

ARCHITECTURAL GUIDELINES

FOR

KENSINGTON AT PROVIDENCE

HOMEOWNERS' ASSOCIATION

AMENDED JULY 17, 2014

INTRODUCTION

The **KENSINGTON AT PROVIDENCE Homeowners' Association** Board of Directors and its **ARCHITECTURAL REVIEW COMMITTEE (ARC)** have developed and adopted Architectural Guidelines which are enclosed along with an Architectural Application (**ARC APP**). Please make additional copies of the enclosed ARC APP for your use, or you may obtain additional ARC APS from the Association's Management Company, **Epic Association Management, located at 8712 Spanish Ridge Ave. Las Vegas, NV 89148, Phone: (702) 767-9993, Email: admin@epicamlv.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 3** 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, 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.**

PLEASE NOTE: IF YOUR ARC APPLICATION IS APPROVED, THE KENSINGTON AT PROVIDENCE HOA WILL FORWARD YOUR APPLICATION TO THE PROVIDENCE MASTER ASSOCIATION ("PROVIDENCE") FOR REVIEW AND APPROVAL PRIOR TO ANY WORK BEING STARTED. RECEIVING AN ARC APPROVAL FROM THE AUBURN AND BRADFORD AT PROVIDENCE HOA IN NO WAY WAIVES THE ARCHITECTURAL REVIEW PROCESS FOR PROVIDENCE. YOU MAY CONTACT PROVIDENCE AT (702) 216-2020 FOR QUESTIONS AND STATUS OF YOUR APPLICATION.

*KENSINGTON AT PROVIDENCE HOMEOWNERS' ASSOCIATION
ARCHITECTURAL GUIDELINES*

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 approved.
- 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. 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 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 cash deposit will be set by the ARC Committee and must be paid prior to approval being granted and work beginning. The Cash Deposit will be determined by the type of construction that is submitted. The minimum for a cash deposit or bond for a pool and/or in-ground spa installation is **\$1,000**. The Cash 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.
- 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 APP is reviewed by the ARC, management 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 six (6) months of ARC Approval date.

*KENSINGTON AT PROVIDENCE HOMEOWNERS' ASSOCIATION
ARCHITECTURAL GUIDELINES*

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 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
3. **BASKETBALL POLES AND BACKBOARDS (All types including portables):** Must receive prior written approval from the ARC.
 - A) Basketball hoops submittals require prior review of type, style and placement. Consideration must be given regarding nuisance to all neighboring and common elements lots. All portable equipment must be stored out of sight in the garage or rear yard when not in use.
4. **DECKS AND BALCONIES:** Must receive prior written approval from the ARC.
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.

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

*KENSINGTON AT PROVIDENCE HOMEOWNERS' ASSOCIATION
ARCHITECTURAL GUIDELINES*

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.

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 plant material must remain eighteen (18) inches away from any concrete paving.
- 6) All tree and plant materials must remain **three (3) feet** away from any block wall and dwelling.
- 7) 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 **three (3) 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.
- 8) All trees planted within three (3) feet of hardscape (driveways, sidewalks, patio slab, etc.) require a root barrier to be installed.

*KENSINGTON AT PROVIDENCE HOMEOWNERS' ASSOCIATION
ARCHITECTURAL GUIDELINES*

- 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 Committee for review. **Front yard landscaping shall consist of at least the following:**
- 1) 2 – 15 gallon tree or larger
 - 2) 10 – plants, shrubs or ground cover plants (or combination of all)
 - 3) Appropriate ground cover (i.e., 3/4” decomposed 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.
- 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 **six (6) months** from the close of escrow date. The ARC Committee 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. If a landscape proposal includes installation of a pool and/or spa, the ARC may consider reducing the landscape requirements if the ARC deems such a reduction is appropriate. Back yard landscaping shall consist of at least the following:
- 1) 1 – 15 gallon tree
 - 2) 6 - plants or shrubs
 - 3) Appropriate ground cover (i.e., decomposed granite rock in harmony with the color scheme of the home, sod or combination of both, etc.) over all dirt areas.
- 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, Common Olive, Cottonwood, Weeping Willow, Poplar.
 - 4) Palm trees per the Providence Master Association’s Design Guidelines.
- E) The use of decorative granite landscaping rock and gravel is permitted and encouraged. The complete landscaping plan, including type and color of decorative landscaping rock and color of other materials, must be submitted for approval.
- F) All statues, temporary ornamentation and embellishments homeowner proposes installing in front yard must be submitted for approval prior to installation.
10. **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.

*KENSINGTON AT PROVIDENCE HOMEOWNERS' ASSOCIATION
ARCHITECTURAL GUIDELINES*

- 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, white 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.
- F) Cannot be placed anywhere other than the front porch (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.).

Otherwise, prior written approval from the ARC is required.

11. **PATIO SLABS, PATIO COVERS AND GAZEBOS:** Must receive prior written approval from the ARC. No portion of a Gazebo shall exceed the height of **fifteen (15') feet** at its highest point. The homeowner must submit copy of building permit, where required, BEFORE work begins.
12. **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.
13. **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.
 - 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 \$1,000, paid by cashiers check, personal check or money order payable to the homeowners association, 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. Additional cash deposit may be required prior to ARC approval being granted.
14. **POTTED PLANTS VISIBLE FROM STREET:** Do not require prior written approval from the ARC, provided there are no more than four (4) potted plants, 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.
15. **SATELLITE DISHES/RECEIVERS/ANTENNAS:** SATELLITE DISHES NO LARGER THAN 39" IN DIAMETER may be installed without prior written ARC approval (*Please see 7.5 of the CC&R's*), provided:

*KENSINGTON AT PROVIDENCE HOMEOWNERS' ASSOCIATION
ARCHITECTURAL GUIDELINES*

- A) The dish is installed in a professional manner and cord, cables, wires and dish are properly mounted and secured. Cable, cord or wiring is not draped, strung or hanging in a manner that is visible from the street fronting home;
 - B) The dish is located in the most discrete location possible in order to receive adequate signal (in back or side yard). However, if dish must be located on the front of the home, the homeowner must submit an ARC Application for approval and provide written documentation from licensed installer that the dish must be located in that specific location in order to a) receive adequate signal and/or b) locating it elsewhere will unreasonably increase the cost of the installation, maintenance or use.
 - C) 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.
 - D) The cable, cord and/or wiring must match the color of the house or be painted to match the color of the house.
16. **SCREEN DOORS:** Do not require prior written approval from the ARC, provided the screen and screen door are a pre-approved color AND is in harmony with the color scheme of the home.

Pre approved colors:

FRAME/SCREEN

White, Creme, Bone, Grey, Bronze,
Beige, Tan, Charcoal

17. **SECURITY 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 is in harmony with the color scheme of the home.

Pre approved colors:

FRAME/SCREEN

White, Creme, Bone, Grey, Bronze,
Beige, Tan, Charcoal

19. **STORAGE SHEDS AND UTILITY BUILDINGS:** Must receive prior written approval from the ARC).
- A) Must not be visible from the 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 set backs 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 the street, must first be approved in writing by the ARC before said work is done. Please install window coverings and/or draperies on all windows and glass doors (*Please refer to Section 7.6 of the CC&Rs*). 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.

*KENSINGTON AT PROVIDENCE HOMEOWNERS' ASSOCIATION
ARCHITECTURAL GUIDELINES*

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 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.