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THE HIGHLANDS AT PLEASANT VALLEY

**ARCHITECTURAL CONTROLS
AND GUIDELINES**

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1. OBJECTIVES

This document is a guide for both the members of the Homeowner's Architectural Control Committee (ACC) and also for property owners. It is hoped that the booklet will increase the awareness of the encompassing nature of design and its importance to the quality of life of The Highlands at Pleasant Valley. The guidelines define the responsibilities which the homeowner must assume as part of their contribution to this principle. The guidelines are broad based and address those exterior improvements for which homeowners most commonly submit applications to the ACC, and, are not intended to be all inclusive.

The specific objectives of the booklet are:

- To set forth uniform guidelines to be used by the ACC in reviewing applications.
- To illustrate basic design principles which will aid residents in developing exterior improvements and additions which are in harmony with the immediate neighborhood and the community as a whole.
- To relate exterior building and property treatments to the concept of a quality neighborhood.
- To increase residents' awareness and understanding of the Covenants, Conditions, Restrictions and Easements for The Highlands at Pleasant Valley.
- To describe the organizations and procedures involved with the architectural standards established by the CCRS.
- To maintain and improve the quality of the living environment of The Highlands at Pleasant Valley.

2. INTRODUCTION

All residents benefit from the planning and design that have been an important part of The Highlands at Pleasant Valley.

The Highlands Homeowner's Association has been established as an organization which is comprehensive and flexible enough to respond to future determinants and necessities of community management. The role of the Association is not only to own and operate open space, but also to conserve and enhance the resources of the total community.

The Highlands Homeowner's Association accomplishes these primary purposes in a number of ways. The Association, of which every lot owner in a member, is charged with preserving the value of the neighborhood and ensuring the retention of harmonious, though diverse, design qualities in the community. Surveys of planned communities show that providing this service is very important to residents and is reflected in the preservation of natural features and the enhancement of real estate values.

One of the most important functions of the Association is to maintain and enhance the aesthetic quality of the homes and their environs. The Association has the power to review and approve or disapprove the details and written plans and specification showing the nature, kind, shape, height, material, colors, and location of proposed Living Units, buildings, fences, walls, or other structures, exterior additions to or changes or alterations therein, clearing or excavation of Lots, or cutting of trees on Lots 18 through 63¹. This power is vested in the ACC (volunteer members are appointed by the Board of Directors). This Committee is the body which implements the architectural review function of the Association.

This booklet focuses on construction requirements made by homeowners or their contractors. It also outlines general rules of the subdivision.

2.1 Covenants, Conditions & Restrictions

Basic authority for maintaining the quality of design in The Highlands comes through the CCRs which are a part of every deed to property within The Highlands at Pleasant Valley.

The CCRs establish the Highlands Homeowner's Association and the Architectural Control Committee. The ACC ensures that proposed exterior alterations comply with the stated objectives. This involves regular and systematic review of all applications for New Construction and exterior alterations submitted by residents.

The intent of Covenant enforcement is to assure residents that the standards of design quality will be maintained. This in turn, protects property values and enhances the community's overall environment.

Every Highlands at Pleasant Valley property owner receives a copy of the CCRs at settlement. Since they are binding on all owners, homeowners should be familiar with the contents of this document.

¹ Covenants, Conditions, Restrictions & Easements for the Highlands at Pleasant Valley, Section 3.9

2.2 What Must Have ACC Approval

Any building, fence, wall, pavement, or structure may not be installed or altered (including change of color) without submittal of complete plans to, and approval by, the ACC. These plans should indicate the extent of the proposed installation or modification. Only upon receipt of written authorization from the ACC can the project be started. (Refer to Article 3 Section 3.9 of the CCRs for an explicit description.)

It is the responsibility of the builder or homeowner to make certain that the proposed plans are carried out as approved. If changes are necessary, an amended application must be submitted to the ACC for approval.

2.3 Special Note – County Approval

Clark County requires permits and review for many changes to properties. The homeowner is responsible for finding out if his/her proposed change requires County approval and for obtaining that approval. County authorities should be contacted before any work is begun in order to verify what procedures must be followed and to obtain necessary permits. Naturally, the County approval does not eliminate the need for ACC approval, and vice versa.

2.4 Making Application to the ACC

Applications for New Construction or exterior changes may be obtained from the Architectural Control Committee. Completed applications should be returned to the Association office at least one week prior to scheduled meeting. Applications will be forwarded to the ACC for review at its next scheduled meeting.

ACC Meetings are open to all homeowners. Contact the Association for meeting dates/times.

A letter stating the Committee's ruling will be sent to you after the review process is completed. All application requests receiving a majority affirmative vote from the ACC shall be approved. If the ACC ruling is for denial of an application request, the applicant will be informed, and may appeal the decision to the Board of Directors by submitting request for review in writing to the Board.

A sample application (see **Appendix A**) indicates the information the ACC requires. For some homeowners, the most difficult part of the application is adequately describing their request. If you have any questions, please contact a member of the ACC or talk to an Architectural Control member. If the request is not clear, the ACC may defer its decision and request that the homeowner resubmit a clarified application.

The following items are required to accompany your application:

For New Construction and Alterations:

Site Plan. A site plan is most easily prepared by submitting a copy of the approved plot plan. Proposed changes should be indicated, including dimensions and distances from adjacent properties and houses.

Materials and Colors. Samples of the materials and colors to be used and an indication of the existing materials and colors should be provided. In most cases, a statement that the proposed deck, for example, is to be painted to match existing house or trim color is sufficient. Where materials and/or colors are compatible but different from those of the existing structures, samples or color chips should be submitted for clarity.

Plans. A graphic description should be provided. For New Construction, a complete set of accurate building plans is required including elevation, foundations, floor plans and cross sections. For alterations, a graphic description may be in the form of manufacturer's literature or photographs as well as freehand or mechanical drawings. The amount of detail should be consistent with the complexity of the proposal. Relationships of major architectural features such as existing and proposed roof lines, window sizes and alignment, building heights, roof slopes, etc., should be shown as they affect the applicant's house.

Completion Date. An estimated completion date should be included on the ACC application. Projects should be completed as soon as possible after start date. It is preferable to delay starting a project, rather than have a project in progress for an extended period of time.

For Alterations:

Acknowledgement of Neighbors. Applications to the ACC shall include the acknowledgement (signature) of adjacent property owners, and other homeowners who might be affected by the proposed construction as specified in the application. (See **Appendix A**) A neighbor's signature does not constitute agreement, only that he/she was informed about plans.

Third Party Comments. Written comments from neighbors and other residents about proposed changes which are sent to the ACC will be considered during the review process. The ACC, however, still makes its decisions based on the standards set forth in the CCRs and further described in this document.

2.5 ACC Review Criteria

The ACC evaluates all submissions on the individual merits of the application. Besides evaluation of the particular design proposal, this includes consideration of the characteristics of the housing type and the individual site, since what may be an acceptable design for an exterior in one instance may not be for another.

Design decisions made by the ACC in reviewing applications are not based on personal opinion or taste. Judgments of acceptable design are based on the following criteria which represent in more specific terms the general standards of the CCRs:

Impact on Environment: The proposed construction must not unnecessarily destroy or blight the natural or man-made environment of The Highlands at Pleasant Valley development. Treatment of the site must relate harmoniously to adjacent sites and structures that have visual relationship to the proposed construction. All storm water treatment and drainage routes and facilities must be maintained and protected. Grassy swales fronting lots on private roads will be maintained by said lot owners. Protection of significant trees in the 50' tree preservation zone on lots 1-46 Phase II will be required. Said trees will only be removed for disease or safety reasons.

Conformance with Covenants: All applications are reviewed to confirm that the project is in conformance with the CCRs and Architectural Controls.

Validity of Concept: The basic idea must be sound and appropriate with its surroundings.

Design Compatibility: The proposed improvements must be compatible with the architectural characteristics of the applicant's house, adjoining houses and the neighborhood setting. Compatibility is defined as similarity in architectural style, quality of workmanship, similar use of materials, colors and construction details.

Alterations:

Location and Impact on Neighbors: The proposed new construction or alteration should relate favorably to the landscape, the existing structure and to the neighborhood.

The primary concerns are access, view, sunlight, ventilation and drainage. Decks or larger additions may cast unwanted shadows on an adjacent patio or infringe on a neighbor's privacy.

In order to address these concerns adequately, applicants for alterations must advise adjacent property owners regarding plans and obtain signature on application acknowledging that advisement.

Scale: The size (in three dimensions) of the proposed alterations should relate well to adjacent structures and to the surroundings. For example, a large addition to a small house may be inappropriate.

Color: Colors must be either light to medium pastels or light to medium earth tones. Color may be used to soften or intensify visual impact. Parts of an addition that are similar to the existing house such as roofs, trim and siding, should be matching in color.

Materials: Continuity is established by the use of materials similar to or compatible with the existing house. For instance, vertical wood siding on the original house should be reflected in the addition.

Workmanship: Workmanship is another standard which is applied to exterior of new homes or alterations. The quality of work should be equal to or better than that of the surrounding area. Poor practices, besides causing the owner problems, can be visually objectionable to others. Also, poor workmanship can create safety hazards. The Highlands at Pleasant Valley Association assumes no responsibility for the safety of new construction by virtue of design or workmanship.

Timing: Projects that remain uncompleted for a long period of time are visually objectionable and can be a nuisance and safety hazard for neighbors and the community. All applications must include estimated completion dates. If such period is considered unreasonable, the ACC may disapprove the application.

2.6 Amendments to the Guidelines

These guidelines may be amended. It is anticipated that the changes will be primarily additive and will not involve substantive changes to existing guidelines. However, these too may be amended to reflect changed conditions or methods. The ACC will evaluate the guidelines, when appropriate. The ACC welcomes homeowners' recommendations for amendments. Revised guidelines require acceptance by a majority of the full ACC and approval by the Board of Directors.

3. GUIDELINES

The guidelines which follow address a broad range of exterior alterations for which homeowners frequently make application to the ACC. Since it is impossible to address each specific design condition, these guidelines are presented as “performance criteria” which define the principal factors which should be considered when developing a design solution. For example, guidelines define the limits of the size, location, quality of construction, materials, and colors, based on intended use and relationship to adjoining properties and surrounding areas, rather than a particular construction detail or specific design alternatives.

The individual merits of each application are always considered by the ACC. The use of these guidelines should assist the builder or homeowner in gaining timely ACC approval. The applicant who follows the guidelines should expect approval or rationale as to why the application was not approved.

These guidelines should in no way restrict the builder or homeowner in design of well-thought-out alternative approaches.

3.1 New Construction

These guidelines will be used for the original new construction in The Highlands at Pleasant valley.

3.1.1 Square Footage

The proposed home must be at least 2400 sq ft all finished living area not including garages, breezeways or covered patios.

3.1.2 Exterior Design

The exterior design must have pleasingly varied roof lines with an appealing front elevation. The home must be architecturally balanced with all of its features blending with the major design character of the home.

3.1.3 Front Elevations

The front elevation should have brick veneer in an amount that is in proportion to the size of the home and is balanced with the front elevation so as to be appealing. Some styles of homes that have enough other design elements to be appealing without brick will not be required to have brick.

3.1.4 Roofing

The roofing used in The Highlands at Pleasant Valley must be wood, tile or an Architectural grade layered composition of at least 275 lb. per square. All tile or composition colors must be in harmony with the brick and exterior colors of the home. Roof colors should be browns, grays or black

3.1.5 Exterior Construction

The exterior walls will be double construction with cedar or Louisiana Pacific lap siding required. Other materials might be considered if deemed compatible with the architectural tone of the subdivision. Sheet sidings such as T-1-11 will not be considered.

3.1.6 Exterior Color

The color of exterior building materials is very important in creating the architectural quality and continuity of the subdivision. The colors need to blend together so as to soften the visual impact. The colors deemed most appropriate to do this are light to medium pastels and earth tones. Recommendations for body colors is to keep them light tones with trim either 2 shades darker or lighter or trim may be painted to match the roof or brick color. White trim colors will be allowed when appropriate.

3.1.7 Construction Debris

Neatness of jobsites is necessary to promote the quality of The Highlands at Pleasant Valley and to keep the jobsites as unobtrusive to neighbors as possible. Jobsites should be cleaned up at least weekly and all construction debris removed.

3.1.8 Construction Timeframe

Projects should be completed as expediently as possible. All homes should be completed within 120 days from start of home construction.

3.1.9 Storm Drainage

Extreme care must be used to keep storm drainage systems functioning and clear of mud and debris. Streets need to be kept clean of dirt and mud in order to keep mud from clogging storm drainage swales and catch basins. Job sites will be required at start of construction to have gravel pads on which to park construction vehicles and deliver materials. Daily street cleaning will be required by any lot owners that have caused dirt or debris to be deposited on streets from their job site. All lot grading plans must be approved by Clark County.

3.1.10 Chimneys

All wood burning fireplaces or woodstove setups are required to have masonry chimneys. Metal flues for gas burning fireplaces will be allowed if unobtrusive and painted to match roof or house color. Large wood chases are not allowed.

3.1.11 Repeated Plans

Builders that have plans they wish to duplicate may do so three times with these requirements: Repeated plans must be at least 5 lots away from each other. Plans re-

peated over 2 times must have an acceptable alternate elevation designed for the third time it is repeated.

3.1.12 Setbacks From Property Lines

All setbacks for homes or accessories must be to minimum County standards as approved by the County and the Architectural Control Committee. Builders are encouraged to center their homes on the lots to create distance between the homes.

3.1.13 RV Parking

All recreation vehicles and boats must be parked behind the front elevation of the home. Roofs over RVs and boats are discouraged unless they are designed to be unobtrusive and blend with the architecture of the home.

3.1.14 Application Requirements

Applications for home construction should include complete accurate building plans, plot plan, description of colors and materials. An estimated completion date should be included. Plans will be returned when the house is completed.

3.1.15 Sidewalks

All streets including private streets in The Highlands at Pleasant valley are required to have sidewalks to County standards. Sidewalks on private streets will be placed behind the storm drainage swale.

3.1.16 Private Road Driveway Approaches

All driveways constructed off the Private roads within The Highlands at Pleasant Valley will be constructed according to detail attached **Figure 2**.

3.2 Major Exterior Alterations

Major alterations and improvements include, but are not limited to, garages, carports, greenhouses, rooms and other additions to a house. Although specific site and design considerations will be evaluated by the ACC on their individual merits, all alterations must conform to the following standards:

- The proposed structure must be compatible with the original structure and in scale with the lot size.
- The design of major alterations should be compatible in scale, materials and color with the applicant's house and adjacent houses.
- The location may not impair views or the amount of sunlight and natural ventilation reaching adjacent properties.
- The slope and materials of a new roof should match those on the existing house.
- New windows and doors must match the type used in the existing house and must be located in a manner which will relate with the location of exterior openings in the existing house.
- If changes in grade or other conditions that will affect drainage are anticipated, they must be indicated. Generally, approval will be denied if adjoining properties are adversely affected by changes in drainage.
- Specific site and design considerations will be evaluated on their individual merits.

3.2.1 Additional Rooms

See general guidelines at the beginning of this section.

Major features of the house (such as vertical and horizontal lines, projections, trim details and materials) must be reflected in the design of an addition.

3.2.2 Garages and Carports

See general guidelines at the beginning of this section.

Garages and carports must relate appropriately to the house and its surroundings.

Garage doors should be straightforward and without ornamentation.

3.2.3 Greenhouses

See general guidelines at the beginning of this section.

A greenhouse should be attached to the rear of a house, although in special instances side-yard locations may be considered.

A greenhouse must maintain a continuity of building lines, scale and materials with the existing house. Detached greenhouses may be allowed if design and placement are proper.

3.2.4 Application for Major Changes

Preliminary Application (optional)

- a. Major alterations represent a substantial undertaking in terms of cost and advance planning. Therefore, it is recommended that a preliminary application for conceptual approval be submitted.
- b. The preliminary application should include as much information as practical but must include a site plan showing dimensions, elevations if applicable, relation to the applicant's house, adjacent houses, and property lines.

Final Application

- a. It is suggested that the final application be a duplicate of those documents which are to be submitted to Clark County for a building permit, and should also include a description of colors, materials, and drawings or photographs as required to illustrate the relation of the alteration to the applicant's house and adjacent houses where necessary.
- b. Estimated completion date.

3.3 Minor Exterior Alterations

There are numerous exterior modifications which are of smaller scale than the previously noted items but which may still require ACC approval. The same basic principles of compatibility of scale, materials, and color apply. Consideration must also be given to impact on neighboring properties.

Alterations requiring that the homeowner make application to the ACC are the following:

3.3.1 Attic Ventilators

Attic ventilators or other mechanical apparatus requiring penetration of the roof shall be as small as functionally possible and shall be painted to match the roof. They should be located on the least visible side of the roof and not extend above the roof line.

3.3.2 Permanent Barbecues

Permanent barbecues should not be a dominant feature on the landscape and must be located so they will blend as much as possible with the natural background. Supplemental planting should be provided to soften the visual impact of the barbecue, particularly when little or no natural background is available.

3.3.3 Chimneys and Metal Flues

Metal flues which penetrate the roof shall be painted either flat black or to match the roof or house color. Masonry chimneys or wood flue enclosures (if small and unobtrusive) may be used when compatible in design, location and color with the existing house.

3.3.4 Clotheslines

Clotheslines must be out of sight when not in use.

3.3.5 Decks

Decks as extensions of a house have significant impact on its appearance. Decks may also affect the privacy of adjacent properties. These two factors are weighed heavily in the review of applications.

- Modifications to existing decks must provide continuity in detailing, such as material, color and the design of railings and trim.
- Deck configurations must relate to the house plan and to window and door openings of the house where possible.
- Approval of other exterior modifications, such as a new exterior door locations as part of the deck application, are contingent upon completion of the deck.
- Privacy of adjacent homes is a major consideration.
- Shadow patterns created by decks are considered both as they affect the use of outdoor space and as they affect grass and plant materials.
- Materials and Color: Decks must be compatible in materials and color with the applicant's house.
- Location: Decks are to be located primarily in the rear of one's yard. However, other locations will be evaluated according to their respective merits.

3.3.6 Pet Houses/Runs/Enclosures

Pet houses must be compatible with the applicant's house in color and material, and must be located where they will be visually unobtrusive and will have the least impact on neighbors for visibility, noise and smell.

Chain link fences for dog runs will be considered if erected inside solid privacy fencing, painted to match the background, softened by supplemental landscaping and well screened.

Enclosures to confine pet(s) in an area less than the homeowner's entire back yard must be placed at a location where minimum nuisance/inconvenience is caused to neighbors. Generally, this means away from shared property lines and major living areas of neighboring residences.

Kennels and stables are prohibited.

Application Contents: a) Site plan showing the relationship of the pet house/run/enclosure to adjacent home and to property lines; b) color of home, pet house/run/enclosure; c) dimension; d) landscaping and screening plan.

3.3.7 Driveways

Only hard, stabilized surfaces of concrete or masonry will be approved. No other materials will be considered.

Special care must be exercised if changes alter drainage patterns. Runoff must be disposed of on each individual piece of property or directed to streets.

3.3.8 Entrance Walks

New Walk: The paving material for a new walk must be compatible with the materials in adjacent walks and/or the architecture of the house.

Replacement or Repair: Replacement of entrance walk materials for aesthetic or maintenance reasons will generally be viewed favorably if they fall within the requirements set forth above.

If the repair of existing pavement is required, the new patched area should match the adjacent pavement in material and color. It should be installed to form a smooth continuous surface which will allow the flow of storm water without ponding.

3.3.9 Exterior Lighting

Exterior lighting that is part of the original structure cannot be altered without ACC approval. If the homeowner would like to use new fixtures in place of the original fixtures, the new ones must be compatible in style, scale and color with the applicant's house. Applications for changes in light fixtures above the ground, detailed description of the fixtures themselves, and location of lighting on the property. If more than one fixture is used, all fixtures should be the same color.

Lighting cannot be directed outside one's property.

3.3.10 Fences

Fencing is used to separate property, provide security and visual privacy or architecturally define space. In achieving any one of these goals, a barrier is created which has both visual and physical impact on the boundaries of common land and property of adjacent homeowners. Careful consideration should be given to the basic fencing concept and the manner in which the concept is executed.

ALL fence designs must be submitted to the ACC for approval. Detail for styles must be provided by applicant. Stain/paint color must also be approved.

- Fence height should not be greater than is necessary for its intended use, since fencing can have a significant impact on adjoining properties and community open space.
- The height and design of fences should generally conform to other fencing in the area and all County codes relating fencing.
- The height of a fence, the topography of the land, and the relative distance of an observer affect both the amount of privacy afforded by a fence and its degree of visual impact. The height of a fence should be compatible with the scale of the house.

- Fencing should relate to the principal architectural features of the house in design, location, and the way in which it connects to the existing house. It should not visually compete with or dominate a structure.
- Planting should be integrated with all fencing schemes in order to soften the visual impact.
- Fencing which is finished on one side only must be constructed with the finished side facing out, that is, toward neighboring properties. Fences finished on both sides (commonly called a 'Good Neighbor Fence') may also be used.
- Gates shall match fencing in design, color, materials and height.
- Chain-link fencing and other wire fences are not acceptable, except as noted for dog runs. Existing chain-link fence surrounding perimeters of The Highlands may be retained.
- Continuous solid fencing panels shall not exceed eight feet center to center of posts.
- Location: Most fencing involves boundary line considerations. Therefore, fence submittals shall show the proposed fence's exact relationship to the property line. Fences shall be constructed in back and side yards only. Front yards may not be enclosed with fencing. All fences must conform to County codes.
- Height: Fence heights shall be limited to between 4 feet and 6 feet as measured from ground level. The maximum height allowed by Clark County is six feet (6' 0") from ground level.
- Frontage wall: The wall fronting on NE 50th Ave. will not be altered or defaced in any way except by decision of the Board of Directors of The Highlands Homeowners Association.

3.3.11 Flagpoles

Permanent freestanding flagpoles or flagpoles attached to a home will be reviewed on a case by case basis.

3.3.12 Gutters and Downspouts

For detached houses, gutters and downspouts should match those existing in color and design and must not adversely affect drainage on adjacent properties.

3.3.13 House Numbers

House numbers should be legible but should be of size which is appropriate for the applicant's house. In certain cases, decorative house numbers are appropriate depending on location and type of house.

3.3.14 Landscaping

This section of the guidelines is included as an aid to builders and homeowners in the preparation of landscape plans or in providing supplemental planting.

Architectural Control approval is required before significant trees may be removed in 50 ft. rear yard tree preservation zone on lots 1 through 46, Phase II. Significant trees may only be removed in these areas if they are diseased or are a safety hazard.

The utilization of non-living objects as ornaments in the landscape is generally discouraged particularly in front or side yards visible from adjacent properties and roads. Such ornamentation includes driftwood, wagons, animal skulls, wagon wheels, sculpture (flamingos, deer, cherubs, etc). The goal of any landscape improvement is to promote a pleasing and harmonious neighborhood character. Individual expression is permissible so long as it does not detract from this goal.

Front yards are to be seeded or sodded and/or landscaped within 30 days following completion of construction in order to minimize dust and erosion. Landscaping which does not incorporate grass or lawn area must eliminate dust and erosion.

Rear yards must be seeded/sodded and/or landscaped within one (1) year of closing the purchase of the home.

Landscape plans which do not include structures (retaining walls, fence, dock, etc.) do not need to be submitted for ACC approval. However, any complaints regarding landscaping will be handled based on the following guidelines:

- Landscaping includes any plants, trees, ornamental bark or rock, or other additions to yards. No more than 10% of the total area of any lot shall be covered by non-living ground covers such as gravel, lava rock, bark dust, etc.
- View blockage will be considered detrimental under the following circumstances:

- 1.

The view adversely affected by landscaping must have been part of the original concept or overall plan, such as view of open space.

- 2.

The ACC will consider the density of the offending plantings and amount of view blocked.

- 3.

Other factors are: cutting off light and air, physical intrusions, offending odors, over maturity and over planting.

Landscaping can be effectively used to accent driveways, define space, create "soft" privacy screens and reduce the visual impact of fences, sheds, etc. Since landscaping is a design element, consideration should be given to relationship to the applicant's house and adjacent houses.

Location: Care should be exercised in planting and maintenance of trees and shrubs to prevent the obstruction of sight lines required along roadways. Plantings must not block sun to or views from neighboring properties. The shade patterns of larger trees and possible physical damage to other properties by encroaching planting should always be considered.

Plantings should not encroach upon walkways or block walkway lighting. If plantings are determined to be detrimental by the ACC, homeowners may be required to change them.

Scale: Care should be exercised in selecting plant materials which, upon maturity, will be of an appropriate size in height and width for their intended use and location. Mature size should always be considered, especially when planting close to walkways and houses.

Vegetable Gardens: Many of the considerations that apply to decorative landscaping also apply to the design and placement of gardens. Gardens may be softened in visual impact through choice of plants, incorporation of flowers into garden borders and the use of landscape screening materials. Consideration should be given to the use of evergreen materials in screening (so as to maintain the effectiveness of screening during winter months). An effort should be made to balance the scale of the garden with that of the house and yard.

3.3.15 Painting

Any changes in exterior color for houses, fences, docks, roofs and trim must be approved by the ACC. Colors of stains/paints should be compatible with the colors of other houses in the neighborhood. Color chip(s) (samples) must be submitted with application.

3.3.16 Patios

Patios provide a means for ground level extension of indoor space with less visual impact than elevated decks. When patio schemes include other exterior changes such as fencing, lights and plantings, other appropriate sections of these guidelines should be consulted.

Location: Patios may be located only in rear yards.

Materials and Color: Materials should have natural weathering qualities as found in wood, brick, stone and concrete.

Drainage: If changes in grade or other conditions that affect drainage are anticipated, they must be indicated on the application. Generally, approval will be denied if adjoining properties are adversely affected by changes in drainage.

3.3.17 Recreation and Play Equipment

The desire for swings, basketball backboards, tot lots, etc., on detached lots or cluster property is frequently expressed. Most equipment of this sort is commercially available, but is often less than pleasing in appearance. Creatively designed equipment is encouraged. The guidelines below are provided in an effort to reconcile the need for play equipment with the goal of minimizing its visual impact.

Location and Size: Recreational play equipment shall be placed in rear yards. Consideration should be given to lot size, equipment size and design, amount of visual screening, etc.

Materials and Colors: Equipment utilizing natural materials is encouraged.

Metal play equipment, exclusive of the wearing surfaces (slide poles, climbing rungs, etc.), and free standing basketball backboards and their poles should be painted dark earth tones to blend with the natural surroundings, or, if located adjacent to a dwelling or fence, painted to match the background or screening structure. Bright primary colors will be considered for play equipment, contingent upon location and landscaping. Basketball backboards may not be secured to houses or garages but may be allowed on the side of driveways.

Application: Application to the ACC should include: a) Site plan showing relation of recreational facility to lot lines of adjacent property owners; b) photograph and/or sketch of proposed play equipment; c) dimensions; d) color and materials; e) estimated completion date.

3.3.18 Retaining Walls

Retaining walls may be used to preserve trees, improve drainage patterns, make slopes more useable, and to define certain areas. Walls should be kept as low as possible. Use of indigenous rock or wood in combination with appropriate landscaping is encouraged.

Because retaining walls may alter existing land forms, the design of such walls should be carefully considered to avoid adversely affecting drainage patterns.

3.3.19 Signs

Name and address signs for residences must be smaller than two (2) square feet. All signs are subject to ACC review. Refer to the Covenants, Conditions & Restrictions, Section 6.10 and the Community Rules & Regulations, Section IX, for information regarding all other types of signs.

3.3.20 Outbuildings

An outbuilding will be considered only if it blends in with the house and maintains a continuity of building lines, materials and color with the house. Metal sheds or other buildings deemed not compatible shall not be approved.

Location: A detached outbuilding may be located only in a rear yard.

Size: Outbuilding should not be larger than 250 sq ft and sidewalls should not be higher than 8 feet.

Materials and Colors: Materials and colors should match or be compatible with the house or fence to which a shed is visually related or physically attached. In most instances, this includes matching major materials such as siding and roofing, dominant colors and construction details such as trim and pitch of roof.

3.3.21 Storm and Screen Windows

Storm or screen doors and windows must be compatible with doors and windows behind them.

3.3.22 Sun Control Devices

Sun control devices must be compatible with the architectural character of the house, in terms of style, color and material.

Awnings should be of a straightforward design without decorative embellishment such as scallops, fringes, and contrasting color stitches.

Awnings and trellises should be consistent with the visual scale of the house to which they are attached. Location: The location of any awning or trellis should not adversely affect views, sunlight or natural ventilation of adjacent properties.

3.3.23 Swimming Pools

This section addresses all residential swimming pools, including below-ground, above-ground and prefabricated types.

Location: Pools must be located in rear yards; however an alternate location will be considered for property with unusual configuration or unusual topographic features.

Fencing: The pool and any mechanical equipment must be protected by a 6-foot high fence. Fences and gates should conform to that portion of these guidelines pertaining to fencing. Approval of the fence will be considered a part of the swimming pool application and will be contingent upon completion of the pool.

Application: Preliminary application – The installation of a swimming pool is a major undertaking in terms of cost and planning; therefore an application for preliminary approval is required. The preliminary application should include as much information as practical, but shall include a site plan showing dimensions of the pool, deck, fenced area, and relation to the applicant's house, adjacent houses, and property lines.

Final application -- The final application can duplicate those documents submitted to Clark County for a building permit, and shall include style and color of fencing, landscaping, etc., and an estimated completion date.

3.3.24 Spas/Hot Tubs

Spas and hot tubs must be located at the rear of a house, although consideration will be given to an alternative location for property with unusual configuration. Spas/hot tubs must be covered and locked or be inside a 6-foot high fence, for safety purposes.

3.3.25 Wire and Pipes

All utilities, pipes and wires must be underground. The installation of drain pipe by a homeowner and/or his contractor is subject to ACC approval.

3.4 General Rules

The following general rules will be enforced by the ACC:

3.4.1 Antennas

Shortwave and visible television antennas, satellite saucers over 6' in diameter and similar devices are not allowed.

3.4.2 Drainage

Changing, obstructing or retarding the flow of drainage is prohibited. As mentioned above, alterations to houses or lots that may change existing drainage patterns are subject to approval by the ACC.

3.4.3 Maintenance

Property ownership includes the responsibility for maintenance of all structures and grounds which are a part of the property. This includes, but is not limited to, activities such as mowing of grass, prevention of offensive and/or noxious odors associated with composting and pet waste removal of trash, and structural maintenance. Maintenance affects the visual character and economic values of the property and neighborhood, and sometimes safety.

3.4.4 Temporary Structures

Structures of temporary nature are not allowed on any lot in The Highlands at Pleasant Valley at any time. However, pet houses and/or runs for domestic pets are permitted if they are screened from view and have received ACC approval; see section 3.3.6.

3.4.5 Trash

Lumber, used building materials or litter of any kind may not be stored on lots in The Highlands at Pleasant Valley. Large amounts of debris may be collected by private contractors or may be taken to a Clark County Transfer Station. Excess material and debris must be removed immediately after completion of any construction.

3.4.6 Trees

No healthy significant trees in backyards of lot 1-46 of Phase II may be removed without the written approval of the ACC.

3.4.7 Utility Easements

Blocking of utility easements by structure, planting or other obstructions is not permitted.

3.4.8 Woodpiles

Woodpiles must be neatly stacked and should be less than four feet (4' 0") high. To preserve views from neighboring houses, woodpiles should be screened from view.

3.4.9 Private Road Parking

Vehicles of any type will not be allowed to park on any private street, shoulder or ditch except in an emergency situation.

Information Copy

3.4.10 Private Road Drainage Swale Maintenance

Lot owners fronting on private streets will keep drainage swales maintained and unaltered. Grass will be required in the ditches and will be kept green and mowed.

3.4.11 Pets

No animals, livestock or poultry of any kind shall be raised, bred, or kept on any lot except that not more than 2 dogs, 2 cats, or other usual small household pets may be kept, provided that they are not kept, bred or maintained for any commercial purpose, and provided that they are not permitted to cause damage, constitute a nuisance or run at large in the neighborhood.

4. COMPLAINT PROCEDURE/FINE SYSTEM

The following procedure has been established for handling Association members' complaints regarding violations of the Architectural Controls. Complaints may be registered at the Association Office. Those homeowners who wish to be contacted regarding the handling of their complaint may give their name and phone number. HOMEOWNERS ARE ENCOURAGED TO RESOLVE MATTERS AMONG THEMSELVES WHENEVER POSSIBLE.

Complaints tend to fall into one of the following categories:

1. LACK OF ACTION – i.e., yards/landscaping not started, completed, or maintained; woodpiles in inappropriate locations, etc.
2. PROJECTS IN PROGRESS – without ACC approval or which deviate from the submitted, approved plan; or which raise a neighborhood concern due to problems not originally considered; property infringement; quality of work, etc.
3. COMPLETED PROJECTS – not approved by the ACC or which deviated from submitted, approved plan. Complaints may also arise due to misuse, problems not originally considered, property infringement, quality of work, lack of County approval/permits, tree removal, etc.

Complaints will be logged, and the ACC will appoint one member to review complaints on a bi-weekly basis. (This appointment may be rotated on a monthly basis or other schedule as agreed upon by the ACC.) This member will review any plans on file, make a visual inspection of the site, collect any other relevant data.

Should the member handling the complaint initially find that it is unfounded (not a violation of Architectural Controls), the ACC will review at their next meeting and, if there is agreement that no violation exists, the complaint will be closed, with notification to complainant if requested.

If a violation has occurred, the ACC member will proceed as follows for each category of complaint:

1. LACK OF ACTION – contact homeowner, explain the Architectural Control which has been violated; request compliance; make note on the complaint form of action taken, return form to Association Office; report to complainant if requested; and report to the ACC at their next meeting.
2. PROJECTS IN PROGRESS – contact homeowner and explain violation or problem; hand-deliver a Stop Work order (**Appendix D**) if appropriate; request a specific action by the homeowner (see possible actions below) by date of next ACC meeting if possible; report to complainant if requested; and report to the ACC at their next meeting, presenting a copy of Stop Work Order and other relevant documentation. The ACC will determine any further action.
3. COMPLETED PROJECTS – with the exception of the Stop Work Order, this type of complaint will be handled the same as for category 2 above.

The Stop Work Order was developed in order to save homeowners time and money should their project be disapproved or require major modifications.

At the discretion of the ACC, a special meeting may be called to review an application when a Stop Work Order has been issued. Category 1 and 3 complaints will be reviewed at the next regular ACC meeting.

Actions which may be requested include, but are not limited to, 1) submission of application and plans for ACC approval; 2) submission of modifications to plans; 3) steps to mitigate concerns or problems; 4) resolution by agreement among neighbors involved; 5) removal of unapproved project.

It is in the best interest of all parties involved to review, discuss, and recommend possible resolutions. The ACC will then provide a time schedule adequate for homeowner's resolution. An ACC member will be assigned to follow-up on the complaint to see that appropriate action has been taken. The complaint will remain on the ACC agenda until it is resolved.

If a homeowner disagrees with a decision of the ACC, that decision may be appealed to the Association Board of Directors by written request to the Board. Resolution in a timely manner is the goal of the ACC, and such an appeal should be made to the Board for review at their next meeting following the ACC decision.

If a homeowner refused to take steps to correct a violation after adequate time to do so has elapsed, the ACC will send a letter by certified mail to the homeowner outlining the violation, requesting immediate compliance, and advising that a hearing may be requested before the Board of Directors. If a hearing is requested, it shall be scheduled as soon as possible.

If, at the hearing, the Board finds a violation to exist, or if no hearing is requested and the violation continues beyond fourteen calendar days after receipt by the homeowner of the certified letter, the Board of Directors may then impose a fine on the homeowner. Any fine shall become a lien in favor of the Association and against the lot or living unit in question, arising in the manner as liens under Section 4.10 of the Covenants, Conditions, Restrictions and Easements of The Highlands at Pleasant Valley. The fine will be levied daily, at \$10.00 per day, until the violation is cured. Fines will be billed and collected in the same manner as are the Association's general assessments.

In the event of a continuing violation which results in the assessment of more than thirty days of fines, the Board of Directors will review the situation. The Association may, at that time, initiate legal proceedings to enjoin further violation and to collect any unpaid fines. Fines may continue to be assessed during the pendency of such legal proceedings.