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## Appendix "A" Definitions

Unless the context otherwise specifies or requires, the following words or phrases when used in these Design Guidelines shall have the following specific meanings. Terms used herein which are defined in the *Declaration* shall have the meanings specified therein.

"Addition" means any changes, alterations, modifications or additions to a Lot after its Home, including any excavation, cut, fill, Residence, buildings, outbuildings, roads, driveways, parking areas, walls, fences, retaining walls, stairs, gates, patios, courtyards, pools, spas, landscaping, exterior lighting, poles, signs, exterior art or sculpture, repainting, and any structure or other improvement of any type or kind.

"Adjacent Lot" means any Lot that shares a common boundary with the subject Lot, as well as any Lot that is located directly across a street or alley; or across a Common Area open space less than fifty feet (50'-0") wide.

"Applicant" means the specific individual person identified as the Applicant on the application form submitted to the Design Review Committee as the Applicant to whom all design review correspondence shall be addressed. The Applicant shall be deemed to be the agent of the Homeowner that is authorized to act on behalf of the Homeowner in regard to matters related to Design Review.

"Architect" means a person appropriately licensed to practice architecture in the State of Arizona.

"Association" means the Blossom Rock Residential Association as defined in the *Declaration*.

"Board" means the Board of Directors of the Blossom Rock Residential Association as defined in the *Declaration*.

"Builder" means a person or entity engaged by an Owner, including the Owner acting as builder, for the purposes of constructing, installing, repairing or modifying any Improvement on the Owner's Residence. This term also applies to any contractors, subcontractors, vendors, agents or employees of a Builder.

"CC&R's" see "*Declaration*".

"City" means the City of Apache Junction, Arizona, a municipal corporation of the State of Arizona.

"Committee" means the "Design Review Committee" or "DRC" per these Design Guidelines; and also the "Reviewer" as established pursuant to the *Declaration*.

"Common Area" means Common Area as defined in the *Declaration*.

"Community" means the master-planned area known as Blossom Rock.

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"Contractor" see "Builder".

"Corner Lot" means any Lot that shares at least one (1) side boundary with a public street or landscape tract and is subject to enhanced site planning, architectural, and landscape requirements.

"Courtyard Wall" means a low-scale, free-standing, masonry wall between eighteen inches (18") and forty-two inches (42") above the adjacent finished grade.

"Cut" means removal of soil, rock or other earth materials to create a finished grade that is lower than the existing natural grade.

"Declaration" means the "*Amended and Restated Declaration of Covenants, Conditions, Restrictions and Easements for Blossom Rock Residential Community*" as recorded in the official records of the Pinal County Recorder, as may be amended from time to time and including any supplements.

"Design Guidelines" means the "Blossom Rock Design Guidelines".

"Design Review Committee" or "DRC" means the "Reviewer" as established pursuant to the *Declaration*.

"Design Review Consultant" means the individual, entity or company retained by the Design Review Committee to assist in technical evaluation and review for the Design Review Committee.

"Design Review Coordinator" means the individual appointed by the Design Review Committee to serve as the coordinator and liaison for the Design Review Committee.

"Blossom Rock Design Guidelines" means the restrictions, procedures, standards, intent and regulations relating to the design, construction, addition, modification or alteration of a Residence and other Improvements on a Lot as set forth herein, and as adopted and enforced by the Design Review Committee, and as amended from time to time by it.

"Blossom Rock Owner Improvement Design Guidelines" means the "Blossom Rock Design Guidelines".

"Blossom Rock Residential Association" means the "Blossom Rock Residential Association, Inc." as defined in the *Declaration*.

"Excavation" means any disturbance of the surface of the land (except to the extent reasonably necessary for planting of approved vegetation), including any trenching which results in the removal of soil, rock, other earth materials or other substance from a depth of more than twelve inches (12") below the existing surface of the land, or any grading of the surface.

"Existing Non-Conforming Improvement" means an Improvement that does not fully comply with the Design Guidelines due to a variety of reasons. The existence of an Existing Non-

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Conforming Improvement does not establish precedence, nor does it obligate the DRC to approve a similar Improvement in the future even if similar conditions exist.

"Fill" means any addition of soil, rock or other earth materials to the surface of the land which increases the elevation of such surface from its existing state.

"Finished Graded Pad" means the engineered finished graded earthen pad that was approved by the City and created as part of the original development and Home of the property upon which the Home was constructed.

"Founder" means the Founder as defined in the *Declaration*.

"Front Yard" means the area between the sidewalk and the face of the Residence, including the area on the side of the Home up to the fence return wall. The Front Yard may include property outside of the established Lot.

"Fully Shielded Light Fixture" means a light fixture that has a solid and opaque barrier, cap, hood or housing that fully shields or hides the light source (lamp or bulb) with no light projecting above a horizontal line of the barrier.

"Guest House" means a structure, separate from the main structure of the Residence, having sleeping facilities for one or more guests.

"Guidelines" means the "Blossom Rock Design Guidelines".

"Hardscape" means all constructed elements in the landscape, excluding buildings. This may include, but is not limited to driveways, sidewalks, fences, walls, retaining walls, pools, spas, patios, paving, etc.

"Height" means, unless otherwise specified in these Guidelines, the height of an Improvement measured vertically from the primary finished floor elevation of the Residence. The primary finished floor elevation of the Residence shall be the elevation of the primary floor level that is closest to the finished grade of the Lot.

"Home" means the residence constructed by a Homebuilder.

"Homeowner" see "Owner".

"Homebuilder" means a person or entity that obtained the original Building Permit and first constructed the Residence and other Improvements; and sold the property to the first Owner.

"Improvement" means any changes, alterations, modifications or additions to a Lot, including any Excavation, Cut, Fill, Residence, buildings, outbuildings, roads, driveways, parking areas, walls, retaining walls, stairs, patios, courtyards, landscape, poles, signs, exterior art, repainting, and any structure or other modification of any type or kind.

"Lot" means a subdivided Lot as shown on the applicable plat of record.

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"Master Developer" means the "Residential Declarant" as defined in the *Declaration*.

"Master Planned Community (MPC)" is a large, carefully planned residential neighborhood.

"Owner" or "Homeowner" means the Owner (as defined in the *Declaration*) of a Lot. For the purposes herein, the Owner may act through his designated agent, provided that such agent is authorized in writing or by law to act in such capacity.

"Public View" means the view of the Lot and/or House from adjacent streets, public sidewalks, Common Areas, open spaces, parks. "Public" refers to anyone using or in the streets, sidewalks, parks, Common Areas of the Community. This includes the view from open space corridors and from the surrounding neighborhoods. This view includes views through a View Fence into a private yard area. This view is to be considered from a height of three feet (3'-0") to six feet (6'-0") above the finish grade of the viewing area.

"Rear Yard" means the rear portion of a Lot generally defined as the rear one-half of the Lot. Different types of Rear Yards are further defined below.

"Enclosed Rear Yard" means a Rear Yard that is surrounded by solid walls and gates that are at least five feet (5'-0") tall around all sides of the Rear Yard. An Enclosed Rear Yard includes those portions of the side yards that are within the solid walls.

"Exposed Rear Yard" means a Rear Yard that is surrounded by solid wall, transparent fencing and gates that are at least five feet (5'-0") tall on all sides of the Rear Yard AND all or a portion of the fencing is View Fence. (See *definitions for View Fence*.) An Exposed Rear Yard includes those portions of the side yards that are within the Yard Walls or fence.

"Open Rear Yard" means a Rear Yard that does not have a wall or fence around it on all sides that is at least five feet (5'-0") tall. Open Rear Yards may have no fencing, no walls, or low walls (less than 5'-0" tall) or low fencing (less than 5'-0' tall) on any one side of the Rear Yard. For clarity, if any one side of a Rear Yard does not have a wall or fence that is at least 5'-0" tall, then it is considered an Open Rear Yard.

"Residence" means any building or buildings, including any garage or other accessory building used for residential purposes, constructed on a Lot, and any Improvements constructed in connection therewith. Unless otherwise defined, "Residence" shall mean a single-family Residence.

"Reviewer" means the Reviewer/Design Review Committee as established pursuant to the *Declaration*.

"Structure" means anything constructed or erected on a Lot, the use of which requires location on the ground or attachment to something having location on the ground.

"View Fence" means fencing and associated gates that are generally constructed of relatively thin rails and open pickets which allow for partial views through the fence. A minimum of eighty

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percent (80%) to the total area of a View Fence shall be open and transparent with the solid components making up less than twenty percent (20%) of the total area. A wrought iron fence is an example of a View Fence. In some cases, open rail fencing or decorative wrought iron is located on top of solid masonry fencing (referred to as "partial view fencing"). In these cases, where the open rail fencing is 25% or less of the overall fence height, this fence will not be considered a View Fence for the purpose of these Design Guidelines.

"Visible from Neighboring Property" means that an object or activity on a Lot which is or would be visible without the use of artificial site enhancements in any line of sight originating from any point between three feet (3'-0") and six feet (6'-0") above any other property at ground level, including other Lots.

"Yard Wall" means a free-standing solid wall or solid fence (that is not a structural part of a building or Residence) that is located within a yard area or along a property line and is at least five feet (5'-0") tall as measured from the adjacent finished grade. Yard Walls are typically constructed of concrete masonry units (CMU) but may include other materials as well. As further defined in these Design Guidelines, Community Walls, Theme Walls, Return Walls, Interior Privacy Yard Walls, and Screen Walls are all examples of specific types of Yard Walls.