



Design Guidelines

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I. INTRODUCTION

The Design Review Committee makes no warranty, expressed or implied, that any plan submitted and approved is in accordance with state, county, or local building codes. Each owner is required to check and receive, as appropriate, all regulatory approvals for any and all changes made to any home or lot.

To the extent that any local government ordinance, building code or regulation requires a more restrictive standard than the standards set forth in the Rules and Declaration, the government standards shall prevail. To the extent that any local government standard is less restrictive than the Rules and Declaration, the Declaration and Rules (in that order) shall prevail.

II. DESIGN REVIEW COMMITTEE

The Design Review Committee ("DRC") is appointed by the Board of Directors ("Board") of the Village at Vistancia Community Association ("Association"), which serves as the final authority on all architectural and landscape design issues as set forth in Article XI of the Declaration. The DRC is responsible for reviewing all proposed changes, modifications, or additions to the exterior of each home, to include but not limited to structural changes, landscaping, walls, fences, gates, driveways, walkways, pools, and in essence, anything visible from a public or private street, common areas or neighboring yard. All proposed changes and additions must be submitted to the DRC for approval and no work may begin without the approval of the DRC. Procedures for submitting proposed changes to the DRC are spelled out in Appendix A.

III. DESIGN GUIDELINES

Architectural Character: Modifications to, Additions to and Maintenance of Existing Homes

1. The architectural design of any and all additions, alterations or renovations to the exterior of an existing home shall strictly conform to the design of the original home in style, detailing, materials and color.
2. The height of any addition to an existing home shall be no higher than the original roofline.
3. All additions to an existing home shall be built within the setback lines as recorded on the final plat for the subject property, regardless of more lenient requirements of any governmental authority.
4. All materials used in the maintenance, repair, addition to and alterations of an existing home shall be consistent with those materials used in the original construction of the home as to color, composition, type and method of attachment. The DRC may allow substitute materials if such materials are deemed by the DRC to be compatible with the theme of the Community.
5. When additions, alterations or renovations are performed to an existing home, the established lot drainage shall not be altered. All new or altered roofs shall drain to the ground solely within the deeded lot area. No roof may drain directly onto a neighboring property.
6. Mirrored or reflective surfaces and all treatments, which change ordinary glass into a mirrored or reflective surface, are prohibited. Clerestory windows are recommended over skylights for their cooling principles and solar effectiveness. Non-mirrored window tinting is permitted, subject to submittal and approval.

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7. Bright untarnished copper and metallic surfaces shall be treated to reduce reflections.
8. All maintenance and repairs of existing homes shall be consistent with the requirements set forth in the governing documents.

Exterior Surface Materials

Exterior ground surfaces can be covered with hardscape or soft materials, such as granite or other softscape material. The granite colors utilized in the Village at Vistancia Community is Apache Brown, minimum one-half inch (½") screened and maximum one inch (1") screened; Table Mesa Brown, minimum one-half inch (½") screened and maximum one inch (1") screened (minimum two inch thick application over entire landscape area) and maximum six inch (6") minus; or Express Brown, minimum one-half inch (½") screened or maximum one inch (1") screened (minimum two inch thick application over entire landscape area) and maximum six inch (6") minus. All the above granite is available from La Farge 623-566-9800 or Cemex 602-416-2658. Express Brown is available from Granite Express at 480-354-6809. Any drainage areas must be appropriately covered with riprap. Approved colors are Apache Brown, three inch (3") to eight inch (8") angular riprap, Table Mesa Brown, three inch (3") to eight inch (8") angular riprap or Express Brown, three inch (3") to eight inch (8") angular riprap. Riprap may be used for drainage purposes ONLY.

Turf is limited to twenty percent (20%) of the total front yard landscapeable area. The minimum width of a lawn is six feet (6'). To avoid "turf islands" all lawn areas must be connected to the front yard composition by having at least one edge adjacent to a sidewalk or patio surface. Turf shall be kept at least three feet (3') from a building face or wall, including side yard retaining and site walls. The specified turf is Bermuda Midiron sod from Evergreen Turf or "Bob Sod" or "Easy Turf" products from Western Sod.

Turf to be contained with one of the following: four inch by four inch (4" x 4") concrete header, grouted stone, masonry products, or steel edging set flush with grade.

Turf in the rear yard must be set back a minimum of three feet (3') from any property wall to allow for proper drainage. A hardscape border of neutral colored concrete curbing or brick must separate turf and granite areas.

Artificial turf will be considered for front and rear yards. Artificial turf products must meet the following minimum requirements with a materials sample and specifications for approval as listed hereafter:

- a. 75 oz., 142 stitch rate/yard, a gauge of 1/2"
- b. Anti-aging properties
- c. UV resistant materials
- d. PE+PP monofilament yarn
- e. Minimum pile height of 1 ½"
- f. Poly urethane backing
- g. Minimum 10 year pro rated warranty on yarn and 12 year warranty on the backing.

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Artificial turf to be contained with one of the following: four inch by four inch (4" x 4") concrete header, grouted stone, masonry products, or steel edging set flush with grade.

1. Hardscape

All hardscape including but not limited to, pavers, concrete, flagstone, barbeque units, fireplaces, etc. must be set back a minimum of five feet (5') from all property walls and fences and allow for proper drainage. Any raised patio area must meet the above set back requirements and may not exceed twelve inches (12") in height at the highest point as measured from existing grade. When utilizing hardscape materials such as pavers along the edge of an existing driveway, the maximum width should not exceed two feet (2') or extend past the outside edge of the home's foundation.

A single walkway from the side of the driveway to the side-yard gate will be permitted per residence. Walkway must connect with the portion of the driveway representing fifty percent (50%) of the driveway area nearest to the garage entry as measured along the length of the garage door. The following additional parameters shall apply:

- Where a side-yard measures five feet (5') wide the maximum width of the walkway may not exceed twenty-four inches (24") and must be constructed out of concrete pavers to aid in proper drainage of the side-yard. Positive drainage must be maintained from the home and not be redirected on to an adjacent owner's or HOA property;
- Where a side-yard measured greater than eight feet (8') wide the maximum width of the walkway may not exceed forty-two inches (42") and must be constructed out of concrete pavers to aid in proper drainage of the side-yard. Positive drainage must be maintained from the home and not be redirected on to an adjacent owner's or HOA property;
- In no case may the walkway be constructed against the house or the property line wall;
- A minimum eighteen inch (18") drainage swale must be constructed from the side-yard allowing for positive drainage where a walkway is constructed. All drainage must be maintained on the owner's lot.

The configuration of landscape areas should define circulation patterns where possible and the landscape design concept should compliment shapes or configurations of the chosen paving material. Natural building materials like stone or integral-colored exposed aggregate concrete are a logical selection for exterior ground surfaces. Consideration should be taken in the weathering capability of all exterior ground surfaces and proposed materials. The Arizona sunlight can be extremely destructive, with ultraviolet rays not only fading colors, but also causing major deterioration of certain materials and construction systems. For example wood, when exposed to the sun, requires considerable maintenance and special finishes. It may crack or warp even when properly finished; therefore, its use should be limited, with the character of weathered wood being carefully considered wherever it is used.

2. Softscape

Softscape treatments include non-permanent surfaces such as plant materials, granite, and soil cement or native granite mulch. Softscape elements are typically porous allowing water to filter into the soil. Circulation patterns, amount of use and desired level of formality, should

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be considered when selecting a surface treatment. For example, a mix of soil cement and decomposed granite is an alternative paving material for patios or outdoor seating areas, as are bricks or stone laid on sand.

Only decomposed granite or native granite mulch are acceptable as landscape material. River rock, crushed rock, artificially colored or naturally mined rock that is uncommon to the site shall not be permitted. Rear yard decomposed granite is not limited to Apache Brown, Table Mesa Brown or Express Brown, but should blend with the surrounding environment and is subject to DRC approval.

Landscaping Requirements and Guidelines

All front yard landscaping must be completed no later than sixty (60) days from the date of closing. Back yards that have view lots must be completed no later than ninety (90) days from the date of closing. All other back yards must be completed within one hundred eighty (180) days from the date of closing.

1. Because it is difficult to list every acceptable plant material, the DRC will consider other plant materials upon request. Plants installed in back yards may not be limited to the plant list in Appendix C. However, the DRC would prefer that deviations from plant materials requested be kept to the same species as shown within Appendix C and that a different variety of material is being requested. Acceptable varieties of palm trees have been specifically defined in Appendix D for back yards. Any other exceptions (front yards or back yards) to the plant list in Appendix C must be reviewed and approved by the DRC. Where requests are being made for alternate varieties, additional thought should be given to plant species which are drought tolerant, arid-region materials. The DRC reserves the right to refuse any plant material that, in their discretion, will not be compatible with the Vistancia Community landscape character or is not beneficial to the environment. Some plant materials are inappropriate to the environment because they are potentially destructive to the native species.
2. The Declarant or Home Builders have provided landscaping in the following areas:
 - All common area retention basins
 - Main street rights-of-way and enhanced open areas; and
 - Tree lined streetscapes of common area tracts

Pursuant to the Declaration, it shall be the responsibility of the Association to maintain the common areas and the area of common responsibility. The Association shall perform all of its maintenance responsibilities without materially changing the original design except as provided in the Declaration.

3. Front yard landscape area is defined as the total amount of area from the back of street improvements (sidewalk or curb where applicable) to the face of house, less the minimum area required for driveway. Front entry courtyards are considered part of the front yard for plant densities, but are subject to specific guidelines as defined in this document. The minimum organic coverage shall be fifty percent (50%) at two years' growth and applies to shrubs, turf, and groundcovers at the ground plane only and does not include tree canopies. Use the guideline below to help you achieve these requirements:

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- 1 – 24” box tree per 1000 square feet* (located between the street and front building setback). Minimum of 2 – 24” box trees per front yard
- 1 – 15 gallon accent plant per 500 square feet
- 7 – 5 gallon tall shrubs, small shrubs or cacti per 500 square feet
- 12 – 1 gallon groundcovers per 500 square feet
- Eighteen inch (18”) maximum height for groundcovers within the first three feet (3’) of landscape area adjacent to pavement; and
- Full coverage of rock mulch

Each front yard must contain at least four (4) different species of shrubs and/or groundcovers. Plants should be used in groupings of similar species to provide mass and structure to the yard. Cacti and succulents shall be used in clusters with other plants, accents, boulders and berms to create points of interest for a more natural look. Foundation plantings shall completely cover the visible portion of a house’s base, including all backflow prevention units, within one year from installation.

4. A minimum of two trees (24” box minimum) is required in each front yard. One of the two trees must be planted between four feet (4’) and eight feet (8’) behind the sidewalk or curb, if no side walk exists (“street tree”). The maximum distance between street trees shall be forty feet (40’). Trees within a yard should be spaced a minimum of fifteen feet (15’) apart. If trees need to be planted closer, they should be of the same species. The primary tree type at the street shall be desert shade. The secondary tree type shall be a shade or accent tree. Canopy shade/street trees shall be planted in landscape areas no smaller than six feet (6’) in width. The DRC will consider the use of an Ocotillo or a Saguaro (24” box minimum). However, this decision will be based on the overall size of the front yard area available for planting.
5. Treatment of the area where the landscape of two lots abuts shall be similar to create a unified and more expansive landscape look. A four inch (4”) maximum hard edge between lots may be utilized for separation subject to DRC approval.
6. Automatic irrigation systems are required for all planting areas. Peak flow demands shall be based on applying peak weekly irrigation requirements in six (6) hours. Areas requiring overhead spray shall be minimized and shall be restricted to turf and flowerbeds. All other areas must use drip irrigation. Spray heads next to roadways and walkways must have low angle (10%) nozzles. Large radius rotor heads (25-foot radius or greater) are not allowed next to roadway or walkway edges. In all applications, overhead irrigation heads may not throw water directly onto any roadway, walkway, or paved surface. Overhead and drip irrigation systems must be zoned for exposure (south and west exposures together, north and east exposures together), topography, and varying water requirements of plant material.

Site Contouring/Drainage

Contour front yards to create visual interest in the landscape and produce soft, gentle transitions between the existing grade of the home and the adjacent street. Utilize contours to create microclimates for planting. Use depressed areas to collect natural run-off for plants that benefit from additional water and mounded areas for drought tolerant plants. Contouring should

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transition into grades on both sides of the lot to create a flowing, continuous streetscape. All front yard landscape improvements must include contouring plans.

1. Contouring yards shall not result in changes to drainage patterns on the lot.
2. Water shall not be directed toward the building foundation or toward any neighboring property.
3. Drainage shall not be altered to create any condition that could lead to offsite soil erosion on open spaces. The drainage area must be appropriately covered with riprap. Approved riprap colors are Apache Brown, three inch (3") to eight inch (8") angular riprap, Table Mesa Brown, three inch (3") to eight inch (8") angular riprap, or Express Brown, three inch (3") to eight inch (8") angular riprap. Riprap may be used for drainage purposes ONLY.

IV. MODIFICATION DEFINITIONS

Any changes, modifications or additions to the exterior of each home, including but not limited to: structural changes, landscaping, walls, fences, gates, driveways, walkways, pools, and in essence, anything that is visible from the street, common areas or a neighboring yard, must be submitted for approval and must have written approval from the DRC prior to beginning the work.

Accessory Buildings

1. Accessory buildings (excluding ramadas and gazebos as defined elsewhere in this section) are permitted within the rear building setbacks. The architecture must be similar or compatible with the architectural style of the residence considering use of colors and exterior materials including, but not limited to, stucco, paint, roof line, roof tiles, pillars, columns and architectural details on windows, doors, fascia, etc.
2. Accessory buildings may not exceed twelve feet (12') in height, as measured to the highest element of the roof from existing finished grade. All landscape around the accessory building must be used to compliment the aesthetic view of the building. There shall not be less than ten feet (10') between permitted accessory building and the primary structure. All buildings must be screened from view from the common area and must be placed at least five feet (5') from any party wall or side return wall, unless the structure is one foot (1') lower than the wall. Any property on a view lot is required to have an additional five foot (5') set back from the view fence and still maintain the minimum ten foot (10') setback from the primary structure. Detached garages will not be permitted as an accessory structure.

Ancillary Equipment

All air-conditioning units must be ground mounted. The top of any unit may not exceed thirty-six inches (36") from finished floor grade.

Antennas/Fixed Wireless Devices/Satellite Dishes

The Federal Communication Commission ("FCC") prohibits Associations from restricting the use of television antennas of any size or fixed wireless devices that are one meter or less in diameter

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regardless of the nature of the services provided through the antenna. However, the Association may impose reasonable restrictions relating to aesthetic and architectural considerations.

1. Antenna or fixed wireless device shall be properly bolted and secured in a workmanlike manner.
2. Antenna or fixed wireless device shall be located behind a solid wall, fence or perennial landscaping to the greatest extent reasonably possible, in order to prevent it from being seen from any street, common area or neighboring home; and shall not be higher than the fence or landscaping that is screening it from view so long as the owner can still receive an acceptable signal. **If the wireless device must be installed on a shared party wall a signed written approval must be obtained from the neighboring property.**
3. Antenna or fixed wireless device shall be architecturally integrated into the character of the home to the greatest extent reasonably possible.
4. Antennas or fixed wireless devices may not be located on a freestanding tower or platform.
5. Roof mounted antennas may not be any higher than the highest point of the roofline.

The installation of individual fixed wireless devices or antennas for apartments or multi-family dwellings will not be permitted. Declarant will be required to provide a master system for the multi-family dwellings.

Architectural Screening, Shade Devices

Screens and shade devices must appear as an integral part of the building elevation even though they may be installed after the building is completed or occupied. Materials must complement the architecture of the home and the Neighborhood in which the home is located. Colored window shading, steel or plastic shutters or wall mounted shading devices (inside or out) are not permitted. Window screening is permitted; however, screen fabric must be dark brown or black. Screen frame must match the color of the window frame. Patio sun screens will be considered; however, they must be constructed of high quality materials and match the color of the exterior of the home. All screen fabric must be properly maintained and/or replaced as needed. Most screening and shading needs can be handled with properly placed landscape materials. Window treatments must be of neutral backing. Sheets, blankets, paper, foil or other reflective material are not permitted. Window decals of any sort are not permitted, excluding one small security decal. Non-reflective window tint is permitted.

Awnings

1. Window and door awnings shall be neutral in color, complement the architecture of the home and are subject to review and approval by the DRC. Window and door awnings shall meet or exceed original standards as designed and installed by the Builder or Declarant. No scalloped or decorative edges will be permitted, straight edges only.
2. Retractable awnings shall complement the architecture of the home and are subject to review and approval by the DRC. All awning equipment and fabric must be constructed of high quality materials and must match the color of the exterior of the home. The awning must be equipped with an automated wind and/or motion sensor to prevent damage to the awning by

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excessive wind or the sun. Awnings may only be extended during the daylight hours. No scalloped or decorative edges will be permitted, straight edges only. All fabric and awning equipment must be properly maintained and/or replaced as needed.

Balconies

Balconies may extend six feet (6') into the rear building setback but must stay within the front and side building envelope. Covered balconies must remain within the building envelope. Balconies shall be designed to complement the architecture of the home and are subject to review and approval by the DRC. All balconies shall be free of debris at all times and shall not be used as a storage area at any time. Outdoor furniture or place settings are permitted accessories on balconies; however, they are subject to review and approval by the DRC. Umbrellas are not permitted on balconies.

Barbecues/Fire Pits and Fireplaces

All hardscape including barbeque units, fireplaces, fire pits, etc. must be set back a minimum of five feet (5') from all property walls and fences to allow for proper drainage. Built-in barbecue units, fire pits and/or fireplaces must be contained within the rear yard or courtyard may not drain into any common area or a neighboring property and must complement the architecture of the home by matching the color and texture of the exterior finish of the home. Wood burning outdoor fire pits, firepots or outdoor fireplaces are not permitted. Site chimney elements may not exceed a height of eight feet (8'). To achieve this, the chimney element on fireplaces must be set back a minimum of five feet (5') from any fence and five feet (5') from any other wall. All structures are subject to review and approval by the DRC.

Basketball Goals/Hoops

All basketball hoops and goals shall be permanently installed on the inside edge of owner's driveway, and may not be located closer than ten feet (10') from the inner edge of the sidewalk on the street. The pole/post may be black or dark green in color only. Basketball goals or backboards may not be mounted to the garage. Portable basketball goals may not be used in the street or on the sidewalks and must be stored completely out of view when not in use. Basketball goals may not be lighted and must be clear or neutral in color. The logo on the backboard may not exceed fifteen percent (15%) of the total backboard area.

Basketball hoops and goals are permitted in rear yards as long as they are submitted to the Design Review Committee for approval and meet the following guidelines:

1. Goals shall be located near the house to reduce the visual impact from the adjacent properties with a minimum distance of fifteen feet (15') maintained from any perimeter wall to the goal.
2. The back of the backboard shall be towards the owner's property to minimize damage to adjacent property and the nuisance that over-thrown balls may cause to neighbors. Basketball goals may not be lighted and must be clear or neutral in color.
3. No play is permitted after 8:00 pm.

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Concrete/Paver Walkways

A single walkway from the side of the driveway to the side yard gate will be permitted provided that the walkway is no wider than 42". Walkway must connect with the portion of the driveway representing fifty percent (50%) of the driveway area nearest to the garage entry as measured along the length of the garage door.

Driveways

Driveway extensions are permitted on a very limited basis and must be submitted to the DRC for review and approval. When utilizing hardscape materials such as pavers along the driveway, the maximum width should not exceed two feet (2') or extend past the outside edge of the home. Parking pads are not permitted in any case. Driveway staining is permitted; however, requires approval from the DRC.

Flag Display

The Association follows Arizona Revised Statutes 33-1808 which allows the outdoor display of the following flags on an owner's property as long as the flag is displayed in a manner consistent with the Federal Flag Code.

- Flag of the United States of America
- U.S. Army
- U.S. Navy
- U.S. Air Force
- U.S. Marine Corps
- U.S. Coast Guard
- POW/MIA
- Arizona
- An Arizona Indian Nation flag
(22 nations – a list may be obtained at www.indianaffairs.state.az.us/)
- Gadsden ("Don't Tread on Me") Flag

Only one flagpole shall be permitted and not more than two flags shall be flown or displayed per home. A flagpole, professionally painted to match the color of the home, must be set back no less than ten feet (10') from the boundary of the owner's property. Flagpoles shall be no greater than twelve feet (12') in total height as measured from the normal elevation of the home and flags shall be no larger than four feet (4') by six feet (6') in size. Owners may use white brackets mounted on the house or garage for the display of the American flag and flags displayed from such mounts shall be no larger than three feet (3') by five feet (5').

Gates

No gates to access the common areas shall be permitted. Side yard access gates must be designed, constructed and finished to match gates on homes within the Neighborhood. Consideration should be given to heavy-duty steel jambs and gate frames. Gates must be made of a material that is compatible with the finish materials utilized on the house. All gates are subject to review and approval by the DRC.

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Holiday Decorations

Given the wide range of ethnic and religious backgrounds within the Community, the Association will not regulate the types of decorations to be displayed. However, the DRC has determined to regulate the period of time decorations can be displayed. Due to the variety of religious and other holiday seasons that fall between November and December, decorations may be put up by November 1 and must be removed by January 31. For other seasonal holidays, decorations may be put up one week before the holiday and must be removed within one week after the holiday.

Lighting

The use of landscape up-lighting and down-lighting is encouraged. Lighting that will cause glare or discomfort, or disrupts the visual environment of neighboring homes or adjacent Neighborhoods or Communities, is not permitted. **All lighting must be submitted for review and approval by the DRC.**

Fixtures shall be constructed and mounted to withstand and discourage abuse. Above-ground plastic housings and connections are prohibited. Fixtures shall not be placed in turf areas or areas irrigated by spray heads due to potential water damage.

If street lighting levels are low, landscape lighting may augment illumination at the street. Any landscape light fixture shall be controlled by photocells and/or timers.

1. All lighting should be low level and recessed to shield the source of the light.
2. The maximum height of any outdoor lighting source shall be twelve feet (12') above finished grade at the base of the light standard.
3. Spotlights and floodlights are prohibited in front yards. If spotlights and floodlights are installed in the back yard, it may not be directed at or shine on a neighbor's yard or on the common area and should be integrated into the architecture of the home.
4. Integrate exterior wall, fence or building mounted light fixtures into the architecture of the house. Design light fixture enclosures to conceal the fixture and direct the light downward.
5. No post lights will be permitted in front or back yards.
6. Shrubs shall be used to conceal landscape lighting fixtures. Junction boxes must be placed below grade to minimize daytime visibility of the hardware.
7. Outdoor landscape and decorative lighting enhances the value of the home; however, proper installation and maintenance is required to minimize impact on neighboring properties. Decorative and landscape lighting shall be shielded to prevent nuisance glare onto adjacent properties. Lighting shall be automated and controlled by a timer or photoelectric system. Lighting controls shall not be mounted on perimeter walls and cannot be visible from street view or view of neighboring property. All outdoor landscape fixtures shall be low voltage. No colored lens or bulbs shall be permitted. Fixtures shall be finished to blend with the area in which they are placed. All lighting must be submitted to the Design Review Committee for approval prior to installation.

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All fixtures must be incandescent or halogen lamps less than fifty (50) watts. If an LED bulb is used it must not exceed the equivalent of lumens in a fifty (50) watt incandescent bulb. Use of warm tone lighting is preferred over bright cool tones. Colored lamps are not allowed. Excessive lighting is discouraged. However, where accent or access lighting is desired, low voltage lighting is preferred because of its ability to produce dramatic lighting effects using extremely low wattage lamps. Lighting design should consider the use of down lights over up lights to lessen the impact to the nighttime sky. Use lighting in moderation as needed to produce reasonable and safe visibility for access or accent.

Patios and Courtyards

Patios and courtyards should be designed as an integral part of the architecture of the home so they can be shaded and protected from the sun by roofs and building masses. Patio walls are further defined under Walls and Fences in this document.

Patio Covers

Patio covers, as measured to fascia, may extend half way into the rear building setback provided the maximum roof pitch is 4:12. Patio covers shall meet or exceed original standards as designed and installed by the Builder or Declarant. Colors, material and texture must match the existing body of the home. Patio covers shall be designed to complement the architecture of the home and are subject to review and approval by the DRC. All patios shall be free of debris at all times and shall not be used as a storage area at any time. Outdoor furniture or place settings are permitted accessories within the patio area.

Pools/Water Features

Consideration should be given in designing pool and spa areas to provide privacy for the owner and neighbors. Pools and spas must be sunken below grade using retaining garden walls provided appropriate drainage provisions are made. Pools and spas should be located within the rear yard only. All swimming pools and/or spas must be set back from any property wall a minimum of five feet (5') from the deck edge.

1. All product walls and fences shall meet the City of Peoria pool requirements for security and safety.
2. All swimming pools and pool/spas shall be of the in-ground type, except that above ground spas may be permitted if the spa will be adequately screened from street view and the view of neighboring property, including lots and common areas.
3. All swimming pools and pool/spas shall be enclosed as required by applicable law.
4. Pool and spa drains must connect to the public sewer system if permitted by applicable ordinance. No pools may be drained or backwashed onto any open space or onto any other property.
5. Pool construction equipment may not be placed on the common area or be brought to the site across the common area. No site access will be granted through common area tracts.
6. Any water features incorporated into the pool area shall:

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- a. Not exceed the height of the property wall
- b. Have all sides of the water feature finished
- c. Be no closer than five feet (5') to any party wall

All ground-mounted pool, spa, and water feature equipment shall be adequately screened from street view and from the view of neighboring property, including lots, common areas and any arroyo corridor, by a masonry wall at least one foot (1') higher than the equipment to be screened. Such screening structures shall be considered an integral part of the architecture and shall match the design, color and exterior texture of the home. Screening structures shall be set back from the equipment according to manufacturer's recommendations or, if no recommendations are available, shall be placed a minimum of three feet (3') away from the equipment, to allow for adequate air circulation around the equipment, but may not trespass on a neighboring lot. If the setback requirements for a lot would prohibit the construction of a screening structure as provided herein, the DRC may approve a landscape buffer as an alternative.

Prohibited Structures

The following structures shall be prohibited:

1. Storage buildings or sheds exceeding the height of any party wall or side return wall.
2. Detached garages (other than those constructed by Home Builder which have previously been approved by the DRC)
3. Clotheslines or clothes poles are prohibited.
4. Tents of a permanent nature
5. Temporary shade structures (except by permit)

Rain Gutters

Rain gutters may be added to homes to prevent erosion of landscaped areas. All gutter installations must be configured to the appropriate roof drainage plans for specific homes and elevations. In addition, they must be painted to match the home. Faux copper patina is also permitted. All plans for alterations or additions to the existing gutters must be submitted to the DRC for approval.

Ramadas, Gazebos, Pergolas, Arbors and Shade Sails

The cumulative size of all structures (including Ramadas, gazebos, pergolas and shade sails) shall not exceed ten percent (10%) of the total back yard square footage. (Note – this does not include the side yards. Irregular shaped yards will be considered on a case by case basis.)

Ramadas:

1. All Ramadas must be detached from the existing home.
2. The height of any Ramada shall not exceed ten feet (10') above the floor level of the existing home and must be set back a minimum of five feet (5') from any property wall.

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3. To ensure an open, airy appearance, no side of any Ramada or gazebo may exceed twenty-five percent (25%) residential construction materials. In other words, at least seventy-five percent (75%) of each side must be open.
4. All Ramadas shall be constructed of stable, non-deteriorating materials and shall be compatible with the design, color and materials of the home. Posts must be a minimum of six inches (6") by six inches (6"). All materials must be properly maintained at all times. All structures must be submitted to the DRC for approval.

Arbors, Gazebos and Pergolas:

1. Pergolas may be attached to the back of the home.
2. The height of any arbor, gazebo or pergola shall not exceed ten feet (10') above the floor level of the existing home and must be set back a minimum of five feet (5') from any property wall at the outer edge of the structure (e.g., rafter tails).
3. To ensure an open, airy appearance, no side of any arbor, gazebo or pergola may exceed twenty-five percent (25%) residential construction materials. In other words, at least seventy-five percent (75%) of each side must be open.
4. All arbors, gazebos and pergolas shall be constructed of stable, non-deteriorating materials and shall be compatible with the design, color and materials of the existing home.

Shade Sails:

1. To ensure an open airy appearance, the height of any shade sail shall not exceed ten feet (10') and must have a minimum of six feet (6') above the floor level of the existing home.
2. All structures must be set back a minimum of ten feet (10') from any property wall.
3. All shade sails must be made of sun resistant fabric to reduce fading and must be properly maintained to be free of rips and tears at all times.

Security and Screen Doors

Security and screen door frames shall complement the colors of the home. Screen fabric must be dark brown, black or a neutral color. "Invisible" roll screen doors with black or dark brown screens are acceptable for doors visible from street elevations. Metal roll down security shades are not permitted. All security screen doors must be submitted to the DRC for approval.

Signage

In accordance with the Village at Vistancia Community Association's CC&Rs and Arizona Revised Statute 33-1808 the following applies to for sale, for lease and open house signage.

If erected in accordance with the following guidelines no approval is required to post for sale, for lease or open house signs on an owner's property:

1. Signs may be placed on an owner's property ONLY.

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2. Signs may NOT be placed on Association common area property at any time.
3. Signs shall not exceed a height of eighteen inches (18") and a width of twenty-four inches (24").
4. Signs may contain one rider not to exceed a height of six inches (6") and a width of twenty-four inches (24"). An information tube that does not exceed a height of six inches (6") and a width of twenty four inches (24") will be considered a rider.
5. No balloons, flags or similar promotional material may be attached to the sign or any structure located on an owner's property.
6. Signs must be removed when the property is taken off the market or within seven (7) days after the close of escrow or occupancy by a lessee.

Identification signs (street numbers) shall not exceed ninety (90) square inches.

One "security" sign may be installed in the front yard of a home. The sign must be no greater than one hundred (100) square inches, no higher than eighteen inches (18") tall and placed no more than two feet (2') from the foundation of the home.

Temporary signs such as "Garage Sale" or "Open House" signs can only be put out the day of the event and must be removed the same day immediately after the event. Regulations regarding the display of temporary signs within the Community are as follows:

1. Temporary signs can only be displayed between the hours of 8:00 am and 6:00 pm and must be removed each night, even if the event is to reconvene the following day.
2. Temporary signs are restricted to one per event; in front of the home where the event is being held.
3. Directional signs may not be placed on any common areas of the Association or Vistancia Maintenance Corporation at any time.
4. Temporary signs may not be hung on any walls or fences.
5. Temporary signs may not exceed a height of four feet (4') or width of three feet (3') and must be in good repair and well maintained.

Association owners may display a political sign seventy-one (71) days before an election and three (3) days after an election. The political sign must be displayed within the owner's property. Political signs are not allowed on any common areas of the Association or Vistancia Maintenance Corporation or on the Declarant walls within the Community. A political sign is a sign that attempts to influence the election of a public officer or attempts to influence a public measure such as a ballot measure, a proposition or the recall of a public officer. Political signs shall not exceed thirty-two (32) square feet in area or eight feet (8') in height or current City of Peoria guidelines.

Signs that do not comply with these policies, CC&Rs, other Association rules and policies may be removed by the Association staff by way of a Notice of Corrective Action. The notice to the owner shall state unless corrective action is taken within fourteen (14) days, the Board of Directors may cause such action to be taken at the owner's expense. All costs incurred in correcting or eliminating this violation will be added to, and become part of, the assessment to which the

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offending owner and the owner's lot or parcel is subject, and shall be secured by the assessment lien.

Skylights

Only flat panel tinted glass style skylights are allowed. No frosted or opaque plastic skylights will be approved. 'Solatube' skylights are allowed, but shall not be visible when viewed from the fronting street.

Solar Panels

Solar panels shall be in compliance with all State and Federal law.

Swing Sets/Play Structures

Any swing set or play structure must be approved by the DRC. No set or any portion of the set shall be approved that is greater than ten feet (10') in total height. The maximum platform height cannot exceed six feet (6'). All equipment shall be a minimum of ten feet (10') from any property wall. The DRC will consider blue, green, or neutral colors for the canopy portion that exceeds the six foot (6') limitation. All equipment shall be well maintained and in good repair. The installation of rubber bark will be considered as a surface material under any play structure, but must be submitted for review and approval by the DRC.

Trampolines

All trampolines must be approved by the DRC. No trampoline or any portion of the trampoline (including safety nets or other such devices) shall be approved that is greater than ten feet (10') in height. Safety nets, if any, must be brown, black, or a neutral color. The DRC will consider brown, black, blue, green, or other neutral colors for the top and side railings of safety nets. All trampoline equipment shall be set back a minimum of ten feet (10') from any property wall. All trampoline equipment shall be well maintained and in good repair. In-ground installations will be considered when submitted for review by the DRC. It is strongly recommended all equipment be properly secured for maximum safety.

Trash and Recycle Containers

No garbage or trash shall be stored in a yard except in covered containers. Trash and recycling containers may not be stored in the front yard of any home and shall be removed from the trash pick-up area no later than 12 noon the day following trash pick-up. Both trash cans must be placed curbside four feet (4') apart (an arm and an elbow) with the rear wheels in the curb/gutter area of the street no earlier than 6:00 pm the night before trash pick-up. Trash containers must be stored in the rear or side yard behind your property wall or in the garage. No trash or recycling container may be visible from a rear or side yard view fence at any time.

Trellis

Any trellis must be ground mounted and may not be attached to a common area shared wall or neighboring wall. The overall height of the trellis may not extend past the height of any property wall.

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Walls and Fences

Walls and fences are subject to the approval of the DRC. The following provides parameters on what may be permitted:

1. No alterations, changes or additions shall be allowed to walls constructed by the Builder or Declarant or adjacent to any lot without the prior written approval by the DRC. Walls shall not be constructed within arroyo (wash) corridors or arroyo corridor easements.
2. Solid, opaque walls adjacent to common area walls shall be set back five feet (5') from the wall and shall not exceed the maximum height of six feet (6').
3. No alterations, changes or additions shall be allowed to walls constructed by the Builder or Declarant for or adjacent to any lot without prior written approval of the DRC.
4. Unless installed by Builder, no courtyard wall (wall attached to home) shall be greater than forty-two inches (42") above finished grade elevation nor be constructed in the front yard of any lot closer than twenty feet (20') to the front yard property line. Colors, material and texture must match the existing body of the home. Stucco shall be applied to exterior wall surfaces to completely cover all masonry joints and concrete block and a minimum two-coat application is required.
5. Decorative walls (free-standing walls) shall not exceed two feet, six inches (2'6") in height and must be setback a minimum of ten feet (10') from the edge of the sidewalk or, if no sidewalk is located on the lot, a minimum of fifteen feet (15') from the back of the curb. Height is measured from the finish grade along the exterior side (street side) of the enclosure. Colors, material and texture must match the existing body of the home. Stucco shall be applied to exterior wall surfaces to completely cover all masonry joints and concrete block and a minimum two-coat application is required.
6. Painted wood, unfinished gray concrete block and chain link fencing are not permitted for any walls. The Builder or Declarant may utilize any temporary fencing materials it deems necessary to protect its construction sites and maintenance yards.
7. Rear yard, side yard and patio wall surfaces shall be masonry, stucco or wrought iron. Acceptable wall materials are described below. Wall materials shall be selected to reflect the character of the home and neighborhood in which the lot is located.
8. Masonry must match the existing masonry used by the Builder for constructing walls within the neighborhood in which such lot is located or shall be stucco'd and/or painted to match the home on the interior sides and the common community wall on the exterior sides.
9. Wrought iron must match existing wrought iron both in style and color used by the Builder or Declarant.
10. If a wall is to be built on a common property line, letters from neighboring owners must be obtained stating their agreement to the construction of the wall. Neighboring homes can include homes immediately adjacent to home requesting the modification, across the street or behind the home, depending on the circumstances. Such letters shall be obtained prior to and

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enclosed with the submittal of a Review Request to the DRC for an owner-constructed wall or any addition or alteration to Declarant- constructed wall located on common property lines.

11. No chain link or similar material shall be used as fence material on lots in Vistancia. The Builder or Declarant may utilize any temporary fencing material it deems necessary to protect its construction sites and maintenance yards.
12. Variance in wall height may be granted by the DRC for walls adjacent to public right-of-way (provided that the majority of owners within that Neighborhood have signed written consents to such variance).
13. Unless otherwise specified, maximum height of walls shall be measured from the finished ground elevation on the highest side of the submitted wall.
14. Cut or fill slopes along the exterior of the wall shall be smooth and taper gradually to match existing grades.
15. Retaining walls which are partially below the finished grade or walls used as planters shall be properly moisture-proofed to avoid unsightly water staining.
16. Walls used to retain floodwaters shall be constructed to a minimum of one foot (1') above the water level of a 100-year storm.
17. No extension of side yard walls is allowed.
18. No modifications to Builder-installed walls are permitted.

Yard Art/Ornaments/Structures

Yard art is a very personal preference for individual owners. Statues, outdoor art, decorative water features, waterfalls, fountains, birdbaths, ponds, and similar landscape elements are subject to review and approval by the DRC. The following provides parameters on what may be permitted:

1. Up to two large items may be permitted per home, example: fountains, patio swings or benches.
2. All objects must be muted earth-tone colors that will blend into the landscape plan and not become the focal point.
3. Fountains and flowerpots may vary in size and must be approved by the DRC.
4. All other items must be twenty-four inches (24") or smaller.
5. Wall mounted items are limited. No more than two items per home, including door wreaths. Items must be conducive to the surrounding Neighborhood and correspond with house and landscape architecture.
6. Items such as animal skulls, deer, flamingos or trolls shall not be permitted.
7. Windowsill boxes cannot be planted with artificially looking foliage. There are a variety of silk plants available. Please choose ones that have a natural appearance. Authentic plant materials are encouraged provided they are maintained in a healthy, vibrant manner.

ALL ITEMS MUST BE APPROVED PRIOR TO INSTALLATION.

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V. NON-LIABILITY FOR APPROVAL OF PLANS

Article XI, Section 11.5 of the Declaration contains a disclaimer of liability or responsibility for the approval of plans and specifications contained in any request by an owner.

VI. CHANGES AND AMENDMENTS TO THE DESIGN GUIDELINES

The Design Guidelines may be amended as follows:

The Declarant or the Board of Directors of the Association may propose changes to these Design Guidelines. Additionally, any owner may submit to the DRC proposed changes to these Design Guidelines for review and consideration.

Such amendment shall be promptly posted in a prominent place within the Properties. Such amendments shall not be retroactive to previous work or approved work in progress. The authority to promulgate Design Guidelines is found in Article XI, Section 11.1 of the CC&Rs, which provides that the DRC shall have the authority to promulgate architectural guidelines and standards.

In no way shall any amendment to these Design Guidelines change, alter or modify any provisions of the Declaration, any supplemental Declaration or the Articles or By-Laws of the Association.

Capitalized terms that are not defined in these Design Guidelines shall have the same meaning as set forth in the Declaration.

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APPENDIX A

APPLICATION AND APPROVAL REQUIREMENTS

A. General

Pursuant to Article XI of the Declaration, any owner wishing to:

- construct improvements,
- modify or add to existing improvements (including painting),
- install a pool, spa, or other water features,
- construct, modify or install walls, fences, or hard, permanent materials such as paving, brick, masonry, wood trim, concrete, rocks, flagstone, outdoor barbecues, fireplaces, or other inert material (“hardscape”),
- landscape (including original and existing landscape),
- alter grading or drainage, or
- place any object (i.e., lighting, statues, fountains, or other yard decorations)

on their lot shall be required to submit a Modification Application (Appendix B) and supporting materials to the DRC and receive approval of the DRC prior to commencing construction. There are no exceptions or automatic approvals, with the exception that a submittal of an application and plans for repainting the exterior of a structure in its existing color is not required, if such existing color was previously approved.

It shall be the responsibility of all owners to comply with all standards and procedures within the Rules and Design Guidelines, as well as all requirements of the Declaration and any applicable Supplemental Declaration.

B. Design Review Committee

Architectural and design review and control for the Village at Vistancia Community Association are handled by the Design Review Committee (DRC) which is appointed by the Board of Directors. The DRC has been established to ensure that the conformity and harmony of external design are maintained within the Village at Vistancia Community.

The DRC shall review and approve all aspects of construction, addition, installation, alteration, repair, change, replacement or other work which in any way alter the exterior appearance, including but without limitation, the exterior color scheme or improvements which are Visible From Neighboring Property. The DRC has exclusive jurisdiction over original construction, initial landscape installation, modifications, additions and alterations made to lots, structures and landscaping on lots. After a lot and its structures and landscaping have been completed according to approved plans, the DRC shall review all proposed changes to the exterior of the structure and the lot. The DRC is appointed by the Board of Directors and is provided independent authority to approve or disapprove Modification Applications.

C. Submittal Procedures

The following procedures shall apply to owners when submitting Modification Applications to the Design Review Committee.

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1. A completed Modification Application (Appendix B), including any additional supporting materials, is required and shall be submitted to the Association office to initiate DRC review. The application shall include the following information:
 - Owner's name, mailing address, telephone number and email address.
 - The lot number and neighborhood name.
 - The nature of the request.
 - A brief description of the proposed construction or modification.
 - Planned completion date for the construction or modification proposed.
 - An acknowledgment that the owner is responsible for scheduling all work in a timely manner and for complying with any approval issued.
 - The name, address and telephone numbers of the owner's agent, or representative or subcontractor (if applicable).
2. In addition to the completed Modification Application (Appendix B), owner shall submit plans for the proposed construction or modification as follows:
 - a) For landscape, contouring, irrigation or lighting plan approval, or amendments to approved plans, owner shall submit a copy of the landscape, contouring, irrigation and lighting plans for the front and rear yards of the lot. *(Please note that the plans submitted will be retained for permanent record.)*
 - i. Identify the location of all existing or proposed plants including trees, shrubs, accent plants and groundcover. Draw proposed and existing plants at their mature size using symbols or call outs that correspond to the plant legend. If the Modification Application is for an amendment to a previously approved landscape plan, the existing trees, plants and shrubs shall be marked on the landscape plan with a circle marked with a dashed line and a cross in the center indicating their location, and with the proposed additions marked on the landscape plan with a circle marked with a solid line and a dot in the center. All landscape materials proposed to be removed shall be described as part of the Modification Application.
 - ii. The plant legend must identify the botanical and common name, installation size, size of plant at maturity (should be same size as drawn on the plan), and quantities. A plant legend must be a part of the landscape plan submittal. Incomplete submittals WILL NOT be accepted for review.
 - iii. Identify areas to receive any hardscape treatments. Clearly mark the hardscape treatments on the landscape plan and the legend so that the DRC can easily determine the location, type and color of the material. Submit material and color samples upon request.
 - iv. Identify areas to receive softscape. The plan shall clearly indicate the location and type of treatment proposed (i.e., grass areas, areas of decomposed granite, native rock applications, or boulders). Legend should indicate proposed quantities, size of material and color.
 - v. Prepare a contouring plan using minimum one foot (1') contour intervals. Indicate proposed slope ratios along the face of each contoured area (3:1, 4:1, etc.). Contouring must occur on all front yards, or any side yard located outside the fence, to provide visual interest to the streetscape and to help provide smooth, seamless transitions between proposed and existing grades. Contouring should not result in a lumpy appearance.

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- vi. Lots have been designed and graded to provide positive drainage from the lot to the street or to a retention area. The contouring plan must address the proposed direction of flow across the site. The owner shall hold harmless the Village at Vistancia Community Association and its agents, the DRC and the Declarant for any damage caused by the alteration of the grade by the owner in connection with the design or installation of owner's landscaping, including damage to owner's house.
 - vii. Provide on a separate plan, the major components of the irrigation system, if proposed, including: the location of the timer boxes, the valves and mainlines. Provide in note form the equipment specifications such as type and style of emitter or sprinkler head. If turf areas are proposed, a complete irrigation plan of such turf areas must be submitted and the location of each head must be included. Irrigation plans for turf areas must indicate with contouring and head type/locations, that excess runoff or over spray will not occur into the adjacent landscape areas or adjacent street or sidewalk.
 - viii. Identify location of proposed landscape lights, transformers or electrical equipment and method of screening. Provide construction details on the plans and equipment specifications in the legend including type of fixture, color and finish of light fixture, voltage and bulb wattage requirements. The DRC may require field-testing of fixture locations at night prior to final installation and/or owner to provide an on-site demonstration of proposed site lighting techniques.
- b) For changes to or additions to the home, the owner shall submit one set of floor plans for the site, including the plot plan and a copy of the floor plan for the model elevation. On such plans, owner shall draw the proposed changes or additions to the exterior elevation. If owner has a photograph of another house or a picture from a magazine that will assist the DRC in its review, such photo should be submitted. The application should contain a description of the materials owner plans to use in such changes or additions. If the change or addition affects the roof or roofline, a roof plan should also be submitted. A building section may be requested depending on the complexity of the change or addition. The DRC may require that an architect or engineer, depending upon the nature of the request, prepare plans.
 - c) For all other improvements, changes or additions to the lot or the home, including, but not limited to, construction, installation, or modifications of walls and fences, ancillary equipment, signage, pools, play equipment, grading, drainage and irrigation systems, the owner shall submit a site plan drawn to scale showing the location, height and dimension of the proposed improvement, change, or addition, the property line of the lot, the setback requirements, any easements, the footprint of the home and driveway, sidewalks, decks, patio, walls and existing landscape. The owner shall also submit a detailed description of the proposed improvement, change or addition, the purpose of the proposed improvement, change or addition, construction specifications, material and color samples, if appropriate, and any additional information or clarification requested. Copies of all necessary prints, fees and applications shall also be submitted. All municipal permitting is the owner's responsibility.
- 3. The DRC may request additional information and clarification of the information given if deemed appropriate by the DRC. For example, the DRC may request that large color samples be painted on key exterior walls prior to completing a project. The panel samples can be observed by the DRC at various times during the day to ensure their trueness of color under different levels of sunlight.

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Until all requested information is provided to the DRC, the Modification Application shall be deemed incomplete. **Incomplete submittals will be denied.**

4. All Modification Applications should be mailed, personally delivered, emailed or faxed to the Village at Vistancia Community Association, Inc., Attn: Design Review Committee to 29701 North Sunrise Point, Peoria AZ 85383, sclaeys@ccmcnet.com or fax 623-215-8647.

D. Review Procedures

1. The DRC shall review all requests without hearings and based solely on the information contained within the Modification Application; provided, however, the DRC and authorized agents may at any time request additional information or inspect a lot for compliance with the Declaration, these Design Guidelines and any approved plans for construction or modification.
2. The DRC may reference these Design Guidelines in reviewing requests. Although these Design Guidelines address a broad range of exterior building and site conditions, they are not intended to be all-inclusive.
3. Within 45 days of receipt of a **complete** Modification Application and all accompanying documentation, the Design Review Committee shall respond to the owner. The DRC's decision shall be rendered in one of the following three forms:
 - a) "Approved" – The entire Modification Application is approved in total.
 - b) "Approved As Noted" – The document submitted is partially approved. The owner must resubmit the modification application incorporating the DRC's conditions and receive written approval prior to commencing the construction or alteration.
 - c) "Disapproved" – The entire Modification Application submitted is not approved and no work may commence.

E. Implementation of Approved Plans

1. All work must conform to approved plans. If it is determined by the DRC or its agents that work completed or in progress on any lot is not in compliance with the Design Guidelines or any approval issued, such DRC or its agents shall notify the Board of Directors. The Board of Directors shall notify the owner in writing of such noncompliance within 30 days of inspection, specifying in reasonable detail the particulars of noncompliance and shall require the owner to remedy the same. If the owner fails to remedy such noncompliance or fails to commence and continue diligently toward achieving compliance, then such noncompliance shall be deemed to be in violation of the Declaration and these Design Guidelines.
2. If construction does not commence on a project for which plans have been approved within 60 days of such approval, such approval shall be deemed withdrawn, and it shall be necessary for the owner to resubmit the plans to the DRC for reconsideration.
3. The DRC shall include in any approval a maximum time period for the completion of any new construction or modification. The owner may request an extension of such maximum time period not less than ten days prior to the expiration of the maximum time period, which the DRC, in its sole discretion, may approve or disapprove such extension request.

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4. If construction is not completed on a project for which plans have been approved within the period set forth in the approval or within any extension approved by the DRC such approval shall be deemed withdrawn, and such incomplete construction shall be deemed to be in violation of the Declaration and these Design Guidelines.

F. Appeal of Decisions

Any owner shall have the right to appeal a decision of the DRC by resubmitting the Modification Application and supporting materials to the Board of Directors, as set forth in Section 11.2 of the Declaration; however such procedures would include the requirement that the appellant has modified the requested action or has new information which would, in the opinion of the Board, warrant a reconsideration. If the Board fails to allow an appeal or, after appeal, again rules in a manner aggrieving the appellant, the decision of the Board is final. In the event the decision of the DRC is overruled by the Board on any issue or question, the prior decision of the DRC shall be deemed modified to the extent specified by the Board, and such decision, as so modified, shall thereafter be deemed the decision of the DRC. In this regard, the Board shall have the authority to modify or overrule the decision of the DRC on any matter presented to it.

G. Building Permits

If the plans submitted by an owner require a building permit, it is the responsibility of the owner to obtain such permit. The approval by the DRC is not a guarantee that the City of Peoria will approve such plans. If the city requires design review of the plans, any changes or modifications must be resubmitted to the DRC for re-review.

H. Fees

The Board may establish and charge reasonable fees for review of applications. Any fee payments shall be made at the time of request and prior to review by the DRC. All fees shall be made payable to the Village at Vistancia Community Association, Inc. and will be non-refundable.

I. Enforcement

In the event of any violation of these Design Guidelines, the Board of Directors may take actions as set forth in Article X, Section 103 of the Declaration and may remove or remedy the violation and/or seek injunctive relief requiring the removal or the remedying of the violation. The Village at Vistancia Community Association, Inc. shall be entitled to recover the costs incurred, including attorneys' fees and cost, in enforcing compliance and/or impose a fine against the lot upon which such violation exists, which fine shall not exceed 10% of the cost of achieving compliance.

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APPENDIX B

MODIFICATION APPLICATION

Name: _____ Front _____
Address: _____ Back _____
City/State/Zip: _____ Other _____
Lot #/Neighborhood: _____
Phone: _____ Email: _____

1. Nature of Request:

- _____ Review and approval of final plans (initial submission).
_____ Appeal of a “not approved” or any notation of an “approved as noted” Modification Application.
_____ Review and consideration of exceptions to or deviations from the Design Guidelines.
Please specify: _____
_____ Review and consideration for a change to the provisions of the Design Guidelines.

2. Proposed Construction or Modification (check one or more of the following):

- _____ Addition or alterations to existing home
_____ Landscape, Irrigation, Lighting and Contouring Plans
_____ Hardscape plans (hard, permanent materials, such as paving, brick masonry, railroad ties, wood trim, concrete, rocks, flagstone, outdoor barbecue, fireplaces, or other inert material.)
_____ Walls, gates and/or fences
_____ Pools and/or spas
_____ Other on-site improvements/additions. Please specify:

3. Is lot adjacent to arroyo (wash) or open space corridor? ____Yes ____No

4. Does back yard have view fence? ____Yes ____No

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APPENDIX B

I anticipate that the proposed construction or modification described in the attached plans will be completed within _____ days/months from the date that I receive approval from the Design Review Committee. I understand that, if the proposed construction or modification is approved, I will be responsible for scheduling all work in a timely manner, for completing the work within the time period specified in the DRC's approval, and for complying with the approval issued.

I UNDERSTAND AND ACKNOWLEDGE THAT NO WORK MAY COMMENCE PRIOR TO THE WRITTEN APPROVAL OF THE DESIGN REVIEW COMMITTEE AND THAT I WILL BE LIABLE FOR ALL COSTS NECESSARY TO BRING ANY NONCONFORMING WORK INTO COMPLIANCE WITH THE DECLARATION AND THE DESIGN GUIDELINES AND FOR SUCH OTHER PENALTIES AS PROVIDED IN THE DECLARATION AND THE DESIGN GUIDELINES.

Owner's Signature

Date of Submission

FOR OFFICE USE ONLY

COMPLIANCE COMMENTS:

Granite, Apache Brown	_____	Storage Building (cannot exceed wall)	_____
Granite, Express Brown (V.C.)	_____	Play Structure 10' tall or less	_____
Granite, Table Mesa Brown	_____	20% Midiron sod ("Bob Sod")	_____
Two Trees (24" box minimum)	_____	Number of species (4 minimum)	_____
Plants/ Trees conform to list	_____	Equipment screened	_____
Minimum coverage complies	_____		

COMMENTS: _____

RECOMMENDATION:

_____ Approval _____ Approval with Modifications _____ Disapproval _____ Defer to Committee

DESIGN REVIEW COMMITTEE:

_____ Approved _____ Approved with Modifications _____ Disapproved

Design Review Coordinator

Date

Design Review Committee Member

Date

**THE VILLAGE AT VISTANCIA COMMUNITY ASSOCIATION
DESIGN GUIDELINES**

APPENDIX C

Plant List

The Village at Vistancia
Appendix C

Botanical Name	Common Name	Landscape Zones		
		Front yard	Backyard (Solid Fence)	Backyard (View Fence)
TREES				
Acacia aneura	Mulga	X		
Acacia saligna	Blue Leaf Wattle	X		
Acacia smallii	Sweet Acacia	X		
Acacia stenophylla	Shoestring Acacia		X	X
Bauhinia blakeana	Hong Kong Orchid	X		
Bauhinia congesta	Orchid Tree	X		
Bauhinia congesta 'Lunariodes'	Pink Orchid Tree	X		
Bauhinia variegata	Purple Orchid Tree	X		
Butia capitata	Pindo Palm		X	
Caesalpinia cacalaco	Cascalote	X		
Cercidium hybrid	Hybrid Palo Verde	X		
Cercidium floridum	Blue Palo Verde	X		
Cercidium microphyllum	Foothills Palo Verde	X		
Cercidium praecox	Palo Brea	X		
Chamaedorea sp.	Various Low Growing Palms		X	X
Chamaerops excelsa	Windmill Palm		X	
Chamaerops humilis	Mediterranean Fan Palm		X	X
Chilopsis linearis	Desert Willow	X		
Chitalpa tashkentensis hybrid	Chitalpa	X		
Citrus SP.	Citrus		X	X
Cycas revoluta	Sago Palm		X	X
Dalbergia sissoo	Sissoo Tree	X		
Fraxinus uhdei	Shamel Ash		X	X
Fraxinus velutina	Arizona Ash		X	X
Ficus Nitida	Ficus		X	X
Jacaranda mimosifolia	Jacaranda	X		
Leguminosae	Tipuana Tipu Tree	X		
Lysiloma microphylla v. thornberi	Desert Fern	X		
Olea europea	Swan Hill Olive	X		
Olneya tesota	Ironwood	X		
Phoenix roebelenii	Pigmy Date Palm		X	X
Pistacia chinensis	Chinese Pistache	X		
Pithecellobium flexicaule	Texas Ebony	X		
Pithecellobium mexicanum	Mexican Ebony	X		
Pithecellobium pallens	Tenaza	X		
Platanus wrightii	Sycamore	X		
Prosopis alba	Argentine Mesquite	X		
Prosopis chilensis	Chilean Mesquite	X		
Prosopis glandulosa	Texas Honey Mesquite	X		
Prosopis pubescens	Screwbean Mesquite	X		
Prosopis velutina	Velvet Mesquite	X		
Prunus cerasifera	Purple Leaf Plum		X	X
Quercus virginiana	Southern Live Oak	X	X	X
Sophora secundiflora 'Silver Peso'	Silver Peso Texas Mountain Laurel	X		
Sophora secundiflora Silver Sierra	Silver Texas Mountain Laurel	X		
Syagrus romanzoffiana	Queen Palm		X	X

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		Landscape Zones		
Thevetia peruviana	Yellow Oleander	X		
Tipuana tipu	Tipu Tree	X		
Ulmus parvifolia 'Little Leaf'	Evergreen Elm		X	X
Vitex angus-castus	Chaste Tree	X		
Schinus terebinthifolius	Brazilian Pepper		X	X
CACTI / ACCENTS				
Agave deserti	Desert Agave	X		
Agave desmettiana	Smooth Agave	X		
Agave geminiflora	Twin-flowered Agave	X		
Agave harvardiana	Harvard Agave	X		
Agave murpheyi	Hohokam Agave	X		
Agave parryi v. huachuensis	Parry's Agave	X		
Agave species	Agave	X		
Agave toumeyana	Toumey's Agave	X		
Agave victoriana	Victoria's Agave	X		
Aloe barbedensis	Aloe	X		
Aloe dawei	Dawes Aloe	X		
Aloe variegata	Partridge Breast Aloe	X		
Aloe vera	Medicinal Aloe	X		
Asclepias subulata	Desert Milkweed	X		
Asparagus densiflorus	Sprenger Asparagus	X		
Cephalocereus senilis	Old Man Cactus	X		
Cereus hildmannianus	Hildmann's Cereus	X		
Cereus repandus	Peruvian Tree Cactus		X	X
Cereus triclora	Cereus Triclora	X		
Carnegiea gigantea	Saguaro	X		
Dasyliirion acrotriche	Green Desert Spoon	X		
Dasyliirion longissimum	Mexican Grass Tree	X		
Dasyliirion wheeleri	Desert Spoon	X		
Echinocereus coccineus	Scarlet Hedgehog Cactus	X		
Echinocactus grusonii	Golden Barrel Cactus	X		
Echinocereus triglochidiatus	Claret Cup	X		
Eriogonum fasciculatum	Flat Top Buckwheat		X	X
Euphorbia Tirucalli	Mexican Firestick	X		
Euphorbia resinifera	Moroccan Mound	X		
Fouquieria splendens	Ocotillo	X		
Hesperaloe funifera	Coahuilan Hesperaloe	X		
Hesperaloe parviflora "Brakelights"	Red Hesperaloe	X		
Hesperaloe parviflora (yellow)	Yellow Hesperaloe	X		
Nandina domestica	Compact Heavenly Bamboo	X		
Nolina bigelovii	Beargrass	X		
Nolina microcarpa	Beargrass	X		
Ophiopogon jaburan 'Dwarf Kyoto'	Dwarf Mondo Grass	X		
Ophiopogon japonicus	Mondos Grass	X		
Opuntia violacea	Purple Prickly Pear	X		
Pachycereus marginatus	Mexican Fence Post	X		
Pedilanthus macrocarpus	Lady's Slipper	X		
Stenocereus thurberi	Organ Pipe Cactus	X		
Trichocereus candicans	Argentine Giant	X		
Trichocereus terscheckii	Cordon Grande	X		

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Yucca aloifolia	Spanish Bayonet	X		
Yucca baccata	Banana Yucca	X		
Yucca recurvifolia	Curveleaf Yucca	X		
Yucca rupicola	Twisted Leaf Yucca	X		
Yucca pallida	Pale Leaf Yucca	X		
SHRUBS				
Abutilon palmeri	Indian Mallow	X		
Acacia craspedocarpa	Leather Leaf Acacia	X		
Acacia greggii	Catclaw Acacia			
Alyogyne huegelii	Blue Hibiscus	X		
Ambrosia deltoidea	Bursage	X		
Anisacanthus quadrifidus v. brevilobus	Mountain Flame	X		
Anisacanthus quadrifidus v. wrightii 'Mexican Flame'	Flame Honeysuckle	X		
Anisacanthus therberi	Desert Honeysuckle	X		
Bougainvillea 'Barbara Karst'	Bougainvillea	X		
Bougainvillea 'La Jolla'	Bush Bougainvillea	X		
Bougainvillea 'San Diego Red'	Bougainvillea	X		
Bougainvillea spectabilis	Bougainvillea	X		
Buddleia marrubifolia	Woolly Butterfly Bush	X		
Caesalpinia gilliesii	Desert Bird of Paradise	X		
Caesalpinia mexicana	Mexican Bird of Paradise	X		
Caesalpinia pulcherrima	Red Bird of Paradise	X		
Calliandra californica	Baja Red Fairy Duster	X		
Calliandra eriophylla	Fairy Duster	X		
Callistemon viminalis 'Little John'	Little John Bottlebrush	X		
Canna	Canna Lilly		X	X
Carissa macrocarpa	Boxwood Beauty Natal Plum		X	X
Cassia artemisioides	Feathery Cassia	X		
Cassia didymobotrya	Popcorn Cassia			
Cassia nemophila	Desert Cassia	X		
Cassia phyllodenia	Silver-leaf Cassia	X		
Celtis pallida	Desert Hackberry	X		
Chrysactinia mexicana	Damianita	X		
Convolvulus cneorum	Bush Morning Glory	X		
Cordia boissieri	Anacahuite <i>Texas Olive</i>	X		
Cordia parvifolia	Small Leaf Cordia	X		
Cuphea hyssopifolia	Mexican Heather	X		
Cyperus alternifolius	Umbrella Plant (pots only)		X	X
Dalea frutescens 'Sierra Negra'	Sierra Negra Dalea	X		
Dalea pulchra	Indigo Bush	X		
Dicliptera suberecta	Velvet Honeysuckle	X		
Dietes bicolor	Evergreen Iris		X	
Dodonea viscosa	Hopbush	X		
Dodonea viscosa	Purple Hopbush	X		
Encelia farinosa	Brittlebush	X		
Eremophila glabra ssp. carnosus Winter Blaze	Winter Blaze	X		
Eremophila hygrophana	Blue Bells	X		
Eremophila x Summertime Blue	Summertime Blue	X		
Eremophila 'Valentine'	Valentine Shrub	X		

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<i>Ericameria laricifolia</i>	Turpentine Bush	X		
<i>Eriogonum wrightii</i>	Wright Buckwheat	X		
<i>Feijoa sellowiana</i>	Pineapple Guava	X		
<i>Gardenia augusta</i> 'Veitchii'	Gardenia	X		
<i>Guara lindheimeri</i>	Guara	X		
<i>Hemerocallis</i> sp.	Daylily (pots only)		X	X
<i>Hibiscus</i> spp	Hibiscus species	X		
<i>Hymenoxis acaulis</i>	Angelita Daisy	X		
<i>Hyptis emoryi</i>	Desert Lavender		X	X
<i>Jasminum mesnyi</i>	Primrose Jasmine		X	X
<i>Justicia californica</i>	Chuparosa	X		
<i>Justicia ovata</i>	Red Justicia	X		
<i>Justicia spicigera</i>	Mexican Honeysuckle	X		
<i>Lantana camara</i>	Bush Lantana	X		
<i>Larrea tridentata</i>	Creosote Bush	X		
<i>Leucophyllum candidum</i> 'Thunder Cloud'	Thunder Cloud Sage	X		
<i>Leucophyllum frutescens</i>	Texas Sage	X		
<i>Leucophyllum frutescens</i> 'Compacta'	Compact Texas Sage	X		
<i>Leucophyllum frutescens</i> 'Green Cloud'	Green Cloud Sage	X		
<i>Leucophyllum frutescens</i> 'White Cloud'	White Cloud Sage	X		
<i>Leucophyllum hybrid</i> 'Rain Cloud'	Rain Cloud Sage	X		
<i>Leucophyllum laevigatum</i>	Chihuahuan Sage	X		
<i>Leucophyllum langmaniae</i> 'Lynn's Legacy'	Lynn's Legacy Sage	X		
<i>Leucophyllum langmaniae</i> 'Rio Bravo'	Rio Bravo Sage	X		
<i>Leucophyllum pruinosa</i> 'Sierra Bouquet'	Sierra Bouquet Sage	X		
<i>Leucophyllum revolutum</i> 'Sierra Magic'	Sierra Magic Sage	X		
<i>Leucophyllum zygophyllum</i>	Blue Ranger	X		
<i>Ligustrum japonicum</i>	Japanese Privet		X	X
<i>Lonicera japonica</i> 'Halliana'	Hall's Honeysuckle	X		
<i>Lotus rigidus</i>	Desert Rock Pea	X		
<i>Muhlenbergia emersleyi</i> 'El Toro'	Bull Grass	X		
<i>Muhlenbergia lindheimeri</i> 'Autumn Glow'	Autumn Glow Muhley	X		
<i>Muhlenbergia rigens</i>	Deer Grass	X		
<i>Muhlenbergia rigida</i> 'Nashville'	Nashville Grass	X		
<i>Myrtus communis</i> 'compacta'	Dwarf Myrtle		X	X
<i>Nandina domestica</i>	Compact Heaven Bamboo	X		
<i>Nerium oleander</i> (dwarf)	Petite Salmon or Petite Pink		X	X
<i>Phacelia campanularia</i>	Desert Bluebell		X	X
<i>Plumbago scandens</i> 'Summer Snow'	Summer Snow Plumbago	X		
<i>Punica granatum</i> 'nana'	Dwarf Pomegranate		X	X
<i>Pyracantha koidzumii</i> 'Red Elf'	Dwarf Pyracantha	X		
<i>Raphiolepis indica</i>	Indian Hawthorn	X		
<i>Rosa banksiae</i> 'Alba Plena'	White Lady Bank's Rose	X		
<i>Rosmarinus officinalis</i>	Rosemary	X		
<i>Ruellia brittoniana</i>	Ruellia	X		
<i>Ruellia peninsularis</i>	Shrub Ruellia	X		
<i>Salvia chamaedryoides</i>	Mexican Blue Sage	X		
<i>Salvia clevelandii</i>	Chaparral Sage	X		
<i>Salvia leucantha</i>	Mexican Bush Sage	X		
<i>Senna wislizenii</i>	Shrubby Senna	X		
<i>Simmondsia chinensis</i>	Jobba	X		

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		Landscape Zones		
<i>Sophora secundiflora</i>	Texas Mountain Laurel	X		
<i>Sphaeralcea ambigua</i>	Desert Globemallow	X		
<i>Tagetes lemmoni</i>	Mt. Lemmon Marigold	X		
<i>Tecoma</i> spp	<i>Tecoma</i> species	X		
<i>Tecomaria capensis</i>	Cape Honeysuckle	X		
<i>Vaquelinia californica</i>	Arizona Rosewood	X		
<i>Viguiera deltoidea</i>	Goldeneye	X		
<i>Zauschneria californica</i>	California Fuchsia	X		
<i>Ziziphus obtusifolia</i>	Greythorn	X		
GROUNDCOVERS				
<i>Acacia redolens</i>	Desert Carpet	X		
<i>Antigonon leptopus</i>	Queen's Wreath	X		
<i>Aizoaceae</i> species	Ice Plant	X		
<i>Baccharis</i> 'Centennial'	Centennial Baccharis	X		
<i>Baileya multiradiata</i>	Desert Marigold	X		
<i>Catharanthus roseus</i> 'carpet series'	Trailing Vinca		X	X
<i>Calylophus hartwegii</i> 'Sierra Sundrop'	Calylophus	X		
<i>Carpobrotus chilensis</i>	Chilean Ice Plant	X		
<i>Convolvulus mauritanicus</i>	Ground Morning Glory	X		
<i>Dalea capitata</i> 'Sierra Gold'	Sierra Gold Dalea	X		
<i>Dalea greggii</i>	Trailing Indigo Bush	X		
<i>Drosanthemum speciosum</i> 'Rosa'	Ice Plant	X		
<i>Dyssodia pentachaeta</i>	Dyssodia	X		
<i>Eremophila glabra</i> 'Mingenew Gold'	Outback Sunrise Emu	X		
<i>Erigeron divergens</i>	Spreading Fleabane	X		
<i>Erigeron</i> 'Profusion'	Profusion Fleabane Daisy	X		
<i>Gazania rigens</i> 'Sun Gold'	Gazania	X		
<i>Hardenbergia comptoniana</i>	Lilac Vine	X		
<i>Lantana montevidensis</i>	Trailing Purple/Yellow Lantana	X		
<i>Macfadyena unguis-cati</i>	Yellow Trumpet Vine/ Cat's Claw	X		
<i>Malephora lutea</i>	Rocky Point Ice Plant	X		
<i>Melampodium leucanthum</i>	Blackfoot Daisy	X		
<i>Muhlenbergia capillaris</i> 'Regal Mist'	Regal Mist Muhley	X		
<i>Myoporum parvifolium</i>	Australian Racer	X		
<i>Oenothera barlandieri</i>	Mexican Evening Primrose	X		
<i>Oenothera caespitosa</i>	Evening Primrose	X		
<i>Oenothera stubbii</i>	Saltillo Primrose	X		
<i>Osteospermum fruticosum</i>	Trailing Aftican Daisy	X		
<i>Penstemon baccharifolius</i>	Rock Penstemon	X		
<i>Penstemon eatonii</i>	Firecracker Penstemon	X		
<i>Penstemon palmeri</i>	Palmer's Penstemon	X		
<i>Penstemon pseudospectabilis</i>	Parry's Penstemon	X		
<i>Penstemon superbus</i>	Superb Penstemon	X		
<i>Plumbago auriculata</i>	Cape Plumbago	X		
<i>Podranea ricasoliana</i>	Pink Trumpet Vine	X		
<i>Psilostrophe cooperi</i>	Paperflower	X		
<i>Salvia</i> sp. 'Quicksilver'	Quicksilver Salvia	X		
<i>Santolina chamaecyparissus</i>	Lavender Cotton	X		
<i>Santolina virens</i>	Green Santolina	X		
<i>Trachelospermum jasminoides</i>	Dwarf Star Jasmine	X		

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		Landscape Zones		
Teucrium chamaedrys	Sleeping Germander	X		
Verbena gooddingii	Goodding's Verbena	X		
Verbena tenuisecta 'Edith'	Edith Verbena	X		
Wedelia trilobata	Wedelia	X		
Zinnia acerosa	Desert Zinnia	X		
Zinnia grandiflora	Little Golden Zinnia	X		
VINES				
Antigonon leptopus	Queen's Wreath	X		
Bougainvillea 'Barbara Karst'	Bougainvillea	X		
Bougainvillea 'California Gold'	Orange Bougainvillea	X		
Bougainvillea 'Jamaica White'	White Bougainvillea	X		
Bougainvillea 'San Diego Red'	Bougainvillea	X		
Bougainvillea spectabilis	Bougainvillea	X		
Clytostoma callistegioides	Violet Trumpet Vine	X		
Gelsemium sempervirens	Yellow Flowering Jessamine	X		
Hardenbergia comptoniana	Lilac Vine	X		
Mascagnia lilacina	Lilac Orchid Vine	X		
Mascagnia macroptera	Yellow Orchid Vine	X		
Maurandya antirrhiniflora	Snapdragon Vine	X		
Rosa banksiae	Lady Bank's Rose	X		
Solanum jasminodoides	Potato Vine	X		
Vigna caracalla	Snail Vine	X		
		X		
PROHIBITED				
Brachychiton populneus	Bottle tree			
Cenchrus ciliaris or Pennisetum ciliare	Buffel Grass			
Cynodon dactylon	Common Bermuda Grass			
Eragrostis lehmanniana	Lehmann's Lovegrass			
Eucalyptus sp.	Eucalyptus Species			
Gutierrezia sarothrae	Snakeweed			
Hordeum jubatum	Foxtail Barley			
Pennisetum sp.	Fountain Grass			
Oleander sp.	Oleanders - except for petite varieties			
Olea sp.	Olive Species - except for 'Swan Hill'			
Parkinsonia aculeata	Jerusalem Thorn/Mexican Palo Verde			
Prosopis chilensis	Chilean Mesquite - in pedestrian/vehicular areas			
Rhus lancea	African sumac			

THE VILLAGE AT VISTANCIA COMMUNITY ASSOCIATION DESIGN GUIDELINES

APPENDIX D

Plant List – Back Yard Modification

PALM TREES

The following palm trees have been added to the plant list for those back yards that are fully fenced with a solid wall:

Chamaerops humulis	Mediterranean Fan Palm
Phoenix robselenii	Pigmy Date Palm
Butia capitata	Pindo Palm
Syagrus romanzoffianum	Queen Palm
Cycas revolute	Sago Palm
Chamaedorea sp.	Various low growing Palms
Chamaerops excelsia	Windmill Palm

The following palm trees have been added to the plant list for those back yards with view fence:

Phoenix robselenii	Pigmy Date Palm
Syagrus romanzoffianum	Queen Palm
Cycas revolute	Sago Palm
Chamaedorea sp.	Various low growing Palms
Chamaerops humulis	Mediterranean Fan Palm

All references to view fence/view wall herein are defined as a low standing masonry wall with a total height of three feet (3') or less, a combination of a low standing masonry wall (height varies) with over four feet (4') of transparent steel fencing attached or a freestanding transparent steel fence that may vary in height from three feet (3') to six and one half feet (6 ½'). This applies to any and all areas in which view fence/view wall is adjacent to the the Discovery Trail corridor, preserved or natural (native) open space, and parcel internal open space with preserved, natural (native) or revegetated open space. The Design Review Committee reserves the right to interpret this definition and application of this restriction where necessary.

Lots adjacent to project open space with view fence are subject to further material limitations.