



# Ocotillo

## Design Standards and Community Rules

(Adopted January 23, 2024)

**The Ocotillo Community Association**

2577 W Queen Creek Rd. Ste 105 ~ Chandler, Arizona 85248

Phone (480)939-6070

Website: [www.o-ca-az.com](http://www.o-ca-az.com)



# The Ocotillo Community Association

## Design Standards and Community Rules

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## CITY OF CHANDLER PHONE NUMBERS

Abandoned Vehicles .....	480-782-4130
Police	
Emergencies .....	9-1-1
Non-Emergency .....	480-782-4130
Pool-Aquatic hotline .....	480-782-2749
Post Office .....	1-800-275-8777
Schools	
Chandler/Gilbert Community Collage ....	480-732-7000
Chandler Unified School District .....	480-812-7000
Solid Waste/Refuse Service .....	480-782-3510
Streetlight Repair Hotline .....	480-782-3460
Streets .....	480-782-3500
Trash Service .....	480-782-3510
Utilities	
Electric – SRP .....	602-236-8888
Gas – Southwest Gas .....	877-860-6020
Phone – Century Link .....	1-800-244-1111

Cox Cable .....	623-594-1000
Water .....	480-782-2280
Voter Registration .....	480-782-2180
Weed Control	
Residential .....	480-782-4320
Vacant Lot .....	480-782-4320
Zoning	
Neighborhood Code .....	480-782-4320
Planning & Design .....	480-782-3000
Animals	
Barking Dogs .....	480-782-BARK
Dead Animal Pick-up .....	480-782-3510
Block Watch .....	480-782-4960
Buildings	
Building Permits .....	480-782-3000
Building Inspections .....	480-782-3100
Zoning Inspections .....	480-782-3000
Bulk Refuse Pick-up .....	480-782-3510
Customer Service (City Utility) .....	480-782-2280
Fire Department	
Emergencies .....	9-1-1
Codes (Fire Marshall) .....	480-782-2135
Inspections .....	480-782-2120
Garbage Pick-up .....	480-782-3510
Graffiti Hotline .....	480-782-4322
Hospital, Chandler Regional .....	480-721-3000
Neighborhood Programs .....	480-782-4354
Permits	
Alarm Systems .....	480-782-4201
Building/Construction .....	480-782-3000
Block Parties .....	480-782-3346



## INTRODUCTION

The Ocotillo Community has been carefully planned and constructed with the intention of creating a quality living environment. Excellence is the hallmark of Ocotillo. This excellence is achieved through careful planning, quality construction and by providing organizations to manage and direct community activities.

A Declaration of Covenants, Conditions and Restrictions recorded in the official records of Maricopa County, Arizona, April 7th, 1986 as document number 86-167478 and subsequent amendments (the “CC&R’s”) established a uniform development plan for Ocotillo. Each home or property owner (collectively, “Member”) purchases land at Ocotillo that is subject to these CC&R’s. In accordance with the CC&R’s, The Ocotillo Community Association Board of Directors has adopted the enclosed Design Standards, and Community Rules (“Design Standards”) to evaluate all improvements in Ocotillo and ensure they are architecturally consistent with the community master plan as detailed on Chapters One through Four of the Design Standards.



Pursuant to Article V, Section 3 and Article XVI, Section 5 of the CC&R’s, the Board of Directors has adopted the following Community Rules (the “Rules”) as detailed in Chapters Five and Six of the Design Standards. These Rules are intended to supplement and summarize certain major components of the CC&R’s of which all Members should be aware. However, in the event of a conflict between these Rules and the CC&R’s, the provisions of the CC&R’s shall govern over any provisions contained in the Rules.

The Design Standards ensure excellence by establishing standards for constructing and remodeling residences while the Rules assist in defining property use. When combined, both demonstrate the importance each Member plays in maintaining the quality environment at Ocotillo. Compliance with these documents is necessary to make Ocotillo a lastingly beautiful community.

Capitalized terms used in this document and not otherwise expressly defined herein shall have the same meanings as set forth for such terms in the CC&R’s.

## COMMUNITY ORGANIZATION

Ocotillo is a master planned community, not merely a collection of subdivisions; therefore, an organization has been created to oversee the ongoing development of the community. To this end, every property owner at Ocotillo is a mandatory Member of The Ocotillo Community Association (the “Association”), which is responsible for the maintenance and management of all Common Areas and related facilities, and the administration of maintenance and construction activities by Members on their lot in accordance with the CC&R’s and Design Standards. A Board of Directors (“The Board”), consisting of not less than five (5) nor more than eleven (11) persons, manages the affairs of the Association. Board elections are held at the Annual Meetings of the Association.

The Board has a wide range of powers as outlined in the CC&R’s and Bylaws, including the ability to adopt rules and regulations governing the use of its Common Areas and to employ a community management firm to assist in the operation of the Association.

The Ocotillo Design Review Board (ODRB) was established by the Declarant to review all improvements within Ocotillo including new construction and modifications to existing properties.

The Board has adopted Design Standards to evaluate proposed construction activities and improvements. A professional management company has been retained by The Board to manage the daily operation of the Association. As managing agent for the Association, it is the function of the management company to implement community policies set forth by The Board. The management company responds to all Members’ concerns regarding violations and enforcement of the CC&R’s, Design Review, and overall operation of the planned community. The Board, however, maintains the ultimate responsibility for the management of the Association.



# CHAPTER ONE

## DESIGN REVIEW PROCESS

### DESIGN REVIEW PROCESS

The requirements, objectives, standards, and procedures contained in these Design Standards are all intended to establish and maintain a harmonious community image for Ocotillo. Through these Design Standards and design review process, a consensus is achieved between individual aesthetic judgment and the broader interests of community standards.



The CC&R's require the written approval of the ODRB before any change to a site or building exterior of a property is made. Members should contact the management company or visit the Association's website at [www.oca-az.com](http://www.oca-az.com) to obtain the necessary submittal information and forms.

No new construction, landscape, remodeling, or exterior changes, including changes in exterior color, is to occur on any Lot or exterior of any property without the prior written approval of the ODRB. The responsibility of the ODRB is to ensure the harmonious, high-quality image of Ocotillo is implemented and maintained.

Certain subdivisions, such as Crown Point, Embarcadero, The Island, Montefino Village and Santorini Shores (to name a few) have amenities, open space, tracts, common areas or other elements unique to only that subdivision. In these instances, a "sub-association" is created with its own governing documents and association structure. In some cases, the Standards of the sub-association will be more restrictive than those of the Association. In these instances, sub-association architectural approval must be received prior to submitting for approval by the ODRB and both are required for all proposed architectural and landscape modifications. In the event the sub-association does not establish its own architectural Standards, the Association's Design Standards will apply solely.

It is the Member's responsibility to ensure that any proposed construction is coordinated with and, where applicable, approved by the ODRB and other local, state, and federal government agencies. The ODRB and

Association assume no responsibility for obtaining these reviews and approvals.

The Board may, at its option, grant variances from the Design Standards which have been established for Ocotillo. Variances will be granted only in extenuating circumstances, based upon the determination that a restriction would create an unreasonable hardship or burden upon a Member, or that a change of circumstances since the adoption of the CC&R's has rendered such a restriction obsolete. All requests for a variance must be accompanied by full documentation, including what the variance entails and the reason the proposed variance is justified. Any activity permitted by the variance must not have an adverse effect upon other Members and must be in keeping with the high quality of life intended for Ocotillo.

### STANDARDS

#### General Principles

The purpose of the ODRB is to ensure consistent application of the Design Standards. The Design Standards promote those qualities in Ocotillo, which enhance the attractiveness and functional utility of the community. Those qualities include a harmonious relationship among structures, vegetation, topography, and overall design of the community.

#### Relationship of Structures & Site

Treatment of the site must relate harmoniously to adjacent sites and structures that have a visual relationship to the proposed construction.

#### Maintenance

All landscaping must be maintained in a neat and attractive condition. Minimum maintenance requirements include watering, mowing, edging, pruning, removal, and replacement of dead or dying plants, removal of weeds and noxious grasses, and removal of trash. Replacement of dead tree(s) or plant material (other than annuals) with a species not listed on the originally approved landscaping plan (see Appendix "A") requires the prior written approval of the ODRB.

Design Compatibility

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

Workmanship

The quality of workmanship evidenced in construction 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 ODRB assumes no responsibility for the safety or liability of new construction by virtue of design or workmanship. Members are encouraged to use licensed contractors.

**SUBMITTAL REQUIREMENTS**

A Member must have written approval from the ODRB prior to making any improvements or exterior changes to any part of their Lot. To avoid misunderstanding, a Member must not proceed with an improvement or exterior change on the basis of a “verbal” approval or “oral” representation, whether by the ODRB, property manager, developer, sales agent or anyone else. In some cases, the Standards of the sub-association will be more restrictive than those of the Association. In these instances, sub-association architectural approval must be received prior to submitting for approval by the ODRB and both are required for all proposed architectural and landscape modifications.

A completed submittal must include, at a minimum: (i) completed Landscape/Architectural Submittal Form (reference form on Page 23), (ii) black or blue line drawing on minimum eight and one-half inch by eleven-inch (8.5”x 11”) sheets, legible, drawn to scale that includes a site plan showing the location, details and drawing of the improvement(s). Any plans that are submitted larger than eleven inches by seventeen inches (11”x 17”) in size must also be accompanied by an eleven-inch by seventeen-inch (11”x 17”) drawing. At the sole discretion of the ODRB, plans drawn to a larger scale may be required to clearly illustrate all details of the proposed improvements. Depending on the approval requested, the drawing shall include, but is not limited to, site plan, lot dimensions, the location and dimensions of the structure or modification, setbacks from all

property lines and concrete lake edge (if applicable), elevations, paint colors, tile and stone samples or landscape materials, plant species and sizes. A building permit from the City of Chandler is required by any Member, Lot owner or authorized agent who intends to construct, enlarge, alter, repair, move, convert, or replace any electrical, gas, mechanical or plumbing system. The work to be done is regulated by International Residential Code IRC R105.1 which includes, but is not limited to, pools, spas, ramadas, stone veneer applications, room additions, patio covers or similar structures. It is the Member’s responsibility to acquire all required City of Chandler permits prior to construction. To avoid design changes and delays, it is strongly recommended conceptual design approval be received from the ODRB prior to submittal to the City of Chandler.

Once the submittal has been reviewed by the ODRB, there are three possible findings: approved, approved with conditions, or denied.

1. If approved, the Landscape/Architectural Submittal Form will be signed and dated by the ODRB and returned to the Member with an entry into the Member’s file.
2. If conditionally approved, Member does not need to resubmit, but all conditions on the ODRB letter must be complied with.
3. If the plan has been denied, the Landscape/Architectural Submittal letter will be itemized with the reasons for denial. The Member then has the option to revise the plans and resubmit drawings to the ODRB with a new Landscape/Architectural Submittal Form. The Member must have written approval by the ODRB before starting any improvement or exterior change. If a plan is denied, this is also reflected in the Member’s lot file at the management company.

It is the Member’s responsibility to submit for written approval. If the contractor is submitting plans, the Landscape/Architectural Submittal Form must be filled out completely so the ODRB has the option of contacting the Member about possible conflicts or for more information. A copy of the plans will be returned to the Member, with the original plans kept on file at the management company. Some builders at Ocotillo may provide front yard landscape installation packages as an option to the Member. These plans have been pre-approved by the ODRB and do not require re-submittal.

The ODRB typically responds to all Design Review submittals within thirty (30) days of receipt. This includes re-submittals. If you do not receive a response within thirty (30) days, please call the management company for a status report. Remember, you must have written approval before proceeding with a proposed project.

The ODRB's approval is valid for ninety (90) days and all work associated with submittal must be completed within one hundred twenty (120) days from approval date, unless otherwise approved by the ODRB. Custom home construction (i.e., The Island, The Vistas and Santorini Shores) should be completed within twelve (12) months from groundbreaking. Please be advised that a final inspection may be required to confirm compliance with approved plans. If improvements or construction has commenced prior to the expiration date, a new submittal is not required.

## APPEAL PROCESS

As per Article XI, Section 2 of the CC&R's, any Owner, or Member aggrieved by a decision of the ODRB may appeal the decision to the ODRB and/or The Board. The CC&R's do not obligate the ODRB and/or The Board to accept or allow an appeal. However, the ODRB and/or The Board may allow one (1) appeal providing the appeal is received within thirty (30) days of the ODRB decision and that the Owner or Member has modified the original submittal or has new information that would warrant reconsideration. Petitions or surveys will not be accepted.





## CHAPTER TWO LANDSCAPE & HARDSCAPE

### REQUIREMENTS

Minimum landscape quantities discussed in this section apply to all front yards. Minimums will also apply to rear yards that are open to the lake, golf course, open space, tracts, common areas or otherwise Visible from Neighboring Property (see “Visible from Neighboring Property” as defined in Article I, Definition OO of the CC&R’s).



1. Landscaping must be a balance of turf, shrubs, ground cover and hardscape. This applies to new or modifications of an existing plan. Plans must be submitted and receive written approval from the ODRB prior to installation (see “Submittal Requirements” in Chapter One).
2. Front and rear yards Visible from Neighboring Property on all residential View Lots must have their landscaping completed within six (6) months from the date of occupancy. Landscaping plans must be submitted for approval no later than four (4) months from the close of escrow. All hardscape plans (not including non-view Lots) that include pools, decking, walkways, etc., must be submitted and approved by the ODRB prior to installation.
3. Natural and/or Artificial Turf:

#### Front Yards:

A minimum of fifty percent (50%) of the “Landscapable Area” of the front yard is to be natural grass turf or artificial turf (see Artificial Turf within Chapter 3). “Landscapable Area” means that which is not covered by house, driveway, original front sidewalk, or covered patio. The entire landscapable front yard is measured in square feet, and fifty percent (50%) of that total is the minimum area to be natural grass or artificial turf.

Natural grass turf must not be installed immediately adjacent to any common area or property line walls. Artificial turf may be installed along the property line walls so long as sprinklers are not installed, otherwise, artificial turf must be a minimum of three feet (3’) from any property wall.

#### Rear Yards:

On lake Lots, landscaping along the lake edge must be natural grass or artificial turf to minimize erosion adjacent to the lake (see “Landscape Maintenance Adjacent to Lake” in Chapter Five). Rear yard View Lots are required to maintain a balance of greenery and hardscape and will be evaluated on a case-by-case basis.

4. **All Members who have natural turf are required to over seed their front lawns with Winter Rye grass by October 31st.** Bermuda grass turns brown and is dormant in the winter. Members living along the golf course, lakes or other locations Visible from Neighboring Property with natural turf must over seed both front and rear yard lawns with Rye grass by October 31st, and maintain a green, attractive, weed-free lawn. **The winter rye lawn must be established by November 15 of that same calendar year. A \$500 fine will be assessed per Membership for noncompliance of this requirement.**
5. All irrigation systems (potable or reclaimed water) are to be below ground and be fully automated systems in compliance with all applicable plumbing codes for local, state, county, and federal agencies. All irrigation systems and landscaping must be designed and “trimmed” to minimize spray onto streets, driveways, walks and other non-landscaped areas
6. Though most Lots require several trees, at least two (2) must be twenty-four inch (24”) boxed canopy trees (or larger) for the front and rear yard (if Visible from Neighboring Property). Custom and semi-custom Lots require a minimum of three (3) twenty-four inch (24”) boxed canopy trees. Included on the Landscape Pallet (see “Landscape Pallet” in Appendix “A”) is a list of trees that are recommended for installation based on past growth performance. Trees listed on the Landscape Pallet are representative of those that are allowed. Please check with your landscape installer for other recommendations. The ODRB will consider trees that are not on the list on a case-by-case basis. All trees on Lake Lots must be non-deciduous, produce a minimum amount of organic litter and be set back a minimum of fifteen



feet (15') from the shoreline and four feet (4') from any property line.

7. Citrus trees are not permitted in front yards.
8. Concrete, decorative pavers or brick are allowed as borders between natural grass turf and granite areas. Flagstone would be considered on a case-by-case basis only.
9. All sidewalks, new and resurfaced, must have prior written approval from the ODRB (see "Sidewalks" in Chapter Three).
10. Screened granite is used for shrub areas. Volcanic cinders, wood bark or wood chips are not permitted. Rip rap, river rock, and others will be considered on a case-by-case basis and must be submitted for prior to installation. Below are the approved granite colors you may choose from that does not require submitting. However, should you want a different color, then you may submit for a different color and must receive ODRB approval prior to installing. Approved granite (must be screened) for Lots Visible from Neighboring Property are:
  - Apache Brown (3/4" screened)
  - Desert Brown (3/4" screened)
  - Coral (3/4" screened)
  - Madison Gold (3/4" screened)
  - Nevada Gold (3/4" screened)
  - Spice (3/4" screened)
  - Table Mesa Brown (3/4" screened)
  - Saddleback Brown (3/4" screened)
  - Palomino Gold (3/4" screened)
  - Sunset Gold (3/4" screened)
11. Yard Ornamentation over forty-eight inches (48") in height is not permitted when Visible from Neighboring Property (see "Yard Art/Ornamentation/ Sculptures" in Chapter Three).
12. Desert landscape, including that planted in landscape pots, is not allowed in Ocotillo except for those drought resistant plants listed on the Landscape Palette (see Appendix "A" Landscape Palette). Cacti, Palo Verde trees, etc., are considered strictly desert flora and will not be approved for any area Visible from Neighboring Property.
13. Any type of artificial flower, plant, or tree is not permitted when Visible from Neighboring Property.

Metal plant sculptures are considered Yard Art (see "Art/ Ornamentation/ Sculptures" in Chapter Three).

14. All Lots at Ocotillo are graded (where possible) to drain from the rear yard to the street. No Member is allowed to alter grade without prior approval from the ODRB.
15. Members who have interior Lots, (i.e., houses which do not overlook the lake, golf course, open space, tract, or common area) are generally not required to submit plans for their rear yard landscaping unless the improvements are Visible from Neighboring Property. If in doubt, check with the management company to determine if a submittal is required.
16. Members must have all architectural and landscape modifications approved before beginning any work. Members who have installed landscaping, modified driveways, added rooms to their houses, repainted exterior house colors, etc., without approval of the ODRB will be sent a Notice of Violation (see "Policies and Procedures for Imposition of Monetary Penalties at Ocotillo" in Appendix "C"). If the matter remains unresolved, the Association may elect to turn the matter over to the Association's legal representative for resolution which may include, but is not limited to, removal of the unapproved modification at the Member's expense.



#### IRRIGATION REQUIREMENTS FOR USING RECLAIMED WATER

Ocotillo is one of the largest master planned communities in the United States using reclaimed water [stored in nearly one hundred seventy (170) acres of lake] to irrigate landscaping along miles of streets; acres of open space, tracts, and common area; the golf course; apartment, commercial, and industrial sites; and hundreds of homes. **Do not drink from these irrigation systems!** If available to your Lot or Parcel, a reclaimed water use fee will be assessed. All irrigation systems (potable or reclaimed water) are to be below ground and

fully automated systems in compliance with all applicable plumbing codes for state, county, and federal agencies. All irrigation systems and landscaping must be

designed and “trimmed” to minimize spray onto streets, driveways, walks and other non-landscaped areas.

1. Delivery of reclaimed water service to single-family homes, duplexes, and triplexes is prohibited as of November 1, 2013.
2. As of November 1, 2013, New or re-connections to existing reclaimed water distribution systems are strictly prohibited. If a Member, who is currently using reclaimed water for irrigation, elects to disconnect from the reclaimed system they will NOT be permitted to reconnect to the reclaimed water system.
3. Reclaimed Water Irrigation Systems must be designed and operated to minimize pooling and runoff. The irrigation system must be identified by using purple pipe and irrigation boxes.
4. **Backflow Prevention.** It is the **reclaimed water user’s** responsibility to prevent contamination of the potable water system. The single-family homes having reclaimed water available for landscape irrigation are Cottonwood Springs, Crown Point, The Harbour Club, The Island, Montefino Village, Peninsula, The Vistas (some Lots) and Water’s Edge. All potable water service connections to any building must be equipped with “**reduced** pressure” principal backflow prevention assembly if reclaimed water is available to the site. **If this requirement is not met, or a cross-connection between the potable and reclaimed water systems is found, a fine up to \$5,000.00 will be assessed to the Member. See the next section for additional regulations.**



5. Pipes for reclaimed water irrigation lines must be color coded purple or approved equal.
6. Valve boxes for reclaimed waterlines must be purple.
7. Lids for valve boxes must be labeled “Reclaimed Water”

8. Hose bibs must not be installed on reclaimed water lines.
9. No reclaimed water lines will be run into any building.
10. No reclaimed water lines will be connected to any swimming pool.
11. Spray irrigation must be kept a minimum of ten feet (10’) away from any drinking fountains, pools, and picnic areas. Natural grass turf irrigation adjacent to buildings must incorporate low profile spray heads of one-half inch (1/2”) or less and oriented away from the building.
12. All potable water hose bibs must be protected from the reclaimed water overspray.
13. Grading must be designed so that all drainage and runoff is contained at the point of reuse.
14. All properties that have reclaimed water available for irrigation must have Reduced Pressure Backflow Devices attached to the potable water supply at the street. Backflow protection devices must conform to the City of Chandler code requirements.
15. Irrigation systems using reclaimed water must be approved by the City of Chandler and Maricopa County.



**Please Note:** Any Member found to have cross-connected their irrigation system with potable and reclaimed water supplies shall be fined up to \$5,000.00 by the Association, have their reclaimed water rights revoked and be reported to proper authority. This type of cross-connection is a violation of the plumbing code and is not permitted by the City of Chandler, Maricopa County, and other governmental agencies.

### LANDSCAPE PALLET

Ocotillo is a Master Planned Community that uses reclaimed water to irrigate the golf course, right-of-way landscaping and Parcel landscaping. Reclaimed water is also used to supply an extensive lake system as well as

furnish water for waterfalls that are featured throughout the property.

Landscape consultants have been involved with Ocotillo from the initial planning to the present installation of the landscape materials. During this time, the Association has been exposed to the various challenges concerning reclaimed water and its effect on plant material. Therefore, the consultants have helped compile a list of suggested plant material, irrigation equipment and maintenance recommendations. The Association knows these items will be helpful in designing the landscape as well as implementing the plan. The Landscape Pallet (see "Landscape Pallet" in

Appendix "A") is only a representative list of plants that are permitted in Ocotillo. Other species may be allowed with ODRB approval. Please be advised that, in no way does the pallet provide a "pre-approval" from the ODRB. Written approval from the ODRB must be received prior to installation of initial landscaping or the modification of existing landscaping.



## CHAPTER THREE

### BUILDING & SITE REQUIREMENTS

#### ANTENNA & SATELLITE DISHES

Unless governed by the Over-the-Air Reception Devices Rule (47 C.F.R. Section 1.4000), [i.e., any satellite dishes one meter or less in diameter, any antenna that is one meter or less in diameter or diagonal measurement, or any mast less than twelve feet (12') in height], any antenna, dish or other device for the transmission or reception of television or radio signals or any form of electromagnetic radiation [including but not limited to antennas or dishes for AM/FM radio, amateur ("HAM") radio, Citizens Band ("CB") radio, Digital Audio Radio Services ("DARS") signals, non-local television broadcast signals, and any antennas or dishes in excess of one meter (39.37 inches) used for any purpose] and all associated equipment shall not be Visible from Neighboring Property and are prohibited without prior written approval of the ODRB. All non "customer end antennas," hub or relay antennas or antennas used to transmit signals to and/or receive signals from multiple customer locations shall be reviewed on a case-by-case basis, but under no circumstances shall be permitted on any residential Lot. Any device governed by 47 C.F.R. Section 1.4000 shall be mounted to minimize visual impact and shall comply with the following criteria:



1. The device (and any associated equipment) shall be mounted inside the roof structure of the home or in a location so as not to be Visible from Neighboring Property if such location does not preclude an acceptable quality signal or unreasonably increase the costs of the installation of the device.
2. If Criteria 1 cannot be satisfied, the device (and any associated equipment) must be painted to match the principal exterior color of the house, be located in the rear yard of the Lot, and as low to the ground as possible without precluding an acceptable quality signal.
3. If Criteria 1 and 2 cannot be satisfied without precluding an acceptable quality signal or unreasonably increasing the costs of installation, the device (and any associated equipment) must be painted to match the color of the home and located in the side yard of the Lot and as low to the ground as possible without precluding an acceptable quality signal.
4. If Criteria 1 through 3 cannot be satisfied and roof-mounting is the only manner in which an acceptable quality signal can be obtained, the device (and any associated equipment) must be painted to match the principal exterior color of the house, be located on the rear-yard side of the roof, and as low as possible without precluding an acceptable quality signal.
5. Front yard or fence mounting of a device is prohibited if another location on the Lot would provide an acceptable quality signal and not otherwise unreasonably increase the costs of installation.
6. If an alternative to a device exists which is reasonably available, does not unreasonably increase the costs and would meet a more restrictive criteria, such alternative must be used.
7. Under no circumstances may a device be mounted on, in, over or otherwise encroach upon an open space, tract or common area. The mounting of any device must comply with all applicable safety ordinances and codes.
8. All paintable surfaces such as the dish reflector, the Low Noise Block (LNB) converter support arm, mounting hardware (foot, mast, etc.), wiring and cabling must be painted the background color of the house or wall where it is mounted using a flat paint (semi-gloss or high gloss paint should not be used on the dish reflector as this can interfere with your reception). Do not paint the LNB that is usually a small, white, or partially transparent circular module located at the end of the LNB support arm.



### ARTIFICIAL TURF

Artificial turf will be allowed on any lot and must be submitted to the ODRB and approved prior to installation.

1. To ensure quality of materials, turf should be manufactured in the USA (other materials meeting the below specifications may be submitted for consideration) with a minimum eight (8) year manufactures warranty.
2. Installer: Turf installer must be a licensed contractor to install artificial turf within Arizona.
3. Seams must not be visible.
4. Turf may be installed abutting your side and rear walls so long as sprinklers are not installed. If sprinklers are installed, then it must be a minimum of three feet (3').
5. Artificial turf must follow the below standards:
  - a. Face weight: minimum 50oz (Total weight minimum 76oz); total weight includes the backing material.
  - b. Pile Height: 1.5" – 2"
  - c. Color: Multi-colored face blades with tan thatch
  - d. Face yarn blades must have UV inhibitors
  - e. Infill: minimum of 3lbs per sq. ft. of clean 30 grit round silica sand only
  - f. When turf becomes unsightly, discolored, end of life, it must be replaced. Turf must be maintained in attractive, weed free manner.
  - g. Sample may be required.
6. Natural grass or artificial turf is required along the shoreline for View Lots (see Chapter 2 Landscape and hardscape requirements, item 3).
7. Putting greens are permitted in the rear yard on all lots. Putting greens within rear yards on View Lots must be submitted and approved by the ODRB prior to installation and will be looked at on a case-by-case basis.

### BOAT DOCKS

All private waterfront Lots where boats are housed must have a dock constructed. Minimum side yard property line setback is ten feet (10'). (See "Hardscape & Landscape Requirements," in Chapter Two). Only one dock with a maximum size of fourteen feet (14') with a minimum 36" overhang (how far dock extends out over the water past the concrete shoreline). per lot is permitted as long as the setbacks are met. Only one boat may be moored to the dock.

#### Boat Railing Standards:

- a. Poles must be between thirty-six inches (36") and forty-two inches, (42") in height.
- b. Wrought iron must be black and decorative unless otherwise approved.
- c. Wood poles must be either six inches (6") square or six inches (6") diameter round.
- d. Rope between wood poles must be a maximum one to two inches in diameter.

Plans must be submitted for architectural approval prior to construction. The Landscape/Architectural Submittal Form and typical dock construction plans can be downloaded at [www.oca-az.com](http://www.oca-az.com) or picked up from the management company's office. Also see "Boats, Watercraft and Prohibited OCA Lake Activities" in Chapter Six for additional information.

### 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 must not be Visible from Neighboring Property.

### CONSTRUCTION ACTIVITIES

No rubbish or debris of any kind shall be placed or permitted to accumulate upon or adjacent to any Lot, Parcel, open space, tract, or common area. Dumpsters onsite for more than seven (7) consecutive days requires ODRB approval and must be stored only on your driveway and may not impede sidewalk. Storage Containers must be emptied on a regular basis so that no rubbish or debris is spilling over. All construction equipment and building materials stored on any Lot or Parcel during construction of improvements must only

be stored in areas approved by the ODRB. Screening of storage areas may be required.

### CONSTRUCTION HOURS

Unless otherwise designated in writing by the ODRB, working hours for all Lot improvements shall be from 6:00 A.M. (5:00 A.M. May through September) until 6:00 P.M. Monday through Friday. Work that creates exterior noise is only permitted from 7:00A.M. to 4:00 P.M. on Saturday. There should be no work that creates noise all day Sunday and the following holidays: January 1st, Memorial Day, Easter, July 4th, Labor Day, Thanksgiving and December 25th.

### DECORATIVE FOUNTAINS & WATERFALLS (RESIDENTIAL)

All fountains and waterfalls must be submitted to the ODRB for approval. Fountains and waterfalls Visible from Neighboring Property must be kept fully operational and running during the daylight hours and must not exhibit any characteristics and features noted in the section titled “Yard Ornamentation”. Fountains must not exceed six feet (6’) tall.

The reason fountains must be running during daylight hours is that many allow fountains to fall into disrepair or fail to maintain them, as a result The OCA receives complaints from neighbors for these various aesthetic issues and sometimes health issues. We have found that inoperable fountains will collect rainwater or from other sources such as irrigation spray, and quickly become stagnant. This creates an incubator for mosquito and other undesirable aquatic insect breeding’s. This rule has been in effect for many years with the goal to remove (stagnant) breeding grounds, maintain property values, and to create an aesthetically appealing look.

### DECORATIVE POTS AND LANDSCAPE CONTAINERS (RESIDENTIAL)

If more than four (4) decorative pots and landscape containers exceeding twenty-four inches (24”) in height made from concrete, ceramic, wood, clay, metal, or similar hardscape (collectively “Containers”) are used on or adjacent to any house elevation Visible from Neighboring Property, the Containers must be reviewed and approved in writing by the ODRB. The maximum height of any Container must not exceed forty-eight

inches (48”). The width or diameter must not exceed forty-eight inches (48”) or exhibit any characteristics and features noted in the section titled “Yard Ornamentation”, within Chapter Three. Pots and Landscape Containers must not be placed on any property line walls.

### DRAINAGE WAYS

A variety of drainage ways have been designed and constructed to collect and move storm water through Ocotillo. These major drainage ways also serve as landscaped corridors. These drainage ways should not be blocked in any way since any alteration in water flow capacity could result in serious flood damage.

### DRIVEWAYS

Driveway expansions immediately adjacent to the side of an existing driveway may only be added with the prior written approval of the ODRB as long as 50% turf remains after the change (see Chapter Two-Requirements #3). The OCA will only allow existing driveways to be expanded a maximum of twenty-four inches (24”) immediately adjacent to and parallel to both sides of the driveway. All additions must be of the same material and color as existing driveway or a compatible paver accent may be used, if approved. All epoxy or other types of driveway resurfacing must receive prior written approval from the ODRB.

If a double side yard gate (minimum eight feet [8’] wide) is present on the property and the side yard is sufficiently wide (as solely determined by the ODRB), two (2) narrow drive strips for wheel track (the distance between the centers of the wheels on the same axle) may be permitted from the street or driveway to access the area behind the double wide gate with a trailer or other low-profile vehicle if approved by the ODRB. In addition, everything stored behind the gate in the side or rear yard must not be visible above the top of the gate, adjacent wall or otherwise Visible from Neighboring Property. The following requirements apply:

1. Must be of the same material and color as existing driveway or a compatible paver accent may be used, if approved.
2. Width of drive strip allowed is a minimum of twenty-four inches (24”) to a maximum of thirty inches (30”) wide.

3. Distance allowed between drive strips is a minimum of thirty inches (30") to a maximum of thirty-six inches (36").
4. Turf or other landscaping shall be added between and adjacent to the drive strips to soften and screen.

### EQUIPMENT SCREENING

Members who own property adjacent to the lake, golf course or otherwise Visible from Neighboring Property are required to screen their ground-mounted air conditioning units, pool equipment, above ground spa, fixtures, or other equipment (i.e., heaters) from view with a stucco block wall painted to match the dwelling and built high enough to hide these units from view or other material approved by the ODRB. Wood structures or landscaping (shrubs, trees, etc.) as a substitute for the masonry screen wall are not permitted. Wall or window-mounted mechanical equipment (i.e., air conditioning and heating units) must be installed a minimum of one foot (1') below top of adjacent property wall and must not be Visible from Neighboring Property.

### FENCING

All fencing on Lots, Visible from Neighboring Property, must receive prior written approval from the ODRB. Unless otherwise approved by the ODRB, fencing must not encroach upon the three-foot (3') lake easement area. Only aluminum or wrought iron fencing is permitted along or near the lake easement unless otherwise approved by the ODRB. Color must match any existing aluminum or wrought iron fencing on the lot. The maximum height must not exceed five feet (5'). Members are solely responsible for ensuring that pool fencing meets all applicable pool barrier ordinances.

The ODRB, however, shall govern all other aspects of pool fencing, including placement, color, and configuration. Unless otherwise approved by the ODRB, removable transparent mesh fences must be black (framing, fabric, binding, and stitching) and will be considered on a case-by-case basis.

### FIREPLACE (GAS OR WOOD):

All permanent exterior fireplaces must be submitted to the ODRB for approval. Fireplaces must be lower than the adjacent wall, a minimum of three (3) feet from the

side property walls and at all times give consideration for a potential nuisance from smoke and hot embers (FIRE DANGER) that could impact your neighbors.

### FLAGPOLES & FLAGS

No flagpole or flag will be installed without prior written approval of the ODRB (as defined by A.R.S. Section 33-1808). A flagpole shall be limited to a height of fourteen feet (14') in residential areas and have a minimum setback of sixteen feet (16') from any property line. Flagpoles must only display the flag of the United States of America (USA) or as otherwise allowed by law. The size of the flag must be of a reasonable size as determined by the ODRB. Home-mounted flags are permitted and do not require approval by the ODRB. All flags and flagpoles must be maintained in good condition in accordance with community standards and the USA flag must be flown in accordance with the Federal Flag Code.

Lanyards and up-lighting must not disturb the peace of the neighborhood. Applications for flagpoles and flags must detail the site location, size, material, color, finish and content of the pole, flag, lanyard, light source/fixture, and any other improvements for the intended use.

### GARAGE DOORS

All garage door upgrades, or replacements must be submitted to the ODRB for approval prior to installation. Wood (faux wood) or other custom garage doors will be considered on a case-by-case basis.

### GATES

Upon prior written approval of the ODRB, and subject to additional landscape requirements, single or double gates (collectively "Gates") may be installed to allow access ways to side and rear yards. Gates must be of the same type, design, and color as the originally installed single gate in the community, unless otherwise approved by the ODRB. Gates shall remain open for only the shortest time possible to effect removal of trash and recycle containers or other items stored behind Gates. Otherwise, Gates must remain closed at all times so the storage area and items located behind the Gates are not Visible from Neighboring Property. If automatic Gate openers are being considered, they must be approved by ODRB prior to installation and all proposed hardware,

motors and ancillary equipment must be located on the inside of Gate and not Visible from Neighboring Property. Gate fabrication materials and hardware must be maintained at all times. Examples of not maintaining Gate materials and hardware include, but are not limited to, fading, staining, sagging, warping, rusting, and other types of aging or disrepair.

### GATES (ACCESS)

Gates are not permitted on any fence that would allow access to the golf course, open space, tracts, or common area.

### GAZEBOS, RAMADAS & SIMILAR SHADE STRUCTURES

Members must receive approval from ODRB prior to construction. Unless otherwise approved, the ODRB applies the following requirements:

1. Maximum square footage: 196 sq. feet, max. size 14' X 14'. If shade structure is attached to home, then it may be larger than 196sq. ft. but all other rules including setbacks still apply.
2. Maximum height above grade: 12 feet (12')
3. Minimum side yard setbacks: house setback
4. Minimum rear yard setbacks: 8 feet (8') If your home borders common area or a street, then a closer setback may be considered.
5. Color is to match the color of the house or at minimum, deemed reasonable to blend in with community as approved by the ODRB.
6. Support columns are to be a minimum of 6 inches (6") wide or greater.
7. Materials can be the aluma-wood, elite-wood, dure-wood (or similar), steel, composite, rough-sawn wood, stucco, stone, or as approved by the ODRB.

### GUTTERS

Gutter color should match the adjacent surface of the home to which it is mounted and does not require submitting in this case. Other colors may be considered on a case-by-case basis and must be submitted to the

ODRB for approval prior to installation. Water must exit on a splash pad. Downspout extensions (horizontal to and at ground level) exceeding twelve inches (12") are not permitted.

### LIGHTING

All exterior lighting must be approved in writing by the ODRB. Site lighting, including but not limited to, front entry, coach lights or any spot or flood lights that might be mounted on buildings or the home, shall not illuminate any portion of a neighboring property or have any "hot spots" or glare Visible from Neighboring Properties ("hot spots" or glare are when the light source can be seen due to inadequate shielding of the light bulbs). Lighting shall be low level, both in height and intensity, especially when visible from residential properties. Flood, Eve, String, and similar lighting must be off by 10:00pm. Security lighting must be turned to motion sensor only by 10:00pm. Standard low-voltage lighting for the rear yards of interior Lots (not Visible from Neighboring Property) does not require approval. Members are encouraged to use the lowest wattage necessary to reduce light pollution and energy costs.

#### Holiday Seasonal Lighting:

Holiday lighting and decorations are allowed for all Federally recognized holidays within the below rules. Holiday Seasonal Lighting of various sizes and illumination levels placed on houses, foliage, trees, fences, at ground level or suspended above ground level are permitted between November 15<sup>th</sup> and must be removed by January 15<sup>th</sup> of the following year (collectively 'Temporary Lighting'). This Temporary Lighting does not require ODRB approval and must be low wattage (Maximum 4 watts for incandescent and 0.5 watts for LED, per bulb). Owners may also display holiday decorations (between November 15<sup>th</sup> and January 15<sup>th</sup> of the following year) on their Lot located or visible outside the Dwelling Unit if the decorations are of the kinds normally displayed in single family residential neighborhoods and are of reasonable size and scope. For all other Holidays, lighting and decorations may be displayed up to four weeks prior to the Holiday and then must be removed within one week of the Holiday ending.

#### String Lights

String or Bistro Lighting (other common names includes Café, Edison, party, or globe lighting, collectively "String Lights") is allowed on a permanent or temporary basis and must be submitted to the ODRB for approval prior to them being installed.



Holiday and mini lights commonly used for holiday decorating are not allowed under this String light rule (see Chapter Three Building and Site Requirements under Lighting for the Holiday lighting Standard).

String Lights are only permitted in rear yards or courtyards and must follow the below standards. A Courtyard is defined as an unroofed area that is completely or mostly enclosed by the walls of a large building.

1. String Lights permanently installed must be attached or hung by a braided stainless-steel wire fastened to a permanent structure (i.e., house, shed, shade structure, or metal/wood posts).
2. Posts must be installed to be as inconspicuous as possible.
3. String Lights may not be fastened to masonry block walls/fencing, wrought iron fencing, play structures, or landscaping.
4. Maximum height is twelve feet (12') from grade.
5. String Lighting installed shall not illuminate or light trespass on any portion of a neighboring property. Light trespass is defined as lamp/fixture glare that infringes on a neighboring property.
6. All String Lights must be single color stands. Multi-color lighting is not permitted.
7. All String Lights wire/cords shall be black or brown and shall be hidden whenever possible.
8. String Lights must be UL-Listed for outdoor use, heavy duty, durable, and well insulated.
9. Each bulb shall not exceed 160 lumens or 11-watts for incandescent or 3-watt for LED.
10. Lights should be soft white or amber in color (2700K-3200K Kelvin color temperaturescale)
11. String Lights may not flicker, flash, blink, or change colors.
12. String Lights with decorative shapes or thematic shades are not permitted (i.e., paper lanterns, mason jars, etc.)
13. All String Lighting must be off by 10:00 P.M. unless outdoor space is being used at that time. In this case, then all sting lighting must be turned off by midnight.
14. All String Lighting may not fall into a state of disrepair and must be maintained in an attractive manner. Examples of inadequate maintenance include, but is not limited to, staining, rusting, sagging, falling apart, missing bulbs, bulb outages, unraveling, and other types of aging and disrepair.
15. OCA reserves the right to require changes or deletion of String Lighting if such lighting does not comply with the above Standards and/or results in a disturbance to neighboring properties.
16. Temporary String Lights (for parties or events) are allowed and are limited to a maximum of 3 days before Lights must be removed.

### LOT GRADING

Members should check with their home builders to ensure that any planned grading of their Lot, either major or minor, will not affect the flow of runoff water. Most Lots are designed to drain from the rear yard to the front and any raising of the front yard grade may cause water to collect and pond in the rear yard and cause damage to a residence or neighboring property. Any change in the grading of a Lot requires prior written approval by the ODRB.

### PAINTING

Any exterior color application (original or new color) for any structure located on a Parcel or Lot (including, but not limited to, house, trim, stucco walls and entry gates) must have prior written approval of the ODRB.



Approved color schemes for the community are available at the management company's office or on

the association’s website, [www.oca-az.com](http://www.oca-az.com). You may submit for other paint colors not on the preapproved list subject to ODRB approval. Faux paint design or faux finish will be looked at on a case-by-case basis. Original and existing house colors must also be submitted for approval to verify compliance with this section, and to update the Member’s lot file. The approved colors for the house body, fascia, and accent locations may have a flat, eggshell, or semi-gloss finish. If you have a satellite dish, see the section titled “Antenna and Satellite Dish” (item 8 in Chapter Three) for painting requirements. For additional information on painting exterior property line walls, see the “Walls” section in Chapter Three. If you want to submit for colors not within the paint schemes, then please include a paint sample of each color (include manufacturer, color code, and color name) and it will be reviewed on a case-by-case basis. The ODRB may, at its discretion, require a larger sample be painted on the house, garage door, etc. before rendering a decision. Painting house stone and roof tiles must be submitted for approval prior to conducting any painting modifications, and the ODRB will review each submission on a case-by-case basis to determine if the painting modification is acceptable.

Any Change to the exterior’s home finish must be submitted to the ODRB and approved prior to any work being done. Home exterior may be of stucco or synthetic stucco finish and may be smooth, sand, or skip trowel texture. Any other texture not listed may be submitted to the ODRB and reviewed at the ODRB’s discretion.

### **PATIO CURTAINS**

Curtains, drapes and similar (collectively ‘Curtains’) installed between rear elevation patio columns or shade structure must be approved by the ODRB prior to installation. Curtains (i) are only allowed on the rear yard patio or shade structures, (ii) unless approved otherwise, all mounting hardware must be installed on the inside face of the patio so hardware is not Visible from Neighboring Property, (iii) may be solid color or patterns with a max of 2 colors (as determined solely by the ODRB) and (iv) shall not detract from the harmonious flow of the Community. Curtain materials and hardware must always be maintained. Examples of not maintaining Curtains and hardware include, but are not limited to,

fading, staining, sagging, warping, rusting, unraveling, tearing and other types of aging or disrepair.

### **ROOF OR WALL MOUNTED EQUIPMENT**

No device, including evaporative coolers and air conditioning units, may be placed on any roof, house, or wall, unless screened from neighboring views and Member receives prior written approval by the ODRB. For roof-mounted solar devices, see “Solar Energy Device” in Chapter Three.

### **ROOM, GARAGES, AND ADDITIONS**

All additions to a home must be submitted to the ODRB for written approval prior to construction. Fabric material of any type is not permitted to be used as a roof or wall structure. Any alteration or addition to a residence must match architectural details, windows, colors, materials (stucco and roof tile) and setbacks of the homes in the subdivision and, in particular, those of the immediate neighborhood. Built up “rolled” or shingled roofing systems are not permitted unless fully screened from view using a parapet. New landscape plans (addition of trees, shrubs, etc.) compatible with the neighborhood may also be required. All additions must be connected to the main dwelling or by another architectural element approved by the ODRB. Side yard minimum setback is the home setback and rear yard setback is twenty (20’) feet from the property line. If a lake lot, the minimum rear setback is twenty (20’) feet from the concrete shoreline. If you are considering a home addition, contact the management company for additional information on the submittal process and review. It is the Member’s responsibility to obtain a City of Chandler Building Permit after written approval by the ODRB. A copy of this permit must be submitted to the management company to be retained in the Member’s lot file.

### **SECURITY CAMERAS**

Security cameras on single family homes do not require submittal to the ODRB providing they are no larger than three (3) inches wide by seven (7) inches and may have an attached or separate solar collector. Security cameras may not be positioned or directed as to encroach on neighboring properties where a reasonable expectation of privacy can be assumed. If not restricted by leasing or warranty coverage the cameras, mounts,

and exposed wiring should be painted to match the background color mounted on.

**SIGNS (RESIDENTIAL)**

For Sale or Lease & Legal

No signs, which are Visible from Neighboring Property, shall be erected or maintained on any Lot, open space, tract or common area except: (i) one Industry standard “For Sale” or “For Lease” sign (**Limit size per state statute as defined in A.R.S. 33-1808**) not to exceed eighteen inches by twenty-four inches (18” x 24”) in front yard only, (ii) a sign rider must not exceed six inches by twenty-four inches (6” x 24”) (maximum two riders per “For Sale” or “For Lease” sign), and (iii) signs required by legal proceedings.

Garage Sale

Garage sale signs do not require approval providing they are put up no more than one day in advance of the sale (e.g., Friday) and removed by dusk the day the garage sale ends (e.g., Sunday).

Security

Two ground-mounted signs indicating the presence of a security system do not require approval providing they do not exceed one square foot (1 sq. ft.) in size.

Other Signs

Signs of any type, including those listed in this section, are not permitted in rear or side yards overlooking the lake, golf course or protruding above any wall or fence (e.g., wrought iron, block, and stucco, etc.).

**SOLAR ENERGY DEVICE INSTALLATION STANDARDS**

The objective of the Standards provided herein is to define requirements for Solar Energy Devices, as defined by A.R.S. Section 44-1761 that are installed on residences and other structures within the Association.

These Standards are intended to encourage the use and installation of Solar Energy Devices while, at the same time, protect property values and the overall aesthetic look and feel of the Ocotillo Community by ensuring that Solar Energy Devices are visually consistent with the existing architecture, aesthetic look, make-up and feel, including colors, of the Ocotillo Community. All Solar Energy Devices, as well as all improvements and exterior alterations related to the installation of Solar

Energy Devices, must receive written approval of the ODRB prior to installation.

Solar Energy Device

A “Solar Energy Device” is defined by A.R.S. Section 44-1761 or future amendments thereto. A “Solar Energy Device” is a device that converts the sun’s energy into usable heat or electricity. Generally, these devices fall into one of two categories:

1. Solar Thermal Device. These devices are called solar collectors and they are used, for example, to heat swimming pools, domestic hot water or living space.
2. Solar Electric Device. These devices are called solar modules and they convert sunlight directly into electricity.

Fixed Solar Energy Device

A fixed solar device is a device that does not move (i.e., it does not track the sun).

Tracking Solar Energy Devices

A tracking solar device is a device that points in the general direction of the sun and therefore typically moves from sunrise to sunset.

Visually Acceptable

Installation of Solar Energy Devices must meet the requirements of the Ocotillo Design Standards, be visually acceptable, and be consistent with the existing architecture and aesthetic look and feel of the Ocotillo Community. Visually acceptable shall mean that the installation of Solar Energy Devices meets the requirements set forth herein and as judged solely by the ODRB.

Submittal and Approval Process

1. The Solar Energy Device installation submittal application must be approved by the ODRB in writing prior to beginning installation of any Solar Energy Device.
2. The Solar Energy Device submittal application can be obtained from the Association’s management company or downloaded from the Association’s website at [www. oca-az.com](http://www.oca-az.com).
3. The application must be submitted with professional quality scaled drawings that clearly depict all construction details, elevations, the location of the



Solar Energy Device, the location and routing of all associated plumbing or electrical runs to and from the Solar Energy Device, and all associated components (pumps, filters, electrical control, safety devices, etc.). Product literature for the proposed Solar Energy Device and associated components must be submitted to the ODRB with the drawing package and submittal application. The color of the Solar Energy Devices and associated components (including electrical and plumbing runs) are to be included in the submittal application.

4. The submittal application must be accompanied by documentation showing compliance with A.R.S. § 44–1762 including a written statement of the performance data for the Solar Energy Device pursuant to A.R.S. §44–1762(B) and proof of licensing of the installer of the Solar Energy Device pursuant to A.R.S. § 44–1762(E).
5. The ODRB will review the submittal application, and all required supporting documentation within thirty days (30) from the day the submittal application is received, and, if acceptable, will issue an installation approval. If approved, the approval shall be valid for one hundred twenty (120) days.
6. Upon completion of the installation and prior to operation of the Solar Energy Device, the Member must schedule a Final Inspection with the ODRB to ensure compliance with the approved submittal and any conditions set forth in the approval. At such time, the Member must supply to ODRB, a copy of the certificate of compliance required of the installer pursuant to A.R.S. § 44–1762(C). (Page 12).

### Installation Standards

A tracking solar device is a device that points in the general direction of the sun and therefore, typically moves from sunrise to sunset.

1. There are many varieties of Solar Energy Devices, mounting techniques and mounting locations. In order to accommodate as many of these varieties and combinations as possible, Standards, rather than strict requirements, are provided. The ODRB has the responsibility (and authority) to ensure that the installation meets the Ocotillo Design Standards and is “visually acceptable.”

2. Solar Energy Devices shall be made commercially (not homemade) and shall be certified by an independent accredited testing laboratory per nationally or internationally recognized standards, such as those established by the Solar Rating and Certification Corporation (SRCC), Power Mark Corporation (PMC) or the Institute of Electrical and Electronic Engineers (IEEE).
3. Solar Energy Devices, their installation and use shall comply with A.R.S. Section 44–1762. That statute applies to all Solar Energy Devices sold or installed in the State of Arizona and requires among other things: (i) prescribed warranty periods given by the seller or installer, (ii) a written statement of performance data of the Solar Energy Device provided by the seller or installer, (iii) a certificate of compliance with the statute provided by the seller or installer, (iv) compliance of the Solar Energy Device with any consumer protection, rating, certification, performance, marketing, installation and safety standards adopted by the State of Arizona, (v) proper licensing of installers of Solar Energy Devices, and (vi) installation requirements of Solar Energy Devices, including satisfying all applicable fire, safety, and building code and consumer protection standards.
4. The upper surface of roof-mounted Solar Energy Devices shall be within six inches (6”) of the weathering surface of the roof and parallel to the plane of the roof.
5. No portion of the Solar Energy Device may extend above the roof ridge line or beyond the vertical plane of the structure walls of the residential structure.
6. The surface of the Solar Energy Device must match the color of the roof unless the solar technology requires a transparent top surface (“superstrate”). For example, all photo voltaic modules or solar thermal collectors with a glass top surface must be black or dark blue, since they require a transparent top surface to properly collect the suns energy. All other components of the systems (e.g., mounting devices, electrical and plumbing runs) must match the color of the roof or wall to which they are attached.
7. Wires, conduit, pipes, inverters, boxes, and any other associated components shall be hidden from view when practicable. If it is not practicable to hide such items from view, then all exterior components shall



be painted to match the color to which they are mounted to (typically the house color).

- 8. The entire Solar Energy Device installation, including all associated components, must be acceptable to the ODRB and approved in writing by the ODRB prior to commencement of installation.

Examples of Solar Energy Devices

Figures 1 and 2 provide examples of acceptable installations. Figure 3 provides an example of an unacceptable installation.



Figure 1



Figure 2

Figure 3



from the house with a footprint of eighty square feet (80 sq. ft.) or less are allowed when they are lower than the homes surrounding block wall and cannot be seen from the lake, golf course or otherwise Visible from Neighboring Property. Storage Sheds Visible to Neighboring Properties are not permitted. ODRB review and approval is not required in these cases. Any accessory structure greater than eighty square feet (80 sq. ft.) and all permanent additions to a home including patio covers and buildings must be submitted to the ODRB for written approval prior to construction. (See “Room, Garages, Patio Covers, Shade & Accessory Structures” in Chapter Three).

Storage Containers (PODS, U-Pack, Cool Box etc...) and dumpsters onsite for more than seven (7) consecutive days requires ODRB approval and must be stored only on your driveway and may not impede sidewalk. Dumpsters must be emptied on a regular basis so that no rubbish or debris is spilling over.

**STRUCTURES (MISCELLANEOUS)**

Fountains, waterfalls, sidewalks, built-in barbecues, fire pits, shade structures and canopies of any type are considered on a case-by-case basis and must be submitted to the ODRB for approval.

Two or three seat, outdoor patio/chair/porch swings that are commercially available, prefabricated, and ready for assembly, (collectively “Patio Swings”) with attached shade canopy do not require approval by the ODRB if they meet the following requirements:

1. Maximum size:
  - a. Length = six and a half feet (6.5’).
  - b. Width = five feet (5’).
  - c. Height (including shade canopy) = six feet (6’).
2. Maximum square footage of attached shade canopy must not exceed thirty-five square feet (35 sq. ft.).
3. Shade canopy must be a solid color.
4. Patio Swings shall only be placed on ground level. Patio Swings must be kept in good condition at all times. Examples of inadequate maintenance include, but are not limited to, fading, staining, sagging, warping, rusting, unraveling, tearing, and other types of aging and disrepair.

**STONE APPLICATIONS**

Exterior application of stone will be considered on a case-by-case basis by the ODRB.

**STORAGE SHEDS, STORAGE CONTAINERS**

Rear yard storage sheds, including but not limited to, metal and wood (collectively “Storage Sheds”) detached

If a Patio Swing does not meet the above requirements, it must be submitted to the ODRB for approval prior to installation.

## SWIMMING POOLS & SPAS

### General

Prior to construction of a swimming pool or spa (both non-view and view Lots), a Member must have written approval by the ODRB if any of the following conditions apply:



- Pools and spas on view lots.
- Water features, grottos, and other structures (including in fully enclosed yards) which would be visible above perimeter property walls.

Pools or spas located within fully enclosed lots do not require submitting (unless a feature or structure as noted above it to be built).

Water features, grottos, and other structures will require additional height restrictions and setbacks. Pool plans must include “as built” measurements from the back of the house to the rear and side yard property lines. For homes backing up to the lake, Members must include the “as built” measurement from back of house to concrete lake edge. Measurements will be used to determine if all required setbacks, including but not limited to, pool edges, decking, retaining walls, etc. are complied with. Inspection of pool layout may be required prior to excavation.

Swimming Pools & Spas on View Lots must be approved by the ODRB prior to submittal to the City of Chandler for an installation permit.

A copy of this permit must be submitted to the management company to be retained in the Member’s lot file.

All pools and spas on lake lots must be located a minimum of twelve inches (12”) above the INUNDATION ELEVATION. This elevation varies and is discussed in the Tract Declaration and plat for your subdivision.

Swimming pool fence requirements are regulated by the City of Chandler. The Building Safety Department should be contacted to determine the safety fence requirements for your pool. If the Member intends to gain access through a common area wall, such access also requires written approval from the Association, a signed indemnity agreement and a \$5,000.00 cashier

check as a deposit to be held until the work is satisfactorily completed.

Pools and spas must not be backwashed into drainage ditches, common landscaped areas, drainage ways, streets, golf course or lakes. All backwash water must be retained on the Member’s Lot. If necessary, a hole should be excavated and filled with rocks (dry well) to provide for the required volume. In the event a hole is made in a wall to backwash into prohibited areas, the Association may repair the wall and other related damage and cleaned up at the Member’s expense.

If a Member is required to empty their swimming pool or spa for repairs or other modifications, pool water must be discharged into sewer cleanout located on the Member’s property, per the City of Chandler adopted policy.

### Deck & Platforms

Deck includes, but is not limited to, slab on grade, elevated walkways, and steps (the “Deck”). Any pool, spa or other Deck and platforms elevated higher than original Lot grade (both interior and view Lots) are subject to the following setbacks and height restrictions and must be approved by the ODRB. All pool, spa, deck, and boulders must be setback a minimum of three feet (3’) from any wall and not encroach upon the eight-foot (8’) lake easement area unless otherwise approved by the ODRB. All raised Deck (as measured from the top of the rear patio slab on grade) may require additional landscape screening as required by the ODRB.

### Equipment Screening

Pool and spa equipment on Lots Visible from Neighboring Property must be located in the rear yard, and:

1. Require screening with masonry block, stucco walls painted to match home.
2. Require additional screening (i.e., shrubs) that is integrated into landscaping.
3. Must NOT be located on any easement.

### Spas (Above Ground)

Unless fully screened from view (reference “Equipment Screening”), above-ground spas are NOT permitted on lake or golf course Lots or Lots that are Visible from Neighboring Property.

## TENNIS COURTS

Private tennis courts are not permitted due to the size of the Lots and the adverse impact of lights and fences on neighboring property. Tennis courts have been provided for the use and enjoyment of Members and their guests (see “Tennis Courts” in Chapter Six). Replacement tennis court keys can be acquired from the management company for a nominal fee.

## WALLS

### Front Yard Courtyards

Front yard courtyards must be a minimum of thirty inches (30”) and a maximum of forty-two inches (42”) in height. Column heights are reviewed on a case-by-case basis. Landscaping shrub bed must be installed in front of walls to screen and soften hardscape.

### Exterior

On Lots which are Visible from Neighboring Property, open space, tracts, common area, lake or golf course parcels, all exterior walls, at a minimum, must be stucco and painted. All exterior walls shall be painted to match the body color of the home or theme wall color.

### Corner Lot Walls

Side walls that are continuous with common area walls shall remain the same color as the adjoining common area wall.

### Interior

On Lots which are Visible from Neighboring Property, open space, tracts, common area, lake or golf course parcels, the interior of your privacy walls must be stucco and painted to match the exterior wall color. Normally, the builder will do this when the home is being constructed. If the builder has not done this to your home, contact them immediately, as the ultimate responsibility will fall on the Member.

### Retaining

Retaining walls are generally permitted, provided they have an exposed height of twenty-four inches (24”) or less Visible from Neighboring Property or otherwise exposed to public view. Retaining walls must not be a continuous straight line and not exceed more than fifty percent (50%) of the lot width adjacent to the lake edge. Retaining walls must be setback a minimum of eight feet (8’) from the concrete lake edge. Landscaping shrub bed must be installed in front of walls to screen and soften hardscape.

## WALKWAYS

Maximum walkway width to a side yard gate is four feet (4’) with a maximum flare width of six feet (6’) at the point where the sidewalk meets the driveway. The maximum walkway width to the front door is six feet (6’) with a maximum flare width of ten feet (10’) at the point where the walkway meets the driveway.

## WINDOW COVERINGS

### Exterior

Window coverings such as awnings, sunscreens, roller shades and similar must be approved by the ODRB prior to installation. Color, style and shape of awning or roller shade must be consistent with original architectural and color scheme of home. Window or door sunscreens must be black or match the color offered by the builder. Material and framing must be maintained at all times. Examples of not maintaining exterior window coverings include, but are not limited to, fading, staining, sagging, warping, rusting, unraveling, tearing and other types of aging or disrepair. Bamboo, plastic, or similar roller shades are prohibited.

### Interior

No reflective window covering materials, including but not limited to, aluminum foil, reflective screens or glass, mirrors, sheets, blankets, newspapers, or similar type items, shall be installed or placed upon the inside of any windows of any residence or other structure. Low-E heat resistant window coverings are considered on a case-by-case basis and must be approved by the ODRB prior to installation. Within thirty (30) days of occupancy, each Member must install permanent suitable draperies or window treatments on all exterior windows per Article IV Section 2 of the CC&R’s.

## YARD ART / ORNAMENTATION / SCULPTURES (COLLECTIVELY “YARD ORNAMENTATION”) (RESIDENTIAL)

The goal of any landscape improvement is to promote a pleasing and harmonious neighborhood character. Individual expression is permissible so long as it does not detract from this goal. The Board has approved the following parameters for front and back yard ornamentation (Yard Ornamentation).

1. Yard Ornamentation includes, but is not limited to, items such as flags (except those allowed by Arizona



## CHAPTER THREE BUILDING & SITE REQUIREMENTS

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State Law), spinners, human, animal, and other creature like or abstract sculptures, artwork, or similar items.

2. Yard Ornamentation must not be a focal point of the landscape.
3. Yard Ornamentation over forty-eight inches (48") in height, shape, width, or diameter is not permitted when visible from the street, common area, lake, and golf course or otherwise Visible from Neighboring Property. If yard art is in a pot/container, then the maximum height including the pot/container is six feet (6').
4. The front and back yards (including patios) Visible from Neighboring Property may each contain up to a total of four (4) pieces of Yard Ornamentation under six feet (6') in height, shape, width, or diameter.
5. Exterior wall art mounted on house walls are not included in the four (4) pieces allowed in #4 if Visible from Neighboring Property. Items must be compatible with the surrounding neighborhood, house and landscape architecture and must be approved by the ODRB.





## CHAPTER FOUR

### SPORTS & RECREATIONAL (PLAY) EQUIPMENT

#### BASKETBALL GOALS (PERMANENT)

A 'regulation' in-ground basketball pole, and associated backboard, hoop, and net (collectively "Basketball Goal") are allowed on all lots within the below rules and must be submitted for ODRB approval prior to installation.



##### Front Yard

Permanent Basketball Goals are allowed in the front yard with the following stipulations:

- Backboard must be transparent.
- Pole may be black or painted to match body color of home.
- Basketball Goal pole safety pads installed must be solid (besides logo) and may be black or the same color as approved pole color.
- May only be installed on the side of the driveway opposite of the front door. The basketball hoop also must be centered on the driveway between sidewalk and the closest position of the home on the side of the driveway in which the hoop is located.
- Exterior lighting for nighttime play is prohibited.

##### Rear Yard

Permanent Basketball Goals are allowed in rear yards with the following stipulations:

- Backboard must be transparent.
- Pole may be black or painted to match body color of home.
- Exterior lighting for nighttime play is prohibited.

#### PLAY STRUCTURES & TRAMPOLINES

Play Structures do not require ODRB approval if they follow the below rules. Any play structures that do not follow the below rules may be submitted to the ODRB for consideration prior to being installed. Play Structures include, but are not limited to, swing sets, trampolines, jungle-gyms, playhouses, etc.

1. Play Structures must always be kept in good condition. Examples of inadequate maintenance include, but are not limited to, fading, staining, sagging, warping, rusting, unraveling, tearing, and other types of aging and disrepair.
2. Play Structures may be located on any lot including lake and golf lots.
3. Minimum side yard setbacks: house setback
4. Minimum rear yard or lake setback: 8 feet (8')
5. Maximum height: 12 feet (12')
6. Safety nets for trampolines are allowed and may be up to a maximum height of 12 feet (12') from grade.

#### PORTABLE PLAY AND POOL TOYS

Please store all portable play and pool toys out of view of Neighboring Properties when not in use.

#### PORTABLE SPORTS EQUIPMENT

When in use, portable sports equipment, including but not limited to, Basketball Goals, hockey nets and tether balls are allowed (temporarily) in the front or backyard. However, when portable sports equipment is not in use it must be stored immediately so as not Visible from Neighboring Property with the exception of portable basketball goals may be stored upright within your rear side yard behind the wall. When approved by the ODRB, prior to installation, portable Basketball Goals may be up permanently in a location in the back yard that meets all the requirements of the permanent Basketball Goal Standards.

#### SPORTS COURTS

A sport court may be submitted to the ODRB if it meets, but is not limited to, the following conditions:

1. Minimum side yard setbacks: house setback.
2. Minimum rear yard setback: 8 feet (8').

3. Court size may not exceed twenty-five feet by thirty-five feet (25'x35').
4. Must have cushioned synthetic playing surface to reduce noise.
5. Exterior lighting for nighttime play is prohibited.



## CHAPTER FIVE COMMUNITY RULES

The following community rules summarize some of the common provisions found in the CC&R's as well as Rules established by The Board. Members must understand and follow these Rules so that all Members will find living at Ocotillo an enjoyable experience.

### GENERAL PROPERTY RESTRICTIONS

Members may rent only the entire Lot and Dwelling Unit. Rental must be made only to a Single Family. Members are responsible for the inclusion of a provision in the lease agreement requiring the lessee to comply with the CC&R's and these Rules. As property record holders, Members are ultimately responsible for all compliances with the CC&R's and these Rules on their property. In residential areas, no gainful occupation, trade or other non-residential use may be conducted on the property, and no person is allowed to enter the property for the purpose of receiving products or services related to such usage.

### 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 its Members.

The Board adopted a Fine Policy effective January 1, 2010 and updated on January 23, 2018 (see "Policy and Procedures for Imposition of Monetary Penalties at Ocotillo" in Appendix "C"). The intent of the Fine Policy is to provide the management company with a tool that encourages Members to take any and all corrective action necessary in order to comply with the CC&R's and other rules in a timely manner. However, The Board recognizes the fact that violation enforcement utilizing the Fine Policy will not always guarantee Member compliance. Therefore, The Board may choose to take legal action, if required, to ensure that violations are resolved. While cooperation and building community with our Members is the goal at Ocotillo, there are occasions when The Board may take action to protect the rights of other Members and the community as a whole.

In the event the Association seeks to enforce compliance with or recover damages for any violation or noncompliance with the CC&R's, any Tract Declaration, the Articles, Bylaws, Design Standards or these Rules, the offending Member shall be liable for and shall pay to the Association, upon demand, all costs, including attorney's fees, taxable costs and incidental expenses, incurred by the Association, whether or not a lawsuit is filed, the matter is settled or the offending Member voluntarily corrects the violation. If the offending Member fails to pay the foregoing costs, the Association may take additional action to secure payment, including legal proceedings or the use of a collection services company, the costs of which must be paid by the Member. In addition to the foregoing remedies, if a judgment is obtained in favor of the Association (either for the nonpayment of the foregoing costs or violation or noncompliance with the Association's governing documents) and against the offending Member, the Association shall be entitled to all costs incurred, including attorneys, fees, taxable costs and incidental expenses, as part of the judgment.

### BUILDING REPAIR

No building, structure or improvements shall be permitted to fall into a state of disrepair. Each Member is responsible at all times for keeping their homes and structures in good condition and adequately painted or otherwise finished. In the event any home or structure is damaged or destroyed, the Member is responsible for immediate repair or reconstruction. Construction materials and vehicles may be temporarily stored in areas approved by the Association.

### DRONE POLICY

The OCA has adopted this Drone Policy and makes it part of the Association Rules in order to restrict the use of drones in the community.

1. The use of any Model Aircraft, as that term is defined in the FAA Modernization and Reform Act of 2012, or any small, unmanned aircraft system (UAS) that is governed by Federal Aviation Administration (FAA) rules now or hereafter in effect (collectively, "Drones") within the

2. Association shall be governed by this Drone Policy.
3. Drones are prohibited from operating over any portion of the Common Area. In addition, no one may operate a Drone over any Lot except for the Lot where they currently reside.
4. Anyone operating a Drone within the Association is solely responsible for ensuring their own compliance with all local, state, and federal laws, regulations, and rules. The operator of a Drone shall be solely responsible for any injury or damage arising out of the Drone's operation in the community.
5. The Board of Directors shall have the authority to enforce the provisions of this Drone Policy in any manner provided by the Association's governing documents and applicable law.

our shorelines. Some basic landscape rules are listed on the following page.

1. Do not water shoreline areas for more than five minutes at a time or until runoff occurs. Soil will only absorb most spray irrigation for a maximum of five to seven (5-7) minutes before its porosity is decreased and the remaining spray picks up silt, pesticides and fertilizers and carries them into the lake.
2. Providing the irrigation schedule is properly set, the use of fine mist irrigation heads along the shoreline will minimize runoff.
3. **DO NOT INTRODUCE ANY FERTILIZERS IN THE LAKE.** This will ACCELERATE algae growth and raise the nitrogen, ammonia, and phosphate levels.
4. **DO NOT USE PESTICIDES OR HERBICIDES ("CHEMICALS") IN THE IMMEDIATE VICINITY OF THE LAKE. MANY CHEMICALS, EVEN IN VERY SMALL QUANTITIES, WILL KILL FISH OR OTHER WILDLIFE.**
5. Never permit, including but not limited to, natural grass turf cuttings, tree/shrub blossoms or leaves natural grass turf cuttings or any other landscape debris to enter the lake. They will decompose and cause an increase in nutrients and algae growth. Members are responsible for the clean-up and violation of this rule which will also include a fine up to \$1,000.00.
6. Immediately remove any natural grass turf, landscape debris or (runoff) silt from the water.
7. Members are fully responsible for all actions of their contractors, tenants, and guests.

### DUMPING, LITTERING & BACKWASHING

Dumping of trash, building debris, littering, and backwashing swimming pool or spa filtering systems onto the golf course, lakes, open space, tracts, common areas or streets is strictly prohibited. Litter includes, but is not limited to, natural grass turf, tree/shrub blossoms, leaves, and all other landscape debris. Violating this rule will result in a fine of up to \$1,000.00 per occurrence and will be assessed to the Member. Members are responsible for the actions of their contractors, tenants, and guests.

### LAKE SHORELINE & LINER

Modifications or alteration to any lake shoreline or liner is strictly prohibited.

### LANDSCAPE MAINTENANCE ADJACENT TO THE LAKE

There are strict rules that must be obeyed by Members and landscape maintenance personnel, or the result will be constant problems with the lake systems. If the rules are adhered to, the system will operate within the parameters for which it was designed. It must be understood that no system can be designed to compensate for careless landscape maintenance along

### MACHINERY & EQUIPMENT

No machinery or equipment of any kind shall be placed, operated, or maintained upon any Lot except machinery or equipment used during the period of approved construction.

### PETS

Members are allowed to keep a reasonable number of generally recognized house or yard pets. Animals cannot be kept or raised for commercial purposes, and



they are not allowed to make an unreasonable amount of noise or become a nuisance to neighbors. Also, no structure for housing such animals may be Visible from Neighboring Property. Pets must remain on leashes at all times while on Association property. All Members must clean up after their pets. Pets are not allowed in the

tennis court areas and are not allowed to swim in the lakes or water features. For additional assistance, please call the City of Chandler Animal Control Barking Dog hotline at 480-782-BARK.

### TRASH & RECYCLING CONTAINERS

No garbage or trash shall be kept on any Lot except in covered containers of a type, size and style approved by the ODRB. In no event shall such containers be maintained so as to be Visible from Neighboring Property except to make available for collection and no sooner than twelve (12) hours prior to collection and no later than eight (8) hours after collection. On lake, golf course and other Lots Visible from Neighboring Property, trash and recycling containers must be stored so that they are not visible. Walls of reasonable height and construction may be built to screen containers with prior written approval by the ODRB or stored in garages. Shrubs are not permitted as a tool for screening from view. Trash containers located in the parks are for park use only.

### VEHICLES

#### Inoperable Vehicles

Inoperable vehicles (including unregistered or outdated vehicle registration) must not be parked, maintained, or stored so as to be Visible from neighboring Property.



#### Parking

Per Article IV, Section 2 (v) of the CC&R's, it is the intent of the Association to restrict on-street parking as much as possible. Providing the vehicle is not otherwise prohibited, inoperable or unlicensed, vehicles of all Members, lessees, and residents, and of their employees, guests and invitees are to be kept in garages or residential driveways of the Member wherever and whenever such facilities are sufficient to accommodate the number of vehicles at a Lot or Parcel. Private streets

may have governing documents which may prohibit on-street parking, check your sub association documents.

#### Trucks, Trailers, Campers & Boats

No motor vehicle classed by manufacturer rating as exceeding three-quarter (3/4) ton, inoperable or unregistered vehicle, mobile home, recreational vehicle, trailer, travel trailer, camper shell, boat nor similar equipment may be parked, maintained, or repaired on any Lot or on any street in Ocotillo so as to be Visible from Neighboring Property.

#### Prohibited Use Areas

All motorized vehicles, including ATV's, motorcycles, go-carts, and similar vehicles are prohibited from entering onto any vacant Parcel, open space, tracts, common area (including parks), bike paths and walkways.

## CHAPTER SIX

### RECREATIONAL RULES

#### BOATS, WATERCRAFT & PROHIBITED OCA LAKE ACTIVITIES

Members must use extreme caution when recreating on lakes. The following Rules are in place to create an environment such that all Members enjoy The OCA lakes (a Common Area of The OCA). Members violating these Rules risk fines from the Association and the suspension of their boating privileges for a period of time to be determined by The Board.



Types of equipment and other full immersion water activities that are strictly prohibited in (or on) The OCA lakes include, but are not limited to, swimming, snorkeling, scuba or scuba diving, wind surfing, paddle boarding, surfboarding, wakeboarding, boogie boarding, hover boarding, lounge tube/rafting, jet skiing, open bottom kayaking, and hydro biking. This Rule is in accordance with the Arizona Department of Environmental Quality sections related to the direct reuse of reclaimed water and recreational impoundment of reclaimed water R18-9-704(G)(2)(b) and R18-11-301, respectively.

Unless otherwise approved in writing by The Board, only the following types of boats and watercraft (collectively "Watercraft") shall be allowed in The OCA lake system:

1. Watercraft operated by the Association for maintenance, safety, or other community purposes.
2. Watercraft owned and operated by a Member of the Association.
3. Canoes.
4. Paddle Boats.
5. The size of all Watercraft must not exceed sixteen feet (16') in length and eight (8) feet in width.
6. Watercraft must be battery operated. No gasoline or other combustible fueled motors will be allowed, except on Association owned Watercraft.

7. Watercraft must be of a design, quality, and structural integrity consistent with standards generally accepted in the Watercraft industry. Inflatable boats, rafts or pool toys are not permitted.
8. Watercraft must be in good repair and operating condition. Watercraft deemed as unsightly or unsafe by the Association will not be allowed on the lake and the Member may be required to immediately remove such Watercraft.
9. Watercraft shall be properly maintained at all times to avoid safety or health hazard situations created due to structural insufficiencies or lack of maintenance.
10. Watercraft must use proper lighting after dusk, in accordance with the U.S. Coast Guard Regulations. Arizona Game and Fish Article 3. Registration and Taxation of Watercraft Section 5-321 requires all Watercraft be registered through Arizona Game and Fish.
11. Watercraft must be registered with the Association. To register a Watercraft with the Association:
  - a. Members are required to complete a Watercraft Indemnity Agreement and a Boat Registration form prior to docking or placing any Watercraft on the OCA lakes. Forms are available at the management company's office or download at [www.oca-az.com](http://www.oca-az.com).
  - b. Hand deliver or mail the completed forms, a photo of Watercraft and a \$20.00 check or money order made payable to The Ocotillo Community Association.
  - c. The Member shall be responsible for ensuring their Watercraft meets the criteria listed above and issuance of an official Association boat decal.
  - d. Watercraft approved for lake use must display the decal provided by the Association. Boat decals must be placed near the port side bow, above the waterline.

## CHAPTER SIX RECREATIONAL RULES

12. Private waterfront Lots where Watercraft are housed must have a dock constructed (reference "Boat Docks" on Page 7). Watercraft must be tied to the boat dock, placed on the boat dock, or stored as to not be Visible from Neighboring Property.
13. U.S. Coast Guard approved flotation gear must be carried on each Watercraft or an approved life vest must be worn. Children under six (6) years of age must wear a life vest at all times when on the Watercraft.
14. All OCA lakes are no wake zones.
15. No Watercraft is to travel over any waterfall. "Whitewater" rafting is strictly prohibited.
16. For safety reasons, Watercraft will not be permitted on OCA lakes contiguous with the golf course, except during non-golf hours, which will vary depending on the time of year.
17. Other rules may be adopted from time to time and, if necessary, the preceding rules may be revised and expanded.

### LAKE & FISHING

1. No swimming or wading is permitted in any lake or water feature. DO NOT DRINK from these areas as they are filled with reclaimed water. These are State and County health rules and must be followed.
2. All watercraft must be approved by the Association prior to use (reference "Boat & Watercraft" numbers 6 – 8 on previous page for additional information).
3. Fishing is for Members only. **FISHING IS LIMITED TO CATCH AND RELEASE ONLY.** Designated areas for shoreline fishing are at open space, tracts, common area or park areas. Fishing is NOT allowed on undeveloped Parcels.
4. The Association is authorized to order watercraft to return to shore in the event of inclement weather or other reasons.

5. Association membership cards must be in your possession when fishing or boating in the lakes.
6. Net fishing is not permitted.
7. No pets are allowed to swim in the lakes or water features.

### PARK RULES

1. Park hours are from sunrise to 10:00 P.M. daily.
2. Parks are for the use of Members and guests only.
3. Please help keep the parks clean and deposit all trash in the provided containers.
4. Please clean grills after use.
5. Membership cards must be in your possession when in the parks.
6. A Common Area Event Release and Indemnification Agreement and security deposit will be required for anyone utilizing the Ocotillo Community parks for homeowner events. Please contact the Ocotillo Community Association office for information at 480-704-2900.

### PICKLEBALL COURTS

1. Pickleball court hours 5:00am – 11:00pm, lights will shut off at 11pm.
2. Courts are Private Property and for the use of residents of the Ocotillo Community Association only. Guests are welcome (maximum of 3 per household) but must be accompanied by the homeowner with all members and guests utilizing the same court. Others will be considered trespassing.
3. All homeowners must enter the gates using their key fobs each time accessing the courts. Gates will automatically close behind you, do not wedge the gates open with any type of obstructive device.

## CHAPTER SIX RECREATIONAL RULES

4. Ocotillo member ID cards must be in your possession while on the Pickleball courts as you may be requested to provide proof of membership.
5. There are eight (8) Pickleball courts  
  
Courts 1 & 2- Reserved Courts (available for reservations, 1 hour time slots)  
  
Courts 3, 4, 5, 6, 7 & 8 – Open Play (subject to the following)
  6. Open court play, one match of 11 points completes your match. Once your match is completed, players must exit the court to allow new players to enter and play (2 - 4 players at a time) depending on how many players are up in the bay waiting.
  7. Any closed groups, private lessons/clinics, etc. must be held on reserved courts with the reserving member as the responsible host for the group.
  8. Proper attire is required (shoes & full-length shirts/tops must be worn).
  9. No glass containers allowed on Pickleball courts.
  10. Pickleball courts are for Pickleball only. Other games or activities not permitted.
  11. Please deposit trash in court trash cans or outside trash containers.
  12. No skateboards, roller skates/blades, bicycles or pets allowed on Pickleball courts.
3. Reservations may be made in increments of 1 hour time slots on (on the hour) on courts 1 & 2 only.
4. One reservation per day, per household only. Maximum of 3 reservations per week.
5. Reservations may be made 1 week in advance.
6. Reservations MUST be canceled at least 12 hours prior to your arrival.
7. Failure to cancel your reservation will forfeit the court for walk-on play for any player/s waiting.
8. If you are 10 minutes late for your reserved time you forfeit your court to any players waiting to play.
9. Failure to cancel your reservation “twice” will result in suspension from the reservations system for a period of one month.
10. Any abuse to the courts or reservation system will result in suspension from utilizing the courts.
11. Courts 1 & 2 are available for walk on play when not reserved. However, they will need to be surrendered to players that have a reservation and arrive for their scheduled play time.
12. Provide your reservation confirmation if requested by security or representative of The Ocotillo Community Association.

**The Ocotillo Pickleball courts are for the use and enjoyment of all members and residents of The Ocotillo Community Association. Guest must be accompanied by an Ocotillo resident.**

### Pickleball Court Reservations

1. Create your account at <https://ocotilloca.playbypoint/>
2. Players must have their Ocotillo member ID card with them while on the courts. Security will monitor the courts and may ask to see your ID card.

**If you observe abuse or misuse of the Pickleball courts, gates, light fixtures, etc.; please report to the Ocotillo Community Association onsite office at 2577 W Queen Creek Rd., Suite 105, Chandler, AZ or call 480-939-6070 or [oca@oca-az.com](mailto:oca@oca-az.com).**



**TENNIS COURTS**

1. Tennis court hours 7:00am – 10:00pm, lights will shut off at 10pm.
2. Courts are Private Property and for the use of residents of the Ocotillo Community Association only. A maximum of 3 guests are welcome but must be accompanied by the homeowner with all in the party using the same court. Others will be considered trespassing.
3. All homeowners must enter the gates using their key fobs each time accessing the courts. Gates will automatically close behind you, do not wedge the gates open with any type of obstructive device. Please do not allow entry to anyone you don't know. Members are responsible for their guests and anyone they provide entry for.
4. Ocotillo member ID cards must be in your possession while on the Tennis courts as you may be requested to provide proof of membership.
5. Courts may be reserved. Play time is limited to one hour if others are waiting. Courts must be surrendered to members with a reservation for the use of a court at the reserved time.
6. Proper attire is required (shoes & full-length shirts/tops must be worn).
7. No glass containers allowed on Tennis courts.
8. Tennis courts are for Tennis only. Other games or activities not permitted.
9. Please deposit used tennis balls in the recycle can provided. Balls are donated to local animal shelters.
10. Please deposit trash in court trash cans or outside trash containers.
11. No skateboards, roller skates/blades, bicycles or pets allowed on Tennis courts.

12. Members are responsible for their guests and anyone they provide entry for. Any abuse to the courts or reservation system will result in suspension from utilizing the courts.

Tennis Court Reservations

1. Create your account at <https://ocotilloca.playbypoint.com/>
2. Players must have their Ocotillo member ID card with them while on the courts. Security will monitor the courts and may ask to see your ID card.
3. Reservations may be made in increments of 30 minutes to a max of 2 consecutive hours.
4. One reservation per day, per household only. Maximum of 3 reservations per week.
5. Reservations may be made 1 week in advance.
6. Reservations MUST be canceled at least 12 hours prior to your arrival.
7. Failure to cancel your reservation will forfeit the court for walk-on play for any player/s waiting.
8. If you are 10 minutes late for your reserved time you forfeit your court to any players waiting to play.
9. Failure to cancel your reservation "twice" will result in suspension from the reservations system for a period of one month.
10. Any abuse to the courts or reservation system will result in suspension from utilizing the courts.
11. Courts 1 & 2 are available for walk on play when not reserved. However, they will need to be surrendered to players that have a reservation and arrive for their scheduled play time.



12. Provide your reservation confirmation if requested by security or representative of The Ocotillo Community Association.

**The Ocotillo Tennis courts are for the use and enjoyment of all members and residents of The Ocotillo Community Association. Guest must be accompanied by an Ocotillo resident.**

**If you observe abuse or misuse of the Tennis courts, gates, light fixtures, etc.; please report to the Ocotillo Community Association onsite office at 2577 W Queen Creek Rd., Suite 105, Chandler, AZ or call 480-939-6070 or [oca@oca-az.com](mailto:oca@oca-az.com).**

**WATERFOWL (PLEASE DON'T FEED THEM!)**

Ducks and geese can be a beautiful sight on a small artificial pond or lake. However, when waterfowl become too numerous, several lake management and aesthetic problems can develop.



Q. What problems do waterfowl create?

Droppings can be a nuisance and aesthetic detraction along the shoreline. The droppings create slippery conditions along the shoreline and are certainly not attractive in appearance. Because the droppings must be physically washed from the shoreline, they create an additional maintenance task and end up in the lake. Waterfowl are also a source of nitrogen and phosphorus, nutrients that stimulate algae growth in a lake. Ducks like

to forage vegetation from the land. They convert it to water-soluble forms of nitrogen and phosphorus during digestion. It is then deposited in the lake while they swim. We don't need more nutrients in the water.... It's green enough! Their waste contains fecal bacteria. Because our children play along the water's edge, and undoubtedly will find some way to get their hands or feet into it, the waste material can pose a health risk.

Q. How do we discourage them from inhabiting the lakes?

Limit food (a key issue). Members who set out food or actively feed them are supporting unnaturally high waterfowl populations. When food is limited, ducks leave to find a new source. If you feed them, even

migratory waterfowl will stay. Feeding waterfowl items such as bread and popcorn is very harmful to them. Yeast

and fungus that grow on food when it gets wet adversely affects their digestive system. If a duck eats the contaminated food or another organism that ate it, the bird will become very ill and slowly die. A duck with botulism ("limp neck disease") is not a pleasant sight.

Decoys

The natural predators of ducks are owls, hawks, and eagles. Setting up decoys, which the ducks perceive as a threat, may cause them to seek another location. However, waterfowl may quickly recognize the decoys and ignore them in a relatively short time. Moving the decoys at regular intervals and removing them from time to time seems to reduce recognition by ducks.

Relocation

Arizona Game and Fish Department should be contacted for updated legal requirements before attempting relocation. Usually, non-migratory waterfowl (ducks that remain year-round) can be trapped and relocated. Netting is the most common method of capture.

Limiting Reproduction

Finally, resident ducks will lay eggs in protected areas along the shoreline. Periodically collecting duck eggs is an effective means of limiting reproduction in the resident waterfowl population. Several Arizona homeowner associations currently have duck committees responsible for removing duck eggs from particular areas of their lake systems.

**OCOTILLO GOLF CLUB**

Please remember that the golf course, though a member of the Association, is a separate entity from the Association and is private property. No skateboard, roller skates, bicycles, walkers, joggers, or pets, are permitted on the golf course at any time. It is designated for the use of golfers only and must be accessed through the Golf



Shop. The Ocotillo Golf Club is open to the public and is currently a daily-fee golf course. Call the Ocotillo Golf Club at (480) 917-6660 or visit their website at [www.ocotilogolf.com](http://www.ocotilogolf.com) for special Member offerings!

APPENDIX "A"

**THE OCOTILLO COMMUNITY ASSOCIATION LANDSCAPE PALLET**

*Items on this list are recommended for installation based on growth performance and are representative of landscape allowed.*

COMMON NAME	SCIENTIFIC NAME	COMMON NAME	SCIENTIFIC NAME
<b>PALM TREES</b>		<b>ANNUALS &amp; PERENNIALS</b>	
California Fan Palm	Washington filifera	Madagascar Periwinkle	<i>Catharantulis Roseus</i>
Canary Island Date Palm	Phoenix canariensis	White & Yellow Pansies	<i>Viola</i>
Common Date Palm	Phoenix dactylifera	Petunias	<i>Gumfrina</i>
Mexican Fan Palm	Washingtonia robusta	Angelina Daisy	<i>Tetraneuris acaulis</i>
Queen Palm	Syagrus romanzoffianum	Desert Blue Bells	<i>Phacelia campanularia</i>
<b>TREES</b>		<b>SHRUBS</b>	
Acacia "Sweet"	Acacia smallii	Acacia "Desert Carpet"	<i>Acacia redolens</i>
Acacia "Cat Claw"	Acacia greffii	Arizona Rosewood	Vauquelinia Californica
Acacia "Shoestring"	Acacia stenophylla	Bougainvillea (various)	<i>Bougainvillea</i>
Acacia "Willow"	Acacia salicina	Cape Honeysuckle	<i>Tecomaria capensia</i>
African Sumac	Rhus lancea	Desert Cassia	<i>Cassia nemophila</i>
Aleppo Pine	Pinus halepensis	Desert Ruellia	<i>Reullia penissularis</i>
Beefwood "Coast"	Casuarina cunninghamiana	Fortnight Lily	<i>Dietes vegeta</i>
Bottle	Brachychiton populneus	Hop Seed Bush	<i>Dodonaea viscosa</i>
Carob	Ceratonia silqua	Japanese Pittosporum	<i>Pittosporum tobira</i>
Citrus, Grapefruit	Citrus x paradidi	Juniper "Hollywood"	<i>Juniperus chinensis</i>
Citrus, Orange	Citrus aurantium	Natal Plum	<i>Carissa Gandiflora</i>
Evergreen Pear	Pyrus kawakamii	Oleander "Rose Bay"	<i>Nerium oleander</i>
Ficus "Nitida	Ficus microcarpa v. nitida	Orange Jubilee	<i>Tecoma stans</i>
Mesquite "Chilean"	Prosopis chilensis	Red Bird of Paradise	<i>Caesalpinia pulcherima</i>
Oleander (Yellows Bell	Thevetia peruviana	Ruellia (Pink or Purple)	<i>Ruellia brittoniana</i>
Olive (seedless)	Olea europaea	Sage "Cimarron"	<i>Leucophyllum zygophyllum</i>
Pepper, Brazilian	Schinus terebinthifolius	Sage "Violet Silver Leaf"	<i>Leucophyllum candidum</i>
Pepper, California	Schinus molle	Sage "Texas Ranger"	<i>Leucophyllum frutescens</i>
Pine "Mondell"	Pinus bruaia ssp. eldarica	Texas Mountain Laurel	<i>Sophore secundiflora</i>
Southern Live Oak (1)	Quercus virginiana	<b>GROUND COVER &amp; VINES</b>	
Willow Austrlian	Geifera pariflora	Cat's claw	<i>Uncaria tomentosa</i>
<b>ONLY DROUGHT TOLERANT PLANTS ALLOWED</b>		Creeping Ficus	<i>Ficus pumila</i>
Elephants Food Fire/	Portulacaria afra	Fig	<i>Ficus carica</i>
Spider Sticks Golden	Euphorbia tirucalli	"Hall's honeycuckle"	<i>Lonicera japonica</i>
Sword Yucca Lady Slipper	Yucca filamentosa	Lantana (Purple)	<i>Lantana montevidensis</i>
Red Hot Poker Variegated	Euphorbia lomelii	Passion Vine	<i>Passiflora alatocaerula</i>
Century Yucca	Kniphofia uvaria	Rosemary	<i>Rosmarinus officinalis</i>
Various Agaves and	Agave americana 'Marginata'	Trailing Vinca	<i>Vinca major</i>
Succulents	Yucca	Asparagus Fern	<i>Asparagus densiglorus</i> <i>"Sprengeri"</i>
<ul style="list-style-type: none"> <li>The Ocotillo Lakes CC&amp;R's permit only turf and a minimum of one canopy tree between the sidewalk and curb. Except for mailboxes, no other hardscape or structures. Including, but not limited to, gravel, concrete brick, benches or tree wells are permitted in this area.</li> <li>Due to organic litter produced, deciduous trees are not permitted on any lot or parcel adjacent to the lake (see Landscape &amp; Hardscape Requirements in Chapter Two). All trees on lake lots must be non-deciduous and set back a minimum of fifteen feet (15') from the shoreline and four feet (4') from any property line. Trees that produce a significant amount of organic litter, (as determined at the sole discretion of the ODRB) will not be permitted on any lot or parcel adjacent to the lake (see "Dumping, Littering, &amp; Backwashing" and "Landscape Maintenance Adjacent To The Lake" in Chapter Five).</li> <li>Though generally discouraged, deciduous trees are limited to thirty (30) percent of the canopy trees located on a single-family lot. All other canopy trees shall be non-deciduous. (e.g. Brazilian Pepper, Swan Hill Olive. Etc.)</li> </ul>			



**THE OCOTILLO COMMUNITY ASSOCIATION**  
2577 W QUEEN CREEK ROAD, SUITE 105, CHANDLER, AZ 85248  
(480) 939-6070

Dear Member:

One of the many benefits of living in a Master Planned Community like Ocotillo is architectural control to promote the harmonious relationship among structures, vegetation, topography and overall design of the community. In accordance with Article IV, section 2(a) of the Declaration of Covenants, Conditions, Restrictions, Assessments, Charges, Servitudes, Liens, Reservations and Easements (CC&R's):

*"No improvements, alterations, repairs, excavation, grading, landscaping or other work which in any way alters the exterior appearance of any property within Ocotillo, or the improvements located thereon, from its natural or improved state ... shall be made or done without the prior approval of the Design Review Board. No building, fence, wall, residence or other structure shall be commenced, erected, maintained, improved, altered, or made without the prior written approval of the Design Review Board."*

To obtain approval, submit the attached form to the Association. Please note that accurate, to scale drawings of the proposed structure, modification or improvement must be attached to this form indicating Lot dimensions, the location and dimensions of the structure or modification and the distances from all perimeter walls. A building permit from the City of Chandler (the "City") is generally required for, but not limited to, pools, spas, ramadas, stone applications, room additions, patio covers or similar structures. It is the Member's responsibility to acquire all required City permits prior to construction. To avoid design changes and delays, it is strongly recommended conceptual design approval be received from the Ocotillo Design Review Board (ODRB) prior to submittal to the City. Please be advised, the ODRB may take up to 30 days after receipt to forward a written decision.

Your cooperation in submitting for approval prior to installation is for your protection to avoid costly mistakes resulting from unapproved modifications. Should you have any questions regarding the design review process or specific questions regarding your submittal, please feel free to contact the Association at the above number.

*Sincerely,*

*The Ocotillo Community Association*

**LANDSCAPE / ARCHITECTURAL SUBMITTAL FORM**

**THE OCOTILLO COMMUNITY ASSOCIATION**  
**2577 W QUEEN CREEK ROAD, SUITE 105, CHANDLER, AZ 85248**  
**Email completed submittal to Briana@oca-az.com**  
**(P): 480-939-6070 Website: oca-az.com**

**TYPE OF SUBMITTAL:**    **NEW**    **RESUBMITTAL**

DATE: \_\_\_\_\_

SUBDIVISION: \_\_\_\_\_

UNIT I.D. & LOT #: \_\_\_\_\_

VIEW LOT    NON-VIEWLOT

- IF APPLICABLE, ALL DRAWINGS MUST BE TO SCALE AND INCLUDE ONE COPY OF ALL DRAWINGS.
- THE ASSOCIATION MAY TAKE UP TO 30 DAYS AFTER RECEIPT TO FORWARD A DECISION. CALL MANAGEMENT FOR AN UPDATE IF BEEN PASSED 30 DAYS.
- ALL WORK ASSOCIATED WITH SUBMITTAL MUST BE COMPLETED WITHIN 120 DAYS FROM APPROVAL DATE, UNLESS APPROVED BY THE ODRB.
- SUPPLYING YOUR EMAIL ADDRESS BECOMES A RECORD OF THE ASSOCIATION AND MAY BE USED FOR FUTURE ASSOCIATION NOTIFICATIONS.

*ALL CONTACT DETAILS MUST BE COMPLETED*

**OWNER'S NAME:** \_\_\_\_\_      **PHONE NUMBERS:**      (HOME) \_\_\_\_\_

PROPERTY ADDRESS: \_\_\_\_\_      (WORK) \_\_\_\_\_

\_\_\_\_\_      (CELLULAR) \_\_\_\_\_

CITY: \_\_\_\_\_      STATE: \_\_\_\_\_      ZIP: \_\_\_\_\_

**MAILING ADDRESS:** \_\_\_\_\_      (FAX) \_\_\_\_\_

\_\_\_\_\_      (E-MAIL) \_\_\_\_\_

CITY: \_\_\_\_\_      STATE: \_\_\_\_\_      ZIP: \_\_\_\_\_

**CONTRACTOR COMPANY AND NAME:** \_\_\_\_\_      **PHONE NUMBER:** \_\_\_\_\_

**DESCRIPTION OF WORK TO BE DONE:** \_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

**TYPE OF MATERIALS TO BE USED:** \_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

**COLOR(S) TO BE USED:** \_\_\_\_\_

\_\_\_\_\_

**DIMENSIONS OF STRUCTURE (HEIGHT, WIDTH ETC.) MUST BE INCLUDED IN THE ATTACHED PLANS:** \_\_\_\_\_

**ADDITIONAL INFORMATION:** \_\_\_\_\_

\_\_\_\_\_

OFFICE USE ONLY:

STAMP:

DENIAL OR STIPULATION

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

**GENERAL FINE POLICY**  
**POLICIES AND PROCEDURES FOR IMPOSITION OF**  
**MONETARY PENALTIES AT OCOTILLO**  
**• RESIDENTIAL PROPERTY OWNER •**

Effective: January 1, 2010

These policies and procedures have been reviewed and verified to be compliant  
with applicable Arizona law as of January 23, 2018.

**PREFACE**

Pursuant to A.R.S. § 33-1803, the Board of Directors of The Ocotillo Community Association (“Association”) has adopted these Policies and Procedures providing for notice and an opportunity to be heard to an owner (“Owner” defined in the Declaration cited below) prior to the imposition of a monetary penalty for certain violations of the Declaration of Covenants, Conditions and Restrictions for Ocotillo recorded at Instrument No. 86-167478 in the records of Maricopa County, Arizona, as amended from time to time, and any tract declaration or plat governing any portion of Ocotillo (collectively, “Declaration”), or the Ocotillo Rules and Regulations (“Rules”) adopted by the Board of Directors of the Association.

**I. NOTICE OF VIOLATION.**

A. **Progressive Fines:** Prior to the issuance of the initial Notice of Violation (“NOV”), the Board of Directors, the Association property manager or any person acting at the direction of the Board of Directors shall provide a courtesy letter to an Owner regarding a violation of the Declaration or Rules. Such courtesy letters shall demand permanent correction of the violation by the Owner. Subsequently, if the Board of Directors, the Association property manager or any person acting at the direction of the Board of Directors or the Association property manager determines that the Declaration or the Rules have been violated again by an Owner or the Owner’s family, tenants or guest, and that the imposition of a monetary penalty is an appropriate enforcement action for the Association to take to obtain compliance with the Declaration or the Rules, the Board of Directors, the Association property manager or any other person acting at the direction of the Board of Directors or the Association property manager may serve a NOV upon the Owner. The first NOV will set a monetary penalty of \$150 for a violation, contingent upon an opportunity to be heard as set forth below. Subsequent NOV will set forth progressive monetary penalties in increments of \$50. The following table exemplifies progressive fines for continuing or subsequent violations. The interval between each progressive NOV shall not be less than fourteen (14) calendar days. If an Owner remains in continual compliance for a six-month period for the subject matter of a NOV, a subsequent violation for the same matter will result in resetting the fine process, beginning with the courtesy letter followed by progressive NOVs as set forth below.

The Ocotillo Community Association Residential Fine Schedule		
Notice #	Description	Maximum Fine
1	Courtesy Letter	No Fine
2	First NOV	\$150.00
3	Second NOV	\$200.00
4	Third NOV	\$250.00
5	Fourth NOV	\$300.00
<b>NOV’s Subsequent to the fourth notice shall be subject to legal enforcement</b>		

**B. A Notice of Violation shall contain:**

1. A description of the violation.
2. The provision(s) of the documents that has allegedly been violated.
3. The date of the violation or the date the violation was observed including the first and last name of the person or persons who observed the violation.
4. The maximum amount of the monetary penalty that may be imposed by the Board of Directors with respect to each NOV as set forth in Section I.A.
5. A statement that the Owner may request in writing a hearing on the subject of the violation before the Board. In order to be heard, the Association must receive a written request for such a hearing within fifteen (15) calendar days after the date of the NOV by marking the appropriate portion of the NOV requesting a hearing, signing the NOV, and returning the NOV to the Association. The Owner should retain a copy of the NOV. An Owner’s failure to request a hearing within the prescribed time period and by the prescribed manner shall be deemed a waiver and forfeiture of the Owner’s right to a hearing with respect to the NOV.
6. A statement that (1) if the Owner fails to timely request to be heard as prescribed, the amount of the monetary penalty as set forth in the NOV shall be due within fifteen (15) calendar days after the date of such NOV, and (2) if the Owner requests to be heard as prescribed, any amount of monetary penalty imposed by the Board of Directors shall be due within fifteen (15) calendar days after the date of the Board’s Notice of Decision.
7. Information concerning the manner in which a monetary penalty imposed by the Board of Directors may be enforced.

**C. Service:**

A NOV shall be served either by personal delivery to the Owner named in the NOV or by sending the NOV to the Owner by United States mail, postage prepaid. A NOV served by mail shall be deemed to have been received by the Owner to whom the NOV was addressed on the earlier of the date the NOV is actually received or three days after the NOV is deposited in the United States mail, postage prepaid. A NOV shall be delivered or mailed to the Owner at the address of the Owner as shown on the records of the Association. If more than one person or entity owns a Lot or Parcel, a NOV to one of the joint Owners shall constitute notice to all of the joint Owners. A Notice of Decision (if necessary) will be served in the same manner as a NOV.

**D. Supplemental Fine Schedules:**

The Board of Directors may adopt supplemental fine schedules to address specific violations in the community (i.e. parking, rentals, architectural violations, etc.). If a supplemental fine schedule is not adopted for a particular violation, this general fine schedule shall control.

**E. Injunctive Relief:**

If a violation is not cured after the Fourth NOV, the Board of Directors may request that Association’s attorney file an action seeking Injunctive Relief against the Owner to cure the violation. However, nothing in this Fine schedule limits the Board of Directors right to seek immediate Injunctive Relief at any time regardless of the presence or absence of notices or fines hereunder, for any violation that the Board of directors determines in its sole and absolute discretion.

**II. HEARING.****A. Request for Hearing:**

The NOV shall indicate that the Owner may request in writing a hearing on the subject of the violation before the Board. In order to be heard, the Association must receive a written request for such a hearing within fifteen (15) calendar days after the date of the NOV by marking the appropriate portion of the NOV requesting a hearing, signing the NOV, and returning the NOV to the Association. An Owner’s failure to request a hearing in this manner shall be deemed a waiver and forfeiture of the Owner’s right to a hearing with respect to the NOV.

**B. Conduct of Hearing:**

The Board shall conduct a properly and timely requested hearing. Upon conclusion of the hearing, the Board shall determine, in its sole and absolute discretion, whether a violation of the Declaration or the Rules occurred and, if so, the amount of the monetary penalty, if any, to be imposed for such violation. Such monetary penalties may not exceed the prescribed amounts set forth in Section I.A herein. The Board shall serve a Notice of Decision upon the Owner with the Board’s decision.



### III. ENFORCEMENT.

#### B. Enforcement of Monetary Penalty:

Unless a later due date is set by the Board of Directors, (1) if the Owner fails to timely and properly request to be heard as prescribed, the amount of the monetary penalty as set forth in the NOV shall be due within fifteen (15) calendar days after the date of such NOV, and (2) if the Owner requests to be heard as prescribed, any amount of monetary penalty imposed by the Board of Directors shall be due within fifteen (15) calendar days after the date of the Board's Notice of Decision. Any monetary penalties imposed and any charges for late payment of same shall be enforceable and collectible by civil suit in a court of competent jurisdiction and the recording of a judgment for same.

#### C. Other Enforcement Action:

In addition to or in lieu of the imposition of any monetary penalty for a violation of the Declaration or the Rules, the Board of Directors may proceed at any time with any other enforcement action available to the Association under the Declaration or at law or in equity. Enforcement actions available to the Association may be exercised separately or concurrently, and the exercise of one enforcement action shall not constitute an election of remedies or be a waiver of the right of the Association to take any other enforcement action.

#### D. Prior Policies and Procedures:

These Policies and Procedures shall not supersede or displace the Policies and Procedures for the Imposition of Monetary Penalties adopted by the Board of Directors as set forth in the Revised Community Rules and Regulations (Adopted February 23, 2010), relating to over seeding, water backflow, cross-connecting portable and reclaimed water systems, back washing pools, littering common areas, and pet issues (including, but not limited to, unleashed pets observed on common areas or failure to pick up their waste) which shall remain in full force and effect. In its discretion, the Board of Directors may amend or repeal these and prior Policies and Procedures.

#### E. Damages:

The fines set forth in this Fine Schedule shall be considered to constitute damages sustained by the Association, and are intended to compensate the Association for the administrative burden of addressing the violation and the adverse impact of the violation on the community. The Board of Directors also reserves the right to deviate from the fine amounts set forth herein if, after a hearing on the matter, the Board finds good cause to decrease the amount of the fine levied in a particular case. The Board also reserves the right to pursue any and all other remedies set forth in the Declaration at the same time or in lieu of levying the fines set forth in this Fine Schedule.

**GENERAL FINE POLICY**  
**POLICIES AND PROCEDURES FOR IMPOSITION OF**  
**MONETARY PENALTIES AT OCOTILLO**  
**• NON-RESIDENTIAL PROPERTY OWNER •**

Effective: January 1, 2010

These policies and procedures have been reviewed and verified to be  
with applicable Arizona law as of January 23, 2018.

**PREFACE**

Pursuant to A.R.S. § 33-1803, the Board of Directors of The Ocotillo Community Association (“Association”) has adopted these Policies and Procedures providing for notice and an opportunity to be heard to an owner (“Owner” defined as Apartment Development, Condominium Development, Shopping Center, Commercial Office, General Commercial, Telecommunication Site, Industrial Park, Resort Hotel, School, Church, Library, Substation, Well-Site, or other use determined by Declarant) prior to the imposition of a monetary penalty for certain violations of the Declaration of Covenants, Conditions and Restrictions for Ocotillo recorded at Instrument No. 86-167478 in the records of Maricopa County, Arizona, as amended from time to time, and any tract declaration or plat governing any portion of Ocotillo (collectively, “Declaration”), or the Ocotillo Rules and Regulations (“Rules”) adopted by the Board of Directors of the Association.

**I. NOTICE OF VIOLATION.**

A. Progressive Fines: Prior to the issuance of the initial Notice of Violation (“NOV”), the Board of Directors, the Association property manager or any person acting at the direction of the Board of Directors shall provide a courtesy letter to an Owner regarding a violation of the Declaration or Rules. Such courtesy letter shall demand permanent correction of the violation by the Owner. Subsequently, if the Board of Directors, the Association property manager or any person acting at the direction of the Board of Directors or the Association property manager determines that the Declaration or the Rules have been violated again by an Owner and that the imposition of a monetary penalty is an appropriate enforcement action for the Association to take to obtain compliance with the Declaration or the Rules, the Board of Directors, the Association property manager or any other person acting at the direction of the Board of Directors or the Association property manager may serve a NOV upon the Owner. The first NOV will set a monetary penalty of \$500 for a violation, contingent upon an opportunity to be heard as set forth below. Subsequent NOV will set forth progressive monetary penalties in increments of \$150. The following table exemplifies progressive fines for continuing or subsequent violations. The interval between each progressive NOV shall not be less than ten (10) calendar days. If an Owner remains in continual compliance for a six-month period for the subject matter of a NOV, a subsequent violation for the same matter will result in resetting the fine process, beginning with the courtesy letter followed by progressive NOVs as set forth below.

Non-Residential Fine Schedule		
Notice #	Description	Maximum Fine
1	Courtesy Letter	No Fine
2	First NOV	\$500.00
3	Second NOV	\$650.00
4	Third NOV	\$800.00
5	Fourth NOV	\$950.00
<b>NOV’s Subsequent to the fourth notice shall be subject to legal enforcement</b>		

**B. Form of NOV: A NOV shall contain:**

1. A description of the violation.
2. The provision(s) of the documents that has allegedly been violated.
3. The date of the violation or the date the violation was observed including the first and last name of the person or persons who observed the violation.
4. The maximum amount of the monetary penalty that may be imposed by the Board of Directors with respect to each NOV as set forth in Section I.A.
5. A statement that the Owner may request in writing a hearing on the subject of the violation before the Board. In order to be heard, the Association must receive a written request for such a hearing within fifteen (15) calendar days after the date of the NOV by marking the appropriate portion of the NOV requesting a hearing, signing the NOV, and returning the NOV to the Association. The Owner should retain a copy of the NOV. An Owner's failure to request a hearing within the prescribed time period and by the prescribed manner shall be deemed a waiver and forfeiture of the Owner's right to a hearing with respect to the NOV.
6. A statement that (1) if the Owner fails to timely request to be heard as prescribed, the amount of the monetary penalty as set forth in the NOV shall be due within fifteen (15) calendar days after the date of such NOV, and (2) if the Owner requests to be heard as prescribed, any amount of monetary penalty imposed by the Board of Directors shall be due within fifteen (15) calendar days after the date of the Board's Notice of Decision.
7. Information concerning the manner in which a monetary penalty imposed by the Board of Directors may be enforced.

**C. Service:**

A NOV shall be served either by personal delivery to the Owner named in the NOV or by sending the NOV to the Owner by United States mail, postage prepaid. A NOV served by mail shall be deemed to have been received by the Owner to whom the NOV was addressed on the earlier of the date the NOV is actually received or three days after the NOV is deposited in the United States mail, postage prepaid. A NOV shall be delivered or mailed to the Owner at the address of the Owner as shown on the records of the Association. If more than one person or entity owns a lot or parcel, a NOV to one of the joint Owners shall constitute notice to all of the joint Owners. A Notice of Decision (if necessary) will be served in the same manner as a NOV.

**D. Supplemental Fine Schedules:**

The Board of Directors may adopt supplemental fine schedules to address specific violations in the community (i.e. parking, rentals, architectural violations, etc.). If a supplemental fine schedule is not adopted for a particular violation, this general fine schedule shall control.

**E. Injunctive Relief:**

If a violation is not cured after the Fourth NOV, the Board of Directors may request that Association's attorney file an action seeking Injunctive Relief against the Owner to cure the violation. However, nothing in this Fine Schedule limits the Board of Directors right to seek immediate Injunctive Relief at any time regardless of the presence or absence of notices or fines hereunder, for any violation that the Board of Directors determines in its sole and absolute discretion.

**II. HEARING.****A. Request for Hearing:**

The NOV shall indicate that the Owner may request in writing a hearing on the subject of the violation before the Board. In order to be heard, the Association must receive a written request for such a hearing within fifteen (15) calendar days after the date of the NOV by marking the appropriate portion of the NOV requesting a hearing, signing the NOV, and returning the NOV to the Association. An Owner's failure to request a hearing in this manner.

- B. Conduct of Hearing:** The Board shall conduct a properly and timely requested hearing. Upon conclusion of the hearing, the Board shall determine, in its sole and absolute discretion, whether a violation of the Declaration or the Rules occurred and, if so, the amount of the monetary penalty, if any, to be imposed for such violation. Such monetary penalties may not exceed the prescribed amounts set forth in Section I.A herein. The Board shall serve a Notice of Decision upon the Owner with the Board's decision. If the Owner fails to appear at the hearing, then the Owner shall be deemed to have waived his right to a hearing with respect to the violation.

### III. ENFORCEMENT.

#### A. Enforcement of Monetary Penalty:

Unless a later due date is set by the Board of Directors, (1) if the Owner fails to timely and properly request to be heard as prescribed, the amount of the monetary penalty as set forth in the NOV shall be due within fifteen (15) calendar days after the date of such NOV, and (2) if the Owner requests to be heard as prescribed, any amount of monetary penalty imposed by the Board of Directors shall be due within fifteen (15) calendar days after the date of the Board's Notice of Decision. Any monetary penalties imposed and any charges for late payment of same shall be enforceable and collectible by civil suit in a court of competent jurisdiction and the recording of a judgment for same.

#### B. Other Enforcement Action:

In addition to or in lieu of the imposition of any monetary penalty for a violation of the Declaration or the Rules, the Board of Directors may proceed at any time with any other enforcement action available to the Association under the Declaration or at law or in equity. Enforcement actions available to the Association may be exercised separately or concurrently, and the exercise of one enforcement action shall not constitute an election of remedies or be a waiver of the right of the Association to take any other enforcement action.

#### C. Prior Policies and Procedures:

These Policies and Procedures shall not supersede or displace the Policies and Procedures for the Imposition of Monetary Penalties adopted by the Board of Directors as set forth in the Revised Community Rules and Regulations (revised January 1, 2008 ), relating to over seeding, water backflow, cross-connecting portable and reclaimed water systems, back washing pools, littering common areas, and pet issues (including, but not limited to, unleashed pets observed on common areas or failure to pick up their waste) which shall remain in full force and effect. In its discretion, the Board of Directors may amend or repeal these and prior Policies and Procedures.

#### D. Damages:

The fines set forth in this Fine Schedule shall be considered to constitute damages sustained by the association and are intended to compensate the association for the administrative burden of addressing the violation and the adverse impact of the violation on the community. The Board of Directors also reserve the right to deviate from the fine amounts set forth herein if, after a hearing on the matter, the Board finds good cause to decrease the amount of the fine levied in a particular case. The Board also reserves the right to pursue any and all other remedies set forth in the Declaration at the same time or in lieu of levying the fines set forth in this Fine Schedule.