



**AMMENDED & RESTATED**

**ARCHITECTURAL GUIDELINES**

**SEPTEMBER 2020**

**Architectural Application form** - complete this form if required (see Review Exempt Items Section 3.3) and attach to your project plan, permits, and all other required documentation.  
Submit all paperwork to the Emerald Crest Architectural Review Committee for review and response.

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## SECTION I: INTRODUCTION

### **1.1 Purpose**

The intent of the Emerald Crest Homeowners Association Architectural Guidelines is to maintain a visually appealing living environment while encouraging design creativity within a consistent framework in order to preserve Community property values. The standards established for design, style, materials, colors and location of site improvements, landscaping, and signage are intended to accomplish this purpose. The process for reviewing proposed modifications ensures that all projects are developed with the consistency and quality that will maintain this common goal. In the event that there is a conflict between the Architectural Guidelines and the CC&Rs, the CC&Rs shall prevail.

### **1.2 Standards of Review**

The standards and procedures set forth in these ARC Guidelines are intended as a mechanism for maintaining and enhancing the overall architectural aesthetics, as well as controlling water usage, planting zones, types of plants, etc. throughout the Community. The ARC Guidelines promote the use of drought tolerant plants and water saving landscape design throughout the Community. Review and approval of any application is made on the basis of the above-mentioned considerations. The Association shall not bear any responsibility for ensuring: a) structural integrity or soundness of approved construction or modifications; b) compliance with building codes and other governmental requirements; (c) conformity of quality, value, size or design with other improvements in the community; or c) the continued quality of appearance of improvements over time. In order to maintain the ambiance and quality of the Common Elements, special attention and care shall be paid to Improvements on all Lots and Dwellings adjacent to the Common Elements. Such Improvements may be held to stricter standards of review.

### **1.3 Amendment of Guidelines**

These Guidelines may be changed and amended to serve the needs of an evolving community, pursuant to the procedures set forth in the CC&Rs. Amendments must be approved by a majority of the Board of Directors (BOD). Owners are welcome to submit their written recommendations for changes to the ARC Guidelines to the BOD. Such amendments shall be disseminated to the Owners thirty (30) days prior to implementation, as required by state law.

### **1.4 Authority of Architectural Review Committee (ARC)**

The BOD shall serve as the ARC members, in coordination with the Management Company. These Guidelines govern all property under the CC&Rs. They shall not apply to initial construction of improvements by the Declarant. Unless otherwise specifically stated in these Guidelines, no additional landscape (other than that installed in the front yards by the Builder) may be installed upon any Lot, and no modifications (including staking, clearing, excavation, grading and other site work, construction of an improvement, exterior alteration of existing improvements, and planting or removal of landscaping materials), or placement or posting of anything (hereinafter collectively referred to as "Improvements") shall take place without receiving the **prior written approval** of the ARC as defined in Article 8 of the CC&Rs.

Beginning construction prior to receiving written approval from the ARC, or failure to complete improvements in accordance with the approved plans and in compliance with all applicable governing agencies and building departments codes, ordinances and requirements are violations of the CC&R's. Always keep in mind that violations of the CC&R's and these Guidelines are subject to action by the BOD, which may include fines, penalties, or immediate restoration of the property to its condition prior to the unapproved work being done.

**NOTE:** Owners are responsible for complying with all standards and procedures in these Guidelines, the CC&Rs and other governing documents, which may be edited from time to time. Pursuant to the requirements and restrictions set forth in the CC&Rs and any applicable supplement thereto, Owners are responsible for the actions of their contractors, and any subcontractors, agents, or employees.

## **SECTION II: REVIEW PROCEDURES**

### **2.1 Review of Improvements**

An Application for review of a proposed Improvement shall be submitted to the ARC care of the Management Company. An application for review shall be signed by the Owner or agent of the Owner and, as set forth below, may require a cash deposit. A full review of these Guidelines is highly recommended to ensure that the project meets all governing policies and the application meets the criteria for a complete package to avoid delays in approval. Incomplete applications cause additional work for the ARC and will be returned to the homeowner.

Within twelve months (12) months of close of escrow or issuance of certificate of occupancy, all side and rear yards must be installed after plan review and approval by the ARC.

### **2.2 Plans to be Reviewed**

The plans and specifications shall include any or all of the following, as deemed applicable to the nature of the request: site plans (showing location of existing dwelling and all improvements, equipment, structures, etc.), floor plans (if required for clarification), exterior elevations, roof plan, building sections, landscaping and irrigation plan, pool/water feature plans showing overall design as well as placement of equipment, and wall or fencing plans. Color palette and material samples may also be required. Refer to Section IV, Submittal Process. Approvals/permit(s) for improvements from all relevant governing entities, if applicable, must be submitted to the ARC prior to any work beginning.

### **2.3 Review Criteria**

While the Architectural Guidelines are intended to provide a framework for Improvements, they are not all-inclusive. In its review process, the ARC may consider:

- the quality of workmanship and design;
- the harmony of external design with existing structures and Dwellings;
- the location in relation to surrounding structures and Dwellings; and/ or,
- the topography or finish grade elevation.

The Improvement shall not detract from the beauty and attractiveness of the Common Elements or enjoyment thereof by the Owners, and upkeep and maintenance shall not become a burden on the Association.

All work must be in a manner consistent with the architectural standards and color palette established by the original construction. Any work that does not comply with the architectural standards and color palette established by the original construction must be reworked to comply and all work will be done at the owner's expense. The Board and the ARC shall determine if the work is consistent with the architectural standards and color palette.

### **2.4 Variances**

The ARC shall not grant approval for proposed Improvements that are inconsistent with the Architectural Guidelines, unless a variance is warranted. Variances may be considered for unique circumstances such as topography, natural obstructions, hardship, or environmental consideration. Variances cannot be contrary to the Declaration. The inability to obtain approval of any governmental agency, the issuance of any permit, the terms of any financing, or other financial considerations, shall not be considered a hardship warranting a variance. No variance shall be effective unless in writing and signed by the ARC, with the support of a majority of the committee members. The ARC may require written approval from adjacent or impacted Owners before granting a variance.

## **2.5 Review Period**

Each Application shall be approved or disapproved within forty-five (45) days of submission of a completed application and all supporting materials required by the ARC. The ARC shall provide its decision in writing to the Owner. The decision of the ARC shall be final on all matters. The ARC's written decision shall be rendered as follows:

- **Approved** - The entire application as submitted is approved in total.
- **Approved with Conditions** – The entire application as submitted is conditionally approved. The ARC will provide written comments regarding the conditions for approval, which must all be met in order for the final Improvements to be accepted unconditionally.
- **Disapproved** - The entire application has been rejected. The ARC will provide written comments regarding remedies to the rejection. No work may commence until the plan has been resubmitted, reviewed and approved by the ARC.

The ARC's approval of proposals or plans and specifications shall not constitute a representation, warranty or guarantee, whether express or implied, that such proposals or plans and specifications comply with good engineering design or with zoning or building ordinances, or other governmental regulations or restrictions. By approving such proposals or plans and specifications, neither the ARC, the members thereof, the Association, nor the Board, assumes any liability or responsibility therefore, or for any defect in the structure constructed from such proposals or plans or specifications. Neither the ARC, any member thereof, the Association, nor the Board, shall be liable to any Member, Owner, occupant, or other Person or entity for any damage, loss, or prejudice suffered or claimed on account of (a) the approval or disapproval of any proposals, plans and specifications and drawings, whether or not defective, or (b) the construction or performance of any work, whether or not pursuant to the approved proposals, plans and specifications and drawings.

Approval of plans is not authorization to proceed with improvements on any property other than the applicant's.

## **2.6 Appeal**

All owners have the right to appeal architectural design review decisions to the Association BOD. Appeals must be in writing, addressed to the BOD in care of Management within 14 days of the decision in question. The Board will consider the matter in Executive Session and invite the Owner to participate. The Board's Decision will be provided in writing to the Owner within 14 days of the Executive Session meeting.

## SECTION III: ARCHITECTURAL AND DESIGN STANDARDS

### 3.1 Prohibited Items

The following items/installations are prohibited in the community:

- Above Ground Pools
- Bermuda Grass - Cynodon Dactylon
- Common Olive (fruit bearing) - Olea europea
- Mulberry - Morus alba
- Ground cover of: asphalt, wood chips, rubber nugget mulch, red lava rock, and white rock.
- Artificial plants (Except in the case of temporary holiday decorations)
- Grass (excepting of synthetic – see Section 3.3) in the front yard of any Dwelling
- Aluminum patio covers (“alumawood” product is allowed)
- Basketball backboards installed on the Dwelling
- Clotheslines
- Drainage alteration to any Lot without the approval of a licensed civil engineer and the ARC
- Wood, glass, metal, wire or chain link fences (See Section 3.4, Type I Review Guidelines Fencing)
- Garage conversions for residential or commercial use
- Mirrored window tint or tin foil
- Mobile or manufactured homes
- Roof and window mounted HVAC or evaporative cooling units
- Wood shake, fiberglass or simulated tile roofs

### 3.2 Landscape Design Guidelines

Altering the previously approved landscape plan any way that might affect drainage, reduce the number of trees and shrubs, or change the dominant elements of the plan requires ARC approval. For example: adding a raised planter, concrete paths or pads, mounds, replacing grass with desert landscaping (or vice versa), or increasing or reducing the amount of plant material. Normal maintenance of landscaping or replacement of dead or dying plants, shrubs or trees does not require ARC approval. Removing and replacing plant material with species found within the community or similar species does not require ARC approval.

**Recommended Plant List** – Please review the [Recommended Plant List](#) of the Nevada Water Smart Landscape Program for drought tolerant plants and trees. **Note:** Professional assistance for design, selection and installation of landscape in this arid desert environment is highly recommended and will result in the most cost effective and maintenance efficient yard usage.

**Boulders** – Use of landscape boulders is encouraged. They should be installed securely so that a minimum of one-third (1/3) of the mass is below grade and extend no more than thirty inches (30”) above grade.

**Drainage** – Homeowner shall not interfere with, alter or impede the natural or established drainage on the property. ARC approval will be based upon the homeowner's assurance that drainage is maintained or a professional has been consulted to ensure positive drainage is established and maintained per code assuring that neither water damage, nor flooding will occur. The homeowner is solely responsible for any flooding and/or water damage to: 1) their own property (including, but not limited to: dwelling, foundation, block walls, landscaping, and personal belongings); 2) neighboring property (including, but not limited to: dwelling, foundation, block walls, landscaping, and personal belongings); and 3) common areas and improvements.

## Grass / Turf –

- **Living Grass** – Use of living grass is prohibited in the front and front-side yards. Living installation (in the backyard) must comply with Southern Nevada Water Authority restrictions which may be amended from time to time. Must be installed a minimum of three feet (3') from all property walls in order to minimize water staining and damage. Common Bermuda grass is prohibited.
- **Artificial Turf** – Artificial turf installation is allowed in front, side, and backyards. Artificial turf, may not exceed fifty percent (50%) of the non-paved area of the Front and Side Yards. The quality and appearance of any artificial turf should mimic real living grass, and must: be professionally installed, not plastic or artificial in appearance, and have a mix of natural green color with some color variations. "Astroturf" is not permitted. Maintaining artificial turf in its original installed condition is required. Turf must be maintained free of weeds, discolorations, stains or tears. All turf grains must run in the same direction. All turf layers must be securely positioned.

**Ground Cover** – The ground surface of all rear yards must be covered in total with a combination of hardscape and living plant material. (refer to "shrubs & plants/trees" for more information)

**NO BARE GROUND IS ALLOWED.** Hardscape materials, which must be of a type that is impervious to water degradation, may include:

- **Decomposed granite** (1/4") or smaller in size.
- **Crushed rock** (3/8") to three inches (3") installed at a minimum of (2"-3") deep.
- **Native rock** up to (6") in size, used as cobble accent or riverbed. Colors for rock used in front/side yards must match that as originally installed by Builder.

All rock mulches must be those which do not decompose when exposed to water and are compatible with the natural environment. **Ground cover of asphalt, wood chips, rubber nugget mulch, red lava rock and/or white rock is prohibited.**

**Hardscape** – Use of concrete, tile and stone accents for pool decks and patios, walkways, curbing and planter walls are encouraged to enhance landscape design. If colored materials are used in the front or side yards, they must harmonize with the Dwelling and surrounding structures.

**Irrigation** – Every effort must be made to keep overspray off property walls and out of the streets. The area within three (3) feet of any property wall is limited to planter installation with drip irrigation only. Automatic irrigation system must be used to water plant material and said system must be maintained in good working order. The automatic irrigation system must also remain aesthetically consistent with the design and plan of the community.

**Shrubs & Plants** – Care must be taken in the placement of shrubs and plants to avoid creating a maintenance nuisance or view restriction. All shrubs and plant material shall be trimmed to insure they do not encroach upon community walkways and private streets. Each front yard must contain at least fourteen (14) plant/shrubs consisting of at least five (5) different species of shrubs and/or ground cover plants. Minimum recommended planting in side and rear yard is ten (14) shrubs or vines; see Trees section below. Applications will be considered based on lot size, consistency within the neighborhood and overall density. Cactus or plant material with thorns located within eighteen (18) inches of public walkways, private streets or Common areas.



**Trees** – Care must be taken in the placement of trees to avoid creating a maintenance nuisance. Existing trees in front yards shall be maintained or replaced if they create a nuisance or do not flourish (in order to sustain a minimum of two trees). Each front yard must contain at least two (2) 24-box trees. Minimum recommended planting in side and rear yard is two (2) 15 gallon trees. Drip irrigation only is allowed for all trees. Trees must be planted a minimum of three feet (3') from any structure or property wall. Root barriers for trees within five feet (5') of any property line or structure are recommended. Canopies of those trees abutting or overhanging the community walkways, common areas and private streets shall be kept trimmed to insure that seven (7) feet above said walkways, common areas and private streets are kept clear of foliage and limbs.

**Set Backs** – See Section 3.6.

**Sight Visibility** – Landscaping on corner lots must not encroach on City required sight visibility easements. Plant material shall not exceed twenty-four (24) inches in sight visibility zones.

**Transition Areas & Drainage Swales** – Treatment of the area where the landscape of two lots abut, should be similar to create a unified and more expansive landscape feeling. Synthetic turf to gravel mulch is not allowed from the lot-to-lot transition unless proper curbing is used. Where drainage swales are required along the side yards of adjacent lots, the two swales shall be joined into a single wider swale that is less noticeable. Planting or hardscape shall not impede drainage patterns.

**Vines & Trellises** – It is recommended that vines be attached to walls with metal fasteners and wire. If wood trellises are used, they must be colored to match the shrubbery or the wall to which they are adjacent. They must be secured from damage by wind and kept in good repair. Vines may not be attached to any view fence or wrought iron.

**Waterproofing & Elevated Pads** – Should any planting area be raised and filled above existing grade, appropriate water proofing and structural support is required to ensure no stress is placed on shared walls and to prevent water seepage. See Section 3.4 “Walls” for additional restrictions.

### **3.3 Review Exempt Guidelines**

Unless unusual circumstances apply, the following items (“Standard Improvements”) **do not** require written approval by the ARC, provided they meet the minimum described standards for installation itemized below. Please see details below prior to making any modifications.

#### **Antenna/Satellite Receivers –**

All antennae are restricted to the attic or interior of the Dwelling.

In the event an antenna/dish has been tested and proven that it cannot provide adequate signal when installed in the attic the following applies: **(bold areas are from FCC Regulations)** In addition to limitations in the CC&Rs, each Dwelling is limited to no more than one (1) antenna/dish receiver per Lot, unless a second antenna/dish is required to receive signals the first antenna/dish cannot receive. **Unit size is limited to one meter (39”) or less in diameter or diagonal measurement.**

For aesthetic purposes, antennae that are of similar shape and size as satellite dishes are strongly encouraged for installation. Consideration of location and screening from Common Element and neighboring Lots is critical. Units may be mounted in the rear or side yard of the Dwelling. They may also be mounted on the rear or side wall of the Dwelling and should not generally extend above the eave of the Dwelling. **Antennae may be mounted on ‘masts’ no higher than the roofline of the Dwelling.** Installation in the front yard, the front of the Dwelling, or on the side wall within four feet (4') of the front elevation is not permitted unless signal testing proves that is the only functional location. In all cases, any cabling or connecting lines shall be uniformly secured and painted to match the Dwelling. No antenna may be placed on or attached to any common area

### **3.3 Review Exempt Guidelines(Continued)**

**Flagpoles** – The United States or State of Nevada flag may be displayed on a portable pole attached to and painted to match the Dwelling. One free-standing flagpole is allowed, if installed a minimum of ten feet (10') from any property line. Height of the pole from grade level of the Lot shall not exceed twenty feet (20'). Lines and metal clips shall be shrouded or tied in a manner that will control noise caused by wind. Only the United States or State of Nevada flag shall be displayed on the pole and the size of the flag shall not exceed four feet (4') by six feet (6') in dimension. If lighting is installed, all due care must be taken to use a fixture and bulb wattage that will not cause a nuisance to neighboring Lots. The United States Flag must be flown in accordance with 4.U.S.C.Chapter 1 as referenced in NRS 116.320, which may be amended from time to time.

**Gate Screening** – Gates may be screened with metal mesh to painted to match the color palette, if installed permanently and cover the full height and width of the gate. Any other options require ARC approval and will be considered on a case-by-case basis. Plastic, chicken wire, baby/pet gates or other screening materials are not permitted.

**Gutters and Downspouts** – Gutters and Downspouts must be painted to match the surface to which they are attached (main Dwelling or trim color). Half round gutters with a metal finish are encouraged, but are not required.

**Landscaping** – Refer to Landscape Section 3.2 of these Guidelines for restrictions and details on installations. Minor landscape changes (including replacement of existing plants with like material and seasonal color changes) do not require prior review; however, they must conform to Section 3.2.

**Landscape Accessory Features** – Landscape decorations do not require review or approval when not permanently installed or affixed to the Dwelling. They include, but are not limited to garden flags (max. 15" x 18"), benches, birdbaths, birdhouses, pottery, statues and various other types of lawn art. Accessories in the front yard, or in the rear yard of a Lot adjacent to Common Element open space, are limited in height to thirty inches (30") and must be placed at least five feet (5') from any property line. They are limited to ten (10) in number of separate pieces and must also harmonize with the aesthetics of the Community. Items reported by neighbors as offensive, or as a visual nuisance shall be subject to review and approval by the ARC.

**Painting** – No approval is required to repaint the Dwelling in accordance with the original color scheme. Any other painting requires approval and only paint schemes from the color palette are authorized(See Section 3.4).

**Patio Furniture** – Must be in harmony with the community's architectural design. Color must be in harmony with the color scheme of the home. May be made of wood, canvas, wrought iron and/or powder coated metal. Limited to no more than 3 pieces of furniture that properly fit on the front porch and/or patio decks. Cannot be placed anywhere other than the front porch and/or patio decks (i.e. not the driveway, front yard, between houses, etc.). Plastic and folding chairs must be stored out of street view when not in use.

**Security Cameras** – Any exposed wiring shall be properly attached to the house and painted to match the stucco. Cameras cannot point directly at any neighboring property. Cameras must be of low profile design.

**Security/Screen Doors** – Metal Security Doors may be installed provided they are painted to match the body or trim color of the Dwelling and are consistent with other similar doors installed within the community.

**Signage** – One small warning sign (maximum nine by twelve inches [9"x12"]) for each of the following uses is permitted: alarm company, neighborhood watch, "no soliciting" or "beware of dog". One "For Sale/Rent" sign per Dwelling is allowed; signs posted on or over the rear wall are not permitted. Political signs, which are in compliance with the terms of NRS 116.325, are acceptable during elections. Signage placed on any Common Element will not be tolerated.

**Contractor signage, even during home improvement installations, is not allowed.**

### **3.4 Type I Review Guidelines**

**Awnings** – Awnings must be of durable construction to handle local winds and must complement the color of the Dwelling.

**Balcony / Deck / Rooftop Patio** – Any permanent installation on a balcony or rooftop patio requires detailed plans and permits to be submitted to the ARC for review and approval. The primary color and the accent trim of the structure must comply with the architectural style and coordinate with the color palette of the community.

Portable outdoor furnishings (i.e. tables, chairs, umbrellas, etc. which are not permanently installed) shall be secured when not in use due to exposure to winds, especially at higher elevations. Umbrellas observed to remain open and unattended may be considered a safety and welfare concern, and are subject to violation enforcement. Vinyl mesh and outdoor blinds that match the dwelling and harmonize with the surrounding elements are permitted as long as they are secured and kept in like new condition. Plastic, chicken wire, baby/pet gates or other screening materials are not permitted.

**Barbecues** – Portable barbecues do not require approval, but must be stored out of view from the street or Common Elements. Constructed barbecue structures must meet all structure setback requirements (See Section 3.6, Setbacks).

**Concrete Work/Curbing/Walkways/Pavers** – Minor changes and additions of various types of concrete work, including stamping, staining and installation of paving stones, requires review of a site plan showing location, type and style of material and colors to be used. Style and colors must harmonize with the Dwelling.

#### **Doors:**

- **Arcadia/Sliding/French Doors** – Must harmonize aesthetically with the Dwelling.
- **Front Doors** – May be changed or modified, but must harmonize aesthetically with the front of the Dwelling.

**Driveway / Walkway** – Pavers must match the existing paver color of your home if visible from street view. Hardscapes not consistent with that which was installed by the Builder are not permitted.

- **Driveway** – Driveway additions and/or extensions require a minimum landscape area of three feet (3') on each side of any ancillary driveway, and a dedicated hard surface (e.g. pavers) that match other hardscape at the property.
- **Walkway** – The minimum width of an entry walkway is three feet (3'). Entry walkways must be separated from the dwelling by a minimum eighteen inch (18") planting strip that is fully planted or covered with rock mulch.

**Exterior Lighting** – Exterior lighting visible from the front of the property or taller than perimeter/party wall must comply with the architectural style and coordinate with existing fixtures. All due care must be taken to avoid light nuisance to neighboring Lots.

**Fireplace/Fire Pit** – Exterior fireplaces shall not exceed ten feet (10') in height and shall harmonize with the aesthetics of the Dwelling. Installation of any fireplace or fire pit shall be a minimum of five feet (5') from any structure, and must have a spark screen covering flame at all times.

**Fountains** – Non-offensive manufactured “plug-in” fountains may be installed in front yards, courtyards or rear yards, with proper waterproofing. For custom or other larger constructed structures, please refer to section 3.5 (“Pools/Spas/Water Features below).

### **3.4 Type I Review Guidelines (Continued)**

**Gates** – All gates must be wrought iron to match existing within the Community. Maximum gate height is six feet (6'); except front entryway gates which can match the height of the entry peak. Wrought iron color must match the color used in the color palette, the body or trim color of the Dwelling, or harmonize with other similar gates installed within the community and must be maintained to avoid rust damage. If gate screening is needed, you may install metal mesh painted to match the color of the gate wrought iron. Double/RV gates will be considered on a case by case basis, depending on size and location of the Lot, and require a parking pad/driveway plan to be submitted with the original request for the gate. All Double/RV gates must be completely screened with metal mesh. Use of any other material requires ARC approval and will be considered on a case-by-case basis. Generally, any type of wood for gates is not permitted. Plastic, vinyl, chicken wire, baby/pet gates, aluminum, bamboo, glass block, vines or other screening materials are prohibited.

**Landscaping** – Refer to Landscape Section 3.2 of these Guidelines for restrictions and details on installations.

**Painting** – Only color schemes established by builder are authorized. See color palette below. Homeowner is to ensure that the vendor takes the proper precautions to prevent overspray onto neighboring properties or landscaping. Vendor cannot block neighbor access.

**Patio/Pool Deck** – Patio/Pool Deck surfaces may be constructed of concrete, stamped concrete, paving stones, flagstone or tile, and must harmonize with the Dwelling.

**Parking Pads** – Pads for parking of additional vehicles (e.g. trailer, recreational vehicles, motorhomes, etc.) will be considered only when there is sufficient room in the side yard to reasonably accommodate such parking and storage behind the front setback, and when a minimum six foot (6') high wall, and a minimum six foot (6') high double-gate with full mesh screening which matches the color, size and material of other materials used on the Dwelling is installed. The following minimum side and rear yard setbacks also apply:

- Minimum side yard clearance of six feet (6') between common wall and Dwelling.
- Minimum rear yard clearance of ten feet (10') between rear wall and pad.

**Patio Covers** – Patio Covers (attached shade structures) may be constructed with a solid or raftered top. The primary color and the accent trim of the structure must comply with the architectural style and coordinate with the color palette of the community. The width of the structure shall not exceed the width of the Dwelling. The height of the structure shall not exceed the height of the roofline of the Dwelling. Solid covers must match the roofing material of the Dwelling, unless entire patio structure is made of "alumawood." Solid patio covers are not permitted on the front of the Dwelling. Raftered covers may be installed in courtyards, subject to review and setback requirements. Posts must be a minimum of four inches by four inches (4"x4") in size, constructed of alumawood, stone or stuccoed block. Decorative wrought iron supports harmonizing in color and design with the Dwelling is acceptable.

**Ramadas/Gazebos/Palapas/Arbors/Pergolas** – Ramadas, gazebos, palapas, arbors or pergolas (stand-alone shade structures) must be secured to withstand periods of high wind and constructed to harmonize with the main Dwelling. Ramadas, gazebos, palapas, arbors or pergolas may be constructed of wood but must be maintained in like-new condition or removed. If grass roofing is used for a Palapa, grass must be secured and maintained in like new condition. Ramadas, gazebos, palapas, arbors or pergolas must meet all setbacks as noted in Section 3.6, and cannot exceed fourteen feet (12') in height. Any lighting features must be designed to harmonize with the main Dwelling and not cause interference or nuisance to surrounding properties.

**Roofing Material** – Repair or replacement of any roofing material shall be of the same material and color as originally installed. Only new installations of roofing material, and not repair or replacement of roofing material with substantially the same product, require ARC review and approval.

### **3.4 Type I Review Guidelines (Continued)**

**Solar Equipment** – Solar panels shall be located on the back yard or side yard roof of the home. If this placement hinders the efficiency of the design you will need to submit a letter from the service provider stating so. The design of solar equipment should be integrated into existing roof lines. The impact on view from neighboring Lots and Common Elements will be considered. Equipment connections attached to the Dwelling shall be painted to match the surface which they overlay. Solar equipment must be installed flush to the existing roof structure and not installed on a raised platform.

**Sports/Play Equipment** – All types of sports and play equipment (including play-sets and swing sets) require prior review of type, style, color and placement and shall be adequately screened from street view. Consideration must be given regarding nuisance to neighboring Lots. No portion of any play structure shall be approved that is greater than 14' in total overall height. The maximum platform height cannot exceed 6'. Blue, green, red or neutral colors will be considered for any canopy that exceeds 6' in height. All sports/play equipment or courts shall be installed at least 5' from any property wall; however, manufacturer safety clearances should be minded by the installing owner. All installations and equipment shall be well maintained and in good repair.

Basketball hoops shall not be mounted onto the Dwelling. Submittals for permanent hoops installed on poles in the rear yard of a Dwelling will be considered under the above criteria. Portable basketball hoops are permitted and do not require prior review; however, all such portable equipment must be stored out of sight in the garage or rear yard when not in use. Sports courts will be considered on a case by case basis with consideration given to noise and light nuisance to surrounding Lots.

**Stone Veneer** – Must match the color palette, style and quality of existing stone used throughout the Community.

**Storage Sheds** – Storage sheds may be manufactured or built, but should harmonize with and/or be painted to comply with the architectural style and coordinate with the color palette of the community. They must be located and/or screened to minimize the impact on adjacent neighbor's privacy and must not be visible from the street or common area unless the ARC deems that adequate landscaping is provided to alleviate the visual impact.. Maximum height of any storage shed is 10'. Manufacturer's recommendation of roofing material will be considered, even if this includes the use of fiberglass shingles. See Section 3.6, Setbacks, for more information.

**Walls** – Structural alterations, changes, attachments or additions are not allowed to walls constructed adjacent to any Common Element. Homeowner shall consult with and following the advice of a licensed professional with regard to increasing block wall height or adding on to existing backyard block walls and footings to ensuring no damage is caused to the integrity of the existing block walls and footings. Plans from a licensed professional must accompany any submittal. The color of the new blocks and mortar must match the existing color of your existing block walls. The following restrictions also apply:

- Walls may be constructed of split-face block, painted stucco or integral color stucco on concrete block. Gray/white block, chain link, wire and wood are not permitted. Additional walls on any property must match the style of wall used within the neighborhood.
- New construction or alterations to walls placed on property lines shall require prior written approval from the neighboring Lot Owner, which shall not be unreasonably withheld or delayed.
- Maximum height for perimeter property walls is 6'.
- Courtyard walls must be set back a minimum of 5' from front or side property lines and cannot exceed 32" in height.
- Walls on corner lots must not encroach on City/County required sight visibility easements.
- Retaining walls must meet municipal building codes requiring waterproofing and weep holes.
- **No construction or alteration may interfere with or alter drainage grades in any manner.**

### **3.4 Type I Review Guidelines (Continued)**

**Windows** – Windows may be replaced or added, but must match those existing in the Dwelling. Any alteration, modification, relocation, and/or removal of a window(s) that may be visible from any street, must first be approved in writing by the ARC before said work is done.

- Greenhouse/Garden/Bay Windows – Greenhouse windows shall not project beyond dwelling eaves and must match existing window trim.
- Stained Glass – Decorative stained glass accent windows and doors are permitted, on rear facing doors and windows only; however, must complement the exterior of the Dwelling and should not generally depict graphic or otherwise offensive scenes.
- Screens – Mesh solar screens and retracting screens are permitted in the following colors: tan, sand, beige, bronze, and charcoal grey. The frame must match window trim color.
- Tint – Bronze or grey is permitted. Reflective or mirror tint is not allowed.
- Interior Window Coverings – Temporary window coverings or temporary blinds are permitted without prior approval. **Cardboard, bed sheets, newspaper, tin, aluminum, or other reflective foil are prohibited.**

### **3.5 Type II Review Guidelines**

Type II submittals are more complex improvements that require detailed plans and the coordination of materials and contractors; and, therefore, are subject to review by the ARC in order to ensure compliance with these Guidelines. These applications must be accompanied by a contractor's engineered project plans. Type II submittals may require a cash deposit in accordance with Section 4.1. Examples of Type II submittals are detailed below; however, submittals will be evaluated based upon their level of complexity and their overall impact on the Community as determined by the ARC. **Specific attention should be paid to Section 3.6, Setbacks, for these submittals.**

**Pools/Spas/Water Features** – All pools, spas and water features shall be designed and constructed so as to minimize impact on adjoining properties with light and sound, and must be properly waterproofed. No portion of the walls, hardscape or raised bond beams shall exceed thirty inches (30") in height, as measured from the pad grade of the Lot.

Pools must be **in-ground** or partially in-ground. The height of any pool/spa cannot exceed forty-eight inches (48") from pad grade level. Heaters and pumps must be installed in rear or side yards, and shall not be visible from neighboring or street views. Slides, waterfalls or water features cannot exceed six feet (6') in height from pad grade.

Access shall be only from the front of the property (side yard areas) in accordance with Section 5.5. Positive drainage, as established per code must be provided to assure that neither water damage, nor flooding will occur. Water falls and other features must be built or placed no less than three (3) feet away from all property line walls, fences and gates, and must comply with requirements of governing agency. Water slides and/or other related pool accessories must have ARC approval, and must comply with requirements of governing agency.

**Structural Additions/Alterations** – All structural additions, alterations or reconstruction/repair to any Dwelling shall be designed and constructed in accordance with the Dwelling's original design, and in compliance with municipal building ordinances. Homeowner is responsible for all required building permits and shall hire licensed/insured contractors, as required by the State's Contractor Board. Due to the complexity of such projects, applications require fully scaled/detailed plans by a licensed contractor in order to ensure compliance with the Guidelines.

### **3.6 Setbacks**

(Front, Side, Rear) Setback minimums are intended to meet building and safety codes, as well as to minimize intrusion and nuisance issues between properties and along the Community Common areas. For trees, shrubs, grass and/or any other plant material planted on the property, homeowner should consult with and follow the advice of an expert with regard to planting all landscaping materials the proper distance from the block walls/footings and/or home/foundation to insure that plant materials, their root systems, and irrigation to them will not potentially damage block walls/footings, house/foundation, or the neighboring Dwellings.

**Front** – Measured from the back of the sidewalk or from the back of the curb if there is no sidewalk.

- Minimum of five feet (5') for any tree, decorative fencing.
- Minimum of ten feet (10') for courtyard wall.
- Minimum eighteen inch (18") planting strip that is fully planted or covered with rock mulch for any front entry walkway.
- No mounding may be located within five (5) feet of block walls, fences, dwelling and/or any other Improvement

**Side** – Measured from the side wall or from the property line if there is no wall.

- Minimum of three feet (3') for any tree.
- Minimum of five feet (5') for any structure (i.e. patio cover, gazebo, shed, barbecue, fire pit, etc.).
- Minimum of five feet (5') for any play structure or sports court or equipment
- No mounding may be located within five (5) feet of block walls, fences, dwelling and/or any other Improvement

**Rear** – Measured from the rear wall or from the property line if there is no wall.

- Minimum of three feet (3') for any tree, pool or spa.
- Minimum of five feet (5') for any structure (i.e. patio cover, gazebo, shed, barbecue, fire pit, etc.).
- Minimum of five feet (5') for any play structure or sports court or equipment.
- No mounding may be located within five (5) feet of block walls, fences, dwelling and/or any other Improvement

## **SECTION IV: SUBMITTAL PROCESS**

### **4.1 Forms and Fees**

A completed "Architectural Review Application" form, which may be amended from time-to-time, with owner contact information and all required plans & documentation must accompany each submittal.

The minimum cash deposit (no bonds) for projects that involve block wall removal, heavy equipment access, pool/spa installation, etc is \$2,000.00. The cash deposit (check, cashier's check, or money order) must accompany this application and be made payable to Emerald Crest HOA. The deposit is to ensure that any damage done to the common area and block walls is repaired in a timely, workmanship manner acceptable to the Association to assure that any damage done to streets, block walls or Association Common Areas and amenities is properly repaired in a timely manner. Refunds of cash deposits must be requested in writing.

### **4.2 Plans and Samples**

A complete set of installation plans, showing the Lot, footprint of the Dwelling and all required setback measurements, as well as the location of the planned Improvement, is required. Color samples of hardscape, concrete, rock, tile, etc. are required. Pictures are preferred to physical samples. Catalog sheets showing design of equipment, lighting, etc. and any other items depicting the character and intent of the Improvement will accelerate the review process.

### **4.3 Response Time**

Each Improvement submittal will be reviewed by the ARC. Within forty-five (45) days of receipt of a complete submittal, a written response will be provided to the Owner. This forty-five (45) day period does not commence until a complete application is received. The ARC may communicate back to the homeowner for additional information, but the initial submission by the homeowner does not constitute the start of the review time.



## **SECTION V: IMPLEMENTATION OF APPROVED PLANS**

### **5.1 Compliance**

If it is determined that work completed or in progress is not in compliance with these Guidelines or any approval issued by the ARC, the Owner shall be notified in writing of such noncompliance, specifying in reasonable detail the particulars of noncompliance and requiring the Owner to remedy same. Said notice may be accompanied by a "Cease and Desist Order," stopping all activity until the noncompliance is remedied.

If the Owner fails to respond to the notice or remedy such noncompliance, or fails to commence and continue diligently toward achieving compliance within ten (10) days of receipt of the notice, then such noncompliance shall be deemed to be in violation of the CC&Rs and these Guidelines. In such case, the Board shall notify the Owner that it may take action to remove the non-complying Improvements and/or seek injunctive relief, recovery of costs incurred (including any legal costs incurred by the Association), and may impose a fine after notice and hearing, which fine shall not exceed the amount allowed by law.

### **5.2 Time to Commence**

Please note the three hundred sixty (360) day landscape installation requirement in Section 5.2. Except as otherwise specifically set forth herein, if construction does not commence on a project for which plans have been approved within one hundred twenty (120) days of such approval, such approval shall be deemed withdrawn, and it shall be necessary for the Owner to resubmit the plans to the ARC for reconsideration. Variances can be extended by the board, upon request.

### **5.3 Time to Complete**

Once construction has commenced, it shall be completed within one hundred eighty (180) days of commencement, unless otherwise specified in the approval or extended in writing by the ARC. If not completed within the specified time, the project shall be deemed in noncompliance and subject to enforcement action. Variances can be extended by the board, upon request.

### **5.4 Inspections**

As deemed necessary by the ARC, periodic inspections of the work in progress may be conducted to ensure adherence to the approved plan. Upon completion of the project, the ARC or its appointed representative may conduct an inspection of the Improvement from the Common Elements and/or from the street to verify compliance with the approved plan and these Guidelines.

### **5.5 Construction Regulations**

Construction Regulations have been established to preserve and maintain the quiet enjoyment of the community, to maintain aesthetics and ensure safety for the community residents and to provide reasonable access and controls for construction activity in order to reasonably minimize inconveniences associated with construction for all our residents and their guests. Owners are fully responsible for the action of their contractors and any subcontractors, agents or employees thereof.

**Work Hours/Days** – All work is limited to the following hours Monday – Saturday:

- ❖ Monday - Friday 7:00am to 6:00pm      -and-      ❖ Saturday 8:00am to 6:00pm

**NO work will be permitted on Sundays or the following Holidays:**

- ❖ New Year's                      ❖ Memorial Day                      ❖ Independence Day
- ❖ Labor Day                      ❖ Thanksgiving Day                      ❖ Christmas Day

**Materials/Equipment/Vehicles/Parking:**

- Contractor signage is not permitted.
- Equipment and Materials not in daily use shall not be stored on the site.
- Construction and crew vehicles must obey all common courtesy traffic and safety rules, including not blocking driveways, mailboxes, fire hydrants or impeding traffic on streets or sidewalks.

**Access** – Construction access shall **ONLY** be through the front property wall of the Lot. No access shall be granted through any wall or fence adjacent to any section of the Common Elements.

**Conduct** – Offensive behavior or language and loud activity or music will not be tolerated. Animals, alcohol, drugs and firearms are not permitted. Violators will be required to leave and may be trespassed from the property entirely.

**Damage** – Damage to any of the Common Elements or neighboring residences will be the responsibility of the Owner, who will be required to pay for any necessary repairs or replacements.

**Dumping** – During the installation of any improvements to the home (front yard, back yard, etc.), **NO** materials or equipment shall be left in the streets without proper safety precautions and marking with caution tape, cones and/or barricades. Street storage of rock, dirt, or other materials related to the project must be limited to a reasonable time period. Storage of materials on sidewalks is **prohibited**. If materials must be stored, the homeowner should make every effort to store the materials on their own property (i.e. driveway) and to take preventive measures to prevent runoff of materials out onto the street. If any damages are caused to the common areas (i.e. streets, sidewalks) during the installation of the improvements, the homeowner will be responsible to pay for and repair the damages.

## GLOSSARY OF COMMONLY USED TERMS

These terms are being provided to aid and assist Owners and Residents in understanding and interpreting the Governing Documents of the Association. These terms are taken from all of the Governing Documents as a whole and may not necessarily be found in these Guidelines. The definitions are written in laymen's terms for the benefit of Owners and Residents and are not intended to be legal definitions. Owners and Residents are urged to refer to the Governing Documents for the actual legal term definitions. All capitalized terms are defined in this Glossary.

ARC – Architectural Review Committee, created pursuant to CC&R Article VIII, Section 8.1. This group developed and adopted the Guidelines for exterior Improvements to all homes and Lots within the Association. Their responsibility is to ensure adherence to those Guidelines by reviewing all Improvement plans prior to construction and inspecting said Improvement after completion, when applicable.

Association– Emerald Crest Homeowners Association, a Nevada nonprofit corporation established to conduct the business, maintenance and governance responsibilities for the Community as a whole.

BOD (Board) – Initially appointed by the Declarant and eventually elected by the Owners, this is the corporate head of the Association, responsible for all business, maintenance and governance operations.

Bylaws – The Bylaws of the Association as created by the Declarant and as may be amended from time to time, establish the business procedures of the BOD and the Association.

CC&Rs– The Master Declaration of Covenants, Conditions and Restrictions and Reservation of Easements for the Community, as recorded with Clark County, Nevada, and which may be amended from time to time. This document addresses the rights and responsibilities of the Declarant, the Association and the Owners with respect to the Community.

Commercial Vehicles – Any vehicle regularly used for business transportation and/or displaying any type of wording or signage, including, without limitation, dump trucks, cement mixers, oil or gas delivery trucks, and flatbed trucks.

Common Element – All property within the boundaries of the Association which does not belong to an individual or individuals, and which is available for use by all Residents of the Association. This includes items such as pathways, lighting fixtures, street signs, sidewalks, gates, and perimeter landscape.

Community – Emerald Crest, a common-interest planned community development. Community Standards– The standards of conduct, maintenance and other activity designed and adopted by the Board with the intention of establishing and clarifying the minimum expectations for maintaining property value and community harmony within the Community (also called “Rules and Regulations”).

Contractors – This term applies to all vendors and workers employed or contracted by the Association or the Residents to work in the Community. Contractors employed by the Association work only on Association Common Elements, cannot perform any work on individual homes or Lots and answer only to the Association Board or staff.

Dwelling – A single family home, located on a Lot designed and intended for use and occupancy as a residence by a single family, including any ancillary building such as a “casita” or “guest house”.

Governing Documents – These are legally binding documents that control the Community. They consist of: CC&Rs, Articles of Incorporation, Bylaws, Plat Maps, Resolutions of the Association's BOD, Architectural Design Guidelines, Community Standards.

These Governing Documents apply to all Owners and Residents in the Community, as well as to their family members, guests, Tenants and vendors. In case of conflict within the documents, the list above is listed in order of document hierarchy.

Guests, Invitees – Each and all of the following: Tenants, guests, vendors, agents, employees, suppliers, and Contractors (and family members, employees or agents of any of this list).

Guidelines – The architectural, design, and construction guidelines and review procedures applicable to all Lots and homes within the Association, originally adopted in July 2019, amended August 2020, and which may be further amended from time to time by the ARC.

Improvement – Any addition, change or modification to the outside of a Dwelling or on a Lot, regardless of whether it may be seen from the street or a neighboring property.

Invitees – See “Guests”

Lot – The real property, as defined in the Governing Documents which, together with the Dwelling, makes up a Unit within the Association. “Unit” is defined in Nevada Revised Statutes, Chapter 116, which governs common interest communities.

Management – The person or persons appointed by the Board, and delegated with the authority to implement certain duties, powers or functions of the Association as provided by the CC&Rs and Bylaws.

# EMERALD CREST COLOR PALETTE

EMERALD CREST - EXTERIOR COLOR PALETTE												
	A				B				C			
	L	M	D		L	M	D		L	M	D	
SCHEMES	1	2	3		4	5	6		7	8	9	
ROOF	CLIFFSIDE 1BCCS 3940	CALIFORNIA MISSION BLEND 1BCCS 6464	LA TERRA BLEND 1BCCS 6031		APPLE BARK 1BCCS 0431	LA TERRA BLEND 1BCCS 6031	AUTUMN BLEND 1BCCS 6160		CHARCOAL BROWN BLEND 1BCCS 1132	CLIFFSIDE 1BCCS 3940	CALIFORNIA MISSION BLEND 1BCCS 6464	
STUCCO	DOWNING SAND SW 2822	RENWICK BEIGE SW 2805	WICKERWORK SW 0010		KILIM BEIGE SW 6106	OUTERBANKS SW 7534	RENWICK ROSE BEIGE SW 2804		BELIEVABLE BLUFF SW 6120	LEGONIER TAN SW 7717	MESA TAN SW 7695	
STUCCO TRIM & COLUMNS	ROYCROFT SUEDE SW 2842	TREE BRANCH SW 7525	TOASTY SW 6095		LATTE SW 6108	ACCESSIBLE BEIGE SW7036	BALANCED BEIGE SW 7037		CAMELBACK SW 6122	TONY TAUPE SW 7038	BUNGALOW BEIGE SW 7511	
FACIA & RAFTERS	ROYCROFT SUEDE SW 2842	ROCKWOOD MEDIUM BROWN SW 2807	PLANTATION BROWN SW 7520		JUTE BROWN SW 6096	ACCESSIBLE BEIGE SW7036	ROCKWOOD BROWN SW 2806		CAMELBACK SW 6122	GROUND SW 6089	ROCKWOOD MEDIUM BROWN SW 2807	
ENTRY DOOR/ SHUTTERS	AURORA BROWN SW 2837	GRANITE PEAK SW 6250	SECRET GARDEN SW 6181		FRENCH ROAST SW 6069	PROTEGE BEIGE SW 6153	BASIL SW 6194		RETREAT SW 6207	FRENCH ROAST SW 6069	RUGGED BROWN SW 6062	
GARAGE DOOR	STEADY BROWN SW 6110	ROCKWOOD MEDIUM BROWN SW 2807	PLANTATION BROWN SW 7520		JUTE BROWN SW 6096	BURNISHED BRANDY SW 7523	ROCKWOOD BROWN SW 2806		SUPERIOR BRONZE SW 6152	GROUND SW 6089	ROCKWOOD MEDIUM BROWN SW 2807	
WROUGHT IRON	TURKISH COFFEE SW 6076	BLACK BEAN SW 6006	BLACK BEAN SW 6006		BLACK BEAN SW 6006	TURKISH COFFEE SW 6076	BLACK BEAN SW 6006		TURKISH COFFEE SW 6076	BLACK BEAN SW 6006	BLACK BEAN SW 6006	
STONE VENEER	TUSCAN LEDGE VENETIAN	TUSCAN LEDGE BUCKS COUNTRY	TUSCAN LEDGE WILD GRASS		TUSCAN LEDGE VENETIAN	TUSCAN LEDGE BUCKS COUNTRY	TUSCAN LEDGE WILD GRASS		TUSCAN LEDGE WILD GRASS	TUSCAN LEDGE VENETIAN	TUSCAN LEDGE BUCKS COUNTRY	