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DOC # 20070040649

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**CC&R's
for
CEDAR POINT**

DECLARATION OF PROTECTIVE COVENANTS,
CONDITIONS AND USE RESTRICTIONS

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1. OVERVIEW OF CEDAR POINT

1.1 INTRODUCTION

Cedar Point is a master-planned community in Apple Valley. Cedar Point consists of residential subdivisions adjoining open space, park land, trail systems, schools, churches and commercial areas.

Cedar Point lies among some of Utah's most prominent natural landforms. Unique clustering of development and innovative methods of construction will protect and preserve large areas of beautiful high desert terrain. Preservation of these natural assets is the very basis of Cedar Point environmentally planned community. Development in Cedar Point should be reflective of, and enhanced by, the colors, textures, lines, and forms of the natural terrain as it is correlated with the various elements of the community.

Utilizing this backdrop of a high desert environment, coupled with the greenery of correlated oasis areas, parks and open space, Cedar Point beckons a lifestyle utilizing the outdoors and openness. Representative architecture for the project includes traditional and contemporary southwestern-styled homes and commercial buildings. Stucco, brick, block, stone and tile with earth stone colors that complement each other and the desert oasis theme are simple, compatible and intriguing in form. Elements of this architectural theme are encouraged throughout the community in the design of signage and street furniture.

Cedar Point is a water-efficient community. Due to the arid desert environments that the project is part of, responsible management of our water resources is appropriate. Water conservation is a priority and is a course of consideration that is intertwined in the Development Plan of Cedar Point.

These Design Guidelines were created to ensure that the high standards, which are the product of this extensive planning effort, are consistently applied to help residents and builders understand the concepts and intent behind South Zion and Cedar Point. These Guidelines are binding upon each owner of real property ("Owner") and any other individual or entity ("Builder") who is developing a residential parcel (or lots contained therein) for sale or for its (their) intended use within Cedar Point.

Except as otherwise indicated where the word "Owner" is used herein, it is intended to be interchangeable with the word "Builder" during any construction process and prior to occupancy by a resident, tenant or other Owner on the subject lot or parcel. When the word "Builder" alone is used herein, it shall mean obligations required only of the Builder.

1.2 DEVELOPMENT REQUIREMENTS

There may be several builders designing and constructing individual developments within the Cedar Point over the years. It is important to assure that there is continuity in the community as it develops and, therefore, certain standards and requirements must be set to guide future construction. These standards and requirements have been

defined by the Master Developer of Cedar Point Development Company (the "Master Developer"), via the Declaration of Covenants, Conditions and Restrictions for Cedar Point (the "Master CC&R's") and these Design Guidelines. Additional requirements are imposed by Apple Valley City (the "City") via zoning stipulations, Apple Valley City, the City Code/ordinances, and the Water & Wastewater Agreement entered into between the master Developer and the Cedar Point Water Company must also be adhered to without exception.

A. APPLE VALLEY CITY DEVELOPMENT REQUIREMENTS:

- (1) Conditions: the approved planned Community Development ("P.C.D.") zoning stipulations for Cedar Point (Ordinance Dated March 1996) include the following requirements:
 1. Compliance with the P.C.D. zoning District criteria and with all State, Country and City Codes and Ordinance;
 2. Compliance with the SunCor Development Agreement No.1 entered into by SunCor and Apple Valley City;
 3. Compliance with the development concepts contained in the Planned Community Development Master Plan, and made part of the amended zoning request;
 4. Approved of the Wastewater Master Plan, or any amendments thereto, by the Apple Valley City;
 5. Approval of the Water Supply Master Plan and Master Drainage Report, or any amendments thereto;
 6. The provision of adequate water supply to accommodate the proposed development of the rezoned lands;
 7. The dedication of all necessary rights-of-ways, easements, open space and parks, retention areas and drainage ways required by the City.
 8. Approval of the Dry utility and Traffic Analysis Reports, or any amendments thereto;
 9. Approval of other Master reports and amendments thereto which may be submitted from time to time and which pertain to the rezoned property;

10. Phase I Concept Plan includes a site for alternative health care facility, minimum care facility, medical offices or a combination thereof;
 11. Phase I Concept Plan being used as a site for medium to high-density residential use, custom home sites, townhouses;
 12. Roadways abutting U.D.O.T retention areas being used for access thereto;
 13. The inclusion of a public safety site (fire and police) southwest of Hwy 59, the specific site to be approved by Apple Valley City's Fire Chief and Washington County Sheriff;
 14. In compliance with Cedar Ridge Development Company's design standards, parcels in proximity to public schools shall be restricted to limited commercial, office and/or high density residential, with restaurants, neighborhood shopping and food sales specifically excluded;
- (2) Ordinances/Code: the City's zoning ordinance and applicable Code set forth some additional standards and specifications for development. In the event there is an inconsistency between these Design Guidelines and/or any City ordinance or the Code, the standard that has the strictest requirements will control.
- (3) Water & Wastewater Agreement:

The Water-Efficiency Development section of this document calls out certain requirements placed on Builders and Owners of land in the project. In particular, Builders will be required to install water-efficient devices. These devices are more fully discussed in the "Water-Efficiency Development" section of these Design Guidelines.

B. MASTER DEVELOPER REQUIREMENTS:

The Master CC&R's authorize a Residential Design Review Committee (as appropriate, the "DRC") it is intended that the committee will consider and act upon all proposals or plans submitted pursuant to these Design Guidelines. The DRC is also authorized to interpret and amend these Design Guidelines. In addition, the Master CC&R's set limits on the use of the property within the Cedar Point common areas and provide for long-term maintenance of all common areas. The Master CC&R's and these Design Guidelines are binding upon all Owners of

property in the community and should be consulted prior or any intended construction, reconstruction or modification to any improvements in Cedar Point.

These Design Guidelines are intended to include the standards that the DRC will consider when reviewing all proposals or plans submitted. Since it is not the Master Developer's intent to inhibit architectural creativity, exact architectural requirements are not contained herein. These Design Guidelines, therefore, contain specific requirements whenever possible and conceptual information and standards in other instances. The DRC shall have the authority to interpret these Design Guidelines on behalf of the Association. In the event there is an inconsistency in the interpretation between an Owner and the DRC, the interpretation of the governing DRC will control.

2. DESIGN REVIEW PROCESS

2.1 INTRODUCTION

The design review process to be conducted by the DRC shall not preclude on-going contact between Owners, Builders and the governing DRC. Owners, Builders and their respective representatives are encouraged to meet with DRC to discuss all aspects of these Design Guidelines before beginning preparation of any formal documents for submittal.

The review process shall occur in two stages: preliminary and final design review. Documents are to be submitted in triplicate for both stages. Final approval shall occur provided the final development plans are prepared consistent with the previous approved design plans (and provided the DRC has not requested revisions based on changes resulting from transforming preliminary plans into final plans).

Nothing in these guidelines, in any way, alters the applicant's obligation to comply with all municipal, state and other authorities having jurisdiction over the work.

2.2 DESIGN REVIEW COMMITTEE MEMBERSHIP

As provided in the Master CC&R's, the DRC shall consist of three regular members and at least one alternate member, and they will hold such positions for one year, or until the appointment of a successor (unless a member has earlier resigned or has been replaced).

2.3 MEETINGS OF THE DESIGN REVIEW COMMITTEE

The DRC will meet periodically as necessary to perform its duties pursuant to the Master CC&R's. The written consent of a quorum of regular members shall constitute an act by the DRC.

A reasonable fee may be charged for the DRC review process to compensate for consultants' time and expenses. Said fee is established by the Board of Directors of the Association and is subject to change.

2.4 PRELIMINARY DESIGN SUBMITTAL AND REVIEW

The following documents are required to be submitted to the DRC for preliminary design approval by each Builder, including Builders of custom lots. The DRC will review the documents and inform the Builder as soon as reasonably possible, but in any event within thirty (30) days from the date of submittal, whether the preliminary design is approved. If the preliminary design is not approved, the DRC will outline the reasons for denial. The application form (see exhibit "A") and the following items are minimum requirements for submission to the DRC:

- A. Subdivision plat and site plan at 1" = 50' (minimum) indicating all relationships including streets, ingress and egress to open space trails and public areas, utilities, all drainage ways and other items reflected on the Parcel Exhibit for the property prepared by the Master Developer's Engineer (and using the same basis of bearings as indicated on the exhibit) and which will be provided to Builder, all areas to be conveyed to and maintained by the Association or a subsidiary association, all parking (covered and uncovered), proposed curb cuts within the property or adjacent thereto, community features and all other design elements such as walks, mailboxes, bicycle racks, linear park boundaries, patterned pavement and signage.
- B. Preliminary grading and drainage plan.
- C. Conceptual utility layout. (Note: items A-C not required for those subdivisions designed and platted by the Master Developer.)
- D. Phasing plan showing location of sales office, model complex and construction office.
- E. Floor plans at 1/4" = 1'0". (With square footage/lot coverage)
- F. Elevations at 1/4" = 1'0".
- G. Exterior materials and color selections.
- H. Landscape concept plans indicating typical lot and overall streetscape at 1"- 40' scale, together with proposed plant list (see Appendix A). *
- I. Designs of all street furniture, mailboxes (including customized delivery installations of centralized mailboxes and parcel boxes for all lots and parcels except custom lots), and entrance features with walls, signage, landscaping and lighting. All of the foregoing features shall complement the architecture of the subdivision or parcel development.
- J. Preliminary design package for all signage (including proposed location thereof and any lags, if applicable, together with copy, color, dimensions, construction design and materials).

- K. If an Ancillary Association is formed pursuant to the Master CC&R's, a draft of Builder's set of design guidelines showing regulations to govern exterior structural appearance, signage, landscape restrictions, lighting, etc.
- L. Preliminary outline of water commitments due to the proposed development.
- M. Design and landscape treatment of any temporary construction/sales office.
- N. Perimeter fence location and building specification with gate design and location.

2.5 FINAL DESIGN SUBMITTAL AND REVIEW

The final design review is intended as a confirmation that the approved preliminary design has been carried forward into the construction documents with a reservation by the DRC to bring up any few matters in the Builder's plans. The DRC will review the documents and inform the Builder no later than thirty (30) days from the date of submittal whether the final design was approved. If the final design is not approved, the DRC will outline the reasons for denial. The following documents are to be submitted to the governing DRC for final design approval (to the extent any of the following documents are duplicative of those submitted during preliminary review, then only those documents with changes and any non-duplicative documents are to be submitted):

- A. A statement defining any and all changes from the Preliminary Design submission.
- B. Final subdivision plat showing easements, etc. (residential).
- C. Final site plan with improvement plans and specifications for all site improvements (commercial and residential).
- D. Final grading and drainage plan with building pad elevations.
- E. Final utility layout.
- F. Working drawings and specifications for all residences or buildings.
- G. Eye-level perspective rendering or rendered elevation of each model residence or building.
- H. Model layout (residential), construction phasing and schedule (minimum scale 1" = 20').
- I. Working drawings and specifications for all landscaping and irrigation with final plant list. All irrigation shall be drip to containerized plant material.
- J. Working drawings and specification for all project entrance features, central amenities, street furniture and mail and parcel boxes.
- K. Plan of product distribution by lot (residential).
- L. Final design package for all signage.
- M. If an Ancillary Association is formed pursuant to the Master CC&R's, a copy of Builder's final design guidelines.
- N. Final report on water commitments for development.

2.6 COMPLIANCE AND VARIANCES

The approved final design is binding. Once approved, the Builder must either build the house or project as per the submitted working drawings, or submit requested revisions. Such revisions, if approved, will be granted a variance by the DRC no later than forty five (45) days after submission. No such changes may be undertaken until a variance has been granted.

Cedar Ridge Development Company and its related entities, the Association, and the Residential DRC's of the Association assume no liability to any Owner or Builder in Cedar Point., or any other party, for any damage or loss suffered on account of the approval or disapproval (including any delays in connection therewith) of any plans, drawings or specifications submitted to DRC or the construction or performance of any work contemplated there under.

2.7 CHANGES OR ALTERATIONS

Any change or alteration requested by an Owner or Builder to a structure or design of any part of a lot or parcel shall be submitted in writing to the DRC with the appropriate fee and copies of all plans and specifications detailed in Section 2.4 as to the item or items requesting to be changed or altered. If the change or alteration is preliminary approved, the Owner or Builder shall also be required to comply with Section 2.5 of these Guidelines.

3. PROJECT-WIDE DESIGN STANDARDS

The Master Developer's goal is to create a community that will complement the environment. This requires design standards that allow development to blend with the environment, without destroying the amenities or unduly curtailing the Builder's architectural creativity. Controlling building height, materials and colors will be necessary. The traditional and contemporary southwestern theme will provide the basic architectural character of the community. The following standards and concepts, when used in conjunction with the architectural theme, will guide Builders in creating designs that are consistent with the project identity established by the Master Developer.

3.1 LANDSCAPE CONCEPT/THEME

The City has certain water conservation requirements it is passing on to Builders and individual homeowners within Cedar Point. In general, area homeowners in the past have utilized approximately fifty percent of their water consumption outdoors. Non-residential activities also tend to use substantial amounts of water outdoors. For these reasons, landscaping is an important aspect of creating a water-efficient community.

A landscaping concept, which is intended to transform typical landscaping techniques, began in Denver, Colorado, and has been adopted by cities in Arizona, California, Texas, Nevada and Kansas. "Xeriscape" is a water-efficient landscape concept that involves landscaping with drought-tolerant plants that are either native to the region or suitable to the climate, and then irrigating those plants appropriately. Native plants normally get all or most of their water from rainfall. Thirsty plants from other climates often demand much more water and, therefore, are not suitable for use in this type of landscape.

Xeriscape will be the landscape concept used at South Zion and Cedar Point. The principals of this concept are as follows:

- a. Start with a good, water-efficient design.
- b. Use drought-tolerant plants.
- c. Limit turf areas.
- d. Establish and practice good maintenance and water management.
- e. Use of soil amendments and mulches.

A. Water-Efficient Design

The water-efficient landscape design consists of three “zones”. The idea is to use the higher water-use plants close to structures where they will help cool the structure and provide shade and then transition to the boundaries of the property where native plants are used with little or no supplemental irrigation.

The first zone, closest to the structure, is used to create a “mini-oasis” feeling. In front-yard landscape areas, semi-arid region plants and trees can be used with inorganic ground covers to create a pleasing, low-maintenance landscape. In rear-yard landscape areas various design elements can be combined to create an inviting outdoor living area. A small lawn, together with a lush, semi-arid region garden surrounding a concrete patio, and inorganic ground covers are just a few elements consistent with this concept. Use of flowering and evergreen groundcovers in this area will also reduce heat that can be reflected back into the structure or other outdoor living areas, thereby saving on energy costs.

Planting in the second zone is not as dense as the first and includes drought-tolerant groundcovers, shrubs and trees. Mounding and contouring techniques in this area can catch rainwater to help sustain these plant materials with little supplemental irrigation from drip systems.

The third zone, at the boundary of the property, is the final step in the transition to plants that require little or no supplemental irrigation.

To create shade, residential Owners may consider the following:

- (1) Concentrate landscaping around the living area by using trees to create shade on the house and outdoor patio areas. Shade expands the outdoor living areas. For multi-family developments, mass semi-arid region trees and shrubs around buildings and associated activity areas will create an inviting outdoor environment consistent with the character of the community. Shrubs and groundcovers shall be massed in altering size clusters to be compatible with adjacent properties. With this type of landscape concept, Owners and residents of

these developments will benefit through lower water, energy and maintenances costs.

- (2) Drought related, semi-arid region plants grow fast and provide shade quickly. Semi-arid ground covers can spread and provide cover within one year and can also provide seasonal color. A 15-gallon tree can provide shade within four years.

B. Use of Drought-Tolerant Plants

The use of drought-tolerant plants is required by the zoning stipulations issued in relation to South Zion and Cedar Point. The drought-tolerant trees, shrubs, ground cover, herbaceous plants, grasses and annuals listed in Appendix A represent a wide variety of adaptive plant materials that will fit individual landscape needs and create a lush environment. These plant materials are of various color, texture, form and function. Most bloom throughout various times of the year providing color in the garden. Many semi-arid region trees have a graceful, feathery appearance not found in other climates. Drought-tolerant plants are acclimated to the weather and soil conditions of the area and, therefore, have a higher transplant success rate and require less maintenance. All Builders and Owners are required to choose from plants and plant materials in Appendix A for landscaping of their lots/parcels. Golf Course, commercial, and open space are required to choose from Appendix B.

Custom home Owners and Builders of cluster or multi-family developments have an opportunity to use the principals of Xeriscape to give a development an inviting living environment which compliments the natural environment.

C. Limit Turf Areas

Maintaining a large lawn requires a substantial amount of water that is not available from rainfall. In order to meet a water budget for South Zion and Cedar Point, it is recommended to restrict lawn areas in the front yard of 200 sq. feet with any variance to be approved by the DRC. Limited turf areas used in conjunction with other landscaping design elements will result in the feeling of residing in a mini-oasis without the need for large expanses of lawn. Reduction in turf also reduces maintenance time and expense. Grass must be kept in a well-manicured condition, healthy and green with appropriate water, fertilizer, and seed applications.

D. Practice Good Maintenance and Water Management

A well-planned irrigation system that will water plants according to their individual needs is vital to assure that plants are maintained properly while achieving the water-efficient goals of the landscape concept. Several types of water-efficient irrigation systems are available and at least one type is to be installed by all Owners within South Zion and Cedar Point. Drip irrigation systems provide slowly emitted water deeply below the soil surface at the root level, encouraging deeper growth requiring less frequency and leach salts from roof Low output, well-regulated sprinkler systems feed water more slowly and allow for greater absorption and less runoff. Either system is an efficient maintenance

tool; however, irrigation systems also need to be managed. Installing timers that are adjusted according to seasonal needs is an important water management task. Setting timers to irrigate the landscape in the early morning hours when there is less evaporation and more absorption is another important water management task.

E. Improve the Soil

Plants grow better and use water more effectively if the soil has been improved. A two-inch layer of mulch will help keep soil areas cool, reduce evaporation, retard weed growth and add interest to the landscape. Color and texture will blend with the project site.

- 1) No artificially colored rock or pea-gravel will be approved for landscaping.
- 2) River rock may be used to create a "drainage wash" effect.
- 3) Landscape boulders used for accent must be the same color as the rock mulch used for ground cover. Surface select boulders are also approved. Quintet color and size of boulders must be approved by the DRC.
- 4) No "two tone" color combinations; varied rock sizes may be used with DRC approval.
- 5) Color of rock mulch must be in the native desert brown colors, and be approved by the DRC for color and size.

Prior to and upon installation, pre-emergent herbicides shall be used annually to control weed problems. All properties shall be maintained to control invasive weeds. Homeowners shall maintain their front yard to curb line and side-yards, if on a corner lot, especially around mail box delivery points.

F. Landscape Plans—General

The Xeriscape concept furnishes a cool, lush and inviting environment, not the sparse use of landscape plants with a universal application of landscaping rock or gravel. A Builder or Owner may consult the Residential plant list in Appendix A and designate on a Suggested Landscape Plan the specific plants to be used on their developments. For areas other than a residential lot, refer to the Appendix B plan list.

G. Right-of-Way and Drainage Landscaping

Builders shall also extend the Master Developer's landscape theme into the rights-of-ways of their developments. To promote visual continuity of the development, the following landscape treatments and suggestions should be utilized wherever possible:

- (1) Landscaping shall tie into existing streetscape and public areas utilizing similar plant varieties prior to transition.
- (2) Natural buffers between roadways and development should be used to preserve the beauty of the landscaped areas while screening development from view. Many native trees and shrubs can be used for effective screening.

- (3) Retention basins and other flood-control solutions in individual developments should be landscaped with various mixes and densities of semi-arid plants.
- (4) Landscaping in highly visible common areas and rights-of-ways should include flowering groundcovers that provide seasonal color.
- (5) Trees provide the greatest volume of vegetation and support the greatest densities of wildlife and should be heavily massed along drainage ways.

H. Front Yard Landscape Plans—Individual Residential Lots

Actual drawings with the following information must be submitted to the DRC by the Builder or Owner, as applicable, prior to any landscape work being performed:

- (1) Drawing showing the location and size (tree, shrub, or groundcover), to the extent known, of plant materials to be used;
- (2) List of plant materials to be used in the plan;
- (3) All houses will include a drawing of irrigation system to scale and sufficient in detail to completely describe the system. All houses will include an irrigation system(s) that is controlled by an automatic sprinkler system installed with the landscaping package. All irrigation controllers, risers, pipe, back-flow preventer's and other exposed equipment must be painted to match the body color of the house.
- (4) Corner lots must include an additional two (2) 24" boxed trees and five (5) additional Texas Rangers 'Rio Bravo' plants in the side yard area.

The following items will be considered during the DRC's review:

- (1) The predominant use of grass in landscaping plans will not be approved by the DRC, generally an area of grass not exceeding fifty percent of the front yard recommended for residential lots. Common Bermuda grass (*Cynodon dactylon*) will not be used. This type of Bermuda grass is almost impossible to confine to a specific area. All grasses shall be improved hybrid varieties of 90% Tall Fescue Blends and 10% Blue Grass Blend with no weed seed that are sowed by stolins or sod can be used in areas where the grass can be strictly confined. Grasses in front yard shall be bordered by a concrete, brick or stone header or as approved by the DRC. Grass must be maintained so that it will be green and healthy year-around.

All front yard landscaping shall be completed by the Builder prior to occupancy by a resident. An exception to this time limit applies for any "spec" housing, which allows landscaping to be completed within 30 days after a certificate of occupancy is issued for the residence. The Builder is also responsible to see that backyard landscaping on view lots is installed within 60 days after date or certificate of occupancy.

- (2) Each front yard will have minimum of two trees, 15 gallon or larger in size, or as approved by the DRC.
- (3) Plants and shrubs will be sufficient in quantity and size as to provide a well-landscaped appearance. Typically, a minimum of twenty (20) plants and shrubs are needed, or as approved by the DRC.
- (4) Street side yard area must be landscaped as part of the front yard landscape package.
- (5) Use of low walls to compliment elevations are allowed (recommend height: 2'6")

I. Multi-Family Landscape Requirements

A minimum of fifteen percent (15%) of the total parcel should be landscaped and distributed throughout the parking lot(s) and buildings apron(s), and should include trees planted from containers no smaller than 15 gallons; shrubs planted from containers no smaller than one gallon, with 25% being 5 gallons; and ground covers planted from one gallon containers, rather than flats. Trees adjacent to residential areas should be planted a minimum of 1 per 20 lineal feet of frontage (for buffer.) All landscaping is to be completed by the Builder within 30 days after a certificate of occupancy is issued for any multi-family project.

J. Other Landscaping Requirements

Inorganic landscape features, such as mulch rock ground covers and boulders, should be limited to materials indigenous to the area or to materials similar in color and appearance to these materials. Irrigation systems should be designed so over-spray does not occur. Also, each Builder is responsible for landscaping around any above-the-ground appurtenance for cable television located on its lot or parcel (or in the right-of-way immediately adjacent thereto) so as to screen the appurtenance as much as possible without limiting access by a Utility Provider.

3.2 WATER-EFFICIENT DEVELOPMENT

Developing a water-efficient community is a goal of both the Master Developer and the City. Overall water efficiency at South Zion and Cedar Point will be the result of the combined efforts of the Master Developer, Builders and Owners.

The Master Developer is using only semi-arid region plants for all landscaping. Where irrigation is necessary to maintain plant materials, an automatic drip system will be installed to maximize water efficiency.

Pursuant to the Water Conservation Plan for South Zion and Cedar Point approved by the Master Developer, all Builders are required to install water-efficient devices in their projects. Current maximum water-use rating is as follows:

Water Closet	1.6 gallons per flush
Urinals	1.6 gallons per flush
Residential Kitchen faucet	2.75 gallons per minute
Lavatory faucet	2.75 gallons per minute
Shower Head	2.75 gallons per minute

Builders are encouraged to use water-efficient appliances in addition to the above. See also the "Xeriscape" concept of landscaping discussed in Section 3.1, calling for drought-tolerant, semi-arid region plants that will create water-efficient landscapes in residential and non-residential areas.

3.3 STREETScape DESIGN/STREET FURNITURE

A comprehensive streetscape design is incorporated into all collector streets. The design maintains the color, texture and character of the landscaping. Rights-of-way will be vegetated using indigenous shrubs and trees to complete the landscape. Highly visible areas at median cuts and intersections with cross streets will be accented with hardy flowering ground covers and/or rock mulches. Meandering sidewalks and a bicycle trail will be included. The design of street furniture will be consistent with the southwestern design theme discussed in the Introduction. Any streetscape designs completed by Builders for their interior-project streets should blend with the overall community design established by the Master Developer.

3.4 WALL DESIGN

All walls shall be constructed with block decorative masonry or as approved by the community (except for top sections of view walls described below). Each wall shall be a visual extension of the architecture of the main structure(s) and the community as a whole. The wall shall be designed so as to create a focal point of interest with approved landscaping and other approved features. The texture and color of walls should conform to the criteria specified in the figures that follow. Sections A-E below pertains to non-custom lots; custom lot Builder/Owner requirements for walls are designated in Section F below.

A. Perimeter Walls

For purpose of definition, all walls surrounding a lot, parcel, or a Purchase Tract shall be considered a perimeter wall. All perimeter walls shall be uniform and connect and blend with previously built perimeter walls as shall be built in accordance with the criteria specified in Figure 3-1. The wall shall ultimately be constructed in its entirety (entirety shall mean that the walls are full height to the specified detail and painted, the decorative view fence is in place, and the contractor has cleaned up the area to bring it back to a "natural looking" state when the first home of the last Purchase Tract has been completed by the Builder to when 75% of the Parcel's lots have had home construction completed (certificate of Occupancy is given) on them, whichever occurs first. If the Builder purchased the entire residential parcel from the Master Developer, the Master Developer and Buyer must come to an agreement before close of escrow on the schedule for construction of the walls that border the parcel.

Builders and Owners are strictly prohibited from altering, dismantling or opening a common area perimeter wall section for any purpose without prior DRC approval (pedestrian access only!). There is a \$2,500 fine for any common area perimeter wall violation, plus \$100 per day penalty and payment for all costs for complete restoration.

Summary of perimeter wall construction timing:

<u>Location</u>	<u>Type of Wall</u>	<u>Installation Timing</u>
Walls along major streets	Standard Wall	Install before common areas landscaping is installed or before Certificate of Occupancy is received, whichever occurs first.
Walls along drainage	View wall or Standard	Install along entire purchase channels and retention areas when the first home is completed in any given purchase tract.
Walls that serve to border Retention areas.	Party wall	Complete no later than when the first home is completed in the given purchase tract along drainage channels or tract.

**Or as approved by DRC

- A. Standard: A maximum 6-foot "standard" perimeter wall shall be constructed by each residential Builder along the boundary line of its parcel (except along the common area portions and along the entry way of the parcel). Up until the time a subdivision or parcel is 75% occupied, a Builder may erect the standard perimeter wall so that the wall does not exceed 3 feet in height around its model area so as to draw prospective purchasers or lessees to the subdivision or parcel. Thereafter, as described above, the wall shall be completed to its required height of 6 feet.
- B. Retaining Walls: Prior to occupancy of a structure on a lot or parcel, the Builder shall construct any retaining wall on such portions of a lot or parcel as may be required by the Master Developer to the DRC. A "retaining" wall is a wall which retains a differential of two or more feet of earth as may be required by the Master Grading, DRC, or Drainage Plan (as hereinafter described). See Figure 3-4 for required construction detail.
- C. Side Gate: In the front/side portion of a lot or parcel and prior to occupancy thereof, a Builder shall construct a pedestrian gate in

accordance with the criterion specified in Figure 3-5. Vehicle access gates in accordance with Figure 3-5 and with DRC approval.

- D. Walls for Custom Lots: Prior to Certificate of Occupancy and for privacy purposes, a standard perimeter wall or view perimeter wall shall be constructed by Builder in accordance with Figure 3-1 or Figures 3-2 and 3-2A around the “rear property boundary”; however, if the Owner desires a wall in the front and typical front-side portions of its lot, the perimeter wall shall not exceed 30 inches with columns at 36 inches in height in such areas. This low wall shall be deemed a landscape wall and will be no closer than fifteen (15') feet to the property line.

Additionally, a perimeter wall will be constructed by the Master Developer (unless the Master Developer obligates a Builder to construct such wall) along the arterial roadways within or adjacent to parcels as generally shown on Figure 3-1. If the Master Developer builds the wall, then upon occupancy (unless earlier required in the contract of sale between the Master Developer and the Builder) the respective Owner shall reimburse the Master Developer for the lineal footage of the wall constructed along his/her lot.

Custom lots must install the fencing on three sides (rear and two sides) of the lot after the completion of the concrete slab work for the house, or, if the owner and DRC agree, a temporary chain link fence may be installed until Certificate of Occupancy is received, at which point the permanent wall must be installed.

3.5 CIRCULATION

The Master Developer incorporated into the land and use plan a comprehensive network of roads to support the community as reflected in the Transportation Master Plan. All Builder plans for internal streets are subject to review and approval of the City and the governing DRC. Builders should consider the following key goals when designing their individual neighborhood circulation systems:

- A. Achieving ease of movement through the project and individual neighborhoods.
- B. Planning neighborhood street systems to serve local traffic demands, while discouraging non-neighborhood traffic.
- C. Enhancing transportation routes with a scenic beautification plan.
- D. Encouraging safety.

3.6 PROJECT ENTRANCES

The community entrance monumentation will establish a subtle, tasteful introduction to South Zion and Cedar Point and at the same time will define the limits of the community. The design of individual project entrances are to be proposed by each Builder as part of its preliminary design submittal pursuant to Section 2.4. However, the following guidelines will apply:

- A. For safe viewing at all intersections, a sight-line triangle must be maintained.
- B. Individual Builder walls and custom lot walls must tie into the Master Developer walls and turn into the development and either continue or terminate at an inside corner. Builder walls and custom lot walls must match Developer's walls in their design and at the point of juncture with another wall.
- C. Treatments at project entrances, such as low planter walls, sculptural shapes and low-profile lighting, should be designed as integrated features of the Master Developer walls.

See also Section 3.9 regarding signage.

3.7 ARCHITECTURAL DESIGN THEME

The integration of structures with the environments is the goal of the architectural design theme of South Zion and Cedar Point. Low-profile designs that incorporate traditional, historical, or contemporary southwestern architecture with clean, rounded lines and buildings elements that allow the structure(s) to blend with the surroundings are encouraged. The following items will help maintain continuity through development of design plans for individual projects:

- A. Exterior Elevations and Floor Plans: Each floor plan offered by a production builder will have a minimum of three, but preferably four, very distinctive exterior elevations. Each alternative elevation will be offered in at least four color choices and three choices in roof tiles. Each exterior color combination and roof tile selection, as a package, will be pre-approved by the DRC.
- B. Variety in Exterior Elevations: Each builder will make a concerted effort to make sure there is a utilization of all exterior elevations and exterior color and roof tile options. Putting like exterior elevations and/or color combinations next to each other should be avoided. This procedure will give a neighborhood a custom appeal and work to individualize each home.

- C. **Building height:** A building height limit of twenty-five (25) will be maintained throughout the residential community unless a specific project of greater height is approved by the governing DRC. In such cases, the DRC will consider how increased height relates to the type of building, setbacks and relationship to adjacent land uses. It is also the direction expressed by the DRC that only one-story units are allowed in Phase I. Custom lot designs include walkout basements and split-levels as approved by DRC.
- D. **Exterior Building Materials.** Acceptable building materials include brick masonry, stucco, stone, veneer, or other exterior treatments approved by the DRC; however, emphasis is placed on a careful design balance with stone, brick, masonry and stucco so as to complement the architecture and design. The use of wood or horizontal siding as a predominant material is discouraged.
- E. **Colors:** Colors should be non-reflective in muted tones that recall the hues of the ground plane, surrounding mountains and plant material. Garage doors must be painted the body color of the house. There should be no abrupt changes in color between adjacent structures. All colors are subject to approval by the DRC. Proposals will be reviewed in terms of the development's interior relationships and the effect on the surrounding parcels. Paint shall not exceed the Light Reflective Value (LRV) of 40. No white trim, window frames, post lights or other architectural elements. Final DRC approval will be given after inspecting a test area of paint using all colors in appropriate places on the house.
1. Garage doors must be painted to match the body color of the house.
 2. Electrical disconnects, irrigation time clocks and other equipment attached to the house must be painted to match the body color of the house.
- F. **Roofs:** Exposed roof colors should be integral to other building materials in the structure. Acceptable roof materials include clay tile, slate or concrete tile. On parcels with higher density zoning, other non-wood materials will be considered by the DRC. Roof materials should exhibit muted earth-tone colors. No exposed metal fireplace flues will be permitted. See figure 3-6.
- G. **Mechanical Equipment:** Miscellaneous items such as vents and flues should be located to occur on the prominent side of the ridgeline whenever possible and should be coated with a flat paint to match the color of the roof or body color of the house. Rotating, rooftop ventilators or other mechanical equipment are not permitted on rooftops in residential areas.

Roof-mounted air-conditioning units will not be permitted in developments on residential zoned parcels. Satellite dishes must be installed on the back 1/3 of the house, and not on the higher portions of the roof-line.

- H. Entrances to Structures: Deeply recessed entrances provide protection from the elements and a sense of individuality for the structures. When used with wall extensions, the entry can create a courtyard effect, which is very appropriate to the region. A combination of overhanging roofs and some change in the plan configuration can create a distinctive individual entrance. For multi-family or attached units, creating a single family sense of privacy in the design of entrances benefits both the homeowner and the neighborhood.
- I. Pools and Spas: No above ground pools of any kind will be allowed on any lots with a view fence. Pool contractor is required to evaluate adjacent retaining walls and create pool wall engineering and construction that will self-contain the pool weight and not transfer the load to the retaining walls. Pools and Spas must have DRC approval on the following items prior to installation.
- (1) Pool equipment on a view lot must be installed a minimum of fifteen (15') feet from the property line. Pool equipment must be screened from open space view.
 - (2) Spas must be five (5') from adjoining property lines. Spas must be screened from view on open space lots. Spas that include ramadas or shade structures must be made of redwood or other DRC approved material that is painted to match the body color of the home.
 - (3) Spas and equipment will be maintained in excellent condition or they must be removed.
 - (4) Above ground pool may not include decks high enough to infringe on the privacy of adjoining neighbors.
 - (5) All pool waterlines must be a minimum of five (5') feet from property lines.
 - (6) Water used for back flushing or cleaning cannot be dumped in the open space areas adjacent property, the sewer system or the gutter. All pool plans must be submitted for design review and showing the technique to be used to handle the excess of water.
- J. Decks: All decks must be approved by the governing DRC and should be constructed to avoid as much as possible over looking into adjoining backyards. The deck surface should be of approved material, and surrounded by two types of walls. The first option is a metal view fence 42" high that meets municipal codes. The second option is a 30" high solid wall that matches the body style of the house with a decorative 12" high

view fence on top. All components must be painted the body color of the house. Decks on homes with walkout basements shall be at or lower than the street floor level.

Decks in builder production subdivision may not be expanded beyond the approved plans as submitted by Builder to the DRC. Owner or Builder may expand decks after the close of escrow, to the maximum deck as shown as an option on the Builder approved plans.

Decks will not be used for storage of any material, toys, or equipment. Suitable outdoor furniture is acceptable and must be kept in excellent condition.

K. Patios: All non-deck patio covers shall be finished to match the roof surface, and the supporting pillars for the patio covers shall be of similar visual mass as the perimeter wall pillars required in Cedar Point. All patio pillars are to be finished to match the adjacent building.

L. Windows and Doors:

- 1) All windows frames will have a non-reflective finish and all windows are to be dual pane.
- 2) No white or bright-finished doors, windows, louvers, etc.
- 3) Garage doors are to be painted the body color of the house.
- 4) No reflective or colored film will be added to the windows. Samples of solar protection film will be provided for DRC approval prior to installation.

M. Custom Homes: In addition to items previously listed, homes built on custom lots will include and incorporate the following addition standards and guidelines.

All custom homes will be a maximum height of 25 feet from the highest point of the curb. DRC may approve variances to protect significant natural features.

All custom homes must have a minimum plate line height of 10 feet throughout the entire ground level of structure.

For side entry garages, setbacks will be a minimum of 25 feet front, 25 feet back, 18 feet total side with 8 feet minimum, unless noted otherwise on the final plat. With DRC approval, a 30-foot front setback from the front of the garage door on straight-in garages will be required if lot does not allow side entry.

All sides of the structure must be designed with an architecturally aesthetic elevation and receive architectural approval.

Paint colors shall not exceed a 40 LRV factor. No white trim or white rain gutters. Garage doors must be painted to match the body color of the house. Electrical disconnects, irrigation time clocks and other equipment attached to the house must be painted to match the body color of the house.

All front entry doors must have a minimum height of 8 feet.

Roof will be a minimum of 4:12 pitch, maximum of 12:12 pitch, flat tile or 40 year asphalt architectural grade roofing only, as approved by the DRC, with the type and color (no glazed) of tile to be approved by the Architectural Review Committee. Under no circumstances will wood, wood-shake, metal, fiberglass or asphalt shingles be allowed.

Flat roof would be allowed on design review only, and must have a parapet wall on all elevations. Flat roof elements should have balance and add significant architectural design to the house plans, and be used on a minimal basis. DRC approval is required, including the finish color of roof surface.

Roof mounted equipment will only be allowed by extreme need and must receive written approval of the DRC, and that approval will require total screening from all sides of the minimum livable square footage. A custom home will be 2,800 square feet, which includes the livable square footage of a detached guesthouse.

Basements are allowed with approval of the Architectural Committee, 1,500 livable square feet on ground level may be allowed with a minimum front elevation length of 70 feet.

All structures shall have a minimum of a two-car garage with a maximum of a four-car garage. When lot size and configuration allows, side entry garages are required. A combination can be used using a two car or a three car side-entry garage and a single car straight-in garage located at the back of the side-entry garage. Driveway approach ramps will be built per figure 3-8.

Wing walls or walls that tie the front of the house to the perimeter fence must be painted or stained to match the body color of the house. With DRC approval, view fencing may be used in the wing wall location. Any side walls that face the street must match the Theme Walls as seen in Figure 3-1 of the South Zion and Cedar Point Design Guidelines.

Rear elevations of the house must include architectural treatments around windows and doors. If house is on a corner lot, the side wall facing the street must also include architectural details.

Plans must be approved by the Design Review Committee prior to being submitted to the City for approval. One set of approved plans will be kept on file by the DRC and one approved set will be on file with the management Company.

The Design Review Committee must approve any exceptions to these guidelines in writing.

- M. Minimum Landscape Requirements for Custom Homes – Front Yard: The Builder/Purchaser shall be required to plant, in front yard, a minimum of three (3) - 24" boxed trees. In addition, a minimum of eighty (80) shrubs (50% 5 gallon) or other approved plant material is required. Corner lots shall contain in the street side yard an additional two (2) trees and five (5) shrubs in addition to that mentioned previously. All landscaping plans must be approved by the DRC.

If sod is used, twenty plants may be deleted from the (1) gallon requirement.

In the landscape tract between sidewalk and back of curb, builder will install an additional two (2) 24" box trees with additional twenty (20) 5-gallon shrubs and 2" of approved rock. DRC may, in its sole discretion, allow some variation from the landscaping requirements herein.

See Appendix A for a list of acceptable trees, shrubs and ground cover that may be used.

All landscaping shall be completed according to the approved landscape plan prior to final inspection of the residence by the appropriate governmental regulatory agency, the Committee and prior to occupancy unless specifically approved otherwise by the Committee. Any additional landscaping or change in landscaping which is to be installed after occupancy of the residence must be approved by the Committee prior to installation.

All plant material which dies or is severely damaged, shall be replaced by like material in a timely manner. Tree stakes shall be kept in neat condition until they are removed.

An automatic underground irrigation system of sufficient size and capacity to irrigate all sod and landscaped areas must be installed and used to maintain the areas in good and living conditions at all times.

N. Guesthouses: Lots having an area of no less than 15,000 square feet may have living quarters for guests or servants on the premises in an accessory building or attached to the principal residence.

Detached guest houses may encroach into the required side and rear yard setback of the lot provided that setbacks of ten feet shall be maintained from side and rear property line. On a through lot, the detached guesthouse shall not be located closer to the rear property line than the distance required for front yard setback. On any corner lot, the detached guesthouse shall not be located closer to the street side property line than the setback required for the main building.

Detached guesthouse shall not exceed a height of twenty (20) feet.

No Detached guesthouse shall have floor areas exceeding fifty (50) percent of principal building.

On lots having principal building and guesthouse, maximum lot coverage of all buildings shall not exceed sixty (60) percent.

Where a guesthouse is structurally attached to a main building, it shall be subject to and must conform to all regulations of this ordinance applicable to the main building.

Not more than (1) guesthouse shall be permitted on any one (1) lot or parcel.

Guesthouse whether detached or attached shall not have an address separate from the principal residence on the lot or parcel.

Guesthouse shall have no separate metered utility services.

Guesthouse shall have no front entry visible from public right-of-way.

A guesthouse shall be constructed of similar materials, colors and architectural style to the main building.

Guesthouse driveways or parking area must have DRC approval. The principal residence shall have no less than a three (3) car garage.

No guesthouse shall be occupied on any lot or parcel until the main building has been fully constructed and ready for occupancy.

No guesthouse shall be leased or rented.

- O. Detached Garages: Structure must match architectural style of home with a maximum of sixteen (16) feet in height and eight (8) feet setbacks on all sides. A pedestrian door must be included for access. Garage doors must be kept closed except for egress and ingress. Unit must be painted to match the color of the house and the garage door must be painted to match body color.
- P. Basketball Goals: Basketball goals can be allowed in the front or rear yard of single family homes with the written approval of the Architectural Review Committee.

No backboard will be attached to the house or other building structure. Nets, paint and equipment must always be in excellent condition, no fading, rust, no under-color paint showing through or material degradation. Clear backboards are strongly preferred.

Rear Yard: Goals shall be located near the house to reduce the visual impact from the adjacent properties with a minimum distance of 15-feet maintained from any perimeter wall to the goal. All non-clear surfaces, including the backboard, metal support and pole must be painted to match the body color of the house.

Front Yard: Permanent basketball poles must be painted to match the body color of the house (all non-clear surfaces), including the backboard, metal supports and pole. Basketball hoop must be placed on the side of the driveway with the most distance from the neighbor's property line.

Portable Basketball Goals: Portable basketball goals must be placed on the driveways with the most distance from the neighbor's property line. They must be stored out of sight from the street and neighbors immediately at the end of play.

- Q. No Parking on the Alley Streets: All parking for either residents or guests shall be on the front side of the home, in the garage or on the driveway. DRC has reserved the right to require the posting of "NO PARKING" signs along the curbs if the homeowner association does not self-enforce the ordinance prohibiting parking in the alley. Garage space may not be converted into livable space.
- R. Front or Backyard Paraphernalia: No equipment, decorations, playground structures, fountains, rock formations, playhouses, garages, or tree houses shall be built or installed that is designed or that will contribute to climbing which will provide sufficient height as to allow adults or children to overlook the surrounding perimeter fences. It is the purpose of this guideline to maximize the privacy and enjoyment for all members of the community.

S. Yard Decorations and Treatments: Holiday decorations may not be installed prior to sixty (60) days to the published date of the holiday and must be removed within thirty (30) days thereafter. Landscaping in the front yard shall not include ornate decorative items made from wood, concrete, ceramic, steel or other materials in the shape of either 3-dimensional items or 2-dimensional silhouette cut-outs such as animals, skulls, wagons, water-wells, wheels, antiques, signs, fuel pumps, windmills, tractors, farm implements, etc. Backyards with view fencing must obtain DRC approval prior to the installation of any landscaping feature.

V. Flags and Flagpoles: Seasonal flags may be house-mounted; flags must be of appropriate seasonal design. All flags will be in excellent condition or they must be removed. Flagpoles are not permitted at any of the individual residences within South Zion and Cedar Point. Residents are to use house-mounted brackets to display flags if so desired. The only flagpoles approved for temporary use would be the ½" + 10 poles that are placed into holes drilled into the curb and area in use only on national holiday from sunrise to sunset, typically setup and removed by an organization using the flags as a fund raising program.

3.8 OUTDOOR LIGHTING

- A. Outdoor lighting is minimum town standards.
- B. Residential Lighting – All landscape lighting will be low voltage. High voltage spot lights or security type lighting that is mounted on the house must be directed so as not to impact or illuminate a neighbor's property.
- C. Model Home lighting is approved as necessary by Declarant.

3.9 SIGNAGE

Permanent signs within the community should be designed to provide consistent reinforcement of the traditional and contemporary southwestern architectural character of South Zion and Cedar Point and blend with the surrounding landscape. Signs should not communicate limited specific information but should add to the attractiveness of the area. Declarant or DRC must approve all signs.

There are three categories of signs in the community: temporary, permanent and directional.

A. Real Estate Sales Signs (Temporary):

- (1) New subdivisions/development (recently constructed or under construction): one freestanding, single-face sign per Builder may be located on the same lot or parcel as the development under construction, as permitted by municipal code. In addition, one lender sign may be located on the parcel or lot under construction.
- (2) Model home sign: One sign per model home stating the model name may be located on the same lot as the model home.
- (3) Flags and flagpoles: Homebuilders are permitted a maximum of two (2) flagpoles (maximum height 60 feet) per model home complex. The poles shall display only the American and State of Utah flag. Other display flags bearing any colors or designs specifically for the purpose of identifying the Builder or marketing the Master Developer must be approved by the Builder's project. At the Master Developer's direction, any such poles shall be immediately removed at the homebuilder's expense upon discontinuance of home sales and marketing activities at the model complex.
- (4) Residential signs ("for sale" and "for lease"): One sign for each single-family residential unit located on the same lot as the residence. No sign can carry more than two (2) riders with information sheet case.
- (5) Such additional signs as may be allowed by the City may be installed subject to the approval of the DRC.

B. Builder Identification Signs (Permanent):

- (1) One or two signs may be located at the primary entrance to an individual residential development and should be integrated into the project entry. The master developer shall determine if the second sign is necessary and cohesive.
- (2) One identification sign may be located on multi-family development and should be integrated into the landscaping.
- (3) Two identification signs may be located on non-residential developments and should be integrated into the project entry or entries. Tenant identification signs will be governed by the City's Sign Ordinance, in addition to the requiring master developer approval.

C. Directional signs:

A program of directional and safety signage will be undertaken by the Master Developer to facilitate off-site traffic and recreational circulation. The Comprehensive Sign Plan for South Zion and Cedar Point disallows off-site directional signs by Builders/Owners in South Zion and Cedar Point. (See also Section 3.6 on Project Entrances.)

3.10 GRADING AND DRAINAGE

The Master Developer, through its consulting engineers, has prepared a Master Drainage Plan to establish overall grading and drainage concepts for the entire development. All grading and drainage improvements constructed within the project are to be in compliance with the overall concepts defined in Master Drainage Plan approved by the City which are further subject to review and approval by the Master Developer. Builder's drainage improvements and are to be consistent with the Master Developer's existing improvements.

A system of drainage ways traverse the site providing necessary pathways for off-site drainage through the development. Pursuant of the Master Drainage Plan, sheet flow patterns will be intercepted and directed towards designated drainage ways where necessary. The Master Developer will reinforce those designated areas to accept the drainage from new developments.

Developers should consider the following guidelines when grading within the community:

- A. Exposed cut or fill slopes should be resorted so that the finished product blends smoothly with the surrounding terrain and architecture. Rock mulch, river rock, boulders or low water use plant materials should be used to prevent erosion and create visually pleasing slopes to encourage terracing. Retaining walls may be used instead of or in combination with manufactured slopes to encourage terracing. Retaining walls should be constructed in accordance with Section 3.4 herein.
- B. Graded areas not used for structures should be landscaped within 120 days after completion of improvements. Open-space areas distributed during construction should be vegetated with low water use plants material. Common areas and private landscaped areas should be resorted with approval plants.
- C. When trenching along roadways, contractors should store the excavated material on the roadway side of the trench to avoid disturbing existing terrain and vegetation adjacent to the roadway.

3.11 UTILITIES

A primary utility system will be completed within the community including sewer, culinary water, irrigation water, natural gas, phone, cable television, and electric lines. Utility lines will be extended along major collector roads terminating at the beginning of development areas. All electric lines 18kV and smaller are to be underground. All utilities will be underground.

4. RESIDENTIAL DEVELOPMENT

4.1 RESIDENTIAL SITE DEVELOPMENT STANDARDS

In addition to the overall concepts related in previous sections, the following site developments standards should be applied to residential development.

- A. Variable front-yard setbacks, with a combination of rights and left-hand units, curvilinear streets, cul-de-sacs and other site-planning devices should be used to create an interesting streetscape. Whenever possible, setbacks of adjoining residences should vary a minimum of three feet.

There is a great deal of landscaping existing along portions of the drainage channels. Residents of homes backing up to these areas can enjoy the special beauty of those improved areas and then expansive views of the open spaces. Builders are encouraged to take advantage of these scenic views when planning subdivision layouts in their projects.

Drainage ways and retention areas are to be treated as landscaped open spaces for people to use, rather than as bare utilitarian areas. Proper utilization would include:

- Mini parks
- Sidewalk connections through areas
- Benches, picnic table areas
- Cluster of shade trees

4.2 RESIDENTIAL ARCHITECTURAL STANDARDS

Residential structures should be designed consistent with the standards previously discussed in Section 3.7, with the following additional standards taken into consideration:

A. Plan Shapes:

The footprint and roof overhang determine the uniqueness of a residential plan and should work together to provide variety and interest along a street of houses. Plan shapes should be arranged to compliment each other and adjacent lots. Whether single-family detached or attached, imaginative plan shapes increase the sense of individuality. For multi-family designs, the Declarant must approve all plans.

B. Priority Elevations:

It should be assumed that the houses will be seen from all angles and that there will be a continuity of colors, materials and details on all elevations. Priority should be given to those sides, which are visible from streets and walkways. The

most articulated elevations should be those which are in public view. For multi-family clusters this will generally be true of all four exposures.

C. Elevation Massing:

The same criteria for breaking up the box shape of a plan applies to the elevations. Single-story residence should include some variation of the ridgeline. Builders should encourage privacy as much as possible and avoid creating a structure where occupants may directly overlook into the backyard. Builders should avoid large deck designs to maintain backyard privacy.

D. Off-Street Parking:

The Declarant must approve high-density cluster development plans. There should be a distance of at least 20 feet between the garage door and the closest edge of the sidewalk if parking is to be permitted. Marginal distances i.e., 9 to 19 feet, tend to encourage parking despite the inadequate depth.

Single family residential development should have a minimum of two off-street parking spaces per dwelling unit in an enclosed garage.

E. Rear and Slide Yards:

Enclosed rear yards are subject to landscaping design review when abutting open spaces. Residential areas within public view from a roadway such as windows and other exterior openings of a building within public view should be "front elevation" quality. If a side-yard wall in a sloping area would be higher than the rear wall if extended straight out, the side yard wall should be stepped down (10' prior to intersection) to match the level of the rear wall. Step changes in wall height shall be full block heights. Wall step changes shall be a minimum of 20' apart with equalized spacing between steps when possible. Corner houses should be joined by a wall of uniform design and color, creating a carefully coordinated architectural connection between the two end units.

Approval from the DRC for backyard items would include items that are taller than the fences; e.g.: Trees, ramadas, shade structures, storage buildings, etc.

To soften the effects of neighborhood massing, design should create side setbacks for corner lots that are increased to a minimum of 13 feet inside the lot line. The 8 feet between the fence line and the lot line will be recorded on the final plat as a landscape easement.

F. Setback and Lot Coverage's:

CEDAR POINT

Residential Custom (R-C)

Front	25' Minimum (30' Minimum for front entry garage door)
Side Yard	10' Minimum
Rear Yard	25' Minimum

- As indicated on certain lots on the final plat, the side yard fence line has a landscape easement setback of 8' from lot line. The setbacks for these corner lots have side yard of a minimum of 5' from fence line.
- Maximum lot Coverage: 50%

4.3 STREET FURNITURE

The Declarant shall approve light structures, benches, bicycle racks, gates and details such as address plaques. Individual project design guidelines should be treated as opportunities to reinforce the design theme of each neighborhood; however, consult the Master CC&R's in respect to address plaques.

4.4 ROOF-MOUNTED EQUIPMENT

Exposed rooftop or pole-mounted antennas, and rotation rooftop ventilators or other equipment will not be permitted on roofs in residential areas. Air-conditioning units may be permitted to be roof-mounted only in developments on multi-family, commercial or higher density zoned parcels and only when the Declarant has given its prior approval. Satellite dishes may be installed per FCC regulations and with prior DRC approval.

4.4 TRASH COLLECTION

Single family residential units must keep all refuse and containers behind the side-yard gate, until it is appropriate to place on the street for pickup. At no time will trash, refuse, containers or other debris items be allowed in the front yard of the house.

For anything other than single-family developments, trash collection areas must be provided and should be fully enclosed with masonry walls and doors on metal frames. Color and finish of masonry walls should match the exterior look of the theme wall elevations as called out by Figure 3-1. Where possible, they should also be landscaped on at least two sides.

5. CONSTRUCTION STANDARD

To assure that damage during construction activities is avoided to the greatest extent possible, the following construction regulations will be enforced during construction activity within South Zion and Cedar Point.

5.1 CONSTRUCTION TRAILERS, PORTABLE FIELD OFFICES AND TEMPORARY LANDSCAPING

Builders should contact the Declarant and municipality regarding construction trailers to be brought on site. The Declarant will work closely with the Builder to determine the best possible location for the trailer. Any temporary landscaping installed by a Builder shall be consistent with the Xeriscape landscaping plan discussed in these Design Guidelines and shall be first approved by the Declarant.

All trailers or portable offices should have exterior walls with non-reflective and muted colors and tones. The builders name and/or logo may be displayed on the exterior walls of any such trailer or office provided that a colored scale drawing showing the name and/or logo on the trailer has been submitted to and approved by the Declarant. The Builders shall be responsible for obtaining all applicable City sign permits. Additionally, landscape installed by the Declarant shall be inspected prior to any construction and restored to original condition with similar size plant material upon completion of work.

5.2 CONSTRUCTION ACCESS

In order to ensure that construction activities will have minimal impact on surrounding properties, the Builder will designate construction access and provide sufficient care and cleaning to keep all roads, sidewalks and adjacent lots clean and free from dirt, equipment, dumpsters and debris. Builder is responsible for all dust control needs.

5.3 DEBRIS AND TRASH REMOVAL

All materials should be contained onsite and covered in order that all debris and trash is as non-visible as possible. If the cover is off during construction hours, all lightweight materials should also be weighted down to prevent the wind from blowing such materials off the construction site. Trash and debris should be promptly removed from the construction site and not be dumped, buried or burned. Construction sites should be kept neat and properly policed to prevent the construction from affecting other property. If trash blows onto adjacent property, builder is responsible for clean up as needed.

5.4 SANITARY FACILITIES

Builders will be responsible for providing adequate sanitary facilities for their construction personnel. Sanitary facilities are not to be placed on the street.

5.5 CONSERVATION OF LANDSCAPE MATERIALS

Builders are advised that the properties within the community contain valuable landscaping that needs to be protected during construction. It is the goal of the Master Developer for Builders to landscape as soon as possible.

5.6 CUSTOM LOT BUILDER SPECIAL REQUIRMENTS

All custom lot Builders are required to locate a dumpster on the lot for placement of all construction trash and debris. The dumpster is to be emptied as often as necessary so as to avoid any overflowing. Also, a chain link fence is required to be built along the envelope portion of the lot during the construction process so as to avoid disturbance of the golf course. The Builder prior to the start of construction will provide a port-o-john. Dumpsters and sanitary facilities are not to be placed in any portion of the street.

Once construction has started, construction must continue at a professionally accepted schedule until completion. Community Association fines may be applied against the lot owner if work stops for longer than 14 calendar days.

5.7 RESTORATION OR REPAIR OF OTHER PROERTY

Builders need to take precautions to assure that other property, including open space, other lots, roads, fencing, driveways and/or other improvements, are not damaged or scarred during construction. Builders shall at all times encourage safety. Builders will be held responsible for the acts of their contractors, subcontractors' employees or agents. If damage or scarring occurs on other property, the Builder whose contractor, subcontractors employee or agent caused the damage will immediately repair and/ or restore the other property to its prior condition at their expense.

After completion of construction, each Builder will promptly restore all improvements, including grades, shrubs and trees and repair any streets, driveways, pathways, drains, culverts, ditches, signs, lighting, fencing or other improvements or utilities that may have been damaged during construction. Additionally, the construction site and all impacted areas will be left in a weed free condition.

PAINT SPECIFICATION – FENCING, SIGNS AND WALLS
SOUTH ZION AND CEDAR POINT
Cedar Ridge Development Company

Paint: Exterior paint not to exceed LRV of 40. Body color of signs shall be Dunn Edwards Paint, SP2260 Rincon Cove.

Fence Block: South Zion and Cedar Point Block as Manufactured by Cedar Ridge Development Company.

Wrought Iron: Color to be “Golden Heritage Bronze” by Dunn Edwards Paint and mixed by Jones Paint and Glass

View Fence: 60” Concord or Style #100 Bronze fences by Jerith Manufacturing Co. Inc.

SOUTH ZION AND CEDAR POINT

Residential Plant List

APPROVED PLANT LIST

Plants live in the desert have numerous particles to aid in their survival. These include taproots, waxy leaf coatings, dormancy in drought, and the ability to close leaves or to absorb enormous amounts of water in brief periods of time. Many of these devices work to minimize the evapo-transpiration rate, allowing these plants to exist on incredibly small amounts of rainfall. By providing supplementary irrigation at regular intervals, one can maintain the optimal appearance of these plants. For this reason, the plants on the following list are either indigenous to the region, or are from other semi-arid regions of the world.

As a helpful reference, the following five books can be used for clarification and information.

- 1) Plants For Dry Climates – 1992 Edition by Duffied and Jones
- 2) New Western garden Book by Sunset
- 3) Native Taxes Plants by Wasowski and Wasowski.*
- 4) Low Water Use Plants by Shuler*
- 5) The Low Water Flower Gardener by Johnson and Millard*

Plants may be added to this list upon the request of an Owner provided the suggested new plant meets the following criteria: native to a semi-arid region; compatible with the existing environment in color, texture and mass; drought tolerant; adaptive to the soil; attractive foliage; extended bloom period; ease of maintenance; and 35-foot height limit. The botanical name, description and other pertinent information that may be necessary to ascertain if the plant meets the above criteria may be submitted to the Architectural Review Committee for its consideration and approval.

This plant list has been broken down into the following categories: trees, shrubs, vines, ground coves, cacti/ succulents, grasses and annuals. Without exception, each plant has been selected for its attractiveness as a landscape plant, its ability to blend with the neighborhood landscape master plan, and for its foliage and flower season.

PLANTS FOR RESIDENTIAL USE

Botanical Name	Trees	Common name
<i>Lagerstroemia indica</i>		Crape Myrtle
<i>Fraxinus greggi</i>		Littleleaf Ash
<i>Prosopis chilensis</i> - Thornless		Chilean Mesquite
<i>Prosopis glandulosa</i> 'Mavrick'		Thornless Honey Mesquite
<i>Ligustrum japonicum</i>		Japanese Privet
<i>Rhus lanca</i>		African Sumac
<i>Alibiza julibrissin</i>		Mimosa Silk Tree
<i>Chilopsis linearis</i>		Desert Willow
<i>Chitadpa tashkentensis</i>		Pink Dawn and Morning Cloud
<i>Cercis occidentalis</i>		Western Redbud
<i>Vitax agnus-castus</i>		Chaste Tree
<i>Gleditzia triacanthos</i>		Shademaster Locust
<i>Gliditzia triacanthos</i>		Imperial Locust
<i>Quercus muhlenbergii</i>		Chinquapin Oak
<i>Quercus texana</i>		Texas Red Oak
<i>Cercidium hybrid</i>		Desert Museum Palo Verde
<i>Forestiera neomexicana</i>		New Mexican Privet/Desert
Olive Tree		

Between Curb and Sidewalk

<i>Robinia ambigua</i> 'Purple Robe' DRC)		Flowering Locust (Custom or
<i>Fraxinus velutra</i> 'Rio Grande'		Fan-Tex Ash (Except 5300's)
<i>Quercus muhlenbergii</i>		Chinquapin Oak
<i>Quercus texana</i>		Texas Red Oak
<i>Koelreuteria paniculata</i>		Windmill Palm

Trees- Back Yard Only

<i>Chamaerops humilis</i>		Mediterranean Fan Palm
<i>Trachycarpus fortunei</i>		Windmill Palm
Semi-Dwarf Fruit		Apple, Peach, Almond, etc.
<i>Trachycarpus fortunei</i>		Windmill Palm

Shrubs

<i>Epherdra trifurca</i>		Mormon Tea
<i>Rosmarinus officinalis</i> 'Prostratus'		Prostrate Rosemary

Larrea tridentate
 Calliandra species
 Nerium oleander
 Rhus microphlla
 Leucophyllum langmaniae 'Rio Bravo'
 Leucophyllum langmaniae 'Cimmaron'
 Leucophyllum langmaniae 'Cimmaron'
 Dasylirion wheeleri
 Salvia greggi
 Salvia chamaedryoides
 Erysimum linarifolium 'Bowles Mauve'
 Gutierrizia sarothrae
 Rhus ovata
 Caesalpinia gillisil
 Leucophyllum species
 Agapanthus
 Peter Pan
 Cotoneaster lacteus
 Cotoneaster glaucophyllus
 Juniperus chinensis 'Blue Point'
 Rhamphiolepis indica 'Ballernia'
 Platcladus Aureus
 Boxwood
 Buxus japonica
 Tecoma 'Orange Jubilee'
 Poliomantha maderensis
 Chrysactinia Mexicana
 Baccharis hybrid 'Starn' Thompson
 Salvia species
 Falllugia paradoxa
 Cistus pupureus
 Buddleia davidii
 Caryopteris clandonensis

Creosote Bush
 Fairy Duster Varieties
 Petite Oleander Varieties Only
 Littleleaf Sumac
 Texas Ranger 'Rio Bravo'
 Texas Ranger 'Cimarron'
 Compact Texas Sage
 Desert Spoon
 Red Autumn Sage
 Mexican Blue Sage
 Desert Lilac
 Snakeweed
 Sugar Bush
 Yellow Bird of Paradise
 Sage Varieties
 Rancho White, Queen Anne,

 Gray Cotoneaster
 Blue point Juniper
 India Hawthron
 Dwarf Golden Arborvitae
 Green Beauty and Winter Gem

 Orange Jubilee
 Lavender Spice
 Daminita
 Starn Thompson hybrid
 Sage
 Apache Plume
 Purple Rockrose
 Butterfly Bush
 Blue Mist

Botanical Name

Vines

Common Name

Macfadyena unguis-Cacti
 Rosa banksiae, 'Alba Plena' or 'Lutea'
 Jasminum florididum
 Pyracantha fortuneana
 Trachelosperum jasminoides

Cat's Claw Vine
 Lady Banks' Rose
 Flowering Jasmine
 Vining Pyracantha
 Star Jasmine

Groundcovers

Baccaris centennial
 Amonbrosia deltoidea

Dwarf Coyote Bush
 Bursage

Baileya multiradiata
 Psilotrophe cooperi
 Sphaeralcea ambigua
 Asclepias subulata
 Melampodium leucanthum
 Oenothera caespitosa
 Penstemon species
 Zauchneria californica
 Zinnia grandiflora
 Dalea greggi
 Myoporum parvifolium
 Oenothera berlandieri (varieties)
 Verbena species
 Gazania species
 Desloperma varieties
 Santolina varieties
 Hemerocallis hybrid
 Design Guide Lines
 Lanatana varieties
 Osteospermium fruticosum
 Sphaeraicea ambigua
 Balleya multiradiata
 Penstemon eatonii
 Abronia goodingii
 Aquilegia chrysantha
 Dalea capitata 'Serra Gold'
 Dalea frutescens 'Sierra Negra'
 Hymenoxys acaulis

Desert Marigold
 Paper Flower
 Desert Mallow
 Desert MilkWeed
 Blackfoot Daisy
 White Primrose
 Penstemon
 California Fuchsia
 Zinnia
 Trailing Indigo Bush
 Little Leaf Myoporum
 Mexican Primrose
 Verbena
 Gazania
 Ice Plant
 Grey/Green Santolina
 Daylily
 Dwarf Lantana Varieties
 Trailing African Daisy
 Glovemallow
 Mexican Primrose
 Desert Marigold
 Firecracker Penstemon
 Purple Sand Verbena
 Sierra Gold
 Sierra Negra
 Angelita Daisy

Botanical Name

Cacti/Succulents

Common Name

Echinocereus engelmannii
 Ferocactus acanthodes
 Fouquieria splendens
 Agave species
 Dasylirion sheeleri
 Aloe species
 Yucca elata
 Hesperaloe parviflora
 Yucca filamentosa

Hedgehog Cactus
 Barrel Cactus
 Ocotillo
 Agave
 Desert Spoon (varieties)
 Aloe
 Soaptree Yucca
 Red, Yellow, and Pink Hesperaloe
 Adam's Needle Yucca

Grasses

Muhlenbergia rigens
 Stipa tenuissima
 Ophiopogon japonicus

Deer Grass
 Texas Needle Grass
 Mondo Grass

Festuca ovina glauca
Phormium species
Muhlenbergia capillaries 'Regal Mist'

Blue Fescue
New Zealand Flax
Regal Mist Deer Grass

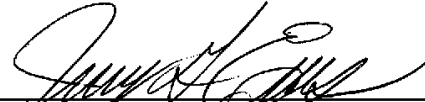
NOTES:

- If turf is used, it must be an improved hybrid variety of 90% Tall Fescue Blend and 10% Blue Grass Blend with no weed seeds. All sod areas shall be top dressed with a min. of 2" of soil mix prior to installation.
- All non-turf yard area must be covered with two inches (2') of approved rock, mulch or other as approved by DRC and Declarant. (See Section 3.1, paragraph E)
- Black plastic and weed control fabric is not approved for placement under the rock mulch.
- Rock mulch color and size must be approved by DRC, a sample must be delivered to the office of the DRC.
- Boulder quantity, color and size, must be indicated on the landscaping plan.
- Retaining walls, color, location and size, must be approved by DRC if in the front yard, and in the back yard if it is a view fence lot.

ANNUALS:

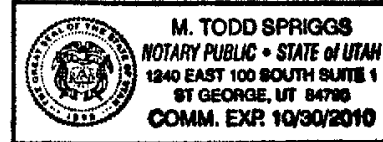
Annuals shall not exceed three feet in height. Indigenous native varieties are encouraged. Indigenous varieties may include Poppy, Desert Marigold, Lupine, Verbena, Penstemon, Coreopsis, Dysodia and Nierembergia. Planting areas must be contained by approved edging and kept in a clean growing status.

SIGNATURE PAGE CC&R'S



JERRY G. EVES, MANAGER/MEMBER
APPLE VALLEY LLC., A UTAH LLC.

STATE OF Utah)
SS:
COUNTY OF Washington)



On the 8 day of August 2007, personally appeared before me,
JERRY G. EVES, who being duly sworn did say that he is a Manager/Member of
APPLE VALLEY, LLC., A UTAH LIMITED LIABILITY COMPANY, and that he
executed the foregoing instrument on behalf of said limited liability company being
authorized and empowered to do so by the operating agreement of APPLE
VALLEY LLC., And he did duly acknowledge to me that such limited liability
company executed the same for the uses and purposes stated therein.

My Commission Expires:10/30/10 Residing at: St. George Ut.

notary public

BOUNDARY DESCRIPTION

BEGINNING AT A POINT LOCATED S 89°57'58" E ALONG THE CENTER SECTION LINE 1603.26 FEET FROM THE WEST QUARTER CORNER OF SECTION 15, TOWNSHIP 43 SOUTH, RANGE 11 WEST, SALT LAKE BASE AND MERIDIAN, AND RUNNING THENCE S 89°57'58" E ALONG THE CENTER SECTION LINE 994.82 FEET TO THE NORTHWEST CORNER OF SOUTH ZION ESTATES - PHASE 2, ACCORDING TO THE OFFICIAL PLAT THEREOF, RECORDS OF WASHINGTON COUNTY; THENCE ALONG THE WESTERLY BOUNDARY OF SAID SOUTH ZION ESTATES - PHASE 2 S 0°00'30" W (S 0°00'16" W BY RECORD) 495.23 FEET; THENCE N 89°59'21" W 909.66 FEET; THENCE S 0°00'30" W 101.55 FEET; THENCE N 89°59'44" W 194.15 FEET; THENCE N 0°00'30" E 272.62 FEET; THENCE N 24°37'20" E 83.97 FEET; THENCE N 64°58'16" E 81.70 FEET; THENCE N 0°00'30" E 213.66 FEET TO THE POINT OF BEGINNING. CONTAINS 12.38 ACRES.