ISSUE #1

Section 1: [Article VI, Section 6.11] Prohibition on Xeriscaping and Requirement for Turf Grass

Each Lot Owner shall install and maintain irrigated natural turf grass over at least fifty percent (50%) of the front yard area. Conversion of front yard turf to rock, decomposed granite, or desert xeriscaping is prohibited unless granted a special hardship variance by the Board.

Section 2: [Article III, Section 3.7] Proxy Voting in Election and Removal of Directors

At any annual or special meeting of the Members called for the election or removal of members of the Board of Directors, Members may cast their votes in person or by written proxy filed with the Secretary prior to the meeting.

MARKUP #1 ->

MARKUP #1 · CONFLICTS WITH MANDATORY STATE STATUTE — BOARD & COUNSEL REVIEW

Sec. 1 (p. 1): Landscaping covenant prohibits drought-tolerant landscaping or mandates live turf grass in violation of NRS 116.330.

Statutory / Legal Reference: NRS 116.330

Statutory Comparison: Under NRS 116.330(1), the executive board shall not and the governing documents must not prohibit a unit's owner from installing or maintaining drought-tolerant landscaping, subject only to reasonable design review approval before installation and minimum percentage of living plant cover consistent with local water conservation ordinances.

CURRENT WORDING IN DOCUMENT:

[Article VI, Section 6.11] Prohibition on Xeriscaping and Requirement for Turf Grass Each Lot Owner shall install and maintain irrigated natural turf grass over at least fifty percent (50%) of the front yard area. Conversion of front yard turf to rock, decomposed granite, or desert xeriscaping is prohibited unless granted a special hardship variance by the Board.

SAMPLE DISCUSSION WORDING (FOR HOA ATTORNEY REVIEW):

Pursuant to NRS 116.330, the Association shall not prohibit a unit's owner from installing or maintaining drought-tolerant landscaping or xeriscaping, subject to submission of a detailed landscape plan for architectural review in accordance with NRS 116.330(1).