

STARR PASS SHADOWS COMMUNITY ASSOCIATION

DESIGN AND LANDSCAPE GUIDELINES FOR COMMON PROJECTS

(Revised October 2021, HOA Board Approved)

WEST NILE VIRUS ALERT!!

ALL HOME OWNERS MUST GUARD AGAINST ANY STANDING OR STAGNANT WATER IN THEIR YARD THAT COULD BECOME A BREEDING GROUND FOR MOSQUITOES. CARE MUST BE TAKEN WITH POOLS AND PONDS THAT WATER IS CIRCULATED AND/OR TREATED WITH CHEMICALS TO AVOID PROBLEMS. BIRD BATHS AND AREAS WHERE EXCESSIVE WATERING OR RAIN CAUSES WATER TO STAND FOR SOME TIME MUST ALSO BE MANAGED TO AVOID POTENTIAL PROBLEMS.

SAVE YOURSELF MONEY!! PREVENT FINES!!!!

ANY CONSTRUCTION REQUIRING APPROVAL SHALL RECEIVE SUCH APPROVAL AND HAVE PERMITS ON FILE WITH THE STARR PASS SHADOWS HOME OWNER ASSOCIATION (HOA) MANAGEMENT COMPANY PRIOR TO THE INITIATION OF SUCH CONSTRUCTION; OTHERWISE, HOME OWNER MAY BE SUBJECT TO FINES!



STARR PASS SHADOWS COMMUNITY ASSOCIATION DESIGN GUIDELINES

The Declaration of Covenants, Conditions and Restrictions (CC&Rs) (the "Declaration") for Starr Pass Shadows provides for an Architectural Review Committee (ARC), which is appointed by the Board of Directors of the Starr Pass Shadows Home Owners Association (HOA). The ARC reviews additions, modifications and alterations (referred to in this document as an "Alteration") to all Lots within the Starr Pass Shadows community and establishes rules and guidelines for such Alterations so that a uniform standard for design and maintenance can be achieved. This is achieved by balancing individual rights with the community needs and values. Capitalized words in this document not otherwise defined shall have the **same** meaning as described in the Declaration.

The ARC Guidelines may eliminate the need to submit requests to the Committee for approval for certain Alterations; however, after reviewing the documents, and if a Home Owner determines approval is necessary because the item is not directly covered by the documents, the Owner **SHALL** submit the following to the ARC for approval prior to construction or installation of the Alteration:

- (1) The completed request form (attached to this document).
- (2) Plans and specifications for the proposed work, including, if applicable:
 - (a) Site plan for the Lot showing the Alteration in its proposed location along with all other improvements on the Lot (house, driveway, pool, etc.). Dimensions from the Alteration to the nearest existing improvement should also be shown. If plants are a part of the Alteration, the type of plant should be noted.
 - (b) Plans and specifications for all above-ground construction (i.e. sheds, patio covers, gazebos) to include the height & width, what materials choice of paint color(s).
 - (c) The time frame for beginning and completion of the work.

Additional information may be requested by the ARC.

The Starr Pass Shadows' CC&Rs, ARTICLE 4, gives authority to the HOA and ARC to impose "reasonable" conditions or modifications to any requested alteration, additional repair, change, painting or other work which in any way alters the exterior appearance of any Living Unit or any Landscaping if deemed appropriate.

EXTERIOR LIGHTING

ALL lighting must comply with Pima County Codes and the requirements of "Tucson Dark Skies" Ordinance and **SHALL NOT** negatively or directly reflect light upon an adjacent real property, including through a reflecting device.

All porch lights, flood lights, security lights or illuminating units (electrical or solar and wall-mounted or ground fixtures) **SHALL NOT** require approval providing they meet the following requirements:

- Flood and Security lights are shielded or hooded and have a sensor with a five (5) minute cut-off.
- Ground-mounted fixtures (solar or electrical) that do not exceed 2' in height above adjacent grade, such as sidewalk lighting.
- Light bulbs are white, clear, and do not exceed 18 watts per bulb.
- Holiday lighting may be installed 30 days prior to the holiday and must be removed 14 days after the holiday associated with the lighting.

Lighting REQUIRING APPROVAL

Any/all lighting that exceeds 2' in height, electrical or solar, such as a decorative lamp post, requires a City Permit. A copy of the permit along with the ARC Request Form must be on file with the HOA Management.

FRONT YARD LANDSCAPING/IMPROVEMENTS

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Front Yard landscaping **SHALL NOT** require the approval of the ARC provided:

- Plant species are selected from the approved plant list for Starr Pass Shadows (see Appendix A).
- Irrigation of plant material is provided by a permanent, automatic, underground watering system.
- All areas Visible from a Neighboring Property must be covered by plant material or decorative rock. **NOTE: NO** bare earth surfaces may be visible and **NO** artificial turf or artificially colored rock may be used.
- Inorganic ground covers must be a color consistent with the desert surroundings. Crushed rock is strongly recommended for durability.
- Berms may be used to add interest to the landscaping; however, the height and scale of the berm must be compatible with the rest of the front yard.
- Flag Poles – see section specific to this addition
- Hardscape accents such as concrete, Saltillo tile, brick pavers, flagstone, may be used to construct the below features, **providing** they are professionally installed and the material and colors selected are compatible with the community. Acceptable colors include desert hues and other earth-tone color.

- a) Walkways (example: a walkway from the gate to the sidewalk to accommodate garbage/recycling bins)
- b) Borders
- c) Driveway extensions
- d) Property-line dividing walls: dimensions not to exceed a height of 1 ½ feet and a width of 8 inches

Front Yard landscaping **SHALL** require approval of the ARC prior to the installation of:

- Permanent lawn ornaments (bird baths, fountains, statues, etc.),
- Free-standing walls or retaining walls
- Porches, patios, courtyards or seating areas
- New or modified sidewalks
- New driveways

Artificial turf or artificially colored rock is **NOT ALLOWED**.

Temporary holiday decorations **do not** require ARC approval provided they are displayed not more than thirty (30) days prior to the holiday and removed 14 days after the holiday.

PAINTING and PILLAR STONE DESIGNS

Repainting of the house and any other main structures on the property (gazebo, patio, Ramada) **SHALL NOT** require approval of the ARC **PROVIDING the paint color is the same as the current approved paint color OR is selected from one of the approved paint colors on file** with the Starr Pass Shadows HOA Management Company (website: Bidegain Realty, Inc. – HOA - link for Starr Pass Shadows subdivision – Other HOA Information – scroll down to Starr Pass Shadows Paint Pallet).

Also see approved Stone or Faux Stone Design Ideas for house pillars. For more information on proper installation to approved area of house, i.e. pillars, contact HOA Management as noted above.

All other colors NOT on the approved paint color list **SHALL** require ARC approval.

DRIVEWAYS

Any alterations to walkways and driveways, including applying any stain, paint or top coating to the paved surfaces, **SHALL** require written approval prior to the start of any project.

REAR/SIDE YARD LANDSCAPING IMPROVEMENTS

Any new projects Visible by a Neighboring Property or street **SHALL** require prior written approval. The CC&R's specifically define these guidelines and regulations, including the requirement of City Permits.

Non-deciduous trees are encouraged for side and rear yards. All trees must be planted a reasonable distance from the wall or neighboring property so as not to cause any damage to the wall or neighboring property. Home Owners can cut any landscaping encroaching onto their property from neighbor's yard.

The following rear and side yard Improvements **SHALL** require approval of the ARC:

- **ALL detached structures (i.e. patio fireplaces, patio covers, gazebos, etc.) which are Visible from a Neighboring Property. Note: Patio covers and gazebos must match the existing architecture within the community. See section for Storage Sheds and Detached Buildings below.**
- Detached structures, i.e. storage sheds, swimming pool appurtenances (slides, diving boards), and play structures and any landscape plantings not on the approved Plant List.

Upon installation of landscaping and irrigation, care should be taken to maintain proper grading to eliminate undue drainage onto neighboring lots or common areas. Irrigation emitters should be aimed away from all walls to preclude structural damage. All exposed pipes are to be painted the color of the surface to which they are attached.

WALLS/GATES

Walls may be raised **WITHOUT** ARC approval **ONLY** if all materials used match the existing walls in the community, i.e. the materials, design and color, **AND** if City of Tucson and Pima County regulations are met.

If a common wall is to be modified, written permission **SHALL** be obtained from the adjacent property owner and submitted to the **HOA Management Company** prior to the start of construction.

The installation of gates **SHALL NOT** require ARC approval **PROVIDING** the gates match the existing gates currently in the community.

All other wall modifications **SHALL** be submitted to the **ARC** for approval prior to commencement of the work.

SWIMMING POOLS & SPAS

ALL SWIMMING POOLS AND SPAS SHALL REQUIRE WRITTEN APPROVAL PRIOR TO INSTALLATION.

- Any wall section removed to provide access for heavy equipment **SHALL** be replaced in its original state immediately after construction is complete.
- Backwashing of pools **SHALL** be contained wholly on the Owner's Lot. The use of a dry well to retain backwash water is recommended. Backwashed water **SHALL** not be permitted to seep onto an adjoining Lot, common area or the street.
- Above ground pools are not permitted.
- Mechanical equipment (pumps, filters, heaters and exposed piping) **SHALL** be screened by a solid wall, such that it would not be visible from adjacent properties through gates or wrought iron wall sections.

All City of Tucson regulations **SHALL** be met.

TEMPORARY/PERMANANT BASKETBALL HOOPS

Temporary basketball hoops **SHALL NOT** require a approval, however the following rules apply:

- When placed in the rear yard areas, they must be a minimum of 7' (feet) from any property line.
- When placed in the front yard, they must be removed from the sidewalk, curb area, street or driveway when not in use and stored in a folded position adjacent to the garage, if possible, or in an area not visible from neighboring properties.

- Permanent basketball hoops (freestanding or attached to home) are prohibited.
- The **Home Owner** assumes ALL risk and liability for use of any basketball hoops. The **Home Owner** is liable for any property damage or landscaping damage caused by the basketball hoop, the basketball or the players.
- If any property or landscaping damage is caused by a player or by the ball itself, the Homeowner owning the basketball hoop will be responsible for repair of the damages.
- RESOLUTION OF ANY DISPUTES REGARDING DAMAGES or REPAIRS WILL BE AN ISSUE FOR NEIGHBOR DISCUSSION AND ACTION, AND NOT AN ISSUE FOR ASSOCIATION ACTION.
- Basketball hoops may be in use only between the hours of 8:00 a.m. and 9:00 p.m. PLEASE BE CONSIDERATE OF YOUR NEIGHBORS!

STORAGE SHEDS & DETACHED BUILDINGS

Any and all detached structures **SHALL** require approval from the ARC and the Board of Directors prior to installation.

- **Home Owner** is responsible to make sure all applicable CC&R's are followed as part of the plan.
- When planning such structures and before submitting plans to the Board, be aware of the following, including but not limited to:
- City of Tucson and Pima County regulations must be met and permits submitted as applicable prior to beginning of project.

STRUCTURES VISIBLE ABOVE THE WALL TO NEIGHBORING PROPERTIES AND STREET:

- **Five feet (5')** minimum distance from property line (usually the shared wall between neighbors).
- **Size restrictions for Storage Sheds: cannot exceed eight feet by eight feet (8' b 8')** for width and length.
- **Materials and colors used MUST match the house.**

STRUCTURES NOT VISIBLE TO NEIGHBORING PROPERTIES OR STREET:

- Shall be placed on property not higher than the property wall and so as to preclude any structural damage to shared property wall or interference with neighboring property.
- Size restrictions are not limited providing they meet all City of Tucson and Pima County Regulations.
- Material and colors do NOT need to match the house.

SCREENS/SECURITY DOORS

Security/screen doors **SHALL NOT** require the approval of the ARC, provided they are wrought iron or common screen doors and painted:

Designs on the screen doors SHALL NOT require approval provided they are painted in earth-tone colors consistent with the community.

Security/screen doors constructed of any other material or color SHALL require the prior written approval of the ARC.

EXTERNAL WINDOW COVERINGS I.E. SUN SCREENS SHALL NOT REQUIRE THE APPROVAL OF THE ARC PROVIDING THEY ARE CONSISTENT IN COLOR WITH THE HOUSE.

SWINGS/PLAYSETS ("PLAY EQUIPMENT")

The installation of play sets SHALL NOT require ARC approval; however, the following rules apply:

- The equipment does NOT exceed the height of fifteen feet (15') from ground level to the cross bar or the highest point, AND
- Is placed a minimum of ten feet (10') from all property lines.
- Any/All other locations higher or closer to property lines SHALL require approval.

The ARC SHALL consider requests for Play Equipment with the following guidelines:

- Climbing platforms are limited in height.
- Play Equipment exceeding the height of fifteen feet (15') and/or placed closer than ten feet (10') to a property line SHALL be screened from the adjoining property by shrubs or trees, which will equal the height of the Play Equipment within a reasonable time period. The ARC may require that the equipment be painted a color compatible with the house on the subject Lot.
- Brightly colored canopies, roofs, or other visual distractions, which are attached to the Play Equipment, shall be of a primary color.

Play Equipment SHALL NOT be placed in the front yard except on a temporary basis while being used as play equipment. They must be removed from the yard, sidewalk, curb area, street or driveway when not in use and stored in an area not visible from neighboring properties.

SIGNS IN COMMON AREAS

"Open House" and "Garage Sale" signs in Common Areas are permitted by an Owner and SHALL NOT require submittal if in accordance with the following provisions:

- Professionally made "Open House" signs may be placed in Common Areas by a professional residential brokerage or company.
- "Open House" and "Garage Sale" signs which have been purchased or made by a Home Owner may be placed in Common Areas; however, the ARC SHALL reserve the right to request reasonable modifications of such signs if deemed appropriate.

DISPLAY OF FLAGS

The installation of permanent Flag Poles **SHALL NOT** require approval PROVIDING all suggested manufacturer installation instructions are followed to assure proper and secure installation of the flag pole, including suggested diameter for maximum strength, and the below guidelines are followed:

- Maximum 20' above ground
- White or silver stainless steel pole.
- Maximum 3' x 5' American flag.
- Minimum 5' from neighboring property line.

In addition to minimum requirements, Home Owner is responsible to install the flag pole with consideration given to neighboring properties and public access (sidewalk) to assure the safety of both person and property in the event of strong winds, etc.

- Minimum 5' from house or entry walk way, whichever is closest to flag pole placement.
- Minimum 8' from public sidewalk. If yard is too short for 8' clearance, no less than 6' from public sidewalk allowed.
- Flag must be taken down or illuminated between sunset and sunrise.
- Flag must be maintained in good condition at all times (no tatters or tears, etc.).
- Seasonal flags are approved providing they follow the existing CC&Rs referencing time frames for seasonal decorations.

The above flag regulations also apply to flags exhibited from a house mount.

GUTTERS AND DOWNSPOUTS

The installation of gutters and downspouts **SHALL NOT** require approval of the ARC if they are painted to match the surface to which they are attached.

WATER RESERVE SYSTEMS

The installation of rain-water reserve systems **SHALL NOT** require ARC approval if NOT visible from street or neighboring properties. If placed where visible from street and/or neighboring property(ies), **SHALL NOT** require ARC approval PROVIDING one or more of the following is part of the project:

- Painted the same color as house or wall, depending on which color would best conceal the tanks.
- Lattice or trellis to "house" or "hide" the tanks.
- Raise the wall as high as code allows and paint to match any visible portion as noted above.

SOLAR POWER

The installation of Solar Power panels and/or systems **SHALL NOT** require ARC approval PROVIDING the specifications of the company conducting the installation are followed.

ARC WALK THROUGH

Approximately every three (3) months beginning in January of the new year, members of the Architectural Review Committee (ARC) will conduct a neighborhood walk-through to address property items needing attention, to include but not limited to:

- Painting of mailboxes, house and/or house trim
- Broken and/or missing roof tiles and/or yard pavers
- Repair of garage trim and/or wooden gates
- Need for yard gravel replacement or redistribution of gravel
- Suggest driveway extensions to avoid parking on the gravel

Management will notify the home-owner of items needing attention via mail and will include a time frame for repair completion of the items noted.

Extension of time-frame will be considered upon home-owner request.

As applicable, fines for non-compliance may be applied.