

# SUNSET SHADOWS ARCHITECTURAL & LANDSCAPE DESIGN STANDARDS

**Adopted: September 13, 2010**

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## **PURPOSE AND AUTHORITY**

The following standards and rules implement the Covenants, Conditions and Restrictions for the Sunset Shadows Homeowners Association, and regulate application review, approval and inspection of modifications and additions to existing improvements on any lot.

In the following text the single word “Committee” means the Architectural Review Committee (ARC) of the Sunset Shadows Homeowners Association, or a designated agent of the ARC. The single word “work” means any modifications of or addition to the existing improvements on any lot within the subdivision. The single word “Owner” means owner or owners of record of the lot on which the work is to be performed.

### **Governmental Approval**

The lot Owner is solely responsible for obtaining all required permits and approvals from applicable public agencies such as County or City. This is particularly critical in case of any structural, mechanical or electrical Work, or when any such Work may create potential fire hazard.

The Committee will not knowingly approve any proposal that might violate governmental codes and regulations. However, the approval by the Committee (whether “Automatic” or by application, as described later) **does not** indicate or imply compliance with such codes and regulations. Conversely, governmental approval **does not** guarantee that application will be also approved by the Committee.

### **Automatic Approval by The Committee**

Work that complies with **all** of the following criteria does not require application and review by the Committee and is deemed automatically approved:

1. Located entirely within building and patio walls.
2. Not visible from any point outside building and patio walls.
3. Does not include prohibited modifications, additions, materials or plants.
4. Installation does not require equipment or personnel to pass through adjacent properties or drainage facilities, or to modify or remove any existing improvements visible from any point outside building and patio walls.

Furthermore, the following are also automatically approved:

5. Repainting outside walls and trim with exactly the same material, paint type, and color as the existing finish.

6. Repairs of existing exterior features such as walls, doors, windows, trims, with exactly the same as the existing finish.
7. Temporary holiday decorations, such as “Christmas lights”, unless specifically opposed by other residents of the subdivision. Such decorations must be removed at the end of the Holiday Season.
8. Aluminum Fascia covers is approved if the color matches as closely as possible to the approved home colors. Any other contrasting color must first be submitted to the Architectural Review Committee.

### **Application, Review, Approval and Inspection Procedures**

All Work that does not qualify “Automatic Approval” as described in the preceding section, requires application for review, approval and inspection.

#### **Application:**

Application for review and approval must be made in writing on a form included in this document, or in any other written form as long as it contains all of the following information:

1. Owner’s name.
2. Owner’s daytime phone number.
3. Lot number
4. Street Address.
5. Brief description of proposed work.
6. Include dimensioned sketch, plan and/or view that clearly illustrates all features of the proposal.
7. If landscaping, show locations and names of plants, and location and size of any features.
8. If painting, submit paint sample.
9. State whether the proposal requires approval by any governmental agency.
10. State proposed start and completion dates.
11. Mail the completed application to: Sunset Shadows HOA, c/o Cadden Parfrey Services, 1870 W Prince Rd., #47, Tucson, AZ 85705.

#### **Review, Approval, Disapproval, Appeal**

Upon receipt of the application, the Committee will respond within 30 days in writing. The response may be:

##### **Approved as submitted.**

No further discussion is needed. If the Committee fails to respond within 30 days of receipt, then the application is deemed approved as submitted.

##### **Approved as Revised by the Committee.**

The Owner may accept the revisions without further discussion, or may request a meeting with the Committee to find an acceptable compromise.

### **Not Approved.**

In this case, the Owner may request a meeting with the Board of Directors to discuss the reason for disapproval and possible alternatives. The Board of Director's decision will be binding.

### **Time Extension**

If work cannot be completed by the date stated in the application then the Owner must notify the Committee in writing at least one week before that date and must state a new completion date. Only one time extensions will be allowed up to maximum 30 days from the original approved date of completion.

### **Non-conforming Work**

Any work which does not qualify for "Automatic Approval" and is performed without prior approval by the Committee, or is found not in conformance with the approval, may be ordered removed at the Owner's expense, in addition to any fines that may be levied.

## **GENERAL APPROVAL CRITERIA**

The Committee will not reject any proposal, which conforms to the following general criteria, and to the specific guidelines described in the next section.

1. Positive visual impact: harmony with improvements existing on the Owner's lot and in surrounding neighborhood, i.e., similarity of style, material, color, size and quality, including similar character of trees and other landscaping.
2. No adverse impact: the work does not impair access, view, sunlight, ventilation or drainage of adjacent properties, and does not create hazard or nuisance of any kind in the neighborhood, including light pollution.
3. Workmanship: professional, neat, finished, clean and safe.

You may want to discuss your proposal with neighbors before submitting an application to the Committee. In some cases, the Committee may request a written agreement of your neighbors to be submitted along with your application as one of the conditions of approval.

## **SPECIFIC DESIGN GUIDELINES**

### **Building Modifications or Additions**

1. Match texture and color of adjacent walls.
2. Use same type of windows and doors as existing.
3. Do not place reflective film on windows
4. Use roofing materials similar to existing.

### **Patio Walls**

1. Do not make any modifications that are visible from outside of the patio wall. (this includes painting or stuccoing the patio wall, increasing or decreasing the height of the wall, or inserting any opening into the wall.

2. Do not support any structures directly on patio walls.
3. Do not build structures higher than the patio walls directly adjacent to those walls.

### **Screen Doors**

Screen doors must be wrought iron and painted the color of the home. Any deviation from this guideline must be approved by the Architectural Review Committee in writing prior to installation.

### **Equipment & Lighting**

1. Place mechanical or electrical equipment on the ground screen it with plants from view from adjacent properties and from streets.
2. Do not place equipment in such a way that it would obstruct access to existing air conditioning units, or to electric and gas meters.
3. Do not place any mechanical or electric equipment on roofs.
4. Avoid unshielded light fixtures that are visible from adjacent properties. In front yards use only screened landscape lights near the ground and directed downward.
5. Safety (anti-burglary) lights should be motion controlled and not lighted all night. The controls must be adjusted so as not to be triggered by movement on adjacent lots or streets. The lights must be directed so as not to shine into adjacent properties or streets.

### **Pools and Spas**

1. Pools and spas may be placed only within patio walls and must not be visible from outside patio walls.
2. Any removal or modification of patio walls required by the construction of pools and spas must be approved in advance by the Committee.
3. Drainage or emptying of pools and spas must be routed through approved filters, and pipes away from buildings, patios and adjacent properties.
4. All pool/spa equipment must be placed away from neighboring bedroom windows and patios in order to not cause a nuisance to neighbors.
5. All work must be completed within three months.

### **Landscaping**

1. Except inside patio walls as noted above under “automatic approval, “ consider plants from the Pima County Drought Tolerant and Low Water Usage Plant List.
2. Do not plant any trees with invasive horizontal root structure any closer than four feet to any wall or pavement.
3. Do not plant trees that will cast unwanted shadow or debris onto neighboring properties.
4. Do not plant trees or bushes in front of electric, gas or water meters, such that they would obscure the view of the gauges for the employees of utility companies.
5. On lots near street corners, do not plant bushes or trees where the branches would extend into “sight visibility triangles” (within the space between 30 inches and 72 inches above the street.)
6. Statues and similar features, especially of religious, mythological, political or racial nature will generally not be permitted outside buildings and patio walls.
7. Decorative flags may be flown on the day of holiday only.

8. If planters become an architectural feature, their placement and size must be approved by the Architectural Review Committee.

## **FLAGPOLES**

Pursuant to Arizona Statute 33-1808 Flag display, notwithstanding any provision in the Sunset Shadows Association documents the Association shall not prohibit the outdoor display of any of the following:

1. The American Flag or an official or replica of a flag of the United States Army, Navy, Air Force, Marine Corps or Coast Guard by an Association Member on that Member's property if the American Flag or Military Flag is displayed in a manner consistent with the Federal Flag Col (P.L. 94-344; 90 Stat. 80; 4 United States Code 4 through 10)
2. The POW/MIA Flag.
3. The Arizona State Flag.
4. Branch of Military Service Flag.
5. An Arizona Indian Nations Flag.
6. The Gadsden Flag

The flagpole used to bear the flags stated above cannot be more than the maximum height of 16 feet for a flagpole. If a Universal Holder is used, the pole used cannot be longer than six feet.

## **PROHIBITED MODIFICATIONS, ADDITIONS, MATERIALS AND PLANTS**

### **Prohibited Modifications and Additions**

The changing of established rainwater drainage pattern, whether within patio walls or elsewhere upon the Lot.

### **Prohibited Materials**

1. Any combustible materials or finishes placed closer than three (3) feet from any lot line.
2. Any reflective material.
3. Any wooden materials that are not termite treated, when placed on or close to the ground.

### **Prohibited Plants**

1. Any species of tree or shrub whose mature size is normally expected to extend beyond lot lines.
2. Any variety of Washingtonia or Phoenix Palm Trees.
3. Fruit bearing Olive Trees.
4. Mulberry Trees.
5. Desert Broom Shrubs.
6. Fountain Grass.
7. Common Bermuda Grass.
8. Buffelgrass

