..." within the community pursuant to Article 2, Section 2.5 of the CC&Rs.

Article 6, Section 6.17 further provides among other things that proposed changes must be submitted to TAC and that the committee has thirty (30) days from the receipt of such proposed changes to either approved or deny the request. If the TAC fails to respond within thirty days of the submitted proposed changes, approval will not be required. It is advised that should any homeowner wish a change of any type, they make themselves familiar with Article 6, Section 6.17.

Review Process

Homeowners are required to obtain written approval from the TAC prior to making any external changes to their property. This requires that an application (letter or email) be submitted to the TAC along with supporting documentation. Sufficient information must be included with the application to enable the TAC to understand the proposal, its contextual relationship, and any potential impacts on neighboring property or community.

This may include one or more of the following items depending on the nature and type of proposed alteration:

1. A dimensioned site plan showing property lines, location of existing improvements, etc.
2. A sketch of the improvement showing height, dimensions, configuration, materials and colors.
3. Photos or manufacturer's brochures
4. Detailed construction plans, floor plans or landscape plans.

The TAC will review all applications for consistency with these guidelines and the requirements of the CC&Rs. After deliberation, the TAC may approve the request with or without conditions, may request additional information, or may deny the request. The approval of the TAC pursuant to the homeowner's request shall not be deemed a waiver of the Architectural Committee's right to withhold approval of any similar addition, alteration, repair, change or other work subsequently submitted for approval (CC&R, Section 6.17). The Committee's approval of alterations shall not be interpreted or deemed to be an endorsement or verification of the safety, structural integrity, or compliance with applicable laws or building ordinances of the alterations. The Owner and/or its agents shall be solely responsible for any alterations.

In the event the TAC fails to approve or disapprove an application within thirty (30) days after the application, together with all supporting information, plans and specifications requested by the TAC have been submitted to it, approval will not be required and Section will be deemed to have been complied with by the Owner who had requested approval of such plans. At its option, the TAC may grant minor variances from the restrictions in the following guidelines where such restrictions would create an unreasonable hardship on an owner or are obsolete because of changes of circumstances.

General Guidelines

1. The architectural style, color and material palette in Tamarac at Moon Valley are distinct and were established by the developer at the time the subdivision was initiated. The color scheme designations for walls, trim and awnings for each Lot are listed in the attachment to these guidelines. The limited materials and colors must be maintained if the designed character of Tamarac is to be preserved.

2. All applications will be reviewed for conformance with the requirements in the CC&Rs and the guidelines developed and approved by the TAC.
3. The level of review required for each proposal will depend on the nature of the improvement, its location, proposed colors and materials, and its visibility from nearby properties, the street and the common area.
4. Backyard views seen by a six-foot tall person at ground level will be the primary concern with regards to screening requirements. However, the TAC will consider the view from second story windows when appropriate.
5. Applications which deviate from established standards within the community and will adversely affect the character of the community, have a negative effect on neighboring property owners, or create a public nuisance will not be approved.
6. All improvements must be constructed from quality materials in a professional manner.
7. Each application will be considered on its own merits as it relates to the property.
8. All improvements must comply with the construction codes and zoning regulations of the City of Phoenix or any other governmental authority when appropriate. Building permits must be obtained when required. In the event of a conflict between zoning ordinance and CC&Rs, the more restrictive regulation will apply.
9. All approvals will be conditioned by the requirement that the improvement be maintained in its original condition.
10. All improvements must be completed in a timely manner.

Specific Guidelines

Architectural Detail

No changes will be allowed in the original style and structural detail, including roofs and roofing materials, texture of stucco, texture and style of wood trim and the color scheme for each Lot as attached to these guidelines.

Artificial Turf

Artificial Turf of a similar color and style that already exists in the neighborhood may be installed on any lot at the homeowner's expense. The turf installation shall be bordered by a sidewalk, driveway, or pavers on all sides leaving no unfinished edges. Should a leak occur under the turf, the homeowner will be responsible for the removal and replacement of the turf in order for the watering system to be repaired. Home owner is responsible to cap off any sprinkler water no longer used but must maintain adequate water to existing trees and bushes. Home owner is not allowed to remove trees or bushes without HOA approval.

Awnings – Permanent or Retractable

Solid color window awnings mounted on internal steel or aluminum frame may be approved. Those permanently attached to the house and visible from the street must be a single uniform color that matches the house trim as closely as possible. The awning must have a traditional squared or rounded edge design that matches the other awnings in the community.

A retractable shade (electric or manual) mounted in the backyard (behind the wall) of the home may be approved as long as the color coordinates with the house trim and is a solid or stripe pattern. The awning cannot attach to the block wall in any way. The homeowner must also get written approval from the owners of any adjoining lots where the awning will be visible.

Aluminum and painted steel awnings, shiny fabric and excessive ornamentation will not be approved.

Basketball Hoops

Basketball hoops, either permanent or portable are not approved. A court is available in the neighboring park.

Clotheslines

The CC&Rs require that outside clotheslines be placed and maintained in such a manner as to not be visible from above the fence line or the street.

Doors, Front Entry

Front entry doors must have recessed panels comparable to the original doors installed by the builder and must be painted the same color as the house trim. Doors with windows will not be approved.

Doors, Garage

Replacement garage doors must be sectional, metal roll up doors comparable to those installed by the builder. The door may be plain or have long recessed panels (four panels wide). Short recessed panels (more than four panels wide) and doors with windows are not approved.

Doors, Security

Security screen doors may be approved. The style should not detract from the architecture of the house. Permitted colors are white, black, dark bronze or the color of the house trim. Security doors are not included in the painting contract and must be maintained by the owner.

Flagpoles

Freestanding flagpoles will not be approved anywhere on the lot. A small metal flag holder attached to the front of the house is acceptable. The purpose of the flag holder is to display the United States flag, seasonal flags or other types of flags that are not intrusive or distract from the integrity of the community. All flags must be properly maintained.

Under Arizona law (A.R.S. 33-1261 and 33-1808), a Condo or HOA cannot prohibit the display of any of the following flags:

1. The American flag or an official or replica of a flag of the uniformed services of the United States (however, the flag(s) must be displayed in a manner consistent with the Federal Flag Code)
2. The POW/MIA flag
3. The Arizona State flag
4. An Arizona Indian Nations flag
5. The Gadsden flag
6. A First Responder flag (A First Responder flag may incorporate the design of one or two other first responder flags to form a combined flag. A combined flag can be in many forms such as an American flag with a blue line, or a flag that includes both a firefighter symbol and a paramedic symbol)
7. A Blue Star service flag or a Gold Star service flag (these are military flags that represent a family member's activity serving in the military or a family member that died while serving in the armed forces)

Arizona HOAs and Condos must adopt reasonable rules and regulations regarding the placement and manner of display of the flags. HOA and Condo association rules may also regulate the location and size of flagpoles but cannot prohibit installing a flagpole.

An HOA may also limit the owner to no more than two flags at once and may limit the height of the flagpole so that it does not exceed the height of the member's rooftop, but may not prohibit a member from installing a flagpole in that member's front or back yard.

Owners should review their association's CCRs or rules regarding any additional flag restrictions or rules (however, any flag restrictions or rules in an association's documents cannot violate A.R.S. 33-1261 and 33-1808).

Garage Conversions

The CC&Rs require that garages be used only for parking of vehicles and for minor storage of normal household supplies and materials and not converted for living quarters or recreational activities. Garage conversions will not be approved.

Gates

Replacement gates may be similar to the original gate being replaced or may be wrought iron frame with redwood/composite slats or wood painted to match the trim of the house. Wrought iron may be left black or painted to match the trim of the house. Gates without wrought iron frames can be stained or painted the color of the house trim.

Gazebo/Pergola

The structure is to be no higher than the patio roof line and must be anchored to the ground. It can be made of wood, composite, or metal with a solid or slatted roof. The roof can have sunshade fabric. The structure must be maintained and not fall into disrepair. Any neighboring lots with a view of the structure must give written approval.

Landscaping

The area inside the walk leading to the front entry of each house (i.e., the area between the walk and the house) is the responsibility of the homeowner to landscape and maintain. All the area outside of the walk will be maintained by the HOA. In addition to those terms set out in Tamarac HOA CC&R 6.11, all bushes in HOA area of responsibility will be maintained at the 5-foot level. If a homeowner wishes a higher height, homeowner must notify HOA and then homeowner will be responsible to maintain the trimming at that greater height. No landscaping can encroach on another homeowner's property without the permission of the other homeowner. Landscaping should not cover doors, windows or roof.

Lights, Coach

Coach lights may be approved if they are of good quality and comparable in appearance to other lights that have been installed within the community. A picture of the proposed lights in the submission to the TAC is required. Placement of the coach lights shall not block the house number.

Lights, Convenience

Convenience lights along walks may be approved provided they are not located in the lawn area and are of good quality.

Lights, Flood

Flood lights (with or without motion detectors) may be approved provided they do not present a nuisance to neighbors. Such lights will be placed in an inconspicuous location as possible and may only be clear or white. Colored lights are not allowed. Any exposed conduit must be painted the same color as the surface to which they are attached.

Lights, Temporary/Permanent Seasonal

Temporary seasonal lights may be attached to the outside of the house 45 days prior to the holiday. They must be removed within 30 days following the event. No written permission is required.

Permanent seasonal lights (outdoor track lighting) may be installed behind or in front of the roof fascia board. If the track or channel that hides the wires is visible from the street, it must be painted to match the house fascia. Any colors other than white or clear (year-round option) may be displayed for holidays in the same time frame as temporary lights above. Written permission is required for permanent light installations.

Patio Covers

Patio extensions, trellises or awnings may be approved provided all materials are consistent with existing materials or in line with previously listed materials. Aluminum patio covers or patio extensions that look like an "add on" will not be approved.

Patio Conversions

Patio conversions (Arizona rooms) may be approved but only after submission of detailed plans. Any such conversions must be constructed to match exactly the architecture, materials and color used by the original builder. This includes smooth stucco and wood trim painted to match existing house.

Patio Mist Systems

Patio mist systems may be approved. Any exposed piping for mist systems must be rigid copper or PVC and must be painted to match the color of the surface to which they are attached. Piping must be attached to and follow the lines of the house to camouflage the piping.

Propane Tanks

Propane tanks under 150 gallons may be approved if they are placed a minimum of 5 feet from any ignition source and 3 feet from any window or door. If filled on-site, the minimum distance to an ignition point must be 10 feet.

Rain Gutters

Rain gutters may be approved, depending upon location. If approved, they must be durable, paintable and result in a clean line. Seamless aluminum is the preferred material. Plastic is not acceptable. Gutters and downspouts must be painted to match the color of the surface to which they are attached. Downspouts must follow the line of the house and may not be freestanding.

Rock

Decorative rock used for ground cover in Tamarac is "Madison Gold-3/4 inch". Any rock, added to any part of the front yard must be the identical decorative rock. Conversion from grass to rock requires approval of the TAC committee. Request should be submitted to tamaracmv@gmail.com and should include dimensions or pictures of the affected area. Home owner is responsible for the cost of conversion and to cap off any water to previous sprinklers while maintaining water lines to trees/shrubs in the area of change. Owners are not allowed to removed bushes or trees without the permission of the HOA.

Roofs

New roof tiles should be as close as possible to the original tile. Tiles that do not match should be placed in the least visible positions from the front of the house. Flashing and any replaced fascia must be painted the color of the house's trim.

Satellite Dish Receivers

While Arizona law allows for satellite dishes, Tamarac HOA has the option of requiring placement of the dishes in the least visible location compatible with adequate reception. Large satellite dishes are not appropriate, since they would be visible above

the fence. Small dishes (less than one meter in diameter) may be approved, depending on location. Applications must contain diagrams showing the proposed location.

Sidewalks

Sidewalks parallel to the street are the responsibility of the HOA to maintain. Sidewalks leading from the street are part of the owner's lot and are the owner's responsibility. Damage to sidewalks caused by parking, land subsidence, or other causes must be repaired by the owner.

Signs – Additional Exceptions

Please refer to the CC&R's section 6.14 for complete guidelines

Signs for Commercial Business and Safety - Signs for any business working on a homeowner's property (e.g. roofer, painter, etc.) shall be allowed during the time the business is on site. Signs must be removed when work is completed. Signs designed for safety/security (e.g. ADT, Ring, etc.) are also allowed in the homeowner's front yard where they won't interfere with the landscapers.

Political Signs – (Arizona House Bill 2158) A political sign is a sign that attempts to influence the outcome of an election, including supporting or opposing the recall of a public officer or the circulation of a ballot measure petition (A.R.S. 33-1261 and 33-1808).

Political signs may be displayed with the following guidelines:

- No earlier than 71 days before the day of a primary election
- Must be removed 15 days after the primary if candidate does not advance to the general election
- All signs must be removed 15 days after the general election
- Signs may not contain profanity or discriminatory text
- The maximum aggregate total dimensions of all political signs on a homeowner's property shall not exceed 9 square feet
- Signs should not be displayed in lawn areas maintained by the HOA landscapers

Cautionary signs regarding children may be displayed with the following guidelines:

- The signs are displayed in residential areas only
- The signs are removed within one hour of children ceasing to play
- The signs are displayed only when children are actually present within fifty feet of the sign
- The temporary signs shall not be taller than three feet in height
- The signs are professionally manufactured or produced

Skylights

A skylight may be approved, provided it (1) is limited to one window, (2) lies flush with the roof (not a bubble), and (3) the trim is painted to match the roof tiles.

Solar Panels and HVAC

No heating, air conditioning, evaporative cooling or water heating units shall be placed, constructed or maintained upon any Lot in such a manner as to be visible from neighboring property. Every effort should be made to have solar panel placement in the least visible location. TAMV-HOA may adopt regulations regarding the placement of solar

energy devices in conformance with Arizona Revised Statute 33-1816. These rules and regulations may govern the color, shape and design of any solar energy device.

Storage

Equipment, toys, bicycles, barbeques, etc. must be stored in garages or out of site behind block walls.

Storage Sheds

Small storage sheds may be approved provided they are not visible from above the fence line or the street.

Swings, Slides and Play Equipment

Play equipment may be approved if written approval is obtained from the owners of any adjoining lots where the equipment will be visible. Play equipment with elevated platforms that interfere with the privacy of neighboring lots will not be approved.

Trash Bins

Trash bins must be kept in garages, behind gates, or behind strategically placed shrubs or trellises to screen them from the streets and neighbors' front entries. Owners needing help in this regard should contact the TAC. Trash bins should be removed from the street by the end of the trash collection day.

Tree and Shrub Removal and Replacement

1. The HOA will remove, upon request, trees or shrubs that are dead, dying, causing damage or are hazardous within the HOA area of responsibility. A copy of the TAMV-HOA Plant Replacement Form is available on our website at www.tamaracmv.com.
2. The HOA will replace trees or shrubs it removes, with species of the owner's choice from the TAMV-HOA Plant Replacement form. Consideration will be made for size and location of the replacement.
3. Owners may remove other trees or shrubs in non-HOA areas at their own expense.

Vines

Vines shall not be allowed to grow above windows or onto awnings or roofs.

Walkways/Driveways

Walkways or paths made of flagstone, stepping stones, etc. to reach backyard gates may be approved. Applications must describe the type of material to be used. Homeowner is responsible for maintenance of walkways to front door, any additional walkways added, and the driveway.

Windows

New and replacement windows must match closely those installed by the original builder and must be approved prior to replacement

Window Screens

Generally, black, bronze or gray shade screens without pattern or ornamentation in a white frame to coordinate with window frames will be approved.

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Window Shades

Exterior sun curtains, exterior roll shades and shiny window film will not be approved. Window tinting of any type will be reviewed by application on a case-by-case basis.

Window Shutters

Exterior decorative or functional shutters, including rolling security shutters will not be approved.