

# SOUTHERN ENCLAVE HOMEOWNERS ASSOCIATION



## ASSOCIATION RULES AND DESIGN GUIDELINES October 1, 2017

The Association Rules and Design Guidelines (“Rules”), as set forth in this document, shall interpret and implement procedures for the Design Review Committee’s review and standards, including, but not limited to, architectural design, placement of buildings, landscaping, plant selection, color schemes, exterior finishes and materials, signage, and wall design. These documents are intended to enhance the property values and the high standards of development that exist within Southern Enclave Homeowners Association. Unless specifically identified as not requiring a submittal for approval within this document, prior approval from the Design Review Committee is required. The Rules are established to assist Owners in conforming to the standards established and may be amended from time to time by the Design Review Committee. Each application will be reviewed on a case-by-case basis.

**PRIOR TO THE COMMENCEMENT OF CONSTRUCTION, INSTALLATION, ADDITION, ALTERATION, REPAIR, CHANGE OR REPLACEMENT OF ANY IMPROVEMENT WHICH WOULD ALTER THE EXTERIOR APPEARANCE OF THE IMPROVEMENT, A COMPREHENSIVE, COMPLETE AND DETAILED WRITTEN REQUEST FOR APPROVAL SPECIFYING IN DETAIL THE NATURE AND EXTENT OF THE CHANGE WHICH THE OWNER DESIRES TO PERFORM (“APPLICATION”) MUST BE SUBMITTED TO THE DESIGN REVIEW COMMITTEE. APPROVAL TO PROCEED SHALL BE REQUIRED IN WRITING FROM THE DESIGN REVIEW COMMITTEE. FOLLOWING THESE RULES DOES NOT ELIMINATE THE NEED FOR SUBMISSION OF PLANS (UNLESS SPECIFICALLY NOTED HEREIN). APPLICATION PROCEDURE**

## **Submittal**

Application and plans (which will be kept on file with the Association) should be mailed to:

**Southern Enclave Homeowners Association**  
c/o Vision Community Management  
16625 S Desert Foothills Pkwy, Phoenix, AZ 85048

You may reach the Management Company by phone at (480) 759-4945, by fax at (480) 759-8683 or by email at [SouthernEnclave@WeAreVision.com](mailto:SouthernEnclave@WeAreVision.com).

The following information should be included with the submittal:

1. **Application – Design Review Committee Application Form:** A completed Application Form (attached or additional copies may be obtained from the Management Company).
2. **Plot Plan:** A site plan showing dimensions, relation to existing dwelling and property lines (setbacks). Measurements must be written on the plans.
3. **Elevation Plans:** Plans showing finished appearance of improvement in relation to existing dwelling.
4. **Specifications:** Detailed description of materials to be used, color samples, and dimensions must be submitted.
5. **Photograph:** If submittal is for an existing structure or improvement, a photograph of the structure or improvement must accompany the submittal application.

All buildings, driveways, gates, fences, walls, structures, landscaping and other Improvements erected within Southern Enclave Homeowners Association, and the use and appearance of all land within Southern Enclave Homeowners Association, shall comply with all applicable Federal, State or local law, statute, ordinance, rule or regulation, as well as the Declaration and these Rules. Design Review Committee approval will not meet, supersede or provide compliance with any Federal, State, local or other regulatory laws, statutes, ordinances, rules and regulations.

## **REVIEW-APPROVAL AND/OR DISAPPROVAL**

The Design Review Committee shall have forty-five (45) days after submittal of plans to approve or disapprove plans. No verbal approvals/disapprovals will be given by the management company. All decisions will be mailed through the United States Postal Service. In the event that the Design Review Committee fails to approve or disapprove an application for approval within forty-five (45) days after the complete application, together with any fee payable pursuant to Section 3.6 of the Declaration and all supporting information, plans and specifications requested by the Design Review Committee, have been submitted to the Design Review Committee, the Owner Submitting such plans may deliver to the Design Review Committee a demand that the Design Review Committee act on the plans submitted by the Owner. If the Design Review Committee does not disapprove the plans within thirty (30) days after receipt of the demand from the Owner, then the plans shall be deemed approved. The approval by the Design Review Committee of any Construction or Modification shall not be deemed a waiver of the Design Review Committee's right to withhold approval of any Construction or Modification subsequently submitted for approval. Review will include,

but is not limited to, consideration of material, quality of workmanship, colors, and consistency with the external design and color of existing structures on the Lot and impact on neighboring Lots. The location of the Improvement with respect to topography and finished grade elevation is also considered.

Neither the Design Review Committee, the Board of Directors, the Declarant nor the management company (if in place) shall have any liability in connection with or related to approved plans, specifications, or Improvements. The approval of the plans does not mean that judgment is passed on the structural soundness of the Improvement nor its effect upon existing or future drainage. The review of the plans is for aesthetic purposes only.

In addition to all other requirements, the Owner of a Lot must be In Good Standing to be eligible to submit plans for Improvements, additions, alterations, repairs, changes, or other work to the Committee for approval.

**Approval Expiration:** Construction must be started within ninety (90) days of the date of the Design Review Committee's approval of the application, or the Design Review Committee's approval shall be deemed withdrawn and plans must be resubmitted in accordance with these Rules.

**Construction Period:** Once started, construction shall be pursued diligently in order to assure prompt completion thereof. Absent a different deadline for completion of construction (which may be shorter or longer, at the Design Review Committee's discretion), such construction shall be completed within six (6) months of the date of the Design Review Committee's approval of the application.

**Appeal:** Any appeal of the Committee's decision must be submitted in writing, within thirty (30) days of the mailing date of the Committee's decision, to:

Southern Enclave Homeowners Association  
c/o Vision Community Management  
16625 S Desert Foothills Pkwy, Phoenix, AZ 85048

**PURSUANT TO SECTION 6.3 OF THE DECLARATIONS, THE BOARD OF DIRECTORS MAY ADOPT, AMEND AND REPEAL ASSOCIATION RULES. PURSUANT TO SECTION 3.11(b) OF THE DECLARATIONS, THE DESIGN REVIEW COMMITTEE SHALL HAVE THE RIGHT FROM TIME TO TIME TO AMEND AND SUPPLEMENT THESE DESIGN GUIDELINES.**

## DESIGN GUIDELINES

**ANTENNAS/SATELLITE DISHES:** Except for antennas, satellite dishes and other over-the-air receiving devices covered by the FCC rules governing Over-the-Air Reception Devices; Television Broadcast Service and Multi-channel Multipoint Distribution Service (the "FCC Rule"), no antenna for the transmission or reception of television or radio signals or for access to the internet shall be installed on any Lot unless approved by the Board of Directors. Any antenna, satellite dish or other receiving device covered by the FCC Rule may be installed on a Lot without the prior approval of the Board of Directors provided the antenna, satellite dish or receiving device is placed inside a Residence or other building or is placed on the portion of the Lot which is the least Visible From Neighboring Property and does not interfere with the viewer's ability to install, maintain or use the antenna, satellite dish or receiving device.

Preferred installation and placement is listed below in order of preference:

1. A location in the back yard of the Lot where the Receiver will be screened from view by landscaping or other improvements;
2. An unscreened location in the backyard of the Lot;
3. On the roof, but completely below the highest point on the roof line;
4. A location in the side yard of the Lot where the Receiver and any pole or mast will be screened from view by landscaping or other improvements;
5. On the roof above the roofline;
6. An unscreened location in the side yard;
7. A location in the front yard of the Lot where the Receiver will be screened from view by landscaping or other improvements.

All brackets and cables used for installation of the dish must be securely attached and painted to match the color of the surface to which they are attached.

**AWNINGS:** All awnings must be approved by the Design Review Committee. Awnings over all windows shall be canvas or similar material of solid color on both sides, which match the color of the body of the exterior of the home or roof color. Awnings shall be installed only on the side and/or rear of the home. All awning submittals must include (i) a drawing with the location of the proposed awning installation; (ii) a sample of the material to be used; and (iii) the colors and design of the proposed awning. Owner is responsible for maintenance and repair of awnings. The Association retains the right to determine when an awning must be repaired and/or replaced due to weathering, fading, tearing, ripping, etc.

**BASKETBALL GOALS:** Portable basketball goals are allowed but need to be stored out of sight when not in use. Permanent basketball goals or backboards may be kept on a Lot provided they are kept and used in accordance with the following rules:

Permanent basketball goals or backboards attached to a free standing pole may be constructed, installed or maintained on a Lot, provided the location, design, material and color of the pole and the basketball goal or backboard are approved by the Design

Review Committee and they are used in accordance with the Association Rules. The following requirements need to be met:

1. Basketball equipment must be stored in the backyard when not in use.
2. Only pole mounted backboards and goals are acceptable. Poles must be set in the ground permanently. Backboards shall not be attached to the house, garage or roof.
3. All basketball poles installed or used in front of the home must be placed on the interior side of the driveway.
4. Backboards must be of a predominantly neutral color (gray, black or white) or match the color of the body of the exterior of the home. Clear backboards are acceptable without painting.
5. Permanent basketball poles must be a predominantly neutral color (gray, black or white) or match the color of the body of the exterior of the home.
6. All equipment must be constantly maintained. Broken backboards, disfigured or bent rims, ripped or torn nets, chipped and/or peeling paint, etc., should be promptly repaired or replaced.
7. Only nylon or similar cord nets are acceptable. Metal or chain nets are expressly prohibited.
8. Courts MAY NOT be painted or permanently outlined on the driveway or other concrete surfaces.
9. Lighting for night use of the equipment is prohibited.

Permanent basketball goals located in the rear yard must comply with all above applicable guidelines.

**CLOTHES DRYING STRUCTURES:** No outside clotheslines or other outside facilities for drying or airing clothes shall be erected, placed or maintained on any Lot so as to be Visible From Neighboring Property.

**DECORATIVE ART ON HOUSES/LAWN ART:** Decorative Art on houses shall be neutral in color and may be limited in number, so as to not dominate the appearance of the home. Dimensions of decorative art shall be no greater than three feet (3') in length, width, and height. Potted plants are not considered yard art; however, pots that are larger than four (4) feet tall or four (4) feet wide or that are in non-natural or non-neutral colors should be submitted for approval if Visible From Neighboring Property.

Benches will be considered in the front yard area as long as they are located within four feet (4') of the front door and are made of materials that will last in the Arizona climate. Plastic benches and furniture will never be allowed or approved for front yards. Swings will also not be approved for installation in front yards.

**DRIVEWAY EXTENSIONS AND SIDEWALKS:** Driveway extensions will be reviewed for approval providing the following conditions are met:

1. Extensions not to exceed two (2) feet in width shall be permitted on the interior and or exterior sides of the existing driveway.

2. Submittals must include a plot plan with the following noted thereon: (a) the location and dimensions of the proposed extension; (b) the existing driveway dimensions; (c) the total linear feet of Lot frontage; and (d) the material proposed for the driveway extension.
3. The total driveway area may not exceed thirty (30) feet of contiguous frontage or fifty percent (50%) of the Lot width (existing plus extension) as measured at its widest point, whichever is greater.
4. Driveway extension must be at least two (2) foot off of the side Lot line.
5. Painting of paved surfaces that will be Visible From Neighboring Property is prohibited.
6. Additional backyard access extensions may be permitted with Design Review Committee approval to allow for ingress and egress in rear yard. Parking on backyard access extensions is not permitted.
7. Must use same material as driveway (i.e. concrete or pavers).

Any additions, removal and/or replacement of the driveway and sidewalk (e.g., to utilize colored concrete, exposed aggregate, stamped concrete, etc.) must be submitted on the landscaping plans with color specifications, etc. for approval.

Sidewalks installed to utilize the side gates do not need to be submitted if all of the following conditions are met:

1. The additional sidewalk is four (4) feet or less in width and is setback one (1) foot or more from the property line and one (1) foot or more from the home.
2. Such setback areas between the property line and the sidewalk and the home and the sidewalk must have groundcover installed to match the existing front yard ground cover (i.e., decomposed granite, grass).

Sidewalks that do not meet the above conditions must be submitted for approval and will be considered on a case-by-case basis. Additional sidewalks in any other location must be submitted for approval.

**FIREPLACES:** Installation of outdoor fireplaces requires advance approval by the Design Review Committee. Outdoor fireplaces may not exceed fence height.

**FLAGPOLES:** Except for the flags listed in A.R.S §33-1808, Subsection A, no flag may be displayed on a Lot if the flag is Visible From Neighboring Property without the prior written approval of the Board. The official flag of (i) the United States; (ii) the State of Arizona; (iii) the Armed Forces; such as U.S. Army, U.S. Navy, U.S. Air Force, U.S. Marine Corps, U.S. Coast Guard, (iv) the Gadsden Flag; (v) POW/MIA flags; and (vi) an Arizona Indian Nation Flag may be displayed on any Lot provided (i) such flag is displayed in the manner required under the federal flag code from a pole attached to a Residence on the Lot; (ii) the pole is no higher than the top of the Residence; (iii) the flag is no more than twenty-four (24) square feet in size; (iv) any flag lighting is in compliance with the Lighting section below; and (v) the flag is maintained in good condition at all times.

**GATES:** All requests for additional gates or gates other than those which were offered by the original builder of the Lot must be submitted for Committee approval. Shrubs, trees, or other plants should be located between the Residence and the gates, where possible.

When gates are in need of maintenance, a Lot Owner with wrought iron gates must paint the wrought iron to match its original color.

Gates of any kind on perimeter walls or view fencing on Lots bordering Common Areas or NAOS are prohibited.

Double gates will not be allowed.

**GUTTERS AND DOWNSPOUTS:** Gutters and downspouts will be considered for approval if the finish matches the color of the home. Downspouts must be directed so as not to drain on neighboring properties. The Association strongly recommends the use of high quality materials that offer long life, as the gutters must be maintained in good condition at all times.

**HVAC INCLUDING EVAPORATIVE COOLERS AND SOLAR PANELS:** Except as initially installed by the Declarant or a Designated Builder, no heating, air conditioning, evaporative cooling or solar energy collecting unit or panels shall be placed, constructed or maintained upon any Lot without the prior written approval of the Design Review Committee. All units shall be ground mounted, located within the perimeter of the rear yard and screened or concealed from view of all neighboring property.

**LIGHTING:** Except as initially installed by the Declarant, no spotlights, floodlights or other high intensity lighting shall be placed or utilized upon any Lot or any structure erected thereon which in any manner will allow light to be directed or reflected on any other property except as approved by the Design Review Committee.

String Lights – may be permitted with Design Review Committee approval. Posts need to be a minimum of 5’ from the property line and not exceed 10’ in height. The posts must be treated and stained or painted to match the color of the home. Lighting shall not illuminate more than 1’ from the property line (or 1’ of candle power), and may not shine on any neighboring property.

**MACHINERY AND EQUIPMENT:** No machinery or equipment of any kind shall be placed, operated or maintained upon or adjacent to any Lot, except such machinery or equipment as is usual and customary in connection with residential use of property or machinery or equipment necessary for the construction of a Residence, building, structure, or other Improvement on the Lot by the Declarant or a Designated Builder or approved by the Design Review Committee.

Oil pans, carpet, boards or any other object used to collect oil spills from driveways must be removed when not in use to prevent them from being Visible From Neighboring Property.

**PAINT COLORS:** The paint colors used by the Builder are highly recommended for use in all instances. In the case of any variation from the original colors, the preferred colors are earth tones. Trim colors shall not dominate the exterior appearance and shall be of the same color range as the major color. The Design Review Committee must approve colors prior to painting.

**PATIO COVERS:**

Proposed patio covers not offered by the original Builder, including trellis or Alumawood type patio covers, may be considered if they do not exceed ten percent (10%) of the footprint of the Residence and color and material of supports match the home.

Roof shall be flat or match the pitch of the roof of the home. All patio covers will need to be reviewed by the Committee on an individual basis prior to installation, with strong consideration being given to any impact of architectural features in the neighborhood

**PLAYGROUND EQUIPMENT:** No jungle gyms, swing sets or similar playground equipment which would be Visible From Neighboring Property shall be erected or installed on any Lot without the prior written approval of the Design Review Committee.

The maximum height for a play platform on a play structure shall be five (5) feet from ground level. No play structure shall exceed twelve (12) feet in height to include any canopy or roof. All play structures must be setback a minimum of five (5) feet from all surrounding property lines and shall require shielding with approved landscaping on Lots with view fencing.

A canopy on the play structure must be an approved color blending with the color of the dwelling stucco.

Trampolines, batting cages or any other playground equipment that shall be Visible From Neighboring Property must be submitted to the Design Review Committee for approval. Such items shall be placed a minimum of five (5) feet from all neighboring boundaries and shall not exceed twelve (12) feet in height. Safety nets, if any, must be brown, black or a neutral color with supports painted to match the net.

All playground equipment must be maintained in good condition at all times.

**POOLS AND SPAS:** In-ground pools and spas or above ground pools on Lots completely enclosed by a solid wall or fence that is at least six feet (6') high or any Lot that does not have non-solid fencing (i.e., wrought iron rather than a solid wall) do not require the prior approval of the Design Review Committee. Above ground pools shall not be permitted on Lots with non-solid fencing (i.e. wrought iron fence).

Perimeter walls on Lots bordering Common Areas cannot be torn down to allow access to rear yards. **An assessment of \$2000.00 will be applied to an Owner in which such wall has been removed without Design Review Committee approval.** Access for pool installation shall be through front gate access or by removing a portion of the front wall. Repairs to the front wall must be completed in a timely fashion and include repairing the wall to match the texture and color of the remaining wall.



All pool and spa equipment must be screened from view of neighboring property. Lots with non-solid fencing (i.e., wrought iron fencing) must submit equipment screening plans for approval to the Design Review Committee. See also Pool Fencing and Equipment below.

Pools may not be backwashed into any Common Area or off of the Lot on which the pool has been installed. Check with your pool contractor concerning City ordinance requirements for backwashing. Damage to Common Areas due to backwashing, including erosion, will be repaired by the Association, and all expenses incurred by the Association will be billed to the Owner.

Pool ladders, slides, rock waterfalls, etc. that exceed the height of the fence or wall must have prior approval of the Design Review Committee. Such items shall not exceed eight feet (8') in height and must be set back a minimum of five feet (5') from all surrounding property lines.

**POOL FENCING AND EQUIPMENT:** The specifications for rear yard wrought iron pool fencing installation shall be of a neutral earth tone color to match or blend with the exterior color of the home or match the existing wrought iron fencing color. Pool fencing must meet all City, County, State and Federal requirements.

Pool equipment on Lots must be screened so as to not be Visible From Neighboring Property. Screening may be through plant material or hardscape enclosure. Hardscape enclosures do not require approval if the enclosure does not exceed four feet (4') in height and is painted to match the base color of the home. All other screening material requires approval from the Design Review Committee.

**RAMADAS, GAZEBOS, ALUMAWOOD PERGOLAS AND SIMILAR STRUCTURES:** All ramadas, gazebos, Alumawood pergolas and similar structures must be submitted for approval. They may not exceed ten feet (10') at their highest point and must be set back a minimum of five feet (5') from surrounding property lines. Roof and structure color and material must match those used by the Builder in the original construction of the dwelling, and be approved by the Design Review Committee prior to installation. Location of the structure must comply with the Declarations and local government ordinances. Palapas or Tiki Huts shall not be considered for approval by the Design Review Committee.

Any addition of lighting to these structures must be submitted for Committee approval. Please refer to LIGHTING.

**ROOF AND ROOF STRUCTURES:** If the Residence has a pitched roof, the roofing material for that portion Visible From Neighboring Property must be clay or concrete tile. Unless specifically authorized in this document, no heating, air-conditioning, ventilation equipment, or any other equipment or structures shall be located or installed on any roof. In addition, any such equipment or structures shall not be located, installed or maintained anywhere on a Lot, if it is Visible From Neighboring Property.

**SECURITY LIGHTING/DEVICES:** Security lighting must be directed as not to shine on neighboring property. Security features including, but not limited to, doors and windows must be submitted for approval.

**SECURITY DOORS, SCREEN DOORS AND SUNSCREENS:** Wrought iron security/screen doors need not be submitted for approval provided they are painted to match the base color of the home, black, brown, and bronze or be of a neutral “earth tone” color.

Silver colored aluminum screen/security doors and/or wire screen mesh doors are strictly prohibited on front doors.

Bronze, gray, charcoal, brown or beige sunscreen material may be installed and not submitted for approval provided that the window frame matches the sunscreen material or the existing window frames.

Reflective window films are expressly prohibited. Bronze or charcoal non-reflective window tinting may be installed without Design Review Committee review.

**SIGNS:** No sign of any kind which is Visible From Neighboring Property shall be installed or displayed on any Lot without the prior written approval of the Design Review Committee as to size, color, design message content, number and location except:

1. Such signs as may be used by Declarant or the Designated Builders in connection with the development and sale of Lots and/or Residents or Common area in the Community.
2. Such signs as may be required by legal proceedings, or which by law may not be prohibited.
3. One temporary sign per Lot no larger than eighteen inches by twenty-four inches (18”x24”) used exclusively to advertise the Lot for sale or for lease.
4. Political signs not more than seventy one (71) days before an election and removed within three (3) days after the election to which the sign pertains; Political signs may not exceed an aggregate total of nine (9) square feet.
5. One “security sign” with a total face area of seventy-two square inches (72”) or less.
6. No more than two (2) residential identification sign with a total face area of seventy-two square inches (72”) or less.

All signs shall conform to applicable municipal ordinances and other governmental requirements. **Signs advertising landscaping or pool contractors, etc., must be removed within forty-eight (48) hours of completion of work.**

**SOLAR PANELS AND EQUIPMENT:** Except as initially installed by the Declarant or a Designated Builder, no heating, air conditioning, evaporative cooling or solar energy collecting unit or panels shall be placed, constructed or maintained upon any Lot without the prior written approval of the Design Review Committee.

Owner should consider and discuss potential glare issues onto adjacent properties with solar installer prior to installation to avoid nuisances after the solar panels become active. The Design Review Committee does not review solar panel submissions for potential glare, due to the numerous potential factors involved and information that is not readily available to the Design Review Committee for such review. Any subsequent-to-installation glare or nuisance related to adjacent properties will need to be resolved by Owner and the adjacent Owner, not by the Association.

Solar collecting panels and devices must be placed so as not to be Visible From Neighboring Property, or are placed in such locations and with such means of screening or concealment as the Design Review Committee may reasonably deem appropriate to limit, to the extent possible, the visual impact of such solar collecting panels and devices when Visible From Neighboring Property. Solar roof panels should be made to look like an integrated part of the roof design and mounted directly to roof plane and may not break roof ridgeline. Any visible cabling must match existing color theme so as to blend in with roof, eaves, trim, etc. Cabling must be attached to structure and not allowed to hang loose.

Owners shall comply with these requirements to the extent such compliance does not prevent the installation, impair the functioning of the device or restrict its use, or adversely affect the cost or efficiency of the device.

**STORAGE SHEDS:** Storage sheds will be permitted and need not be submitted for approval, provided the maximum height of the shed, including roof, does not exceed the height of the immediate surrounding wall(s) or fence(s). Sheds shall have a minimum set back of five feet (5') from all perimeter walls. Shed must be constructed of materials that match the home in color. Sheds on Lots with a view fence may not be placed adjacent to the view fence and must be screened from view with approved plant materials.

**WATER FEATURES, FOUNTAINS, STATUARY, ETC.:** Items such as water features/fountains are permitted within back yard areas and do not require approval by the Design Review Committee, except on Lots with view fencing. Water features to be located in the back yard of Lots with view fencing must be approved in advance of installation by the Design Review Committee. Water features/fountains Visible From Neighboring Property may not exceed five (5) feet in height and must be earth tone in color. It is recommended that water be chlorinated.

**WINDOWS:** Within sixty (60) days after becoming the Owner of a Lot, the Owner shall install permanent draperies or window coverings on all windows facing the street. All such window coverings facing the street must show white or beige colors unless otherwise approved in writing by the Design Review Committee. No reflective materials, including, but without limitation, aluminum foil, reflective screens or glass, mirrors or similar items, shall be installed or placed upon the outside or inside of any windows of a Residence without the prior written approval of the Board. No enclosures, drapes, blinds, shades, screens or other items affecting the exterior appearance of a Residence shall be constructed or installed without the prior written consent of the Board.

## LANDSCAPE GUIDELINES

**FRONT YARD LANDSCAPING:** - Within one hundred twenty (120) days of the date of closing, the Owner of a Lot shall complete installation and irrigation Improvements in compliance with the following Guidelines (as may be amended from time to time) in that portion of the Lot which is between the sidewalk(s) adjacent to the Lot and the exterior wall of the Residence or any wall separating the side yard or back yard of the Lot from the front yard of the Lot. Back yards with view fencing shall also adhere to this installation time frame.

PRIOR TO INSTALLATION OF THE LANDSCAPING, THE LOT OWNER SHALL MAINTAIN THE LOT IN A WEED-FREE CONDITION.

Front yard landscaping must have a minimum of six 5-gallon shrubs, six 1-gallon shrub, groundcover plants and two 5-gallon accent plants, organic or inorganic groundcover and underground irrigation to the plant material. No bare earth will be permitted.

Landscaping and irrigation for the area between back of curb and sidewalk is the responsibility of the Association.

Back yard landscaping improvements on Lots that are not Visible From Neighboring Property through wrought iron view fencing do not require approval of the Design Review Committee.

All visible portions of the Lot within the Community are subject to the following guidelines:

- Owners shall maintain all visible landscape areas in a clean, neat and weed-free condition.
- All dead and dying plants must be replaced with same species or other appropriate plants.
- Yard tools, equipment and general storage items should be stored out of sight when not in use.
- Parking of vehicles of any sort in a back yard shall require screening from view of neighboring property at all times.
- Any hardscape additions such as concrete work, built in barbecues, fire-pits, fireplaces, etc. must be approved by the Design Review Committee prior to installation.

**PLACEMENT** - All turf, plant materials and sprinkler components should be kept a minimum of twenty-four inches (24") away from the foundation of the Residence and any exterior concrete, including patios, driveways, perimeter walls, and walks (other than sidewalks). No plastic liner or ground cover of any type should be installed within thirty-six inches (36") of the foundation or exterior concrete. Trees and bushes that will

become large and/or have extensive root systems should be planted a minimum of four (4) to six (6) feet away from the foundation, exterior concrete and fences.

**GRANITE** - Decomposed granite shall be in a neutral “earth tone” color and a minimum of 5/8” screened in size. The preferred color is Express Gold.

Granite shall be installed with a minimum one and one-half (1½) inch thick layer. All granite areas must be treated with a pre-emergent weed control at regular intervals to retard weed growth.

River run rock of an “earth tone” color is also permitted, but shall be three inches (3”) to six inches (6”) in diameter. Not more than ten (10) percent of the front yard landscape may be river run rock.

**BOULDERS** - Use of boulders to create a natural setting is permitted subject to the following criteria:

Boulders must be “surface select” granite boulders and must be buried with one-third of the boulder being underground. Boulders shall be installed in a naturalistic manner and integrated within the landscape including other boulders or landscape materials such as plants, decomposed granite and contouring.

**TURF** – The Association joins the City in encouraging water conservation. Therefore, it is recommended that you consider turf installation in areas where it can be used for play, for example; and consider desert landscaping in other areas. Turf is permitted in front and back yard landscaping provided that no turf or spray irrigation shall abut walls or fences. Planting areas of at least five (5) feet are recommended between walls, fences, structures and turf or spray irrigation. Great care should be taken to avoid spraying of walls, fences and other structures that may cause damage and void any warranty. Drainage should flow away from all walls and any structures.

Turf must be over-seeded and remain green year-round, including back yards with view fencing (unless specifically waived by the Association).

Turf coverage should comply with any applicable City Ordinances.

Homeowners may submit approval requests for high quality artificial turf; the Committee will make case by case determinations regarding this material after reviewing the submittals which shall include a sample of the proposed artificial turf. In the event artificial turf is approved, homeowner must maintain the appearance of the artificial turf in a clean, “like-new” condition. Association retains the right to determine when the artificial turf must be replaced due to weathering or other types of damage. Artificial turf must be replaced with same turf originally approved or real turf if replacement or repair is required.

All turf must have a permanent border such as, extruded concrete curbing, brick border or other permanent material approved by the Committee.

**IRRIGATION** - All landscape irrigation must be underground, automatic and low water use drip systems, except for turf or flowerbed areas, which may use spray systems. Overspray onto sidewalks and streets are strictly prohibited. Great care should be taken to avoid spray of walls, fences and other structures that may cause damage and void any warranty.

**LANDSCAPE LIGHTING** - Landscape lighting shall be low-voltage only. Landscape lighting must be controlled with an electric clock or photo-cell device. Light sources must be shielded from view.

Light fixtures shall not exceed an illumination intensity of more than one (1) foot candlepower as measured from the Lot line. Outside lights should be screened wherever possible with walls, plant materials, or internal shielding.

**PALM TREES** - Sago Palms, Mediterranean Fan Palms, Queen Palms and Pygmy Date Palms may be utilized within the enclosed back yard of the Lot. All other palm trees are prohibited.

**PROHIBITED PLANT MATERIALS** - The following vegetation types and varieties are expressly prohibited due to reasons of profuse and noxious pollen, excessive heights and weed-like characteristics of excessive growth, high water demands or other similar traits. Under no circumstances is it permissible to plant a prohibited plant or allow it to remain within the front yard or back yard of any Lot within the Community, unless specifically noted below.

1. Olive trees (*Olea Europaea*) other than the "Swan Hill" variety
2. Fountain Grass (*Pennisetum setaceum*) or Pampas Grass (*Cortadena Selloana*)
3. Oleanders other than the dwarf or petite variety (*Nerium Oleander*) and *Thevetia* species
4. Mexican Palo Verde (*Parkinsonia aculeata*)
5. All varieties of Mulberry trees
6. Eucalyptus (all varieties)
7. Citrus Trees and other Fruit trees (permitted in Back Yard Only)
8. Sissoo Trees (*Dalbergia sissoo*)

**FINE GRADING & MOUNDING** - Fine grading is a critical aspect of landscaping. Each Lot has been graded such that all storm water will drain away from the Residence. It is important that this drainage pattern be maintained when preparing the landscape design, especially if mounding or berming is proposed. In all cases, the installation must comply with the applicable grading and drainage plan. Every effort should be made to make the mounding appear natural.

**HARDSCAPE** - The Design Review Committee must approval any hardscape items proposed for front yard installation. Only hardscape items that will be Visible From Neighboring Property in the back yard will require approval. Materials included in hardscape are concrete, brick, tile, wood, etc. Examples of hardscape items are planters, walkways, retaining walls and decorative walls.

**MAINTENANCE OF LANDSCAPING** - The Declarant will install landscaping between the detached sidewalk and the curb in accordance with the approved landscape plans at the time the Residence on the Lot is constructed. The area between the detached sidewalk and curb is Association Maintained Property. Each Owner of a Lot shall be responsible for the Maintenance of his Lot, and all buildings, Residences, landscaping or other Improvements situated thereon, except for any portion of the Lot, or any Improvement situated thereon, which is Association Maintained Property. All buildings, Residences, landscaping and other Improvements shall at times be kept in good condition and repair. All grass, hedges, shrubs, vines and plants of any type on a Lot shall be irrigated, mowed, trimmed and cut at regular intervals so as to be maintained in a neat and attractive manner. Trees, shrubs, vines, plants and grass which die shall be promptly removed and replaced with living foliage of like kind, unless different foliage is approved in writing by the Design Review Committee. No yard equipment, wood piles or storage areas may be maintained so as to be Visible From Neighboring Property or streets. All Lots upon which no Residences, buildings or other structures, landscaping or Improvements have been constructed shall be maintained in a weed free and attractive manner.

**OVERHEAD ENCROACHMENTS** - No tree, shrub or planting of any kind on any Lot or other property shall be allowed to overhang or otherwise to encroach upon any sidewalk, street, bicycle path or pedestrian way from ground level to a height of eight feet (8') without the prior approval of the Design Review Committee.

## **ASSOCIATION RULES**

**ANIMALS**: No animal, bird, or reptile may be kept on any Lot, except that a reasonable number of dogs, cats, parakeets or similar household birds may be kept on a Lot if they are kept, bred or raised thereon solely as domestic pets and not for commercial purposes. The Board shall have the authority to determine the reasonable number of dogs, cats, parakeets or similar household birds for any particular Lot, and the Board's determination shall be final. All dogs, cats or other pets permitted under this Section shall be confined to an Owner's Lot, except that a dog may be permitted to leave an Owner's Lot if such dog is at all times kept on a leash not to exceed six feet (6') in length and is not permitted to enter upon any other Lot. Any person bringing a dog onto the Common Area shall immediately remove any feces deposited on the Common Area by the dog. The Board may restrict the portions of the Common Area on which dogs are permitted.

No animal, bird, or reptile shall be allowed to make an unreasonable amount of noise or to become a nuisance. No structure for the care, housing or confinement of any animal,

bird, or reptile shall be maintained so as to be Visible From Neighboring Property. Upon the written request of any Owner, Lessee, or Resident, the Board shall conclusively determine, in its sole and absolute discretion, whether, for the purposes of this Section, a particular animal, bird or reptile is a nuisance or making an unreasonable amount of noise. Any decision rendered by the Board shall be enforceable in the same manner as other restrictions set forth in this Declaration.

The Board may adopt rules and regulations further restricting and governing animals within the Property of a domestic pet which has bitten or attacked a person or other animal, has a propensity to attack persons or other animals or otherwise constitutes a threat to the safety of persons or other animals in the Property or which because of incessant barking or other behavior constitutes an unreasonable annoyance or nuisance to Owners and Occupants.

**GARAGES:** No garage shall be converted to living spaces or altered or used for storage of material or other purposes so as to not allow for the parking of at least two (2) automobiles, except that the Declarant may use a garage in one or more model homes for a sales office and/or a construction office. The interior of all garages shall be maintained and kept in a neat, clean and sightly condition, free of debris or unsightly objects. Garage doors shall be kept closed except when the opening of the door is necessary to permit ingress or egress.

**HOLIDAY DECORATIONS:** Owners may display holiday lights and/or decorations located or visible from outside their Residence, if the decorations are of reasonable size and scope and do not disturb the quiet enjoyment of other Owners in the Community by excessive light or sound emission or by causing an unreasonable amount of spectator traffic. Holiday decorations and/or lights may be displayed in season only from November 20 until January 20; during other times of the year may be displayed from one week prior to and one week after any nationally recognized holiday.

**SEASONAL ITEMS AND DECORATIVE FLAGS:** Seasonal and decorative flags which are house mounted below the roofline do not require approval. Seasonal flags may be displayed thirty (30) days before and must be removed within twenty-one (21) days after the date of the holiday to which the flag pertains. Flags must be maintained in good condition at all times. Flags that are torn, ripped, faded, etc., constitute grounds for fines and removal. Flags shall not be offensive to the Association. The Board of Directors shall make this determination at its sole discretion.

**TRASH CONTAINERS AND COLLECTION:** No garbage or trash shall be placed or kept on any Lot, except in covered containers of a type, size, and style which are approved by the Design Review Committee. In no event shall such containers be kept or placed on a Lot so as to be Visible From Neighboring Property except to make the same available for all collection and then only for the shortest time reasonable necessary to effect such collection. All rubbish, trash, or garbage shall be removed from Lots and shall not be allowed to accumulate thereon. No outdoor incinerators shall be kept or maintained on any Lot.



**YARD SALES:** Owners may hold “yard sales” to sell personal property of such Owners only in compliance with the following requirements: (i) yard sales shall be limited to two (2) days per year on any Lot; (ii) no yard sale shall commence prior to 6 a.m. or continue after 5 p.m.; (iii) no Owner shall post any signs advertising any yard sale anywhere on the Property except that a temporary sign may be posted on such Owner’s Lot on the day that a yard sale is being held; and (iv) if the Association ever adopts standard yard sale dates for the Property, yard sales shall be held only on such dates. The Association shall give reasonable notice to all Owners if it adopts standard yard sale dates for yard sales on the Property.