

DESIGN GUIDELINES
FOR
ASHCROFT AT NORTH RANCH

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DESIGN GUIDELINES

FOR

ASHCROFT AT NORTH RANCH

ARTICLE 1

ARCHITECTURAL REVIEW COMMITTEE

1.1 Appointment of Committee. The Declaration of Covenants, Conditions, Restrictions and Easements for Ashcroft at North Ranch, as amended from time to time (the “**Declaration**”), provides for an Architectural Review Committee (the “**ARC**”). So long as the Declarant owns any property in the Community or any property that may be added to the Community pursuant to the Declaration, the members of the ARC will be appointed by the Declarant; thereafter, the Board of Directors of Ashcroft at North Ranch Community Association will appoint the members of the ARC. The ARC shall review and approve or disapprove, prior to construction or installation, any proposed Improvement, including, without limitation, any landscaping, building, fence, wall, or other structure or improvement of any type. Any additions or changes to existing Improvements or to the exterior of any Dwelling also require the approval of the ARC prior to construction or installation. Additions or changes to the inside of a Dwelling may be made without approval unless such additions or changes are Visible From Neighboring Property.

1.2 Design Guidelines. The ARC has established these architectural rules and guidelines (the “**Design Guidelines**”) for certain Improvements, additions and changes so that all Improvements within the Community may exist in harmony to surrounding structures and topography, and so that reasonable water conservation principles can be observed. Unless specifically excluded from the requirement to obtain the approval of the ARC, any provision in the Declaration or in these Design Guidelines that sets forth a permitted use shall be deemed to permit such use only after approved by the ARC. Capitalized words in this document not otherwise defined herein shall have the same meaning as described in the Declaration.

ARTICLE 2

SUBMITTAL PROCESS; GENERAL REQUIREMENTS

2.1 Required Materials. The owner of a Unit (an “**Owner**”) shall submit a request for architectural approval on the form provided by the Association (the “**Request for Architectural Approval**”), along with any additional information required by this Section 2.1, and must receive written approval therefor prior to construction or installation of any Improvement that requires the approval of the ARC:

2.1.1 Owner information as follows:

- (i) owner’s name, address, telephone number and e-mail address;
- (ii) description of Dwelling (model name or description including number of bedrooms and square feet);

- (iii) identifying Number of Unit (lot number and subdivision); and
- (iv) time frame for beginning and completion of the work to construct or install the Improvement.

2.1.2 Nature of request, for example:

- (i) addition to an existing Dwelling;
- (ii) landscape plans, including any excavation or grading work;
- (iii) concrete work;
- (iv) walls, fences or gates;
- (v) patio cover or patio screening;
- (vi) pool and/or spa;
- (vii) antenna and/or exterior satellite receiver requiring approval pursuant to these Design Guidelines; and
- (viii) other addition, alteration, repair, change or other work that is not prohibited by the Governing Documents.

2.1.3 **Two** copies of the plans and specifications for the proposed work, including, if applicable:

- (i) **Site plan** (a minimum of 8-1/2" X 11" in size and drawn to scale) showing the size of the Unit, the size of the Dwelling and the finished floor elevation of the Dwelling. The site plan shall include, as applicable, any proposed driveway widths, dimensions for proposed paving, parking, concrete curbs, planters, sidewalks, location of trash enclosures, location and dimensions of pools and spas, lighting (size and type) etc., and shall include the square footage of any additional concrete. The site plan must also show the grading and drainage of the Unit and must adequately describe the proposed Improvement.
- (ii) **Floor plans** as necessary to show the Improvement requested and its relation to the existing structure, if applicable, indicating dimensions and type of materials.
- (iii) **Exterior elevations** as necessary to show the Improvement requested and its relation to the existing structure, if applicable, indicating type of materials and color of surfaces.

- (iv) **Roof plan** as necessary to show the Improvement requested and its relation to the existing structure, if applicable, indicating type and color of materials.
- (v) **Building section** as necessary to show the Improvement requested and its relation to the existing structure, if applicable.
- (vi) **Landscaping plan** showing location, size and type of trees, shrubs and groundcover, protection of existing vegetation, use of approved plants and other landscaping details, including irrigation facilities and hardscape Improvements.
- (vii) **Wall and fencing plans**, which must include plans and elevations of walls showing heights to surrounding grade, locations of retaining walls and the grade height between the Owner's Unit and all adjacent Units. Wall and fence designs must comply with all requirements of these Design Guidelines (see Section 4.5).

2.1.4 Additional information may be requested by the ARC, and until all requested information has been submitted, a request for review is considered incomplete and not approved. **Each Owner should review Article 4 of the Declaration prior to submitting a request to the ARC. Article 4 sets forth the general architectural control restrictions and other use restrictions affecting the Units.**

2.2 Review Fees. The Association may charge a fee in connection with the submittal of a Request for Architectural Approval. The amount of the review fee may be updated from time to time in the discretion of the Board of Directors. If a review fee is required, the ARC will not be required to review a Request for Architectural Approval until such fee is paid. In addition, if the ARC deems it necessary to have plans and specifications for major improvements reviewed by professional consultants (including, but not limited to, architects and engineers), the ARC may require a Unit Owner to pay an additional review fee to reimburse the Association for the cost of hiring such consultants.

2.3 Process. Owners may not rely on verbal approvals or indications from any person that Improvements will be approved by the ARC. The ARC shall either approve or disapprove in writing each request within 45 days after receipt of the request. If no notice is sent by the ARC within the 45 days, then the proposed Improvement is deemed disapproved. If a request is denied within such 45 day period, then written denial shall be forwarded to the Owner stating the reason for denial. If the ARC requests additional information, then the 45 day period will not commence until all required information has been submitted. It is an Owner's responsibility to make sure that a request and all additional information required by the ARC is received by the ARC.

2.4 Time to Complete. Pursuant to Section 4.1 of the Declaration, the ARC may impose a schedule for the completion of construction of the proposed Improvement and for other matters as set forth therein. If the approval of a proposed Improvement received from the ARC contains a time schedule, the Owner will be required to agree in writing to adhere to such time schedule prior to commencing construction.

2.5 Compliance with Requirements of Governmental Authorities. The ARC approvals required pursuant to the Declaration and these Design Guidelines shall be in addition to, and not in lieu of, any approvals or permits that may be required under any federal, state or local law, statute, ordinance, rule or regulation, including, without limitation, all requirements of any municipality and Clark County. An approval by the ARC shall not be construed in any way to be an approval by any applicable federal, state or local governmental authority. To the extent that any governmental standard is less restrictive than the Declaration or these Design Guidelines, the Declaration and Design Guidelines shall prevail.

2.6 Warranty Disclaimer. Owners are advised that the construction of or modifications to certain Improvements may void all or a portion of the warranty given to Owners by Declarant or Declarant's subcontractors upon acquiring a Unit. Prior to commencing construction or modifying an Improvement, an Owner should investigate any effect such construction or modification will have on the warranty. The ARC will not be responsible for any warranty that is deemed void as a result of the ARC approving any such construction or modification.

2.7 Responsibility for Compliance. Owners are responsible for ensuring compliance with all provisions of the Declaration and these Design Guidelines whether an Improvement is installed by an Owner or a contractor employed by the Owner.

2.8 Review Criteria. The Design Guidelines are intended to provide a framework for Improvements but they are not all-inclusive. In its review process, the ARC may consider the quality of workmanship and design, harmony of external design with existing structures, and location in relation to surrounding structures, topography, and finish grade elevation, among other things. ARC decisions may be based on purely aesthetic considerations.

2.9 Variances. The ARC or Board of Directors, as applicable, shall not grant approval for proposed construction that is inconsistent with the Design Guidelines unless a variance is granted. The ARC or Board of Directors may grant variances when circumstances such as, without limitation, topography, natural obstructions, hardship or environmental considerations require. The ARC or Board of Directors may grant a variance so long as the variance does not result in a material violation of the Declaration and is compatible with existing and anticipated uses of the adjoining properties. No variance shall be effective unless in writing and signed by a majority of the ARC members or Board of Directors, as applicable.

ARTICLE 3 GENERAL IMPROVEMENTS AND ALTERATIONS

3.1 Additions and Alterations. Architectural design and materials used in exterior additions and alterations shall be the same as the original Dwelling. The roofline of any addition or alteration shall not exceed (i) the height of the original roof line of the Dwelling, or (ii) 24 feet, both measured at the ridgeline of the roof, whichever is less. No addition shall be built outside of the original setback requirements originally established by Declarant even though the requirements of any local governmental authority may be less restrictive.

3.2 Arbors. Arbors may be placed above gates up to a height of 8 feet above the ground. Arbors may be free standing in the rear yard up to a maximum height of 10 feet. In no event shall arbors be placed closer than 10 feet to any property line or privacy wall, whichever is closest to the Dwelling.

3.3 Awnings. Awnings must be stationary or of fold-down design having a metal frame and must be made of durable material that is adequately secured on three sides. The color of the awning must be compatible with the color of the Dwelling. Samples of material and color are required to be submitted to the ARC for consideration.

3.4 Concrete.

3.4.1 Color Coating. Decorative concrete overlays on concrete entry walkways to the Dwelling and front and back patio areas are allowed; however, no decorative overlays or color coating will be permitted on driveways or on sidewalks and curbs that are installed parallel to the street. Colors must be standard and samples must be submitted to the ARC with the request for approval.

3.4.2 Front Yard Installations. Any concrete installation for the front yard, other than that originally installed by Declarant (excluding concrete patios behind courtyards and stairs leading to the front sidewalk or curb) shall be limited to an additional 150 square feet. Driveway additions shall not be greater than a maximum of 2 feet on either (or both) side(s) of the driveway.

3.4.3 Rear Yard Installations. Except for patios and sidewalks originally installed by Declarant, and subject to the other requirements of this subsection, rear yard concrete installation, including additional patio and slab installations, shall not exceed 8% of the surface area of the Unit or 500 square feet, whichever is more (excluding one sidewalk no wider than 40 inches located along and at least 1 foot from the side property line between the front and rear yards, and excluding a deck no more than 36 inches wide surrounding a pool). A non-concrete buffer of at least 3 feet must be maintained surrounding any concrete area, and the drainage plan for the Unit must not be altered except as approved by the ARC.

3.5 Fireplaces and Barbecues. Proposals for the installation of permanent outdoor fireplaces, barbecues and fire pits must include materials, colors and the location and distance from neighboring Units. The style, color and materials of the proposed Improvement should complement the style, color and materials of the Dwelling. Outdoor fireplaces are permitted to a maximum height of 10 feet in the rear yard. The fireplace must be located at least 10 feet from any property line or privacy wall, whichever is closest to the Dwelling. Outdoor fireplaces are not permitted in front yards. Each Owner is responsible for assuring that the operation of the facility is in compliance with all applicable ordinances and laws.

3.6 Flagpoles. One freestanding flagpole may be allowed on a Unit. The height of the flagpole may not exceed 25 feet. The flag may be no larger than 4 vertical feet by 6 horizontal feet. A flagpole may be used only for display of the United States flag. The flagpole may be placed in the center of the front yard area, but wherever placed, such location must provide for a distance of at least 16 feet from the curb. The flagpole may be placed in the rear yard if it is at least 10 feet from the rear property line or privacy wall, whichever is closest to the Dwelling. The

flagpole must be set back at least 5 feet from the side yard property lines abutting another Unit, or the side yard privacy walls, whichever is closest to the Dwelling, and at least 14 feet from the curb on a corner Unit.

3.7 Gardens. The ARC will consider a small garden of up to 100 square feet in the rear yard so long as any garden area is located at least 5 feet from any property line or privacy wall, whichever is closest to the Dwelling. No planting may exceed 3 feet above the finished grade of the Unit if located within 10 feet of a boundary line or privacy wall. Gardens must be maintained at all times in accordance with the Maintenance Standard. During the non-growing season, the garden shall be maintained in a weed-free condition and void of any debris.

3.8 Greenhouse Windows. Greenhouse windows or similar structures shall not project beyond the eave of the structure. The width of a glass panel may not exceed 10 feet.

3.9 Hardscape Installations. Hardscape installations other than concrete, such as flagstone and pavers, will be reviewed by the ARC in relation to other hard-surface coverages on the remainder of the Unit. Generally the ARC will limit hard-surface coverage to 8% of the Unit surface area, but depending on the density of plant materials, method of installation of the hard-surface materials (i.e., loose laid, mud set) and size or shape of the Unit, the ARC may grant exceptions to that requirement.

3.10 Holiday Decorations. Holiday decorations will not require approval if installed no earlier than 30 days before a holiday and removed no later than 30 days after a holiday. Any variation from these time periods will require approval of the ARC. The ARC reserves the right to request reasonable modifications to holiday decorations if deemed appropriate.

3.11 Landscape Accessory Features.

3.11.1 Except as provided in Subsection 3.11.3, ARC approval is not required for the installation of landscape accessory features; however, the ARC reserves the right to require removal of any landscape accessory feature determined by the ARC in its reasonable discretion to be inconsistent with the overall architectural theme of the Community. These determinations may be based on quantity, color, materials, location, size, height, style and other subjective factors. The ARC encourages Owners to inquire as to whether a landscape accessory feature will be acceptable to the ARC prior to purchasing and installing any such feature. All landscape accessory features are subject to the following height restrictions:

- (i) front yard accessory features shall not exceed 30 inches above the original finished grade of the Unit;
- (ii) side yard and rear yard accessory features shall not exceed 5 feet above the original finished grade of the Unit.

3.11.2 Landscape accessory features are not permitted within 5 feet of any Unit boundary or privacy wall, whichever is closest to the Dwelling, unless screened by a solid wall at least 5 feet in height. Water features will not be permitted within 5 feet of any Unit boundary or privacy wall, whichever is closest to the Dwelling.

3.11.3 Water features proposed to be installed in front yard courtyards require approval by the ARC prior to installation and will be considered on a case-by-case basis.

3.12 Lattices. Lattice screening may be installed no higher than 5 feet and must be a minimum of 5 feet from the property line or privacy wall, whichever is closest to the Dwelling, if free-standing in the rear yard. The lattice may extend to the roof line of the Dwelling if installed against the Dwelling or the end of a patio. Lattice structures must be constructed with wrought iron or similar metal materials. Wood lattice structures will not be permitted.

3.13 Lighting. No outside light, other than indirect lighting and decorative fixtures mounted on the Dwelling by Declarant, shall be placed, allowed or maintained on any Unit without the prior written consent of the ARC. All lighting shall be consistent with the style of architecture prevalent in the Community. Cut sheets specifying color and style must be included in the request.

3.13.1 Security lighting on a Unit that is attached to the exterior of a Dwelling or other structure and is intended to operate after dusk/dark shall be limited to lighting that is triggered by motion on the Unit (but not by motion on neighboring properties) and reasonably illuminates the area of the Unit immediately surrounding the Dwelling. Such lighting shall not be directed at any neighboring properties and shall be mounted no higher than 12 feet above ground. The motion detector shall be programmed to shut off the light(s) no longer than 5 minutes after motion is detected and the light has been illuminated.

3.13.2 Lighting mounted on the Dwelling shall be in decorative fixtures that diffuse light and shall not contain colored bulbs or bulbs with wattage greater than 60 watts.

3.13.3 Exterior ground mounted lights (i.e., 12 inches in total height or less) used for driveways, walkways or landscaping shall be low voltage and indirect, and shall not have colored bulbs nor bulbs greater than 10 watts. The ARC will consider some uplighting for key trees and plants only. Lighting sources should not be visible and should be aimed away from roads, sidewalks and other Dwellings. Minimal lighting within yards is recommended by the ARC.

3.13.4 Low-pressure sodium bulbs and neon lighting are prohibited.

3.14 Mechanical Equipment Installed on the Ground. Owners shall screen all ground-mounted mechanical equipment originally provided with the Unit from street view. All mechanical equipment installed on the ground by an Owner shall be screened so as not to be Visible From Neighboring Property. Equipment including, but not limited to, solar equipment, pool, spa, fountain and/or waterfall equipment/pumps and generators shall be screened by a structure at least as high as the equipment to be screened or by a block wall where permitted. Screening structures shall be of a material and color compatible with the design of the Dwelling.

3.15 Mechanical Equipment Installed on the Roof. Except for solar heating equipment, any mechanical equipment installed on the roof must be installed so as not to be Visible From Neighboring Property. To the extent permitted by Nevada law, the ARC may prohibit roof-mounted solar heating equipment if a suitable alternative location on the Unit exists. Solar roof panels will be considered for approval if made to look like an integrated part of the roof design and mounted directly to the roof plane. Solar roof panels installed by Owners or their

contractors likely will void the roof warranty. [Before considering the installation of any solar heating equipment on a Dwelling, an Owner is encouraged to review [Section 4.31] of the Declaration, which sets forth certain facts with respect to the operation and efficiency of solar equipment in relation to existing Improvements.]

3.16 Paint. No approval shall be required to repaint the exterior of a structure in accordance with the original color scheme for the Dwelling or in accordance with plans previously approved by the ARC. Any other repainting requires approval by the ARC. Base and trim colors used in repainting shall be from the color palette used by Declarant at the time of Declarant's initial construction of the Community. Paint shall be of the same type (flat, enamel, semi-gloss) as originally applied. Side and rear wrought iron perimeter fencing shall be painted to match the wrought iron fencing installed by Declarant within the Community. Decorative wrought iron should be painted to match the color scheme of the Dwelling and must be maintained in accordance with good maintenance practices to avoid the appearance of rust.

3.17 Patio Covers.

3.17.1 Solid-type patio covers attached to a Dwelling should match the materials and colors of the Dwelling. The posts used to support the patio cover roof must be covered with stucco of the same texture and color as the Dwelling. The roof of the patio cover shall be concrete or clay tile, of the same color, design and texture of the Dwelling and have a slope similar to the existing roof or a flat roof with a parapet wall.

3.17.2 Patio covers must be installed a minimum of 5 feet from the side property lines or the side privacy wall, whichever is closest to the Dwelling, and at least 8 feet from the rear property line or the rear privacy wall, whichever is closest to the Dwelling, including overhangs and any other extensions. Notwithstanding the foregoing, no patio cover may extend more than 16 feet from the rear of any Dwelling.

3.17.3 Vertical privacy screening must be at least 10 feet from the rear property line or rear privacy wall, whichever is closest to the Dwelling. In areas past the side of the Dwelling, only partial vertical screening will be allowed. Vertical screens constructed of aluminum or other material approved by the ARC may be installed no closer than 18 inches to the roof of the patio and no closer than 12 inches to the ground or patio floor. Patio covers that do not extend past the side of the house may have vertical screening from ground or patio floor to the roof of the patio cover. Vertical screens constructed of wood will not be considered by the ARC.

3.17.4 Patio covers are not permitted on the front of the Dwelling.

3.18 Patio Use Restrictions. Any patio Visible From Neighboring Property shall be used only for recreational purposes and for outdoor patio furniture. No storage of any kind, including, without limitation, garbage cans or parking of golf carts or other vehicles, is allowed under any conditions.

3.19 Play Equipment. Children's play sets, jungle gyms and other play structures will be considered by the ARC. The ARC will require width and height specifications, colors and a picture or graphical display of the proposed structure along with the location where the structure is proposed to be installed.

3.20 Prohibited Improvements. In addition to the Improvements that are prohibited in Article 4 of the Declaration, the following also will not be considered by the ARC:

- (i) [casitas and detached garages;]
- (ii) tents (except temporary tents for special events that may be approved by the Board or the ARC); and
- (iii) permanent basketball goals that cannot be stored so as not to be Visible From Neighboring Property when not in use.

3.21 Rain Gutters and Downspouts. Rain gutters and downspouts must be the same color or painted to match the color of the Dwelling or trim adjacent to where the installation occurs. The termination point of the downspout may not extend more than 8 inches into the yard. A splash block must be provided at the downspout and the adjacent ground must have a minimum slope of 5% away from the Dwelling for at least 5 feet.

3.22 Roof Material. Repair or replacement of roof materials shall be the same materials and color as originally installed by Declarant.

3.23 Security/Screen Doors. A security screen door may be added to the front and/or back of a Dwelling if it is mounted over the existing door jams and is a color and design compatible with the Dwelling.

3.24 Signage. Pursuant to [Section 4.16] of the Declaration, “For Sale,” “For Rent,” “For Lease” and “Open House” signs are prohibited. Unless approval is specifically required in this section, the following signs do not require submittal to and approval from the ARC so long as they are in compliance with the guidelines set forth in this section.

3.24.1 Security Signs. Signs that indicate a Dwelling is protected by a security system are permitted. Such signs shall be located no further than 4 feet from the face of the Dwelling. One sign per Unit may be used, which shall be single sided and a maximum of 150 square inches. The overall height of the sign from finished grade may not exceed 30 inches. Signs provided by a security company as part of the overall security system shall be used without alteration by the Owner. Decals of a size not to exceed 36 square inches may be displayed in windows.

3.24.2 Neighborhood Watch and “No Soliciting” Signs. Neighborhood watch sign decals that do not exceed 36 square inches may be displayed in windows. “No soliciting” signs may be displayed at entrances to Dwellings, but only standardized signs approved by the ARC or signs that may be available for purchase from the Association (or an exact copy in message content, size, materials and color) shall be posted.

3.24.3 Campaign or Proclamation Signs—Local, State and Federal Elections. Political signs may be placed on a Unit, but an Owner or Resident may not exhibit more than one political sign for each candidate, political party or ballot question. Such signs may be double-sided but shall be limited to a size no larger than 24 inches by 36 inches. The overall height from

finished grade may not exceed 4 feet. Signs shall not be placed sooner than 30 days prior to the election and must be removed within 3 working days after the election.

3.24.4 “Beware of Dog” Signs. Dog warning signs shall be permitted on the fence enclosing the rear yard, facing the street or on a courtyard gate. The signs must be a standard finished metal not to exceed 168 square inches in size.

3.25 Solar Screens, Skylights and Solar Tubes. Tan, sand, beige, platinum, black, gray and brown solar screens will be considered by the ARC. Solar tubes and skylights that are installed on the rear side of the Dwelling and totally screened from street view are preferred. Any skylights or solar tubes installed by Owners or their contractors will likely void the roof warranty.

3.26 Sports Equipment. All sports equipment, including without limitation, portable basketball goals, bicycles, skateboards, scooters, hockey nets, soccer goals, bats, balls, remote control cars and similar equipment shall be stored so as not to be Visible From Neighboring Property when not being used.

3.27 Stairs for Access to Tiered Landscape Areas. Planting areas created by several levels of retaining walls may be accessed by stairs with wrought iron banisters. The construction of stairs shall not affect the integrity of the retaining wall or wall footings by their placement. The stairs shall be used solely for access to planting areas and shall not be used to change the original intent of the landscaped area (i.e., for use as a patio or seating area).

3.28 Stone Veneer. Cultured stone veneer or flagstone may be used on the front elevation of a Dwelling. Cultured stone may cover up to a maximum of 35% of the surface of the front elevation of the Dwelling (which shall include stone already installed by Declarant and may include windows and doors for calculation purposes). The quality of any stone veneer must be equal to or better than that used by Declarant for Dwellings within the Community. Colors must be compatible with existing color schemes in the Community and samples must be submitted to the ARC with the application for approval.

3.29 Storage Structures; Storage of Materials. Storage buildings, sheds and other structures for the purpose of storage must be approved by the ARC. Storage of furniture, fixtures, appliances, machinery, equipment or other similar items is prohibited on any portion of a Unit that is Visible From Neighboring Property.

3.30 Swimming Pools, Spas, Jacuzzis. Above-ground swimming pools are allowed on Units enclosed by a solid wall or fence that is at least six feet (6') high and that does not include view fencing. Above-ground swimming pools are not permitted on Units with view fencing. Spa decks may not exceed 18 inches in height. The total height of the spa, including any spa decking, may not exceed 36 inches above grade. Pools and pool equipment must be constructed at least 3 feet from all property lines or privacy walls, whichever is closest to the Dwelling. Special rules apply to pump and heating equipment in Section 3.14 of these Design Guidelines. Access for construction or installation of a pool, spa or similar improvement must be through the front gate or by removing a portion of the front (return) wall on the Owner's Unit. Removal of walls abutting an Area of Common Responsibility (including perimeter walls) is discouraged and may be denied, but will be considered on a case-by-case basis. If removal of a wall abutting an Area of Common

Responsibility is permitted, the Unit Owner will be required to deliver a \$2,000 deposit to the Association together with a signed agreement that the wall and surrounding area will be returned to the condition it was in prior to the wall removal, including all sidewalks, landscaping, ground cover, and other improvements. Replacement of any wall must be completed in a timely fashion and must include repairing the wall to match the height, texture (including stucco, if applicable), and color of the remaining wall. Owners also should be aware of the restrictions set forth in Section 4.21 of the Declaration with respect to maintaining approved drainage for the Unit. Pools may not be backwashed into any Common Area or off of the Unit on which the pool has been installed. Unit Owners must comply with all municipal ordinances concerning backwashing. Damage to Common Areas due to backwashing, including erosion, will be repaired by the Association, and all expenses incurred by the Association will be billed to the Unit Owner.

ARTICLE 4 LANDSCAPING, WALLS, FENCES, GATES

4.1 Initial Landscaping. Pursuant to [Section 5.6] of the Declaration, unless previously installed by Declarant, the front yard of a Unit and any area adjacent to view fencing must be adequately landscaped no later than 90 days following the date on which the Unit is first conveyed to an Owner, and the rear yard of a Unit (except for any area adjacent to view fencing) must be adequately landscaped no later than 180 days following the date on which the Unit is first conveyed to an Owner. All requests from Owners installing landscaping by themselves or by contractors employed by Owners (whether such landscaping constitutes the initial installation or additions, alterations or modifications to the initial installation) should conform to the general guidelines set forth in this Article 4, and all such landscaping must have the prior written approval of the ARC before installation.

4.2 Plant Material Specifications.

4.2.1 Recommended and Prohibited Plants. Careful consideration should be given to creating a landscape design that uses indigenous materials and is sensitive to the water conservation efforts used in the desert southwest. Owners should use native or compatible drought-tolerant species for most yard landscaping. The ARC will approve small amounts of high-water consuming plants when confined to small areas and rear yards. The following plants will not be approved by the ARC:

- (i) mulberry species;
- (ii) cottonwood;
- (iii) oleander; and
- (iv) all olive plants that are fruit bearing.

4.2.2 Artificial Plants. No artificial plants will be permitted to be planted in the ground or placed in planters so as to be Visible From Neighboring Property.

4.2.3 Artificial Turf. Artificial turf areas in front yards shall be no more than 1,000 square feet or 50% of the total square footage of the front yard area, whichever is less. The

square footage of the front yard is based upon side yard to side yard, and from the front of the house to the front property line, excluding any driveway area. Literature indicating the specifications and samples from the artificial turf manufacturer shall be required to be submitted with the architectural request form. Putting greens are allowed only in rear yards.

4.2.4 Trees and Shrubs. The following are the minimum quantities and sizes for plant materials to be installed in the front and rear yards:

- (i) Front Yard. Two 24 inch box tree that is at least 5 feet tall, and at least fifteen 5-gallon shrubs accents or groundcovers are required for the front yard.
- (ii) Rear Yard. A minimum of 1 tree or shrub per 500 square feet, or any fraction thereof, of overall Unit area shall be installed in the rear yard area. (For example, if a Unit is 5,500 square feet, a minimum of 11 plants must be installed within the rear yard.)
- (iii) Screening Plants. One 15 gallon plant must be installed within 5 feet in front of the air conditioning unit but no closer than 2 feet (unless the air conditioning unit is screened by a wall). This screening plant may be counted toward the total plants to be planted in the front and rear yards.

Trees that are planted pursuant to the requirements of this section, other than the 24 inch box tree, shall be at least a 15 gallon container size. Except for the 1 gallon accents or groundcovers permitted in the front yard, all other shrubs must be at least a 5 gallon size. Trees and other plants installed behind a courtyard wall shall not be included in the minimum plant requirement for the front yard.

Trees and shrubs may be replaced with a similar tree or shrub without ARC Approval.

4.2.5 Ground Cover. The ground surface of all yards shall be covered with inert or living materials or any combination of both. Inert materials, impervious to water degradation, including decomposed granite, native river-run rock and other similar materials shall be used. Such materials must be native desert colors, must not decompose when exposed to water, must be no less than 3/8 inch, and must be compatible, at the sole discretion of the ARC, with the natural environment for the Community. Topsoil is not considered “inert material” for groundcover purposes. Artificially colored rock, sand stone, red lava and the excessive use of concrete at front and street side yards all are prohibited. If turf is used as ground cover, the turf must be of a variety other than Bermuda grass. Wood chips and bark may not be used as ground cover; however, wood chips may be used as a mulch for ground cover within the immediate area of a shrub or tree in rear yards only. Drip irrigation systems only are to be used in planter areas. No spray or bubbler systems will be allowed for planter or ground cover areas. Imported ground cover rock material should be tested to ensure that it does not contain high sulfates or any other reactive properties that might cause corrosive damage to concrete walkways, foundations, block walls and similar structures.

4.2.6 Planting Areas. No grass or other heavily irrigated landscape materials may be installed closer than 5 feet from retaining walls, privacy walls, or building structures. Any landscaping located closer than 5 feet from a retaining wall, privacy wall, or building structure must be irrigated by a drip system only. Termites and other insects are attracted to moisture. Excessive watering and landscaping around the foundation of the Dwelling may void the warranty on the Dwelling and also may void any termite treatment warranty. A root barrier must be installed to protect the adjacent walls and sidewalks if any trees or other plant materials with extensive root systems are located within 5 feet of the wall or sidewalk.

4.3 Mounding. Subject to the provisions of Subsection 4.2.6 above, mounds created as part of the landscape shall be formed of top soil and fully covered with inert or living materials. The height shall not exceed 2 feet 6 inches at the highest point as measured from the finished grade of the Unit and shall not alter the established drainage of the Unit.

4.4 Ground Plane Covers. The ARC will consider landscaping fabric such as A.B.S. or nylon A.B.S. composite type or other materials that allow the free flow of water, air and gasses to and from the soil.

4.5 Walls and Fences.

4.5.1 Alterations. No alterations (structural or otherwise), changes, attachments or additions shall be allowed to walls constructed by the Declarant on any Unit.

4.5.2 Common Walls. No structures shall be built on or attached to any common wall without the written consent of the ARC and the Owner(s) sharing the common wall. During the Declarant Control Period, the ARC will not approve any request to raise the height of any wall.

4.5.3 Front Courtyard Walls. The ARC will consider walls that do not exceed 36 inches in height with 40 inch pilasters and 48 inch gate posts. Courtyard walls shall be masonry with a stucco or stone finish that matches the color of the Dwelling or stone applied to the Dwelling respectively, or the walls may be of all stone if the stone matches the stone used on the Dwelling. Courtyard walls may include a wrought iron gate painted a color that is complementary to the color scheme of the Community. Wrought iron fencing in the front yard of the Unit shall be allowed only in the entryway area and cannot extend further than the front and side edges of the Dwelling, including the garage. Wrought iron may be placed on top of courtyard walls as long as the total height of the wall plus fencing does not exceed 60 inches.

4.5.4 Side Yard Courtyard Walls. Side yard courtyard walls shall not exceed 36 inches in height except gates and gate posts that may be 48 inches in height.

4.5.5 Drainage. Owners are advised to read and understand [Section 4.21] of the Declaration with respect to not altering the drainage of a Unit by the construction of any Improvement, including walls and fences.

4.6 Gates. All gates shall be constructed of decorative wrought iron painted a color that is complementary to the color scheme of the Community. A gate shall be substantially the same height as the adjoining fence.

4.7 Retaining Walls. Retaining walls to mitigate slopes resulting from elevation changes will be considered by the ARC. Any retaining wall approved by the ARC shall be maintained in accordance with the provisions of [Section 5.5] of the Declaration.

4.8 Maintenance of Landscaping.

4.8.1 Owners Responsibilities. Each Owner should become familiar with [Section 5.2] of the Declaration. It is each Owner's responsibility to maintain his or her Unit in a neat and attractive manner 365 days a year. Seasonal Owners and Residents must contract for and make sure that maintenance is being performed during absences from the Community.

4.8.2 Remedies. Failure to maintain an Owner's Unit may result in the Association taking any action available to it under the Declaration or under applicable law, including without limitation, the right to perform the maintenance at the cost of the Owner, and the right of the Association to levy fines as provided for in the Association Rules.

**ARTICLE 5
ANTENNAS/SATELLITE DISHES**

5.1 Communication Services. If an Owner desires to install an antenna for the purpose of receiving television or other communications services, the rules in this Article 5 apply.

5.2 Approved Devices. An antenna one meter or less in diameter or diagonal measurement that is designed to receive signals from direct broadcast satellites ("DBS") or designed to receive video programming services from multi-channel multi-point distribution (wireless cable) providers ("MMDS") or an antenna that is designed to receive television broadcast signals ("TVBS") may be placed, installed, or kept on a Unit without the approval of the ARC if the antenna complies with the following restrictions:

5.2.1 The antenna must be placed on the Unit in such a manner as to not be Visible From Neighboring Property unless it is impossible to do so without impairing the user's ability to receive signals from a provider of DBS, MMDS or TVBS.

5.2.2 If the antenna cannot be placed on the Unit in such a manner as to not be Visible From Neighboring Property without impairing the user's ability to receive signals from a provider of DBS, MMDS or TVBS, then the antenna must be screened by landscaping or by some other means so that it is not Visible From Neighboring Property, unless such screening would impair the user's ability to receive signals from a provider of DBS, MMDS or TVBS, in which event the antenna must be screened by landscaping or by some other means to reduce to the greatest extent possible its Visibility From Neighboring Property without impairing the user's ability to receive signals from a provider of DBS, MMDS or TVBS.

5.2.3 If the antenna is mounted on a Dwelling or other structure and is Visible From Neighboring Property, the antenna must be painted a color that will blend into the background against which the antenna is mounted, unless the painting of the antenna would impair the user's ability to receive signals from a provider of DBS, MMDS or TVBS.

5.2.4 An antenna that is one meter or less in diameter or diagonal measurement and is designed to receive video program services from MMDS or an antenna designed to receive TVBS may be mounted on a mast which does not exceed 12 feet in height above the roof line. However, the mast shall be no higher than the height necessary to establish line of sight contact with the transmitter. If the mast or antenna is Visible From Neighboring Property, the mast or antenna must be painted a color that will blend into the background against which the antenna is mounted, so long as the painting of the antenna does not impair the user's ability to receive signals from the MMDS or TVBS provider.

5.3 Impairment of Ability to Receive Signals. A restriction contained in this section shall be deemed to impair the user's ability to receive signals from a provider of DBS, MMDS or TVBS if compliance with the restriction would unreasonably delay or prevent installation, maintenance or use of the antenna, unreasonably increase the cost of installation, maintenance or use of the antenna or preclude reception of an acceptable quality signal.

5.4 Restricted Devices. No antenna which exceeds one meter in diameter or diagonal measurement and no mast which exceeds 12 feet in height above the roof line may be placed, installed, constructed or kept on any Unit without the prior written approval of the ARC. Antennas used for amateur ("ham") radio, CB radio, FM or AM radio service, satellite radio or used as part of a hub to relay signals among antennas are not permitted.

ARTICLE 6 CONSTRUCTION GUIDELINES

6.1 Inspections. If requested by the ARC, the Owner shall schedule and coordinate a review of all construction and/or installation activities with the ARC to verify compliance with the approved plans and specifications. Owner's contractor may represent the Owner at the review. The ARC also may perform additional periodic inspections to ensure that work is being performed in conformance with approved plans and the Governing Documents. All inspections are observations only and will not relieve the obligation to obtain inspection approvals from any applicable governmental authority. If any Unit on which construction or installation of an Improvement is being performed is not in compliance with the approved plans and specifications, these Design Guidelines or any other Governing Document, the Owner thereof will be issued a notice of violation and a list of items needed to remedy the violation(s). The ARC may require that construction or work on the Unit halt until all such violations have been corrected to the satisfaction of the ARC.

6.2 Construction Damages. Any damage to vegetation, Improvements in Areas of Common Responsibility, streets, curbs, gutters, sidewalks or other Units caused by an Owner, its contractors, subcontractors, agents or employees must be corrected immediately to the satisfaction of the ARC and the owner of the damaged property.

6.3 Conduct. An Owner must ensure that all contractors control the conduct of their employees while working in the Community. Loud music, profanity and other rude behavior will not be tolerated. Contractors and their employees shall not be allowed to possess illegal drugs or any alcoholic beverages while working in the Community.

6.4 Site Cleanliness. All contractors must maintain the sites in a clean and orderly manner at all times. The storage of materials should be in an inconspicuous location within the site where possible and stored neatly and orderly. Materials that are stored on a street or sidewalk shall be sufficiently barricaded or cordoned off with reflective cones, ribbon, rope or other appropriate material. All construction debris shall be cleared at the end of each working day. Upon completion of any landscaping, wall and fence Improvements, all material debris must be removed from the Unit and any soil or other residue remaining on the street must be cleaned. Neither Declarant, the Association, the Board of Directors, the ARC nor any officer, director or member of such entities shall be liable for any damages or injuries caused by or resulting from the storage of construction materials on the Areas of Common Responsibility, streets or sidewalks within the Community. Owners are responsible for ensuring that all construction activities on a Unit shall comply with all local, state and federal environmental protection laws

6.5 Contractors. The Association and the ARC do not recommend contractors.

**ARTICLE 7
MISCELLANEOUS**

7.1 Modification. The foregoing Design Guidelines may be modified from time to time as may be deemed necessary in the sole discretion of the Board of Directors of the Association.

7.2 Conflict. In the event of any conflict between these Design Guidelines and the Declaration, the Declaration shall control.