

ISSUE #1

MARKUP #1 ->

Section 1: [Exhibit E, Section 1.1.2] Architectural Control - Blanket Prior Written Approval

No Improvement (including, but not limited to, exterior artwork, sculptures, statues and other works of art visible from any other Lot, Parcel or Common Area or from any part of the Project) shall be commenced, erected, maintained, improved, altered, or made without the prior written approval of the Master Design Committee.

Section 2: [Exhibit E, Section 1.1.3] Subsequent Additions and Exterior Color Alterations

All subsequent additions to or changes or alterations in any Improvement, including exterior color scheme, and all changes in the grade of Lots or Parcels, shall be subject to the prior written approval of the Master Design Committee.

Section 3: [Exhibit E, Section 1.1.6] Boats and Motor Vehicles

Except as specifically permitted by the Association Rules, (a) no boats, trailers, busses, motor homes, campers or other vehicles shall be parked or stored in or upon the Common Areas or upon any Lot or Parcel...

Section 4: [Exhibit E, Section 1.1.21] Machinery and Equipment

No machinery or equipment of any kind shall be placed, operated or maintained upon or adjacent to any Lot or Parcel except such machinery or equipment as is usual and customary in connection with the use, maintenance or construction of a building...

Section 5: [Exhibit E, Section 1.1.24] Utility Service, Wires, and Signal Transmission Devices

No lines, wires, or other devices for the communication or transmission of electric current or power, including telephone, television, and radio signals, shall be erected, placed or maintained anywhere in or upon any Lot or Parcel unless the same shall be contained in conduits or cables installed and maintained underground or concealed in, under or on buildings or other structures approved by the Master Design Committee.

Section 6: [Exhibit E, Section 1.1.28] Health, Safety and Welfare / Board Nuisance Rulemaking

In the event any uses, activities, and facilities on the Property or the Master Common Area are deemed by the Board to be an unreasonable annoyance or a nuisance, or to adversely affect the health, safety or welfare of Owners or Occupants, the Board may make rules restricting or regulating their presence on the Property.

MARKUP #1 · SUBJECTIVE OR OVERBROAD WORDING

BOARD & COUNSEL REVIEW

Sec. Exhibit E, Section 1.1.2 (p. 1): Architectural Control, Non-Visible Interior Regulation, Fair Housing Familial/HOPA, or Self-Help Overreach: Clause regulates non-visible interior spaces/garages, imposes subjective ARC standards, enforces familial-status pool exclusions, or authorizes forcible self-help entry under AZ law.

Statutory / Legal Reference: A.R.S. §§ 33-1801 to 33-1819 (Arizona Planned Communities Act); A.R.S. §§ 33-1201 to 33-1270 (Arizona Condominium Act); 42 U.S.C. §§ 3604(b), 3607(b)(2)(C) (Fair Housing Act & HOPA)

Statutory Comparison: Under A.R.S. §§ 33-1801 to 33-1819 (Arizona Planned Communities Act); A.R.S. §§ 33-1201 to 33-1270 (Arizona Condominium Act) and the Fair Housing Act (42 U.S.C. § 3604), architectural controls are limited to objective, published exterior standards, cannot regulate non-visible interior window treatments or garage interiors, cannot enforce familial-status pool bans, and cannot authorize forcible self-help entry onto private lots without judicial process.

CURRENT WORDING IN DOCUMENT:

[Exhibit E, Section 1.1.2] Architectural Control - Blanket Prior Written Approval - No Improvement (including, but not limited to, exterior artwork, sculptures, statues and other works of art visible from any other Lot, Parcel or Common Area or from any part of the Project) shall be commenced, erected, maintained, improved, altered, or made without the prior written approval of the Master Design Committee.

SAMPLE DISCUSSION WORDING (FOR HOA ATTORNEY REVIEW):

Amend Section Exhibit E, Section 1.1.2 to limit architectural review to objective exterior criteria, remove interior garage/window inspections, eliminate familial-status exclusions, and require judicial process before non-emergency lot entry under A.R.S. §§ 33-1801 to 33-1819 (Arizona Planned Communities Act); A.R.S. §§ 33-1201 to 33-1270 (Arizona Condominium Act).