

STARLIGHT PINES RANCHETTES HOMEOWNERS ASSOCIATION

RULES AND REGULATIONS

Declaration of Covenants, Conditions & Restrictions:

Article IV, Section 4.2 - The Rules. By a majority vote of the Board, the Association may, from time to time and subject to the provisions of this Declaration, adopt, amend, and repeal rules and regulations to be known as the "Rules and Regulations". The Rules and Regulations may restrict and govern the use of any area by any Owner, by the family of each Owner, or by any invitee, guest or lessee of such Owner provided, however, that the Rules and Regulations may not discriminate among Owners and shall not be inconsistent with this Declaration, the Articles or Bylaws of the Association. A copy of the Rules and Regulations as they may from time to time be adopted, amended or repealed, shall be mailed or otherwise delivered to each Owner and may be recorded. Upon recordation, said Rules and Regulations shall have the same force and effect as if they were set forth in and were a part of the Declaration.

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ARTICLE III Land Use Classifications, Permitted Uses and Restrictions

CC&R Section 3.1 Permitted Uses and Restrictions – Single Family. *The permitted uses, easements, and restrictions for the property shall be as follows:*

(a) Single Family Residential Use. The Property shall be used, improved and devoted exclusively to Single Family Residential Use. No business, commercial manufacturing, industrial, mercantile, vending or similar activity of any kind whatsoever shall be conducted on any of the Property, with the exception of the construction and sales activities of the Declarant or any affiliate or agent of Declarant with respect to the Property. Nothing herein shall be deemed to prevent the leasing of any Property to a single family from time to time by the Owner thereof, subject to all of the provisions of the Declaration. All buildings and structures erected on the Property shall be of new construction and no buildings or structures shall be moved from any other location on to said Property except for buildings or structures used by the Declarant or any affiliate or agent of Declarant in construction or sales activities. No building or structure shall be erected or maintained separate from the single family residence located on any Lot other than a small barn to accommodate horses or a separate garage or small shed in accordance with Coconino County zoning ordinances in existence at the time. No dwelling or residence shall be erected, permitted or maintained having a floor area of less than thirteen hundred (1,300) square feet and a ground floor area of less than one thousand (1,000) square feet, exclusive of an open porch, carport or attached garage. No barn or garage or shed shall be built prior to the issuance of a Coconino County building permit for the construction of a single family residence.

Rule 3.1 Permitted Uses and Restrictions – Single Family

The permitted uses, easements and restrictions for all property with the Properties covered by this Declaration, shall be as follows:

Single Family Residential use. All Starlight Pines Ranchettes properties shall be used, improved and devoted exclusively to Single Family Residential Use.

Rule 3.1.1 Definition of Business Activity

The Association hereby defines “Business Activity” as being evidenced by any one or more of the following activities:

a. Commercial activity that creates one or more of the following conditions, as determined by the Board:

1. Generates more traffic (either vehicular or pedestrian) than is associated with residential use of the lot;
2. Outdoor storage of materials and/or supplies;
3. Radio or television interference;
4. Generation of noise, smoke, odor or waste that would exceed what normally is produced by a dwelling unit;

5. Does not conform to all applicable Coconino County Zoning Ordinances or requirements for the lot;
 6. Involves door-to-door solicitation of owners or other residents;
 7. Involves the distribution of flyers within the Association;
 8. Is not consistent with the residential character of the properties or constitutes a hazardous or offensive use or threatens security or safety of other residents in the properties.
- b. Business signage advertising business activity on the lot;
 - c. Parking lots;
 - d. Business lighting.

Rule 3.1.2 Hospitals or Sanitariums

No premises shall be used for hospitals, sanitariums, nor shall any dwelling be occupied for the case or lodging or entertainment, whether for hire or charitable purposes, of persons suffering from injury, ill health or disease.

Rule 3.1.3 Omitted

Rule 3.1.4 Penalties for Violations of Rule 3.1

Any Owner found to have violated Rule 3.1 shall face the following fine schedule:

- First offense - \$500.00 fine
- Second offense - \$1,000.00 fine
- Third offense or more \$1,500.00 fine

It is noted that these fines are in addition to any and all rights of the Association, or any other Owner, to enforce the terms of the CC&Rs as described in the CC&Rs.

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ARTICLE X Architectural Standards, Architectural Committee

CC&R Section 10.3 Submission and Review of Plans. *No original construction, modification, alteration or addition subject to the Architectural Committee’s jurisdiction (including, but not limited to, landscaping) shall be commenced until it has been approved or is deemed approved by the Architectural Committee as provided herein. Any Owner or other person or entity seeking to construct or install any new improvements or landscaping or to make any modification, alteration or addition to any existing improvement (including, but not limited to, landscaping) upon any portion of the Property (or to cause same to be constructed, installed or made) shall first submit to the Architectural Committee detailed plans, specifications and elevations relating to the proposed construction, installation, modification, alteration or addition prior to making any submission to Coconino County. All plans, specification and elevations (including, but not limited to, a detailed site plan) shall be sent to the Architectural Committee by (a) personal delivery, in which case the person delivering the same shall obtain a signed and dated receipt from the recipient thereof (in which even they shall be deemed received as of the date indicated by the recipient on such receipt), or (b) by U.S. mail, postage paid, certified mail, return receipt requested (in which event they shall be deemed received as of the date indicated on the return receipt). The Architectural Committee shall have thirty (30) days after receipt of such plans, specifications, and elevations to approve or disapprove the proposed construction, installation, modification, alteration or addition or to request additional information, and, if the Architectural Committee disapproves, to give such Owner or other person or entity reasonable detailed written reasons for such disapproval. In the event the Architectural Committee fails either to approve or disapprove the proposed construction, installation, modification, alteration or addition (or to request additional information) within said thirty (30) day period, such proposed construction, installation, modification, alteration or addition shall be deemed approved.*

Rule 10.3 Submission and Review of Plans.

In accordance with Section 10.3 of the CC&R’s, when submitting plans for review by the Architectural Committee, an Owner shall pay a review fee of \$75.00 to the Starlight Pines Ranchettes Homeowners’ Association. It is hereby clarified that plans are to be submitted to the Architectural Committee for review before being submitted to the County. If an Owner believes that it is necessary to submit to the County or another governmental entity with jurisdiction over the project (“Governmental Entity”) before or simultaneously with submission to the Architectural Committee, then such Owner shall submit the variance request to the Architectural Committee in writing with an explanation of why the Architectural Committee should not review the plans first along with contact information for whoever the Owner is working with in each applicable Governmental Entity so that the Architectural Committee can independently confirm the need for the variance in procedure. In any case, approval of plans by a Governmental Entity does not bind or require the Architectural Committee to approve such plans as the criteria utilized by the Architectural Committee are different under the CC&Rs than criteria utilized by Governmental Entities.

Rule 10.3.1 Construction Deposit.

After review and approval of submitted plans is completed by both (a) the Architectural Committee, and (b) the County and any other applicable Governmental Entity, the Owner shall pay a construction deposit in the amount of \$500.00 to the Starlight Pines Ranchettes Homeowners' Association prior to starting any construction or installation of any new improvements or landscaping or making any modification, alteration or additional to any existing improvement (including but not limited to landscaping).

Rule 10.3.2 Penalties for Violations.

Any Owner found to have violated Rule 10.3 shall face the following fine schedule:

First offense - \$500.00 fine

Second offense - \$1,000.00 fine

Third offense or more \$1,500.00 fine

It is noted that these fines are in addition to any and all rights of the Association, or any other Owner, to enforce the terms of the CC&Rs as described in the CC&Rs.