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# Ocotillo

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## Design Guidelines and Community Rules

*(REVISED JANUARY 1, 2008)*

BEATTURSAVILLE 98

**The Ocotillo Community Association**

PO Box 12510 ~ Chandler, Arizona 85248

Phone (480) 704-2900 Fax (480) 704-2905

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



# The Ocotillo Community Association Design Guidelines & Community Rules

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## 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&RS") established a uniform development plan for Ocotillo. Each home or property owner (collectively, "Member") purchases land at Ocotillo that is subject to these CC&RS. In accordance with the CC&RS, the Ocotillo Design Review Board has adopted the enclosed *Design Guidelines and Standards* (the "Design Guidelines") to evaluate all improvements in Ocotillo and ensure they are architecturally consistent with the community master plan.

Pursuant to Article V, Section 3 and Article XVI, Section 5 of the CC&RS, the Board of Directors has adopted the following *Community Rules* (the "Rules"). These Rules are intended to supplement and summarize certain major components of the CC&RS of which all Members should be aware. However, in the event of a conflict between these Rules and the CC&RS, the provisions of the CC&RS shall govern over any provisions contained in the Rules.

The *Design Guidelines* 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&RS.



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## 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 Member of The Ocotillo Community Association (the "Association"), which is responsible for the maintenance and management of all Common Areas and related facilities, and administration of construction activities by Members in accordance with adopted Design Guidelines. 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 including the ability to adopt rules and regulations governing the use of Common Areas and to employ a 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 ODRB has adopted Design Guidelines 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&RS, 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 guidelines are all intended to establish and maintain a harmonious community image for Ocotillo. Through these Design Guidelines and design review process, a consensus is achieved between individual aesthetic judgment and the broader interests of community standards.



The CC&RS 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 guidelines 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 guidelines, the Association's Design Guidelines 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 ODRB may, at its option, grant variances from the Design Guidelines 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&RS 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 may not have an adverse effect upon other Members and must be in keeping with the high quality of life intended for Ocotillo.

### GUIDELINES & STANDARDS

#### General Principles

The purpose of the ODRB is to ensure consistent application of the Design Guidelines. The Design Guidelines 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 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.

### SUBMISSION 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 cannot 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 guidelines 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; 1) completed Landscape/Architectural Submittal Form (reference form on Page 22); 2) check made payable to The Ocotillo Community Association for the review (reference Page 23 for current “*Design Review Fee Schedule*”) and; 3) 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. 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, elevations, paint colors, tile and stone samples or landscape materials, plant species and sizes. A building permit from the City of Chandler 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 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 a member of 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 Form 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 computer 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, Santorini Shores) should be completed within twelve (12) months from ground breaking. 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&RS, any Owner or Resident aggrieved by a decision of the ODRB may appeal the decision to the ODRB and/or The Board. The CC&RS 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 Resident 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 ("Visible from Neighboring Property" as defined by Article I, Definition OO of the CC&RS).



1. Landscape and hardscape installations, whether new or modifications of an existing plan, must be submitted and receive written approval from the ODRB prior to installation (reference "Submission Requirements" on Page 2 for details).
2. Front and rear yards Visible from Neighboring Property on all residential 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** (including non-view lots) that include pools, decking, walkways, etc., must be submitted and approved by the ODRB prior to installation.
3. A minimum of fifty percent (50%) of the "Landscapable Area" of the yard Visible from Neighboring Property (front and rear) is to be natural grass turf. *When reclaimed water is used for irrigation, the minimum natural grass turf requirement may be greater than fifty percent (50%).* "Landscapable Area" means that which is not covered by house, driveway, original front sidewalk, covered patio, or the water surface of a pool. The entire landscapable yard is measured in square feet, and fifty percent (50%) of that total is the minimum area to be natural grass turf. The area to be natural grass turf should not be just one big block of natural grass turf; it must be spread around in an eye-catching fashion and on both sides of the driveway ("squared off" lawns are not encouraged). On lake lots, landscaping along the lake edge must be natural grass turf to minimize erosion adjacent to the lake (reference "Landscape Maintenance Adjacent to Lake" on Page 15).
4. **All Members are required to over seed their front lawns with Winter Rye grass by November 15th.** Bermuda grass turns brown and is dormant in the winter. Members living along the golf course, lakes or other locations Visible from Neighboring Property must over seed both front and rear yard lawns with Rye grass by October 31st, and maintain a green, attractive, weed-free lawn. **Effective February 25, 2008, the Winter Rye lawn must be established by November 15 of that same calendar year. A \$500 fine will be assessed to the Member 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* (reference "*Landscape Pallet*" on Page 20) 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 and setback ten feet (10') from the shoreline and four feet (4') from any property line.
7. Concrete, pavers or brick borders are allowed as edging between natural grass turf and granite areas. Flagstone is also allowed, however, pavers, brick and flagstone would be considered on a case-by-case basis only.
8. All sidewalks, new and resurfaced, require prior written approval from the ODRB (reference "*Sidewalks*" on Page 10).
9. Granite is typically used for shrub areas. *River rock, volcanic cinders or bark are not permitted.* Examples of 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)
10. Wagon wheels, cow skulls and other yard art or ornamentation are not permitted (reference "*Ornamentation*" on Page 9).
11. Desert landscape, including that planted in landscape pots, is not allowed at Ocotillo. Cacti, Palo Verde trees, etc., are considered strictly desert flora and will not be approved for any area Visible from Neighboring Property.
12. Any type of artificial flower, plant, tree or turf is not permitted when Visible from Neighboring Property.
13. Trees, shrubs and annuals adequate to enhance the aesthetic appeal of walls, planters, walks, etc., must also be included in the landscape theme for the front, side and rear yards. Cactus or other strictly desert vegetation will not be approved. However, rear yards enclosed by walls and gates, or otherwise not



on the lake, golf course or Visible from Neighboring Property may be landscaped with desert schemes, providing, when mature, desert type vegetation is not visible above the walls.

14. All house 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** or the improvements involve grade changes, pools, spas, fountains, waterfalls, elevated decks, walkways, platforms or structures [reference “Structures (Miscellaneous)” on Page 12 and “Swimming Pools & Spas” on Page 12 for additional information]. If in doubt, check with the management company to determine if a submittal is required.
16. Members are required to 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 (reference “Policies And Procedures For Imposition Of Monetary Penalties at Ocotillo” on Page 24). 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.



### RECLAIMED WATER

Ocotillo is one of the largest master planned communities in America using **reclaimed water** [stored in nearly one hundred sixty-seven (167) 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 re-

claimed 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. Members must submit landscape plans to the ODRB prior to installation. Landscaping must not begin until the Member receives written approval from the ODRB.

1. Design Requirements for reclaimed water irrigation systems must be obtained from the Association prior to design. Once designs are complete for front, rear and side yards, they are to be submitted to the ODRB, the City of Chandler and Maricopa County for compliance.
2. 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.
3. Connecting to Existing Reclaimed Water Irrigation System – If there is an existing reclaimed water irrigation system adjacent to a Member’s front yard and they are not currently connected, written approval must be received from ODRB and all necessary governmental agencies prior to connection to any reclaimed water line.
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” principle 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.



### IRRIGATION REQUIREMENTS USING RECLAIMED WATER

1. Pipes for reclaimed wastewater irrigation lines must be color coded purple, or approved equal.
2. Valve boxes for reclaimed waterlines must be purple.
3. Lids for valve boxes must be labeled “Reclaimed Wastewater”.
4. Hose bibs must not be installed on reclaimed waterlines.
5. No reclaimed water lines will be run into any building.
6. No reclaimed water lines will be connected to any swimming pool.
7. Reclaimed water lines must be a minimum of one hundred feet (100’) from drinking water wells.
8. Spray irrigation must be kept a minimum of ten feet (10’) away from 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.

9. All potable water hose bibs must be protected from the reclaimed water overspray.
10. Grading must be designed so that all drainage and runoff is contained at the point of reuse.
11. 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 City of Chandler code requirements.
12. 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 (reference "*Landscape Pallet*" on Page 20) is only a representative list of plants that are permitted in Ocotillo. Please note, 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 1.40000), [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 and 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 and 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.

### ARBORS

Arbors are considered on a case-by-case basis and must be submitted to the ODRB for approval.

### BOAT DOCKS

All private waterfront lots where boats are housed must have a dock constructed. Length of dock is limited as follows:

1. Lot width of fifty feet (50') or less may have a dock no wider than ten feet (10').
2. Lot width of fifty feet to sixty feet (50'–60') may have a dock no wider than twelve feet (12').
3. Lot width over sixty feet (60') may have a dock no wider than fourteen feet (14').

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 reference "Boats & Watercraft" on Page 17 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 may 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. 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. If these requirements are not met, a fine of \$250.00 per day will be assessed to the Member.



### 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. There shall be no work that creates exterior noise after 4:00 P.M. on Saturday, all day Sunday and the following holidays: January 1st, Memorial Day, Easter, July 4th, Labor Day, Thanksgiving and December 25th. If the Construction Hours guidelines are not met, a fine up to \$250.00 per occurrence will be assessed to the Member.

### DECORATIVE FOUNTAINS & WATERFALLS

All fountains and waterfalls must be submitted to the ODRB for approval and those Visible from Neighboring Property must be kept operational during daylight hours.

### 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 may not be expanded without the prior written approval of the ODRB. Driveway expansions over the side or front yard are prohibited. Epoxy or other types of driveway resurfacing must receive prior written approval from the ODRB.

### 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 stuccoed block wall painted to match the dwelling and built high enough to hide these units from view. 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 that is Visible from Neighboring Property must receive prior written approval from the ODRB. Unless otherwise approved by the ODRB, fencing must not encroach upon the eight-foot (8') lake easement area. Only black aluminum or wrought iron fencing is permitted along or near the lake easement

and generally must not exceed three feet, six inches (3'6") in height above grade. For each additional six inches (6") in height [above three feet, six inches (3'6")], the fence must be setback from the lake edge an additional five feet (5'). 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. Fence alignment must provide visual interest and not be a continuous straight line or parallel to the shoreline.

### FLAGPOLES & FLAGS



No flagpole or flag will be installed without prior written approval of the ODRB. 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 may 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 must be approved 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.

### GATES (ACCESS)

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

### GATES (DOUBLE)

Upon prior written approval of the ODRB, and subject to additional landscape requirements, double gates may be installed to allow wider access ways to rear yards. Double gates must be of the same type, design and color as the originally installed single gates, unless otherwise approved by the ODRB.

### GAZEBOS, RAMADAS & SIMILAR SHADE STRUCTURES

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

1. Maximum square footage: 100 sq. feet
2. Maximum height above grade: 8 feet



3. Minimum side yard setbacks: 10 feet
4. Minimum rear yard setbacks: 10 feet
5. Color is to match the color of the house (at minimum, deemed reasonable to blend in with community).
6. No lighting on exterior of any roof is permitted.
7. Temporary canopies and shade structures must meet requirements 1-6 above.
8. Fabric material of any type is not permitted to be used as a roof or wall structure.

## LIGHTING

Decorative holiday string lights may not be installed prior to Thanksgiving Day and must be removed by January 15th. Holiday lighting does not require ODRB approval. Any **other use** of such lights requires prior written approval by the ODRB.

All exterior lighting must be approved in writing by the ODRB and must have shields (especially wall-mounted “flood” lights) to prevent any light from exiting the property or disturbing neighbors. 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.

## 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.



## ORNAMENTATION

The utilization of non-living objects, such as ornaments in the landscape, is not permitted without prior written approval by the ODRB. 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. Ornamentation such as driftwood, wagons, animal skulls, wagon wheels and sculptures (including, but not limited to, flamingos, deer, figures, artwork, etc.) are not permitted when Visible from Neighboring Property.

## PAINTING

Any change in the exterior color of any structure located on a parcel or lot (including, but not limited to, house, trim, stucco walls and entry gates) is not permitted



without the prior written approval of the ODRB. Approved color schemes for your subdivision are available at the management company’s office.

Original and existing house colors must also be submitted for approval to verify paint manufacturer, color and update the Member’s lot file. Identical or similar exterior paint colors (as solely determined by the ODRB) are not permitted next to each other. *There is no charge for original house color submittals.* It is a requirement of the CC&RS that a Member obtain written ODRB approval **prior** to **any** exterior painting.

The color selection must be compatible with, and not depart from, the existing color theme of the subdivision. If Member is either painting home original color, resides in custom home subdivision or is using a paint manufacturer other than what is on file, an eight and one-half inch by eleven-inch (8.5” x 11”) sample of the paint color must be included with the submittal (include manufacturer, color code and color name). Member must also provide a color photograph illustrating the exact location of where each sample is to be applied (i.e. house, fascia, popouts, garage doors, etc.). The ODRB may, at its discretion, require a larger sample be painted on the house, garage door, etc. before rendering a decision.

For additional information on painting exterior property line walls, reference “Walls” on Page 13.

## PLANTERS & LANDSCAPE POTS

All containers for plants (i.e. concrete, ceramic, wooden, clay, etc., pots or planters) and other hardscape features Visible from Neighboring Property must be reviewed and approved in writing by the ODRB. Surface textures and colors should be compatible with the paint color and materials of the house (reference “*Hardscape & Landscape Requirements*,” Items 2, 6, 7 & 8 on Page 4 for additional information).

## ROOF EQUIPMENT

No device, including evaporative coolers and air conditioning units, must be placed on any roof unless screened from neighboring views and Member receives written approval by the ODRB. For roof-mounted solar devices, reference “*Solar Energy Device*” on Page 10.

## ROOM, GARAGES, PATIO COVERS, SHADE & ACCESSORY STRUCTURES

All additions to a home, including patio covers, shade structures and other building additions, 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. To be considered by the ODRB, a proposed addition to a single-family home cannot be higher than its existing roof line. 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 setbacks are to be a minimum of ten feet (10’), and rear yard setbacks are to be a minimum of twenty feet (20’) unless otherwise approved by the ODRB.

Based on the preliminary review by the ODRB and the complex nature of the addition, the applicant may be required to review final drawings of the proposed changes with homeowners in the immediate vicinity prior to final submission to the ODRB. The results of that survey must accompany the formal application to the ODRB and will be an important consideration when reviewing the application.

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.

### SIDEWALKS

Sidewalks must be no wider than three feet (3’) unless otherwise approved in writing by the ODRB. Maximum walkway width to a side yard gate is three feet (3’), with a maximum flare width of five feet (5’) 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.

### SIGNS (RESIDENTIAL)

All signs must be approved by the ODRB prior to installation. All signs must be installed in the front yard only (reference “*Other Signs*” for additional information).

#### 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 “For Sale” or “For Lease” sign in front yard only; ii) a sign rider may 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 (i.e., Friday) and removed by dusk the day the garage sale ends (i.e., Sunday).

#### Security

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 are not permitted in rear or side yards overlooking the lake, golf course or protruding above any wall or fence (i.e. wrought iron, block and stucco, etc.)

### SOLAR ENERGY DEVICES INSTALLATION GUIDELINES

The objective of the Guidelines provided here in 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 guidelines are intended to encourage Solar Energy Devices while, at the same time, protect values by ensuring that Solar Energy Devices are visually consistent with the existing architecture, including colors, of the Ocotillo Community. All Solar Energy Devices, as with all improvements or exterior alterations, must receive prior written approval of the ODRB.

#### Solar Energy Device

A “solar energy device” is defined by A.R.S. Section 44 – 1761 or future amendments thereto. A “solar 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 devices must meet the intent of the Ocotillo Design Guidelines and be consistent with the existing architecture of the Ocotillo Community. Visually Acceptable means that the installation meets these requirements as judged solely by the members of the ODRB.

#### Permit and Approval

1. Solar Device Installation. Permit must be approved by the ODRB and is required prior to beginning installation of any Solar Energy Device.



2. Solar Device Application. Installation Permit may be obtained from the 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. The application must be submitted with professional quality scaled drawings showing construction details and clearly showing elevations, location of the solar device, location and routing of all associated plumbing or electrical runs to and from the solar device, and all associated components (pumps, filters, electrical control and safety devices). Product literature for the proposed solar device and associated components must be submitted with the drawing package. The color of solar devices and associated components (including electrical and plumbing runs) are to be included.
4. The application must be accompanied by documentation showing compliance with A.R.S. Section 44 1762 including a written statement of performance data for the Solar Energy Device pursuant to A.R.S. Section 44 1762(B) and proof of licensing of the installer of the Solar Energy Device pursuant to A.R.S. Section 44 1762(E).
5. The ODRB will review the application within thirty days (30) of receipt and, if acceptable, will issue an Installation Permit. The permit shall be valid for one hundred twenty (120) days.
6. Upon completion of the installation and prior to operation of the Solar Device, the Member must schedule a Final Inspection with the ODRB to ensure compliance with the conditions of 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. Section 44 1762(C).

Installation Guidelines

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, guidelines, rather than strict requirements, are provided. The ODRB has the responsibility (and authority) to ensure that the installation meets the Ocotillo Design Guidelines and is “visually acceptable.”
2. Solar Energy Devices shall be made commercially (not home-made), 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), PowerMark 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 may 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, pipe and other associated components shall be hidden from view when practicable. If it is not practicable to hide such items from view, they shall follow the architectural lines of the residential structure.
8. All construction, wiring and plumbing shall be consistent with accepted trade practices, and they shall meet all local codes.
9. 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



## STONE APPLICATIONS

Exterior application of stone will be considered on a case-by-case basis by the ODRB. Some subdivisions or house elevations are not architecturally compatible to accept stone and will not be approved by the ODRB. A City of Chandler permit may be required.

## STORAGE SHEDS

Metal or other rear yard storage sheds detached 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. 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. (Reference “*Room, Garages, Patio Covers, Shade & Accessory Structures*” on Page 9).

## 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.

## 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. Waterfalls must not exceed twenty-four inches (24”) of exposed height (above pool deck) when Visible from Neighboring Property. Grottos and other structures will be reviewed on a case-by-case basis. These structures will require additional height restrictions and setbacks.



All pools and spas 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 \$1,000.00 construction bond to be held by the management company.

Construction must be completed within sixty (60) days from the date of excavation.

Pools and spas may 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 as of August 1, 2006.

### 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. The minimum setback requirements are as follows:

1. Deck or slab on grade must be setback three feet (3’) from any property line.
2. Six-inch (6”) raised Deck must be setback five feet (5’) from property line walls.
3. Twelve-inch (12”) raised Deck must be setback fifteen feet (15’) from property line.
4. Eighteen-inch (18”) raised Deck must be setback twenty feet (20’) from property line.

### 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, stuccoed 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 and on Page 8), 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 (reference “*Tennis Courts*” on Page 17).

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.

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 stuccoed and painted. Approved exterior wall color schemes for your subdivision are available at the management company’s office. If any walls are to be painted, prior written approval by the ODRB must be obtained.

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 stuccoed 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 when Visible from Neighboring Property or otherwise exposed to public view. Retaining walls must be setback a minimum of eight feet (8’) from the concrete lake edge.

**WINDOW COVERINGS**

Exterior

Window coverings such as awnings, sun screens, 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 sun screens 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 roller shades or similar 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. 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&RS.



## CHAPTER FOUR SPORTS & RECREATIONAL (PLAY) EQUIPMENT

### BASKETBALL GOALS (PERMANENT)

Basketball goals are allowed in rear and side yards, as approved by the ODRB. They are not allowed on lots backing up to the golf course, lakes, open spaces, tracts or common area.



Basketball goals must be located adjacent to the house to reduce the visual impact from adjacent properties with a minimum distance of sixteen feet (16') maintained from any perimeter wall to the pole. All non-clear surfaces, including the backboard, metal supports, rim and pole must be painted to match the house color. Exterior lighting for night time play is not permitted. Basketball courts or sports courts of any kind are not permitted.

### PLAY STRUCTURES

1. Excluding lots backing up to the golf course, lake or other common space, children's play structures may be erected in rear yards, subject to prior written approval by the ODRB.
2. The maximum height, including the canopy, is eight feet (8').
3. No platforms shall be more than three feet (3') from the ground.
4. The structure must be at least sixteen feet (16') from any wall or property line.
5. Wood structures Visible from Neighboring Property must remain natural or be painted to match the house.
6. Metal structures that are Visible from Neighboring Property must be painted to match the house.
7. Any shade canopy cannot exceed twenty square feet (20 sq. ft.) in area, must be a solid color and match the color of the home.
8. Multicolored play structures or any accent components must not be Visible from Neighboring Property.

### PORTABLE SPORTS EQUIPMENT

Portable sports equipment such as, but not limited to, basketball goals, hockey nets and tether balls are allowed, except on lots backing up to the golf course, lake, open spaces, tracts or common area and do not require written approval from the ODRB. However, when not in use, they must be stored so as not to be Visible from Neighboring Property.

### TRAMPOLINES

Trampoline framing for all lots must be installed below grade and not placed above ground. Trampoline installation requires the prior written approval by the ODRB.



## CHAPTER FIVE COMMUNITY RULES

The following community rules summarize some of the common provisions found in the CC&RS 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&RS and these Rules. As property record holders, Members are ultimately responsible for all compliances with the CC&RS 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&RS and other rules, which are violated, either knowingly or unknowingly, by its Members.

The Board adopted a Fine Policy effective October 1, 2003 (reference "*Policy And Procedures For Imposition of Monetary Penalties at Ocotillo*" on Page 24). 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&RS 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&RS, any Tract Declaration, the Articles, Bylaws, Design Guidelines or these Rules, the offending Member shall be liable for and shall pay to the Association, upon demand, all costs, including attorneys 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.

### DUMPING, LITTERING & BACKWASHING



Dumping, littering and backwashing swimming pool or spa filtering systems onto the golf course, lakes, open space, tracts, common areas or streets is strictly prohibited. This includes, but is not limited to, natural grass turf and other landscape debris. Violating this rule will result in a fine of up to \$500.00 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 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 natural grass turf cuttings or other landscape debris to enter the lake. They will decompose and cause an increase in nutrients and algae growth.
6. Immediately remove any natural grass turf, landscape debris or (runoff) silt from the water.

### **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. Any Member in violation of not cleaning up after their pets or having their pets observed not on a leash will be assessed a fine up to \$200.00 per occurrence. 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) may not be parked, maintained or stored so as to be Visible from Neighboring Property.



#### **Parking**

Per Article IV, Section 2 (v) of the CC&RS, 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 invites 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.

#### **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

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 lakes.



Members violating these rules risk suspension of their boating privileges for a period of time to be determined by The Board.

Unless otherwise approved in writing by The Board, only the following types of boats and watercraft shall be allowed in any lake area:

1. Boats operated by the Association for maintenance, safety or other community purposes.
2. Canoes.
3. Paddle Boats.
4. All boats must be either electrical or battery operated. No gasoline or other combustible-fueled motors will be allowed, except on Association watercraft.
5. The size of all boats and watercraft must not exceed sixteen feet (16') in length.
6. All boats and watercraft must be in good repair and operating condition.
7. All boats and watercraft must be registered with the Association. To register a boat with the Association, Members are required to complete a Watercraft Indemnity Agreement and a Boat Registration form. Forms are available at the management company's office or by download at [www.oca-az.com](http://www.oca-az.com). Hand deliver or mail the completed forms, a photo of boat and a \$20.00 check made payable to The Ocotillo Community Association. The management company shall be responsible for ensuring your boat meets the criteria listed above and issuance of official Association boat decal. All 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.
8. All private waterfront lots where boats are housed must have a dock constructed (reference "Boat Docks" on Page 7). All boats must be tied to the boat dock, placed on the boat dock or stored as to not be Visible from Neighboring Property.
9. 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.
10. All lakes are no wake zones.
11. All watercraft must use proper lighting after dusk, in accordance with U.S. Coast Guard regulations.
12. No watercraft is to travel over any waterfall. "Whitewater" rafting is strictly prohibited.

13. For safety reasons, boating will not be permitted on lakes contiguous with the golf course, except during non-golf hours, which will vary depending on the time of year.
14. 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 7 & 8 on this 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.

### TENNIS COURTS



Two lighted tennis courts are located on Jacaranda Parkway just west of the Chandler Fire Station at Pennington and Queen Creek Roads. Members must assume complete responsibility for the conduct and safety of their children and any damage to the tennis court resulting from misconduct. No children under the age of fourteen (14) are permitted on the tennis court unless accompanied by a responsible adult over the age of



eighteen (18). In the event a key is misplaced, replacement keys may be obtained from the management company for a nominal fee.

1. Court hours are from 7:00 A.M. to 10:00 P.M.
2. No glass containers are permitted.
3. Play time is limited to one hour if others are waiting.
4. Proper tennis attire is required.
5. No skateboards, roller skates, bicycles or pets are permitted in the tennis court areas. The courts are for tennis play only.
6. Please deposit all trash in the provided containers.
7. Please lock the gate when entering or exiting the courts.
8. Courts are for the use of Members and guests only. Membership cards must be in your possession when in tennis courts.
9. Court lights will automatically shut off at 10:00 P.M.
10. Members are responsible for their actions and the actions of their guests when using Association amenities.

### **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).** Residents 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 RESORT**

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



**CITY OF CHANDLER PHONE NUMBERS**

(Area Code 480 unless noted otherwise)

Abandoned Vehicles ..... 782-4130  
 Animals  
 Barking Dogs ..... 782-BARK  
 Dead Animal Pick-up ..... 782-3510  
 Block Watch ..... 782-4521  
 Buildings  
 Building Permits ..... 782-3000  
 Building Inspections ..... 782-3100  
 Zoning Inspections ..... 782-3000  
 Bulk Refuse Pick-up ..... 782-3510  
 Customer Service (City Utility) ..... 782-2280  
 Fire Department  
 Emergencies ..... 9-1-1  
 Codes (Fire Marshall)..... 782-2155  
 Inspections ..... 782-2121  
 Garbage Pick-up..... 782-3510  
 Graffiti Hotline..... 782-4322  
 Hospital, Chandler Regional ..... 963-4561  
 Neighborhood Services - Zoning ..... 782-4320  
 Neighborhood Programs ..... 782-2218  
 Permits  
 Alarm Systems..... 782-4201  
 Building/Construction..... 782-3000

Block Parties ..... 782-3340  
 Police  
 Emergencies ..... 9-1-1  
 Non-Emergency ..... 782-4130  
 Pool-Aquatic Hotline ..... 782-2733  
 Post Office ..... 1-800-275-8777  
 Schools  
 Chandler/Gilbert Community College ..... 732-7000  
 Chandler Unified School District..... 812-7000  
 Solid Waste/Refuse Service ..... 782-3510  
 Streetlight Repair Hotline ..... 782-3460  
 Streets ..... 782-3500  
 Trash Service..... 782-3510  
 Utilities  
 Electric – SRP ..... 602-236-8888  
 Gas – Southwest Gas ..... 602-861-1999  
 Phone – Qwest ..... 1-800-244-1111  
 Water..... 782-2280  
 Voter Registration ..... 782-2180  
 Weed Control  
 Residential ..... 782-4320  
 Vacant Lot ..... 782-2120  
 Zoning  
 Neighborhood Code..... 782-4320  
 Planning & Design ..... 782-3000



**THE OCOTILLO COMMUNITY**  
**ASSOCIATION LANDSCAPE PALLET**

COMMON NAME	SCIENTIFIC NAME	COMMON NAME	SCIENTIFIC NAME
<b>PALM TREES</b>		<b>ANNUALS &amp; PERENNIALS</b>	
California Fan Palm	<i>Washingtonia filifera</i>	Madagascar Periwinkle	<i>Catharantus Roseus</i>
Canary Island Date Palm	<i>Phoenix canariensis</i>	Madagascar Periwinkle	<i>Catharantus Roseus</i>
Common Date Palm	<i>Phoenix dactylifera</i>	White & Yellow Pansies	<i>Viola</i>
Mexican Fan Palm	<i>Washingtonia robusta</i>	Petunias	<i>Gumfrina</i>
Queen Palm	<i>Syagrus romanzoffianum</i>		
<b>TREES</b>		<b>SHRUBS</b>	
Acacia "Sweet"	<i>Acacia smallii</i>	Acacia "Desert Carpet™"	<i>Acacia redolens</i>
Acacia "Cat Claw"	<i>Acacia greggii</i>	Arizona Rosewood	<i>Vauquelinia californica</i>
Acacia "Shoestring"	<i>Acacia stenophylla</i>	Bougainvillea (Various)	<i>Bougainvillea</i>
Acacia "Willow"	<i>Acacia salicina</i>	Cape Honeysuckle	<i>Tecomaria capensia</i>
African Sumac	<i>Rhus lancea</i>	Desert Cassia	<i>Cassia nemophila</i>
Aleppo Pine	<i>Pinus halepensis</i>	Desert Ruellia	<i>Ruellia peninsularis</i>
Beefwood "Coast"	<i>Casuarina cunninghamiana</i>	Fortnight Lily	<i>Dietes vegeta</i>
Bottle	<i>Brachychiton populneus</i>	Hop Seed Bush	<i>Dodonaea viscosa</i>
Carob	<i>Ceratonia silqua</i>	Japanese Pittosporum	<i>Pittosporum tobira</i>
Citrus, Grapefruit	<i>Citrus × paradisi</i>	Juniper "Hollywood"	<i>Juniperus chinensis</i>
Citrus, Orange	<i>Citrus aurantium</i>	Natal Plum	<i>Carissa Grandiflora</i>
Eucalyptus "Coolibah"	<i>Eucalyptus microtheca</i>	Oleander "Rose Bay"	<i>Nerium oleander</i>
Evergreen Pear	<i>Pyrus kawakamii</i>	Orange Jubilee	<i>Tecoma stans</i>
Ficus "Nitida	<i>Ficus microcarpa v. nitida</i>	Red Bird of Paradise	<i>Caesalpinia pulcherima</i>
Mesquite "Chilean"	<i>Prosopis chilensis</i>	Ruellia (Pink or Purple)	<i>Ruellia brittoniana</i>
Oleander (Yellow Bell)	<i>Thevetia peruviana</i>	Sage "Cimarron"	<i>Leucophyllum zygophyllum</i>
Olive (Seedless)	<i>Olea europaea</i>	Sage "Violet Silver Leaf"	<i>Leucophyllum candidum</i>
Pepper, Brazilian	<i>Schinus terebinthifolius</i>	Sage "Texas Ranger"	<i>Leucophyllum frutescens</i>
Pepper, California	<i>Schinus molle</i>	Texas Mountain Laurel	<i>Sophora secundiflora</i>
Pine "Mondell"	<i>Pinus brutia ssp. eldarica</i>		
Sissoo	<i>Dalbergia sissoo</i>		
(1)Southern Live Oak	<i>Quercus virginiana</i>		
Willow Australian	<i>Geifera pariflora</i>		
		<b>GROUND COVER &amp; VINES</b>	
		Cat's Claw	<i>Uncaria tomentosa</i>
		Creeping Ficus	<i>Ficus pumila</i>
		Fig	<i>Ficus carica</i>
		"Hall's Honeysuckle"	<i>Lonicera japonica</i>
		Lantana (Purple)	<i>Lantana montevidensis</i>
		Passion Vine	<i>Passiflora alatacaerula</i>
		Rosemary	<i>Rosmarinus officinalis</i>
		Trailing Vinca	<i>Vinca major</i>
		Asparagus Fern	<i>Asparagus densiflorus 'Sprengeri'</i>

- The Ocotillo Lakes CC&RS 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 is permitted in this area.
- <sup>(1)</sup> The Enclave and Retreat are required to plant 24" Southern Live Oak between the sidewalk and curb.
- Due to organic litter produced, deciduous trees are not permitted on any lot or parcel adjacent to the lake.
- 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. (i.e. Brazilian Pepper, Swan Hill Oak, etc.)
- Citrus trees are not permitted in front yards. Artificial flowers, plants, turf, etc. are not permitted if visible from Neighboring Property.
- Artificial flowers, plants, turf, etc. are not permitted if Visible from Neighboring Property.



**THE OCOTILLO COMMUNITY ASSOCIATION**

P.O. BOX 12510, CHANDLER, AZ 85248

(480) 704-2900 (480) 704-2905

www.oqa-az.com

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 greatly appreciated. Please refer to the schedule on Page 23 for the appropriate fee to be included with your submittal. 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 • P.O. BOX 12510, CHANDLER, AZ 85248  
TEL (480) 704-2900 • FAX (480) 704-2905 • WWW.OCA-AZ.COM**

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

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

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

VIEW LOT     NON-VIEW LOT

TYPE OF SUBMITTAL:     NEW     RESUBMITTAL

- ALL DRAWINGS MUST BE TO SCALE.
- INCLUDE ONE COPY OF ALL DRAWINGS (B&W OR BLUELINE ONLY, DRAWINGS WITH COLORING CANNOT BE ACCEPTED).
- THE ASSOCIATION MAY TAKE UP TO 30 DAYS AFTER RECEIPT TO FORWARD A DECISION.
- APPROVALS ARE VALID FOR 90 DAYS AND ALL WORK ASSOCIATED WITH SUBMITTAL MUST BE COMPLETED WITHIN 120 DAYS FROM APPROVAL DATE.

**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 NAME:** \_\_\_\_\_ **PHONE NUMBER:** \_\_\_\_\_

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

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

**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:

DESIGN REVIEW FEE PAID \$ \_\_\_\_\_ INITIAL: \_\_\_\_\_

DENIAL OR STIPULATIONS: \_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_



<u>RESIDENTIAL</u>	<u>AMOUNT</u>
<b>(1) CUSTOM &amp; SEMI-CUSTOM HOME PLANS</b>	
Home Plans .....	\$650.00
Front Yard Landscaping .....	\$125.00
(2) Rear Yard Landscaping (View Lots Only).....	\$125.00
Front & Rear Yard Landscaping Submitted Together .....	\$200.00
(2)Swimming Pool/Spa (View Lots).....	\$100.00
(2)Swimming Pool/Spa (Non-View Lots) .....	\$ 75.00
<b><u>NON-CUSTOM HOME PLANS</u></b>	
Home Plans .....	\$350.00
Front Yard Landscaping .....	\$ 50.00
(2)Rear Yard Landscaping (View Lots Only).....	\$ 75.00
Front & Rear Yard Landscaping Submitted Together .....	\$100.00
(2)Swimming Pool/Spa (View Lots).....	\$ 75.00
(2)Swimming Pool/Spa (Non-View Lots).....	\$ 50.00

**EXAMPLES OF OTHER RESIDENTIAL SUBMITTALS**

Awnings.....	\$ 50.00
Boat Dock.....	\$ 50.00
Doors (Security, French, Etc.) .....	\$ 50.00
Equipment Screening Wall .....	\$ 50.00
Fencing of any type .....	\$ 50.00
American Flagpole and Display Brackets .....	\$ 0.00
Gates (single or double).....	\$ 50.00
Gazebo, Ramada and Shade Structure.....	\$ 75.00
Garage Doors .....	\$ 50.00
Exterior Lighting .....	\$ 25.00
Painting .....	\$ 50.00
Patio Addition .....	\$150.00
Play Structure.....	\$ 50.00
Room Addition, Garage Addition and Accessory Structure .....	\$200.00
Satellite Dish (Antenna).....	\$ 0.00
Sidewalk .....	\$ 50.00
Solar Device.....	\$200.00
Solar Tubes.....	\$ 50.00
Storage Shed .....	\$ 50.00
Stone Application .....	\$ 50.00
Trampoline Installation.....	\$ 50.00
Window Screens .....	\$ 50.00

**NON-RESIDENTIAL & MULTI-FAMILY PROJECTS**

Building or Site Modification .....	Fee Dependent on Complexity
Commercial.....	\$750.00 - 3,500.00
Condominium.....	\$750.00 - 3,500.00
Employment .....	\$750.00 - 3,500.00
Multi-Family.....	\$750.00 - 3,500.00
Office .....	\$750.00 - 3,500.00
Miscellaneous Other .....	\$250.00
Temporary Signage.....	\$75.00

**NOTES/OTHER POTENTIAL ADJUSTMENTS**

- (1) Include subdivisions such as Crown Point, Embarcadero, Enclave/Retreat, The Island, Santorini Shores & Vistas.
- (2) View Lots are those that back up to lakes, common areas, golf courses, etc. and can be seen by the public or is Visible from neighboring property.
- Review of civil, landscape and architectural plan is included in fee.
  - Review fees of sub-association documents are not included and will be billed separately based on review time necessary.
  - Plans requiring in excess of three reviews will be charged \$100.00 for additional review.
  - The above are minimum fees and may be increased due to the complexity of a submittal.
  - If requested to resubmit for any reason, you must do so within 30 days to avoid additional submittal fees.



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

Effective September 21, 2006

**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 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 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 \$75 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 \$30. 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.

<b>The Ocotillo Community Association Residential Fine Schedule</b>		
<b>Notice #</b>	<b>Description</b>	<b>Maximum Fine</b>
1	Courtesy Letter	No Fine
2	First NOV	\$75.00
3	Second NOV	\$105.00
4	Third NOV	\$135.00
5	Fourth NOV	\$165.00
6	Fifth NOV	\$195.00
7	Sixth NOV	\$225.00
<b>NOV’s subsequent to the seventh notice shall be increased in increments of \$30.00</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.

## **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. 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, 2006), 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.

