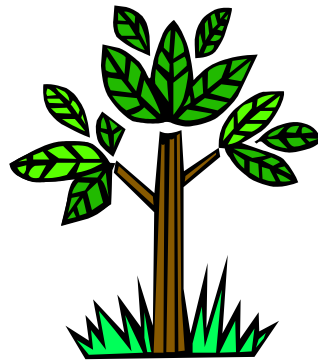


**NEELY COMMONS COMMUNITY ASSOCIATION**

# **NEELY COMMONS RULES & ARCHITECTURAL GUIDELINES**



**The Board of Directors of the Neely Commons Community Association adopted the following document as the accepted guidelines to be used by the Architectural Oversight Committee (AOC) for any exterior alteration as pursuant to Article V; Sections 5.1 through 5.22 of the CC&R's. The purpose of the established guidelines is to promote harmony and equal enforcement of the rules throughout out the Neely Commons Community.**

**Adopted: August 2004  
Amended: August 2009**

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## **ARCHITECTURAL CONTROL**

Pursuant to section 5.22 C of the Neely Commons Community Association Covenants, Conditions and Restrictions (CC&R'S), no addition, alteration, repair, change or other work which in any way alters the exterior appearance, including but without limitation, the exterior color scheme, of any lot or the improvements located thereon, shall be made or done without the prior written approval of the Architectural Oversight Committee (AOC). Any improvements that affect neighboring properties must have written consent from the affected lot owners of approval of the improvement submitted with the Architectural request submitted to the association.

Requests submitted by Country Lane subdivision owners must also have the written approval of the Country Lane HOA at the time it is submitted to the Neely Commons Community Association. Requests submitted without the Country Lane HOA approval will not be processed.

Neely Commons Architectural Review Forms are available through the Neely Commons Community Association Manager, Heywood Realty, at 480.820.1519, [www.heywoodrealty.com](http://www.heywoodrealty.com) or [info@heywoodrealty.com](mailto:info@heywoodrealty.com).

**AWNINGS:** Awnings over all windows must be of canvas or similar material, of solid color on both sides to match the exterior color of the home and installed only on the side or rear of the home. All awnings must be approved in writing by the AOC and the design and sample of the material and color must accompany the submittal. The AOC reserves the right to determine when an awning must be repaired or replaced due to fading, tearing, weathering, etc.

**STORAGE SHEDS:** Sheds visible over the fence line must have written approval and comply with the following criteria:

- Maximum size of structure to be 120 sq. feet
- Submittal must include:
  - Roof color & material
  - Height of structure
  - Structure color

**PLAY STRUCTURES:** Play structures must have prior written approval and comply with the following criteria:

- At least 10' from perimeter walls.
- Height is restricted to eight (8) feet, excluding cover.
- Shade or canopy shall be tan, beige or dark green only in color.
- Submittal must include:
  - Height, Length, and Width of structure

- Picture or Brochure to be submitted to Design Review Committee.

**RAMADAS AND GAZEBOS:** Must have prior written approval and comply with the following criteria:

- At least 6' from perimeter walls.
- Submittal must include:
  - Roof Material and color
  - Square footage under roof
  - Height of structure
  - Necessary Town of Gilbert permits
  - All lighting on the ramada or gazebo must be approved by the AOC.

**SWIMMING POOLS AND SPAS:** The construction of a swimming pool or placement of a spa on a lot does not require the approval of the AOC unless there is a feature (such as a slide) that will be visible above the top of the wall or fence surrounding the lot. Access to a lot for construction of a pool must be undertaken so that no damage is done to any portion of the Common Areas or any common wall. The homeowner is responsible to make certain that the pool and pool fencing or barrier must be in compliance with the Town of Gilbert and Maricopa County ordinances.

**BASKETBALL HOOPS:** All existing basketball structures and new requests must meet the following criteria:

- Backboards attached to the house are prohibited.
- Only portable basketball standards are permitted.
- Backboards must be predominantly neutral and no glass backboards are allowed.
- There will be no Basketball play allowed after 8:00 PM.
- All basketball equipment must be kept in a maintained fashion. Broken backboards, bent rims, torn nets and chipped paint are prohibited.
- At no time should a portable hoop be left as to block the sidewalk or street. All basketball equipment should be contained within the confines of the owner's lot.
- Portable basketball hoops must be stored out of view (in garage or in behind fence) when not in use.

**DRIVEWAY EXTENSIONS:** Driveway extensions must comply with the following criteria:

- Submittals must include a plan of the lot with respect to current driveway and property lines.
- Dimensions of the proposed extensions must be provided with the submittal.
- Finish of the concrete must be provided with the submittal.
- Driveway extensions must not interfere with proper water drainage.
- Driveway extensions will only be allowed to be installed on lots that have a two car garage. Lots with 3 car garages are not permitted to extend the width of their driveways.

**AIR CONDITIONERS, HEATERS AND SOLAR PANELS:** Must be installed in compliance with local laws and regulations. All piping and wiring must be painted to match the surface which it is adhered to or placed adjacent thereto. Window air conditioners visible from the street, common area or a neighboring property are prohibited.

**TRASH CANS, RECYCLE CANS AND BULK TRASH:** May be put out on the street the night before pickup. Must be placed in the street next to the curb so as not to block the sidewalk. Must be removed from sight no later than the evening of pickup day and be stored behind the gate. They cannot be stored in the front portion of the lot unless inside the garage. Bulk trash is picked up by the Town of Gilbert during one week each month. You can find the current schedule at <http://www.ci.gilbert.az.us/pw/maps.cfm#bulktrash>. Bulk trash can be placed at the curb on the Saturday immediately before the week of pick up by the Town of Gilbert. If it is placed out prior to the designated Saturday, the association may contract to have it hauled off and bill the offending lot owner for the actual cost of the removal and a service fee.

**SIGNS:** One “For Sale” or “For Lease” or a “Political sign” is allowed in a front yard. Additional signs need prior AOC approval. Political signs must be in compliance with the Town of Gilbert ordinances governing residential property.

**SATELLITE DISHES:** Dishes larger than one meter (39”) in diameter are prohibited. Please see Section 5.19 of the CC&R’s for specific guidelines on installation.

**OUTDOOR FIREPLACES:** Portable “fire pits” or Chimeras are permitted without approval. Must have written AOC approval prior to installation.

**DOUBLE GATES:** Must be of same type, design, and color as originally installed pedestrian gates. Only allowed on perimeter walls of lots with direct access to contiguous street. Must have written AOC approval prior to installation.

**SIDEWALKS & HARDSCAPE PATHS:** Must have written AOC approval prior to installation.

**GUTTERS & DOWNSPOUTS:** Must be painted or finished to match the color of the house.

**SECURITY DOORS:** Must be of high quality wrought iron, painted to match the front door, house paint, or house trim.

**LIGHTING:** Homeowners may use low voltage lighting to highlight entry walks, or accent trees. Colored bulbs and lenses are prohibited. Light source shall be adjusted to minimize glare onto adjacent properties or streets. Holiday lighting and decorations are allowed and may be installed up to thirty (30) days prior to the holiday but must be removed within twenty (20) days following the holiday.

**WINDOW SUNSCREENS:** Black, Tan, Brown or Beige sunscreen material may be installed only. All frames should match the original design and color of the existing windows. Must have prior written AOC approval prior to installation.

**FLAGS & FLAGPOLES:** Flags are permitted with the following restrictions:

- No more than two flags may be flown on the same pole
- Flags allowed to be displayed:
  - US Flag (maximum size 3' x 5')
  - Arizona Flag (maximum size 2' x 3')
  - US Military Flag (USMC, Army, Navy or Air Force – maximum size 2' x 3')
  - Seasonal Flags (Holiday, Easter, Thanksgiving, etc) must be removed within 20 days after the holiday has ended and are subject to AOC approval.
- US Flag Code (§36 U.S.C. 173-178) must be followed. Guidelines include removing the flag during inclement weather; the flag must never be allowed to touch the ground; the flag must be in good repair, without tatters or fading; the flag may only be displayed from sunrise to sunset unless appropriate lighting is installed that properly illuminates the flag without disturbing the quiet use and enjoyment of the neighboring properties. Written approval from the AOC is required prior to the installation of any lighting.

Homeowners are encouraged to display the American flag by attaching a flagpole bracket to the exterior of the home. No approval is necessary for bracket use.

Flagpoles may be installed on individual lots, at homeowner expense, and with the following restrictions:

- Poles may not exceed 15' in height. Telescoping poles are preferred.
- Poles must be non-reflective metal colored white, gunmetal aluminum, or bronze.
- Flagpoles must be properly maintained.
- Flagpoles must be at least 5' from any property line.

If a homeowner elects to install a flagpole, the AOC must approve the location in writing prior to installation. The homeowner assumes all responsibility and liability for the flag pole and its installation.

## USE RESTRICTIONS

### **MOTOR VEHICLES:**

- No overnight street parking of motor vehicles is allowed pursuant to section 5.6 of the CC&R's.
- No motor vehicles are allowed in the common areas. Violators will be subject to criminal prosecution.

### **RV'S/TRAILERS/BOATS:**

- Parking prohibited in community unless loading & unloading (not to exceed 48 hours for each function) To protect yourself, you must notify the Community Manager if your RV/Trailer or Boat is to be left out for loading or unloading, failure to do so could result in a fine.
- Storage behind double gates allowable only if the vehicle is not visible over the fence line.

### **ANIMALS:**

- Only generally recognized house pets are allowable.
- Animals that are solely domestic pets and not kept for commercial purposes are allowed.
- Pets must be leashed at all times when outside the fence of the individual lot. The end of the leash must be held by a human in control of the pet.
- No animal will be allowed to become a nuisance by making excessive noise.
- No structure for care or containment of the animal shall be constructed prior to obtaining the approval from the AOC.
- Pets that are a continuing nuisance can be fined per the CC&R's.

### **HOLIDAY LIGHTING AND DECORATIONS:**

- Holiday lighting and decorations may be installed 30 days prior to and must be removed 20 days after the holiday.

### **LANDSCAPING STANDARDS:**

- Landscape must be kept in an attractive and neat manner as determined by the AOC.
- Turf areas must be mowed and trimmed on a regular basis and must be mowed before the grass goes to seed.
- Weeds are to be removed as soon as visible. Lots should be treated by hand or by chemical treatment.
- Bushes and hedges must be maintained and trimmed.
- Annual flowers and wildflowers are permitted as long as they are contained within a designated flowerbed with a hardscape border or within pots designated for such. All

hardscape borders and pots must be pre-approved in writing by the AOC prior to their installation and should be limited in size to not consume a majority of the square footage of the landscaped area in any front yard. Plants must be removed as soon as the season is over and before they die back. If planters are located within the landscape area, they must have vegetation in them at all times, except during transitional seasonal periods between growing cycles.

- Trees must be kept trimmed and neat. Trees close to walks must be trimmed up to a minimum height of 8' so as not to block or impede pedestrian traffic
- Lots may not be used for storage or dumping.
- Clothes drying facilities may not be visible.

**COMMON AREAS:**

- All common areas are for the private use of members of the association.
- Damage
- Prosecution
- Use for teams and other functions

Any and all variations of the adopted guidelines need prior written approval from the Architectural Oversight Committee.

## VIOLATION FINE POLICY

In accordance with the CC&R's of Neely Commons Community Association, Article 3, Section 3.12, *"The association, acting through its Board of Directors, shall have the right to adopt a schedule of fines for violation of any provision of the Project Documents by any Owner, or such Owners licensees or invitees."*

Fine schedule and policy for violations of the CC&R's and Rules and Regulations as may be adopted from time to time by the Board of Directors for the Neely Commons Community Association.

- **First letter:** Reminder/violation letter giving 10 days to comply.
- **Second letter:** Violation letter \$50.00 fine giving 10 days to comply.
- **Third and subsequent letters:** Starting with the first fine; an additional \$50.00 is added with every letter. (Example \$50, \$100, \$150, etc.) and 10 days to comply. Upon board approval, legal action. Demand letter from attorney.

On street parking violations are as follows:

- Parking Violation Notice Left on vehicle: three days to comply. No Fine.
- **First letter:** violation letter \$50.00 Fine. 5 days to comply.
- **Second letter:** Violation letter \$100.00 Fine. 5 days to comply.
- **Third and subsequent letters:** Starting with the first fine; an additional \$50.00 is added with every letter. (Example \$50, \$100, \$150, etc.) Police may be called. Vehicle may be ticketed or towed.

Homeowners will be notified in writing of all violations. Homeowners are also responsible for the violations of their guests, tenant's and tenant's guests and will be subject to fines for violations. All cost incurred relating to the violations are the financial responsibility of the Homeowner.

The homeowner has the right to an appeal before the Board where decisions of the Board are final.

Board will direct Management Company as to waiving or assessing fines at each hearing or board meeting date for all pending fines.

**Violations will be cumulative for the fiscal year.**

*If you are not sure that your particular issue is covered, please contact the AOC for clarification. The board, if necessary, may amend these guidelines as needed for updates, deletions or changes.*

**Neely Commons  
Request for Architectural Approval**

NAME \_\_\_\_\_ LOT \_\_\_\_\_

ADDRESS \_\_\_\_\_

PHONE \_\_\_\_\_ EMAIL \_\_\_\_\_

Provide a description of the request in detail and use additional pages and drawings as necessary. Please include type of materials to be used, color(s), dimensions of structure and location on lot, if applicable.

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

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

Submit to:            Neely Commons Community Association  
                          42 South Hamilton Place, Suite 101  
                          Gilbert, AZ 85233  
                          Telephone: 480.820.1519 Fax 480.820.1722

The Homeowner agrees to maintain the improvement if approved by the Board of Directors or their duly appointed representative. If, in the view of the Board of Directors, the improvement is not being maintained, the Association has the right to remove or maintain the improvement with the Homeowner bearing all costs. The Homeowner agrees to comply with all city, county and state laws and to obtain all necessary permits. Country Lane subdivision owners must submit written approval from the Country Lane HOA as part of this submittal in order for it to be processed.

\_\_\_\_\_  
Signature of Homeowner

\_\_\_\_\_  
Date

The above described architectural change is:    \_\_\_ Approved    \_\_\_ Disapproved

\_\_\_ Approved subject to the following conditions: \_\_\_\_\_

\_\_\_\_\_  
\_\_\_\_\_

\_\_\_\_\_  
Association Representative

\_\_\_\_\_  
Date

## **NEELY COMMONS COMMUNITY ASSOCIATION**

### **Appeal Process**

If a homeowner is noticed with a violation and fine, or denied AOC approval, they have the right to appeal.

The homeowner must contact the management company via email or regular mail with a written notice that they are requesting an appeal with the following information:

- Name, Address and contact phone and email.
- A copy of the violation/AOC disapproval must accompany the request.
- Demonstrate extenuating circumstances, which require deviation from the CC&R's and AOC guidelines.
- Pertinent information to support the existence of extenuating circumstance.

The management company must receive written appeals within 7 days of the violation and fine notification.

Any appeal which does not meet the above requirements or if there are outstanding violations and fines, the appeal shall be automatically **DENIED**.

If the appeal is granted, the homeowner will be given written notice that the appeal is scheduled.

The appeal will be heard privately, at the next scheduled executive session.

Homeowner will have up to 10 minutes to state their case and present evidence. Ignorance of the CC&R's or AOC guidelines is not an acceptable defense.

All decisions of the board are **FINAL** and **CANNOT BE APPEALED**.