



# Design Rules



Adopted by the Board of Directors January 29, 2024

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# I. INTRODUCTION

## **Abbreviations / Acronyms Name**

SCSHCA	Sun City Shadow Hills Community Association
CC&Rs	Covenants, Conditions & Restrictions
BOD	Board of Directors
DRC	Design Review Committee
Rules	Design Rules
HIA	Home Improvement Application
HIP	Home Improvement Permit

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### **1.1 Overview**

Sun City Shadow Hills Community Association (SCSHCA) is an active adult community designed to enhance and preserve the visual character of the site, minimize environmental impacts and maximize water and energy conservation principles. In order to preserve and enhance these principles the Design Rules (Rules) are established (pursuant to Article III, Section 3.08 of the CC&Rs, to provide and clarify standards by which the Community may grow and develop.)

The Rules provide an overall framework to allow the community to develop and progress in an orderly and cohesive manner. The Rules include minimum standards for the design, size, location, style, structure, materials, color, style of architecture, style of landscaping, and relevant criteria for the construction of improvements of any nature. They also establish a process for judicious review of owner-proposed new improvements and changes to existing improvements within the Community.

The Rules have been accepted by the Board of Directors of the Sun City Shadow Hills Community Association, pursuant to the Association's Master Declaration of Covenants, Conditions, and Restrictions (CC&Rs) recorded December 9, 2003 with the Riverside County Recorder. The Rules have been and may be amended from time to time by the Board of Directors as needed. If the Rules are later amended, then any improvement installed or constructed in conformance with the then-current Rules and other Governing Documents and pursuant to Design Review Committee (DRC) approval, should DRC approval be required, shall not be determined to be in violation of the Rules unless otherwise indicated. The Rules are enforced by the management company, as well as the Board of Directors. The Rules further provide a basic understanding of the function of the Design Review Committee (DRC), the design review and approval process and the enforcement procedures. If the Rules are in conflict with the CC&R's and/or Bylaws, the CC&R's and/or the Bylaws take precedent over the Rules.

### **1.2 Government Ordinance / Design Review Rules and CC&Rs Conflict**

To the extent that any government ordinance, building code or regulation requires a more restrictive standard than that found in the Rules, the government standards will prevail. To the extent that the local ordinance is less restrictive than these Rules or the CC&R's, the Rules or the CC&R's shall prevail. If there is any conflict between the CC&R's and the Rules, the CC&R's shall prevail.

### **1.3 Permits and Ordinances – Responsibility of Homeowner**

Approval granted to a SCSHCA property owner by the DRC for any improvement does not waive the necessity for an owner to obtain all required city building permits. Conversely, obtaining city/county permits for proposed improvements does not waive the requirement for an owner to submit a Home Improvement Application to the DRC and receive written approval, prior to the start of construction or installation. It is the responsibility of the homeowner to assure that all permits have been obtained, even if a contractor is acting on behalf of the homeowner.

**1.3.1 City/County Permits:**

It is the responsibility of the homeowner to assure that all city/county permits have been obtained, even if a contractor is acting on behalf of the homeowner.

**1.3.2 Coachella Valley Water District Ordinances:**

It is the responsibility of the homeowner to assure that they are in compliance with all Coachella Valley Water District Ordinances including Ordinance No. 1302.1, even if a contractor is acting on behalf of the homeowner. Additional information regarding this ordinance may be found at [www.cvwd.org/news](http://www.cvwd.org/news).

**1.3.3 Indio Water District Ordinances:**

It is the responsibility of the homeowner to assure that they are in compliance with all Indio Water District Ordinances including Ordinance No. 1528, even if a contractor is acting on behalf of the homeowner. Additional information regarding this ordinance may be found at [www.indio.org/news](http://www.indio.org/news).

**1.4 Structural Safety**

The DRC is NOT RESPONSIBLE for approving Home Improvement Applications from the standpoint of structural safety or conformance with building or other codes.

**1.5 Architectural Conformity**

The architectural design of any and all additions, alterations and renovations to the exterior of an existing detached home shall be compatible with the design of the original home in style, detailing, materials and color. All changes to the exterior of the property should conform to and harmonize with the existing surroundings, dwelling units, landscaping and structures.

**1.6 Softscape /Hardscape Balance**

The visual aspect of the front yard landscaping is important to your neighbor. One aspect of that is a balance between the front yard softscape (landscaping) and hardscape (concrete or rock). This includes regular maintenance and periodic replacement of trees, plants, grass, other vegetation, and ground cover when needed or required by the DRC (for more information refer to Article V, "Landscape Requirements and Rules").

**1.7 Approvals Required**

As a general rule homeowners should assume that in addition to landscaping, any exterior addition, attachment, alteration or enhancement to be made to a residential structure or property, MUST first be approved in writing by the DRC. Further, any modification that will materially change the residence, garage or original drainage pattern shall not be started until plans and specifications have been approved in writing by the DRC (for more information see Article III, "Approval Process").

By way of example, but not necessarily all inclusive, the following require prior DRC approval:

Initial landscaping (or significant changes to front yard landscaping), concrete work, alteration of established drainage or grading, structural additions or changes, fountains, flagpoles, outside mounted equipment (e.g., HVAC, evaporative (swamp) coolers, etc.) screen doors, patio covers, rain gutters and down spouts, trellises, walls and fences, exterior painting and exterior light fixtures.

Structures designed and/or constructed by the Developer are the exception.

Pursuant to Article V, Section 5.06 of the CC&Rs "The Committee shall be entitled to determine that a proposed Improvement or component thereof is unacceptable when proposed on a particular Lot, even if the same or a similar Improvement/component has previously been approved for use at another location...."

**Homeowners should thoroughly review these Rules and become familiar with the requirements associated with the architectural and landscaping requirements.**

## **II. TIME LIMIT REQUIREMENTS FOR IMPROVEMENTS**

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- 21     Initial Rear Yard Landscape** (Thirty (30) Day / Ninety (90) Day Requirement)  
Each homeowner must submit landscape plans for review and written approval to the DRC within thirty (30) days after the close of escrow. Installation is to be completed within ninety (90) days following the close of escrow, per CC&Rs, Article VI, Section 6.01.
- 22     Subsequent Improvements** (Six (6) Months Architectural Requirements)  
Pursuant to Section 5.10 of the CC&Rs, upon receipt of approval from the DRC, the owner shall, as soon as practicable, satisfy all conditions there of and diligently proceed with the commencement of construction of the improvement, within six (6) months. If the owner shall fail to comply with this section, the approval shall hereafter be deemed withdrawn.

Pursuant to Section 5.11 of the CC&R's, construction, reconstruction, refinishing or alteration of any improvement must be complete within six (6) months after construction has commenced.

### III. APPROVAL PROCESS

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Prior to construction or installation of any exterior improvement owners must obtain written approval by the DRC. This is accomplished by submitting a Home Improvement Application (HIA). HIA's are available at the Association's Administration Office. The (HIA) will be reviewed and if approved an (HIP) will be issued. Failure to obtain an (HIP) could result in a fine being imposed.

The owner is responsible for submitting the HIA and Plans to the DRC, even though a contractor is involved. It is the owner's responsibility to make sure the submitted plans have been approved, in writing, prior to start of construction or installation, for all time restraints, and for all work done by the contractor.

#### 3.1 **Home Improvement Application (HIA)**

Please obtain a current HIA at the Association's Administration Office, and complete each section. The Owner must sign the HIA. Your HIA will not be considered by the DRC, nor will the application be deemed approved pursuant to Article V, Section 5.08 without the Owner's signature, and a complete submittal as set forth herein.

**3.1.1 Description of Improvements:** Describe on the HIA each improvement to be done. For example; concrete, sod, gravel, pool, spa, plants, lighting, patio cover, drainage, etc. Do not rely only on the actual plan to designate your intended improvements.

**3.1.2 Neighbor Courtesy Awareness Form:** Each immediate adjacent neighbor (this includes side, caddy-corner (when applicable) and rear neighbors (when applicable) shall be notified of the intended improvement. You can make notification yourself in person by handing your neighbor a copy of the proposed plan and the "Neighbor Awareness Form", or by email or mail. Each neighbor may acknowledge receipt of the plan by completing their portion of the Form or by email or mail indicating they have received a copy of the plan. Your application must include either the signed Neighbor Awareness Form, the neighbor's responding email or a copy of the document showing how and when the Neighbor Awareness Form was provided to the respective neighbor. Please note that completing and signing the form does not indicate approval, merely that the neighbors have been made aware of your intended improvement. Attach either the Neighbor Awareness Form, the responding email from the neighbor or the document showing that the Neighbor Awareness Form has been submitted to the neighbor.

The decision of whether to approve or deny the HIA shall remain in the sole discretion of the DRC.

**3.1.3 Contractor Information:** Please complete thoroughly. If you are your own contractor, indicate as "Owner install". Keep in mind if you hire someone to work for you, you are liable to that worker if that worker injures him/herself or causes damage to the common area or another person's property. In light of potential liability, the Association strongly recommends the contractor be currently and appropriately licensed and insured. **Be aware, according to the laws of the State of California, work (labor and material) in excess of \$500 requires a licensed contractor.**

#### 3.2 **Drawing / Pictorial Plan**

Submit a complete set of plans with your HIA (drawn to scale is preferred). Be sure to familiarize yourself with the requirements associated with your particular architectural / landscape improvement (for more Information see Article VI of the CC&R's).

Please be sure your plans contain the following:

- a. Property lines, location of residence and all proposed improvements on the lot.
- b. Measurements from the property lines to the residence and to the proposed improvements.
- c. Dimensions of proposed improvements (include elevations of structures and masonry).
- d. Description of materials and color scheme. Supply sample materials where applicable.
- e. Alterations to the existing Drainage (your plan must indicate the drainage pattern to be utilized, even if it follows the original drainage pattern.)
- f. A photograph of the area or areas affected by the planned modification, thereby providing the DRC with context in which the modification will be made. The DRC holds discretion to waive this requirement.

All demolition must be identified and described on the plan.

Absence of required information, description and dimensions will constitute an incomplete application. Incomplete applications will not be processed, nor will the automatic approval provisions of Article V, Section 5.08 apply; and the entire application will be returned to the homeowner for corrections.

### **3.3 Home Improvement Application Submittal**

For consideration at the next regularly scheduled DRC meeting, complete applications and plans must be submitted to the DRC by 12:00 noon on the Thursday prior to the DRC meeting. Be sure to inquire at the Administration Office, in the event meeting days have changed.

**3.3.1 Number of copies:** Please submit three (3) copies of the plans with your HIA. Two will be returned to the applicant, one for your records and one for your contractor. SCSHCA will retain the third copy.

**3.3.2 Fees and/or Deposit:** Fees and/or deposits may be charged at the discretion of the DRC.

### **3.4 Home Improvement Application Review Criteria**

**3.4.1 Review Criteria:** The DRC considers an applicant's submittal on the basis of architectural style and design to ensure consistency with the existing architectural characteristic of the community as a whole. The review is broad-based and evaluation of each proposed architectural improvement is assessed on its individual merit. This includes, without limitation, the proposed overall design and consideration of the characteristics of the housing type of the applicant's residence and their surrounding neighbors.

The DRC is not responsible for approving HIA's from the standpoint of structural safety or conformance with building or other codes. It is the Owner's responsibility to obtain any and all applicable City of Indio permits.

After the DRC has received your completed HIA, including all of the required attachments, a review and decision will take place usually at the next business meeting. The meetings are open to homeowners and contractors that have an interest in the plan under discussion.

The DRC must communicate its decision regarding the application to the Owner within thirty (30) days of the date on which the DRC received a complete application. If the decision is "Disapproval," the thirty (30) day time requirement will begin again on the date a revised / new Application and plans are received by the DRC.

The DRC's decision is usually available the following day and can be found on the reverse side of the HIA. Please **DO NOT** assume your plans will automatically be approved. It is the responsibility of the Owner to pick up their approved or disapproved HIA, plans and Home Improvement Permit (HIP) at the Administration Office (for more information see Section 3.5 below).

If your HIA is denied by the DRC, you are entitled to have it reconsidered by the Board of Directors, in an appeal, in an Open Meeting of the Board (see California Civil Code Section 1378 (a)(5)).

**3.4.2 Variances:** The DRC will also review all requests for one time Variances that are not in compliance with the rules. A Variance will not be approved unless circumstances can be demonstrated, as outlined in Article V, Section 5.14 of the CC&R's.

Requirements for submitting a Variance:

- a. Must be in writing, signed by the Owner.
- b. Include a detailed dimensional diagram (must be drawn to scale).
- c. Identify, in writing, the circumstances that justify the proposed Variance in accordance with CC&R's Article V, Section 5.14.
- d. Include neighbor awareness signatures, when applicable (for more information see Article III, Section 3.1, Neighbor Awareness").

### **3.5 Home Improvement Permit (HIP)**

An HIA that is properly approved by the DRC will be accompanied by a HIP.

See Article II "Time Limit Requirements for Improvements".

Owners who have been granted approval must post the HIP on a window visible from the street, at all times during the course of construction. Failure to post the HIP could result in a fine.

**The HIP must be returned to the Association's Administration Office upon completion of the approved project. Return of the permit serves to notify the DRC that the improvement is completed as approved and ready for inspection**

### **3.6 Inspections**

The DRC or its duly authorized representative may inspect any improvement to a property for which DRC approval is required. This inspection is generally performed within thirty (30) days after the Association receives notice of completion from the Owner. If it is found that an improvement was completed without submittal of a HIA, or that an improvement was not constructed in accordance with an approved HIA, the Owner will be notified by telephone, and in writing, of the violation within thirty (30) days of the inspection date.

If during a routine inspection (or otherwise observed), it is discovered that an improvement is not being constructed in accordance with the approved HIA, or the work being performed was not reviewed prior by the DRC, the construction site will immediately be "Red Tagged" requiring all work to stop until further notice. Should an owner fail to correct a violation for which they are notified, the Board of Directors (BOD) has the right to follow established enforcement procedures in accordance with the CC&Rs.

## IV. EXTERIOR ARCHITECTURAL IMPROVEMENTS

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These Rules are intended to cover improvements that may be considered for approval by the DRC. Direct all questions regarding proposed improvements to the Association's Administration Office.

The purpose of this article is to provide residents with information, which will be helpful in designing exterior architectural improvements. This information will also serve as a useful guide to help answer questions when designing your exterior improvements.

**All additions, alterations or changes to any improvement on the residential lot shall have written approval from the DRC prior to any work commencing.**

### **4.1     Additions/Alterations/Enclosures** (Room Additions and Alterations to Existing Structures):

**Note:** *The following rules do not apply to construction of accessory dwelling units ("ADUs") and/or junior accessory dwelling units ("JADUs") on Owner lots. For rules governing the use and construction of ADUs and JADUs, refer to Section 4.1.2 of the Design Rules.*

All additions to the single family detached home shall be built within the established setback lines, regardless of more lenient requirements of any local government authority. Additions are to be compatible in scale, material and color with the existing residence, and comply with all property line setbacks.

See Exhibit "A" for applicable setbacks.

Additions are not to exceed one story, or eighteen (18) feet in height, and may not occupy more than 25% of the rear yard area.

Roofs, walls and slabs must be connected to the existing structure as required by the building code. Pitched roofs must be consistent with the existing structure in shape and material. Flat roofs are prohibited. New windows and doors must be compatible with those provided in original construction; for example, when replacing an existing glass slider door, the DRC will consider alternative types on a case-by-case basis (such as: French doors could be considered to replace a glass slider door). All HIAs for room additions must have architectural plans including an architectural elevation with detailed dimensions. Existing landscape grades must be maintained. Provisions must be made to prevent storm run-off to adjacent property. Enclosing or altering any portion of a garage that restricts the designed maximum parking capacity is not permitted, unless Owner is converting a garage to a permitted and approved ADU or JADU, in which case Section 4.1.2 of the Design Rules apply.

In accordance with Article 8, Sections 8.4 and 8.5 of the CC&Rs, separate buildings are not permitted on either a temporary or a permanent basis (the exception is an approved Casita – as further described below – or an ADU, subject to Section 4.1.2 of the Design Rules).

- 4.1.1     Casitas** (Guest House): No more than one (1) Casita may be constructed on any parcel or lot. The Casita must have adequate water supply pursuant to the Uniform Building Code specifications and the City of Indio building codes. The Casita water supply must not be metered separately from the main residential structure.

The roof line of a Casita must be attached to the main residential structure and the floor plan may not exceed 250 square feet. The Casita shall not exceed fourteen (14) feet in height (consistent with the developer model that includes a Casita). A Casita shall be set back a minimum of five (5) feet from side property line and eighteen (18) feet from any front property line, provided, however, that, in its sole discretion, the Committee may approve a deviation from these front property line setback requirements if (a) Owner can demonstrate to the Committee's satisfaction, by means of, e.g., a qualified engineer's certificate, that decreasing the setback would not negatively affect pad stability, drainage or other matters, and would not violate applicable general plan and city ordinance provisions, and (b) Owner executes an agreement providing for release of Association liability, hold harmless of the Association, and indemnification of Association for claims arising from such approval.

A Casita must contain a bathroom facility; however, kitchens are prohibited.

Note: A Casita may be occupied by a qualified resident or a temporary guest(s) of said resident. It is prohibited to rent, lease or sublet a Casita at any time, or otherwise utilize it as an independent residential dwelling. For rules related to the occupancy and rental of ADUs or JADUs, refer to Association's Rules and Regulations, Rule 2.3.

#### **4.1.2 Accessory Dwelling Units ("ADUs") and Junior Accessory Dwelling Units ("JADUs"):**

Notwithstanding any other provisions in the Association's CC&Rs (including Article 8, Sections 8.4 and 8.5), Rules and Regulations, or Design Rules, the following guidelines shall apply to any construction, installation, building, altering or modifying of an existing structure or new structure for use as an ADU or JADU on any residential Lot within the Association. The Association's Board of Directors has deemed these guidelines to be reasonable restrictions on ADUs and JADUs in the community under Civil Code section 4751 and these guidelines have been drafted in an effort to comply with Civil Code section 4751 and related California law governing ADUs and JADUs in planned developments.

- a. No Owner shall commence with the construction, installation, building or conversion of an ADU, as defined by Government Code section 65852.2, or a JADU, as defined by Government Code section 65852.22, on any portion of his or her Lot without first submitting a complete HIA, available at the Association's Administration Office, and obtaining conditional written approval from the Association's DRC. After receiving conditional written approval from the DRC, Owner shall submit the conditionally approved HIA along with any other required documentation to the City of Indio ("City"), for the purpose of securing all required City building and ADU permits, and recorded declarations, at their sole expense. Upon receiving final approval from the City, Owner shall submit proof of final City approval to the Association at the Association's Administration office to obtain final approval of the Association in the form of a green permit, allowing Owner to begin construction of their project. Owner must also comply with all existing Municipal and Building Codes and is solely responsible for verifying compliance with all applicable legal requirements.
- b. The HIA is subject to a one thousand dollar (\$1,000.00) non-refundable architectural review fee for any costs incurred by the Association and/or DRC to verify compliance (e.g., to obtain an expert opinion). Said fee will be billed to the Owner's account. This cost does not unreasonably increase the cost of the proposed ADU or JADU pursuant to Civil Code section 4751.
- c. All ADUs and JADUs must comply with all applicable governmental regulations and ordinances, including but not limited to the City of Indio's Municipal Code.
- d. An ADU shall comply with all front yard setback requirements applicable to the Lot's primary residence. The ADU must have rear and side setbacks of no more than four (4) feet from the

- side and rear lot lines which complies with state and local regulations and applicable Association governing document regulations. See Exhibit "A" for applicable setbacks.
- e. The total floor area of an attached ADU shall not exceed fifty percent (50%) of the existing primary residential unit's floor area, or eight hundred fifty (850) square feet (for a studio or one-bedroom unit ADU), or one thousand (1,000) square feet for a unit with more than one bedroom, whichever is less.
  - f. The total floor area of a detached ADU shall not exceed eight hundred fifty (850) square feet for a studio or one-bedroom unit, and one thousand (1,000) square feet for a two-bedroom unit.
  - g. A JADU may not exceed five hundred (500) square feet in size and must be contained entirely within the existing walls of the primary dwelling on the Lot.
  - h. Pursuant to Article 5, Section 5.10 of the Association's CC&Rs, upon receipt of final approval from the DRC (i.e., issuance of a green permit), the Owner shall as soon as practicable, satisfy all conditions and diligently proceed with the commencement of construction of the ADU/JADU within six (6) months from the date of approval. If construction has not begun within six (6) months of the date on which a green permit was issued, the original approval of the HIA is void and a new HIA must be submitted and approved before construction can begin.
  - i. Pursuant to Article 5, Section 5.11 of the Association's CC&Rs, the conversion to or the construction/building/installation of an ADU /JADU has a completion deadline of six (6) months after construction, including site preparation, has commenced, unless the Owner has been granted an extension in writing by the DRC.
  - j. No JADU may be constructed, created, or maintained on any Lot without an efficiency kitchen.
  - k. The entrance to an ADU that is attached to the primary residence shall be separate from the entrance to the primary residence.
  - l. An ADU or JADU's exterior landscaping, building materials, colors, and exterior treatment shall match those of the primary residence.'
  - m. If a garage is converted to a JADU or ADU, the vehicular entry/exit door(s), i.e., the garage doors, shall remain and be permanently locked shut. The vehicle entry/exit doors may not be used to enter or exit the living area of the JADU or ADU.
  - n. An existing paved driveway may not be landscaped or reconfigured to anything other than a driveway capable of providing parking for vehicles.
  - o. All exterior architectural details of an ADU or JADU must match the style, materials, colors, and quality of the primary residence.
  - p. The materials and colors of the exterior walls, roof, eaves, windows and doors of an ADU or JADU must match the appearance and architectural design of the primary residence.
  - q. Windows and doors of an ADU or JADU may not have a direct line of sight to an adjoining Lot's residence. Fencing, landscaping or privacy glass may be used to provide screening and prevent a direct line of sight. Such planned fencing, landscaping, and/or privacy glass must be part of and delineated in the original HIA.
  - r. When an attached ADU is constructed in front of the primary residence, the entrance to the attached ADU shall be installed in a location where it does not face the front property line and shall not be on the same building elevation as the entrance to the primary residence.
  - s. The roof pitch, roof type, roof shape, roof color and roof material of an ADU or JADU must match the primary residence.
  - t. Residents' vehicles can only be parked on an existing driveway or in the street as authorized by the Association's Governing Documents unless otherwise approved by the Association.
  - u. An ADU shall have a maximum building height of eighteen (18) feet.
  - v. If a JADU is constructed the Owner must contemporaneously reside on the Lot in either the primary residence or the JADU.

- w. No more than one ADU and one JADU can be constructed per Lot, so long as the other conditions described in Government Code sections 65852.2 and 65852.22 are met.
- x. Except as expressly modified herein, the requirements of the Association's Governing Documents and Design Rules shall apply to the construction of a new structure or the modification of the exterior of an existing structure to be used as an ADU or JADU. This includes, without limitation, review of the exterior colors (siding, stucco, trim, accents, etc.) and materials (siding, masonry, roofing, stucco, etc.) as to quality of workmanship, design, and harmony of exterior design with existing structures, and as to location in relation to surrounding structures, topography, and finish grade elevation. Except as expressly modified herein, the requirements of the Association's governing documents shall apply to the use of an ADU or JADU.

**4.1.3 Driveways:** Driveway expansion or replacement at a residence for the purpose of additional parking is not permitted, unless the additional parking is necessary due to the conversion of a garage to a permitted and approved ADU or JADU, in which case Section 4.1.2 of the Design Rules apply. Proposed driveway coatings, coloring, staining, decorative designs, inter-locking pavers or any changes to the existing driveway, are subject to approval by the DRC prior to work commencing.

**4.1.4 Matching Materials:** Except for painting, all materials used in the maintenance, repair, additions and alterations to the residential structure shall match the original construction used by the Developer as to color, composition, type and method of attachment.

The DRC may allow substitute materials if such materials are deemed by the DRC to be compatible with the intended aesthetic theme of the community. Contrasting material may only be used to provide vertical or horizontal accents to entry areas and significant architectural features (e.g. architectural banding, facades, etc.) on existing structures. An elevation plan and material sample must be submitted with the Home Improvement Application.

**4.1.5 Stone Veneer:** Brick, stone or other natural material attached to the vertical surface of the dwelling unit, either to the surface of the stucco or in place of the stucco. A DRC approved Home Improvement Application (HIA) is required for all applications of veneer siding. Veneer siding may be installed on the lower portion of the dwelling unit up to a height of 48 inches above grade and may cover up to 25% of the front facing surface area of the dwelling unit. Veneer installed on columns on the front of the garage may extend vertically to a height of 48 inches measured from the surface of the driveway. Proposed installations that exceed the permissible height or 25% of the front facing surface area will be considered on a case-by-case basis. An HIA proposing installation of veneer siding must include:

- a. A dimensioned, scale drawing, both elevation and plant, each showing the area to be covered by veneer siding.
- b. A sample of the proposed veneer siding
- c. A visual rendering of the finished installation
- d. A written description of the planned method of attaching the veneer siding

**4.1.6 Height of Structures:** The height of any addition and/or any other architectural improvement to an existing detached home shall not be higher than the original roof tile.

**4.1.7 Landscaping:** Landscaping Home Improvement Application (HIA) must be submitted with the Casita Home Improvement Application.

## **42 Air Conditioners / Evaporator Coolers:**

Neither wall-mounted nor window air conditioners are permitted. Installation of an air conditioner or evaporative cooler in the side man-door of the garage, or any window of the residential structure, is not permitted.

Where appropriate the requirements and constraints associated with 4.12 Equipment, Ground Mounted apply.

### **4.2.1** Wall-mounted evaporative coolers for a garage are permitted subject to the following constraints on the installation:

- a. The maximum height of the top of the evaporative cooler is 5 feet above grade.
- b. A vent may be installed above or below the unit and will be through louvers colored to match the stucco wall in which the vent is placed.

### **4.2.2** Mini-split air conditioners for a garage are permitted subject to the following constraints on the installation:

- a. The height of the external condenser unit may not exceed 5 feet above grade.
- b. The external condenser unit must be mounted on a concrete slab or a prefabricated, weather-tolerant (such as fiberglass) base colored gray or in earth tones.

## **43 Antenna / Satellite Dish Policy:**

Outside television antenna or similar devices for the transmission or reception of television, radio or other signals of any kind are prohibited, except as mandated by law. (See CC&R's Article VI, Section 6.09)

An FCC approved antenna or satellite dish may be installed provided a signed Satellite Dish Notification Form (SDNF) is submitted to the Association's Administration Office for filing. An FCC approved antenna or satellite dish may only be installed upon a property owned by the SDNF applicant and in conformance with the Rules outlined on the SDNF.

The FCC rule permits the Association to reasonably regulate the placement of FCC permitted antennas and satellite dishes. The Association's regulations pertaining to antenna and satellite dishes apply so long as the regulations do not cause an unreasonable delay or cost in the installation of a FCC permitted antenna or satellite dish or prevent the reception of an acceptable quality signal.

### **4.3.1** The following rules have been established for installation of FCC permitted antennas and satellite dishes upon an owner's private property:

- a. Owners must attempt every effort to have their installer install said satellite dish in the least obtrusive location, i.e.: the side rear yard, eave of the home, and/or toward the back of the home. An antenna or satellite dish is not permitted to be installed on common walls or within the Association's common areas.
- b. The antenna or satellite dish must be black, gray, or tan. All cables and wires must be covered or painted to match the background.
- c. It is not permitted to install an antenna or satellite dish that has a diameter greater than thirty-nine (39) inches (per FCC regulations).

## **44 Attic Ventilation:**

Ventilation and/or other mechanical apparatus requiring roof installation are not permitted.

#### 4.5 **Awnings (Retractable) / Window Awnings / Sunshades (Retractable)**

The DRC will consider retractable awnings and vertical “roll-down” shades on a case-by-case basis subject to the following provisions:

##### **4.5.1 Retractable Awnings:** Installation of retractable awnings is subject to the following provisions:

- a. HIA and plan must include color sample of proposed fabric (a physical sample is preferred)
- b. Awning fabric must be comprised of “Sunbrella” fabric or the equivalent (cotton fabric is not permitted)
- c. Awning fabric must not be more than two colors, with the base color being either ivory, beige, brown or grey tones. The accompanying color must complement the base color and the dwelling unit colors. The color pattern must be symmetrical (typically stripes or a border).
- d. Retractable awnings may be permitted in rear yards only
- e. Retractable awnings must be motorized with an operating wind sensor
- f. Retractable awnings must have a valance the entire width of the awnings and color-matched, metal or plastic end caps that will completely cover the internal, non-extending mechanical parts.
- g. All exposed metal must be anodized (Ivory or Beige)
- h. Retractable awnings may not be moved more than eight inches (8”) in either direction of approved location
- i. Retractable awnings must be maintained and operated in good working condition at all times
- j. Soiled, worn, faded and/or torn fabric must be replaced in a timely manner

The DRC and/or BOD have final discretion regarding whether, or not, fabric needs to be replaced on an existing previously approved awning.

##### **4.5.2 Window Awnings:** Window awnings and outside window shades, of any kind, are not permitted. However, the Developer has installed decorative metal awnings on some units within the community. The DRC will consider decorative metal awnings (the same as or similar to the type installed by the Developer) on a case-by-case basis.

##### **4.5.3 Retractable Sunshades (for Patio Covers Only):**

All Retractable Sunshades must meet the following requirements:

- a. Sunshades must be composed of “Sunbrella” fabric or the equivalent
- b. Sunshades may be installed on the rear yard patio covers only. Patio covers include that portion of original construction that extends from the residence over a patio as well as patio covers installed by the homeowner pursuant to these articles.
- c. Color must match the house color or be Ivory or Beige. Solid colors only
- d. Installations attached to the patio or porch structure and all exposed metal must be colored ivory, beige or match the dwelling unit color
- e. Vertical “Roll-Down” Shades must be retractable, either automatically or manually.
- f. The housing unit for the retractable Sunshades must be mounted to the inside portion of the patio cover and must not be visible from street, common area, golf course or other neighboring properties, when the shades are in the rolled-up position.

##### **4.5.4 Curtains:** Exterior patio curtains shall be made of Sunbrella fabric or its equivalent. Patio curtains shall be of muted colors and must be maintained and kept in good condition at all times as determined by the Design Review Committee.

**4.6 Barbeques:**

Barbeques shall be located in the rear yard and shall not be attached to any property line, common wall or fence. In determining the location, consideration of neighbors MUST be weighed with regard to smoke drift and visual impact. HIA must include a plot drawing and be to scale indicating the location (distances) of the proposed BBQ in relation to residence and neighboring residences.

**4.7 Barriers:**

There shall be no solid fences, walls, netting and/or any other similar barriers, including landscaping, placed on any portion of an owner's lot which adjoins the golf course, or which unreasonably interferes with the view from the golf course.

However, developer installed knee walls, and DRC approved metal (or wrought iron) fences mounted on top of knee walls, are permitted on golf course lots (see 4.31 "Walls")

**4.7.1 Temporary Construction Barriers:** To safeguard residents during the time of major construction activity, residents may use temporary barrier(s). The following restrictions must be followed:

- a. A maximum of four (4) construction barriers are permitted
- b. Construction barriers are not to exceed four (4) feet high and ten (10) feet long
- c. Construction of a temporary barrier must be substantial, sufficient to withstand displacement by a person leaning on the barrier and to protect passers-by from any actions inside the barrier
- d. Construction barriers may only be used during working hours, unless they are needed as a safety measure
- e. Construction barriers are to be removed as soon as construction is completed

**4.8 Bird Feeders:**

Bird feeders, for use with bird seeds, may not be installed at a location where the feeder could cause a nuisance to the adjoining neighbors or common area. There may be no more than two (2) bird feeders, with bird seeds, per residence.

**4.9 Clotheslines:**

The installation of outside clotheslines, or other outside facilities for drying or airing laundry, shall not be erected, placed or maintained on any lot so as to be visible from neighboring property, including the Association's common area.

**4.10 Dog Houses / Dog Runs:**

Unless **approved** by the DRC, no structures for the care, housing, or confinement of any pet shall be maintained on any lot so as to be visible from neighboring properties. Dog houses and dog runs must be maintained in a neat and clean manner at all time.

**4.11 Doors, Front:**

Front door alterations, including glass inserts, painting a different color, or replacement with different style door, must be compatible with the architectural style of the home and require prior written approval by the DRC.

#### 4.12 **Equipment, Ground-Mounted:**

- 4.12.1 All ground-mounted mechanical equipment, such as HVAC, pool and/or spa equipment and ground-mounted solar energy equipment, must be located on either the rear or side yard of the home.

All said equipment must be located behind the existing side walls or modified side walls if side walls have been changed with DRC approval. If the backyard is fully enclosed by a five (5) foot wall or higher, the DRC may allow the equipment to be placed at any location within the enclosed back yard.

If any equipment is obviously visible from the street, common area, neighbors, or golf course, it must be screened by masonry wall(s) no higher than six (6) inches above the equipment. Wall(s) shall not exceed five (5) feet in height. The screening masonry wall(s) shall match the stucco of the house or the existing side property walls as to color and texture, as applicable. Provided, however, equipment obviously visible from the front, through the rear yard gate, may be screened from view by installing an approved gate metal screen.

The DRC may approve additional mounted equipment such as garage air conditioners/coolers (see §4.2 Air Conditioners/Evaporative Coolers) to be installed other than within the property side walls, provided they meet the requirements of the above paragraph, though screening masonry walls are not required. If such garage air conditioners/coolers are mounted on the ground, they must be mounted on a concrete slab or a prefabricated, weather-tolerant (such as fiberglass) base colored gray or in earth tones. No equipment or other items may be attached to the property walls.

The City of Indio requires thirty-six (36) inches for fire access. Per Sun City Shadow Hills, if the ground mounted equipment is located on the access side of the house, a minimum of three (3) feet of access must remain between the house and the property line wall.

All ground-mounted equipment shall comply with the City of Indio requirements.

- 4.12.2 **Standby Motor-Generator:** A standby motor-generator is a device that uses a fossil-fueled motor to operate a generator to produce electricity for private use by a single household. Permanent installation of a standby motor-generator must be approved by the Design Review Committee (DRC).

a.) Installation Limitations

Installation of a standby motor-generator is subject to the following constraints:

1. The installed output power of the generator may not exceed 24kW.
2. Permitted fuels are natural gas, propane and diesel fuel
3. The emitted sound power level when operating at full load may not exceed 94.9 dB-SWL, which corresponds to a sound pressure level of 70dBA with the device operating on a flat plane and measured at a distance of 7m.
4. A professionally installed transfer switch is required, which autonomously senses a loss of power supplied by the electrical grid and automatically disconnects the home from the electrical grid and connects the home to electrical power supplied by the standby motor-generator. The transfer switch will sense the return of the power from the electrical grid, automatically disconnect the home from the standby motor-generator and reconnect the home to the electrical grid.

b.) A Home Improvement Application proposing the installation of a standby motor-generator must include the following information.

1. A plan view of the property showing the location of the proposed standby motor-generator and providing dimensions that show compliance with the requirements for Ground Mounted Equipment (4.13 of The Design Rules) including, when required, any enclosure.
2. A dimensioned elevation drawing of the proposed installation including, when required, any enclosure.
3. Fuel
  - i) Natural Gas - a dimensioned plan drawing showing the routing and installation of the connection to the home's natural gas supply.
  - ii) Propane and Diesel – dimensioned plan and elevation drawings showing the fuel storage and the routing and connection of the fuel supply to the standby motor-generator.
4. The name of the licensed and bonded contractor responsible for installing the transfer switch and the manufacturer and specifications for the selected transfer switch.
5. Standby Motor-Generator -the manufacturer and specifications sheet for the selected standby motor-generator.
6. A description of the homeowner's plan for testing the standby motor-generator on a monthly basis or in accordance with the manufacturer's recommendations.

#### **4.13 Flags/Banners/Permanent Freestanding Flagpoles:**

Only one (1) flag may be flown from an approved permanent flagpole at any given time. Flags and flagpoles must be maintained in good condition at all times.

**4.13.1** Permanent Freestanding Flagpoles: Permanent freestanding flagpoles are not permitted on any residential lot.

**4.13.2 Non-Commercial Decorative Flags, Banners, Posters and Signs:** Non-commercial decorative flags, banners, posters and signs shall be made of one of the following materials only: paper, cardboard, cloth, plastic or fabric. Signs and posters may not be any larger than nine (9) square feet in size. A non-commercial flag or banner cannot exceed fifteen (15) square feet in size.

Flag depictions made of lights, paint, roofing, siding, paving materials, flora, or balloons, or any other similar building, landscaping, or decorative component, are not permitted unless approved by DRC.

#### **4.14 Lattice /Trellis (Vertical):**

The use of wood lattice/trellis is not permitted. Metal or plastic lattice/trellis is acceptable when approved, in writing, by the DRC prior to installation. The following are some Rules to consider when planning the use of metal or plastic lattice/trellis work:

- Metal or plastic lattice/trellis material composed of crossed diagonal or perpendicular members must be constructed of good quality metal or plastic having a minimum cross section of three-quarter inch ( $\frac{3}{4}$ " ) and maximum of one and one-half inch ( $1\frac{1}{2}$ " ).
- Metal or plastic lattice/trellis shall be supported or framed securely to prevent warping or sagging.

- Metal or plastic lattice or trellis may NOT be used to enclose a patio, gazebo, air conditioning unit, swimming pool equipment, spa equipment or storage items when it can be seen from the street, golf course or common area.
- Lattice / trellis must not extend above the overall height of the closest property wall.
- 

#### **4.15 Lighting, Exterior and Security:**

No lighting will be permitted which causes unreasonable glare to neighboring owners, neighborhoods, or the common areas. Lights are not to be directed outside a resident's property. Proposed fixtures are to be compatible with the residence in style and scale. Photos of acceptable light fixtures are available in the Association office. Light fixtures which are similar in shape and color will be considered on a case-by-case basis by the DRC. An HIA proposing exterior light fixtures will include information on bulb lumination, dimensions and a picture. Light posts with multiple fixtures are not permitted in the front yard of any lot. All lights are limited to a maximum lumination of 450 lumens per fixture. The bulbs of patio lights are not to be visible from other properties.

**4.15.1 Exterior Lighting:** Article VI, Section 6.08 of the CC&R's, Exterior Lighting and Fixtures, states, "Fluorescent, halogen, mercury vapor, LED, sodium or amber vapor lights, or standard outdoor lights of the type used for security must be installed (or enclosed) in a manner that directs the light in a specific area without causing visual impairment to passing motorists or a nuisance to neighboring residences. The issue of whether a nuisance exists shall be determined by the Design Review Committee in its sole discretion."

**4.15.2 Security Lighting:** Installation of motion, light activated, or standard switching security fixtures must have prior written approval by the DRC. These fixtures will not be permitted in the front of the residence unless the complete fixture is not visible to the adjacent neighbors or from the street. Security lights shall be of appropriate style, placement and screening such that the bulb shall not be directly visible from other homes, or common areas including but not limited to golf course, streets, facilities, and landscape areas. Lighting shall be placed and directed in a manner that the light only illuminates the property on which it is installed. Security light fixtures will be considered on a case-by-case basis. Approval depends on location of the fixture and the aesthetic impact to the community.

**4.15.3 Decorative String / Icicle Lighting:** String (except as permitted on 4.15.4) and icicle type lighting is not permitted, except during the December holidays where this type of lighting is typically used for decorating. (See §4.18)

**4.15.4 String Lighting (Rear Patios Only):** String lighting on rear patios will be considered on a case by case basis by the DRC. Lighting must be installed inside the structure's covered patio. String Lights on rear patios are subject, to the following provisions.

- They must comply with 4.15.1 Exterior Lighting and may not exceed 450 Lumens total illumination for the entire back yard.
- Lighting must be installed wholly inside the patio structure and attached to the inside of the patio cover's structure such that bare bulbs are not visible from neighboring properties, the street, common areas, or the golf course.
- No lighting will be permitted which causes glare to neighboring owners, neighborhoods or any common area.
- Must be outdoor approved lights only.
- The only colors allowed are clear, white or amber lights.
- A maximum of 40 Bulbs is permitted, subject to the restriction of total illumination.

**4.16 Garden Shade Cloth:**

Garden shade cloth may be used to protect plants and trees between June 15 and September 15 only. The shade cloth must be specifically sold for gardening shading: green, light tan or black in color and woven from a synthetic product. The shade cloth must be secured to wooden stakes or poles.

Netting, of any kind, is not permitted on any portion of the Sun City Shadow Hills' common area, or any individual Owner's lot. Nothing in this prohibition applies to the non-metallic mesh described in §4.29.4.

**4.17 Ornaments / Statues / Pots / Wall Hangings – Exterior:**

An ornament is any inanimate object, constructed with any type of material that has the sole purpose of decoration. This may include but is not limited to statues, pots, artifacts, etc.

The maximum number of ornaments permitted in the front yard area shall be three (3). The maximum allowable height of an ornament is forty-eight (48) inches. Statuary with nudity is not permitted.

The rear yard area of a golf course lot, within five (5) feet of the rear knee wall, is also limited to a maximum number of three (3) ornaments. In addition to the typical submittal requirements, an owner should provide sketches or pictures of the proposed ornament(s). Additionally, the material, color and dimensions must be provided with the submittal. Ornaments made of an artificial material (such as plastic, fiberglass, etc.) are not permitted. The color of proposed ornaments shall be limited to those colors that are compatible with the existing colors of the dwelling unit. No plastic or artificial plants are allowed.

Decorative wall hangings or attachments to the front or side walls of a home or the back wall of a golf course lot when visible from the street, common area, golf course, or neighboring properties will require prior written approval from the DRC. Decorative wall hangings must be in good taste and harmonize with the existing surroundings.

**4.18 Ornaments, Holiday – Exterior:**

Exterior holiday decorations are permitted. However, the design and quality of the decorations shall be in good taste, and the DRC, in its sole discretion, maintains the right to determine if such holiday decorations are in good taste. Exterior decorations may be displayed on an Owner's lot up ten (10) days prior to the holiday and must be removed within five (5) days after the holiday, with the exception of December holidays, where exterior decorations may be displayed beginning Thanksgiving Day until January 10 of the December holiday season.

Holiday decorations must not cause light glare to neighbors or other safety hazards related to vehicular or pedestrian traffic.

#### **4.19 Painting:**

Dwelling painting is based on color schemes. Owners repainting the dwelling unit but not changing the color scheme may do so without a DRC review. To change the color of a dwelling unit, the owner must choose from one of the eighteen approved complete color schemes and submit an HIA to receive written approval by the DRC prior to work commencing. No individual item, e.g., doors, trim, fascia, etc., may be painted a color different from the approved color schemes. Exchanging colors between schemes is not permitted.

The home's main color, that of its stucco, cannot be the same as that of the dwelling units on either adjoining lot. A photograph of the adjoining dwelling units must accompany the HIA. Additionally, the applicant must provide the approved Scheme Color number chosen, house model, and elevation.

Property walls visible from the street, common area or neighboring properties must remain the same color as originally provided by the developer.

Written approval by the DRC must be obtained prior to commencing any repainting.

**4.19.1 Concrete Driveway and Entry Walkway Overlay:** Overlay material, such as "Kool Deck", may be applied over concrete using colors that blend with the color palette of the dwelling unit. Pattern, color, and exact location where the overlay is to be applied must be submitted to, and approved by, the DRC prior to installation.

#### **4.20 Patio Covers (Solid and Open) / Gazebos / Palapas / Pergolas**

**4.20.1 Patio Covers:** Solid and lattice patio covers must be approved in writing by the DRC prior to installation. The only approved material for solid and lattice patio covers is Alumawood, Futurewood, or the equivalent; wood is not allowed. All plans shall be submitted with material (manufacturer brochure) and color sample. When submitting an HIA to the DRC for review, both solid and lattice patio covers require a side elevation drawn to scale included with the plot plan. Patio covers must be installed horizontally and must not exceed the height of the bottom of the lowest roof tile. Free standing patio covers shall not exceed ten feet (10') in height. Patio covers with gabled (or "A" Frame) rooflines are not permitted. The predominant portion of the cover shall be at the rear of the house. Patio covers may not exceed more than 50% of the rear yard. Patio Covers are NOT permitted in front yards, except for interior patios/courtyards.

Note: See Exhibit "A" for setback requirements.

**4.20.2 Solid Patio Covers:** A solid patio cover must have a minimum pitch of one-quarter ( $\frac{1}{4}$ ) inch per foot, and a maximum of one (1) inch per foot. Any greater pitch will be considered by the Design Review Committee on a case-by-case basis and may require the roof to be tiled to match the residence. Sun decks over a patio cover are not permitted. Patio cover colors must be white, tan or ivory. Fabric or other materials are not allowed as patio cover roofs – only Alumawood, Futurewood or the equivalent.

**4.20.3 Enclosed Patios:** Enclosing a covered patio is prohibited.

**4.20.4 Gazebos, Palapas and Pergolas:** Gazebos, Palapas and Pergolas will be considered on a case-by-case basis and can only be located in the rear or side yard, depending on the location as it relates to the adjacent neighbors and how well it will complement the aesthetics in the area.

Upon written approval by the DRC, the aforementioned structures shall be painted to match the trim or stucco of the house. The cover portion of the structure shall not be fabric or similar material. All of the above shall not be enclosed.

Note: See Exhibit "A" for setback requirements.

**4.20.5 Patio Cover, Gazebo, Palapa and Pergola Minimum Information Requirements for Submittal:**

1. Location of the structure in relation to the applicant's residence and the property lines on a plot plan drawn to scale
2. Front and rear elevation drawings indicating the method to be used to attach the structure to the applicant's residence and to indicate the type of architecture (proposed appearance) of the structure
3. Dimensions of the structure
4. Material to be used to construct the structure
5. Proposed color of the structure
6. Adjacent neighbors must be notified of the proposed improvement (next door neighbor both sides, rear yard neighbors and neighbors across the street, if applicable) and indicate their knowledge by their signature. The "Neighbor Courtesy Awareness" portion of the application is intended to be an acknowledgment of the proposed improvement only.

**4.20.6 Patio Cover Set Back Requirements:** Solid and lattice patio covers attached to the main structure may be located no closer than five (5) feet to a side yard property line and seven (7) feet from the rear property line, including the overhang. A corner lot side yard setback is five foot (5') from the side yard wall (wall adjacent to the street). As mentioned above, patio covers may not exceed more than 50% of the rear yard area

#### **4.21 Pools and Spas**

The deck height of all built-in pools and spas shall not exceed two (2) feet six (6) inches above the finished ground elevation provided by the developer. All pools and spas must be installed according to City/County ordinances. Pool and spa plans must be submitted with the Association's HIA and shall be consistent with plans that are required by the City/County in order to obtain a permit.

**4.21.1 Pool and Spa Setbacks (Including Above-Ground Spas):** Pools and spas (including above-ground spas) may be located only in the back yard and be no closer than three (3) feet to a rear or side property line.

**4.21.2 Above-Ground Spas:** The maximum height for above ground portable spas is forty-five (45) inches above the finished ground elevation provided by the developer (including the spa cover).

Proposed above ground spas on lots located adjacent to the golf course or common area, where the rear property wall is a knee wall (generally two (2) feet high or less), must be completely screened from golf course, common area, and neighboring property view by masonry wall(s) or appropriate plant material. The wall(s) must be no higher than the spa, including its covering, and must be located no closer to the rear knee wall than the highest portion of the property sidewalls. The wall/s must be painted to match the house or existing sidewalls. Landscape may be required against the wall(s) in order to soften its effect.

#### **4.22 Rain Gutters, Seamless / Down Spouts:**

Seamless aluminum gutters and down spouts are to be used. Prior to installation, owners are required to submit an HIA, including a plan, as well as a catalogue cut showing the design and color of the proposed gutters and/or down spouts, to the DRC. The color of the gutters and down spouts must be compatible with the stucco color of the house.

Run-off must be directed towards the street and must not affect adjacent properties. The use of Association or golf course property walls or fences for the purpose of securing downspouts is not permitted.

#### **4.23 Screen Doors (Front) / Window Screens**

**4.23.1 Screen Doors:** Prior to installation, owners are required to submit an HIA with a colored catalogue cut indicating the style and color choice of the proposed front screen door to the DRC for review. The DRC will take into consideration the appearance and finish color of the proposed front screen door. Front screen doors are to match the color of the window frame, trim or doors. In addition, shades of brown, black, charcoal and grey may be used.

**4.23.2 Window Screens:** Window screens must be compatible with, in color and material, the original (or existing) window screens as provided by the Developer.

External solar screens require DRC approval prior to installation and will be considered for approval on a case-by-case basis. When submitting for solar window screens, provide a physical sample of the frame and screen material. The color of the screen frame must blend in with the existing window frame and screen. The screen material should be similar to existing screens; however, it is understood that solar screens may be composed of a material slightly darker than the existing window screens, there is no limit to how dark the Solar Shades can be in the rear and side yard windows.

**4.23.3 Security Bars:** Security bars, of any kind, are not permitted at any time.

**424 Solar Energy Systems**

California promotes and encourages the use of solar energy systems. As described in Public Resources Code §25981, alternative energy devices, such as "solar collector" means a fixed device, structure, or part of a device or structure, which is used primarily to transform solar energy into thermal, chemical, or electrical energy. The solar collector shall be used as part of a system which makes use of solar energy for any or all of the following purposes: (1) water heating, (2) space heating or cooling, and (3) power generation.

Accordingly, California Civil Code §714 states the Association cannot (i) prohibit solar energy systems, (ii) impose restrictions that significantly increase their cost, or (iii) impose restrictions that significantly decrease their efficiency. However, as provided for in Civil Code §714.1, the association may impose reasonable provisions:

- 4.24.1** A solar energy system shall meet applicable health and safety standards and requirements imposed by state and local permitting authorities.
- 4.24.2** A solar energy system for heating water shall be certified by the Solar Rating Certification Corporation (SRCC) or other nationally recognized certification agencies. SRCC is a nonprofit third party supported by the United States Department of Energy. The certification shall be for the entire solar energy system and installation.
- 4.24.3** A solar energy system for producing electricity shall also meet all applicable safety and performance standards established by the National Electrical Code, the Institute of Electrical and Electronics Engineers, and accredited testing laboratories such as Underwriters Laboratories and, where applicable, rules of the Public Utilities Commission regarding safety and reliability.
- 4.24.4** If visible to neighboring property, ground-mounted solar energy equipment will be screened by an approved structure no higher than one foot above the equipment to be screened or by plant material of adequate density to accomplish the same result. The screening structure will not exceed five feet in height and shall be of a material and color compatible with house body or trim color.
- 4.24.5** Roof-mounted solar equipment is the preferred method. All roof-mounted solar energy equipment must be mounted on the roof flush with the existing roof pitch or slope. Frames are to be colored to complement the roof. Natural colored aluminum frames are not permitted.
- 4.24.6** Wall mounted equipment (for example: meter boxes, junction boxes, solar equipment covers, etc.) must be painted the same color as the stucco of the dwelling unit.
- 4.24.7** All solar equipment, whether roof-mounted or ground-mounted and any applicable screening, must be approved in writing by the DRC prior to installation.
- 4.24.8** Screening materials may not unreasonably interfere with the intended operation of solar equipment.

**4.24.9** NOTE: Some of the later-built homes in the community are subject to special restrictions governing shade which might interfere with solar energy devices on adjacent lots. Essentially these restrictions prohibit landscaping or additions which interfere with solar reception for approved solar installations. Where these restrictions are applicable, the lot owner is required to provide additional information regarding the shade which will be cast by the proposed landscaping and/or addition. The Declaration of Restrictions imposing this requirement contains a complete description of how to calculate the shade which will be cast, and an applicant owner must provide these calculations, in the form of a "Shading Certification" as defined in the Declaration, in addition to the other information required for the HIA.

**4.24.10** The plot plan required by Section 3.2 herein must show the placement of the solar panels.

**4.25** **Shutters**

Exterior mounted shutters are generally not permitted, except as provided by the Developer as an architectural / decorative enhancement. However, the DRC will consider exterior mounted shutters (the same as or similar to the type installed by the Developer) on a case-by-case basis.

**4.26** **Skylights / Solar Tubes**

Skylights and solar tubes, intended to generate additional interior light, are approved on a case-by-case basis, depending upon the location, dimensions and the overall finished height above the existing roof.

**4.27** **Storage Sheds**

All storage of items not in active use and storage sheds are to be located in rear or side yards behind a solid wall and shall not be visible from any street, common area, golf course, and/or neighboring properties.

**4.28** **Views**

Pursuant to Article VI, Section 6.04 "No Guarantee of Continued View", the SCSHCA shall not have any responsibility to create or preserve any view in any direction from any lot. Each owner has acquired his/her lot subject to the possibility that the view from such lot may be altered by the acts, or failure to act, of other owners in Sun City Shadow Hills, including, but not limited to, improvements or landscaping which may be constructed or installed on other residential lots in the development, commercial sites, recreation centers, open space areas, park preserves and golf course areas.

**4.29** **Walls, General / Courtyard Walls / Wall Extensions / Metal Fences / Gates**

Proposed alterations or additions to existing walls must be approved, in writing, by the DRC prior to work commencing. There shall be no attachments, of any kind, to any property line wall. However, an exception might be allowed for the installation of a metal fence on the rear property knee wall of a golf course or common area lot or an interior mounted trellis. All replacement walls must match the dimensions, material, color, etc. as was originally installed by the Developer. Any deviation must have prior written approval from the DRC. For other walls see "Equipment, Ground Mounted" and "Walls - Courtyard Enclosures".

**4.29.1 Courtyard Walls:** Courtyard walls will be considered by the DRC on a case-by-case basis, depending on the proposed location of the courtyard wall and how well it will complement the overall aesthetics of the property and neighborhood as a whole.

The maximum height of a courtyard wall is not to exceed four (4) feet, including pilasters, caps and columns. The height of a courtyard wall is measured from the existing finish grade of the lot on the side of the courtyard wall visible from the street. Courtyard walls over three (3) feet in height, including pilasters, caps and columns, cannot extend past the furthest point of the residence closest to the street. Courtyard walls three (3) feet and under, including pilasters, caps and columns, may extend up to five (5) feet past the vertical face of the residence. Any item attached or placed on top of a column or wall cannot exceed twenty-four (24) inches in height.

Courtyard walls cannot extend to the side property line unless the garage of the neighboring property is adjacent to that property line, or the property line is a neighboring or common area wall. When the courtyard sidewall is placed on the property line it must extend towards the back to the existing property line wall. The courtyard sidewall cannot extend past the front of the neighbor's garage at a height greater than three (3) feet. The courtyard enclosure must be masonry with a stucco finish that matches the color and texture of the dwelling unit; provided, however, the portion of the sidewall that faces the neighbor must match the color and texture of the dwelling unit to that property.

**4.29.2 Front Sidewall Extensions:** Wall extensions will be considered by the DRC on a case-by-case basis, depending on the location of the wall as it relates to the adjacent neighbor and how well it will complement the overall aesthetics of the property and neighborhood as a whole. Written approval from the adjacent neighbor is required to obtain DRC approval.

**4.29.3 Wall Waterproofing:** All walls must be waterproofed with "Thoroseal" or its equivalent when soil is mounded against wall above the original grade as a landscaping feature. The same requirement applies when raised planters are constructed against walls. Waterproofing will reduce efflorescence or mineral discoloration caused by landscape irrigation water.

**4.29.4 Fences (lots adjacent to the golf courses or open spaces, typically lots with knee walls):** Metal and wrought iron fences are permitted on the rear property wall of lots adjacent to the golf courses or open spaces, provided prior written approval has been received from the DRC. The total fence height must not exceed an overall height of five (5) feet from the existing grade of the lot as measured from the outside of the fence, (this measurement is to include the knee wall + fencing). Increasing the height of a knee wall with block or any material is prohibited. The color shall be one solid color either black, or tan. The design shall be the same or similar to the metal fences installed throughout the community and shall tie into the rear side property walls, in a stair step manner, so as not to exceed five feet (5'). When submitting to the DRC, provide a plot plan to include an elevation rendering indicating the location, pattern, color and dimensions of the proposed metal or wrought iron. Wire fencing such as chicken wire, landscape wire or other forms of wire fencing is not permitted.

Non-metallic mesh may be woven through the pickets of the fence provided the material is almost invisible. An example of such a material is commercially available fiberglass mesh comprised of mesh elements having a diameter of 0.008 inch to 0.009 inch, arranged to make 8 X 8 (per inch) or 9 X 9 (per inch) grid cells (one vendor is Saint-Grobian ADFORS in charcoal color). A sample of the material must be submitted with the Home Improvement Application (HIA).

Any walls originally constructed by the declarant and located adjacent to the golf course or open spaces shall be maintained by the owner. The owner shall be responsible for

maintaining the knee wall in a clean and attractive appearance that is substantially the same as the wall's original appearance. The paint color name and ID for knee walls for phase one is Navajo White DEC772. Phase two and three are Sandal DEC715 which can be purchased at Dunn Edwards.

**4.29.5 Gates:** All proposed gates will be considered by the DRC on a case-by-case basis, depending on the overall design and how well the gate will complement the intended aesthetic theme of the property and neighborhood as a whole. Gates generally shall not exceed the height of the wall or approved metal fence. If the gate has an arch (or design), the peak of the arch (or design) can be a maximum of six (6) inches above the wall or approved metal fence. The maximum allowable height of a gate is five feet six inches (5'6"); these gates typically lead to the rear yard and do not include an archway. The exception: Gates may be allowed to extend to the height of an existing archway of a courtyard entry on all units in all phases. However, the area of the archway opening must consist of materials similar to that of the proposed gate. All gates shall generally be metal or wrought iron. In order to receive DRC approval, a picture or sketch is required including the pattern, color and dimensions of the proposed gate. The wrought iron or metal must be shades of black, tan, brown, bronze or charcoal.

Gate privacy screens must be made of steel (metal) mesh painted to match the color of the gate (this provision is not intended to apply to security screen doors). Exceptions will be considered by the DRC for lots that have an existing archway leading to a courtyard. Courtyard archway gates may use decorative privacy glass, or decorative privacy Plexiglas, treated to prevent discoloration.

**4.29.6 Party Walls:** Article 7, Section 7.6 of the CC&Rs, details maintenance and repair responsibilities with respect to Party Walls. Pursuant to Section 7.6.7 of the CC&Rs, in the event of a dispute, that cannot be resolved between Owners, regarding the construction, repair, or rebuilding of a Party Wall or regarding any other matter in connection therewith, SCSHCA shall be the arbiter of the dispute. In order to determine the cause of the damage or deterioration of the Party Wall or to provide other necessary information as determined by SCSHCA, SCSHCA may retain a masonry expert or structural engineer. The cost of said expert shall be the joint expense of the Owners involved in the dispute unless fault related to the damage or deterioration is assigned to an Owner by the expert, in which case the Owner responsible for the damage or deterioration shall pay the cost of the expert's report. If, in the expert's opinion the fault related to the damage or deterioration can be apportioned among the Owners involved in the dispute, the costs of the expert's report will be apportioned the same between these Owners. The SCSHCA's Covenants Committee shall first hear the dispute in compliance with SCSHCA's Enforcement Procedures. Each Owner has a right to appeal the Covenants Committee's decision to the Board of SCSHCA, as does the Board of SCSHCA in its own discretion.

#### **4.30 Waterfalls / Ponds / Water Features**

Waterfalls, ponds and water features will be considered by the DRC on a case-by-case basis, depending on the proposed location of the waterfall, pond or water feature as it relates to the adjacent neighbor(s) and how well it will complement the overall aesthetics of the property and neighborhood as a whole.

The height will be limited to a maximum height of forty-eight (48") inches as measured from the original finish grade of the lot. This applies to all front yards, rear yards adjacent to the golf course and rear yards adjacent to Association common area.

Front or rear water features may be installed using boulders; however, using stacked boulders for front yard water features will require screening to shield the water feature from the street and/or neighboring properties. This is to be accomplished by using landscaping (vegetation). Utilization of landscaping (plants, trees, etc.) will produce a more natural and pleasing effect. Stacked boulders in front yards must be secured in place by either a cementing agent or fastened together by other means to create stability.

#### **4.31 Yard Furniture**

Yard furniture may not be placed in the front yard but may be placed in the courtyard or on the front porch.

## **V. LANDSCAPE REQUIREMENTS AND RULES**

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The Sun City Shadow Hills Community Association is responsible for maintaining all of the common area landscaping throughout the community (green belts, golf courses and other landscaped open areas).

All homeowner landscaping must be installed in accordance with the CC&R's, and these Rules, as adopted by the Board of Directors. Certain plantings are prohibited as identified below. All landscaping shall be maintained by the owner to provide a neat, clean and attractive appearance at all times. The Owner shall also be responsible for irrigating and maintaining all of the landscaping as well as removal of grass, plant and tree clippings, trash, debris, and dead plant material.

Front yard landscaping has been installed for each lot by the Developer; each individual property owner will be responsible to maintain said landscape. Each individual owner is responsible to replace any dead landscaping. All other landscaping (including, but not limited to, rear yard) will be the sole responsibility of the owner and must be approved by the DRC and installed within ninety (90) days from original close of escrow (see Article VI, Section 6.01, of the CC&R's).

The visual aspect of the front yard landscaping is important to the neighborhood and there must be a balance between the front yard softscape and hardscape. The area located between the dwelling unit and a courtyard wall thirty (30) inches or above in height will not be considered as part of the front yard. In order to have the rear yard landscaping installed within ninety days, the lot owner shall submit a landscaping plan to the DRC for review within thirty (30) days after the original close of escrow. The procedures for submitting an HIA are described in Article III of these Rules.

The use of native (or compatible) drought tolerant plant material is strongly encouraged for all yard landscaping. Plants that consume higher amounts of water should be used sparingly and grouped together in areas for efficient and proper irrigation. The Coachella Valley Water District publishes a book entitled "Lush & Efficient, Gardening in the Coachella Valley" with suggested plants that do well in the desert. A version of the publication appears on the Water District's website, at [www.cvwd.org](http://www.cvwd.org). Sun City Shadow Hills has posted the Desert Plant Guide, which identifies most of the plants and trees that currently exist within our community's common areas. To access the Desert Plant Guide go to [www.scschca.com](http://www.scschca.com); click on "Community Documents"; and then click on "Maintenance". Trees, plants, shrubs and other vegetation shall be selected and placed on the lot in a manner that does not cause an unreasonable nuisance to adjacent properties (including all Association common areas, golf courses and open spaces). Additionally, trees, shrubs, plants and other vegetation are not to encroach into or onto adjoining lots or common areas. This includes the root ball or root system, as well as, the crown or foliage of a tree, shrub or other vegetation, at maturity. Planting of trees on a property line is prohibited. The mature size of all plant material must be considered when selecting and placing plant material.

An owner may re-landscape their residential front lot provided DRC approval is obtained prior to work commencing. Replacement of existing plants, trees, shrubs, annual flowers, etc. will not require DRC approval as long as it is consistent with the initial DRC approval, or the initial landscaping installed by the Developer (like for like).

### **5.1 Hardscape**

Hardscape shall be areas covered with concrete, masonry, pavers such as flagstone, tile, bricks, etc. Colors shall be natural concrete or other colors compatible with exterior house colors. For the purpose of this description of hardscape, inert material (gravel 3/8" to 7/8") with planted material shall be considered as softscape. Materials less than 3/8" will be considered on a case-by-case basis, i.e. dog runs, walkways in rear side yards (see Section 5.9 "Ground Surfaces").

### **5.2 Softscape**

All softscape (plant material) shall be maintained at a height that is considered normal for the variety of the plant material, within the height limitations described in this section (including its subsections). For the purpose of this description, inert material (gravel 3/8" to 7/8") in conjunction with plant material shall be considered as softscape (see Section 5.9 "Ground Surfaces").

When plant material, such as shrubs, bushes, flowers, etc. is being used that will show an open area or bare dirt, the open area shall be covered by an inert material and must be kept free from weeds. Consideration must be given to the dormant period for certain plants and supplementary ground cover may be necessary to achieve coverage between plants on a year-round basis. The maximum allowable height of front yard plant material, within six (6) feet of the street, must not be more than forty-two (42) inches in height, at maturity, and at least thirty 30% of the front yard plant material must be less than twelve (12) inches in height at maturity. An exception: Front yard plant material placed against the lot owner's dwelling unit must not exceed the height of the roofline at maturity. All front or side yard material must be installed and maintained in a manner that would not interfere with the visual safety of vehicular traffic.

**5.2.1 Plant Material along Knee Walls:** The height of plant material along the knee wall may not exceed more than sixty (60) inches in height from original grade and must be maintained on the golf course side by the homeowner. Trees and palms are excluded.

**5.2.2 Plant Material for Interior Lot – Side and Back Walls:** The height of shrubs for interior lots may not exceed more than twenty-four (24) inches above the top of the wall from as measured from the original finish grade and must be maintained by the homeowner. Trees and palms are excluded.

### **5.3 Front Yard Area**

The front and front side yard areas must be covered with a balance of softscape and hardscape and shall generally be consistent with the front yard landscaping initially installed by the developer. The front and front side yard area shall not have more than 50% hardscape (not including the driveway at its original size). However, the front yard area cannot have more than 40% of the front yard area as turf (grass/lawn). River rock can be used in the front yard as a dry streambed or small accent area (similar to those initially installed by the developer). See 5.8 Dry Streambeds. The owner's side yard area outside the property wall on a corner lot shall remain as softscape similar to the desert landscaping provided by the Developer (no concrete, pavers or turf on side yards adjacent to a street corner).

**5.4 Artificial Plant Material**

Plastic and/or artificial plants, are not permitted in the front and front side yard areas. See section 5.14 – Artificial Turf for rules relating to the installation of artificial turf in front and side yard areas.

**5.5 Automated Watering Systems (Irrigation)**

All in-ground landscaping must be maintained by a fully automated underground watering (irrigation) system. The irrigation system should be equipped with an appropriate shut off valve and an upstream pressure regulator. Sprinklers should be placed in a manner so as to avoid over spray on structures, walls, windows, hardscape and walkways. Every reasonable effort shall be made by homeowners to restrict excessive irrigation water running into gutters.

**5.6 Boulders**

Boulders (shades of brown and gray) can be used to accent front yard landscaping.

**5.7 Drainage**

Where hardscape, softscape or other improvements interfere with drainage provided by the Developer, appropriate subterranean drainage must be provided and directed to the street to prevent runoff onto neighboring properties, common areas or the golf course. A minimum of three (3) inch PVC pipe is to be used for all subterranean drainage systems and shall be constructed so as to terminate at the curb line. Drainage will be discharged through a suitable device. Surface drainage shall always be directed away from the rear and the side property walls. Apron (curb) cannot be altered to accommodate the drain line.

All owners and residents must comply with the provisions of the CC&Rs, Article VII, Section 7.05 “Drainage Structures, Ditches and Swales”.

“Any owner or resident who changes the existing grading or drainage shall be strictly liable for all costs and expenses of repairing such changes, and any costs, liabilities, damages or causes of action arising out of such changes.”

**5.8 Dry Streambeds / River Rock Accent Areas**

**5.8.1 Front Yard Simulated Streambeds:** Front yard streambeds will be considered on a case-by-case basis and will generally be considered as hardscape. Streambeds should have the appearance of a natural stream with a varied rock size with a minimum of two (2) inches and a maximum of six (6) inches. Other sizes may be considered by the DRC. The width of a dry streambed shall generally not exceed four (4) feet unless the DRC determines that the length warrants a greater width. There cannot be more than one (1) front yard dry streambed, which can include a secondary fork. The colors of the rocks should represent a natural stream bed with river rock and will be considered on a case-by-case basis. A sample of the rock must be included with the HIA.

**5.8.2 River Rock:** River rock may be used in the front yard as an accent area. The accent area shall be limited to a size similar to those initially provided by the developer. Proposed river rock shall be gray granite river boulders or the equivalent.

**5.9 Ground Surfaces**

All ground surfaces of all yards not covered with hardscape must be covered with inert or living materials. Inert materials shall be a minimum size of 3/8” and a maximum of 7/8”. The color and material must be compatible with the material originally provided by the Developer. For the purpose of this Rule, topsoil will not be considered as inert material. No artificially colored or painted rocks will be permitted as ground cover. Ground cover and/or rocks cannot be used to spell out names, nicknames, athletic teams, slogans or any other communication.

5.10 **Minimum Planting Requirements**

The planted materials should be the main feature, not a wall or rocks.

**5.10.1 Trees:** Front yard areas shall have a minimum of one (1) tree. All trees planted, subject to section 5.12 below, must be at least fifteen (15) gallon in size and must be four (4) feet tall above the ground when planted. The tree should be expected to grow to a minimum height of thirteen (13) feet at maturity. Palms, of any variety, may be considered a tree and will fulfill the one (1) tree minimum requirement if it is four (4) feet in height when planted and can grow to a minimum height of thirteen (13) feet at maturity.

**5.10.2 Plants and Shrubs:** On average, there shall be a minimum of one shrub, plant, or tree for each 225 square feet (15 ft. x15 ft.) of the overall front yard and side yards lot area. Side yards constitute that area from the front corner of the house and garage to side yard walls and gates. All newly planted shrubs and plants must be a minimum of five (5) gallon size, in order to satisfy the plant material minimums required. Further, if a plant dies or is removed and a new plant is not to replace it, the irrigation line to that plant should be removed or taped-off at ground level so is not visible.

**5.10.3 Planting and Maintenance of Corner Lots:** When a home is located on a corner lot, the homeowner is responsible to ensure that the portion of the lot visible from the street is planted as per section 5.10.2 and that it is properly maintained. In addition, it is the homeowner's responsibility to ensure the area along the side wall, adjacent to the street, has plants of adequate size, at least five (5) gallons when first planted, and that there is an adequate to quantity to satisfy Section 5.10.2. As a guide to homeowners, there should be a plant or shrub for each ten (10) feet along the wall.

5.11 **Plastic / Polyethylene Sheeting**

The use of solid plastic sheeting or polyethylene over ground areas is not permitted. If landscape fabric is used, it must allow the free flow of water, air and gases to and from the soil.

5.12 **Prohibited Plant Material**

The following plants are prohibited within the Sun City Shadow Hills Community

<b><u>Common Tree and Plant Name</u></b>	<b><u>Botanical Name</u></b>
Mulberry	morus alba
Olive	olea europaea (see Note #1)
Tamarisk	tmarix
Canary Island Date Palm	P. canariensis (see Note #2)
Small Canary Date Palm	P. canariensis (see Note #2)
Date Palm	P. dactylifera (see Note #2)
Senegal Date Palm	P reclinata (see Note #2)
Pigmy Date Palm	P. roebelinii (see Note #2)
Cliff Date Palm	P. rupicola (see Note #2)
Silver Date Palm	P. sylvestris (see Note #2)
Bamboo	All species (see Note #3)
Castor Bean	Ricinus Communis
Sissoo	Dalbergia Sisso
Cherry	Prunus Serotina
Ficus-Indian Laurel	Ficus Microcarpa and Ficus Nitida

## **Exceptions to the Above**

Note #1: Olive trees that produce fruit are prohibited. However, Fruitless Olive trees will be considered by the DRC if documentation from the nursery is included with the HIA indicating the Olive tree is a fruitless variety.

Note #2: The "Date Palms" may be used if a valid Certificate is provided showing that the palms have been grown in the Coachella Valley.

Note #3: "Heavenly Bamboo" (Nandina Domestica) is a permitted plant material.

Note #4 "Fruit bearing trees permitted in back yard only"

### **5.13 Turf Requirements**

Common Bermuda grass is not permitted. There are several Hybrid Bermuda sods available from which to choose. Grass seed may not be used as an alternate to sod. Turf in the front yard shall be limited to an amount not greater than forty percent (40%) of the square footage of the front yard area, not including the driveway at its original size. Narrow or irregularly shaped areas should be avoided as they are difficult to irrigate without encountering an unreasonable amount of overspray. Warm-season grass such as Hybrid Bermuda that will go dormant in the winter must be over seeded with Winter Rye at the beginning of the Fall season (no later than November 1st); Perennial Rye is the recommended seed for this purpose.

### **5.14 Artificial Turf Requirements**

The DRC will consider artificial turf in the front yard on a case-by-case basis subject to the following provisions. The HIA must include a plot drawing, indicating the amount of artificial turf that will be installed.

- a. Plot plan showing area to be covered including a 12x12 inch sample of the artificial turf material proposed for installation.
- b. Plan describing installation which shall include information as to how the following requirements shall be met. Such plan shall also identify all materials proposed for use.

Installation Requirements:

- c. Plans must incorporate the minimum requirements for artificial turf system installation, as follows:
  1. Primary layer on native soil: non-woven, highly-permeable soil stabilizing fabric for the soil type and conditions of the installation.
  2. Fabrics must be porous and not impede infiltration of normal watershed to appropriate drainage solutions required by any other related CC&R of property.
  3. Minimum of 3" – 5" appropriate compactable aggregate base with subsequent or additional imported base materials and fabric layers, as required.
  4. There shall be no less than 55 ounces of total material per square foot. Front yard blades must face street. Blades must be at least 1 ¾" inches in height.
  5. Acceptable artificial turf surface fibers include: Polyethylene (PE), Polypropylene (PP), Nylon (PA) with a minimum 6 yr. Nylon (PA) and 8yr. (PE & PP) manufacturer warranty against UV degradation (fading and discoloration).
  6. Style and color selection of artificial turf must compliment other adjacent natural lawn and landscaped grass and must meet or exceed ASTM standards. (Selections from "Spring Green" collection are recommended.)

7. Acceptable backing material includes perforated, vertically draining, and latex or polyurethane coated materials to provide optimum turf bind and maximum permeability. Horizontally draining backings must be infilled; infill materials are prone to migrate into drainage systems.
8. Acceptable infill materials will include but are not limited to: acrylic coated silica sand, recycled PET bead, thermo plastic.
9. All turf must be made in the USA

## VI. MAINTENANCE

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Article VII Section 7.02 (a) requires that the homeowner be responsible for the maintenance of their home and lot including landscaping. These Design Rules are intended to outline requirements for maintenance of the home and landscaping. If not covered herein, the homeowner is still required to maintain the property in accordance with a maintenance manual that may be provided by the Declarant. The following are the minimum maintenance standards required by Sun City Shadow Hills Community Association for the maintenance of the home and landscaping.

### 6.1 **Blow Sand**

Excessive sand deposits (sand build up) as determined by the DRC ("Blow Sand") must not be allowed to accumulate on lots so as to cover the inert ground cover.

### 6.2 **Dead Plants and/or Trees**

Owners are responsible for removing and replacing dead plants and/or trees. The plant and tree minimum quantity requirement must be maintained at all times.

### 6.3 **Driveway / Walkway Stains**

Stains on concrete driveways and walkways must be removed when excessive amounts of rust, oil or other stains are visible, as determined by the DRC. Proposed driveway coatings or decorative designs are subject to approval by the DRC. Clear seal coats may be applied without DRC approval.

### 6.4 **Dumping**

Absolutely no dirt, gravel, rock, debris or other material can be placed on the street at any time. All dirt, gravel, rock, debris or other material may be placed on the yard or driveway. It must be placed on a plastic tarp, or wood (such as plywood). The dirt, gravel, rock, debris or other material should be removed daily.

If dirt, gravel, sand, debris or other material is left overnight, it must be covered with a tarp and be approved by the Shadow Hills management office as an exception. **In no event can it be stored for more than three (3) days.** Absolutely no dirt, gravel, debris or other material can be washed onto the streets or gutters, including washing or cleaning tools.

There are no exceptions to the above requirements. Violators may be subject to disciplinary action by the Board of Directors, which may result in fines, or loss of privileges. Also, the property owner responsible for the violation may be subject to violations of the Clean Water Act or other applicable code violations monitored and enforced by local government authorities, which carry significant fines.

### 6.5 **Front Yard Maintenance**

Front yard areas and other yard areas visible from the street, common areas and golf course must be mowed, trimmed, edged and weeded on a regular basis and kept clear of debris, weeds, clippings, etc.

### 6.6 **Maintenance of Dwelling Unit (Structure)**

The exterior of the dwelling unit and all other property walls must be in good repair and maintained in a clean, neat and attractive manner at all times. House numbers must be visible at all times, free from obstruction by trees and other plantings.

It is the responsibility of each homeowner to replace the front porch light and the front garage light bulbs when they burn out. This is an important part of the street lighting and must be maintained correctly.

**6.7 River Rock and Ground Cover**

Insufficient (sparse) rock ground cover, as determined by the DRC, must have additional, approved or matching rock ground cover added as needed.

**6.8 Trees**

Trees shall be trimmed to allow for minimum of seven (7) feet clearance above public sidewalks and twelve (12) feet clearance above the street. Trees and/or plants of any kind shall not grow or encroach upon the property line of neighboring properties, without the neighbor's written consent. All trees must be trimmed, pruned, thinned, laced, etc. at least one (1) time per a year unless the species of the tree requires a different tree trimming cycle. Branches and limbs must not touch the ground or be allowed to grow into other plants.

## VII. CONTRACTORS AND THOSE ACTING AS A CONTRACTOR

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The following information is provided for each Owner in order to make your contractor aware of the SCSHCA rules. Each Owner is responsible for the actions of the contractors they hire.

Contractors, companies or individuals, hereinafter referred to as Contractor.

### **7.1 Adherence to Regulations**

All SCSH owners are solely responsible for any and all hired contractors and their employees. Failure to meet city/county permits and/or DRC permit specifications will result in fines, suspension of privileges and/or cost to bring violation to compliance.

### **7.2 Alcoholic Beverages /Narcotics**

Contractors and their employees are not permitted to consume or have possession of any alcoholic beverage or narcotics on Sun City Shadow Hills' property. Contractors and/or their employees found under the influence of alcohol or narcotics will be banned from the Sun City Shadow Hills property.

### **7.3 Business Solicitation**

Soliciting business is not permitted on Sun City Shadow Hills' property at any time.

### **7.4 Dirt / Gravel / Debris / Etc. – Zero Tolerance**

Absolutely no dirt, gravel, debris or other material can be placed on the street at any time. All dirt, gravel, debris or other material must be placed on the yard or driveway. It must be placed on a plastic tarp or wood (such as plywood). The dirt, gravel, debris or other material should be removed daily.

If dirt, gravel, sand, debris or other material is left on a lot overnight, it must be covered with a tarp and must be approved by the Shadow Hills' management office as an exception. **In no event can it be stored for more than fourteen (14) calendar days.**

Absolutely no dirt, gravel, debris or other material can be washed onto the streets or gutters. There are no exceptions to the above requirements. Violators will be subject to fines

There are no exceptions to the above requirements. Violators may be subject to disciplinary action by the Board of Directors, which may result in fines, or loss of privileges. Also, the property owner and contractor responsible for the violation may be subject to violations of the Clean Water Act or other applicable code violations monitored and enforced by local government authorities, which carry significant fines.

### **7.5 Disposal of Debris**

Contractors and residents are responsible for disposing of their own excess materials and waste, outside of Sun City Shadow Hills. Disposal of excess materials and waste must be done daily and there is to be no washing or cleaning of tools on the streets or in the gutters.

### **7.6 Dumping**

Dumping within Sun City Shadow Hills' property is strictly prohibited. This includes Sun City Shadow Hills' undeveloped land.

**7.7 Entry Arrangements / Gate Access**

The homeowner is not to allow the contractor to use a resident transponder under any circumstances. Homeowners are responsible for making arrangements for contractors to enter into the community with the gate attendant. The automated entry gates are not to be used by contractors unless authorized in writing by the Board of Directors or under the Vendor Access Program.

**7.8 Hours of Work**

Workdays are Monday through Saturday. Monday through Friday work may start no earlier than 7:00 a.m. and the workers must be off the premises by 6:00 p.m. On Saturday the workday will begin no earlier than 8:00 a.m. and the workers must be off the premises by 6:00 p.m. This applies to setup in the morning and cleanup in the evening. Power tools and equipment may not be used outside of a home between the hours of 6:00 p.m. and 7:00 a.m.

**No contractor work is permitted on Sundays and Holidays.**

**7.9 Identification (ID) Requirements**

Contractors with employees, who require access to the community without a contractor present, must provide the employee with identification stating company or contractor name, employee name, and signature of the employee. All must be legible and written in English.

**7.10 Contractor Licensing /Insurance**

Homeowners should ascertain that contractors have a valid certificate of insurance providing coverage for worker's compensation, personal liability, property damage, and commercial auto/vehicle coverage.

Homeowners should ascertain that a contractor has a valid City of Indio Business License and a California State Contractor's License throughout the period of approval and construction.

It is the homeowner's responsibility to ascertain contractor licensing and insurance information. The Association will not get involved in any instance.

**7.11 Oil Spills**

No contractor vehicles or machinery is to drip oil or hydraulic fluid on Shadow Hills' streets or other property. If damage is caused by the contractor or their agents/employees' vehicles, the homeowner will be charged for said damage. If contractor is participating in the Vendor Access Control program, contractor would be responsible.

**7.12 Speed Limit**

The speed limit on Sun City Shadow Hills Boulevard is 35 MPH and all other streets are 25 MPH.

**7.13 Use of Association / Golf Restrooms**

Contractors and their employees are not to use Association or Golf restrooms at any time.

**7.14 Visitors**

Contractors and their employees are not permitted to bring children, family members, guests or visitors on the premises at any time and must maintain noise level to a minimum – no radios and no yelling.

## VIII. DESIGN RULES AND STANDARD COMPLIANCE POLICY

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### 8.1 **Board Findings**

The CC&R's and the By-Laws establish procedures and criteria that shall be used to develop, retain, control and enforce the architectural character and overall aesthetics of the Sun City Shadow Hills Community. The Board of Directors has made the following findings:

- 8.1.1 Property and aesthetic values diminish when resident properties are not in compliance with the CC&R's, Design Rules and Standards, and other governing documents.
- 8.1.2 The Board Resolutions, augmenting the CC&R's, including the Design Rules and Standards, requires homeowners to maintain their properties in accordance with the CC&R's and governing documents.
- 8.1.3 Homeowners expect the Association's Board of Directors to enforce the compliance requirements of the CC&R's and governing documents.
- 8.1.4 The Board has developed and adopted by Resolution, Design Rules and Standards, as provided in the CC&R's, Article VII. The Board has determined that homeowners are responsible for following the CC&R's, By-Laws, Board Resolutions and governing documents.
- 8.1.5 The Board has established procedures to enforce the Design Rules and Standards. Refer to "Sun City Community Association Enforcement Policy for all Governing Documents".

# Exhibit “A” REQUIRED SETBACKS

	Front Property Line	Rear Property Line	Side Property Line	Side Property Line (Corner Lot)	Maximum Height
<b>Room Additions – Attached</b> (Rear Yard) <i>*Not including permitted and approved ADUs or JADUs</i>	Not Applicable	<b>15 Feet</b>	<b>5 Feet</b>	<b>10 Feet</b>	Not to exceed overall height of existing dwelling unit.
<b>Casita – Detached Room Addition</b> <i>*Not including permitted and approved ADUs or JADUs</i>	<b>18 Feet</b> See Article IV, Section 4.1.1 for exceptions	<b>15 Feet</b>	<b>5 Feet</b>	<b>10 Feet</b>	<b>14 Feet</b>
<b>Attached or Detached ADU</b> (See Architectural Guidelines, Article IV, Section 4.1.2)	<b>18 Feet</b> (See Architectural Guidelines Article IV, Section 4.1.1 for exceptions)	<b>4 Feet</b>	<b>4 Feet</b>	<b>4 Feet</b>	<b>18 Feet</b>
<b>Patio Cover</b> (Rear Yard) <b>Retractable Awnings</b> (Rear Yard)	Not Applicable	<b>7 Feet</b> Patio Cover area may not exceed more than 50% of rear yard area.	<b>5 Feet</b>	<b>10 Feet</b>	No higher than the lowest eave in the rear of the dwelling unit.
<b>Patio Cover – Casita</b> (Courtyard Only)	Must not exceed the front or side of the dwelling unit.	Not Applicable	Not Applicable	Not Applicable	No higher than the lowest eave in the front of the dwelling unit (rear of Casita)
<b>Gazebos Palapas Pergolas</b>	Not Applicable	<b>7 Feet</b>	<b>5 Feet</b>	<b>7 Feet</b> From the side property wall.	<b>10 Feet</b>
<b>Courtyard Walls 3 feet high and under</b> (including columns and pilasters)	May extend up to 5 feet past the vertical face of the residence.	Not Applicable	Not Applicable	May not exceed existing property line wall.	<b>3 Feet</b>
<b>Courtyard Walls over 3 feet high</b> (Including columns and pilasters)	May not extend past the furthest point of the residence.	Not Applicable	Not Applicable	Not Applicable	<b>4 Feet</b>
<b>Columns and Pilasters</b> (Freestanding)	<b>10 Feet</b>	Not Applicable	<b>10 Feet</b>	<b>10 Feet</b>	<b>3 Feet</b>
<b>Fountains Ponds Water Features</b>	<b>10 Feet</b>	<b>3 Feet</b> To body of water.	<b>3 Feet</b> To body of water.	<b>3 Feet</b> To body of water.	<b>48 inches</b> From original grade of the lot. Front and all rear yards.

	Front Property Line	Rear Property Line	Side Property Line	Side Property Line (Corner Lot)	Maximum Height
<b>Pools Spas Spools</b>	Prohibited	<b>3 Feet</b> To body of water.	<b>3 Feet</b> To body of water.	<b>3 Feet</b> Body of water to property wall.	<b>45 Inches</b> Including covering for portable spas. <b>30 Inches</b> For built-in pools, spas and spools.
<b>Barbeques Fireplaces</b> (Permanent and Portable)	Prohibited	May not be attached to any property line wall.	May not be attached to any property line wall.	May not be attached to any property line wall.	<b>5 Feet</b> Below the wall not to exceed.
<b>Equipment – General</b> (Ground Mounted) <b>Evaporative Coolers</b> (Wall Mounted)	Prohibited	<b>3 Feet</b> To property wall.	<b>3 Feet</b> To property wall.	<b>3 Feet</b> To property wall.	<b>5 Feet</b> From original grade of the lot to top of unit. See 4.13

<b>WORD OR TERM</b>	<b>DEFINITION</b>	<b>SOURCE</b>
Accent	Focus attention, accentuate or highlight	Dictionary
Addition	An extension or increase in floor area of an existing building or structure.	California Building Code
Alteration	The reconfiguration of any space; the addition or elimination of any door or window; the reconfiguration or extension of any system; or the installation of any additional equipment.	California Building Code
Building enclosure	That part of any building that physically separates the exterior environment from the interior environment(s).	Building Science Corporation
Finished Grade	The lowest point of elevation of the finished surface of the ground, paving, or sidewalk within the area between the building and the lot line, or when the lot line is more than five feet from the building, between the building and a line five feet from the building.	California Building Code
Patio Cover	A one-story structure not exceeding 10 feet in height, open on two sides or more, attached to the existing residence.	City of Phoenix and other city building codes
Structure	That which is built or constructed, an edifice or building of any kind or any piece of work artificially built or composed of parts joined together in some definite manner.	California Building Code

## **ADDITIONAL MISCELLANEOUS DEFINITIONS**

**ALTERATION.** The reconfiguration of any space; the addition or elimination of any door or window; the reconfiguration or extension of any system; or the installation of any additional equipment.

**EQUIPMENT OR FIXTURE.** Any plumbing, heating, electrical, ventilating, air-conditioning, refrigerating and fire protection equipment; and elevators, dumb waiters, boilers, pressure vessels, and other mechanical facilities or installations that are related to building services.

**LOAD-BEARING ELEMENT.** Any column, girder, beam, joist, truss, rafter, wall, floor or roof sheathing that supports any vertical load in addition to its own weight, and/or any lateral load.

**RECONSTRUCTION.** The reconfiguration of a space that affects an exit, a renovation and/or alteration when the work area is not permitted to be occupied because existing means of egress and fire protection systems, or their equivalent, are not in place or continuously maintained; and/or there are extensive alterations as defined in Section AJ501.3.

**REHABILITATION.** Any repair, renovation, alteration or reconstruction work undertaken in an existing building. renovation. The change, strengthening or addition of load-bearing elements; and/or the refinishing, replacement, bracing, strengthening, upgrading or extensive repair of existing materials, elements, components, equipment and/or fixtures. Renovation involves no reconfiguration of spaces. Interior and exterior painting are not considered refinishing for purposes of this definition, and are not renovation.

**REPAIR.** The patching, restoration and/or minor replacement of materials, elements, components, equipment and/or fixtures for the purposes of maintaining those materials, elements, components, equipment and/or fixtures in good or sound condition.