

# FINAL RULE PROPOSAL

*Adopted by The Pointe Community Association Board of Directors on March 27, 2024*

## **Section 2.     Parking**

### **2.1     Findings**

The Pointe Community Association finds and declares as follows:

- (a) Streets within The Pointe are public streets and must accommodate clear and safe traffic flow of all vehicles.
- (b) Streets within The Pointe, particularly for the Single-Family and Single-Family Attached Homes and Court Homes, were designed for a community where owners and residents would most likely have one car. This differs from most residential communities within the city of Phoenix, in which parking was developed to accommodate two vehicles per residence.
- (c) Space for parking is extremely limited within the community and in many places, when vehicles are parked on both sides of the street, the room between vehicles is too narrow for two vehicles to safely park.
- (d) The Pointe was designed for the parking of personal vehicles and not for commercial vehicles or recreation vehicles.
- (e) As more homes, particularly in the Garden Homes and Court Homes, were made available to renters, the number of complaints by owners and residents about parking challenges increased significantly from mid-2023 through early 2024.
- (f) The Pointe Community Association Board of Directors considered the challenges being faced within the community and the updated Covenants, Conditions and Restrictions adopted by community owners in 2022 and has set forth these rules and enforcement procedures to offset parking issues.
- (g) Parking issues were among the most important reasons that the community updated its Covenants, Conditions and Restrictions in 2022. These revised rules implement those community-approved changes.

### **2.2     Definitions**

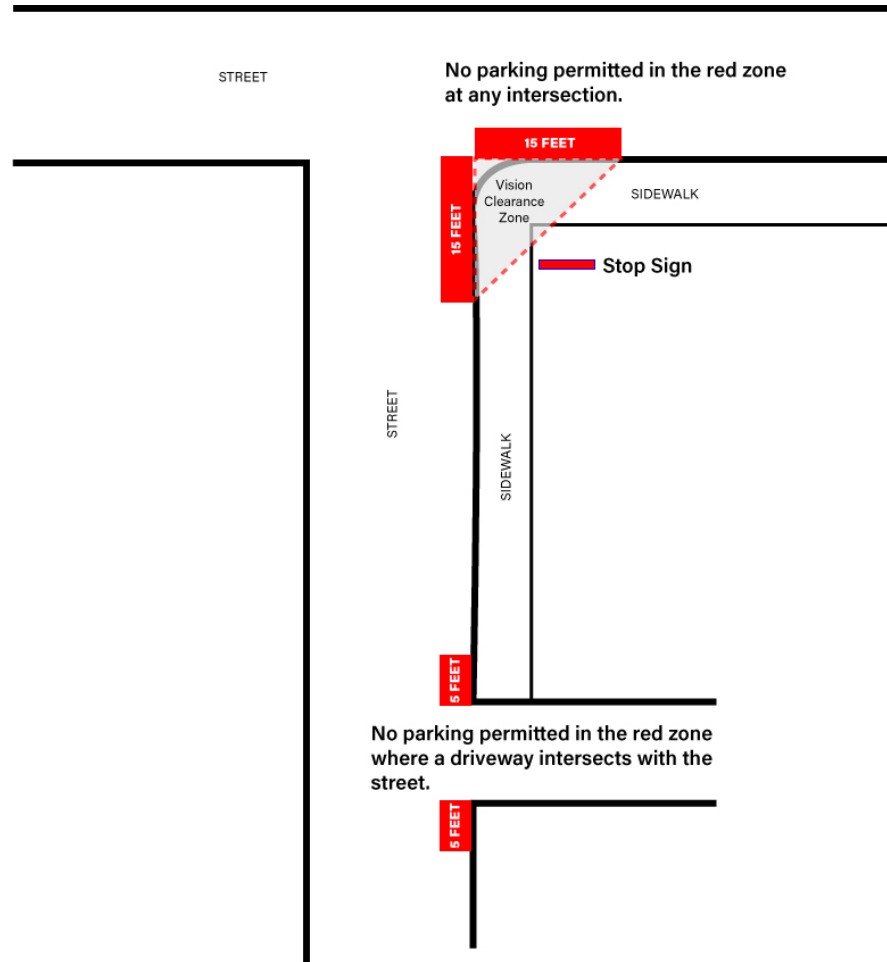
- a. Commercial vehicle. “Commercial vehicle” means any vehicle used for commercial enterprises, such as transporting goods, providing paid transportation services (taxi or rideshare services), or other business-related activities. Commercial vehicle includes a vehicle:
  - i. With greater than a one (1) ton gross rated capacity; or
  - ii. With dual or tandem wheels; or

- iii. Exceeding eleven (11) feet tall; or
  - iv. With a bed load rising above the level of the bed rails or projected beyond the sides of the bed or its tailgate.
  - v. For vehicles licensed in the state of Arizona, a bus, truck, tractor, trailer, or semitrailer.
  - vi. For vehicles based in another state, a bus, truck, tractor, or tractor-trailer rig with a gross weight of six thousand pounds or more and that is operated in more than one jurisdiction.
- b. Designated parking area. "Designated parking area" means any portion of a street or parking lot in which the Board specifies parking spaces for specific purposes or time limits.
  - c. Guest parking. "Guest parking" means a passenger vehicle associated with visitors to a community residence.
  - d. Lot C. "Lot C" means the parking lot owned by the Association at the west end of The Pointe adjoining the resort North Building east parking lot.
  - e. Overnight guest parking. "Overnight guest parking" means a passenger vehicle belonging to a resident's guest staying in the residence for one or more nights.
  - f. Passenger vehicle. "Passenger vehicle" means a motorcycle with two or three wheels, golfcart licensed for use on a public street, car, sport utility vehicle, minivan, light vehicle as defined by the State of Arizona, and pickup truck with a capacity of less than three-quarters of one ton ("3/4 ton").
  - g. Recreational vehicle. "Recreational vehicle" means a motor vehicle designed and customarily used for private pleasure, including vehicles commonly called motor homes, pickup trucks with campers, and pickup trucks with a fifth-wheel trailing device. For purposes of The Pointe, dune buggies, all-terrain vehicles, off-highway vehicles, and vehicles unlicensed for street use shall be classified as recreation vehicles.

According to the Arizona Vehicle Code, a recreational vehicle is a completely self-contained vehicle less than eight feet six inches wide and forty-five feet long. It is primarily designed as temporary living quarters for recreational camping or travel.

- h. Shall, May; And, Or. "Shall" means the rule is mandatory. "May" means the rule is permissive. "And" means that all components of the rule connected by the conjunction are required. "Or" means that the resident has a choice of which component of the rule to select but that at least one of the options shall be chosen.
- i. Storage. "Storage" means parking a registered, operable, unregistered or inoperable vehicle parked on-street or outside a garage belonging to a residence.
- j. Temporary parking. "Temporary parking" means any vehicle left unattended in a parking space for six (6) hours or less.

- k. Vision clearance zone. "Vision clearance zone" means the triangle created to allow drivers on one street to see approaching vehicles on an intersecting street.



### 2.3 On-Street Parking – General Requirements

- All vehicles parked within the community must have a current license and registration.
- All parked vehicles shall comply with Phoenix City Code prohibiting parking within fifteen (15) feet of a fire hydrant
- Motor vehicles shall be parked only in carports, garages, designated parking areas, or Lot C.
- Parking on sidewalks is prohibited. At any time, the wheels of any vehicle may not be parked on the rolled curb or sidewalk.
- Vehicles shall park with the front of the vehicle parked with traffic flow.
- On-street parking is not assigned. Vehicles shall be parked as close to the front door of a residence as possible.
- Parked vehicles shall maintain a vision clearance zone at intersections. This shall mean that the front of a vehicle shall be no less than fifteen feet from the point of the intersection of imaginary

straight lines originating from the intersecting streets. Vehicles shall be parked not less than five feet from where a driveway crosses the curb and gutter and enters the street.

- h. No vehicle shall be parked so that any portion of the vehicle, including trailer hitches or any object on or in the vehicle, extends past the residence side of the sidewalk.
- i. No vehicle shall be stored within on-street parking. A stored vehicle shall be parked within a garage or at Lot C. A vehicle shall be considered in storage if left on the street for 72 continuous hours. Per Phoenix Parking Code §6.8, such a vehicle may be considered abandoned and subject to seizure under Arizona Revised Statutes §§28-4801 or 28-4834.
- j. As recorded with the Maricopa County Recorder, the Pointe Community, a planned community approved by the city of Phoenix shall have the power to regulate parking on Dreamy Draw Drive within the community.
- k. Only residents using the grassy park, pool and observation deck shall be permitted to park in the parking spaces on Frier Drive at 18th Street west of the community pool and park area. Overnight parking may result in seizure without notice. Therefore, the rules within this document include Dreamy Draw Drive.
- l. The permit shall include in black bold letters no less than 72 points (1 inch) tall, the date of arrival and the approved date of departure, the vehicle license plate, state of issuance, and number.
- m. Passenger vehicle owners driving for Uber, Lyft or similar rideshare services may be permitted if the vehicle signage is unobtrusive or turned off while parked in the community or if a sticker displaying only the ridesharing company name is on the vehicle in a size not exceeding six inches wide by three inches high.
- n. The Board may designate any area along a street or in a parking lot as a designated parking area limited to specific purposes or parking duration.
- o. Commercial vehicles shall be prohibited from on-street parking on all community streets, including Dreamy Draw Drive.
- p. The Board may take action to create and enforce a parking permit system. This may include and is not limited to registering vehicles, a physical on-vehicle permit, or other such devices or systems as approved by the Board.

### **2.3.1 On-Street Parking – Single-Family Homes and Single-Family Attached Homes**

- a. Vehicles shall be kept only in garages, driveways, or designated parking areas.
- b. On-street parking shall be limited to temporary parking of passenger vehicles, service providers, deliveries, and guests. Except for emergencies, temporary parking shall be permitted only between 5:00 a.m. and 11:59 p.m. Additional passenger vehicles beyond two (2) shall be parked at Lot C per subsection (d) of this section.

- c. Recreational vehicles may be parked directly in front of a residence for not more than twenty-four (24) hours for loading and ready for a trip unless otherwise approved by the Board of Directors via the community management company for not more than 48 hours.
- d. Single-family homes shall be permitted a maximum of two (2) passenger vehicles at the residence. One shall be parked in the garage, and one may be parked in the driveway. Other than overnight guests as allowed by this section, there shall be no overnight on-street parking on Dreamy Draw Drive or the cul-de-sacs with single-family homes without the approval of the Board of Directors as administered by the Community management company.
- e. A resident may apply for an additional passenger car parking permit. Such a permit will be at the sole discretion of the Board of Directors, issued by the Management Company. Any cars over two (2) per home must park in lot C.
- f. Curbs and lanes around cul-de-sacs and islands are designated as fire lanes. Parking is prohibited in these areas for all vehicles except emergency vehicles.
- g. Garage doors shall be closed at all times except while using the garage space.

### **2.3.2 On-Street Parking – Court Homes**

- a. Resident parking shall be limited to two (2) vehicles per residence: one (1) in the carport and one on the curbside, nearest to the residence's front door. One vehicle shall be parked in the carport when both vehicles are parked on the property. Any additional vehicles shall be parked at Lot C after obtaining a permit from the Board of Directors via the Community management company.
- b. Court Home residents' curbside parking shall be permitted in the following areas:
  - Both sides of Hayward Avenue and 18th Place
  - Both sides of Frier Drive
  - Parking is permitted on the east side of 18th Street, adjoining the Court Homes, but not on the west side of 18th Street, adjoining the pool.
  - Parking Lot C (northwest corner of Belmont Avenue and Frier Drive)
- c. On-street parking is not defined by numbers painted on the curbs.
- d. Tandem parking in the Court Homes' carport area shall not be allowed unless it can be accomplished without impeding others' ingress and egress. Tandem parking shall not extend over the residence side of the sidewalk.
- e. Temporary, non-resident, curbside parking shall be limited to deliveries, service vendors, and guests.

## **2.4 Enforcement**

- a. The community management company shall administer these rules on behalf of the Pointe Community Association. All violation letters shall comply with Section 33.1803 of the Arizona Revised Statutes regarding notice and opportunity to be heard.
- b. The goal of enforcement shall be compliance with parking regulations in a cooperative manner.
- c. Failure to obtain voluntary compliance shall result in a first violation enforced by delivery of a "Notice To Cure Violation" delivered to the owner and the resident(s), if different from the owner, via electronic mail (if address known), first class U.S. postage, and registered mail with a return receipt requested. The violator shall be given ten calendar days from the date of mailing to respond. This first step shall intend to achieve compliance within a reasonable time frame determined by the community management company.
- d. Failure to respond or cure by the deadline set in the first violation may result in a second violation notice delivered to the owner and the resident(s), if different from the owner, via electronic mail (if address known), first class U.S. postage, and registered mail with a return receipt requested. The second violation notice shall impose a fine of fifty dollars on the property owner for each seven days the violation persists. The notice shall state that failure to cure the violation and pay the fine shall result in additional fines per this section and may result in other enforcement actions as approved by the Board. This step shall intend to comply within a timeframe determined by the Community management company, not exceeding twenty-one (21) calendar days.
- e. Failure to respond or cure following the second notice may result in a "Notice of Action to Cure Rule Violation." In addition to all other fines, the property owner shall be fined one hundred dollars (\$100) for each seven-day period. The Board may consider further enforcement action, up to and including towing the subject vehicle at the property owner's expense, pursuant to Arizona law.
- f. If the violation continues, the community management company may continue to impose a fine of one hundred dollars (\$100) for each seven-day period.
- g. The Board has the discretion to vary from the enforcement protocol, including, but not limited to, immediately escalating the file to its attorney.