

**ARCHITECTURAL REVIEW GUIDELINES (Second draft Jan 18 2015)**

**SILVERADO PROPERTY OWNERS ASSOCIATION**

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**GENERAL**

These Guidelines are adopted this \_\_\_\_\_ day of \_\_\_\_\_, by the SILVERADO PROPERTY OWNERS ASSOCIATION, A CORPORATION (hereinafter “SPOA”) representing the owners of the property within perimeter subdivision listed in Paragraph 6, Part A herein, and are to be used by the Architectural Control Committee as provided by the SPOA Bylaws, Articles III.H and X.

SPOA is a non-profit public benefit corporation, representing property owners within the Silverado Development Area.

All real properties in the Silverado Development Area are governed by Covenants, Conditions, and Restrictions (hereinafter individually a “CC&R”; collectively the “CC&Rs”), which require that each property be held, conveyed, hypothecated, encumbered and used subject to CC&Rs. The CC&Rs are to be applied in accordance with a uniform plan and in a manner which will enhance the value to the real properties therein and redound to the public benefit of the owners of these properties.

The CC&Rs run with the land, and are for the benefit of the entire development area and every interest therein. They shall be binding upon the heirs, successors and assigns of all persons owning properties therein.

SPOA hereby adopts these certain Guidelines for evaluating applications, plans, specifications, and plot plans, as appropriate, for the placement, erection, alteration or maintenance of buildings, fences, walls, retaining walls, outbuildings, structures and improvements upon home sites

**Part A. DEFINITIONS**

1. “Silverado Development Area” shall mean all of the real property located within the confines of the Silverado Community Services district, as shown on the Map, Appendix A.
2. “Subdivision” means a separate geographical area within the development as identified on the attached map.
3. “Lot” means any numbered lot within any subdivision in the Silverado development Area.

4. "Home Site" means any lot or site created to accommodate a residential structure thereon.
5. "Tract" means all lots included within the/a subdivision.
6. "Perimeter Subdivisions" includes the following subdivisions: those along Kaanapali Drive, St Andrews Drive and adjacent circles, Inverness Drive, Burning Tree Court, Westgate Drive, Maui Way, Pinnacle Peak Drive and Ridgeway Drive: Units 1, 1A, 1B, 2A, 2B, 2C, 4, 5A, 5B, 6 (lots 2, 3, 4, 5, 7, 8 and 11), and the Simmons, Westgate and 4 Creekside parcels not a part of the Creekside condominiums (see attached map).

**Part B. RESTRICTIONS APPLICABLE TO PERIMETER SUBDIVISIONS**

1. Land Use. Except as otherwise provided by the applicable CC&Rs, Home Sites in the Perimeter Subdivisions shall be used only for single-family residential purposes. Only one detached family dwelling, with private garage, is permitted on a Home Site. Any additional legally authorized structure existing as of May 31, 1996 is excluded from this restriction, but such pre-existing structure shall nonetheless be subject to any and all restrictions otherwise applicable to structures in the Silverado Development Area.

Any structure shall be subject to the Architectural Control provisions set forth herein.

2. Building Heights. No structure may exceed two stories in height. Two story structures may only be erected, as approved, on lots adjacent to outer boundaries of the Silverado Development Area. Structures situated on interior lots, away from outer boundaries, are limited to one story.
3. Dwelling Size. The interior floor area, exclusive of one story open decks and garages shall not be less than 1800 square feet.
4. Building Location. No building or appurtenances thereto shall be placed on a Home Site nearer than
  - a. 25 feet to the front street property line
  - b. 15 feet to a side street property line
  - c. 10 feet to an interior property line
  - d. 20 feet to a rear property line
5. Ancillary Features. Fences, Walls, Outbuildings and other improvements incidental to permitted residential use of a Home Site may be placed thereon subject to the provision hereinafter set forth with respect to Architectural Control.
6. Drainage and Slope Control. The owner of each Home Site must make provisions for the control and drainage of water from said Home Site over, along and across the nearest property line to the street. It is the responsibility of each owner to control the water flow from his property to the street and over adjacent Home Sites. Any damages to adjacent Home Sites resulting from failure to control such drainage shall be the responsibility of the owner from which the damaging waters flow.
7. Completion of Construction. When construction of a residence is begun on a Home Site, work thereon must be prosecuted diligently and completed within a reasonable time, and in a workmanlike manner. No building may be occupied until completion in accordance with all use permit requirements of city/county regulations.
8. Care of Property. After construction of any residence, all portions of the Home Site not covered by the structure, drives or cement walks shall be landscaped without delay.

9. Garbage and Refuse Disposal. Trash, garbage, and/or other waste shall be kept only in sanitary containers, which shall not be visible from an adjacent property or public street, except for minimum periods necessary for collection purposes.
10. Prohibited Activities.
- a. No temporary building, structure, shed, tent or trailer shall be permitted on any Home Site, with the exception for prefabricated storage facilities in rear yards completely out of view of public streets or adjoining properties.
  - b. No boat, trailer, motor coach or commercial vehicle may be parked at any time in front of, or on any, Home Site in an area visible from the adjoining property or public street.
  - c. No automobile, truck, boat or other equipment may be dismantled, repaired or serviced on any Home Site in an area visible from adjoining properties or any public street.
  - d. Garages are to be used for the purpose of parking motor vehicles. Any storage shall be limited to those items that can be stored or placed around said vehicle(s).
  - e. Homes are for residential usage only. Homeowners/residents are not permitted to rent rooms in said homes, or use homes for the purpose of “bed and breakfast” or other tourist activities. All such commercial activities are a violation of these Guidelines.
  - f. No animals, livestock, poultry or fish of any kind shall be raised, bred, or kept on any Home Site other than household pets in reasonable numbers, provided however that such pets are not allowed to be kept, bred or maintained for commercial purpose.
  - g. County regulation prohibits the parking of vehicles on public streets for more than 72 hours. Said vehicles are subject to towing, with all fines paid by car owner.
  - h. No drilling or mining operations of any kind shall be permitted on said Home Sites. No wells, tanks, tunnels or shafts are not permitted on any Home Site
  - i. No clothes lines shall be exposed to public view.
  - j. No signs, placards, political ads or notices of any kind are permitted on any Home Site, except that not more than one un-illuminated “for sale” sign may be placed on the Home Site. Said sign shall not exceed eighteen (18) inches in height by 24 inches in width.
  - k. No noxious or offensive activity may be carried on in any Home Site, nor shall anything be done or kept thereon which may be or may become a nuisance or annoyance to the occupants or owners of any one or more neighboring Home Sites. This would include barking dogs, or cats or domestic animals which are allowed to roam the neighborhoods unattended. Dogs must be on a leash outside homeowner’s property. Dogs, or any other animal, are not allowed to be tied up or leashed unattended in front of a person’s home.
  - l. No commercial activity may be carried on or conducted on any Home Site which involves in-home client services.
  - m. Garage sales, estate sales, and the like are to be restricted to one two-day weekend per year per Home Site.
11. Compliance with Laws. Each owner shall promptly comply with all laws, statutes ordinances and rules and regulations applicable to use, occupancy, construction and maintenance of the Home Sites and any improvements thereon.

**Part C. ARCHITECTURAL CONTROL**

1. Approvals Required.
  - a. No building, fence, wall, retaining wall, outbuilding, structure, improvement or ornamental addition shall be placed, erected, altered or maintained upon any Home Site, or existing property, unless and until completed plans and specifications therefore and a plot plan showing the location(s) thereof, shall have been first approved by the Architectural Control Committee, hereinafter described. These documents shall be directed to the President of the Silverado Property Owners Association for consideration.
  - b. Approval by the Architectural Control Committee is required before the County will process the request or issue a use permit for construction, erection, alteration or improvement of a structure on the Home Site/home within the Silverado Development Area.
2. Approval Withheld.
  - a. Approval of a plan or project by the Architectural Control Committee may be withheld on any of the following grounds:
  - b. The proposed construction, improvement or alteration submitted would not comply with any of the specific covenants, conditions, and restrictions listed herein; or
  - c. The proposed construction, improvement or alteration is unsatisfactory in location with respect to the Home Site/home in finished design or material, in proportion, in architectural style or appropriateness; or
  - d. The proposed construction, improvement or alteration would not be in harmony of exterior design or appearance with other improvements located within the tract or in the general area of with the topography or grade.
3. Future Rights.

Approval of any specific plans and/or specifications shall not be deemed to waive the right of the Architectural Control Committee to object to same or similar plans or specification or any feature or element embodied therein, if and when similar plans and/or specifications may be submitted for approval for use on another Home Site/home.

**Part D. ANTENNAS, AERIALS, SOLAR PANELS AND SATELLITE DISHES**

1. The Architectural Guidelines of the Silverado Community CC&Rs permit, and encourage, the use of solar installations in accordance with the State of California Solar Regulations AB2473. Residents are required to install solar arrays on their rooftops, trellises, and/or arbors, and not as large ground based arrays more appropriate to industrial, commercial or agricultural sites. The Architectural Guidelines require a review and approval to ensure the reasonable use of nominal screening or landscaping to cover any solar panel support framing or piping if it will detract from the installation's overall appearance. Such screening or landscaping shall not decrease the thermal efficiency or increase the maintenance of the equipment.
2. To ensure adequate aesthetic controls and to maintain the general attractive appearance of the Silverado Development Area, no owner, resident, or lessee shall place or maintain any objects, such as towers, satellite dishes, solar panels or radio or television antennas, on the

exterior of any building within the Development unless design review and approval is first obtained in accordance with these Guidelines, provided, however, that:

- a. SPOA and/or any Association created by any set of CC&Rs shall have the right, without obligation, to erect, place, or install and maintain any such apparatus for the benefit of all or a portion of the Silverado Development Area;
  - b. In accordance with federal law, antennas or satellite dishes with a diameter or diagonal measurement not greater than 36 inches that are designed to receive direct broadcast satellite services, video programming services via multipoint distribution services, or television broadcast signals (collectively, Permitted Devices) may be erected, placed, or installed on a Lot, provided that:
    - i. Any such Permitted Device is placed in the least conspicuous location on the Lot at which an acceptable quality signal can be received and is either not visible from neighboring property or is screened from view from streets and any neighboring Lot or Common Area.
    - ii. Reasonable restrictions that do not significantly increase the cost of installing a Permitted Device or significantly decrease its efficiency or performance (including, without limitation, screening material, location, or complimentary-color painting of the Permitted Device), may be imposed as part of these Guidelines.
3. Furthermore, no activity shall be conducted on any Lot that causes an unreasonable broadcast interference with television or radio reception on any neighboring Lot.

#### **Part E. ARCHITECTURAL CONTROL COMMITTEE**

1. Committee.

- a. The membership committee shall consist of three (3) members appointed by the President of the Silverado Property Owners Association, who shall serve until the resignation or withdrawal of the appointment. One of these committeepersons shall be appointed as chairman.

In addition a temporary member, the elected SPOA director or alternate, who represents the subdivision in which the approval action by the committee is to be considered.

The SPOA President shall act as an ex-officio member.

- b. Notification of Committee membership.

Names, addresses, e-mails and telephone numbers shall be provided in writing to the appropriate county officer responsible for approving permits in the Silverado Development Area. This office shall be notified in writing of any changes to the committee.

- c. Committee Actions.

On any issue or activity requiring an action or decision, the committee shall consist of three voting members – the chairman, the person representing the area concerned and one other committee person as selected by the Chairman.

- d. Liability.

Members of the Committee shall serve without compensation. No member of the Committee, as agents for the Silverado Property Owners Association, shall be liable to any owner or any member of the public for performance in good faith of the functions required to be performed hereunder.

2. Committee Procedure.

- a. Meetings.  
The committee members designated by the Chairman shall meet on their call to review any plans or projects submitted for review. If determined necessary, an on-site inspection shall be made before a decision is rendered.
- b. Decision(s).  
The Committee's decision(s) shall be given for
  - 1) A disapproval, in writing, with an explanation of reasons
  - 2) Approval by signatures affixed to the proposed plans submitted for consideration
- c. Failure to Disapprove.  
Should the committee fail to approve or disapprove within 30 days after a complete submittal has been made, or if no suit to enjoin or require removal of construction, alteration or improvement in question has been commenced within 90 days after completion thereof, no approval shall be required.

## **Part F. GENERAL PROVISIONS**

1. Duration.  
The Covenants, conditions and restrictions contained herein are to run with the land and shall be binding on all parties and all persons claiming under them.
2. Enforcement.
  - a. SPOA, as delegate for each Subdivision, shall be responsible for enforcing compliance with the Covenants, Conditions and Restrictions (CC&R's) contained herein.
  - b. If the owner of any Home Site violates any provision hereof, the owner of any other Home Site, as well as SPOA and/or any Association created under the applicable CC&R(s), may bring any appropriate proceedings at law or by equity, against the defaulting home/property owner:
    - 1) To enforce specific compliance with these Guidelines and the provisions contained herein; or
    - 2) To recover damages for such violation as may have been incurred by the plaintiff owner in such proceedings and/or action. The successful plaintiff in any of the above actions may recover a reasonable attorney's fee as fixed by the court in addition to any other relief awarded.
  - c. Failure by SPOA or by any other property owner or owners, or their representatives, heirs, successors, or assigns to enforce any of the CC&R's, easements or charges herein contained shall in no event be deemed a waiver of the right to do so thereafter, unless otherwise proved herein.
3. Subordination.
  - a. All the CC&R's to which these Guidelines refer shall be subject and subordinate to any recorded first mortgage or first deed of trust.
  - b. The breach of any of the CC&R's or reservations shall not defeat the lien of any such mortgage or deed of trust; provided however that the purchaser at any foreclosure or trustee's sale of such property shall take and thereafter hold the title subject to all CC&R's and reservations set forth herein.
4. Partial Invalidity.  
Should any guideline contained herein be held or declared to be invalid or unenforceable in whole or in part, by any order, judgment or decree of any Court or other authority, then

such decision shall no way affect the validity of the other provisions contained herein, and they shall remain in full force and effect.

5. Bases.

The foregoing Guidelines are based on the applicable Declaration(s) of Covenants, Conditions, and Restrictions, as amended from time to time, of the following Subdivisions within the Silverado Development Area:

<u>Silverado Subdivision</u>	<u>Recorded on</u>	<u>in Map Book</u>	<u>Pages</u>
Units 1, 1A, 1B	August 26, 1966	8	44-45
Unit 2A	November 3, 1966	8	49-50
Unit 2B	July 31, 1967	8	77-78
Unit 2C	August 22, 1996	9	21
Unit 4	November 3, 1966	8	51-52
Unit 5A	May 23, 1969	9	51-52
Unit 5B	February 26, 1974	739	230
Unit 6 (As it pertains to lots 2, 3, 4, 5, 7, 8 and 11)	January 23, 1984	1319	162

Should any of the foregoing conflict with any CC&R, then the CC&Rs shall control. Should any of the foregoing conflict with SPOA bylaws, then these Guidelines shall control, except where prohibited by law.

IN WITNESS WHEREOF, SPOA has executed this instrument this \_\_\_\_\_day of \_\_\_\_\_, 201\_\_\_\_\_

SILVERADO PROPERTY OWNERS ASSOCIATION, INC.

\_\_\_\_\_, President