

SOUTHWEST
VISTAS



**ARCHITECTURAL AND LANDSCAPING
GUIDELINES**

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I. INTRODUCTION

The Southwest Vistas Architectural & Landscaping Guidelines clarify architectural control standards and establish procedures for approval of project applications by the Architectural Control Committee (ACC) as specified in the Declaration of Protective Covenants (CC&Rs) of Southwest Vistas. This document is intended to explain the requirements for the residential design process as well as make owners aware of certain constraints inherent in a community with CC&Rs. The standards and procedures in this document are derived directly from the Southwest Vistas (SWV or the Association) CC&Rs and are not intended to stifle the creative desires of residents, but rather assure them that protective restrictions are being implemented in order to maintain the value of all properties in the development.

This document does not replace the CC&Rs and does not reiterate restrictions and requirements from that document; instead, it supplements the CC&Rs and is intended to aid homeowners, architects, and landscape designers in complying with the CC&Rs. In the event of any conflict between these Rules and Regulations and the governing documents, the provisions of the CC&Rs shall prevail. Each guideline in this document is followed by a citation that identifies the particular reference that is being clarified from the SWV CC&Rs. Owners are encouraged to refer to the source document, the SWV CC&Rs, for questions not addressed in this document and to make the CC&Rs as well as this document available to contractors prior to the commencement of any work.

The ACC is bound by Federal Law (42 U.S.C. §§ 3601 *et. seq.*), Nevada Law (NRS 116.001 *et. seq.*), and the Association's CC&Rs. The ACC shall comply at all times with Nevada Revised Statutes to approve and enforce rules uniformly and consistently as required by NRS 116.31065.

II. ARCHITECTURAL APPEARANCE AND UPKEEP

A. **Walls and Fences.** All retaining walls, decorative walls and fences must comply with CC&R regulations and proposals for construction or installation should first be submitted to the ACC, in writing, for approval. The ACC recommends that fences be constructed from the following materials: wrought iron, wood, stucco, and/or masonry construction or a combination of those materials except as allowed by the CC&Rs with ACC approval. Fences constructed of chain link, woven wire or any type of wire fence are strictly prohibited, except as required by governmental authorities or for back yard pet enclosures and swimming pools as approved by the ACC for security and safety purposes. No fence or wall can exceed six (6) feet in finished height from the prevailing property ground plane without ACC approval. All property lines from single-family-dwelling houses to the street shall be kept free and open. [NRS 116.3102; CC&R §§ III(E), III(F), III(FF), IV (A), IV(E)].

B. **Accessory Outbuildings (Sheds, Garages, Guest Houses, Storage Buildings, etc.).** Accessory outbuildings within the building envelope should be compatible with the architectural design of the home and architectural style, quality of workmanship and materials, color and construction detail of the development. The colors and materials of siding and trim should be compatible with the home and should blend with native surroundings and existing landscape. Proposals for erection of all such buildings, whether intended for human occupancy/habitation or not, must first be submitted to the ACC, in writing, for approval. All building codes and standards must be met and permits obtained where applicable. The Association has no duty to ensure that building codes or proper construction are met, but the

Association may request at any time prior to completion of construction or improvement a Certificate of Compliance from the contractor, Owner, or licensed surveyor. Besides evaluation of the particular design proposal, the ACC will consider characteristics of the plan type and location. [NRS 116.3102, 116.1106, 116.310305; CC&R §§ III(A), III(E), III(FF), IV(A), IV(E), IV(G), IV(I)].

- C. **Driveways, Walkways and Patios.** Proposals for new, or improvements to, driveways, walkways and/or patios must first be submitted, in writing, to the ACC for approval. [NRS 116.3102; CC&R §§ I(I), III(DD), IV(A), IV(E)].
- D. **Maintenance of Homeowner Alterations.** The homeowner is responsible for painting, repairing, upkeep and any expenses incurred in short- or long-term maintenance of any ACC-approved application for addition or modification. Any action to maintain or restore any architectural elements (house, outbuildings, fences, awnings, etc.) to approved original or modified condition does not require an ACC application or approval. Examples include, but are not limited to, repainting of house/trim in the same colors, replacing broken roof tiles, repairing stucco, fixing fences or re-staining/repainting in current color, and reinstalling broken gutters. Such maintenance/repair by homeowner is expected and required. Replacement parts must conform to the same form, fit, function, and similar color to the original, unless otherwise approved by the ACC. [NRS 116.3102; CC&R §§ III(D), IV(A), IV(E)].
- E. **Installation of Satellite Dishes and Antennas.** Antennas or satellite dishes that are: (a) one meter (39 inches) or less in diameter and designed to receive direct broadcast satellite service (including direct-to-home satellite service) or receive/transmit fixed wireless signals via satellite; (b) one meter (39 inches) or less in diameter or diagonal measurement and designed to receive video programming services via multi point distribution services (including multichannel multipoint distribution services, instructional television fixed services, and local multipoint distribution services) or to receive/transmit fixed wireless signals other than via satellite; (c) used to receive television broadcast signals; or (d) a mast supporting an antenna or satellite described in (a) – (c) shall be permitted (“Permitted Device”). Permitted Devices shall be reasonably screened from view from any other portion of the property (ex: located in the least visible location in the backyard of the property), so long as such screening does not unreasonably increase the cost of installation, or unreasonably impair the use/signal of the Permitted Device. A satellite dish that is 24” or less in diameter and is attached at or near the juncture of outside walls and roof of the dwelling does not require ACC approval for installation or placement; however, Owners must obtain ACC approval prior to installation of multiple or other satellite dishes or antennas or those located in a different area than specified above to avoid improperly locating antennas or satellite dishes. (The Association will require improperly located satellite dishes and antennas to be relocated at the Owner’s expense.) **FEDERAL LAW DOES NOT GRANT AN UNLIMITED RIGHT TO INSTALL A SATELLITE DISH OR ANTENNA AND RECEIVE A SIGNAL.** [47 CFR § 1.4000; NRS 116.3102; CC&R §§ III(L); IV(A), IV(E)].

III. LANDSCAPING

It is expected that the yard of each home will be established in such a way that it complements the house and the surroundings. Once established, it shall be maintained in a manner suitable to the standards, character and quality of Southwest Vistas, and all landscaping shall be maintained to harmonize with and sustain the attractiveness of the development. [NRS 116.3102; CC&R §§ III(Y), IV(A), IV(E), VII(A&D)].

- A. **Landscape Plans.** Homeowner is responsible for submitting to the ACC three (3) or four (4) complete and identical sets of plans and specifications that accurately represent the proposed landscape plan and meet acceptable architectural standards. All plans shall be professionally drawn with sufficient and explicit details. All labels, legends and names on the plans must be in legible print. The plans must be drawn to scale and clearly and accurately depict location of proposed plants, trees and other objects. Plans may be submitted with phase requests; multiple phases may be requested for variable start and completion dates. Homeowners must furnish all hired contractors and/or landscapers with copies of the ACC signed and stamped approved plans prior to commencement of any work. [NRS 116.3102; CC&R §§ III(B), III(Y), IV(A), IV(E)].
- B. **Landscape Removals.** Landscape removals and replacements differing from previously-approved plans must be submitted as a new project and require approval by the ACC. [NRS 116.3102; CC&R §§ III(JJ), IV(A), IV(E)].
- C. **Pre-Approval for Certain Landscape Items Not Required.** Homeowners are not required to obtain pre-approval of the ACC for planting any plants less than three (3) feet high and three (3) feet wide at maturity as long as those plants are not grouped to form a “living fence”, “spite fence”, “words”, “caricature”, “image”, or similar design of any length. The ACC will have discretion to determine if plantings constitute such an impermissible design. Homeowners are encouraged to beautify their lots with perennial and/or annual plants and flowers that enhance the appearance of their homes. [NRS 116.3102; CC&R §§ III(Y), IV(A), IV(E)].

IV. CONSTRUCTION

- A. **Construction in Accordance with Approved Plans.** All owners of property within Southwest Vistas who are constructing homes and/or improvements in accordance with approved plans shall follow such plans without deviation. Please refer to Appendix C for the ACC Preliminary Construction Plan Submittal Requirements Check List. Failure to obtain or comply with ACC preapproved plans shall subject Homeowner to incur construction penalties, fines, and costs associated with violation of the Declaration. [NRS 116.3102, 116.310305; CC&R §§ III(B), III(Y), IV(A), IV(E), IV(J), IX(A) - (D)].
- B. **Construction Procedures.** In addition to construction procedures contained in the CC&Rs, the following restrictions apply to both new home and outbuilding construction as well as remodeling that affects the exterior of any building on a SWV lot. [NRS 116.6102; CC&R §§ III(B), III(D), III(U), III(KK), III(LL), IV(A), IV(E)].
1. All commuter vehicles associated with a construction project (including employees and subcontractors vehicles) shall be parked in designated areas or on the street where on street parking is allowed. Construction equipment should not be stored on the street at any time, but street parking is subject to Washoe County rules. Any damage to Association property due to oil, gas or hydraulic spills shall be repaired at the contractor's and/or Unit/Lot Owner's cost.
 2. Except for the temporary loading and unloading of heavy equipment, there shall be no trailers on any construction site unless first approved in writing by the ACC.
 3. All construction materials shall be neatly and properly stored on site. No construction materials may be stored on adjoining property, in a street, or outside roped construction site.
 4. The construction site shall be maintained in a neat and orderly condition with provision for regular disposal of construction debris.
 5. There shall be no excessive noise on the site and radio volumes shall be kept low so as not to bother neighboring property owners.
 6. All excess fill and/or excavated material shall be removed from the site prior to completion of the work. Contractors shall strictly maintain adequate dust control to satisfaction of SWV and Washoe County.

V. TIMELINES FOR PROJECT COMPLETION

- A. **Construction Completion.** As required in the CC&Rs, construction projects must be substantially completed within twelve (12) months of commencement. Extensions may be granted by the ACC upon written request. [NRS 116.6102, 116.310305; CC&R § III(B)].
- B. **Landscape Completion.** Within six (6) months of completion of the main dwelling, the front yard of each lot or parcel shall be completely landscaped, and within twelve (12) months of completion of the main dwelling, the remainder of the lot or parcel shall be completely landscaped. Other improvements, additions or changes to landscaping shall be completed within six (6) months of ACC approval, or within such other period as the ACC shall specify in its approval. Extended completion periods or extensions of the original period may be granted by the ACC for large-scale projects or circumstances beyond the owner's control. [NRS 116.6102; CC&R § III(Y)].

VI. APPLICATION FEES, SECURITY DEPOSITS, AND NON-COMPLIANCE

(Applicable to all construction projects, including additions, remodels and new homes, as well as landscaping projects.)

- A. **Fees and Deposits.** The ACC may require an administrative fee for handling and/or professional review of construction or landscape plans if concerns are not resolved by a homeowner's submittal/explanation. Any such fee will cover only actual costs of the review, including excess community manager time if needed. [NRS 116.6102; CC&R § IV(H)].
- B. **Notice of ACC Violation.** In accordance with the CC&Rs, the ACC may submit violations to the Association's Board so that the Association may exercise all available legal and equitable remedies to prevent or remove any unauthorized and unapproved improvements (any item placed or constructed) on the Project or any portion thereof. When the ACC becomes aware of undocumented and/or unapproved architectural installations, the ACC may require work stoppage and/or unapproved installation be made to meet current ACC guidelines. The ACC, through the Community Manager, will provide a notice of violation to the homeowner by U.S. mail. This notice will provide a grace period for correction in accordance with the seriousness of the violation. [NRS 116.6102, 116.31031, 116.310305; CC&R §§ III(B), III(Y), IV(J), IX(A) - (D)].
- C. **Failure to Remedy.** Owners who fail to timely cure a noticed violation will be given an additional notice informing of the right to a hearing before the ACC or the Association's Board of Directors. If the ACC or the Association's Board of Directors concludes that Owner has in fact violated the Association's Declaration and ACC guidelines, the ACC or the Board may impose penalties, file liens, and/or suspend membership rights and privileges and any other remedy prescribed by law to maintain Declaration standards. [NRS 116.3116, 116.6102, 116.31031, 116.310305, 116.785; CC&R §§ III(B), III(Y), IV(J), IX(A) - (D)].

VII. PROCEDURES FOR APPLICATION [NRS 116.6102, 116.31031, 116.310305; CC&R § IV(E)].

Property owners are required to submit three (3) or four (4) sets of schematic level design documents in accordance with the ACC application (APPENDIX B) and (if required) the construction checklist (APPENDIX C) as well as three (3) copies of the application itself. If a height restriction or set-back variance is desired, the owner must specifically request it in writing and depict such variance at the time of schematic submission. Materials/color samples must be submitted to accompany each copy of the application. All applications must be submitted to the Community Manager for ACC review.

All submittals must include all information required on the Application (APPENDIX B), including neighbor acknowledgement from neighbors in visual proximity to the project being proposed. Neighbor acknowledgement does not imply approval, but is a required courtesy to advise of work to be performed. If a neighbor is not in favor of a change, it is the neighbor's responsibility to discuss it with the applicant. If there is no resolution to the disagreement, the neighbor may promptly submit written comments to the ACC through the Community Manager for consideration; however, the ACC will not mediate disputes of this type and will only take action if the neighbor identifies a violation of the CC&Rs or Architectural & Landscaping Guidelines that had previously not been clear to the ACC.

The ACC will review submittals at its scheduled meetings and will provide written comments for complete submittals within 45 days of receipt. Incomplete applications/plans/submittals will be returned to the applicant with comments explaining missing elements or asking for further information and subsequent resubmittal. The ACC will have 45 days after resubmission to comment and approve, disapprove, or ask for more information once again.

In rare cases, the ACC may employ outside consultants to properly evaluate plan submittals when homeowner information does not adequately address ACC questions. Fees for such consultations will be charged to the applicant. If an evaluation is needed, the ACC will advise the applicant in writing to obtain approval of the evaluation and fees. If the applicant does not agree to the evaluation and fees, the ACC will disapprove the submittal and/or return the application for resubmittal with more complete documentation or information.

Upon receipt of the ACC's written comments and final approval through the Community Manager, the owner may proceed with the improvement/project. No construction will be allowed to commence prior to incorporating/addressing ACC comments.

Homeowners are responsible for knowing their lot boundaries and limiting their construction and landscaping to their own lots. The ACC is not responsible for approval of plans that extend beyond lot lines. In such cases, the owners will be required to remove encroachments and restore the affected land to its original condition unless a variance is granted by the Board of Directors.

APPENDIX A

SUBMISSION FORM - ARCHITECTURAL CONTROL COMMITTEE - SOUTHWEST VISTAS

Please submit all information in QUADRUPPLICATE (4) if the **submission requires a permit** from Washoe County, otherwise submit TRIPPLICATE (3) information including plat/sketch/drawings
 Please refer to the Declaration of Protective Covenants and Architectural & Landscape Guidelines for additional clarification

Homeowner(s) Name:				
Property Address:				Lot #
Mailing Address:				
Phone	Home:	Work:	Cell:	Fax:
Email:				
Description of proposed project:				

CHECK ALL APPLICABLE BOXES

Landscape - Plans should include location, common/botanical names and estimated height and width of plantings at maturity

Fences/Walls - Style, material, location & height (not to exceed 6')

Patio Cover - Style (picture), material, location, dimensions & color (blend with surroundings)

Pools - Pool plan, location, dimension, plus location & housing for pool equipment

Sheds - Location, dimensions, materials & color; (blend with surroundings and height not to exceed 8')

Flatwork - Location, dimensions, materials & color

Trampolines, Play/Sport Equipment - Locations, dimensions, materials, color (swings, basketball, etc.) & anchoring

Satellite Dish

Exterior Painting Project - Include samples of proposed color scheme

Addition/Remodel - Full set of plans prepared by registered architect or licensed residential designer

Other - Please provide detailed information for a project type not listed

Did you remember to include enough detail..... Plans (to scale) Pictures Paint Color Chips Samples (rock, wood, etc.)

Neighbor recognition/comments from neighbors with visual proximity of your property improvement. Neighbor acknowledgement does not imply consent, nor is neighbor consent necessary for the approval of a project. Neighbor acknowledgement is required to allow an opportunity for discussion between neighbors if there are questions about the proposed plan.

Signature & Address				Lot #
Signature & Address				Lot #
Signature & Address				Lot #

I understand that I may not start work on this project until I receive written approval from the ACC.

Homeowner Name (printed): _____ **Signature:** _____

Date: _____

Mail or Deliver Application To:
 Southwest Vistas ACC c/o Equus Management Group
 5480 Reno Corporate Drive, #100, Reno, Nevada 89511
 Office: 775-852-2224 Fax: 775-852-4901
 E-mail: joele@equusmanagement.com

APPENDIX B

SOUTHWEST VISTAS ARCHITECTURAL CONTROL COMMITTEE Preliminary Construction Plan Submittal Requirements Check List

- I. Site/Grading Plan
 - A. Property Lines
 - B. Streets
 - C. Driveway
 - D. Location of Proposed Residence, Garage, Any Outbuildings
 - E. Building Envelope
 - F. Walls
 - G. Any Easements or Set-backs
 - H. Existing Vegetation and Prominent Natural Features
 - I. North Point and Drawing Scale
 - J. Existing Contours (2' Maximum Interval)
 - K. Proposed Finished Contours (2' Maximum Interval)
 - L. Finish Floor Elevations of Structures
 - M. Cut and Fill Slopes, Retaining Walls
 - N. Maximum Driveway Grade
- II. Floor Plan(s)
 - A. Room Names
 - B. Must be to scale, but dimensions are not required
- III. Exterior Elevations
 - A. All exterior walls shown
 - B. Accurately show relationship to existing and proposed topography (extend far enough to convey full effects of grading)
 - C. Describe/Depict all Exterior Materials to include:
 1. Walls/Siding Material
 2. Trim and Fascia
 3. Roofing Material
 4. Doors (Including Garage) and Windows
 5. Fences
 6. Chimneys
 7. Rendered Elevations are encouraged as they assist the Committee in evaluating the effect of shade and shadowing and proposed landscaping
 8. Elevations at Finish Floors, Top of Structure and show Height Limit (Depict any previously approved height restriction variances)
- IV. Landscape Plan (May be incorporated in Site Plan)
 - A. Proposed Landscaping, including: fences, plantings, and existing vegetation/site features
 - B. Plant Material & Sizes
 - C. Decks and Hardscape
 - D. Pools, Ponds, Water Features
 - E. Retaining Walls (Including height and material)

- V. Owner/Design Team Information Required on Preliminary Submittal
 - A. Lot Number
 - B. Owner Name, Address, Telephone Number
 - C. Architect or Residential Designers name, address, telephone number
 - D. Date of Submittal
 - E. Submit Two Wet Stamped Blue Print Sets
- VI. Material/Color Samples
 - A. Exact Colors on Actual Materials
 - B. Finished 2'x 3' Siding w/Trim, Fascia, etc.
 - C. Roofing Sample