

**QUAIL CREEK VILLA ASSOCIATION INC.**

**ARCHITECTURAL & LANDSCAPING  
REQUIREMENTS & GUIDELINES FOR VILLAS  
UNITS 21A, 33A AND 33B**

**APPROVED** June 22, 2020

**BY** David Jones **Secretary,**  
**Board of Directors**  
**Quail Creek Villa Association, Inc.**

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## **DEFINITIONS**

**“Association”** shall mean the Quail Creek Villas Association, Inc.

**“Board”** shall mean the Board of Directors of the Quail Creek Villas Association, Inc.

**“ALC” or “Villas ALC” or “Committee”** shall mean the Villas Architectural and Landscaping Committee.

**“Common Areas”** refers generally to Association land; see CC&Rs for details. The Association is responsible for the maintenance of all Common Areas except for the landscape maintenance within the Common Area designated as the Courtyard (hereinafter defined) for those Villas within Unit 33B.

**“Courtyard”** shall mean that area beginning at the rear of the Villa patio and extending in all directions to the extent of the Courtyard wall.

**“Guidelines”** shall mean the Architectural and Landscaping Requirements and Guidelines, as approved by the Board.

**“Management Company”** shall mean that company hired to manage the business affairs of the Villas HOA.

**“Master Association”** Shall mean the Quail Creek Country Club Property Owners Association, Inc.

**Master CC&R’s** shall mean the Covenants, Conditions and Restrictions of Quail Creek Country Club Property Owners Association

**“Villa CC&R’s”** shall mean The Declaration of Annexation, Tract Declaration and Declaration of Covenants, Conditions and Restrictions for Quail Creek Villas.

**“Villa Lots”** as defined in the Villa CCR’s.

**“Villa Owner”** shall mean all Members of the Quail Creek Villa Association.

## **INTRODUCTION**

Owners of Villas Lots are subject to the Master CCR's, Villa CC&R's and the Villas Architectural and Landscape Requirements and Guidelines as approved by the Board. The Villas Architectural and Landscape Committee is a standing committee of the Association and is responsible for administering the Architectural and Landscaping Requirements and Guidelines as approved by the Board. The Villas Owners are subject to the Guidelines of the Master Association and this document serves as a supplement to those Guidelines, specific to the Villas.

## **THESE GUIDELINES COVER ANY ADDITION OR MODIFICATION TO THE EXTERIOR OF THE VILLA AND ANY PERSONAL PROPERTY ADDED TO OR PLACED ON THE VILLA LOT OR THE EXTERIOR OF THE VILLA.**

It is the responsibility of homeowners to make sure they have the most recent copy of the Guidelines and all necessary forms, which may be found on the Quail Creek Villa Association website ([www.quailcreekvillashoa.org](http://www.quailcreekvillashoa.org)) or obtained at the Concierge Desk at the Madera Clubhouse. These Requirements and Guidelines and any updates, as approved by the Board supersede any prior ALC Requirements and Guidelines.

## **PERMIT APPLICATIONS**

Villas ALC approval is required for any addition or modification to the exterior of the Villa and any personal property added to or placed on the Villa Lot or the exterior of the Villa.

Permit application forms are available at the Concierge Desk in the Madera Clubhouse and on the Villas website([www.quailcreekvillashoa.org](http://www.quailcreekvillashoa.org)). The application form and any required supporting documents must be submitted in duplicate to the ALC.

## **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.

## **FEES**

A ten (\$10.00) dollar application fee must be submitted with each ALC permit application

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 shall assess the homeowner a fine of two hundred-fifty (\$250.00) 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.

### **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, thus the Association, Board, or 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 any authority over any contractor conducting business for homeowners within the development.

The 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&R's, ALC Rules, external ordinances, codes and/or regulations.

### **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&R's 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.

### **ENFORCEMENT**

If the ALC finds that any Villa Owner is in violation of the Villa CC&R's or Villas ALC Requirements and Guidelines, then the Committee shall refer the violations to the Board and the Management Company for further action.

## **VIOLATIONS**

**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 dollars (\$1,000). 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).

**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 shall assess the homeowner a fine of two hundred-fifty (\$250.00) 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.

**OTHER VIOLATIONS:** For other violations of the CC&R and ALC Rules, the homeowner will be sent, by first class mail, 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.

## **HOA VILLAS TURNOVER REPORT**

The Villas ALC also completes a HOA Villa Turnover Report when the dwelling is sold. Prior to resale, the buyer is provided a statement as to whether the records of the association reflect any alterations or improvements to the unit that violate the declarations.

# **Architectural and Landscaping Guidelines**

## **Quail Creek Villas Unit 21A, 33A and 33B**

### **(With and Without Courtyards)**

This document is specific to the Quail Creek Villas Unit 21A, 33A and 33B. It is intended to be a guide to the Villa Owners and provide a list of things acceptable and prohibited. The Guidelines are not totally inclusive and the omission of any item does not mean it is prohibited or acceptable. The ALC will review each properly submitted application and determined the acceptability of the request.

**NOTE: THE VILLA OWNER IS RESPONSIBLE FOR ALL DAMAGES CAUSED BY THE VILLA OWNER OR HIS AGENTS AS A RESULT OF THE INSTALLATION OR USE OF ANY IMPROVEMENTS OR MODIFICATIONS.**

#### **ITEMS PROHIBITED:**

\* **Additional in-ground yard plants**

**Note: A homeowner can request the replacement of missing or dead plants and/or trees by completing a Villa Service Request Form.**

\* **Drip systems** from side-yard faucets, this includes to pots

\* **Trellises or lattice panels**

\* **Fireplaces, fire pits, kivas, or chimineas**

\* **Hammocks, tents, camping equipment**

\* **Hanging flower pots** except for pots hanging from a shepherd's hook (limit one) located on the patio or courtyard

\* **Hose reels** are not allowed and no hoses may be left outdoors unless in a hose pot (Southwestern theme)

\* **Hot tubs, permanent water features, misting systems**

\* **Landscape lights** in front yard

\* **Pavers** on/or along driveway

\* **Bug Lights/Zappers**

\* **Weather equipment, weather veins, flag poles, TV or radio antennas or any communication tower**

- \* **Wind chimes**, bells or any noise making apparatus
- \* **Commercial signage** (refer to QCALC for further detail)

**ITEMS ALLOWED WITH PERMIT (\$10.00 fee required)**

\* **Patios and patio extensions**

Note: Pavers, artificial turf and travertine stone are acceptable materials for the courtyard. A five foot extension of the patio is allowed using pavers for Villa Lots within 21A and 33A. For Villa Lots in 33B, the patio extension is allowed to the extent of the courtyard. Type and color subject to ALC review and approval.

Note: Installation must not alter the builder’s drainage of the property. The Villa Homeowner shall contact and request an inspection by the Contactor so designated by the Association for the purpose of determining that the termite barrier remains intact. Any cost associated with the inspection and subsequent termite barrier repairs shall be borne entirely by the Villa Homeowner.

\* **Roll down shades**

(rear patio) with electric/solar powered motor and color scheme to match exterior Villa color. Sunscreens controlled by electric will require a permit from the Town of Sahuarita.

\* **Security Door and Foyer gates**

No Fee if installed by the Developer. Refer to attached approved style/design list. Must be painted Rustic Iron, Pyrite, Black Bean, or Turkish Coffee.

- **LOCKING SECURITY DOORS** - Locking security doors **must** be affixed to front door frame, not to enclose foyer. Door & screen (perforated metal material mesh) must be brown; hardware (knob and hinges, etc) must match security door color.
- **NON-LOCKING FOYER GATE** – Foyer gate must be non- locking, pass through gate only. HOA maintenance and pest control **must** be able to access this area, NO EXCEPTIONS. Gate must be mounted in center of portico, please show description on application. Foyer gate (perforated metal material mesh permitted) must be brown; hardware (knob and hinges, etc.) must match the foyer gate paint color.

\* **Sun/solar screens**

Allowed on all windows, color brown only, (80%); not black.

\* **Bird deterrents**

\* **Concrete coating**

Clear, non-glossy on patio and/or grill slab at back of the Villa. Concrete coating is allowed without permit for the interior garage floor. Not allowed on driveway or front walkway

\* **Flag bracket and flag**

Maximum size 3 feet by 5 feet (limit one). *Each Villa model should have a specific location for mounting.*

\* **Focal Tree**

Note: Villa Owners may replace their focal tree with any of the approved options (see Exhibit A).

Villa Homeowner shall be responsible for the purchase and delivery of the approved focal tree. Replacement of the focal tree shall be completed by a contractor so designated by the Association with related costs borne entirely by the Villa Homeowner. **If replacement of the tree is due to storm damage or the tree is scheduled for replacement by the Association, the Villa owner may request that it be replaced with one of the approved options. The cost of this replacement may be covered by the Association.** Any focal tree purchased by the Villa Homeowner and installed by the Association shall become the property of the Association.

\* **Low intensity-lights**

Low voltage or LED on patio or courtyard below wall. No motion detectors or colored lights allowed.

**ITEMS ALLOWED WITHOUT PERMIT AND FEE**

\* **Satellite dish** provided that it is installed at the pre-wired location at the back of the home. Alternative location will be considered if pre wired location does not work.

\* **Furniture** in entry way near front door

\* **Emergency Key** lock boxes mounted near front door

\* **Free standing art** and wall art on back patio, limited to and shall be of Sonoran Desert theme

\* **Potted plants** at front elevation (limited three)

\* **Potted plants** on back patio and/or Courtyard shall not be excessive. No more than two large potted plants that may exceed the height of the courtyard wall by not more than 2 feet and does not obstruct the view of any neighboring Villa and shall be of Sonoran Desert theme

\* **Yard/Wall art** at front elevation (limited two) and should be of Sonoran Desert theme

\* **Yard/Wall art** on back patio and/or Courtyard (Sonoran desert Theme).

\* **Patio TV** (maximum of 40 inches) *Each Villa model should have a specific location for mounting.*

\* **Portable/Free Standing BBQ/Grills** (no charcoal grills or smokers) and must not be used under the building overhang



\* **Patio furniture** must be kept on the patio or within the Courtyard. Patio furniture is not allowed in the Common Area beyond the Courtyard or extended patio

\* **Hose pots** (Sonoran Desert theme)

\* No more than one umbrella on patio or in Courtyard (solid color only - no patterns)

\* **Holiday Lighting/Decorations – Christmas (No ALC Permit Required)**

Christmas holiday lighting/decorations, 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.

\* **Holiday Lighting/Decorations – Other (No ALC Permit Required)**

All other holiday lighting/decorations, 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.

\* **Bird baths, bird houses and all other animal feeders**

Bird feeders, birdhouses and other similar items shall not be located more than six (6') feet in height above original 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 and 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.

## Exhibit A – Focal Tree

Villa owners that desire to replace their focal tree may do so with any of the below approved options. Unless the focal tree is being replaced by the HOA due to storm damage, the cost of the replacement will be at the expense of the Villa owner and must be approved/permitted by the ALC prior to installation. Villa Homeowner shall be responsible for the purchase and delivery of the approved focal tree. Replacement of the focal tree shall be completed by a contractor so designated by the Association with related costs borne entirely by the Villa Homeowner. If replacement of a tree is due to damage during a storm, and the tree is scheduled for replacement by the HOA, the Villa owner may request that the HOA replace it with one of the below approved options. The cost of this replacement may be covered entirely by the HOA. There may be an upcharge depending upon the option selected because of the difference in the cost between a Palo Verde and the option selected. Any focal tree purchased by the Villa Homeowner and installed by the Association shall become the property of the Association.

- Mediterranean Palm
- Desert Willow
- Pink or White Oleander
- Chitalpa Tree
- Fruitless Olive
- Crepe Myrtle
- Saguaro
- Ocotillo