

NEELY FARMS HOMEOWNERS' ASSOCIATION, INC.  
ARCHITECTURAL REVIEW COMMITTEE GUIDELINES  
AND LANDSCAPE GUIDELINES

ARCHITECTURAL REVIEW PROCESS

In accordance with the Declaration of Covenants, Conditions and Restrictions for Neely Farms Homeowners' Association (the "Declaration"), the Board of Directors has adopted the following Guidelines for Architectural Improvements (the "Guidelines") which shall apply to all lots within Neely Farms Homeowners' Association.

Each lot owner should read, review and make himself acquainted with the CC&R's recorded on the lot with Maricopa County and with these Architectural Guidelines as may be amended from time to time by the Board of Directors. These documents are intended to enhance property values and the high standards of development that exist within Neely Farms Homeowners' Association. The Guidelines are established to assist residents in preparing an application to the Architectural Committee for structural and landscape improvements. FOLLOWING THESE GUIDELINES DOES NOT ELIMINATE THE NEED FOR SUBMISSION OF PLANS FOR APPROVAL BY THE ARCHITECTURAL COMMITTEE. Even if your addition or alteration is identical to another which has been approved, it **must** be submitted for approval. Because each situation may have different conditions, e.g., different location, physical conditions or design considerations, etc., each application will be reviewed on a case-by-case basis. In the event of any inconsistency between these Guidelines and the Declaration, the Declaration shall control. All architectural approvals will be conditioned upon compliance with applicable City codes.

Initially, architectural review will be performed by the Board of Directors consisting of employees of Continental Homes. It is the intention of this Board of Directors to monitor sales to determine at which annual membership meeting turnover of the Association will be conveyed from the developer to the homeowners in accordance with the provisions in the legal documents. Within the year prior to the projected turnover, the Board will solicit volunteers to serve on a Board-appointed Advisory Committee.

Among the duties of the Committee will be reviewing architectural submittals and making recommendations to the Board of Directors for approval or disapproval. When the homeowners eventually elect the Board of Directors from among the homeowner members, there will be owners who have had the opportunity to learn the process.

APPLICATION PROCEDURE

Submittal –

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

Neely Farms Homeowners' Association  
(insert address and phone number)

The following information should be included:

1. Application Form – A completed application form (copies of which can be obtained from the management office).
2. Plot Plan – A site plan showing dimensions, relationship to existing dwelling and property line (setbacks). Measurements must be written on the plans.
3. Elevation Plans – Plans showing finished appearance of addition in relationship to existing dwelling. An accompanying photograph of the proposed location would be helpful.
4. Specifications – Detailed description of materials to be used and color samples must be submitted.

All buildings and structures erected within Neely Farms Homeowners' Association and the use and appearance of all land within Neely Farms Homeowners' Association, shall comply with all applicable Town of Gilbert zoning ordinances, building codes and other ordinances as well as the CC&R's and these Guidelines.

Review – Approval and/or Disapproval –

The Architectural Committee shall have 45 days after submittal of plans to approve or disapprove plans.

Review and approval or disapproval will include, but not be limited to, consideration of material quality of workmanship, colors, consistency with the external design and color of existing structures or the lot and to neighboring lots. The location of the improvements with respect to topography and finished grade elevation is also considered.

Neither the Architectural Committee, nor the Board, nor the Declarant shall have any liability in connection with or related to approved or disapproved plans, specifications or improvements. The approval of the plans does not mean that judgment is passed on the structural soundness of the addition 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 applicable application or the Committee's approval shall be deemed withdrawn and plans must be resubmitted in accordance with these Guidelines.

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

### Appeal –

Any appeal of the Committee's decision must be submitted in writing to Neely Farms Homeowner Association Architectural Committee, c/o R+R PROPERTY MGT, within 30 days from the mailing of the Committee's decision.

## ARCHITECTURAL GUIDELINES

### ANTENNAS

Refer to the CC&R's, Section 8.1(b) for specific provisions. In summary, no antenna, satellite dish pole, or tower will be permitted that is visible to surrounding properties. In all other cases, plan for the location and concealment of an antenna, pole or tower must be submitted to and approved by the Architectural Committee.

### AWNINGS

Awnings over windows shall be a canvas type with the color the same on the inside and exterior face. A minimum five-year guarantee is expected from the manufacturer to insure a high quality awning.

Submit: The manufacturer, color, type, and number of years' guarantee for approval prior to installation.

### BASKETBALL GOALS OR SIMILAR STRUCTURES

Basketball goals will be considered based upon their appearance and their relationship to other properties.

### CHILDREN'S PLAY STRUCTURES; POOL LADDERS

Plans for children's play structures must be submitted for approval since in most instances they protrude over the fence. This is not intended to eliminate play structures, but to assure nothing unsightly is erected.

When selecting the location upon which the structure is to be placed, the distance from the ground elevation to the top of the perimeter fence must be measured and submitted with the plans for the structure. When considering plan approval, the Committee will take into consideration the appearance, height and proximity to neighboring property.

**DECORATIVE ITEMS (INCLUDING FOUNTAINS, LIGHT POLES, AND ORNAMENTAL STATUARY) - see "Hardscape" under "Landscaping" for further information.**

These items must be located in the rear yard and screened from view of neighbors, streets and common area, unless approved by the Committee in writing.

**DRIVEWAYS**

Plans must include a plot plan of the existing lot and the direction in which expansion proposed. The exact measurements of the proposed paved surface must be stated on the plan.

**FENCES AND WALLS (INCLUDING DECORATIVE WALLS)**

Plans for new fences or walls or additions to existing structures must be submitted to the Committee for approval prior to construction. (This includes decorative walls).

Stucco and paint must match the existing dwelling in texture and color.

**FLAGPOLES**

Flagpoles are not allowed in residential areas at Neely Farms Homeowners' Association except for the models. Homeowners are advised to use brackets mounted on the house or garage to display flags.

**GATES**

Double gates may be installed at Neely Farms Homeowners' Association to allow wide accessways to backyards. Double gates should be of the same type, design and color as the originally installed single gates. Shrubs, trees or other plants should be located between the house and the double gates, where possible.

**GUTTERS AND DOWNSPOUTS**

Gutters and downspouts may be considered for approval. The finish on same must match the dwelling in color. High-quality materials that offer long life are recommended as the homeowner will be required to maintain the addition in good repair. Plans must include the proposed locations of the gutters and downspouts, the quality of materials to be used, warranty by the manufacturer and the name of the installer and telephone number.

**HEATING, VENTILATING AND AIR CONDITIONING UNITS (INCLUDES EVAPORATIVE COOLERS)**

All units must be ground mounted and located within the perimeter of the backyard.

## PATIO COVERS

Plans for patio covers will be considered for approval and should be built using the same specifications as those covered patios built by the original Developer.

## POOLS AND SPAS

Pools and spas need not be submitted for architectural approval provided the following requirements are met: (1) pool ladders/slides need to be approved and will be considered based upon appearance, height, and proximity to other properties; and (2) perimeter walls of lots bordering Association landscaped areas may not be torn down. Access must be gained by tearing down a front wall on the side of the home, leaving the perimeter wall intact, assuming it matches in texture and color throughout the community unless other access is approved by the Architectural Committee.

## SIGNS

No signs (other than a name and address sign, not exceeding 9" x 30" in size) of any nature, shall be permitted on any Lot; provided, however, that one (1) sign of not more than five (5) square feet may be temporarily erected or placed on a Lot for the purpose of advertising the property for sale or rent; and provided further the builder may erect any signs during construction; and provided further, this restriction shall not apply to the Association in furtherance of its powers and purposes herein set forth.

## SOLAR PANES; WIND TURBINES AND EQUIPMENT

All solar energy devices visible from neighboring property or public view must be approved by the Architectural Committee prior to installation.

Roof-mounted solar panels and equipment must match the roof material. Panels must be an integrated part of the roof design and mounted directly to the roof plane. Solar units must not break the roof ridge line and must not be visible from public view.

Wind turbines must be approved by the Architectural Committee as to appearance and placement.

## STORAGE SHEDS

Any storage shed will require approval by the Architectural Committee. If approved, proper screening will be required.

## SUN SCREENS AND WINDOW TINTING

No aluminum material or other reflective material may be installed in windows.

Bronze or charcoal sun screen material may be installed. The frame for window screens must match the screen material or existing window frames.

Screen doors in the front of the house must be submitted for approval.

## SECURITY DEVICES

Security features including but not limited to lights, doors and window coverings, must be submitted for approval. Security alarms need not be submitted for approval.

## LANDSCAPING GUIDELINES

**Plans need not be submitted for approval, however, the following guidelines are recommended:**

The CC&R's recorded with Maricopa County require that all yards visible from the street shall have acceptable landscaping installed within 180 days from close of escrow. It is recommended that back yard landscaping be installed at this time as well since construction access to the back yard is often through the front yard. Owners shall maintain their lots free of weeds and debris; lawns shall be neatly mowed and trimmed; bushes shall be trimmed; and dead plants, trees, or grass shall be removed and replaced.

In all cases, the installation must comply with Town of Gilbert drainage and grading requirements.

## TURF

The Town of Gilbert currently does not limit the amount of turf on residential lots. However, Neely Farms Homeowners' Association joins the Town in encouraging water conservation. It is recommended that you consider turf installation in areas where it can be used for play, for example; and consider desert landscaping in other areas.

## 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, red or other bright colors. All rock areas shall be treated with pre-emergent weed control at regular intervals to retard weed growth.

River run rock shall be three (3) inches to six (6) inches in diameter. Not more than 10 percent of the front yard landscape may be river run rock.

## IRRIGATION SYSTEM

A drip irrigation system is strongly encouraged for all landscaped areas, except turf.

## ASSOCIATION PLANT LIST - - -

The following vegetation types and varieties are prohibited:

1. Olive trees (*Olea europaea*) other than the "Swan Hill" variety. These trees create considerable pollen which disturbs allergy sufferers. A mature tree produces thousands of olives which drop and create a mess in the landscape.
2. Oleanders (*Nerium oleander*) other than the dwarf variety and *Thevetia* (*Thevetia* Species). Oleanders other than dwarf or *thevetia* varieties get to such a size and trunk thickness that they are difficult to control on a small lot.
3. Fountain Grass (*Pennisetum setaceum*) or Pampas Grass (*Cortaderia Selloana*). Within very few years, fountain grass and pampas grass build up thatch which makes them extremely difficult to trim back. As a result, they are often let go and are unattractive to owners end up removing them. Pampas grass blades are so sharp, they can easily produce sliver cuts.
4. All varieties of Citrus are permissible within the confines of the rear yard.
5. Mexican Palo Verde (*Parkinsonia aculeata*). Known for its extreme shedding, this variety is prohibited.
6. All varieties of mulberry trees. Mulberry trees join fruiting olive trees as a major pollen contributor.

## FINE GRADING & MOUNDING

Fine grading is a critical aspect of landscaping. Each lot has been graded such that all storm water will drain away from the house. It is important that this drainage pattern be maintained when preparing the landscape design, especially if mounding or berming is proposed. In all cases, the installation must comply with the Town of Gilbert grading and drainage plan. Every effort should be made to make the mounding appear natural.

## WATER FEATURES (FOUNTAINS, ETC.)

Water features are permitted within rear yard areas. It is recommended water be chlorinated. Water features must be approved by the Architectural Committee when in the front yard.

## HARDSCAPE

Any additional pavement areas in any form, e.g., concrete, brick, tile, or any wood decks, etc. in the front yard must be approved by the Architectural Committee. Any decorative item (including fencing, fountains, statuary, etc.) in the front yard must be approved by the Architectural Committee.

## LIGHTING

- A. Lighting shall be shielded such that the light shines primarily on the lot; lights which create glare visible from other lots are prohibited.
- B. Light fixtures shall not exceed an illumination intensity of more than one (1) foot candle power as measured from lot line.
- C. Outside lights should be screened wherever possible with walls, plant materials, or internal shielding.

ANY ADDITIONS OR IMPROVEMENTS THAT CHANGE THE EXTERIOR OF THE HOME'S APPEARANCE, EXCEPT FOR NATURAL VEGETATION, MUST BE APPROVED BY THE ARCHITECTURAL COMMITTEE.

These Architectural Review Committee Guidelines and Landscape Guidelines may be amended by the Board of Directors from time to time by a majority vote of the Board.