

ARCHITECTURAL DESIGN GUIDELINES

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Revised Copy 2019
ARCHITECTURAL CONTROL CRITERIA

**VAL VISTA LAKES
INFORMATION AND TELEPHONE NUMBERS**

ADMINISTRATIVE..... (480) 926-9694
FAX..... (480) 926-5730
E-MAIL.....vvladmin@valvistalakes.org
WEB SITE.....www.valvistalakes.org
CLUBHOUSE..... (480) 926-9693

GILBERT POLICE.....EMERGENCY911
NON-EMERGENCY..... 503-6500
FIRE EMERGENCY911
NON-EMERGENCY..... 644-2400

Val Vista Lakes is one of the Valley's finest master planned communities. As a property owner in Val Vista Lakes, you are automatically a member of the Val Vista Lakes Community Association. The Association is a nonprofit corporation formed for the purpose of preserving the values and amenities of Val Vista Lakes. It is the commitment of the Val Vista Lakes Community Association to maintain a community of high aesthetic value to ensure a quality lifestyle and strong financial worth. To accomplish this task each member pays a modest annual assessment to the Association to administrate the maintenance, preservation and enhancement of the community rules and amenities for the benefit, use and enjoyment of members.

Equally as important to the success of Val Vista Lakes as the proper management and maintenance of the community common areas, is the compliance of each individual member to the Declaration of Covenants, Conditions, and Restrictions and the Architectural Guidelines and Easements. These Association Rules are designed as a brief summary and simplification of the Declaration of Covenants, Conditions, and Restrictions and Architectural Guidelines and Easements by which each Member must abide. For complete details or Restrictions and/or Encumbrances of any specific portion of Val Vista Lakes, please consult the original legal documents that were provided to you, when you purchased your property.

The Sub-Associations with separate assessments and CC&Rs include Beach Club Village, Breckenridge Bay, Castaway Bay, Enclave, Lakeside, Patterson Point, Regatta, Voyager Cove and West Lake Estates.

Within the CC&Rs there is a provision that permits the Board of Directors to adopt, amend, and repeal rules governing the Association. The rules may not be discriminatory and shall not be inconsistent with the CC&Rs, Articles of Incorporation, or the Bylaws. Upon adoption, the Association Rules shall have the same force and effect as if they were a part of the Covenants, Conditions, Restrictions, and Easements.

We have provided you with this information with the hopes that it will answer some of your questions and concerns regarding the management and development of your Community. The end product of Val Vista Lakes' master plan largely depends on the attitude and cooperation of its residents. It's your community. We are committed to enhance your investment at Val Vista Lakes.

ARCHITECTURAL DESIGN GUIDELINES

The Val Vista Lakes Master Architectural Committee of the Val Vista Lakes Community Association (VVL MAC), with the prior approval of the Board of Directors of VVL, has adopted these Architectural Design Guidelines (the “guidelines”), pursuant to the authority granted to the Architectural Committee by the Declaration of Covenants, Conditions, Restrictions, Assessments Charges, Servitudes, Liens, Reservations, and Easements for Val Vista Lakes Development recorded at Recording No. 85-149821, records of Maricopa County, Arizona, as amended from time to time (the “Declaration”). Unless otherwise defined in these guidelines, each capitalized term used in these Guidelines shall have the meaning given to such term in the Declaration.

Val Vista Lakes is a master-planned community with a strong commitment to protect and preserve its aesthetic values. The VVL MAC is specifically charged with the responsibility of reviewing all architectural applications submitted by Val Vista Lakes’ members before building is initiated or before any changes that affect the exterior appearance of a property are made. Prior to any change, addition or alteration being made, a formal application (available at the VVL Administrative Office) must be submitted to the VVL MAC containing all pertinent information.

(Approved 4/18/2019)

Design Criteria for Unanticipated Improvements.

It is impossible to write guidelines and design criteria for every possible or potential improvement, addition, modification or change that might be considered for a property in a community as large as Val Vista Lakes. Furthermore, new materials, methods, products and technologies naturally occur over time. Therefore, the VVLCA Board of Directors, through the Master Architectural Committee, reserves all rights, and at their sole discretion, to create additional rules, regulations, guidelines, design criteria, limitations, stipulations, and policies, either overall or on a case-by-case basis, to address the unanticipated improvements and requests that may occur. Just because the Design Guidelines are silent on a particular topic or specific Improvement does mean these Improvements are allowed or acceptable. If the Applicant is in doubt regarding design criteria for a potential Improvement that is not specifically covered in the Design Guidelines, the Applicant shall seek the opinion, direction and/or ruling of the MAC before proceeding.

ARTICLE I

Application Procedures

- A) **Submittal Requirements:** Any member who is a member of a Sub-association must obtain architectural approval from the Sub-association in addition to obtaining approval from the VVL MAC. Please note Sub-association guidelines may be more restrictive than the Master Association. Requests for approvals shall be submitted to the VVL MAC in accordance with the procedures set forth in this Article.

The VVL MAC in accordance with these rules shall review requests for approvals. Review fees for commercial and residential new construction, major additions and remodeling fees, are due at the time of submittal. Major additions and remodeling would include the addition or remodeling to the building or home, such as patios and major landscape modification to homes whose backyard is on the lake including the addition of a swimming pool, gazebo, etc.

- B) **Time for Filing:** The application and all the attachments required therein shall be submitted and approved by the VVL MAC prior to start of exterior alteration or addition, new construction, preparation of final working drawings and/or prior to submission of an application to the Town of Gilbert for a building permit.
- C) **Forms:** The VVL MAC has adopted forms, which members must complete for all requests or approvals prior to the VVL MAC's review. All forms are available at the VVL Administrative Office, located on second floor of the Clubhouse and online at www.ValVistaLakes.org. The forms indicate the required information to be supplied by the member when submitting an application. Any deviation from the submitted information (i.e. materials, projected start or completion dates, etc.) requires VVL MAC approval for that change. All applications submitted are required to be acknowledged by VVL with a date stamp. It is the responsibility of the applicant to verify receipt of the application if it is not delivered in person to an administrative employee of VVL during normal business hours.
- D) **Fees:** The Board shall have the right, in its sole discretion, to assess against applicants a processing fee to defer the costs incurred by the VVL MAC in considering any requests for review or approval. The fee shall be in such an amount and payable in accordance with such a schedule as reasonably determined by the VVL MAC. The current fee schedule is available in the VVL Administrative Office. Review fees are due at the time of submittal for new construction and major improvements. Landscape plans are due at the same time that new construction plans are submitted. The schedule of fees shall take into account the proposed land use, size and complexity of the project to be reviewed. Such schedule of fees may be revised and amended from time to time at the discretion of the VVL MAC. Contact the VVL Administrative Office for a current fee schedule.

* Please note if you are a member of a Sub-association, your Sub-association may require a review charge that is separate from VVL MAC's review fees.

ARTICLE II

Review Procedures

- A) **Meetings:** The VVL MAC meets on the first Tuesday of each month to review applications for approval. The Chairman of the VVL MAC may call special meetings upon providing two days written notice to the other Committee members. The Chairman of the VVL MAC shall be appointed by a majority vote of the VVL MAC. The VVL MAC shall consist of not less than five members. A quorum for each meeting shall consist of three members.

The VVL MAC may retain the services of a design professional, architect, landscape designer, engineer, or other authority for consulting purposes at the member's expense. Prior to submittal, a pre-application meeting is encouraged between the applicant and a representative of the VVL MAC for new construction. The purpose of this meeting is to informally discuss the facts and information provided and gives useful guidance to expedite the application review.

- B) **Decisions:** The VVL MAC shall review all applications submitted and shall furnish a written decision to the applicant setting forth the reasons for its decisions. In the event the VVL MAC fails to take any action within 30 days after an application has been submitted, the application shall be deemed approved. Action is defined as a written notice delivered via the mail or fax machine. The VVL MAC may disapprove any application if there is not sufficient information submitted in order to exercise the judgment required by the Declaration and these Guidelines. In all cases, the VVL MAC shall state its objections. In the event the applicant makes subsequent submittals after an initial disapproval, the application as resubmitted shall be deemed approved if the VVL MAC fails to take any action on the resubmitted application within 30 days after each subsequent submittal. Construction, per the approved application, must begin within 90 days. Members may request an extension of time to start the modification or construction. If an extension has not been requested, the applicant must resubmit the application for re-approval. Any construction not specifically approved by the VVL MAC in writing must be approved, modified, or removed as specified by the VVL MAC at the owner's expense.

- C) **Sub-Associations:** Upon submittal to the VVL MAC, VVL's Administrative Office will notify as a courtesy in writing to the Sub-Association, that a pending application has been submitted for review by the VVL MAC. An applicant who is a member of a Sub-association, who is making an exterior change requiring architectural approval, must obtain written stamped approval from that association after the approval of VVL MAC.

- D) **Appeal to Committee:** Any owner, lessee, or resident aggrieved by the decision of the VVL MAC may appeal the decision to the VVL MAC. Any owner, lessee or other resident will not be considered aggrieved unless adversely affected. Such appeal must be made within 30 days after the written decision of the VVL MAC is mailed to the applicant and to any other interested parties.

If an appeal is received from an owner other than the applicant, the VVL MAC shall notify the applicant of the appeal. Such notice shall put the applicant on notice that construction during the appeal is not permitted and, if continued, shall be at the applicant's own risk. The appeal must be based on one of the following criteria:

- 1) Non-compliance with the Declaration or these Guidelines.
- 2) The inability of the applicant to perform (i.e., financial hardship or legal requirements). A VVL member cannot claim a financial hardship as reason for an architectural appeal when initially; the member knowingly failed to comply with the Declaration.
- 3) A subjective opinion or interpretation by an individual on aesthetic qualities also is not acceptable grounds for an appeal.
- 4) New information not previously considered by the VVL MAC decision must be submitted in writing. The details of this appeal must include the above stated criteria, all supporting facts and documentation, and be submitted within fifteen (15) days of the original request for appeal. The VVL MAC will review the submittal and if appropriate, an appeal hearing date will be scheduled. At that time, the member may make a formal oral presentation to the VVL MAC. The decision of the VVL MAC is final.

E) **Written Records:** The VVL MAC shall maintain complete written records of all applications submitted, including all architectural plans of all actions of approval or disapproval, and of all other actions taken by it under the provisions of the rules. All such records shall be maintained in the VVL Administrative Office lot files for each member located in the Administrative Offices of the VVL Clubhouse.

F) **Nature of Approval:** Any approval of plans, specifications or proposed construction given by the VVL MAC shall be only for the purpose of permitting construction of proposed improvements in Val Vista Lakes. There is no review whatsoever performed by VVL MAC regarding engineering, structural, irrigation, soils conditions, compliance with applicable codes and ordinances of the Town of Gilbert, or as to any other matter, whether similar or dissimilar, etc. An owner or other person submitting plans assumes all risk with respect to all such matters, and agrees to indemnify, defend and hold the VVL MAC and VVL Board of Directors harmless for, from and against any and all damages, claims, losses, obligations or liabilities whatsoever arising there from. Without limiting the generality of the foregoing, in no event shall the VVL MAC's approval of the plans constitute an implication, representation or certification of any kind of the VVL MAC that said items are in compliance with statutes, codes, ordinances other regulations, and in no event shall the VVL MAC be liable for any defect in any structure constructed on a Lot, whether or not in accordance with the approved plans.

The owner shall notify the VVL Administrative Offices within 10 days after construction has been completed. After receipt of notice or anytime deemed appropriate, the VVL MAC may inspect the construction and notify the owner of any construction the VVL MAC believes to not be in compliance with the approved plans.

G) Exterior Alterations & Additions Time Limit Guidelines:

- 1) Exterior alterations and additions must begin and be completed within 60 days from the date of approval. Variances may be granted by the Master Architectural Committee.
- 2) If the MAC approval is not completed by the set guidelines, the MAC request must be re-submitted.
- 3) Approvals are owner-specific. Approvals for new construction, exterior alterations or additions are not carried over from one owner to the next.
- 4) Shall include but not limited to, alterations to the foot print of the dwelling, room additions, new construction, patio additions, storage sheds, pools, water features, decks, retaining walls, change to existing landscaping, painting of structure, wall or fence, boat dock, driveway or walkway, window awnings, screen door, and outdoor lighting will need MAC approval.

Article III

Standards for Construction and Exterior Appearance

- A) **Compliance with Town of Gilbert Code:** All buildings, structures, improvements or alterations to be erected in Val Vista Lakes, and the use and appearance of all land within Val Vista Lakes, shall comply with all applicable Town of Gilbert code requirements as well as the Declaration and these Guidelines.
- B) **Architectural Theme:** Attractively designed architecture is a prerequisite for the success of the Val Vista Lakes community. These Guidelines are general in nature but set forth basic design criteria and philosophy. The VVL MAC is given broad power to insure compatibility of design throughout Val Vista Lakes and will take into consideration the impact of transition from one lot to the other and from one parcel to the other. Exceptions to these Guidelines may be made for a purpose in one area while not in another

The overriding theme for Val Vista Lakes is that of water oriented community with lush green landscaping. The lakes, the Beach and Racquet Club, the entry features, and the Common Area landscape establish the theme. Acceptable architectural themes would include, but are not limited to Mediterranean, Spanish Colonial, and Santa Barbara styles.

C) **Requirements During Construction:**

- 1) **Fencing:** A chain link fence, at least five feet high, shall be installed to completely enclose the construction area prior to starting any footing or foundation work. The fence shall have a single entrance located at the driveway entrance, and shall be maintained intact until the completion of construction. The construction trailer, if any, portable toilet, construction material storage and dumpster must all be contained within the chain link fence. No material may be stored on another vacant lot without the written permission of the owner. Materials are to be enclosed in a temporary fence.
- 2) **Debris and Trash Removal:** Trash and debris shall be removed from the construction site frequently and not be permitted to accumulate. In no case may debris and trash be allowed to exceed the tops of the dumpster. Dumpsters or other waste receptacles must be located within the fenced construction site or in areas specifically approved in writing by the VVL MAC.

- 3) **Washout and Cleaning:** Washout of concrete trucks or the washout and cleaning of any equipment by masons, plasterers, painters, drywallers, etc. must be contained within each Lot. Any dirt, mud, washout or cleaning residue shall not be allowed to flow off of the Lot or into drainage ways or the street or Common Areas or lake. Member is responsible to clean the drainage ways and streets of mud and debris. Member must restore any damaged area to its natural state.
- 4) **Sanitary Facilities:** Each Builder or Member shall be responsible for providing and maintaining adequate sanitary facilities for their construction workers. Portable toilets shall be located only within the Lot.
- 5) **Dust and Noise:** The Builder or Member shall be responsible for controlling dust and noise, including, without limitation, music, from the construction site.
- 6) **Daily Operation:** Daily working hours for each construction site shall be from sunrise to sunset. No exterior construction or construction causing noise audible from outside the Residence shall be allowed on Sundays.
- 7) **Vehicles and Parking Areas:** Construction crews shall not park on, or otherwise use, other Lots or any Common Area. Private and construction vehicles and machinery shall be parked only within the Lot or in areas designated by the VVL MAC. All vehicles shall be parked so as not to inhibit traffic on adjacent streets.
- 8) **Restoration or Repair of Other Property Damage:** Damage and scarring to property other than the Lot resulting from construction operations including, but not limited to, other Lots, driveways, concrete curbs and gutters, neighboring common party walls, landscape and/or other improvements, will not be permitted. If any such damage occurs, it must be repaired and/or restored promptly at the expense of the Member.

D) **Exterior Colors:** Colors should compliment the lush water-oriented theme. Southwest colors should prevail with beige, desert tan, sand, terra cotta, creams, etc. dominant. Pastels that compliment the Southwest scene, as well as accent colors that reinforce southwestern colors and the water-oriented community, shall also generally be acceptable.

If there is any proposed deviation from the existing approved exterior colors involving the repainting or redecorating of building surfaces; submission of the new color scheme is required for review and approval by the VVL MAC prior to making the change. Proposed colors must conform to the overriding theme that has been predominately established in each individual sub-division throughout Val Vista Lakes. Choices of approved paint colors for all the associations are available in the administrative offices. Approved paint colors will be automatically approved upon receipt of the Architectural Change Form. Note: Sub Associations may have a separate paint pallet for their community that differs from the Master Association Approved Colors. Owners painting their home the same as the pre-existing colors must confirm the color is still an approved color within the Association. Definitions and explanations of body, trim and accent colors provided by the Association.

E) **Building Materials:** Prior to the commencement of any construction or alteration, VVL MAC must approve exterior building materials.

A finished appearance to buildings must be achieved on all exterior sides of buildings and structures. Each material shall express its characteristics in an appropriate manner with colors and textures compatible with the natural surroundings and other buildings and structures in the general vicinity.

Exterior walls should be predominantly stucco, wood siding, brick or stone. The VVL MAC, on a case-by-case basis, may consider other exterior materials. Lots and parcels shall be kept in a neat and tidy condition during construction periods, trash and debris must be contained and shall not be permitted to accumulate, and supplies of brick, block, lumber and other building materials will be piled only in appropriate locations.

F) **Facades:** All exposed facades will be examined for overall aesthetic impact. Recessed or pop out windows for shadow relief, placement on the Lot or Parcel, and compatibility with existing neighboring themes are items, which shall be considered. Visible portions of the rear and sides of buildings, screening of mechanical equipment and walls are integral to the overall design.

G) **Roofs:** All roof types, designs, colors, and materials must be approved by the VVL MAC prior to commencement of construction or alteration. Concrete tile, clay tile, slate and wood shingles shall be acceptable visible roofing material in Val Vista Lakes. Flat roofs should not be used as the dominant roof theme. If portions of the roof are flat, they must be concealed on all sides by parapets or other portions of elevated roofs of approved material. No mechanical equipment, including but not limited to, air conditioners, evaporative coolers, solar panels, antennas (see page 25), or other may be placed on any roof unless completely screened by parapets or other architecturally compatible methods approved by the VVL MAC.

Overhead screens, shade covers, awnings, patio roofs, and other similar structures shall be constructed of materials and color to match or compliment the main roof. Aluminum roofs or aluminum awnings are not permitted.

All vent pipe stacks and any equipment protruding above the plane of the roof and visible from neighboring property must be painted to match the roof or screened from neighboring and public property.

H) **Walls/Fences:** The design, height, color, material and location of all walls and fences, and all modifications, alterations, and additions must be approved by the VVL MAC prior to the commencement of construction, modification or alteration thereof. All walls shall be compatible with the exterior walls placed on the perimeters of Val Vista Lakes. Special rules apply for walls on water front lots, which require wrought iron or other treatment to preserve views for owners and their neighbors. All walls placed on lot lines are party walls and information concerning party walls is contained in the Declaration.

The standard height of walls or fences shall be six feet, plus or minus two inches from its foundation. Walls between properties with elevation differences will require case-by-case approval by the VVL MAC. Walls and fences must be constructed of concrete masonry units with exterior stucco finish, slump block, split-face block, decorative block, wrought iron, or a similar material, which must be approved by the VVL MAC. The following wall materials will NOT be permitted:

- 1) Wood (except gates)
- 2) Plastic
- 3) Bamboo
- 4) Corrugated Metal
- 5) Chain Link or Wire (except where approved for sport courts or pool enclosures)

Gates shall not be constructed in any wall or fence without VVL MAC approval of the size, location, color and material.

Prior to the construction of any fence or wall, plans indicating materials to be used and location shall be submitted to the VVL MAC for review and approval. Property lines shall be verified prior to construction. Closely spaced parallel walls may only be approved at the discretion of the VVL MAC.

Any fence or wall installed by the developer/builder will not be removed altered or painted without the VVL MAC's prior written approval.

Fences constructed within the area of the Lakes, between the shoreline and the upper flood easement line, shall be constructed of ironwork and shall not restrict visibility of adjoining property. Where a **lakefront** property owner desires **fencing parallel** with the shoreline, such fence must not be more than a height of **three feet**. Fences above the three-foot limit must be of a wrought iron type to permit open visibility as approved by the VVL MAC.

- I) **Garages:** Garages may not be converted to living area or for any other use, which would prevent the storage of two vehicles.
- J) **Landscaping:** Landscaping provides one of the most important architectural features at Val Vista Lakes. The theme of the lush water front area is developed through the use of lawn and other live green shrubs and ground cover. The majority of all landscaping which is visible from neighboring property, streets, lakes and Common Area shall be lawn or other live shrubs and ground cover. Semi-arid or desert-type planting will be limited to minor accent use and, in any case, must be approved in advance by the VVL MAC. Val Vista Lakes has established this theme along the major arterials and at the Clubhouse. Plans for landscaping for individual yards must be approved in advance. If rock or gravel is used to accent the live areas, only natural rock shall be used. Artificially colored rocks are prohibited. Trees and shrubs adequate to enhance the aesthetic appeal of walls, exposed patios, etc. shall be included. Cactus or other strictly desert plantings will not be approved. However, rear yards enclosed by opaque walls and gates not on the waterfront may be landscaped in desert themes if desired, providing desert type plantings must not protrude above the walls.

Working drawings shall be required as a minimum to provide:

- 1) All lots must be landscaped within 60 days after initial occupancy of the dwelling units.
- 2) All landscape areas shall be watered by an automatic irrigation system.
- 3) Landscape plans must be submitted for review and approval. Plant materials, sizes and locations must all be clearly indicated.
- 4) Minimum planting requirements are as follows:
 - (a) Front yard
 - 3 Trees – One (1) - 24" multi-trunk specimen
 - 3 Two (2) - 15 gallon trees
 - 3 Shrubs – Fifteen (15) - 5 gallon shrubs
 - 3 Lawn - 60% of landscapable area is to be lawn and/or approved ground cover.
 - 3 All other non-lawn areas are to be covered with natural color granite no smaller than ½" minus to no larger than ¾" granite that complements the theme,

predominately established in the sub-division. 40% of granite areas are to be planted with one (1) gallon groundcover placed at 36" o.c.

- (b) Lakefront yard
- 3 Trees - 1-24" box trees
- 3 Two (2) - 15 gallon trees.
- 3 Shrubs – Fifteen (15) - 5 gallon shrubs
- 3 Lawn - 60% of landscapable area to be lawn and/or approved ground cover.
- 3 All other non-lawn areas are to be covered with natural color granite no smaller than ½" minus to no larger than ¾" granite, that complements the theme, predominately established in the sub-division. 40% of granite areas are to be planted with one (1) gallon ground cover placed at 36" o.c.
- 3 The lake edge must be maintained as a part of the landscaped area. Groundcovers and shrubs are required **but shall be planted three (3) feet away from the lake edge. No landscaping allowed within three (3) feet of the lake. (approved 3/16/17)**

Smaller yards may be granted a variance on the number of trees or shrubs on a case by case basis.

A green summer lawn is required May 1st through September 30th, with weather permitting.

Artificial Turf (Approved 4/21/16)

All installations must be approved by the VVL MAC, submissions must include the following materials and information.

- **Copy of the Manufacturer's warranty for all materials used.**
- **Installers warranty statement for workmanship and construction.**
- **A 12" x 12" sample of the exact artificial turf to be used-substitutions are not allowed.**

Minimum Requirements for turf installations are as follows:

- **Turf must be installed by a professional installer**
 - **Minimum pile height is to be 1.5 inches**
 - **Acceptable materials include Polyethylene (PE) Polypropylene (PP). Nylon is not recommended (nylon degrades and fades quickly, may contain heavy metals).**
 - **Turf and backing material must be disposable under normal conditions at any landfill station. (label should read 100% recyclable)**
 - **Turf needs to be Fade or discolor resistant**
 - **Realistic and natural looking**
 - **Surface must look natural, not shiny, with no seams and well groomed.**

Clear accent lighting, low voltage lighting, and indirect lighting are permitted in the landscape. All other lighting must be approved by the VVL MAC.

All plant materials must be from the approved Val Vista Lakes plant material list. The VVL MAC will review each submittal for conditions that are specific for that site.

No tree, shrub, or plant on any Lot or Parcel may overhang or otherwise encroach upon any street, sidewalk, or other pedestrian or bikeway from ground level to a height of eight (8) feet.

Vacant lots must be kept free of weeds and debris.

Neatly trimmed is defined by a uniformed length or height.

- K) **Signage:** Permanent project identification signs must be approved by the VVL MAC and must conform to master signage plan. Permanent signage must be properly maintained. Temporary sales and directional signs must be approved by the VVL MAC and must conform to the VVL MAC signage plan. The location and design of commercial signs will be carefully integrated into the building forms and must be approved by the VVL MAC. Owner/developers of multi-tenant buildings must submit a sign package for VVL MAC approval prior to the commencement of construction.

Electronic Changeable Message Signs (approved 6/15/17)

All commercial members who have an electronic “Changeable Message Sign” must obtain architectural design approval for the sign from the Val Vista Lakes Master Architectural Committee; and then obtain a Town of Gilbert sign permit and comply with the Town of Gilbert Changeable Message Signs regulation for the functional aspects of the sign.

Advertising signs of any kind, except at the commercial/retail center, may not be placed or maintained on any Lot or Parcel without the prior approval and authorization of the Architectural Committee, except residential nameplates and “for sale,” “for lease” and “for rent” signs may be placed and maintained in conformity with such common specifications (including, without limitation, reasonable restrictions as to size) as the VVL MAC may adopt. One “open house” sign is permitted on the Member's property only when the home is being shown.

Planned community development builders are responsible for reviewing and adhering to all appropriate Val Vista Lakes and Town of Gilbert requirements with respect to their individual sign programs.

- 1) **Location Restriction** - No Signage, except for municipal roadway Signage (such as, but not limited to, traffic control and street name signs) and VVL and Sub-association approved signage (such as, but not limited to, curfew and no trespassing signs), may be displayed in the community. Displaying of any other type of Signage in the following locations may result in Signage removal without notice:
- (a) Within 50 feet of the entry monuments and water features
 - (b) Within 50 feet of the Clubhouse.
 - (c) In any area between the lake and the roadway where the lake can be viewed unobstructed from roadway.
 - (d) Attached to, affixed to, taped to, placed up against, and placed on any tree, shrub, wall, utility equipment, light pole, traffic signpost, fire hydrant, and/or street signpost. All signs must be free standing and self-supporting.
 - (e) In any Common Area, without prior approval of the VVL MAC.

- 2) **Construction Requirements for Temporary Exterior or Advertisement Signage**
 - (a) Temporary exterior signage, such as “garage sale” and “moving sale” signage must be free standing, self-supporting, and constructed in a quality manner from sturdy materials.
 - (b) The size of the sign face is restricted to a maximum 24 inches wide by 18 inches tall. The sign face must be securely mounted on one center stake post or two edge stake posts, or may be hinged at the top to form a “tent” style sign with or without support legs.
 - (c) Post(s) and legs are to be no larger than 2 inches square or round.
 - (d) The height of stake post(s) is limited to a maximum of 30 inches tall for free standing stake style signage, and 24 inches tall for support legs on tent style signage.
 - (e) The sign face is to be securely attached to the top end of the support post(s) or legs with the top of the support post(s) or legs placed level with the top edge of the sign face.
 - (f) The sign face material must be made of sturdy wood, plastic, heavy cardboard, or metal, which will prevent the sign face from folding over in wind and/or rain.
 - (g) The lettering placed on the sign face must be clearly printed in a contrasting color against the background, with the lettering size a minimum of 2-1/2 inches high and 3/8 inches thick to make all lettering clearly readable from a moving vehicle on the adjacent roadway.
 - (h) The owner of Temporary Signage must clearly print their address on the sign so that the owner can be contacted if the sign is not removed. All Signage which has fallen over, folded-over, broken-up, has no address, and/or is not clearly readable due to inadequate lettering on the sign face may be removed without notice. Signage such as cardboard boxes and/or paper sheets, or Signage with streamers, balloons, or other attention getting devices are not permitted and may be removed without notice.
 - (i) Commercially purchased Signage such as “Garage Sale” signs are acceptable if they are constructed and lettered as specified here in. Only Val Vista Lakes Residents, Val Vista Lakes Builders/Developers, and local governmental agencies (including individuals running for governmental office elections) may display Signage in Val Vista Lakes.
- 3) **Times and Period for Display of Temporary Signage** - Temporary signage may be placed and displayed between sunup and sundown, for a maximum of three (3) consecutive days. No temporary signage may be erected prior to sunup, and it must be taken down by sundown, each day. Any Temporary signage displayed prior to or after this display period may be removed without notice. The VVL MAC may permit temporary signage to be displayed at other times and for longer periods of time.
- 4) **Temporary Signage Quantity** - Temporary Signage not excluded by Subparagraph 3 above, such as “garage sale” and “moving sale” signage, is limited to a maximum of five (5) signs per Lot or Parcel and/or event. If five or more neighbors hold a garage sale then a maximum of five (5) signs may be displayed to advertise the garage sale for all participating parcels.
- 5) **Approval for Temporary Signage** - If Temporary Signage is constructed, placed, and is in a quantity, which is in compliance with this specification, then approval is automatic. The VVL MAC must approve signage, which is not in compliance with this specification.

- 6) **Removal of Signage By VVL** - Any Signage that has not been approved by the VVL MAC, the Board of Directors or its designee(s), or Temporary Signage, which is displayed and is not in conformance with this specification, may be removed without notice by VVL at any time.
- 7) **For Sale Signs** -
 - (a) One sign not to exceed four (4) square feet per Lot or Parcel.
 - (b) Only one (1) rider sign or information tube, not to exceed one square foot, will be permitted.
 - (c) Mounted by 4 x 4 wooden post, painted.
 - (d) Metal stand, painted.
 - (e) Top of post not to exceed five feet in height.
 - (f) Location to be a three-foot setback from sidewalk or right-of-way. Restriction may be waived at the discretion of the VVL MAC.
 - (g) Signs must be removed immediately upon sale of a Lot or Parcel.
 - (h) Signs advertising for sale or lease are permitted only for the purpose of selling or leasing a Lot or Parcel within Val Vista Lakes.
 - (i) A sign on a Lot or Parcel for sale or lease that exceeds one year requires re-submittal for MAC's approval.
- 8) **Open House Signs** – One (1) freestanding open house sign not to exceed two square feet as approved by the VVL MAC may be placed on the property (not in the right-of- way) only during the time the home is being shown. These signs may be in place between the hours of 9:00 a.m. and 6:00 p.m. only.

(Sub-association policies must be adhered to; the more restrictive policy has priority.)

- 9) **Builder Custom Home Site Development Sign** - One (1) six square foot (5 foot high maximum), single or double faced sign per lot as approved by the VVL MAC and may include the following: developer name, subdivision, phone number and information necessary for members or the public to contact the developer.
- 10) **Security Sign** - Each yard is permitted one security sign, which should not exceed 72 square inches. The sign may state the name of the Security Company and its logo. The security sign should be placed no more than 18 inches from the front entryway. A post that is painted or stained a color that is compatible with the residence should support the security sign.
- 11) **Political Signs** - A political sign may be displayed no earlier than forty-five days before the day of an election and no later than seven days after an election day. At least one political sign with the maximum dimensions of twenty-four inches by twenty-four inches on a member's property will be permitted. Board of Directors must approve political signs being placed on common areas.

For the purposes of this paragraph, "political sign" is defined as a sign that attempts to influence the outcome of an election, including supporting or opposing of a public officer or supporting or opposing a petition for a ballot measure or proposition

- L) **Lighting:** No outside lighting, other than indirect lighting, may be placed or maintained on any Lot or Parcel without the VVL MAC's written approval and authorization. Exterior

lighting must be soft and indirect. The light element must not adversely affect neighboring properties. Tennis court, sport court and other similar lighting shall be reviewed and approved on an individual basis. Approval is subject to light type, orientation, site plan, use, brightness and other factors, which the VVL MAC considers to be in the best interest of the owners, lessees and residents of Val Vista Lakes.

- M) ***Machinery and Equipment:*** No machinery, fixtures or equipment of any type, including but not limited to, heating, cooling, air conditioning and refrigeration equipment and clotheslines, may be placed on any Lot or Parcel without the prior approval of the VVL MAC. Approval shall be conditioned upon prior screening or concealment from view of neighboring or public property. The screening or concealment shall be solid and integrated architecturally with the design of the building or structure, shall not have the appearance of a separate piece or pieces of machinery, fixtures or equipment, and shall be constructed and positioned in such a manner so it is level and plumb with horizontal and vertical building components and shall be structurally stable in accordance with sound engineering principles.

Visible wind turbines are not allowed.

All pool equipment and ground-mounted air conditioning units shall be screened from view on all Lakefront Lots. VVL MAC shall approve location and screening prior to installation.

- N) ***Solar Panels and Equipment:*** Prior to installation, the VVL MAC must approve all solar energy devices visible from Neighboring Property or public view. Roof-mounted solar panels and equipment must match the roof material. Panels must be an integrated part of the roof design and mounted directly to the roof plane. Solar units must not break the roof ridgeline, must not be visible from public view and must be screened from Neighboring Property in a manner approved by the VVL MAC. Roof-mounted hot water storage systems must not be visible from Neighboring Property. Tracker-type systems will be allowed only when not visible from Neighboring Property.

O) ***Exterior Accessories:***

1) Antennas/Satellite Dishes

- (a) Concealment of antennas and satellite dishes will be required as determined by VVL MAC.

2) Other Antenna/Satellite Dishes

(a) Size and Type

Antennas one meter or less in diameter or diagonal measurement which are designed for over-the-air reception of signals from direct broadcast satellites (DBS), multi-channel multi-point distribution (wireless cable) providers (MMDS), television broadcast stations (TVBS), or Internet access antennas, together with their associated mounting hardware and mast, if applicable (an "Antenna System") and which are placed, installed or kept on a lot must comply with the following restrictions, unless the particular restriction would impair the user's ability to receive signals from a provider of DBS, MMDS, or TVBS (a "Provider"). All other antennas, including antennas larger than one meter are prohibited unless approved by the VVL MAC.

3) Approval Requirements

- (a) Direct Broadcast Satellite (DBS) and Multi Channel Multi-point Distribution Service (MMDS) antennas one meter or less in diameter, Internet Access Antennas, and

Masts twelve feet (12') or less in height may be installed without the prior approval of VVL MAC but such antennas and masts must be installed in accordance with the guidelines set forth in Subparagraph (4).

- (b) DBS or MMDS antennas larger than one meter in diameter, Masts longer than twelve feet (12') must have the prior written approval of the VVL MAC.

4) Installation and Location

- (a) Antennas shall be installed solely on individually owned property as designated on the recorded deed or other document defining the portions of individually owned property. Antennas shall not encroach upon common areas or any other owner's property.
- (b) All installations shall be completed so that they do not damage the common areas of the Association or the lot of any other resident.
- (c) Antennas shall be located in a place shielded from view from the street or from other lots to the maximum extent possible, such as along the side or back of user's home or property.
- (d) If an Antenna System cannot be placed on the lot in such a manner as to not be visible from any other lot, the common area or any street without impairing the user's ability to receive an acceptable quality signal from a Provider, an Antenna System must be screened by landscaping or by some other means so that it is not visible from any other lot, the common area or any street, unless screening would impair the user's ability to receive an acceptable quality signal from a Provider, in which case an Antenna System must be screened by landscaping or by some other means to reduce to the greatest extent possible its visibility from other lots, the common area or streets without impairing the user's ability to receive an acceptable quality signal from a Provider.
- (e) If no other location is available without impairing the user's ability to receive signals from a Provider and an Antenna System must be mounted on a residence or other structure and is visible from any other lot, the common area or any street, the Antenna System must be painted a color which will blend into the background against which the Antenna System is mounted.
- (f) Antennas/masts shall not be installed at a higher elevation than is absolutely necessary for reception of an acceptable quality signal.
- (g) Antenna Systems designed to receive video program services from MDS or TVBS which require masts to receive an acceptable quality signal must be mounted on masts which do not exceed twelve feet (12') in height above the roofline, provided that no mast shall be higher than the height necessary to establish line of site contact with the transmitter.
- (h) Masts that extend more than 12 feet (12') above the roofline must be approved by the VVL MAC prior to installation due to safety concerns posed by wind loads and the risk of falling Antennas and Masts. Any application for a Mast longer than 12 feet must include a detailed description of the structure and anchorage of the Antenna and the Mast, as well as written verification of the necessity for a Mast higher than 12 feet.
- (i) Masts shall not be installed nearer to the boundary line of a Lot or nearer to electric power lines than the total height of the Mast and Antenna structure. The purpose of this regulation is to protect persons and property that would be damaged if the Mast were to fall such as during a storm.

5) "Acceptable Quality Signal"

In the case of a complaint or dispute regarding the location of the antenna or mast that was installed in a location that is visible from another lot, the common area or any street, where the association member or the installer of the antenna or mast has stated in writing that this was the only location from which to receive an “acceptable quality signal” and the association finds that another location is available without impairing the user’s ability to receive signals from a Provider and/or an Antenna System, the member would be responsible to reimburse the Association for any expense incurred in locating another less obtrusive area to receive the acceptable quality signal.

6) Maintenance

Owners shall not permit their antennas to fall into disrepair or to become safety hazards.

P) ***Basketball Goals:***

- 1) No permanent basketball backboards or posts shall be installed without the prior approval of the VVL MAC.
- 2) When a basketball backboard is installed structurally on a building or structure, the backboard must be painted to match the color of the trim or roof.
- 3) When a basketball pole and backboard is detached from the structure in the front, or a portable unit, the pole or portable unit must be placed on the side of driveway with the most distance from Neighboring Property. If the pole is placed on the side with the shorter distance to the property line, there must be a method of ball containment.
- 4) Portable basketball units must be placed back in the driveway or garage when not in active play.

Q) ***Play Structures:***

- 1) The nearest point of any such structure shall be set back at least ten (10) feet from any perimeter wall or lot line, and at least twenty (20) feet from the water’s edge
- 2) The highest point of any such structure shall not exceed eleven and half (11 ½) feet.
- 3) The highest point of any platform shall not exceed five (5) feet.
- 4) The color of the structure and any awning, cloth or cloth-like material on such structures must be one solid color as approved by the VVL MAC.
- 5) The overall structure shall not exceed twenty (20) feet in length or six (6) feet in width, excepting attached slides or similar items.
- 6) Trampolines cannot exceed three (3) feet in height and must be substantially screened from view of neighboring properties by landscaping. The American College of Orthopedic Physicians and Surgeons recommend that trampolines be installed in ground with the jumping surface level with the surrounding area. Trampoline safety nets shall not exceed eleven and half (11 ½) feet in height. Trampolines shall be set back at least (10) feet from any perimeter wall or lot line, and at least twenty (20) feet from the water’s edge.
- 7) With the exception of basketball goals, as permitted in section (P), no play structures or equipment may be stored in areas visible from neighboring property. Play structures and equipment, when not in active use, must be stored out of sight.

R) ***Flags and Flag Poles: (Approved 4/18/2019)***

- 1) **No permanent flagpole or flag shall be installed on any Lot without prior written approval of the VVLCA MAC,**
- 2) **Free-Standing Flag Poles:**

- a. A free-standing flagpole shall be limited to a maximum height of twenty feet (20'-0") or the highest point of the roof of a single-story home (whichever is the smaller dimension).
 - b. Only one (1) flagpole shall be permitted per Lot.
 - c. A free-standing flagpole shall be located a minimum of five feet (5'-0") from any property line.
 - d. A free-standing flag pole is not allowed within a Public Utilities Easement (P.U.E.).
 - e. The color of the flagpole in a residential area shall be black, bronze, dark gray, white or silver.
 - f. Flagpoles should have an internal halyard system so that no noise is made by the flag securing system. Halyards are not permitted to disturb the peace of the neighborhood.
- 3) **Building-Mounted Flags:** Soffit-mounted flags or wall-mounted flags with small building-mounted flag poles are allowed. The top of the flag shall not extend above the adjacent eave line of the roof.
- 4) **Flags:**
- a. No more than two (2) flags may be displayed on a property at the same time.
 - b. The size of a flag shall not exceed 3' x 5'.
 - c. All flags shall be maintained in good condition at all times. Faded, frayed or tattered flags are generally not allowed.
 - d. The USA flag must be flown in accordance with the Federal Flag Code.
 - e. Holiday and Seasonal Flags may be displayed from a sleeve attached to the structure. Such flags can be placed one week prior to and need to be removed one week after the Holiday or season.
 - f. The VVLCA MAC reserves the right to restrict or prohibit decorative flags (such as sports teams, clubs, etc.) that are not protected by law including reasons such as content, subject matter, height, color, size or reflectivity.
- 5) Design Review Applications for flagpoles and flags must detail the location, size, material, color, finish, lighting (if any), pole, halyard, content of the flag, and any other improvements for the intended use.
- 6) This criteria applies to flags and flag poles located in any portion of the Lot, including Front Yards and Rear Yards.
- 7) For clarity, flags and flagpoles located in parks, schools, civic, or commercial properties are not subject to these Design Guidelines.
- 8) If displayed in a manner consistent with the federal flag code and the above VVL criteria, the following flags must be, and are, permitted to be flown on a member's property: The American Flag, the flag of the United States Army, Navy, Air Force, Marine Corps, Coast Guard, the POW/MIA flag, the Arizona State flag, an Arizona Indian Nations flag, and the Gadsden flag.

S) ***Gazebos/Ramada Criteria:***

- 1) Roof must match roof of home, or natural treated wood.
- 2) Color of gazebo must match color of house or natural treated wood.
- 3) Maximum height is twelve feet (12').
- 4) The VVL MAC must approve construction plans.
- 5) The VVL MAC must approve setback requirements for gazebos:
 - a) A minimum five-foot (5') setback is required from all perimeter walls for a gazebo that is ten feet (10') high.

- b) A minimum ten-foot (10') setback is required from all perimeter walls for a gazebo that is twelve feet (12') high.
- 6) Gazebos are to be placed in rear yards only.

T) **Mailboxes:** The VVL MAC must approve the location and design of all mailboxes.

U) **Utility and Service Lines:** No gas, electric, power, telephone, sewer, cable television or other utility or service lines of any nature or kind may be placed, permitted or maintained upon or above the ground on any Lot or Parcel unless underground placement is prohibited by law or would prevent the subject line from being functional. However, above ground service pedestals, splice boxes, switch cabinets and transformers will be permitted where required for public utilities or the landscaping of common areas. All meter or control boxes shall be installed at ground level.

V) **Tennis and Sports Courts:** No tennis or sport courts may be installed without the prior written approval of the VVL MAC. Courts may be permitted, providing their setting, visual appearance; lighting, noise disturbance, construction and landscaping do not detract from the enjoyment of a Neighboring Property as determined by the VVL MAC. Each proposed installation would be judged on an individual case-by-case basis.

W) **Swimming Pools/Spas, Hot Tubs and similar structures:** On Lake Front Property, no swimming pool, spa, hot tub or similar structure may be constructed without the written approval of the VVL MAC.

A plan for the proposed structure must be submitted to the VVL MAC indicating location, elevations and construction access for approval. Any grading changes must not detrimentally affect drainage.

For all members with such structures, water discharged when pool filters are backwashed must be contained on the subject's Lot or Parcel or discharged into the sewer line. Water shall not be discharged at the front of the house, onto other private property nor onto any private or public right-of-way or Common Area of VVL or lakes or storm drains.

X) **Statues, Fountains, Fireplaces, Firepits and similar structures:** No statues, fountains, fireplaces, firepits or similar structures or any type of lighting fixture or post may be erected without the prior written approval of the VVL MAC.

Statues and Fountains should not exceed a height of 8' in the front yard or 6' in the rear or lakefront yard and the footprint shall not exceed 50 total SF or 10% of the yard area, whichever is less. The structure should be placed within 10 feet of the home and should blend with the overall landscape of the yard. No statue or fountain may be erected without the prior written approval of the VVL MAC.

Y) **Additions or Alterations:** Any addition or alteration to the exterior of any building, structure, Lot, or Parcel must be approved in writing prior to the commencement of construction or alteration unless the additions or alterations are not visible from neighboring or public properties and do not violate or conflict with the Declaration or these Guidelines.

Z) **Balconies, Terraces and Patios:** (CC&Rs Article IV, Section 2 d and e)

- 1) Balconies, terraces and patios that are visible from the street, any adjacent property or the lake are to be kept clean, uncluttered and free from storage. Only typical patio furniture and accessories are permitted. All untraditional items require VVL MAC approval.
- 2) Typical patio furniture and accessories shall be made from wood and/or iron, shall be matching, maintained in good repair, and not portable in nature. Unoccupied folding chairs and tables and plastic stack chairs are considered to be portable in nature and are not allowed to be stored on a Balcony, Terrace or Patio visible from any adjacent property or the lake. Barbeques are not allowed on front street-facing Balconies, Terraces, or Patios.
- 3) Typical patio furniture, as defined above, may be placed in existing bordered granite areas that are visible from the street, any adjacent properties or the lake, provided such use does not damage the existing landscape.

AA) **Storage Sheds:** The installation of any storage facility, which shall be visible from any neighboring or public property, must receive prior approval by the VVL MAC. Storage sheds that are visible will be required to match the finish, paint color, and roof tile of the residence.

BB) **Lakefront:**

- 1) **Easement:** In accordance with the Declaration, there is a blanket easement in favor of VVL upon, across, over and under all lakefront Lots from the rear Lot line toward the front of each Lot to the upper flood easement line. No owner or person may make any improvements of any kind or nature on or in, the area covered by said blanket easement without the prior written approval of the VVL MAC. The line established inward is generally located twenty feet from the shoreline.
- 2) Front and side yard setbacks will be determined in accordance with the Town of Gilbert development standards.
- 3) **Detached Structures:** The VVL MAC may approve detached structures within the Private Waterfront Area, such as gazebos, trellis-covered patios, etc., provided the aesthetic effect and impairment to visibility to the lake from neighboring properties are not negatively affected. No structure or improvement of any kind may include braces, footings, supports or other devices, which will protrude over the shorelines, or obstruct the flow of the lake. Exceptions are docks or wrought iron fences, which may be cantilevered over the shoreline as otherwise, indicated in these Guidelines. Approved dock specification is available in the VVL Administrative offices. Approval in writing by the VVL MAC is required for any construction within the Private Waterfront Area.
- 4) **Maintenance:** Each Owner of any Lakefront Lot must, at his/her cost and expense, keep and maintain all Waterfront Facilities and other improvements which are approved by the VVL MAC in good, safe and clean appearance, condition and repair. The obligation of the Owner includes periodic repair, painting and refurbishing.
- 5) **Excavating/Slope:** Any changes to the natural slope and drainage pattern for the Lot must be accomplished in a manner that will not adversely affect adjoining property and must be approved in writing by the VVL MAC. Excavating for construction of homes, pools, retaining wall footings, landscaping, etc., will be accomplished in a manner that will ensure that dirt does not spill into or otherwise enter the lake. If dirt is spilled into the lake during the construction process, the VVL MAC will make such determination that removal is required. VVL will remove the dirt in a

way it determines to be a safe and practical manner and the Owner of the Lot must reimburse VVL for the cost of the removal. The Owner is also responsible for any damage occurring to the lakewall or bottom during the construction and landscaping process and will reimburse VVL for the cost of repairs.

- 6) **Erosion Control:** As of April 1, 2000, each Owner of a Lakefront Lot or Parcel on which no building, residences or other structures have been constructed, must construct and install such retaining walls, landscaping or other improvements as may be necessary to ensure that dirt or debris from the Lakefront Lot or Lakefront Parcel does not spill into or otherwise enter the lakes.
- 7) The plans and specifications for construction and installation of such retaining walls, landscaping or other improvements must be submitted to the Board of Directors of the Association, and such plans and the Board of Directors prior to the commencement of construction must approve specifications.
- 8) If dirt or other debris (including landscape cuttings) spills into or otherwise enters the Lakes from ANY Lakefront Lot or Lakefront Parcel, the Owner of the Lakefront Lot or Lakefront Parcel shall pay to the Association, upon demand, all costs and expenses incurred by the Association in removing such dirt or debris from the lakes.
- 9) **Retaining Walls:** Rear yard fencing from the upper flood control line to the shoreline must be wrought iron with a base not to exceed two feet above the natural slope of the property. The wrought iron fence may protrude beyond the shoreline over the water for a distance not to exceed three feet but must be cantilevered. No fence support, footing, or other construction is permitted on the waterside of the shoreline or may be attached in any way to the concrete lake lining.
- 10) All retaining walls will require footing adequate to support designed loads without generating side pressure to the concrete lining of the lake wall, and shall not be constructed closer than one foot to the lake as approved by the VVL MAC. VVL MAC may require certified engineering calculations to this effect. Retaining walls may be constructed of stucco, unit masonry, and concrete masonry unit to match house, sandblasted concrete, railroad ties, or other materials only if specific approval is granted. Regardless of height or material to be used, no retaining wall will be constructed prior to written approval of the VVL MAC.
- 11) **Landscape:** Landscaping of the front portion of Waterfront Lots will be approved in accordance with the published landscaping rules for Val Vista Lakes. Rear yards and portions of side yards visible from the waterfront side of the Lots will be landscaped utilizing plant materials from the approved Val Vista Lakes plant list. The use of natural rock, railroad ties, etc., or other material may be used to enhance the landscape design. Landscape design and Waterfront Facilities must be planned in a manner that will not adversely affect the view to the lake from neighboring property, as determined by the VVL MAC.
- 12) Use of the lake to provide water for landscaping, fountains, streams, etc., on Lots is not permitted. The approved landscape treatment for the rear yards and portions of side

yards visible from the waterfront and lakeshore areas must be installed within sixty days of occupancy.

- 13) **Docks:** Any waterfront Owner mooring a boat shall have an appropriate dock. Floating docks are not allowed. The VVL MAC has an approved standard boat dock design, which shall be used by any owner who desires the installation of a dock on a Lakefront Lot. Plans and specifications for the dock are available from the VVL MAC. Prior to any construction of said structure, the Owner must secure approval from VVL MAC, based on an approved site plan supplied by the Owner. Maximum length of any dock shall be 40% of owner's lakefront property or twenty-eight (28) feet whichever is less. A five (5) foot setback is required from any property line.

SUMMARY

The VVL MAC is dedicated to maintaining the high standards established for Val Vista Lakes. The authority for the VVL MAC has been established by the Declaration and is given to benefit all who choose Val Vista Lakes as home or for a business. The rules, which will be enforced initially and after construction, are for the benefit of all. Thank you for your cooperation. For more information about the VVL MAC, call 926-9694.

ASSESSMENT OBLIGATIONS

In accordance with the Covenants, Conditions, and Restrictions; the Val Vista Lakes Community Association, Board of Directors hereby adopts the following billing and collection procedures and rescinds all previous collection procedures:

Assessment payments shall be **due** on the **1st** of each month.

Assessments are considered **delinquent** on the **15th** of the month due and a **fee** of **\$10.00** shall be assessed with a reminder statement sent to the delinquent Member.

If the Member fails to respond to the reminder statement within **30 days** of the date of the statement, a formal **DEMAND** notice shall be sent by certified and regular mail demanding payment within 10 days from the date of the letter, one or more of the following steps may be taken:

- 1) Legal action commenced to collect the assessment, late charges, interest, collection costs, court costs and attorney's fees.
- 2) A lien recorded.
- 3) Legal action commenced to foreclose the lien.
- 4) The debt reported to a credit-reporting agency.

If the Member fails to respond to the demand notice, the Community Manager and or the Board of Directors shall determine the action(s) that shall be pursued thereafter.

RESOLUTION OF THE BOARD OF DIRECTORS

**RELATING TO THE ENFORCEMENT OF
CC&Rs, BYLAWS AND RULES AND REGULATIONS**

**POLICIES AND PROCEDURES
FOR
IMPOSITION OF MONETARY PENALTIES**

RECITALS

- A) Arizona Revised Statutes, 33-1803, grants to the Board of Directors of every planned community association in the State of Arizona the power to impose reasonable monetary penalties against a unit owner for violations of the declaration of the planned community or the rules of the planned community association after the owner is given notice and an opportunity to be heard.

- B) The Board of Directors of The Val Vista Lakes Community Association has adopted these Policies and Procedures providing for notice and an opportunity to be heard to an owner prior to the imposition of a monetary penalty for a violation of the Declaration of Covenants, Conditions, Restrictions, Assessments, Charges, Servitude's, Liens, Reservations and Easements for Val Vista Lakes Development recorded at Recording No. 85-149821, records of Maricopa County, Arizona, as amended from time to time (the "Declaration"), or the rules and regulations adopted by the Board of Directors of the Association (the "Rules").

**RESOLUTION
ENFORCEMENT POLICY
(Revised March 15, 2007)**

RESOLVED, that the following procedures will apply to the enforcement of the CC&Rs, Bylaws and the Rules & Regulations (“Governing Documents”):

A) ***Compliance Coordinator:*** The enforcement of the Governing Documents will be coordinated and administered by the Compliance Coordinator whose office will be located in the Clubhouse at 1600 East Lakeside Drive, Gilbert, Arizona. Tele: 480-926-9694.

B) ***Duties of Compliance Coordinator:*** The duties of the Compliance Coordinator shall include:

- 1) Verify all reported or discovered violations.
- 2) Inspect the property on a regular basis for compliance with the Governing Documents and take appropriate action when violations are noted. Property is defined as any visible portion of the Lot that can be seen from the street, neighboring Lots, common areas or lake view areas. The portion of the street adjacent to the Lots will be considered to be property belonging to the Lot owner.
- 3) Report any unresolved violations to the Board of Directors for its review and appropriate action taken or needed.
- 4) Perform other functions as may be assigned by the Board of Directors or the Community Manager.

POLICIES AND PROCEDURES

A) Reporting and Determination of Violations

Members are responsible to read the Association's Governing Documents; CC&Rs, Bylaws, Rules and Regulations, Architectural Control Criteria and other documents pertaining to the policies and procedures for the Association. Members are responsible for the conduct of their tenants, guests, licensees, etc.

Any member of the Association or other resident of Val Vista Lakes who observes or has information concerning a possible violation of the Governing Documents should notify the Compliance Coordinator or the Community Manager of the violation at telephone number 480-926-9694.

Information concerning possible violations of the Governing Documents may be acquired by the Association not only through information furnished by members of the Association or other residents of Val Vista Lakes and the Compliance Coordinator but through observations or investigations by the Board of Directors or the Community Manager, or other employees or agents of the Association.

The Compliance Coordinator or the Community Manager shall make a determination as to whether a violation has occurred and, if a violation has occurred, what enforcement actions should be taken by the Association with respect to such violation.

If the Board of Directors, the Community Manager or any person acting at the direction of the Board of Directors or Community Manager determines that the CC&Rs or the Rules have been violated by an owner or the owner's family, tenants or guests, and that the imposition of a monetary penalty is an appropriate enforcement action for the Association to take to obtain compliance with the Governing Documents, the Board of Directors, the Community Manager or any other person acting at the direction of the Board of Directors or Community Manager may serve a Notice of Non-Compliance upon the owner as provided in Part II of these Policies and Procedures.

B) Notice of Non-Compliance

- 1) Notice: The first notice to the owner shall be considered a "Notice of Non Compliance." Thereafter, if the Owner fails to comply, the Association shall send a "Notice of Violation."
- 2) Form: A Notice of Violation regarding the condition of the property shall contain:
 - a) A description of the violation and the corresponding provision of the Governing Documents that has been violated;
 - b) The date of the violation or the date the violation was observed;
 - c) The first and last name of the person or persons who observed the violation;
 - d) The maximum amount of the monetary penalty that may be imposed by the Board of Directors with respect to such violation;
 - e) A statement advising the owner that the owner may request a hearing before the Board of Directors with respect to the violation before any monetary penalty is imposed;

- f) A statement advising the owner that if the Association does not receive a written request for a hearing from the owner within **twenty one (21)** days after the date of the Notice of Violation, the owner will be deemed to have waived the owner's right to a hearing with respect to the violation; and
 - g) Information concerning the manner in which the owner's noncompliance may be enforced.
 - h) A statement advising the owner they have the option to petition for an administrative hearing on this matter in the Arizona Department of Real Estate pursuant to ARS Section 32-2199.01
- 3) Service: All Notices shall be served either by personal delivery to the owner named in the Notice or by sending the Notice to the owner by United States mail, postage prepaid. Two copies of the Notice of Fine shall be sent. One copy shall be sent by regular mail with delivery confirmation and the second copy shall be by regular mail with certified, return receipt. A Notice served by mail shall be deemed to have been received by the owner to whom the Notice was addressed on the earlier of the date the Notice was actually received or two days after such Notice is deposited in the United States mail. Notices shall be delivered or mailed to the owner at the address of the owner as shown on the records of the Association. If a lot or parcel is owned by more than one person or entity, a Notice to one of the joint owners shall constitute notice to all of the joint owners.
 - 4) Compliance. If an owner cures a violation, the owner is responsible for contacting the Association to inform either the Compliance Coordinator or the Community Manager of such compliance (480.926.9694) to prevent the imposition of a monetary penalty.
 - 5) Recurring Violation. If an owner cures a violation regarding the condition of their property, but has the same violation within a six month period, the Association may serve a Notice of Fine on that owner without first sending a Notice of Non Compliance.

C) Hearing (Updated 2016 per A.R.S.)

- 1) Request for Hearing: If the Association receives a request for a hearing from an owner who was served with a Notice of Violation within **twenty one (21) days** after the date of the Notice of Fine, the Board of Directors, the Community Manager or any person acting at the direction of the Board of Directors shall serve on the owner a Notice of **Hearing** advising the owner of the date, time and place of the hearing to be conducted by the Board of Directors with respect to the violation/fine. The Board will make every effort to hear such matter at the next regularly scheduled meeting of the Board. The Notice of Hearing shall be served in the same manner as a Notice of Violation. **Owners have the option to petition for an administrative hearing on this matter in the Arizona Department of Real Estate pursuant to A.R.S. Section 32-2199.01.**
- 2) Conduct of Hearing: At the option of the Board of Directors, the hearing on the violation may be held in executive session. The owner may present any evidence he/she deems necessary. Owners are expected to provide any information or evidence in a timely and calm manner. Upon conclusion of the hearing, the Board of Directors shall determine 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. 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 and the Board may impose a monetary penalty at such meeting.
- 3) Compliance on or Before Date of Hearing: If an owner cures a violation on or before the date of the Hearing, the Owner must notify the Association of such compliance before the date of the hearing. Failure to do so may result in the imposition of a monetary penalty.

D) Maximum Monetary Penalty

The Board, in its discretion, may impose monetary penalties ranging from \$5.00 to \$250.00 per day or per violation. In determining the amount of the monetary penalty to be imposed with respect to a violation, the Board of Directors may consider, among other factors, the seriousness of the violation, whether the owner has previously violated the Governing Documents, whether the violation poses a danger to persons or property and whether the owner has abated or agreed to abate the violation. With respect to continuing violations, the Board of Directors may impose a penalty up to the maximum monetary penalty for each day that the violation continues after the Notice of Violation has been given to the owner if the owner takes no corrective action or requests a hearing pursuant to Article III of these Policies and Procedures.

E) Enforcement

- 1) **Enforcement of Monetary Penalty:** Any monetary penalties imposed by the Board of Directors shall be enforceable by the Association in the same manner as assessments and will bear interest at the same rate of interest as delinquent assessments from the date on which the monetary penalty was due until the monetary penalty is paid in full. Unless a later due date is set by the Board of Directors, any monetary penalty imposed by the Board of Directors shall be paid by the offending owner within fifteen (15) days after notice of the imposition of the monetary penalty is served upon the owner. Service of a notice of the imposition of a monetary penalty by the Board of Directors shall be made in the same manner as service of a Notice of Violation. If a monetary penalty is not paid when due it shall be considered delinquent and a late charge of \$15.00 may be assessed against the owner.
- 2) **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.
- 3) **Other Violations.** If an owner violates the Association's governing documents in terms of their conduct (or their guests, tenants', etc) as opposed to the condition of the property, the Association may send a Notice of Violation without including the information provided for in Article II (B) of this Resolution.

RULES & REGULATIONS

- A) **AMPLIFIERS:** No radio, stereo, television, broadcast or loudspeaker unit, and no amplifier of any kind, may be placed upon or outside, or be directed to the outside of, any building without prior written approval from the Board of Directors or designee.
- B) **BASKETBALL GOALS: (including portable units)**
- 1) No permanent basketball backboards or posts shall be installed without the prior approval of the Board of Directors or its designee(s).
 - 2) When a basketball backboard is installed structurally on a building or structure, the backboard must be painted to match the color of the trim or roof.
 - 3) When a basketball pole and backboard is detached from the structure in the front, or a portable unit, the pole or portable unit must be placed on the side of driveway with the most distance from Neighboring Property. If the pole is placed on the side with the shorter distance to the property line, there must be a method of ball containment.
 - a) Portable play units other than basketball units must be stored out of sight from neighboring property when not in use.
 - b) Portable basketball units must be returned to the driveway or garage when not in active play.
 - c) All equipment must be maintained in good condition.
- C) **CLOTHES DRYING FACILITIES:** All clothes drying facilities must be located and maintained exclusively within a rear yard and concealed from the view of Neighboring or public Property.
- D) **HOLIDAY DECORATIONS AND LIGHTS:**
- 1) Winter holiday decorations and all decorative lights on structures that can be viewed from the street or lake shall not be installed or utilized before November 1st, and must be removed not later than January 15th.
 - 2) All holiday, seasonal, and special event lights are permitted to be placed one week prior to and must be removed no later than one week after.
- E) **TRUCKS, TRAILERS, CAMPERS, AND BOATS: (CC&Rs Article IV, Section 2 s)**
- 1) No motor vehicle classed by manufacturer rating as exceeding 3/4-ton, mobile home, travel trailer, motor home, tent trailer, trailer, camper shell, detached camper, boat, boat trailer, other similar equipment, or other vehicles with body modifications, may be parked, maintained, constructed, reconstructed or repaired on any Residential Lot or Parcel or on any street in Val Vista Lakes so as to be Visible From Neighboring Property, the Common Areas or the Streets.
 - 2) Trucks, trailers and campers are permitted to be parked in areas designated for parking in non-residential Land Use Classifications in connection with permitted commercial activities conducted in such non-residential Land Use Classifications.
 - 3) Pickup trucks of 3/4-ton or less capacity with camper shells not exceeding 7 feet in height measured from ground level and mini-motor homes, and vehicles of 3/4-ton or less capacity with body modifications not exceeding 7 feet in height and 18 feet in length which are parked in residential driveways of the Owner, and or other designated parking areas and are used on a regular and recurring basis for basic transportation, are permitted. Vehicles may not be parked in such a way that they extend on to or over the sidewalk, thus blocking the use of the sidewalk by pedestrians.

4) Commercial signage on vehicles that are parked in residential driveways of the Owner, or other designated parking areas and are used on a regular and recurring basis for basic transportation is permitted.

F) ***DOGS OR ANIMALS:*** If the Board of Directors receives information that a dog or other animal has bitten or attacked a person or other animal without provocation, has a propensity to attack other persons or other animals or otherwise endanger the safety of persons and other animals in Val Vista Lakes or has been found to be a vicious animal by a court of competent jurisdiction, the Board of Directors may, but shall not be obligated to, give written notice to the owner of such dog or other animal of the date, time, and place of a hearing to be held by the Board of Directors to determine whether the Board should require the dog or other animal to be removed from Val Vista Lakes. The hearing shall not be held sooner than ten (10) days after the date the notice is mailed to the owner. At the hearing, the owner of the dog or other animal may present any relevant testimony to the Board of Directors. The Board of Directors may also accept written statements or receive testimony at the hearing from other owners or residents of Val Vista Lakes.

If, following the hearing, the Board of Directors determines that the dog or other animal has attacked another person or animal in Val Vista Lakes without provocation, has a propensity to attack persons or other animals or otherwise endanger the safety of persons or other animals in Val Vista Lakes.

G) ***DISEASES AND INSECTS:*** No owner shall permit any thing or condition to exist upon any Property, which shall induce, breed or harbor plant disease or noxious insects.

H) ***LIGHTING:*** Exterior lighting must be soft and indirect, with no light sources visible directly to neighboring Properties.

I) ***MISUSE AND NON-MAINTENANCE:*** No lot shall be maintained or utilized in such manner as to present an unsightly appearance or as to unreasonably offend the morale of or as to constitute a nuisance or unreasonable annoyance to, or as to endanger the health of, other Owners or Residents of the Property; and no noxious or otherwise offensive condition or activity shall be allowed to exist or conduct thereon.

J) ***PARKING (CC&Rs Article IV, Section 2 u):***

1) Parking is defined as an unattended vehicle. Vehicles of all Owners, Lessees and Residents, and of their employees, guests and invitees are to be kept in garages, carports, residential driveways of the Owners, and other designated parking areas whenever such facilities are sufficient to accommodate the number of vehicles. Parking on an unpaved area is not permitted.

2) Van and/or trailers engaged in loading or unloading of household goods may be parked at a residence for a period not to exceed 24 hours. Such vans or trailers should be parked in the residence driveway if at all possible and only if they will not fit on the driveway is street parking permitted, consistent with the Gilbert Fire Code.

3) Parking of commercial vehicles used in a trade or business engaged in providing on site services to a property owner shall be allowed during normal day time business hours for a reasonable time to complete the specific task for the homeowner.

K) ***RECREATIONAL VEHICLES (CC&Rs Article IV, Section 2 s and u):*** No recreational vehicles, except for the purpose of loading or unloading (not to exceed 24 hours in a seven

day period), may be parked, stored, or repaired on any lot or parcel, street, or common area so as to be visible from neighboring property or the lake. The term “recreational vehicle” includes motor homes, mobile homes, recreational trailers, campers, jet skis, boats (moored boats excepted) and all terrain-cycles.

L) **REPAIRS (CC&Rs Article IV, Section 2 t):** No repairs of any detached machinery, equipment or fixtures, including without limitation motor vehicles, shall be made upon any portion of any Lot within view of neighboring property, dwelling units, pathways and streets or the lake, without prior written approval and authorization of the Association. Emergency repair of a vehicle parked in a driveway, to render it movable and that can be completed within 24 hours, is permitted. All other repairs must be conducted inside the garage or off site.

M) HOME BUSINESS GUIDELINES:

THE FOLLOWING IS TAKEN DIRECTLY FROM THE TOWN OF GILBERT ORDINANCES AND APPLIES TO OUR COMMUNITY:

- 1) A home business use may only be conducted within the dwelling unit or an accessory structure and must be incidental to the principal use of the dwelling unit for residential purposes.
- 2) Other than family members residing within the dwelling unit, there shall be no more than one employee working at a home business.
- 3) There shall be no signs, display of merchandise or products in trade, outdoor storage of materials or any other exterior indication of a home business.
- 4) A home business use shall not produce noise, odors, vibrations, glare, dust, fumes or electrical interference.
- 5) The use and/or storage of any flammable or toxic chemicals except for normal household usage, is prohibited.
- 6) A home business use shall not generate vehicular or truck traffic in greater volume than normally expected in the residential district.
- 7) All parking for the home business use shall be on-site and comply with Town of Gilbert LDC Article 4.2: Off-Street Parking and Loading Regulations.
- 8) At no time shall the property in which a home business use is located be used as a headquarters for the assembly of employees for instruction or other purposes, including dispatch to other locations.

N) STORAGE (CC&Rs Article IV, Section 2 c and s, Section 4):

- 1) No exterior storage of any items of any kind shall be permitted, except with prior written approval and authorization of the Association. Any such storage as is approved and authorized shall be in areas attractively screened or concealed (subject to all required approvals as to architectural control) from view from neighboring property, visible from the lake, dwelling units, pathways and streets.
- 2) This provision shall apply without limitation, to woodpiles, camping trailers, boat trailers, travel trailers, boats, mobile homes and un-mounted pickup camper units.
- 3) Also, without limitation, no automobile, truck or other vehicle, regardless of ownership, age, condition or appearance, shall remain on any Lot in any manner, which could be construed as being stored, neglected, abandoned or otherwise not in frequent use, except pursuant to written approval and authorization from the Association.
- 4) Boats such as, canoes and kayaks not to exceed 17feet in overall length, sailboats not to exceed 16 feet in overall length, and paddleboats are allowed to be placed on the dock, in a gravel area, in the water, or out of sight, provided such does not damage the existing landscape.

No watercraft, dock, or attached equipment may strike the lakes easement. Please ensure all boats are secure to one's property.

Visible from the lake is defined as anyone passing from a boat floating by on the lake.

For more information on Lake Rules and Regulations please refer to K) Lake Activities.

O) **TRASH CONTAINER CRITERIA (CC&R Article 4, Section 2 j and e):**

- 1) The Town of Gilbert Ordinance Sec. 66-290 regarding placement of collection containers:
 - a) Collection containers must be properly located for pickup. Any person found to be in violation of a requirement of this section is responsible for a civil offense, subject to citation, civil sanctions, and subject to abatement under section 66-274 and 66-275.
 - b) Collection containers shall be placed in the street at the curb line. A separation of a minimum of three feet is required between containers. One side of street placement may be required to save routing time or distance, as determined by the director.
 - c) Collection containers shall not be placed for collection before 6:00 p.m. of the day preceding regular collection and shall be removed from the curb by 6:00 a.m. of the day after collection.
 - d) All containers shall be stored between collection days so as to not be visible from the street or public rights-of-way.

- 2) The City of Gilbert Ordinance Sec. 66-288 regarding preparation of refuse for collection.
 - a) Bulk trash. Bulk trash shall be prepared for pickup as follows:
 - b) Bulk trash is collected monthly for single-family dwelling units paying for regular refuse service. A special collection requiring additional fees is available, pursuant to section 66-292.
 - c) A pile up to five feet by five feet by ten feet of combined yard waste and bulk trash shall be collected on a scheduled bulk trash collection. A special collection for larger quantities requiring additional fees is available pursuant to section 66-292.
 - d) All brush, tree limbs and cuttings shall not exceed five feet in length and 12 inches in diameter.
 - e) Bulk trash shall be placed on private property within plain view as seen from the public right-of-way for pick up no earlier than the Saturday immediately preceding the designated collection week and no later than Monday at 5:00 a.m. of the designated collection week.
 - f) Items must be placed parallel to the street adjacent to the owner's property line for collection.
 - g) Bulk trash may not be placed on sidewalks, curbing, or public right-of-way in any manner as to interfere with or be hazardous to pedestrians or vehicles, or with any mechanized collection container in such a manner as to interfere with its being emptied.
 - h) Appliances, air conditioners and other items that involve freon gases are not accepted as part of normal bulk trash service. A special collection requiring additional fees pursuant to section 66-292 is available. The customer must take off the locking mechanism or remove the door from any container or appliance, including freezers, refrigerators, stoves or chests before setting them out for special collection as required by section 42-106 of the Code.

- i) Items not accepted for collection will be left. The following are unacceptable materials: Disposable or unwanted material resulting from construction, repair, or demolition of the premises; large auto parts; tires; used oil; rocks, soil-like and concrete materials; unbagged leaves and grass clippings; and vegetation over five feet in length and 12 inches in diameter. These items must be disposed of at a landfill by the owner, lessee or occupant, or by an alternative service, such as roll-off containers.
- j) Century plants, cacti, and similar plants hazardous to collection employees shall be contained in cardboard boxes with a total weight not to exceed 60 pounds per box.

P) **WINDOWS:** No aluminum or other reflective material may be installed in windows.

Q) **MAINTENANCE (CC&R Article IV, Section 2, g):** Lots and Parcels are responsible for keeping all structures on their lots, including but not limited to; buildings, foundations, fascia boards, mailboxes, gates, walls, doors, windows, roofs and garages, in well maintained, clean, neat, and attractive conditions at all times. If any of these items are in disrepair or appear visibly non-maintained from the street or the lake they must be repaired. In maintaining these items, colors need to match the existing color. This will ensure the highest quality of life and maintenance of property values for all Val Vista Lakes' residents and visitors.

As used herein, the word "non-maintained" means peeling, discolored, rusted, mildewed, stained, or otherwise is showing a lack of reasonable maintenance

R) **DRIVEWAYS:** For homes in communities with street parking restrictions with large side gates or utility gates needing vehicle access, a solid access drive made of concrete, brick, or pavers may curve off of the drive and the street/neighborhood property. This area must be landscaped as per the landscaping guidelines. The access drive may be used for one additional vehicle to be parked. Prior approval must be obtained by the MAC. In addition approval must be obtained by the sub association for your neighborhood if applicable. Sub association may have further restrictions regarding driveway additions.

S) **SINGLE FAMILY RESIDENTIAL USE (CC&Rs Article IV, Section 2, Definitions M, W, Ss, & Tt):**

- 1) Single Family shall mean a group of one or more persons each related to the other by blood, marriage, or legal adoption or guardian, or a group of not more than three (3) persons not all so related, who maintain a common household in a Dwelling Unit.
- 2) Single Family Residential Development shall mean a development of single family detached housing, each intended for use by a single family as herein defined, and subject to restrictions contained in any Tract Declaration recorded for any such specific development, and which shall be subject to the restrictions defined in Article IV, and the entire Covenants as applicable.

T) **RENTAL PROPERTIES**

- 1) Val Vista Lakes requires owners of a residential rental property to inform our administrative offices within the ten days after a change in the information occurs.
- 2) Statue 33-1902: An owner of residential rental property shall maintain with the assessor in the county where the property is located information required by this section in a manner to be determined by the assessor. The owner shall update any information required by this section within ten days after a change in the information occurs.

- 3) Where the dwelling changes from owner occupied to a rental property owner must advise the county assessor and furnish information required by the county assessor in the county where the property is located.