

# VIA VERANO

## Community Residential Design Guidelines

May 4, 1999

**VIA VERANO COMMUNITY  
RESIDENTIAL DESIGN GUIDELINES**

**TABLE OF CONTENTS**

I.	INTRODUCTION .....	1
II.	IMPROVEMENTS/MODIFICATIONS TO A LOT .....	1
	A. Architectural Review and Approval Required.....	1
	B. Architectural and Design Character .....	2
III.	DESIGN GUIDELINES.....	2
	A. Antennas.....	2
	B. Basketball Goals and Flag Poles.....	4
	C. Clothes Drying Facilities .....	4
	D. Commercial Vehicles .....	4
	E. Corner Lots .....	4
	F. Drainage .....	4
	G. Landscaping Requirements and Guidelines .....	4
	H. Overhangs .....	8
	I. Playground Equipment .....	8
	J. Pools, Spas and Jacuzzis.....	9
	K. Security Doors .....	9
	L. Signs.....	9
	M. Solar Heating Equipment.....	10
	N. Storage Sheds .....	11
	O. Trailers and Motor Vehicles .....	11
	P. Trash Containers .....	11
	Q. Walls and Fences .....	12
IV.	ARCHITECTURAL COMMITTEE AND RESIDENTIAL PROPERTY OWNER REQUIREMENTS .....	12
	A. Residential Property Owners .....	12
	B. Submittals for Changes and Additions.....	13
	C. Fees.....	15
	D. Effect of Building Permit .....	15
V.	NON-LIABILITY FOR APPROVAL OF PLANS .....	16
VI.	CHANGES AND AMENDMENTS TO THE DESIGN GUIDELINES .....	16
	VIA VERANO ARCHITECTURAL DESIGN APPROVAL FORM.....	17
	APPENDICES	

## **I. INTRODUCTION**

Via Verano is a community designed to respect the climate and regional character of its location, minimize environmental impact and maximize water and energy conservation principles. In order to implement and preserve these principles, these Design Guidelines are established to maintain certain standards by which the community may grow and develop.

These Design Guidelines provide an overall framework and a comprehensive set of guidelines by establishing criteria for the design, size, location, style, structure, materials and color of architecture and landscaping, and relevant criteria for the construction or modification of all Improvements made by any party other than Del Webb's Coventry Homes Construction Co., (the "Declarant"). They also establish a process for the judicious review of proposed Improvements or alterations. However, these Design Guidelines are not the exclusive basis for decisions of the Architectural Committee, and compliance with these Design Guidelines does not guarantee approval of any application.

These Design Guidelines have been prepared by the Declarant and adopted by the Via Verano Community Association, Inc. (the "Association"). All terms used but not defined herein shall be given the meanings ascribed to them in the Declaration of Covenants, Conditions and Restrictions for Via Verano and any supplements or amendments thereto ("Declaration"), unless the context requires otherwise. These Design Guidelines will be administered by the Architectural Committee pursuant to Article VII of the Declaration.

In the event of conflict between these Design Guidelines and any government ordinance, building code or regulation, the more restrictive standard shall prevail. These Design Guidelines shall not apply to any activities of the Declarant.

## **II. IMPROVEMENTS/MODIFICATIONS TO A LOT**

### **A. ARCHITECTURAL REVIEW AND APPROVAL REQUIRED**

No Improvement which would be Visible From Neighboring Property shall be constructed or installed on any Lot without the prior written approval of the Architectural Committee. No building, fence, wall, landscaping, addition, alteration, repair, change, excavation or other work which in any way alters the exterior appearance, including but without limitation, the exterior color scheme, of any part of a Lot, or any Improvements located thereon which are Visible From Neighboring Property, from its natural or improved state existing on the date such Lot was first conveyed or transferred by Declarant to a Public Purchaser shall be made or done without the prior written approval of the Architectural Committee, except as otherwise expressly provided in the

Declaration. Each Owner is responsible for removing or otherwise curing, at its expense, non-complying and/or unapproved Improvements.

## **B. ARCHITECTURAL AND DESIGN CHARACTER**

1. The architectural design of all additions, alterations, and renovations to the exterior of any Dwelling Unit shall conform to the design of the original home in style, detailing, materials, and color.
2. The height of any addition to an existing Dwelling Unit shall not be higher than the original roof line.
3. All additions to Dwelling Units shall be built within the setback lines originally established for Via Verano or as changed by the Declarant or Developer with the requisite approval of the City of Scottsdale.
4. All materials used in the maintenance, repair, additions and alterations of any structure or Improvement subject to review hereunder shall match those used in the initial construction of the Improvement as to color, composition, type, and method of attachment. The Architectural Committee may allow substitute materials if it deems such materials to be compatible with the theme of the community.
5. No addition, alteration, or renovation of an existing Dwelling Unit, or any other activity on a Lot, may alter the established Lot drainage (as established by Declarant.)

## **III. DESIGN GUIDELINES**

### **A. ANTENNAS**

Antennas one meter or less in diameter or diagonal measurement which are designed for over-the-air reception of signals from direct broadcast satellites (DBS), multi-channel multi-point distribution (wireless cable) providers (MMDS) or televisions broadcast stations (TVBS), together with their associated mounting hardware and mast, if applicable (an "Antenna System") and which are placed, installed or kept outside a Dwelling Unit must comply with the following restrictions, unless the particular restriction would impair the user's ability to receive signals from a provider of DBS, MMDS or TVBS (a "Provider"):

1. An Antenna System must be placed on the Lot in such a manner as to not be visible from any other Lot, Common Area or any street.

2. If an Antenna System cannot be placed on the Lot in such a manner as to not be visible from any other Lot, Common Area or any street without impairing the user's ability to receive signals from a Provider, an Antenna System must be screened by landscaping or by some other means so that it is not visible from any other Lot, Common Area or any street, unless screening would impair the user's ability to receive signals from a Provider, in which case an Antenna System must be screened by landscaping or by some other means to reduce to the greatest extent possible its visibility from other Lots, Common Area or streets without impairing the user's ability to receive signals from a Provider.
3. If no other location is available without impairing the user's ability to receive signals from a Provider and an Antenna System must be mounted on a residence or other structure and is visible from any other Lot, Common Area or any street, the Antenna System must be painted a color which will blend into the background against which the Antenna System is mounted.
4. Antenna Systems designed to receive video program services from MMDS or TVBS which require masts to receive an acceptable signal must be mounted on masts which do not exceed twelve (12) feet in height above the roof line, provided that no mast shall be higher than the height necessary to establish line of sight contact with the transmitter.

A restriction contained in this Section shall be deemed to impair the user's ability to receive signals from a Provider if compliance with the restriction would unreasonably delay or prevent installation, maintenance or use of an Antenna System, unreasonably increase the cost of installation, maintenance or use of an Antenna System or preclude reception of an acceptable quality signal.

No dish which exceeds one meter in diameter or diagonal measurement, or any television or radio antenna on any mast which exceeds twelve (12) feet in height above the roof line may be placed, installed, constructed or kept on any Lot without the prior written approval of the Architectural Committee.

**B. BASKETBALL GOALS AND FLAG POLES**

No flag poles, basketball goals or basketball standards or backboards may be constructed, erected, installed or maintained on any Lot so as to be Visible From Neighboring Property without the prior written approval of the Architectural Committee. Notwithstanding the above, portable goals may be placed on a Lot, without prior written approval of the Architectural Committee, provided, however, that such portable goals are promptly stored so as not to be Visible From Neighboring Property when not in use.

**C. CLOTHES DRYING FACILITIES**

Outside clotheslines or other outside facilities for drying or airing clothes shall not be erected, placed or maintained on any Property unless they are erected, placed and maintained exclusively within a fenced service yard or otherwise concealed and shall not be Visible From Neighboring Property.

**D. COMMERCIAL VEHICLES**

No vehicle utilized for commercial or business purposes or similar equipment or vehicle may be parked or maintained on any Lot so as to be Visible From Neighboring Property, the Common Areas, or streets.

**E. CORNER LOTS**

As noted in the Plat, sight distance easements shall be kept clear of landscaping, signs, or other visibility obstructions between two (2) feet and seven (7) feet in height, and six (6) inches maximum width or diameter.

**F. DRAINAGE**

No Owner shall obstruct, divert, alter or interfere including but not limited to any type of structure or vegetation, in any way with the drainage of ground and surface water upon, across or over any portion of the Lots, right-of-way, Common Area(s) or Property. Each Owner shall, at its own expense, maintain the drainage ways and channels on its Lot in proper condition free from obstruction.

**G. LANDSCAPING REQUIREMENTS AND GUIDELINES**

1. The responsibility of each Owner is to landscape their front yard and public right-of-way areas adjacent to the respective Lot within a period of ninety (90) days from close of escrow, and rear yard landscaping within a period of one hundred eighty (180) days from close of escrow. Both front and rear yard landscaping shall be in accordance

with all applicable City of Scottsdale Ordinances and/or these Design Guidelines, whichever is more restrictive. All landscaping must be in accordance with the following minimum requirements:

- a. The use of native or compatible drought-tolerant species is strongly encouraged for all yard landscaping.
- b. All landscaped plantings shall be maintained by a fully automatic underground watering system. Irrigation systems that use drip emitters instead of spray heads or bubblers, are highly encouraged. When it is necessary to use sprinklers, care should be taken to avoid over spray on hardscape, structures, fences and windows.
- c. Minimum planting recommendations are as follows<sup>1</sup>:  
Front yard: Twelve (12) shrubs; one (1) gallon size  
Six (6) shrubs; five (5) gallon size  
Two (2) trees; fifteen (15) gallon size

Variations to these minimums may be made by the Architectural Committee depending on Lot size. In addition, for corner lots only, any public right-of-way area(s) adjacent to the Lot will be included in the front yard area in applying minimum requirements. Landscaping plans for side yards adjacent to garages shall include a minimal amount of plant material - only granite in this area is not acceptable. Landscaping plans for corner lots must include ground cover and a minimum of one (1) 5-gallon plant placed at each fence panel.

- d. The following is a list of **prohibited plant material** within Via Verano. In addition to the following list, any non-native plants which exceed a mature height of twenty feet are prohibited.

All Cedar Species  
All Cypress Species  
All Eucalyptus Species  
All Juniper Species  
All Olive Species  
All Pine Species  
Bottle Trees  
Chilean Palo Verde

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<sup>1</sup> A one-gallon plant can be substituted with a five-gallon plant, and a five-gallon plant can be substituted with two one-gallon plants.



Citrus (dwarf varieties are acceptable within rear yards only)

Common Bermuda Grass

Cottonwood Trees

Desert Broom

Fountain Grass

Ice Plant (acceptable within rear yards only)

Mexican Palo Verde

Mulberry Trees

Oleanders (dwarf varieties are acceptable)

Palm Trees (all species are prohibited within the front yard)

Palm Trees (those which reach a mature height greater than 6' are prohibited within the rear yard)

Roses (acceptable within rear yards only)

Silk Oak Trees

Tamarisk Trees

Varnish Trees (also known as Tree of Heaven)

e. The ground surfaces of all yards shall be covered with approved inert or living materials or a combination of both. Approved inert materials shall include:

- i. River Rock (3" - 6" in diameter) - not to exceed 10% of yard
- ii. Decomposed granite (only 3/4" minus or larger material permitted and shall be applied as a 2" thick layer).

Approved colors\* consist of:

Apache Brown	Palomino Coral
Desert Brown	Pink Coral
Madison Gold	Rebel Red
Mojave Gold	Rebel Rose

\* Only one (1) color of decomposed granite is permitted in front yards.

- iii. Crushed granite
- iv. Boulders (must be from the Valley area & buried at least 1/3 of their depth)



Additions or variances must be approved by the Architectural Committee. For the purpose of these guidelines, top soil or 1/4" minus decomposed granite will not be considered inert material. No artificially colored rock will be permitted as ground cover. Ground cover, inert material and any other landscaping softscape or hardscape shall not be used to spell out or form names, nicknames, initials, names of states or cities, athletic teams, slogans, states, emblems, geometric patterns or any other word, image, symbol or communication.

- f. Excessive use of concrete (as determined by the Architectural Committee), in front and street side yards will not be allowed. No concrete may be located in driveway areas other than that which is initially included with the home; however, additional concrete walking area(s) may be considered for approval by the Architectural Committee.
- g. Turf grass may be used, however, the area may not exceed 30% of the total front yard landscape area. In addition, the turf grass must be setback a minimum of five (5) feet from back of sidewalk and defined with a concrete or masonry border (4" minimum in width).
- h. Fountains shall be limited in height to five (5) feet above the finished grade of the Lot. Any fountain shall be of natural material, color and design, each of which are compatible with the overall architectural theme of Via Verano, as determined by the Architectural Committee. Fountains shall be permitted in the front yards and rear yards of all Dwelling Units. Fountains installed in front yards will be setback a minimum of twenty (20) feet from the front property line. It is recommended that water features be chlorinated.
- i. No landscape feature shall be in excess of five (5) feet in height. Statues, topiary and artifacts will not be allowed in the front or street side yard with the exception of temporary statues, artifacts and other holiday decorative landscaping items which may be allowed within a reasonable period of time prior to, during, and after a holiday season. Statues, topiaries and artifacts will be allowed in rear yards if not Visible From Neighboring Property.

- j. Each Owner of a Lot shall keep all landscaping, including but not limited to all shrubs, trees, hedges, ground coverings and plantings of every kind, located on its Lot or in a public right-of-way adjacent to such Lot neatly trimmed, properly cultivated, and free of trash, weeds and other unsightly material.
- k. The use of solid plastic sheeting or polyethylene over ground areas will not be permitted. If landscape fabric is used, it must allow the free flow of water, air, and gases to and from the soil. Comparable materials may be used only with prior approval of the Architectural Committee.
- l. The City of Scottsdale has regulations which are intended to establish procedures and standards that insure minimal light pollution, reduce glare, increase energy conservation, and maintain the quality of Scottsdale's physical and aesthetic character. The regulations for all outdoor lighting include, but are not limited to, all lighting or illumination units or sources shall be hooded or shielded so that they are not visible from any adjacent Lot or real property; and lights or illuminating units shall not direct light, either directly or through a reflecting device, upon any adjacent real property. All exterior lighting not installed by the Declarant must receive prior written approval of the Architectural Committee. All outdoor lighting must be in compliance with the City of Scottsdale's Ordinances or Codes, whichever is more restrictive.
- m. Each Owner will submit landscaping plans for review by the Architectural Committee within forty-five (45) days after the close of escrow. The procedures for submittal are described in Article VIII Section 2.d of the Declaration.

#### **H. OVERHANGS**

No objects on any Property shall be allowed to overhang or to otherwise encroach upon any sidewalk, street, pedestrian way or Common Area from ground level to a height of twelve (12) feet, without the prior approval of the Architectural Committee.

#### **I. PLAYGROUND EQUIPMENT**

Children's play equipment must be located at least five (5) feet from adjacent Lots and may not exceed eight (8) feet in height, including the height of the canopy, from ground level. Equipment "Visible From Neighboring Property"

shall be painted to match the color scheme of the house or have a natural wood finish. Any canvas canopy shall be a natural color and no flags are allowed. All structures shall be maintained so as to present a neat and clean appearance. Screening of such structures with appropriate landscaping and thorough consideration for all neighbors is required.

ALL PLAYGROUND EQUIPMENT MUST BE SUBMITTED FOR WRITTEN ARCHITECTURAL COMMITTEE APPROVAL PRIOR TO INSTALLATION.

#### J. POOLS, SPAS AND JACUZZIS

All pools, spas and jacuzzis must be installed according to City of Scottsdale and Maricopa County ordinances and will require protective fencing and be subject to certain setbacks. **In no instance shall any portion of a perimeter fence be temporarily removed or altered, including but not limited to removal in connection with the installation or construction of a swimming pool WITHOUT THE PRIOR WRITTEN APPROVAL OF THE ARCHITECTURAL COMMITTEE.** Any Owner in violation of this provision shall be subject to such monetary penalties and suspension of voting rights and Common Area use rights as may be established by the Board. Access may 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.

**In addition, Lots which have wrought iron fencing must attractively screen all pool, spa and jacuzzi equipment from view of neighboring property.**

#### K. SECURITY DOORS

Security doors will be permitted and need not be submitted for approval, provided that they are painted to match the front door or exterior base color of the home.

#### L. SIGNS

Posting of signs of any kind (including posters, circulars and billboards) is prohibited except those required by law and the following:

1. One (1) residential identification sign, identifying a Lot or Dwelling Unit by number, address, or Occupant, in a style designated by the Architectural Committee, not to exceed seventy-five (75) square inches in size, will be permitted.

2. No more than one (1) professionally lettered "For Sale" or "For Rent" sign of customary size shall be permitted to be placed on any individual Lot within the community. Such sign will be located wholly within the Lot being advertised "For Sale" or "For Rent". The sign must be removed within two working days following the closing of the sale or lease of the property, or the termination of the listing agreement.
3. Owners will be permitted to post a reasonable number of professionally designed home protection/security signs from a security/alarm company providing services to such Owner or the Dwelling Unit. One single-sided security/alarm sign may be placed in the front yard where it is visible to persons approaching the house, and a sign may also be placed in a window of the home. The signs shall not exceed seventy-five (75) square inches.
4. Notwithstanding the above, the Declarant and Developers shall be allowed to install any sign(s) necessary or desirable for purposes connected with the development of or sale of homes at Via Verano.
5. Notwithstanding the foregoing, the Architectural Committee may require the removal of any sign (other than a sign installed by the Declarant or a Developer) that it determines is inconsistent with the community-wide standard with respect to color, content, materials, location or otherwise.

#### **M. SOLAR HEATING EQUIPMENT**

No solar heating equipment or device is permitted outside the Dwelling Unit except such devices whose installation and use is protected by federal or Arizona law. Notwithstanding such protection, an application for such equipment or device must be submitted for approval under Article VIII Section 2.d of the Declaration prior to installation and approval, and approval will be granted only if:

1. First, such equipment or device is designed for minimal visual intrusion when installed (i.e. is located in a manner which minimizes visibility from the street or an adjacent Lot and is consistent with the community-wide standard); and
2. Second, the equipment or device complies to the maximum extent feasible with these Design Guidelines within the confines of the applicable governmental regulations.

**N. STORAGE SHEDS**

Storage sheds are not permitted.

**O. TRAILERS AND MOTOR VEHICLES**

No motor vehicle classed by manufacturer rating as exceeding 3/4 ton, mobile home, mini-motor home, travel trailer, recreational vehicle, tent trailer, trailer, camper shell, detached camper, boat, boat trailer, or other similar equipment or vehicle may be parked or maintained, constructed, reconstructed or repaired on any Lot so as to be Visible From Neighboring Property, the Common Areas, or the streets. Such vehicles may, however, be concealed in attractively screened areas with prior written approval by the Architectural Committee. Such vehicles shall not be stored in such a way as to extend more than one (1) foot above the Lot fence as viewed from the finished grade elevation of neighboring property. The provisions of this section shall not apply to pick-up trucks of 3/4 ton or less capacity with camper shells not exceeding seven feet in height measured from ground level. No mobile home, mini-motor home, boat, recreational vehicle, trailer (of any kind), truck, camper, permanent tent, or similar structure shall be kept, placed, maintained, constructed, reconstructed or repaired, nor shall any motor vehicle be constructed, reconstructed, or repaired upon any Property; provided, however, that the provisions of this paragraph 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 by the Architectural Committee. Garages shall be used for parking vehicles only, and shall not be converted for living or recreational activities without the prior written approval of the Architectural Committee or unless constructed by the Declarant or Developer at the time the Dwelling Unit was constructed. Except as provided above, only vehicles in operating condition shall be parked in residential driveways. *Non-operating vehicles are not permitted in residential driveways, unless repairs are imminent.*

**P. TRASH CONTAINERS**

No garbage or trash shall be placed or kept on any Property except in covered containers. In no event shall such containers be maintained or stored so as to be Visible From Neighboring Property, except to make the same available for collection, and then only the shortest time reasonably necessary to affect such collection. All rubbish, trash or garbage shall be removed from the Lots and shall not be allowed to accumulate thereon. No incinerators shall be kept or maintained on any Lot.

#### **Q. WALLS AND FENCES**

1. No alterations, changes, or additions will be allowed to walls and/or fences provided by the Declarant or a Developer for any Dwelling Unit without the prior written approval of the Architectural Committee.
2. Walls not provided by the Declarant or a Developer must be reviewed and approved in writing by the Architectural Committee prior to installation. The procedures for submittal are described in Article VIII Section 2.d of the Declaration.
3. In addition, construction or alteration of all walls and/or fences between Lots which are Party Walls under the Declaration must also be approved in writing by the Owner of the adjacent Lot. See Article VIII Section 2.v of the Declaration for repair and maintenance responsibilities.
4. All wrought iron will be the responsibility of the respective Lot Owner to maintain, repair and replace. All wrought iron must be maintained in a rust free condition and painted in the color specified by the Architectural Committee and Board.

#### **IV. ARCHITECTURAL COMMITTEE AND RESIDENTIAL PROPERTY OWNER REQUIREMENTS**

The Architectural Committee has been established to maintain the integrity of the architectural and design character established by the Declarant at Via Verano. To this end, as part of its duties, the Architectural Committee will review all proposed additions, improvements or alterations on developed Lots, and all proposed landscaping, walls and fences on any Lot after conveyance to an Owner. Article VII of the Declaration sets forth provisions with respect to the Architectural Committee, including appointments to the committee. Any and all approvals or denials will rest with the Architectural Committee.

##### **A. RESIDENTIAL PROPERTY OWNERS**

Lot Owners are required to submit plans to and receive written approval from the Architectural Committee prior to performing or installing (1) additions, alterations, restorations or modifications to existing Dwelling Units, (2) exterior painting (unless in accordance with the originally approved color scheme), (3) landscaping, (4) walls, (5) any concrete work or any other on-site Improvements specified within these Design Guidelines, and (6) any and all other on-site Improvements. It shall be the responsibility of all Lot Owners to comply with all standards and requirements of these Design Guidelines, as well as, all requirements of the Declaration or any governmental authority having jurisdiction.



## B. SUBMITTALS FOR CHANGES AND ADDITIONS

1. The Lot Owner shall submit to the Architectural Committee via the management company (if applicable), by mail or personal delivery, an application form as provided herein showing the plans for the proposed Improvement and as follows:
  - a. For **landscaping** plan approval, or amendments to an approved landscaping plan, the Owner shall submit two (2) copies of the landscaping plan for the Lot (no smaller than 8-1/2" x 11" or larger than 11" x 14"), including a description of all varieties and sizes of trees and shrubs, with the location of each tree and shrub clearly delineated on the plan. To the extent the Owner can color code the trees and shrubs and provide a legend, it will facilitate review. In the event the Owner desires to install any hardscape, including but not limited to brick, masonry, concrete, rocks or other inert material, such items shall be clearly marked on the landscape plan and a legend shall be provided so that the Architectural Committee can easily determine the location and type of material. Lots have been designed and graded to provide positive drainage from the Lot and to protect environmental resources. In the event the Owner's plan proposes to alter the grade of the Lot, the location of all drainage structures and direction and slope of flow must be indicated on the plan. The Architectural Committee's approval of any plan shall not be deemed to constitute an assurance that the grading or drainage change is properly engineered to avoid any undesirable impact.
  - b. For **changes or additions to the Dwelling Unit**, the Owner shall submit two (2) copies of the plot plan and two (2) copies of the floor plan for the model and elevation. On such plans, the Owner shall draw the proposed changes or additions to the exterior elevation. If the Owner has a photograph of another house, or picture out of a magazine, that will assist the Architectural Committee, such photo should be submitted. The application should contain a description of the materials and colors the Owner plans to use in such changes or additions.



- c. Owners are advised that the City of Scottsdale requires certain permits, depending on the proposed change or alteration. It is the Owner's responsibility to comply with permit requirements. The Owner shall provide the Architectural Committee with copies of any such required permits if so requested.
  - d. Prior to or concurrently with submittal of a request for a permit to be issued by the City of Scottsdale, the Owner will obtain the approval of the Architectural Committee of any plans, changes, or alterations inclusive of, but not limited to, those items outlined above.
  - e. Any permit issued or approval given by the City of Scottsdale will in no manner bind the Architectural Committee with respect to approval or denial of any application for items submitted for consideration; the Architectural Committee shall be fully independent and will have full authority for approval or denial of any such matters.
2. The Architectural Committee will review each submittal and respond within forty-five (45) days after receipt of a complete application for approval (the "Response Date"), by returning one set of plans to the Owner accompanied by an Architectural Design Approval Form (initialed by at least two Committee Members) indicating the Committee's decision, in one of the following three forms:
- a. "Approved" - The entire document submitted is approved in total.
  - b. "Conditionally Approved" - The document submitted is partially approved. An Owner may proceed with the work to be performed, unless noted otherwise; however, the Owner must comply with any and all notations on the submittal. The response will set forth suggestions for bringing disapproved items into conformity with the Declaration and these Design Guidelines.
  - c. "Denied" - The entire document submitted is not approved and no work may commence. The response will set forth the reasons for disapproval thereof and, if applicable, suggestions for bringing the document into conformity with the Declaration and these Design Guidelines.

3. In the event the Architectural Committee fails to respond by the Response Date, the document submitted will be deemed to have been approved, except as to those submittals and requirements which are otherwise imposed by or required under these Design Guidelines. Architectural Committee decisions shall be based solely on the information contained in the submittal. The approval of the Architectural Committee may contain a deadline for commencement and/or completion of work for which plans have been approved. If no deadline is specified in the approval or per the Declaration, the deadline for completion of the approved work shall be deemed to be sixty (60) days. If construction is not timely commenced and/or completed, the Architectural Committee's approval will be deemed withdrawn and such incomplete construction will be deemed to be in violation of these Design Guidelines.

The Declarant, the Architectural Committee, the Association and their designated agents shall have the right, but not the obligation, to enter any Lot to inspect any work requiring approval of the Architectural Committee, both during performance and after completion of such work. Any work which has not been approved by the Architectural Committee, or which is not being performed in accordance with the plans approved by the Architectural Committee, will be immediately removed by the Owner of the Lot at such Owner's sole cost and expense.

#### **C. FEES**

In accordance with Article VII Section 8 of the Declaration, the Architectural Committee may establish and charge reasonable fees for review of applications hereunder and may require such fees to be paid in full prior to review of any application.

#### **D. EFFECT OF BUILDING PERMIT**

If the plans submitted by an Owner require a building permit, the approval by the Architectural Committee is not a guarantee that such plans will be approved by the City of Scottsdale. If the City of Scottsdale requires modification to such plans, such modifications must also be submitted to and approved by the Architectural Committee for the Owner to remain in compliance with these Design Guidelines.

## **V. NON-LIABILITY FOR APPROVAL OF PLANS**

**PRIOR TO SUBMITTING PLANS OR INFORMATION FOR REVIEW YOU SHOULD READ AND UNDERSTAND THE DISCLAIMER IN ARTICLE VII SECTION 6 OF THE DECLARATION.** The review and approval of any application pursuant to Article VII Section 6 of the Declaration is made on the basis of aesthetic considerations only and neither the Declarant, the Association, its officers, the Architectural Committee, the Board of Directors, the Association management agent, or any member of the foregoing, shall bear any responsibility for ensuring the structural integrity or soundness of approved construction or modifications, nor for ensuring compliance with building codes and other governmental requirements. Neither the Declarant, the Association, its officers, the Architectural Committee, the Board of Directors, the Association management agent, or any member of the foregoing shall be held liable for any injury, damages, or loss arising out of the manner or quality of approved construction on, or modifications to any Lot. In all matters, the Architectural Committee and its members shall be defended and indemnified by the Association, as provided in the Bylaws.

## **VI. CHANGES AND AMENDMENTS TO THESE DESIGN GUIDELINES**

These Design Guidelines may be amended as follows:

- A. The Architectural Committee shall have sole and full authority to supplement and amend these Design Guidelines.
- B. Any amendment to these Design Guidelines will be promptly mailed to all Owners and additional copies made available at the Association office. Such amendments shall not be retroactive to previous work or approved work in progress.
- C. In no way will any amendment to these Design Guidelines change, alter or modify any provision of the Declaration, the Articles or Bylaws of the Association.

## VIA VERANO ARCHITECTURAL DESIGN APPROVAL FORM

Please mail to:  
Via Verano Community Association, Inc.  
c/o Associated Asset Management  
2400 E. Arizona Biltmore Circle, Suite 1300  
Phoenix, AZ 85016

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

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

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

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

Contractor Name & Phone #: \_\_\_\_\_

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

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

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**SUBMITTAL MUST INCLUDE A PLOT PLAN INDICATING LOCATION OF REQUEST AND INCLUDE ALL APPLICABLE MEASUREMENTS AND DIMENSIONS.**

### **INCOMPLETE SUBMITTALS WILL BE DENIED**

Homeowner agrees to comply with all applicable city and state laws, and to obtain all necessary permits. Approval by the Architectural Committee shall not be deemed a warranty or representation as to the quality of such construction, installation, addition, alteration, repair, change or other work, or that work conforms to any applicable building codes or other federal, state or local law, statute, ordinance, rule or regulations. Architectural Design requests will be reviewed within 45 days.

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Request was reviewed by the Architectural Committee on \_\_\_\_\_ and is:

\_\_\_\_\_  Approved.

\_\_\_\_\_  Conditionally Approved. \_\_\_\_\_

\_\_\_\_\_  Denied. \_\_\_\_\_

**ARCHITECTURAL REVIEW COMMITTEE  
SUBMITTAL**

Please mail to:

**VIA VERANO COMMUNITY ASSOCIATION**

c/o Associated Asset Management

7040 N. 16<sup>TH</sup> Street, Suite 300

Phoenix, AZ 85020

Phone: (602) 957-9191 Fax: (602) 957-8802

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

Community: \_\_\_\_\_

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

Sub-division Name: \_\_\_\_\_

Builder Name: \_\_\_\_\_

Address: \_\_\_\_\_ Phone #: \_\_\_\_\_

Submittal: \_\_\_\_\_

Contractor Name & Phone # (if applicable): \_\_\_\_\_

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

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

**MUST INCLUDE A PLOT PLAN INDICATING LOCATION OF  
SUBMITTAL AND INCLUDE APPLICABLE MEASUREMENTS AND  
DIMENSIONS.**

**INCOMPLETE SUBMITTALS WILL BE DENIED**

Homeowner agrees to comply with all applicable city and state laws, and to obtain all necessary permits. Approval by the Architectural Committee shall not be deemed a warranty or representation as to the quality of such construction, installation, addition, alteration, repair, change or other work, or that work conforms to any applicable building codes or other federal, state or local law, statute, ordinance, rule or regulation.

Architectural Committee requests will be reviewed within 45 days. Requests will either be approved, denied, or returned for additional information.