

Architectural Committee of Elk Ridge

Architectural Committee
Rules and Regulations

Revision 2

May 2014

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Architectural Committee of Elk Ridge Architectural Committee Rules and Regulations

Legal Notice to Lot Owner

This is a legally binding document by virtue of its incorporation by reference in Article 4.6 of the Declaration of Covenants, Conditions, and Restrictions ("Declaration") for Elk Ridge. These regulations are valid and enforceable as if fully set forth in the Declaration. As such, these regulations are legally enforceable in any court of law by the Elk Ridge Property Owners Association or by individual members of the Association. If these regulations are not complied with, and legal action becomes necessary, any and all remedies set forth in this article, including the award of costs and attorneys' fees, may be sought against the property owner. Capitalized terms shall have the same meanings as set forth in the Declaration unless otherwise defined herein.

Article 1: Introduction

The intent of the Architectural Committee ("Committee") is (1) to monitor new construction projects approved by the Committee, and (2) to monitor all subsequent additions to, changes, or alterations approved by the Committee for compliance with the Declaration and these Architectural Rules and Regulations ("Rules"), and to promote a quality environment for all the residents of Elk Ridge. Submitted plans will be approved when they conform to the Declaration and the following Rules. The submittal of incomplete plan sets will result in the plans being returned to the Owner. See Appendix I for General Guidelines.

Article II: Review Process

A. New Construction Projects

New construction is defined as any new structure starting from the ground up as well as any room addition or new deck where one did not exist. All new construction requires approval from the Committee as well as a permit from the Town of Payson. *Be advised that, while*

Committee approval is not required for remodeling the interior of existing structures i.e. a full kitchen or bath remodel and/or new or moving of electrical, plumbing and/or load-bearing walls, it may require a permit from the Town of Payson to ensure adherence to safety and building codes. (Also see B. Improvements below.)

1. Preliminary Design Conference: the Committee shall review conceptual plans to ensure compliance with the standards and Rules before the Owner finalizes the design. The Owner shall submit the following preliminary documents: site plan, floor plan, and elevations. These shall be reviewed by the Committee. The Committee shall use reasonable professional discretion in its interpretation and application of these rules to a given set of plans. The Committee may conduct an on-site evaluation. Prior to the on-site evaluation, the Lot and all building site corners must be clearly identified. Trees proposed to be removed shall be identified.

2. Committee Review: the Owner or builder must submit two (2) sets of final plans to the Committee for review. See Appendix II for The Architectural Approval Form. Drawings to be submitted shall include, but are not limited to:

2.1 Site Plan: (Scale 1/10" = 1 foot minimum) on a two (2) foot interval contour map, clearly showing location of structure(s) (with dimensions to property lines), all roof overhangs (with dimensions to property lines), all trees with trunk diameter over 4 inches (4") measured one (1) foot from the ground, proposed location of all utility trenches from street to the house, existing and proposed grades including finished grade elevations that all building corners, grading and drainage plans and materials, finished floor and garage elevations, driveway and driveway slope, setbacks, easements, a minimum of two off-street parking spaces (in addition to garage), patios, screen walls, and all other improvements. The Lot and all building site corners must be clearly identified together with dimensions and bearings of the lot boundaries. Trees proposed to be removed shall also be identified.

2.2 Floor Plans: (Scale 1/4" = 1 foot) showing all interior areas and indicating floor level changes, exterior patios, decks, balconies,

garage, and storage areas, and indicating livable or area for each floor.

2.3 Exterior Elevations: (Scale $\frac{1}{4}$ " = 1 foot) clearly showing all building materials, proposed finishes, vertical dimensions from finished grade to roof ridge, accurate location of existing grade and any proposed grade change.

2.4 Landscape Plan: A landscaping plan of the Lot shall be provided to the Committee for review and approval.

2.5 Samples of Exterior Colors and Finishes: Colors and types of exterior finishes shall be provided to the Committee for review and approval.

3. Architectural Committee Review: Plans must be approved in writing by the Committee before any grading, excavating, removal of trees, or construction shall begin on any lot subject to these rules. See Appendix II for the Architectural Approval Form.

After review of the above described plan submitted by the Owner, the Committee will either approve in writing the plan submitted, or request such changes as may be necessary to assure that the proposed improvements are in compliance with the Declaration and Rules. The decision of the Committee shall be made no more than 30 days after its receipt of the complete package set forth above. In the event the Committee fails to approve or disapprove such plans within the thirty (30) day time period, the plans shall be deemed to have been approved. If the plans are amended, supplemented, or modified, whether at the request of the Committee or not, the thirty (30) day period shall cease and shall begin to run anew commencing on the date such amendment, supplementation or modification is received by the Committee.

4. Approval or Denial of Plans: The approval or denial of the plans shall be governed by the Declaration and the terms set forth in Article III of these Rules. All decisions of the Committee shall be final.

5. Disclaimer: No member of the Committee, nor the Board, shall be responsible in any way for any defects in any plans and/or specifications submitted in accordance with the contents of these regulations, nor for any structural defects in any building or structure erected according to such plans and/or specifications.

B. Improvements, Additions, Changes, Alterations:

All new structures, improvements (including but not limited to any building, fence, wall, screen, out building, driveway, or other surfaced area), or any attachment to any existing structure, changes to the exterior of the dwelling unit (including color), structure, or improvement, changes to the exterior appearance of the dwelling or lot, or final grade of any lot, require the approval of the Association Architectural Committee (Art 4.2 of the CC&Rs). A significant change in the current landscaping requires approval, and any new construction landscape requires approval. There is no fee required for submission of this form, except in the case of an initial submission of a complete original new house plan, where a \$25 fee is required, (Art 4.13).

The Committee shall establish a procedure for the preparation, submission, and determination of applications for any such alterations in any building, fence, wall, or other structure, including exterior color scheme and building materials. This shall be subject to the prior approval of the Committee. All decisions of the Committee shall be final, and no owner or other parties shall have recourse against the Committee or any of its members for, or with respect to, any decisions made in good faith.

All improvement requests shall be submitted to the Architectural Committee in writing using the approved request form. (See appendix 2 for approved request form.) The committee will make every effort to respond in a timely manner. In the event the Committee fails to approve or disapprove such plans within a thirty (30) day time period, the plan shall be deemed to have been approved. If the plans are amended, supplemented, or modified, whether at the request of the Committee or not, the thirty (30) day period shall cease and shall begin to run anew commencing on the date such amendment, supplementation or modification is received by the Committee

Article III: Architectural Rules and Guidelines

1. Conflict: The general guidelines set forth in Appendix I are hereby incorporated by reference. If there is a conflict between Appendix 1 and the specific guidelines set forth below in this Article, said regulations contained in this Article shall govern.

2. Trees: The removal of any live, healthy trees greater than 4 inches (4") in diameter measured one (1) foot from the ground shall require the prior written approval of the committee. No approval is required for the removal of any dead, diseased, hazardous, or beetle-infested trees. Felled pine trees and slash should be removed from the Elk Ridge development within two (2) days or shall be stacked and covered completely. Owner shall additionally comply with any further requirements in this regard pursuant to the Town of Payson ordinances.

3. Siting: Each residence shall be designed to be compatible with the typography and vegetation on the site. Cut and fill should be minimized, with the final constructed residence "fitting into the natural landscape." The house and driveway shall be sited to preserve trees wherever reasonably possible. Finish grades and elevation should be compatible with neighboring sites, particularly with regard to drainage and appearance.

4. Exterior Design: The design elements of all exterior elevations shall be consistent with each other. For example, there shall be no wood-sided front elevations with stucco sides and rear elevations. Design shall be similar to neighboring structures, sites, and land uses.

5. Roof Design: Roof lines, materials, and treatments should complement the Elk Ridge area.

5.1 Unacceptable designs and materials include:

Flat roofs

Unpainted roof vents and pipes, gutters, flashing, etc.

5.2 Metal flashing, gutters, and drip edges, etc., shall be of complementary color to the exterior schemes.

6. Mechanical Equipment. No air-conditioning unit, heat pump, or evaporative cooler shall be placed on or above the roof of any building. Any such equipment shall be screened from view according to plans approved by the Committee. Noise abatement procedures are recommended.

All utility service entrance equipment and subpanels adjacent to the house and all mechanical equipment, shall be painted to match the surrounding wall color, or painted or screened to blend in with the surrounding natural terrain. Roof vents shall be painted to match the roof and adjacent wall color, screened or integrated into the design of the structure.

Electric, phone, cable, etc. boxes adjacent to the house may be enclosed with materials consistent to the adjacent structure. Meter faces shall be clearly exposed to view.

7. Solar Equipment: Plans for the installation of solar devices shall be submitted to the Committee. The Committee will work with the homeowner to ensure the solar devices are as compatible as possible with the neighborhood.

7.1 Solar companies may offer roof panels in several colors. The color that is the most compatible with the home must be selected.

7.2 Visible electrical conduit connecting solar roof panels must be painted a color that matches the roof. Visible electrical conduit connecting solar electrical equipment mounted on exterior walls must be painted a color that matches the exterior wall.

7.3 While CC&R Para. 5.17 and Art III, para 2 of this document state approval for tree removal is required, this does not apply if removal is necessary for the success of the solar panels.

8. UNACCEPTABLE Design Elements and Materials:

8.1 Colors which clash with the wooded natural environment.

8.2 Fascia less than 2" x 8"

8.3 Post supports for decks or load carrying structures less than 4" x 6" or 12" x 12" masonry.

8.4 Unfinished aluminum window and door frames.

8.5 Unbroken retaining walls higher than four (4') feet.

8.6 "Add-on" appearance of decks and canopies. Integrate these elements into the design.

8.7 Exposed concrete, or concrete block stem walls in excess of eight (8') feet high.

8.8 Unpaved driveways and parking pads.

9. ACCEPTABLE Design Elements, Materials and Colors: For General Guidelines, see Appendix I.

9.1 Siding Material: Natural wood siding, natural wood shingle siding, stucco with heavy brick or stone accents, natural or cultured stone, brick or other natural materials, maintenance free siding.

9.2 Wide roof overhangs (two feet or greater).

9.3 Heavy butt dimensional asphalt/fiberglass shingles. Lightweight concrete shape shingles. Metal roofing (non aluminum).

9.4 Timber Beams (heavy).

9.5 Landscaping harmonious with the forested community. (Weeds are not acceptable for landscaping purposes.)

10. Liveable Areas: Living area includes heated areas only and does not include garage, storage, decks, patios, and detached buildings.

Minimum liveable area shall be:

10.1 Single Story Residence: 1500 square feet.

10.2 Two Story – Main Level: 1000 square feet; with 1800 square feet total

10.3 Split Level – Main Level: 750 square feet, with 1800 square feet total

11. Construction Period. As stated in the CC&R's, construction shall start within six (6) months of approval by the Committee. The exterior of the residence shall be completed, including painting within six (6) months of starting construction. The entire structure shall be completed, including removal of all construction equipment and materials, within twelve (12) months from start of construction, unless an extension of time is granted by the Committee.

12. Garage/Off Street Parking: Minimum two-vehicle garage, maximum three-vehicle garage is required for each residence and, in addition to the garage, there must be two (2) paved off-street parking spaces. The driveway may be used for this parking requirement. Driveways and additional off-street parking must be paved with concrete, brick, or pavers, and must be approved by the Committee. Asphalt is not permitted. Common driveways are not permitted.

13. Landscaping: A plan that defines the landscaping is required. Homes built for speculation purposes must have the landscaping completed prior to final construction inspection.

14. Construction Damage: At the completion of the project, the construction contractor and/or Owner shall be responsible for replacing all damaged or broken sidewalks. All damaged street

paving must be repaired in accordance with professional standards and with a minimum of undulations.

15. Street Excavation: Any street which is excavated or damaged by a contractor must be repaired in accordance with the city specifications. A city permit must be submitted to the Committee before construction begins if street excavation is required. Refer to the city for current specifications.

16. Building Site Coverage: the building site coverage shall be less than 40% of the area of a lot back of the sidewalk, or if there is no sidewalk, back of the curb. The Building Site Coverage of the residence is defined as the land area covered by the house including eaves, covered patios, decks, garage, and any separate structures such as atrium, gazebo, etc. Rim view Lots have a prescribed building envelope and must adhere to the requirements of the Town of Payson. See Appendix III for the Subdivision map.

17. Setbacks Required: No dwelling house, building, or other structure shall be located on any Lot less than twenty (20) feet from the front Lot line, nor less than twenty-five (25) feet from the rear Lot line, nor less than seven (7) feet from any side Lot line, except on rim view lots where a prescribed building envelope supersedes this requirement. (See #14 above.) Provided however, no structure may be placed or erected on any easement area as shown on the Plat as recorded. Corner Lots must have a fifteen (15) foot setback on side facing street.

An overhang or a deck should be at the minimum setback requirement and not beyond. No structures or protrusions are permitted in the setback area. Walkways, fences, and driveways may be permitted in the setback area if they conform to the terrain and are in accordance with the Town of Payson code.

18. Lots 6-30. A Site Grading Plan must be prepared that shows retention of increased flow off the lot. This volume should be calculated using roof areas and any other impervious areas located on the individual site. The Site Grading Plan must be submitted to the building department of the Town of Payson for review. In

addition, areas within the drainage easements located along the lot lines for street drainage, a berm may be used to force water back into a sheet flow condition that will further decrease the effects of concentrated flows. Concentrated flows need to be avoided if at all possible on each individual lot as well as drainage easements.

19. Retaining Walls: Retaining walls facing abutting properties are not permitted in the setback area. Retaining walls facing into the Lot may be permitted in the setback area. Retaining walls over four feet (4') high are not recommended. If the topography requires a retaining wall higher than four feet (4') then two shorter retaining walls forming a terrace are recommended.

20. Exceptions and Alternatives: Exceptions to these rules shall be considered to save trees or natural features and for aesthetic reasons. Alternatives to these minimum requirements may be reviewed by the Committee on an individual basis.

Article IV: Policies

1. **Complaints**: All formal complaints against other properties, as well as past or current Elk Ridge Board or Architectural Committee actions, must be submitted in writing to receive formal recognition by the Board.
2. **Hardship Waivers of Elk Ridge CC&Rs or Architectural Rules & Regulations**: All requests for variances must be submitted in writing to the Elk Ridge Board of Directors for review prior to beginning any new construction/ improvement governed by these guidelines.
3. **Committees' Right of Final Inspection of Improvements**: All approved requests for property improvement submitted by Elk Ridge property owners may be subject to a final inspection by Committee members. The purpose of such inspection is to ensure consistency with approved project plans, overall aesthetic compatibility with adjacent surroundings, and overall quality of workmanship in implementation of the project.
4. **Agreement with Payson Town Codes**: Elk Ridge Architectural requirements may cover the same items found in the Payson Town Code or Payson Unified Development Code. The Elk Ridge Property Owners' Association requirements prevail unless Payson codes are specifically more restrictive. Questions should be referred to the Architectural Committee, or the Board of Directors.

The foregoing revision to the Architectural Rules and Regulations were approved and adopted by the Board of Directors in May 2014.

Appendix I General Guidelines

1. Design Styles:

Acceptable

Contemporary
Early American
Ranch split-level

Not Acceptable

Pueblo Revival (Santa Fe)
Spanish/Mexican
"A" Frame/Swiss Chalet
Geodesic dome
Prefab or manufactured
Cabin or log
Victorian
Cape Cod

2. Exterior Siding Materials:

Acceptable

Natural wood
Stucco with heavy stone or
brick accents
Maintenance free siding

Not Acceptable

Aluminum siding
Natural wood shingle
Large expanses of slump
block, stone, or brick
T1-11
Exposed concrete block
Split face block

3. Exterior Colors

Acceptable

Neutral or muted earth tones
Harmonious color schemes
Complementary siding and trim colors
Muted color schemes on service and garage doors

Not Acceptable

Bright, garish colors
High contrast color schemes

All color scheme choices are subject to review and require Architectural Committee approval. If repainting with the same colors, no approval is necessary. Color changes must be approved in advance of the commencement of work. Colors must be consistent with the aesthetics and architectural qualities of the Community. The committee will consider color hues, their placement, and their contrast, relative to other colors.

Note: Front doors may be painted in brighter, higher contrast colors than the color scheme for the building, siding, service, and garage doors.

4. Roofing Materials

Acceptable

Class "A" fire rated, including fiberglass asphalt shingles
Concrete shake
Composition shingles
Metal (non-aluminum)

Not Acceptable

Mission clay tile
Wood and wood shake shingles
Shake aluminum

5. Landscaping

Acceptable

Use of the existing trees and plants (must be trimmed and dead trees, limbs, brush etc., cleaned and raked)
Natural tones of gravel, rock, and decomposed granite
Xeriscape low water use plants

Not Acceptable

Colored Gravel and Rock
Weeds (not considered acceptable natural vegetation for landscaping purposes)
Plastic plants/flowers

6. Fencing:

Acceptable

Cedar
Redwood
Split rail
Picket
Ornamental iron
Stone or brick columns

Not Acceptable

Exposed concrete block
Telephone pole
Solid masonry, stone, brick or stucco

Fence color shall be compatible with the home. The fence height in front shall not exceed three (3) feet. The fence height along the sides shall not exceed three (3) feet until even with the front of the house, then the fence shall not exceed six (6) feet. The fence height in the back shall not exceed six (6) feet. All fence heights shall be measured from the grade level at the outside of the fence.

A fence gate cannot exceed four (4) feet in width and must match existing or new fence height.

Temporary fencing may be permitted with the prior written approval of the Committee. A time limit for temporary fencing will be set by the Committee at the time of the approval.

Dog Runs: The fence height shall not exceed six (6) feet. Black or brown vinyl coated galvanized chain link may be used in addition to other fencing shown as acceptable. Fence shall be a minimum of 10 feet from the rear property line, 3 1/2 feet from the side property line, and may not extend beyond the front of the home. Screening is required for dog runs visible from the street.

Alternative methods may be considered by the Committee on an individual basis.

7. Water (Drainage): Water must follow the natural course and exit the Lot at the original point of exit when owner purchased the Lot. Where lots drain onto neighboring lots, mitigation must be effected by necessary means. Culvert size (if used) must be large enough to accommodate current and future flow through natural wash area.

Rain gutter water is to be directed to the street (not toward a neighboring property), to a natural exiting wash area, or to landscape tree wells with minimum (buried) 4" PVC or flexible tubing.

Alternative methods may be considered by the Committee on an individual basis.

Appendix II
Architectural Approval Form

See Next Page

ELK RIDGE PROPERTY OWNERS' ASSOCIATION
P. O. BOX 1134
PAYSON, AZ 85547

REQUEST FOR ASSOCIATION ARCHITECTURAL COMMITTEE REVIEW & APPROVAL

All new dwellings, structures, improvements (including but not limited to any building, fence, wall, screen, outbuilding, driveway, or other surfaced area), any attachment to any existing structure, changes to the exterior of a dwelling unit (including color), structure, or improvement, changes to the exterior appearance of the dwelling or lot, or final grade of any lot require the approval of the Association Architectural Committee (Art 4.2 of the CC&Rs). A significant change in the current landscaping requires approval, and any new construction landscape requires approval. There is no fee required for submission of this form, except in the case of an initial submission of a complete original new house plan, where a \$25 fee is required, (Art 4.13).

Name(s) _____ Phone # _____

Address of lot _____ Lot # _____

Mailing address (if different) _____

Description of Installation or Changes Please attach complete plans, including a construction schedule, specifications including diagrams showing locations and setbacks, photos, paint chips, and descriptions of the installations or changes as necessary to show the nature, design, kind, quality, shape, height, materials, color schemes, and location. (Submitted paperwork will be retained and become part of the POA's permanent record). (Note: CC&R's require a licensed contractor for new construction. Art 4.11).

_____ (continue on reverse if necessary)

Submittals This request may be provided directly to the Chairperson of the Association Architectural Committee, or sent by mail to the Chairperson at the above address. The Committee will act upon the request within 30 days of receipt of the request and all supporting materials. If the committee fails to act within that 30 days, the request is deemed approved.

Signature of Owner _____ Date _____

Committee Action (Two signatures required) (circle one): **Approved** **Disapproved**

(or) Approved with the following conditions: _____

Signature 1. _____ 2. _____ Date _____

ALL APPROVALS ARE CONTINGENT UPON COMPLIANCE WITH ALL PROVISIONS OF THE CC&RS

**Appendix III
Subdivision Map**

See Next Page

