

Casitas del Sol Estates

HOMEOWNERS ASSOCIATION

DESIGN GUIDELINES

MAY 2005

The intent of these guidelines and standards is to promote quality living that preserves property values, the integrity of the desert environment, and the development philosophy of the Casitas del Sol Estates community. In this document, the term "Property" refers to the entire Casitas del Sol Estates community.

LIGHTING

The beauty of the night at Casitas del Sol Estates will be enhanced by judicious use of lighting. Lighting shall be utilized only as necessary to provide the functional requirements of safety, security, and identification. Unnecessary use of light is prohibited, in the interest of energy efficiency and maintenance of the nighttime desert environment.

Light sources shall be shielded to reduce dispersal of ambient light in a skyward direction. The light shall be directed only down and in a limited radius. The standards shall be separated sufficiently to create isolated "pools of light," rather than a continuous, saturated condition.

In keeping with this philosophy, the use of low-pressure sodium or incandescent fixtures is recommended. High-pressure sodium and mercury vapor lighting are prohibited. *All forms of exterior lighting, whether for landscaping, accent, or safety, must be submitted for review and approval by the Architectural Control Committee (ACC) prior to installation.*

VEHICLES AND PARKING

With the exception of commercial vehicles that are used to serve the public's safety, no other commercial or recreational vehicles (including, but not limited to, mobile homes, motor homes, boats, recreational vehicles, trailers, commercial trucks, campers, permanent tents or similar vehicles or equipment) shall be kept, placed or maintained upon the Property or any roadways adjacent thereto, except: (a) within a fully enclosed garage appurtenant to a Dwelling Unit; or (b) in such areas and subject to such rules and regulations as the ACC may designate and adopt.

No vehicle (including, but not limited to, those enumerated above) shall be constructed, reconstructed or repaired upon the Property or any roadway adjacent thereto except within a fully enclosed garage.

No motor vehicles of any kind that are not in operating condition shall be parked in any unenclosed parking areas (including, but not limited to, private driveways appurtenant to a Dwelling Unit).

ANTENNAS, POLES, TOWERS AND DISHES

No television, radio, shortwave, microwave, satellite, flag or other antenna, pole, tower or dish shall be placed, constructed or maintained upon the Property (including, but not limited to, upon the roof or exterior walls of any Dwelling Unit or other structure), unless: (a) where such antenna, pole, tower or dish is installed upon the roof of a Dwelling Unit or other structure, such antenna, pole, tower or dish is fully screened and concealed from view from all other portions of the Property by a parapet wall that conforms architecturally with the structure of such Dwelling Unit or other structure; or (b) in all other cases, such antenna, pole, tower or dish is fully and attractively screened or concealed from view from all other portions of the Property, which means of screening or concealment shall [in either case (a) or (b)] be subject to the regulations and approval of the ACC. Notwithstanding the foregoing, the Board may (but shall not be obligated to) install (or permit to be installed) upon the Common Area a television and/or radio "dish-type" antenna designed to serve all Lots. Further, notwithstanding the foregoing, the ACC may adopt a rule or regulation permitting the installation and maintenance of a flagpole upon portions of the Property, provided that the location and size of such flagpole (and the number and size of any flag(s) mounted in it) may be regulated by the ACC.

BASKETBALL GOALS OR SIMILAR STRUCTURES

No basketball goal or similar structure or device (whether mounted on a pole, wall or roof) shall be placed or constructed upon the front yard, front elevation or front roof surface of any structure on any part of the Property (except by the Association upon the Common Area). For purposes of the foregoing sentence, the term "front" is taken to mean the area visible from ground level from the street(s) running immediately in front of or along the side of a Dwelling Unit or other structure. Notwithstanding the foregoing, a basketball goal may be placed on a Lot in a location where such goal would be visible from a street running along the side of a Dwelling Unit, so long as: (a) the goal is not visible from a street running in front of the Dwelling Unit; (b) the goal is located within an enclosed rear yard on the Lot; and (c) the location of the goal and any proposed methods of screening it from view are approved by the ACC in advance and in writing.

UNDERGROUND FACILITIES, TANKS, OUTDOOR BURNING, SANITATION, AND NUISANCES

No cesspool, septic tank or well may be dug or installed without the prior written approval of the ACC. No tanks of any kind (including tanks for the storage of fuel) shall be erected, placed or maintained on the Property unless such tanks are either: (a) buried underground; or (b) of such size and height, in such location, and attractively screened from view from adjacent properties in such manner, as may be required by the ACC. Nothing herein shall be deemed to prohibit use or storage upon the Property of propane or similar fuel tanks with a capacity of ten (10) gallons or less used in connection with a normal residential gas barbecue, grill or fireplace.

There shall be no outdoor burning of trash or other debris, provided, however, that the foregoing shall not be taken to prohibit the use of normal residential barbecues or other similar outside cooking grills or outdoor fireplaces.

Garbage and refuse facilities, containers and the like shall be attractively screened or placed in such manner as to conceal them from the view of neighboring Lots, Dwelling Units, property, roads or streets, except during reasonable periods to allow for collection by the appropriate sanitation service. All equipment for the storage or disposal of garbage or other waste shall be kept in a clean and sanitary condition. All rubbish, trash and garbage shall be kept only in containers meeting applicable governmental sanitation requirements (and any applicable reasonable rules and regulations of the Association), shall be regularly removed from the Property, and shall not be allowed to accumulate on the Property.

No rubbish or debris of any kind shall be placed or permitted to accumulate for any unreasonable length of time on any portion of the Property, and no odors shall be permitted to arise therefore, so as to render the Property or any portion thereof unsanitary, unsightly, offensive or detrimental to any other portion of the Property in the vicinity thereof. No noxious, destructive or offensive activity, or any activity constituting an unreasonable source of annoyance, shall be conducted on any portion of the Property. Without limiting the generality of any of the foregoing provisions, no exterior speakers, horns, whistles, bells or other sound devices, except ordinary intercom systems or security devices used exclusively for security purposes, shall be located, used or placed on any Lot. The Board in its sole discretion shall have the right to determine the existence of any such activity or item. The Association shall have the standing and authority to institute legal proceedings to abate such activity or to secure the removal of such item. Furthermore, the Board shall have the right to remove any such activity or item at the expense of the Owner responsible for the nuisance (or at the expense of the Owner whose tenant, occupant or guest is responsible for such activity or item). Each Owner and Occupant shall refrain from any act on or use of his, her or its Lot or the Common Area which could reasonably cause embarrassment, discomfort or annoyance to other Owners or Occupants, and the Board shall have the power to make and enforce reasonable rules and regulations in furtherance of this provision.

WALLS, FENCES, INTERFERENCES AND OBSTRUCTIONS

All walls and fences shall be of block construction (except as may be otherwise permitted with the prior written consent of the ACC) and, except as otherwise approved by the ACC, shall be painted or colored to match the exterior of the structure(s) enclosed by or upon the same Lot. No wall or fence shall exceed six and one-half (6 1/2) feet in height. No fence within fifteen (15) feet of the front property line of a Lot shall exceed three (3) feet in height, provided that the ACC shall have the authority to establish and enforce even more restrictive limitations on the height, location and appearance of fences and walls, either in individual cases or as a general restriction on portions or all of the Property, where necessary or appropriate, in the reasonable judgment of the ACC, to comply with applicable zoning, building or public safety

ordinances. The foregoing shall not apply to boundary walls or fences constructed and or maintained by the Association along property lines bounding public rights-of-way, provided, however, that such boundary walls or fences shall be constructed and maintained so as to comply with applicable zoning and other laws and ordinances. No fence shall be permitted to interfere with existing recorded restrictions, drainage ways or easements.

View fences are acceptable with the approval of the ACC.

DRAINAGE ALTERATION; EASEMENTS

No vegetation (except suitable ground cover) may be planted or permitted to remain on areas subject to drainage easements, as shown on recorded plats, in such a manner as to be deemed by the ACC to interfere with drainage or to be a detriment to utilities located under or near such vegetation.

CLOTHES-DRYING FACILITIES

Outside clotheslines or other outside facilities for drying or airing clothes shall not be erected, placed or maintained on any part of the Property unless they are exclusively within a walled yard or otherwise concealed, and are not visible to a person six feet tall standing at ground level on any other portion of the Property.

STORAGE AND TOOL SHEDS OR STRUCTURES

No storage or tool sheds or similar structures shall be placed, erected or maintained upon any Lot except: (a) where such storage or tool shed or similar structure is constructed as an integral part of a Dwelling Unit (including matching materials, color and the like); or (b) where such storage or tool shed or similar structure is temporarily placed on the Lot by a contractor in connection with temporary construction activities. An Owner or other person shall be permitted to erect, on his, her or its Lot, a storage building which is not attached to the Dwelling Unit on that Lot, so long as the storage building meets all of the following requirements:

- (1) The storage building shall be painted to match the body or trim color of the Dwelling Unit on the same Lot;
- (2) The roof of the storage building shall be constructed to match the appearance of the Dwelling Unit on the same Lot;
- (3) The storage building shall be no higher than eight (8) feet at its highest point;
- (4) The storage building shall comply with all laws, ordinances and regulations (including, but not limited to, county setback requirements); and
- (5) The storage building shall not be attached at any point to any fence (including any block wall fence).

Any Owner or other person who wishes to erect a storage building on his, her or its property must still comply with all other provisions of the Declaration and, in particular, shall submit plans for the proposed storage building to the ACC, and shall not commence erection or construction of such storage building until such plans are approved by the ACC.

LANDSCAPING

All Lots, excluding driveways, parking areas and areas covered by structures, and excluding that portion of the Lot, if any, which is enclosed by a perimeter wall around the rear yard, shall be landscaped in a manner and using plants and soil approved in advance by the ACC. No exterior trees, bushes, shrubs, plants or other landscaping shall be planted or placed upon any Lot except in compliance with plans and specifications that have been submitted to and approved by the ACC in accordance with the ACC's standards and procedures. No material changes or deviations in or from the plans and specifications for any work to be done on any Lot, once approved by the ACC, shall be permitted without approval of the change or deviation by the ACC. This provision shall not be construed to prevent normal landscape maintenance or the replacement of dead or diseased plants with other similar plants (so long as the replacement plants are permitted by the ACC's standards and procedures). **Rear yards that are not landscaped and are enclosed in whole or in part by wrought iron view fencing shall be maintained free of weeds and debris.**

Each Owner shall maintain the landscaping on his, her, or its property and shall keep the land free of debris and weeds at all times and promptly repair any portions of the landscaping that have been damaged. Each Owner shall maintain the landscaping and exterior of his, her, or its Dwelling Unit and other structures in accordance with standards prescribed by the Board and otherwise in a manner and to a level not less than the standards of quality established by the Board with respect to the quality, quantity and frequency of watering, weeding, trimming, fertilizing, painting, and the like. In the event any Owner fails to perform the obligations provided herein, the Association may, at the discretion of the Board, perform those obligations at the expense of such Owner, which expense, together with attorneys' fees and interest, shall be secured by the lien on such Owner's property.

SOLAR APPLICATIONS

The Association recognizes the benefits to be gained by permitting the use of solar energy as an alternative source of electrical power for residential use. Therefore, subject to prior approval of the plans by the ACC, solar collecting panels and devices may be placed, constructed or maintained upon any Lot (including upon the roof of any structure), so long as such solar collecting panels and devices are placed, constructed and maintained in such location(s) and with such means of screening or concealment as the ACC may reasonably deem appropriate to limit, to the extent possible, the visual impact of such solar collecting panels and devices when viewed by a person six feet tall standing at ground level on any other portion of the Property.

EXTERIOR MATERIAL, COLOR, AND APPEARANCE

Exterior building materials shall be of natural materials that blend into and are compatible with the natural landscape. This includes brick, masonry, stucco, adobe, concrete block, or other suitable material as approved by the ACC to promote and enhance the environment. Large expanses of wood surfaces are not permitted. It is expected that exterior treatments and colors will be of muted tones. Dominant colors such as black, white, or red are not allowed. *Under no circumstances may any tone or color exceed a light reflectivity value of 60.* The use of chain link is strictly prohibited.

No highly reflective finishes (other than glass, which must not be mirrored) shall be used on exterior surfaces (other than surfaces of hardware fixtures), including without limitation the exterior surfaces of any of the following: roofs, all projections above roofs, retaining walls, doors, trim, fences, pipes, equipment, mailboxes, and newspaper tubes.

All architectural building projections, including chimney flues, vents, gutters, downspouts, utility boxes, porches, railings, and stairways shall match the color of the main residence or shall be of an approved color. No radio or television antennas or satellite dishes are permitted without prior approval of the ACC.

ADDITIONAL CONSTRUCTION AND/OR EXTERIOR CHANGES

Any changes to approved plans before, during, or after the construction of an improvement must first be submitted to the ACC for approval. Any changes to a building footprint, or changes that significantly alter the exterior appearance of the proposed construction, must be reviewed and approved by the ACC prior to the start of construction.