

ARCHITECTURAL GUIDELINES

FOR BLUE NILE TRAILS HOMEOWNERS ASSOCIATION September 2016

INTRODUCTION

The BLUE NILE TRAILS HOMEOWNERS ASSOCIATION Board of Directors and the BLUE NILE TRAILS HOMEOWNERS ASSOCIATION ARCHITECTURAL REVIEW COMMITTEE (ARC) have developed and adopted Architectural Guidelines, which are enclosed, along with an Architectural Application (ARC AP). Please make additional copies of the enclosed ARC AP for your future use, or you may obtain additional ARC APS from the Association's Management Company.

Though few of us initially like the fact that we must submit our plans to an ARC for review and approval, many homeowners discover that the ARC review process is very helpful. Through the review process, homeowners may discover that a particular improvement they are proposing will interfere with or alter drainage and cause flooding or water damage to the house foundation, stucco, block walls, concrete slabs, or other property belonging to the homeowner or their neighbor. At other times, homeowners are grateful that an improvement that was not properly permitted and constructed next door to them will have to be removed and redone in accordance with building codes and duly inspected by the Building Department, because the CC&R's do require compliance with all governing agencies regulations and codes.

The ARC's purpose is NOT to impose the personal likes and dislikes of the members of the ARC on their neighbors. Article 8 of the CC&R's describes what the ARC does and information the ARC may require from you in order to review your request in a timely manner and be able to make an informed decision about your proposed project. 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 Department codes, ordinances, and requirements are violations of the CC&R's.

Always keep in mind that violations of the CC&R's and these Architectural Guidelines are subject to action by the Board of Directors, which may include fines, penalties, or immediate restoration of the property to its condition prior to the unapproved work being done.

Please be reminded that work must NOT begin on any construction, alteration, addition, grading, excavation, removal, relocation, exterior repainting, demolition, installation, modification, exterior decoration, exterior redecoration, reconstruction of an improvement or structure (be it permanent or temporary), UNTIL the homeowner submits a completed ARC AP to the ARC, in care of the Management Company, along with all required information about the proposed plan(s), drawings, and specifications that describe in sufficient detail what it is that you propose to do, processing fees, and deposits required by the ARC, AND receives written approval of proposed plan(s) from the ARC. (*Please see Article 8 of the CC&R's*).

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GENERAL COMMENTS

- A. The function of the ARC is to review each submittal for conformity to the intent and provisions of the CC&Rs. **The ARC has 45 days from receipt date of the COMPLETED Application to approve or disapprove the application.** If the ARC fails to respond in writing within the **45 days**, then the application is deemed **disapproved**.
- B. 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. During the period of Declarant's control, the Declarant and the ARC shall determine if the work is consistent with the architectural standards and color palette, the Board of Directors shall make such determinations thereafter.
- C. 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, the Board of Directors, nor Declarant, 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, the Board, nor Declarant, 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.
- D. Approval of plans is not authorization to proceed with improvements on any property other than the applicant's property.
- E. **ACCESS THROUGH PRIVATE STREETS, ANY BREACH OF BLOCK WALLS, AND ACCESS OVER ANY COMMON PROPERTY NOT ONLY REQUIRES PRIOR APPROVAL OF THE ARC, BUT ALSO A CASH SECURITY DEPOSIT.** Access for equipment used in construction must be over or through the applicant's own private property. Building equipment and materials must be contained on the applicant's own private property. Streets may not be blocked with equipment or building material.

The ARC Committee requires a **\$500.00 deposit for backyard improvements**. However, a **\$1,000.00 deposit** is required **for a pool, spa, balcony decks, and/or any other major improvement(s)**. Any deposit(s) shall be in the form of a personal or cashier's check made out to the Association. The Management Company must be in possession of deposit(s) prior to commencing any project pertaining to any Improvements on any lot. Deposit(s) will be held in the name of the Association, not the Management Company. Deposit(s) may be used to make any necessary repairs to damaged sidewalk, curb, street, party wall, common element or other areas and ensure that any damage done to the common area and block walls is repaired in a timely and workmanship manner acceptable to both the Declarant and Association during Declarant's control, and to the Association thereafter, to ensure that any damage done to streets, block walls or Association Common Areas and amenities is properly repaired in a timely manner. If deposit(s) is insufficient to repair such damage, any additional and/or related costs shall be assessed against the Homeowner as a Special Assessment. Deposit(s) will be refunded upon completion of the project once the Homeowner provides a photo of the completed project, **BEFORE AND AFTER PICTURES OF THE STREET, CURBS, GUTTERS, AND UTILITY COLLARS IN FRONT OF THE HOME** and

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copies of any approved building permit(s). Please allow 2-4 weeks for processing deposit refund check(s).

- F. In the event construction requires use of adjoining property, the applicant must first obtain written permission from the adjoining property owners and submit that written permission with the ARC.
- G. After the ARC application is reviewed by the ARC, then the Management Company will send you written notification of the ARC's decision. All work must be completed within ninety (90) days of ARC Approval date.

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THE FOLLOWING INFORMATION IS INTENDED AS A HELPFUL GUIDE TO THE MOST COMMONLY ASKED QUESTIONS REGARDING INSTALLING SOME TYPES OF IMPROVEMENTS TO A HOME. THIS LIST IS NOT MEANT TO BE ALL INCLUSIVE. PLEASE REFER TO ARTICLE 8 OF THE CC&Rs FOR MORE DETAILED INFORMATION.

1. **AIR CONDITIONING UNITS OR EQUIPMENT:** The ARC must approve exterior air conditioning equipment other than the equipment installed as a part of the original construction.
2. **AWNINGS:** Require prior written ARC approval.
3. **BASKETBALL POLES AND BACKBOARDS (Including Portables):** Must receive prior written approval from the ARC.
4. **BARBQUE GRILL:** Cannot be stored on second level balconies or visible from any street.
5. **DECKS AND BALCONIES:** Must receive prior written approval from the ARC.
6. **DRAINAGE:**
 - A) Each owner must not interfere with, alter, or impede the natural or established drainage on the property. Approval of plans granted by the ARC will be based upon the owner's assurance that they have not changed the drainage or have consulted with professionals to insure that positive drainage is maintained and that no alteration is being made that could potentially result in flooding or water damage. **THE HOMEOWNER IS SOLELY RESPONSIBLE FOR ANY RESULTING DAMAGE TO: 1) THEIR OWN PROPERTY (INCLUDING, BUT NOT LIMITED TO, DWELLING, FOUNDATION, BLOCK WALLS, LANDSCAPING, AND PERSONAL BELONGINGS), 2) THEIR NEIGHBORS' PROPERTY (INCLUDING, BUT NOT LIMITED TO, DWELLING, FOUNDATION, BLOCK WALLS, LANDSCAPING, AND PERSONAL BELONGINGS, AND 3) THE COMMON AREAS.**
 - B) To help prevent and/or control water damage to foundations and/or walls, each Owner covenants, by acceptance of a deed to his or her Lot, whether or not so stated in the deed, to not cause or permit spray irrigation water or sprinkler water or drainage on his or her Lot to seep or flow onto, or to strike upon, any foundation, slab, side or other portion of Dwelling, wall (including, but not necessarily limited to, Party Wall and/or Perimeter Wall), and/or any other Improvement.
7. **EXTERIOR LIGHTING (Additional or Changes):** Must obtain prior written approval from the ARC.
8. **EXTERIOR PAINT:** Prior written ARC approval is required for any proposed CHANGE to the original exterior paint colors originally established by builder. No ARC approval is required for repainting the exterior of your home with the exact same colors established by builder.
9. **FENCING, GATES AND WALLS:** All gates, fences, block walls, or extensions of the same, which were not part of the original construction, require prior written ARC approval.

Unacceptable fence, wall, and gate materials include, but are not limited to: aluminum, sheet metal, wire, plastic webbing, reeds, bamboo, glass block, wood, panels, or woven board.

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10. **LANDSCAPING:** Changes to the landscaping must be submitted and approved by the ARC, **EXCEPT** that: Normal maintenance of landscaping or replacement of dead or dying plants, shrubs, or trees, does not require approval of the ARC, unless you are 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. For example: If you are adding a raised planter, concrete paths or pads, mounds, or replacing grass with desert landscaping (or vice versa), or reducing the amount of plant material, you must receive written approval from the ARC prior to work beginning.

A) LANDSCAPE STANDARDS THAT MUST BE MET:

1) As indicated in the geotechnical/soils report for this Community ("Soils Report"): on-site soils are expansive, and there is a high groundwater table underlying this Community. Each Owner and Resident shall be familiar with and shall abide by the Soils Report. To help implement certain recommendations in the Soils Report, **EACH OWNER SHALL AT ALL TIMES ENSURE THAT:**

- (a) There are no unapproved grade changes (including, but not necessarily limited to, mounding) within three (3) feet of any such foundation or wall located on or immediately adjacent to the Owner's Lot; and
- (b) Unless more restrictive requirements or guidelines are set forth in the applicable soils report ("Soils Report") or from time to time by the ARC (in which case, the most restrictive requirements or guidelines must be followed):
 - (i) **All trees** must be planted at least five (5) feet away from, and **all shrubs** must be planted at least three (3) feet away from, any foundation, slab, side or other portion of Dwelling, wall (including, but not necessarily limited to, Party Wall and/or Perimeter Wall) and/or any other Improvement.
 - (ii) Only non-irrigated desert landscaping may be located on the Owner's Lot within three (3) feet of any foundation, slab, side or other portion of Dwelling, wall (including, but not necessarily limited to, Party Wall and/or Perimeter Wall) and/or any other Improvement.
- (c) The Owner shall adjust and regulate irrigation control timer(s) on a regular basis in accordance with the seasonal watering schedule posted by the Southern Nevada Water Authority;
- (d) The Owner shall at all reasonable times carefully monitor his or her Lot to ensure that there is no "overwatering," and no water leakage, which could result in saturation of water into the soil and cause efflorescence on block walls and/or house foundation;
- (e) The Owner is required and obligated to comply, at the Owner's cost, with the foregoing and with any and all other planting and/or irrigation recommendations and restrictions set forth in the Soils Report and/or in the Governing Documents and/or by the ARC. (Section 9.8 of CCR's).

2) 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.

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- 3) 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.
 - 4) All shrubs and plant material shall be trimmed to insure they do not encroach upon community walkways.
 - 5) Plant material shall not exceed twenty-four (24) inches in sight visibility zones, which are typically located on corner lots.
 - 6) To help prevent and/or control water damage to dwelling, foundations, stucco, and/or block walls (including, but not necessarily limited to, Party Wall and/or Perimeter Wall):
 - a) No mounding, no grass, spray/pop up irrigation or sprinklers may be located within **five (5) feet** of block walls, fences, dwelling, and/or any other Improvement; and
 - b) Each Owner covenants to not cause or permit spray irrigation water or sprinkler water or drainage on his or her Lot to seep or flow onto, or to strike upon, any foundation, slab, side or other portion of Dwelling, wall (including, but not necessarily limited to, Party Wall and/or Perimeter Wall), and/or any other Improvement.
 - 7) The use of decorative granite landscaping rock and gravel is required. The complete landscaping plan, including type and color of decorative landscaping rock and color of other materials, must be submitted for approval.
 - 8) All statues, temporary ornamentations, and embellishments homeowner proposes installing in front yard must be submitted for approval prior to installation.
- B) FRONT YARD LANDSCAPING MINIMUM STANDARDS:** If a homeowner wishes to add additional front yard landscaping then an ARC AP must be submitted to the ARC for review. **The minimum front yard landscaping shall consist of the following:**
- 2 -trees (15 gal. or larger)
 - 15-plants/shrubs.
 - 3/4" granite rock - two inches deep (same color installed by Builder OR other color in harmony with the color scheme of the home) over all dirt areas. See Section D for prohibited plants and trees.
- C) BACKYARD LANDSCAPING GUIDELINES:** Homeowner must submit an ARC Application for and obtain approval of plans for back yard landscaping and complete installation of such landscaping within **twelve (12) months** from the close of escrow date. The ARC will take under consideration the time of year when considering extensions for completion dates. However, plans must be submitted and approved by the ARC prior to original deadline for completion. Back yard landscaping shall consist of at least the following:
- A) Two inch layer of appropriate ground cover (i.e., decomposed granite rock, sod or combination of both, etc.) over all dirt areas.

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D) LANDSCAPE MATERIALS NOT PERMITTED:

Front Yards:

- 1) Are maintained by the HOA, therefore changes to front yards are limited and need prior ARC Committee approval. Additional improvements such as Windsor walls, seasonal plants, rose bushes, etc. will not be maintained by the HOA.

Backyards:

- 1) White or artificially colored rocks, sandstone rocks (Decorative stones must be decomposed granite in earth tones harmonious with decorative stones installed by Declarant).
- 2) Common Mulberry, Cottonwood, Weeping Willow, Poplar and Redwood Trees.

11. EXTERIOR PATIO FURNITURE VISIBLE FROM STREET: Does not require prior written approval from the ARC PROVIDED:

- A) Must be in harmony with the community's architectural design.
- B) Must be in good repair.
- C) Must be of a pre-approved color AND in harmony with the color scheme of the home. Pre-approved Colors: Tan, beige, bone, grey, charcoal, cream, or dark green.
- D) Must be made of pre-approved materials. Pre-approved Materials: Wood, canvas, wrought iron, and/or powder coated metal.
- E) Must be limited to no more than 3 pieces of furniture that properly fit on the front porch, rear balcony, and/or patio decks.
- F) Cannot be placed anywhere other than the front porch and/or patio decks (i.e. not the driveway, front yard, between houses, etc.).
- G) Plastic and folding chairs must be stored out of street view when not in use (beach chairs, lawn chairs, etc.).
- H) BBQ's are not allowed on the second story balcony or front yards.
- I) Second story balcony umbrellas must be laid down/stored horizontally when not in use. Otherwise, prior written approval from the ARC is required.

12. PATIO SLABS, PATIO COVERS AND GAZEBOS: Must receive prior written approval from the ARC. No portion of a Gazebo shall exceed the height of twelve (12') feet at its highest point. The homeowner must submit copy of building permit, where required, BEFORE work begins. Color must coordinate with the color scheme of the residence.

13. PLAY EQUIPMENT:

- A) Commercially constructed play equipment can be installed in the backyard and does not require prior ARC approval, PROVIDED 1) no portion of the equipment exceeds the height of fifteen (15') feet at its highest point, and 2) the equipment is adequately screened from street view.
- B) Any proposed play equipment that will exceed the maximum height must receive prior written ARC approval.

14. POOLS AND SPAS: Must receive prior written approval from the ARC.

- A) Rear and side yard setbacks must meet requirements of the governing agency.

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- B) Positive drainage, as established per code must be provided to assure that neither water damage, nor flooding will occur
 - C) Waterfalls 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.
 - D) Water slides and/or other related pool accessories, must have ARC approval, and must comply with requirements of governing agency.
 - E) A \$500 refundable deposit (no bond) is required for all back yard improvements.
 - F) A minimum refundable deposit of \$1,000 is payable to the association for pool/spa and all other major installs. The deposit must be submitted with the ARC Application and pool/spa and contractors plans. It is recommended that the contractor pay the deposit, as these monies will be used to repair any damage the contractor, their subcontractors, agents or assigns does to the streets, curbs, gutters, and sidewalks. Additional cash security deposit may be required prior to ARC approval being granted.
15. **POTTED PLANTS VISIBLE FROM STREET:** Do not require prior written approval from the ARC, PROVIDED there are no more than four (4) potted plants in the front of the home and four (4) potted plants visible from any street on the second story balcony. The plants are to be live vegetation and the colors of the pots are to be in harmony with the color scheme of the home. No artificial plants are allowed to be visible from any street. All plants need to be properly maintained.
16. **SATELLITE DISHES/RECEIVERS/ANTENNAS: SATELLITE DISHES NO LARGER THAN 39" IN DIAMETER** may be installed without prior written ARC approval PROVIDED:
- A) The dish is installed in a professional manner and cord, cables, wires, and dish are properly mounted and secured.
 - B) Cable, cord, or wiring is not draped, strung, or hanging in a manner that is visible from the street.
 - C) Wires are to be painted to match the color of the home.
 - D) The dish is located in the most discrete location possible in order to receive adequate signal (behind block wall, at ground level within backyard is the least objectionable location).
 - E) If dish must be located above ground level outside the confines of the backyard, the homeowner must provide written documentation from licensed installer that the dish must be located in a specific location in order to receive adequate signal.
 - F) All other satellite dishes which exceed 39" in diameter, as well as antennas, cables, towers, or other poles must be submitted to the arc for prior written approval before any work or installation may begin.

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17. **SECURITY/SCREEN BARS/DOORS & STORM DOORS:** Must receive prior written approval from the ARC.
18. **SOLAR SCREENS:** Do not require prior written approval from the ARC, provided the color of the Solar Screen is a pre-approved color and matches the exterior color scheme. The pre-approved colors for frame and screen are: Cream, Bone, Grey, Bronze, Beige, and Tan.
19. **STORAGE SHEDS AND UTILITY BUILDINGS:** Must receive **PRIOR** written approval from the ARC).
 - A) Must not be visible from any street or common area, unless the ARC deems that adequate landscaping is provided to alleviate the visual impact.
 - B) Must be in harmony with the color palette of the home and architectural style of the community.
 - C) Minimum setbacks requirements must be met.
20. **WINDOWS/WINDOW COVERINGS:** Mirror and/or Reflective finishes are strictly prohibited. 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.
 - A) Homeowner must install window coverings and/or draperies **within 90 days of closing escrow** on all windows and glass doors.
 - B) Doors with clear glass or sliding glass doors that are visible from any street must have window coverings within 90 days of close of escrow.
 - C) Homeowner must seek ARC Approval prior to the installation of: painted and/or stained glass windows and/or any other decorative item placed over entire window.
 - D) Examples of **PROHIBITED** window coverings are; cardboard, foil, bed sheets, newspaper, etc.

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THE BOARD MAY IMPOSE FINES AND PENALTIES FOR VIOLATIONS OF THE GOVERNING DOCUMENTS, INCLUDING THESE ARC GUIDELINES.

THE ARC GUIDELINES ARE SUBJECT TO CHANGES, ADDITIONS, AND/OR AMENDMENTS UPON APPROVAL OF A MAJORITY OF THE BOARD OF DIRECTORS.

AMENDMENTS TO THE ARCHITECTURAL GUIDELINES

The Architectural Guidelines may be modified from time to time pursuant to the following criteria:

1. Amendment must be approved by a majority of the Board of Directors.
2. Owners are welcome to submit their written recommendations for changes to the ARC Guidelines to the Board of Directors.
3. Upon adoption by the Board, the Board shall cause the revised ARC Guidelines to be mailed to all homeowners and the revised ARC Guidelines shall become effective thirty (30) days after the date they were mailed.

In the event of a conflict between the Architectural Guidelines and the CC&Rs, the CC&Rs shall prevail.

NONLIABILITY FOR APPROVAL OF PLANS

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, the Board, nor Declarant, 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, the Board, nor Declarant, 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.