

Casas Del Cielo

ASSOCIATION RULES

HANDBOOK



Approved: November 2024

Association Board of Directors and Design Review Committee

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HOMEOWNERS ASSOCIATION (HOA)

The Homeowners Association (hereinafter referred to as “Association” or “HOA”) primary concern is preserving and enhancing community property values. We strive to ensure esthetic integrity with architectural styles that complement and perpetuate existing design in the community, while attempting to fulfill each property owner’s desires and needs.

A Board of Directors and a Design Committee govern the association. All prospective homeowners receive a copy of our governing documents. These Governing Documents establish Covenants, Conditions, and Restrictions (CC&R’s) upon the Property and every portion thereof, and certain mutually beneficial restrictions and obligations with respect to the proper use, occupancy, and enjoyment thereof, all for the purpose of enhancing and protecting the value, desirability, and attractiveness of the Property and enhancing the quality of life within the Property.

Board of Directors (BOD)

The affairs of the Association shall be conducted by the BOD in accordance with the Articles and Bylaws. The Association shall have such rights, duties, and powers as are prescribed by law and as set forth herein and in the Articles and Bylaws.

Voting for Association Board Members

Any election of the Board shall be by written ballot. Every Owner entitled to vote at such election shall have one vote equal to the number of Directors to be elected and may cast only one vote per candidate. The candidate or candidates receiving the highest number of votes, up to the number of the Board Members to be elected, shall be deemed elected. Cumulative voting and secret ballots are no longer permitted. Voting can be done via paper or electronic ballot. Write-in candidates are permitted.

Design Review Committee (DRC)

The primary duties of the DRC are the evaluation and maintenance of aesthetic standards within the community and the preservation of property values. Per Arizona regulations the chairperson of the DRC must also be a member of the BOD. The DRC works with homeowners to make the enhancement of properties as efficient and easy as possible. All exterior modifications to a home or landscaping requires prior written approval from the DRC. Please reach out to the Community Manager or DRC with any questions prior to executing any improvements or work.

See Design Review submittal on page 4 of this document and the Governing Documents on the community website. <https://casasdelcielohoa.com>

COMMUNITY MANAGER

Community Manager for the association is Cornerstone Properties Inc. Our dedicated manager and point of contact is Amanda Miller.

Contact info:

- Phone (602) 433-0331 x109 or Email: amanda@cpioha.com

ASSOCIATION RULES

This Association Rules Handbook is your current Board of Directors' interpretation of the governing documents to include the CC&Rs. The Association Rules augment but DO NOT REPLACE the CC&Rs. This document is intended to aid the homeowner by highlighting key rules and areas associated with the CC&R's and the Associations Design Guidelines. Where CC&Rs are already quite specific and clear, they may not be reiterated in the Association Rules handbook.

The goal and focus are:

- Preserving the aesthetics of Casas Del Cielo
- Protecting and enhancing home values
- Compliance with City of Phoenix Zoning and applicable City and State ordinances
- Compliance with Governing Documents to include By Laws, Covenants, Conditions, and Restrictions (CC&Rs), Architectural / Design Guidelines,
- Maintaining the property of the association and its owners

Enforcement of Rules & CC&Rs.

The community's Association Management Company conducts regular monthly inspections of all properties and notifies homeowners of any problems. Members also may report a nuisance or compliance issue to the Association Management Company. Should a homeowner choose not to comply with the CC&Rs he/she may be subject to penalties outlined in the governing documents.

The Governing Documents along with an assortment of association information can be found on the community website. <https://casasdelcielohoa.com>

COMMUNITY CHARACTERISTICS

Casa Del Cielo is in the City of Phoenix (COP), County of Maricopa, State of Arizona and receives water, sewage, trash and recycling services from the City of Phoenix. Casas del Cielo consists of 68 single family homesites and is managed by the Casas del Cielo 56th Street & Dove Valley Homeowners Association, Inc. The Association has responsibility for maintaining the common areas, known as Tracts, or easements including the internal connectors or private streets, common landscaped areas, and drainage facilities in accordance with the City of Phoenix Zoning application No 98-92.

LOTS / HOMEOWNER PROPERTY

Every Lot in Casas Del Cielo is divided into two areas, a **Disturbable Area** also known as the building or improvement envelope (~10,000 sq.ft.) and a **Non-Disturbable area**.

- Disturbable area, also known as the improvement envelope or building envelope, is the portion of each lot within all improvements must be built and alterations to the existing landscape is permitted.
 - *The portion of your lot that is inside of the construction fence as shown on the plat for your property.*

- Changes to the Disturbable area of your property require approval by the DRC.
- Non-Disturbable Area (NDA) is the area outside of the building envelope and must remain in a natural state. The NDA is a COP designation per the zoning for our community. If this area is altered due to construction or other activities, it must be revegetated with plants native to the area.
 - *This area is identified as undisturbed or non-disturbable area on your plat.*
 - No changes can be made to the non-disturbable area of your property without approval of the DRC and/or City of Phoenix
 - No clearing, excavation, construction, or other activities that change existing natural conditions is allowed.

These areas are identified on the plat for every property in Casa Del Cielo. If you do not have access to the plat for your property, contact the Management company or the City of Phoenix (COP) for assistance.

COMMON AREAS AND TRACTS

Common Areas or Tracts refer to those areas intended to be devoted to the common use and enjoyment of the owners of the properties. The Common Areas encompass the letter-designated tracts shown on the Plat (except tract E) and all other portions of the property outside of the lots and public streets and the improvements and equipment thereon which is owned by the Association for the mutual use and enjoyment of the homeowners.

Note: Activities that affect any street or common area maintained by the association will require homeowners to reimburse the association for expenses associated with any repair.

From Casas Del Cielo Final Site Plan. See community website for details.

Tract A encompasses the private streets within the subdivision, covered by an ingress /egress easement for emergency and service vehicles. The streets within the community are private, owned and maintained by the association for the benefit and use by residents.

Tract B - Open Space Recreation Area

Tract C and Tract D – North Gate Perimeter Setback. This is the original main gate to the community. The HOA owns a small piece of property on each side and maintains a pathway that provides pedestrian access around this gate.

Tract E – City of Phoenix well site.

Tract F - Open Space on the corner of Rancho Paloma Drive and E. Dove Valley Road by the West Gate. The HOA owns and maintains this property. The perimeter of Tract F is designated as a Landscape Easement. This 40-foot landscape easement parallels Rancho Paloma Drive and E. Dove Valley Road. The HOA is responsible for maintenance in the landscape easement.

West Gate: There is no perimeter setback at this gate, so the association does not maintain a pedestrian pathway around this gate.

The washes are not Open Space, Common areas, or Association property. They are part of an individual homeowners' private property. When you enter a wash in Casas Del Cielo you are entering a neighbor's private property.

PERIPHERAL COMMUNITY LANDSCAPE EASEMENT

The perimeter of the community bordering Rancho Paloma Drive and E. Dove Valley Road has a landscape easement. This 40-foot landscape easement parallels Rancho Paloma Drive and E. Dove Valley Road. The area not in the landscape easement is intended to remain undisturbed. The perimeters in the landscape easements should be handled through the HOA for maintenance.

COMMON AREA MAINTENANCE

A contracted crew of professional landscapers performs routine common grounds cleaning, pruning, weeding, tree trimming and general upkeep. They are overseen by both the Board of Directors and the Community Manager. The Maintenance Committee is responsible for any changes, additions or improvements made to these common grounds.

BANNED PLANTS AND TREES

City of Phoenix zoning does not allow the following plants to be grown in Casas Del Cielo: Mescal Bean, Desert Bloom and Eucalyptus.

Casas Del Cielo Design Guide 2001 2006 Appendix B does not allow the following plants: Palms (all), Pine, Cypress, False Cypress, Juniper or Cedar, Olive trees, Mexican Palo Verde, Desert Broom (female), Citrus trees (all), Oleanders, Thevetia, Fountain Grass, and Bermuda Grass.

APPROVED PLANTS AND TREES

The Casas Del Cielo approved plant list is available on the community website and provides a list of plants, shrubs, and trees that can be planted in the Disturbable area and plants that can be planted in the non-disturbable area.

The City of Phoenix may require a revegetation plan for construction projects such as additions, pools and or view fences or walls.

- All construction projects require city of Phoenix approval along with a design review submittal and approval from the DRC.

Plants in Courtyard, Rear yard, or other enclosed area

Plants maintained in containers, pots or raised beds that are located inside of an enclosed courtyard, fenced rear yard or other enclosed area are not required to be listed on the APL or approved by the DRC.

Plants that are visible from the street or a neighboring property must be on the APL. See definition of "Visibility from Neighboring Property" on page 17.

Landscaping

Landscaping shall follow the Zoning Ordinance, as it applies to the Property, and other applicable state, municipal, or county statutes, ordinances, or regulations, including those dealing with native plant preservation. All front yards shall have desert landscaping.

The front and back yard (inside of fence/wall) of most properties lie within the “disturbable area” and must be landscaped. New or updated landscaping requires submission of a Design Request.

Proposed landscape-planting materials must be identified on the drawings submitted along with the request and include a photograph and description of the plant for which approval is being requested. Please refer to Section 2.3 (d) and Section 3.2 of the Design Guide for additional information.

There are exceptions to performing work or maintenance in your non-disturbable area they include:

- Removing mistletoe from trees
- Removing globe chamomile (aka Stink Net) & wild desert grasses
- Trash removal or cleanup.
- Pest removal or disease treatment to protect plants, trees and cacti.
- Maintaining a fire defensible zone (see FDZ)

Homeowners should care for trees and cacti within the non-disturbable area under the guidelines below:

- Consult with an expert prior to removal of unhealthy portions of any plants, trees, or cacti.
- Diseased portions of plants should be removed to keep any disease from spreading.
- Mistletoe, a parasitic plant, must be removed to stop the spread and save the tree.
- For cacti that are leaning, diseased, or otherwise unhealthy seek the advice of an expert before taking any actions.
- Notification to the Community Manager required for above actions.

Landscape debris including cactus cuttings, limbs, seed pods, and leaf litter, must be removed from the Lot by homeowner, landscapers, trash collection or delivery to the local landfill.

Corner and Street Lots

Owners of corner and street lots must ensure that their plantings do not compromise roadway visibility, impact traffic, or create a blind intersection. Residents with property abutting the perimeter sidewalks of the community must prune trees and shrubs that interfere with pedestrian traffic.

The Association does not trim trees, bushes, shrubs, or cacti that are within your property boundaries, including your backyard, side yard or front yard private property.

Weed Control

Weed control on private property is the owner's responsibility. This includes planning for weed control during any seasons you are away. The Community Management Company performs inspections of weeds that grow year-round, and violations may be assessed for allowing weeds to flourish and spread seeds in your absence.

The Association does not trim or remove weeds that are within your property boundaries, including your backyard, side yard or front yard private property.

FIRE DEFENSIBLE ZONE (FDZ)

Creating a fire defensible zone, in your non-disturbable area allows you to remove flash fuels (i.e., globe chamomile & desert grasses) within a 30-foot FDZ (measured from the body of your home itself, not the block wall surrounding it). You can trim and thin dead and fallen vegetation within the 30-foot FDZ.

All native Sonoran Desert plants/vegetation must remain intact and cannot be removed (such as bursage, brittlebush, creosote bush, cacti, trees etc.).

For additional information, a copy of the COP Desert Preserve & Fire Protection Guidelines can be found on the community website.

ARCHITECTURAL CONTROLS /DESIGN REQUESTS

The Design Review Committee

The Committee is comprised of 3 Homeowners and includes the Chairperson, who is a Board Director. Committee members serve for a term of 1-year with the approval of the Board. The role of the DRC is to review the information provided by the Homeowner regarding the specific changes or additions being requested. Using the HOA's Design Guidelines and other Governing documents, the Committee will approve, reject, or request additional information from the Homeowner. The DRC works to turn around Homeowner's requests as quickly as possible.

Design Review Submittal

The association Governing Documents require that Homeowners submit a Design Review Submittal for any exterior property improvements.

- No building, structure or other improvements of any kind may be erected, altered, modified, or placed on any Lot without the prior written approval of the Design Review Committee.
- A landscaping plan shall be submitted to the DRC prior to the addition or removal of any vegetation located within the disturbable and/or non-disturbable areas of the property.

Homeowners complete the Design Review Submittal Form and forward the form to Cornerstone, the HOA's Management Company. Submittal forms are available to

download from the Community website. Forms can also be submitted on-line. All DRC requests must be sent to Cornerstone.

When submitting a DRC Request, to help expedite the processing and review, all pertinent information should be included with the Request:

- Diagram or photos of changes
- Color Samples
- Building material description
- City of Phoenix Building Permits (when required)
- Lot diagrams showing disturbable and non-disturbable areas
- Location and identification of plants to be added / removed.

Cornerstone is the point of contact for all communications to and from the DRC.

See the Casas Del Cielo Summary of Standards and Design Guidelines for additional information.

Property Improvements

Improvements to property means any valuable addition or amelioration made to land and generally whatever is erected on or affixed to land, which is intended to enhance its value, beauty, utility, or adapt it to new or further purposes.

If you wish to do something to your property, it is recommended that you to check with the HOA Management Company or the Design Review Committee prior to committing to any work or contracts. It's much easier, faster and more cost effective to get prior approval for anything that changes the visual appearance of your property. The DRC will be happy to review any plans you may wish to undertake.

As provided in Section 1 of the Casa Del Cielo Design Guide, no residence, building, structure, landscaping, walks, fences, or other work which in any way alters the exterior appearance may be constructed or installed on any Lot without the prior written approval of the Design Review Committee. Upon receipt of approval from the Design Review Committee, the homeowner has one (1) year to complete the improvement unless an extension is requested and granted by the DRC.

- Examples of actions that that require approval:
 - Replacement of the entire window (frame & glass).
 - Painting the home, exterior walls or fence a different color.
 - Adding new plants, trees, or shrubs to landscaping
 - Adding mineral landscape elements such as gravel, rocks, and boulders
 - Addition of a pool, fence, gate, wall, or other structure
 - Addition of screens either regular or sunscreen
 - Decorative features such as accent or exterior lighting (wired or solar)
 - Removal of shrubs, plants, cacti, or trees
 - Replacement of exterior doors if new style or color
 - Exterior play equipment such as swing sets, basketball hoops, or similar
 - Installation of solar panels

The City of Phoenix may require a revegetation plan for construction projects such as additions, pools and or view fences or walls.

- **All construction projects require city of Phoenix approval along with a design review submittal and approval from the DRC.**

GARAGE DOORS

For visual continuity, garage doors must be kept closed when not pulling vehicles in or out. Garage doors can be kept open when homeowner is actively working in the garage.

LANDSCAPE OR BUILDING LIGHTS

Landscape lighting must be directed onto vegetation or prominent site features. Building mounted lighting must be directed downward away from adjacent lots, streets and open spaces and may not be used to light walls for decorative purposes. All exterior lighting must provide for significant shielding to ensure that light sources and lamps are not visible from neighboring property; no bare lamps will be permitted.

Only incandescent lamps with a maximum incandescent wattage of seventy-five (75) watts or equivalent for LED or CF lamps, or 1200 lumens, will be allowed for exterior lighting unless specific approval is received from the Committee. The Association recommends 800 lumens or less and warm colored lights (3500 Kelvins or less) be used on all exterior buildings. Low voltage lighting is recommended for landscape lighting. Colored lights will not be allowed for exterior lighting.

SECURITY LIGHTS/MOTION DETECTORS

Lights on motion detectors for the purpose of security illumination are strongly discouraged but may be allowed subject to specific approval of the Committee. If allowed by the Committee, these lights will only be allowed to operate on a motion detector and stay lit for a maximum of twenty (20) continuous minutes. These lights will not be allowed to operate for the purpose of general illumination.

EXTERIOR WALL HANGINGS, YARD ART

The Design Review Committee will determine, in its sole discretion, whether a particular wall hanging, decoration, pottery, ceramics, exterior artwork, metal, wooden, or concrete yard art or feature is reasonable and acceptable. The Association reserves the right to prohibit any items that are deemed inappropriate, offensive or excessive.

COMMUNITY INSPECTIONS

The Association conducts monthly visual inspections of all property exteriors noting any noncompliance with the rules and issuing reminders and fine notices when action is not taken to correct a problem. The Association or its representatives performing these inspections will not physically enter your property lines without notice to you and permission to do so.

HOME AND PROPERTY MAINTENANCE

All lots shall be kept in good condition and repair with the improvements adequately painted. All trash, debris, weeds, dead vegetation, or any other material/items that create an unsightly appearance must be cleaned up and removed. No garbage, trash, rubbish, or debris shall be burned on a Lot or be placed or allowed on a lot except within containers complying with City of Phoenix requirements. Reference CC&R Section 5.8

Replacement or maintenance is subject to regulation by the Association Board. No lot shall be allowed to present an unsightly appearance, endanger the health of Owners, emanate offensive odors or noises, or constitute an aggravation, annoyance, or nuisance.

Note: It is the responsibility of the Management Company in conjunction with the BOD and/or DRC to investigate and assist in the resolution of any complaints relating to the aesthetics of property in Casas Del Cielo.

Homeowners are required to submit Design Requests and receive approval prior to any work performed to the exterior of their home or property. The Board recognizes however that some work performed by the Homeowner, contractor, or landscaper, is considered “routine maintenance.”

Routine Maintenance and Courtesy Notifications

For actions considered routine maintenance the Board instituted a method for Homeowners to inform the Management Company of work they intend to perform through a “Courtesy Notification.” This notification is made via email to our Community Manager. The Community Manager will in turn share this information with the DRC and/or Association board to ensure it meets the intent of routine maintenance.

The association requires the “Courtesy Notification” include the following:

- A description of the work to be performed and,
- That no repair or maintenance will result in any change to the structural elements of the home/property or result in any visual change to the exterior of the home and /or property.

Examples of work considered “routine maintenance” include, but is not limited to:

- Re-staining/repainting doors, viga’s or wooden beams the same color
- Re-staining ironwork or wooden gates the same color
- Stucco repair and re-painting a portion of the home the same color
 - Please include the paint manufacture, color and LRV in the notice.
 - Light Reflective Value (LRV) of less than forty-seven (47).
 - Provide a before and after picture to validate no change in color.
- Repainting of existing fence, wall, or structure the same color –
 - submit a courtesy notification with paint color, and LRV.
- Window repair – replacement of the glazing (glass) only
- Door replacement with same style and color

Yard and Landscape Maintenance

- Maintenance of existing irrigation, sprinkler/drip system
- Maintenance of existing structure, sidewalks, fences
- Maintenance of existing exterior building and shrubbery lighting
- Maintenance of existing walkway lighting
- Projects in your back yard unless visible from neighboring property
- Routine pruning and shaping of existing plants and shrubs in your front or back yard aka disturbable area.
 - **No pruning or shaping of plants is allowed in the non-disturbable area**
- Removal of dead vegetation within the disturbable area and replacement with the same plant (include name of plant in the Courtesy Notification)
 - **Replacement with a new species requires DRC approval.**

Other examples of items covered by a Courtesy Notification include notice of moving pods, construction materials, overnight street parking. An example of an email “Courtesy Notification,” is available online under our Document section.

If repairs or maintenance impacts the street, another property or any common area or open space the cost and repair of any impacted areas shall be the responsibility of the homeowner performing the action.

Painting home exterior, walls, and fences

Pursuant to Section 5.8 of our CC&Rs. All Lots shall be kept in good condition and repair with the Improvements adequately painted. The desert sun is very hard on house paint. The average life of house paint in the valley can range from 4-7 years. Much depends on the quality of paint used, color and duration of intense sun exposure. The expectation of the Association is that the paint color always maintains uniformity (no visual variations in color) and is intact at all locations. The Association has determined that a home is requiring painting if it appears to be:

FADING: Where the paint has become lighter than the original color, loss of color. Variations in color are visible, blotchy.

PEELING: loose paint flakes.

CHALKING: To test for chalking, touch the paint surface with your finger; if it leaves a chalky paint residue on your hands this is a sign the paint is breaking down. It is time to repaint; new paint will never leave any film on your hand.

If your home has been identified as in need of painting, the association will provide you with (12) months from the date of the letter to complete the repainting.

Painting Guidelines - Reference Section 4.3 – 4.5 of Design Guide 2001 2006

- Exterior paint colors of the house, garage, casita, fence and walls shall have a Light Reflective Value (LRV) of less than forty-seven (47).
- All walls (including retention walls) must be stucco/painted to match home.
- Colors must be earth tones.
- Suggest homeowner apply a peel & stick swatch to assess color prior to painting.

- Paint finish used on any exterior surface shall be of a sheen equal to or less than an eggshell finish.
- No soft gloss, semi-gloss or gloss finishes are allowed.
- No bright gaudy colors are permitted.
- Subdued or complimentary accent colors may be used – subject to DRC approval.

All projections from a building including, but not limited to, chimney caps, vents, gutters, scuppers, downspouts, utility boxes, porches, railings, and exterior stairways shall match the color of the surface from which they project or be an appropriate accent color.

Exterior surfaces must generally be stucco, stone masonry, brick or integrally colored split face concrete block.

Homeowners must obtain prior approval from the DRC if you are changing the color of the home, garage, casita, or block walls. If you are painting the same color as originally painted, homeowners may submit a courtesy notification, along with a before and after photo for verification, in lieu of the Design Request.

Accessories:

Accessories such as, without limitation, heating and air conditioning equipment, trash receptacles, sports apparatus, service yards, and clothes lines and other exterior fixtures, shall be permitted only if screened from the view of neighboring Lots. All plans for walls or vegetation or other types of screening must be approved by the DRC.

Swimming Pools and Spas

Swimming pools and spas must be constructed according to the City of Phoenix ordinances, and other applicable regulations. including required fence and enclosure heights. Doors and gates leading to swimming pools and spas must meet the City of Phoenix safety and closure regulations including doors that open directly from the Residence to any pool or spa area.

Pool equipment must not be Visible from Neighboring Property and must be enclosed by walls and a gate or other suitable screening method.

When you must drain your pool follow City of Phoenix guidelines by discharging water into sewer cleanouts. The clean-out is usually located next to the house at the point closest to the city sewer line.

EMERGENCY MAINTENANCE

Emergency Maintenance to repair clogged sewer lines/drains, water lines or other utilities can only be performed by licensed contractors. The homeowner is responsible to ensure the contractor follows all applicable construction and safety codes, laws, and the requirements of any governmental agencies having jurisdiction over streets, infrastructure, or utilities within CDC.

The licensed contractor is responsible for obtaining all necessary permits (Residential, Plumbing, Civil, Streets), Site Planning Approval, COP Inspections and Civil Review Counter Approval as applicable.

The homeowner is responsible for ensuring the contractor has received approved permits from the city of Phoenix, all utilities have been marked by a utility locating service, and all required inspections have been completed.

If the maintenance activity/ repair will impact any common areas (street, curbs, gates, mailbox, etc.) the homeowner must contact the Management company for additional guidance as soon as possible, preferably prior to start of the activity. If contractor requires street / road closure, homeowner must notify the HOA Management company so an email notification can be sent to the community asap.

Emergency contact number for HOA Management company is 602-231-6784.

Contact info for the City of Phoenix Planning & Development Department 602-262-7811 or <https://www.phoenix.gov/pdd/contact-us>

ANTENNA AND SATELLITE DISH

Satellite Dish, TV antenna, or other devices for the transmission or reception of internet, television, or radio signals of any form, whether attached to a building, wall, or free-standing structure are not regulated solely by the association. When options for the placement of these devices are available, homeowners are asked to consider the views from the street and from their neighbors' sight lines and to choose the least conspicuous or least obstructive sites. Request approval by the Design Review Committee to avoid DRC action or neighbor complaints.

Please submit the antenna type, planned location, and mounting to the DRC for approval.

SOLAR PANELS AND SYSTEMS

The City of Phoenix requires all solar systems to be permitted and approved by the COP Planning & Development Department and APS prior to activation. The association does not allow for ground-mounted panels and allows only roof mounted panels. Homeowners are required to work with the installer to minimize visibility from the streets and surrounding properties. If possible, all conduits, cables, and equipment boxes should be painted to match the exterior color of the house.

The association requires that all solar energy installations be approved by the DRC and pass all City and APS inspections.

FLAGS

Residence mounted flags. Displaying flags consistent with the federal flag code (P.L. 94-344; 90 Stat. 810), is permitted if hung on a bracket mounted to the front of the residence

(garage, courtyard, front of house). Maximum length of the pole is 6 feet and maximum dimensions of the flag are 4x6 feet.

- Does not require DRC approval if this mounting technique and size is followed. Courtesy notice to Management company appreciated.

Freestanding flagpoles. Can be installed in the front or backyard only. The height of the flagpole is limited to not more than the height of the rooftop of the members home and the size of the flag is limited to 4x6 feet. Location, installation method, and pole must be approved by the DRC prior to installation.

SIGNS

The association complies with AZ State Statute 33-1808 that addresses flag display, political signs, for sale, rent and lease signs. Residents may display a company sign indicating the contracted security company protecting the residence. No additional signage detached from the Residence will be permitted, except temporary construction signs or other signs as permitted by the CC&Rs and approved by the Design Review Committee.

Signs acknowledging the accomplishments of homeowners and their family may be temporarily displayed (up to 30 days) by sending a Courtesy Notification to the Management Company. Send the notification along with a picture of the sign 15 days before displaying.

Team flags or banners may be temporarily displayed for a duration not to exceed three consecutive (3) days. Longer durations require approval from the Management company.

TRASH AND RECYCLING

Trash containers cannot be stored in view of any street or surrounding lot. Phoenix Public Works provides trash, recycling, and bulk trash services to our community. COP provides two types of containers: Landfill containers and recycle containers. Landfill containers are picked up weekly on the same day as curbside recycle container pick-up.

The City of Phoenix offers the following recommendations:

- To ensure timely collection, containers must be placed curbside before 5am the day of pick-up.
- Trash & recycling containers must be 4 feet apart.
- City code requires residents to have lids on solid waste containers (garbage or recycling) secured to prevent rain, insects, & blowing of garbage or recyclable materials throughout your neighborhood.

Additionally, CDC further stipulates the following:

- Containers may be placed at the curbside the evening before pick-up, but not before 5pm

- Empty containers must be returned to their screened location, out of view of neighbors, by the evening of the day of collection.
- Homeowners are required to pick up any blowing or leftover trash not removed by trash pickup.
- If your container is damaged, and needs replacement/repair - go to <https://www.phoenix.gov/garbage-and-recycling>

Large bulk trash pickup

The City of Phoenix provides large bulk trash pickup. The appointment-based system will be replacing quarterly collection beginning on September 30, 2024. All bulk trash collection on or after that date must be scheduled online. Bulk trash consists of materials that are too large and must not be placed in the garbage or recycling container. Materials such as furniture, small appliances, toilets, and large amounts of vegetation are often considered bulk trash.

- Don't include more than 10 cubic yards in your pile
- Placement Begin Dates are shown on the website.
- Homeowners are not permitted to place items on or near the curb until the "Placement Begin Date."
- Sweep or rake area after collection, as necessary.

For more info visit <https://www.phoenix.gov/publicworks/garbage/bulktrash>

GATES

The gates of Casas Del Cielo serve as privacy gates only. If a homeowner requires an additional remote, please contact the Management company. The Association owns a small piece of property on each side of the North gate and maintains a pathway that provides pedestrian access around the gate. There is no perimeter setback at the West Gate, so the association does not maintain a pedestrian pathway around this gate.

The gates can be programmed to be open in support of an Open House, Moving or Estate sale or other events. To set this up contact the management company. See Rules & Regulations Regarding the Operation of Gates on the community website.

RESIDENTIAL PURPOSES

Each Lot shall be used only for residential purposes. No business or commercial use or commercial building may be erected on any Lot, and no business or commercial enterprise shall be conducted from or upon any Lot, except for "home occupations" as defined and allowed under the Zoning Ordinance.

No Lot shall be used for a hotel or other lodging or transient service or purpose except that a Lot may be used by Owner for the temporary housing of guests of the Owner at no charge.

- No Lot shall be leased or rented except in its entirety.
- The Association does not allow non-tenant stays or transitory lodging.

- Property rented short or long term must provide the Community Manager with emergency contact information including phone numbers and email of the owners and a contact that can be at the property within 30 minutes during an emergency.

Short-Term Rentals or Transient Occupancy

All rental agreements, reservation agreements, guest occupancy agreements or lease **terms must be for 31 days or longer**. Nightly, weekly or transient rentals are not allowed.

Sale or Transfer of Property Ownership

Property owners must notify the Management Company when the property is put up for sale and again when an offer has been accepted prior to closing. If the property is transferred to another party the Management Company must also be notified of the change.

PARKING

Motor vehicles of Residents or guests shall be always parked on the driveway of such Resident's Lot when sufficient parking area exists. No motor vehicle shall be parked on any street within the Community from 11:00pm to 5:00am without the prior written permission of the Association.

Please send a courtesy notification to the Management company whenever you have a need to park large vehicles such as RV's or trailers on the street. For additional information please see Rules and Regulations for Vehicles posted on the community website.

STORED VEHICLES

No vehicle, including recreational vehicles, boats, trailers, or other non-standard passenger vehicles, can remain on any Lot in a manner that could be construed as being stored, neglected, abandoned, or otherwise not in active use.

DRIVEWAYS

Originally all driveways were crushed granite. In 2006 the Design Guidelines for driveways was modified to allow homeowners the option of replacing/using pavers in lieu of crushed granite for the driveway surface. COP Planning and Zoning (July 2003 Mod.), the portion of a driveway in excess of five hundred (500) square feet shall be included in the undisturbed area requirement and thereby deducted from the applicable maximum disturbed area allowance for that lot. This update granted many properties an increase to the original 10,000 sq ft disturbed area. See COP Z 98 92-2 Zoning letter dated July 7, 2003, stipulations 4a and 4b and Exhibit A for details.

All projects must be submitted, reviewed, and approved by the DRC prior to starting construction. Additional Zoning information can be found on the community website.

(Note: crushed granite is still an acceptable driveway surface - no homeowner is required to use pavers).

WILDLIFE FEEDERS:

Bird or tree squirrel feeders may be maintained on the homeowner's property. Feeding of other wildlife (coyotes, bobcats, javelina, etc.) is not allowed by AZ law ARS/13-2927.

FOUNTAINS AND WIND CHIMES:

Not everyone enjoys the constant sound of water trickling or of wind chimes ringing. When placing these items on your property please consult any neighbors who may be affected by the sound.

VIOLATION AND FINE POLICY

The Association's Board of Directors is entitled to impose fines for violation(s) of the Declaration of Covenants, Conditions and Restrictions (CC&Rs) and any rules adopted by the Board of Directors. The procedure for imposing fines for such violation(s) is available on the community website.

In its discretion, the Board may deviate from the policy depending on the facts and circumstances of an individual violation. Written notice will be sent to the Homeowner(s) at the mailing address as it appears on the records of the Association at the time of notice.

REMEDY FOR NEGLECT

If a homeowner does not respond to non-compliance letters within the time frame specified in the letter, the association may hire contractors to bring a residence into compliance. The expense of such remediation will immediately be billed to the homeowner and would be subject to property lien if not repaid.

DRONE USAGE AND OPERATIONS

It is mandatory for owners to apply to the Association for permission to operate a drone in the community. The application must include all pertinent details, including the purpose of their drone, weight specifications, make and model, and the dates and times of intended use. All drone owners must have insurance covering any damages from drone use and a copy must be provided to the Management Company along with any FAA required certifications. See FAA Regulations for Hobbyists and Commercial-Use Drones.

NOISE ORDINANCE

Casa del Cielo follows the COP noise ordinances for construction work; the allowed hours are: 6am – 7pm, Monday through Friday May 1 thru September 30th and 7:00 am - 7:00 pm. October 1 thru April 30.

Additionally, contractors who by virtue of the services provided, create noise (such as, but not limited to, landscapers) should be advised by the Homeowner that in consideration of neighbors, the use of blowers be held until 7am Monday – Friday and, no earlier than 8am on Saturdays. No service is allowed on Sundays or Arizona / Public Holidays.

DEFINITIONS

“Disturbable Area” (aka improvement envelope or building envelope)

- An area in which natural vegetation is removed, exposing the underlying soil.
- An area that is altered as a result of clearing, grading, and/or excavation.

“Non-Disturbable Area”

- The portion of a property to be left in its existing natural state where no clearing, tilling, excavation, construction, grading, or other activities that change existing natural conditions is allowed.

"Improvement Envelope" or building envelope is the area within a Lot within which all Improvements on the Lot must be located aka the disturbable area.

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

“Improvements to property” means any valuable addition or enhancement made to land and generally whatever is erected on or affixed to land which is intended to enhance its value, beauty or utility, or adapt it to new or further purposes.

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

"Visibility from Neighboring Property" shall mean with respect to a given object that such object is or would be visible to a person 6 feet tall, standing on any part of such neighboring property, at an elevation of the base of the object being viewed provided, however, that an object shall not be considered as being visible from Neighboring Property if the object is visible to a person six (6) feet tall, standing at ground level on any part of neighboring property *only by such person being able to see the object through a wrought iron fence or open gate and such object would not be visible to such person if the wrought iron fence were a solid fence or the gate was closed unless an object can be considered offensive.*

Conservation is the protection of plants and animals, natural areas, and interesting and important structures and buildings, especially from the damaging effects of human activity.

Preservation is the act of keeping something as it is, in order to prevent it from decaying or to protect it from being damaged or destroyed.

Transient occupancy is the occupancy of a vacation property, hotel, motel, inn, boarding house, lodging house, tourist home or similar sleeping accommodation for a period of 30

days or less. The contract entered to document a guest's stay in transitory lodging is called a reservation agreement, or a guest occupancy agreement.

City of Phoenix Planning and Development definitions:

The City of Phoenix considers our Non-Disturbable Areas as Conservation or Preservation areas and considers our community to be Hillside.

Open Space, Common: Land within or related to a development, not individually owned or dedicated for public use, that is designated and intended for the common use or enjoyment of the residents and their guests of the development and may include such complementary structures and improvements as are necessary and appropriate.

Conservation Area: Environmentally sensitive areas with characteristics such as steep slopes, wetlands, flood plains, or areas of significant biological productivity or uniqueness that have been designated for protection from any activity that would significantly alter their ecological integrity, balance or character.

Hillside: An area where the natural slope of the ground exceeds 10 percent grade.

Landscaped Area: A plot of land which has been decoratively or functionally altered by contouring and planting shrubs, trees, vines, and with a living and nonliving ground cover and with an automated watering system.

Lot: A parcel of land shown in the records of the Maricopa County Assessor's Office, or any piece of property divided to be used separately from other pieces or parcels of property by description, as in a subdivision or on a recorded survey map, or by metes and bounds, for purposes of sale, lease, or separate use in a legal manner pursuant to all state, county, and city requirements for the development and proposed use of that property.

Short-term rental means "vacation rental" as defined in A.R.S. Section 9-500.39. Vacation rental does not include residential lease with a lease term of 31 days or longer.

Preservation Area: See "Conservation Area".

Accessway, Private: A street privately owned and maintained that is used as the principal means of access to abutting parcel or parcels and shall allow for access by emergency service vehicles, trash collection vehicles, public service vehicles, and the public in general.

Building: A structure having a roof supported by columns or walls for the shelter, support, or enclosure of persons, animals, or chattel.

Building Area: The total areas taken on a horizontal plane at the mean grade level of the principal buildings and all accessory buildings, exclusive of uncovered porches, steps, roof overhangs, and balconies.

Natural Features: Land formations which include elements such as natural drainageways, rock outcroppings or formations, and significant grouping of mature vegetation.