

# ***ARCHITECTURAL GUIDELINES***

## ***FOR THE CROSSINGS HOMEOWNERS ASSOCIATION***

### **INTRODUCTION**

**The Crossings Homeowners Association** Board of Directors and **The Crossings Homeowners Association ARCHITECTURAL REVIEW COMMITTEE (ARC)** have developed and adopted Architectural Guidelines which are enclosed. You may obtain an Architectural Application (**ARC APP**) from the Association's Management Company, **Thoroughbred Management (TM)**, located at **2555 W Cheyenne Ave, Las Vegas, NV 89032, Phone: (702) 515-2042, Fax (702) 515-2043, Email: [mail@tmilv.com](mailto:mail@tmilv.com)**.

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 foundation, stucco, block walls, or other property belonging to the homeowner or his neighbors. 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 departments codes, ordinances and requirements are violations of the CC&R's. Always keep in mind that violations of the CC&R's and these 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, improvement, or structure (be it permanent or temporary) **UNTIL** the homeowner submits a completed ARC APP to the ARC, in care of the Management Company (TM), 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 from the ARC.

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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&R's. The ARC has **45 days** from the date of receipt of the completed ARC Application to approve or disapprove the application. If the ARC fails to respond in writing within the **45 days** then the item is deemed denied, as per the Association Governing Documents.
- 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 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, 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.
- E. 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.
- F. 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 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 amount of the deposit will be set by the ARC Committee and must be paid prior to approval being granted and work beginning. The minimum deposit for a pool and/or in-ground spa installation is \$2,000.00. The deposit is to ensure that any damage done to the common area and block walls is repaired in a timely, workmanship manner acceptable to both the Declarant and Association during Declarant's control, and to the Association thereafter, to assure that any damage done to streets, block walls or Association Common Areas and amenities is properly repaired in a timely manner.
- G. 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.
- H. After the ARC APP is reviewed by the ARC, **TM** will send you written notification of the ARC Committee's decision. Homeowners must start work on the approved improvements within three (3) months and must be completed within one (1) year 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 7 OF THE CC&R'S 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. Awnings must be of canvas or approved fabric and of solid accent colors complimenting the architecture of the Residence.
3. **BASKETBALL POLES AND BACKBOARDS: (All types including portables):** Must receive prior written approval from the ARC. Please Note: portable basketball equipment when not in use must be stored out of view. (In the garage or laid down behind a properly screened side gate.)
4. **DECKS AND BALCONIES:** Must receive prior written approval from the ARC. (See **PATIO COVERS AND GAZEBOS**)
5. **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 he/she has not changed the drainage or has 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 NEIGHBOR'S 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.
6. **EXTERIOR LIGHTING: (Additional)** Must obtain prior written approval from the ARC.
7. **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.
8. **FENCING, GATES AND WALLS:** All gates, fences, block walls, or extensions of same that were not part of the original construction require prior written ARC approval.

Proper gate screening must be a perforated metal or a solid metal mounted on the inside of the gate and painted to match the gate.

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

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9. **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.

1. Rear yard landscaping must be submitted for, approved and installed within 12 months (one year) following the original close of escrow from the builder.

2. Materials used shall conform to type, quality, character and detailing established in the existing neighborhood. Front yard improvements require facing (unless a corner lot and the facing is the across street neighbors backyard) and adjacent neighbor notification.

**A) LANDSCAPE STANDARDS THAT MUST BE MET:**

- 1) 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.
- 2) 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.
- 3) All shrubs and plant material shall be trimmed to insure they do not encroach upon community walkways and private streets.
- 4) Plant material shall not exceed twenty-four (24) inches in sight visibility zones, which are typically located on corner lots.
- 5) All tree and plant materials must remain **three (3) feet** away from any block wall and dwelling.
- 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 GRASS, NO PLANT MATERIAL, NO SPRAY or DRIP SPRINKLER irrigation is to be installed within **three (3) feet** of the 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) All trees planted within three (3) feet of hardscape (driveways, sidewalks, patio slab, etc.) require a root barrier to be installed.
- 8) Raised Planters located along property walls must be sealed and water proofed, provide drainage away from the property wall and no irrigation may be installed within three (3) feet of the property wall.

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**B) FRONT YARD LANDSCAPING MINIMUM STANDARDS:** If a homeowner wishes to add additional front yard landscaping then an ARC APP must be submitted to the ARC Committee for review.

- 1) Front yard landscape must consist of the similar amount of organic coverage that was originally installed. The number of plants may be reduced as plant material matures and the area of coverage and growth is increased.

**NOTE: Front yard Rock to be ¾" decomposed granite rock two inches deep (same color installed by Builder OR other color in harmony with the home) over all dirt areas. Other options may be approved by the ARC.**

**C) BACKYARD LANDSCAPING MINIMUM STANDARDS:** Homeowner must submit an ARC Application for and obtain approval of plans for rear yard landscaping and complete installation of such landscaping within **12 months** (one year) following the original close of escrow from the builder.

- 1) Backyard landscape must contain a MINIMUM two (2) inch layer of decomposed granite or crushed rock over all bare dirt areas. Color must be submitted. No plant material required.

**D) LANDSCAPE MATERIALS NOT PERMITTED:**

- 1) White or artificially colored rocks, sandstone rocks.
- 2) Cactus or plant material with thorns located within eighteen (18) inches of public walkways, private streets or common areas.
- 3) Common Mulberry, Cottonwood, Poplar.

**10. 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.

A) Patio covers, gazebos, trellises and other exterior structures should be constructed of wood, wood with stucco finishes, or other approved materials, which complement the architecture of the Residence, and colors which are in harmony with the color scheme of the home, as determined by the Architectural Review Committee.

B) Must comply with local municipality setback requirements

**11. PLAY EQUIPMENT:**

A) Commercially constructed play equipment can be installed in the rear yard and does not require prior ARC approval, PROVIDED 1) no portion of the equipment exceeds the height of **twelve (12') 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.

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

A) Rear and side yard set backs 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) Water falls and other features must be built or placed no less than **three (3) feet** away from all property line walls, fences and gates, and must comply with requirements of governing agency.
  - D) Water slides and/or other related pool accessories must have ARC approval, and must comply with requirements of governing agency.
  - E) A minimum cash deposit of \$2,000 (cashier's check, money order) must be submitted with the ARC Application and pool/spa contractors plans. It is recommended that the contractor pay the deposit, as these monies will be used to repair any damage the contractor, his subcontractors, agents or assigns does to the streets, curbs, gutters and sidewalks. The contractor may also provide a performance bond to cover possible damage.
13. **POTTED PLANTS VISIBLE FROM STREET:** Do not require prior written approval from the ARC, provided the plants are live vegetation and the color of the pots are in harmony with the color scheme of the home. The plants need to be properly maintained.
14. **SATELITTE DISHES/RECEIVERS/ANTENNAS:** SATELLITE DISHES NO LARGER THAN 39" IN DIAMETER may be installed without prior written ARC approval.
- A) The dish is installed in a professional manner and cord, cables, wires and dish are properly mounted and secured. **The cable, cord and/or wiring must match the color of the house or be painted to match the color of the house.**
  - B) The dish is located in the most discrete location possible in order to receive adequate signal.
- All other satellite dishes which exceed 39" in diameter, and all antennas, cables, towers, or other poles must be submitted to the ARC for prior written approval before any work or installation may begin.*
15. **SECURITY, SCREEN & STORM DOORS:** Must receive prior written approval from the ARC,
- A) Color must match the door color, trim color of the door or builder accent color on the home.
16. **SOLAR SCREENS:** Require prior written approval from the ARC. The color of the Solar Screen must be in harmony with the color scheme of the home.
17. **STORAGE SHEDS AND UTILITY BUILDINGS:** Must receive prior written approval from the ARC.
- A) Must be in harmony with the color palette of the home and architectural style of the community.
  - B) Must comply with local municipality setback requirements
19. **WINDOWS/WINDOW COVERINGS:** Most curtains, drapes, shutters or blinds may be installed as permanent window covers.
- A) Mirror and/or Reflective finishes, aluminum foil, paint, newspaper or similar covering are prohibited.

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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 that there is 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

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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.