

**COMMUNITY WIDE STANDARDS
&
DESIGN GUIDELINES
FOR
SKY MOUNTAIN GOLF ESTATES**

**Prepared and Distributed by the
SKY MOUNTAIN GOLF ESTATES
ARCHITECTURAL REVIEW COMMITTEE
(ARC)**

**REVISED
August 26, 2020**

SKY MOUNTAIN GOLF ESTATES
COMMUNITY WIDE STANDARDS AND DESIGN GUIDELINES

INTRODUCTION

Living in a master-planned community offers many privileges as well as imposing certain restrictions. Sky Mountain Golf Estates (Association or Community) has been developed for the mutual benefit of all its residents. In order to preserve the value, desirability, attractiveness and architectural integrity of the community, the CC&R's have authorized the formation of the Architectural Review Committee (ARC).

Formation-The Association is created by the recording of the Declaration of Covenants, Conditions, Restrictions, Reservations and Easements (the CC&Rs). The CC&Rs set forth procedures, rules and regulations, which govern the community. The Board of Trustees (Board) is charged with responsibility for overseeing the business of the Association. The ARC is established by the Board to review all improvements within the Association including new construction and modifications to existing properties. These Community Wide Standards and Design Guidelines (Guidelines) are an extension of the CC&Rs and they are designed to be used in harmony.

Purpose-The purpose of the ARC is to ensure consistent application of these Guidelines. The responsibility of the ARC is to ensure that the harmonious and high quality image of the Association is implemented and maintained in an effort to protect property values. The Guidelines promote those qualities in the Association which enhance the attractiveness and functional utility of the Community. The qualities include a harmonious relationship among structures, vegetation, topography and overall design of the Community.

Scope of Authority-The ARC monitors any portion of any lot which is visible to the public or from other lots, the Street or Association common areas. This would include backyards, which are visually open to other lots or Association common areas. The ARC is vested with the power to review and approve all improvements made within the Community. These improvements include but are not restricted to the following; the construction of homes, additions, modifications and alterations to residential dwellings, signs, fences, walls, screens, patios and patio covers, landscaping, building color changes and any other modification of the exterior of a dwelling or other improvement or alteration to your property.

Guidelines-The ARC has adopted these Guidelines to evaluate proposed construction activities. **The Board may grant variances from these stated guidelines in its sole discretion.** These Guidelines may be amended from time to time by the ARC or the Board. Owners will be notified of any amendments to these guidelines either electronically or via U.S. Mail. Additional copies of these Guidelines will be available at the manager's office. Such amendments shall not be retroactive to previous work or approved work in progress.

APPLICATION

PLEASE FOLLOW THESE PROCEDURES AND DO NOT START YOUR IMPROVEMENT UNTIL YOU HAVE RECEIVED APPROVAL FROM THE ARC.

Application Submission- Prior to commencement of any addition, alteration or construction work of any type, you must first file a Construction Application and receive written approval from the ARC. Failure to obtain the approval of the ARC may constitute a violation of the CC&R's and will require the modification or removal of unauthorized work or improvements at your expense.

Application Process- ARC applications may be obtained at the office. The ARC will review each submittal and respond within thirty (30) days after receipt of a complete application for approval. The ARC will respond in one of the following three forms:

1. Approved-the entire document submitted is approved
2. Conditionally approved-The document is partially approved and the Owner must comply with any and all notations on the submittal.
3. Denied-the entire document is not approved and no work may commence.

Appeal Process-Property Owners may appeal the decisions of the ARC to the Board for consideration, in which case, the decision of the Board shall prevail. Owner must submit a written request to the Board for a hearing within 10 days of the written decision of the ARC. The Board will schedule a hearing within 15 days of receipt of the request from the property owner. The property owner may state their case at the hearing, but the Board does not have to render a final decision at the hearing. The Board will notify the property owner in writing of their decision within 5 days of the hearing. The decision of the Board shall be conclusive.

Approval Expiration-Construction must be started within 90 days of the date of the ARC's approval of the application or the approval shall be deemed withdrawn and plans must be resubmitted.

Construction Deposit - When plans and specifications for the construction of improvements are submitted to the ARC pursuant to these restrictions, said submission shall, at the request of the ARC, be accompanied by a maximum deposit of \$1,000.00 to guarantee that the construction site during the course of construction will be maintained reasonably free of debris at the end of each working day and that the construction will be completed and the drainage swales and structures will correctly drain surplus water to the street or other approved locations, all as shown on the plans and specifications submitted to the ARC for approval. In the event of a violation of this restriction, the ARC may give written notice thereof to the builder and Owner of the Unit in question that if such violation is not cured or work commenced to cure the same within forty-eight (48) hours after the mailing of said notice, the ARC may correct or cause to be corrected said violation and use said deposit, or as much thereof, as may be necessary to cover the cost of such correction work. In the event that the cost of curing said violation shall exceed the amount of said deposit, said excess cost shall be paid by the Owner of the Unit in

question to the ARC. Said deposit or any part thereof remaining in the hands of the ARC at the completion of the construction work shall be returned by the ARC to the person who made the deposit.

INSPECTION PROCESS

Inspection of work and correction of defects therein shall proceed as follows:

Upon the completion of any work for which approval plans are required under this Article, the Owner shall give written notice of completion to the ARC.

Within ninety (90) days thereafter, the ARC or its duly authorized representative may inspect such improvement. If the ARC finds that such work was not done in substantial compliance with the approved plans, it shall notify the Owner in writing of such noncompliance within such ninety (90) day period, specifying the particulars of noncompliance, and shall require the Owner to remedy the same.

If, upon the expiration of thirty (30) days from the date of such notification, the owner shall have failed to remedy such noncompliance, the ARC shall notify the Board of such failure. The Board shall notify the owner of a hearing date which shall be within 10 days of the ARC's notice to the Board. After affording such Owner notice and hearing, the Board shall determine whether this is a noncompliance and, if so, the nature thereof and the estimated cost of correcting or removing the same. If a noncompliance exists, the Owner shall remedy or remove the same within a period of not more than thirty (30) days from the date of announcement of the Board ruling. If the Owner does not comply with the Board ruling within such period, the Board, at its option, may either remove the non-complying improvement or remedy the noncompliance, and the Owner shall reimburse the Association upon demand, for all expenses incurred in connection therewith. If such expenses are not promptly repaid by the Owner to the Association, the Board thereof shall levy a special lien assessment against such Owner for reimbursement.

If for any reason the ARC fails to notify the Owner of any noncompliance within ninety (90) days after receipt of said written notice of completion from the Owner, the improvement shall be deemed to be in accordance with said approved plans.

GENERAL PRINCIPLES

Architectural Compatibility-The proposed construction must be compatible with the architectural characteristics of the property itself, adjoining properties and the neighboring setting. Compatibility is defined as harmony in style, scale, materials, and color and construction details. In general, any exterior addition or alteration to an existing residence shall be compatible with the architectural character of the original structure. The height of any addition to an existing home shall not be higher than the original roof line or twelve (12) feet above the floor level of the existing structure.

Building Permit-If the plans submitted by an Owner require a building permit, the approval by the ARC is not a guarantee that such plans will be approved by the City of Hurricane. If the City of Hurricane requires modification to such plans, such modifications must also be submitted to and approved by the ARC for the Owner to remain in compliance with these guidelines. The ARC and the Association assume no responsibility for obtaining these review and approvals.

Construction Period-Once started, construction must be pursued diligently in order to assure prompt completion. Absent a different deadline for completion of construction (Which may be shorter or longer, at the ARC's discretion), such construction shall be completed within twelve (12) months of the date of the ARC's approval of the application.

Liability- Neither the ARC, nor any member thereof, nor their duly authorized ARC representatives shall be liable to the Association or to any Owner for any loss, damage or injury arising out of or in any way connected with the performance of the ARC's duties hereunder, unless due to the willful misconduct or bad faith of the ARC. The ARC shall take into consideration the aesthetic aspects of the architectural designs, placement of buildings, topography, landscaping, color schemes, exterior finishes and materials and similar features, but shall not be responsible for reviewing, nor shall its approval of any plan or design be deemed approval of, any plan or design from the standpoint of structural safety or conformance with building or other codes.

Move On- No structure of any kind shall be moved from any other place onto any Lot without the prior written permission of the ARC.

Protection of Neighbors-The interest of neighboring properties must be protected by making reasonable provisions for such matters as access, surface water drainage, sound and sight buffers, light and air, and other aspects of design, which may have a substantial effect on neighboring properties.

View-There are no representations or warranty with respect to the presence or absence of any view from any portion of any Unit. Any existing view may change or be blocked or impaired depending upon construction, landscaping or other activities undertaken. As a general principle the ARC defines "view" as between lot lines and straight back.

Waiver- The approval of the ARC to any proposals or plans and specifications or drawings for any work done or proposed or in connection with any other matter requiring the approval and consent of the ARC, shall not be deemed to constitute a waiver of any right to withhold approval or consent as to any similar proposals, plans and specifications, drawings or matter whatever subsequently or additionally submitted for approval or consent.

Workmanship-The quality of workmanship evidenced in construction must be equal to, or better than, that of the surrounding properties. In addition to being visually objectionable, poor construction practices can cause functional problems and create safety hazards. The Association and the ARC assume no responsibility for the safety or

liability of new construction by virtue of architectural or workmanship. The review of the plans is for aesthetic purposes only.

**SKY MOUNTAIN GOLF ESTATES
ARCHITECTURAL REVIEW COMMITTEE**

**COMMUNITY WIDE STANDARDS
AND DESIGN GUIDELINES**

1.0 STYLE AND COLOR

1.1 In general, the one (1) story residence is preferable in order to blend with the existing architecture of the Community; however, in certain cases, more than one (1) story may be approved by the ARC.

1.2 Log houses, pre-manufactured houses, earth or berm houses, relocated houses, flat-roofed houses, all metal frame houses or all metal auxiliary buildings are not accepted. In no case will a mobile, modular or prefabricated home be allowed on a lot in the community.

1.3 Colors should be predominantly earth tones, with limited use of accents. The ARC has adopted a color chart which is available at the office. Homeowners must also seek to coordinate colors with existing features such as: style, accents, roofs and walls, etc. Following color selection from the aforementioned color chart the painting contractor shall be required to paint two (2) test patches 2'x3' for each of the new colors. Test patches shall be tangent when possible or as close as is practicable permitting consideration of color harmony in varied light conditions (i.e. direct sun and shade). This to avoid disappointment or conflict, should the paint appear differently when applied.

2.0 SIZE OF HOME (SF shown below does not include basement SF.)

2.1 Single Family Residence - 1,500 SF minimum. Square footage requirement does not include basement square footage or garage square footage.

3.0 HEIGHT OF HOME & ROOF PITCH

3.1 The maximum height of any home shall be thirty five (35) feet above curb height.

3.2 Roof pitch shall be 5" vertical for 12" horizontal.

4.0 MATERIALS

4.1 Roofing - Concrete or clay tile. Asphalt composition shingles are not allowed.

4.2 Exterior Surfaces - Stucco or masonry.

5.0 FENCING, WALLS & RETAINING WALLS

5.1 Fencing and walls are permitted on or around the front yard if:

- a. the fence or wall is a safety feature around a pool or spa.
- b. the fence or wall is enclosing a courtyard. The guideline for courtyard walls will be:
 - (i) Courtyard walls may not exceed a height of 4'
 - (ii) Courtyard walls must have a minimum setback of 10' from the curb.
- c. if a fence or wall is desired for either purpose stated in (a) or (b) above, detailed plans must be submitted to the Committee for their review and potential approval prior to commencement of construction.

5.2 Fencing and walls may not exceed eight (8) feet on the high side of the lot.

5.3 Fencing and wall materials are to be Ornamental Iron or concrete block and are to conform to the color and design established by the ARC. Proposed walls and fencing will integrate with existing walls or fences with respect to issues such as: style, color and height.

5.4 Rear fencing on lots on the golf course must be constructed of wrought iron
Rear fencing on golf course lots shall be defined as fencing that extends beyond the back corner of the house or garage.

5.5 Side fencing may be constructed of block but may not extend beyond the front corner of the house.

5.6 Retaining walls will conform to the color and design established by the ARC.

5.7 If a gate to a side or back yard is part of the fence or wall application, the gate must be screened with a material approved by the ARC prior to installation for the purpose of blocking the view of items stored in the side or back yard.

6.0 MAIL BOXES

6.1 The Community is serviced by cluster boxes provided by the United States Postal Service.

6.2 Registration with the Postal Service is the responsibility of all Homeowners within the Community.

7.0 SET BACKS AND SIDE YARDS

7.1 Set backs and side yards vary with the different developments within the Community. The standards are established when the plat is approved by the City. See the City building department to confirm the actual dimensions of the set back and side yards for your lot.

7.2 The standard set back from the sidewalk or back of curb when there is no sidewalk is twenty (20) feet. This may vary on your lot, check with the City.

7.3 The standard side yards are five (5) feet on one side and ten (10) feet on the other side with no home any closer than fifteen (15) feet to another home. This means if you are one of the last homes to be built in a subdivision your side yards may be ten (10) feet on both sides. This may vary on your lot, check with the City.

8.0 LANDSCAPING & ACCESSORY FEATURES

NOTE: At the end of this document is a listing of plants, shrubs, trees that have been recommended for this area, along with the name of an arborist who is available to install plants, shrubs, and trees for you.

8.1 Front and side yard landscaping of a new home shall be completed prior to occupancy of the home. A detailed landscaping design must be submitted to the Committee for review and potential approval. The plan submitted must be compatible with the existing Community landscaping.

8.2 Rear yard landscaping shall be completed within six (6) months of occupancy of the home unless the home is located on a lot adjacent to the golf course, in which case it shall be completed prior to occupancy.

8.3 All landscape areas must be planted with trees, shrubs, grass and/or ground covers in a fully integrated design theme. The minimum requirement for plantings shall be five (5) plants and/or trees and or shrubs for every 100 square feet of yard space.

8.4 Dead trees, bushes, plants, shrubs or flowers (plant) must be removed within 15 days. The affected area must be improved within 30 days of the removal of the dead plant. "Improved" will be defined as replacement of the removed plant with like quality planting and/or other landscaping material such as boulders or decorative rock or grass.

8.5 Owners are responsible for trimming their Trees, bushes, plants, shrubs or flowers from an adjacent property. Owners are responsible for root damage caused to an adjacent property.

8.6 All landscape areas are to be provided with a complete automatic irrigation system. The design of this system must conform to all requirements of the City.

8.7 Owners shall submit a request for any object larger than 30" in any dimension, or for multiple objects totaling 30" in any dimension. Decorative objects include but are not limited to: Ponds, fountains, sculptures and statues. Objects will be considered with regard to their appropriateness, with respect to theme, compatibility, color, materials, location and size and quality of workmanship.

Regulations apply to items in front, side and back yards. If side or back yards are enclosed by a block wall and objects are not readily visible from the street or a neighboring property, all regulations still apply however a variance may be granted through the application process.

8.8 Landscape lighting

- a. Light fixture shall not exceed an illumination intensity of more than one foot candle power as measured from the closest lot line.
- b. Colored light bulbs, lenses or reflectors are not permitted
- c. Lighting shall be shielded such that the light shines primarily on the lot on which it is installed. Lights which create glare visible from other lots are prohibited

8.9 Vacant Lot Maintenance-

- a. Vacant lots must be cleared of weeds, debris and vegetation at least every 6 months beginning in April of each year or more frequently if notified by the HOA.
- b. Lots must be cleared as deep as can be seen from the street. If a vacant lot property line is not readily visible from the street, but that area contains noxious weeds such as

tumbleweeds, thistle and/or tamarisk those weeds must be removed. Natural vegetation may remain in the area not visible from the street.

c. Lot owners are responsible for clearing their lot and may do so themselves or hire a service of their choice. In the event the lot owner does not keep their lot clean to the standards of the HOA, the owner will be notified of a maintenance violation according to the guidelines set forth in the CC&Rs. The HOA will clean the lot and charge the owner for the service if owner does not comply with the maintenance violation notification. Unpaid fees will be subject to a lien.

9.0 SCREENING FOR GOLF BALLS

9.1 Homeowners of all lots bordering the Golf Course or green belt may construct suitable screening to protect windows, patios and outdoor living areas from errant golf balls. The screening design must be approved by the ARC. Exceptions to the design specifications listed below will be permitted by the ARC in its sole discretion. Installation of golf ball nets will require the consent in writing by all affected neighbors.

9.2 The screen height is not to exceed fifteen (15) feet. 9.3 Golf nets and poles must be maintained in "like new" condition.

9.4 Temporary netting may be installed during the construction of the home. Temporary netting must be removed prior to certificate of occupancy.

10.0 SHEDS AND STORAGE BUILDINGS

10.1 To install a storage shed, a resident must make written application to the ARC detailing:

- a. Construction-wood, "Rubbermaid" type of plastic or stucco. No metal sides or roofs.
- b. Colors-must match or coordinate with house
- c. Dimensions-not to exceed 10'x8'x8' in height
- d. Location
 - 1) Must be on side of house if the home is adjacent to the golf course.
 - 2) Must be shielded from front and rear by trees, shrubs or walls
- e. Anchoring-all four corners of the shed or storage building must be anchored to withstand strong winds

10.2 Sheds must be maintained in a "like new" condition.

11.0 UNSIGHTLY CARS, ETC.

No dilapidated, unsightly, or inoperable vehicles or parts thereof, including vehicles without wheel(s) or an engine, non-licensed vehicles or expired license shall be stored or repaired in the open on the Property except for emergency repairs. The Association shall remove, at the Owner's expense, any vehicle parked or stored in violation of this restriction.

12.0 PARKING

12.1 For safety reasons, please park vehicles in garages or in driveways rather than the streets (especially on curves).

12.2 Motor homes, recreational vehicles, trailers, camper shells, boats, atv's or other similar vehicles and equipment may be stored or otherwise kept on the Owner's lot only if screened from view of adjoining properties, including streets and common areas. Screening, design and construction shall be subject to prior approval by the ARC. It is preferable that a recreational vehicle of any type be parked in the garage of the Owner's home or in a designated off-site RV storage area. However, if this is not possible, the RV may only be parked as follows:

- a. Unit must be parked on a concrete pad
- b. A block wall of a minimum height of 6' and maximum height of 8' must enclose the parking pad
- c. A gate with approved screening material must enclose the entrance to the parking area
- d. The height of the Recreational vehicle may not exceed the height of the wall and/or gate by more than 3'.
- e. Motor homes, recreational vehicles, trailers, camper shells, boats, atv's or other similar vehicles and equipment shall not be parked or stored in the street or driveway except for a 48 hour period allowing for the Owner to load/unload items in preparation for use of the unit. Except in the case of an emergency, no repairs shall be made to a vehicle in the driveway or street.

13.0 RECREATIONAL EQUIPMENT- Only Portable goals are allowed and must be stored out of sight when not in use. No lighting designed to illuminate recreational activity including basketball goals shall be installed. Courts may not be painted on the driveway or other concrete surfaces viewable from neighboring properties. Portable recreational equipment including basketball goals may not be set up in the street. Use of recreational equipment shall be limited to the hours of 7 a.m. to 9 p.m. or dusk.

14.0 BUILDING REPAIR-No building or structure shall be permitted to fall into a state of disrepair. The owner of every home or structure is responsible at all times for keeping the buildings in good condition and adequately painted or otherwise finished. In the event any building or structure is damaged or destroyed, the owner is responsible for immediate repair or reconstruction.

15.0 CLOTHESLINES-Clotheslines or other outside facilities for drying clothes are not permitted unless they are placed exclusively within a fenced yard and are not visible above the top of the block wall or otherwise concealed.

16.0 TRASH CONTAINERS- Trash containers may be placed on the street the night before schedule pick up. Residents should make every effort to conceal their garbage cans as much as is practical.

In some isolated cases where there is no practical place to store containers out of sight, containers should be stored on the side of the house a minimum of 10' from the front corner of the house.

Containers must be stored completely out of sight until trash containers are staged for pickup if trash prevents lid from being completely closed. Residents may wish to consider obtaining a second trash container if their container is overflowing on a regular basis.

17.0 EXTERIOR LIGHTING- New or additional lighting installed on a lot or dwelling shall be labeled by the manufacturer as “dark sky compliant” and must receive advance approval by the ARC. Permanent lighting and/or landscape lighting sources shall not be directed toward streets, common areas or neighboring property. Owners may display holiday lighting and/or decoration if they are of reasonable size and scope. Holiday lights and/or decorations may be displayed thirty (30) days prior to the Holiday and must be removed twenty (20) days after the holiday. Please consider your neighbors when putting up lighting or decorations. Please avoid shock, clutter or sensationalism. Multiple complaints may require modification or removal.

18.0 DRIVEWAYS-Driveways may not be expanded without the prior approval of the ARC. All driveways must be kept clean and clear of debris, oil, rust and other stains.

19.0 SUNSCREENS-Bronze, gray, charcoal or beige sun screen material may be installed. The frame for the window screens must match the screen material or existing window frames.

20.0 SCREEN PORCHES-Screen porches with permanent or retractable screens shall be installed between new or existing pillars of patio. Rooms built entirely of screen material shall not be permitted. Screen material must be either gray or charcoal.

20.0 SUNSHADES-Sunshades of any kind including, but not limited to, vertical louvers, overhead permanent or temporary structures such as awnings and pagoda style shades require application submittal to the ARC.

21.0 FLAGS- Permanent flag poles require approval of the ARC. Permanent flag poles should not exceed a height of twenty (20) feet. Flags should not exceed a measurement of three (3) feet by five (5) feet.

RECOMMENDED PLANTS/SHRUBS/TREES

Romarinus officinalis Prostrates Creeping
Rosemary
Raphiolepis indica Any Hawthorn Variety
Euonymus japonica Any Euonymus Variety
Nandina domestica Heavenly Bamboo Variety
Rosa X Noare Carpet Rose
Nerium oleander Petite Red Dwarf Red Oleander
Koidzumii Pyracantha

Prunus cistena Dwarf Flowing Plum
Cotoneaster glaucophyllus Cotoneaster

Trees

Fraxinus oxycarpa Raywood Raywood Ash
Fraxinus velutina Arizona Ash
Fraxinus velutina Glabra Modesto Ash
Fraxinus velutina Rio Grande Fan-Tex Ash
Pistacia chinensis Chinese Pistache

Ulmus parvifolia Lace Bark Elm
Gleditsia triacanthos Shademaster Shademaster
Locust
Gleditsia triacanthos Sunburst Sunburst Locust
Quercus buckleyi Red Rock Oak
Cercis mexicana Mexican Redbud
Chitalpa tashkentensis Chitalpa
Cotinus coggygria Purple Smoke Tree
Lagerstroemia indica Crape Myrtle
Prunus cerasifera Krauter vesuvius Flowering Plum
Pyrus calleryana Aristocrat Aristocrat Pear
Pyrus calleryana Bradford Bradford Pear
Pyrus calleryana Cleveland Select Flowering Pear
Robinia ambigua Purple Robe Purple Robe Locust
Vitex agnus-castus Chaste Tree
Pinus eldarica Mondell Pine
Pinus halepensis Aleppo Pine
Pinus pinea Stone Pine
Pinus thunbergii Japanese Black Pine
Ligustrum japonicum Japanese Privet
Olea europaea Wilson Wilson Olive
Prunus caroliiana Compact Compact Carolina Cherry
Quercus ilex Holly Oak
Quercus virginiana Southern Live Oak
Chamaerops humilis Mediterranean Fan Palm
Trachycarpus fortunei Windmill Palm
Washingtonia filifera California Fan Palm