

**OWENS
ESTATES
Homeowners
Association**

**Architectural
DESIGN
Guidelines**

Adopted by the Owens Estates Homeowners Association
Effective November 15, 2005

**OWENS ESTATES
HOMEOWNERS ASSOCIATION**

**ARCHITECTURAL
DESIGN
GUIDELINES**

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INTRODUCTION

These guidelines are intended as a supplement to the Covenants, Conditions and Restrictions (CC&Rs) of the Owens Estates Homeowners Association. However, if there is any conflict between the (CC&Rs) and these Architectural Guidelines, the CC&Rs prevail. **IT IS TO YOUR ADVANTAGE TO READ THE CC&Rs THOROUGHLY.**

1. The Architectural Review and Design Committee ("ARC") does not seek to restrict individual creativity or personal preferences, but rather to assure the continuity in design which will preserve and improve the appearance of the Community and the property values therein. All improvements shall be constructed in accordance with these Design Guidelines.

2. The ARC reviews all plans for exterior improvements and additions to residential lots and dwellings in Owens Estates HOA. These improvements include, without limitation, additions, modifications, and alterations to residential dwellings such as pools, spas, patios, patio covers, room additions, gazebos, and installation of hardscape and landscaping.

3. Prior to the commencement of any work on any improvement on any residential lot, an application for approval of such work must be submitted by the property owner to the management company. No work may commence prior to receipt of approval from the ARC.

4. All submittals must be in accordance with Exhibit A and must include Exhibits B and C, and must include detailed and complete plans of the improvement. *Exhibit D* must be submitted to the ARC upon completion of the improvement. The ARC may request such additional information from the homeowner(s) as it deems necessary for its review of the proposed improvement.

5. The Committee is composed of not less than three and not more than five members. Additionally, a licensed, professional architect may serve or provide consultation to the ARC at the expense of the homeowner(s), if requested in writing by the ARC.

6. Approval of plans by the ARC or by the Board in no way constitutes verification or certification of structural integrity of any design. It is the sole responsibility of the homeowner(s) to ensure the structural integrity and soundness of any improvement. It is also the homeowner's responsibility to ensure conformance with all government regulations and building codes, as well as the Declaration, and to obtain all necessary permits.

7. No Owner shall store or permit to accumulate any construction materials such as dirt, rock, pallets, sod, plants, trees or construction equipment on the streets or in common areas within the community for periods longer than 72 consecutive hours.

Disclaimer of Responsibility - Provided that the ARC members act in good faith, neither the ARC nor any member thereof shall be liable to any Owner or any other person for any damage, loss or prejudice suffered or claimed on account of the review of any plans, specifications or materials. The review, and any subsequent approval or disapproval, is not to be considered an opinion as to whether or not the plans, specifications, or materials are defective or whether the construction methods or performance of the work proposed therein is defective, or whether the facts therein are correct or meet the applicable building codes.

Remedies - Failure to submit a plan to the ARC or to complete improvements according to approved plans is a violation of the CC&Rs. If an Owner fails to remedy any non-complying improvement, the Board of Directors of the Owens Estates HOA shall request the owner's presence at a scheduled hearing. If the issue is not resolved or the Owner does not appear at the scheduled hearing, the Board may initiate reasonable and appropriate actions, including monetary fines to ensure that the non-complying improvements are modified or removed.

Variations - Subject to the CC&Rs, the ARC may recommend, but only the Board may approve, variance to any provision contained in the CC&Rs or these guidelines when circumstances, such as topography, natural obstructions, health, or environmental consideration may require such variations.

Appeals – If the ARC disapproves plans for an improvement, an owner may appeal the adverse decision to the Board of Directors. This appeal must be in writing and received by the Board no later than thirty (30) days following the date of the letter indicating disapproval of the plans as submitted. The Board of Directors must reconsider and make a decision within forty-five (45) days. If no decision is communicated to the homeowner within that timeframe, the appeal is deemed approved.

Construction Penalties – All improvements must be completed within thirty (30) days of the start date. The homeowner must obtain all necessary permits and complete the construction process within the thirty (30) day timeframe. The Notice of Completion (Exhibit D) must be submitted to the ARC within fifteen (15) days of completion. The ARC Committee must inspect the work within thirty (30) days after receipt of the Notice of Completion. The homeowner has thirty (30) days to correct any items that are not in compliance with the approved plans. If compliance is not achieved within this thirty (30) days, a hearing will be scheduled. If, at the hearing, it is found that the construction is not in compliance, the owner shall bring the construction into compliance within forty-five (45) days. If the homeowner does not comply, the estimated cost of compliance or removal of the items that are not in compliance may be assessed to the homeowner as a special assessment against the lot. Penalties that may be assessed if the construction is not commenced within ten (10) days of the indicated start date or completed within thirty (30) days of commencement of construction will be \$50.00 per day for each day that the violation exists. This includes non-compliance with the landscaping and requirements. If construction is commenced and lapses for a twenty (20) consecutive day period, the \$50.00 penalty per day will be accrued and will continue until construction commences.

ARC Committee Meetings - The ARC Committee will meet on a regular basis to review requests. Plans and a completed application packet must be submitted to the management company five (5) days prior to each meeting for consideration at the meeting. Notification of the decision on any plans considered will be communicated to the homeowner within five (5) days after the meeting.

DRAINAGE: No grading or lot improvement will be allowed if it affects the drainage installed by the developer. The drain pipe and grade must be maintained as originally installed.

DAMAGE TO COMMON AREA: Damage to common areas by a homeowner or homeowner's contractor are the responsibility of the homeowner.

DAMAGE TO NEIGHBOR'S PROPERTY: Damage to a neighboring property owned by an individual homeowner is the responsibility of the homeowner that caused the damage. All disputes are settled between the homeowners involved.

ARCHITECTURAL AND MATERIAL STANDARDS

I. LANDSCAPING - General

- A. All landscaping work, plantings, and installations of irrigation systems by an owner shall remain aesthetically consistent with the design and plan of the community and climatically and culturally appropriate to Southern Nevada.
- B. No trees, shrubs, plants, landscaping, or irrigation may be installed, planted, or maintained within three (3) feet of a residence or side or rear wall. Turf in rear yards may not exceed 50% of the landscaped area.
- C. Rear yards must be installed within six (6) months from the close of escrow. Any portion of a lot that is not covered by landscaping or improvements in the side and rear yards must be covered with material for dust and weed control. These, as well as all other exterior improvements, must be approved by the ARC prior to installation.
- D. No owner shall further landscape or otherwise improve any property owned by the Association.
- E. Decorative rock, gravel, or boulders, in natural earth tone colors, are permitted. The complete landscape plan, including colors, must be submitted for approval. Weed control must be addressed on the plans.
- F. No grading, excavation, planting or removing of any tree or existing landscape shall be commenced until the plans showing the nature, kind, shape, height, and location of the same shall have been approved by the ARC.
- G. The use of drought-resistant, low-water-usage plant material, appropriate to the desert climate, is encouraged.
- H. Location of trees shall be limited to areas that will not interfere with or create a nuisance to neighboring properties upon maturity. PLEASE NOTE: Some trees may have invasive root systems, which may cause problems when they mature.
- I. All grass must be of a variety developed for use in the desert.
- J. Owners are required to maintain their property in good condition at all times. This includes regular lawn mowing, pruning of trees and shrubs, weed control, fertilizing, watering, removal of dead or diseased plants, replacement of plants and over seeding of lawn areas and removal of debris.
- K. No design that changes the established drainage shall be approved on any lot.

II. LIGHTING

A. General Provisions

- 1. All exterior lighting including coach lights and security lights must be placed in a manner where it will not create an annoyance to the neighbors or to the community. Lighting must be directed to avoid spillage of light onto adjoining property, streets and sidewalks, and common areas.
- 2. If any lighting installation is out of compliance with the CC&Rs or these Guidelines, the ARC may require such lighting to be modified or removed.

B. Landscape lighting

- 1. If landscape lighting is installed, it must be indirect low level lighting.
- 2. The wattage of light bulbs used in decorative lighting shall not exceed 60 watts.

C. Security lighting

- 1. Security lighting is defined as lighting installed on the exterior of the building designed to preclude access to the property by unauthorized persons. Lighting designed to provide for the safety of authorized occupants of the property is included in this definition.
- 2. Security lighting must be intermittent; it cannot be installed to be on all the time during darkness. Either manual or automatic controls may be used to control lighting, but security lighting may not remain on continuously.
- 3. Security lighting must be installed so as to minimize impact on neighbors.

III. FLAGS

- A. United States flags may be displayed on any lot subject to the following restrictions:
 - 1. Any flag displayed in front of the residence must be displayed from a staff attached to the front of the house and may not exceed three (3) feet by five (5) feet in size. Rear yard displays of the United States flag may not exceed three (3) feet by five (5) feet in size and may be displayed from a staff, in the window, or on a pole that does not exceed eight (8) feet in height. All pole installations must have a pulley system that utilizes rope or cord that does not cause a noise disturbance. Chains or metal pulls are not allowed.
 - 2. The flag must be made of cloth, fabric or paper. It cannot be a depiction or emblem of the flag.

IV. PATIO SLABS, PATIO COVERS, GAZEBOS, AND PROHIBITED MATERIALS

A. Patio Slabs

- 1. Patio slabs must be approved by the Architectural Committee or Board of Directors to ensure drainage on the lot is not impacted. Plans showing the size, surface finish, fill, etc. must be submitted prior to installation.

B. Patio Covers

- 1. Preferred materials for patio covers are wood or stucco finish. All natural wood surfaces must be finished with stain or paint. The following roofing materials are recommended; other materials must be approved.
 - a. Concrete roof tile to match the residence.
 - b. Surface colors or finish materials must match or harmonize with the existing colors and materials of the original residence.
- 2. Gutters and downspouts, if used, shall be painted to match adjacent roof and/or wall material, or the trim color of the residence.

C. Gazebos

- 1. All gazebos must be submitted for approval.

D. Prohibited materials:

- 1. Metal structures
- 2. Plastic or fiberglass
- 3. Plastic webbing, bamboo

V. POOLS, SPAS, AND RELATED EQUIPMENT

- A. Submittal of complete construction plans showing placement of pool or spa and all related equipment is required.
- B. Setbacks must be clearly indicated on the site plan and must meet all governing building code requirements.
- C. Placement of pool equipment must take into consideration the proximity of neighbors and the potential for a noise disturbance.
- D. Signatures from the neighbors affected by the construction process is required.
- E. Waterfalls and other water treatments may not be built against a property line wall.

VI. HARDSCAPES - Textured surfaces, such as brick, stone and stamped or exposed aggregate concrete, are encouraged.

VII. WALLS AND GATES

A. Walls

- 1. All walls are the responsibility of the homeowner and must be maintained in good condition.
- 2. Walls removed for installation of any backyard improvements must be professionally reinstalled.

B. Gates

- 1. All gates must be constructed of wrought iron.

VIII. AWNINGS AND SHUTTERS

A. Awnings

1. Window awnings must be of a durable canvas or other approved fabric solid in color which compliments the existing dwelling. Awnings must be replaced if they become frayed, split, torn, or faded.
2. Decorative exterior window shutters, painted to compliment the existing dwelling, are permitted.

B. Shutters/Security Bars

1. Rolling shutters are permitted; however, they must be either the color of the stucco or trim and be professionally installed.
2. Security Bars may only be installed on the interior of the residence.

IX. OTHER STRUCTURES AND ADDITIONAL MODIFICATIONS

A. Security/screen doors that match the house color do not require prior approval of the ARC.

B. Solar screens may be installed without prior ARC approval.

C. Play equipment, if taller than the rear and side yard walls, requires ARC approval. All playground equipment shall be placed in the rear yard and not closer than five (5') feet from any side or rear property line.

D. Only portable basketball backboards and hoops are allowed and must be located in the rear yard. Portable basketball hoops are to be stored in the backyard or out of sight when not in use.

E. Garage conversions are not permitted.

F. Storage sheds are allowed provided that they meet the following criteria:

1. The shed does not exceed eight (8) feet in height at the highest point of the roof.
2. It shall not exceed eight (8) feet by twelve (12) feet in area.
3. It is of wood frame construction and painted in a color scheme to match the residence, and the roof tiled to match the residence.
4. A shed that is taller than the side or rear yard walls cannot be placed within five (5') feet of any side or rear property line.
5. A shed must conform to all applicable government codes and ordinances.

G. Gate covers or liners must be perforated metal or mesh to match the color of the gate. No partial gate covers or liners are allowed.

X. ANTENNAS/SATELLITE DISHES

These restrictions cannot unreasonably delay the installation or prevent the use, unreasonably increase the cost of installation, or preclude a person from receiving or transmitting an acceptable quality signal.

A. The maximum allowable diameter of a satellite dish is one meter (1 m).

B. The preferred location on the lot is in the backyard or attached to a structure below the height of the wall so it is not visible from the street.

C. Ground mounted dishes may not protrude above the surrounding property wall.

D. Dishes mounted on the side of the residence must be installed below the height of the wall if it does not preclude an acceptable quality signal.

E. Antennas must be painted to blend with the background against which it is mounted.

F. Dishes must be located to minimize visibility from any streets and common areas.

XI. HOLIDAY LIGHTING

A. Holiday lights must be removed within thirty (30) days following the holiday.

B. Lighting may not disturb the neighbors by illuminating bedrooms, creating noise, or attracting sight-seers.

XII. WINDOW COVERINGS

A. Window coverings must be of a type that is recognized as a standard window treatment. No foil, blankets, sheets, paper, cardboard, newspaper, etc. are permitted.

B. No mirror-like reflective tint is allowed.

XIII. SKYLIGHTS AND SOLAR ENERGY EQUIPMENT

A. Installation of any roof-mounted system to accommodate solar energy equipment or any other equipment must be approved prior to installation.

OWENS ESTATES HOMEOWNERS ASSOCIATION ARCHITECTURAL SUBMITTAL CHECKLIST

EXHIBIT A

PLEASE NOTE: INCOMPLETE SUBMITTALS WILL CAUSE DELAY IN APPROVAL PROCESS.

PLEASE READ CHECKLIST CAREFULLY.

Below is a listing of items that are required to accompany the application prior to review by the Architectural Review Committee.

TWO (2) COPIES EACH OF ITEMS 1 - 5 BELOW ARE REQUIRED.

1. Application (Exhibit B)
 - A. Complete Homeowner information (name, address, telephone).
 - B. Homeowner's signature(s)
 - C. Approximate start and completion dates
 - D. Project(s) being submitted
2. Signed Neighbor Impact Statement (Exhibit C) - The Impacted Neighbor Statement is intended to make neighbors aware of any improvement that may impact their property. It is intended for advisory use only. "Impacted" refers to immediate surrounding areas affected by the construction. "Facing" refers to most directly across the street. "Adjacent" refers to adjoining properties. "Rear" refers to neighbor(s) directly behind property.
3. Plans Showing the Work to Be Done - Detailed drawings showing the height, length, width, color, setbacks and what the improvement will look like when it's completed.
4. Landscape Plans - These plans show a diagram of your house and where the landscaping improvements will be. Indication of plant and tree types and location are required.
5. Material Samples - Example: type of rock to be used, color chip of paint, pictures of gazebo, pool, patio cover and spa should accompany the plans for the same. A detailed drawing or picture must be submitted.
6. Application Fee of \$10.00 - The architectural review fee of \$10.00 is required on all submittals presented to the Architectural Review Committee. This is not refundable. If the application requires review by a professional, such as for room additions, a non-refundable deposit of \$250.00 is required.
7. A \$500 refundable deposit is required to be submitted with the application for landscaping, patio slabs, patio covers, gazebos, pool and spa installation that does not involve wall removal, and storage sheds.
A \$1,000 refundable deposit is required to be submitted with the application for any work that involves removal of existing walls.

Send Application, plans and application fee to:

Owens Estates Homeowners Association
c/o Real Properties Management Group, Inc.
P.O. Box 95606
Las Vegas, Nevada 89190

Or deliver to: 3087 E. Warm Springs, Ste. 100

Failure to follow these requirements and procedures may cause your request to be delayed pending submission of additional information and documentation to the Architectural Review Committee. An incomplete application may affect the time limits for approval

OWENS ESTATES
HOMEOWNERS ASSOCIATION
IMPACTED NEIGHBOR STATEMENT

EXHIBIT C

On _____, _____ submitted the
(DATE) (NAME)
attached plans for installation of _____
(IMPROVEMENT)

These plans were made available to neighbors as required and noted below for their review. They have been notified that I am submitting these plans to the Architectural Review Committee for approval.

Facing Neighbor: _____	
(PRINT NAME)	(SIGNATURE)
___ N/A ___ Property VACANT	
Address: _____	
	Date
_____ I HAVE REVIEWED AND UNDERSTAND THE PLANS MENTIONED ABOVE	
(Initials)	

Right Side Neighbor: _____	
(PRINT NAME)	(SIGNATURE)
___ N/A ___ Property VACANT	
Address: _____	
	Date
_____ I HAVE REVIEWED AND UNDERSTAND THE PLANS MENTIONED ABOVE	
(Initials)	

Left Side Neighbor: _____	
(PRINT NAME)	(SIGNATURE)
___ N/A ___ Property VACANT	
Address: _____	
	Date
_____ I HAVE REVIEWED AND UNDERSTAND THE PLANS MENTIONED ABOVE	
(Initials)	

NOTE: The "Facing neighbor" is the one most directly across the street in the front of your property. Where multiple neighbors may be impacted, each neighbor must have the opportunity to review the plans; use the back of this form for additional signatures. Please include all information.

NOTE: All signatures must be obtained prior to submitting plans for approval. Failure to obtain appropriate signatures may result in delays in the approval process.

OWENS ESTATES HOMEOWNERS ASSOCIATION **NOTICE OF COMPLETION FOR HOME IMPROVEMENT(S)**

EXHIBIT D

(Complete and return form **AFTER** installation of improvement has been **Completed**)

Fill out form and return to:

Owens Estates Homeowners Association
Architectural Review Committee
c/o Real Properties Management Group, Inc.
P. O. Box 95606
Las Vegas, NV 89193

HOME OWNER NAME (PRINT) _____ DAY PHONE NUMBER _____

ADDRESS _____

IMPROVEMENT(S) _____ DATE OF COMPLETION _____

Signature of Owner _____

Note: Owners remain permanently responsible for the maintenance and upkeep of additions and modifications to their property

DO NOT WRITE BELOW THIS LINE - FOR STAFF USE ONLY

C=COMPLY

NC=NONCOMPLY

	Comply	Non Comply		Comply	Non Comply
Pool and Equipment	<input type="checkbox"/>	<input type="checkbox"/>	Patio	<input type="checkbox"/>	<input type="checkbox"/>
Spa and Equipment	<input type="checkbox"/>	<input type="checkbox"/>	Patio Cover	<input type="checkbox"/>	<input type="checkbox"/>
Gazebo	<input type="checkbox"/>	<input type="checkbox"/>	Storage Shed	<input type="checkbox"/>	<input type="checkbox"/>
Awnings	<input type="checkbox"/>	<input type="checkbox"/>	Painting	<input type="checkbox"/>	<input type="checkbox"/>
Decorative Landscape Items	<input type="checkbox"/>	<input type="checkbox"/>			
Landscaping	<input type="checkbox"/>	<input type="checkbox"/>			
Other _____	<input type="checkbox"/>	<input type="checkbox"/>			

Comments _____

(ARC COMMITTEE SIGNATURE)

(DATE)