

THE VILLAGES AT LYNX CREEK

Architectural Committee Rules

Revised 5-20-21

Approved by the Board of Directors

The purpose of these rules is to ensure that our community remains a pleasant place in which to live and that all homeowners benefit from these construction standards which will enhance our home appearances and maintain our property values.

Before purchasing a lot, a house for your lot, or making improvements or alterations to an existing lot or house, please take time to read this valuable information. The Villages has certain restrictions as to what you can and cannot do to your property in the way of any kind of improvements or alterations.

These rules from, and further defined in “The Villages at Lynx Creek Covenants, Conditions and Restrictions” dated November 20, 2008, hereinafter referred to as the “CC & R’s.” They have been compiled in an easy to understand format and are intended to be supplemental to the CC & R’s and are not substitute. In all cases of perceived conflict with the CC & R’s, the CC & R’s will govern.

It is the responsibility of the lot owner to make a formal “**Request for Change**” on the proper forms, provided by The Villages’ office to the Architectural Committee before placing any “improvements” on their lot or making any “external alterations” as these terms are described below.

“Improvements” means any dwelling, building, fence, wall or other structure or a driveway, parking area or any trees, plants, shrubs or other landscaping improvements of every type or kind, except for small shrubs not taller than three (3) feet, flowers or other plantings.

“Exterior alterations” means any construction, installation, addition, alteration repair, change, change of color, landscaping removal, demolition or other work that alters the exterior appearance of a lot or the improvements thereon.

All “**Request for Change**” must be in writing on the required forms and approvals with modification or disapproval by the Committee will be made in writing. **DO NOT** accept verbal authorization from any person as permission to proceed.

These rules are **in addition** to any rules, regulations or requirements of the **Town of Prescott Valley**, Yavapai County and/or the State of Arizona which may govern land usage, zoning, building or construction restrictions, etc. These must also be complied with by the lot owner **prior** to commencement of the permitted improvement or alteration.

Any necessary permits must be acquired and posted on the property, including building permits from the Town of Prescott Valley. Architectural **“Request for Change”** will not be granted until permits, if required, from the Town of Prescott Valley and/or Yavapai County are either obtained or denied.

It is the responsibility of the lot owner or his/her representative, with written permission, to notify the Architectural Committee before any construction or alteration work commences. Once the Architectural Committee approves, disapproves or tables your “Request for Change,” the office will notify you of the action taken. If approved, you will also receive a yellow permit which must be visibly posted. The yellow permit must be returned to the office on or before completion date. The Architectural Committee will do a final compliance review for your project.

COMMITTEE OPERATION RULES AND MISSION STATEMENT

The Villages’ Architectural Committee (hereinafter “Committee) is composed of not more than seven (7) members all members of The Villages at Lynx Creek Owner’s Association. Members are all appointed by the Board of Directors and are **required to be Full Time Residents** at the Villages. One member of the Board of Directors shall serve as Chairperson of the committee. (Per Condo & Planned Community Statutes [33-1817] in Arizona 2012-2013). The Chairperson appoints a Vice-Chairperson to serve when he/she is unable to attend a meeting and a Recorder to complete the minutes. Committee members are not expected to serve more than two (2) years unless they so desire. Committee members may be replaced by a majority vote of the Board of Directors. Members are required to attend a minimum of 70% of all scheduled meetings during a calendar year in order to remain on the Committee.

The Architectural Committee, with their extensive knowledge of our community standards, should participate in the identification of sub-standard property conditions and generate reports to the Office. This would include landscaping that is dead or impinging upon another lot. Additionally, the committee shall inspect any infraction of the permitting requirements for construction, installation, addition, alteration, repair, change or replacement of any improvement which would alter the exterior appearance of the lot, excluding small shrubs or flower planting. While this responsibility is not theirs solely and should be shared by all in our community, it is the “committee” that should be proactive in this effort. The following protocol has been established to provide a simple but effective procedure to process reports from all community members.

Grievance Procedure

- Grievance is reported on the Grievance Form to the HOA Office (hereinafter the “Office”). This must be in writing and with the submitters name affixed. This grievance may be signed by a board member or the community manager, in some cases, to avoid discourse between neighbors. This will require on site

confirmation of the grievance by a signing board member or the community manager who, if the grievance is determined to be legitimate, would then be the submitter of record.

- Depending on the nature of the grievance, the HOA Coordinator or other office staff member may place a courtesy call to the homeowner and record a 7 day revisit to confirm compliance. In this case, the office staff will confirm compliance. (Weeds, leaves, trash and debris or other simple infractions). In the case of non-compliance, a 21 day notice will be sent certified mail to the homeowner. Otherwise, for more involved property conditions, the following will be implemented:
- The grievance form is scanned and sent to the Committee Chair and Vice Chair by email. The original will be filed in the HOA Lot file
- The “committee” will schedule to inspect the first Tuesday following receipt of the Grievance.
- After inspection, the “committee” will inform the Office by email whether to institute a courtesy call to the Homeowner informing the Homeowner of the grievance. , or to dismiss the Grievance
- After completion of the call (spoke to owner, left voicemail, left email, etc.), the Office will inform the “committee”
- The “committee” will then record the date of the call and prompt a follow-up inspection
- After the “committee” re-inspects, the Chair or Vice Chair will email the Office and either close out, allow extension of time, or instruct the Office to file a 21 day notice.

It is the responsibility of the Committee when it receives a request for change, to determine to the best of their ability whether the request conforms to these rules and the CC & R’s. This responsibility covers the construction of any improvements or exterior alterations as previously defined.

A lot of owner who disagrees with a Committee’s ruling may request a hearing. If the owner is still not satisfied with the Committee’s decision, he/she has the right to appeal the ruling to the Board of Directors for a final decision. (Reference CC & R’s 3.1.13 for details.)

Should an owner who does not seek pre-approval or who is denied approval of a request for change and who proceeds with an improvement will be subject to such penalties as the Board of Directors shall prescribe. (Reference CC & R’s 6.10)

New products and construction methods may require changes to these rules. The approval of the Board of Directors is required before making such changes. This is not intended to dilute the authority of the Committee to approve specific individual requests using new material as set forth under “Construction Materials” later in these rules.

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AIR CONDITIONERS/DUAL PACKS/EVAPORATIVE COOLERS

Air conditioning units are permitted. The unit must be placed in a location that will be the least conspicuous to neighboring lots and streets. Air conditioners and water type evaporative coolers are permitted; however, they cannot be window or roof mounted and must be installed in a way they do not appear to be of a temporary nature. The request for placement must be approved by the Committee.

ANTENNAS/SATELLITE DISHES

The Federal Communications Commission controls the placement and use of over the air communications systems including antennas, ham radios and satellite dishes one (1) meter (39.37") or less in diameter. ("Request for Change" required)

The Committee recognizes the property owners' rights to have such devices and is more than willing to work with and advise them in the placement of such antennas and/or dishes in a way which will provide them with the best reception while at the same time result in the least detrimental effect on The Villages.

Antennas mounted on the roof of an RV may not be removed for the purpose of placing them on the ground for reception. No dish antennas may be placed on a tripod of similar temporary structure except when intended for a limited temporary use and which has been approved by the Committee.

BUILDING PERMITS

It is the responsibility of the homeowner to make certain that all permits required by the City of Prescott Valley, Yavapai County or the State of Arizona are issued and posted on the property.

The Villages at Lynx Creek may have more stringent and/or restrictive requirements than those entities in which case The Village's rules will prevail.

It is the responsibility of the lot owner or his representative, to make the necessary **"Request for Change"** application and he/she/they assumes all responsibility if this is not adhered to.

UTILITIES

In submitting a **"Request for Change,"** the request must indicate the location of any above or below ground utilities which might be affected by the proposed construction.

Because of the limited capacity of the electric service to the RV lots, no all-electric units may be placed on these lots. In addition, no unit will be permitted to have more than a 100 AMP service panel. If the service panel in a unit will accommodate a higher amperage than 100 AMPS, the total amperage requirements for appliances on a

lot may not draw in excess of 100 AMPS when all are in use simultaneously, as confirmed by a licensed electrical contractor in writing. All such situations require Committee approval.

If natural gas service is available within 100 feet of a lot line, no propane use will be permitted on the lot except for a strictly limited period while awaiting gas line extensions, if needed.

REQUIREMENT: Prior to making any excavation for post-hole, utility trench or foundation, etc., it is the Owner's responsibility to call 811 who will locate all underground utilities (gas, sewer and communication lines) to determine safety of the excavation. To locate water lines, contact The Villages' office.

CONSTRUCTION MATERIALS

In order to maintain appeal as well as continuity of appearances in The Villages, the Committee has established approved and disapproved construction materials. When a "Request for Change" is being submitted, it must contain a list of the materials to be used in the construction, including, but not limited to, siding, roofing, concrete, retaining walls, doors, windows, decking paint colors, etc. Before purchasing a new home, it is advisable to submit your plans to the Committee for review.

The Committee is always open to consideration of new types of construction materials being introduced on the market. The Committee has the right to approve such new materials even though not listed here, if, in its collection opinion, the result will be compatible with surrounding homes and preserve the character desired for The Villages.

The following lists of approved and not approved external materials are not meant to be exclusive but to serve as guidelines. Exceptions may be made as set forth above.

EXTERNAL MATERIALS APPROVED:

- Sidings: Hardboard/Masonite textured, textured vinyl
- Douglas Fir, Pine and similar materials generally used for structural support and covered, but if left exposed such as over decking, carport supports and beams, they must be painted to match the unit to which they are attached.
- Redwood, generally used in the construction of carports, decks, porches, fencing, etc.

Patio Covers: In addition to the construction materials outlined above, Alumawood may also be used for patio supports and covers. All patio covers must include rain gutters.

Lattice: Both wood and/or vinyl if used as privacy purposes around decks, porches, etc. If used and painted, the painting must be maintained in a good condition. Some vinyl may warp if not properly anchored. See below.

Fencing: Chain link, wrought iron, vinyl, redwood board, wood rail and lattices are subject to the four (4) foot height and location limitations.

Asphalt shingles: Certain colors only when applied to the main living structure, storage sheds, garages, covered decking, patios and entrance porches. Rolled asphalt of a matching color on attached carports or similar low-pitched roofs is acceptable, with Committee approval.

Painting: See limitations on Page 10

Concrete: All concrete requires an RFC filed with the Architectural Committee and it recommends the concrete be at least 3500 psi.

EXTERNAL MATERIALS NOT APPROVED:

- Particle board or wafer type underlayment board
- Corrugated metal or plastic sheeting panels
- Wood shake or shingles, corrugated metal or plastic roofing material
- Log cabin or simulated log cabin siding or structures
- Creosoted timbers or railroad ties either in construction or landscaping

Temporary structures such as vinyl, canvas or corrugated metal or plastic free-standing carports are not permitted.

CARPORTS

Minimum of 12' x 20'. Rain gutters and downspouts required.

FENCES AND LATTICES

All fences and materials used to construct fences are subject to Architectural Committee approval. The maximum height shall be four (4) feet. Any variance shall require approval by the Board of Directors. Fences are permitted along the rear and sides of a lot and between such fences and the residence to obtain a total enclosure. Fences must be a built six (6) inches inside the lot line unless the permission of the abutting owners is obtained in writing to place it on the lot lines. Such permissions shall run with the respective lots and will be noted in the lot files kept in The Villages' office. (Reference CC & R's 3.22)

Wrought iron, vinyl and wood rail are the only types of fencing permitted on the street frontages of a lot and must be placed three (3) feet from the curb on all abutting streets.

An owner may use lattices to provide shade, privacy or in landscaping, if it does not interfere with an adjoining owner's enjoyment of his/her property. It must be painted in colors compatible with the residence and maintained in good condition. The square footage, height, location and color must be submitted to the Committee for approval and permit.

LANDSCAPING

The Villages require that landscaping be approved and completed within a reasonable time after all new construction is completed and occupancy takes place (approximately ninety (90) days depending upon weather conditions).

The following trees are **NOT PERMITTED** in The Villages because of excessive leaf drop, size, water requirements and/or affinity for sewer lines: Cottonwood, Willow, Maple, Arizona Cyprus, Raywood Ash and Sycamore (Italian or Mediterranean or Leyland Cyprus are permitted).

No shrubs or trees are to be planted in rear or side yards which, when mature, will encroach onto a neighboring lot and/or public right-of-way. Limbs or other parts of an existing tree or shrub which encroach onto a neighboring lot must be removed if requested by the neighboring lot owner. Any shrubs or trees overhanging or encroaching on the public right-of-way must be maintained from the ground level of fourteen (14) feet. This meets the fire truck clearance when the Fire Department services our community.

Because of water spill during periods of heavy rain and when using landscape rock as a ground cover, the Committee requires the use of landscape breather type fabric underlayment in all situations where excessive runoff could damage neighboring properties. The underlayment is available at most nurseries and allows water to soak into the ground as well as providing weed prevention.

LOT COVERAGE

The maximum amount of roof coverage on a lot is 50% of the total lot area. Lot coverage is the total amount of roof coverage on all structures, porches, patios, carports, etc. It is based on the “footprint” of the structures, porches, etc. i.e., The dimensions of the structure on the ground and does not include overhangs.

EXAMPLE:

LOT SIZE	50' x 100' =	5,000 s.f.
Living area	28' x 24' =	1,680 s.f.
Garage	24' x 24' =	576 s.f.
Shed	10' x 12' =	120 s.f.
Covered Deck	<u>12' x 30' =</u>	<u>360 s.f.</u>
Total roof area		2,736 s.f.
50% allowance		2,500 s.f.
Oversized by		236 s.f.

Under this example, the Committee would deny the requested permit because it exceeds the allowable coverage.

Lot sizes are calculated from the official recorded plats of The Villages at Lynx Creek and assistance in this determination is available from the Committee. **Note:** A lot's front line is typically three (3) feet from the edge of curb (except on major streets where it may exceed that substantially.)

PAINT AND TRIM COLORS

All request for repaints throughout the community must comply with the approved color schemes that are available in the Homeowner's Association Office. New units coming to the Villages must be approved for color before acceptance.

PLACEMENT OF BUILDINGS ON A LOT

The owner of a lot is required to submit a **“Request for Change”** to the Committee before placing any building or structure on a lot. The **“Request for Change”** must include a detailed scale drawing showing the exact layout of the lot, the setbacks, the proposed location of the structures including, if appropriate, any proposed future additions or planned buildings. It must also include the location of any proposed air conditioning unit, utility locations, public utility easements, etc. and planned drainage after completion. It must indicate if the unit is to be ground set.

Before the placement of any improvement on the lot, it is the responsibility of the owner to submit a **“Request for Change”** to the Committee including a detailed drawing of existing and proposed structures (Forms 1 and 2 for manufactured homes and Forms 3 and 4 for RV lots) to provide pre-inspection of the lot to ensure all requirements are being met. The correct physical placement of any improvement on the lot is the responsibility of the owner and/or contractor. The Architectural Committee will use existing plat to determine square footage. Owner is responsible to determine lot lines and setbacks. Owner is responsible to show where property lot lines are when requesting permits from the Town of Prescott Valley and/or Yavapai County.

EASEMENTS

On all lots it is recommended owners avoid any construction as well as placement of features. i.e., shrubs, trees, fences, privacy screens, etc., within easement areas of their lot. Any construction/feature placed in easement areas will not be replaced or repaired by the Association or its employees, when access to utilities is necessary. If the owner constructs/installs features in the easement area, the owner is responsible for any loss or damage to the construction/feature, if necessary, to maintain, construct, or re-construct utilities or public features in those areas.

PROPERTY LINE SETBACKS

Setbacks are the distances that a building or other structure and/or RV unit must be located from lot lines or other permanent markers.

Park Model (CC & R's 3.3.7) or R.V.'s (CC & R's 3.2.5)

(RV defined as travel trailer, motorhome, 5th wheel trailer – refer to CC & R's 1.35.1)

R.V.: The required side setbacks are measured from any extended slide outs in their extended positions. Front setbacks are measured from the longest point of a unit as, for example, on a fifth wheel would be the overhang.

PARK MODEL: The maximum allowable width of a Park Model is sixteen (16) feet and the maximum length is thirty-eight (38) feet, including a bay window if so equipped. Any exceptions to this size limit must be approved by the Committee.

Required setbacks on all RV lots, whether used for Park Models or RVs are not less than three (3) feet on side lot lines, seven and one-half (7.5) feet on rear lot lines, and not less than five (5) feet from the curb of all abutting street(s) including the curb radius. Front lot lines are typically three (3) feet from the concrete curb but there are exceptions so check carefully.

MODULAR OR MOBILE HOMES (CC & R's 3.4.4)

Minimum setbacks on side lot lines are not less than three (3) feet, rear yard setbacks are not less than ten (10) feet and front yards shall be not less than ten (10) feet from back of curb on all abutting streets.

STORAGE SHEDS

One storage shed not to exceed 120 square feet in size and constructed of wood or composition siding which matches the dwelling unit is permitted on a lot. Where lot size and/or configuration permits, a larger or additional shed may be allowed; a permitted use for such expansion or addition may be storage of a golf cart. Aggregate square footage of all sheds shall not exceed 200 square feet. No shed may exceed ten (10) feet in height and a height matching the eave lines of the dwelling is recommended. Sheds must be following the Town of Prescott Valley requirements as well as the Village's setback requirements. **ON EVERY LOT SHEDS MUST COMFORM TO EASEMENT REQUIREMENTS.**

RAIN GUTTERS/DRAINAGE

Roof areas on all structures must be equipped with rain gutters and downspouts. Rain gutters and downspouts may be made of metal or PVC. This must be outlined in your "**Request for Change**" before final approval of the construction can be obtained.

When topography permits, all downspouts must drain to the street through underground lines or lined drainage channel. If not feasible, they may drain underground to drainage ways or natural runoffs into an easement area. **UNDER NO CONDITION MAY DOWNSPOUTS DRAIN ONTO A NEIGHBOR'S LOT** where damage to a dwelling or other improvements or landscaping could occur.

SKIRTING

All Park Models and M/M's must have wheels and axles removed and completed skirting in compliance with the Town of Prescott Valley requirements. Skirting material and color must be approved by the Committee and like the color and material of the unit. Wheels and axles may **NOT** be removed from RVs. Any skirting must be approved by the Committee.

All storage sheds and/or other outbuilding **must have skirting** or other permanent means of prohibiting access under the building by rodents, vermin or other animals either directly or by tunneling.

PARKING ON ROCKS/GRAVEL

In accordance with the CC & R's, Section 3.5.6, parking of cars and trucks must be on concrete or asphalt. Professionally installed concrete pavers will be accepted. No "rut-strips" of pavers or cement will be permitted, nor will just four (4) square pads (one for each tire), be permitted. Bicycles, motorcycles and golf carts are exempted and may be parked on rocks/gravel.

POLITICAL SIGNAGE, BANNERS AND FLAGS

All political signage must comply with City of Prescott Valley Political Sign Laws regarding size and display timeline schedule.

MISCELLANEOUS

Temporary structures such as vinyl, canvas or corrugated metal or plastic free-standing carports are not permitted.

No grass lawns may be planted or sodded due to excessive water usage.

Roof skylight covers must be approved by the Committee prior to construction and must be painted to harmonize with the roof color.

Flag poles are permitted but are limited in height above ground to eighteen (18) feet, provided they are illuminated at night and otherwise comply with proper flag courtesy. Detailed plans must be submitted to the Architectural Committee.

Solar Energy panels may be installed on rooftops ONLY. Any request for deviation from this rule must be approved by the Architectural Committee and a Variance issued by the Association Board of Directors. The Villages is in Roof Load Zone 1 which is "middle" or 30 psf (30 lbs. per square foot). It is suggested owner verify maximum load strength of roof before solar panel installation.

*Requests to the Architectural Committee by owners to place any construction and/or features (fences, foliage, etc.) within easement areas of their lot will be reviewed by the HOA Board of Directors and **only** the HOA Board of Directors will give approval for any such construction and/or features. A signed easement document will be required.

*Addendum per motion voted in at BOD meeting dated 06/19/2014

** Procedure of Architectural Committee and Board handling of requests for placement of improvements within the easement (set back) portion of the lots.

1. Architectural Committee investigates the request.
2. If determined that the improvement encroaches on the easement, they evaluate the request and provide the Board with their recommendation.
3. Architectural Committee will advise the lot owner in writing, that they have investigated the request and have forwarded their recommendation to the Board.
4. If the Board approves the improvement the normal permitting procedure and final inspection once again becomes the responsibility of the Architectural Committee.
5. If the Board does not approve the improvement the board member who is serving as the chairperson of the Architectural Committee will inform the lot owner in writing of the decision.

** Addendum voted in by BOD at HOA meeting of 10/02/2014