

**DESIGN GUIDELINES
RULES AND REGULATIONS
FOR DOBBINS CREEK HOMEOWNERS ASSOCIATION**

The Design Guidelines / Rules & Regulations, as set forth in this document, shall interrupt and implement procedures for the Design Review Committee's review and standards, including, but not limited to, architectural design, placement of buildings, landscaping, plant selection, color schemes, exterior finish and material, signage, and wall design. These documents are intended to enhance property values and the high standards of development that exist within the Dobbins Creek Homeowners Association. Unless specifically identified as not requiring submittal for approval within this document, prior written approval from the Design Review Committee is required from all and any changes, alterations, or additions to a lot or house. The Guidelines are established to assist residents in conforming to the standards established and amended from time to time, by the Design Review Committee. Each application will be reviewed on a case-by-case basis.

PRIOR TO THE COMMENCEMENT OF CONSTRUCTION OR INSTALLATION, ALL PLANS MUST BE SUBMITTED TO THE DESIGN REVIEW COMMITTEE. APPROVAL TO PROCEED SHALL BE REQUIRED IN WRITING FROM THE DESIGN REVIEW COMMITTEE. FOLLOWING THESE GUIDELINES DOES NOT ELIMINATE THE NEED FOR SUBMISSION OF PLANS (UNLESS SPECIFICALLY NOTED).

APPLICATION PROCEDURE

Submittal

Application and plans (which will be kept on file with the Association) should be mailed or faxed to:

Dobbins Creek Homeowners Association
C/o Brown Community Management
7255 E. Hampton Ave. Suite 101
Mesa AZ 85209
Office 480-539-1396 / Fax 480-889-5087

The following information should be included with the submittal:

1. **Application Form – Architectural Design Review Form** – A completed application form (copies may be obtained from Brown Community Management or online at www.brownmanagement.com/dobbinscreek.)
2. **Plot Plan** – A site plan showing dimensions, relation to existing dwelling and plans are available at the sales office.
3. **Elevation Plans** – Plans showing finished appearance of improvement in relation to existing dwelling.
4. **Specifications** – Detailed description of material to be used, and color samples, and dimensions must be submitted.
5. **Photograph** – If submittal is for an existing structure or improvement, a photograph of the structure of improvement must accompany the submittal application.

All buildings, structures, and other improvements erected within the Dobbins Creek Homeowners Association and the use and appearance of all land within the Dobbins Creek Homeowners, shall comply with all applicable City zoning and code requirements, as well as the Declarations and these rules.

Review-Approval and/or Denial

The Design Review Committee shall have 60 days after the Association receives a submittal of plans to approve or deny plans. No verbal approvals/denials will be given by the management company. All decisions will be mailed via US Mail. Review and approval or denial will include, but is not limited to, consideration of material, quality of workmanship, colors and consistency with the external design and color of existing structures on the lot and impact on neighboring lots. The location of the improvement with respect to topography and finished grade elevation is also considered. Neither the Design Review committee, nor the Board of Directors, nor the Declarant shall have any liability in connection with, or related to approved plans, specifications, or improvements. The approval of the plans does not mean that judgment is passed on the structural soundness of the improvement, nor its effect upon existing or future drainage. The review of the plans is for aesthetic purposes only.

Approval Expiration

Construction must be started within 90 days of the date of the Committee's approval of the application or the Committee's approval shall be deemed withdrawn and plans must be resubmitted in accordance with these Rules.

Construction Period

Once started, construction shall be pursued diligently on order to assure prompt completion thereof. Absent a different deadline for completion of construction (which may be shorter or longer, at the Committee's discretion), such construction shall be completed within six (6) months of the date of the Committee's approval of the application.

Appeal

Any appeal of the Committee's decision must be submitted in writing , within 30 days of the mailing date of the Committee decision to:

Dobbins Creek Homeowners Association
c/o Brown Community Management
7255 E Hampton Ave. Suite 101
Mesa AZ 85209
Office: 480-539-1396 / Fax: 480-889-5087

THESE DESIGN GUIDELINES-RULES AND REGULATIONS MAY BE AMENDED FROM TIME TO TIME BY A MAJORITY VOTE OF THE BOARD OF DIRECTORS.

DESIGN GUIDELINES

ANTENNAS / SATELLITE DISHES

The extent permitted by applicable law, the installation of antennas, satellite dishes or other devices for the transmission or reception of television or radio signals or any other form of electromagnetic radiation shall be subject to the prior written approval of the Design Review Committee unless applicable law prohibits the Design Review Committee from requiring such approval. If the applicable law prohibits the Design Review Committee from requiring prior approval for the installation of certain antennas, any such antennas are to be installed as follows:

The preferred installation locations are as follows in descending order of preference:

1. A location in the back yard of the lot where the neighboring lots will be screened from view by landscaping or other improvements.
2. An unscreened location in the backyard of the lot.
3. On the roof, but below the roof line.
4. a location in the side yard of the lot where neighboring lots and any pole or mast will be screened from view by landscaping or other improvements.
5. On the roof above the roofline.
6. An unscreened location in the side yard.
7. A location in the front yard of the lot where the receiver will be screened from view by landscaping or other improvements.

Wires must be securely attached to the dwelling and painted to match where attached.

AWNINGS

Awnings must be approved by the Design Review Committee. Awnings over all windows shall be canvas or similar material, of solid color on both sides, which match the color of the body of the exterior of the home or roof color and shall be installed only on the side and/or rear of the home. All awning submittals must include a drawing with the location of the proposed awning installation. A sample of the material to be used, along with the color and design of the proposed awning is required. Owner is responsible for maintenance and repair of awnings. The Association retains the right to determine when an awning must be repaired and or replaced due to weathering, fading, tearing, ripping, etc.

BASKETBALL GOALS

1. Only pole mounted backboards and goals are acceptable. Poles must be set in the ground permanently. Backboards shall not be attached to the house, garage or roof.
2. Goals installed on the exterior of the driveway (toward the side yard of the lot) require the adjacent neighbor's written approval.
3. Permanent basketball poles located in front or rear yards must be painted to match the color of the body of the exterior of the home.
4. Backboards must be of a predominantly neutral color (gray, black or white) or match the color of the body of the exterior of the home. Clear plastic backboards are acceptable without painting.
5. All equipment must be constantly maintained. Broken backboards, disfigured or bent rims, ripped or torn nets, chipped and/or peeling paint, etc. must be promptly repaired or replaced.

6. Only nylon or similar cord nets are acceptable. Metal or chain nets are expressly prohibited.
7. Courts may not be painted or permanently outlined on the driveway or other concrete surfaces in the front or side yard.
8. Lighting for night use of equipment is prohibited
9. Portable basketball goals are expressly prohibited, except in rear yards.

Basketball equipment does not need to be submitted for approval providing the equipment is in compliance with the above mentioned rules.

CHIMNEYS

Chimneys shall be constructed of the same material, texture and color of the home.

DECORATIVE ITEMS

Decorative items placed in front yards and rear yards with view fencing must be submitted for approval in writing to the Design Review Committee. The Committee reserves the right to require removal of any decorative items in yards that are visible based on the size, quantity, color, location and any other criteria that the Board may determine.

Seasonal and Decorative Flags

Seasonal and decorative flags that are mounted on the house below the roofline do not require approval. Seasonal flags must be removed within 30 days after the date of the holiday to which the flag pertains. Flags must be maintained in good condition at all times. Torn, ripped, faded etc. constitute grounds for fines and removal. Flags shall not be offensive to the Association. The Board of Directors shall make this determination at its sole discretion.

Holiday Decorations

Holiday decorations may be installed 30 days prior to the holiday and must be removed within 30 days after the holiday.

Decorative and Seasonal Items

The Board of Directors reserves the right to require the removal of decorative items in front yards based on size, quantity, color, location and any other criteria. The Board of Directors, at its sole discretion, shall make its determination on a case by case basis.

Decorative Art on Houses

Decorative art on houses shall be neutral in color and may be limited in number, so as to not dominate the appearance of the home. Dimensions of decorative art shall be no greater than three feet in length, width and height.

Water Features, Statuary, Etc.

Items such as fountains, statuary, etc., are permissible within the rear yard and do not require submittal to the Design Review Committee, except on Lots with view fencing. Any items installed in the rear yard must not exceed the wall or fence height. Such items must be approved by the Design Review Committee from installation in the front yard. Water features may not exceed 4 ½ feet in height. It is recommended that water features be chlorinated. The Committee reserves the right to limit the size and quantity of statuary in the front yard, as well as rear yards with view fencing. Statuary must not exceed 12 inches in height, must be of earth tones and must be approved by the Design Review Committee.

DRIVEWAY EXTENSIONS AND SIDEWALKS

Driveway extensions will be reviewed for approval provided the following conditions are met.

1. Only driveway extension submittals located in the side yard of the property will be considered.
2. Submittals must include a plot plan with the location and dimensions of the proposed extension, the existing driveway dimensions, and the total linear feet of lot frontage.
3. The total parking area may not exceed whichever is greater of the following: thirty (30) feet of contiguous linear frontage or fifty percent (50%) of the lot width (existing plus extension) as measured at street frontage.
4. Homeowners with four car garages will not be permitted to add a driveway extension since this will exceed the provision directly above. Rather, these homeowners will be permitted to request one of the following options:
 - a) A stabilized decomposed granite driveway that matches the existing granite in the front yard. Homeowners may not park vehicles on this extension. Color samples of existing and proposed granite **must** be submitted.
 - b) A sidewalk no more than three feet in width from the rear of the yard to the existing driveway. Additionally, the sidewalk may not exceed three feet past the front edge of the home and shall not run parallel to the driveway as to exceed the 30-foot limit.
 - c) Either option must be submitted to the Design Review Committee for consideration for approval.
5. If the extension ends within one foot of the side property line, it shall require the written input of the adjacent neighbor, address, date, signature, and clear statement of the proposed improvement. The front yard or a material approved by the Design Review Committee.
6. Painting of paved surfaces is prohibited.

Additional Sidewalks

Sidewalks installed to utilize the side gates do not need to be submitted if all the following conditions are met:

1. The additional sidewalk is three (3) feet or less in width, is one foot or more from the property line and is one foot or further from the homes.
2. The area between the home and the sidewalk addition must have groundcover installed per the landscaping guidelines or to match the existing ground cover.

The Design Review Committee reserves the right to review and request changes to the addition per these requirements. Additional sidewalks in any other location must be submitted for approval.

FENCES AND WALLS INCLUDING DECORATIVE WALLS

Plans to raise the height of a party wall must be submitted for approval with written permission from the adjacent neighbor(s) as well as with information on the height of all walls that will abut the wall(s) being raised. Side and rear walls may not exceed six (6) feet in height from ground level, as measured from the lowest side of the wall.

Plans for new fences or walls must be submitted to the Architectural Review Committee prior to construction. Walls must match the existing wall in texture and color.

Access for pool installation must be through the front gate access or by removing a portion of the front wall. Corner lots must receive prior approval to remove a portion of the sidewall. Access for pool installation is prohibited through common areas.

Decorative or garden walls may not exceed thirty-six (36) inches in height. Decorative or garden walls must be submitted for approval prior to installation, and be stuccoed and painted to match the base color of the home.

FLAGPOLES

Flagpoles are not allowed except at the model homes during development.

GATES

All requests for additional gates or gates other than those that were offered by the original developer of the lot/home must be submitted for architectural approval. Placement of gate(s) must be approved by the Design Review Committee. Double gates may be installed to allow wider access to rear yards. All gates (double or single) should be of the same material, design and color as they originally installed single gates unless approved by the Design Review committee. Gates may be painted to match the fence with approval from the Design Review Committee.

GUTTERS AND DOWNSPOUTS

Gutters and downspouts will be considered for approval if the finish matches the color of the home. The Association strongly recommends use of high quality material that offer long life, as the gutters must be maintained in good condition at all times.

HVAC INCLUDING EVAPORATIVE COOLERS

Except as initially installed by the Declarant, no heating, air condition or evaporative cooling unit shall be placed, installed, constructed or maintained upon any lot without the prior written approval of the Design Review Committee. All units shall be ground mounted, located within the perimeter of the rear yard and screened or concealed from view of all neighboring property.

LANDSCAPE GUIDELINES

Front Yard Landscaping

If landscaping is not installed by the Builder, the homeowner must install it within 90 days after becoming the Owner of a Lot. All rear yards with view fencing are required to have landscape approved and installed within 90 days from the date of the close of escrow. The landscaping and irrigation improvements shall be installed in accordance with plans approved in writing by the Architectural Committee. Prior to installation of such landscaping, the Owner shall maintain the front yard of the Lot in a weed-free condition.

Front yard landscaping must have a minimum of one (1) fifteen-gallon tree, eight (8) five-gallon shrubs, organic or inorganic ground cover and underground irrigation system to the plant material. The tree requirement may be substituted with approved cactus with a minimum height requirement of five (5) feet.

Rear Yard Landscaping

Rear yard landscaping does not require Architectural Committee approval, except on Lots with view fencing. Lots with view fencing must have landscaping approved and installed within 90 days from the date of close of Escrow.

Hardscape

Any hardscape items proposed for front yard installation must be approved by the Architectural Committee. Materials included in hardscape are concrete, brick, tile, wood, etc. Examples of hardscape items are planters, walkways, retaining walls, decorative walls and fountains.

Turf

Turf installed in the front yard landscaping must be maintained green year round unless otherwise specified by the Board of Directors.

Rock Ground Cover

If decomposed granite or other landscape rock is used, it must be of an "earth tone" color and not white, green blue or any other bright/unnatural colors. River rock shall be one (1) to six (6) inches in diameter and not more than fifteen percent (15%) of the front yard landscaping. Lava rock is prohibited.

Prohibited Plant Material

The following vegetation types and varieties are expressly prohibited:

- A. Olive trees (*Olea Europaea*) other than the "Swan Hill" variety.
- B. Oleanders (*Nerium Oleander*) other than the dwarf variety and *Thevetia* (*Thevetia* species).
- C. Fountain Grass (*Pennisetum Setaceum*) or Pampas grass (*Cortaderia Selloana*).
- D. All varieties of Citrus are permissible within the confines of the rear yard only.
- E. Mexican Palo Verde (*Parkinsonia aculeata*).
- F. All varieties of Mulberry trees

Lighting

Please refer to Landscape Rules or Security Lighting

Machinery and Equipment

No machinery, fixtures or equipment of any type, including, but not limited to, heating, cooling, air conditioning, refrigeration equipment, and clotheslines, may be placed on any lot or parcel without screening or concealment from view of non-residential neighboring property or public property.

Oil pans, carpet, boards or any other object used to collect oil spills from driveways must be removed when not in use to prevent them from being visible.

PAINT COLORS

The paint colors used by the original developer are highly recommended for use in all instances. In the case of any variation from the original colors, the preferred colors are earth tones. Trim colors shall not dominate the exterior appearance and shall be of the same color range of the major color. The Design Review Committee must approve exterior color changes prior to painting. Submittals must include a color sample.

PATIO COVERS

Roofing materials should match that which were installed by the builder on the original roof of the home or that which were offered as an option by the builder for a patio cover. Color and material of supports should match the home. Roof shall be flat or match the pitch of the roof of the home. All patio covers, not installed by the builder, will need to be reviewed by the Design Review Committee on an individual basis, prior to installation, with strong consideration being given to any impact of architectural features in the neighborhood.

PLAYGROUND EQUIPMENT

Plans for play structures and similar recreational equipment must be submitted for approval since, in most instances, they protrude over the fence line. This is not to eliminate play structures, but to consider privacy issues for adjacent neighbors and to assure the aesthetic appeal.

The maximum height that will be considered for approval of swing sets and other play equipment without the written input of the immediately adjacent neighbors shall be eight (8) feet at its maximum height must include the written input from all adjacent neighbors. In no case will the maximum height of any such improvement be permitted to exceed twelve (12) feet. The maximum height for any deck/platform is four (4) feet above ground level.

The play structure may be placed no closer than seven (7) feet to any lot line. When considering plan approval, the Committee will consider the appearance, height and proximity to neighboring property. Submittals must include a picture or brochure of the structure, total dimensions, materials and a plot map or drawing indicating the proposed location and its proximity to adjacent property lines.

The color of canopy of the play structure must be one of the following:

1. Canvas covers shall be of a "neutral" color, off white, beige or light brown.
2. A single solid color of red, blue, green or yellow
3. Stripped with white and one (1) other color; red, blue, green or yellow
4. Prints and multi-colored stripped canopies are prohibited.

Neighbor input shall include a signed statement acknowledging the proposed equipment; it's height, material and color. Neighbor's name and lot number must be noted.

POOLS AND SPAS

Pools and spas do not require the prior approval of the Design Review Committee. Perimeter walls on lots bordering common areas and shared homeowners Association walls may not be torn down to allow access to rear walls.

Access must be gained by removing a portion of the front wall on the side of the home. Repairs to the wall must be completed in a timely fashion and include repairing the wall to match the texture and color of the remaining wall. All pool and spa equipment must be screened from view of neighboring property. (Lots with view fencing must submit plans for screening from approval by the Design Review Committee).

Pools may not be backwashed into any common area. Check with your pool contractor concerning City ordinance requirements for backwashing. The Association will repair damage, including erosion, to any common areas due to backwashing and all expenses incurred by the Association will be billed to the homeowner.

POOL FENCING AND EQUIPMENT

The specifications for rear yard wrought iron pool fencing installation on a Lot with view fencing shall be of a neutral earth tone color to match or blend with the exterior color of the home and meet all City, State and Federal requirements.

Pool equipment on lots with view fencing must be screened from view from common areas. Screening may be through plant material or hardscape enclosure. Hardscape enclosures do not require approval if the enclosure does not exceed four feet in height and is stuccoed and painted to match the base color of the home. All other screening material requires approval from the Design Review Committee.

ROOF AND ROOF STRUCTURES

If the dwelling unit has pitched roof, the roofing material for that portion visible from neighboring property must be clay or concrete tile. Unless specifically authorized in this document, no heating, air-conditioning, ventilation equipment, or any other equipment or structures shall be located or installed on any roof (please see SOLAR PANELS). In addition, any such equipment or structures shall not be located or installed or maintained anywhere on a lot if it is visible from neighboring property.

SANATATION

No garbage or trash may be placed on any lot or parcel except in covered containers meeting the City specifications, and must be stored out of sight. Trash cans may be placed out for pickup, no more than 12 hours prior to pickup and must be removed from view no more than 12 hours after pickup. Rubbish, debris and garbage shall not be allowed to accumulate.

Each owner shall be responsible for removal of rubbish, debris, and garbage not only from his lot or parcel, but also from all public right-of-ways either fronting or along side his lot or parcel, excluding (a) public roadway improvements, and (b) those areas specified on a Tract Declaration or subdivision plat to be maintained by the City or the Association.

SECURITY LIGHTING/DEVICES

Security lighting must be directed so that it does not shine on neighboring property. Security features including but not limited to doors and windows must be submitted for approval.

SECURITY/SCREEN DOORS/SUNSCREENS

Wrought iron security/screen doors need not be submitted for approval provided they are painted to match the base color of the home, or are a neutral "earth tone" color. Silver colored aluminum screen/security doors and/or wire screen mesh doors are strictly prohibited on front doors.

Bronze, gray, charcoal, brown or beige sunscreen material may be installed and not submitted for approval provided that the window frame matches the sunscreen material or the existing window frames.

Reflective window films are expressly prohibited. Bronze or charcoal non-reflective window tinting may be installed without Design Review Committee review.

SIGNS

No signs shall be displayed on any lot except the following:

- A. Signs used by the Declarant to advertise the lots and residence there on for sale.
- B. One temporary “For Sale” or “For Rent” sign with a maximum face area of five hundred (500) square inches in size, and no sign is placed closer to the street than six (6) feet.
- C. Such signs as may be required by law.
- D. One residential identification sign with a maximum face area of eighty (80) square inches.
- E. Signs approved by the Design Review Committee

All signs shall conform and comply with City ordinances. Signs advertising landscaping or pool contractors, etc. must be removed within forty-eight (48) hours of completion of work.

Security Signs

Security signs must be located a minimum distance of two feet from the street, and they may not exceed 12 inches by 12 inches.

SOLAR EQUIPMENT

Roof mounted solar equipment, (excluding the solar panels), must match the roof material. Panels must be an integrated part of the roof design and mounted directly to the roof plane. Solar unites must not break the roof ridgeline, visibility must be minimized from public view and may be required to be screened from neighboring property in a manner approved by the Design Review Committee.

STORAGE SHEDS

Storage sheds will be permitted and need not be submitted for approval, provided the maximum height of the shed, including roof, do not exceed the height of the immediately surrounding walls(s) or fence(s). Sheds shall have a minimum setback of 5 feet from any rear yard walls.

Sheds whose maximum height exceeds the height of the immediately surrounding wall(s) or fence(s) must be constructed of block, stuccoed and painted to match the home, and with a tile roof to match the existing tile on the home. Storage sheds on lots with a view fence are subject to the following provisions:

1. The shed may not be placed adjacent to the view fence.
2. The shed must be screened from view with approved plant materials.
3. Placement of the shed must be approved prior to installation.

WINDOWS

Permanent draperies or suitable window treatments shall be installed on all front-facing windows within sixty (60) days of occupancy. Fabric or shade type window treatments must show white or off-white (cream color) to the exterior. Wood blinds or shutters in white, cream, off-white or natural wood color are also acceptable. No reflective materials, including but not limited to , aluminum foil, reflective screens, glass, mirrors or similar type material shall be installed or placed upon the outside or inside of any windows. Exterior window coverings or treatments used to shelf or decorate openings must be compatible, with respect to materials and color, with the style and color of the home. Security or black out exterior roll down shutters and exterior window guards/bars are expressly prohibited.

EXHIBIT B
SPECIFICATIONS FOR BASKETBALL POLES,
BACKBOARDS AND GOALS

1. Only pole-mounted backboards and goals are acceptable. Backboards shall not be attached to the house, garage or roof.
2. Basketball poles must be painted to match house or trim color
3. Poles must be set in the ground permanently, and must be centered between garage wall and back of sidewalk.
4. Backboards must be of a predominantly neutral color (black, gray or white), or match the house or trim color. Clear Plexiglas or glass backboards are acceptable.
5. Portable or temporary goals are acceptable; however, they must be removed from visibility after play has ceased (a goal may not remain out overnight).
6. All equipment must be constantly maintained. Broken backboards, disfigured or bent rims, ripped or torn nets, chipped and/or peeling paint, etc. constitute grounds for fines and/or removal.
7. Only nylon or similar cord nets are acceptable. Metal or chain nets are not acceptable.
8. The Owner of the Lot with the basketball pole backboard is fully responsible for ball containment on his property. Any damage to neighboring property or landscaping from basketballs shall be property Owner's (with the goal or standards) responsibility to repair or replace.

Lots with basketball poles, backboards and goals that do not meet these requirements will be assessed to fines in accordance with Association Rules and /or the Association's rates and/or removed at the Owners expense.