

**GAINNEY RANCH ARCHITECTURAL COMMITTEE RULES**

**FOR**

**VAQUERO DRIVE**

**ORIGINAL DOCUMENT: 1987**

**DOCUMENT REVISED: 1998**

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## SECTION I

### INTRODUCTION

- A. An address on Vaquero Drive at Gainey Ranch will ensure an exclusive position within Scottsdale's "Living Resort". To continue the character established at Gainey Ranch and to enhance the identity of Vaquero Drive as a distinctive neighborhood of custom, single family homes unique to the Southwest, all residences will conform to stringent design standards. These standards create a context for architectural expression, site design and landscaping. Each home on Vaquero Drive is required to reflect a design that is site-sensitive and responsive to climate, using elements of mass, shadow, color and texture befitting a contemporary southwestern desert dwelling.
- B. Colors and materials are limited to a select palette, as specified in the Design Guidelines and Standards. Buildings shall be low in scale, blending with and visually becoming a natural extension of the golf course landscape and the Gainey Ranch environment. Site and landscape design is an important part of the residential statement. There shall be no implied view corridors across adjacent lots.
- C. The designer must carefully compose elements – plant materials, walls, fences, paving and buildings - to reinforce the park-like setting created by the Gainey Ranch golf course. Residences become part of the landscape rather than dominate it or contrast with it. For this reason, the design guidelines for this contemporary community prohibit:
1. Designs that, in the opinion of the Gainey Ranch Architectural Committee (Architectural Committee), are identifiable historical architectural styles and/or detailing (i.e., Spanish or Mediterranean, Mexican, Colonial, Tudor, etc.)
  2. Designs that, in the opinion of the Architectural Committee, do not visually relate with either surrounding homes or the design theme from the golf course or that detract from neighbor's privacy.

Second stories will be set back from the street and the golf course beyond the required minimum building setbacks to decrease their apparent scale. Second story windows will be oriented to reduce views of neighboring yards.

- D. Homes on Vaquero Drive are custom homes. Each custom home may have some similarities in design to other homes in Vaquero, but should not be or appear to be substantially the same as any other home on Vaquero Drive. Such similarities will maintain the overall themes of Vaquero Drive and of Gainey Ranch. The designer must, nevertheless, assure that designs for a new home are not so similar to those for any other home on Vaquero Drive that the new home would cause Vaquero Drive to lose its character as a custom home community. In addition, the design for a home on Vaquero Drive also should not appear to be the same as that of another home anywhere

else on Gainey Ranch, although greater similarity to homes in the other developments in Gainey Ranch will be permitted because of the secluded location of each development. The Architectural Committee will determine when a design for a new home is so similar to that of another home that the similarity doesn't conflict with each custom home character of Vaquero Drive.

- E. These guidelines establish the framework for a cohesive neighborhood that helps to protect and adds to the value and special enjoyment, which will be the foundation for each custom residence at Vaquero Drive.
- F. Construction on Gainey Ranch is to be performed in accordance with the designs approved by the Architectural Committee, in a good and workmanlike manner and in compliance with the Declaration of Covenants, Conditions and Restrictions, Assessments, Charges, Servitudes, Liens, Reservations and Easements for Gainey Ranch (the CC&R's), these Architectural Committee Rules and all applicable statutes, codes and ordinances. Any contractor who violates any portion of these Architectural Committee Rules or fails to construct its improvements, or to otherwise perform its work, on Gainey Ranch in a good and workmanlike manner, in a manner consistent with the quality standards established in Gainey Ranch and in conformance will all applicable statutes, codes and ordinances may have its right to construct improvements on Gainey Ranch temporarily suspended by the Architectural Committee from making any improvements on Gainey Ranch.

Any such suspensions and/or bar shall be at the sole discretion of the Architectural Committee on the basis of the information presented or known to it. However, no suspension or bar shall be imposed unless and until the contractor has been given the opportunity to present to the Architectural Committee its position with respect to the circumstances giving rise to the possible bar and suspension. Such bar or suspension may be implemented in such a manner as may be deemed appropriate by the Architectural Committee, including but not limited to a refusal to approve the construction of improvements to be built, in whole or in part, by any suspended or barred contractor.

Any contractor aggrieved by the decision of the Architectural Committee to suspend or bar such contractor may appeal the decision in writing to the Board of Directors of the Association but such suspension or bar shall be in effect during the appeal period. Such appeal must be made within ten (10) days after the Architectural Committee gives the written decision to the contractor. The written appeal shall include the basis for such appeal and shall include all documents supporting the aggrieved contractor's position. The Board shall meet within fifteen (15) working days after receipt of the appeal at which time the contractor will be given the opportunity to present its case to the Board. The Board will respond with a final written decision to the contractor within five (5) working days.

## SECTION 2

### ARTICLE I

The following zoning regulations are approved by the City of Scottsdale as applicable only to Vaquero Drive. The Architectural Committee has made certain standards more restrictive. The new standards are shown as (amend). These changes are used to determine allowable building criteria and the current standards, which are being superseded, are indicated as (delete).

#### AMENDED ZONING REGULATIONS 72-A-86

#### PARCEL #25 – GAINNEY RANCH R1-18-PCD

#### Section 5.503 Property Development Standards

The following property development standards shall apply to all land and buildings in the R1-18-PCD District.

##### A. LOT AREA

1. There shall be no minimum lot area. Maximum density as shown on the development plan shall be the governing factor to determine the number of dwelling units in any subdivision.

##### B. LOT DIMENSION

1. Width
  - a. There will be no minimum lot width. Density and subdivision design shall determine minimum lot width.

##### C. DENSITY

1. There shall not be more than one (1) single-family dwelling unit on any one (1) lot.

##### D. BUILDING HEIGHT

1. No building shall exceed thirty (30) feet in height, except as otherwise provided in Article VII.

## E. YARDS

### 1. Front Yards

(delete) a. There shall be a front yard having a depth of not less than ten (10) feet except where a garage or carport opening parallels the street, then the garage or carport must maintain a twenty five (25) foot setback.

(amend) a. There shall be a front yard having a depth of not less than forty (40) feet, except as approved by the Architectural Committee.

(delete) b. Where lots have a double frontage on two streets, the required front yard shall be provided on both streets. These requirements apply to the setbacks only and fences, pools and accessory buildings can be maintained in one (1) yard.

### 2. Side Yards

(delete) a. There shall be side yards having an aggregate width of not less than ten (10) feet. Zero lot lines shall be permissible. However, if a yard is maintained it shall not be less than five (5) feet.

(amend) a. There shall be side yards each having a minimum width of not less than twenty (20) feet except as approved by the Architectural Committee.

b. No accessory building shall be located in the required side yard abutting the street. A private garage whether attached or detached, having perpendicular access from the side street shall be located not less than twenty (20) feet from the side property line abutting said street.

(delete) c. no "common" wall units will be allowed, except as approved by development review.

(amend) c. No "common" wall units will be allowed.

### 3. Rear Yards

(delete) There shall be a rear yard having a minimum depth of twenty (20) feet.

(amend) There shall be a rear yard having a minimum depth of forty (40) feet except as approved by the Architectural Committee.

### 4. Building Coverage

The area covered by buildings shall not exceed forty (40) percent of the net lot area.

5. Other requirements and exceptions as specified in Article VII.

F. DISTANCE BETWEEN BUILDINGS

1. There shall be not less than ten (10) feet between an accessory building and the main building.
2. The minimum distance between main buildings on adjacent lots shall not be less than ten (10) feet.

G. BUILDING, WALLS, FENCES AND LANDSCAPING

(delete) 1. Walls, fences and hedges not to exceed eight (8) feet in height shall be permitted on the property line or within the required side or rear yard. Walls, fences and hedges shall not exceed three (3) feet in height on the front property line or within the required front yard, except as provided in Article VII and Subsection 2 below. The height of the wall or fence is measured from inside the enclosure.

(amend) 1. All side yard walls (common walls) shall be centered on the boundary line between subject lot and adjacent lot prior to completion of construction of the dwelling unit on subject lot. Such walls shall be completed including stuccoing and painting on both sides. The Architectural Committee shall designate the percentage of the common wall, which shall be a party wall for the purpose of subsequent partial reimbursement to subject lot owner by adjacent lot owner (other than Markland or owner of golf course) in accordance with Purchase Agreement with Markland. However, the Architectural Committee shall not be involved in or responsible for the coordination of the reimbursement. For the design guidelines and standards, refer to Section 4, Article II, paragraph D.

2. In the front yard, walls and fences of maximum six (6) feet in height are allowed providing:

(delete) a. The wall or fences shall be set back three (3) feet from the front property line.

(amend) a. The wall or fences shall be set back ten (10) feet from the front property line.

c. The provisions of Section 7.104 shall apply on corner lots.

(delete) 3. In the front yard, patio covers are allowed when in conjunction with the enclosure of the front yard subject to the following requirements:

a. The area encompassed by the patio cover shall not include more than twenty (20) percent of the area between the front property line and the front setback line.

b. The patio cover shall be set back a minimum of ten (10) feet from the front property line.

c. The patio cover shall be structurally integrated with similar or compatible building materials to the roof system of the main building.

d. The patio cover shall be constructed so that a minimum of fifty (50) percent of the structure is open and unobstructed to the sky.

(amend) 3. In the required front yard, patio covers are allowed as approved by the Architectural Committee.

(delete) 4. Swimming pools shall be screened from adjacent properties by a protective fence or permanent structure not less than 4 feet 6 inches in height. The swimming pool shall be protected by a protective enclosure, which shall be controlled by the use of self-closing gates with self-latching devices. Swimming pools shall be permitted in front yards.

(amend) 4. Swimming pools shall be screened from adjacent properties by a protective fence or permanent structure not less than 4 feet 6 inches in height. The swimming pool shall be protected by a protective enclosure, which shall be controlled by use of self-closing gates with self-latching devices.

#### H. ACCESS

All lots shall have vehicular access or a dedicated street unless a secondary means of permanent vehicular access has been approved on a subdivision plat.

#### Section 5.504 OFF-STREET PARKING

The provisions of Article IX of the City of Scottsdale shall apply except as amended in Section 4, Article II, paragraph 17, Hereof.

#### Section 5.505 SIGNS

The provisions of Article VIII of the City of Scottsdale shall apply except as amended in Section 4, Article III, hereof.



## **SECTION 2**

### **ARTICLE II**

#### **DESIGN GUIDELINES & STANDARDS FOR VAQUERO DRIVE**

##### **A. ARCHITECTURAL CHARACTER**

1. Residences at Vaquero Drive shall express a contemporary Southwestern design theme, as determined by the Architectural Committee. Identifiable historical styles and/or detailing will not be permitted. Rather, elaborations or articulations of forms will be related to environmental control: roofs over entry ways, shading for windows or terraces, day-lighting of interiors, garden walls for privacy or retaining planting areas.
2. Residences will relate to one another in their use of building elements and materials, colors, forms and scale, creating a cohesive community. Low-scale patio walls with a dashed stucco finish will be a common residential element serving as a transition from arid vegetation to a lush planting. Building walls will also have stucco finish and all stucco will be painted an approved color consistent with the range of colors used on Gainey Ranch with a light reflective value range of 30 (on the low side) to 70 or less (on the high side). However, the Committee reserves the right to disapprove colors under 38 that appear excessively dark. The use of other wall materials will require Architectural Committee approval. Roofs will be concealed behind parapets or will be tiled with flat architectural concrete tile or approved material. Color and type of tile will be compatible with existing residences on Gainey Ranch.
3. The shape of the buildings, including the shape and size of windows, doors, chimneys and other features will be designed to create a harmonious look and will not be designed to attract attention by being unusual or dramatically “different” in form or scale.
4. There will be no single plane, two-story elevations. Two-story elevations shall be allowed over portions of the building where they, in the opinion of the Architectural Committee, minimize the impact on the privacy of adjacent lots, and shall be designed to present minimal visual impact as viewed from the golf course and other neighboring subdivisions. There shall be no implied view corridors across adjacent lots.
5. All facades visible from the golf course or roads will be designed as primary facades.

6. Site development, such as grade changes and landscaping including planters and walls, are considered to be an integral part of the overall architectural expression. Architecture on Vaquero Drive will be designed to fit into the landscape. Building elements will be combined with plantings and topography in such a way that when the planting is mature, the continuous natural landscape will dominate.

## B. ROOFS

1. Roofs may be flat, (slightly pitched) concealed with parapets, emphasizing wall planes rather than roof planes, or roofs may be gently pitched. Where pitched roofs are used they will be double pitched or hipped when they overhang walls. They may be single pitched when roofs terminate behind parapets. Where pitched roofs are visible from the street or golf course, a portion of the visible roof will be flat, concealed behind a parapet or screened with a trellis. Pitched roofs will generally have 2-in-12 to 6-in-12 slopes. Unbroken rooflines of sloping roofs shall not exceed 80 linear feet.
2. Roof material for pitched roofs will be an approved flat colored concrete tile using one of the approved Gainey Ranch colors (beige, light brown or warm gray). The use of other roofing materials will require special approval by the Architectural Committee.

## C. SITE DEVELOPMENT

1. All free standing shade structures along with other architectural elements must be approved for color, design and location.
2. Site development must be compatible with the golf course environment and highly contrasting elements such as brightly colored umbrellas and banners, tile, graphics, sculpture, lighting, recreational equipment and chimneys generally will not be allowed. Such items may be allowed if the color and design are compatible with the site and architectural development, not of high contrast and specifically approved by the Architectural Committee.

## D. WALLS/FENCES

1. Walls provide a backdrop to emphasize and complement both new and existing landscape and topography, creating a harmonious natural setting.

2. Property, building and garden walls must be stucco or an alternate approved by the Architectural Committee. Colors are to be consistent with the approved Gainey Ranch color schemes.
3. Accent colors shall occur on no more than 5% of walls as specifically approved.
4. Open fences, gates, railings, etc., must be approved for pattern and design, including location, finishes and color.
5. Non-golf course lots – Perimeter and common walls, unless otherwise approved, must be eight (8) inch concrete masonry block material with dashed finish stucco to match Gainey Ranch project walls. Side yard (property line) walls between the 40' front yard and the rear property line shall not exceed 7'4" and must be a minimum of 6'0" as measured from the finish grade, as determined by the Architectural Committee. The rear property line wall shall be a minimum of 6'0" and shall not exceed 7'4".

Golf Course lots – Perimeter and common walls, unless otherwise approved, must be eight (8) inch concrete masonry block material with dashed finish stucco to match Gainey Ranch project walls. Side yard (property line) walls (between the 40' front yards and 10' from the rear property line) shall not exceed 7'4" and must be a minimum of 6'0" as measured from the finish grade, or as determined by the Architectural Committee. Walls within 10' of the rear property line will conform to the standard wall design, Exhibit A. The rear yard wall will be 2' in height and heights above 2', not to exceed 4'8" or such height required by city codes, must consist of the standard Gainey Ranch square tubular metal fence detail. See Exhibits B, C & D for a typical lot development standard and rear yard wall and fence design for lots with and without a pool. Since these walls shape the fairways, their location will be approved on a site-specific basis. Wall alignment will be offset rather than following a straight line. Placement of the rear walls will be compatible with and sensitive to existing golf course topography and landscape.

6. Walls will be permitted in the front yard setback as specifically approved by the Architectural Committee. No walls will be permitted within the 10' landscape easement.
7. All walls shall reflect a consistent overall theme with regard to materials, colors and configuration compatible with the design of the residence and concept for Gainey Ranch.
8. For additional clarification, refer to Exhibit B.

#### E. GOLF COURSE FRONTAGE

1. An initial 20' landscape easement back of rear property line will be modified upon completion of a wall that must be constructed to separate rear yards from the golf course. The parcel landscape theme must be consistent with existing golf course theme for that specific location.
2. Walls may encroach upon the required landscape easement as specifically approved by the Architectural Committee. Larger setbacks and mature landscaping will be required within the easement adjacent to tees and greens.
3. Each lot shall include one (1) mature tree, 36" box or larger, for each 100' of increments 100', of fairway frontage or each 50' adjacent to the green. Trees shall be of a variety compatible with the location selected by the Architectural Committee.
4. All existing plant material is to remain and shall not be damaged, modified, destroyed or relocated without prior approval of the Architectural Committee.
5. All costs for approved landscape removal, pruning irrigation or installation, etc., are the responsibility of the owner, if requested by the owner.
6. Rear yard drainage systems which drain to the golf course must be approved in advance in writing by the Architectural Committee, including all necessary construction details and specifications and must protect the golf course and other properties from damage due to flood, erosion, siltation, etc.
7. Rear yard landscape must be reviewed, approved and installed no later than four (4) months after occupancy, but, in no event later than six (6) months from the date of Certification of Occupancy.
8. For additional clarification, refer to Exhibit B.

#### F. FRONT YARD LANDSCAPE

1. The intent of this guideline is to provide a "screening layer of trees to "veil" and soften differing architectural facades while providing a continuous cohesive design statement along Vaquero Drive.
2. Landscaping and grading adjacent to the street shall be the Vaquero Drive landscape theme of turf and trees. A 10' landscape easement is provided for this purpose.

3. A combination of landscaping and low walls shall be used to screen all patios visible from the street. No walls may be constructed between the side walk and the curb.
4. Each lot shall include within the front yard a minimum of one (1) mature street theme tree for every 60' of frontage, minimum size 36" box, in accordance with the overall Vaquero Drive landscaping theme. Within the remaining area of the front yard, a minimum size 15 gallon tree for every 20 ' of frontage shall be planted as approved by the Architectural Committee.
5. The Vaquero Drive landscape theme may be modified by the Architectural Committee and will be addressed on a lot specific basis.
6. For additional clarification, refer to Exhibit B.

G. DRAINAGE

1. Site drainage and grading must be done with minimum impact on the existing grades of the street, golf course, adjacent lots, common areas, etc. Lots shall not drain into adjoining lots, streets, common areas, or golf course except where approved by the Architectural Committee.
2. A preliminary drainage concept shall be reviewed and approved in writing by the Architectural Committee prior to the preparation of final plans.
3. Provision shall be made to prevent erosion or other damage to any slope areas, the golf course, adjacent lots or the roadway, prior, during and following construction.
4. Drainage from lots, including all landscape overflows, pool or spa backwashing and any other nuisance drainage, shall be discharged into existing systems by a manner approved in writing by the Architectural Committee. Owner shall be responsible for any damage to or increased maintenance cost incurred by the damaged properties, including floods, erosion and siltation and nuisance flows, caused by uncontrolled runoff, etc. from the lots.
5. Lots have been pre-engineered for proper drainage. It is the responsibility of the homeowner to maintain the drainage as designed.

## H. LIGHTING

1. All landscape lighting is to be indirect. All light sources are to be concealed and directed away from neighboring views.
2. Architectural lighting of all pool areas, patios or other areas must be reviewed and approved by the Architectural Committee. Light levels must be directed away from neighboring parcels and adjacent golf course, and approval, if granted, is on a specific use and time basis.
3. Outdoor security lighting is defined as a light that is activated by motion in the area covered by the beam and only stays on for a brief prescribed amount of time.
  - a. Security lighting must be reviewed and approved by the Architectural Committee prior to installation.
  - b. Fixtures must have a light shield and light levels must be directed away from neighboring properties.
  - c. The fixtures must be mounted on the wall of the residence or ground mounted. Roof mounted lights will not be approved.
  - d. Only one standard fixture that is compatible with the existing lighting and architectural details will be approved for each Gainey Ranch Community. Maximum wattage per bulb shall be 150.

## I. SIGNAGE

Refer to the Custom Residential Sign Criteria, Section 4, Article III.

## J. SECURITY

Refer to Section 5, Gainey Ranch Security Policy Guidelines.

## K. CONSTRUCTION

Refer to Section 6, Gainey Ranch Construction Policies.

## L. EXTERIOR ACCESSORIES

1. Antennas (See General guidelines for details, which comply with Federal regulations).
2. Amplifiers No radio, stereo, television, broadcasting or loudspeaker unit, and no amplifiers of any kind may be placed upon or outside of, or be directed to the outside of any building without prior written approval from the Architectural Committee.
3. Basketball Backboards
  - a. No basketball backboards shall be installed without the prior approval of the Architectural Committee.
  - b. When a basketball backboard is attached to a building or structure, the backboard must be painted to match the color of the trim or roof.
  - c. A basketball backboard may not be installed in a location interfering with the enjoyment of a neighboring property as determined by the Architectural Committee.
4. Flagpoles
  - a. No flagpoles may be installed without the prior written approval of the Architectural Committee.
  - b. Flagpoles shall be an appropriate height and painted a dark bronze color approved by the Architectural Committee.
  - c. Only the United States and State of Arizona flags may be displayed and such flags shall be of reasonable size, as determined by the Architectural Committee.
  - d. Flags shall be an appropriate size based on the height of the flagpole.
  - e. All displays of the American or State of Arizona flag must be in a manner consistent with the Federal Flag Code.
  - f. Lighting if any shall be directed away from neighboring views and the light source must be concealed.

5. Mailboxes

All mailboxes must be the approved Vaquero Drive design.

6. Utility and Service Lines

No gas, electric, power, telephone, water, sewer, cable television or other utility or service lines of any nature or kind may be placed, allowed or maintained upon or above the ground on any lot except to the extent, if any, that underground placement may be prohibited by law or would prevent the subject line from being functional. However, above ground service pedestals splice boxes, switch cabinets and transformers will be permitted where required for public utilities.

7. Tennis/Sport Courts

- a. No tennis/sport courts will be installed without the prior written approval of the Architectural Committee.
- b. Courts may be allowed, provided the setting, visual appearance, lighting, noise generation, construction and landscaping do not detract from the enjoyment of a neighboring property, as determined by the Architectural Committee. Each proposed installation will be judged on an individual basis. The applicant must submit plans for review and receive approval prior to construction.
- c. The following guidelines will govern the approval of Tennis and Sport Courts:
  - a. Courts shall not be permitted in a front yard.
  - b. Courts with lighting shall be set back twenty (20) feet from all side and rear lot lines. (Measured from the tennis court fence line or base of lighting standard whichever is closest.) A maximum ten (10) foot variance may be granted under certain conditions. Such variance is based upon providing sufficient landscaping or other treatment, such as lowering the court grade, to adequately screen the court and fencing from neighboring view. The landscaping must be properly maintained to provide the intended permanent screen.
  - c. Perimeter side yard walls shall be solid masonry and a minimum six (6) feet in height unless written approval for a variance from the owner(s) adjacent lot is received.
  - d. Outdoor lights shall be shielded so that they do not direct light upon, nor be visible from, any adjacent property and shall not be operated between



10:00 PM and sunrise. Lighting for the court shall be restricted to no more than eight (8) adjacent light fixtures and posts not to exceed eighteen (18) feet in height. No other light source may be used for lighting the court. The light posts shall match the tennis court fencing in color.

- e. Courts shall be fenced or otherwise enclosed to reasonably prevent tennis balls from landing on adjacent property. All fencing and windscreens shall be dark green, bronze or black in color. The maximum fence height shall be ten (10) feet above the original delivered pad grade. Fencing must be reasonably screened from adjacent property view with approved landscape that blends with the particular area landscape theme. Windscreens shall be limited to six (6) feet in height.
- f. Shade structures and other additions to courts (stereo speakers, banners, backboards, etc.) will require separate review and approval by the Architectural Committee.
- g. In the event the 10:00 PM lights out deadline is exceeded (see #d above), a fine of \$25.00 for each half hour or portion thereof past 10:00 PM shall be imposed by the Gainey Ranch Community Association for each occurrence. The fine shall be added to the Master Association's assessments against the applicable lot.

#### 8. Swimming Pools, Spas, Hot Tubs, & Similar Structures

- a. No swimming pool, spa, hot tub or similar structure hereinafter collectively referred to as a pool, may be constructed without the prior written approval Architectural Committee.
- b. Water discharged from pools must be accomplished by a filter system that does not allow the water to leave the lot.
- c. In the event that the pool must be drained, arrangements should be made with the City of Scottsdale for drainage through the City sewer system.
- d. No grade change, which adversely affects drainage, will be permitted.
- e. Dirt removed from the lot for the excavation of a pool may not be dumped anywhere on Gainey Ranch property, but instead should be taken off the Ranch and deposited in areas specified for dumping.

- f. If any dirt from the excavation of a pool is relocated on the lot in the form of planting areas against common walls, or golf course walls the walls must first be waterproofed to prevent water seepage. Relocation of dirt on the lot is subject to Architectural Committee approval of all final grades to excavation.
- g. Pool mechanical equipment will be screened and will not be visible from the neighboring property.
- h. Pool decking shall not exceed 12” above the original delivered pad grade.
- i. Lighting must be reviewed and approved by the Architectural Committee prior to installation. Light levels must be directed away from neighboring property.
- j. All plans must meet City of Scottsdale design criteria and code requirements prior to approval by the Architectural Committee.

9. Utility Service

Utility service related structures (except fire hydrants) will be painted the color selected by the Architectural Committee.

10. Sun Control

- a. Glass may be clear or tinted. Tinted glass requires special approval. Reflective glass will not be approved.
- b. Windows will be shaded by building overhangs or devices designed to protect them from warm season sun rather than using exterior or interior reflective materials.
- c. All awnings, trellises, free standing shade structures or other sun control devices will be approved on an individual basis and must relate to the colors, materials and finishes of the building.

11. Mechanical Equipment

- a. No mechanical equipment will be openly visible. The Architectural Committee must approve all solar energy devices visible from neighboring properties or public view.

- b. All vent pipe stacks protruding above the plane of the roof must be screened and/or painted to match the roof.
- c. Ground-mounted air conditioning units shall be concealed by a sound enclosure on all sides visible to the public and/or neighboring views. Locations and screens needs to be approved by the Architectural Committee prior to installation.
- d. Roof- mounted solar panels and equipment must match the roof color. Panels must appear to be an integral part of the roof plane. Solar units must not break the roof plane. Solar units must not break the roof ridgeline, must not be visible from public view and must be screened from neighboring properties in a manner approved by the Architectural Committee. Roof-mounted hot water storage systems must not be visible from public or private view. Tracker-type systems will be allowed only when not visible from adjacent properties.

#### 12. Clothes Drying Facilities

All clothes drying facilities must be located and maintained exclusively within a fenced service yard or otherwise concealed from the view of neighboring properties.

#### 13. Statues, Fountains or Similar Structures

No statues, fountains or similar structures may be constructed or erected without prior written approval of the Architectural Committee.

#### 14. Garbage and Trash

- a. No garbage or trash may be placed on any lot except in containers meeting the specifications of the Architectural Committee. The placement, maintenance and appearance of all such containers shall be subject to rules and regulations of the Architectural Committee. Trash and garbage containers must be concealed from view of neighboring and public properties except for after 5 Pm the day prior and during collection day. Such containers must be clean, free from printed markings and in good working order.
- b. Rubbish, debris and garbage may not be allowed to accumulate. Each owner shall be responsible for removal of all rubbish, debris and garbage from the

public right-of-ways adjacent to either the front or side of the owner's lot or parcel, excluding: (1) public roadway improvements, (2) those areas maintained by the Gainey Ranch Community Association and/or the Gainey Ranch Golf Club.

15. Additions or Alterations

Any additions or alterations to any building, structure lot or parcel must be approved in writing by the Architectural Committee prior to commencement of any construction or alteration. Any repainting or redecoration of exterior surfaces will also require submission of color scheme to the Architectural Committee for approval prior to application.

16. Compliance with the City of Scottsdale Code

All buildings and structures constructed on Gainey Ranch, and the use and appearance of land within Gainey Ranch, shall comply with all applicable City of Scottsdale code requirements.

17. Parking

- a. At least two (2) covered off-street parking spaces in a garage must be provided for each single-family detached unit.
- b. Parking of boats, campers, trailers, motor homes, recreational vehicles, buses, vans or trucks having a carrying capacity in excess of  $\frac{3}{4}$  ton designed for commercial purposes is not permitted within Gainey Ranch, except with the prior written approval of the Architectural Committee and in areas attractively screened or concealed from view of neighboring or public properties.

**SECTION 2**  
**ARTICLE III**

**CUSTOM RESIDENTIAL SIGN CRITERIA**

Builders are responsible for reviewing and adhering to all appropriate Gainey Ranch and City of Scottsdale requirements with respect to signage. Signs are strictly for identification purposes and are oriented to the street side of the lot. Temporary signs are for homes that are under construction and must be removed no later than occupancy. Permitted signs include:

A. Permanent Signs

Identification, street numbers and resident names will be allowed subject to Architectural Committee approval. No other permanent signs or graphics will be allowed.

B. For Sale/For Lease Signs

For Sale/For Lease signs should follow the rules set forth in the Gainey Ranch Master Architectural Committee Rules, Section 4, Article VIII.

C. Temporary Lot I.D. Signs

8"x12" lot number signs are allowed until completion of construction of a home.

D. Open House Signs

Residential – To facilitate the locating of open houses, the GRCA has Open House tent signs for the exclusive use of residential property owners and/or their real estate agents. Only the authorized open house signs may be used and such usage must be in accordance with the GRCA "Residential Open House Rules".

## **WINTER LAWN RULE**

Section 4.01 of the Satellite Declaration of Covenants, Conditions, Restrictions and Easements for Vaquero Drive at Gainey Ranch imposes an obligation on each Owner (capitalized terms used herein are defined in said Declaration) to maintain his or her Lot in a “complete, neat and workmanlike manner including, without limitation, . . . maintaining and replacing trees, shrubs, and grass . . .” Section 4.02 of the Declaration gives the Architectural Committee may enact rules and regulations to interpret and implement the Declaration and specifically references landscaping in this regard.

A turf theme has been established for the front yard landscape of all Vaquero Drive Lots. The Master Association, which maintains the curbside turf strip, puts in a winter lawn each fall. Most Lot owners have done the same. In order to have a continuous cohesive design statement along Vaquero Drive, the Architectural Committee has adopted the following rule:

**Winter Lawns:** All owners of developed Lots shall, between September 15 and November 1 of each and every year, scalp and over seed their front yard turf with perennial rye and maintain such turf in accordance with Section 4.01 of the Declaration. In the event that an Owner fails to plant a winter lawn in accordance with this rule, or to maintain it, the enforcement provisions of Sections 4.01 and 4.02 of the Declaration shall apply.

## **OUTDOOR FURNITURE RULE**

Section 10.05 of the Satellite Declaration of the Covenants, Conditions, Restrictions and Easements for Vaquero Drive and Gainey Ranch provides that the Architectural Committee may enact rules and regulations relating to exterior appearance. Pursuant thereto, the following rule has been adopted:

**Outdoor Furniture:** All furniture located at the front entry, a front patio or elsewhere in front of a dwelling which is not, in the sole opinion of the Architectural Committee, adequately screened from neighboring or public views must be approved by the Architectural Committee.

### **GATE TRANSMITTER RULE**

To facilitate the convenience of its residents, while recognizing the need to maintain reasonable security policies, the Satellite Association has authorized its residents' use of certain gate transmitters to open the subdivision's entrance gates in accordance with the conditions stipulated in this Rule.

The gate transmitters may be used together with the encoded "proximity" cards authorized by the Master Association's "Entry Gate Access Devices" Rule as the two authorized devices for vehicular access to the subdivision.

Upon request by the Satellite Association Board, the Master Association has agreed to install and maintain, at the Master Association's expense, a specific receiver to accommodate the residents' use of gate transmitters to open the entry gates. Each gate transmitter contains a separate code that must be programmed into the receiver to activate its usage. Consequently, to enhance security, the gate transmitters cannot be duplicated by the residents.

### **RULE**

Each owner who resides on Vaquero Drive shall have the option of obtaining a special gate transmitter for each vehicle which is issued an encoded "proximity" card pursuant to the Master Association's "Entry Gate Access Devices" Rules; provided, however, that the maximum number of gate transmitters per household shall not exceed the number of licensed drivers in the household, unless the owner agrees to give up an encoded "proximity" card for each gate transmitter that is in excess of the number of licensed drivers in the household.

Gate transmitters may be purchased by an owner at the Master Association Administration Office after completing and signing the "Gate Entry Device" application.

An owner's privilege to use the special gate transmitters may be revoked by the Satellite Association Board if the owner is in violation of either this Rule or the provisions of the "Gate Entry Device" application.

Residents shall be prohibited from using the Call Box equipment as a means to access the subdivision by entering a code number into the Call Box. Consequently, code numbers shall not be issued to residents since such number can easily be conveyed to any non-resident, which is forbidden.