

MOUNTAINSIDE HOMEOWNERS ASSOCIATION

ARCHITECTURAL STANDARDS AND GUIDELINES

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1. INTRODUCTION

As provided in the Declaration of Covenants, Conditions and Restrictions (CC&R'S) for Mountainside Homeowners Association and the By-laws, the Architectural Review Committee (ARC) has been established with the right and duty to promulgate reasonable standards against which to examine any request made pursuant to Article VIII of the CC&R'S, in order to ensure that the proposed plans conform harmoniously to the exterior design and existing materials of the buildings and lots within the Mountainside Community.

The Board of Directors and Architectural Review Committee have developed the Mountainside Homeowners Association Architectural Standards and Guidelines to preserve the architectural style established by the builders in the construction of the homes in the Community as provided in the CC&R'S to assist property owners in the architectural review process.

These guidelines are intended as a supplement to the requirements of Article VIII of the CC&R'S and do not embody the CC&R'S in its entirety. Property owners are cautioned that these guidelines are not designed to supersede the provisions of the CC&R'S but are presented to assist the homeowner in developing plans.

IT IS HIGHLY RECOMMENDED YOU READ THIS DOCUMENT AND THE CC&R'S before developing and submitting your review package to the ARC.

2. PURPOSE

The ARC has been established with the intent to preserve and improve the community in design and aid in ensuring preservation of property values. The ARC will also consider neighbor privacy and wellbeing when evaluating architectural change requests. The ARC will review ALL plans for exterior improvements contemplated for lots in the Mountainside community.

The ARC meets on a regular basis to review requests. Architectural Change Review Request forms must be completed and submitted to Management with improvement plans. All required documentations must be attached (i.e., plans, Neighbor Awareness Statements, color samples).

3. CC&R'S VIOLATION AND ENFORCEMENT

Failure to submit complete plans to the ARC for review and approval prior to beginning construction, or failure to complete improvements according to the approved plans and in compliance with governing codes are violations of the CC&R's. **Construction or installation of improvements may not commence until the ARC has granted written approval of the improvement.** The installation or construction of improvements which have not been approved is a violation of the CC&R's and subject to action by the Board of Directors, which may include fines, returning the property to 'as was' condition prior to the installation of the unapproved alteration, or require possible adjustments.

4. ASSISTANCE

The Management Company will be happy to assist with the submittal process, interpretation of related CC&R provisions and these Guidelines. An overview of the Architectural Change Request process is provided in Section 17. All ARC documents can be found on the community website.

5. GENERAL GUIDELINES

1. Any condition or material not specifically defined herein shall become a matter for consideration and determination for the ARC Committee.
2. Approval by the ARC does not constitute waiver of any requirements by the applicable governmental agencies.

3. ARC approval does not constitute acceptance of any technical or engineering specifications or governmental requirements. The function of the ARC is to review each submittal for conformity to the intent and provisions of the CC&R'S.
4. Approval of plans is not authorization to proceed with improvements on any property other than the applicants.
5. An oversight by the ARC regarding the CC&R'S of the Standards and Guidelines does not constitute a waiver.
6. ACCESS THROUGH COMMON PROPERTY IS PROHIBITED. Access for equipment used in construction must be over or through the applicant's property, not neighboring property. Building equipment and materials must be contained on the applicant' property if possible. In the event of equipment or building materials being stored on the streets, such must be stored in front of the owner's lot, or if impacting a neighboring lot, must obtain written permission from adjacent property owner.
7. All work must be performed in a manner consistent with the standards of the original residence construction and appearance. Any work performed that is of substandard quality to the established community will be required to be reworked to an acceptable appearance, or removed entirely, at the owner's expense.

6. IMPROVEMENTS THAT DO NOT REQUIRE ARC APPROVAL

1. Adding or freshening existing rock layer or chat.
2. Addition of home security camera system. Cameras shall be positioned in such a manor to protect the neighbors privacy.
3. Landscape and Garden Art: Decorative yard objects are allowed without ARC approval, as long as the number of objects does not appear as clutter. Clutter will be defined by the ARC Committee.
4. Smaller (i.e. Direct TV, Dish, "Mr. Antenna" or the likes) house mounted satellite dishes. Satellite dishes must only be mounted on the sides or rear of the home, however, any larger type dish will require an ARC.
5. Replacing an existing plant or grass, or removal of dead/overgrown plant if growing into another species.

7. ARCHITECTURAL DESIGN AND MATERIALS STANDARD

Improvements must be designed in general conformance with the original architectural style of the residence and the community at large. The ARC will evaluate plans based on the overall benefit or detriment which would result to the immediate vicinity and the Community generally.

7.1 GENERAL LANDSCAPING

1. Approval: Article VIII, of the CC&R'S provides for the approval of landscape plans.
2. Landscaping is considered an integral part of the overall lot. As a design element, consideration MUST be given to the relationship to adjacent houses and surrounding area.
3. All landscaping planting and installation of permanent irrigation systems by an owner remain aesthetically consistent with the design and plan of the community. Irrigation lines shall be buried with the exception of a poly tube containing a drip emitter.

7.2 FRONT YARD LANDSCAPING

1. The use of decorative rock and gravel is permitted and encouraged. However, the complete landscape plan, including colors, must be submitted for approval.
2. Front yard desert landscaping, commonly known by the SNWA as "Water-smart Landscaping", consisting of decorative rock material only is discouraged. The front yard landscape plan must be submitted to the ARC for review and approval and MUST INCLUDE SHRUBS AND/OR TREES AND NECESSARY IRRIGATION.
3. TREES: If the home has (1) tree, the removal of that tree for any reason requires the submission of an ARC request. The removal of a single tree also requires the removal of the stump to be below ground level and replaced with another tree at least 15 gallons or larger.
4. Lattice: The use of lattice (plastic or wood) in the front yard is prohibited.

5. Trellises and Archways: Acceptable materials are iron, or metal and painted to match the color scheme of the home. An ARC request is required prior to installation.

7.3 BACK YARD LANDSCAPING

1. The Board of Directors has adopted a resolution requiring the installation of rear yard landscape on all areas of a lot visible from adjoining lots. All rear yards should be landscaped to the minimum standards of decorative rock or chat.
2. Failure to install landscaping or failure to maintain installed landscaping improvements are violations of the CC&R's and are subject to penalties.
3. Flat work such as concrete and pavers do not require the submission of an ARC request in the rear yard.
4. Any improvements that can be seen from the street or by neighbors such as sheds, trees, play equipment, or the likes, requires ARC approval.
5. Planting and irrigation is not allowed within 3' of any block wall.

8. WALLS, FENCES, AND GATES

1. All fence construction, extensions, and finish materials, to include gates, not installed as a part of the original construction of the residence shall conform to the original construction material and style of the community.
2. Fencing/Walls shall not exceed six feet (6') in height measured from the highest-grade lot unless approved by the ARC. It is the Homeowners responsibility to acquire a permit from the governing agency and submit with the application if required by City of Henderson.
3. Landscape and improvement plans for corner lots must comply with the requirements of governing agencies. Walls and shrubbery on a corner lot must be installed and maintained in accordance with City of Henderson "clear site" ordinance.
4. Decorative arches and double gates require written approval of the ARC.
5. Screening material for Gates and fences:
 1. Side Yard Gates: Acceptable materials are flat metal screen material with mesh squares not greater than 1/2" and painted flat white or match the home's color scheme.
 2. Rear Yard Wrought Iron Fences: Must be maintained and painted white or to match the homes color scheme. Screening material of any type is not permitted. Wood and plastic fence panels are prohibited from being installed next to any rear yard wrought iron fences.
 3. All installed and approved improvements must be kept in a 'like new' condition or be removed or replaced.

9. PATIO COVERS AND GAZEBOS

1. All plans for patio covers, decks, balconies, and gazebos must be submitted to the ARC for review and approval.
2. Minimum set-back requirements must meet those established by the governing agency.
3. PATIO COVERS: Preferred materials for patio covers are Alumawood, wood or stucco finish. All natural wood surfaces must be finished with stain or paint. The following roofing materials are recommended:
 - If concrete roof tile is installed, it is to match the residence and the edges must be finished.
 - Surface colors of finish materials must match or harmonize with the existing colors and materials of the original residence.
 - Minimum size for wood or stucco support posts must meet manufacturers building standards and guidelines, and City of Henderson codes, but in no event be smaller than a standard 4" x 4" post.
 - Edges must be finished.

10. POOLS, SPAS, AND RELATED EQUIPMENT

1. If required, rear and side yard setbacks must meet the requirements of City of Henderson.
2. Waterfalls and other features may not be built against a property line wall or exceed the height of the property line wall.
3. Above ground pools and or slides, require ARC approval and must meet setback requirements.

11. ROOM ADDITIONS AND OTHER STRUCTURES

1. **Detached Garages Room Addition, Decks, Balconies**, or any exterior alteration to any building require approval by the ARC. Such improvements must be drawn by a designer or licensed Architect. Such structures must be constructed with materials that conform to type, quality, and detailing established in the construction of the original residence. Consideration to location impact on adjacent neighbor's privacy, architectural compatibility in reviewing plans for all.
2. **STORAGE SHEDS AND UTILITY BUILDINGS** require approval by the ARC. Consideration should be taken by the Owner when considering placement of the shed/utility building to minimize visual impact to the streets, common area to include the walking paths located at the rear of some lots, or surrounding neighbors. Visibility from these areas will be of high concern to the ARC.

12. EXTERIOR HOUSE PAINTING

1. When it is time to repaint your home, Mountainside has an approved palette of 35 color schemes. One of these schemes must be selected when requesting to paint. Failure to paint the home following the approved scheme selected exactly as written, may result in the committee revoking the approval, as the approval was granted as designated in the pallet book.
2. The color palette book can be checked out by contacting the Management company. The color schemes can also be seen on-line at the Mountainside website. **The paint scheme must be followed and include garage doors.**
3. The paint color of decorative wrought iron located on top of some property block walls (called view fences) and rear yard wrought iron fencing will be flat white.

13. PLAYHOUSES AND SPORTS EQUIPMENT

1. Playhouses and play structures must conform to a minimum setback of 10' from any property line wall. Playhouses and play structures that are visible by neighbors require an ARC request. The location and height of all playhouses and play structure will be evaluated by the ARC committee to maintain the privacy for all neighbors.
2. No installation of permanent basketball poles and backboards in front or rear yards shall be constructed, located, or maintained anywhere on the properties.
3. Trampolines require ARC approval if visible from the street or neighbor's property.

14. AIR CONDITIONING UNITS, SWAMP COOLERS OR OTHER EQUIPMENT.

1. Any new or additional exterior air conditioning equipment (other than the equipment installed as a part of the original residence) must be approved by the ARC.
2. Air Conditioning and swamp coolers are not allowed on any part of the front yard or side yard of the property, visible from the street.

15. OTHER MODIFICATIONS

1. **SECURITY BARS:** Security Bars on windows and doors require approval of the ARC and must match the color scheme of the home.

2. SOLAR SHADE SCREENS: Solar shade screens do not require approval of the ARC provided they are beige, black, or gray, which ever color matches the color scheme of the home. If the color deviates from any of these colors, ARC approval is required.
3. EXTERIOR LIGHTING:
 - Front and Back yard Holiday lighting is permitted without ARC approval but cannot be exhibited earlier than 40 days before the holiday and must be removed no later than 15 days following the holiday.
 - Other exterior lighting will not be pointed in the direction of neighboring properties as to present a nuisance.
4. SECURITY DOORS, SCREEN DOORS AND ENTRANCE SECURITY GATES: Must match the color of the home and require ARC approval
5. GARAGE DOORS: When replacing garage doors, the style will be consistent with that which exists throughout the community. New garage doors will be painted to match the house color scheme.
6. WINDOW TINTING: Mirror or reflective finishes are prohibited.
7. SKYLIGHTS AND SOLAR ENERGY EQUIPMENT: The installation of any roof-mounted system to accommodate solar energy equipment or any other equipment must be approved by the ARC. Specific concerns of the committee will be the color of the material used in relation to the roof color, and to minimize visibility from the streets, neighboring properties, and common areas.
8. AWNINGS: Awnings require the prior approval of the ARC. The design, material and color must be harmonious with existing architecture. Metal awnings are prohibited.
9. ANTENNAS: The written approval of the ARC must be obtained for the installation of antennas, poles, and masts.
10. FLAG POLES: Flag poles are permitted to not exceed 20 foot in height and require only an Architectural Maintenance form. Please fly our country's flag with respect, and follow flag etiquette if displaying the United States flag.
11. INOPERABLE VEHICLES AND PARKING: Motor vehicles which are unsightly and inoperable may not be parked or stored on a street or driveway. These must be stored within a garage. If you elect to cover a vehicle on the property, the cover must be a neutral color, and the cover may not be torn, have excessive amounts of debris or be unsightly.
12. RV STREET PARKING: Recreational vehicles may not be parked on the street for more than 72 hours per City of Henderson. Continued parking of an RV, trailer, or similar regardless of whether or not it is moved from time-to-time, is still in direct violation of the CC&R'S.
13. SIGNS: One Real Estate sign advertising "For Sale or For Rent" may not exceed 24" x 36" in size.
14. POLITICAL SIGNS/FLAGS: During elections, one sign per political candidate is allowed to be posted in the front yard. A candidate flag may be flown on an existing flagpole but cannot exceed the size of the United States Flag. All signs/flags are to be removed within 30 days following an election.
15. AIRBNB: Strictly prohibited. NO SHORT-TERM RENTALS!

16. DRAINAGE

Each Owner is responsible for providing proper drainage on their lot (Article X) if the grade established by the developer during the original construction is altered during the construction of improvements. Approval of plans granted by the ARC will be based upon the assumption that the owner has provide for proper drainage. THE ARC WILL ASSUME NO RESPONSIBILITY THEREFORE.

17. SUBMISSION OF ARC REQUESTS

SUBMITTLE CHECKLIST

Pursuant to the provisions of Article VIII of the CC&R's, detailed drawings, site plans, specifications, topographic elevations, drainage plans and requests for approval may be required to the ARC for approval.

AN INCOMPLETE SUBMITTAL PACKAGE WILL DELAY THE REVIEW PROCESS.

1. FORMS

A) **ARCHITECTURAL CHANGE REQUEST FORM:** This is a complete application packet for a new improvement and requires submission of plans, drawings, and when needed, examples and colors of materials.

1. **Neighboring Homeowner Awareness Form:** this form is part of the Architectural Change Request packet and is required for all requested submissions. Numerous attempts may be required to contact neighbors. An incomplete form will delay the approval process.
2. **Neighboring Homeowner Awareness via Postcard Notification, US Mail, Email:** This notification option can be used when numerous attempts to contact neighbors has been unsuccessful. If an electronic version of the ARC Application is provided, management can assist by emailing an owner, if email has been provided. Management can also provide assistance with an offsite mailing address if necessary. A postcard can be provided if applicable.

B) **MAINTENANCE FORM:** This is a short version of the Architectural Change Request Application which can be used to submit general improvement requests such as house painting, replacing decorative rock with new color and/or size, and planting new shrubs and plants, etc.

3. PLANS:

Plans include elevation drawings of the improvement, size and types of materials to be used, a site plan depicting the improvement on the lot and in conjunction with property lines, the residence and any other existing pertinent improvements. Accurate dimensions (height, length, width) must be shown. Exterior colors and finishes must be listed and identified.

4. LANDSCAPE PLANS:

Landscape plans must be drawn to depict the lot, residence, property lines, existing walls, concrete, and fences. Landscape materials, such as sod, tree and shrub types and sizes must be identified along with their location. Irrigation and lighting must be shown.

3. **THE ARC REQUEST PROCESS:** The following provides a brief overview of the Architectural Change Request process. Please note, the complete details of the process can be found in the CC&R'S, Article VIII – "Architectural and Landscape Control". Management will be happy to help facilitate and provide help and additional information. The following is required:

- A completed ARC package is submitted to the Management Company. Work cannot be started until approval is received.
- The ARC Committee has 45 days to complete the ARC package review. Approval is sent to the Homeowner from Management. Work can then commence.
- The Homeowner has 180 days (6 months) after receiving approval to complete the work as submitted.
- The homeowner submits a **Completion Form** to the Management Company when work is complete.

- ARC Committee inspects completed work to ensure the finished product is in line with the scope of the submitted ARC form. (Depending on the project, an inspection may be done by appointment with the Homeowner, in some cases pictures submitted by Owner or drive by inspection may suffice)

Unapproved Architectural Change Requests can be appealed to the Architectural Review Committee and the Board of Directors. Please reference CC&R'S Section 8.2 (d).

18. AMENDMENTS TO ARCHITECTURAL STANDARDS AND GUIDELINES

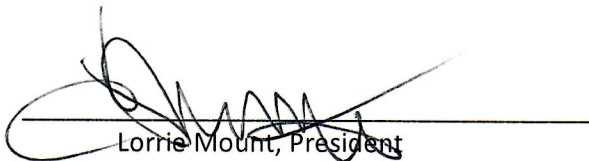
The Architectural Standards and Guidelines may be modified from time to time pursuant to the following criteria:

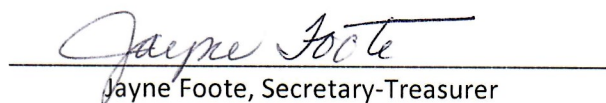
- 1) Amendments must be approved by the Board of Directors.
- 2) A property owner or other Member of the Association may submit recommended changes to the ARC for consideration.
- 3) Recommendations shall be reviewed by the ARC and if approved by a majority of the ARC committee members, the recommendations shall be forwarded to the Board of Directors for consideration.
- 4) Upon approval and adoption by the Board of Directors, the change shall be incorporated into the Architectural Standards and Guidelines. Notice of such adopted amendment will be sent via US mail or Email 30 days prior to implementation.
- 5) All amendments shall become effective following the 30-days notification but shall not be retroactive.
- 6) In the event of a conflict between amended provision of the Architectural Standards and Guidelines and the CC&R'S, the provision of the CC&R'S shall prevail.

19. NONLIABILITY FOR APPROVAL OF PLANS

ARC approval of plans shall not constitute a representation, warranty, or guarantee that such plans and specification comply with engineering design practices or zoning and building ordinances, or other governmental agency regulations or restrictions. The ARC shall not be responsible for reviewing nor shall its approval of any plan or design, be deemed approved from the standpoint of structural safety or conformance with building or other codes. By approving, such plans and specifications, neither the ARC, the members thereof, the Association, any member thereof, the Board of Directors, any member thereof, nor the Declarant assumes any liability or responsibility therefore or for any defect in the structure constructed from such plans and specifications. As provided in the CC&R'S, 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 (i) the approval or disapproval or any plans, drawings, or specifications, whether or not defective, or (ii) the construction or performance of any work, whether or not pursuant to the approved plans, drawings, or specifications.

Amended and Adopted - June 21, 2022


Lorrie Mount, President


Jayne Foote, Secretary-Treasurer