



# ARCHITECTURAL AND LANDSCAPE REQUIREMENTS AND GUIDELINES

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## DEFINITIONS

**ALC** - Shall mean the Architectural and Landscaping Committee

**ALC RULES** - Shall mean the Architectural and Landscaping Committee Requirements and Guidelines.

**ASSOCIATION** - Shall mean the Quail Creek Country Club Property Owners Association.

**BOARD** - Shall mean the Board of Directors of the Association.

**CC&Rs** - Shall mean the Covenants, Conditions and Restrictions of Quail Creek Country Club.

**COMMITTEE** - Shall mean the Quail Creek Architectural and Landscaping Committee.

**COMMON AREA** - Refers generally to Association property (See CC&Rs Article 1.19 and ALC Rules Appendix D).

**DEVELOPMENT** - Shall mean the single-family residential properties within Quail Creek Country Club.

**EXTERNAL ORDINANCES** - Shall mean those ordinances, laws, rules, regulations, or codes established by the Federal, State or Local Governments to include Pima County and the Town of Sahuarita.

**FENCES** - Shall mean a wall built entirely of wrought iron without the use of cinder or slump block (See ALC Rules, Article 3.10).

**PARTY FENCES** - Shall mean a wall, including the footer, which straddles the property line, built entirely of wrought iron without the use of cinder or slump block.

**HOMEOWNER** - Shall mean the record holder of legal, beneficial, or equitable title to the fee simple interest of any Lot or Parcel including (See CC&Rs, Article 1.42).

**LOT** - Shall mean homeowner's property and/or dwelling.

**NEIGHBORING VIEW** - Shall mean, with respect to any given object, that the object is or would be visible to a person six (6) feet tall standing on the neighboring property, on the level of the base of the structure or building being viewed.

**ORIGINAL GRADE** – Two (2) inches below the patio

**PLOT PLAN** - Shall mean the drawing provided to the homeowner by the Developer at the close of escrow that indicates the placement of the house on the lot, easements, set-back lines and building envelope lines.

**PARTY WALL** - Shall mean a wall, including the footer and black wrought iron fencing where applicable, which straddles the property line separating adjacent lots, common areas and golf course (See ALC Rules, Article 3.35).

**NON-PARTY WALL** - Shall mean a wall, including the footer, which is constructed entirely inside one's own property line separating residential lots, parcels, common areas, or other areas in the development (See ALC Rules, Article 3.35).

## ARTICLE I GENERAL INFORMATION

### 1.1 INTRODUCTION

Quail Creek Country Club is a planned, age-restricted community whose architectural and landscape schemes reflect its location in the Sonoran Desert of Southern Arizona. In order to maintain the appearance, aesthetics, and values of the community, the Architectural and Landscaping Requirements and Guidelines (ALC Rules) have been adopted by the Board. These ALC Rules are consistent with and complementary to the CC&Rs (Covenants, Conditions and Restrictions of Quail Creek Country Club). In the event of a conflict between the CC&Rs and the ALC Rules, the decision of the Committee shall prevail.

A copy of the current Architectural and Landscape Requirements and Guidelines and all related forms can be downloaded from the Association website ([quailcreekhoa.org](http://quailcreekhoa.org)) or obtained from the ALC Office.

The CC&Rs Article 11.1 provides that the Board shall appoint an Architectural and Landscaping Committee with broad authority to administer the CC&Rs and ALC Rules. The Committee's responsibilities shall include, but are not limited to, recommending ALC Rule changes to the Board; reviewing and evaluating plans for work that alters the exterior appearance of any property within the development; and imposing sanctions for violations of the ALC Rules. The Committee is focused with assisting homeowners to understand and comply with the ALC Rules.

Although considerable effort has been taken to make the ALC Rules clear and definitive, they are subject to interpretations, and are of necessity incomplete. The Committee considers each project in its particular context and on its own merits. The approval of a particular project therefore cannot be taken as precedent for the approval of a seemingly similar project.

**There may be special or unusual cases in which a proposed project, while in compliance with the ALC Rules, might be denied approval by the Committee. The judgment of the Committee, considering the appropriateness of the project in the context of the neighborhood and the community, is the determining factor.**

### 1.2 ALC PERMIT REQUIREMENTS

A. It is the responsibility of the homeowner to obtain permits from the Committee prior to making any exterior alterations or installing any landscaping. ALC permit applications must be completed and signed by the homeowner and must include all applicable documentation required by these ALC Rules. ALC permit applications may be considered, at the Committee's sole discretion, prior to the closing date on your Quail Creek home, however, no work shall begin until all the following have occurred:

1. the closing of your Quail Creek home;
2. approval of your project plan by the Committee;
3. issuance of an ALC Permit.

In addition to other rights and remedies that may be available at law or in equity to the Committee, the Developer or third parties, ALC permit applications submitted after work has begun may be subject to retroactive (late) fees. See 4.10 Violations

B. The Committee meets on the second and fourth Thursday of the month to review proposed projects and to consider formal applications for an ALC Permit. The meeting schedule and location can be obtained on the Association website or at the Quail Creek Administrative Building.

- C. The homeowner and/or their hired contractor can be present at the meeting when an ALC permit application is reviewed by the Committee but doing so is not necessary. In any case, it is the responsibility of the homeowner to ensure the project conforms to and is executed in accordance with the provisions of the CC&Rs, ALC Rules and external ordinances.
- D. ALC permit application forms are available on the Association website and at the ALC Office. **Note that the form must be signed by the homeowner.** A ten (\$10.00) dollar application fee must be submitted with each ALC permit application; however, the initial application fee for casitas, cabanas, golf cart garages, pools, spas, and initial landscaping shall be twenty-five (\$25.00) dollars. All fees are non-refundable.
- E. The ALC permit application form, along with two (2) copies of the detailed project plans must be submitted to the ALC Drop Box at the Quail Creek Administrative Building by Friday at 12:00 P.M. the week prior to the meeting for review and consideration by the Committee.
- F. Permit application requirements and procedures are described in more detail in Article IV of these ALC Rules.
- G. It is the responsibility of the homeowner and succeeding homeowners to maintain landscaping and construction records, including, without limitation, any ALC Permit submittals and approvals as well as any applicable permit submittals and approvals from the Town of Sahuarita or any other applicable governmental authority. The Committee and the Association will maintain, solely for their own benefit, any records that they deem appropriate.

### **1.3 COMPLETION OF INITIAL LANDSCAPING**

ALC permit applications for initial landscaping shall be submitted and approved by the Committee within seventy-five (75) calendar days after the close of escrow. In the event that an initial landscaping project plan acceptable to the Committee has not been submitted within seventy-five (75) calendar days after the close of escrow, the Committee shall refer the matter to the Board which has the authority to select and install landscaping at the homeowners' expense. Initial landscaping shall be completed within ninety (90) calendar days after the close of escrow. Penalties for any violations can be found in these ALC Rules, Article 4.10 (See CC&Rs, Article 4.2.4).

### **1.4 EXTERNAL GOVERNMENTAL PERMIT**

In addition to the ALC Permit, the homeowner should be aware that architectural and landscaping projects may require a TOWN OF SAHUARITA PERMIT. It is the responsibility of the homeowner to contact local governmental agencies to determine and obtain permits as necessary.

Town of Sahuarita building or zoning permits may be required but not necessarily limited to projects involving electrical installations, natural gas lines, swimming pools, spa or hot tub installations, structural changes, exterior alterations, additions, and walls.

Obtaining a Town of Sahuarita permit for a project does not relieve the homeowner of the responsibility to obtain an ALC Permit.

## **1.5 CONTRACTOR SELECTION**

For their own protection, homeowners should exercise due diligence in selecting a contractor for all architectural and landscaping work. The final responsibility for selecting a contractor is up to each homeowner. Neither the Association, Board, nor the Committee endorses the selection of or warrants the work of any contractors hired by homeowners, therefore the Association, Board, the Committee are not involved with respect to the licensing of any contractors performing work for homeowners within the development. In addition, neither the Association, Board, nor the Committee has authority over any contractor conducting business for homeowners within the development.

ALC Committee recommends that homeowners use only licensed, bonded, and insured contractors for all architectural and landscaping work. State law mandates that a licensed contractor be used for any project whose cost is more than \$1,000.00. Licensing of contractors is the responsibility of the Arizona Registrar of Contractors. License status and complaint records may be obtained from the State Registrar of Contractors, or from their web site at <http://www.azroc.gov/forms/contractorsearch.html>.

Neither the Association, Board, nor the Committee have authority over any contractor, and cannot intervene if a problem or dispute arises between a homeowner and a contractor. Note that in all cases it is the responsibility of the homeowner to ensure the contractor complies with all relevant provisions of the CC&Rs, ALC Rules, external ordinances, codes and/or regulations.

## **1.6 VIEWS**

Homeowners cannot expect views which exist at any particular time to remain unchanged. Views may be affected by construction and landscaping by the Developer; by alterations or additions to homes; by changes to residential and common area landscaping; or by the growth of trees or other plants. Neither the Association, Board nor the Committee are under a duty to homeowners for the protection or enforcement of views or view expectations. However, maintaining views may be considered by the Committee in approving or disapproving any ALC permit application. Maintaining views in the community is a courtesy to your neighbors and should be considered by homeowners in their planning. Homeowners are not authorized to remove or trim plants on common areas to preserve a view or for any other reason. Requests for common area landscaping work should be sent to the Quail Creek General Manager.

## **1.7 MAINTENANCE OF PROPERTY**

All homeowners, including those not in full-time residence, are responsible for maintaining the appearance of their home and related landscaping so that it positively contributes to the overall appearance and aesthetic value of the neighborhood and the community. All lots shall be kept free of weeds and trash, and all plants and trees must be neatly trimmed. Plants and trees must be maintained and trimmed so they do not create visual obstructions that may compromise safety, intrude into sidewalks, streets, or utility services. Garbage and trash shall be kept in approved covered containers, with trash containers stored so they are not visible from the street, neighboring or golf course views (See CC&Rs Article 4.2.4; Article 4.2.10 and ALC Rules, Article 3.30).

An effective program of weed control must be maintained in front, side, and rear yards. The Committee strongly recommends once or twice yearly application of a pre-emergent herbicide to retard germination of weeds. Plastic sheeting or tar paper may not be placed under the inert landscape materials to control weeds.

Pools, spas, hot tubs, and water features must be maintained in such a manner as to prevent standing or stagnant water, which could result in objectionable odors or serve as a breeding place for mosquitoes.

An owner of a golf course lot has the responsibility to ensure the property presents an attractive appearance from the course as well as from the street. An owner of a golf course lot must ensure that unsightly work or storage areas are not readily visible from the course.

While in general, ALC approval is not required for the removal, change, or addition of plants, the landscaping must at all times meet the minimum requirements, or equivalent coverage specified. Dead plants and trees must be removed promptly and replaced if necessary.

Any homeowner who will be away from Quail Creek for an extended period is strongly urged to arrange for someone to care for the property to ensure proper maintenance.

## **1.8 CONCERNS/COMPLAINTS**

See Article 4.11

The Committee will only review and respond to written, signed concerns/complaints about possible violations of the ALC Rules. No concerns/complaints will be accepted if received via voicemail. Written and signed concerns/complaints will be investigated by the Committee as it deems appropriate. Concerns/complaints will be dealt with in a confidential manner between the homeowners involved.

If a homeowner feels that a violation has occurred, the homeowner should follow the links on the Association website to the 'Homeowner Complaint' form. To assist the Committee, please provide a clear and definitive depiction of the violation, including photos and any supporting documentation.

If the Committee determines that a lot is not in compliance, the Committee may take any actions provided for in the CC&Rs and ALC Rules Article 4.10 which, among other things, may include removing all non-compliant improvements at the homeowner's expense.

**ARTICLE II**  
**REQUIREMENTS AND GUIDELINES**

**2.1 ARCHITECTURAL REQUIREMENTS & GUIDELINES**

**See Article 4.3(A) for details regarding architectural plan submittal requirements.**

- A. The design, style, detailing, materials and color of any structural addition or exterior renovation shall conform to that of the original home.
- B. All additions to a home, and other structures such as, but not limited to casitas, golf cart garages, ramadas, pergolas, etc., require an ALC Permit and shall be built within the setback requirements shown on the plot plan provided by the Developer at the time of original purchase, regardless of more lenient requirements of any local governmental authority.
- C. The height of any structural addition to an existing home shall not exceed that of the original roof or parapet line.
- D. All materials used in structural additions and alterations shall conform to those set forth in these ALC Rules. The Committee, at its discretion, may allow for substitute materials that are considered compatible with the theme of the community.
- E. The Developer has graded each lot to drain away from the house in all directions toward the street (positive drainage). When any exterior additions, alterations, or renovations are made to an existing home or lot, the established positive drainage to the street shall not be altered. All roofs shall drain to the ground within the deeded lot area. All lot drainage must be away from fire hydrants, meter boxes, and utility pedestals. Dirt finished grade shall be no more than 2 inches below the curb or sidewalk prior to the placement of inert landscaping materials (See ALC Rules, Article 2.2, Subsections N&O). Drainage to common areas by homeowners and their contractors is prohibited. No homeowner shall alter, interfere with, or obstruct the drainage pattern over the lot or over any other portions of Quail Creek.
- F. No sewers, electrical lines, water lines, or other utility or service lines, facilities or equipment shall be installed or relocated within a lot without the approval of the Committee.
- G. Architectural projects may also require a TOWN OF SAHUARITA PERMIT which can be included with the project plans. Any other permits required by Federal, State or Local Governments to include Pima County can also be included in the project plan submittals.

**2.2 LANDSCAPING REQUIREMENTS & GUIDELINES**

**See Article 3.19(A) for details regarding gutter requirements.**

**See Article 4.3(B) for details regarding landscaping plan submittal requirements.**

- A. The homeowner shall fully landscape the entire lot, extending to the curb, consistent with the CC&Rs and ALC Rules. Landscaping shall not extend beyond lot lines into common areas (See CC&R Article 1.19 and ALC Rules, Appendix D).
- B. An initial landscape plan must be approved by the Committee within seventy-five (75) calendar days from the close of escrow, and the landscaping must be completed within ninety (90) calendar days from the close of escrow. Care must be used when planning landscaping to avoid visual obstructions that may compromise the safety of pedestrians, vehicles, or physical intrusions into sidewalks or streets. Nothing should be planted within five (5) feet of a fire hydrant, traffic control sign, or other similar item.

## ARCHITECTURAL & LANDSCAPING REQUIREMENTS & GUIDELINES

- C. In planning landscaping and construction, consideration must be given to allow access for the maintenance of areas that have TV cable, electrical boxes, water meters, etc. No plants will be allowed that will hinder utility maintenance personnel or meter readers. Plants so placed may be removed by the utility companies and shall be the responsibility of the homeowner for replacement. Electrical boxes, cable boxes or similar structures shall be screened with suitable plant materials (See ALC Rules, Appendix B).
- D. The use of native and/or drought tolerant species is strongly recommended for all landscaping. High water consuming plants should be confined to small areas as recommended in xeriscape landscape planning. Refer to ALC Rules, Appendix A for plant materials and trees that are prohibited in Quail Creek. Compatible community groupings of plants should be taken into consideration to allow for appropriate irrigation system planning. Underground irrigation is recommended but not required.
- E. Sufficient landscape materials shall be used to maintain harmony with surrounding areas. The average number of plants used on the entire homeowner lot shall be between 20 to 30. The Committee, in its judgment, may require additional plantings or grant variances to the number of living plant materials, based on the size and shape of the applicable lot, front patio and/or entry walk installation. The Committee, in its judgment, may also require minimum plant materials for other portions of a particular lot that are visible from neighboring views. There are no per se minimum planting requirements for areas on the lot that are not visible from neighboring views. The recommended guidelines are as follows:
1. Front yards shall be entirely covered with inert and plant materials. Front yard landscaping shall include a minimum of one tree at least five (5) feet in height above placement grade, at least fifteen (15) five-gallon plants or the equivalent, and mounding or berms. Mounds and berms shall not exceed eighteen (18) inches above final grade. Use of wood chips or bark mulch is prohibited.
  2. Rear and side yards shall be entirely covered with inert and plant materials. There should be mounding and berms.
  3. Golf course lots (rear) shall have one tree at least five (5) feet in height above placement grade, twelve (12) five-gallon plants or the equivalent facing the golf course, and mounding or berms. Mounds and berms shall not exceed eighteen (18) inches above final grade.
  4. Care must be taken in locating trees so that at mature growth they will not obstruct street signs, vision from vehicles, sidewalks, or cross streets. In no case shall a tree be planted closer than five (5) feet to any property line. Except for dwarf citrus trees, which may be three (3) feet from the side property line only. Proper maintenance and trimming of trees is required. An ALC Permit is required for the planting or removal of any tree, including replacement.
  5. Cacti, and large bushes or shrubs are not considered to be trees.
  6. Saguaros may be planted in place of trees, provided they are at least six (6) feet in height above placement grade.
  7. Artificial plant material is prohibited where visible from the street or golf course views, except for artificial turf in rear yards. See Article 3.18 Grass-Artificial.
- F. The Committee reserves the right to limit planting and may require tree or plant removal, if the Committee determines that the landscape contains too many plants and/or trees based on size
- G. All ground (including front, side, and rear yards) not covered by plantings (including, without limitation, turf, or other ground covers) shall be covered with inert material, which includes crushed native colored rock minimum 1/2 inch to a maximum of 1 inch screened (with the fines/dust removed). Native river rock, rip rap and boulders may be used for accent purposes. White rock, artificially colored rock or crushed man-made material is not permitted. Lava rock may be used as an accent color only. Rock colors used for accent and decorative purposes are limited to two color choices, with no more than a 90/10% ratio of base color to accent color of landscaping area available. All lots must have a two-foot border between the front curb of the lot and any living plant materials (i.e., where there is only gravel) in order to minimize water flow from the lot onto the street.

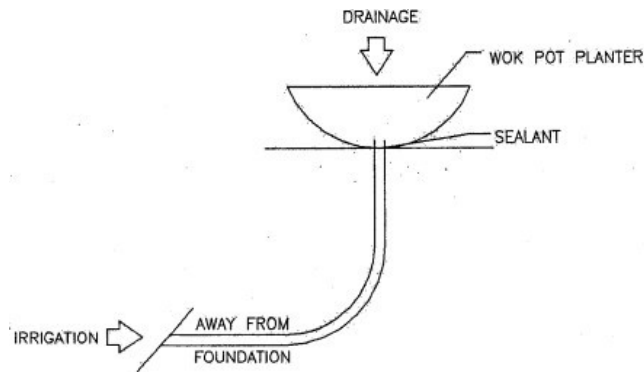
## ARCHITECTURAL & LANDSCAPING REQUIREMENTS & GUIDELINES

- H. Road base or foundation base materials (gravel or ABC) and minus (decomposed) granite are prohibited for ground cover.
- I. All Developer and homeowner installed air conditioners shall be screened so as not to be visible from street, common areas and/or golf course views. Screening may include a return wall, or plantings of sufficient height, density, and placement to accomplish the same effect (See ALC Rules, Appendix B).
- J. Weed growth or other nuisance plant materials shall be controlled with herbicides and/or manual weeding (See ALC Rules, Article 1.7). Plastic sheeting or tar paper shall not be placed under rock for weed control since it is ineffective and causes the covering crushed rock to wash away.
- K. No landscaping or construction materials owned or contracted for by the homeowner shall be left on any street for more than 48 hours. All materials encroaching on the street shall be clearly marked using the contractor's cones: at least five (5) orange, standard seven (7) pound, twenty-eight (28) inch traffic cones in like new condition with reflective tape, and cannot block more than 25% of the street width (See Article 4.7). NO vehicle shall park within fifteen (15) feet of the furthest arc of the materials so that traffic flow is not impeded.
- L. Care must be used when landscaping along roads or corners to avoid creating visual obstructions that may compromise the safety of pedestrians, bicycles, or other vehicles.
- M. All materials used in landscaping shall conform to these ALC Rules. The Committee may allow substitute materials, including those that are considered compatible with the theme of the community. Substitutions are approved based solely on the judgment of the Committee.
- N. No homeowner shall alter, interfere with, or obstruct the drainage pattern over the lot or over any other portions of the development, as that pattern may be established or altered in accordance with the Master Drainage Report. The Developer has graded your lot to drain away from the home in all directions, toward the street. This is called "positive drainage". Any alteration of the grades from that at completion of the original home construction must maintain the original drainage design. The Committee may require that drawings and other related data be submitted that will demonstrate proper drainage prior to issuing an ALC Permit. This may require the services of an engineer. Once the homeowner begins landscaping, the Developer no longer has responsibility for positive drainage on the lot; it becomes the homeowner's responsibility. The issuance of an ALC Permit and/or the completion of landscaping in accordance with an ALC Permit shall not be deemed a representation, warranty, guaranty, or other approval that the grading after completion of such landscaping will be consistent with the original drainage by the Developer or is otherwise acceptable. Each homeowner is responsible for ensuring that the landscaping installed on the homeowner's lot provides for appropriate drainage away from the foundation of the residence and other structures and that it complies with the Master Drainage Report. No lot shall drain onto a neighboring lot, parcel, common area, wash, or golf course, unless specifically provided for in the Master Drainage Report. Additional guidelines are as follows:
  1. There shall be no weep holes or walks used as drains to the rear, and all walls must be backfilled on both sides. There are to be no trenches left open along lot sides, which accumulate water. All spoils from wall footings are to be placed on the lot side, not on the slopes, common areas, or adjacent lots.
  2. Lots higher than an adjoining lot shall have a berm along the side and/or rear of the lot no less than four (4) inches tall by twelve (12) inches wide.
  3. If you are landscaping a lot next to a vacant uphill lot, you shall place a berm along the side and/or rear of the vacant uphill lot no less than four (4) inches tall by twelve (12) inches wide, in order to maintain the integrity of and to protect your work.
  4. All water boxes, etc. shall be adjusted to one (1) inch minimum above finished grade level, and all lot drainage must be away from fire hydrants, meter boxes and utility pedestals.
  5. Dirt finished grade shall be no more than two (2) inches below the curb or sidewalk prior to the placement of inert landscaping materials.

- O. Upon completion of landscaping and at all times, each homeowner is responsible for ensuring that the drainage on the homeowner's lot complies with the following criteria:
1. The grading shall maintain a properly compacted slope of not less than 5%, for a distance of not less than three (3) feet, or to the surface drainage swale, whichever is greater. Water must be directed away from the home's foundation in all directions to a defined drainage swale.
  2. All surface water drainage shall be directed away from property line to the established drainage swales so as not to run onto the adjacent property.
  3. No sidewalks or other obstacles shall be added next to the home (except those provided by the Developer) that create a trapped planter area that impedes the flow of water away from the home's foundation to the designated drainage swale.
  4. All added patio or sidewalk surfaces have a minimum 1/8" per foot fall (pitch) away from the home's foundation.
  5. Each lot shall have a pronounced surface drainage system that consist of swales and/or drains to provide continuous positive fall to appropriate discharge points off of the lot (i.e., back of curb at the street).
  6. If a roof gutter and downspout system is installed on any portion of the home, one of the following criteria must be met:
    - a) Newly constructed homes shall follow the requirements of Item (b) below.
    - b) All downspouts shall connect to a solid pipe collection system below grade that carries all roof water to the back of the curb at the front of the property and ensures that all water is expelled over the curb into the street via one of two methods: splash block or pop-up.
    - c) Extensions added to each downspout that carries the roof water to the center of the closest drainage swale used for surface water drainage.
    - d) When gutters are installed on the home, rainwater discharging from the downspouts cannot be allowed to collect in planter and courtyard areas. The downspouts in these areas must connect to an underground drainage system to remove the water.
    - e) Decorative downspouts, such as Rain Cup Chains, must be anchored into a drain or French drain, moving water away from the house.
- P. No plants or other landscape features shall be permitted to exist in the pronounced drainage swale. No plants shall be located closer than twenty-four (24) inches to the home's foundation for low water usage plants and shrubs or those that do not require irrigation and thirty-six (36) inches for other higher water use types of plants and shrubs. The intent of this section is to control the amount of water induced close to the home's foundation by irrigation systems. The amount of water needed by any plant will vary based upon exposure to the sun (i.e., northern exposure), climatic seasons and changes within the seasons, location of the plant based upon the direction of the home (i.e., how much sun reaches that location) and soil types. However, when the plant, shrub, or tree has become established then watering can be reduced in some cases by 70%. In an effort to provide options to landscapers and homeowners the following items will assist in the types of plants permitted by this subsection.
1. No uncontained\* irrigation system main line, emitter line, or emitter shall be located closer than twenty-four (24) inches to the home's foundation.
  2. Plants that require no water source are acceptable within the area of twenty-four (24) inches from the home's foundation. The most common examples of these types of plants are low watering native cacti and certain succulents. For example, golden barrels are a great choice. Established cacti and succulents only require one watering every thirty days. This is even best with hand watering and NOT providing a drip system to this area.

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- Plants that require no more than one to two gallons of water per day are generally acceptable within the area of two (2) to three (3) feet of the homes foundation provided that the emitter for that plant is no closer than twenty-four (24) inches from the foundation. The most common examples of these types of plants are: Trailing Gazania, Blue Euphorbia, Bush Morning Glory, Flame Honeysuckle, Yellow or Red Bird of Paradise, Baja or Pink Fairy Duster, or



Cape Honeysuckles.

- Trees, other than indigenous trees to the desert, require a larger volume of water based upon the type of tree, but generally in the range of twenty (20) gallons every three (3) days. For this reason, most trees, and the water source for them, should be located no closer than eight (8) feet from the homes foundation. Further consideration should be given to the canopy of the tree when it matures so that the tree is far enough away from the home as not to cause damage by the branches or root system when mature. A recommendation for watering trees would be a feeder line with emitter located two (2) feet below grade as opposed to surface emitters. This is best accomplished by installing a feed or water tube. This method will meet the tree water need with less water. Indigenous trees that require less than ten (10) gallons of water per week that would be acceptable within four (4) to eight (8) foot range of the homes foundation, provided the canopy or root system will not create damage, are as follows: Leather-Leaf Acacia, Sweet Acacia, Anacacho Orchid Tree, Hybrid Palo Verde, Palo Brea, Fruitless Olive, or Indian Rosewood. No tree shall be permitted within five (5) foot of any property line.

*\* Contained irrigation systems are systems that are designed to ensure that no water can escape the containment closer than four (4) feet to the homes foundation. An example would be: a contained planter or pot that is connected to an underground solid pipe whose end is four (4) feet or further from the foundation, the water line enters the planter or pot by running through the solid pipe and all excess water leaves the planter or pot by the same pipe.*

- Q. As referenced above, each plant has a recommended amount of water. However, this amount of water will vary based upon multiple different conditions. It is very important that the homeowner, working with their landscape contractor determine the correct plant and water usage for that plant based upon the specific orientation of the home on the lot and soils types. A simple percolation test should be taken to ensure that the correct plant is selected for the locations listed in this section. Additional sources for watering recommendations of plants would be [www.wateruseitwisely.com](http://www.wateruseitwisely.com), a Guide for the Arizona Desert, or <http://www.amwua.org/landscapeplantsonline.html>, provided by the Arizona Municipal Water Users Association.

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- R. All irrigation control valves and pressure regulators are to be installed on the opposite side of the drainage swale away from the house. These devices shall not be installed between the house and the drainage swale.
- S. Homeowners shall maintain proper management/control of the irrigation time intervals whether it is manually or by time clock. Homeowner shall adjust irrigation controls as needed throughout the year to avoid over saturation of the soils on the homeowner's and/or neighbor's lot. The time clock for the irrigation system must be set to provide adequate water to all plants, but not allow for any unnecessary watering. It is each homeowner's responsibility to monitor their irrigation system on a regular basis to ensure that it is operating as designed and to make seasonal adjustments to the watering cycles based upon climatic seasons and changes within those seasons.
- T. In addition, pursuant to CC&Rs Article 4.2.19, no homeowner shall allow any tree, shrub or planting of any kind on the homeowner's lot to overhang or otherwise encroach upon any sidewalk, street, bike path, golf cart path, trail, pedestrian way, golf course or other lot, parcel or area from the ground level to a height of eight (8) feet without the prior written consent of Developer (so long as Developer or any of its affiliates owns any property in the development in fee or beneficially) or the Committee, and the consent of the homeowner of the lot or other area encroached upon.
- U. No sewers, electrical lines, water lines, or other utility or service lines, facilities or equipment may be installed or relocated within a lot after closing without the approval of the Committee (See CC&Rs Article 4.2.15).
- V. Additional hardscape (brick pavers, flagstone, etc.) must maintain positive fall away from the home's foundation, and not create any planter areas directly next to the home.
- W. Landscaping projects may also require a TOWN OF SAHUARITA PERMIT which can be included with the project plans. Any other permits required by Federal, State or Local Governments to include Pima County can also be included in the project plan submittals.

**ARTICLE III**  
**SPECIFIC ARCHITECTURAL AND LANDSCAPING REQUIREMENTS  
AND GUIDELINES**

**3.0 GENERAL**

The following is not an exhaustive list of all the items requiring an ALC Permit. It is merely intended to be illustrative of items commonly requested and to provide you with guidance on criteria for the approval of those items. In addition, the Committee may, in its discretion, request additional information or materials or place additional restrictions on a Lot in connection with the review or approval of a particular ALC permit application. In any event, if you plan to make any exterior change to your house or lot, you should contact the Committee to determine if an ALC Permit is required.

Architectural projects may require a TOWN OF SAHUARITA PERMIT which can be included with the project plans. Any other permits required by Federal, State or Local Governments to include Pima County can be included in the project plan submittals.

**3.1 AIR CONDITIONERS/EVAPORATIVE COOLERS (ALC PERMIT REQUIRED)**

Air conditioners installed by the Developer must be screened from street, neighboring and golf course views and shall not be visible above the top of any wall.

All air conditioning units, heating units, evaporative coolers or other mechanical apparatus, structure or object installed after closing shall be ground mounted on a concrete base. The top of the unit shall be no higher than forty-eight (48) inches above grade level. All units must be screened from street view by return walls or plantings of sufficient height to provide immediate visual screening of the majority of the air conditioner, as determined by the Committee (See ALC Rules, Appendix B).

Portable window-type units are prohibited for use in any structure, including without limitation installation in a window or through a wall.

**3.2 ANTENNA (SATELLITE DISH) & O.T.A.R.D. (ALC PERMIT REQUIRED)**

The FCC OTARD (Over-the Air-Reception Devices) Rules allows individuals to install certain antennas, including satellite dishes, TV antennas, and fixed wireless antennas, on property that they either own or lease and have exclusive use of, such as balcony or patio, even if it's a rental property. OTARD protections ensure that individuals can receive broadcast television and broadband services without facing unreasonable restrictions from homeowners' associations (HOA's), landlords or local government ordinances. This rule helps promote competition and consumer choice in the telecommunications market by allowing individuals to access a variety of programming options.

The FCC OTARD rule covers a range of antennas, including:

1. **Satellite Dishes Antennas:** These are used to receive satellite television signals.
2. **Television Broadcast Antennas:** Used for receiving over-the-air television broadcasts.
3. **Wireless Internet (Fixed Wireless) Antennas:** used for receiving wireless internet signals from a fixed provider.
4. **Hub and Relay Antennas:** These antennas are part of the distribution network for wireless services.

It's important to note that while the OTARD rules covers these types of antennas, there are specific limitations and conditions outlined by the FCC. Specific limitations and conditions exist to balance the rights of individuals to install antennas with the interests of property owners and the public. There are some key limitations and conditions;

## ARCHITECTURAL & LANDSCAPING REQUIREMENTS & GUIDELINES

1. **Size Restrictions:** The rule generally applies to antennas that are one meter (39.37 inches) or less in diameter (or diagonal measurement) for satellite dishes, and for other antennas, the size restrictions are generally related to the zoning regulations and safety considerations.
2. Antennas must be installed in an area where the individual has exclusive use or control. This typically includes areas such as balconies, patios, yards, or any other space within the individual's property or leasehold.
3. Antennas must be installed in a safe manner to prevent injury or property damage. This includes proper anchoring and installation according to manufacturers' guidelines and local building code.
4. Antennas must be installed and operated in a way that minimizes interferences with other electronic devices and services. This includes compliance with FCC regulations regarding radio frequency interference.
5. While the rule generally prohibits restrictions based solely on aesthetics, there may be some limited exceptions for reasonable restrictions to preserve the visual integrity of a property, such as restrictions on placement in historical districts.
6. The rule does not override pre-existing agreements that are in place before October 1996, unless those agreements are renewed, extended, or substantially modified after that date.

The FCC's Over-the-Air-Reception Devices (OTARD) rule primarily covers antennas used to receive video programming signals, which included satellite dishes, TV antennas, and certain fixed wireless signals. However, the rule does extend to certain antennas that are capable of transmitting as well.

### **Key Points:**

1. **Reception:** OTARD rule originally focused on antennas designed to receive video programming signals from satellite, broadband radio services, or local television broadcast stations.
2. **Fixed Wireless Signals:** The rules have been expanded to include customer-end antennas that both receive and transmit fixed wireless signals, such as those used for wireless broadband internet services. These antennas are typically installed on private property in residential areas, and their primary function is to provide internet service.
3. **Transmit Capability:** Yes, OTARD covers certain antennas that are capable of both transmitting and receiving signals, specifically in the context of fixed wireless services. This means that small antennas used for internet service that communicate with a central hub can be installed under OTARD protections, if they meet the size and location requirements specified by the FCC.

OTARD rules do not cover HAM radio antennas; these are regulated separately under Part 97 of the FCC rules. Part 97 of the FCC rules include a provision that pertains to amateur radio antennas and their regulation by Homeowners Association (HOA) and other private land-use regulators. This provision is known as "PRB-1" rule, which was established in an FCC Memorandum Opinion and Order in 1985 and later incorporated into the rules.

**Key Points regarding PRB-1 and Part 97 Regarding Antennas and HOAs:** Unlike local governments, HOAs are not explicitly required under Federal law to reasonably accommodate amateur radio antennas.

- A. Outside antennas for HAM radios or citizen's band (CB) are prohibited within Quail Creek.
- B. FCC OTARD Compliant Antennas:
  - a. **Types:**
    - i. **Satellite Dish Antenna:** These are used to receive satellite television signals.
    - ii. **Television Broadcast Antennas:** Used for receiving over-the-air television broadcasting.
    - iii. **Wireless Internet (Fixed Wireless) Antennas:** Used for receiving wireless internet signals from a fixed provider.
    - iv. **Hub and Relay Antennas:** These antennas are part of the distribution network for wireless.
  - b. **Installation:**
    - i. The installation of more than one antenna requires an ALC Permit.
    - ii. The antenna must be installed solely on and within the homeowner's lot, and not encroaching on adjacent common areas or neighboring lot(s).

- iii. Homeowners are responsible for the maintenance of the antenna, ensuring they are not allowed to fall into disrepair or become safety hazards.
- iv. Preferred Location:
  - 1. Not to be mounted in the front yard or front of the house. The front yard is the area between the curb and front of the house and bounded by the side property lines.
  - 2. May not be attached to any party wall, golf course or common area walls.
  - 3. Attached to the side or back of the house with the top of the antenna at or below the roofline and otherwise no higher than is required to receive and send an acceptable quality signal.
    - a) Satellite Dish Antennas**
      - i. Antennas shall not exceed one meter (39.37”) in any dimension.
      - ii. Antennas when mounted to the home, the mounting structure is to be attached no higher than the eaves of the roof with standard length mast.
      - iii. Ground mounted masts are to be less than four (4) feet in total height (including the antenna) above the ground. The antenna must be completely screened from external view by masonry walls or landscaping.
    - b) Other OTARD Complaint Antennas**
      - i. Attached to the side of the house at the peak of the tile roof with the shortest mast necessary, not to exceed twelve (12) feet in height, to receive and send an acceptable quality signal.
      - ii. Attached to the peak of the tile roof at locations other than indicated above with the shortest mast necessary, not to exceed twelve (12) feet in height, to receive and send an acceptable quality signal.
      - iii. Attached to the back of the tile roof other than the peak by a mast no taller than (12) twelve feet in height, to receive and send an acceptable quality signal.
      - iv. Attached to the patio roof by a mast no taller than twelve (12) feet in height, to receive and send an acceptable quality signal.
    - c) Alternate Location (ALC Permit Required)**
      - i. When the preferred location criteria outlined above does not allow reception of an acceptable quality signal, the homeowner shall provide written proof of the fact to the Committee along with a description/location/picture of the least obtrusive alternate, non-preferred location that will give acceptable reception. The Committee may require the homeowner to paint the antenna to match the color of the home or masonry wall depending on installation. This includes all brackets, installation device(s) and wiring.

### **3.3 ARCHES (ALC PERMIT REQUIRED)**

- A. Arches shall be constructed of concrete block and shall be stuccoed and painted to match the house. The outside contour of an arch may be curved or angular/square, provided the structure is proportionate with the house. (See Appendix F for examples of acceptable designs). The examples found in Appendix F are merely design examples, and the Committee makes no statement as to the structural integrity of the construction of such designs (including without limitation the need for rebar or other reinforcement in any overhead structures). Construction issues are the responsibility of the homeowner and their contractor. Structures must be built entirely within the setback requirements as outlined on the Developer’s plot plan.
- B. Homeowner must demonstrate to the Committee that the design is structurally sound and meets all building codes applicable to Quail Creek.
- C. Arches may require structural engineering and as a result, the homeowner may be asked to provide the Committee with a sealed drawing and/or a certification of structural soundness by a license professional. If asked to do so, the homeowners must have these drawings prepared in advance and submitted to the Committee with the ALC permit application.
- D. The maximum inside width of the arch shall not exceed sixty (60) inches.

- E. The maximum outside width of the arch shall not exceed ninety-two (92) inches.
- F. The maximum outside height of the arch shall not exceed ninety-six (96) inches from grade level and shall be attached to an adjoining wall on both sides.
- G. The maximum inside height of the arch shall not exceed eighty-four (84) inches.
- H. The maximum width or thickness of arch legs shall not exceed sixteen (16) inches.
- I. Freestanding arches or gates of any type or materials are prohibited.
- J. Homeowners shall provide the Committee with a drawing(s) showing the location on the lot and an elevation (front view) view with full dimensions of the arch.

### **3.4 AWNINGS, SUNSHADES, SUNCREENS (ALC PERMIT REQUIRED)**

- A. **RETRACTABLE AWNINGS** are attached to the house and extend horizontally outward. These are restricted to the rear of the house. Retractable awnings shall be made of a solid color fabric approximating the color of the house, trim, or roof tile. Stationary awnings are not permitted.
- B. **ROLL DOWN SUNSCREENS** are restricted to the side and/or rear of the back patio and are to be vertical movement only. When lowered they must be secured. Framing/covers shall be metal or composite materials and a solid color approximating the color of the body of the house or trim. Screening material shall be black, bronze or color approximating the color of the body of the house.
- C. **STATIONARY SUNSCREENS**, for example solar screens on the outside of windows, all visible components shall be metal or composite materials and a solid color approximating the color of the body of the house. Sunscreens made of reed or bamboo are prohibited.
- D. Freestanding sunshades, sails or shade netting to shade plants, patios and/or the erection of privacy structures are prohibited.
- E. Reflective materials, aluminum foil, cardboard, paper, insulation material or other similar material to cover a window inside or outside is prohibited.
- F. Refer to ALC Rules, Article 3.17 for golf ball window screens.

### **3.5 BARBECUES & GRILLS (ALC PERMIT REQUIRED)**

There are many different types of stationary (fixed) and portable barbecues and grills that may use either natural gas, propane, or charcoal briquettes. Regardless of the type, barbecues and grills are:

1. Permitted in rear yards only.

- A. **STATIONARY/FIXED** barbecues and grills, including the enclosure, shall not exceed five (5) feet in height. Stationary/ fixed barbecues and grill enclosures shall be constructed of concrete block and shall be stuccoed (or such other approved fireproof and weatherproof material) and painted to match the house. Stationary/ fixed barbecues shall be built entirely within the setback requirements shown on the Developer's plot plan. Prefabricated barbecue islands shall be treated the same as a stationary barbecue and grill.
- B. **PORTABLE** barbecues and grills do not require an ALC Permit. Use of a natural gas connection may require a Town of Sahuarita permit. The homeowner is encouraged to contact the Town of Sahuarita prior to making a connection to natural gas.

### **3.6 BIRD FEEDERS & BIRDHOUSES (NO ALC PERMIT REQUIRED)**

Bird feeders, birdhouses and other similar items shall not be more than six (6) feet in height above grade level unless they are hung directly from the eaves of the roof. They may be located only in the rear yard of the lot. Placement in common areas is prohibited. A maximum of two (2) are permitted in each yard to limit the potential of a nuisance to neighboring properties (spilled seed may attract rodents and snakes). Hummingbird feeders are not included in this maximum. Seed blocks are not permitted.

**3.7 CASITAS & GOLF CART GARAGES (ALC PERMIT REQUIRED)**

- A. The construction of all casitas, guest houses, cabanas, golf cart garages and room additions not completed prior to the close of escrow with the Developer requires review and approval of the Committee. Compliance must be made with the Developer’s and Town of Sahuarita property line setbacks. An ALC Permit is required. Plot plan must be included with the permit application.
- B. These structures must appear to have the same architectural characteristics as the house, including color, roof tile type and color, roof style and slope, stucco, windows, doors and building trim.
- C. Structures must be built entirely within the setback requirements as outlined on the Developer’s plot plan.
- D. The new structure or addition may not extend more than fifteen (15) feet forward from the original structure (house, garage) and must comply with the Town of Sahuarita and the Developer’s setback lines, as shown on the Developer’s plot plan.
- E. Unless otherwise approved by the Committee at its sole discretion, the new structure in the front must be attached to the original dwelling by one of the following:
  - 1. A continuous roofline between the two structures;
  - 2. A wall connecting to the existing structure, not to exceed six (6) feet in height;
  - 3. An arch with a gate or;
  - 4. A ramada.
- F. Golf cart garage doors shall maintain the standard height of seven (7) feet and width of six (6) feet.
- G. The Committee may require certification of the structural soundness of the design by a licensed professional.

**3.8 CURB RAMPS (ALC PERMIT REQUIRED)**

The curb ramps should be positioned where the street meets the driveway, specifically in the gutter pan area. The curb ramp should not be affixed or secured to the road surface in any manner. **The acceptable solid color for the curb ramp is black or gray; any other colors are strictly prohibited.**

It is essential for the curb ramp to have proper drainage on the bottom to allow water to flow freely without causing any backups. The curb ramp must weight enough as not to move with heavy rainfall.

The homeowner will be responsible for maintaining the ramp, ensuring it remains free of debris to allow for proper water flow. Additionally, the homeowner will be held accountable for any water damage that may occur to the road as a result of improper drainage or blockage.

**3.9 DRIVEWAYS, WALKWAYS & COATINGS (ALC PERMIT REQUIRED)**

- A. Homeowners are cautioned that the utility companies have the right to remove any extensions or construction placed within the utility easement of the lot without reimbursement to the homeowner. Care must be taken that underground utility lines are not disturbed when altering driveways or walkways. In no case shall the Developer, Association, Board, Committee, or their respective affiliates be held liable or responsible for any driveway or walkway design or construction altered after closing. Further, the Developer, Association, Board, Committee, or their respective affiliates are not liable or obligated for the replacement of improvements resulting from removal by utility construction or maintenance.

- B. ALC permit and approval required when coating exterior concrete such as driveways, sidewalks, foyers, and patios. Permit request must show surfaces affected and indicate the color which should be compatible with the home color and community standards. Painting is prohibited.
- C. Driveway extensions may be constructed of concrete or pavers. Pattern design must be unobtrusive. No driveway shall be widened by more than the width of the garage. Extensions to the sides of the driveway must include extensions of the existing utility PVC pipe for irrigation lines installed under the driveway and must extend no less than one (1) foot past the extensions. Repairs must be finished to match the appearance of the surrounding areas.
- D. The use of concrete pavers for residential driveways will be allowed with the following provisions:
  - 1. Existing driveway concrete and sub-grade soil to be removed;
  - 2. Suitable compactable material shall be installed as a sub-base for the concrete pavers at a minimum of eight (8) inches depth and compacted per Interlocking Concrete Pavement Institute standards (ICPI);
  - 3. A bedding sand of ¾" to 1 ½" shall be installed over the compacted sub-base;
  - 4. Installation of edge restraints in the form of a mortared concrete paver is required to minimize lateral movement;
  - 5. The pavers should not interfere with the natural drainage of the lot to the street;
- E. The concrete pavers shall be of an approved color and texture. The use of clay pavers will not be permitted.

### **3.10 DECKS & PATIOS (ALC PERMIT REQUIRED)**

The height of any elevated patio, platform, and/or deck shall not exceed eight (8) inches above original grade. No observation decks, balconies or sun decks are permitted, except for optional decks offered by Developer on new home construction. Ramadas must comply with ALC Rules, Article 3.25 below.

### **3.11 FIREPLACES (EXTERIOR), KIVAS, & FIREPITS (ALC PERMIT REQUIRED)**

- A. Portable units not requiring a natural gas hookup shall be placed in rear yards only and do not require an ALC permit.
- B. Permanently installed, exterior fireplaces, beehive fireplaces, kivas, chimneys, and fire pits shall be constructed of brick or concrete block, stuccoed, and painted to match the color of the house. They shall not exceed five (5) feet in height above grade and shall be placed only in rear yards. New installations shall be gas or electric.
- C. Outdoor residential fires are permitted only in fireplaces, kivas, fire pits, and similar structures approved by the Committee.
- D. All existing approved wood burning devices must be equipped with a spark arrestor.
- E. Burning of brush, leaves, yard waste, trash construction waste, or other debris is prohibited.

### **3.12 FLAGS, FLAGPOLES & WINDSOCKS (ALC PERMIT REQUIRED)**

**Refer to Arizona State Law and Quail Creek POA Rules, Flags 11.4**

- A. The location of the flagpole must be at least ten (10) feet from all property lines. If ten (10) feet are not available, then such location shall be at the discretion of the Committee.
- B. The maximum height of the flagpole shall be no higher than the highest point of the house and in no case shall exceed twenty (20) feet.
- C. Flagpoles shall be silver color, dark bronze, black metal, or white fiberglass.

- D. Flagpole lighting shall be factory installed, solar powered located at the top of the flagpole and shall be downward directed. Typical flagpole lighting is LED (approx. 32- 35 lights), maximum 120 lumens, requiring low voltage of approximately 3.5 - 4.0 volts to operate.
- E. One vertical flagpole per property shall be allowed.
- F. No flag shall exceed three (3) feet by five (5) feet in size.
- G. A maximum of two (2) flags flown simultaneously from the single pole. No other flags, pennants, windsocks decorative flags or seasonal banners are permitted on a vertical pole.
- H. Up to two (2) flags may also be flown temporarily from removable poles attached to the house, and do not require an ALC Permit. The above flag sizes also apply.
- I. Consistent with Arizona Revised Statute 33-1808, this rule is not intended to prohibit outdoor display of an American flag or an official or replica of a flag of the United States army, navy, air force, marine corps, or coast guard, if such American flag or military flag is displayed in a manner consistent with the federal flag code (PL 94-344; 90 Stat. 810; 4 United States Code sections 4 through 10). Similarly, these rules do not prohibit, although they do regulate outdoor display of POW/MIA flag, Arizona State flag and/or Arizona Indian Nations flag.
- J. Other flags not noted above are considered decorative and may be flown at any time on a flagpole mounted to the house structure other than in a vertical position.
- K. No flags of any kind may be draped over a wall, nor displayed from a house structure without use of a standard flagpole attached to the house. Windows should not be covered with any type of flags or banner visible from a neighboring property or street.

### **3.13 FOUNTAINS & WATER FEATURES (ALC PERMIT REQUIRED)**

- A. Permanent fountains and water features shall only be installed in front courtyards or rear yards, and shall not exceed five (5) feet in height above original grade level. Pumps must be screened from street, neighboring and golf course views and located to minimize noise transmission to neighboring properties.
- B. Electrical wiring for fountains and water features must be buried underground, with a GFI circuit required.
- C. Portable fountains must adhere to the above height and location requirements.
- D. Positive gravity drainage is to be provided for all water features and fountains to permit constant unsupervised drainage during periods that the feature/fountain is not in use and maintained.
- E. Homeowner to provide mosquito and insect control at all times when the home is occupied. When the homeowner is away for more than a month, the feature/fountain is to be kept drained or regularly maintained by a third party.
- F. Be advised that fountains or water features attached to the home may void the Developer's home warranty on certain claims.

### **3.14 GARAGE ADDITIONS & MODIFICATIONS (ALC PERMIT REQUIRED)**

- A. Garages shall not be converted for any use other than that for which they were originally intended. Garages, roofs, and doorframes shall not be modified to accommodate motor homes or other large vehicles. Driveways and garage floors are not to be lowered. Where space permits, garage additions (golf cart, etc.) may be constructed but must be within setback requirements. These structures must appear to have the same architectural characteristics as the house, including floor at the same elevation, building color, roof tile type and color, roof style and slope, stucco, windows, doors and building trim. The structure shall be appropriately sized to the available space, not overwhelming the space remaining on the lot before its construction.

- B. Homeowners shall provide the Committee with a drawing showing the location on the lot and an elevation (front view) view with full dimensions of the structure.
- C. The project plans shall be of sufficient detail for the Committee to be able to determine whether the project meets the requirements.

### **3.15 GATES (ALC PERMIT REQUIRED)**

Project plans for gates shall include working drawings which show all locations, design, dimensions, materials, paint color (where applicable), and any ornamentation to be applied. If a swimming pool is planned for the homeowner's residence, the Town of Sahuarita has specific requirements regarding height and latching for gates.

- A. Gates must be constructed of wrought iron, tubular steel or aluminum and may contain screening material (expanded metal or solid metal sheet) on the rear side of the gate. Gates shall be black, bronze or a color compatible with the exterior of the homeowner's residence or adjacent wall. Ornamentation on gates must match Developer's style, be permanently affixed, and painted to match the color of the gate. Other colors or combinations thereof shall be considered and approved on a case-by-case basis by the Committee. Design of gate shall be consistent with the community's Sonoran Desert theme. Gates shall be no higher than the adjacent wall itself and not exceed an opening (width) of sixty (60) inches. Where an arch is used on the gate, the height of the arch shall not exceed twelve (12) inches above the adjacent wall.
  - 1. On **ARCH GATES**, the dimensions shall be consistent with the arch opening as approved by the Committee; tandem gates will be allowed in arch openings provided they meet the minimum/maximum width requirement.
  - 2. On **GOLF COURSE GATES**, one gate in the rear party fence will be allowed. The entire gate shall blend with the party fence, shall be five (5) feet in height and shall not exceed forty-eight (48) in width. Arches are prohibited on golf course gates.
  - 3. On **TRASH RECEPTICLE SCREENING WALL GATES**, solid screening material shall be used on the rear side of the gate to hide the view of the trash receptacles from the street, neighboring or golf course views.
  - 4. Wood gates are not permitted; when an existing wooden gate is replaced, it must be replaced with one meeting this requirement.

### **3.16 GAZEBO (ALC PERMIT REQUIRED)**

- A. Gazebo shall mean a freestanding, permanent structure with a solid (as opposed to open) roof. A freestanding structure with an open roof is a Ramada and must comply with ALC Rules, Article 3.25.
- B. Construction of gazebos is limited to rear yards only. **Gazebos are not permitted on golf course lots.**
- C. Must be constructed of finished wood grained materials or Aluma Wood material. Gazebos must be finished to match the color of the house and/or trim. The maximum allowable height of such structures shall not exceed that of the Developer installed patio covers, which is generally the lowest point of the eaves or parapet line.
- D. The roofs of these structures must be pitched and constructed of tile matching that used on the house; all other roofing materials are prohibited.
- E. Gazebos, including footers must be built entirely within the setback requirements as outlined on the Developer's plot plan.

**3.17 GOLF BALL WINDOW SCREENS (ALC PERMIT REQUIRED)**

- A. Limited to side and rear of house.
- B. Golf ball window screens shall be secured using mechanical fasteners.
- C. Golf ball window screens shall be color compatible with the base color of the house.
- D. Golf ball nets shall not be permitted.

**3.18 GRASS –ARTIFICIAL (ALC PERMIT REQUIRED)**

- A. **NATURAL GRASS** or sod is prohibited.
- B. **ARTIFICIAL GRASS** is permitted in side and rear yards only. Minimum eight 80 ounce, pinned and weighted down with sand/Black Beauty Dust. No more than 25% of the area available for landscaping shall be considered by the Committee for the use of artificial grass.
- C. Homeowner’s installing artificial turf should pay particular attention to ensuring not to alter, interfere with or obstruct the lot’s drainage pattern.

**3.19 GUTTERS, ROOF TILES & COATINGS (ALC PERMIT REQUIRED)**

The ALC permit application shall include a drawing showing the location of all gutters and downspouts to be installed and any existing gutters. The gutters and downspouts shall match or approximate the house and/or trim color as appropriate. Color choices must be noted on the ALC permit application.

- A. **NEW HOMES:** During initial landscaping, downspouts from all gutters must connect to a buried drain pipe extending to the curb and discharging to either a splash block, rockswale or a pop-up over the curb and into the street. Such buried drain pipe shall be a minimum three (3) inch I.D.
- B. **EXISTING HOMES:** If possible, the use of a buried piping system should be used, however, at a minimum, all downspouts shall include a minimum twenty-four (24) inch extension away from the house foundation and discharge into a nearby swale.
- C. **FASCIA BOARD:** When gutter installation includes fascia board replacement, the fascia board may be aluminum, wood or vinyl material and must match the house and/or trim color as appropriate.
- D. **FLAT ROOF COATINGS:** The application of a coating to the flat roof of a home must be described as an item of work on the ALC permit application. Roof coatings must match the color installed by the Developer or as approved by the Committee. White roof coatings are prohibited on any roof, including flat roofs and patio roof covers. Any change in the color of the roof coating or roof tile will require an ALC Permit, and must be consistent with the colors currently used by the Developer. Samples of tile and other materials proposed are to be submitted with the ALC permit application.
- E. Decorative downspouts, such as Rain Cup Chains shall be anchored in to a drain or French drain, moving the water away from the house.
- F. Tanks for rainwater collection systems are allowed only on the side and rear of the house. They shall not exceed five (5) feet high, two (2) feet wide and six (6) feet long and must be screened from street, neighboring and/or golf course views. Exposed piping must be painted the same color as the house.

**3.20 HOUSE NUMBERS & IDENTIFICATION SIGNS (ALC PERMIT REQUIRED)**

- A. For safety purposes, house numbers will be installed in a conspicuous place on the front of the home to be clearly visible and legible from the street. Homeowners may substitute other materials or colors, but the numbers must be close to the same size as those provided by the Developer.
- B. In addition to the number on the front of the house, a single personal sign, no larger than twelve (12) inches by twenty (20) inches, showing the name of the homeowner and/or the address of the property may be placed in the front yard or on the front of the house or garage. The finish on these signs may be black, brass, bronze, or a combination thereof. Signs may also be made of etched stone. They shall be placed no higher than necessary for visibility.
- C. House numbers shall not be painted on any curb.
- D. Signs shall not be made of wood.

**3.21 LIGHTING, EXTERIOR (ALC PERMIT REQUIRED)**

Quail Creek has been established as a Low Ambient Lighting Zone consistent with local Dark Sky ordinances and restrictions. As part of this approach, Quail Creek does not have street lighting. Residential lighting in the development is for safety and security; all other lighting is intended to be limited and subdued. Those situations are specifically identified in this guideline. Continuous illumination of exterior lights, front, side, or rear, except for low voltage landscape lighting is prohibited. All lighting must be off by 10:00 PM. Motion controlled lighting is not permitted. Colored lighting is not permitted except during specific holiday seasons. No lighting shall create an undue glare to neighbors and/or towards the street. All exterior lighting, including low-voltage, shall conform to the Town of Sahuarita Outdoor Lighting Code.

- A. **FLOODLIGHTS:** Exterior floodlights should be directed downward, shielded from neighboring properties, and are expected to be used on an intermittent basis only, and are not meant to be used continuously to illuminate the landscaping and/or patio areas. The use of Quartz Halogen floodlights is prohibited.
- B. **POST LIGHTS** are prohibited except for Unit 1.
- C. **CARRIAGE LIGHTS AND/OR SCONCES:** Carriage lights and/or sconces shall be consistent with the community's Sonoran Desert theme and of approximately the same size as those provided by the Developer.
  - 1. The total light output of each fixture must not exceed that of a single frosted 30-watt incandescent bulb (See ALC Rules, Appendix C).
  - 2. If the glass is not frosted or shaded, the bulbs must be deflected with proper shields so the glare does not shine onto the neighboring property, street, golf course or common property.
  - 3. Architectural projects may also require a TOWN OF SAHUARITA PERMIT which must be included with the project plans; any other permits required by Federal, State or Local Governments to include Pima County shall also be included in the project plans submittals.
- D. **LOW VOLTAGE LIGHTING (NO ALC PERMIT REQUIRED):** Installation of low-voltage lighting along walkways, driveways and around patios is permitted. Tree and other mood lighting directed upward should not create an undue glare to neighbors and/or towards the street.
- E. **BUG LIGHTS/ZAPPERS (NO ALC PERMIT REQUIRED):** Bug lights/zappers shall not be located more than six (6) feet in height above grade level unless they are hung directly from the eaves of the roof. Bug lights/zappers shall not be located less than ten (10) feet from a property line. Every effort must be made to avoid creating a glare or light source that invades neighboring properties. No more than one (1) bug light/zapper is permitted on each lot. Bug light/zappers shall be in the rear yard only, not visible from street views.

- F. **PARTY/BISTRO LIGHTING (NO ALC PERMIT REQUIRED):** Party and/or bistro lighting are restricted to rear yard patio locations only. Party and/or bistro lighting shall only be located at patio locations and not strung throughout the side and/or rear yards. Party and/or bistro lighting are allowed during hours where such areas are occupied. All party and/or bistro lighting shall be reflected downward, with its intensity subdued, not causing undue glare to street and neighboring properties. All party and/or bistro lighting shall be extinguished no later than 10:00 P.M.
- G. **FLAGPOLE LIGHTING:** Flagpole lighting shall be factory installed, solar powered located at the top of the flagpole and shall be downward directed. Typical flagpole lighting is LED (approx. 32- 35 lights), maximum 120 lumens, requiring low voltage of approximately 3.5 - 4.0 volts to operate (See ALC Rules, Article 3.12).
- H. **HOLIDAY LIGHTING – CHRISTMAS (NO ALC PERMIT REQUIRED):** Christmas holiday lighting, including the installation and removal, shall be permitted starting thirty (30) calendar days prior to and ending fourteen (14) calendar days following the holiday. Illumination hours shall be from dusk until no later than 10:00 P.M.
- I. **HOLIDAY LIGHTING – OTHER (NO ALC PERMIT REQUIRED):** All other holiday lighting, including the installation and removal, shall be permitted starting fourteen (14) calendar days prior to and ending seven (7) calendar days following the holiday. Illumination hours shall be from dusk until no later than 10:00 P.M.

### **3.22 MAILBOXES**

No individual mailboxes shall be permitted on homeowner lots. All mail will be delivered via cluster mailboxes placed throughout the development in compliance with U.S. Postal Service requirements. Mailboxes are prohibited to be used as community bulletin boards. Posting of any kind is prohibited.

### **3.23 PAINTING & STONE VENEER (ALC PERMIT REQUIRED)**

- A. All paint schemes must be consistent with those established by the Developer to define the community's Sonoran Desert exterior color theme, and must be compatible with the color of the roof. Entry doors are generally painted to match a trim color, but variation may be permitted as approved by the Committee.
- B. An ALC permit is required prior to painting the exterior of home, trim, doors or walls even when no color changes are being made. **As part of the ALC permit application, the homeowner must provide the Committee with the approved Quail Creek paint color scheme number and paint color swatches.**
- C. A Paint Sample Book, including all approved colors and paint schemes can be signed out by the homeowner at the ALC Office. The colors and paint schemes can also be viewed on the Association website.
- D. All colors, other than the original color, shall be those currently in use by the Developer for homes within the development.
- E. The addition of stone veneer (including without limitation adding additional stone veneer to an elevation that already has less stone veneer) requires an ALC Permit. A photograph or detailed drawing of the existing home showing the proposed location and placement of the stone veneer, together with the type and color of the stone veneer and the exterior color of the home must be submitted with the ALC permit application. The stone veneer must be similar in color and design to that used by the Developer. The stone veneer placement must be installed a minimum of thirty-six (36) inches high and no higher than forty-eight (48) inches on the garage front. A home with a front entrance portico, which has a flat facade and a pop out or a roof eve, may be considered for installation of stone veneer on the portico. The stone veneer placement must be

installed to the bottom of the lowest pop out or if the portico does not have a pop out, to the roofline.

### **3.24 PLANTERS (ALC PERMIT REQUIRED)**

Planters may be constructed in front, side, and rear yards provided the height does not exceed twenty-four (24) inches, and they do not intrude into the utility easement. Planter stacking shall not exceed a maximum height of forty-eight (48) inches or exceed the height of any adjoining wall. Planters must be water proofed on all four sides to prevent leakage and paint peeling. Planters must be constructed of concrete block, stuccoed, and painted to match the wall or house color, or of brick, or a natural stone of a color compatible with the rock ground cover being used (See ALC Rules Appendix E).

### **3.25 RAMADAS, PORCH & PATIO COVERS (ALC PERMIT REQUIRED)**

Ramada shall mean a freestanding structure with an open (as opposed to solid) roof and includes structures also referred to as a pergola. A freestanding structure with a solid roof is a Gazebo and must comply with ALC Rules, Article 3.16.

#### **A. FREESTANDING RAMADAS**

1. Construction of a freestanding ramada is limited to side and rear yards only.  
**Freestanding ramadas are not permitted on golf course lots.**
2. Must be constructed of finished lumber or wood grained materials.
3. Must be finished, painted, or stained to match the color of the house and/or trim.
4. The maximum allowable height of such structures shall not exceed that of the Developer installed patio covers, which is generally the lowest point of the eaves or parapet line.
5. Umbrella-type ramadas (including without limitation fabric sun sail shades) and palapas (thatch roofs) are prohibited; however, temporary umbrella type ramadas are permitted only for special events, in which case they can only be put up 2 days prior and must be taken down within 2 days after.
6. Pillars and overhangs shall be placed within the setback requirements as shown on the Developers plot plan.

#### **B. ATTACHED RAMADA, PORCH, PATIO COVERS**

1. Construction of an attached ramada, porch and patio covers shall be limited to side and rear yards only except when a plan includes adding a casita.
2. Must be constructed of finished lumber or wood grained materials.
3. Must be finished, painted, or stained to match the color of the house and/or trim.
4. The maximum allowable height of such structures shall not exceed that of the Developer installed patio covers, which is generally the lowest point of the eaves or parapet line.
5. These structures must appear to have the same architectural characteristics as the house, including floor at the same elevation, building color, roof tile type and color, roof style and slope, stucco, windows, doors and building trim. The structure must be appropriately sized to the available space, not overwhelming the space remaining on the lot before its construction.
6. Pillars and overhangs shall be placed within the setback requirements as shown on the Developer's plot plan.

**3.26 SCREEN & SECURITY DOORS (ALC PERMIT REQUIRED)**

- A. A screen and/or security door shall be used to enclose a front entry area. All other locations, such as courtyards, arches, return walls, etc. shall be defined as a gate (See ALC Guidelines, Article 3.15).
- B. Screen and security doors and their ornamentation shall be limited to one of the following colors, and must include a drawing of the proposed door or enclosure with the ALC permit application:
  - 1. Same color as exterior door, or
  - 2. Same color as house color or trim color, or
  - 3. Same color as window inserts, or
  - 4. Predominantly black or dark bronze.
- C. Screen and security doors and enclosures shall be constructed of wrought iron or aluminum provided the design is of square solid or tubular material and has the appearance of a wrought iron door. No wood or lightweight screen or security doors are permitted. Screen and security doors may also be made of wrought iron, tubular steel, or heavy gauge aluminum as long as color is per the above requirements. Expanded (perforated) metal screening or similar may be used as a backing on screen and security doors, including when used as a porch enclosure, and must match the color of the outside frame. Other colors or combinations thereof may be considered and approved on a case- by-case basis by the Committee.

**3.27 SIGNS (ALC PERMIT REQUIRED)**

**Please review the Quail Creek POA Rules for additional signage guidelines.**

No signs which are visible from neighboring views shall be erected or maintained in residential areas of the development except as outlined below:

Signs limited to the homeowner’s name(s) may be displayed in the front of the lot, either attached to the house/garage or placed on the ground, upon approval of the Committee.

Signs under this provision do not satisfy or replace the requirement for House Numbers found under ALC Rules, Article 3.20.

All other signs, including without limitation, signs of a general nature and those containing “quaint” sayings that are visible from street, neighboring or golf course views are not permitted.

CONTRACTOR SIGNS posted on lots must be posted in accordance with State laws (including the name and registrar of the contractor number). These signs must be removed when the project is completed.

Signs required for legal proceedings must be posted in accordance with State laws.

Any existing sign, when repaired or replaced, must conform to these CC&Rs and ALC Rules. Without limiting any other rights or remedies, the Association, Board, Committee, and the respective agents of any of the foregoing, may enter a lot for the purpose of removing any signs that do not comply with these ALC Rules or the CC&Rs.

**3.28 SOLAR PANELS & SOLAR TUBE SKYLIGHTS (ALC PERMIT REQUIRED)**

- A. **SOLAR PANELS/COLLECTORS** where possible shall be flush-mounted. It should be noted that not all locations and homes will accommodate a solar collector system.
  - 1. All exterior conduit or plumbing lines shall be painted to match the color of adjacent roof and/or walls.

2. Aluminum trim, if used and visible, should be anodized or otherwise color treated to blend into the surroundings as much as possible.
3. Ground-mounted solar collectors must be within the setback requirements and concealed so as not to be visible from street, golf course or neighboring property views.
4. An illustrated brochure or drawings of the proposed solar unit, which depicts the materials to be used, and drawings showing the location and number of collectors, the method of attachment to the roof structure, and the location of exterior system component, shall be submitted with the ALC permit application.
5. Protective netting may be installed to cover solar panels only, not the entire roof.

**B. SOLAR TUBES AND SKYLIGHTS:** with the exception of the dome, any other part of the structure, such as the bezel, which is viewable from street, golf course or neighboring views shall be painted to match the roof tiles.

### **3.29 SWIMMING POOLS AND SPAS (ALC PERMIT REQUIRED)**

**Refer to ALC Guidelines, Article 3.15 and 3.35 for details regarding gate and wall**

- A. In planning a swimming pool, spa, or hot tub installation, every attempt must be made to minimize noise transmission from the pool/spa mechanical equipment to neighboring properties. The pool and/or spa mechanical equipment shall be located as far as possible from neighboring homes and cannot be attached to any party wall.
- B. All pool and/or spa (hot tub) mechanical equipment must be screened from street, neighboring and golf course views. Screening may be accomplished by wall or by plant materials. Walls shall be constructed of Santa Rosa color slump block, or concrete block stuccoed and painted to match the color of the house. Walls shall only be high enough to provide the required screening.
- C. Homeowners must provide the Committee with a drawing showing the location of the swimming pool and/or spa (hot tub), including the mechanical equipment on the lot.
- D. Above ground pools are prohibited.
- E. Above ground spas (hot tub) may not exceed forty-two (42) inches in height, and must have locking covers. In ground spas, or any spa exceeding eight (8) feet in any dimension are subject to Town of Sahuarita codes regarding walls/fencing for swimming pools.
- F. The exposed sides of prefabricated spas (hot tub) must be covered with approved hardscape material such as masonry with stucco finish to match the house. The sides must not be visible from neighboring views. Such walls shall be no higher than the highest point of the spa (maximum height of 3'6"). Care should be taken not to cover the service access panel if applicable.
- G. When draining pools, spas (hot tubs), ponds or water features, they must be drained into the access "cap" for the sewer located on your property. Draining into the streets, common area, or golf course, is prohibited and may result in a fine. This draining is also prohibited by the Town of Sahuarita.

### **3.30 STORAGE & TRASH CONTAINERS**

- A. No garbage or trash shall be placed or kept on any lot, residential parcel, or other residential area of the lot except in covered containers of a type, size and style which are approved by the Committee, and except for garbage or trash produced by declarant, it affiliates or subcontractors in connection with construction of the subdivision or any improvements in the property. Unless otherwise approved by the Committee, such containers shall be maintained and stored so as not

to be visible from neighboring property except to make them available for collection. All rubbish, trash and garbage shall be removed from lot, parcels and other areas on the lot and shall not be allowed to accumulate thereon (Reference CC&R Article 4.2.10)

- B. Two (2) trash receptacles are allowed for each property owner residence. Trash receptacles shall not exceed forty-eight (48) inches in height. As an example, the typical trash receptacle are about ninety-six (96) gallons. Trash receptacles shall be made of a rubber or hard plastic material.
- C. No outdoor incinerators shall be kept or maintained on any lot.

### **3.31 STORAGE FACILITIES/STRUCTURES**

Storage facilities and/or structures to include sheds, lockers, etc. are prohibited.

### **3.32 TILE (ALC PERMIT REQUIRED)**

- A. The placement of exterior tiles anywhere on the exterior of a wall requires an ALC Permit.
- B. When the wall is readily visible from the street, neighboring or golf course views, care must be taken to avoid excessive decoration.
- C. The preferred use of tile decoration is accent tiles with a maximum size of six (6) inches and a minimum distance of eighteen (18) inches between tiles, but the Committee may consider other configurations.
- D. Tile murals or pictures may be located on a wall near the front entry door, if not readily visible from street views.
- E. The subject of such murals or pictures must conform to the Sonoran Desert theme.
- F. Colors must be compatible with the house and trim colors, and the size must be appropriate to the space.
- G. Tiles are prohibited from being located around windows, doorways, niches, or other architectural details.

### **3.33 TREES (ALC PERMIT REQUIRED)**

The use of appropriate trees in landscaping is encouraged. Care must be taken in locating trees so that at mature growth they will not obstruct street signs, vision from vehicles, sidewalks, or cross streets. In no case shall a tree be planted closer than five (5) feet to a property line. Except for Dwarf Citrus trees, which may be three (3) feet from the property line. Proper maintenance and trimming of trees is required. An ALC Permit is required for the planting, removal and/or replacement of any tree (See ALC Rules, Article 2.2(E)(4)).

### **3.34 TRELLISES & LATTICE PANELS (ALC PERMIT REQUIRED)**

- A. Trellis is a flat 2-dimensional panel. An arbor is a 3-dimensional structure. Either may be used to support foliage.
- B. Either must be firmly attached to a fence or a wall. They shall not exceed the height of the attached fence or wall, eave, or gutter line.
- C. Neither may be placed in the front yard or project beyond the front corner of the house.
- D. Either must be painted to match the house or wrought iron may be painted black or green.
- E. Freestanding trellises, arbors, arches, and lattice panels are prohibited.

**3.35 WALLS AND FENCES (ALC PERMIT REQUIRED)**

**WALLS** are defined as structures designed to separate, protect, or support areas of a property. They shall be composed of a reinforced masonry footer, slump block or stuccoed concrete block, with the option of masonry pillars with wrought iron view fence. All walls shall be a minimum of five (5) feet in height, not to exceed six (6) feet in height.

Project plans for walls and walls with view fencing shall include working drawings which show the location, dimensions, materials, and paint color (where applicable). The same information shall be provided for any wrought iron fence to be used as part of a wall. If a swimming pool is planned for the homeowner’s residence, the Town of Sahuarita has specific height requirements for the walls & gates. **All new or replacement walls require a Zoning Clearance Application from the Town of Sahuarita.** A copy of the approved Zoning Clearance Application must be included in the project plan submitted.

- A. **GOLF COURSE WALL** that border on the golf course must be five (5) feet in height. Must be constructed as a view wall/fence. Two (2) feet Santa Rosa slump block with pillars no more than twelve (12) feet apart. Three (3) feet height wrought iron between pillars. Wrought iron is to be mounted flush to the outside (towards the golf course) to the slump block, so as not to create a step. Wrought iron will be black in color.
- B. **PERIMETER WALLS** shall mean a wall constructed by the Developer adjoining golf course, common areas, parks, washes, streets, etc. In addition to the guidelines provided in CC&R Article 4.2.17, homeowners are prohibited from modifying, altering, or making any additions to the wall without an approval agreement from the Board. Such approval agreement must be attached to the ALC permit application. Where such modification or alteration is approved by the Board, the homeowner shall use masonry matching that used by the Developer and be painted, or stuccoed and painted, on all sides to match the existing wall.
- C. **PARTY WALLS** shall mean a wall, including the footer, which straddles the property line separating adjacent lots, common areas and golf course. Walls, including the footer, not built on the property lines shall be considered Non-Party Walls.

All party walls, including the footer, shall be built straddling (centered over) the property line, shall be a minimum of five (5) feet in height, not to exceed six (6) feet in height. All party walls shall be built using:

- 1. Santa Rosa color slump block, or
- 2. Black wrought iron view fencing with Santa Rosa color slump block pillars located at least every twelve (12) feet maximum along the wall, with the bottom twelve (12) inch base of the wall constructed with continuous solid Santa Rosa slump block as approved by the Committee.

Black wrought iron view fencing, where used, shall be placed on top of no less than a normal footing and a minimum of three (3) tiers of Santa Rosa color slump block showing above ground. No weep holes will be allowed in any party wall straddling a property line. In Units 1, 4, 6, and 8, the color of slump block walls shall be considered on a case-by-case basis in order to minimize the differences in color and block size. Every effort must be made to present a uniform appearance along streets and the golf course.

## ARCHITECTURAL & LANDSCAPING REQUIREMENTS & GUIDELINES

Party Walls require the written agreement (WALL AGREEMENT BETWEEN PROPERTY OWNERS) of the adjacent property owner(s). Any addition and/or modification to an existing party wall between adjacent property owners will require the written agreement (WALL AGREEMENT BETWEEN PROPERTY OWNERS) of the adjacent property owner(s). Such wall agreements must be attached to the ALC permit application.

- D. **NON-PARTY WALLS** shall mean a wall, including the footer, which is constructed entirely inside one's own property line separating residential lots, parcels, common areas, or other areas in the development. Non-party walls shall be constructed with sufficient spacing inside the owner's property line to allow for the proper inspection, maintenance, and repairs to both sides of a wall. Non-party walls shall follow the same construction criteria as a party wall. These walls shall be a minimum of five (5) feet in height, not to exceed six (6) feet in height.

Non-party walls do not require the written permission of the adjoining property owner.

All walls that will connect to an existing non-party wall requires the written agreement of the adjacent property owner. Such agreement must be attached to the Permit Application.

- E. **RETAINING WALLS** are those constructed along a slope in order to hold back or support the earth in the slope.

If the retaining wall is to be built straddling the boundary line separating adjacent lots, the wall shall be considered a party wall which will require the written agreement (WALL AGREEMENT BETWEEN PROPERTY OWNERS) of the affected property owner(s). When applicable, such party wall agreements must be attached to the ALC permit application.

- F. **RETURN WALLS** are those connecting party or non-party walls to the homeowner's residence. Return walls shall be the same height as the adjacent party or non-party wall. All return walls shall be constructed using Santa Rosa color slump block, or concrete block stuccoed and painted to match the house. A weep hole is required at the bottom of a solid return wall to allow for proper positive drainage to the street. A buried drain pipe may also be used. Such buried drain pipe shall be a minimum three (3) inch inner diameter (ID). A (WALL AGREEMENT BETWEEN PROPERTY OWNERS) may be required when connecting to a neighboring non-party wall.

- G. **COURTYARD WALLS** are walls used to create an open space surrounded by walls and may attach to the homeowner's residence. All courtyard walls shall be constructed using Santa Rosa color slump block, or concrete block stuccoed and painted to match the house. Wrought iron may be used along with the stucco wall. Wrought iron may be used with ALC Committee approval of design and color. Courtyard walls shall be no higher than forty-eight (48) inches in height above grade as measured from street side of wall, except for a courtyard wall attached to a casita. The front courtyard wall may then be sixty (60) inches in height. The side courtyard wall may then be seventy-two (72) inches.

Stone veneer consistent with the design of the house or a brick cap may be used on front courtyard walls. Front courtyard walls may extend no closer to the street than fifteen (15) feet from the top of the curb. A weep hole is required at the bottom of the courtyard wall to allow for proper positive drainage to the street.

- H. **SCREENING WALLS** are walls located within the homeowner's property line used for shielding of mechanical equipment from street view. Examples would be, but not limited to air conditioning, mini-splits, and/or swimming pool and spa mechanical equipment. All screening walls shall be constructed using Santa Rosa color slump block, or concrete block stuccoed and painted to match the house. Screening walls shall be no higher than forty-eight (48) inches in height above grade.

- I. **TRASH RECEPTACLE SCREENING WALLS** are walls located within the homeowner's property line used for hiding trash receptacles from street and neighboring views. All trash receptacle screening walls shall be constructed using Santa Rosa color slump block, or concrete block stuccoed and painted to match the house. Trash receptacle screening walls shall be no higher than fifty-two (52) inches in height above grade as measured from street side of wall.
- J. **FENCES; WROUGHT IRON** Fences are defined as structures designed to separate, or protect areas of a property. Are completed entirely of wrought iron fencing or similar metal material provided the style/design resembles wrought iron, without the use of cinder or slump block, secured with concrete footer. **Fences are limited to homeowner lots bordering golf courses, washes, retention and/or common area.**

Fences shall be black and made of wrought iron or tubular steel. Aluminum fencing may also be considered as an acceptable alternative provided that the style/design is fabricated to look like wrought iron.

Fences shall be a minimum of four (4) feet, with a maximum of five (5) feet high. Regardless of the height of the fence actually being constructed, all footers must be sufficient to support a five (5) foot high fence. The height of the fence must parallel any changed from the ground level at each point along the fence line.

Project plans for fences shall include working drawings which depict the location, dimensions, materials, paint color (where applicable), and footing size. If a swimming pool is planned for the homeowner's residence, the Town of Sahuarita has specific requirements for the fences. The height of the fence must be parallel to the grade to maintain continual height.

Homeowners are encouraged to contact the Town of Sahuarita. **All new or replacement fence requires a Zoning Clearance Application from the Town of Sahuarita.** A copy of the approved Zoning Clearance Application can be included in the project permit application.

**PARTY FENCES** shall mean a fence built, including cement footer, which straddles the property line, built entirely of wrought iron fencing or similar metal material provided the style/design resembles wrought iron without the use of cinder or slump block. Fences shall be a minimum of four (4) feet, not to exceed five (5) feet. Written agreement in the form of a Wall Agreement between property owners is required.

**COMMON AREAS FENCES:** Fences to be built between a homeowner lot on the one side, and a common area on the other side may, at the homeowner's discretion and with the approval of the Committee, shall be built as a Party Fence, constructed entirely on the common property line.

Wood, screen, or chain link fencing is prohibited.

Any fences that were part of the Developer's construction on golf course and/or common areas shall not be removed or altered by anyone other than the Developer without the prior written consent of Association or Developer as applicable, which may be withheld or conditioned in the Association's or Developer's sole and absolute discretion.

### **3.36 WEATHER RECORDING EQUIPMENT (NO ALC PERMIT REQUIRED)**

Placement of weather recording equipment shall be in the rear yard of the lot. Weather recording equipment, weather vanes, and other similar devices shall not be placed on party walls, on the roof, eave, or chimney of any residence without the review and approval of the Committee.

**3.37 YARD & WALL ART**

- A. Yard and wall art must be Sonoran Desert Themed. Sonoran Desert art shall include those items, which are complementary to classic and traditional Western art, including but not limited to replications of cacti, desert flora and fauna, Kokopellis, and small Sonoran Desert birds, reptiles, and mammals. Colors must blend with the house, rock and community.
- B. Yard art is any object placed on a lot as a decorative accent. Other than artificial turf in compliance with these guidelines, no artificial flowers (except metal) or plants shall be visible from neighboring views.
- C. Wall art is any object attached to the exterior walls of a house or the surrounding walls of a house that is visible from neighboring views. Wall art should be in proportion to the wall area. Wall art should be generally limited to no more than 20% of the wall area upon which it is placed, and cannot project beyond any portion of the wall.
- D. Yard and wall art shall be limited to prevent clutter. The number of ungrouped pieces should not exceed six (6) pieces, including pots. Size of objects should not be excessive with respect to the dimension of the lot.
- E. Themed groupings are limited to a maximum of two (2) on a Lot, with a maximum of five (5) pieces in any one grouping. A themed grouping such as quail or coyotes is considered asingle piece of art.
- F. The size of any single piece of yard art shall be limited to a maximum width not to exceed four (4) feet and a maximum height not to exceed four (4) feet. When in doubt as to the classical themes of a selection, photos or accurate color drawings are to be submitted to the Committee for review.
- G. A limited selection of examples of confirming and non-conforming Sonoran Desert art motifs are detailed in ALC Rules, Appendix G. Statues, depictions, artifacts, and other man-made objects that do not meet these requirements are prohibited.
- H. Items such as wind chimes, bowling balls, cherubs, flamingos, gargoyles, gazing balls, pagoda lanterns, skis, and signs with quaint or humorous sayings are prohibited.
- I. Homeowners are advised to consult with the Committee about any questions related to exterior yard and/or wall art.
- J. Yard and/or wall art that is determined by the Committee to be non-conforming must be removed immediately upon notification by the Committee. The non-compliant art may be placed in the rear yard, provided these items are not visible from neighboring views. Such art is still subject to the height and other limitations covered elsewhere in these guidelines.
- K. Windssocks are considered a form of yard art. A maximum of two (2) windssocks may be displayed simultaneously. Windssocks that are determined by the ALC Committee to be non-conforming must be removed immediately. Homeowners are encouraged to consult with the ALC Committee about any questions related to the display of windssocks.

**3.38 OUTDOOR FURNITURE VISIBLE FROM NEIGHBORING VIEW**

Items such as one-piece plastic stackable chair are prohibited.

**ARTICLE IV**

**ALC PERMIT APPLICATION PROCESS**

**4.1 OVERVIEW**

The Committee monitors and guides the environmental development of Quail Creek through a formal review of homeowners’ architectural and landscaping plans and inspection rights after completion of work. This process assures continuation of the standards of excellence established by the Developer and subsequently by individual homeowners, and helps to protect property values within Quail Creek.

**4.2 ALC PERMIT APPLICATION SUBMISSION**

In order to ensure timely ALC review, the following procedures must be followed:

Committee approval is required for work that in any way alters the exterior appearance of property within the development (See CC&Rs Articles 4.2.1 & 11.3). As noted in the ALC Rules there are some small projects for which the Committee has elected to grant approval without prior review. Homeowners are advised to consult with the Committee about necessary permits and approvals for a project.

ALC permit application forms are available on the Association website and at the ALC Office. The ALC permit application form needs to be completed PRIOR to meeting with the Committee. Note that the form must be signed by the homeowner.

The ALC permit application form, along with two (2) copies of the detailed project plans must be submitted to the ALC Office on Friday at 12:00 P.M. for review and consideration by the Committee in advance of the scheduled meeting.

Architectural projects may require a TOWN OF SAHUARITA PERMIT which can be included with the project plans; any other permits required by Federal, State or Local Governments to include Pima County shall also be included in the project plan submittals.

ALC permit applications for projects may be considered by the Committee prior to the close of escrow, however no work shall commence until close of escrow and issuance of an ALC permit.

**No work shall be performed without an approved ALC Permit displayed at the homeowner’s residence, at a location viewable from the street. Should the ALC Permit expire prior to the completion of the work, the homeowner shall contact the ALC Office for an extension. Any work performed after an ALC Permit expires shall be dealt with in accordance with article 4.10 (C).**

**No changes or deviation in or from the plans and/or specifications as approved by the Committee shall be made without the prior written consent of the Committee** (See CC&Rs Article 11.9) Neither the Association, Board, nor the Committee shall be held responsible in any way for the defects in any plans and specifications approved by the Committee, or for any structure or improvement erected, placed, or maintained according to those plans or other specifications. By approving plans and specifications, neither the Association, Board, nor the Committee assume any liability or responsibility for compliance with building and zoning ordinances, or for other applicable requirements of governmental authorities or industry standards.

The Committee reserves the right to reject the permit application or delay consideration of same, if the ALC permit application and project plan package provided are incomplete.

The homeowner shall pursue diligently the prompt completion of the project within the time period specified by the Committee, and must request of the Committee a time extension if necessary. Initial landscaping plan must be accomplished within **90 days from the close of escrow**. If the work cannot be completed within this time frame, a written request for an extension must be submitted to the Committee. Such an extension will be granted only if the Committee determines that the delay is due to conditions beyond the control of the property owner. Personal convenience, planned travel, or cash flow problems are not reasons for an extension.

## **4.3 PROJECT PLANS**

### **A. ARCHITECTURAL PROJECTS**

ALC permit applications for architectural projects shall include two (2) sets of detailed project plans/drawings. The project plans for architectural projects shall include a completed and signed ALC permit application, a copy of the Developer's marked-up plot plan for the property, supporting documentation/brochures, and a drawing, minimum 11" x 17", containing a detailed and complete description of all elements including the following:

1. The drawing shall include the name, address, unit, lot number and phone number of the homeowner as well as the company name, contact name and phone number of the contractor performing the work.
2. The drawing(s) shall include the location of all structures, easements, setback requirements, underground utilities, sidewalks, driveways, patios, retaining walls, related grades, both new and existing mechanical equipment with screening, grade modifications, proposed and existing drainage and existing and proposed walls. The drawing must be complete with all dimensions.
3. The drawing(s) for ramadas, casitas, garages, patio enclosures, or additions shall include floor plans, elevations, roof plans and details.
4. The drawing(s) are to be drawn to scale, dimensioned, and include notes for all materials and colors.
5. The drawing(s) shall include the roof plan, including pitch, color and type of materials proposed along with parapet heights, when appropriate.

The project plans must be of sufficient detail for the Committee to be able to determine whether the project meets the provisions of CC&R and ALC Guidelines and to assess the project in its context.

Project plans for walls/fencing shall include working drawings which show all dimensions, type of materials, paint, and footing size.

### **B. INITIAL LANDSCAPING**

ALC permit applications for initial landscaping shall include two (2) sets of detailed project plans. The project plans for landscaping projects shall include a completed and signed ALC permit application, a copy of the Developer's marked-up plot plan for the property, and a drawing, minimum 11" x 17", containing a detailed and complete description of all landscape elements, including the following:

1. The drawing shall include the name, address, unit, lot number, and phone number of the homeowner as well as the company name, contact name and phone number of the contractor performing the work.
2. The drawing shall include a complete description of all landscape elements.
3. The drawing shall depict all plant materials and trees at mature size.

4. The drawing shall include labels of all plant materials and trees with the common name as well as container size, such as 5 gal., 15 gal., 24-inch box, etc.
5. The drawing shall identify whether walls are to be constructed or modified and shall include all dimensions, type of materials, paint, and footing size. Any addition and/or modification to an existing wall between adjacent residential lots shall require a written agreement (WALL AGREEMENT BETWEEN PROPERTYOWNERS) of the adjacent homeowner(s). Such wall agreements must be attached to the permit application. The Town of Sahuarita may require that a Zoning Clearance Application be completed for a new or replacement wall installation.
6. The drawing shall identify all hardscape, including other walls, gates, walkways, patios, BBQ's, fireplaces, planters, etc. to include the type and color of materials to be used, including all dimensions.
7. The drawing shall include the location of all mechanical equipment, both proposed and existing, including the required screening (such as a return wall or the type and size of plants).
8. The drawing shall show the color and size of the rock used for ground cover. River rock/rip rap location must also be indicated, together with the location and size of any mounds to be built.
9. The drawing shall show the direction of surface drainage through the use of arrows.
10. The drawing shall include the location of irrigation valve box.

Once the landscaping project plan has been approved by the Committee, no changes (including without limitation; adding, moving, or substituting the species of any tree) may be made except for the addition or change of small (1-5 gallon) shrubs or plants. If any other changes (either hardscape or trees) are to be made, the homeowner shall submit revised drawings to the ALC Committee for approval.

### C. TREES & MAJOR LANDSCAPE MODIFICATIONS

An ALC permit application should include a sketch of the property showing the location of tree(s) and all plants. It should also show the proposed type (scientific and common names).

An ALC permit is generally not required for minor landscaping changes, but when major modifications are contemplated, the ALC permit application should be similar to that for the initial landscaping.

## 4.4 ALC APPROVAL PROCESS

The Committee will review the ALC permit application for conformance to the CC&R and ALC Rules. It will also consider the proposed project in the context of the appearance, aesthetics, and values of the community. The Committee may approve or disapprove the entire application as submitted, approve the application with specified changes, or approve only a part of the application. In many cases, the Committee can reach a decision during the meeting at which the application is reviewed, but in other cases, the Committee may need additional time to make a site visit or request more information (Also see CC&Rs Articles 11.6, 11.7 & 11.8).

The decision of the Committee when reviewing ALC permit applications and project plans shall be rendered in one of the following three forms:

- A. **APPROVED** – The entire plan, as submitted, is approved.
- B. **APPROVED AS NOTED** – The plan, as submitted, is approved with conditions as noted. The homeowner may proceed with the work to be performed, but agrees to comply with any and all conditions noted on the ALC Permit Application within the time frame specified therein.
- C. **DISAPPROVED** – The entire plan, as submitted, is not approved and no work may commence.

# ARCHITECTURAL & LANDSCAPING REQUIREMENTS & GUIDELINES

The ALC office will issue the appropriate ALC Permit which must be returned to the ALC Office upon completion of the project. It is the responsibility of the homeowner and succeeding homeowners to maintain architectural and landscaping records, including, without limitation, any ALC permit application submittals and approvals as well as any applicable permit application submittals and approvals to the Town of Sahuarita, Pima County or any other applicable governmental authority. The Committee will maintain, solely for their own benefit, any records that they deem appropriate.

Homeowners that proceed with projects after having their ALC permit application “Disapproved” will be required to remove any work that has been done at their own expense. If the work is not removed within the time specified by the ALC in writing to the homeowner, such homeowners shall be subject to all fines, fees, and/or penalties as described in ALC Rules, Article 4.10, as well as any other rights or remedies that may be available at law or in equity.

## 4.5 **INSPECTION RIGHTS**

- A. The Committee has the right (but not the obligation), in its discretion, to inspect any work for which an ALC Permit has been issued to verify that the original plans approved by the Committee have been followed. Inspections may also be conducted, if a complaint is received. When necessary, inspections may be conducted in the homeowners’ absence.
- B. If it is determined by the Committee that completed or work in-progress is not compliant with these ALC Rules, CC&Rs or the approved project plan (ALC Permit), the Committee will give written notice to the homeowner that corrective action shall be required.
- C. If the homeowner fails to act within the timeframe provided in the written notice, the Committee at its discretion could assess the homeowner penalties in accordance with ALC Rules, Article 4.10, and the matter referred to the Board for further handling.

## 4.6 **FEES & CLEAN UP**

- A. A ten (\$10.00) dollar application fee must be submitted with each ALC permit application; however, the application fee for casitas, cabanas, golf cart garages, pools, spas and initial landscaping shall be twenty-five (\$25.00) dollars. All fees are non-refundable.
- B. Homeowners are fully responsible for all clean-up of work conducted on their lot by either contractors or by or on behalf of the homeowner. At the completion of the project, all materials, supplies, equipment, signs, trash, and debris must be removed, including any adjoining lots. All areas affected by the construction or landscaping (lots, staging areas, streets, etc.) must be restored to good order and appearance. Failure to fully clean-up the lot on which the work is constructed as well as any impacted surrounding areas including common areas, streets, or adjacent Lots, upon the completion of the work or the expiration date of the applicable ALC Permit, (whichever date comes first) will result in penalties that are immediately due and payable by the homeowner to the Association in the following amounts:
  - Full Landscaping           \$500.00
  - Construction               \$500.00
  - Pools/Spas                 \$1,000.00

After twenty-one (21) calendar days delinquency, any imposed fine still delinquent and/or any lot construction where the clean-up still not completed, will be increased by 50%. Fines not paid within a further twenty-one (21) calendar days and/or any lot construction still lacking cleanup will be increased an additional 50% and referred to the Board. In addition, to the fullest extent permitted by law, the Association may exercise its lien rights with respect to such fines. The rights and remedies referenced in this paragraph are in addition to any other rights and remedies that may be available at law or in equity.

**4.7 STORAGE OF MATERIALS**

The homeowner shall be responsible for all on-site ~~and~~ construction trash and debris occasioned by the homeowner’s contractors, subcontractors and other employees and agents, and shall remove all such trash and debris within a reasonable period of time.

No materials shall be staged at the project (Lot) location prior to the issuance and display of an ALC Permit.

Material storage and contractor equipment is restricted to the homeowners’ Lot, and/or the street area directly in front of the homeowners’ Lot. The Contractor shall be responsible to protect the road’s surface by placing a tarp then plywood on top of the tarp before any material may be dumped on the road. It is prohibited to dump any sand, gravel, or rock on unprotected road. Contractors shall be prohibited from using adjacent lots and/or common areas for storage without written approval of the responsible Quail Creek organization.

No landscaping or construction materials owned or contracted for by the homeowner shall be left on any street for more than 48 hours. Materials staged in the street must be in regular daily use (except for weekends and holidays) on the project. All materials encroaching on the street shall be clearly marked with at least five (5) orange, standard seven (7) pound, twenty- eight (28) inch traffic cones in like new condition with reflective tape, and cannot block more than 25% of the street width. NO vehicle shall park within fifteen (15) feet of the furthest arc of the materials so that traffic flow is not impeded. No overnight parking of contractor vehicles and/or trailers shall be permitted without the approval and a permit issued by Patrol.

Rubbish, debris, materials or equipment from homeowner landscaping or construction projects shall not be stored or left on any vacant lots or common areas. The Board and the Committee have the authority to have the rubbish, debris or materials removed and bill the homeowner for any expenses incurred, which the homeowner shall promptly pay or be subject to additional penalties. Any damage to a neighboring lot or common area by a contractor or any third party retained by a homeowner is the responsibility of the homeowner who retained that contractor or third party. In addition, neither homeowner nor its contractors, agents or consultants shall park or drive on any neighboring lot or on common area and in the event of any violation of this provision, homeowner shall be responsible for any resulting dust control law fines.

**4.8 APPEALS**

Homeowners may appeal a decision made by the Committee. Residents wishing to have a hearing with the Board to appeal a fine, sanction or penalty must submit a request for a hearing. The request must be submitted via certified mail within ten (10) business days from the notification of violation(s) and applicable pending fine(s), sanction(s) or penalty(s). Refer to QCPOA Rules, Article 3 for details.

**4.9 SEVERABILITY**

If any provisions of the ALC Guidelines are ruled invalid, the remaining provision shall remain in full force and effect.

**4.10 VIOLATIONS**

**Also refer to ALC Rule 4.6**

A. **INITIAL LANDSCAPING:** ALC permit applications for initial landscaping shall be submitted to and approved by the Committee within seventy-five (75) calendar days after the close of escrow. In the event that an initial landscaping project plan acceptable to the Committee has not been submitted within seventy-five (75) calendar days after the close of escrow, the Committee, at its discretion, may assess the homeowner a fine of two hundred-fifty (\$250.00) dollars and refer the matter to the Board who has the authority to select and install landscaping at the homeowner’s expense (See CC&Rs, Article 4.2.4).

Initial landscaping shall be completed within ninety (90) calendar days after the close of escrow. Penalties for any violations shall occur as follows:

1. If the initial landscaping is not completed within the ninety (90) calendar days after close of escrow. Without a written explanation, the Committee, at its discretion, may assess the homeowner a fine of three hundred-fifty (\$350.00) dollars. The homeowner shall apply in writing providing the reason for the delay, and arrange to meet with the Committee to request an extension. The Committee, at its discretion, may approve up to an additional thirty (30) calendar day extension.
2. If the initial landscaping is not completed within (120) calendar day period after the close of escrow. Without written explanation, the Committee, at its discretion, may assess the homeowner an additional fine of four hundred-fifty (\$450.00) dollars. The homeowner shall apply in writing providing the reason for the delay, and arrange to meet with the Committee to request an extension. The Committee, at its discretion, may approve up to an additional thirty (30) calendar day extension.
3. If the initial landscaping is not completed within the revised one hundred-fifty (150) calendar day period after the close of escrow. Without written explanation, the Committee may assess the homeowner an additional fine of five hundred-fifty (\$550.00) dollars and refer the matter to the Board for further action. Additional fines and penalties to the homeowner may be imposed as determined by the Board for non-compliance.

B. **COMMON AREA VIOLATIONS:** The removal or trimming of trees and/or plants, or the alteration of the ground in any manner within these areas is strictly prohibited and may result in a fine of up to one thousand (\$1,000) dollars. In addition, the Property Owners Association shall have the damage corrected and restored at the property owner’s expense. The violator will be required to remove all prohibited materials (See CC&R Article 1.9).

C. **WORK WITHOUT A PERMIT:** When an ALC Permit is required for a project, and work on the project has begun before the Committee has received or approved, or granted an extension to an existing ALC permit application, the work will be stopped until an ALC permit application is received and approved by the Committee and an ALC Permit issued. The Committee may assess the homeowner a fine of five hundred (\$500.00) dollars. Prior to issuance of an ALC Permit, the Committee shall inspect the work that has been completed to determine compliance with the CC&R and ALC Rules. Where applicable, the Committee shall also specify appropriate corrective action for any completed work not subsequently approved.

D. **OTHER VIOLATIONS:** For other violations of the CC&R and ALC Guidelines, the homeowner will be sent, by first class mail, or email, a notice giving details of the violation. Within twenty-one (21) calendar days of the date on the notice, the homeowner shall bring the property into compliance or arrange with the Committee, in writing, a reasonable course of action to correct the violation within a time frame agreeable to both the homeowner and the Committee.

Failure to act within twenty-one (21) calendar days of the date on the notice, the Committee, at its discretion, shall assess the homeowner a fine of two hundred-fifty (\$250.00) dollars. After thirty (30) calendar days, the Committee shall refer the matter to the Board who has the authority to have necessary corrective work done at the homeowners' expense. Additional fines and penalties to the homeowner could be imposed as determined by the Board for non-compliance.

## **4.11 CONCERNS/COMPLAINTS**

The Committee will only review and respond to written, signed concerns/complaints about possible violations of the ALC Guidelines. No concerns/complaints will be accepted if received via voicemail. Written and signed concerns/complaints will be investigated by the Committee as it deems appropriate. Concerns/complaints will be dealt with in a confidential manner between the homeowners involved. The name of the person making the concern/complaint will be available to the homeowner against whom the concern/complaint is made.

If a homeowner feels that a violation has occurred, the homeowner should follow the links on the Association website ([Home > QC INFO > Forms > Homeowner Complaint](#)) to the Quail Creek 'Homeowner Complaint' form. To assist the Committee, please provide a clear and definitive depiction of the violation, including photos and any supporting documentation.

If the Committee determines that a lot is not in compliance, the Committee may take any actions provided for in the CC&Rs and ALC Rules, Article 4.10 of these ALC Rules, which, among other things, may include removing all non-compliant improvements at the homeowners' expense.

Among other concerns/complaints that it may receive from time to time, the Committee anticipates that it will receive concerns/complaints when there are obvious violations such as:

1. Homeowner/contractor does not clean up the street when a project is completed,
2. Non-compliant wall/yard art is visible from neighboring views; and/or
3. Yards are not maintained as described in these ALC Rules.

## **4.12 LIMITS OF LIABILITY**

Committee approval of an ALC permit application does not imply that the plans and specifications comply with engineering design practices or external ordinances, or that construction according to the plan will not interfere with or disturb existing underground utility lines. By approving a plan, neither the Association, Board, nor Committee assumes responsibility or liability for any defect in a structure or project constructed from such a plan. None of the aforementioned shall be liable to any member, homeowner, occupant or other person or entity for any damage, loss or prejudice suffered or claimed due to (a) the approval or disapproval of any plans, drawings and specifications, whether or not defective, or (b) the construction or performance of any work, whether or not pursuant to the approved plans, drawings or specifications. All parts of the CC&Rs regarding this subject remain in full force and effect (See CC&Rs Articles 5.4 and 11.11).

Neither the Association, Board nor the Committee are responsible for determining proper drainage and/or slope.

**APPENDIX A**  
**PROHIBITED PLANTS & TREES**

NAME	REASON
Arborvitae	Pest prone
Bamboo (Any Type)	Invasive
Bottle Tree (Brachychiton populneus)	Allergenic, height, invasive roots
California Pepper Tree (Schinus molle)	Height, subject to breakage.
Desert Broom (Baccharis sarothroides)	Allergenic, invasive
Desert Museum Palo Verde are discouraged	Fast growth, subject to breakage, root damage
Elm species - Except for the following: <ul style="list-style-type: none"> <li>• Chinese Evergreen (Ulmus parvifolia)</li> </ul>	Subject to breakage, messy & invasive
Eucalyptus species - Except for the following: <ul style="list-style-type: none"> <li>• Eucalyptus spathulata</li> <li>• Eucalyptus polyanthemos</li> </ul>	Height, messy
European Olive - Except for the following: <ul style="list-style-type: none"> <li>• Swan Hill</li> <li>• Wilsonii</li> </ul>	Allergenic
Fountain Grass - Except for the following:  Purple Fountain Grass (Pennisetum cupreum) or other sterile hybrids	Invasive
Italian Cypress (Cupressus Sempervirens)	Height, pest prone
Mexican Palo Verde (Parkinsonia aculeate)	Height, invasive, messy
Mulberry	Allergenic
Pampas Grass (Cortaderia Sellonana)	Invasive

## ARCHITECTURAL & LANDSCAPING REQUIREMENTS & GUIDELINES

Pine species - Except for the following: <ul style="list-style-type: none"> <li>• Japanese Black Pine (<i>Pinus thunbergiana</i>)</li> <li>• Pinon (<i>Pinus edulis</i>)</li> </ul>	Height, invasive roots
Populus species (Poplar, Aspen, Cottonwood)	Height, invasive, root rot
Silk Oak ( <i>Grevillea robusta</i> )	Height
Sycamore ( <i>Platanus wrightii</i> )	Height
Tamarisk ( <i>Tamarix aphylla</i> )	Invasive
Weeping Willow ( <i>Salix babylonica</i> )	Height

**APPENDIX B**

**PLANTS RECOMMENDED FOR SCREENING PURPOSES**

Desert Cassia (Senna)

Dwarf Oleander Hopseed

Photenia






Texas Ranger

Other plants may be acceptable but must be approved by the ALC Committee

**APPENDIX C**  
**LIGHTING – WATTS vs LUMENS**

The amount of light cast by a bulb is measured in lumens. A normal frosted incandescent 30-watt bulb emits about 282 lumens.

Brightness & Light Intensity

 Brightness (Lumens)	100 lm	415 lm	710 lm	935 lm	1340 lm	2160 lm	3000 lm	4000 lm
 LED Bulb	2-3 Watt	5 Watt	8 Watt	12 Watt	15 Watt	24 Watt	40 Watt	50 Watt
 CFL Bulb	3-4 Watt	13 Watt	16 Watt	24 Watt	36 Watt	50 Watt		
 Halogen Bulb	10 Watt	25 Watt	50 Watt	55 Watt	70 Watt	100 Watt	150 Watt	
 Standard Bulb	15 Watt	40 Watt	60 Watt	75 Watt	100 Watt	150 Watt	200 Watt	

## APPENDIX D COMMON AREAS

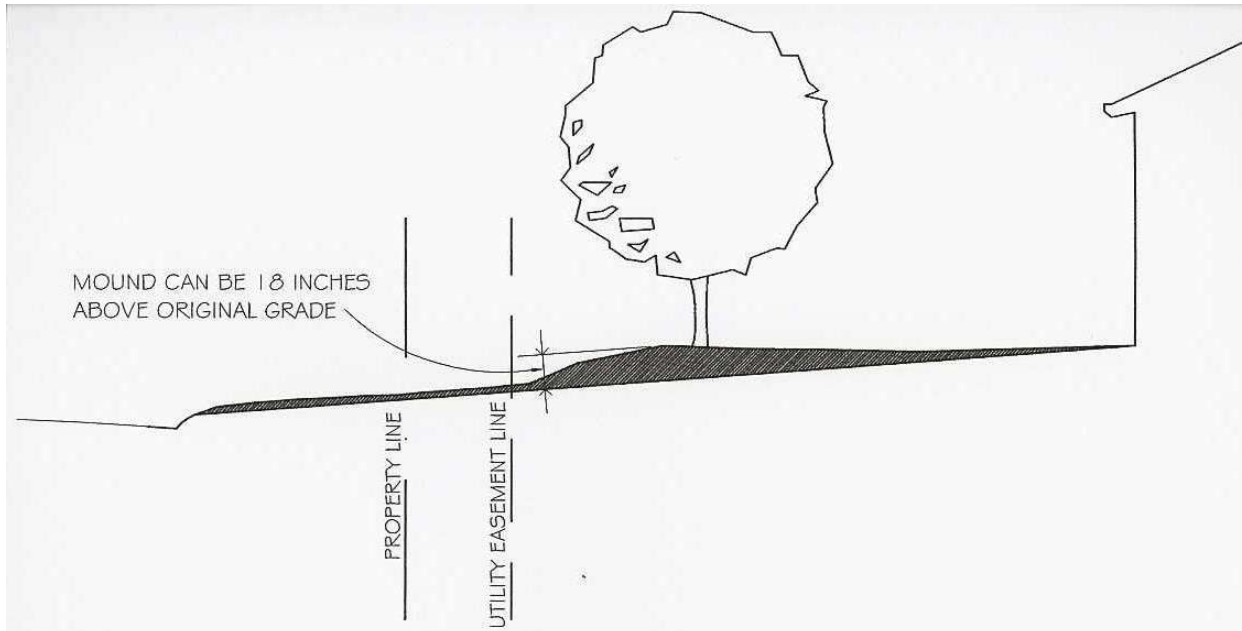
Common Areas, other than facilities, roads, and bridges, are defined as follows:

1. **GOLF COURSES** – Located along and between the various Quail Creek Development Units.
2. **LANDSCAPED AREAS** – Found throughout Quail Creek development units, along its main thoroughfares, and around the various facilities under the jurisdiction of the Quail Creek POA. Landscaped areas typically have rock cover and desert landscape plantings, some with drip irrigation. Along the main thoroughfares, common areas also include a privacy wall that shields adjacent homeowners from the noise and view of traffic.
3. **MAINTAINED SLOPES** – Located along the perimeter of building lots that require the installation of rip rap to prevent erosion and the undermining of private property.
4. **NATURAL AREAS** – Regions found in various development units that have been left in a natural desert vegetation state with grasses, wildflowers, and desert plantings. In some instances, these areas have been seeded to generate a cover of grass and wildflowers.
5. **WASHES** – Found throughout Quail Creek resulting from the natural pattern of water flow across the desert landscape prior to development. These washes must be protected from construction/land development silt and debris during the unit construction process. They may be cleared of blown-in-debris.
6. **WATER RETENTION BASINS** – Man-made collection basins into which rainwater runoff is channeled. In most instances, the bottoms and sides are populated with trees, shrubs, and cacti, and have been seeded with native grasses for dust control. Some of these basins have check dams at the downstream end to further control monsoon runoff.
7. **WATER RUNOFF CONTROL AREAS** – Man-made drains and channels located to control the flow of water into natural washes and man-made water retention basins during monsoon rains. Many are concrete- or rock-lined and have adjacent slopes stabilized with rock rip rap or desert grasses and plantings.

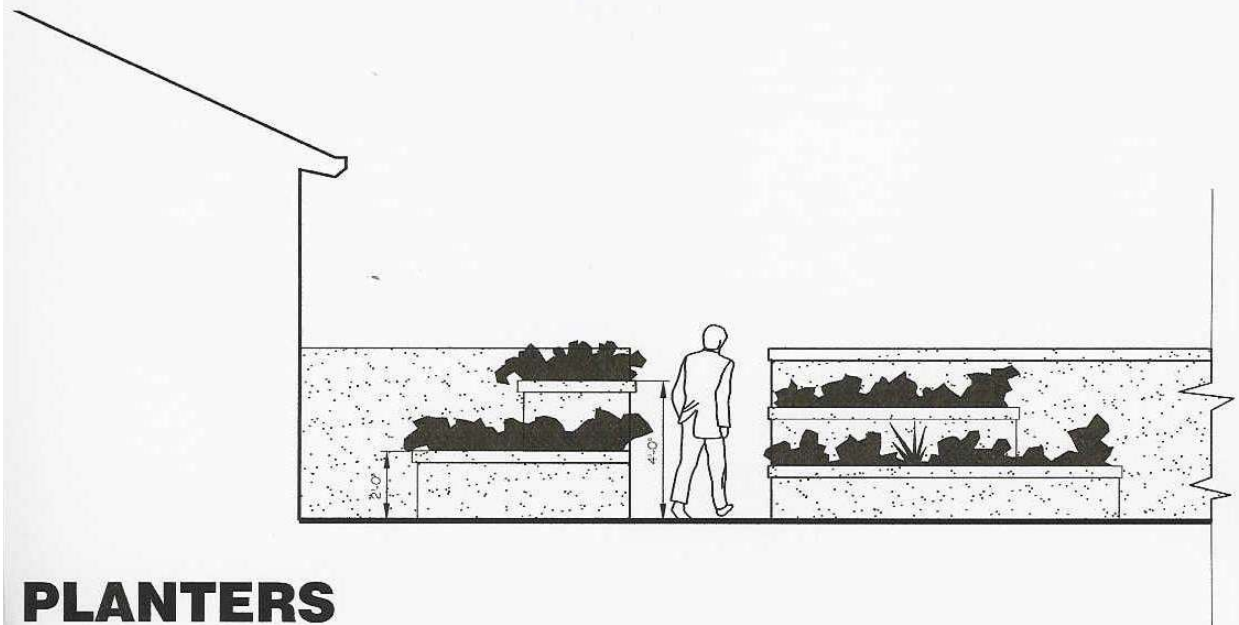
Construction or placement of any structures, man-made objects, or private landscaping in these areas is strictly prohibited.

ALC Requirements and Guidelines, Article 4.10(B): The removal or trimming of trees and/or plants, or the alteration of the ground in any manner, within these areas is strictly prohibited and may result in a fine of up to one thousand dollars (\$1,000.00). In addition, the Property Owners Association shall have the damage corrected and restored at the property owner's expense. The violator will be required to remove all prohibited materials.

**APPENDIX E**  
**MOUNDS, GRADE CHANGES AND PLANTERS**



**MOUNDS AND GRADE CHANGES**

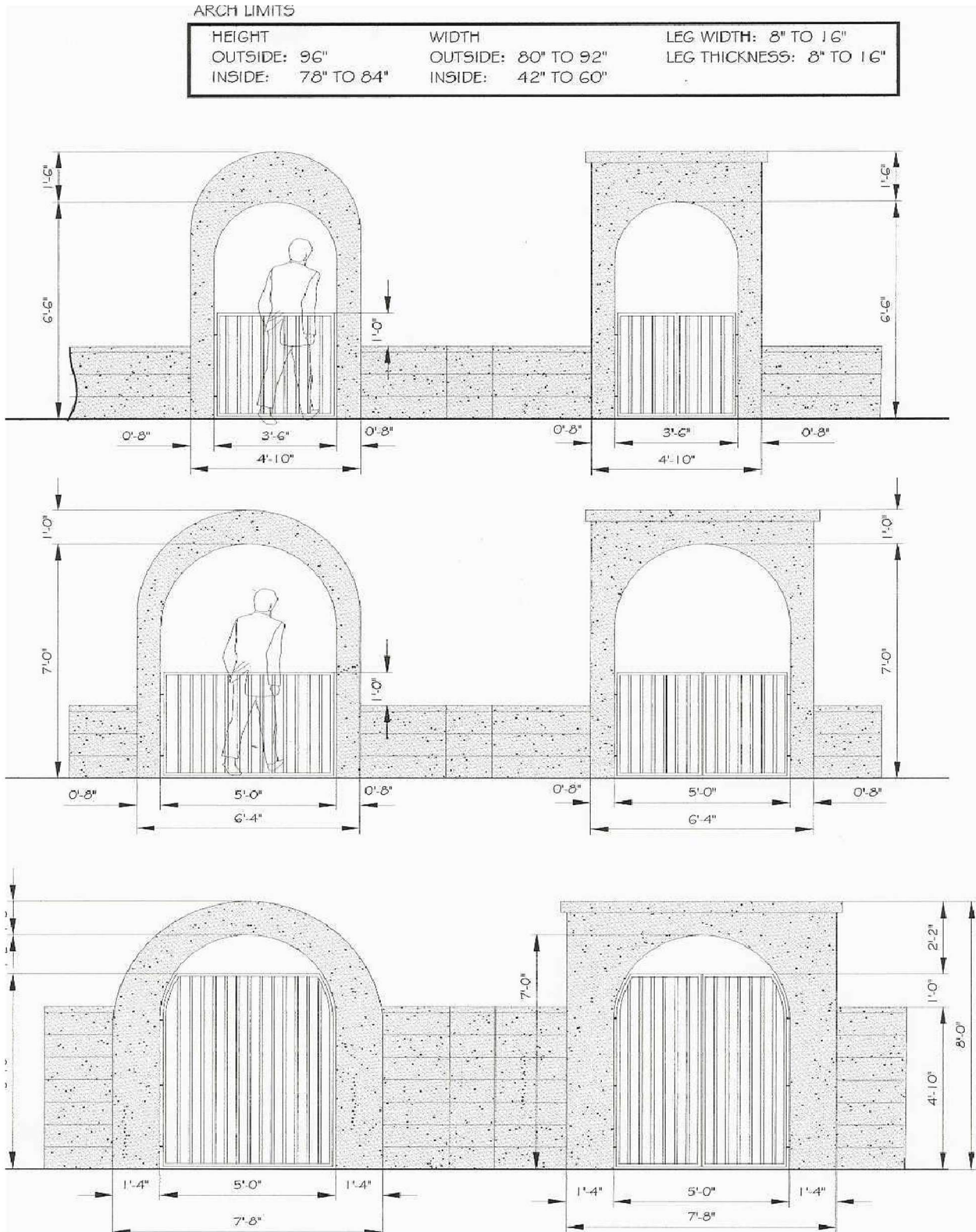


**PLANTERS**

**APPENDIX F**

**ARCHES**

The examples on this Appendix E are merely design examples, and the ALC Committee makes no statements to the structural integrity of the construction of such designs (including without limitation the need for rebar or other reinforcement in any overhead structures). Construction issues are the responsibility of your contractor.

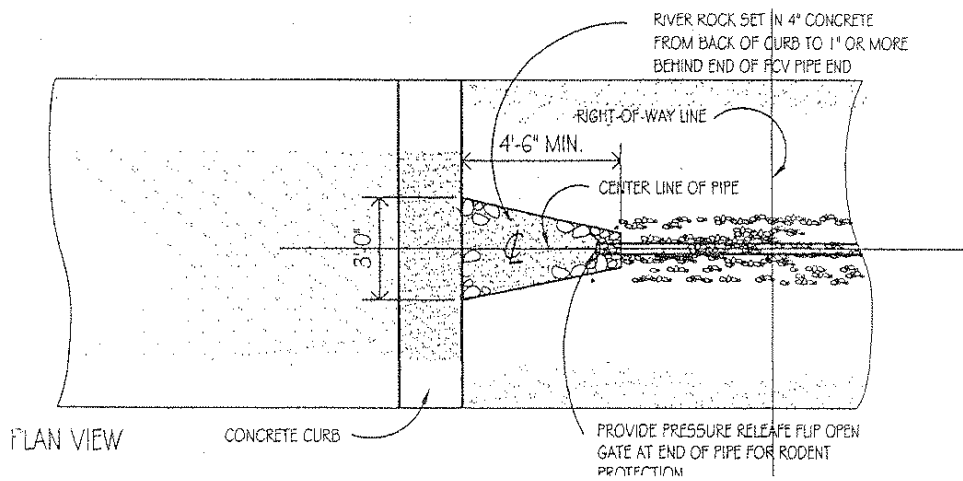
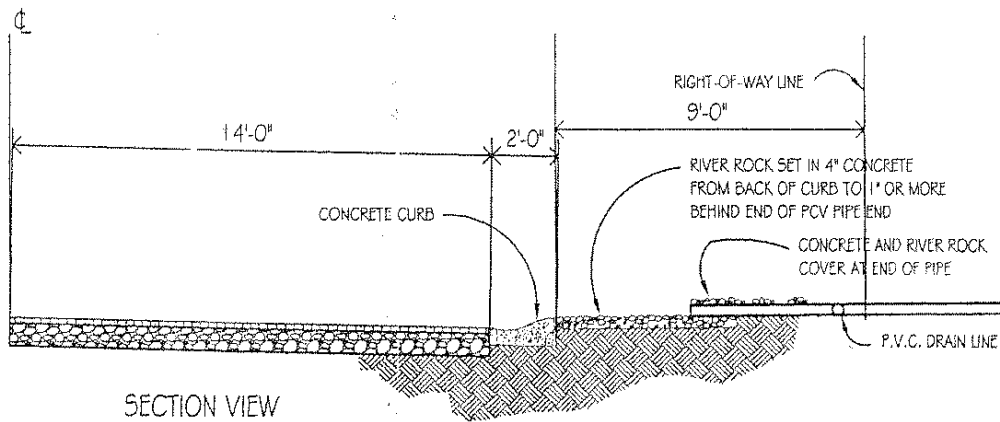


**APPENDIX G**

**EXAMPLES OF ACCEPTABLE/UNACCEPTABLE YARD/WALL ART**

<p><b><u>ACCEPTABLE</u></b>  <u>Generally – Sonoran Desert Motif</u></p>	<p><b><u>UNACCEPTABLE</u></b>  <u>Not Sonoran Desert Motif</u></p>
Buzzards	Bicycles/wagons (wooden or metal)
Cactus Items	Bowling Balls
Cowboys	Cherubs
Coyotes	Flamingoes
Indian Artifacts	Gargoyles
Traditional Kokopellis (unadorned)	Gazing Balls
Pottery (pots)	Geese
Quail	Japanese Pagoda Lanterns
Roadrunners	Skis
Sun/Moon	Windmills
Wall Fountains	Yard Signs with “quaint sayings”
Wall Triptychs in Iron or Copper	
Wagon Wheels	

**APPENDIX H**  
**SPLASH BLOCK AND POP-UP TERMINATIONS**



NOTES

REV	DATE	DESCRIPTION	INITIALS
A	9/16/19	Adopted by POA Board – <b>Effective Date October 1, 2019</b>	MES
B	9/20/2021	Adopted by POA Board – <b>Effective Date September 20, 2021</b>	SMO
C	5/26/26	Adopted by POA Board – <b>Effective Date June 1, 2026</b>	KEB