

# **WESTERN SKIES ESTATES**

## **Homeowners Association**

### **Architectural Design Guidelines And Rules and Regulations**

Date revised September, 2017

These Rules and Regulations shall go into effect immediately and will supersede any past rules and regulations that have been enacted.

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# THE ARCHITECTURAL REVIEW PROCESS

## **COMPLIANCE**

In accordance with the Declarations of Covenants, Conditions and for Western Skies Estates Homeowners Association, the Board of Directors has adopted the following Architectural Guidelines (AG) for improvements which shall apply to all lots within Western Skies Community.

## **ARCHITECTURAL THEME**

All buildings and other improvements erected within Western Skies must be approved by the Architectural Control Committee in addition to any submittal to the Town of Gilbert and prior to commencement of construction. Architectural styles may vary from neighborhood to neighborhood. However these styles should be cohesive throughout the Western Skies Community. When a building design has been approved and the necessary building permit obtained from the Town of Gilbert, the applicant will proceed in a timely manner with the commencement and completion of all construction work. Such commencement will occur within 90 days from the date of obtaining the building permit. The applicant will complete the construction within one year of the date of the issuance of the building permit from the Town of Gilbert. If the construction, once commenced is not completed within one year of the issuance date of the building permit, the Homeowner's Association (as defined in the CC&R's) will have the right to assess the owner for the cost of completion, and for the full Association assessment, and will collect such other costs as provided in the Declaration.

Each lot homeowner must be familiar with the CC&R's recorded with Maricopa County and with these AG. These Guidelines are subject to being amended occasionally as determined by the Architectural Control Committee and the Board of Directors. The purpose for these guidelines is to enhance and maintain a high standard of our property values within the Association. They are also provided to assist homeowners in preparing structural and landscape improvement documents for approval by the Architectural Review Committee.

All changes or improvements to the structures or landscaping within the scope of these guidelines on a lot must be submitted to the Architectural Control Committee for approval. Even if your new addition or alteration is identical to a previously approved submission, it must be re-submitted for approval. If there is any disparity between the Architectural Guidelines and the Covenants, Conditions and Restrictions, the Covenants, Conditions and Restrictions shall control the final decision. All architectural approvals will be conditioned upon compliance with applicable city/town codes.

## **CURRENT UNAPPROVED IMPROVEMENTS**

All unapproved changes or improvements made by homeowners may be subject to action by the association to restore the structure or landscaping within the Architectural and CC&R guidelines. Homeowners are urged to inspect their lots to ensure they are in compliance with the Architectural Standards. If in doubt, submit an Architectural Approval Request Form to the Association, to begin corrective action or to get approval for the existing condition.

## **APPLICATION PROCEDURES**

Complete an Architectural Approval Request Form. Forms and instructions can be obtained from Western Skies Homeowners Association. Include the following with the form:  
Plot Plan – A site plan showing dimensions, relation to existing dwelling and property lines (Setbacks). Measurements must be written on the plans.

Elevation Plans – Plans showing finished appearance of additions in relation to the existing dwelling. Photographs of the proposed locations are often helpful in clarifying the work to be accomplished.

Specifications – Detailed description of materials, color samples, and dimensions must be submitted

Submit all of the above to:  
Renaissance Community Partners  
633 E. Ray Rd #122  
Gilbert, AZ 85296  
ATT: Western Skies H.O.A

All buildings and structures erected within Western Skies, and the land use and appearance of all land within Western Skies, shall comply with all applicable Town of Gilbert Zoning and Code requirements as well as the CC&R's and all Amendments therein recorded 7/11/1994 and these Architectural Guidelines.

All finished work must meet the quality workmanship standards intended by the guidelines and the CC&R's. The Board of Directors and the Architectural Control Committee reserve the right to reject the approval given for the change or improvement made if the materials, workmanship or specifications submitted in the request documents are not followed.

### **REVIEW, APPROVAL or DISAPPROVAL**

The Committee shall have 45 days after complete submission of the plans and documents to approve or disapprove the plans. Documents submitted to the Committee must be complete and provide as much information as possible for the Committee to correctly determine if the proposed changes meet with the AG & CC&R's. Any unclear or omitted information will result in the request being returned to the homeowner for clarification, delaying the process and re-establishing the 45-day assessment period.

The Committee has the flexibility to respond quickly to a homeowner's need provided the above information is submitted within the submission deadline and the homeowner specifies a date needed for the decision.

Review and approval or disapproval will include, but not be limited to:

- Consideration of material,
- Quality of workmanship,
- Matching of color with existing or neighboring structures,
- Consistency with the external design,
- Location of the improvement with respect to topography and finished grade elevation.

Neither the Architectural Review Committee, nor the Board of Directors shall have a liability in connection with or related to approved plans, specifications or improvements. The approval of plans does not mean that judgment is passed on the structural soundness of the addition or its effect upon existing or future drainage. The review of the plans is for aesthetic purposes only.

All document submissions, inquiries and status of approval or disapproval will be administered through the management company.

**APPROVAL EXPIRATION** - Changes must be completed within the 90 days of the approval date or the plans must be resubmitted.

**CONSTRUCTION PERIOD** - Work must be completed within 90 days of the approval date or the plans must be resubmitted.

**APPEAL PROCESS**

Any appeal of the Architectural Review Committee's decision must be submitted in writing to the Board of Directors of the Western Skies Homeowner Association within 30 days following the date of mailing to the Architectural Review Committee's decision.

**GRANDFATHER CLAUSE**

Any existing conditions approved prior to acceptance of this document, and that met the conditions in force at that time will be protected.

## ARCHITECTURAL STANDARDS

### **ACCESSORY STRUCTURES**

**Storage Structures**

**Definitions:** A structure used exclusively for storage and does not exceed 120 square feet of roof area.

A maximum height shall not exceed eight (8) feet, or extend more than two (2) feet above the property fence line at the location of the installation, whichever is less. A setback of five (5) feet is required for all structures exceeding the fence height.

Storage structures that do not exceed the above requirements and screened from view of all common areas and the golf course, do not need approval.

Materials can be wood, plastic, or painted metal. Consideration must be given to avoid hollow metal sheds that they may be of a noise nuisance to neighbors during rainstorms. The structure must be maintained in original condition. The Association retains the right to determine when the shed must be repaired or removed due to deterioration.

Main color and accent colors should match the house, if possible. Neutral colors such as off-white and tan are also acceptable. Colors should be non-reflective.

**Ramada's and Patio Covers**

All shade Ramada's and patio covers must be submitted to the Architectural Control Committee and will be considered on a case by case basis. Ramada's are designed to provide shade for a designated area of the property and may be a permanent or temporary structure, Ramada's must

be located a minimum of five (5) feet from adjacent property/party walls. Ramada's must be maintained and repaired or replaced due to deterioration

Permanent Ramada's may be freestanding or attached to the home. Permanent Ramada's must be constructed of materials and colors compatible with existing structures.

Temporary Ramada's are freestanding shade structures designed for occasional or seasonal use. Temporary Ramada's must not exceed 120 square feet of area, with a maximum height of nine (9) feet. Material must be canvas or similar material, of solid, non-reflective color compatible with existing structures.

Patio covers are permanent structures which are attached to the home. Patio covers must comply with the section regarding Roof and Roof Structures.

### Gazebos

Gazebos are defined as freestanding, permanent structures that function as outdoor "rooms." Gazebos must be submitted to the Architectural Control Committee for approval. Gazebos must be located at least five (5) feet from property/party walls. Ten (10) to fifteen (15) foot setbacks may be required, depending on orientation of neighboring property. Open lattice gazebos of natural wood may be considered for approval. Structure must be maintained in original condition. The Association retains the right to determine when the gazebo must be repaired or removed due to deterioration.

## **ADDITONS AND ALTERATIONS**

Any additions, alteration to any building, structure, lot, or parcel must be approved in writing by the Architectural Control Committee in addition to approval by the Town of Gilbert and prior to the commencement of construction or alteration.

## **AMPLIFIERS**

No radio, stereo, television, or loudspeaker unit, or amplifiers of any kind may be placed upon the outside of a building, or be directed to the outside of any building without prior written approval from the Architectural Review Committee. Disturbance to neighbors resulting from these items shall be considered a nuisance. Homeowners must also be considerate of their neighbors when using portable radios, car stereos and in-home entertainment systems.

## **ANTENNAS/SATELLITE DISHES**

Exterior television, radio antennas and satellite dishes may be placed within the confines of a homeowner's lot. They must be concealed as determined by the following guidelines:

### Antennas

Exterior television, radio, or other antennas of any kind, may be placed upon a lot or parcel within Western Skies. Concealment of antennas will be required and where practical as determined by the Architectural Review Committee.

Approval for antennas visible from neighboring properties shall be temporary in nature and their use revoked when an alternative system is available.

Ham, citizen band or other similar antennas will be subject to FCC Guidelines established for the community.

### Satellite Dish

Based upon FCC Regulations, homeowners associations cannot prohibit the installation of satellite dishes but may establish reasonable rules regarding the location of satellite dishes. Prior approval for installation of satellite dishes is not required. However, the Association requests that you make every effort to install the satellite dish in the preferred locations unless there is a problem obtaining a quality signal in those locations. Homeowners may install one (1) eighteen (18) inch satellite dish. The preferred installations are as follows in descending order of preference:

- Locate in the back yard of the lot where the Receiver will be screened from view by landscaping or other improvements.
- An unscreened location in the backyard of the lot
- A location in the side yard of the lot where the Receiver and any poles or mast will be screened from view by landscaping or other improvements.
- An unscreened location in the side yard.
- A location in the front yard of the Lot where the Receiver will be screened from view by landscaping or other improvements.
- On the roof, below the roof line.  
All exposed wires must be in conduit and/or painted to match the home.

### AWNINGS

Awnings over all windows shall be:

- Canvas or similar material
- A color that blends with the exterior body or roof on the home
- The same color on the inside and exterior face
- Installed only on the side and rear of the home
- Submitted to the Architectural Control Committee for review

Retractable shade awnings are allowed as extensions of patio covers. The following policy will be implemented in regards to the installation of awnings on homes within the Western Skies Community:

1. When submitting for approval, be sure to include a drawing with the location of the proposed awning installation, the manufacturer, sample color swatch, type and number of years' guarantee prior to installation.
2. Homeowner is responsible for maintenance and repairs of awnings. The Association retains the right to determine when the awnings must be repaired, replaced or removed due to deterioration; i.e. weathering, fading, tearing, ripping, etc..

NOTE: All awning submittals must include sample material, color and design.

### BASKETBALL/TETHERBALL EQUIPMENT

No permanent basketball or tetherball equipment may be installed on homeowner's lots within the Western Skies Community. A basketball court is provided in the main park to be used on a first come first served basis.

The following specifications pertain to the use of portable basketball or tetherball equipment within the Western Skies Community:

- Portable backboards and poles are allowed in either the front while in use and stored out view when not in use.
- Backboards shall not be installed on a building or structure (they must be pole mounted and portable.)



- Spotlights or other lighting for the purpose of illuminating the area of play, in the front yard, is prohibited after sunset.
- The Homeowner is fully responsible for ball containment in their individual property.
- Painting of the driveway, sidewalk or street for court layout, or any other purpose, is prohibited.

## **BUILDING MATERIALS**

Finished building materials must be applied to all exterior sides of buildings and structures. Materials must match the same material and texture of the existing home. Permitted exterior finished materials include stucco, brick, flagstone veneer, and split or textured decorative block, and rough sawed wood. The Architectural Control Committee may approve other materials. A;; exterior building materials must be approved by the Architectural Control Committee prior to submittal to the Town of Gilbert for commencement of any exterior alteration.

## **CHILDREN’S PLAY STRUCTURES**

All playground equipment, including but not limited to, play houses, forts, swing sets and trampoline enclosures, visible from a neighboring property must be submitted to the Architectural Control Committee for approval and will be considered on a case by case basis. Plans for children’s play structures must be submitted prior to installation if they protrude over the fence line as viewed from the nearest neighbor or street. The purpose is to ensure that nothing unsightly is erected. The following guidelines apply:

- The maximum height shall not exceed a height of 12 feet. This includes ladders, pool ladders and slides, swing sets, slides, canvas, awnings, and jungle gyms.
- Wood material must be of natural color or painted to match the dwelling
- The play structure shall not be placed any closer than five (5) feet of the property line.
- The play structure must be maintained in original condition. The Association retains the right to determine when the structure must be repaired or removed due to deterioration.

Play structures require notification to all adjacent property owners at time of submittal to the Architectural Review Committee.

## **CHIMNEYS**

Chimneys shall be constructed of the same material and texture as the home. Exposed flues are prohibited.

## **CLOTHESLINES**

Clotheslines shall not exceed six (6) feet or be visible from neighboring properties.

## **DECORATIVE ITEMS**

All front yard exterior decorative items exceeding 48 inches shall require written approval from the Architectural Control Committee prior to placement or installation. This includes, but is not limited to, ironwork, fountains, and statues. Holiday decorative items do not require approval. However, decorative items shall not be displayed more than 30 days prior to the actual holiday or more than 30 days after the actual holiday.

### **American Flags/Arizona State Flags**

For permanently mounted flag poles, the height of the pole can be no greater than the distance between the point of placement of the pole in the yard and the closest point of any of the following: sidewalks, common areas, or neighbor’s property line and cannot exceed 21 feet.

Temporary flag poles, not to exceed eight (8) feet, may be placed anywhere on the lot or house and below the roof line.

Homeowners may display the American and the State of Arizona flags. The flags shall be reasonable size and displayed in accordance with the Federal Flag Code. It is the universal custom to display the flag from sunrise to sunset.

Flags may be displayed 24 hours a day if properly illuminated. Proper illumination shall not disturb the quiet use and enjoyment of the neighboring properties.

### **Seasonal Items**

Seasonal items, which are house mounted below the roof line, do not need Architectural Control Committee approval. Items must be maintained in a good condition at all times. Items may not be offensive. The Board of Directors shall make this determination on a case by case basis.

### **Water Features**

Water features within the rear yard areas do not require approval from the Architectural Review Committee. Any feature in the rear yard must not exceed the fence line height.

Water features in the front yard require approval from the Architectural Control Committee and must meet the following requirements:

Located near the entry to the home.

Hidden from the street by a decorative wall or landscape screen.

No higher than 48 inches.

Must contain a filtration system and be chemically treated to prevent stagnation ( a breeding place for insects.)

Care must be taken to prevent a drowning exposure to children in the neighborhood.

### **Fountains/Waterfalls**

Fountains and waterfalls must blend with the color of the home and landscape theme and shall not exceed 60 inches in height. Decorative accents on the fountain shall not be offensive in nature. Consideration must be taken to prevent the noise of running water as nuisance during the quiet hours in the neighborhood between the hours of 10:00PM and 6:00AM.

### **Decorative Landscape and Yard Ornamentation**

Decorative landscape enhancements shall be permitted but must blend with the landscape. The Architectural Control Committee retains the authority to determine if such enhancements are a nuisance to the surrounding neighbors and properties. Enhancements shall not exceed 36 inches in height.

Enhancements shall not be offensive to neighboring properties or common areas.

If attached to the home itself, the decoration shall not exceed three (3) square feet.

## **DRIVEWAY EXTENSIONS**

Requests for driveway extensions must include a dimensional plan of the existing lot and the direction in which the extension is proposed. The exact measurements of the proposed paved surface must be stated on the plan. Driveway extensions will be reviewed on an individual basis with strong consideration of any impact on the architectural features of the neighborhood. Every effort must be made to landscape the area to maintain visual harmony within the neighborhood.

The Architectural Control Committee would not approve an extension that abuts with the adjacent property. The maximum driveway, including extension width shall not exceed a total of 27 feet for a two and a half (2 ½) car garage or 36 feet for a three (3) car garage. (These measurements include existing driveway.) Driveway extensions may not extend any closer than

12 inches from the property line or two (2) inches from the wall separating the neighboring property.

Any changes to the originally installed driveway or front sidewalk, provided by the builder, i.e. colored or stamped concrete, must be approved by the Architectural Control Committee prior to installation.

Painted or paved surfaces must be approved by the Architectural Control Committee.

## **DOORS AND SCREENDOORS**

Design plans for doors and screen doors must be submitted to the Architectural Control Committee for approval prior to installation. The material must be of substantial construction with a standard or decorative design with suitable decorative looking mechanisms. Creative door designs are encouraged provided they are in good taste and not overly ornate or cluttered. The frame must match the exterior color of the house and trim. Screen colors may be bronze, charcoal and grey or match the existing color of the house or window frames. Security doors must be maintained to their original condition, free from rust, torn screens, bent frames and damaged hardware.

## **EXTERIOR COLORS/PAINTING**

The exterior colors of all buildings and structures must be approved by the Architectural Review Committee, based on submitted manufacturers color chips for the community.

Plans and specifications submitted to the Architectural Control Committee must include details of the exterior color scheme, including all exterior surfaces. Exterior surfaces must be compatible with the other buildings in the neighborhood and parcel.

Any repainting or redecorating of exterior surfaces will require approval from the Architectural Review Committee.

There is an approved palette of color schemes, that when submitted, the Management Co. will provide immediate approval. The approved color schemes may be viewed at [www.westernhoa.com](http://www.westernhoa.com).

## **FENCES AND WALLS**

Back or side yard fencing, i.e. for pools, pet runs, is allowed but must not exceed six (6) feet in height and shall meet the Town of Gilbert safety code.

It is the duty of the homeowner to maintain view fences, on lots adjacent to the common areas or golf course. Homeowners must keep these fences free from rust or otherwise falling into a state of disrepair. If you are unable to maintain or paint these fences hire someone to do it for you.

If your lot abuts a view fence, you must submit all landscape improvements to the Architectural Control Committee for approval.

Any common area wall installed by the Declarant must not be removed, altered or painted without the Architectural Control Committee approval. Interior walls on member lots may be repaired and painted without approval provided the stucco repair and/or painting is done to

properly maintain the appearance of the property and is within the color and structural standards for Western Skies Homeowners Association.

Prior to construction of any new decorative walls, plans and property line verification must be submitted to the Architectural Control Committee for approval prior to construction.

Perimeter walls on lots bordering common areas and golf course must not be torn down to allow access to the rear yard.

A \$1,500 fine will be charged to any homeowner that removes a common wall without first obtaining approval from the Architectural Control Committee.

Access for rear yard construction must be gained through the front wall on the side of the home, repairs to this wall must be completed in a timely fashion and include repairing the wall to match the texture and color of the remaining wall. All work must be approved by the Architectural Control Committee prior to construction.

In the event of a cost sharing dispute between Homeowners regarding construction, repair or rebuilding of a common wall between their properties, Homeowners may submit the dispute to the Architectural Control Committee for arbitration. All decisions will be binding, subject to the right of appeal to the Board of Directors of the Association.

## **GARAGES**

The interior of all garages situated on any lot must be maintained in a neat and clean condition or the door kept shut. Garages shall be used only for the parking of vehicles and the storage of normal household supplies and materials and shall not be converted to living quarters without prior written approval of the Architectural Control Committee and applicable Town and State zoning and code requirements.

## **GATES**

Double gates may be installed with Prior approval of the Architectural Control Committee to allow wider access to the back yards. They must be of the same type, design and color as the originally installed gate. All gates must have a metal frame and wooded slats which are maintained with a wood preservative or natural stain color. Metal color may be black or match the color of the home. Gates shall not be permitted in any perimeter theme wall without prior approval of the Architectural Review Committee. Double gates will only be permitted on the garage side of the home. Gates opening to common areas and the golf course is prohibited.

## **GUTTERS AND DOWNSPOUTS**

Gutters and downspouts will be considered for approval by the Architectural Control Committee if the finish matches the color of the home and installation is of quality workmanship. The Western Skies Homeowners Association strongly recommends use of high quality materials that offer a long life, as gutters and downspouts must be maintained in good condition. Plans must include the proposed locations of the gutters and downspouts, the quality of materials to be used, and the manufactures warranty, (Name and phone number of installer may be requested at the discretion of the Architectural Review Committee.)

No runoff will be permitted into the surrounding properties.

## **HEATING, VENTILATING AND AIR CONDITIONING (HVAC) UNITS**

All HVAC equipment must be ground mounted or concealed with the confines of the lot so as not to be visible from the neighboring property. This includes evaporative coolers. Externally mounted vent lines are prohibited. Attic vents must be painted to match the exterior color of the house. Wind turbines are not allowed. The Architectural Control Committee must approve the installation of all vents and evaporative coolers.

## **LANDSCAPING**

The objective of the landscaping is to screen, accent, soften and improve the visual character of Western Skies Homeowners Association. Homeowners are responsible for landscaping and removing trash and debris on their entire lot including outside of the perimeter lot walls adjacent to sidewalks and/or curbs. Landscaping must not obstruct public right of way, including streets, sidewalks, signs, fire hydrants and traffic signals. Trees and shrubs must be trimmed back to avoid hazards. If the Board of Directors determines a safety hazard exists and the Homeowner refuses to correct the hazard, the Board of Directors may hire a landscape contractor to eliminate the hazard and bill the Homeowner.

### **Border and Paver Material**

Borders must be concrete block or brick and do not need Architectural Control Committee approval provided the color is neutral and the installed height is no higher than six (6) inches above ground level.

Colored borders require approval from the Architectural Review Committee. Borders shall be used to contain and separate rock ground cover from grass and common areas. Bollards and rope are not prohibited in front yards. No other border materials are allowed.

Pavers may not exceed 18-24 inches in width, be of natural color that blends in with the home and landscaping décor and shall be flush where they abut other paved areas and must be of the following material; brick, Saltillo tile, Mexican tile, concrete pavers or flagstone.

### **Corner Lots**

Homeowners of corner lots must landscape and maintain the area outside of the perimeter fence adjacent to the street running alongside the lot if not in a common area indicated on the parcel map. Landscape plans for this area must include plantings to soften the appearance of the side yard fence and if planted, must be maintained by the Homeowner.

### **Front Yards**

Homeowners are encouraged to use drought resistant and water conserving plants. Each front yard will include at least one 15 gallon tree as identified in the Approved Landscape Plan. Shrubs will be utilized to soften and screen. A minimum of four shrubs is required. Ground cover may be turf, decomposed granite, or other natural rock material and must be approved by the Architectural Review Committee. All bare earth must be covered by an approved organic material to provide a neat appearance. No trees, shrubs, or plants of any kind, on any lot or parcel may overhang or otherwise encroach upon sidewalk, or other pedestrian walkway or bikeway from ground level to a height of eight (8) feet, without prior approval of the Architectural Review Committee. Any plant support, trellis or lattice, must be painted to match the color of the home. If higher than six (6) feet in height, you must have Architectural Control Committee approval. Chicken wire prohibited.

### **Grading and Mounding**

Fine grading is a critical aspect of landscaping. Each lot has been graded such that all storm water will drain away from the house. It is important that this drainage pattern be maintained when making any changes to the landscape design, especially if mounding or berming is proposed. In all cases, the installation must comply with the Town of Gilbert's grading and drainage plan. Mounding or berming within an area measured seven (7) feet behind the back of the curb along the entire frontage of the lot is discouraged. Mound and other proposed grade changes will be closely scrutinized by the Architectural Control Committee to assure that mounding will appear natural.

### **Irrigation Systems**

A low pressure, underground drip system is encouraged for all trees, shrubs and ground cover areas.

### **Lighting**

Outdoor light fixtures shall not exceed illumination intensity of more than three (3) feet of candle power as measured from the lot line. They shall blend with the decor and color of the home and the neighborhood. Low pressure sodium bulbs, Mercury and Metal Halide fixtures are not permitted. Colored light bulbs, lenses or reflectors are not permitted except as decorative items during special holidays. Lighting shall be directed such that the light shines primarily on the owner's lot and minimizes glare visible from other lots.

Security lighting and motion sensors may be installed with prior approval by the Architectural Review Committee.

### **Prohibited Plants**

The following vegetation types and varieties are expressly prohibited:

Olive trees (*Olea europaea*) other than the "Swan Hill" variety.

Fountain grass (*Pennisetum setaceum*) or Pampas grass (*Cortaderia Selloana*.)

Mexican Palo Verde (*Parkinsonia aculeata*.)

Climbing vines in the front yard or visible from street or neighboring homes in the back yard,

### **Permitted Plants**

All varieties of citrus are permissible within the confines of the rear yard.

### **Rock and Ground Cover**

If decomposed granite or other landscape rock is used, it must be of an earth tone color and not white, green, blue, red or other bright colors. Lava rock or cinder rock is prohibited. Artificially colored rock yards are not acceptable at any location. Additional natural tone colors may be permissible with approval of the Architectural Review Committee, prior to installation.

Approved decomposed granite colors are:

- Desert Gold, AKA Madison Gold
- Palm Gold
- Coral, AKA Pink Coral

Boulders must be of natural earth tones; no white, brightly colored or artificially colored boulders are permissible. River run rock shall be three (3) inches to six (6) inches in diameter. Not more than 10 percent of the yard may have river run rock.

Weeds and grass must not be allowed to grow in the rock ground cover.

### Trees

Care must be taken in the selection and placement of trees with the confines of the Homeowner's lot with respect to the problems caused by overhanging canopies, excessive growth debris falling into yards or pools and damage to common walls or plumbing or root expansion. Any damage caused by poor selection of tree type or placement may be subject to corrective action at the Homeowner's expense. Homeowners are responsible to keep trees properly trimmed from intruding on the private space of their neighbor's property obstructing the sidewalks or street signs within the Western Skies community.

Trees near sidewalks must be maintained to have a minimum clearance of eight (8) vertical feet from the level of the highest point of the sidewalk. Trees must be maintained to not touch buildings or the ground.

### Turf

Turf areas, if planted, are required to be contained by continuous walkways, driveways, borders or decorative walls. Grass must be mowed and trimmed regularly, significantly weeded and watered to provide properly maintained appearance. Grass must not be allowed to grow between or over sidewalk seams, in rock or plant ground cover, borders, decorative fixtures or shrubs. Over seeding turf with winter grass remains optional to Homeowners, but if done must be maintained accordingly.

## **MACHINERY AND EQUIPMENT**

No machinery or equipment, of any kind, may be placed on any lot without prior approval of the Architectural Review Committee.

No machinery, fixtures or equipment of any type, including but not limited to, heating, cooling, air conditioning and refrigeration equipment, and clotheslines may be placed on any lot or parcel. Approval shall be conditioned upon prior screening or concealment from view of neighboring and public property. The screening or concealment should be solid and integrated architecturally with the design of the building structure. It should 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 principles.

Vents, window unit air conditioners or evaporative coolers must be approved by the Architectural Control Committee prior to installation.

Wind turbines are not allowed

PAINT COLORS – SEE EXTERIOR COLORS

PATIO COVERS – SEE ACCESSORY BUILDINGS

## **PARKING**

Parking of boats, campers, trailers, etc. is not permitted within public or private view except as specifically permitted by the CC&R's, Declaration.

No vehicle shall be constructed or repaired so as to be visible from neighboring property unless it is an emergency or temporary situation. (If emergency shall not exceed 24 hour period.)

No vehicle that is unlicensed or mechanically inoperable shall be stored in public view.

Boats, campers, motor homes, trailers, RV's or similar commercial equipment shall not be parked within public or private view except as specifically permitted in the Declaration.

## **POOL AND SPAS**

If pool and spas are constructed or installed in enclosed backyards, they do not require prior approval of the Architectural Review Committee. If your lot abuts a view fence, which is adjacent to common areas or the golf course, you must submit all landscape improvements to the Architectural Review Committee. This includes pools, spas, fireplaces, built-in-barbeques and accessories. A fine will be applied to a lot in which a common wall has been removed without prior approval by the Architectural Review Committee. Pool equipment may not be visible from the common area or golf course. Perimeter walls on lots bordering common areas and the golf course may not be torn down to allow access to rear yards. Access must be gained through the front wall of the home. Repairs to this wall must be completed within the construction period guideline and include repairing the wall to match the texture and color of the remaining wall. Pool, Patio, and spa umbrellas must be maintained so as not to appear tattered, faded or torn.

## **ROOF AND ROOF STRUCTURES**

All roof types, designs, covering color and material must be approved by the Architectural Control Committee prior to submittal to the Town of Gilbert and the commencement of any alteration. Generally accepted roof materials are as follows:

- Concrete or clay tile must match the color of the tile installed on the home. (Composition or wood shake shingles are not allowed.)
- Roll roofing that is consistent with the community for patio covers.
- Overhead screens, shade covers, patio roofs and other similar structures must be constructed of materials and color to match or compliment the main roof. Skylights must be bronze or dark colored, not white or light colored. All vent pip stacks, flashing and any equipment protruding above the plane of the roof must be painted to match the roof tile.

## **ROOF MOUNTED MECHANICAL EQUIPMENT**

In general, roof mounted equipment is prohibited.

## **SIDEWALK AND WALKWAYS EXTENSIONS**

Extensions to existing front sidewalks and walkways must be approved by the Architectural Control Committee prior to installation. Walkway extensions must conform to the existing color and material scheme of the house. Careful consideration must be given when planning a walkway extension in high traffic areas that traverse through non-illuminated areas at night that may present a tripping hazard (elevated step.) Walkway extensions must compliment the existing driveway and landscaping.

## **SIGNS**

No exterior signs or advertisements may be erected, placed or maintained, including but not limited to, commercial, political, and similar signs, on any lot or common area without prior approval of the Architectural Control Committee except:

- Signs required by legal proceedings
- No more than two (2) identification signs (including name plaques and address plaques.)
- Temporary "For Sale," "For Rent," and Garage sale signs that may be placed and maintained by the Homeowner or realtor for the duration of the sale. In no case will yard or garage sale exceed a consecutive 48 hour period. They must be removed promptly after the sale or filling the vacancy. Signs on perimeter walls are prohibited.
- A home security alarm sign not to exceed 12 inches by 12 inches and extend more than two (2) feet from the house.
- Signs advertising landscaping or pool contractors are allowed during the duration of work and must be removed within 48 hours of completion of work.



Signs are expressly prohibited anywhere at any of the entrance marquees, on the mailboxes and on traffic signs.

## **SOLAR PANELS**

Solar panels are permitted provided the owner has taken every attempt to minimize visibility from the street. Water lines must not be visible on the roof. Roof mounted hot water storage systems are not allowed. The criteria for Machinery and Equipment Section shall apply to solar panels and equipment.

## **SUNSCREENS**

The sunscreens frames must match the existing window frame. Screen colors may be bronze, charcoal, and grey, or the existing color of the frame. Clear aluminum (silver colored) screen and frame material is prohibited. If the material, quality, professional workmanship and color guidelines are followed, no Architectural Control Committee approval is necessary. All other sunscreen colors must be submitted for approval. Sunscreens must be maintained to their original condition, free from dents, torn screens, and bent frames. Refer to section Window Treatment for additional information.

## **TRASH AND RECYCLED MATERIAL CONTAINERS, STORAGE AND PLACEMENT**

The (black) trash and the (blue) recycled material containers provided by the Town of Gilbert must be concealed from sight from the street and the neighboring properties. These containers are to be put on the street no earlier than the night before scheduled pick up day and returned to the concealment location no later than midnight on the pick-up day. Bulk trash, large appliances or donated items scheduled for pick up with the Town of Gilbert or charitable organizations must not be put on the curb until the day before the pick-up date. Bulk trash must be placed in accordance with town code. Charitable items must not be left on the curb any longer than 24 hours.

Trash and debris shall not be allowed to accumulate on in front of the Homeowner's lot. Each Homeowner shall be responsible for removal of trash and debris from their lot and the street/curb area in from of their lot. Designated Homeowners of corner lots that are not common area (see parcel maps) must also remove trash and debris from those landscaped areas outside their walls for which they are responsible. The Western Skies Homeowners Association shall be responsible for trash and debris removal from the common areas.

## **UTILITY SERVICES**

No gas, electric, power, telephone, water, sewer, cable television, or other utility or service lines of any nature or kind may be placed on or above the ground on any lot or parcel except to the extent that underground placement may be prohibited by law or would prevent the subject line from being functional. Exceptions are above ground service pedestals, splice boxes, switch cabinets, and transformers permitted where required for public utilities or the landscaping of common areas.

## **WINDOWS/WINDOW TREATMENTS**

Permanent draperies or suitable window treatments shall be installed on all front facing windows within 60 days of occupancy. Newspaper, sheets, or reflective materials, including but not limited to, aluminum foil, reflective screens or glass, mirrors or similar type material, shall not be installed or placed upon the outside or inside of any window, including garage windows. Exterior window coverings or treatments used to shield or decorate openings must be compatible with materials, style and color of the home.

