



**SUPERSTITION HIGHLANDS**  
**ARCHITECTURAL CONTROL COMMITTEE**

**ARCHITECTURAL & IMPROVEMENT REVIEW GUIDELINES**

**REVISED 12/14/2015**

**(Supersedes all prior versions)**

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**SUPERSTITION HIGHLANDS  
ARCHITECTURAL CONTROL COMMITTEE**

**ARCHITECTURAL & IMPROVEMENT REVIEW GUIDELINES**

**Community and Pride of Ownership**

There is only one mountain called “The Superstitions”. Its beauty is one of a kind that people, from all over the world, come to experience and explore. They are amazed at the colors and rock formations as they make their way through the labyrinth of many trails, not knowing what they may find around the next bend. Superstition Highlands subdivision is another treasure that cannot be duplicated. Once you drive into Superstition Highlands you know you've entered a very special place, as special as the mountain itself. Note its wide streets, esthetically pleasing desert lots and beautiful custom homes that complement each lot. Walking the many streets is like experiencing the beauty of the mountain itself. With every turn you see a home that is built with pride of ownership and love for community. The goal of the architectural control committee is to keep these high standards so that we will always have our desert paradise at the foothills of the "Mountain".

**PHILOSOPHY**

With its breathtaking views and abundant natural desert flora, Superstition Highlands is one of the most beautiful and pristine parcels of real estate in the Metropolitan Phoenix - East Valley Area. The community strives to maintain the existing desert environment and minimize any detrimental impact. To this end all construction projects are planned with minimal disturbance to the natural terrain and to be in harmony with the existing land - from its slope, form and views, color, vegetation, drainage, qualities of texture, solidity and mass, to its external design, location and topography. For these reasons, all building construction and improvements must occur within the designated building space or envelope on a Lot. Construction projects must blend with or enhance the existing environment. New construction should be in keeping with the design integrity of the existing homes in Superstition Highlands. Improvements, additions, and modifications to existing structures must match the existing structure in design and quality. In accordance with Article IV of the CC&R's, the Architectural Control Committee (“Committee”) and the Home Owners Association shall be responsible for ensuring that all projects (new construction, improvements, landscaping) conform to these "Design Guidelines", as amended from time to time.

**1. PRE-APPROVAL OF PLANS AND SPECIFICATIONS**

Except for the purposes of routine maintenance and repair, no person or entity shall commence construction, subsequent improvements, additions, landscaping, excavation or erection, including any alteration, modification, addition, deletion or any other proposed form of change to any Lot whatsoever or relating to any Dwelling Unit, Improvements, Walls or Fences or Landscaping on any Lot without prior written approval of this Committee. With respect to Landscaping plans, the proposed removal of any plant life or vegetation must also be pre-approved in writing by this Committee.

***THIS APPROVAL REQUIREMENT SHALL APPLY NOT ONLY TO THE INITIAL PHASES OR REQUESTS, BUT ALSO TO ALL SUBSEQUENT MATTERS AFFECTING THE PROPERTY.***

This Committee may from time to time establish rules, regulations and standards with respect to: procedures for obtaining such approvals and (2) specific criteria to be employed in granting or denying such approvals and worksheets to assist with any such review process. Any further references to pre-approval shall require such approval to be in writing.

**A. Submission of Plans and Specifications**

Prior to commencing any project of any kind, Lot Owners shall submit two (2) identical sets of all required documentation to this Committee. The submission shall be made through the management company for its review and shall include as a minimum 2 copies of: construction ready detailed drawings, plans and specifications, and grading and drainage plan (when applicable). Whenever possible, submission should include an electronic version on CD.

In order to secure the required approval from this Committee, all persons or entities shall comply with the following minimum steps with respect to all matters:

**Required Documentation**

1. Submit complete, detailed plans and specifications of the Dwelling Unit, any Improvements, Walls or Fences and Landscaping showing specific detail regarding the kind, nature, size, area, shape, appearance, height, materials, types of construction or installation, elevation design, exact location and plat map;
2. The disturbed area of the lot must be clearly indicated on the site plan. The area to be disturbed shall not exceed 25% of the entire lot per Section 5.B.
3. Any fence must be detailed on the site plan and total amount of fenced in area clearly indicated.
4. Grading and drainage plan to include retention ponds.
5. Color board to consist of, as a minimum, dwelling body color, trim color, accent colors, and exterior door colors. At times the Committee may require partial sample painting of dwelling exterior prior to color approval. The color board requires actual material samples such as for pavers, crushed granite, stucco texture, exterior tile, roof tile, window frame, stone veneer, etc.
6. Provide names, addresses, contractor license numbers and insurance or bonding policy numbers of all contractors performing services;
7. Submit photos or drawings of the elevation of the proposed Dwelling Unit and all Improvements to be furnished for pre-approval;
8. Provide name, address and telephone number of the Lot Owner or other applicant acting on behalf of the Lot Owner;
9. Pay any required processing fees or deposits, including architectural consultant fee, in the form of a cashier's check. . Such processing fees must be paid in advance and failure to prepay such fees or to be delinquent on any Assessment or Penalty shall be grounds for refusal to process any application; and
10. Provide all other information specified or required by this Committee

relating to the proposed project.

**11.** Plan reviews cannot commence until all fees are paid.

**12.** While all efforts will be made to accommodate the lot owner's schedule, the plan review may take four to six weeks. Please plan accordingly.

**B. Delivery of Required Documentation**

The two (2) identical sets of complete plans and specifications shall be personally delivered to or mailed to the management company via certified mail, return receipt requested, postage prepaid as described in the Notice section. The plans and specifications shall be deemed submitted to this Committee upon the date of receipt by the management company of such plans and specifications.

Please refer to the Architectural submittal form for specific fees and deposits related to your submission.

**C. Review Process**

The ACC reserves the right to approve or reject any requests based on their interpretation of the conditions set forth in these ACC guidelines and the CC&Rs. This Committee shall utilize a review worksheet for each project. Such worksheet shall be utilized to record all notes relating to the review and approval process.

**1. Inspection and Trespass**

This Committee or its designated agents shall have access to and the right to physically inspect the Lot and/or materials thereon without liability for trespassing at any reasonable time during the review and construction period.

**2. Approval of Plan**

Upon approval by this Committee or Homeowners Association Board, the Lot Owner shall be notified in writing that such project is in conformity and compliance with the applicable review guidelines, the Declaration of CC& R's and Bylaws.. The issuance of such approval shall be in the sole discretion of this Committee and may not be arbitrarily withheld. Any such decision shall be subject to appeal as stated below.

**3. Denial of Approval**

Any such plans and specifications which this Committee does not approve shall be returned to the Lot Owner or other designated person by mail at the address provided to this Committee, along with a list of any deficiencies identified by this Committee. This shall constitute a denial of approval.

**4. Failure to Approve or Deny**

Failure of this Committee to respond in writing within a required sixty (60) day time period, as measured from the date all required information is delivered to this Committee, shall be deemed a denial of approval. Such denial can be appealed to the Board as set forth below.

**5. Resubmission of Plans and Specifications**

Upon notification of denial of approval by this Committee, the Lot Owner shall have thirty (30) days, or such other reasonable time requested in writing by the Lot Owner and approved by this Committee, to remedy or supplement the application materials in order to comply with Committee requests. Failure to resubmit and/or supplement any plans and specifications within the required time period shall be deemed a withdrawal of said plans and specifications. Upon any later resubmission not within this time period, a new Architect and Engineer fee shall be paid.

**D. Appeal to Board**

**1. Time Period to Appeal**

In the event that this Committee shall disapprove or fail to respond with respect to any plans and specifications submitted to it pursuant to the provisions of these review guidelines, such decision or non-action shall be appealable to the Homeowners Association Board in writing by certified mail within thirty (30) days of receipt of such denial or within thirty (30) days after the expiration of the required Committee review period in the event of non-action by the Architectural Control Committee.

**2. Submission of Materials to Board**

Along with written notification of an appeal, such appealing Lot Owner shall deliver to the Board two (2) complete sets of written memoranda along with other relevant materials setting forth the Lot Owner's basis for approval. Such materials must explain why the Lot Owner or its agents believe the submitted plans and specifications should be approved and why the Lot Owner believes this Committee acted unreasonably or incorrectly.

**3. Action by Board**

The Board shall be required to hear any such appeal at its next scheduled Board meeting, which is set at least five (5) days after such denial or expiration of the time period for Committee review. If the next regularly scheduled Board meeting is set sooner than such five (5) day period, such appeal shall be heard at the next meeting, unless such time requirement is waived by the Board.

In the event that the Board fails to: (a) return or remand such matter back to this Committee for further review with specific instructions, (b) approve or disapprove of such plans and specifications within twenty (20) days after the same have been submitted for review and arguments have been heard at a special or regular meeting, then such plans and specifications shall be deemed disapproved. The Board's decision shall be final and non-appealable.

**2. CONSTRUCTION REGULATIONS**

In an effort to assure that the natural desert landscape is not damaged during construction activities and as assurance that any such project is completed as approved without additional cost to the owners, the following construction regulations will be enforced:

- a. No construction trailers, portable field offices, etc. will be allowed without specific approval from this Committee, and with approved screening and landscaping.

- b. Construction noise limitations: No noise before 6a.m. on weekdays and 7 a.m. on weekends, except for the days in which concrete is poured. No noise after sunset. No loud radio playing during the day.
- c. During initial construction and prior to framing, temporary fencing must be placed around the perimeter of the construction site. The construction site will be cleared of trash and debris regularly, and materials must be covered or weighted against the wind. No trash shall be dumped, buried or burned on any portion of the Premises. Dust and noise must be controlled.
- d. Construction crews will not park on, or otherwise use, other lots or any open space. Vehicles and machinery shall be parked only in areas designated by this Committee to avoid inhibiting traffic or damaging the natural landscape.
- e. Owners and builders are advised of the fact that the Lots and open spaces contain valuable native plants and other natural landscaping materials that must be protected during construction, including topsoil, rock outcroppings, boulders, and plant materials. Valuable materials that cannot be removed must be marked and protected by flagging, fencing or barriers. This Committee has the right to identify and flag major terrain features or plants which are to be fenced off for protection. Any trees or branches removed during construction must be removed immediately from the construction site.
- f. No blasting shall occur without the permission of this Committee, and then only in conformance with applicable governmental regulations.
- g. Each owner and builder will be responsible for providing adequate sanitary facilities for his construction workers, as well as trash dumpster receptacles, prior to commencement of construction until occupancy. Portable toilets or similar temporary toilet facilities shall be located only on the site itself or in areas approved by this Committee.
- h. The lot owner is responsible for restoration and repair of any construction damage whatsoever, including without limitation, the natural terrain, perimeter walls or fences, damage to adjoining lots, streets, or other improvements as required by this Committee. A "construction deposit" shall be required by the Committee to assure that all work will be done in the manner proposed and approved in addition to providing financial protection that all costs will be paid in full.

## **2A. CONSTRUCTION REQUIREMENTS**

### **A. Construction and Improvements**

All construction shall be of first class quality, use new building materials, and be of first class workmanship. All construction work shall be performed by or under the supervision of an Arizona Licensed General Contractor or Owner builder. All persons performing such work must comply with all applicable Pinal County codes.

**B. Contractors**

All licensed contractors must comply with the requirements of the Arizona Registrar of Contractors, including without limitation all license and bond requirements.

**C. Owner Builder**

Owner builders must comply with the requirements of the Arizona Registrar of Contractors, including, without limitation, Section 32-1121 regarding first year occupancy and first year resale.

**D. Construction Fees**

Plans review cannot commence until all fees are paid. A Construction Deposit is required to assure that all work will be performed in the manner proposed by the homeowner and approved by the ACC. The Construction Deposit will provide financial protection to the HOA in the event the work is not completed as approved. Any costs incurred by the HOA to correct any deviations from the approved construction plans will be deducted in full from the Construction Deposit. The Construction Deposit for construction of a new home is \$25,000 and is refundable contingent upon completion of construction in compliance with all CC&R and ACC requirements and after final inspection and approval by the ACC. In the event legal proceedings are instituted by the HOA to compel the homeowner's compliance with the CC&R and ACC requirements or if the HOA expends monies to correct any deviations from the approved construction plans, all such costs incurred by the HOA shall be deducted from the Construction Deposit and any balance remaining shall be refunded to the homeowner. In the event the Construction Deposit is insufficient to fully reimburse the HOA for the expenses incurred by it, as described above, the HOA may, but is not required to, seek a personal judgment against the homeowner or any other party deemed responsible for the additional amounts. The Construction Deposit must be submitted to the Management Company prior to construction start and shall be in the form of a cashier's check.

A non-refundable Architect and Engineer fee of \$3,500.00 is required for professionals to initially review the construction plans to assure compliance with the CC&Rs, the ACC requirements, the preservation of views, and that there is appropriate grading and drainage. This is not a building code compliance review and is entirely independent from Pinal County. This fee includes at least four (4) site visits by architects and/or other professionals acting on behalf of the HOA during construction to insure compliance with the approved construction plans.

**E. Construction Certification**

Certification milestones have been established to ensure compliance to CC&R and ACC requirements. The certification must be performed by an independent third party. These certification milestones must be done in a timely fashion because construction cannot continue until the milestones are met.

1. **Certification of Disturbed area.** The portion of the lot to be disturbed, which shall not exceed 25%, must be staked out prior to construction.
2. **Certification of graded pad location.** The graded pad location and pad height staked clearly to identify with setbacks clearly defined.
3. **Certification of concrete pad.** The location and finished floor height of concrete pad with setbacks clearly defined.
4. **Certification of structure maximum height.** During framing the truss height



must consider the finished roof height which is limited to 22 feet above the finished floor elevation.

### **3. ADDRESS OF ARCHITECTURAL CONTROL COMMITTEE**

For all purposes of these review guidelines, the address of this Committee shall be in care of the Management Company or such other place as the Board may from time to time designate by written notice to Lot Owners.

### **4. WAIVER OF LIABILITY AND WARRANTY**

Written approval of any plans and specifications by the Architectural Control Committee expressly excludes approval or warranties whatsoever for any other purpose, including, but not limited to, engineering design, erosion, water damage or any functional matter, etc. Neither this Committee, the members thereof, nor the Association assumes liability or responsibility for any defect of any kind whatsoever in any Dwelling Unit, Improvement or Landscaping which results from such plans and specifications.

### **5. DWELLING UNIT DESIGN CONSIDERATIONS & HEIGHT LIMITATIONS**

- A. Design.** In accordance with the Superstition Highlands Community philosophy, and as enforced by the ACC, all new construction should be in keeping with the design integrity of the existing homes including architectural design, detail and quality. To ensure quality of design and attention to architectural details all major construction projects shall be designed by a licensed, professional, architectural firm and stamped by a licensed architect. Minor projects may be designed by owner builders / contractors, but plan acceptance is at the discretion of the ACC, depending on design complexity.
- B. Building Envelope.** Building Envelope is defined as the area within the setbacks, including driveways. All construction must be contained within the building envelope. Each owner shall submit to this committee a site plan designating that portion of the lot to be disturbed. No more than twenty-five percent (25%) of the entire lot shall be disturbed if at all possible and no more than twenty-five (25) feet from the Dwelling Unit shall be utilized on any side yard. The building envelope is restricted to the required setbacks; see Section 5.i “Zoning Ordinances and setbacks”.
- C. Style.** Since preserving the views, natural landscape and aesthetic quality of our community are of paramount importance, low profile residences which embrace and encompass the natural landscape are preferred.
- D. Materials and Colors.** Exterior materials, textures and colors shall blend with the natural landscape and conform to ACC approved exterior colors. Integral earth tones are encouraged for all exterior surfaces. No white or near-white materials or reflective finishes may be used on exterior surfaces, such as walls, windows, glass, roofs, doors, trim, fences, pipes, equipment, mailboxes, newspaper tubes and any projections above roof lines.

*View fences shall be painted to match the exterior of the home or Hawk Brown, but in no event shall any fence be black in color. Any existing black fences must be painted to match the exterior of the home or Hawk Brown when time to repaint.*

No construction on any Lot may use plastic or aluminum siding. Stucco, stuccoed masonry or traditional adobe shall be the preferred exterior surfaces. Large expanses of painted wood will not weather well in desert conditions and will not be approved. Natural concrete block, concrete color slump block, or natural rock will be permitted as building materials. Concrete block must be stuccoed.

**E. Residence Size.**

1. **Minimum Size.** All Dwelling Units shall be limited to one story and a basement and shall have a minimum of two thousand (2,000) "livable" square feet exclusive of basement, attic, garages, breezeways, open patios, court yards, porches or other related or attached Improvements.

2. **Maximum Size.** All Dwelling units shall not exceed five thousand (5,000) livable square feet exclusive of basement, attic, garages, breezeways, open patios, court yards, porches or other related or attached Improvements. Non-livable areas such as garages, breezeways, open patios, courtyards, porches or other related or attached improvements cannot exceed the dwelling livable square footage. Architectural massing and proportions must be maintained. The dwelling footprint, to include livable and non-livable spaces, shall not exceed an area larger than 25% of the entire lot; see section 5.B. "Building Envelope".

**F. Maximum Height.** The maximum height of any Dwelling Unit shall be twenty-two (22) feet from the lowest level of the finished concrete floor. Also see Cut and Fill (Section 5N.).

**G. Residence Placement.** the residence must be designed in such a way as to take maximum advantage of the lot terrain and cause minimal disturbance to the natural desert native conditions. Where possible the dwelling should be designed to face the street. Minimal disturbance of neighboring views must be considered during dwelling design and placement. Given that every lot is distinct and poses unique challenges, exceptions will be considered but will require written ACC approval.

**H. Roof Material.**

1. **Flat roofs with parapets.** Flat roofs must incorporate parapets in the design and may consist of foam, roll roofing, standing seam steel, elastomeric coatings. Flat roofs shall not be visible from street level from anywhere in the community.

2. **Tile Roofs.** All roofs visible from street level from anywhere in the community, as defined in the CC&R's Article II, 2.39, shall be tile roofs. Tile roofs shall be clay, cement or similar tile composition. Colors of roof tile shall be compatible with the

earth-tone scheme of other building materials.

**I. Roof Slopes.** This Committee shall have the authority to set a maximum roof slope, which shall not exceed 5'0" vertically for every 12'0" horizontally (5:12 pitch).

**J. Zoning Ordinances and Setbacks.** The Lots have been classified as "CR1A" type zoning by Pinal County and must comply with such applicable zoning and other Pinal County guidelines. However, notwithstanding these guidelines, all Lots shall comply with the following Association setback requirements:

1. No Dwelling Unit, Improvement or Landscaping or any portion thereof, other than approved types of Landscaping or wall/fence, shall in any event be constructed, located or erected on any Lot nearer to the front line than thirty-five (35) feet, nor closer than twenty (20) feet from the side Lot lines.

2. Driveways and walkways may be placed within the setback areas, subject to pre-approval of this Committee.

3. Rear lot line to be 40 feet. A "rear line" is a Lot boundary line, which is not a street line and does not extend to any street line. The exception is a rear line for a corner Lot that is the line opposite to the front line and tangent to the side lines or street line. A "side line" is a Lot boundary line that is not a street line, but extends to a street line.

**K. Maximum Time to Complete Construction and Landscaping**

**1. Construction.** From the time development of a lot commences construction shall proceed with reasonable continuity and must be completed within 18 months as evidenced by the issuance of a certificate of occupancy or actual occupancy whichever comes first. If a time extension is required, a written extension can be sought from the Architectural Control Committee.

**2. Landscaping.** No later than twelve (12) months after the issuance of a "Certificate of Occupancy" by Pinal County, each Owner shall complete the installation or planting of ground cover landscaping as pre-approved for that Dwelling Unit, including the front and side yards, along with any set-backs and easement areas on each Lot, as applicable. A landscaping plan must be submitted and approved by the ACC prior to commencing any landscaping work.

**L. Basements or Blasting.** The Owner shall be liable for any damages to any other Lot relating to the construction or erection of a basement or other Improvement in which blasting, explosives or other such techniques are used.

**M. Sanitation Facilities.** Each dwelling must have complete sanitary facilities, including, among others, a lavatory, toilet, wash basin, tub or shower and kitchen sink, and it must conform to all city, county and state health codes and other requirements.

**N. Cut and fill.** All cut and fill must be indicated in the grading and drainage plan and the spot elevation of the finished grade and existing contours indicated on the site plan. Finished floor height cannot exceed 1 foot above finished grade. The fill cannot be higher than the average height within the building envelope unless required by Pinal County flood control district to meet county requirements for finished floor elevation.

**O. Stockpiling.** All material stockpiled during construction for future use, such as natural rock or soil, must be stored in such a manner as to minimize view from the street. Stock piles must be used or removed in a timely manner. All stockpiling must be coordinated with the committee.

## **6. IMPROVEMENTS, DESIGN, CONSTRUCTION, ERECTION CONSIDERATIONS**

### **A. Driveways.**

Driveways shall be surfaced with concrete, pavers, brick or 4 inches of "rolled" granite.

### **B. Location of Mechanical Equipment.**

All mechanical equipment must be mounted at ground level & fully screened from view of neighboring Lots and from the street, except as pre-approved by the ACC, as in the case of completely screened roof mounting. Screening material must be rock, brick or cement block covered with stucco.

### **C. Other Improvements and Garages.**

Garage door openings shall be oriented away from the street if possible. In some instances, such orientation is not possible due to lot elevation or drainage constraints. All such structures shall have doors matching the style, material and color of the Dwelling Unit. Where the elevation of the Lot and orientation of the Dwelling Unit allow, all garages and any Improvements shall be situated to have their doors open away from the street. If any doors to such Improvements face toward the street, the Occupants shall strive to keep all such doors, including garage doors, closed except when entering and exiting the Improvements. No types of open storage structures shall be allowed on any Lot.

### **D. Walls and Fences.**

To enhance the "openness" and preserve the natural beauty of the entire development, certain specific guidelines shall be in effect regarding the height, location and materials relating to all walls or fences located on any Lot. These guidelines do not affect the existing boundary wall "Community Perimeter Walls" on the exterior of the community property line which is addressed in the CC&Rs section 5.3.7.1.

Only natural rock or stone, cement building blocks or wrought iron fencing shall be allowed. All references to cement block walls shall be limited to the 8" standard building type (hereinafter "Cement Block") and must: (1) be "finished" with stucco, stuccoed masonry or traditional adobe, (2) match the Dwelling Unit in material and color and (3) be continued down to finished grade, thereby eliminating unfinished foundation walls. All references to walls shall also include fences which comply with

these guidelines.

The fact that certain types and locations of walls/fences which now exist on any Lot does not establish any legal precedent or legally bind this Committee from any subsequent denial of approval.

With the exception of exterior non perimeter walls as described in paragraph D.4), below, all fencing must contain a rock or stuccoed cement block element; either 2 feet of rock or cement block or, incorporate stone or stuccoed cement pilasters. The wrought iron must be painted to match the dwelling structure or Hawk Brown.

Seven categories of walls are defined: (1) perimeter walls, (2) pool/spa walls, (3) courtyard/patio walls, (4) exterior non-perimeter walls, (5) equipment shielding walls, (6) landscaping walls, (7) retaining walls.

- 1) **Perimeter Walls.** This category refers to walls on or within 2' of property boundaries. Perimeter Walls are not to be confused with *community* Perimeter Walls, which are dealt with elsewhere in the CC&Rs; (reference CC&Rs section 5.3.7.1). Perimeter walls must be no more than 2' from *the ground and* constructed of rock or cement block covered with stucco. These walls can rise to a maximum of 5' for pilasters such as those that border driveways or for mail boxes, but the 5' height cannot exceed 5' in length.
- 2) **Pool/Spa Walls.** This category refers to walls constructed around pools and spas to meet Pinal County requirements as well as for privacy. Pool / Spa walls must be no more than fifteen (15) feet from the rear of the pool. Must be no more than 5' in height and must meet Pinal County requirements. By exception, in certain situations when privacy is an issue can be 5' solid cement block covered with stucco, but only if approved in writing by the ACC.
- 3) **Courtyard/Patio Walls.** This category refers to walls that surround courtyards or patios that are integrated or connected to the house. They must not extend more than 20' from any part of the house. Must be no more than 5' in height and constructed of rock or cement block covered with stucco or same material as the exterior of the house. Entry arches connected to these walls must be no more than 10' in height.
- 4) **Exterior Non-Perimeter Walls.** This category refers to all walls more than 2 feet inside property boundaries that are not considered pool/spa walls or courtyard/patio walls. Must be no more than 2' rock or cement block with stucco topped by a maximum of 3' wrought iron. If the fence consists of only wrought iron it can be up to 5' in height.
- 5) **Equipment Shielding Walls.** This category refers to walls that shield equipment such as AC units or propane tanks from neighbor or street view. Must be 3'-5' in height and fully shield the equipment from view. Must be constructed of rock or cement block covered with stucco.
- 6) **Landscaping Walls.** This category refers to walls that define landscaping

areas or surround cacti, trees or shrubs. Must be no more than 2' in height constructed of rock or cement block covered with stucco.

- 7) **Retaining Walls.** This category refers to walls that are necessary to retain soil and prevent erosion. Retaining walls must be built to code and no more than 5' in height constructed of rock or cement block covered with stucco. Retaining walls cannot be built on property lines without express written consent of the adjoining property owner and cannot exceed 2' in height from existing grade of the adjoining owner.

***ALL WALLS MUST BE PRE-APPROVED IN WRITING BY THE ARCHITECTURAL CONTROL COMMITTEE.***

## **7. LANDSCAPING**

All Lots shall be attractively landscaped, planted, maintained and improved with natural desert vegetation and other similar items or structures which shall blend in and be in harmony with the general character of the landscaping of the Premises. Only desert landscaping, rock-scaping, gravel, granite, cactus or any type of plant considered to be of the desert species shall be planted or installed on any Common Area or front yard. All landscaping plans and the proposed removal of any natural existing plant life or vegetation must be pre-approved in writing by this Committee. Natural growth must be preserved on all Lots with grass limited to rear yard patio areas and other small rear yard areas for accent only. In no event shall grass areas exceed 400 square feet of such rear yard patio area or other small rear yard areas. Supervision during the construction process must be exercised to avoid unnecessary damage to the site by workmen, vehicles and construction equipment. Areas where vegetation has been disturbed must be replanted. Vegetation associated with allergic reactions, such as mulberry, olive and cottonwood, shall not be planted. All trees and other plantings should be chosen so that their mature size will not obscure views of the city or mountains from neighboring lots. Landscaping on corner lots should not create a traffic hazard. The fact that certain types of ground cover or plants now exist on any Lot does not establish any legal precedent or legally bind this Committee from any subsequent denial of approval.

This Committee shall take into consideration the location of any existing natural vegetation or other items which may mature in a manner which may obstruct or interfere with views or other factors relating to the enjoyment of any Lot.

***The approved landscape plant list for Superstition Highlands is contained in a separate document and can be found at***

***[www.superstitionhighlands.com](http://www.superstitionhighlands.com)***

***(Approved Landscape Plants for Superstition Highlands - Revised 6/15/2011).***

***This committee recognizes that there may be a disagreement regarding what constitutes acceptable type of landscaping and plants. However, in all instances, this committee shall have the absolute right to deny or require immediate removal of certain types of landscaping or location thereof which at a later date are determined to violate these review guidelines or are inconsistent with the intent of this declaration or are not expressly pre-approved in writing.***

*Any subsequent changes or deviations to the landscaping of any part of a lot must be pre-approved in writing.*

## **8. SIGHT RESTRICTIONS**

In no event shall any Landscaping obstruct sight lines at elevations between two (2) and six (6) feet above any roadways at any intersection or on either side of any driveway and shall not be placed or permitted to remain on any corner Lot within the triangular area formed by the extension of street property lines and a line connecting them at points thirty (30) feet from the intersection of any streets. The same sight-line limitations shall also apply to Lots within ten (10) feet from the intersection of a street property line with the edge of a driveway. All trees or other landscaping shall be trimmed, if possible, or removed, if necessary, in order to comply with sight provisions.

## **9. DRAINAGE**

Natural drainage ways, which occur frequently throughout Superstition Highlands, contribute to the character of the land. Such washes can enhance a site and should be treated as assets. Drainage easements have been established encompassing protected washes for 100- year storm flows. These easements have potential for water flows of a higher volume and must remain unaltered and unobstructed. Lot owners are responsible for these washes when they are located on their property and must keep them clear for proper water flow. Large rip-rap areas or exposed masonry containment will not be permitted (unless required by Pinal County) nor will obstructions or diversion without specific written approval from the County and this Committee. Internal building rainwater leaders are encouraged to minimize future site erosion. Improvements designed and constructed to bridge these easements are encouraged, but must not obstruct 100-year storm flows, and must be accompanied by a backwater flood analysis prepared by a licensed civil engineer ensuring the safety and feasibility of the design. Such improvements are subject to review and approval by a licensed civil engineer retained by this Committee at Lot owner's expense.

The surface and elevation of any lot shall not be graded or otherwise altered without prior written approval of the ACC and subject to Pinal County regulations.

All lots must incorporate retention basins to capture storm water runoff in accordance with Pinal County requirements. The retention basins shall be lined with natural stone collected from the property.

A grading and drainage plan must be submitted with all new home construction. The plan must include dimensioned storm water basins, channeling and swales. The plan must also include dimensioned profiles of the basins, channels and swales.

## **10. LIGHTING**

The overall lighting plan for Superstition Highlands is to preserve natural effect which will not interfere or compete with the dramatic night time panoramic views of the desert and valley below. All lighting shall be designed to preserve the benefit of elevation, city lights and mountain views. This lighting plan complies with Pinal County Lighting Ordinance - Article 36 and references the International Dark Sky Association.

- A. No exterior lighting will be permitted which directly or indirectly shines or provides unreasonable glare to any neighboring lot. All exterior lights, spotlights, and floodlights must be focused downward and otherwise designed to avoid any disturbances to any adjacent Lots. All fixtures must be full cut-off. Any fixtures of more than 550 lumens must also be fully shielded so that no light is visible from beyond any of the property lines. Temporary floodlights must have limited usage. Any ground lighting or related posts shall be no more than two (2) feet in height above the ground and shall be directed downward.
- B. Landscape, low wattage lighting is permitted on cactus, trees and decorative rock as long as it does not provide unreasonable glare to neighboring Lots.
- C. Per Pinal County Ordinance – Article 36, only security lighting is allowed after 10pm.

## **11. SIGNS**

This Committee shall be responsible for setting guidelines relating to the design and location for all signs and street entrance lights. No other signs of any kind or design shall be allowed. No signs are allowed on any lot except:

- A. Signs required by legal proceedings;
- B. Two (2) residential identification signs not to exceed 120 square inches each;
- C. During construction, one (1) free-standing job identification sign not to exceed six (6) square feet.
- D. If residence is listed for sale, one for sale sign of material, size, design and copy as established by this Committee.

All signs or sign designs shall be submitted to this Committee for review and approval prior to use. If there is a violation of these Declarations, this Committee or any agent duly authorized by this Committee may enter upon any Lot for purposes of removing any sign(s) that are in violation without liability to the Owner.

## **12. STORAGE TANKS**

All storage tanks, i.e.: propane tanks, must be completely shielded from view of the street and neighboring lots, or installed underground.

## **13. GUEST HOUSES**

This refers to separate living quarters within the building envelope attached to the main structure for the purpose of providing living accommodations. In no event shall the separate living quarters contain cooking facilities.

Detached (free standing) guest houses are not permitted and a guest house attached to the main structure by way of open breeze way or parking area with roof is not permitted.

## **14. POOLS AND SPAS**

The location and design of all pools and spas shall be pre-approved in writing by this Committee and shall be visually connected to the residence through walls, walkways, courtyards, and major landscaping. The location of the pool or spa shall be to the immediate rear of the residence with the closet edge of such pool or spa not more than twenty-five (25) feet from the rear of the residence or the rear of any patio, whichever is greater and shall not be wider than the width of



the residence. Such pools or spas and related equipment must be screened to minimize their view from streets and neighboring lots. Any walls surrounding a pool shall comply with Pinal County and other governmental building codes and specific provisions of Section 6 of these guidelines.

***The fact that certain types and locations of pools and spas which now exist on any Lots do not establish any legal precedent or legally bind this Committee from any subsequent denial of approval.***

#### **15. GAME COURTS**

No game courts are permitted including, but not limited to: tennis courts, bocce ball courts, pickle ball courts, basketball courts, horse shoe pits, etc.

#### **16. OUTDOOR RECREATION EQUIPMENT**

No permanent basketball standards, backboards and hoops nor any related lighting may be installed on any Lot, unless pre-approved by this Committee. If approved, such items shall be located to minimize the visibility from other Lots, streets, or public spaces.

Portable basketball standards are acceptable but must be stored when not in use. Other recreation or play equipment such as trampolines, slides or swing sets must be shielded from view from the street.

#### **17. ANTENNAS, TOWERS & POLES**

No antenna, tower or pole for transmission or reception of television or radio signals or any other form of electromagnetic radiation may be erected, used, or maintained whether attached to a Dwelling Unit or Improvement.

#### **18. SATELLITE RECEIVING UNITS**

Notwithstanding the prohibitions contained in Section 17 above, this Committee will consider approval of mini-devices (not more than two (2) feet in diameter) which may be installed on the side of the Dwelling Unit or on a roof overhang. This Committee may also consider approval of the installation or erection of a satellite dish or similar receiving device that is more than two (2) feet in diameter and is an acceptable color (black or such earth tone which blends in). However, any such oversize device shall be installed only within the back or side yard (and if in a side yard, not in front of the front wall of the Dwelling Unit). In such event any such oversize satellite dish or other similar device shall be surrounded by the Dwelling Unit, Improvements, or Landscaping so that under normal viewing conditions any such unit is: (a) not Visible From Any Other Area In Superstition Highlands Under Normal Viewing Circumstances other than from the Lot on which it is located and (b) not unsightly or offensive, such as on a rear facing roof. A reasonable period of time, which shall be four (4) years unless the board fixes a shorter time period, shall be allowed to permit the needed growth of the shrubbery or other landscaping involved. This Committee in its sole discretion shall determine whether any satellite dish or other similar receiving device is located and shielded or screened from view in compliance with this section.

#### **19. TRASH CONTAINERS AND SANITATION**

No garbage or trash containers shall be kept or placed on any grass or other landscaped area. Garbage, trash and other similar refuse containers shall be located in a walled in area and located

in such manner as to conceal them from view from the streets and from neighbor's Lots.

In no event shall such any trash or other containers be maintained so as to be visible from any other area in Superstition Highlands Under Normal Viewing Circumstances, except to make the same available for collection and then, only for the shortest time reasonably necessary to effect such collection. This Committee and Board shall have the right to require all owners to place their garbage or trash containers at a specific location for collection, or to require all owners to subscribe to a trash collection service. All rubbish, trash, and garbage shall be regularly removed from the Lots and shall not be allowed to accumulate thereon. No incinerators shall be kept or maintained on any Lot. Each lot owner, when erecting a dwelling unit, any improvements or landscaping on any lot, shall provide a place for the accumulation and collection and storage of trash and debris and shall remove such items on a reasonable schedule. No lot owner shall allow any nuisance to occur on his lot or adjacent to his lot other than the reasonable result of construction activity. This restriction shall include reasonable time limits for construction.

## **20. SOLAR COLLECTORS**

Subject to prior written approval, (1) "flush" mounted solar panels, which are appropriately positioned, may be installed on the rear roof and (2) ground mounted solar panels may be installed subject to appropriate positioning and integration into an approved landscape scheme. State of Arizona legislation regarding use of solar equipment will apply.

## **21. MAINTENANCE OF LOTS**

For natural, undisturbed portions of Lots; each Owner shall immediately remove from his property any trees, cacti or shrubs that die and become unsightly. Weeds on natural, undisturbed portions of Lots do not require removal. For portions of Lots that are finished landscaping such as granite, minus or rock rivers; weeds, trash, grass clippings, debris and other noxious growth must be removed as well as dead, injured or diseased vegetation. In addition, all shrubs, trees, grass, plantings of every kind on finished landscaping of any Lot shall at all times be kept neatly trimmed. Homeowners should be proactive in removing and / or trimming wild trees and bushes when they spill onto the roadways.

## **22. ANIMALS**

Keeping of animals must comply with CC&R 5.9.6. Animals may be kept solely as house pets and not raised or bred for pecuniary profit or gain. House pets shall be maintained and cared for so as not to unreasonably disturb any other Occupant or Owner, including, but not limited to undue noise, sight, odor or otherwise. No improvement shall be erected or maintained for the care, housing or confinement of any house pet (or any other animal whatsoever). Upon the written request of the Owner, this Committee or Board shall determine whether, for the purpose of this Section, a particular animal is generally recognized as a house pet, or nuisance, or whether the number of such animals on any such Lot is reasonable. Any such decision rendered by this Committee or Board shall be enforceable to the same extent as other restrictions or assessment contained in this Declaration and violations shall result in fines.

## **23. VARIANCE**

Any Lot Owner seeking a variance from a specific review guideline from this Committee shall do so in writing to this Committee. This Committee shall have thirty (30) days to respond to such request. Unless the Lot Owner receives written approval from this Committee for the variance requested it shall be deemed disapproved. The decision of this Committee shall be appealable to

the Board.

***THE FACT THAT CERTAIN TYPES OF GROUND COVER/PLANTS OR IMPROVEMENTS/WALLS/FENCES NOW EXIST ON ANY LOT DOES NOT ESTABLISH ANY LEGAL PRECEDENT OR LEGALLY BIND THIS COMMITTEE FROM ANY SUBSEQUENT DENIAL OF APPROVAL.***

**24. ENFORCEMENT AND REMEDIES**

This Committee, on behalf of the Board, may enforce the provisions of the Declarations and these guidelines by means of any remedies provided in Article VII of the Declarations or as may be available at law or in equity. Such remedies shall include financial assessments or fines, self-help and removal/repair, injunction, civil suits and liens. Notwithstanding any other remedies which are cumulative in nature, if there is a violation of the Declarations, this Committee, Board, Rules or any agent duly authorized by this Committee or Board may enter upon any Lot for purposes of remedying the violation(s) without liability to the Owner and in addition the Board may assess fines for certain violation(s) and collect costs and attorneys' fees.

**25. SEVERABILITY**

The invalidity, illegality, or unenforceability of any provision of these Design guidelines, by any court of competent jurisdiction, shall not affect the remaining provisions that shall remain in full force and effect.

Approved by the Board at its regular Board Meeting on December 14, 2015.