

**AHWATUKEE BOARD OF MANAGEMENT  
ARCHITECTURAL REVIEW COMMITTEE PROCEDURES AND GUIDELINES  
AMENDED AND RESTATED Dec. 10, 2008  
Effective April 1, 2009**

**AUTHORITY**

Article IV, Section 2, Powers and Duties, of the By-laws states:

“The powers of the Board of Directors shall include, but not be limited to, all of the rights and duties of the Board of Directors as set forth elsewhere in these Bylaws and the Articles of Incorporation, and in the Covenants, Conditions and Restrictions applicable to the property described in Article II above, and shall also include the power to promulgate such Rules and Regulations pertaining to such rights and duties as may be deemed proper and which are consistent with the foregoing. The Board of Directors may delegate such duties as appear in the best interests of the Corporation and to the extent permitted by law.”

Article V, Section 4, President, of the By-laws states:

“The President shall have the power to appoint committee from among the members from time to time as he/she may in his/her discretion decide is appropriate to assist in the conduct of the affairs of the Corporation.”

“The President, with input from the Board of Directors, shall appoint a minimum of three (3) members with a maximum of seven (7) members to serve on the Architectural Review Committee (ARC). If the Committee is comprised of an even number of members, the General Manager will exercise a vote in the event of a tie. The Committee will function within the parameters established under the guidelines.”

**PURPOSE:** The purpose of the ARC is to ensure a fair and consistent application of the Committee’s guidelines while protecting aesthetic quality within the neighborhood.

**SCOPE:** The proposed project must be compatible with the design characteristics of the property itself and adjoining properties within the same sub-division. The Committee will take into consideration the entire property, from roof to landscaping, when reviewing a project, and/or materials used. Additionally, new developing products (i.e. garage doors, windows, facades) may be considered. Compatibility is defined as harmony in style, design, scale, materials, color and the original intent of the developed master plan.

**In the event that you have architectural control through a sub-association, their guidelines will take precedence.**

## **AWNINGS**

The ARC will review and respond to any submittals for awnings. The awning size, shape, fabric color, pattern and method of attachment shall be in harmony to ensure consistent visual aesthetics within the subdivision.

**Submittal requirements:** A homeowner shall submit a written request to the ARC for approval of all awnings prior to installation, which shall include a fabric swatch and picture, and dimensions, the method of attachment and the location of the awning(s).

## **BASKETBALL GOALS**

Basketball goals and backboards that are installed in the ground are defined as “permanent”. The ARC will define as “temporary”, basketball goals and backboards that are manufactured as a portable unit; however, they fall under the same requirements as permanent goals. Basketball goals and backboards are permitted in backyards and side yards. Basketball goals and backboards shall not be attached to any dwelling, installed to face the street or placed on the sidewalk or in the street. All facets of the basketball goal must be kept in good repair at all times.

**Submittal requirements** A homeowner must submit a written request to the ARC for approval of a basketball goal or backboard prior to its installation which shall include a dimensional plot plan with goal location and goal style, as well as a picture/brochure including color, pattern and materials used to construct the basketball goal or backboard.

## **DRIVEWAY EXTENSION**

**Driveway Extension** Driveway extensions shall be permitted with ARC approval. Driveway extensions shall satisfy all city zoning ordinances, building code and ABM setback and lot coverage requirements. Driveway extensions may be constructed with concrete, concrete pavers, or brick. A driveway extension abutting an existing driveway extension may be prohibited. No tire strips shall be allowed. The entire parking area must be paved.

**Submittal requirements:** A homeowner shall submit a written request to the ARC for approval of a driveway extension prior to the commencement of construction, which shall include a plot plan, as well as a description of the type, pattern and color of the materials to be used in the construction of the driveway extension.

## **ELEVATED DECKS**

Elevated decks may be allowed at the sole discretion of the ARC. The ARC may require neighboring lot input regarding the project, with respect to impact of neighbor lots for privacy, loss of view, etc. The Committee may use this input in determining the approval/disapproval of the project or may require some mitigation, i.e. plantings, window placement, etc.

**Submittal requirements** shall include a detailed plot plan, floor plan, and elevation views. A materials list must also be included. Submit color samples, including brand and color name or choose a color scheme from the color palette.

## **FENCES**

Walls and fences shall be permitted to be repaired, replaced or installed with ARC approval. Walls and fences shall satisfy all city zoning ordinances, building codes and ABM setback and lot coverage requirements. No new chain link or wood fencing shall be permitted. Walls and fences shall further be designed to maintain a uniform appearance with the existing wall or fence and shall not exceed six (6) feet in height. Existing fences bordering golf courses must be kept in compliance with the Declaration of the applicable subdivision, the Rules and Regulations, and the ARC Guidelines.

**Submittal requirements** A homeowner must submit a written request to the ARC for approval of the replacement or installation of a wall or fence prior to the commencement of construction, which shall include a detailed plot plan, a description of the type of materials to be used during construction and the color selected for the wall or fence. A homeowner shall also obtain the written consent of adjacent property owner(s) for installation of a wall or fence on the property line of an adjoining lot prior to submitting a request for ARC approval. Homeowner is required to obtain any variances from the City of Phoenix prior to submitting a request for ARC approval.

## **FLAGPOLES**

Flags and flagpoles shall be permitted with ARC approval. Homeowners shall have the right to install one flag pole, hang one American flag and, in accordance with State law, hang any other flags, i.e. state, military, fire or police, in addition to the American flag, on the lot. Flags shall be reasonable in size, i.e. three (3) by five (5) feet (or as otherwise determined by the ARC) and flagpoles shall be limited to twenty (20) feet in height from developer grade. Federal flag code shall apply. Pole ropes shall be properly affixed so as to not make excessive noise.

**Submittal requirements:** A homeowner shall submit a written request to the ARC for approval of a flagpole prior to its installation, which shall include a detailed plot plan setting forth the location of the flagpole as well as the description of the flagpole, including size and color. A homeowner shall further submit a written request to the ARC for the approval of a flag, which shall include a description of the size of the flag to be hung.

## **GATES**

Gates (ornamental or otherwise) shall be constructed with prior ARC approval. Gates shall be constructed of metal, wood or metal with wood slats. Wood gates shall be stained a natural wood color, sealed, or painted to match the exterior body of the home, so as to achieve a uniform appearance.

### **Submittal requirements:**

A homeowner shall submit a written request to the ARC for approval of a gate prior to its installation, which shall include a dimensional plot plan showing the location of the gate, a detailed drawing or picture of the gate including dimensions, the type of gate and the stain or color of the gate.

**NOTE:** Approval of an oversized gate DOES NOT constitute approval for recreational or utility vehicles, to be stored behind the gate.

## **GAZEBOS**

Gazebos shall be permitted with ARC approval. Gazebos shall satisfy all city zoning ordinances, building code and ABM setback and lot coverage requirements. Gazebos shall be constructed with materials that are consistent with the materials used to build the existing residence. Gazebos shall further be designed to maintain a uniform appearance with the existing residence and to be in harmony with the neighboring lots. Gazebos may also be built using treated redwood. Gazebos shall not be greater than ten (10) feet in height from developer grade. Gazebos shall not exceed maximum one foot elevated deck. Temporary gazebos (12 x 12 and nine feet high maximum with desert muted colors) shall be allowed with prior approval.

**Submittal requirements:** A homeowner must submit a written request to the ARC for approval of a gazebo prior to the commencement of construction, which shall include a detailed plot plan, floor plan, elevation views, a materials list and color or stain samples. Upon approval of the gazebo, the homeowner shall obtain and submit a City of Phoenix building permit, if required, to the ARC prior to the commencement of construction. ABM shall retain all building permits submitted for each lot

## **LANDSCAPE**

1. **Hardscape.** ARC approval is required on all hardscape architecture, i.e., courtyard walls, retaining walls, decorative sidewalks, beehive fireplaces, decorative bridges, and fountains, etc.
2. **Submittal Requirements.** A homeowner must submit a written request to the ARC for approval of all hardscape prior to the commencement of construction or installation, which shall include a detailed plot plan setting forth the location of the hard landscape, elevation drawing(s), a materials list and color or stain samples.
3. **Decorative Landscape.** ARC approval is required for all decorative landscape art, i.e. driftwood, swings, wagons, animal skulls, wagon wheels, metal sculptures, metal wall hangings, large flower pots, lighting, dwelling art. Decorative landscape art shall be kept to a minimum and should be in harmony with the architectural style of the community. The approval or disapproval of decorative art shall be at the sole discretion of the ARC.

## **LIGHTING**

Spot or flood lighting used to illuminate side or backyard areas shall be 150 watts maximum per bulb, and shall be placed so that they are not directed at neighboring property. Security lighting shall be allowed only if the fixture is structure mounted and not visible to the public, and is triggered only by movement on the homeowner's property or by the homeowner's security system. All security lighting shall be placed so as to not be directed toward neighboring properties, streets, or common areas, and shall be limited to 150 watts maximum per bulb. Colored bulbs may not be used.

## **ORNAMENTATION (Refer to Landscape, Decorative Landscape)**

The use of non-living objects as ornaments in the landscape must be kept to a minimum. Such ornamentation includes driftwood, swings, wagons, bridges, animal skulls, wagon wheels, wind driven wheels or spinning devices and sculpture (flamingos, deer, etc.). If you have questions in this regard, please call the ABM office. The goal in improvement of the landscape is to promote a pleasing and harmonious neighborhood.

## **PAINTING**

The request for painting of the home (new or same colors) shall be submitted for review prior to painting. Exterior surfaces shall be painted in such a manner as to maintain a uniform appearance. ABM shall maintain a color palette from which a homeowner may choose a color scheme. If a homeowner selects a paint color not on the palette, the homeowner must submit a written request to the ARC for paint color review and approval prior to painting said surface(s), which shall include color samples, including the type (flat or satin paint finishes only), brand and color name, as well as identification of the exterior surface(s) to be painted, i.e. body, trim, doors, windows, gates. ABM shall retain color samples submitted for each lot. The ARC may request a sample of the submitted colors be painted on the house for the committee to view.

## **PATIO COVERS**

Patio covers may be permitted with prior ARC approval. Patio covers shall conform with all city zoning ordinances, building code and ABM Covenants, Rules and Guidelines.. Patio covers shall be constructed with materials that are consistent with the materials used to build the existing structure, i.e. texture, paint, and shall be designed to maintain a uniform appearance with the existing structure, i.e. ridgelines, hips and coverings. Shed roofline patio covers may not be built onto an existing shed roofline room addition.

**Submittal Requirements** A homeowner must submit a written request to the ARC for approval of a patio cover prior to the commencement of construction, which shall include a detailed plot plan, floor plan, elevation views, a materials list and color samples. Upon approval of the patio cover, the homeowner must obtain and submit a City of Phoenix building permit to the ARC prior to the commencement of construction. ABM shall retain all building permits submitted for each lot.

## **PLAY STRUCTURES**

1. **Mobile swing sets:** Swing sets and play sets which may be easily removed from a residence (i.e. metal "A"-frame swing sets which are set upon the ground, or are anchored in the ground by a small amount of concrete) shall be permitted in the rear yard of a lot with ARC approval provided that the highest point of such swing sets shall not be more than ten (10) feet in height from developer grade. Mobile swing or play sets shall satisfy all city zoning ordinances, building code and ABM setback and lot coverage requirements. Swing or play sets shall be muted in color, i.e., beige, tan or gray, and kept in good repair at all times.

**Submittal Requirements for Mobile Swing or Play Sets.** A homeowner must submit a written request to the ARC for approval of the placement of a mobile swing or play set, which shall include a detailed plot plan showing the location of the swing or play set as well as the type of structure, and to include size and color. A homeowner must obtain written approval for the placement of the swing or play set from the ARC prior to erecting the swing or play set.

2. **Permanent play structures:** Permanent play structures shall be permitted in the rear yard of a lot with ARC approval; provided the play structure does not intrude upon the privacy of the neighboring lots, the highest point of the structure is not more than ten (10) feet in height from developer grade and the deck of the structure is not more than seven (7) feet in height from developer grade. Permanent play structures shall satisfy all city zoning ordinances, building code requirements and ABM setback and lot coverage requirements. Permanent play structures shall be designed to maintain a uniform appearance with the existing residence as well as to be in harmony with the architectural style of the community. Permanent play structures shall be in good repair at all times. Canopies on these types of structures must be submitted for color and design approval

**Submittal requirements** A homeowner must submit a written request to the ARC for approval of the placement of a permanent play structure, which shall include a dimensional plot plan setting forth the location of the play structure as well as a manufacturer's brochure of the structure being selected to include dimensions of the structure, materials used in the construction, and awning size and color if applicable.

- **Play structures with elevated decks require neighbor approval.**

## **ROOM ADDITIONS/PATIO ENCLOSURES**

**Definition:** Any construction that encloses an existing patio for living space, adds living space onto an existing residence, or modifies an existing structure for additional living space. **Garages may not be enclosed.**

1. **Room additions** are allowed with prior ARC approval. All additions shall conform to all city zoning ordinances, building code and ABM Covenants, Rules and Guidelines. All room additions shall be constructed with materials that are consistent with the materials used to build the existing structure, i.e. All additions must meet all City zoning, building code, ABM Covenants, Rules and Guidelines All material must match the existing structure for texture, paint, ridgelines, hips and coverings. Roofs must have a minimum pitch of 3/12. Shed roof designs shall not be permitted.
2. **New Construction:** Room additions to be built onto an existing residence must be designed to match the existing wall and roof structure using like materials, ridgelines, hips/gables and coverings. Shed roof designs will not be allowed.
3. **Two-story additions:** Notwithstanding where already required in the applicable Covenants the ARC, at its sole discretion, may require input and comments from neighboring lot owners regarding the requested room addition, including but not limited to, impact on the neighbors' privacy and view. The ARC may utilize

the information obtained from the neighboring lot owners in determining whether or not to approve or disapprove a room addition or to require the homeowner to take affirmative action to lessen the impact upon the neighboring lots, i.e. plants, lighting, window placement.

**Submittal Requirements:** Homeowners must submit a written request to the ARC for review and approval of a room addition prior to the commencement of construction, which shall include a detailed plot plan, floor plan, elevation views, a materials list, color samples, or other documentation or information deemed necessary for the review process. Upon approval of the room addition, the homeowner must obtain a City of Phoenix building permit, and submit a copy to the ABM prior to the commencement of construction. ABM shall retain all building permits submitted for each lot.

**SHEDS** Sheds shall be permitted in the rear yard of a lot in accordance with the Declaration for each particular sub-division or ARC approval. Please refer to the Declaration applicable to each sub-division within Ahwatukee or contact ABM for submittal requirements.

**Submittal requirements:** Plot plan showing location on the lot, style and dimensions of the shed, color samples and manufacturer brochures subject to your CC&R's.

### **SUNROOMS**

**Definition:** A pre-manufactured or site-built living space with walls consisting of continuous glass (i.e., Four Seasons, Home Sweet Home, etc.). Sunrooms may be allowed subject to certain criteria and ARC approval. All sunrooms must meet all City zoning, building code, and ABM Covenants, Rules and Guidelines. Sunrooms may be located in the rear yard only and must have a solid poured slab on grade. Roofs must be of like style material and color of the existing house. No glass roofs. Color samples for materials and paint for sunroom and house must be submitted. No shed roofs.

1. **Siding homes:** Solid glass walls shall be permitted. Stucco knee walls shall not be permitted.
2. **Stucco homes:** Solid glass walls shall be permitted. Stucco knee walls may be permitted.
3. **Submittal requirement** A homeowner must submit a written request to the ARC for review and approval of a sunroom prior to the commencement of construction which shall include a detailed plot plan, floor plan, elevation views, a materials list, color samples, and other documentation or information deemed necessary for the review process. Upon approval of the sunroom, the homeowner must obtain a building permit, and submit a copy to the ABM prior to commencement of construction. ABM shall retain all building permits submitted for each lot within Ahwatukee.

### **TRAMPOLINES**

**Trampoline Structures** Trampoline structures shall be permitted in the rear yard of a lot with ARC approval provided the highest point of the structure is no more than ten (10) feet in height from developer grade and no closer than ten (10) feet from

the rear and/or side property lines. The ARC, at its sole discretion, may require written consent from the neighboring lots regarding the placement of the structure, not limited to impact on the neighbors' privacy and view. The ARC may utilize the information obtained from the neighboring lots in determining whether or not to approve or disapprove the structure or to require the homeowner to take action to lessen the impact upon the neighboring lots, i.e. requiring the structure to be screened by landscape materials at the applicant's expense. Netted trampoline structure poles shall be muted in color, i.e. beige, tan or gray, and the structure shall be kept in good repair at all times, i.e. no tears or damage to the netting and no significant fading. No advertising, signage or other attachments shall be permitted to be attached to the structure so as to be visible from the street, golf course, or neighboring lots under any circumstances. Inactivity or non-use of the netted trampoline structure could result in ABM requiring removal of the structure at ABM's sole discretion.

**Submittal requirements:** A homeowner must submit a written request to the ARC for approval of the placement of a netted trampoline structure prior to installation, which shall include a dimensional plot plan, with location of the structure, a manufacturer's brochure of the structure being selected, to include dimensions of the structure, materials used in the construction of the structure and netting size and color, if applicable.



## **MEETINGS**

The Architectural Review Committee (ARC) shall review applications for approval of projects on the first and third Tuesdays of each month. Applications must be submitted a minimum of 10 days. It is the responsibility of the applicant to allow enough time for the Committee to meet and make determinations. Requests to expedite will not be considered.

## **PERMITS**

Upon approval of the project, the applicant is required to submit to the ARC all applicable City of Phoenix building permits prior to the start of the project. It is the responsibility of the applicant to determine which permits, if any, are required by the City of Phoenix. It is also the applicant's responsibility to determine any conflicts with known easements. Failure to obtain necessary permits could result in enforcement action by the City of Phoenix Development Services Department.

**NOTE:** Approval by the ARC is in accordance with ABM CC&R's and Rules & Regulations. An approval from one entity does not override nor negate necessity from another.

## **DECISIONS**

The ARC shall review all applications submitted to it and shall furnish a written decision to the applicant within thirty (30) days. Responses to requests that are denied will include a reason. In the event the ARC fails to take any action within thirty (30) days after an application has been submitted to it, provided that all aspects of the application are in agreement with the provisions of these guidelines, then the application shall be deemed approved. **No decisions will be made verbally.** An affirmative vote of a majority of the members of the ARC shall be necessary for any decision. If application is approved, property owner shall proceed in a timely manner. Permits must be submitted to the ARC prior to start of work. Work must commence within 90 days of receipt of approval and be completed within 180 days, with the exception of painting which must be completed within thirty (30) days from approval. If applicant fails to complete improvements within said limits, approval from the ARC may be revoked. The ARC may disapprove any application if there is not sufficient information submitted for the ARC to exercise the judgment required by these guidelines. In all cases, the ARC shall explain the nature of its objections. In the event the applicant makes a revised submission after an initial disapproval, the application, as resubmitted, shall be deemed approved if the ARC fails to take any action on the resubmitted application within twenty-one (21) days after the new submission.

## **APPEALS**

Appeals by the applicant must be made in writing to the ABM within 14 days of denial. The appeal will be placed on the next month's Board of Directors meeting agenda. Adjoining neighbors whose input was requested by the Committee will be informed of the Committee's recommendations. They may also appeal the Committee's decision in writing within 14 days to be placed on the agenda of the next month's Board meeting. The project will not commence prior to 30 days after the approval pending the possibility of any appeals by neighbors, if applicable.

## **VARIANCES**

The ARC does not have the authority to deviate from the Architectural Guidelines. The Ahwatukee Board of Directors has the authority to grant variances of these guidelines for reasons of health, safety, welfare or extenuating circumstances. The applicant must submit a request for variance in writing to the Board of Directors by the first Monday of the month to the ABM office in order to be placed on that month's agenda.

Criteria and documentation required by the Committee for approval is stated in each individual category. In the event your project is not covered in these Guidelines, the Committee will determine what criteria and/or documentation is required for approval though not all requests will be eligible for approval. The Architectural Review Committee, at its sole discretion, may require Management to obtain neighboring lot input regarding the project, with respect to impact of neighbor lots for privacy, loss of view, etc.

## **NATURE OF APPROVAL**

Any approval of plans, specifications or proposed construction given by the ARC shall be only for the purpose of permitting construction of proposed improvements within Ahwatukee and shall not constitute compliance with city and state laws. SUCH APPROVAL SHALL NOT CONSTITUTE AN APPROVAL, RATIFICATION OR ENDORSEMENT OF THE QUALITY OF THE PROPOSED IMPROVEMENT OR THE ARCHITECTURAL OR ENGINEERING SOUNDNESS OF THE PROPOSED IMPROVEMENT. FINALLY, NEITHER THE ARC, ITS MEMBERS, THE BOARD, THE OFFICERS OF THE ASSOCIATION, NOR MANAGEMENT SHALL HAVE ANY LIABILITY IN CONNECTION WITH, OR RELATED TO, APPROVED PLANS, SPECIFICATIONS OR IMPROVEMENTS. ONLY APPLICATIONS SIGNED BY THE OWNER OF RECORD WILL BE ACCEPTED.