

OFFICIAL RECORDS OF  
MARICOPA COUNTY RECORDER  
HELEN PURCELL

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MARLA 3 OF 38

LAKES COMMUNITY ASSOCIATION

ARCHITECTURAL RULES

REVISED FEBRUARY 21, 1995

GENERAL

The Architectural Committee (hereinafter referred to as the Committee) recognizes the responsibility imposed upon it by the Declaration of Covenants, Conditions and Restrictions (CC&Rs) to maintain and revise the Architectural Committee Rules referred to therein. It is incumbent upon every member of the Lakes Community Association (LCA) to be knowledgeable regarding the CC&Rs and these Rules.

These Rules are intended to maintain the high standards of development that exists at the Lakes and to address aesthetics rather than construction standards which are dictated by the City of Tempe Building Codes and Zoning Ordinances.

In order that these standards be maintained, all owners must first obtain approval from the Committee before any changes can be made that affect the appearance of structures and landscape. Additionally, most construction plans require the approval of the City of Tempe; therefore, it is advisable that owners obtain a building permit prior to commencement of any type construction activity.

ADMINISTRATIVE PROCEDURES

All projects affecting the exterior of any property require Committee approval. Each project will be considered on its individual merit and appropriateness to the surroundings and every effort will be made to assist owners in achieving the desired results without introducing unacceptable conditions.

The Committee requires the submission of two complete sets of plans and specifications, including a plot plan showing the location of buildings, walls, fences, all other structures, and landscaping. Landscaping plans shall include a list of plants by number and type showing their location. No changes in, nor deviations from, such plans and specifications once approved shall be made without prior approval of the Committee.

The Committee will specify expected completion dates for all projects and upon completion the owner shall notify the Committee. The Committee will then inspect the project for compliance with approved plans and specifications.

To safeguard against unnecessary owner expense, the Committee recommends that preliminary plans be submitted for review prior to the preparation of final drawings for projects of significant size and effort.

Projects which overlay setback requirements or surface easements may be approved, however, the owner must understand that should access be required, costs of removal and replacement of any improvements are to be borne by the owner. The owner's acceptance of Committee approval, along with partial or total implementation of the project, will be considered as acceptance of this responsibility.

If plans require City of Tempe approval, owners should submit the plans to the Committee first, since the City usually will not process the plans without the Committee's prior approval. If the City requires changes in the plans, the revised plans must be resubmitted to the Committee for reapproval prior to the start of the project.

#### PROJECT SUBMISSION CHECKLIST

1. Obtain a Committee Project Authorization form available at the LCA office.
2. Review the appropriate Rules and provide a copy to the contractor.
3. Ensure the plans and specifications are complete and that all setbacks and easements are noted.
4. Submit the plans and specifications in duplicate attached to the authorization form to the LCA office.

#### RULE #1: EXTERIOR BUILDING AND LANDSCAPING ALTERATIONS

It is the policy of the Board of Directors and the Committee to encourage the alteration and improvement of the Lakes Community not only to fit the needs of the owners but also maintain the properties in an updated condition in order to enhance property values. Committee approval is required for all exterior alterations and improvements including color schemes regardless of scope or size. This includes changes to landscaping, houses, garages, carports, porches, walls, fences, gates, patios, decks, docks, ramadas, gazebos and any and all other structures.

## RULE #2: EASEMENTS AND SETBACKS

The CC&Rs created a blanket easement over all Lakes properties for the purpose of establishing the LCA as well as permitted uses and restrictions thereon.

Easements for the installation of utilities called Public Utility Easements (PUE) appear on City of Tempe maps of each Lakes tract. Generally each lot contains a PUE which extends five feet inward from the street side lot line. Certain lots contain sideyard PUEs, while corner lots and some common areas contain additional PUEs.

Each lakefront lot contains a forty foot easement in favor of the LCA as measured from the rear lot line inward. This easement extends approximately twenty-five feet into the lake and approximately fifteen feet into the lot measured from the shoreline. This easement is provided to accommodate the operation and maintenance of the lake and lake systems.

Each property is also subject to an easement not to exceed one foot for roof overhangs and for all other encroachments resulting from construction and settling. Zero lot line properties are subject to an easement adjacent to the common lot line to accommodate maintenance of the structures on that lot line.

Setbacks are City of Tempe requirements that stipulate the minimum distance inward from a property line on and over which construction is permitted. The setback for a roofed structure is five feet measured inward from the sideyard property line to a building wall or column. Setbacks for the front and back vary by tract. Waiver of setback requirements is a City of Tempe responsibility and normally is not considered without prior approval by the Committee.

Construction and landscaping projects within any easement or setback require Committee approval. Owners are responsible for the landscaping and maintenance of all easement and setback areas within their lot boundaries. The property owner is responsible for the cost of removing any improvements in an easement when such removal is necessary to enter the easement for maintenance or repair.

## RULE # 3: EXTERIOR PAINTING

All exterior painting and repainting projects require Committee approval, including projects proposing reuse of existing colors and projects proposing the use of colors on the list of approved colors. See Appendix A. Buildings are limited to two colors. All painting colors in Tract G1 requires adjoining attached units owner's approval in addition to the Committee approval.

Equivalent colors manufactured by other companies and colors that vary slightly in shade may also be approved by the committee. When submitting requests, owners shall provide a color chip along with the name of the color and manufacturer.

House doors and garage doors shall be a single color, either the house or the trim color. Natural wood finishes on house doors and window frames may be approved in certain instances. Buildings are limited to two colors only. Wood fences, gates and railings shall be natural or the same color as the house or trim. Wrought iron fences, gates and railings shall be black or the same color as the house or trim. Masonry walls shall be the same color as the house.

Skylight housing, vent pipes and all other protrusions through the roof must blend in with the adjacent roof color.

Property painted by current owners in violation of this Rule will be notified that they are not in compliance and that they must take appropriate action to correct the violation within 90 days.

In cases where colors were previously approved but are not currently authorized and in cases where the current owner was not a party to a non-conforming condition, the current owner shall be granted a variance until repainting is needed.

#### RULE #4 ROOFING

All roofing and reroofing projects require Committee approval, including projects proposing the use of materials on the list of approved materials. See Appendix B.

Roofing materials are limited to fire retardant and non-flammable materials. Roofs visible from the street, neighboring properties or from the lakes must be tile or shake.

When submitting request, owners shall specify the type of tile or shake and provide a color chip- or sample along with the name of the color and of the manufacturer, unless the material is on the approved list in Appendix B.

It is advisable not to purchase materials nor contract for roofing projects until approved by the Committee.

#### RULE #5 LANDSCAPING

All landscaping and re-landscaping projects, other than the planting of seasonal flowers and winter grass, require Committee approval. It is the intention of the LCA to ensure that the overall landscaping centers around a theme of lush green which has made the Lakes Community so appealing to property buyers, i.e., and abundance of grass, vegetative ground cover, shrubs, vines, and trees.

Decomposed granite, lava rock, gravel, natural colored crushed stone, river rock (less than 3 inches in diameter) and other similar materials may be used in conjunction with other ground covers, shrubs and trees, but may not be used as the primary ground cover. These non-growing ground covers should be separated by permanent boundaries so as to retain the material and present a neat appearance. Cactus, desert and no-maintenance landscape themes are not permitted.

Yards visible from the street, the lake or neighboring properties shall contain as a primary ground cover turf grass or vegetative ground cover. A minimum of 50% of the total yard area shall be so covered. The intent is to provide a lush appearance even at the time of planting. The remaining yard without vegetative ground cover may include the following when used in conjunction with the overall landscaping theme of lush green, when approved by the Committee:

Patios, decks, sculptures, wet or dry water features, planters, entry features, gates, walkways, walls and similar appurtenances.

This paragraph shall apply to all landscaping and relandscaping plans submitted for approval from this date forward (12-20-90). All lots are expected to have trees in the front, side and back yards. A minimum of one 15 gallon tree is normally required for every 500 square feet or fraction thereof, of front yard area, subject to Committee approval.

The addition, removal or replacement of any tree requires Committee approval. Trees are not permitted within ten feet of the lake wall because they may cause damage to that structure. Repair costs of such damage shall be borne by the owner of record at the time damage is detected.

No tree, shrub, or planting of any kind, on any property, shall be allowed to overhang or otherwise encroach upon any sidewalk, street, or pedestrian way, and must be in compliance with City of Tempe ordinances.

Since shrubs, ground covers and flowers vary in rate of growth, a guideline for initial spacing of plants has been established as follows:

|                     |                          |
|---------------------|--------------------------|
| Pony Pack & Flats:  | Plant on 1 foot centers  |
| One Gallon Plants:  | Plant on 2 foot centers  |
| Five Gallon Plants: | Plant on 3 foot centers. |

Xeriscape landscaping is desirable and employs efficient landscape and watering techniques to achieve reduced use of water and a yard which is colorful and easy to care for. Xeriscape at the Lakes is permissible, excepting the use of cactus and desert landscape themes. Xeriscape brochures are available from Salt River Project, Phoenix Botanical Gardens and the City of Tempe.

Growth in shady areas can be achieved with the use of the following vegetation:

St. Augustine grass, winter grass, dichondra, ivy, creeping fig, sword ferns, bird of paradise, umbrella plants, asparagus fern, star jasmine, natal plum and mock orange and other as listed in Western garden books and stocked by local nurseries.

Additional plant information is available through the Maricopa County Extension Service, Arizona Department of Transportation and the Arizona Department of Water Resources.

#### RULE #6 EXTERIOR MECHANICAL DEVICES

All projects involving the installation, replacement, painting or repainting of any structure or ground mounted device, including evaporative coolers, air conditioners, solar units, wind turbines, lights, satellite dishes, and antennas, require Committee approval.

Roof mounted evaporative coolers must be screened from view with a material which blends with existing architecture and color. If louvers are used they should be angled upward to fully screen the unit. All wiring and piping for the unit shall be installed so as not to be visible from neighboring properties.

Roof mounted air conditioners are prohibited except on flat roofs where they shall be fully screened the same as coolers. Ground mounted units shall also be screened. All wiring and piping for the unit shall be installed so as not to be visible from neighboring properties. Wall mounted units are prohibited.

Solar units shall be of the flat type and shall be installed to blend into the roof structure so as to appear as part of the roof structure itself. Collectors requiring a high angle of installation shall be fully screened the same as specified for coolers. All wiring and piping for the unit shall be installed so as not to be visible from neighboring properties.

Wind turbines shall be painted or anodized to blend in with the adjacent roof area.

Lighting shall be installed so as not to infringe on any neighbor's right to the full enjoyment of their property.

Satellite dishes, antennae and associated cables shall be installed so as not to be visible from neighboring properties.

Speakers, horns, whistles, bells and other sound devices, except for security purposes, outdoor clothes lines and clothes drying facilities visible from neighboring properties are prohibited.

RULE # 7: DECKS, DOCKS, GAZEBOS, PATIOS AND RAMADAS.

All projects involving construction, modification, replacement, painting or repainting of decks, docks, gazebos, patios and ramadas require the approval of the Committee. Docks shall be built in accordance with LCA specifications, copies of which are available at the LCA office. The color of all such structures shall be natural redwood or the same as the trim.

Decks, gazebos and ramadas which restrict the view of the lake from neighboring properties are prohibited. No part of any structure, including docks, shall be allowed to rest on the lake wall; and no stakes, poles, or other support devices shall be driven into the lake. No structure, except docks, shall be allowed to overhang the lake.

Decks, gazebos, patios and ramadas may overlay easements and setbacks; however, if access is necessary, the cost of removal and replacement shall be borne by the owner involved.

RULE #8: GATES, FENCES AND WALLS

All projects involving construction, modification, replacement, painting or repainting of gates, fences and walls require committee approval. All adjoining property owners must approve the replacement of existing party fences, in writing, to the committee at the time of the application to replace the fences.

Gates, fences and walls separating owner properties shall be constructed of wood, masonry or wrought iron 5 to 6 feet high and shall be the joint responsibility of the owners involved. Damage by either owner or any of his family, agents or guests shall be repaired and the cost borne by the owner involved.

Gates, fences and walls separating owner property and LCA property shall be constructed of wood, masonry or wrought iron 5 to 6 feet high and shall be the joint responsibility of the owner and the LCA. Damage by the owner or any of his family, agents or guests shall be repaired and the cost borne by the owner involved.

Damage by LCA personnel shall be repaired and the cost borne by the LCA. Damage by others shall be repaired by the LCA and the costs shared with the owner(s) involved if reimbursement is not obtained from the offending person(s).

Gates, fences and walls in front yards shall be of masonry or wrought iron construction and shall be a maximum of 6 feet high to a point 10 feet from the interior edge of the sidewalk or curb if there is no sidewalk. Gates, fences and walls in the remaining area toward the street shall be of like construction but shall be a maximum of 4 feet high (2'-6" on corner lots).

Gates and fences in the lake side easement shall be made of wrought iron and shall be a maximum of six feet high. Retaining walls in this area shall be of masonry construction and shall be limited in height so as not to restrict the view of the lake from neighboring properties.

#### RULE #9: SIGNS

All signs including but not limited to political, commercial and real estate signs are prohibited except as follows:

1. Signs required by legal proceedings, building codes and LCA entry signs.
2. Real estate open house signs during the period the property is actually open for public viewing.
3. Political signs only on LCA clubhouse property and only during the time polling is open.
4. Garage sale signs while the sale is in progress.
5. Security signs and "Beware of Dog" signs limited in size to 108 square inches and limited to one each visible from the street and one each visible from the lake.
6. Contractor and other signs approved by Committee.

#### RULE # 10: MISCELLANEOUS ITEMS

All projects involving installation, replacement, painting or repainting of basketball backboards, playground equipment, lamp posts, mailboxes, awnings and canopies and similar appurtenances visible from neighboring properties require Committee approval.



Backboards mounted on walls and roofs shall be transparent, painted white or the trim color. Freestanding backboard posts shall be white, black or the house or trim color.

Tree houses and playground equipment which extend to a height so as to affect the privacy of neighboring properties are prohibited.

Lamp post and mailboxes whether freestanding or attached to a house, wall or fence shall conform in color and material with the color and material of the surroundings.

Awnings and canopies shall be solid blue, yellow, green or any of the approved trim colors. Striped and aluminum awnings and canopies are prohibited.

**RULE # 11: MOTOR VEHICLES, BOATS, TRAILERS, COMMERCIAL MACHINERY AND EQUIPMENT**

No mobile home, trailer of any kind, truck camper, permanent tent or similar structure shall be kept, placed, maintained, constructed or repaired, upon any property or street that will be visible from neighboring properties. Truck camper is defined as any automotive vehicle built on a truck or bus chassis and equipped as a self contained traveling home or any specially equipped trailer or automotive vehicle used during casual travel and camping and shall include, but not limited to motor homes, pickup trucks with camper shells and any other type of recreational vehicle.

Under no circumstances shall any vehicle of any description be parked on landscaped areas within the Lakes.

With prior approval by the LCA manager, owners may park their recreational vehicles, boats, or trailers in their driveway or adjacent street for a period not to exceed 48 hours in any 7 day period for purposes of loading, unloading or cleaning.

No construction vehicle, machinery, or equipment of any kind shall be kept or placed on any property or street except as is usual and customary in connection with construction and maintenance projects.

THE FOREGOING LAKES COMMUNITY ASSOCIATION ARCHITECTURAL RULES WERE APPROVED BY THE COMMITTEE MEMBERS IN ACCORDANCE WITH THE DECLARATION OF COVENANTS, CONDITIONS AND RESTRICTIONS BY SIGNATURE BELOW ON THE DATE INDICATED. THIS ISSUE OF THE RULES SUPERSEDES ALL PAST ISSUES AND WILL BE FURTHER MODIFIED OR REPLACED WHEN THE NEED ARISES.

**the Lakes Community Association**  
Architectural Review Board

Re: Approved colors

February 1, 1993  
rev. 5/19/93

The Architectural Review Board has recently reviewed the Lakes House Color palate. We feel it is appropriate at this time to update and gently revise our current color selection. Some of the previous colors have been phased out by the paint manufacturer and are no longer available as standard colors. Also, we have been receiving feedback from the community regarding the perception of the color selection becoming outdated and having a negative impact on property values. Color trends have changed over the past years impacting our aesthetic values. It is appropriate for our community to reflect the newer trends, but we need to continue to maintain the harmony of the colors of the overall community. To protect the visual harmony of the Lakes Community any new color added to the palate has to coordinate with not only its' neighboring hues, but with the coloration of every structure in the community. In editing the color palate, phasing out some colors, adding others, we have been cognizant of the need to have any new color be sympathetic to all the existing colors. The overall aesthetic of the community must overrule our individual color preferences.

The Lakes has an image that relies a great deal on the neutral and harmonious colors of our buildings. The nature of the Lakes color scheme has always been neutral, and the Architectural Review Board continues to support that direction. However, we have added a wider range of color choice this year. Along with some new colors, we are recommending various color combinations. There will be a range of recommended trim colors to coordinate with each house color. Any deviations from the recommended combinations may be approved as a variance. We will try to be flexible within the guidelines of maintaining the overall color harmony of the community.

We are basing our color designations on Dunn Edward paint products. Color chips of the designated colors will be available to the residents, so that they can purchase any brand of paint by matching the color chip.

## Exterior Paint Color Selections Update

Color Designations per Dunn Edwards Paint

| House Colors             | Trim Colors   |
|--------------------------|---|
| ■ #164 French White      | ■ #40 Ash Grey<br>■ #51 Birchwood<br>■ #147 Truffle                 |
| ■ #427 Bone White        | ■ #40 Ash Grey<br>■ #148 Coral Clay<br>■ #175 Barely                |
| ■ #70 Pearl White        | ■ #148 Coral Clay<br>■ #172 Adobe South<br>■ #175 Barley            |
| ■ #60 Navajo White       | ■ #39 Village Blue<br>■ #68 Stonish Beige<br>■ #177 Hickory         |
| ■ #14 Baja White         | ■ #3 Cliff Brown<br>■ #15 Flagstone<br>■ #68 Stonish Beige          |
| ■ #150 Linen White       | ■ #147 Truffle<br>■ #148 Coral Clay<br>■ #172 Adobe South           |
| ■ #156 White Quartz      | ■ #DE1070 Foggy Road<br>■ #154 Cable Ash<br>■ #157 Ironwood         |
| ■ #149 Silver Taupe      | ■ #DE 1055 Coconut Skin<br>■ #147 Truffle<br>■ #145 Boxwood         |
| ■ #51 Birchwood          | ■ #39 Village Blue<br>■ #56 Weathered Brown<br>■ #70 Pearl White    |
| ■ #143 Shadey            | ■ #DE 1070 Foggy Road<br>■ #39 Village Blue<br>■ #153 Oxford Grey   |
| ■ #856 Whisper Grey      | ■ #40 Ash Grey<br>■ #153 Oxford Grey<br>■ #215 Grey Pearl           |
| ■ #DE1074 L1 Gray Harbor | ■ #DE 1070 Foggy Road<br>■ #39 Village Blue<br>■ #153 Oxford Grey   |
| ■ #75 Winter Plum        | ■ #DE1067 Le Grand<br>■ #56 Weathered Brown<br>■ #165 Burnt Crimson |

| <u>STACO</u> | "S"    | LACASA | COLOR        | <u>STACO</u> | SHAKE/FLAT STYLES    |
|--------------|--------|--------|--------------|--------------|----------------------|
|              | 15-100 | 10-100 | TERRA COTTA  |              | 20-200 ADOBE         |
|              | 15-108 | 10-108 | BURNT T/C    |              | 20-217 TAN           |
|              | 15-150 | 10-150 | SPANISH RED  |              | 20-220 CEDAR BROWN   |
|              | 15-158 | 10-158 | BURNT SP/RED |              | 20-240 CAMEL         |
|              | 15-170 | 10-170 | DESERT SAND  |              | 20-252 PIMA #2       |
|              | 15-455 | 10-455 | DESERT T/C   |              | 20-310 SEQUOIA       |
|              |        |        |              |              | 20-340 SANTA FE      |
|              |        |        |              |              | 20-501 RUSTIC PUTTY  |
|              |        |        |              |              | 20-502 RUSTIC SIERRA |
|              |        |        |              |              | 20-503 RUSTIC ADOBE  |
|              |        |        |              |              | 20-510 LIGHT GRAY    |
|              |        |        |              |              | 20-550 SLATE GRAY    |
|              |        |        |              |              | 20-810 PEARL GRAY    |
|              |        |        |              |              | 20-815 LIGHT GRAY    |

MAXIFILE

CLAY  
TERRACOTTA

MAXISHAKE

AUTUMN BROWN  
OXFORD GRAY

PERMATECK

DRIFTWOOD  
MOCHA  
UMBER

Please check with respective manufacturer and/or roofing contractor for current selection availability.

LAKES COMMUNITY ASSOCIATION  
 APPROVED ROOFING MATERIALS & COLORS  
 (REVISED MAY 1994)

SPANISH STYLES

SHAKE/FLAT STYLES

LIFETILE

| "S"  | CAPRI                 |
|------|-----------------------|
| 106  | 606 RED FLASH         |
| 107  | 607 RED               |
| 112  | MRNG MIST             |
| 114  | 614 T/C FLASH         |
| 115  | TERRACOTTA            |
| 136  | SIERRA FLASH          |
| 177  | 677 SIERRA            |
| 1114 | DESERT T/C FLASH      |
| 1115 | 653 DESERT T/COTTA    |
| 1117 | IRONWOOD RED          |
| 1120 | 620 CASA GRANDE BLEND |
| 1132 | 616 RIO GRANDE BLEND  |
| 1142 | 6042 DESERT ROSE      |
| 1143 | 643 MBLD CANYON RED   |
| 1151 | 651 CANYON RED        |
| 1163 | LA QUINTA RED         |
| 1181 | RED MT BLEND          |
| 1952 | TAGELO MONTEREY       |
|      | 660 GOLD DUST         |
|      | 644 BURGANDY FLASH    |
|      | 645 BURGANDY          |
|      | 654 MARBLED T/COTTA   |

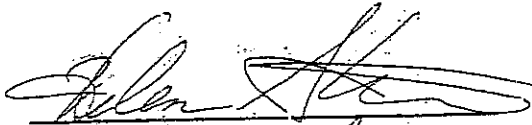
|        |                 |
|--------|-----------------|
| 202    | SHAKE TAN       |
| 220    | WEATHERED SHAKE |
| 271    | DARK GRAY       |
| 501    | BROWN BLEND     |
| 503    | CHRCOAL BLEND   |
| 505    | CHR BROWN BLEND |
| 702    | SHADOW TAN      |
| 704    | SHADOW GRAY     |
| 712    | SHADOW BROWN    |
| 720    | WEATHER BROWN   |
| 1204   | SHADOW GRAY     |
| 1210   | DARK GRAY       |
| 5065   | CEDAR TAN       |
| 5070   | CHESNUT BROWN   |
| 5075   | CORDOVN BROWN   |
| 5079   | TAUPE           |
| 5090   | HIGHLAND GRAY   |
| 5095   | TUDOR GRAY      |
| 5201   | STRATFORD BLEND |
| 5203   | COVENTRY BLEND  |
| 5205   | COUNTRY YKSHR   |
| 2626   | SANTE FE DAWN   |
| TL3910 | BELGIUM BROWN   |
| TL5501 | BROWN BLEND     |

MONIER

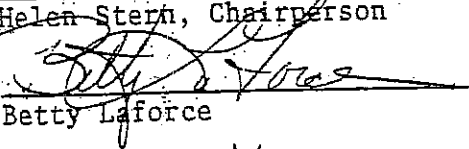
| "S"      | VILLA               |
|----------|---------------------|
| 16081    | DESERT CLAY         |
| 16400    | TERRA COTTA         |
| 16410    | 20300 T/C FLASH     |
| 16520    | 20052 T/C INTEGRAL  |
| 16560    | 20056 REDROCK BLEND |
| 16590    | CORAL               |
|          | 20028 CANYON RED    |
|          | 21300 CORDOVA       |
| DURALITE | 38310 T/C FLASH     |
| DURALITE | 38320 SONORA FLASH  |
| DURALITE | 38329 SEQUOIA FLASH |

MONIER

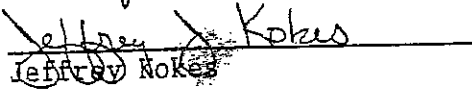
|       |               |
|-------|---------------|
| 14081 | NATURAL BROWN |
| 14090 | NT CHARCOAL   |
| 14092 | WEATHD ASH    |
| 14230 | CEDAR TAN     |
| 14260 | WTHERD CEDAR  |
| 14918 | TRINITY GRAY  |



Helen Stern, Chairperson



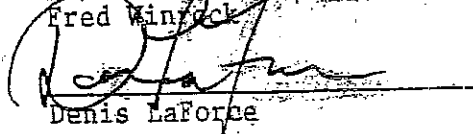
Betty Laforce



Jeffrey Kokes



Fred Winick



Denis LaForce

Approved and dated this 21st day of February 1995