## **ANTENNAS**

Antennas one meter or lees in diameter or diagonal measurement which are designed for over-the-air reception of signals from direct satellites (DHS), multi-channel multi-point distribution (wireless cable) providers (MMSAS) or television broadcast stations (TVBS), together with their associated mounting hardware and mast, if applicable (as "Antenna System") and which are placed, installed or kept outside a Dwelling Unit must comply with the following restrictions, unless the particular restriction would impair the user's ability to receive signals from a provider of DBS, MMDS, or TVBS (a "Provider"):

- An Antenna System must be placed on the Lot in such a manner so as not to be visible from any other Lot, Common Area or street.
- If an Antenna System cannot be placed on the Lot in such manner as to not be visible from any other Lot, Common Area or any street without impairing the user's ability to receive signals from Provider, an Antenna System must be screened by landscaping or by some other means so that it is not visible from any other Lot, Common Area, or any street.
- If no other location is available without impairing the user's ability to receive signals from a Provider and an Antenna System must be mounted on a residence or other structure and is visible from and other Lot, Common Area or any street, the Antenna System must be painted a color which will blend into the background against which the Antenna System is mounted.

## **AWNINGS**

Awnings are prohibited (except temporary awnings utilized at the model complex during the sales/marketing window.)

### APPROVALS

Pursuant to the Declaration of Covenants, Conditions & Restrictions, Builders desiring to construct improvements within Vineyard Park must be approved by the Architectural Control Committee or their designee (the "Committee") prior to submittal to the City or the commencement of construction and must include, as applicable, the following:

- Floor plans for each proposed improvement.
- Elevations of home or proposed addition or alteration.
- Exterior paint color samples.
- Sample roof tiles with list of manufacturer, style, model number and/or color.
- Landscape plans and plant lists.

# ARCHITECTURAL STYLE

All homes will be constructed in a southwestern style.

## BASKETBALL GOALS

Basketball goals are permitted in front yards adjacent to driveways <u>only</u> upon prior written approval from the Committee <u>and</u> if they are pole mounted and permanently installed. Pole and/or mounting fixtures are required to match the exterior house colors. <u>Basketball goals may not be attached directly to any residence.</u>

#### **BUILDING HEIGHTS**

Building heights are limited to two-story structures with a maximum height of thirty (30) feet above the finished floor.

#### COLORS/TONES

Exterior colors of all buildings and structures will be southwestern, desert hues and must be approved by the Committee. Southwestern accent trim colors are permitted. Bright colors will not be permitted. Any change of exterior color, body or trim, must have prior approval of the Committee.

# CONSTRUCTION PERIOD

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

# DISCLAIMER FOR LIABILITY

It is strongly recommended that the owner retain professional services for landscape planning and design.

The Committee shall have no liability in connection with or related to approved or disapproved plans, specifications, or improvements. The approval of plans does not mean that judgment is passed on the structural soundness of the improvement nor its effect upon existing or future drainage. The review of the plans is for aesthetic purposes only.

#### DRIVEWAYS

Widening of driveways requires prior approval of the Committee. The Committee submission must include a dimensioned plan of the existing lot and the direction in which expansion is proposed. The exact measurements of the proposed paved surfaces must be stated on the plan.

## EXTERIOR HOUSE MATERIALS

Finished building materials must be applied to all exterior sides of buildings and structures (final paint or stucco finish). Acceptable materials include stucco masonry and brick (approved by the Committee).

## FENCING AND WALLS

Rear yard fencing is required on all lots and shall be approximately 6' in height as measured from adjacent ground level, unless otherwise approved by the Committee. Fencing located between dwelling units and facing the street (commonly known as fence returns), shall be stuccoed and painted, stained or integral colored so as to be consistent throughout the subdivision. All fencing between dwelling units, not facing or adjacent to public right-of-way or open space can be unfinished block.

Fencing not permitted:

- Chain Link
- Wood Slat
- Wood Picket
- Free Standing on Property Line

Wood slats are permitted as part of a metal frame gate within a masonry block fence.

Garden walls are permitted to a maximum height of 48" and must match the architectural finish, texture, and style of the house.

Maintenance of low walls surrounding utility service boxes and located on homeowners property shall be the homeowners.

## FINE GRADING AND MOUNDING

Fine grading is a critical aspect of landscaping. Each lot shall be graded such that all storm water will drain away from the house. It is extremely important that this drainage pattern be maintained when preparing the landscape design, especially if mounding or berming is proposed. Because of the difficulty and importance of maintaining the individual lot drainage pattern and creating natural appearing mounding, it is recommended that a Registered Landscape Architect or design professional be consulted. Mounding and other proposed grade changes will be closely scrutinized.

## **FLAGPOLES**

Homeowners are strongly urged to use brackets mounted on the house or garage to display flags. The only flags, which may be displayed without prior approval, are the American flag, State flags and military flags.

When installing flagpoles, the poles cannot exceed 20' in height and have a removable sleeve, must be painted to match the exterior house paint color and be located within 10' of any part of the house structure. The flag must be displayed in compliance with the Federal Flag Code (copies may obtained from the property manager). Flag sizes my not exceed 3' x 5' in diameter. If the flag is not being flown for a period exceeding one week, pole must be removed from sleeve and stored as to not be visible by any neighboring property until continued use is re-established. A map of the lot indicating the location of the pole must be submitted to the ACC prior to installation regardless of intended flag to be displayed.

### **GARAGES**

All home construction must have an enclosed garage integrated with the house. Garage doors shall be sectional and windows are encouraged. Garage doors should remain closed when the garage facility is not in use. Open carports or garage conversions are not permitted except in the case of model homes whereby conversions are permitted until the end of the selling period when they must be restored to a full garage.

### **GATES**

Gates must have a metal frame and may have wood slats. Gates opening onto common areas are prohibited. Double gates may be installed to allow wider accessways to back yards. Double gates must also have metal frames and may have wood slats. All gates must be natural wood colored or painted to match the color of the adjacent block wall.

Gates shall not be permitted in any perimeter theme wall without prior approval of the Committee.

## HEADER MATERIAL

Headers shall be used to contain and separate rock ground cover from grass and common areas. Brick, steel, concrete and 1/4" pressure treated redwood is permitted. Headers may not exceed 12" in width and shall be flush where they abut other paved areas. Railroad ties, plastic, aluminum, or redwood header smaller than 1/8" x 4" is prohibited.

# IRRIGATION SYSTEMS

All landscaped areas must be equipped with an underground irrigation system. A low pressure drip irrigation system is encouraged for all shrubs and ground cover areas. Daytime watering of shrubs and turf areas should be avoided.

## LANDSCAPE REQUIREMENTS

In order to develop landscaping consistency throughout the neighborhood, a minimum of one (1) 24" box Chinese Elm tree located in the detached landscape parkway area centered between the driveway and the property line with a minimum distance of 10 feet from the driveway. Installation of this tree shall be concurrent with all trees located on any given side of street upon all homes having been sold and constructed, one (1) 15 gallon minimum tree, and six (6) 5 gallon plants are required in the front yard of each unit. All plant materials must be selected from the plant list as described in Exhibit A. Parkway tree shall be irrigated and maintained by the Homeowner Association. Plants listed as "for rear yards only" should not be used in front yards. Covered open porches, courtyards, low walls, fountains or other features, may be used to supplement and create imaginative landscape designs subject to approval of the In addition, the decomposed granite within the Committee. detached landscape parkway areas is to be 1/2" screened Santa Fe Beige only. If decomposed granite is used anywhere other than the detached landscape parkway within the frontyard, color and size may be selected pursuant to the Rock Ground Cover section below.

To the extent landscaping conforms to the requirements set forth herein, no approvals shall be necessary. Non-conforming landscaping is subject to removal or conformance if not otherwise approved by the Committee.

Each individual home site will be required to complete front yard landscaping within 60 days from the date of certificate of occupancy. It is recommended that backyard landscaping be installed at this time too, since construction access to the backyard is often through the front yard.

## LIGHTING

The use of outside lighting is allowed with the following restrictions:

- Exterior lighting must be soft and indirect with no light sources directly visible to neighboring properties or creating any nuisance.
- No colored light bulbs, lenses, or reflections are permitted.
- No outdoor flood lights where light spills over onto a neighbor's property except in the case of model home(s).
- Low pressure sodium bulbs are discouraged.
- All outside lights shall be screened wherever possible with walls, plat materials or internal shielding.
- Malibu type lights are permitted.
- Low voltage lighting is acceptable.

#### **ORNAMENTS**

No figurines, shrines or fountains are permitted in front yards unless screened from view of the street.

### PATIO COVERS

Patio covers must be painted to match the existing trim of the home and all must have a permit issued by the City/Town.

## POOLS AND SPAS

Plans for pools and spas need not be submitted for Committee approval.

Pool slides need to be approved and will be considered based upon appearance, height, and proximity to other properties.

Perimeter walls on lots bordering common landscaped areas may not be torn down. Access must be gained by tearing down a front wall of the lot, leaving the perimeter wall intact, thereby assuring the texture and color consistency throughout the community.

## ROCK GROUND COVER

Rock ground cover may be decomposed granite or other natural rock material approved by the Committee. All bare earth must be covered.

## **Decomposed Granite**

Decomposed granite in the front yard or areas visible from the street must be earth toned in color. Acceptable colors include:

- Amber
- Coral
- Gold
- Red

Artificially colored rocks (blue, green, white or other non-earth tones) are not permitted. Only 3/4" or 1/2" minus or screened sizes are acceptable. All decomposed granite shall be spread a minimum of 2" deep, and shall be treated with pre-emergent weed control at regular intervals to retard weed growth.

## **Boulders**

Only granite boulders of a color similar to the indigenous rock of Arizona are allowed. They must be buried with 1/3 the diameter below grade.

## River Run Rock

River run rock shall be 3" to 8" in diameter. Not more than 10% of the front yard landscape area may be river run rock.

Again, only 3/2" screened Palomino Gold decomposed granite will be allowed within the detached landscape parkway areas to maintain the aesthetic integrity of the streetscape.

# ROOF MOUNTED MECHANICAL EQUIPMENT

In general, roof mounted mechanical equipment is prohibited. Solar panels may be permitted, however, if located on the roof pitch opposite the street side elevation and screened so that it is not visible to the adjacent property. Screening must be compatible with the building design and all roof mounted mechanical equipment must be approved by the Committee.

### ROOFING

Roof covering materials shall be concrete tile. No composite shingle roofing or shake will be allowed.

Overhead screens, shade covers, patio roofs and other similar structures shall be integrated into the design of the home and constructed of materials and color to match or complement the structure or shall be screened with a parapet wall. All such roofs must be submitted to the Committee for approval prior to installation.

# SECURITY DOORS AND SCREEN DOORS

Security doors, security gates and screen doors must be submitted to the Committee for approval prior to installation.

# SETBACKS AND STREETSCAPES

No two (2) front elevations that are identical alike are permitted to be built adjacent to one another. This will ensure visual relief and varying aesthetic streetscapes throughout the project.

# SWING SETS, PLAY STRUCTURES

The location of swing sets, play structure and the like are subject to approval of the Committee if they can be seen by a neighbor standing in his yard looking over the adjacent fence separating lots. The Committee will consider a request for locating swing sets, play structures and the like if the properly filled out form (Exhibit C) is attached to the request together with a detailed drawing or photograph. A swing set, play structure request needs to include a dimensional backyard layout and approval of the structure by the two closest neighbors to the play structure and/or swing set at the time of installation.

## TURF (GRASS AREAS)

Front yard turf areas are required to be contained by continuous walkways, driveways, headers, decorative walls, or topographical features such as mounding or boulders.

### **VARIANCES**

In the event a variance is requested, the following items must be submitted to the Committee.

- A typed letter referencing the address of the home involved, the name of the subdivision, a request that a variance be granted, a description of the variance(s) requested, and the reason for needing the variance(s).
- Any plans, photographs or other visual aids which will help to explain the variance(s) request should be included.
- If a landscape variance is requested, a landscape plan should be prepared and submitted which shows the footprint of the house and indicates plant varieties and locations.

The Committee will endeavor to respond in writing to a request for variance(s) within thirty (30) calendar days of receipt.

#### WATER FEATURES

Water features are permitted within rear yard areas. Water features will be permitted in the front yard only if the feature is located near the entry to the house and if it is screened from view of the street by a 36" to 48" high decorative wall.

## WINDOW COVERINGS

Permanent draperies or suitable window treatments shall be installed on all front facing windows within sixty (60) days of occupancy. All first floor windows visible from the street must have customary window treatments. Newspaper, sheets or reflective materials, including but not limited to, aluminum foil, reflective screens or glass, mirrors or similar type material, shall not be installed or placed upon the outside or inside of any windows. Bright colors are not permitted.

No aluminum material or other reflective material(s) may be installed in windows. Bronze or charcoal sun screen material may be installed. The frame or window/sun screens must match the screen material or the existing window frames.

## **EXHIBIT A**

#### APPROVED PLANT LIST

The following is the approved plant for the selection of plants for home and landscape tract landscaping. Plants not on the list may still be used with the approval of the Committee. Homeowners are encouraged to develop a landscaping plan for their properties and then select plants that will look good on the property and in the context of neighboring properties. Property owners should be mindful of the water and irrigation requirements for specific plants and groups of plants, the maintenance requirements, and the size and shape the selected plants will attain in the coming years.

Homeowners can develop a landscaping plan with a desert theme, or a more lush landscape theme, or a combination of both. Landscaping suited to the southwest desert environment is highly recommended. Homeowners may use decomposed granite, or grass turf, or a combination of both, in front yard areas.

### SOUTHWEST DESERT LANDSCAPE PLANT LIST

Trees	Abyssinian Acacia	
	Argentine Mesquite	

Common Name

Argentine Mesquite Prosopis alba
Blue Palo Verde Ceridium floridum
Chilean Mesquite Prosopis chilensis
Creosote Bush Larrea divaricata

Desert Fern Lysiloma microphyllum

Botantical Name
Acacia abyssinica

Desert Ironwood Olneya tesota

Desert Spoon Dasylirion wheeleri

Desert Sweet Acacia Acacia smalli
Desert Willow Chilopsis linearis

Foothill Palo Verde Cercidium microphyllum

Golden Ball Lead Tree Lucaena retusa
Honey Mesquite Prosopis glandulosa
Mescal Bean Sophora secundiflora
Mexican Ebony Pithecellobium mexicana

Palo Blanco Lysiloma candida
Palo Brea (Sonoran Palo Verde) Cercidium praecox
Palo Blanco Acacia Acacia willardiana
Screwbean Mesquite Prosopis pubescens
Shoestring Acacia Acacia stenophylla
Sweet Acacia Acacia farnisiana

Texas Ebony Pithecellobium flexicaule

Velvet Mesquite Prosopis velutina

Western Honey Mesquite	Prospis glanulosa
White Dark Access	T viceme condide

White Bark Acacia Lysoma candida

Agave Cowshorn Agave bovicornuta Marginata Agave americana

Mescal Ceniza Agave colorata Murphy's Agave murpheyi Octopus Agave vilmoriniana

Parry's Agave parryi

Royal Agave victorae-reginae

Smooth-edged Agave weberi

Aloe African Aloe Aloe saponaria

Coral Aloe Aloe striata Medicinal Aloe Aloe barbadensis

Tree Aloe Aloe ferox Tree Aloe Aloe mariothii

Cacti Beavertail Prickly Pear Opuntia basilaris

Blind Prickly Pear Opuntia rufida

Opuntia acanthocarpa Buckhorn Cholla Compass Barrel Cactus Fercactus acanthodes Englemann's Prickly Pear Opuntia phaecantha

Fishook Barrel Ferocactus wislizenii Golden Barrel Cactus Echinocactus grusonii Hedgehog Cactus Echinocereus engelmannii Hildmann's Cereus Cereus hildmannianus Mexican Organ Pipe Pachycereus marginatus Purple Prickly Pear Opuntia macrocentra

Robust Prickly Pear Opuntia robusta Saguaro Carnegia gigantea Opuntia sanat-rita Santa Rita Prickly Pear Teddy Bear Cholla Opuntia bigelovii

Trichocereus Trichocereus candicans

Ocotillo Ocotillo Fouquieria splendens

Ocotillo Macho, Chunari Fouquieria macdougalii

Yucca Banana Yucca baccata Beaked, Beard Yucca rostrata

Blue Yucca rigida

Joshua Tree Yucca brevifolia Yucca elata Soaptree

Spanish Dagger/Palm Lily Curveleaf/PendulousYucca Spanish Bayonet/Dagger Plant Yucca gloriosa Yucca recurvifolia Yucca aloifolia

Shrubs and Ground Covers

Senna Arizona Rosewood Arizona Sophor Bambo Grass

Beard Tongue/Parry's, Canyon,

Firecracker, Rock, Scarlet

Bird of Paradise

Black Dalea (Sierra Nigra)

Blue Sage Bull Grass Candle Bush Catclaw Acacia Chihuahuan Sage

Coahuilan

Copper Bird of Paradise

Coral Yucca Cresote Bush Crucifixion Thorn

Deer Grass

Desert Bird of Paradise

Desert Cassia
Desert Holly
Desert Lavender
Desert Milkweed
Desert Ruellia
Desert Salt Bush
Desert Spoon

Fairy Duster (Baja Red)

Fairy Duster
Feather Dalea
Feathery Cassia
Fern Acacia
Firecracker Bush
Four Wing Salt Bush
Golden Wonder Cassia
Green Cloud/White Cloud

Hop Bush

Hummingbird Flower

Indigo Bush

Cassia purpussii Vauquelina californica Sophora arizonica Muhlenbergia dumosa

Penstemon species

Caesalpinia platyloba Dalea frutescens Salvia chamyoriodes Muhlenbergia emersleyi

Cassia circinnata Acacia greggii

Leucophyllum laevigatum

Hesperaloe funifera Caesalpinia pumila Hesperaloe narviflora Larrea tridentata Canotia holacantha

Deer Grass

Caesalpinia gilliesii Cassia nemophila Atriplex hymenelytra

Hyptis emoryi
Asclepias subulata
Ruellia penninsularis
Atriplex polycarpa
Dasvliron wheeleri
Calliandra california
Calliandra penninsularis

Dalea pulchra

Cassia artemesiodes Acacia angustissima Justica candicans Atriplex canescens Cassia goldmannii

Leucophyllum frutescens

Dodonea viscosa Zauschneria latifolia

Dalea bicolor

Indigo Bush Joioba

Leather Leaf Acacia Little Leaf Cordia Mealy Cup Sage

Mescal Bean, TX Mtn. Laurel Mexican Bird of Paradise Mexican Honeysuckle New Zealand Cassia Old Man Salt Bush

Quail Bush

Red Bird of Paradise

Rio Bravo
Ruellia
Salt Bush
Scrub Oak
Shrubby Cassia
Silver Cassia
Silver Cloud
Sturts Cassia
Sturts Desert Peas
Texas Cassia

Velvet Pod Mimosa Blackfoot Daisy

Bursage

California Fuchsia Desert Mallow

Gold Mount, Purple, Confetti

Mexican Blue Sage Mexican Primrose

Myoporum Rock Verbena

Scarlet Sage (Autumn) Trailing Indigo Bush

Prairie Zinnia Desert Marigold

Golden Fleece Dahlberg Daisy

Gold Crucifier Goldfield

Mexican Gold Poppy

Prickly Poppy Pink Verbena Yellow Bell Dalea wislizeni

Simmondsia chinensis Acacia craspedocarpa Cardia parviflora Salvia farinacea Sophora secundifolio Caesalpinia mexicana Justicia spicigera Cassia candoleana Atriplex nummularia

Atriplex lentiforms
Caesalpinia pulcherrima
Leucophyllum langmaniae

Ruellia californica Atriplex mulleri Quercus turbinella Cassia wislezenii Cassia philodinea

Leucophyllum candidum

Cassia sturtii Clianthus formosus Cassia biflora Mimosa dysocarpa

Melampodium leucanthum

Ambrosia deltoidea
Zauschneria californica
Sphaeralcea amibila
Lantana species

Salvia chamaebryoides Oenothera berlandieri Myoporum pavifolium

Verbena pulchella "gracilior"

Salvia greggii
Dalea greggi
Zinnia grandiflora
Baileya multradiata
Dyssodia pentachaeta
Rallistroemia grandiflora
Baeria chrysostoma
Eschscholzia mexicana
Argemone plicantha
Verbena Peruviana

Parkway Trees

24" Box Evergreen/Chinese Elm

Ulmus parvifolia

Again, only 1/2" Santa Fe Beige decomposed granite will be allowed within the detached

landscape parkway areas to maintain the aesthetic integrity of the streetscape.

## LUSH LANDSCAPE PLANT LIST

	Common Name	Botanical Name
Palm Trees	Date Palm (rear yard only)	Phoenix dactylifera
	Mexican Blue Palm	Brahea armata
	Mexican Fan Palm	Washingtonia robusta
	Queen Palm	Arecastrum romanzoffianum
	Sago Palm	Cycas revoluta
	Windmill Palm	Chamaerops fortunei
Other trees	Evergreen Elm, Chinese Elm	Ulmus parvifolia
	Benjamina Ficus	Ficus benjamina
	Cork Oak	Quercus suber
	Indian Laurel Fig	Ficus microcarpa nitida
	Mondel Pine (rear yard only)	Pinus brutia eldarica
	Ash Trees	Fraxinus species
	Brazilian Pepper Tree	Schinus terebinthifolius
	California Pepper Tree	Schinus molle
	Chaste Tree	Vitex agnus-sactus
	Citrus (rear yard only)	Citrus
	Evergreen Pear	Pyrus kawakamii
	Jacaranda	Jacaranda mimosifolia
	Holly Oak	Quercus ilex
	Southern Live Oak	Quercus virginiana
Shrubs and Ground	Arcadia Juniper	Juniperus "arcadia"
Covers	Australian Salt-Bush	Xylosma species
	Cape Honeysuckle	Tecomaria capensis
	Creeping Juniper	Juniperus horizontalis
	Dwarf Oleander	Nerium oleander
	Hibiscus	Hibiscus species
	Hummingbird Trumpet	Zauschneria latifolia
	Indian Hawthorn	Rhapiolepis indica
	Lavender Cotton	Santolina chamaecyparissus
	Mint Julep Juniper	Juniperus chinensis
	Mock Orange	Pittosporum tobira
	Oleanders (other than dwarfs)	Nerium Oleander

Pendulus Yucca Sprenger Asparagus Spanish Bayonet Spanish Dagger Star Jasmine Prostrate myoporum

Xylosma

Yucca recurvifolia Asparagus Sprengeri Yucca aloifolia Yucca gloriosa

Trachelopermum jasminoides Myoporaceae parvifolium

Xylosma species

## PROHIBITED FOR FRONT & REAR YARDS

# Common Name

Cypress
False cypress
Olive (fruiting)
Mexican Palo Verde
Theyetia - Yellow Oleander

Fountain Grass

# **Botanical Name**

Cupressus
Chamaecyparisus
Olea europaea
Parkinsonia aculeata
Thevetia peruviana

Pennisetum setaceum