

Chardonnay Hills Homeowners Association

NOTICE OF PROPOSED RULE CHANGE ARCHITECTURAL CONTROL COMMITTEE GUIDELINES

Dear Members:

Pursuant to the governing documents of the Chardonnay Hills Homeowners Association, the Board of Directors and the Architectural Control Committee (ACC) are proposing amendments to the Architectural Control Committee Guidelines. The purpose of these changes is to ensure consistency, maintain property values, and enhance the aesthetic appeal of the community. Homeowners are encouraged to review the proposed changes outlined below and provide any feedback within 28 days.

PROPOSED CHANGES

Section 21: R.V./Boat/Trailer Storage (b – e)

Purpose: The proposed amendments clarify and enhance the existing guidelines regarding the storage and parking of recreational vehicles (RVs), boats, and trailers within the community. The intent is to provide clear requirements on screening, placement, and maintenance to ensure compliance with community standards and to minimize visual impact on neighboring properties.

Effect: Homeowners will be required to adhere to specified storage and screening requirements, ensuring that RVs, boats, and trailers are properly screened from public view and neighboring properties. The guidelines will specify acceptable screening methods, parking locations, and surface materials to maintain uniformity within the community. Additionally, ongoing maintenance of screening methods will be required to ensure continued compliance.

Substantive Changes:

- **Screening Requirements:** RVs must be screened from public view and adjacent lots by ACC-approved walls, fences, landscaping, or other structures.
- **Approved Screening Options:** Landscaping (drought-tolerant, native plants), fencing (privacy fences or walls consistent with community design), and architectural structures (carports/garages matching the home's style).
- **Placement & Visibility:** RVs must not be stored in front of the primary home line, except for temporary loading/unloading (not to exceed 48 hours). Parking must be on the side of the lot adjacent to the garage.
- **Surface Requirements:** RVs must be parked on a non-permeable surface such as PCC (plain cement concrete) or AC (asphalt concrete).
- **Maintenance:** Screening elements must be maintained in good condition, and landscaping used for screening must be regularly trimmed and well-kept.
- **Approval Requirement:** Homeowners must submit an **Architectural Improvement Form** to the ACC before storing an RV, boat, or trailer on their lot.

Section 22: Landscaping (a)

Purpose: The amendments to the landscaping guidelines aim to ensure that substantial landscaping modifications, particularly in front yards, align with community standards. The changes also clarify the requirements for rear yard landscaping that may impact neighboring lots or the common area.

Effect: Homeowners will continue to submit for ACC approval for significant front yard modifications, as well as for rear yard plantings with growth patterns that may cause maintenance concerns for neighboring properties. These measures help to preserve the visual harmony and structural integrity of shared fences and common areas.

Substantive Changes:

- **Front Yard Landscaping:** Any substantial landscaping changes, plantings, or drainage system modifications require ACC approval.
- **Rear Yard Landscaping:**
 - Approval is required for plantings that may adversely affect boundary walls, fences, or neighboring/common area maintenance responsibilities.
 - Growth patterns of vegetation that could cause root encroachment or excessive maintenance burdens will be assessed by the ACC and Board of Directors.

- **Exemptions:** All other rear yard landscaping and irrigation installation **do not** require ACC approval.

You may offer written comments regarding the proposed rule change to the Board by submitting the same in care of the management company no later than **Wednesday, March 19, 2025**. Comments may be submitted via email to **Chardonnay@avalonweb.com** or delivered to the management office at **43529 Ridge Park Drive Temecula, California 92590**. You may also attend the Board of Directors' open meeting where the Board will consider the proposed change for adoption scheduled for **Thursday, April 3, 2025 at 6:00 p.m.** The meeting will be held at the Avalon Management Office located at 43529 Ridge Park Drive Temecula, CA 92590.

Thank you for your consideration of the attached proposal. The Board looks forward to considering your comments.

Sincerely,

Board of Directors
CHARDONNAY HILLS HOMEOWNERS ASSOCIATION

Chardonnay Hills Homeowners' Association



Architectural Control Committee Guidelines

Revised and Adopted
By the Board of Directors
Effective June 4, 2020

Table of Contents

<u>PREAMBLE</u>	Page 3
<u>PURPOSE</u>	Page 3
<u>APPLICATION AND REQUIRED COPIES</u>	Page 3-4
<u>DRAWINGS</u>	
Plot Plan	Page 4
Roof Plan	Page 4
Floor Plan	Page 4
<u>APPLICATION SPECIFICATIONS</u>	Page 5
<u>ARCHITECTURAL STANDARDS</u>	
Fences and Walls	Page 5-6
Individual Product Interior Wall/Fence Criteria	Page 6-7
Cement Slabs and Walkways	Page 7
Patio Covers (Including Gazebos)	Page 7
Screen Doors	Page 7-8
Storage Sheds/Utility/Auxiliary Buildings	Page 8
Dog Runs	Page 8
Decking	Page 9
Exterior Lighting	Page 9
Pool & Spas	Page 9
Solar Energy Systems	Page 9-10
Antennas	Page 10
Basketball Standards	Page 10-11
Play Equipment	Page 11
Rain Gutters	Page 11
Windows	Page 11-12
Garage Door Replacement	Page 12

Holiday Decorations	Page 12
Awnings	Page 12
RV/Boat/Trailer Storage	Page 12
Landscaping	Page 13
Drainage	Page 13-14
Signs	Page 14
Miscellaneous	Page 14
<u>NEIGHBOR NOTIFICATION</u>	Page 14
<u>APPEAL PROCEDURE</u>	Page 15
<u>REMEDIES</u>	Page 15
<u>VARIANCES</u>	Page 15

CHARDONNAY HILLS HOMEOWNERS' ASSOCIATION

ARCHITECTURAL CONTROL COMMITTEE GUIDELINES

PREAMBLE

In order to maintain the architectural character and integrity of the community as well as preserve the value of the homes situated therein, it is necessary to enact and enforce the following Architectural Control Guidelines. The authority for the Architectural Control Committees (hereinafter "the ACC") to enact and enforce architectural control guidelines is provided by the Declaration of Covenants, Conditions, and Restrictions pursuant to Article IX, Section 6. A copy of said Declaration (hereinafter referred to as "the Declaration") was given to each owner when they purchased of their home. Upon written request, the management company will provide a copy, if you do not have one. However, there will be a charge for such service. It is strongly recommended that you take the time to read and understand the declaration and these Guidelines as these documents in part determine both your rights and responsibilities. If there is any conflict between the Declaration and these Guidelines, the provisions of the Declaration shall prevail. The Board of Directors requests strict observance and adherence to these Guidelines.

PURPOSE

Pursuant to Article IX of the Declaration of Restrictions for the Chardonnay Hills Homeowners' Association, the homeowner must obtain Architectural Control Committee approval, before any improvements may be constructed or landscaping installed. Certain exceptions have been granted in these Guidelines by decision of the Board.

This review is in no way intended to approve architectural requests for structural engineering or in lieu of required governmental permits or inspections, including all City building code requirements. The intent is (among other things) to maintain the *architectural* harmony and character of the Association.

APPLICATION AND REQUIRED COPIES

At least forty-five (45) days before the intended start date owners shall present drawings, specifications, materials list, colors, dimensions and any other relevant information, including but not limited to, brochures, photos of similar Improvements and samples of materials to the ACC for study and approval. The ACC will respond in the most timely manner to all requests for review, but reserves forty-five (45) days from receipt of all required information as outlined herein to act on any application received.

Two copies of drawings, specifications and color samples as stated above must be submitted to the ACC. One (1) copy will be retained by the ACC; the second will be returned to the homeowner. A fully completed and signed Architectural Approval Application form must accompany all requests for improvements. Or, any such other form as the ACC may from time to time require.

All Drawings shall be prepared in accordance with the ACC's requirements, which follows. All plans and drawings shall be submitted to:

CHARDONNAY HILLS HOA
ARCHITECTURAL COMMITTEE
C/O AVALON MANAGEMENT
43529 Ridge Park Drive
Temecula, CA. 92590

DRAWINGS

Drawings shall, in any case show the nature, kind, shape, dimensions, materials, and location of improvements to be considered.

1. Plot Plan

- a. Show all lot lines accurately as lengths, angles, and curves.
- b. Show all dimensions on the work to be considered and distances between existing and new work and property lines. Show location of any impacted utility boxes, meters, hydrants, etc.
- c. Plans must show the facing walls of adjacent units. This is required so that the ACC has a clean definition of the placements of party walls with respect to adjacent neighbors.
- d. Your submittal must show the location of the bottom, toe or top of any slope.
- e. Show the plotted locations of drains, trees, shrubs, fences, patio cover, walls, spas and associated equipment, and all other structures.
- f. All yard drainage must include showing the direction of water flow and location of drainage swale/yard drain and point of discharge.
- g. The ACC reserves the right to request a plant list on a case-by-case basis.

2. Roof Plan (Structural Additions Only)

- a. Show elevations and plans of all existing and new roof s with pitches noted.
- b. Show material of all existing and new roofs.

3. Floor Plan

- a. Indicate all walls, columns, openings and any condition or feature that will affect the exterior design of the building.
- b. Indicate exterior landscape or other details affected.

APPLICATION SPECIFICATIONS

1. Color samples of all exterior paint or stains are required when they deviate from the original color scheme. Color samples of original colors and coordinating colors are available for review at Avalon's Temecula office. The ACC reserves the right to disapprove color changes.
2. When construction work requires the use of adjoining property, the applicant shall obtain written permission from the adjoining property owner. A copy of said permit must be filed with the request for ACC approval.
3. All work must be performed in a manner consistent with the appearance and general dwelling construction of the community. All work considered unsightly in its finished nature or of lesser quality than the prevailing community standards shall be reworked to acceptable appearance.
4. Failure to obtain necessary approval from the ACC shall constitute a violation of the Declaration and may require modifications or removal at the homeowner's expense.
5. With respect to the approval process, the ACC reserves the right to an on-site inspection before rendering a decision.
6. In sections of the following detailed standards, there appear lists of acceptable and unacceptable materials. These lists may not be all-inclusive and the ACC reserves the right to disapprove any material not listed in a homeowner's submittal.
7. **All work must be diligently pursued and must be completed within 90 days from the date of written approval from the ACC. Extensions may be requested in writing from the ACC, which shall have full discretion to grant such extensions on an individual basis.**

ARCHITECTURAL STANDARDS

1. **Fences and Walls**
 - a. For construction of private walls and fence, you are encouraged to use:
 - Substantial wood posts, beams and planks
 - Stud and stucco construction
 - Split face block (including unfinished, if the unfinished side is installed to face towards the installing lot.); exception: continuation of a developer installed block wall
 - Equestrian style fencing permitted
 - Materials used in combination such as painted wrought iron and split faced block.
 - Finished side of fences and walls to face the public side
 - Tubular steel painted a color to blend in with the home
 - b. Unacceptable materials for fencing are:
 - Aluminum or sheet metal
 - Chicken wire
 - Metal or plastic chain link (except within rear yards as for dog runs, etc.)

- Plastic or fiberglass panels
 - Plastic webbing (except as outlined below in Item g.)
 - Strawlike materials
 - Wood grapestake
 - Glass block
 - Unfinished or uncoated cement or cinder block
- c. No double fences shall be constructed.
- d. Fencing shall not be constructed higher than six (6) feet. Walls and fences built on top a retaining wall will be considered separately from this restriction, with particular consideration for adjacent neighbors.
- e. Acceptable materials for the extension and repair of any wall or fencing shall be the original material and color only.
- f. Architectural Committee approval is not required for staining, painting, or weatherproofing of wood fences, so long as the material applied is either clear / transparent, closely matches the color of the stucco, wood siding on the home. Clear or solid stains (water based or oil) may be used if they are of the common wood varieties (example cedar, redwood, pine, etc.)
- g. Screening that exceeds 2' in height shall not be attached to wrought iron fencing that borders common areas. Screening shall only be attached at the base of the fence. To prohibit fence corrosion, screening shall not be of metal material and shall be attached with plastic fasteners.

2. **Individual Product Interior Wall/Fence Criteria**

- a. Product Theme Solid Wall Base Requirements.

A uniform solid wall designed to reinforce the architectural setting while remaining compatible with the previously described wall program is encouraged and should be utilized at selected lots. The visual integrity of the overall neighborhood street scene will, therefore, be protected. These uniform thematic solid walls may be constructed of stud and stucco, split-faced block, wood materials, or a combination of the foregoing.

- b. Open View Wall Base Application.

Where interior lot view opportunities exist without a privacy conflict, an open view fence or wall may be appropriate. Such a view fence shall be compatible with the architectural setting. An alternative painted tubular steel fence, or tubular steel fenced combined with another approved building material, is permitted.

- c. Fence Base Application

Wood fence designs compatible with the architectural setting are permitted. Paint color selection shall complement the architectural setting. Owner wood fence features a

board-on-board technique with appropriate cap, bracing and posts to present an identical appearance on all sides visible to the public.

3. **Cement Slabs and Walkways**

Architectural Committee approval of cement slabs and walkways is not required where the following conditions have been met:

- a. The cement slab or walkway is located in the rear or side yard behind the owners' fencing and is of neutral color; brick, stone, and combinations of the foregoing are permitted providing they are of neutral color and complement the color, trim, and style of the house.

All cement work not complying with the above must be submitted to the ACC for approval.

Owners are required to obtain any necessary City permits and are responsible for ensuring proper drainage to the street.

4. **Patio Covers (Including Gazebos)**

Patio covers require ACC approval and must comply with the following guidelines:

- a. Structures must be of wood construction with the exception of vertical supports, which may be of stud & stucco, brick, or stone construction. Alternate materials, such as “aluma wood”, etc., maybe submitted for ACC approval. Samples of the product and structural/weather resistant data must accompany the application.
- b. Second story decks will be considered on a case-by-case basis with adjoining homeowner privacy in mind.
- c. Covers must be painted to match either the stucco or trim color of the house, or white (accent colors not acceptable).
- d. Solid patio covers must be roofed so as to closely match the roof of the house.
- e. Generally unacceptable materials include:
 - Metal or aluminum structures (with the possible exception of other products as indicated above)
 - Corrugated plastic and fiberglass
 - Wood or plastic criss-cross lattice panels
 - Plastic webbing, reed, or straw like materials
 - Plastic/canvas “tarp” material
 - Shade cloth

5. **Screen doors**

Screen doors are permitted with ACC approval, and must meet the following requirements:

- a. Screen door to be made of 1) wood, or 2) substantial metal with white anodized finish to match the aluminum window framing on the house.
- b. Screen door design is to be compatible with the general architectural design of the house and must be consistent with the general appearance of the community.

6. **Storage sheds, Utility and / or Auxiliary Buildings**

Storage sheds are permitted with ACC approval, and must meet the following requirements:

- a. Shed to be constructed of wood or metal. Molded plastic or resin materials will be considered on a case by case basis. Regardless of the base material, the roof color must closely match the color of the house roof. Shed must be located in the rear or side yard behind the fence line so as not to be materially visible to the public.
- b. Shed to be a completely enclosed structure with entry door(s).
- c. Shed design and construction are to be compatible with the architectural design of the house and must be consistent with the general dwelling construction and appearance of the community.
- d. Paint of shed shall match paint of house in color and proportions (i.e., to match body and trim color).
- e. Shed may not exceed six feet in height at eaves and no more than eight feet at the highest point of the roof.
- f. Shall conform to City Building codes.
- g. The applicant shall obtain neighbor-notification from adjoining property owner(s) and Owners whose line of sight the shed may affect. A copy of said notification shall be filed with the request of architectural approval.
- h. The Architectural Control Committee reserves the right to perform an on-site inspection before rendering a decision as to approval.
- i. Failure to obtain necessary approval from the Architectural Control Committee shall constitute a violation of the Declaration and may require notification and/or removal at the homeowner's expense.

7. **Dog Runs**

Pets must be confined to fenced areas or kept in the housing structure or garage.

- a. Should an Owner wish to construct a dog run, plans for dog runs along fence or property lines require adjacent-neighbor notification. Neighbor input will be strongly considered.

8. **Decking**

- a. Decking which overhangs the common slope areas will not be allowed.

9. **Exterior Lighting**

- a. Front yard exterior landscape/walkway lighting must be low voltage (12v) or solar powered. Higher voltage may be approved if it is not directed, or if it is placed so that it does not create an annoyance to the neighbors. Except during Holiday (see Holiday Decorations guidelines) the following will be in effect:

All lighting must be white or warm white in color, no colored lighting. All lighting will be of steady intensity, no blinking, fluctuating intensity, flashing, strobe, and or cascading effects. No string or tube lighting. All light fixtures must be spaced at least three feet apart.

- b. Front/side yard exterior home and garage light fixture bulbs must be white or off white in color. Colored bulbs will be permitted during Holiday or special social observances.
- c. Motion sensor lighting must be directed to illuminate no further than the property line and not be directed toward a neighbor's house or windows.

10. **Pools/Spas**

- a. Pools, spas, water-features, and **related** equipment will be considered on an individual basis and requires adjacent-neighbor notification.

11. **Solar Energy Systems**

- a. Solar powered energy systems are encouraged as a matter of public policy. The Association respects the national interest in this matter. Aesthetic concerns do exist, however, and therefore the Association has implemented certain minimal guidelines to preserve the aesthetic integrity of the neighborhood.
 - 1. All solar equipment shall be reviewed and approved by the Architectural Control Committee. Color brochures or the equivalent shall be required for the review process. All such systems require adjacent neighbor notification and Architectural Control Committee approval.
 - 2. Passive systems are prohibited in favor of active systems due to the unsightly a nature of the roof mounted water-holding tanks. Any plumbing should be installed internally so as to be obtrusively visible from the exterior.
 - 3. Solar panels should be placed so as to be an unobtrusive as possible. Placement on any roof or wall that is visible from the street is discouraged.
 - 4. Solar energy equipment shall be designed to integrate with the structure and minimize the visual effect of the equipment on the common area and other residents. No tilt up installs. Solar panels shall blend into the existing roof slope. Conduit must be painted to match the existing surface.

5. Only commercially produced systems are permitted and must be installed per manufacturer's specification. Installation of solar panels are required to comply with state and local requirements.

12. **Antennas**

- a. Unless approved by the Architectural Committee, no radio station or short-wave operators of any kind shall operate from any Lot. No exterior radio antenna, earth receiving station, satellite dish larger than 36" diameter, or other similar electronic receiving or broadcasting device of any type shall be erected or maintained in the project. Any TV satellite dish 36" or less in diameter can be installed but must be approved by the Architectural Control Committee prior to installation. The dish must be placed in the side or rear yard behind the privacy fence. The dish may be attached to the house, per City code, but should be located in an area that will provide limited visibility to the neighbors. The owner is required to receive signatures of all neighbors who are either adjacent to the subject property or will have visible line of sight of the dish depending on location.

13. **Basketball Standards**

- a. Portable Basketball Standards

Portable basketball standards do not require ACC approval:

1. Standards shall be placed on the center or side of the driveway at least five (5) feet from the curb. Please note that it is against City Regulations to place a standard on a curb, sidewalk or in the street;
2. Backboards must be fiberglass, acrylic or a similar material, not plywood or particle board;
3. Backboard must be mounted on a commercially produced pole designed for such a purpose;
4. All portions of the portable basketball standard must be maintained in good condition including the net.

- b. Permanent Basketball Standards (post permanently anchored in the ground)

Permanent basketball standards may be installed after ACC review and approval. Installations must comply with the following guidelines:

1. Standard, may be located in the rear yard and side yard behind the fence or the front yard.

Permanent basketball standards (e.g.) planned for the front yard should be planned so as to be situated along the edge of the driveway nearest to the side property line, and approximately midway between the garage and where the property meets the street;

2. Backboard must be fiberglass, acrylic or a similar material, not plywood or particle board;
3. Backboard must be mounted on a commercially produced pole designed for such a purpose;

4. Backboard or hoops may not be mounted on homes, garages, or fences;
5. All portions of the portable basketball standard must be maintained in good condition including the net;
6. Neighbor notification is required.

14. **Play Equipment**

- a. Play equipment includes but shall not be limited to gym or swing sets, slides, and tetherball poles. Play equipment is permitted, without ACC approval, under the following conditions:
 1. No part of the equipment exceeds 8' in height;
 2. The equipment is placed at least 5' from any property line;
 3. Equipment shall be placed in the rear yard or side yard behind the fence.

Equipment (such as skateboard ramps or half-pipes, playhouses, or similar play structures) not meeting the above guidelines must be submitted to the ACC for approval. None of which shall be allowed in the front portion of the property to include but shall not be limited to, softscape (lawn or planters), or hardscape (driveway).

15. **Rain Gutters**

- a. Architectural Committee approval is not required for installation of gutters so long as they are either white, or closely match the color of the trim; all downspouts must be either white, or closely match the stucco or siding color.

16. **Windows**

- a. No window in any Residence shall be covered in whole, or in part, inside or outside, with aluminum foil, newspaper, paint, or any other material reasonably deemed inappropriate for such use by the Association; provided, however, an owner may use plain white sheets to cover windows for a period not to exceed 6 months after the close of escrow, pending the installation of shades, drapes, curtains, shutters, or other appropriate interior window coverings.
- b. An owner may tint the windows of his residence provided he obtains prior approval from the Architectural Control Committee. The use of reflective tint is allowed on all windows of the house. The guidelines for the type of reflective tinting to be used on the windows are no more than 21% solar reflectance and no less than 30% light transmittance. No bronze will be allowed. The degree of darkness allowed for non-reflective tinting shall remain with the Architectural Control Committee on a case by case basis. All tinting requests must be accompanied by a brochure or manufacturer's description. All requests must include a sample of the material to be used. This sample will remain with the application and will not be returned.

- c. Security bars visible from the exterior on windows and doors are not allowed.

17. **Garage Door Replacement**

- a. Replacement of the wooden swing up garage door(s) with steel roll-up garage door(s) is permitted following ACC approval. Windows are optional. Homeowners must replace both the double and single garage door if their home has a three-car garage. The new door(s) must match or coordinate with the color of the garage door trim.

19. **Holiday Decorations**

- a. Holiday decorations are generally permitted without ACC approval, provided they are erected for not more than six (6) weeks in any 12 month period and are put out no earlier than one month prior to the holiday and removed within two (2) weeks after the holiday. For this purpose, decorations shall refer to any theme items, including lights installed on the exterior of the residence and landscaping.

20. **Awnings**

- a. Awnings will not be allowed on the front windows of the residence. Awnings located in other areas must be of the same color. A color brochure and material swatches must accompany the application.

21. **R. V./Boat/Trailer Storage**

- a. Parking restrictions governing R.V.'s, boats, etc. are contained in Article VIII, Section 11 (b) and Article IX, Section 16 (b) of the CC&R's. Summarized, these sections state unless approved by the ACC, no owner shall park, store or keep on his lot, any streets within the project or any portion of the Association property, any large commercial type vehicle or any recreational vehicle (including, but not limited to, campers, motorhomes, trailers, boats, aircraft, mobile homes or other similar vehicles), except for purposes of loading, unloading, making deliveries or performing emergency repairs. Further, the ACC is prohibited from approving, and all owners are prohibited from storing or keeping any such vehicle on the lot, unless the vehicle is (i) parked on the side of the lot adjacent to the garage; (ii) parked on a concrete or other hardscape surface; and (iii) screened from view of the public and from the natural grade of the adjacent lots by a wall, fence, landscaping or other appropriate screen approved by the Committee.

In order to facilitate a proper review by the ACC, a RV Approval Form must be submitted to the ACC.

b. **General Requirements:**

- i. All RVs must be screened from view from the public and from the natural grade of the adjacent Lot(s) by a wall, fence, landscaping or other appropriate screening approved by the ACC when parked or stored on a homeowner's property.
- ii. Screening methods must be approved by the Architectural Control Committee prior to implementation.

- iii. All RVs must be parked on the side of the Lot adjacent to the garage.
- iv. All RV's must be parked or stored on a non-permeable surface, such as PCC (plain cement concrete) or AC (asphalt concrete).
- c. **Approved Screening Options:**
 - i. **Landscaping:** Use of dense shrubbery, trees, or hedges capable of providing year-round screening. Plants used should be drought-tolerant and native to the Temecula area, in accordance with local water conservation guidelines.
 - ii. **Fencing:** Privacy fences or walls constructed of materials consistent with the community's existing architecture. Acceptable materials may include wood, stone, or vinyl that matches or complements the home's exterior.
 - iii. **Architectural Structures:** Carports or garages that are designed in harmony with the home's architectural style and constructed of similar materials.
- d. **Placement and Visibility:**
 - i. RVs must not be parked or stored in front of the primary home line except for temporary loading and unloading, not to exceed 48 hours.
 - ii. RVs parked or stored on the property must be placed behind an approved screening method so that they are not visible from the street or neighboring properties.
- e. **Maintenance:**
 - i. All screening methods must be maintained in good condition, free from damage and excessive wear.
 - ii. Landscaping used as screening must be kept healthy, neatly trimmed, and must not encroach on public sidewalks or neighboring properties.

22. Landscaping

- a. All landscaping work, plantings, and drainage systems in front yards which substantially change the landscaping, require ACC approval. Rear yard plantings by an owner require the approval of the ACC only if the plantings ~~involved exceed 8 feet in height, or due to growth habits of the plants involved,~~ will grow to ~~cause or potentially cause~~ adverse effects to any boundary wall or fence with a neighboring lot or the common area of the association, modify the exterior appearance of the lot from a neighboring lot or the common area of the association. In addition, ACC approval is required if, ~~or growth patterns of vegetation will cause roots or foliage to burden any neighboring lot owner or the common area of the association with excessive maintenance and repair responsibilities, exceed 8' in height.~~ Growth patterns of vegetation roots or foliage causing excessive maintenance repair responsibilities will be determined by the ~~Architectural Review Committee~~ ACC and the Board of Directors. All other rear yard landscaping or irrigation installation ~~shall do~~ not require ACC approval.
- b. Trees, hedges and shrubs that restrict sight lines for vehicular traffic shall be trimmed back or removed.
- c. Landscaping of front yards, other than walkways, planter walls, or fences shall consist primarily of live plants. Artificial turf may be approved provided that the property owner meets the following parameters:
 - Submits a product sample of artificial turf to be used, and other product information requested by the ACC.

- Maintains it by keeping it clean and free of dirt and debris; this may require occasional rinsing with water and removing fallen leaf dander. Pet waste must be immediately removed.
 - Agrees to replace it when the Association determines its appearance no longer meets community standards due to the lack of appropriate or normal maintenance or normal deterioration. (Note that most artificial turf products currently sold may have an anticipated life expectancy of 10 years.)
 - Turf must allow ring around trees and a planter between property lines of at least 18” in width.
 - Turf must be multi-colored and include thatch.
 - Pile height must be a minimum 1 ½”
 - Face weight must be a minimum of 40 ounces per square yard
 - Turf must be laid with grain so appears to be one even mat and must be installed per manufacturer’s specifications so that there are no bumps or ripples. Turf must be permeable in nature.
 - Professional installation is recommended.
 - Used turf is not allowed.
- d. Installation of trees requires prior ACC approval. Homeowners are informed that certain trees may cause potential root problems.
- e. Shrubs, hedges, or trees requiring ACC approval under section a), above, which restrict neighbor’s enjoyment of their lots, or which have root systems that may damage a neighbor's residence, require adjacent-neighbor notification.
- f. ACC approval is required for any mound added to the front or rear yard landscaping. No mound shall exceed two feet (2’-0”) in height above original certified grade in any given location. Mounds shall be landscaped with grass, artificial turf, shrubs, ground cover, etc., to avoid erosion. Mounds shall not be installed against any property/perimeter line wall unless it has been designed as a retaining wall and has been sealed to avoid leaching.

23. Drainage

- a. All drainage from improvements shall be constructed to return drainage to the front street. No drainage pattern shall be altered to cause drainage to flow over neighbor’s property or on any slope. All drainage must be cored through the curb, and may not run over the City sidewalk. City sidewalks may not be broken to lay drainage.

24. Signs

- a. No sign, poster, display, billboard, or other advertising device of any kind shall be displayed to the public view or any portion of the properties or any lot except one (1) sign for each lot advertising the-dwelling for sale or lease, not larger than six (6) square feet. A second exception is granted for one sign per lot indicating the presence of an alarm or security-system.

25. Miscellaneous

- a. Trash must be located out of view from any street except when it is put out for collection. Trash/containers shall not be put out until the evening before pickup and shall be removed within twenty-four (24) hours.
- b. Driveways and walks are to be swept, kept clean, and free of oil and rust stains.
- c. Access to slopes is permitted only for authorized reasons such as maintenance and repair.

NEIGHBOR NOTIFICATION

It is the intent of the ACC to consult neighbors on any improvements, which may affect their use and enjoyment of their property. Neighbor approval or disapproval of a particular improvement shall be advisory only and shall not be binding in any way on the ACC.

Adjacent-neighbor means the home or homes, which share a common property line.

The following improvements require an adjacent-neighbor notification statement with the submission of plans:

- Fences and walls
- Patio covers and gazebos
- Dog runs
- Pools and spas
- Storage and shed or utility buildings
- Any other exterior improvements that may affect neighbors and the community, such as skateboard ramps/half-pipes.

Objections from neighbors and other interested parties should be voiced in writing to the ACC. Any objections received after approval will not be considered by the ACC regardless of the reason for the delay.

APPEAL PROCEDURE

In the event that plans and specifications submitted to the ACC are disapproved, the owner filing such application may appeal in writing to the Board of Directors. The Board must receive the request, not more than fifteen (15) days following the final decision of the Committee for review, whose written recommendations will be submitted to the Board. Within forty-five (45) days following receipt of the request for appeal, the Board shall render its written decision. The Board may agree with the ACC and uphold disapproval, or the Board may disagree with the ACC and approve the plans and specifications. The failure of the Board to render a decision within forty-five (45) days shall be deemed a decision in favor of the owner filing the appeal.

REMEDIES

If, upon the expiration of forty-five (45) days from the date on which an owner is notified of a violation of these Guidelines, said owner has failed to remedy the non compliance, the Board of Directors shall notice the offending party on a date and time for a hearing in writing. After affording such owner notice and hearing, the Board shall determine whether there is a noncompliance of the Declaration and, if so, the nature thereof. If a noncompliance exists, the owner shall remedy or remove the same within a period of not more than forty-five (45) days from the date of announcement of the Board ruling of noncompliance. If the owner does not comply, the Board will initiate reasonable and appropriate actions, including fines, to see that noncomplying improvements are removed.

VARIANCES

The Architectural Committee may authorize variances from compliance with any architectural provision contained in the Guidelines on height, size, floor area, or placement of structures, or similar restrictions when circumstances such as a topography, natural obstructions, hardship, aesthetic, or environmental considerations may justify such variances.