



# RULES AND REGULATIONS



McCORMICK RANCH PROPERTY OWNERS' ASSOCIATION, INC.  
9248 N 94TH ST, SCOTTSDALE, AZ 85258



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**-- IMPORTANT --**

**Any change that affects the exterior of a property (including structures and landscape) must be approved in writing in advance. This requirement includes Sub-Associations making changes to their own common area or on behalf of individual lot owners.**

**Following the guidelines does not eliminate the need to submit requests for PRIOR written approval.**

**No installation or commencement of any work is permitted until written approval is obtained.**

**Approval from the Association does not constitute approval from a Sub-Association. Before submitting to the Association, you must first receive permission from your Sub-Association (if any).**

**Any modification not specifically approved in writing will be required to be modified or removed at the Property Owner's expense, and a fine may be assessed.**

## **ARCHITECTURAL CONTROL REGULATIONS**

### ***INTRODUCTION***

McCormick Ranch is a master-planned community with a strong commitment to protect and preserve its aesthetic values. It is the intention of the McCormick Ranch Property Owners' Association, Inc. (Association) that all aspects of the properties on McCormick Ranch be aesthetically appealing. When reviewing architectural requests, the Association seeks to achieve the overall goal of harmony of external design and location in relation to surrounding structures and topography and in relation to the Master Plan for the development of the community. Harmony within the Association will be achieved by prohibiting clashing styles, garish materials, gaudy colors, featureless landscapes, and oversized structures and by preserving open and open green space generally and between structures. On a larger scale, the Association continues to make every effort to preserve the integrity of the City of Scottsdale by ensuring McCormick Ranch provides a sympathetic transition between the rancho estates of the north and the denser developments of the south.

To oversee and enforce the Association's architectural requirements, the Association has created the Architectural Control Committee (ACC). The ACC is specifically charged with the responsibility for reviewing all architectural applications submitted by Property Owners before any changes that affect the exterior of a property are made. Prior to any change, addition, or alteration being made, an application must be submitted to the ACC containing all required information.

The decisions rendered by the ACC are based on the Association's CC&Rs, the Declaration of Restrictions and the criteria and guidelines in this booklet. The criteria and guidelines outline those characteristics that have created a unique community that will stand the test of time rather than make buildings and neighborhoods appear outmoded by following styles that do not respond to the special qualities of the region in which they are located.

The ACC may adopt additional criteria so long as the Committee's actions are not inconsistent with the provisions of the CC&Rs and the Declarations of Restrictions. Over the years, the ACC has adopted additional rules that have been approved by the Board of Directors of the Association (Board). Those additional rules appear in this booklet.

The Board or the ACC may grant variances from the architectural restrictions. If the Board or the ACC determines, in its discretion, either that a restriction would create an unreasonable hardship or burden on a Property Owner as determined by the Association or that a change of circumstances since the recordation of the Declaration has rendered such restriction obsolete and that the activity permitted under the variance will not have any substantial adverse effect on other Property Owners on McCormick Ranch and is consistent with the high quality of life intended for Property Owners of McCormick Ranch, a variance may be granted.

ARTICLE I  
APPLICATION PROCEDURES

**A. Submittal Requirements**

Property Owners must submit an application to the ACC for any changes proposed to be made to the exterior of the Property Owner's property that will be visible from the street, common areas or neighboring properties, including but not limited to any changes to or the construction of any structure, changes to landscaping, and repainting (including repainting or reroofing with the existing colors and materials). Property Owners must consult the rules in this section to determine whether their proposed project requires ACC approval. When in doubt, Property Owners should err on the side of submitting a proposed project for ACC approval.

Property Owners who live in a Sub-Association must obtain Sub-Association approval of a project before the ACC will consider such Property Owner's application at the Association level. In addition, City of Scottsdale permits may also be required.

**Property Owners who intend to submit an application for a house plan, tear down, second-story addition, guesthouse, accessory building, or rear yard addition exceeding eight feet in height must attend a pre-meeting with the ACC prior to the applicant's preparation and submission of final plans.**

**Sub-Associations seeking approval for projects to their own common areas or buildings shall contact or meet with the Executive Director to determine submittal requirements.**

The ACC generally meets on the first and third Wednesday of each month. Complete applications received at the Association office by 12:00 p.m. on the Thursday immediately preceding the next scheduled ACC meeting generally will be reviewed at such immediately following meeting. Staff will not submit an application to the ACC for review until **all submittal requirements** have been met. The ACC may delay review at its discretion, and the Association will notify the Property Owner if the review has been delayed.

ACC review of applications requiring notification of the project to affected neighboring properties (See *Article I: B, 11. Notification*) generally takes place two (2) weeks following submission. Such review date could be earlier or later depending on factors such as the date of submission, whether the submission is an initial or subsequent submission, the complexity or anticipated impact of the project, and the date of the next meeting.

All applications submitted to the ACC are approved and/or denied on a case-by-case basis. Approval granted to one property does not grant or imply approval for other Property Owners' requests or set a precedent for future requests.

All approvals must be in writing.

If a Property Owner's project does not fall under one of the types of projects listed in Article IV, the Property Owner must contact the Association office for the requirements relating to the request.

**Association approval does not eliminate the necessity of obtaining approval from the City of Scottsdale.**

Applications can be e-mailed, mailed, or hand-delivered to the Association's office and must be accompanied by a McCormick Ranch Architectural/Landscape/Paint/Artificial Turf Application. All paint colors, material samples, *etc.*, must be physically delivered to the Association office before the submittal cut-off time, *i.e.*, electronic submittal of such items is not permitted.

Applicants are solely responsible for the accuracy of all documentation and materials submitted with an application. Approval of an application by the ACC does not in any manner constitute approval or endorsement of the architectural and technical soundness of the proposed project, and none of the ACC, the Board, or the Association shall incur any liability with respect to any apparent or latent defects or errors in the plans, specifications or construction of proposed projects.

All applications will be acknowledged by the Association with a date stamp. It is the responsibility of the applicant to verify receipt of the application if it is not delivered in person to an administrative employee of the Association during office hours.

Application forms are available at the Association office or on the Association's website at [www.mrpoa.com](http://www.mrpoa.com). The original of any application will be retained in the Association records pursuant to its records retention policy.

The Association may grant variances to these application procedures if either the Board of Directors or the ACC determines it is in the best interest of the Association to do so. A variance from any of the above application procedures does not grant or imply approval for a variance in any subsequent request or set a precedent for future requests.

## **B. Required Information**

Applications for ACC approval of architectural projects that involve structural modifications or additions to existing buildings, walls or fences, construction of guesthouses or accessory buildings, addition of playground equipment, or landscape changes must be accompanied by at least the following information:

### **1. General Submittal Guidelines – All Projects**

1. The appropriate completed Association application form.
2. Sub-Association approval letter and Sub-Association or HOA/Management contact information (if applicable).
3. Photographs of existing structures with emphasis on the structures that are being modified.
4. A brief description, in narrative form, of all the work to be performed.
5. All contact information for the Property Owner, including telephone numbers, property address, mailing address, and email address if available.
6. If the Property Owner is not the person submitting the request, a signed letter from the Property Owner stating who will be representing them.
7. Lot boundaries and dimensions.
8. A graphic representation of easements, right-of-ways, and setbacks (consult the City of Scottsdale website for this information).
9. Plans for the project on 11" x 17" paper or electronic files emailed or delivered electronically (electronic files are preferred). Teardowns and re-builds also require a full-size set of plans.

### **2. House Plans, Tear Downs, 2<sup>nd</sup> Story Additions, Guest Houses and Accessory Buildings**

1. All items listed in *Article I: B, 1. General Submittal Guidelines – All Projects*
2. Percentage of Lot covered by all fixed buildings, including the proposed construction.
3. A professionally prepared graphic representation of the locations and dimensions of all proposed improvements, including, without limitation, all buildings, other structures, walls, fences, grading, hardscape, irrigation, fixed barbeques, grills and fireplaces, pools and spas and the locations of their equipment and enclosures, exterior lighting, and fixed and movable sports equipment visible from the street, common areas or neighboring properties.
4. A professionally prepared, graphic representation to scale of all existing and proposed elevations, including elevations of all properties whose Property Owners are entitled to notification (See *Article I: B, 11. Notification*).
5. A professionally prepared graphic representation to scale of existing and proposed site plans, including the designated setbacks for the property.
6. A professionally prepared graphic representation to scale of all elevations detailing any non-structural modifications (cosmetic improvements) associated with (c) above.
7. Demolition plans.
8. Samples of exterior building materials and colors.
9. The location of HVAC units and intended screening of said units.
10. A complete landscape application if the project involves landscape changes.
11. All the City of Scottsdale required permits. (Must be received before construction can begin.)
12. A copy of any variances received.
13. A copy of any public notice.
14. Details of any new obstructions to the current views of neighbors that will be caused by the project.
15. For properties with Zero Lot lines, a Zero Lot Line Consent form from properties neighboring on such Lot lines consenting to the project. The consent form is available from the Association.



### **3. Additions and Remodels (Other than 2<sup>nd</sup> Story Additions)**

1. All items listed in *Article I: B, 1. General Submittal Guidelines – All Projects*
2. Percentage of Lot covered by all fixed buildings including the proposed construction.
3. A professionally prepared, graphic representation to scale of all existing and proposed elevations, including elevations of all properties whose Property Owners are entitled to notification (See, *Article I: B, 11. Notification*).
4. A professionally prepared, graphic representation of existing and proposed site plans including the designated setbacks for the property.
5. A professionally prepared, graphic representation to scale of all elevations detailing any non-structural modifications (cosmetic improvements) associated with (b) above.
6. Samples of exterior building materials and colors.
7. The location of HVAC units and intended screening of said units.
8. A complete landscape application if the project involves landscape changes.
9. All the City of Scottsdale required permits. (Must be received before construction can begin.)
10. A copy of any variances received.
11. A copy of any public notice.
12. Details of any new obstructions to the current views of neighbors that will be caused by the project.
13. For properties with Zero Lot lines, a Zero Lot Line Consent form from properties neighboring on such Lot lines consenting to the project. The consent form is available from the Association.

### **4. Landscape Changes**

1. All items listed in *Article I: B, 1. General Submittal Guidelines – All Projects*
2. Existing and proposed site plans and elevations.
3. It is recommended that a landscape professional be consulted to draw the plan, but this is not required.
4. A landscape plan drawn to scale of 1"=20' or 1"=10' and displayed on an 11"x 17" sheet. Designate north with a north arrow. State scale on plan.
5. The dimensions of the Lot, including Lot frontage width, the existing dwelling in relation to the Lot, and the proposed changes in relation to the existing dwelling and setbacks.
6. The total area that may be landscaped (in square feet) of the front and side yard (exclusive of walkways, driveways, patios, etc.).
7. The outline of the floor plan of the home and all existing and proposed walkways, driveways, garden walls and/or any other "hardscape" features to be constructed (such as water features, fountains, benches, etc.).
8. Wall locations and elevations with construction details.
9. Depiction of all headers and borders with the material and colors labeled.
10. The proposed location and type of each individual tree, shrub, or groundcover. All plant material must be drawn to indicate approximate mature size.
11. A plant legend specifying botanical and common names, plant container size and total number of each kind of plant.
12. A tree legend specifying botanical and common names, plant container size and total number of each kind of tree.
13. Identification of all turf areas and type of turf (Bermuda, artificial, etc.).
14. Fence returns (where the side yard perimeter fence connects to house).
15. All hardscape elements and lighting.
16. The size and color of decomposed granite. (See *Article III: F, 10. Recommended granite colors*).
17. If the landscaping change includes a water feature, provide the following: pond depth, materials including color, heights and widths and plumbing specifications.
18. The submittal must meet minimum landscape requirements. (See *Article III: F, 2. Landscape Requirements*)
19. For artificial turf, a description of the proposed plan for drainage of the affected area.

### **5. Solar Panels**

1. All items listed in *Article I: B, 1. General Submittal Guidelines – All Projects*
2. Existing and proposed site plans and elevations.
3. Solar energy devices must be mounted, to the extent practicable, so as to not be visible from neighboring properties or the street.

## 6. *Perimeter Wall Changes (Height, Stucco, etc.)*

1. All items listed in *Article I: B, 1. General Submittal Guidelines – All Projects*
2. A site plan showing the existing and proposed wall with dimensions included.
3. Applications to raise a wall above the four feet (4') limit must include an approved permit from the City of Scottsdale.
4. If the wall is a common wall (*i.e.*, shared with one or more other Property Owners) a completed Common Wall Modifications Consent form from the adjoining Property Owners consenting to the project. The consent form is available from the Association.
5. A signed commitment from the Property Owner that (i) all textures, materials, and colors will match the existing textures, materials, and colors, (ii) the completed wall will seamlessly blend with the existing wall in terms of texture, material and color, and (iii) the Property Owner will re-texture the entire wall section where the new portions have been added or the entire wall if necessary to achieve a seamless blend with respect to texture, material and color.

## 7. *Paint Colors and Textures*

1. All items listed in *Article I: B, 1. General Submittal Guidelines – All Projects 1-6*
2. Whether painting with a new color or repainting with a previously approved color, an 8"x 11" rolled on color sample or professional drawdown sample for each color to be used, including base and trim colors, must be submitted with application.
3. Paint samples of colors from the Association's pre-approved color palette do not need to be submitted for approval when the exact approved color brand and scheme is being requested. However, a Paint Application must be filled out and filed with the Association before painting commences.
4. When paint matching a pre-approved paint scheme, paint samples of the color matching must be submitted.
5. All paint samples must include the paint manufacturer's name, paint color name, the Light Reflective Value (LRV), the property address, Property Owner's name, Property Owner's contact telephone number and email address, if available, written on the back of the sample.
6. Any stucco texture changes must be submitted for approval.
7. In most cases and due to the different rates of wear and tear, spot or partial painting will not be approved.

## 8. *Evaporative Cooler, HVAC Units and Duct Work*

1. All items listed in *Article I: B, 1. General Submittal Guidelines – All Projects 1-6*
2. Existing and proposed site plans and elevations.
3. Plans must include where the unit and/or duct work will be located and screening details, including materials: color, height, *etc.*

## 9. *Material Samples – All Projects*

A sample of all materials to be used must be submitted to the ACC. This includes but is not limited to:

1. Awning/shade fabric
2. Doors (*e.g.*, catalogs)
3. Ground covering, *e.g.*, decomposed granite, stones, tiles, *etc.*
4. Gates
5. Light fixtures
6. Pavers and bricks
7. Roofing materials
8. Paint samples

## 10. *Permits*

1. Any approval of a project by the ACC will be invalid if required City of Scottsdale, county, state or federal permits have not been obtained by applicant prior to commencement of work, or if such permits were denied. No project approved by the ACC will be deemed final until all required permits have been obtained and copies thereof have been received by an Association administrative employee.
2. In the event that a permit issuing authority requires alterations or modifications of an ACC approved project, the entire project must be resubmitted to the ACC with the mandated modifications or alterations noted. Sub-Association re-approval is also required, when applicable.
3. **A permit from the City of Scottsdale does not take the place of required written approval by the Association. A permit or other approval by the City of Scottsdale or other governmental entity does not guarantee approval by the Association.**

## **11. Affected Property Owner Notification of Initial Applications for Required Projects**

### **1. Definitions**

1. **Affected Property Owners** are Property Owners whose properties are within 250 feet of the property where the Required Project is being constructed and to whom, in the reasonable determination of the Association, the Required Project will be visible from such Property Owner's property.
2. An **Initial Application** is the first application submitted for the Required Project.
3. A **Required Project** is the following:
  - a. a teardown/new build;
  - b. an addition to the main house, including a second story addition;
  - c. a guesthouse or accessory building and any additions to guesthouses or accessory buildings including sheds;
  - d. pergolas or similar.

### **2. Intent**

The intent of notifying Affected Property Owners of **Initial Applications** for Required Projects is to provide those Property Owners with the opportunity to present questions, comments and concerns to the ACC on or prior to the meeting date at which the Initial Application is reviewed. Notification is not required under the Association's governing documents, however, and notification does not entitle the Affected Property Owner to approve or disapprove a Required Project.

### **3. How Made**

Notifications shall be made by the Association to Affected Property Owners using an Association Notification Statement and shall be sent to the Affected Property Owners using both the mailing address and/or email addresses (if available) on file with the Association. Notifications shall include:

1. A copy of the application form submitted to the ACC. If submitted to the ACC, the notification will also include front and side yard elevations and site plan.
2. Notification that any comments, questions or concerns should be directed to the Association office.
3. Notification that the Affected Property Owner may attend the ACC meeting and offer comments on the application.
4. Notification that the Affected Property Owner should contact the Association to determine the date the application will be reviewed by the ACC.

### **4. When Effective**

Notification is effective upon mailing to the address and/or email address (if available) on file with the Association. The Association is not responsible for any Affected Property Owner's failure to receive notification or receipt of notification with insufficient time to comment. The failure of any Affected Property Owner to receive notification (at all or in a timely fashion) shall not affect the validity of any decision of the ACC.

### **5. ACC Meetings Open**

Nothing in this rule is meant to limit an Association member's right to attend ACC meetings and comment as appropriate.

## **12. Variances**

The Association may grant variances to the information required for any Property Owner's application if either the Board of Directors or the ACC determines it is in the best interest of the Association to do so. A variance from any of the above requirements does not grant or imply approval for a variance in any subsequent request or set a precedent for future requests.

## ARTICLE II

### APPLICATION REVIEW PROCESS

#### A. Meetings

1. The ACC generally meets twice a month to review applications. The Chairperson may call a special meeting after providing two (2) calendar days written notice to other committee members. Committee members may waive any notice requirements.
2. ACC meetings will be held at the Association's office – 9248 N 94<sup>th</sup> ST, Scottsdale, AZ 85258.
3. Any Property Owner submitting an application who is a member of the ACC must recuse themselves from voting on their own application.

#### B. Decisions

##### 1. *ACC Level Reviews and Approvals*

- a. The ACC will review all complete applications and will furnish a written decision to the applicant.
- b. The decision by the ACC may approve the application in whole or in part, may table the application until further notice, may deny the application in whole or in part, or may make any other decision that the ACC deems appropriate. The ACC may disapprove any application if there is not sufficient information submitted to assess conformance to the applicable rules.
- c. Application denials will be sent to the applicant by regular and certified mail and will include the reasons for the denial.
- d. The ACC will act within thirty (30) calendar days after receipt of a complete application.
- e. Any project that requires ACC written approval, but which has not received ACC written approval, may be required by the Association to be modified or removed at the Property Owner's expense. (See, *Enforcement Actions*)

##### 2. *Staff Level Reviews and Approvals*

Staff will review all submittals for completeness, violation status, previous denials and other approvals/denials in the neighborhood for the same request and add this information to the submittal. Staff will study the submittal and make a recommendation for approval or denial to the ACC.

Certain types of projects may be approved on a staff level by the Executive Director.

- a. The following types of architectural projects *may* be reviewed and approved on a staff level:
  - Exterior window replacement (if windows match color and style of other windows within that subdivision)
  - Flagpoles
  - Front door replacement
  - Gates
  - Lighting (low voltage landscape lighting only)
  - Minor front yard landscape changes (replacing dead/dying plant material)
  - Paint color changes that include colors similar to pre-approved colors/combinations from other paint manufacturers
  - Projects with approval from HOA Boards
  - Rain gutters and downspouts
  - Replacement of exterior lighting that will not increase the existing light output
  - Roof tile replacement (if tile resembles current tile in color and style or resembles others within that subdivision)
  - Security/Screen/Iron doors
  - Solar panels
  - Standard garage doors
  - Standard pavers and tile for existing driveways and walkways
  - Sun/Shade screens
  - Temporary banners for commercial properties

- b. The Executive Director will submit to the Architectural Committee for their consideration any application that:
  - The request deviates in any way from the approved Architectural Guidelines.
  - The Association has been informed that an Affected Property Owner has concerns about the proposed modification(s) or construction.

**The Executive Director has the right to elevate an application for ACC review at the Director's sole discretion. Any denial by the Executive Director may be appealed to the ACC within 30 days.**

### **C. Appeals**

Decisions made by the ACC are subject to appeal to the Board.

1. The Property Owner whose application has been denied will be informed of the Appeal Process in writing at the same time the denial by the ACC is conveyed to the Property Owner.
2. The Property Owner will be given thirty (30) days from the date of the denial letter in which to inform the Executive Director in writing that the Property Owner elects to appeal the ACC decision.
3. ACC appeals will be heard by the Board at the first regularly scheduled Board meeting following notification by a Property Owner.
4. The Property Owner making the appeal will be invited to attend and address the Board at the meeting where the appeal will be heard.
5. If permitted by Arizona law, the Board may choose to hold, discuss and/or decide the appeal hearing in an executive session. Otherwise, the appeal will be heard, discussed and decided in an open meeting.
6. The Property Owner and the ACC will be notified in writing of the Board's decision with regard to the appeal hearing within thirty (30) days of the hearing. If the Board grants the Property Owner's appeal, the prior decision of the ACC will be modified to the extent specified by the Board.

### **D. Commencement, Extensions and Timeline of Projects**

1. It is the responsibility of the Property Owner to verify ACC written approval before commencing work on any submitted application.
2. Property Owners are required to make diligent progress on all approved work. Diligent progress will be as determined by the Association in its sole discretion.
3. If the project is not commenced or completed within the approved timeline, the ACC may require an updated schedule to be submitted in writing and approved in writing by the Association.
4. If the project is not commenced within the approved timeline, the ACC may require the project to be resubmitted.

### **E. Variances**

The Board or the ACC may grant variances from architectural procedures and restrictions. If the Board or the ACC determines, in its sole discretion, either that a procedure or restriction would create an unreasonable hardship or burden on a Property Owner, or that a change of circumstances since the recordation of the Declaration has rendered such procedure or restriction obsolete and that the activity permitted under the variance will not have any substantial adverse effect on other Property Owners on McCormick Ranch and is consistent with the high quality of life intended for Property Owners of McCormick Ranch, a variance may be granted. The Board or the ACC may also grant variances from the architectural procedures and restrictions if the Board or ACC determines in its sole discretion that such variances are warranted under the circumstances and in the best interest of the Association. A variance from any architectural procedure or restriction does not grant or imply approval for a variance in any subsequent request or set a precedent for future requests.

### **F. Records**

1. The Association shall maintain records of all applications submitted, including all architectural plans, of all actions of approval or disapproval, and all other actions taken by it.
2. All such records shall be maintained for a minimum of one calendar year after approval or disapproval.

### **G. Changes After Final Approval**

When an applicant wishes to make a change which deviates from the ACC approved application, the Property Owner must submit a written request to the ACC along with a set of plans clearly delineating the proposed change and must receive the written approval of the ACC or Board before commencing with such change.

ARTICLE III  
STANDARDS FOR CONSTRUCTION AND EXTERIOR APPEARANCE

**A. General Conditions**

1. All buildings, structures and landscaping must comply with the Association's rules and restrictions and be in harmony of external design and location in relation to surrounding structures and topography, as determined by the ACC or Board in either the ACC's or Board's sole discretion.
2. Property Owners must provide a phone number and/or email where they or their designated representatives can be reached during construction.
3. Lots must be kept in a neat, orderly and safe condition during construction periods.
4. Trash and debris may not accumulate, and supplies of brick, lumber, and other building materials must be stored neatly on site in the least visible location.
5. You must submit and receive approval to start any demolition.

**B. City of Scottsdale Code**

1. The Association has architectural application procedures and architectural rules that take precedence over and are separate from any procedures or rules required by the City of Scottsdale. In the event of a conflict, the most restrictive of the Association's, Property Owner's sub-division deed restrictions or the City of Scottsdale's standards, procedures or requirements will apply.
2. The original zoning restrictions established for the City of Scottsdale must be adhered to.
3. All structures must also be approved by the City of Scottsdale and adhere to its Ordinance Standards.

**C. Architectural Theme**

1. All buildings and structures must reflect or complement the prevailing architectural theme, if any, within their subdivision.

**D. Design Compatibility and Orientation**

1. The proposed construction must be compatible with the design characteristics of the property itself, and any prevailing architectural theme within the subdivision. Compatibility is defined as harmony in style, **scale**, materials, color and construction details as determined by the ACC in the ACC's sole discretion.
2. Building coverage on each parcel shall not exceed 40% (forty percent) of the total area of each parcel.
3. The location and orientation of all buildings and structures must be approved in writing by the ACC prior to commencement of construction.

**E. Exterior Colors and Textures**

1. The exterior colors of all buildings and structures must comply with the following guidelines:
  - a. Colors and textures must be compatible with the immediate neighborhood and cluster of homes and not draw undue attention to the property.
  - b. Principal colors must be subdued earth tones, generally muted browns, beiges, tans, and off whites.
  - c. **Bright whites will not be approved. (i.e., any color with an LRV greater than 74 will not be reviewed.)**
  - d. Paint colors must be from a manufacturer's color chart. **Custom colors are not permitted.**
2. Principal and trim colors must be painted using a flat finish. Semi-flat or satin is permitted for front doors, garage doors and wrought iron.
3. Principal and trim colors must be appropriate to the architecture style (e.g., light tan for Spanish Colonial).
4. Trim colors must be subordinate to principal color in quantity.
5. Trim colors should be used judiciously and with restraint.
6. Trim colors may:
  - a. Reinforce building massing
  - b. Draw attention to important building elements (entry)
  - c. Be consistent throughout building
7. Generally, more than two trim colors should not be used.
8. Garage doors should be painted to match the base or trim color of the house.
9. When a building has two or more units, all units shall match in color and texture.
10. All sides of a building shall be the same color and texture, unless otherwise approved by the ACC.
11. Paint touch-ups, spot painting or partial paint jobs are generally not allowed.

## F. Landscape

### *Landscape Requirements*

1. Landscaping is required for front yards and street side yards visible from neighboring properties, streets and common areas, including rear yard landscaping if the Lot has open view fencing or backs to a lake.
2. Minimum Guidelines (walkways, driveways, or patio areas shall not be included in this calculation):
  - a. Front yard square footage (corner Lots to include side yard square footage) to **1,500 square feet**:
    - Two – 15-gallon trees
    - Five – 5-gallon shrubs Three – 1-gallon shrubs
    - A minimum of 40% of the front and side yards shall be covered with live plant material or turf at maturity.
  - b. Front yard square footage (corner Lots to include side yard square footage) **1,500 – 2,500 square feet**:
    - Two – 15-gallon trees
    - One – 24-inch box tree
    - Eight – 5-gallon shrubs
    - Eight – 1-gallon shrubs
    - A minimum of 40% of the front and side yards shall be covered with live plant material or turf at maturity.
  - c. Front yards in excess of **2,500 square feet**:
    - All plant materials are determined on an individual basis and generally proportioned to the above as approved by the ACC. A minimum of 40% of the front and side yards will be covered with live plant material or turf at maturity.
3. A minimum of 40% of the front and side yards shall be covered with live plant material or turf at maturity, unless otherwise approved.
4. The turf should be Bermuda grass.
5. Trees, shrubs and plant material must be utilized in all front yards to soften the look of granite as well as the visual aspects of homes.
6. Trees, shrubs and plant material that enhances the aesthetic appeal of walls, planters, walks, *etc.*, shall also be included in the landscape theme of the front and side yards.
7. Hedges should be restricted to the side or rear of yards and are discouraged from being placed forward from the front wall of the residence. No hedge above 4 feet shall be maintained within 10 feet of the front property line. Hedges six feet (6') in height above natural grade are prohibited when not located next to a fence or wall.
8. Excessive planting of cactus or other desert plants will not be approved.
9. Artificially colored rock or colored crushed rock is prohibited.
10. Lava rock and/or cinder rock and wood chips are prohibited.
11. If decomposed granite or other landscape rock is used it must be of an "earth tone" color and not painted white, green, blue or any other bright colors. Predominately gray, peach and pink colored granite will not be approved. **Recommended granite colors include:**
  - a. Apache Brown
  - b. Baja Brown
  - c. Desert Brown
  - d. Express Brown
  - e. Express Carmel
  - f. Express Gold
  - g. Madison Gold
  - h. Palomino Gold
  - i. Saddleback Brown
  - j. Table Mesa Brown
12. Decomposed granite should be  $\frac{1}{2}$ " ,  $\frac{3}{4}$ " , or 1" screened in size and spread a minimum of two inches (2") thick.
13. No more than two (2) different colors of rock are allowed in the front yard.

14. Planting under liner is prohibited.
15. River rock is discouraged. If proposed, river rock shall be one (1) to six (6) inches in diameter and be used in accent locations only.
16. Rip rap shall be 3”– 6” in size and be used in accent locations only. All landscape boulders must be surface select in color and shall be buried 1/3 in the ground. Mounding and other proposed grade changes will be scrutinized to assure mounding appears natural. Mounds should be a maximum 24” in height and have natural looking shapes. Berms must not divert drainage in any way.
17. All irrigation systems are to be below ground, fully automated and in compliance with all applicable building codes for state and county agencies.
18. All irrigation systems shall be designed and adjusted so as to minimize spray.
19. All landscape designs and improvements for front yards and street side yards visible from neighboring properties, streets and common areas, including rear yard landscaping if the Lot has open view fencing, must be submitted and approved in writing by the ACC before installation. This includes, but is not limited to, the installation of trees, shrubs, ground cover (including turf) and hardscape materials (benches, lawn art, etc.).

## G. Xeriscaping

Xeriscaping means using native and adaptive plants that can grow and sustain themselves in dry natural conditions such as those in Arizona. Xeriscapes should need little to no water other than what is naturally occurring and tolerate heat and drought conditions. The ACC seeks to not unreasonably restrict Property Owners who desire a landscape that saves water. The following xeriscape standards set guidelines for Property Owners who decide to xeriscape in the Association.

1. **Decorative Objects:** All landscape boulders visible from front yards and street side yards visible from neighboring properties, streets and common areas, including rear yard landscaping if the Lot has open view fencing, should be surface select in color and shall be buried 1/3 in the ground.
2. **Ground Cover:** Yard areas can contain decomposed granite, ground hardwood mulch, crushed limestone, flagstone, or loose stone material for a ground cover that is maintained to prevent weed growth without using toxic or environmentally harmful chemicals. Large areas may not be composed of a single material, *i.e.*, bare rock is not allowed unless interspersed with plants. Concrete surfaces should be limited to driveways and sidewalks only. Additionally, loose rock placed in the sidewalk strip area (between sidewalk and curb) and if used in the front lawn must not wash out onto the public sidewalk or street. This may be prevented by ensuring the rock level is lower than the curb.
3. **Irrigation:** Xeriscape areas may not have an active built-in irrigation system(s) as these defeat the purpose and water conservation is likely not achieved.
4. **Maintenance:** Sickly and dying plants must be removed and replaced. No plants may encroach on public sidewalks.
5. **Plant Bed Borders:** Planted areas must be bordered to define beds. The areas that are not in delineated planted beds may be a drought tolerant ground cover such as some ivy varieties, a drought tolerant turf grass, or maybe flagstone or crushed stone courtyard. There must be borders in the yard that create visually appealing spatial relationships.
6. **Safety:** For public safety, no plant with thorns, spines, or sharp edges can be used within 6’ of the public sidewalk.
7. **Sidewalk Strip:** Residents should consider converting sidewalk strip areas from turf grasses to xerophytic materials and plants. This area may be composed of 100% rock or mulch to be consistent with materials in the yard.



PART 2  
ASSOCIATION RULES

**Animals**

1. No animals, reptiles, fish or birds, fowl, poultry of any kind shall be raised, bred or kept on any property except pursuant to prior written approval of and in accordance with rules and regulations promulgated by the Association, provided, however, that dogs, cats, birds (not fowl or poultry), small reptiles or fish may be kept thereon as household pets so long as, in the discretion of the Association, such pet is not, or does not become, a nuisance, threat or otherwise objectionable to other Property Owners.
2. City of Scottsdale Ordinances prohibit dogs running at large and require that Property Owners ensure that pet waste and other litter be picked up immediately. In addition, no person shall keep a dog within the City limits which is in the habit of barking or howling or disturbing the peace and quiet of any person within the City. Complaints regarding these issues should be directed to the City of Scottsdale.

**Artifacts/Statuary/Yard Ornaments**

Wagons, wagon wheels, barrels, wishing wells, sculptures, *etc.*, are not permitted in the front yard of any home. For the purpose of this rule, yards facing a lake or golf course are considered front yards.

**Basketball Backboard Criteria**

1. White, off-white or clear commercial basketball backboards may be placed over the garage of a home and must be kept in an attractive and safe operating condition. Unsightly or unsafe basketball backboards must be repaired or removed.
2. Permanent free-standing basketball backboards are not allowed in the front yards.
3. Portable or movable free-standing basketball backboards may be located in front yards and driveways while in use, as long as they do not cause a traffic or safety hazard due to their location and use.
4. Portable or movable free-standing basketball backboards may not be located where they would block traffic or visibility on either the streets or the sidewalks.
5. Free-standing basketball backboards are allowed in back yards, *i.e.*, behind the rear building line.

**Boating**

Boating is permitted only on Camelback Lake and Lake Margherite for Property Owners who do not possess easement rights to a shoreline. These lakes have concrete ramps which must be used to launch and recover boats. Ramp locations are given when boating permits are issued. Boating is permitted on other lakes if a Property Owner has an easement for a boat dock for such lake. Boating permits are available at the Association office.

1. Tenants must provide a copy of their lease agreement to the Association office, and the permit issued expires upon termination of lease.
2. Permits must be in the Property Owner or tenant's possession when using the lakes.
3. The Association's Liability Insurance Carrier requires that evidence of liability insurance on boat ownership be presented to the Association before a permit is issued. Guests must be accompanied by an authorized permit holder at all times while boating.
4. Boating permits will not be issued for:
  - a. Stand up Boards, jet skis or the like.
  - b. Sailboats over 14 feet long.
  - c. Fishing boats over 14 feet long.
  - d. Canoes over 17 feet long.
  - e. Pontoon boats over 19 feet long.
  - f. Inflatable boats of any size.
  - g. Boats powered by anything but an electric motor, oars, paddle or sails.
5. Boating hours are from sunrise to sunset.
6. Fishing is permitted for people with fishing permits while boating on lakes that permit fishing (See, Fishing Rules).
7. Under no circumstances are watercraft of any type to be moored on any lakes overnight except those tied to authorized boat docks.
8. Vehicles and trailers must be parked in designated areas. The Association assumes no liability for damage to boats, cars, trailers, or for personal injury to permit holders while exercising their rights as permit holders.

9. Boaters must follow all applicable “Arizona Boating Laws and Regulations.”
10. All authorized watercrafts must have a current Association boating permit obtained from and on file with the Association office. Boating permits are not transferable from boat to boat or from person to person.
11. The Association has the right to close access to all lakes when, in its sole discretion, the lakes are deemed unfit for boating activities.
12. The Association has the right to confiscate and remove any and all boats left sitting on its common areas.

### **Boat Docks**

1. Property Owners with easements for boat docks may place a standard boat dock on designated McCormick Ranch lakes. All such requests for docks shall be submitted to and approved by the Board, Executive Director or ACC.
2. Property Owners with easements for boat docks are entitled to tie one (1) permitted boat to the dock. Such boats must meet established authorized watercraft criteria and Property Owners must apply for an Association boating permit and provide insurance on an annual basis.
3. Property Owners without easements for boat docks will not be allowed to place a boat dock on any McCormick Ranch lake or common property.
4. Under no circumstances are watercraft of any type to be moored on any lakes overnight except those tied to authorized boat docks.
5. Property Owners who are entitled to have boat docks are responsible for their maintenance.
6. Docks not in compliance either due to disrepair or non-conformance may be repaired or removed by the Association. The cost of such repair or removal shall be added to and become part of the assessment to which the Property Owner’s Lot is subject and shall be secured by the Assessment Lien.

### **Borders and Headers**

Borders and headers are continuous materials that separate turf (real or artificial) from other planters and inert areas.

1. Borders and headers shall be of concrete or masonry material, may not exceed 12 inches in width and shall be flush where they abut other paved areas.
2. The use of steel borders will be reviewed on a case-by-case basis giving consideration to the unique aspects of the landscape.
3. Rock, railroad ties, plastic, aluminum and redwood header boards are prohibited.

### **Burning and Incinerators**

1. No open fires or burning shall be permitted on any Lot at any time and no incinerators or like equipment shall be placed, allowed or maintained on any Lot.
2. The foregoing shall not be deemed to preclude the use, in customary fashion, of outdoor residential barbecues or grills or enclosed fireplaces and fire tables.
3. Any such device must be behind the wall separating the front yard from the rear yard with a setback of five feet (5’) from any perimeter wall or a setback determined by the ACC as otherwise appropriate in its sole discretion.

### **Carports**

1. The interiors of all carports shall be maintained in a neat, clean and attractive condition.
2. No carport shall be used for storage, and no power equipment, hobby shops or carpenter shops shall be maintained in any carport, nor shall any automobile overhaul, repair or maintenance work be conducted therein.

### **Change in Intended Use**

No portion of any property may be developed or developed otherwise than in accordance with its original intended use, without the prior written authorization and approval of the Association.

### **Clotheslines**

No clotheslines shall be placed, allowed or maintained upon any Lot within view of neighboring properties, the common area or the public street.

### **Commercial Vehicle Criteria**

Commercial vehicles are any vehicle or trailer:

1. that exhibit a design or lettering that advertises a commercial or other enterprise as determined by the Association in its sole discretion;

2. that has a commercial utility rack located on the vehicle, or work equipment stored on the vehicle that is visible from outside of the vehicle;
3. classed by manufacturer's rating exceeding ¾-ton; or
4. used as a commercial taxi, van or limousine.

**All commercial vehicles must be parked in a garage.**

Notwithstanding the foregoing, public safety, public utility, and telecommunications vehicles authorized by Arizona State law to be parked on the street, on the driveway or otherwise visible to neighboring properties shall not be subject to these restrictions.

**Container Criteria**

1. The City of Scottsdale states that containers should be placed curbside, with the handle facing away from the street, on the day of collection and be removed from the street that day.
2. Containers must be placed away from mailboxes, fences, light poles, vehicles or any obstacles that would prevent the collection vehicle from easily servicing or reaching it.
3. the Association also requires that all containers be stored in an inconspicuous location on non-collection days. For purposes of this rule, "stored in an inconspicuous location" means that the containers are stored so that they are not visible from neighboring properties, the street or the common area. Some limited visibility may be allowed if the containers are screened by a wing wall or other similar structure constructed by the original builder for the purpose of screening the containers from view. Otherwise, any structure constructed for screening containers must ensure that the containers are stored in an inconspicuous location, as defined above, and must be approved in writing by the Association before construction.

**Debris and Brush Collection**

The City of Scottsdale's Sanitation Division picks up brush debris and large throwaway bulk items on McCormick Ranch monthly. Collection schedules are available on the City's website or by contacting the City of Scottsdale Sanitation Department at (480) 312-5600.

1. Items must be placed just inside your property line.
2. Tree limbs must be less than six feet (6') long.
3. Cuttings must be piled in the same direction.
4. Loose or small items must be bagged or boxed.
5. Non-collectibles or construction waste including rocks, brick and scrap materials and remodeling materials, will not be picked up.
6. The Association restricts indiscriminate stockpiling of such debris. Items to be picked up should be placed in the above-described locations no more than two (2) days prior to the scheduled collection week.

**Discharge of Water**

1. Water discharged when pool filters are backwashed must be contained on the subject's Lot or parcel.
2. Water shall not be discharged at the front of the house, on City or private roadways, on to other private property, on to Association common areas or onto any private or public right-of-way, including any lake.

In the event that the need for maintenance or repair of Association property is caused by discharging pool water on to Association common areas or lakes by any Property Owner, their family, guests or invitees, the cost of such maintenance or repairs shall be added to and become part of the assessment to which such Property Owner's Lot is subject and shall be secured by the Assessment Lien.

**Driveway Extensions**

1. All proposed driveway extensions must be submitted to the ACC and approval must be received prior to commencement of work.
2. Driveways shall not exceed the width of the garage from the constructed dwelling unit.
3. Driveway materials, color samples and setbacks to street and neighboring property must be submitted to the ACC and approved in writing prior to commencement of work.
4. Any new proposed driveway extension must be a conveyance to a gate or garage.
5. Concrete driveway extensions must match existing concrete seamlessly in color and texture.
6. The total aggregate parking and/or driveway shall be the lesser of 35% of the front yard area or 30 linear feet of the Lot frontage.

### **Driveways and Sidewalks**

1. All proposed driveway changes, including repairs and replacements, must be submitted to the ACC and written approval must be received prior to commencement of work.
2. Permitted driveway and sidewalk materials are limited to poured concrete and pavers. No asphalt, stone, rock or other material is permitted.
3. Painting driveways is not permitted.
4. Driveways or sidewalks that have shifted or lifted must be repaired seamless in color and texture or replaced due to safety concerns as well as aesthetics.

### **Fishing**

There are five McCormick Ranch lakes that are designated for fishing.

1. Fishing is permitted for people with a current fishing license on Camelback Lake, Lake Margherite, Santa Fe Lake, Lake Nino and Lake Angela.
2. All fishing on McCormick Ranch lakes is “catch and release” and only artificial lures are permitted. Live bait is not permitted.
3. Fishing permits are only available to current Property Owners and/or their tenants through the Association office and are non-transferrable. Tenants must furnish a copy of their lease agreement to the Association office and the permit issued expires upon termination of the lease.
4. Permits must be in the possession of the person fishing at all times while fishing on the lakes.
5. Guests must be accompanied by an authorized permit holder while fishing.
6. Fishing hours are from sunrise to sunset.

### **Flagpoles**

1. Flagpoles are not to exceed the height of the home on a residential Lot and the height of the principle building on a commercial Lot.
2. Placement and color must be approved in writing by the ACC.

### **Holiday Lights and Decorations**

1. Holiday lighting and decorations that directly correspond to a specific and generally recognized holiday may be displayed for a period of 7 days preceding the specific calendar holiday and must be removed within 3 days following the holiday.
2. The only exception is for holiday lighting and decorations for holidays that generally fall in the month of December. As to such holidays, lighting and decorations may be put up as early as the immediately preceding Thanksgiving Holiday and must be removed no later than January 7<sup>th</sup> of the immediately following January.

### **House Numbers**

1. All proposed house numbers must be approved in writing by the ACC.
2. House numbers shall be no taller than 6 inches in height (Arabic numbers only) and shall be posted on a contrasting background and displayed in a conspicuous place that is unobstructed and clearly readable from the street.
3. House numbers must correspond to the street address of the property.

### **Garage Doors**

Applications for garage doors must comply with the application procedures set forth in these Rules and Regulations. Unless otherwise approved in writing by the ACC, garage doors shall be painted the body or trim color as approved on the Paint Application.

### **Guest Houses and Accessory Buildings**

Applications for Guest houses and Accessory Buildings must comply with the application procedures set forth in these Rules and Regulations. When considering whether to approve Guest Houses and Accessory Buildings, the ACC will consider the size of the proposed structure; the amount of open space preserved between structures; the structure’s proximity to neighboring properties, the street and/or the common area; its design features; and whether the proposed structure will be consistent with and in harmony with other Guest Houses or Accessory Buildings in the immediately surrounding area.

## **HVAC/Evaporative Cooler Unit Enclosure Criteria**

### ***Roof Mounted Units***

1. All mechanical items and exposed venting shall be enclosed so as to not be visible from ground level viewing from the street, common areas or neighboring properties.
  - a. The enclosure shall be blended into the architecture of the building and rest on the roof surface.
  - b. The enclosure shall be constructed and positioned on the roof in such a manner, so it is level and plumb with horizontal and vertical building components.
  - c. The enclosure shall be painted or stuccoed to match the color of the building or roof, whichever presents a more integrated architectural appearance.
  - d. The enclosure should be constructed of exterior plywood or other comparable solid material at least 1/2 inch thick.
  - e. Horizontal louvers or vertical slats may be approved in lieu of a solid plywood structure.
  - f. Maximum height to be four inches (4") over the height of the HVAC unit.
2. The enclosure must be built to withstand local weather conditions.
3. Property Owners must submit all mechanical enclosure designs to the ACC for review and written approval before installation.

### ***Ground Mounted Units***

1. Ground mounted units shall be screened so as to not be visible from ground level viewing from the street, common areas or neighboring properties.
2. In addition to written approval for the actual unit, the placement of all ground mounted HVAC and/or cooling units must be approved in writing by the Association.

### ***Side Mounted Units***

1. Side mounted units shall be screened so as to not be visible from ground level viewing from the street, common areas or neighboring properties.
2. In addition to written approval for the actual unit, the placement of all side mounted HVAC and/or cooling units must be approved in writing by the Association.

### ***Window Units are not allowed.***

## **Lakefront Properties**

In accordance with McCormick Ranch documents, there will be a blanket easement in favor of the Association upon, across, over and under all lakefront Lots from the rear Lot line toward the front of each Lot to the upper flood easement line. No improvements of any kind or nature may be made by any Property Owner or person on or in the area covered by said blanket easement without the prior written approval of the ACC. The line established inward is generally located twenty (20) feet from the shoreline but may differ depending on the lake.

1. Appropriate rear, front and side yard setbacks will be determined by the ACC in its sole discretion, which may consider City of Scottsdale development standards. Any variance to a required setback must be approved in writing by both the ACC and the City of Scottsdale.
2. Detached structures within the waterfront area, such as gazebos, trellis-covered patios, *etc.*, may be approved by the ACC, provided the ACC determines in its sole discretion that there is no material adverse effect on the overall aesthetics or the visibility to the lake from neighboring properties. No structure or improvement of any kind may include braces, footings, supports or other devices which will protrude over the shorelines or obstruct the flow of the lake. Exceptions are docks or wrought iron fences which may be cantilevered over the shoreline as otherwise indicated in these rules. Approval in writing by the ACC is required for any construction within the waterfront area.
3. Each Property Owner of any lakefront Lot must, at such Property Owner's cost and expense, keep and maintain all waterfront facilities and other improvements that are approved in writing by the ACC in good, safe and clean appearance, condition and repair. The Property Owner's responsibility for required maintenance includes periodic repair, painting and refurbishing. In addition, the Property Owner shall be responsible for determining when a waterfront facility or improvement is no longer safe and shall be solely liable for the same.
4. Any changes to the natural slope and drainage pattern of the Lot must be accomplished in a manner that will not adversely affect adjoining property and must be approved in writing by the ACC. Excavating for the construction of homes, pools, retaining wall footings, landscaping, *etc.*, will be accomplished in a manner that will ensure that dirt does not spill into or otherwise enter the lake. If dirt is spilled into the lake during the construction process to a degree that the Association determines removal is required, the Association will remove the dirt in a manner it

determines to be safe and practical. The Property Owner of the Lot must reimburse the Association for the cost of the removal. The Property Owner is also responsible for any damage occurring to the lake wall or bottom during the construction or landscaping process and will reimburse the Association for the cost of any repairs. Such costs shall be added to and become part of the assessment to which such Property Owner's Lot is subject and shall be secured by the Assessment Lien.

5. No fence support, footing, or other construction is permitted on the waterside of the shoreline, nor may any such support, footing, or other construction be attached in any way to the concrete lake lining. Retaining walls for landscape design, swimming pools, *etc.*, may be utilized according to the following criteria:
  - a. All retaining walls shall require footings adequate to support designed loads without generating side pressure to the concrete lining of the lake wall and shall not be constructed closer than one (1) foot to the lake as approved in writing by the ACC.
  - b. The ACC may require certified engineering calculations to this effect.
  - c. Retaining walls shall be of **split face cmu** in 4", 8", 12".
  - d. Regardless of height or material to be used, retaining walls shall not be constructed prior to written approval of the ACC.
6. Rear yards and portions of side yards visible from the waterfront side of the Lots will be landscaped utilizing plant material consisting predominantly of ground cover, grass, shrubs, trees, or other plantings suitable to the Southwest desert environment. Natural rock, *etc.*, or other materials may be used to enhance the landscape design.
7. Landscape design and waterfront structures must be planned in a manner that will have no material adverse effect on the view to the lake from the street, common areas or neighboring properties, as determined by the ACC in its sole discretion.
8. Use of the lake to provide water for landscape, fountains, streams, *etc.*, on private Lots is not permitted.
9. The approved landscape treatment for the rear yards and portions of side yards visible from the waterfront and lakeshore areas must be installed within six (6) months of occupancy.
10. All watercrafts must be moored to or stored on the dock. The beaching of watercraft is not approved. Floating docks will not be approved. The ACC has an approved standard boat dock design, which shall be used by any Property Owner who desires the installation of a dock on a lakefront Lot approved to have docks. Plans and specifications for the dock are available from the Association office. Prior to construction of any structure, the Property Owner must obtain written approval from the ACC, based on a site plan supplied by the Property Owner.
11. All newly constructed docks must be stained a natural wood stain color.

### **Lake Use Regulations**

1. Property Owners with easements for boat docks may request approval to place a standard boat dock on designated McCormick Ranch lakes. All such requests for docks must be submitted to and approved in writing by the ACC.
2. Property Owners with boat docks are entitled to tie one (1) permitted boat to the dock. Such boats must meet established authorized watercraft criteria and Property Owners must apply for an Association boating permit on an annual basis.
3. Property Owners without easements for boat docks will not be allowed to place a boat dock on any McCormick Ranch lake or common property.
4. Under no circumstances are watercraft of any type to be moored on any lakes overnight except those tied to authorized boat docks.
5. Property Owners who have boat docks are solely responsible for their safety and maintenance.
6. The Association may repair or remove docks not in compliance, either due to disrepair or non-conformance of these Rules and Regulations or other governing documents of the Association. The cost of such repair or removal shall be added to and become part of the assessment to which such Property Owner's Lot is subject and shall be secured by the Assessment Lien.

### **Landscape Maintenance**

1. No Property Owner shall permit any condition to exist on their Lot that induces or harbors infection, plant diseases or insects.
2. No tree, shrub, or plant of any kind on any Lot shall be allowed to overhang or otherwise encroach upon any sidewalk or pedestrian way from ground level to a height of seven (7) feet without the prior written approval or authorization from the Association.
3. All yards are to be maintained in a neatly trimmed, weed-free condition.

4. “Neatly trimmed” shall be defined as: The removal of overgrown, dead or diseased foliage and branches, suckers, seed pods, *etc.*, in a manner that allows for the natural growth, health and shape of the plant.
5. Severe pruning of trees, disfiguring their natural shape, is not allowed.
6. All dead/dying and damaged trees and plant material must be promptly removed and replaced according to minimum landscape guidelines.
7. Any damage caused by a neighboring property’s plant or tree shall be considered a neighbor-to-neighbor issue and is to be addressed solely by the affected Property Owners.
8. The Association is the sole judge as to the appropriate maintenance of all Association common areas. For information regarding Association trees, please refer to the Association Tree Policy.

### **Lighting**

1. No outside lighting, other than soft, indirect lighting and motion-activated lights, shall be placed, allowed or maintained on Lot without prior written approval and authorization of the Association.
2. Exterior lighting must be soft and indirect in white or yellow bulbs. Other colored bulbs will only be permitted to be used for holiday decorations and are subject to the rules for *Holiday Lights and Decorations*. Outdoor spotlights attached to buildings or other structures must be focused downward and shielded, if necessary. The light element must not adversely affect neighboring properties, as determined by the Association in its sole discretion.
3. Landscape and accent lighting must be low voltage and shall not become a nuisance to neighbors, as determined by the Association in its sole discretion.
4. Tennis court, sports court, and other similar lighting must be approved in writing by the ACC. Approval is subject to light type, orientation, site plan, use, brightness and other factors, which the ACC considers to be in the best interest of the Property Owners of McCormick Ranch.
5. String or rope lighting that is visible from the street, common areas or neighboring properties is considered to be holiday lighting, unless it has been submitted and approved in writing by the Association. For Holiday lighting, please see *Holiday Lights and Decorations*.

### **Machinery, Fixtures and Equipment**

No machinery, fixtures or equipment of any type, including without limitation heating, air conditioning or refrigeration equipment and clotheslines, shall be placed, allowed or maintained upon the ground on any Lot, except with prior written approval and authorization of the Association in areas attractively screened or concealed (subject to all required approvals as to architectural control) from view of neighboring property, dwelling units, pathways and streets; and no such machinery, fixtures, or equipment shall be placed, allowed or maintained anywhere other than on the ground (such as the roof) except if screened or concealed (subject to all required approvals as to architectural control) in such manner that the screening or concealment thereof appears to be part of integrated architectural design of the building and does not have the appearance of a separate piece or pieces of machinery, fixtures or equipment.

### **Misuse and Mismaintenance**

No Lot shall be maintained or utilized in such manner as to present an unsightly appearance, or as to unreasonably offend the morale of or as to constitute a nuisance or unreasonable annoyance to, or as to endanger the health of, other owners or residents within McCormick Ranch. The Association shall determine in its sole discretion what constitutes a misuse or mismaintenance of a Lot.

### **Noxious or Offensive Behavior**

No noxious or offensive activities may be carried out or permitted on any Lot or in any common areas, nor shall anything be done that may become an annoyance or nuisance to the neighborhood and/or community. This pertains to the deportment and behavior of any Property Owners, renters, guests or pets. Fines or other appropriate action may be taken against the Property Owner if such activities persist. The Association shall determine in its sole discretion what constitutes noxious or offensive behavior or activities.

### **Over-seeding**

The over-seeding of warm season turf (such as Bermuda grass) with rye grass is not required. However, all yards, including during any dormant period, are to be maintained in a neat, weed-free and attractive condition.

### **Paint Color and Texture Criteria**

All buildings and structures are to be kept in good condition and adequately painted as determined by the Association at all times, e.g., streaking, blotching, peeling, chipping, flaking, blistering, alligating, chalking, cracking, dirt pick-up, efflorescence, fading or mud cracking. Spot painting is not allowed.

1. See *Paint Colors and Textures* above for Application Information.
2. See *Exterior Colors and Textures* above for guidelines utilized by the Association to determine color approval.

### **Palm Trees**

Palm trees must be trimmed of dead palm branches and seed pods at least on an annual basis.

### **Parking**

1. It is the intent of the Association to restrict on-street parking as much as possible.
2. On-street parking is restricted to deliveries, service providers, short-time guests and invitees.
3. Overnight on-street parking is prohibited for residents and commercial vehicles.
4. All parking is to be on approved paved areas of the property. Grass or decomposed granite areas adjacent to driveways are NOT considered paved areas.
5. No vehicle that is parked on a driveway on any property or on a street in McCormick Ranch may use a vehicle cover, regardless of whether such cover is intended for temporary use or otherwise and regardless of the cover's color or whether it is custom made for the vehicle.
6. No construction equipment, including flat-bed trailers, *etc.*, may be kept or maintained upon any property, whether it is located on the property or on a vehicle parked on the property. When parked in rear or side yards, such equipment may not exceed the height of the fence, and may not be visible from the street, common areas or neighboring properties.
7. No vehicle shall be occupied for permanent living purposes while stored at a residence.
8. Notwithstanding the foregoing, public safety, public utility, and telecommunications vehicles allowed by Arizona Statelaw to park in streets and driveways shall not be subject to these restrictions.

### **Permanent/Portable Playground and Recreational Equipment Criteria**

1. Playground and recreational equipment (bicycles, nets, swings, batting cages, *etc.*) not stored within a structure must be placed in the back yard. For the purpose of this rule, yards facing a lake or golf course are considered front yards.
2. Portable recreational and playground equipment, including portable or moveable free-standing basketball backboards, may be placed in front of the residence while in use, as long as they do not cause a traffic or safety hazard due to their location and use. They may not be located where they would block traffic or visibility on either the streets or the sidewalks. Portable items must be stored out of sight from the street, common areas or neighboring properties.
3. Permanently installed playhouses must be submitted and approved by the ACC. Maximum height not to exceed ten (10) feet. Playground equipment, including playhouses, exceeding the height of a given solid property perimeter wall may not be placed within ten (10) feet of such wall.
4. Any canvas or other awning material shall match the dominant or trim color of the house. Equipment visible from a neighboring property shall be painted to match the dominant or trim color of the house or have a natural wood finish.
5. Tree houses are prohibited.
6. For purposes of this rule, "back yard" shall mean "behind the rear building line."

### **Perimeter Wall or Fence Additions and Maintenance**

1. Maintenance of all walls and fences, interior and exterior, is the responsibility of the Property Owner.
2. All exterior changes to walls and fences must be approved in writing by the ACC. City permits are required for any wall over 3' in height and such permits must be submitted to receive final approval from the Association.
3. Additions to existing walls or fences shall be consistent in height with adjoining neighbors' walls and/or fences, when appropriate. Changes to party walls or fences shall receive the consent of any adjoining Property Owner. (Common Wall Modifications forms for providing consent are available for download on the MRPOA website.)
4. Side wall additions cannot be higher than rear wall height regardless of a neighboring Property Owner's consent.
5. Front yard courtyard or pony walls shall not exceed three (3) feet in height.
6. The standard height of party walls shall be measured from the higher of the two grade levels on each side of the wall and shall be six feet, plus or minus two inches.
7. All walls or fences shall be of brick, adobe, slump block or concrete block, with mortar wash or stucco, and shall match the building's architecture, color, stucco texture and pattern when the fence is directly connected to the building.
8. When changing the stucco texture on your residence, all walls or fences with the old texture shall match the new stucco pattern texture of the residence; unless otherwise directed or approved by the ACC.



9. The finished texture after maintenance or on any addition to existing walls or fences shall seamlessly match or blend in with the existing texture on the existing wall. If a seamless match or blend cannot be achieved, the entire wall must be re-stuccoed to create a uniform texture.
10. While Property Owners are required to apply primer, the Association may paint the exterior surface (that portion facing away from the Lot) of brick, adobe, slump block or concrete block perimeter walls adjacent to Association owned or maintained common areas. The color and finish used is at the sole discretion of the Association. (The Association does not own or maintain (beyond paint) perimeter walls.) Modified by Board action 10/27/21

### **Plant Diseases and Insects**

No Property Owner shall permit anything or condition to exist upon any Lot which shall induce, breed or harbor plant disease or noxious insects.

### **Porta Potty/Outhouse**

The Property Owner must contact the Association Compliance Department for written approval of a Porta Potty/Outhouse prior to locating on property.

1. A Property Owner may have only one porta potty/outhouse located in the front of the property for the purpose of supporting approved construction.
2. The maximum size is to be single-standard occupancy.
3. The porta potty/outhouse must be cleaned at a minimum of one time per week.

### **Ramadas and Gazebos**

1. Applications for ramadas, gazebos and similar structures must comply with the application procedures set forth in the Rules and Regulations. When considering whether to approve ramadas, gazebos and similar structures, the ACC will consider the size of the proposed structure; the amount of open space preserved between structures; the structure's proximity to neighboring properties, the street and/or the common area; its design features; and whether the proposed structure will be consistent with and in harmony with other ramadas, gazebos and similar structures in the immediate area.
2. The maximum height and proposed setbacks for ramadas, gazebos and similar structures shall be determined by the ACC in its sole discretion and with respect to the considerations set forth above.
3. The placement of any proposed ramada, gazebo or similar structure shall preserve open space between structures.
4. Ramadas, gazebos and similar structures must be placed in rear yards only.
5. Construction plans must be approved in writing by the ACC before any construction begins.

### **Repairs**

No repairs of any detached machinery, equipment or fixtures, including without limitation motor vehicles, shall be made upon any portion of any Lot within view of neighboring properties, the common area or the streets.

### **Re-subdivision**

No Lot shall be further sub-divided and no portion less than all of any such Lot, or any easement or any other interest therein, shall be conveyed by any Property Owner without the prior written approval of the Association.

### **Roofs**

1. All roof types, designs, colors and materials must be approved in writing by the ACC before commencement of removal, construction or alteration.
2. The roof on a building shall be uniform in color, texture, shape and material.
3. The color, texture, shape and material of a roof should be compatible with the immediate neighborhood and cluster of homes and not draw undue attention to the property.
4. The color of the roof should complement the building's style and exterior *color* scheme.
5. The use of asbestos or wood shingles is not permitted.
6. Roofs made of corrugated plastic and sheet metal are not permitted.
7. The painting of roof tiles is not permitted.
8. Scuppers, gutters and downspouts must be integral to the building design and require the written approval of the ACC.
9. Scuppers, gutters and downspouts must blend with and match the color of the house.

## **Satellite Television Antenna Dishes**

1. Satellite dishes exceeding one meter in diameter are allowed subject to the following stipulations:
  - a. Prior to installation, a site plan must be presented to and approved in writing by the ACC reflecting the proposed placement of the dish, and the manner in which all portions of the dish are to be screened from the street, common areas and neighboring properties.
  - b. Ground mounted only with all the wiring to be underground.
  - c. Placed in the rear yard only.
  - d. One dish per residence.
  - e. All wiring extending from the dish must be visually integrated with and painted the color of the building.
2. Direct Broadcast Satellite (“DBS”) antennas, Multi-point Distribution Service (“MDS”) antennas, Television Broadcast Signal (“TVBS”) antennas, antennas designed to receive and/or transmit data services, including Internet access, and masts less than 12 feet above the roof line, or devices that meet the 1996 FCC Rules and revisions thereof, which preempt deed restrictions, are hereby allowed. Such devices should be as unobtrusive as practicable.
3. Antennas, masts and any visible wiring must be painted to match the color of the structure to which they are installed, provided the painting does not interfere with acceptable quality signal and does not void the manufacturer’s warranty.
4. Antennas may not be placed on the common area or Association-maintained property.

## **Short-Term Rentals**

Renting property for fewer than 30 days is prohibited.

## **Sidewalk Encroachments**

1. No tree shall be allowed to overhang or otherwise encroach upon any sidewalk or any other pedestrian walkway from ground level to a height of seven feet (7’).
2. Shrubs and trees must not encroach on or over any sidewalk or pedestrian walkway.

## **Signs**

1. Unless otherwise explicitly provided below, no signs are allowed within McCormick Ranch unless expressly approved in writing in advance by the Association.
2. Signs that are placed in inappropriate areas, such as Association common areas, on street signs, trees, lamp posts mailboxes, *etc.*, without prior written Association approval may be removed by the Association.
3. All unauthorized signage located in Association common areas may be removed by Association employees. For first-time offenders - signs may be recovered at the Association office. For repeat offenders, the Association reserves the right to discard unauthorized signs at its convenience.

### ***Residential Property Signs:***

#### **A. Garage Sale Signs:**

1. Garage sale signs do not require prior approval from the Association so long as they are used in compliance with the following guidelines:
  - a. Number: Maximum of three (3) per individual sale, one (1) of which must be in the yard.
  - b. Size: No larger than four (4) square feet.
  - c. Signs are to be used only when the sale is taking place and for no longer than a maximum of two (2) consecutive days.
  - d. All such signs must be free-standing, *i.e.*, no stakes and not attached to trees, posts, fences, light poles, *etc.* All such signs must be of either sandwich or A-frame construction. No signs shall be placed so as to create a traffic or other hazards.
  - e. No sign enhancements, such as balloons, flashing lights, *etc.*, are permitted without prior written approval from the Association.

#### **B. Political Signs:**

1. Political signs do not require prior approval from the Association so long as they are used in compliance with the following guidelines and/or Arizona law:
  - a. Political signs are not restricted in number, but each Property Owner is limited to an aggregate total of sixteen (16) square feet of signage on their property, and they may not be more than ten (10) feet in height.
  - b. Political signs cannot be installed earlier than seventy-one (71) calendar days prior to an election and

- must be removed no later than three (3) calendar days after an election.
- c. Political signs cannot be placed within Association owned property.

### **C. Realty Signs:**

1. Realty signs do not require prior approval from the Association so long as they are used in compliance with the following guidelines:
  - a. Commercially produced “For Sale,” “For Lease/Rent,” and “Open House” signs and a sign rider in conformance with the industry standard size will be permitted on a Property Owners’ property.
  - b. Open houses will be permitted between the hours of 8:00 am and 6:00 pm.
  - c. Open house signs are not permitted to be placed on Association common areas.

### **D. Security Signs:**

1. Security signs must receive the prior written approval of the Association.
  - a. No more than two (2) signs will be permitted per home. Security signs may not be placed more than five feet (5’) from the house.
  - b. Colors used are subject to ACC approval.

### **Commercial Property Signs:**

1. Commercial signs are not allowed within McCormick Ranch unless approved in writing by the Association. Furthermore, any enhancements made to an existing sign, whether on a temporary or permanent basis, such as balloons, flashing lights, *etc.*, receive the prior written approval of the Association.
2. Generally, only commercial signage mounted on buildings will be permitted. Free-standing signs placed in close proximity to a commercial establishment generally will not be approved.

### **Solar Energy Devices**

Solar energy devices must be approved in writing by the ACC before construction/installation. Any solar energy device governed by A.R.S. 44-1761 shall be mounted, to the extent practicable, so as to not be visible from neighboring properties, the common area or the street.

### **Storage**

1. No exterior storage of any items of any kind that is visible from ground level viewing from the street, common areas or neighboring properties is permitted except with prior written approval and authorization of the Association.
2. Any such storage as is approved and authorized must be in areas attractively screened or concealed (subject to all required approvals as to architectural control) from view from the street, common areas or neighboring properties.
3. This provision shall apply, without limitation, to woodpiles, camping trailers, boat trailers, travel trailers, boats, mobile homes, and un-mounted pickup camper units.
4. Also, without limitation, no automobile, truck, or other vehicle, regardless of ownership, age, condition, or appearance, shall remain on any Lot in any manner that could be construed as being stored, neglected, abandoned, or otherwise not in frequent use, except pursuant to written approval and authorization of the Association.

### **Storage Sheds**

Storage shed placement, size, color, and any screening must be approved in writing by the ACC.

1. Storage sheds must be placed in rear yards only.
2. Storage sheds must not be seen when looking at the front of your property from the street.
3. The storage shed’s color and material shall be in harmony with the paint color, shingle color, and style of the main residence.
4. Generally, only one storage shed will be approved per Lot.
5. Storage sheds must be attractively screened or concealed from the view of neighboring properties, the common area or the street. If screened or concealed, the screening or concealment must appear to be part of the integrated architectural design of the residence, and any screening or concealment material must match the color of the residence.
6. Generally, the maximum height for a storage shed shall be ten feet (10’).
7. Generally, a minimum five-foot (5’) setback is required from all perimeter walls.
8. The ACC may vary from the above height and setback guidelines if it determines such guidelines are not in harmony with or consistent with similar structures in the surrounding area or do not preserve adequate open space between structures, as well as any other considerations the ACC deems appropriate in its sole discretion.

### **String Lights**

Any lighting selection must be approved in writing by the ACC. The ACC reserves all rights to approve, approve with stipulations, or disapprove the use of string lights in its sole discretion on a case-by-case basis considering the unique aspects of each property. The use of string lights must be considered reasonable as determined by the ACC. The ACC reserves the right to approve string lights subject to stipulations or to allow exceptions as the ACC deems appropriate.

Please use the following guidelines when submitting:

1. String lights should be located at the rear of the property. String lighting in the front of the property may be considered when submitted with a complete lighting plan.
2. String lights must be located within 15'0" of the main house.
3. String lights must be located a minimum of 5'-0" from any property line and a minimum of 5'-0" from any fence line.
4. String lights may not be mounted higher than 10'-0" above the adjacent finished grade or the bottom of the lowest single-story roof eave of the existing house, whichever is more restrictive.
5. String lights may be anchored directly to the home. The string lights must be connected at or below the lowest eave line of the home. A maximum of two (2) free-standing posts are allowed to support the string lights, if necessary. Any posts shall be installed and maintained vertically and level. Any posts shall be painted black or dark bronze.
6. Wrapping string lights around trees is not permitted.
7. No more than 50 total bulbs are allowed.
8. No more than 100 lineal feet total of string lights are allowed.
9. Each light bulb may not exceed 66 lumens (the equivalent of an 11-watt incandescent bulb).
10. Bulbs may be white or clear. Colored lights are considered holiday lights and are subject to the *Holiday Light and Decoration* restrictions.
11. String lights may not flicker, flash, blink, or animate.
12. "Rope lights" and "mini light strings," like those commonly used for holiday decorations, are not allowed as stringlights under this criterion.
13. The lumen, kelvin, shape, and size of each light bulb must be uniform.
14. String lights should not be on past 10:00 PM unless the outdoor space is actively being used at the time. String lights are not allowed to be used as security lighting.
15. Owners shall be required to maintain the String lights in an attractive manner. If the appearance of the string lighting becomes unsightly, the Owner shall immediately remove the string lights.
16. Zero lot line properties must have a signed consent form from immediately surrounding neighbors prior to submitting an application to the ACC for the proposed string lights.

### **Swimming**

Swimming in McCormick Ranch lakes is strictly prohibited at all times.

### **Temporary On-Site Storage**

Property Owners may temporarily store household items or construction materials using portable storage/moving containers (PODS) or any similar units designed for the temporary storage of such items as follows:

1. Containers must be registered with the Association prior to delivery to the property.
2. Temporary storage containers visible from the street, common areas or neighboring properties may be stored by a Property Owner for no more than two (2) weeks in any given [calendar] year on a Property Owner's property. If longer-term storage is needed, the Property Owner must contact the Association Compliance Department for approval of an extension prior to the expiration of the time limit.
3. The only allowable location for such containers is in the Property Owner's driveway.
4. Containers may not be placed in the street unless the Property Owner has the City of Scottsdale permission.
5. No more than two containers may be present at one time. (Trash dumpsters are considered containers.)
6. No wooden crates or soft-sided containers are allowed.

### **Trash Dumpsters**

1. Dumpsters must be registered with the Association prior to delivery to the property.
2. Trash dumpsters may be used on-site for no more than two (2) weeks. If longer-term storage is needed, the Property Owner must contact the Association Compliance Department for written approval of an extension prior to the expiration of the time limit.
3. Trash dumpsters may not block any sidewalk or street. Violators will be reported to the City of Scottsdale for enforcement.

4. Trash dumpsters must be standard-sized, steel-sided or soft-sided.
5. Trash dumpsters must be promptly emptied when full.
6. No more than one trash container may be present at a time.

### **Turf (Artificial and Real)**

Owners may submit requests for turf for their front yards. Owners are cautioned that the use of turf requires that they maintain it to the highest standards of care. Turf will be considered for approval on a case-by-case determination.

All submittals must identify the overall square footage of the front yard landscape space, the square footage of the turf purposed, and the percentage of turf of the overall front yard landscape area.

By submitting the architectural request for turf, the applicant agrees to bring the balance of the front yard up to the standards of the Rules and Regulations, including minimum plant and tree requirements.

#### **1. Artificial Turf**

- a. Artificial turf must be installed in such a way as to appear seamless and uniform. All seams must be glued. Only natural colors are acceptable to remain unchanged from the natural green lawn appearance and subject to approval by the ACC.
- b. Artificial turf shall be maintained in like-new condition, color, and uniformity with no tears or seams visible. Any fading or deterioration of wear patterns and incidental damage to the product will necessitate replacement.
- c. Artificial turf must be kept free of debris, dirt, tears, folded-up edges, seams showing, worn areas, burnt areas, *etc.*
- d. Applications for artificial turf shall include:
  - i. A copy of the manufacturer's brochure
  - ii. A copy of the manufacturer's warranty showing at least seven (7) years
- e. Minimum specifications include:
  - i. A tufted face weight (pile weight) range between 30 ounces to 78 ounces persquare yard
  - ii. A minimum blade length of 1½ inches, not to exceed 2¼ inches
  - iii. A border (when required by the ACC)

#### **2. Real Turf**

- a. Real turf must be adequately watered and be kept free of debris, dirt, dead spots, and weeds.
- b. The ACC reserves the right to require replanting/fertilization/mowing/dethatching of any area of real turf that does not meet the standards set forth by these guidelines.

### **Wind Turbines**

1. Wind turbines placed on a flat roof must be painted to match the house.
2. Wind turbines placed on a pitched roof must be painted to match the roof color.

## PART 3

### ENFORCEMENT AND FINE POLICY

(Adopted May 26, 2021)

#### A. Introduction

The McCormick Ranch Property Owners' Association, Inc. (the "**Association**") is governed by the following documents (the "**Community Documents**");

- a. The Declaration of Covenants, Conditions, Assessments, Charges, Servitudes, Liens, Reservations, and Easements for McCormick Ranch recorded at Docket 9148, Page 706, Official Records of Maricopa County, Arizona, and all amendments thereto (the "**CC&Rs**").
- b. The Declaration of Restrictions recorded at Docket 9148, Page 757, Official Records of Maricopa County, Arizona, and all amendments thereto (the "**Declaration of Covenants**");
- c. The By-laws of McCormick Ranch Property Owners' Association, Inc. dated May 31, 1973, as amended from time to time ("**Bylaws**"); and
- d. The Association's rules and regulations adopted by the Association pursuant to Article IX, Section 2 and Article XV, Section 5 of the CC&Rs, Article III, Sections 1 and 9 of the Declaration of Covenants, and Article VI, Section 1 of the Bylaws ("**Rules**").

The Association enforces the Community Documents for the benefit of all Property Owners in McCormick Ranch. Compliance with the Community Documents helps protect the aesthetics and property values of McCormick Ranch. Its role is to administer and enforce the Community Documents in a fair, reasonable, and non-discriminatory manner, following the procedures and utilizing the authority granted to it in its governing documents and under Arizona law. The Association is not a police organization or a venue to resolve disputes between neighbors. Property Owners are encouraged to contact the police and/or the City of Scottsdale for issues more appropriately handled by those entities.

#### B. Authority to Enforce Community Documents

The authority of the Association's Board of Directors ("**Board**") to enforce the Community Documents can be found in Article V, Section 1 and Article VII, Section 2 of the CC&Rs, Article III, Section 1 of the Declaration of Covenants, and in the Bylaws at Article VI, Section 1. Arizona law also provides that the Board may impose reasonable monetary penalties (fines) on members for violations of the Community Documents after notice and opportunity to be heard. *See A.R.S. § 33-1803(B)*.

#### C. Enforcement and Fine Policy

##### 1. Introduction.

- a. *The McCormick Ranch Property Owners' Association, Inc. ("Association"), by and through its Board of Directors ("Board"), in accordance with A.R.S. § 33-1803 and hereby adopts this Fine and Penalty Policy ("Policy") and has determined that the fines and penalties set forth herein are reasonable and appropriate to deter and curtail violations of the Association's Declaration of Covenants, Conditions, Assessments, Charges, Servitudes, Liens, Reservations, and Easements for McCormick Ranch recorded at Docket 9148, Page 706, Official Records of Maricopa County, Arizona, and all amendments thereto (the "Declaration"); the Declaration of Restrictions recorded at Docket 9148, Page 757, Official Records of Maricopa County, Arizona, and all amendments thereto (the "Declaration of Covenants"); The By-laws of McCormick Ranch Property Owners' Association, Inc. dated May 31, 1973, as amended from time to time ("Bylaws"); and the Association's rules and regulations ("Rules"). The Declaration, Declaration of Covenants, Bylaws, Rules, and all other rules, regulations and policies promulgated by the Association shall be collectively referred to as the "Community Documents."*
- b. This Policy applies to any violation of the Community Documents, except to violations relating to non-payment of Assessments and other amounts owed to the Association. Unless otherwise defined in this Policy, capitalized terms shall have the meaning assigned to such terms in the Community Documents. Each Property Owner is encouraged to become familiar with this Policy to ensure that all residents, family members, tenants, guests, invitees, licensees, and agents are familiar with and adhere to the same. The Property Owner shall be liable for any violations of the Community Documents and for any violation committed by a family member, resident, guest, invitee, tenant, or other occupant of the Property Owner's Lot.
- c. **The Board reserves the right to modify this Policy, including the time periods for correction and fine amounts, on a case-by-case basis when issues involve health and safety concerns or when more immediate action becomes necessary for any reason in the sole discretion of the Board.**

- d. The Board may adopt supplemental violation policies for specific purposes (such as parking, nuisances, etc.). If a supplemental violation policy is not adopted, this general Policy shall control. Nothing in the Policy prohibits the Association from exercising and pursuing other rights and remedies available at law and pursuant to the Community Documents at any time.
2. **Notice.** Letters notifying of the violations and any fines imposed shall provide the Property Owner with notice of the fine amount and an opportunity to be heard prior to the imposition of the fine. The notice requirement is satisfied by mailing a copy of the violation notice, postage prepaid to the applicable Property Owner, the Property Owner's designated agent, to the Property Owner's address last appearing on the books and records of the Association. Notices may also be sent via email, certified mail, or hand delivered.
3. **Violations.** Any infraction of the Governing Documents by a Property Owner, resident, family member, tenant, guest, invitee, licensee, or agent shall result in a reasonable and appropriate fine or notice imposed against the applicable Property Owner as follows (in addition to any other penalties or remedies available to the Association):
  - a. **Courtesy Notice:** Written Courtesy Notice with a request to correct the violation by the deadline in the notice, which is typically within ten business days. A Courtesy Notice will not be sent for unapproved exterior changes.
  - b. **First Notice:** If the violation is regarding an unapproved exterior change, this will be the first notice sent, and a fine of at least \$250 will be imposed. For all other violations not timely cured or a reasonable corrective action plan and schedule is not provided to the Compliance Director on or before the completion deadline set forth in the Courtesy Notice, a Notice of Non-Compliance will be sent to the Property Owner. This notice shall include:
    1. The provision of the Community Documents that has been violated.
    2. The date of the violation or the date the violation was observed.
    3. The name of the person or persons who observed the violation.
    4. The process the member must follow to contest the notice -- *i.e.*, request a Hearing before the ACC, Board, or other appropriate body.
    5. A statement advising the Property Owner that the Property Owner may have the right to petition for an administrative hearing on the matter in the Department of Real Estate pursuant to A.R.S. § 32-2199.01.

This Notice of Non-Compliance will also notify the Property Owner that failure to comply with the compliance demand or failure to provide a reasonable corrective action plan and schedule to the Compliance Director within twenty-one (21) days (the "Cure Period") from the date of the letter may result in the imposition of fines and/or other sanctions, if not already imposed.
  - c. **Second Notice:** Written warning and notice that a fine (or additional fines) has been imposed in the amount set forth in the Fine Schedule if the violation is not corrected by the deadline in the violation notice.
  - d. **Third Notice and Additional Offenses:** Notice of the fine amount imposed and written warning and notice that additional fines will be imposed in the amount set forth in the Fine Schedule or other amount set by the Board if the violation is not corrected by the deadline in the violation notice.
  - e. **Recurring Offenses:** An offense, other than an unapproved change, which recurs within six (6) months of the original offense shall be deemed to be a continuing offense and subject to the fine amounts in the Fine Schedule or other amount set by the Board. Recurring unapproved changes are determined by the Property Owner, not by time period.
4. **Enforcement of Fines.** Any fine not paid by its due date, as set forth in the other Community Documents or as set by the Board, will be enforced in the same manner as any other assessment as permitted by law.
5. **Opportunity for a Hearing.** The hearing requirement is satisfied by allowing an opportunity for the Property Owner to be heard by the Board of Directors. To initiate this appeal process, the Property Owner must send the Association a written notice to the address listed on the violation letter that the Owner is requesting an appeal of the violation. The notice must be received by the Association by the deadline contained in the violation letter. The Association will then provide the Property Owner with the date of the meeting, at which time the Property Owner can be heard. Failure of the Association to receive notice of the request for a hearing by the Property Owner will constitute a waiver of the Property Owner's right to a hearing. Failure to attend a hearing

may result in the fine and violation being upheld. In the event of a hearing, any determination by the Board shall be conclusive. Fines imposed will be held in abeyance until after the opportunity for a hearing has passed or the hearing results in upholding the fines.

6. **Legal Counsel.** Notwithstanding this Policy, the Association, in its discretion at any time, can employ legal counsel at any time to pursue violations of the Community Documents or for any other matter the Association deems necessary to protect and enforce the rights of the Association. The Association shall have all rights and remedies available under the Community Documents and Arizona law in enforcing compliance, including, but not limited to, the right to pursue a personal judgment against the Property Owner for the collection of fines and the right to bring an action for injunctive relief.
  
7. **Suspensions.** Pursuant to Article VI, Section 1(b) of the Bylaws and/or Article IX, Section 4 of the Declaration, the Association has the right to suspend the right to vote and right to use of the recreational facilities for any infraction of the Community Documents for a reasonable period not to exceed sixty (60) days for any infraction.
  
8. **Self-Help/Corrective Action.** Pursuant to Article XI, Section 3 of the Declaration, in the event any portion of any Lot is so maintained as to present a public or private nuisance or as to substantially detract from the appearance or quality of the surrounding Lots or other areas of the Property that are substantially affected thereby or related thereto, the Board may by resolution make a finding to this effect, specifying the condition or conditions that exist, and pursuant thereto give notice thereof to the offending Property Owner that unless corrective action is taken within thirty (30) days, the Board will cause such action to be taken at the Property Owner’s cost. If, at the expiration of the 30-day period, the requisite corrective action has not been taken, the Association shall be authorized and empowered to cause such action to be taken, and the cost thereof shall be added to and become a part of the assessment to which the offending Property Owner’s Lot is subject and shall be secured by the Assessment Lien. Subject to the procedural rules described above, such right to exercise “Self Help” may be implemented at any time during the violation notification process at the discretion of the Association.
  
9. **Waiver or Variation from Violation and Enforcement Policy.** To the fullest extent permitted by Arizona law and the Community Documents, the Association retains the right and authority to vary from this Enforcement Policy and Fine Schedule.
  
10. **Variances.** The Association, in its sole discretion, may grant variances from restrictions in the Community Documents and these Rules and Regulations on a case-by-case basis pursuant to the Declaration of Covenants at Article III, Sections 1 and 4 and applicable law.
  
11. **Fine Schedule.**

CATEGORY OF VIOLATION	FINE
<b>Unapproved Permanent or Semi-Permanent Construction or other Work</b> ( <i>e.g., unapproved structures, exterior additions, teardowns, or unapproved permanent or semi-permanent improvements to structures or exterior additions</i> )	<b>1<sup>st</sup> Fine: \$500.00</b> <b>2<sup>nd</sup> Fine: \$1,000.00</b> <b>3<sup>rd</sup> Fine: \$1,500.00</b> <b>4<sup>th</sup> Fine: \$2,000.00</b>
<b>Unapproved Architectural Modification(s)</b> ( <i>e.g., unapproved paint, landscaping, or similar alterations</i> )	<b>1<sup>st</sup> Fine: \$250.00</b> <b>2<sup>nd</sup> Fine: \$275.00</b> <b>3<sup>rd</sup> Fine: \$300.00</b> <b>4<sup>th</sup> Fine: \$350.00</b>
<b>Exterior Maintenance</b> ( <i>e.g., failure to properly maintain Lot, including damage to property, paint maintenance violations, and landscaping</i> )	<b>1<sup>st</sup> Fine: \$100.00</b> <b>2<sup>nd</sup> Fine: \$150.00</b> <b>3<sup>rd</sup> Fine: \$200.00</b> <b>4<sup>th</sup> Fine: \$250.00</b>



<p><b>Use Restrictions, Nuisances, and All Other Violations of the Community Documents</b> (<i>e.g., parking, prohibitions regarding rental restrictions, pets, business use, trash/recycling receptacles, non-permanent alterations, noise, inappropriate actions, etc.</i>)</p>	<p><b>1<sup>st</sup> Fine: \$50.00</b>  <b>2<sup>nd</sup> Fine: \$75.00</b>  <b>3<sup>rd</sup> Fine: \$100.00</b>  <b>4<sup>th</sup> Fine: \$125.00</b></p>
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The Association reserves the right to impose fines for any violations of the Community Documents not listed in the Fine Schedule. The Association may also impose multiple fines for multiple violations in the same notice. The Association has the discretion to determine which category best describes the violation at issue.

- a. Unless otherwise stated in the violation or fine notice, the fine amount to be levied shall be a one-time amount per notice.
- b. Payment of the fine does not grant a variance for the violation. All violations must be corrected to come into compliance.
- c. The Association may waive any and all fines, or any portion thereof, upon correction of the violation as determined by the Association.
- d. The Fine Schedule may be amended from time to time by the Board.

## **APPENDIX A – PAINT APPLICATION**

<http://mrpoa.com/documents/architectural-control/>

**APPENDIX B – MODIFICATION APPLICATION**

<http://mrpoa.com/documents/architectural-control/>

## **APPENDIX C – LANDSCAPE APPLICATION**

<http://mrpoa.com/documents/architectural-control/>

## **APPENDIX D – ARTIFICIAL TURF APPLICATION**

<http://mrpoa.com/documents/architectural-control/>

# NOTES

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