

SHADOW POINT HOMEOWNER'S ASSOCIATION

ARCHITECTURAL GUIDELINES

Date of Adoption: February 28, 2024

Effective: April 1, 2024

INTRODUCTION

SHADOW POINT HOMEOWNER'S ASSOCIATION Board of Directors and 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 to obtain additional ARC APPS please contact the association management company at general@epicamlv.com.

Epic Association Management
c/o Shadow Point Homeowner's Association
8712 Spanish Ridge Ave
Las Vegas NV 89148

Any and all exterior improvements to your property must be submitted to the above management company for review by the Board or Architectural Review Committee (ARC). Unless noted below, an application approval is required **prior to commencement of any work**.

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 V, Architectural Review Committee** of the CC&R's describes what the ARC does and information the ARC may require from you 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.

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As you plan for your improvements, bear in mind 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 Application to the ARC, in care of the Management Company (**ASSOCIA NEVADA SOUTH**), 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 see Section 5.2 & 7.2 of the CC&R's for more details).

ARC APPLICATION SUBMITTAL REQUIREMENTS AND PROCESS

- A. **Submit one (1) completed** ARC Application, signed by Homeowner, describing each proposed improvement(s) with plans and/or drawings and a \$2,000 damage deposit (if applicable) to: ASSOCIA NEVADA SOUTH (address above) or email to general@epicamlv.com.
- B. Along with your application, plans, and photos of non-living materials (and any required deposits), a **date stamped** "BEFORE" photo of the area around and adjacent to the homeowner's property including common areas, entire front elevation of home, street asphalt, curb/gutter, and any utility collars (property line to property line), must be submitted to the ARC Committee with your complete ARC Application.
- C. When the Homeowner has completed all APPROVED ARC application improvements and is ready to request the cash deposit refund, homeowner is to take **date stamped** "AFTER" photos of the same areas as the "BEFOFE" photos. To process the homeowner's refund check both sets of photos must not display damage to asphalt, curb/gutter, utility collars/vaults, or any other elements maintained by the HOA.
- D. All landscape designs shall comply with governing municipality requirements/codes.

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 **30 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 **30 days** then the item is deemed approved with the condition no project is inconsistent with the guidelines or CC&R's.
- 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

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- 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 property owned by applicant.
- 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 DEPOSIT IN THE FORM OF A CHECK OR MONEY ORDER MADE OUT TO **SHADOW POINT HOMEOWNER'S ASSOCIATION**. 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 Deposit will be determined by the type of construction that is submitted. **The minimum deposit is \$2,000.00 and may be increased at the discretion of the ARC based on scope of work on submission.** 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.
- 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. The "Impacted Neighbor Statement" is enclosed.
- G. After the ARC application is reviewed by the ARC, ASSOCIA NEVADA SOUTH will send you written notification of the ARCs decision. Per **CC&R 5.6** (d): All construction, alteration or other work shall be performed as promptly and as diligently as possible and shall be completed within one hundred and twenty (120) days of the date on which the work commenced, subject to any variance of said time pursuant to section **5.7**.

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 5 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
3. **BASKETBALL POLES AND BACKBOARDS (Including Portables):** Must receive prior written approval from the ARC.
4. **DECKS AND BALCONIES:** Must receive prior written approval from the ARC. A permit with the City of Las Vegas will need to be obtained and submitted with ARC submission.
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 ensure 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

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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) **Sprinklers/Irrigation**: 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.
*Per Summerlin West ARC Guidelines, permanent installation of any type of string lighting (i.e., bistro, lantern, café, LED strips, etc.) are not permitted unless the cords and sources of light and not visible from neighboring property.
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. **RAIN GUTTERS**: Prior written ARC approve is required to install rain gutters on your home. The rain gutters must match the surface they are attached to. For example, if you have the gutter attached to the fascia area, the gutter is to be painted the fascia color. Then the down spout attached is the body color of the home will need to be painted to match the body color.
9. **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. If gate screening is needed, you can install a mesh gate covering that is painted to match the color of the pedestrian gate, wrought iron, covering the gate in its entirety.
- A) Submissions for pedestrian gates, RV gates, security doors, sheds, patio covers and dog runs must include a design drawing with dimensions and a color picture of proposed product.
- B) **Unacceptable** fence, wall and gate materials include, but are not limited to: baby gates, aluminum, sheet metal, wire, plastic webbing, reeds, and bamboo, glass block, wood, panels, cardboard, or woven board.
10. **LANDSCAPING AND HARDSCAPE** : 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 in 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 trimmed at all times to minimum of seven (7) feet above said walkways, common areas and private streets
 - 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 thirteen and one half (13.5) inches in sight visibility zones, which are typically located on corner lots.

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- 5) All plant material must remain thirty-six (36) inches away from any concrete paving.
 - 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, plants, 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.
 - 7) Accent lighting for landscape features shall be provided by below grade up-lights and located so as not to shine toward pedestrian or vehicular traffic. Lighting color shall match color scheme of residence and must be submitted for approval prior to installation
 - 8) All statues, temporary ornamentation and embellishments homeowner proposes installing in front yard must be submitted for approval prior to installation.
 - 9) Driveway extensions may not exceed the width of the garage.
- B) **BACKYARD LANDSCAPING GUIDELINES:** Per section 7.17 of the CC&Rs each owner shall commence installation or and construction of landscaping improvements within (30) days following issuance of a Certificate of Occupancy for a Residence on such owner's lot and diligently and continuously pursue such installations and construction and achieve substantial completion of the landscaping improvements on such owner's lot within (120) days of issuance of the Certificate of Occupancy. 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. 2 inches of decorative rock must be installed on all dirt areas not covered with hardscape materials
 2. Positive drainage, as established per code must be maintained to assure that neither water damage, nor flooding will occur
 3. All sod/grass, plants, bushes, and irrigation shall be installed a minimum of three (3) feet from rear and side property lines.
 4. All trees and irrigation shall be installed a minimum of five (5) feet from rear and side property lines.
 5. Raised planters that were not installed by developer shall be designed, constructed and maintained to be free-standing with no soil touching developer-installed walls or fences.
- C) **LANDSCAPE MATERIALS NOT PERMITTED:**
- 1) White or artificially colored rocks, sandstone rocks (decorative stones must be decomposed granite in earth tones harmonious with decorative stones installed by Declarant). 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.
 - 2) Cactus or plant material with thorns located within eighteen (18) inches of public walkways, private streets or common areas.
 - 3) Olea europea ('olive') (other than "fruitless olive," which shall be permitted); Morus alba or nigra ("mulberry"); and or Cynodon dactylon ("Bermuda grass").

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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 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) 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 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 so it is not visible 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 **and \$2,000 damage deposit must be submitted in the form of a check or money order made out to the Association.** The ARC indemnification agreement MUST accompany the application, check, plans and photos.
 - A) Rear and side yard setbacks 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) 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.
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, the plants are live vegetation and the color of the pots are in harmony with the color scheme of the home. Artificial plants, that are visible from the street and/or common area, are not allowed. All live plants must be properly maintained at all times.

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16. **SATELLITE DISHES/RECEIVERS/ANTENNAS:** SATELLITE DISHES NO LARGER THAN 1 METER IN DIAMETER **may** be installed without prior written ARC approval (*Please see 5.2 of the CC&R's*), as follows:
- A) The dish is installed in a professional manner with cords, cables, wires and dish properly mounted and secured, and wire must be painted to match the exterior color of the home.
 - B) Cable, cord or wiring is not draped, strung or hanging in a manner that is visible from the street fronting home;
 - C) 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).
 - D) 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.
 - E) All other satellite dishes which exceed 1 meter 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.
17. **SECURITY DOORS:** Must receive prior written approval from the ARC and must be painted a color that matches developer supplied door and door trim.
18. **SOLAR SCREENS:** Do not require prior written approval from the ARC, provided the color of the Solar Screen is a pre-approved color.

Pre-approved colors: dark brown, dark gray, light gray, sand & charcoal

19. **STORAGE SHEDS AND UTILITY BUILDINGS:**
- A) Must receive prior written approval from the ARC.
 - B) Must not be visible from the street or common area unless the ARC deems that adequate landscaping is provided to alleviate the visual impact.
 - C) Must be in harmony with the color palette of the home and architectural style of the community.
 - D) Minimum set back requirements must be met.
 - E) Plastic sheds and structures are prohibited.
20. **CASITAS:**
- A) Must receive prior written approval from the ARC.
 - B) Homeowner is responsible for obtaining building permit from the city and ensuring all such matters of construction are in compliance with local government requirements.
21. **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) Window coverings for windows, doors with clear glass or sliding glass doors, that are visible from any street must be neutral in color.
 - B) 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.
 - C) 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.

If 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.