

DESIGN RULES

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 8.04 and 8.05 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 Restrictions on 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 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.

- 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 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 which comply with all state and local regulations and applicable Association governing document regulations.*
- 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 months from the date of approval.*
- 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 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.*

- 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 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.*
- y. *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.*

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.

NOTE: *New numbers have been assigned to the following sections only, no other changes have been made: **4.1.4 Matching Materials, 4.1.5 Height of Structures, and 4.1.6 Landscaping.***