

# Rules and Architectural Guidelines

September 1, 1999

Each owner within the SOMNER PLACE development, is a member of the SOMNER PLACE HOMEOWNERS ASSOCIATION (the "ASSOCIATION"), the entity responsible for the management of all common areas and related facilities, and responsible for the administration of architectural activities by homeowners. In accordance with the Declaration of Covenants, Conditions, and Restrictions for SOMNER PLACE (the "CC&R's"), the Board of Directors has adopted the following Rules (the "RULES") and Guidelines for Architectural Improvements (the "GUIDELINES") which shall apply to all Lots within the ASSOCIATION.

Each owner of a lot in SOMNER PLACE (the "LOT") should become acquainted with the CC&R's for the ASSOCIATION and with these RULES & GUIDELINES as they may be amended from time to time by the Board of Directors. The RULES & GUIDELINES apply to both the owners of a LOT and any visitors of the owner. These documents are intended to enhance property values and sustain the high standards of the development. The RULES are a summary or clarification of the Use Restrictions in the CC&R's and the City of Mesa ordinances. Each owner has the right to appeal to the Board of Directors if they are in violation of any of the following RULES & GUIDELINES. The GUIDELINES are established to assist residents in preparing an application for submission to the Architectural Control Committee (the "COMMITTEE") for aesthetic, structural, and landscape improvements. Following the GUIDELINES do not eliminate the need for approval by the

COMMITTEE. In the event of any inconsistency between these RULES & GUIDELINES and the CC&R'S, the CC&R's shall control. All COMMITTEE approvals will be conditioned upon compliance with all applicable City of Mesa zoning ordinances, building codes, and other ordinances as well as the CC&R's and these GUIDELINES. (CC&R's Sections 5.3)

## Rules

### **SINGLE FAMILY SUBDIVISION**

1. All Lots within SOMNER PLACE shall be known and described as "residential lots" and shall be occupied and used for single family residential purposes only. (CC&R's Section 1.34 and 3.11)

2. An owner may conduct a business activity within SOMNER PLACE so long as the existence or operation of the business activity (a) is not apparent or detectable by sight, sound, or smell from the exterior of the single-family house; (b) conforms to all zoning requirements for SOMNER PLACE; (c) does not increase the liability or casualty insurance obligation or premium of the Association; and (d) is consistent with the residential character of SOMNER PLACE and does not constitute a nuisance or a hazardous or offensive use as may be determined in the sole discretion of the Board including, without limitation, excessive or unusual traffic or parking of vehicles in the vicinity of any Lot or the Common Area. (CC&R's Section 3.11)

3. No Owner may rent his/her Lot and the single family house and related improvements thereon for transient or hotel

purposes or shall enter into any lease for less than the entire Lot. No initial lease term (excluding extensions) shall be for a rental period of less than one year. (CC&R's Section 3.15)

## **ANIMALS**

1. No animals, livestock or poultry shall be raised, bred or kept on any Lot except for customary household pets such as dogs, cats and household birds may be kept but only such number and types shall be allowed not to exceed a total of two (2) which will not create a nuisance or disturb the health, safety, welfare or quiet enjoyment of other residents. (CC&R's Section 3.12)

2. All animals shall be kept under reasonable control at all times and in accordance with applicable laws. Reasonable control requires that animals shall be on a leash not to exceed six (6) feet when not confined entirely to an owner's lot. (CC&R's Section 3.12)

3. All animal wastes must be promptly disposed of in accordance with applicable City or County regulations. (CC&R's Section 3.12)

4. Dog barking must not be excessive resulting in disturbance to surrounding neighbors. (CC&R's Section 3.12)

## **PARK**

1. No golfing shall be permitted in the park or other common areas.

2. Repairs for any damage or destruction done in or to the park or any other common area will be charged back to the owner who caused the damage.

## **SIGNS**

1. No sign of a commercial nature except for one "For Rent" or one "For Sale" sign per Lot of no more than 24 inches by 24 inches, shall be allowed in the Community. (CC&R's Section 3.14)

## **GARAGES**

1. Garages may not be partially or completely converted to living space. (CC&R's Section 3.21)
2. Owners shall keep their garages neat, clean, and free from clutter, debris, hazardous materials, or unsightly objects.
3. At least one vehicle owned by a resident of each Lot must be parked, on a regular basis, in the garage.

## **NUISANCES, GARBAGE AND RUBBISH**

1. No noxious, illegal or offensive activities shall be conducted on any Lot. (CC&R's Section 3.3)
2. Each Lot shall be maintained free from rubbish, trash, garbage or other unsightly items which shall be promptly removed from each Lot and not allowed to accumulate. No garbage, trash, or other waste materials shall be burned on any Lot. (CC&R's Sections 3.3 and 3.7)

3. Garbage cans, clotheslines, woodpiles and areas for the storage of equipment and unsightly items shall be kept screened by adequate fencing or other aesthetically pleasing materials acceptable to the Committee to conceal the items from the view of adjacent Lots and streets. (CC&R's Section 3.3, 3.7 and 3.8)

4. Garbage cans may be in view only on collection days and thereafter they must be promptly stored out of sight. (CC&R's Section 3.7) Wednesday is pick-up day for recyclables and Saturday is pick-up day for regular trash.

### **VEHICLES**

1. For purposes of these rules, the term RECREATIONAL VEHICLES includes, but is not limited to, campers, boats, trailers, motor homes, and similar type vehicles. Except for temporary parking not exceeding forty-eight (48) consecutive hours within any seven (7) day period, recreational vehicle parking is limited to inside the garage or in the back yard where it cannot be seen from any street or from any other Lot. (CC&R's Section 3.16)

2. For purposes of these rules, COMMERCIAL VEHICLES may include sedans, vans, large trucks or standard size pickup trucks, with or without bed racks, which may be used both for business and personal use or where signs, components or markings are commercial in nature as determined by the Board. Except for temporary parking not exceeding twenty-four (24) consecutive hours, commercial vehicle parking is limited to inside the garage or in the back yard where it cannot be seen from any street or from any other Lot. (CC&R's Section 3.16)

3. No Recreational Vehicles, Commercial Vehicles or other mechanical equipment may be dismantled or repaired, except for inside an enclosed garage. No personal vehicles may be dismantled or repaired, except for; (a) inside an enclosed garage, or (b) emergency repairs for a time period not exceeding twenty-four (24) hours. (CC&R's Sections 3.16)
4. No mechanical equipment may be allowed to accumulate on any Lot or in the street. (CC&R's Section 3.13)
5. No vehicle which is abandoned shall be stored or kept in, or in front of, or in such manner as to be visible from any other Lot or any street within or adjacent to SOMNER PLACE. (CC&R's Sections 3.16 and 3.17.1)
6. Vehicles may not be parked on the front yard landscape whether the groundcover consists of grass or granite. Front yard parking must be limited to driveways as originally installed or approved by the COMMITTEE. (City of Mesa Ordinance)
7. Vehicles may not be parked on the sidewalks. Vehicles must be parked in such a manner as to allow access to the full width of the existing sidewalks. (City of Mesa Ordinance)
8. Vehicles must be parked facing forward on the right side of the street according to City ordinance. (City of Mesa Ordinance)
9. Vehicles traveling through the neighborhood should not exceed the 25-mph speed limit.
10. Vehicles must control excessive noise levels including stereo volume and engine noise while in the neighborhood.

# **Architectural Guidelines**

These GUIDELINES are established to assist residents in preparing an application to the Architectural Control Committee (the "COMMITTEE") for aesthetic, structural and landscape improvements. Following these guidelines does not eliminate the need for approval by the COMMITTEE.

## **PRE-APPROVED ITEMS**

1. Natural stain on wood gates.
2. Hanging lattice for flowering vines in backyards. Front yards must be submitted to the Committee.
3. Park benches at entrance (if other than PVC).

## **ALTERATION**

1. No improvement of any kind may be made on any lot, except as described below, without prior approval from the COMMITTEE, and no change to an improvement previously approved may be made without prior written approval of the COMMITTEE for the new change.

## **ANTENNAS & SATELLITE DISHES**

This policy applies only to the following two types of antennas/dishes -- all other antennas/dishes still need prior Committee approval:

1. Direct Broadcast Satellite (DBS) antennas less than one

SOMNER PLACE 09/99

meter in diameter may now be installed, while DBS antennas larger than one meter are subject to review in advance by the Committee.

2. Multi-point Distribution Service (MDS) antennas less than one meter in diameter may now be installed, while MDS antennas larger than one meter are subject to review in advance by the Committee.

### **Satellite Dish Installation Policy**

Satellite dishes which are less than one meter in diameter may be installed on a lot without prior approval subject to the following guidelines:

1. Satellite dish must be installed in the backyard;
2. Satellite dish must be installed below the fence-line;
3. The owner is responsible for all costs associated with the installation and maintenance of the dish;  
and
4. The owner is responsible for all damage caused by or connected with the dish.

**Prior approval must be obtained from the Committee for all dish installations that do not meet or will not be installed according to the above guidelines.**



## **BASKETBALL GOALS OR SIMILAR STRUCTURES**

When submitting an application for the installation of a basketball goal stand, setbacks from the edge of the driveway, property lines, color of structure and a photo or brochure (if available) must be included with the application.

1. Permanent basketball standards installed on any Lot must be approved by the COMMITTEE prior to installation. Review of an application will be based upon the proposed appearance and the effect of the location to other properties.
2. If you wish to install the pole anywhere other than immediately adjacent to the interior or exterior edges of the driveway, you must obtain and submit written approval from the neighboring property owners with your application.
3. Portable hoops need not be approved, but must be removed from view when not in use.

## **BUILDINGS**

1. No structure of a temporary character and no trailer, garage, or other outbuilding shall be used on any Lot at any time as a residence, either temporarily or permanently. (CC&R's Section 3.2)
2. No unsightly structure, object, or nuisance shall be erected, placed, or permitted on any lot. (CC&R's Section 3.2)

## **CHILDREN'S PLAY STRUCTURES**

When submitting applications for a Play Structure, setbacks from the backyard wall, dwelling and neighboring lots must be included with the application. Colors, materials, photos or brochures (if available) are useful in the review process.

1. Plans for play structures, including swings and slides used in connection with a swimming pool, must be submitted for approval if the structure exceeds the fence height.
2. The distance from the ground elevation to the top of the perimeter fence must be measured and submitted with plans for the structure. The COMMITTEE will take the appearance, height, and proximity to neighboring property into consideration. A brochure or picture must be submitted with your application.

## **CLOTHESLINES**

1. Clotheslines or other outside facilities for drying clothes are not allowed unless they are placed exclusively within a fenced yard below the fence line and otherwise concealed. Such facilities may not be visible from any neighboring property. (CC&R's Section 3.8)

## **DECORATIVE ITEMS**

1. All decorative items visible from any lot, street, or common area must be approved prior to installation. (CC&R's Section 3.1)
3. Fountains, flag poles, light fixtures, ornamental statuary,

and potted plants need to be submitted with the location on the lot, colors, sizes, materials and photos or brochures. (CC&R's Section 3.1)

4. Flag Poles may be a maximum height of 20 (twenty) feet. Flags may only be of the United States or Arizona (CC&R's Section 3.1)

4. Holiday decorations including light strings are allowed without approval, but must be removed within 30 days of the holiday. Decorations remain subject to review by the COMMITTEE.

#### **DRIVEWAYS**

1. Application for alteration to driveways must include a plot plan of the existing lot, indicating the direction in which expansion is proposed and exact measurements of the proposed paved surface. (CC&R's Section 3.1)

2. Changes in surface color or finish must be submitted to the COMMITTEE. (CC&R's Section 3.1)

#### **FENCES, WALLS & DECORATIVE WALLS**

1. Plans for new fences, walls, or additions to existing structures must be submitted to the COMMITTEE for written approval prior to construction. (CC&R's Section 3.1)

2. All fencing and any materials used for fencing, dividing or defining the Lots must be of cement block construction and of new materials. City of Mesa engineering requirements for

caisson footings must be met. Stucco and paint must match the existing dwelling in texture and color. (CC&R's Section)

## **GATES**

1. All gates shall be the same height as the Party Wall or fence to which it is attached.
2. Double gates may be installed to allow wider access to backyards. Double gates should be the same type, design, and color as the originally installed single gates. Shrubs, trees, or other plants should be located between the house and the double gates where possible.
3. Perimeter walls on lots bordering ASSOCIATION landscaped areas may not be removed and ASSOCIATION landscape easements may not be crossed. (CC&R's Section )

## **GUTTERS AND DOWN SPOUTS**

1. Seamless gutters and down spouts may be installed if approved. The finish must match the dwelling in color and be constructed of aluminum with a baked enamel finish, fastened with hidden hangers. The homeowner will be required to maintain the addition in good repair. Plans must include the proposed locations of the gutters and down spouts, the quality of material to be used, warranty by the manufacturer, and the name and telephone number of the installer. (CC&R's Section 3.1)

## **LANDSCAPE**

1. The original landscape packages installed on each Lot have been approved by the COMMITTEE. Any and all changes made to the original landscape or to existing landscaping must be approved by the COMMITTEE prior to installation. Plans submitted to the COMMITTEE must include proposed changes to grade. (CC&R's Section 7.2.1)

## **LIGHTS**

1. Except as initially installed by Developer, no spotlights, flood lights or other high intensity lighting shall be placed or utilized upon any Lot or any structure erected thereon which in any manner will allow light to be directed or reflected on any other Lot except as approved by the COMMITTEE. (CC&R's Section 3.1)

## **PATIO COVERS/RAMADAS/GAZEBOS**

1. Plans for patio covers will be considered for approval. The color of the structure must match the dwelling and specifications on roof materials (if any) must be noted. Minimum standards are: Horizontal support: 4 X 6 rough sawn and Vertical support: 4 X 4 rough sawn. (CC&R's Section 3.1)

## **POOLS AND SPAS**

1. Plans for installation of pools and spas need to be submitted for COMMITTEE approval. Approval will be

considered based upon appearance, height, and proximity of ladders and slides to other properties.

2. Perimeter walls on lots bordering ASSOCIATION landscaped areas may not be removed. Access must be gained by removing owners' front wall on the side of the home, leaving the perimeter wall intact.

3. Any wall removed for construction must be promptly replaced assuring it matches in texture and color of surrounding walls. Additional concerns to address in the application include, access of construction equipment, repair to walls and landscape, and clean up of streets.

#### **RAMADAS AND GAZEBOS**

1. Ramadas and gazebos are permitted, subject to approval by the Architectural COMMITTEE. (CC&R's Section 3.1)

#### **SCREEN DOORS/SECURITY DOORS**

1. Screen/Security doors in the front of the house must be submitted to the COMMITTEE for approval.

2. Paint color of all screen/security doors must match the house to which it is attached.

#### **SECURITY DEVICES**

1. Security features including but not limited to lights, security guard gates at entry towers, doors and window coverings must be submitted for approval.
2. Security alarms need not be submitted for approval.

### **SOLAR COLLECTORS**

1. Solar collectors and related equipment may not be installed on roofs of houses, but may be located only below the fence line in the back yard. An Owner must obtain the prior written approval from the COMMITTEE prior to installing the same. (CC&R's Section 3.1)
2. The ASSOCIATION, through the COMMITTEE, may from time to time adopt guidelines concerning the types of solar collectors and related equipment, which may be installed in the Community and acceptable means of installation thereof.

### **STORAGE SHEDS**

1. Every installation of a storage shed or related type object requires approval by the COMMITTEE. If approved, proper screening may be required of those structures that are visible from neighboring properties and must be a neutral color. The structure must have a minimum setback of 6 (six) feet from neighboring property line, or receive written permission from the neighbor to move the shed closer to the property line. (CC&R's Section 3.1)
2. Storage sheds and similar or related type objects may be

located on any Lot if the height of such object is less than the height of the fence on or adjoining the Lot or 6 (six) feet whichever is less and if such object is not visible from the front of the Lot. (CC&R's Section 3.1)

## **WINDOW COVER MATERIAL**

1. Each Owner shall install and maintain permanent draperies or suitable window coverings on windows facing the street.
2. Window Screens must match the original color and style. All other colors and styles are expressly forbidden. If a screen becomes damaged, it must be replaced. Dwellings should be completely screened or be left entirely unscreened.

## **APPLICATION PROCEDURE**

The following information should be assembled:

- Application Form -- completed and signed
- Plot Plan – (if applicable) a site plan indicating dimensions relating to the existing dwelling and property lines, setback and the improvement to be installed.
- Elevation Plans – (if applicable) plans showing finished appearance of the improvement in relation to the existing dwelling and property lines. An accompanying photo may be helpful.
- Specifications -- description detailing materials, dimensions, method of attachment and color to be used with color samples, drawings, or brochures attached.



All buildings and structures erected within Somner Place and the use and appearance of all land within the Association shall be in compliance with the City of Mesa Zoning and Code Requirements Ordinances.

Submit the application and 2 sets of plans and specifications to:

SOMNER PLACE HOMEOWNERS ASSOCIATION  
c/o Starpoint Management Systems, Inc.  
5110 North 44th Street, Suite L 200  
Mesa, AZ 85018

### **REVIEW PROCEDURE**

COMMITTEE requests will be reviewed and approved or disapproved within 30 days after submittal. Verbal requests to Board members will be invalid. The Lot owner will be notified in writing of the COMMITTEE'S determination. No new construction, remodeling, landscaping, or aesthetic changes may commence on any Lot or exterior of any home without prior approval by the COMMITTEE.

The following items, among other items, will be considered as a part of the review process: material, quality of workmanship, colors, consistency with the external design and color of existing structures on the lot and on neighboring lots and location of the improvement with respect to topography and finished grade elevation.

Neither the COMMITTEE, nor the Board shall have any liability in connection with or related to approved or disapproved plans, specifications, or improvements. Approval of plans by the COMMITTEE shall not be deemed to be a

representation or warranty of the structural soundness of the improvement nor its effect upon existing or future drainage. Review of the plans is for aesthetic purposes only.

Plan approval by the COMMITTEE is valid for 90 days after the date of the COMMITTEE'S approval of the application unless specifically noted, thereafter, application must be resubmitted. Once started, construction shall be pursued diligently in order to assure completion of the improvement within six (6) months of commencement of construction. If extenuating circumstances occur, an owner should request an extension for completing the scheduled work including a commitment for a deadline.

Any appeal of the Architectural Committee's decision must be submitted in writing to the Board of Directors within 30 days of the Committee's decision.

## **ENFORCEMENT**

These RULES AND GUIDELINES are a compilation of laws, ordinances, codes, and procedures prepared for the benefit of Lot owners and residents of SOMNER PLACE. Enforcement of these RULES AND GUIDELINES can be accomplished in a variety of ways, all of which are available to the Association and other Lot owners. What follows are one enforcement option and the corresponding fines. The intent is to promote compliance through communication. Initially, fines are assessed for failure to respond. (CC&R's Section 9.1)

Lot owners remain responsible for the correction of infractions and for all fines imposed by the Association whether or not the owner is the resident of the Lot. Any infraction of RULES

AND GUIDELINES by a Lot owner, resident, or his guests will be reported to the Management Company and fines and penalties will be imposed as follows:

1. First letter: A letter of warning will be sent. The letter will explain what the alleged infraction is and three response options including correcting the infraction, write to explain that the letter was sent in error or request to be heard by the Board of Directors.
2. Second letter: 30 days after mailing the first letter, if there is no response or correction, a letter assessing a fine of \$25.00 will be mailed. In addition, the letter shall contain three response options including correcting the infraction, write to explain that the letters were sent in error or request to be heard by the Board of Directors.
3. Third and subsequent letters: 30 days after sending the previous letter, if there is still no correction, a letter assessing a fine of \$50.00 will be mailed. In addition, the letter shall contain three response options including correcting the infraction, write to explain that the letter was sent in error or request to be heard by the Board of Directors.
4. Vandalism and damage or destruction of Common Areas will involve a fine of \$75.00, in addition to reimbursement to the Association for actual replacement or repair cost.
5. All fines are added to the Lot owners maintenance fee account and are subject to the same collection options as are monthly maintenance fees.
6. An architectural change commenced on a Lot prior to receipt of approval from the COMMITTEE is subject to an

automatic fine of \$75.00. Assessment of the fine does not replace the necessity to submit an architectural change application.

I, the undersigned duly elected and acting President of SOMNER PLACE HOMEOWNERS ASSOCIATION, do hereby certify as evidenced by my signature below, that:

By resolution of the Board of Directors on \_\_\_\_\_ the foregoing rules have been adopted according to the CC&R's Article 5, Section 3.

\_\_\_\_\_  
Mark Clonts, President

\_\_\_\_\_  
Dated

\_\_\_\_\_  
Sherri Norris, Member

\_\_\_\_\_  
Dated

\_\_\_\_\_  
Rick Finger, Treasurer

\_\_\_\_\_  
Dated

I, the undersigned duly elected and acting Secretary of SOMNER PLACE HOMEOWNERS ASSOCIATION have subscribed my name in witness of the certification of the President.

\_\_\_\_\_  
Midge Gamboa, Secretary

\_\_\_\_\_  
Dated

ARCHITECTURAL CHANGE APPLICATION

SOMNER PLACE HOMEOWNERS ASSOCIATION  
c/o Starpoint Management Systems, Inc.  
5110 North 44th Street, Suite L 200, Mesa, AZ 85018  
(602) 808-0120 Fax (602) 808-0124

1. Owner's Name: \_\_\_\_\_ Date: \_\_\_\_\_

Lot Number: \_\_\_\_\_ Phone Number: \_\_\_\_\_ Phone Number: \_\_\_\_\_

Complete Address: \_\_\_\_\_

2. Contractor Name, Address and Phone Number: \_\_\_\_\_

3. Description of work to be done: \_\_\_\_\_

4. Type of materials to be used: \_\_\_\_\_

5. Color(s) to be used: \_\_\_\_\_

6. Dimensions of structure (height, width, etc.), If applicable: \_\_\_\_\_

7. Estimated time of completion: \_\_\_\_\_

Please include two copies of all drawings, if applicable.

COMMITTEE action:

Approval as submitted - Date: \_\_\_/\_\_\_/\_\_\_

Denial as submitted - Date: \_\_\_/\_\_\_/\_\_\_

Approval with changes - Date: \_\_\_/\_\_\_/\_\_\_

Denial with changes - Date: \_\_\_/\_\_\_/\_\_\_

COMMITTEE: \_\_\_\_\_

Date \_\_\_\_\_

# SOMNER PLACE

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## Approved CC & R Violation and Enforcement Policy

The Somner Place Homeowners Association has approved the following policy for Covenants, Conditions, and Restrictions violation enforcement and any applicable monetary fines. The goal of this policy is to protect all Members of the Association from excessive costs in enforcing the CC & R's as outlined in Article IV, Section 4.1 and Article IX, Section 9.9 and to safeguard the value of the members' property.

### First Notice:

A letter will be sent to the owner of the property outlining the violation. In the event the owner is an absentee owner, a copy will of the letter will also be sent to the tenant at the property address. The Owner will have 14 days to take corrective action.

### Second Notice:

This formal Notice of Violation will again define the violation and impose a \$25.00 fine with a corrective period of 15 calendar days. The Notice will include a statement that if non-compliance continues, an addition fine could be assessed. As per the CC&R's, the Notice will include the right of appeal.

### Third Notice:

This formal Notice of Violation will impose an additional fine of \$50.00 and will state all the conditions that were in the second notice. It will also state that corrective action would be taken at the discretion of the Board of Directors at the owners expense..

### Fourth Notice:

This formal Notice of Violation will impose a \$100.00 fine and state all conditions of the previous notice. It will add that legal action could be taken. All due care will be taken to ensure that the violation is defined in the CC & R's or any other approved Association documents.

All violation notices to homeowners as outlined above will contain the following criteria to afford *due process* to each and every homeowners equally.