

**DESIGN GUIDELINES  
RULES AND REGULATIONS  
FOR  
VALSTATE HOMEOWNERS ASSOCIATION, INC.**

**REVISED FEBRUARY 8, 2016**

**THESE DESIGN GUIDELINES SUPERSEDE  
ANY AND ALL PREVIOUSLY ISSUED DESIGN GUIDELINES**

The Design Guidelines / Rules & Regulations, as set forth in this document, shall interpret and implement procedures for the Design Review Committee's review and standards, including, but not limited to, architectural design, placement of buildings, landscaping, plant selection, color schemes, exterior finish and material, signage, and wall design. These documents are intended to enhance property values and maintain the high standard of development that exist within Valstate Homeowners Association, Inc. Unless specifically identified as not requiring submittal for approval within this document, prior approval from the Design Review Committee is required. The Guidelines are established to assist residents in conforming to the standards established, and amended from time to time, by the Design Review Committee. Each application will be reviewed on a case by case basis.

**PRIOR TO THE COMMENCEMENT OF CONSTRUCTION OR INSTALLATION, ALL PLANS MUST BE SUBMITTED, IF REQUIRED, TO THE DESIGN REVIEW COMMITTEE. APPROVAL TO PROCEED SHALL BE REQUIRED IN WRITING FROM THE DESIGN REVIEW COMMITTEE. FOLLOWING THESE GUIDELINES DOES NOT ELIMINATE THE NEED FOR SUBMISSION OF PLANS (UNLESS SPECIFICALLY NOTED).**

**APPLICATION PROCEDURE**

**Submittal**

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

Valstate Homeowners Association, Inc.  
c/o Platinum Management, Inc.  
P.O. Box 14198  
Tucson, AZ 85732  
(520) 623-2324  
Fax (520) 722-5039

The following information should be included with the submittal:

1. **Application Form – Architectural Design Review Form** - A completed application form (copies may be obtained from the sales or management office).
2. **Plot Plan**-A site plan showing dimensions. The plan will include: 1) Lot dimensions, length x width. 2) Home dimensions, length x width. 3) Current fence height. 4) Placement of improvement. Include measurements in relation to placement from all structures. PLEASE SEE ATTACHED SAMPLE PLOT PLAN.
3. **Elevation Plans**-Plans showing finished appearance of improvement in relation to existing dwelling. Please include a brochure/photo if improvement is a “pre-fabricated kit” ie: gazebo, pergola, ramada or shed. Self built structures will require a detailed drawing. Including materials list.

4. **Specifications-** The length x width x height of improvement. Submission request must include all materials to be used to create improvement. Including, but not limited to: foundation/flooring, woods/metals, treated/untreated wood, roofing, and detailed paint or stain finishes. Please include paint swatches if color varies from color of home. "Pre-fabricated" improvements require placement on plot plan and brochure.
5. **Photograph** – If submittal is for an existing structure or improvement, a photograph of the existing structure or improvement must accompany the submittal application.
6. **Permits** – It is the Homeowners responsibility to obtain any necessary building permits from Pima County Building department. <http://www.webcms.pima.gov>
7. **Building plans:** "Self-constructed" improvements require a detailed construction plan. Pre-manufactured or "kit" plans require a brochure.

All buildings, structures and other improvements erected within the Valstate and Rancho Valencia subdivisions, and the use and appearance of all land within Valstate and Rancho Valencia, shall comply with all applicable Pima County zoning and code requirements as well as the Declaration and these Rules.

### **REVIEW-APPROVAL AND/OR DISAPPROVAL**

The Design Review Committee shall have **30** days after submittal of plans to approved or disapprove plans. A committee member may meet with the home owner on site to review plans and address the project. The committee member has **NO** authority to give any verbal approvals/disapprovals on design changes during the visit. The committee member can instruct the homeowner on what is typically acceptable for an improvement and how to properly submit the required information. No verbal approvals/disapprovals will be given by the management company. All decisions will be in writing and will be mailed via US Mail, e-mailed or faxed.

Review and approval or disapproval will include, but is not limited to, consideration of material, quality of workmanship, colors, and consistency with the external design and color of existing structures on the lot and impact on neighboring lots. The location of the improvement must also take into consideration the municipal permit and set back requirements, topography, drainage and finished grade elevation.

Neither the Design Review Committee, nor the Board of Directors, nor the Declarant shall have any liability in connection with or related to approved plans, specifications, or improvements. The approval of the plans does not mean that judgement is passed on the structural soundness of the improvement nor its effect upon existing or future drainage. The review of the plans is for aesthetic purposes only.

Approval Expiration- Construction must be started within 90 days of the date of the Committee's approval of the application or the Committee's approval shall be deemed withdrawn and plans must be resubmitted in accordance with these Rules.

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

### **Appeal**

Any appeal of the Committee's decision must be submitted in writing, within 30 days of the mailing date of the Committee decision to:

Valstate Homeowners Association, Inc.  
c/o Platinum Management, Inc.  
P.O. Box 14198  
Tucson, AZ 85732  
(520) 623-2324  
Fax (520) 722-5039

**THESE DESIGN GUIDELINES-RULES AND REGULATIONS  
MAY BE AMENDED FROM TIME TO TIME  
BY A MAJORITY VOTE OF THE BOARD OF DIRECTORS.  
DESIGN GUIDELINES**

**Antennas/Satellite**

No antenna, aerial, satellite dish larger than 3' or other device for the transmission or reception of television or radio (including amateur or ham radio) signals or any other form of electromagnetic radiation of any kind (collectively referred to herein as "antennas") shall be allowed outside the Dwelling Unit. The Committee will review applications for all and such application will be approved only if: (a) the antenna is designed to assure the most minimal visual intrusion possible, provided an application for such antenna must be submitted to the Committee and such application shall only be approved if the antenna complies to the maximum extent feasible with the Design Guidelines and within the confines of applicable federal regulations, without precluding reception or a quality signal or unreasonably increasing the cost of the antenna. Upon the written request of the Owner when submitting an application, the Committee shall consider such application on an expedited basis and shall strive to render a decision within seven (7) days, but in no event no later than fourteen (14) days, from the date the completed application was submitted.

No antenna, aerial, satellite dish or other device for the transmission or reception of television or radio (including amateur or ham radio) shall protrude into, or in any way infringe on neighboring lots or be attached to any common shared or HOA controlled block wall

Those satellite dishes three feet (3') or less in diameter and whose installation and use is protected under federal law or regulations, and installed by a qualified installer should follow the placement guidelines outlined below.

Should applicable law prohibit the Design Review Committee from requiring prior approval for the installation of certain antennas, the preferred locations, in descending order of preference, are as follows:

1. A location in the back yard of the property where the antenna will be screened from view by wall or fencing, landscaping or other improvements;
3. An unscreened location in the backyard of the Lot;
4. On the roof, but below the roof line;
5. A location in the side yard of the property where the antenna and any pole or mast will be screened from view by landscaping or other improvements;
6. On the roof above the roofline;
7. An unscreened location in the side yard;
8. A location in the front yard of the Lot where the antenna will be screened from view by landscaping or other improvements.

All wires must be securely attached to the dwelling and painted to match where attached and exposed. Additionally, any transmission cable for a receiver to the house must be underground. The restrictions in this *Section 5.10 of the CC&R's* shall be subject to any limitations imposed by law.

### **Awnings** - Exterior Windows

All window awnings must be approved by the Design Review Committee. Awnings over windows shall be canvas or similar material, of solid color on both sides, which match the color of the body of the exterior of the home or roof color and shall be installed only on the side and/or rear of the home. Some exceptions of street facing awnings may be repaired and replaced to meet builder's original installation only. All awning submittals must include a drawing with the location of the proposed awning installation. A sample of the material to be used, along with the color and design of the proposed awning, is required. Owner is responsible for maintenance and repair of awnings. Association retains the right to determine when an awning must be repaired and or replaced due to weathering, fading, tearing, ripping, etc.

### **Awnings – Patio covers**

Canvas, corrugated metal/fiberglass awnings or lean to type structures are not permissible. Existing Patio cover repairs, requiring new roofing or newly constructed Patio covers are required to be reviewed by the ARC. In no circumstances will canvas, metal or fiberglass be considered appropriate roof coverings for patio covers.

Roofing materials should match that which were installed by the builder on the original roof of the home or architectural shingles to complement or match the existing roof of the home

### **Sports Equipment**

The sports equipment referenced herein does not need to be submitted for approval providing the equipment is in compliance with the following restrictions. Not meeting these guidelines is a violation of the design guidelines, rules and regulations.

1. Only portable, free standing basketball backboards are permitted provided backboards must be removed on a daily basis when not in use and shall only be used during daylight hours. In no event shall backboards be Visible from Neighboring Property, from the street, sidewalk or common areas when not in use. Backboards must be kept in good condition and all backboards must be positioned so as not to adversely affect the property of any adjacent/surrounding neighbor or Common Area(s). Further, backboards cannot be placed in the street or upon sidewalks at any time. The ARC reserves the right to rescind its approval, should the backboard cause a nuisance, such as traffic, noise or damage to any adjacent property or Common Area.
3. All equipment must be constantly maintained. Broken backboards, disfigured or bent rims, ripped torn nets, etc., should be promptly repaired or replaced.
4. Basketball courts may not be painted or permanently outlined on any concrete and/or asphalt surfaces in the front, side yard, or motor court areas.

### **Chimneys**

Chimneys shall be constructed of the same material, texture and color of the home. Exposed flues are prohibited.

### **Chimineas, Outdoor fireplaces and Fire pits**

Chimineas and decorative fire pits not considered “permanent structures” are allowed in rear yards only, and must meet 5’ set back requirements when in use. Chiminea may not exceed neighboring fence height.

Homeowner must check with Pima County for any applicable permits required for any outdoor fireplaces with chimneys and must be submitted to the ARC for review. Outdoor fireplaces should be constructed to match the same material, texture and color of the home. Outdoor fireplaces must meet 5’ setback requirements, have a chimney screen, chimney may not exceed neighboring fence height.

All Chimineas, Outdoor fireplaces and fire pits must meet Pima County Fire Codes, laws and ordinances. In no instance shall any burning of refuse/trash be allowed.

### **Decorative Items**

Front yard item(s) must be submitted for approval by the Design Review Committee. The Board of Directors reserves the right to require removal of decorative items in front yards based on size, quantity, color and location and any other criteria that the Board may determine.

### **Seasonal and Decorative Flags**

Seasonal and decorative flags which are house mounted below the roofline do not require approval. Seasonal flags must be removed within 30 days after the date of the holiday to which the flag pertains. Flags must be maintained in good condition at all times. Torn, ripped, faded, etc. constitute grounds for fines and removal. Flags shall not be offensive to the Association. The Board of Directors shall make this determination at its sole discretion.

### **Holiday Decorations**

Holiday decorations may be installed 30 days prior to the holiday and must be removed within 30 days after the holiday.

### **Decorative and Seasonal items**

The Board of Directors reserves the right to require the removal of decorative items in front yards based on size, quantity, color, location and any other criteria. The Board of Directors, at its sole discretion, shall make its determination on a case by case basis.

### **Decorative Art on Houses**

Decorative Art on houses shall be neutral in color and may be limited in number, so as to not dominate the appearance of the home. Dimensions of decorative art shall be no greater than three feet in length, width and height.

### **Water Features, Statuary**

Items such as fountains, statuary, etc., are permitted within the rear yard and generally do not require submittal to the Design Review Committee, except Lots with view fencing. Any items installed in the rear yard must not exceed the wall or fence height. Such items must be approved by the Design Review Committee for installation in the front yard. Water features may not exceed 4 ½ feet in height. It is recommended that water features be chlorinated. The Committee reserves the right to limit the size and quantity of statuary in the front yard, as well as rear yards with view fencing. Statuary must not exceed 12 inches in height, must be of earth tones and must be approved by the Design Review Committee.

## **Driveway Extensions and Sidewalks**

Driveway extensions will be reviewed for approval provided the following conditions are met.

1. Only submittals for driveway extensions located in the side yard of the property will be considered.
2. Submittals must include a plot plan with: a) the location and dimensions of the proposed extension, b) the existing driveway dimensions, and c) the total linear feet of lot frontage.
3. The total parking area may not exceed the greater of thirty (30) feet of contiguous frontage or fifty percent (50%) of the lot width (existing plus extension) as measured at its widest point.
4. Homeowners with four (4) car garages will not be permitted to add a driveway extension since this will exceed the limiting provisions in 3 above. Rather, these homeowners will be permitted to request one of the following options:
  - a. A stabilized decomposed granite driveway which matches the existing granite in the front yard. Homeowners may not park vehicles on this extension. Color samples of existing and proposed granite must be submitted.
  - b. A sidewalk no more than three (3) feet in width from the rear of the yard to the existing driveway. Additionally, the sidewalk may not exceed three (3) feet past the front edge of the home and shall not run parallel to the driveway as to exceed the 30-foot limit.
  - c. Either option must be submitted to the Design Review Committee for approval.
5. If the extension ends within five feet of the side property line, it shall require the written input of the adjacent neighbor closest to the proposed extension. Such input should include the homeowner's printed name, lot number, address, date, signature and clear statement of the proposed improvement. The area between the extension and the lot line must be landscaped with the same ground cover used in the front yard or a material approved by the Design Review Committee.
6. Painting of paved surfaces are prohibited.

## **Additional Sidewalks**

Sidewalks installed to utilize side gates do not need to be submitted if all the following conditions are met.

1. The additional sidewalk is three (3) feet or less in width, is two feet or more from the property line and is one foot or further from the home.
2. Stepping stone type walkways meeting 'non-permanent' criteria may be installed on the side lots. The width cannot exceed 36". The stones must be movable, cannot be set in mortar, concrete or other substance that would permanently adhere the stones to the ground. The stepping stones may be made of brick, non-combustible composite or concrete materials. Wood is not allowed.
3. The area between the home and the sidewalk addition must have groundcover installed per the landscaping guidelines to match the existing ground cover.

The Design Review Committee reserves the right to review and request changes to the addition per these requirements.

Additional sidewalks in any other location must be submitted for approval.

## **Walls Including Decorative Walls**

Plans to raise the height of a party wall must be submitted for approval with written permission from the adjacent neighbor(s) as well as with information on the height of all walls which will abut the wall(s) being raised. Side and rear walls may not exceed six (6) feet in height from ground level, as measured from the lowest side of the wall.

Plans for new walls must be submitted to the Architectural Review Committee prior to construction. Walls must match the existing wall in texture and color.

Access for pool installation must be through the front gate access or by removing a portion of the front wall. Corner lots must receive prior approval to remove a portion of the sidewall.

Decorative or garden walls may not exceed thirty-six (36) inches in height. Decorative or garden walls must be submitted for approval prior to installation, and be stuccoed and painted to match the base color of the home.

### **Flagpoles**

In accordance with A.R.S. §33-1808, a flagpole is allowed for the outdoor display of the American flag, the Arizona state flag, an Arizona Indian nations flag, an official or replica of a flag of the United States army, navy, air force, marine corps or coast guard by a unit owner, the Gadsden Flag, and the POW/MIA flag, provided the flag is displayed in a manner consistent with the Federal Flag Code (P.L. 94-344; 90 STAT.810;4 United States Code Sections 4 through 10). Residences are allowed one flagpole, which shall be no higher than the rooftop of the home and display no more than two flags at one time. The American Flag shall be no larger than 30 square feet. The flag shall only be displayed from sunrise to sunset.

The above does not apply to model homes where flags, in addition to or other than the American Flag, may be displayed, but only during the time those homes are represented as models.

### **Gates**

All requests for additional gates, or gates other than those which were offered by the original developer of the lot/home, must be submitted for architectural approval. Placement of gate(s) must be approved by the Design Review Committee. Double gates may be installed to allow wider access to rear yards. All gates (double or single) should be of the same material, design and color as the originally installed single gates unless approved by the Design Review Committee. Gates may be painted to match the fence with approval from the Design Review Committee.

**Existing Gates:** Repairs to existing gate(s) do not need to be submitted as long as gate is repaired using materials to match original construction. Gate may be painted to match fence return/ house body/house trim or clearcoat preservative for cedar applied without ARC approval. Any other color or design consideration must be submitted and reviewed by the ARC.

### **Gutters, Downspouts and Rainwater Harvesting**

Gutters and downspouts will be considered for approval if the finish matches the color of the home. The Association strongly recommends use of high quality materials that offer long life, as the gutters must be maintained in good condition at all times.

Gutters and downspouts for the purpose of rainwater harvesting requiring a containment system are allowed with approval, only in the back yard. All containers must be screened and shield from view of neighbors. Homeowners wishing to participate in rainwater harvesting by containment method need to submit a copy of their attendance/completion of the free, Pima County Rainwater Harvesting education

program. The design review committee has the right to limit the size and design of the containment system.

Passive rainwater harvesting that does not require containers is allowed, if gutters and downspouts meet with committee approval.

### **HVAC Including Evaporative Cooler and Window Air Conditioner Units**

Except as initially installed by the developer, no heating, air conditioning, evaporative cooling or window air conditioner unit shall be placed, installed, constructed or maintained upon any lot without the prior written approval of the Design Review Committee. All units shall be ground mounted, located within the perimeter of the rear yard and screened or concealed from view of all neighboring property.

## **LANDSCAPE GUIDELINES**

**Front Yard Landscaping** All front yard landscaping and irrigation system installed by developer must be maintained by homeowner. The Owner shall maintain all property within their lot line, including the space between the sidewalk and the street in front of the home and side portions of corner lots not deemed common area, in a weed-free condition. All landscaping should be placed or maintained to allow clear line of sight to home address numbers. Front yard landscaping may be hardscape void of vegetation upon submission of plan and approval by design committee. Rockscape designs must include rock groundcover (see rock ground cover) and architectural rockscapes and be kept in a weed free condition at all times. All landscaping is to be kept trimmed, to provide a "clear line of sight" to the house address numbers, tree limbs must be trimmed back from sidewalk and street, and maintain not less than an 8' clearance at all times.

**Hardscape** Any change in hardscape items proposed for front yard installation must be approved by the Architectural Committee. Materials included in hardscape are concrete, brick, tile, wood, etc. Examples of hardscape items are planters, walkways, retaining walls, decorative walls and fountains.

**Rock Ground Cover** If decomposed granite or other landscape rock is used, it must be of an "earth tone" color and not white, green, blue or other bright colors. River rock shall be one (1) to six (6) inches in diameter and not more than fifteen percent (15%) of the front yard landscaping.

**Rear Yard Landscaping** Rear yard landscaping does not require Architectural Committee approval, except on Lots with view fencing. All rear yard landscaping must be installed within one (1) year after becoming the Owner of a Lot.

### **Trees and Shrubs**

All trees, shrubs and vegetation on the owners' lot are to be maintained by the homeowner. Trees and shrubs are to be kept trimmed to not infringe into, or over neighboring yards, homes, driveways or sidewalks. Trees in front yards should be trimmed up to provide ground clearance of 6'. Trees and shrubs should be trimmed to allow clear sight access to home address. Shrubs and vegetation should be trimmed away from sidewalks and driveways, with a minimum ground clearance of 8'. Trees hanging outside lot lines may be trimmed by adjacent homeowner **without notice**. Neighbors should not unreasonably withhold permission to access for purposes of tree trimming. Damage caused by trees is the responsibility of the homeowner on whose property the tree is planted.

Trees removed by homeowner may be replaced with trees from the Official Regulatory List from the Arizona Department of Water Resources, Tucson Active Management Area, Low Water Use/Drought Tolerant Plant List, which includes for the City of Tucson and Pima County, updated July, 2004, a copy of which is attached hereto and made a part hereof, is the complete list of plants approved for the



Valstate and Rancho Valencia subdivisions. These tree replacements may be done without submittal to the ARC.

### **Turf**

No turf is allowed in the front yard. Although Bermuda Grass may be permitted, please be aware that it does produce a tremendous amount of pollen. Therefore, it is highly recommended that this specific grass be avoided. Turf is allowed in the rear yard only. Please be advised that due to its high pollen content, Bermuda Grass is discouraged from use. Should this provision conflict with the Declaration of Covenants, Conditions and Restrictions, the Design Guidelines take precedence with regard to turf as stated herein.

Buffelgrass must be removed immediately and consistently for the protection of all owners and property in the community.

### **Water**

Water conservation is important and necessary. Rancho Valencia (Valstate) is part of the Bronze Certification of Pima County's Green Building Program and the Association encourages the conservation of water in all landscaping. Therefore owners are requested to conserve water by limiting the size/amount of turf in rear yards.

### **Weeds**

Homeowners are required to promptly remove weeds from both their front, rear and side yards. Pre-emergent products and weed killers are usually very successful in keeping weeds under control, and can be used, provided the product use recommendations are carefully followed.

**Prohibited Plant Material** The following vegetation types and varieties are expressly **prohibited**:

- a. Olive trees (*Olea europaea*) other than the "Swan Hill" variety.
- b. Oleanders (*Nerium oleander*) other than the dwarf variety and Thevetia. (*Thevetia* species).
- c. Fountain Grass (*Pennisetum setaceum*) or Pampas grass (*Cortaderia selloana*).
- d. All varieties of Citrus are permissible within the confines of the rear yard only.
- e. Mexican Palo Verde (*Parkinsonia aculeata*).
- f. Sweet Acacia and any other large thorn tree.
- g. All varieties of mulberry trees.

### **Approved Plant List**

The Official Regulatory List from the Arizona Department of Water Resources, Tucson Active Management Area, Low Water Use/Drought Tolerant Plant List, which includes for the City of Tucson and Pima County, updated July, 2004, a copy of which is attached hereto and made a part hereof, is the complete list of plants approved for the Valstate and Rancho Valencia subdivisions.

### **Lighting**

"Building lighting" means lighting built into or mounted to buildings on walls, ceilings, eaves, or other locations for the purpose of providing illumination for select and specific locations. Building lighting must be directed downward away from adjacent lots, common areas, and neighboring properties. All exterior lighting must provide for complete shielding of light sources. No bare lamps will be permitted.

All fixtures should direct light source down and out rather than up to coincide with the Tucson "Dark Sky" Pima County Light Ordinance regulations. Since many areas of Tucson and Pima County are affected by light code restrictions, landscape lighting, used to enhance plants and yard areas, must not be

excessive, nor adversely impose upon neighboring properties. Up-lighting of landscaping elements, used judiciously and with restraint, is allowed.

Other forms of up-lighting, such as incorporated building lighting, will generally be disallowed, as will an excessive number of fixtures, or excess light levels and glare, in any up-lighting installation as regulated by Pima County Light Ordinance Regulations.

All lighting must meet the Pima County Light Ordinance regulations as a minimum standard. The ARC shall reserve the right to require any owner to correct, repair, replace or remove any exterior light or combination of lighting that is determined by the ARC to not comply with these standards.

### **Machinery and Equipment**

No machinery, fixtures, improvements or equipment of any type, including, but not limited to, heating, cooling, air conditioning, refrigeration equipment, and clotheslines, may be placed on any lot or parcel so as to be visible from neighboring property. Any such placement of any machinery, fixtures, improvements or equipment requires the prior written approval of the Design Review Committee and such approval may be withheld in the Committee's sole discretion.

Oil pans, carpet, boards or any other object used to collect oil spills from driveways must be removed when not in use to prevent them from being visible from neighboring property.

Patio umbrellas are allowed within the confines of the rear yard only. The maximum amount of patio umbrellas permitted is two (2) and patio umbrellas must remain in the closed position when not in use.

Clotheslines or other outside facilities for drying clothes are not permitted unless they are placed exclusively within the fenced rear yard and **not visible** from neighboring property, the streets, or the common areas.

### **Paint Colors**

The paint colors used by the original developer must be used in all instances, based upon zoning requirements. In the case of any variation from the original colors, the preferred colors are earth tones. Trim colors shall not dominate the exterior appearance and shall be of the same color range of the major color. The Design Review Committee must approve all changes of paint color prior to painting. If you are painting your house in the same existing color, no application is required.

### **Patio Cover (new construction)**

- A. Plans must meet Pima County Building Codes and homeowner must check with Pima County for any applicable permitting requirements.
- B. Plans and any Permits issued by Pima County must be submitted to ARC for review
- C. All Patio structures are required to adhere to minimum 5' lot line setbacks per Pima County Building code and HOA guidelines.
- D. Paint color and material of supports to match color scheme and texture of home. Properly constructed wood structures must be painted. Block should be stucco and colored to match the home.
- E. Roof shall be flat or match the pitch of the roof of the home. The roofing material may be either architectural shingle or roof tile to match or compliment the home. Corrugated metal or fiberglass, is not allowed. Patio skylights may be considered.
- F. All patio covers, not installed by the builder, within 10ft of the home, must be verified by Pima County Permitting for any necessary permits. The application will be reviewed by the Design

Review Committee on an individual basis, prior to installation, with strong consideration being given to any impact of architectural features in the neighborhood.

### **Gazebos, Pergolas, Ramadas**

All gazebos and similar structures must be submitted to the ARC with some exceptions as noted below. Placement of the gazebo must be approved prior to installation. No tent-like, canvas gazebo structures will be allowed within the Rancho Valencia (Valstate) Subdivision.

Structures must meet the required setbacks, combustible materials must be 10' from other structures and 5' from side and rear lot lines. No structure may exceed 12' in height.

The gazebo, pergola or ramada may be constructed of block or wood, the structure stuccoed, stained and/or painted to match the home, with a roof that compliments or matches the existing roof of the home. Corrugated metal/fiberglass is not considered permissible roof or building material.

Submission for review of "self built" gazabos, pergolas or ramadas must include detailed plans and materials lists, including paint, stain or stucco colors and Pima county permit review.

### **Gazabos, Pergolas, Ramadas - Pre-manufactured Powdercoated aluminum**

May be installed if all of the following conditions are met:

1. Submit brochure/specifications for file
2. Observe setbacks: 5' from house or other structures, 5' from side and rear lot lines.
3. Size does not exceed 10'x10' and height does not exceed 8' at highest point.

### **NEW CONSTRUCTION**

All new construction, of any structure, is subject to Pima County Permitting. Any structure not submitted is subject to complaint with Pima County and citation or fine by Pima County in addition to remedies sought by the Rancho Valencia (Valstate) Homeowners Association.

### **Playground Equipment**

Plans for play structures and similar recreational equipment must be submitted for approval since in most instances they extend over the wall height. This is not to eliminate play structures, but to consider privacy and noise issues for adjacent neighbors, and to assure the aesthetic appeal.

The maximum height which will be considered for approval of swing sets and other play equipment without written input of immediately adjacent neighbors shall be eight (8) feet.

An architectural submittal for any such structure which **exceeds eight (8) feet at its maximum height** must include written approval from all adjacent neighbors. Neighbor approval shall include a signed statement acknowledging the proposed equipment, its height, material and color. Neighbors name, address, lot number and date signed must be noted. In the event neighbor refuses acknowledgement of proposed equipment, committee has the sole right of decision.

In no case will the maximum height of any such improvement be permitted to exceed twelve (12) feet. The maximum height for any deck/platform is four (4) feet above ground level.

The play structure may be placed no closer than ten (10) feet to any lot line. When considering plan approval, the Committee will consider the appearance, height and proximity to neighboring property. Submittals must include a picture or brochure of the structure, total dimensions, materials and a plot map or sketch indicating the proposed location and its proximity to adjacent property lines.

The color of canopy of the play structure must be one of the following in the order listed:

1. Canvas covers shall be of a “neutral” color, off white, beige or light brown.
2. A single solid color of red, blue, green or yellow.
3. Stripped with white and one (1) other color either: red, blue, green or yellow.

Except that prints and multi-colored stripped canopies are strictly prohibited.

Trampolines are permitted so long as trampoline and any safety netting are in good repair, is 10’ or more from neighboring walls/fences, and may be subject to any further restrictions in the CC&Rs.

### **Pools and Spas**

Pools and spas do not require the prior approval of the Design Review Committee. Perimeter walls on lots bordering common areas and shared Homeowners Association walls may not be removed to allow access to rear yards.

Access must be gained by removing a portion of the front wall on the side of the home. Repairs to the wall must be completed in a timely fashion and include repairing the wall to match the texture and color of the remaining wall. All pool and spa equipment must be screened from view of neighboring property. (Lots with view fencing must submit plans for screening for approval by the Design Review Committee.)

Pools may not be backwashed into any common area or street. Check with your pool contractor concerning City ordinance requirements for backwashing. Damage, including erosion, to common area due to backwashing will be repaired by the Association and all expenses incurred by the Association will be billed to the homeowner.

### **Pool Fencing and Equipment**

Must meet all City, County, State and Federal requirements.

Pools constructed with diving boards or slides, require diving boards and slides be placed a minimum of 8ft from neighboring walls in addition, slide height cannot exceed 8ft.

### **Roof and roof structures**

If the dwelling unit has pitched roof, the same roofing material and color must be used on any new/additional roof or roof structure. Unless specifically authorized in this document, no heating, air-conditioning, ventilation equipment, or any other equipment or structures shall be located or installed on any roof (please see Solar Panels). In addition, any such equipment or structures shall not be located or installed or maintained anywhere on a Lot, if it is Visible from Neighboring Property.

### **Sanitation**

No garbage or trash may be placed on any lot or parcel except in covered containers meeting the City and County specifications, and must be stored out of sight. Trash cans may be placed out for pickup no more than 12 hours prior to pickup and must be removed from view no more than 12 hours after pickup. Rubbish, debris and garbage shall not be allowed to accumulate.

Each owner shall be responsible for removal of rubbish, debris and garbage not only from his lot or parcel, but also from all public right-of-ways either fronting or along side his lot or parcel, excluding (a) public roadway improvements, and (b) those areas specified on a Tract Declaration or subdivision plat to be maintained by the municipality or the Association.

Each owner is required to contract with a sanitation disposal carrier of their choice within 30 days of occupancy. Burning of trash/refuse/weeds is prohibited within the Rancho Valencia (Valstate) Subdivision.

### **Security Lighting Devices**

Security lighting must be directed as not to shine on neighboring property. Additional visible security features, including but not limited to doors and windows, must be submitted for approval.

### **Security Doors, Screen Doors, Sunscreens**

Wrought iron security/screen doors need not be submitted for approval provided they are painted to match the base color of the home, or are a neutral “earth tone” color. Silver colored aluminum screen/security doors and/or wire screen mesh doors are strictly prohibited on front doors.

Wrought Iron decorative window treatments may be considered with detailed plans. Window security screens made of cloth screen type material to prohibit the breaking of glass in colors to match the home or solar screens are allowed with prior ARC approval. Solar non-reflective screens are permitted on sides and rear of home, without ARC approval.

Bronze, gray, charcoal, brown or beige non-reflective sunscreen material may be installed and not submitted for approval provided that the window frame matches the sunscreen material or the existing window frames. Reflective window films are expressly prohibited.

### **Sidewalks**

Please refer to Driveway extensions and sidewalks.

### **Signs**

No signs shall be displayed on any lot except the following:

- (a) Signs required by legal proceedings;
- (b) A maximum of two residential identification sign with a maximum face area of seventy - two (72) square inches.
- (c) One temporary “For Sale” or “For Lease” sign with a maximum area of five (5) square feet in size.
- (d) Signs used by the Declarant to advertise the lots and residence thereon for sale.
- (e) Such signs as may be required by A.R.S. §33-1808, which includes political signs. The specific details related to political signs are enumerated in Section 5.16 of the recorded CC&Rs.
- (f) Other signs as may be approved by the Design Review Committee.

All signs shall conform and comply with City ordinances. Signs advertising landscaping or pool contractors, etc. must be removed within forty-eight (48) hours of completion of work.

### **Security Signs**

Security signs must be located a maximum distance of 2 feet from the front of the home. Security signs must not exceed 12 inches by 12 inches and must be maintained in good condition at all times.

### **Solar Panels and Equipment**

Roof mounted solar equipment, (excluding solar panels), must match the roof material. Panels must be an integrated part of the roof design and mounted directly to the roof plane. Solar units must not break

the roof ridgeline, visibility must be minimized from public view, and may be required to be screened from neighboring property in a manner approved by the Design Review Committee.

### **Storage Sheds**

**Pre-manufactured or storage shed kits**, may be permitted and need not be submitted for approval, provided:

1. Maximum height of the shed, including roof, does not exceed 8'.
2. Has a pitched or barn roof of shingle or concrete tile to match roof color of home.
3. Does not exceed 8'x10' in size, color matches home or is "earth tone" in color.
4. Sheds shall have a minimum setback of 5 feet from any rear yard walls, 10' from home or other structures.
5. Does not require a poured concrete foundation.

### **Storage sheds - self constructed**

1. Plans must meet Pima County Building Codes and be may be subject to Pima County permitting.
2. Plans and applicable Permits must be submitted to ARC for review
3. Must conform to setback, colors and materials as previously set forth by the design committee
  - a. Pitched or Barn style roof (Shingle or Concrete tile to match home)
  - b. Exterior stucco or vertical lap siding in color to match existing home or "earth tone" to compliment home.
  - c. Foundation can be concrete, treated wood or brick
  - d. Size is dependent on lot size and aesthetic placement. Sheds in excess of 10'x12'x10' are not permitted.

### **Storage bins**

Designed to contain pool toys, patio cushions and seasonal items, under 4ft in height and 6ft in length in rear yards, are not subject to design guidelines.

### **Windows**

Permanent draperies or other window treatments, such as blinds and shutters shall be installed on all front-facing windows within thirty (30) days of occupancy. No reflective materials, including but not limited to, aluminum foil, reflective screens or glass, mirrors or similar type material, shall be installed or placed upon the outside or inside of any windows. Exterior window coverings or treatments used to decorate openings must be compatible with respect to materials and style.

### **General Property Restrictions**

No Owner may lease less than his, her or its entire lot, and no lot may be leased for a period of less than six (6) consecutive months. All leases must restrict occupancy to a Single Family. No gainful occupation, trade or other non-residential use may be conducted on the property for the purpose of receiving products or services related to such usage. Owners must receive the prior permission of the Board to apply for any rezoning, variances or use permit.

### **Pets**

Residents are allowed to keep a reasonable number of generally recognized domestic house or yard pets in accordance with Pima County laws and regulations. Animals cannot be kept or raised for commercial purposes and they are not allowed to make an unreasonable amount of noise or become a nuisance to neighbors

Animals must be kept on leash at all times while on association property, and all owners must clean up after their pets on association and personal property in accordance with Pima County Animal Laws and Ordinances. All animals on association property must meet Pima County licensing requirements. No structure for the care, housing, or confinement of any house or yard pet shall be maintained so as to be visible from neighboring property, the streets, or the common areas. The Board shall conclusively determine, in its sole and absolute discretion, whether a particular animal, bird, poultry, or livestock is a generally recognized house or yard pet and whether such a pet is a nuisance. Pre-constructed chain link dog runs are limited to 6' in height where block wall height is less than 6' and must observe set back restrictions. Owner must have placement approval of the Committee.

### **Vehicles**

No motor vehicles classed by manufacturer rating as exceeding ¾ ton, mobile homes, recreational vehicles, travel trailers, tent trailers, camper shells, detached campers, boats, boat trailers, hang gliders, ultra lights, or other similar equipment or vehicle may be parked, kept, placed, or maintained on any lot or parcel or any street so as to be visible from neighboring Property, the streets, or the Common Areas. The provisions of this section shall not apply to pickup trucks of ¾ ton or less capacity with camper shells not exceeding seven (7) feet in height measured from ground level and mini-motor homes not exceeding seven (7) feet in height and eighteen (18) feet in length which are parked and used on a regular and reoccurring basis for basic transportation.

No automobiles, motorcycles, motorbikes or other vehicles shall be constructed, reconstructed or repaired upon any lot, parcel or street, and no inoperable vehicles, including but not limited to vehicles with flat tires, may be stored or parked on any such lot, parcel or street so as to be visible from neighboring property, the streets, or the common areas; provided, however, that the provisions of this section shall not apply to emergency vehicle repairs or temporary construction shelters or facilities maintained during and used exclusively in connection with the construction of any improvement approved in writing by the Committee.

### **Parking**

Vehicles of all Owners, lessees, and residents, and of their employees, guests and invitees, are to be kept in garages, carports, residential driveways of the owner, designated parking areas, designated spaces in commercial areas, and other designated parking areas wherever and whenever such facilities are sufficient to accommodate the number of vehicles at a lot. Under no circumstances should resident vehicles block safe passage of emergency vehicles or prohibit the distribution of the US Mail or interfere with the collection of trash during designated scheduled pick up periods. All vehicles are subject to the Arizona department of Motor Vehicle code and enforced by the Pima County Sheriff's department. All streets are subject to vehicle parking and code enforcement by Pima County Code enforcement and Pima County Sheriff's department. **No parking** is permitted within 15' of fire hydrants per Arizona revised statutes, Title 28, Article 13, Section 28-873.

### **Speakers**

Outside speakers will only be allowed if they are concealed in the patio cover and not visible to neighboring property, the street, or common areas. Owners are required to keep the volume as low as possible so as not to create a nuisance and/or disturb the peaceful enjoyment of neighbors.

**Valstate Homeowners Association, Inc.  
Architectural Design Review Form**

Please mail or fax to:  
Valstate Homeowners Association, Inc.  
c/o Platinum Management, Inc.  
P.O. Box 14198  
Tucson, AZ 85732  
(520) 623-2324 Fax (520) 722-5039

Name: \_\_\_\_\_ Date: \_\_\_\_\_

Address: \_\_\_\_\_ Daytime Phone: \_\_\_\_\_

\_\_\_\_\_ Lot #: \_\_\_\_\_

Requesting Approval of: \_\_\_\_\_

Work to be performed by: \_\_\_\_\_

Type of Material (attach samples/pictures/brochures): \_\_\_\_\_

\_\_\_\_\_

Color to be Used (attach samples/pictures/brochures): \_\_\_\_\_

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**SUBMITTAL MUST INCLUDE A LEGIBLE PLOT PLAN INDICATING LOCATION OF REQUEST AND INCLUDE ALL APPLICABLE MEASUREMENTS AND DIMENSIONS, INCLUDING SETBACKS FROM EACH EXISTING WALL.**

**INCOMPLETE SUBMITTALS WILL BE DENIED**

I agree to comply with all applicable city and state laws, and to obtain all necessary permits. I also agree not to begin work until I have been notified in writing of the Design Review Committee's decision and to maintain all improvements in their original condition. Design Review Committee must review and respond to all submittals within **30** days. All work must be completed within 90 days from day of approval.

Owner's Signature: \_\_\_\_\_ Date: \_\_\_\_\_

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Approved: \_\_\_\_\_

Conditionally Approved: \_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

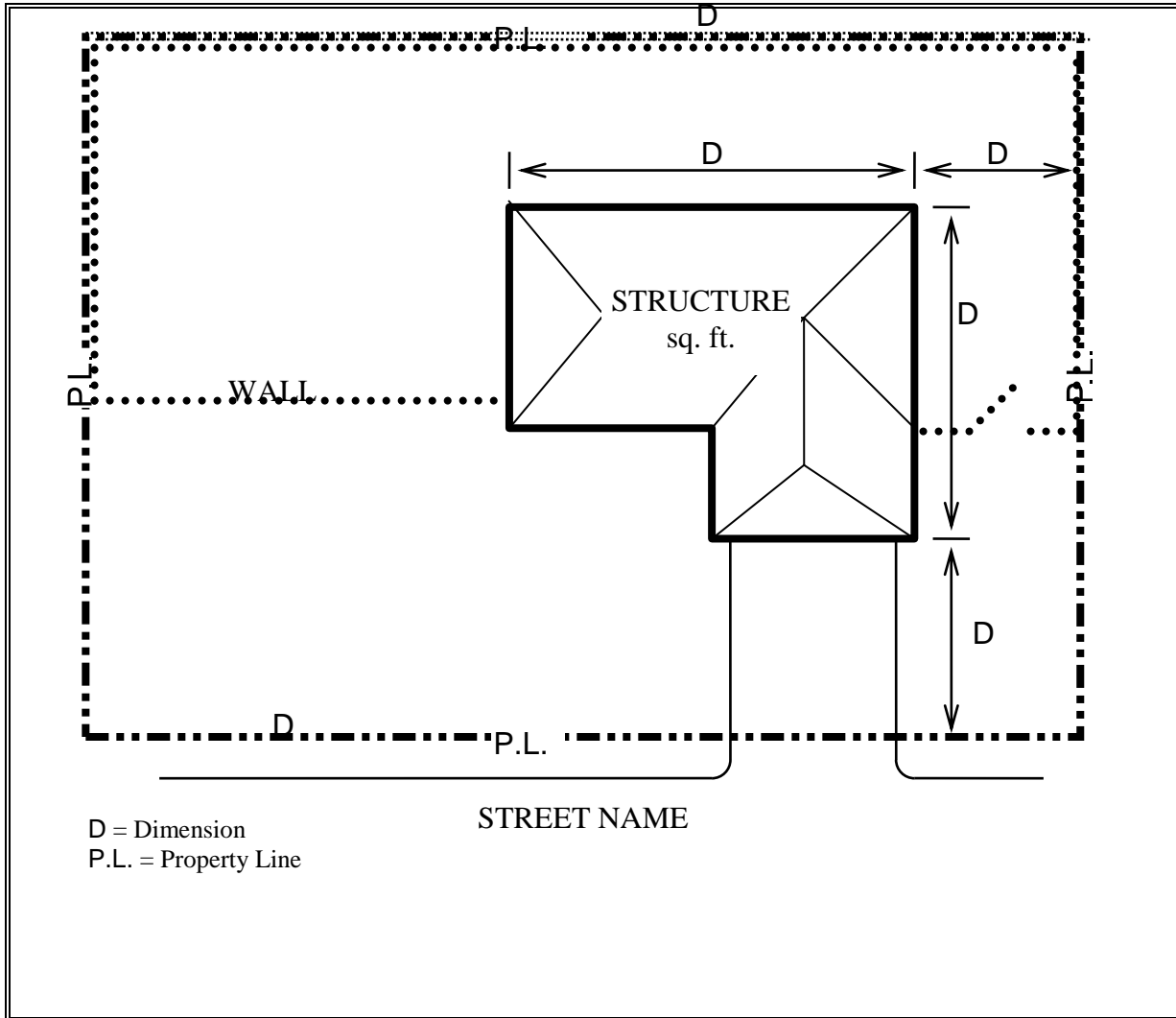
Denied: \_\_\_\_\_

\_\_\_\_\_

Committee Member Signature: \_\_\_\_\_ Date: \_\_\_\_\_



## Site Plan Sample



The following information listed below may be applicable and need to be reflected on the site plan. Please check the Design Guidelines for the specific submittal requirements of the items contained in your submittal.

- Existing and proposed buildings and structures with dimensions
- Existing adjacent structures
- Parking layout, pedestrian walks
- Existing and proposed walls, fences, etc., indicating height, design and materials
- Landscape Plan
- Location of all existing trees or manmade feature which are to remain or to be removed
- Show existing and proposed setback lines and dimensions
- Existing easements; indicate type of easement
- Show “North” arrow

## APPROVED PLANT LIST

### Arizona Department of Water Resources Drought Tolerant/Low Water Use Plant List

The Arizona Department of Water Resources Drought Tolerant/Low Water Use Plant List is a separate document and is referred to for use in the creation of a Landscape submittal. Please also refer to the Prohibited Plant List of this document. Any plant that is prohibited may not be used, even if it is included in the Approved Plant List.

Arizona Dept of Water Resources  
400 W. Congress, Suite 518  
Tucson, AZ 85701  
Phone: (520) 770-3800  
Website: [www.azwater.gov](http://www.azwater.gov)

#### Drought Resistant Plant Info

<http://www.azwater.gov/azdwr/WaterManagement/AMAs/LowWaterUsePlantList.htm>

## PROHIBITED PLANT LIST

**The following vegetation types and varieties are expressly prohibited:**

Olive Trees (*Olea europaea*)

Fountain Grass (*Pennisetum setaceum*) and Pampas Grass (*Cortaderia sellonana*)

Mexican Palo Verde (*Parkinsonia aculeata*)

Queen Palms, Date Palms, and any large thorn tree

All varieties of Mulberry trees

Oleanders *Thevetia* (*Thevetia* species), Oleanders (*Nerium oleander*)

Dwarf varieties are permissible, requires submittal and approval by the ARC

All varieties of Citrus are permissible within the confines of the rear yard only, requires submittal and approval by the ARC