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# **The Lakes Community Association**

## **ARCHITECTURAL RULES**

**Revised December 2018**



# The Lakes

## ARCHITECTURAL RULES

AUGUST 2018

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THE LAKES COMMUNITY ASSOCIATION  
ARCHITECTURAL RULES

**CC&Rs:**

GENERAL CC&R, Article VIII, Sections 1 - 7. CC & R, Article IV, Section 2, A - V

The Architectural Committee (hereinafter known as the **Committee**) recognizes the responsibility imposed upon it by the Declaration of Covenants, Conditions and Restrictions (hereinafter known as **CC&Rs**), for the Lakes Community Association (hereinafter known as the **LCA**) to oversee and update the Architectural Committee Rules (hereinafter known as the **Rules**). It is incumbent upon every member of the LCA to be knowledgeable regarding the CC&Rs and these rules. Execution of enforcement action for violations of Rules is a LCA management responsibility. These rules are intended to maintain the high standards of development that exist within the LCA Community and to address aesthetics rather than construction standards such as those which are dictated by the City building codes and zoning ordinances. Notwithstanding anything herein to the contrary, these Rules are intended to implement and supplement the CC&Rs. These Rules do not replace or supersede the CC&Rs. All Rules are subject to current federal, state, city and municipal statutes.

In order that these standards are maintained and pursuant to CC&R requirements, all owners must first obtain written approval from the Committee before making any changes that in any way alter the exterior appearance of any property within the LCA Community. This includes any changes to the exterior of any residence, improvement or landscaping that would be visible from neighboring properties.

- The CC&Rs, Article I, Section 10 define "Improvement" as "the buildings, garages, carports, roads, driveways, parking areas, fences, walls, docks, hedges, plantings, planted trees and shrubs and all other structures or landscaping improvements of every type and kind".
- The CC&Rs Article I, Section 24 define "visible from neighboring property" to mean "with respect to any given object that such object is or would be visible to a person six feet tall, standing on any part of such neighboring property at an elevation of the base of the object being viewed".

Upon review and written approval of the application by the Committee, it is the homeowners' responsibility to apply for a City building permit if one is required for any proposed changes or additions to landscaping, walls, patio covers, gazebos, playground equipment, driveways, roofs, other structures or as otherwise required by the City.

The Committee may, from time to time and in its sole and absolute discretion, adopt, amend, and repeal these Rules. Committee members will recuse themselves from deliberations regarding any project for properties they own, lease or have an interest in.

**APPROVAL IN WRITING REQUIRED**

Notwithstanding, anything in these Rules to the contrary, the terms "approve", "approved", or "approval" shall mean "approve in writing", "approved in writing", and "approval in writing".

**ADMINISTRATIVE PROCEDURES**

All projects that in any way alter the exterior appearance of any property within the LCA Community, including, but not limited to, the front, side, back and lakefront, require written Committee approval. The Committee will consider each project on its individual merit/s. The Committee considers whether the project is suitable or desirable, in its

opinion, for aesthetic or other reasons. Among other things, the Committee may consider the suitability of the proposed project, the proposed materials, the site, the harmony of the proposed project with the surroundings and the effect of the proposed project on the outlook from the adjacent or neighboring properties. Every effort will be made to assist owners in achieving the desired results in accordance with the intent of these Rules and CC&Rs.

The Committee requires that a homeowner submit one complete set of plans and specifications with their architectural application. This set will be placed in the homeowner's property file kept at The LCA Office. The application must include a photograph and plot plan showing the location of buildings, walls, fences and all other structures, and proposed landscaping changes. Landscaping plans shall include a list of plants by type, name, quantity and size showing their proposed locations to scale.

**No changes in, nor deviations from, such plans and specifications, once approved, shall be made without prior written approval of the Committee.**

The Committee will specify expected completion dates for all projects, and upon completion, the owner shall notify the LCA office. At this time, the project will be inspected for compliance with the initial, approved application.

To safeguard against unnecessary owner expense, the Committee recommends that preliminary architectural or landscaping plans be submitted for review prior to the preparations of final drawings for projects of significant size and effort. Once the initial plans are approved, the homeowner must submit more detailed plans, including paint and material samples, as required.

If plans require building permits or variances from the City, 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 re-approval prior to the start of the project. A copy of the City building permit or variance, if applicable, must accompany the final application to the Committee prior to beginning the project.

**Please note: City approval is no guarantor of Committee approval or vice versa.**

The Rules are enforced by the LCA Management at the direction of the LCA Board. Fines may be imposed.

## ARCHITECTURAL RULES:

### APPLICATION OF RULES – Front and Backyards

Lakefront homes should consider that they have two front yards for purposes of landscaping, decoration, painting, etc. Any projects or additions for the Lakefront will be subject to all rules pertaining to front yards.

### THE LCA PROJECT APPLICATION CHECKLIST:

NOTE: This application is for all properties within The LCA community. Homeowners must also meet their individual sub-association requirements prior to submitting The LCA Project Application.

#### APPLICATION CHECKLIST:

1. Obtain a General or Construction Application Form available in the LCA Conference Room or Office or [www.TheLakesofTempe.com](http://www.TheLakesofTempe.com) (tab LCA).
2. There are various City zoning designations within the LCA, each with varying setback and height standards. These designations can vary by City tract and street. Homeowners should submit their project application to the Committee first for conditional approval and then submit the project application to the

City. Note that the Committees' conditional or other approval of any project does not guarantee City approval or vice versa. The Committee does not advise upon or enforce City or other municipal, state or governmental agency requirements.

It is the homeowner's responsibility to apply for City building permits or variances, if they are required, for any proposed construction of, changes or additions to walls, patio covers or other permanent structures proposed as part of any yard or home improvement. A copy of City building permits or variances shall be provided prior to construction and be compliant with the original approved project application. Check the City website, [www.tempe.gov](http://www.tempe.gov) to ensure compliance.

3. If you are working with a contractor, provide them with a copy of the CC&Rs and Rules. Do not assume that your contractor will design or construct a project that is compliant with the CC&Rs or Rules. As the property owner, compliance is always your responsibility.
4. Ensure that the plans and specifications are complete and that all setbacks and easements are noted. Plans should be carefully drawn to scale with an accompanying and readable "key". Color photographs of the project site must accompany all construction, landscape, painting and remodeling projects. Include accurately scaled plans for all landscaping improvements, with a key indicating size, number, type, plant names and location of all proposed plantings, treatments and appurtenances.
5. A BROCHURE AND/OR SAMPLE IS REQUIRED WITH YOUR APPLICATION FOR:
  - Roof.
  - Rock.
  - Doors and Windows.
  - Artificial grass (turf)
  - Composite materials.
  - Awnings.
  - Faux rock, stone trim, etc.
6. EXTERIOR PAINTING: (Same or new color): See the approved paint color schemes located in the LCA Conference Room. Choose a paint BASE, TRIM and/or FRONT DOOR color. Two paint colors are required. You may use other paint suppliers than those displayed in the LCA Conference Room; just have them match the approved colors. Include a completed copy of the General Application Form.

**Note: You must submit a General Application Form and obtain the Committee's written approval before painting, even if you are using the same color or colors from an approved paint color scheme.**

All exterior painting in Tract G-1 (G-1 to G-38) require the written approval of the owners of the adjoining attached units. Such owners' approvals in writing must be submitted along with the general application request form to the Committee. See Rule 3 for specifics.

7. Prepare and submit one copy of the plans and specifications. Attach them to the General Application Form and submit all to the LCA Office.
8. Obtain Committee approval before beginning the project. The LCA Office will mail the homeowner a copy of the Committee approval. As a larger project progresses, the homeowner may need to submit an additional application, including paint and material samples, as required.

9. Notify the LCA Office when the project is completed. The final project will be inspected to ensure compliance with the initial approved application. Owners are encouraged to contact the LCA Office at any time if questions arise, or field changes appear necessary. Please note: owners may be required to remove unapproved construction or work at the owner's expense.
10. Projects that are not completed by the estimated completion date require an amendment to the original application requesting additional time for completion. If the original plans have been altered or changed in any way, a new application must be submitted to the Committee for approval.
11. If any changes have been made without Committee approval, the homeowner will be notified, and will have 10 days to submit a revised application. If for any reason the Committee does not approve the changes, the homeowner will have 30 days to remediate. Unapproved construction or changes to approved plans will be subject to enforcement including, but not limited to, fines and/or other legal action.

INFRACTIONS: Any LCA homeowner may anonymously submit a verbal or written complaint to the LCA Manager if they feel another property owner in the LCA Community has violated the Rules or guidelines. The LCA Manager may refer the complaint to the Committee for a recommendation or to determine if the complaint is a Rules infraction or a conflict to be resolved between/among neighbors.

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

*CC&R, Article IV, Section 2 & 3*

It is the policy of the LCA Board and the Committee to encourage home and landscape improvements of properties in The LCA Community to fit the needs of the owners and to ensure maintenance and continuous updates of the properties.

Committee approval is required for the following: "All improvements, alterations, repairs, excavation or other work, which in any way alters the exterior appearance of any property within The LCA Community. No building, fence, wall residence or other structure shall be commenced, erected, maintained, improved, altered, made or done without the prior written approval of the Committee." This includes changes to landscaping, painting, houses, garages, carports, porches, walls, fences, gates, patios, decks, docks, ramada's, gazebos, storage sheds, play structures and any-and-all other structures or hardscaping. Seasonal plantings and trimmings may be excluded. If there is any doubt as to whether Committee approval is needed, the owner is encouraged to contact the LCA Office.

Please refer to the following Rules for specific information on each proposed change or improvement:

**RULE #2: EASEMENTS AND SETBACKS**

*CC&R, Article IV, Section 2 & 3*

The CC&Rs created a blanket easement over all LCA properties for the purpose of establishing the LCA, as well as defining permitted uses and restrictions thereon. Before planning or building structures, fences and/or walls, the homeowner must check with the City easement and setback requirements to ensure City compliance and to ensure that the structure is not in a right-of-way for utilities. A copy of the City permit, if required, must be attached to the approved Committee Project Application prior to commencement of project. While the Committee considers compliance with City easement and setback requirements as a factor in its approval process and may deny project for any reason if the project is not in compliance with those requirements, the Committee is concerned with the requirements set forth in these Rules and the CC&Rs.

PUBLIC UTILITY EASEMENTS (PUEs): Easements for the installation of utilities called PUEs appears on City maps of each LCA tract. Generally, each lot contains a PUE that extends 5 feet inward from the street side lot line, which



starts at the home side edge of the sidewalk or from the curb if there is no sidewalk. Certain lots contain side yard PUEs, while corner lots and some common areas contain additional PUEs.

A specific utilities easement called the "Red Zone" includes all waterfront homes that border The LCA on the East side (along the north to south street, Marine Drive) and South side (homes on the water between the east to west streets, Marine Drive to Lakeshore). The easement provides the water (pipes) for all finger parks along Marine Drive and the southeast part of the Lake.

Homes in the Red Zone must provide a five (5) foot setback from the lake wall for all patios, shrubs, and trees. Pavers may be used with sand only. Poured concrete may not be used. Any violators will be responsible for stone/tree removal and renovation of their property at their expense due to water pipe maintenance and reconstruction and wall maintenance.

All other waterfront properties are also subject to a five (5) foot easement and are held responsible for their own property reconstruction at their expense in the event of wall maintenance or maintenance due to utilities.

Fire Hydrants: The City Public Works Department states: "That a fire hydrant must maintain minimum clear distance of two (2) feet from back of sidewalks and curbs, a clearance of two (2) feet all around the outside of the hydrant, and permanent overhead structures will not be allowed above public water easements. A 100 foot street clearance is required for fire trucks and apparatus".

LAKEFRONT EASEMENT: Each lakefront lot contains a 40-foot easement in favor of the LCA as measured from the rear lot line inward. This easement extends 25 feet into the lake and 15 feet into the lot measured from the shoreline. This easement is provided to accommodate the operation and maintenance of the lake and lake systems.

OVERHANG EASEMENTS: 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 EASEMENTS: 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: Setbacks are City 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 5 feet measured inward from the side yard property line to a building wall or column except for zero lot line properties. Refer to Rule #4 for more detail.
- Setbacks for the front and back vary by tract and street.
- Setbacks for fences or walls in front yards: The portion of the fencing or wall that separates owner properties shall be a maximum of 6 feet high and shall be no closer than 15 feet (per the City of Tempe code, by tract and street) from the interior edge of the sidewalk or curb if there is no sidewalk. Gates, fences and walls less than 15 feet from the interior edge of the sidewalk (or curb if there is no sidewalk) shall be a maximum of 3 feet high, except on corner lots where the maximum height cannot exceed 2'6". Please refer to Rule #8 for more detail.
- Setbacks and Easements for Decks, Docks, Gazebos, Patios, Ramada's and Sheds: Please refer to Rule #7 for more detail.
- Owners must contact the City regarding specific setbacks for their lot and tract.

Waiver of setback requirements is the City's responsibility. Committee final approval is based on the approval for a permit issued variance by the City. However, City approval for a setback variance does not guarantee approval of any particular project by the Committee.

EASEMENTS, ACCESS & RESPONSIBILITY: 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.

CONSTRUCTION AND LANDSCAPING PROJECTS WITHIN ANY EASEMENT OR SETBACK: 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.

**RULE #3: EXTERIOR PAINTING**

*CC&R, Article IV, Section 2, "E"*

All exterior painting and repainting projects require Committee approval. Paint color requirements also apply to slump block homes.

**GENERAL NOTES ON BASE, TRIM, AND FRONT DOOR COLORS:**

There are several color schemes to choose from; each scheme consists of the required and approved BASE and TRIM colors and an optional FRONT DOOR colors. The color schemes have been professionally selected to ensure that the BASE and TRIM colors have the same color undertones. These subtle differences will not show up on small paint chips but will be quite evident outdoors and on larger surface areas. To avoid mismatched paint colors, only colors in the same color scheme may be used. Color schemes, samples and a list of approved paint and wood stain colors are located and displayed in The LCA conference room.

All applications must provide a color photograph indicating what part of the home will be painted BASE and TRIM and/or FRONT DOOR colors. For applications requesting stone, shades, screens, wood stain, natural wood, stone trim, new doors, windows or roofing, please submit samples and/or a color brochure.

PAINT COLORS FOR YOUR HOME: Two paint colors; BASE and TRIM, are required on your home. A FRONT DOOR color may be added to any of the paint schemes.

1. The BASE is the primary or predominant color of the home; including garage doors, walls and fences.
2. The TRIM may be used to accent or "trim" less predominant features of your home such as pop-outs or trim boards around windows or other features, fascia trim boards, garage doors, shutters, permanent finishes including, but not limited to, wrought iron fences and features, railings and security gates, awnings and canopies, etc.
3. Front doors may be painted a single color only.
4. SECURITY DOORS require Committee approval prior to installation. Security doors must be painted an approved front door color or, if not paintable, the security door color should match the BASE color or tones of the home.

Note: any of these features may be painted the BASE and/or TRIM color.

STONE TRIM/ACCENT: Stone trim or accent may be utilized to help balance and upgrade your home's exterior. In selecting stone, choose colors that compliment or blend with colors found in the BASE or TRIM colors of the home. In general, trim or accent colors should not be predominant.

**SPECIFIC HOME FEATURES: ALL OF THE FOLLOWING REQUIRE COMMITTEE APPROVAL**

**ROOF-MOUNTED A/C UNITS AND OTHER ROOF FIXTURES AND FEATURES:**

Refer to Rule #4 for Roof Composite and Replacement.

- All roof-mounted air conditioners must be completely enclosed and painted to blend with the roof color.
- Skylight frames, vent pipes, air conditioner enclosures and all other roof fixtures or features visible from neighboring properties, must blend in with the roof color.
- The roof colors should complement the approved BASE and TRIM colors.

**GARAGE DOOR COLOR:** Garage doors, including new/replacement garage doors must be painted the approved BASE, TRIM or WOOD STAIN color or NATURAL WOOD. Garage doors must be painted a single color only.

**FRONT DOOR:** Front doors shall be painted a single color. The doors may be painted one of the approved colors. Natural wood finishes and stains may also be used.

**EXTERNAL SHUTTERS:** Shutters may be painted an approved color.

**ROLL-DOWN SCREENS:** Roll down security or shade screens made of bamboo, rattan, plastic, metal or any other material require the approval of the Committee. Colors should match the BASE or TRIM colors or the general color tones of the home.

**AWNINGS, CANOPIES & SAILS:** The color of canvas awnings and canopies requires the approval of the Committee. The color of canvas awnings and canopies may be limited by manufacturer's availability and some fabrics may be painted. The color of these materials should be selected as close as possible to the BASE or TRIM colors or the general color tones of the home.

**WINDOW SCREENS:** Window screens that are applied to the window frame unit itself shall be black, brown or grey. All screens should be the same color.

**WALLS & GATES:** WALLS that attach to the home are to be painted the BASE color. A natural wood seal or approved stained color may be used on wood fences.

**SMALLER ACCENT WALL:** Some homes may have a significantly shorter/smaller "accent" wall. These walls may be painted the BASE or TRIM colors, or a stone accent may be added.

**GATES:** May be painted the approved BASE, TRIM or approved natural wood seal or stain color.

**LCA COMMON AREA WALLS:** If a homeowner's outside wall faces a common area or greenbelt (excluding front yard fences or walls facing the street) it is to be painted an approved LCA common area color to ensure conformity throughout the community. Please check with The LCA Office or Manager for further clarification or if you have any questions about the "common area" status of your walls.

**WROUGHT IRON & PERMANENT FINISHES:** The use of permanent finishes (i.e., powder coating or manufacturers' standard colors) including but not limited to wrought iron fences, security gates, doors or railings may be painted the BASE or TRIM colors or in colors that complement the color tones of the home such as charcoal or bronze.

**DECKS, RAILINGS, GAZEBOS, PATIOS & DOCKS:** All projects involving construction, modification, replacement, painting or repainting of decks, docks, gazebos, lattice work or other deck covering below and above deck, railings, patios and armadas require an LCA Project Application. The finished color of all such structures shall be the natural sealed color of the building material or an approved BASE, TRIM or a STAIN color. The space below the edge of the

deck and ground on overhanging decks must be landscaped or enclosed with lattice or solid planking painted or stained to match the deck.

ELECTRICAL CONDUIT, VENTPIPES, UTILITY CABLES & OTHER SMALL ARCHITECTURAL FEATURES: Electrical conduit, vent pipes and other wires or cables (TV, phone etc.) that are exposed shall be painted the same color as the surface beneath them.

Smaller architectural features attached to the home, such as mailboxes, shall be painted the BASE or same color as the surface beneath them or blend with the general color tone of the structure.

TRACTS G-1 TO G-38: Please refer to G-Tract Declaration.

G-Tract Article VII. Exterior Maintenance: Per the LCA CC&Rs: "All Townhouses located within one structure, whether consisting of 4, 5, or 6 townhouses, shall constitute one "Unit/building" and is further referred to as Unit. No change in or modification from the original exterior color scheme (including, but not limited to, stucco and trim) of any townhouse shall be made without first having obtained the approval of the Committee and the approval of all owners of townhouses within said Unit." This provision shall be in addition to all other requirements of the Declaration and this Tract Declaration. Individual townhouses in the G-Tract may choose exterior paint colors from the full color palette approved for all homes in the LCA. G-Tract residences may also choose any door color from the approved LCA palette. Colors must be chosen appropriate to the colors and the tone of the other residences in the Unit. All colors will be approved on a "case-by-case basis" to ensure that colors are within a similar paint tone with a Unit. **Signatures of all townhouse owners within the Unit are required.**

Touch-up & Repairs: All structures and improvements within the LCA Community are to be maintained in good condition. All deteriorating or rotten wood must be replaced or repaired. All natural sealed or stained surfaces must be maintained as they begin to fade or weather. All paint must be repaired or repainted when it begins to peel or show inconsistent fade marks.

Non-current Paint Colors: In cases where colors were previously approved and applied but are not currently approved, the current owner shall be granted a variance for touch-ups only. When complete repainting is needed, owners should consult the approved colors located in the LCA Conference Room. Non-current BASE/TRIM/DOOR colors may be approved rarely and on a case-by-case basis, provided the color/s (BASE/TRIM/DOOR) to be used closely match the current approved colors.

**RULE #4: ROOFING**

*CC&R, Article IV, Section 2, "E" and CC&R, Article IV, Section 2, "A"*

Submit a roof sample (actual or brochure) and, if required, a copy of the City building permit with your application.

- Roof materials are to be tile, wood or artificial shake, or approved metal.
- Roof Overhang is 5 feet measured inward from the side yard property line to a building wall or column except for zero lot line properties.
- Overhang Easement: 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.
- All roof-mounted air conditioners must be completely enclosed and painted to blend with the roof color.
- Skylight frames, vent pipes, air conditioner enclosures and all other roof fixtures or features visible from neighboring properties must blend in with the roof color.
- The roof colors should complement the BASE and TRIM colors.

All roof surfaces that are visible from neighboring properties shall be of the same (one) material and color, front and back. Bay windows shall have the same type and color roofing as the main roof. When submitting requests, owners shall specify the proposed type of material and provide a color manufacturer's brochure or a sample along with the name of the color and the manufacturer.

Owners should neither purchase materials nor contract for roofing projects until they have secured approval from the Committee. Owners may be required to remove unapproved roofs at their own expense.

#### **RULE #5: LANDSCAPING**

*C&R, Article IV, Section 2, "E" CC&R Article IV, Section 2 "H" (1)*

##### GENERAL RULES:

All landscaping and re-landscaping projects, other than maintenance, trimming and the planting of seasonal flowers and winter grass, require Committee approval. It is the intention of the LCA to ensure that the overall landscaping theme is a *well-maintained lush green*, which has made the LCA Community uniquely appealing to property owners. Although cactus are not allowed, specific LCA approved drought tolerant and xeriscape landscapes are allowed. Non-organic ground cover, excluding approved artificial grass/turf, cannot exceed 20% of the total landscaped area of any lot.

SCALED PLANS TO ACCOMPANY APPLICATION: Accurately scaled plans for all landscaping improvements clearly indicating size, number, type, plant names, and location of all proposed plantings and any related accessories must be submitted to the Committee. All LCA Project Applications must include a color photograph of the proposed area.

Please note that the Rules apply to all landscaping visible from the lake, common areas, street and visible from neighboring properties.

- The front yard is described as "from the front door forward".
- The back yard is described as "from the back door backward to the back property line and/or the Lake".
- The side yard is described as the side yard area between the front and back doors.

GRASS & GROUND COVER: To achieve and maintain The LCA lush green look, yards and other landscaping visible from the lake, common areas, street or visible from neighboring properties shall have as predominant ground cover either approved artificial turf/grass or an approved dense vegetative ground cover. The maximum non-vegetative ground cover yard area (i.e.: rock, pavers) is 20%. The remaining yard area shall consist of approved lawns, artificial turf/grass, or an approved dense vegetative ground cover.

NOT PERMITTED: Desert and no-maintenance landscape themes are not permitted. Ocotillo, Saguaro Cactus, and other plants in the cactus family (*Opuntiaceae = Cactaceae*) are prohibited. The use of Agave, Aloe and other succulent plants may be approved on a limited basis as accent plants.

ARTIFICIAL GROUND COVERS AND ROCK (EXCLUDING ARTIFICIAL GRASS/TURF): No more than 20% of the front yard or lakefront properties rear yard may be of non-growing materials, excluding driveways and walkways. Non-growing ground covers such as organic mulch are prohibited except in garden beds as approved by the Committee. Decomposed granite and natural or earth colored stone may be used in conjunction with grass and other dense vegetative ground covers, as accent features only, and may not exceed 20% of the landscaped area.

For stability, rock should be no smaller than 3/4 inch in size; maximum rock size should not exceed 1 1/2 inch in length. Non-growing ground covers extending the full extent or obvious majority of the yard area will not be permitted. The front yard and lakeside yard, should have no more than 20% maximum rock, interspersed with grass and/or green ground cover or artificial grass/turf.

Flower beds, sod and organic turf shall be separated from non-growing ground cover by neat-appearing hardscape borders/barriers. Rocks, boulders and stones larger than 6 inches shall be considered accent features. River rock shall be no larger than 3 inches, with not more than 10% between 3 inches and 6 inches. Lava rock is not allowed.

**ARTIFICIAL GRASS/TURF:** Current approved product is "Field Turf" or its equivalent in quality and installation. Color is to be Green. (Product samples i.e., 12" by 12" square, brochure or company description and picture should be submitted with the General Application.) Artificial grass/turf can be used only with professional looking installation including, but not limited to, site prep, grading, drainage and appropriate substrate and aggregate. A minimum 1 1/2-inch height and 60 ounce total weight of turf is required in front yard or lakeside is required.

**TREES:** All lots shall have a minimum of one tree in the front yard, a minimum of 15 gallons or larger and equal to or greater than 8' tall. Name of tree and yard placement shall be listed on the application. In addition, removal or replacement of any tree requires Committee approval. Tree removal includes cutting or grinding out of the stump to ground level or totally removing the stump.

**LAKESIDE BACK YARDS:** Lakeside landscape is defined as yards on the waterfront that can be viewed from the lake and/or are visible from neighboring properties. The focus on the back yard is the same as for the front yard: lush green, minimum of one tree and ground cover planted to achieve 80% coverage at time of landscaping. Every application will be evaluated on a case-by-case basis given the architectural limitations of the property. Loose ground cover/rocks/dirt near or next to the Lake wall is not permitted.

Primary emphasis must be placed on maintaining the integrity of the Lake wall and maintaining a neatly trimmed and furnished yard. Trees and shrubs must be kept cut back so as to not touch the Lake wall or water. Repair costs of any damage to the lake wall due to improper planting or violation of Committee/LCA Rules shall be borne by the owner of record at the time the damage was discovered.

**TREES & LAKE WALL:** Newly planted trees must be planted according to these Rules so as not to damage the lake wall.

- Trees with a heavy root system, such as, but not limited to Fichus, Pine, and deciduous trees shall be planted no closer than 15 feet to the Lake wall.
- Palm Trees shall be planted no closer than 5 feet to the Lake wall.
- Rule of Thumb: Tree roots mirror branches in height, depth and width.

Trees growing on or closer than 5 feet from the Lake wall must be removed at the owner's expense if they pose a threat to the wall, as determined by the LCA Management. All new or "voluntary" sprouting of trees must be removed as soon as they are noticed.

**AGAIN, REPAIR COSTS FOR ANY DAMAGE TO THE LAKE WALL CAUSED BY A TREE OR OTHERWISE SHALL BE BORNE BY THE OWNER OF RECORD AT THE TIME THE DAMAGE WAS DISCOVERED.**

**HARDSCAPING FEATURES:**

If approved by the Committee, the following hardscape treatments may be used, if they are compatible with a lush green overall landscaping theme: patios, decks, sculptures, water features, planters, entry features, gates, walkways, walls, non-growing ground cover, and similar features and accessories. Placement of playground equipment, gazebos, umbrellas, etc. must not obstruct the view of adjoining property owners. Plastic flowers in pots or placed in the ground are not permitted.

**RULE #6: EXTERIOR MECHANICAL DEVICES**

*CC&R, Article IV, Section 2, "C", "E", "L"*

All projects involving the installation, replacement, painting or re-painting of any structure or ground-mounted device, including evaporative coolers, air conditioners, solar energy units, lights, satellite dishes, and antennas, require Committee approval. All wiring and piping for mechanical devices shall be installed so as not to be visible from neighboring properties and/or painted the same color as the surface beneath them.

ROOF AND/OR GROUND-MOUNTED AIR CONDITIONERS AND EVAPORATIVE COOLERS: Must be screened from view with material that blends or is painted to blend with the existing architectural materials and color. If louvers are used, they should be angled to fully screen the unit.

WALL AND WINDOW AIR CONDITIONERS AND/OR EVAPORATIVE COOLERS: Require Committee approval.

SOLAR ENERGY UNITS: Shall be installed to blend into the roof structure so as to appear to be part of the roof structure itself, if possible. All wiring and piping for the unit shall be installed so as not to be visible from neighboring properties and/or painted the same color as the surface beneath them if possible. It is up to the homeowner to check out all possible sites for placement of solar panels or solar energy devices and to find a location that is both efficient and most inconspicuous to other neighbors, side, front, and back, if possible.

WIND TURBINES: Shall be painted or anodized to blend in with the adjacent roof area.

EXTERIOR LIGHTING: Shall be installed so as not to infringe on any neighbors' rights of enjoyment of their properties. Permanently installed landscape and/or pool lighting should be set on timers so as not to be constantly on throughout the night. Motion sensor lighting shall be encouraged for security and safety around the exterior of the home.

INSTALLATION OF SATELLITE DISHES AND ANTENNAS: It is up to the homeowner to check out all possible sites for placement of the satellite dish and antenna on the homeowner's property and to find a location that is most efficient and least conspicuous to other neighbors, side, front, and back.

**RULE #7: DECKS, DOCKS, GAZEBOS, PATIOS, RAMADAS, PLAYGROUND EQUIPMENT AND SHEDS**

*CC&R, Article IV, Section 2, "E". CC&R, Article IV, Section 3, "C".*

All projects involving construction, modification, replacement, painting or re-painting of decks, docks, gazebos, patios, and ramada's require the approval of the Committee. All placement of, including but not limited to, gazebos, ramada's, playground equipment and awning patio covers are limited to the side and back yards. Side yard starts from front door going back. Any structure exceeding the height of the wall surrounding the home that restricts the view of the lake from a neighboring property's patio (ground level) is prohibited.

A description of the structure should be included in the application, stating the size, height, material, color and the structure's location. The finished color of all such structures shall be the natural color of the building material, or an approved stain color or approved BASE or TRIM color of the house. All structures are to be maintained in good condition and repaired or replaced when necessary (includes fabric tears, faded material, chipped and faded paint).

If a City building permit is required for any wall, patio cover or other permanent structure proposed as part of any yard improvement, then a copy of the City building permit shall be provided prior to construction and be compliant with the original approved LCA Project Application.

TREE HOUSES AND PLAYGROUND EQUIPMENT: Tree houses and playground equipment that extend to a height as to affect the privacy of neighboring properties, may not be erected without the written approval of the Committee. The application should provide a picture of the yard, equipment location and description of the equipment including size, height, color and picture or brochure if available.

SHEDS AND OTHER STRUCTURES VISIBLE FROM FRONT OR BACK YARDS: Sheds and/or other non-attached structures may not be visible from the street, side yard, back yard or waterfront and/or must be 6 feet or lower in height or lower than an adjoining wall.

LAKE WALL: 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 wall or rest on the Lake bed. No structure, except docks, shall be allowed to overhang the Lake. Any wall, retaining wall or structure built within 5 feet to the Lake wall should be professionally installed. All deck or dock footings must be set back a minimum of one foot from the interior cement edge lining of the Lake wall.

**ANY REPAIR COSTS FOR DAMAGE SUSTAINED TO THE LAKE WALL AS A RESULT OF A WALL, POOL, DOCK, DECK, VEGETATION, TREES OR OTHER SHALL BE BORNE BY THE OWNER OF RECORD AT THE TIME THE DAMAGE WAS DISCOVERED.**

DOCKS: Shall be built in accordance with LCA specifications and be installed in a professional manner. No structures, except a dock, shall be permitted to overhang the Lake. Docks may not protrude from the Lake wall more than 5 feet or rest on the lake wall. All docks shall be built no closer than 10 feet from the adjacent lot property lines.

- Maximum dock length should be sized in proportion to the lot width, not exceed 24'. Boats must be attached to the dock, not the Lake wall. Homeowners are limited to 3 boats attached to the dock. Other boats must be securely stored on land.

SPACE BELOW THE EDGE OF THE DECK AND GROUND ON OVERHANGING DECKS: Must be landscaped or enclosed with decorative block or lattice or solid planking, painted or stained to match the deck or BASE color of the home.

#### **RULE #8: GATES, FENCES AND WALLS**

*CC&R, Article IV, Section 2, "E" and "V"*

All projects involving construction, modification, replacement, painting or re-painting of gates, fences and walls require Committee approval. There are various City zoning designations within the LCA, each with varying setback and height standards. It is the homeowner's responsibility to check with the City regarding setback and easement requirements and to apply for a City Building Permit if one is required for any proposed changes or additions to walls, patio covers or other permanent structures as a part of any yard improvement. A copy of the City Building Permit shall be provided and attached to the LCA Project Application Form prior to construction and be compliant with the original approved LCA Project Application Form.

OUTSIDE WALLS AND COMMON AREAS: If a homeowner's outside wall faces a common area or greenbelt (excluding front yard fences or walls facing the street), the LCA will either paint the wall or the homeowner must paint it with an approved color authorized by the LCA in order to ensure conformity throughout the community. Please check with The LCA Office for further clarification.



FENCES OR WALLS SEPARATING OWNER PROPERTIES: Shall be constructed of wood, masonry, wrought iron or a combination of these materials. The wall or fencing that separates owner properties shall be a maximum height of 6 feet. Construction, finishing and painting shall be the joint responsibility of the property owner/s involved.

FENCES OR WALLS IN FRONT YARDS: City of Tempe code determines front wall height and this varies by City tract or street. To ensure compliance, a City Permit is required with all front wall applications. If the LCA height restriction is lower than the City, the LCA Rule supersedes.

- Walls less than 15 feet from the front property line shall be a maximum of 3 feet high, except on corner lots where the maximum height cannot exceed 2'6".
- Fences and walls in the 'required' front yard, as defined by City code are typically measured 6" behind the interior edge of the sidewalk or the curb if there is no sidewalk.
- It is the homeowner's responsibility to ensure that fences, walls or any structures are not placed in a public utility easement (PUE).
- Fences, walls or gates in the front yard shall be constructed of wrought iron, masonry, stone, wood slats, or a combination of materials designed so that the wall minimally restricts the view of the home. Walls attached to the home are to be painted the BASE color. (See Rule #3 for details on wood fences or smaller walls.)
- Owners are responsible for consulting with the City regarding setback requirements for their lot and obtaining all required City approvals and permits.
- City approval for any fence or wall does not guarantee Committee of vice versa.

WATERFRONT/LAKESIDE WALLS HEIGHT AND MATERIAL: Gates and fences on the lake side shall be constructed of a combination of wrought iron, masonry, stone and/or wood slat materials designed so that the fence does not restrict the view of the home from the Lake. Waterfront/lake side fences shall be a maximum of 5 feet high. Walls near the water's edge must be stair stepped down as to not impede a neighbor's view. From the slant of the wall to the Lake, the dividing wall shall be of wrought iron so as not to block the view of the Lake.

Any wall or structure built within 5 feet of the lake wall shall be installed in a professional manner and have a one-foot setback from the wall. Any repair costs for any damage sustained to the lake wall as a result of a wall, pool, dock, deck or other shall be borne by the owner of record at the time the damage was discovered.

WATERFRONT/LAKE SIDE RETAINING WALLS: Shall be of masonry or stone construction and shall be limited in height so as not to restrict the view of the Lake from neighboring properties and as to minimally restrict the view of the home from the Lake. Walls near the water's edge must be stair stepped down as to not impede a neighbor's view. From the slant of the wall to the Lake the dividing wall shall be of wrought iron so not to block the view of the Lake.

Retaining walls must be built with a minimum of one-foot setback. Height limitation will vary with the requirements of the retaining wall. See *color* below for fences, gates and railings.

COLOR AND MATERIALS-FENCES, GATES & RAILINGS: Fences and walls shall be constructed of wood, masonry, stone, wood slats, wrought iron or a combination of these materials. Fences and walls shall be a natural sealed, approved stained color, or the approved BASE or TRIM color of the house.

Wrought iron gates and railings shall be black, charcoal or the BASE or TRIM color of the house except where wood is inserted between wrought iron elements. The wood inserted between wrought iron elements shall be a natural sealed color, or approved stain color.

**RULE #9: SIGNS, CC & R, Article IV, Section 2, "S"**

"No signs whatsoever (including, but not limited to, commercial, political and similar signs) which are visible from neighboring property shall be erected or maintained on any lot or parcel of property within The LCA Community except;"

LEGAL SIGNS: A legal sign is allowed when it is required by legal proceedings.

RESIDENTIAL HOUSE ADDRESS NUMBER SIGN: Not more than 2 residential signs identifying the property's house address number, each of a combined total face area of 72 square inches or less, are allowed.

CONSTRUCTION SIGNS: During the time of construction of any building or other improvement, one job identification sign not larger than 18 by 24 inches in height and width is allowed.

FOR SALE, RENT OR LEASE SIGNS: Sign Size: One For Sale, Rent, or Lease sign and one Sign Rider attached to the For Sale, Rent or Lease sign will be allowed on a member's property, including a sign that indicates the member is offering the property For Sale, Rent, or Lease By Owner. The size of the sign offering a property for sale, rent or lease shall not exceed 18 by 24 inches and one attached industry standard Sign Rider, which shall not be larger than 6 by 24 inches. All signs must be professional in appearance: handwritten signs are not allowed. A "For Sale, Rent, or Lease" sign is allowed for the selling, renting, or leasing the property only and not for the purpose of soliciting any other business.

The mounting post for the signs shall be in conformance with industry standards, but not to exceed 7 feet in height. No helium balloons or other "eye-catching" attachments to the sign or post are allowed. All signs must be maintained (i.e., paint, clean, propped). Except for "For Sale, Rent, or Lease by Owner" signs, all signs will show the agent's name, phone number and brokerage as required by the Arizona Department of Real Estate.

NUMBER AND PLACEMENT OF SIGNS: The number of For Sale signs per property is limited to one, placed on a frame/post in the front yard of the property for sale. The For Sale sign shall not be posted on a tree, bush or other protuberance on the property. No signs shall be allowed on or around the lake wall. No part of the sign or post shall extend beyond the property line. Signs may not extend over and/or beyond the property fence. Signs may not be placed between the sidewalk and the street passing the property.

SIGNS MAY NOT BE PLACED IN MULTIPLE AREAS: Not in the common areas, or at street entrances, except for open house signs that may only be put up and must be taken down on the day of the open house.

SIGN REMOVAL: The real estate For Sale, Rent or Lease sign is to be taken down the day the home is closed, rented, or leased and/or recorded (sold) and is to be removed by the seller of the property or their realtor/representative.

GARAGE SALE SIGNS: Garage Sale signs are allowed only while the sale is in progress.

SECURITY SIGNS AND "BEWARE OF DOG" SIGNS: Shall be limited in size to 216 square inches, and are limited to one sign visible from the street and one visible from the Lake.

POLITICAL SIGNS: Under A.R.S. 533-1808©. A political sign is "a sign that attempts to influence the outcome of an election, including supporting or opposing the recall of a public officer or supporting or opposing the circulation of a petition for a ballot measure, question or proposition or the recall of a public officer".

- Such signs shall be located on the owner's property only and not on common areas owned by the LCA or the condominium association or in other areas prohibited by the City.
- Signs shall not be displayed more than 35 days prior to a specified Election Day.
- Such sign shall be removed within 7 days after that specified Election Day.
- Maximum size to be 18" x 24".

HOME BUSINESS SIGNS: Are not permitted. Per City Code.

FOR SALE SIGNS ON CARS, TRUCKS, BOATS OR MACHINERY: Are not allowed.

ALL SIGNS:

- Signs shall be located so as not to create a traffic hazard as determined by the LCA Staff or the City.
- Signs shall be properly maintained.
- Neon illumination in, on, or around a sign is not permitted.
- All decisions of the Committee concerning signs permitted hereunder shall be deemed final and binding upon the applicable owner as to whether such signage is in compliance with the rules.

**RULE #10: MISCELLANEOUS ITEMS** *CC&R, Article IV, Section 2 "E"*

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

APPLICATION OF RULES - FRONT AND BACKYARDS: Lakefront homes should consider that they have two front yards for purposes of landscaping, decoration, painting, etc. Any projects or additions for the lakefront (backyard) will be subject to all Rules pertaining to front yards.

BASKETBALL BACKBOARDS: Backboards mounted on walls and roofs shall be transparent or painted white or the house BASE or TRIM color. Freestanding backboard posts and/or bases shall be white, black or the BASE or TRIM color of the house.

The location of all wall or roof-mounted backboards and/or permanent or portable freestanding basketball goals shall be approved by the Committee and should be located so as to minimize visual impact from the street and neighboring properties.

Portable basketball goals are allowed, but shall be kept in the location approved by the Committee when not in use.

Poles, bases, backboards, and nets must be maintained in good condition, free of rust, paint chipping or discoloration, cracking, torn nets, bent rims, etc. All basketball rims must have nets installed and must be maintained in good condition.

SPAS: Above-grade spas that are visible from neighboring properties from the lake side or otherwise, require Committee approval.

**FLAGS AND FLAG POLES:** Homeowners are advised to use brackets mounted on the house or garage to display flags on appropriate holidays or events, according to national standards. The following flags do not require approval:

- The American Flag or an official or replica of a flag of the U.S. Army, Navy, Marine Corp, Air Force or Coast Guard.
- The POW/MIA Flag
- The Arizona state flag
- An Arizona Native American Nations Flag
- The Gadsden Flag

All flags are to be flown/displayed in a manner consistent with the Federal Flag code. All flags and poles must be well-maintained. Vertical flagpoles require Committee approval as to size and location.

**ACCENT, LANDSCAPE & SEASONAL LIGHTING AND DECORATING:** Seasonal lighting and decorating does not require Committee approval unless it creates a hazard or infringes on the neighbors' right to quiet enjoyment. Complaints by other homeowners may constitute grounds for order of removal. All seasonal lighting and decorations may be installed within 30 days prior to the seasonal event and are to be removed within 30 days following the holiday. Accent & landscape lighting on balconies, gazebos, or patios may be utilized year around in white lights only. Lighting in seasonal colors and design must be removed within 30 days following the various holidays.

**MAILBOXES:** Mailboxes, whether freestanding or attached to a house, wall or fence, shall conform in color, material and placement requirements of the United States Postal Service. Mailbox surrounds of any material require Committee approval. Mailboxes placed on the house or wall shall be painted the same color as the surface beneath it, or black or charcoal.

**PAINTED HOUSE NUMBERS ON THE CURB:** The house address numbers may be spray painted on the curb. To ensure a standard appearance and font, numbers should be painted in a professional manner and not painted by hand. Standard height of numbers is typically 4"; color is typically black numbers over a rectangle white or gray background. For security and emergency situations, every home should have the address number visible, day and night.

<b>RULE #11: MOTOR VEHICLES; BOATS; TRAILERS; COMMERCIAL VEHICLES, MACHINERY AND EQUIPMENT</b> <i>CC&amp;R, Article IV, Section 2, "F", "G", "P".</i>
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No mobile home, trailer of any kind, truck camper, commercial, construction vehicles, moving truck or similar box-shaped truck, cargo van, panel truck, permanent tent or similar structure shall be kept, placed, maintained, constructed or repaired, nor shall any motor vehicle be constructed, reconstructed or repaired upon any property or street (public or private) within the LCA Community in such a manner as will be visible from neighboring properties. The above provisions 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 Committee.

- **Emergency Vehicle Repairs:** Are defined as those unexpected repairs necessary to maintain a motor vehicle in a safe operating condition to enable it to be operated safely on public roads and highways. These repairs include, but are not limited to, replacing a starter, alternator, battery, wiper blades or tire repairs. These repairs are also intended for a vehicle or vehicles that are used on a daily basis (primary vehicle/s) for transportation for work, school, errands, etc. Repairs or work that is done to vehicles that are being restored or reconstructed are not included in the definition of "emergency repairs". (see paragraph 1 under Rule #11 above). Nor are repairs allowed as a home business at any residence by any persons residing therein (see CC&R, Article IV, Section 2A).

- 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 that exceed the height of the roof of the truck and any other type of recreational vehicle. Small trucks that have a shell that is the cab-height and color of the truck, that is professionally installed and that is used as primary transportation, may be approved on a case-by-case basis.
- Commercial vehicle is defined as a one ton or larger vehicle or those less than one ton vehicles designed or used for commercial purposes. This also includes vans without windows or vans with ladders. Advertising on any vehicle is limited to one 2 square foot area per side.
- Recreational vehicles, i.e., ATVs and those designed for sleeping, are prohibited from parking within the LCA Community except for 48 hours within a consecutive 8-day period for loading, unloading and clearing. A permit may be purchased from the City to allow parking for 7 days (Tempe City Code Sec. 19-139), and requires Committee approval.

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

Advertising, bumper stickers and/or decals/wraps on any vehicle is limited to one 2-square foot area per side.

UNREGISTERED, ABANDONED AND/OR INOPERABLE VEHICLES: Any vehicle that is abandoned, inoperable, visibly damaged and/or unregistered is not allowed to remain on a homeowner's property (except in an enclosed garage) or on a city street for a period longer than 24 hours. This includes wrecked, damaged, under-inflated tires, and vehicles missing parts such as doors, hoods, etc. even if kept under cover. Per City Code, all vehicles must be registered. Such vehicles are also covered under the City Article 1 21-1 to 21-3.

[www.tempe.gov/citycode/21.nuisances.htm](http://www.tempe.gov/citycode/21.nuisances.htm).

CONSTRUCTION AND COMMERCIAL VEHICLES: No construction or commercial 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 that have obtained Committee approval.

BOATS ON THE WATER: Electric powered boats, kayaks, canoes, paddleboats and sailboats are allowed and must be registered and properly permitted each calendar year (see the LCA front desk). Up to 3 boats per residence are allowed.

- All boats are to be kept in a well-maintained and safe operating condition. Any boat that is inoperable or visibly damaged or deteriorated is not allowed to remain at the homeowner's dock. Bimini's, boat covers, seat cushions, floor covering and paint should be maintained in neat condition and not torn, faded or chipped.
- **INFLATABLES OF ANY KIND ARE NOT ALLOWED**

THE FOREGOING LCA ARCHITECTURAL RULES WERE APPROVED BY THE COMMITTEE MEMBERS IN ACCORDANCE WITH THE DECLARATION OF COVENANTS, CONDITIONS AND RESTRICTIONS (CC&R'S) BY SIGNATURE BELOW ON THE DATE INDICATED. THIS ISSUE OF THE RULES SUPERCEDES ALL PAST ISSUES. THE COMMITTEE MAY, FROM TIME TO TIME AND IN ITS SOLE AND ABSOLUTE DISCRETION, ADOPT, AMEND AND REPEAL BY UNANIMOUS VOTE OR WRITTEN CONSENT THESE RULES AND REGULATIONS TO BE KNOWN AS "ARCHITECTURAL COMMITTEE RULES" (SEE CC&RS ARTICLE VIII, SECTION 4)

Rebecca Miller  
Rebecca Miller, Chairperson, LCA Board Liaison

8/15/18  
Date

Stella Calvert  
Stella Calvert, Member

9/11/2018  
Date

Jim Ramsey  
Jim Ramsey, Member

8/15/18  
Date

Claire Smith  
Claire Smith, Member

10/23/18  
Date