

# **Rules for Community Living**

**Adopted by**



March 2010

**A** Declaration of Covenants, Conditions and Restrictions (the CC&R's) has been recorded to develop a uniform development plan and to protect and enhance the value and desirability of Keystone at Mountain Park Ranch. Each homeowner is subject to the CC&R's. The Keystone Board of Directors has adopted these RULES FOR COMMUNITY LIVING to ensure that construction/changes are architecturally consistent with the community. Evaluations of construction/changes will be based on an Architectural Request Form provided by the association, submitted by the homeowner/member and inspections by the Management staff/Board/Architectural Committee members. The homeowner is obligated to answer all questions on the form fully and accurately. Failure to do so, ambiguity in design or faulty measurements could result in a delay of consideration or rejection of the application. Construction should not deviate from the plans approved by the Board of Directors. In the event that changes are required, a new request must be submitted and approved prior to the start of the project. **All approvals are written and never given orally.** All approved work must be completed within ninety (90) days of the approval.

Pursuant to 3.3 of the CC&R's, the Board of Directors has adopted these RULES FOR COMMUNITY LIVING, which are intended to supplement, summarize or detail certain major components of the CC&R's of which all homeowners should be aware. In the event of a conflict between these rules and the CC&R's, the provisions of the CC&R's shall prevail over any provisions contained in these rules.

The Architectural Committee (AC) is established by the Board to review exterior improvements within Keystone at Mountain Park Ranch including new construction and modifications to the existing lots.

The association is professionally managed. It is the function of the property management staff to administer the community rules and policies set forth by the Board. The property management staff responds to homeowners' concerns regarding violations and enforcement of the CC&R's and overall operation of the community. The Board, however, maintains ultimate responsibility for the management of the association.

The requirements, objectives, standards and procedures contained in these rules are intended to establish and maintain a harmonious community image for Keystone at Mountain Park Ranch. Through these rules and the review process, an attempt is made to achieve a consensus between individual aesthetic judgement and the broader interests of the community standards.

**Written approval from the Board of Directors must be given before any improvements/changes/modifications/alterations to a lot or building exterior of a property at Keystone at Mountain Park Ranch is started. In some cases, the staff of the property manager may approve a submittal. Oral approvals are never given.**

Failure to request approval before beginning any project to the lot or one that alters the exterior of your home could result in a fine, regardless if the Board later approves the request.

New construction or remodeling, including changes in **house color**, or any other exterior change, must not occur without the prior written approval of the Board of Directors.

Keystone at Mountain Park Ranch is a subdivision within Mountain Park Ranch (the Master Association). Keystone is considered a “sub-association” with our own governing documents. In this situation, architectural request approvals are required from the Keystone Board of Directors before the Mountain Park Ranch Association can consider approvals. In some instances, the governing documents of the Master Association and sub-association may differ and one may be more restrictive than the other. The more restrictive guideline shall prevail.

It is the homeowner’s responsibility to ensure that any proposed construction is coordinated with, and where applicable, be approved by other local, state and federal agencies. The Board of Directors assumes no responsibility for obtaining these reviews, permits and/or approvals.

The Board may, at its sole discretion, grant variances. Variances will be granted only in extenuating circumstances based upon the determination that a restriction would create an unreasonable hardship or burden upon an owner or that a change of circumstance since the adoption of the CC&R’s has rendered such a restriction obsolete. Any activities permitted by variance may not have an adverse effect upon other homeowners and must be in keeping with the standards intended for the association.

## **GENERAL PRINCIPLES**

The goal is to ensure a fair and consistent application of rules and guidelines and to promote the qualities that enhance the attractiveness and functional utility of the community. Those qualities include a harmonious relationship among structures, vegetation, topography, color and overall design.

Relationship of structures and treatment of the site must relate harmoniously to adjacent sites and structures that have a visual relationship to the proposed construction as determined by the Board.

### **Neighboring Properties**

The interests of neighboring properties must be protected by making reasonable provisions for such matters as access, surface water drainage, sound and sight buffers, preservation of views (not guaranteed), light and air and other aspects of design which may have an affect on neighboring properties. During the approval process for projects, the Management staff/Board/Architectural members may ask for input from surrounding property owners to ensure that enough information is gathered to make an adequate decision. However, neighbor consent is not necessarily a condition for approval, nor does it, by itself, constitute approval for the request.

### **Design Compatibility**

The proposed construction must be compatible with the design characteristics of the property itself, adjoining properties and the overall neighborhood setting. Compatibility is defined as harmony in style, materials, color, original design of the developers and construction details.

### **Workmanship**

The skill and quality of workmanship evidenced in construction or design plans and experience of craftsmanship must be equal to or better than that of the surrounding properties. In addition to being visually objectionable, poor construction practices can cause functional problems and even create safety hazards. The Board assumes no responsibility for the safety, engineering or livability of new construction by virtue of design or workmanship.

## **BUILDING ARCHITECTURE**

In general, any exterior addition to an existing residence or alteration to an existing residence shall be compatible with the design, character and color of the original structure and includes maintaining the original roofline. Used, stained or aged building materials are prohibited unless part of a planned theme or design is specifically identified to the Board in the application.

### **Awnings**

Awnings have not been a part of the character of Keystone at Mountain Park Ranch and are prohibited.

### **Window Coverings**

No covering material including, but not limited to aluminum foil; reflective glass or mirrors or screens; flags; sheets; blankets; newspaper; plywood or similar items shall be installed on the inside or outside of any window of any residence without written approval of the Board (see 5.24 of the CC&R's).

### **Patio Covers and Storage Sheds**

Metal or other backyard storage sheds detached from the house are allowed when they are no higher than the home's surrounding block wall and are limited to 100 square feet in area. The Board review and approval is not required in these cases.

All permanent additions to a home including patio covers and buildings must be submitted to the Board for written approval prior to construction. Such additions may require a City of Phoenix building permit.

### **Security Doors**

Doors shall be sturdy and constructed of metal bar tubing of a color that blends with the existing color scheme of the home. Current wood security doors that were installed by the developer

and are still in use at the time of this publication are allowed in a “grandfather clause” situation. Installation of new security doors should ensure that the door blends with the existing entry opening.

### **Antennas & Satellite Dishes**

No antenna or other device, including microwave dish apparatus, for the transmission or

reception of television or radio signals shall be installed without approval. Dish antennas are limited to less than one meter (3 feet, 3.7 inches) in diameter and must be mounted on the rear half of the house, unless reception is limited. A letter from your communication company may be required regarding the location of the dish. Cables and all attachments shall match the color of the background surface and be properly secured to the structure.

### **Roof Equipment**

Except antennas, no devices of any type including evaporative coolers, heaters or air conditioning units shall be placed on any roof, unless approved by the Board of Directors.

### **Solar Equipment**

No solar equipment may be installed without the approval of the Board of Directors. Any solar panels and related appurtenances and equipment shall be designed and constructed to appear as an integrated part of the building architecture. If panels are roof mounted, the top surface should be flush with the roof surface with all appurtenances recessed into the surface’s attic whenever possible. Solar panels should be located on the least visible part of the roof’s surface. Solar panels may be ground or wall mounted behind a party wall, but may never be mounted on the interlocking wall of a neighbor’s garage wall.

### **Gutters**

Gutters and downspouts may only be placed on homes with the approval of the Board of Directors. If approved, they must be of sound construction and colors must match the portion of the house where they are located.

### **Painting Options and Specifications**

No house may be painted without the approval of the Board of Directors or management, even if choosing palates from the paint list. Paint schemes must be from the current Keystone at Mountain Park Ranch approved list of colors.

Pony walls that are on the lots shall be maintained by the homeowner and shall be painted to match the paint of the house.

Due to the configuration of our lots, owners must grant access at a reasonable time to other owners who are painting their houses.

## **LANDSCAPING**

In some cases, homeowners may be allowed to alter, add or delete landscaping from the front part of the lot, but only with the approval of the Board of Directors. Since the HOA is responsible

for the maintenance of landscaping, the water utility must remain on at all times.

### **Seasonal Decorations**

Exterior decorations can be placed no sooner than 30 days prior to an identified and national or commonly known celebration and removed from view within 30 days after the holiday or event which they celebrate.

### **Ornamentation**

The use of non-living objects as ornaments in the landscape is generally not allowed, particularly in areas that are maintained by the HOA and are visible from the front and side yards. Such ornamentation includes, but is not limited to, driftwood, swings, wagons, animal skulls, wagon wheels, wind driven wheels, spinning devices, sculptures including flamingos, deer, artistic expressions, etc. The goal of landscape improvement is to promote a pleasing and harmonious neighborhood character.

### **Signs**

No signs whatsoever including but without limitation, commercial, political, for sale/rent/lease signs shall be erected on any lot except:

No more than one "For Sale" or "For Lease/Rent" sign may be placed on a residential parcel during the period such property is offered for sale and during which time a contract is pending for its sale, lease or rent. The surface size may be no more than five square feet. These signs shall be secured to a post having a height of no more than 78 inches.

Such signs as required by legal proceedings.

One residential identification sign no larger than 72 square inches.

Security signs of no more than 100 square inches and fastened to posts no taller than 3 feet shall be allowed.

### **Trash Pickup**

No garbage or trash shall be placed or kept on any lot or parcel, except in covered containers the type and size approved by the City of Phoenix and the Board of Directors. Such containers shall not be visible from neighboring properties except to make them available for collection. Trash containers can be placed out no earlier than 3pm the day prior to collection day – and brought in no later than 6am the following day. If you have a damaged trash container and need replacement contact the City of Phoenix and the Association management that your trash container is being left out for replacement to avoid a violation letter. All rubbish, trash or garbage shall be removed from lots and shall not be allowed to accumulate. No outdoor incinerators shall be kept or maintained on any lot. The placement of bulk trash for collection by the City of Phoenix is permitted in accordance with applicable city ordinances.

## **MISCELLANEOUS ITEMS**

### **Association Pool**

The pool and contiguous common area has been developed for the use and enjoyment of the residents and their guests of Keystone at Mountain Park Ranch. Use by guests is limited; the

guest limit for the pool area is four persons per household. The common area is not to be used for receptions, weddings, large gatherings and the like. No children under the age of 14 are permitted in the pool area unless accompanied and supervised by an adult. Other rules pertaining to pool usage are posted at the pool area.

Keys permitting entry to the pool area are issued only to homeowners of Keystone at Mountain Park Ranch. These keys may not be duplicated. In the event a key is misplaced or the previous owner failed to provide one, replacement keys may be obtained from the property management for a fee.

### **Swimming Pools**

Prior to construction of a swimming pool, a homeowner should contact the management of Keystone to coordinate the point of construction access to minimize damage to the common area landscaping and the lot landscaping. A construction bond may be required to insure that property and wall(s) are properly returned to original condition.

Pools may not be backwashed into the street, common areas or onto any lot. All backwash water must be discharged into the capped sewer drain located in the front yard of each home. In the event a hole is made into a wall to backwash, the association may repair the wall and damaged area at the homeowner's expense.

Swimming pool fence requirements are regulated by the City of Phoenix and should be contacted to determine safety requirements.

### **Flagpoles and Flags**

Flags must be limited to a reasonable size as determined by the Board of Directors and hung in a manner consistent with the Federal Flag Code.

The preferred method is to use brackets mounted on the house or garage to display flags. IN ADDITION TO THE American flag, the following flags are acceptable; an official or replica of a flag of the United States Army, United States Navy, United States Air Force, United States Marine Corp, United States Coast Guard, the POW/MIA flag, the Arizona State Flag and the Arizona Indian National Flag. Flagpoles are not allowed on residential lots.

### **Basketball Goals**

Basketball goals are not allowed on the lots. Portable goals shall be removed and stored from sight when not in use.

### **Clotheslines**

Clotheslines or other outside facilities for drying clothes are not allowed unless they are placed exclusively within a fenced yard or otherwise concealed. Such facilities may not be visible from neighboring property(ies).

### **Play Structures/Gazebos/Ramadas/Covered Patios**

Children's play structures, Gazebos, Ramadas and Covered Patios must be approved by the Board of Directors. If approved, they must be painted to match the trim or house color. Roofing materials must be consistent with the character of the neighborhood. These structures may

require a building permit from the City of Phoenix. No structure should overhang a party wall or into a neighboring property.

### **Lot Grading/Drainageways**

Homeowners should apply for approval from the Board of Directors to assure that any planned re-grading will not adversely affect the flow of runoff water. Homeowners shall not alter or grade their yards so that it affects a neighboring property. A common violation is to build up dirt or construct planters that touch a neighboring garage or house wall or a party wall, or, to re-grade a yard so that water does not runoff efficiently or affects a neighboring property.

### **Pets**

Residents are allowed to keep a reasonable number of generally recognized house or yard pets. Animals cannot be kept or raised for commercial purposes. They are not allowed to make unreasonable amount of noise or become a nuisance to neighbors. No structures for housing such animals may be visible from neighboring property. Dogs must remain on leashes at all times while on association property unless approved in writing by management or the Board of Directors. Pets are not allowed to relieve themselves on other lots and owners must clean up after their pets. Pets are not allowed in the pool area.

### **Machinery and Equipment**

No machinery or equipment or material of any kind shall be placed, operated or maintained upon any lot except machinery or equipment or material used during the period of authorized construction. This includes auxiliary equipment mounted on a vehicle of any size.

### **Motor Vehicles, Trucks, Trailers, Campers and Boats**

No motor vehicle classed by a manufacturer as  $\frac{3}{4}$  ton or more, and/or seven feet high or more, mobile home, travel trailer, camper shell, off-road vehicle or boat or other similar equipment or vehicle, including commercial vehicles, may be parked, maintained or repaired on any lot, street or common area in Keystone at Mountain Park Ranch so as to be visible from neighboring property.

The streets in Keystone at Mountain Park Ranch are private and maintained by the association and are regulated by the association. On street parking should be limited to the greatest extent possible. Vehicles of homeowners and their guests may not be parked on the sidewalk or unpaved surfaces.

Utility vehicles used for repair or maintenance of electrical or water infrastructure can be parked on a street adjacent to the resident's property or on a homeowner's driveway if the vehicle is required to be at the person's residence as a condition of the person's employment. This exception only applies if the resident/employee is required to prepare for emergency deployments, the vehicle has a gross weight rating of 20,000 pounds or less, the vehicle is owned by the municipal utility and the vehicle bears an official emblem or other visible designation of the utility.

No automobile, motorcycle, motorbike or other motor vehicles shall be constructed, reconstructed or repaired upon any lot or common area or street.

No inoperable vehicle may be stored or parked on any lot, street or common area which includes those severely wrecked, shows significant or unsafe body damage, is in a state of disrepair, lacks license plates or exhibits expired plates.

Vehicles deemed to be in violation may be towed by the association at the owner's expense.

### **Building Repair**

No building or structure shall be permitted to fall into a state of disrepair. Owners of every home or structure are responsible at all times for keeping their buildings or structures in good condition and adequately painted or otherwise finished. Good condition includes but not limited to: not allowing animal/bird waste to accumulate on any portion of a building, structure or lot.

The property management staff is assigned to tour the community and identify properties that exhibit worn, faded or sun-bleached paint and cracked or weathered wood in need of repair and/or refinish and report the adverse condition. A notice will be sent to the property owner asking for a correction of the condition within a reasonable time.

In the event any building or structure or any part thereof is damaged or destroyed, the owner is responsible for the immediate repair or reconstruction. Construction materials and vehicles may be stored in areas approved by the Board of Directors.

### **General Property Restrictions**

No gainful occupation, profession, trade or other non-residential use may be conducted on any lot. Homeowners will not allow another person to enter their property for the purpose of receiving products or services related to such usage. Garage sales are permitted, but limited to no more than two times per year, unless approved by the Board of Directors.

No trailer, basement of any incomplete building, tent, shack, garage or barn, and no temporary buildings or structures of any kind shall be used at any time for a residence on any lot, either temporary or permanent. No nuisance shall be permitted to exist or operate on any lot so as to be offensive or detrimental to any other property.

### **VIOLATION ENFORCEMENT**

One of the most sensitive issues in a planned community is the enforcement of the CC&R's and other rules which are violated either knowingly or unknowingly by residents and their guests. Enforcement of the CC&R's and the rules are the responsibility of the Board of Directors and the Board will take appropriate action, if required, to ensure that violations are resolved. This summarizes some of the common provisions found in the CC&R's as well as rules established by the Board. Cooperation on the part of all residents in following the CC&R's and rules will help make living in Keystone at Mountain Park Ranch more enjoyable.