

SAND HOLLOW RESORT
DESIGN CODE

Sand Hollow Resort
Architectural Control Committee
5662 West Clubhouse Dr.
Hurricane, Utah 84737

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SAND HOLLOW RESORT DESIGN CODE

This Design Code is established pursuant to Article 6 of the First Amended and Restated Master Declaration (“Declaration”) for Sand Hollow Resort to govern Sand Hollow Resort, a residential and resort community located in the City of Hurricane, Washington County, Utah.

INTRODUCTION TO THE DESIGN CODE

This Design Code is established pursuant to the authority of the Declaration. By virtue of the Declaration, every Owner within Sand Hollow has agreed to be bound by this Design Code. The objective and purpose of the Design Code is to establish architectural guidelines and requirements, to regulate building and construction activities, and to provide for the overall aesthetic control of Sand Hollow Resort.

As set forth in the Declaration, the Architectural Control Committee (“ACC”) shall have the right to refuse or approve any plans and specifications and shall have the right, in so doing, to take into consideration the suitability of the proposed building, the materials of which it is to be built, the site upon which it is proposed to be erected, the harmony thereof with the surroundings, and the effect of said building, or other structure so planned, on the outlook from adjacent or neighboring property. Decisions of the ACC may be based on purely aesthetic considerations. Each Owner acknowledges that determinations as to such matters by the ACC are purely subjective and opinions may vary as to the desirability and/or attractiveness of particular improvements. The ACC shall have the sole discretion to make final, conclusive, and binding determinations on matters of aesthetic judgment and such determinations shall not be subject to review so long as made in good faith and in accordance with the Declaration and the Design Code. (Decl. § 6.9.)

ARTICLE 1 DEFINITIONS AND CONCEPTS

Except as otherwise provided herein, the definitions for capitalized terms as set forth in the Declaration shall control in this Design Code. Terms that are not defined herein shall have their plain and ordinary meaning; provided, however, that terms of art specific to architecture and landscape design shall have the specific meaning and interpretation generally understood by the industry and ascribed thereto by the ACC.

1.1. “**Building**” means and refers to any residential dwelling structure, accessory building, or other primary or secondary structure that is constructed upon a Lot.

1.2. “**Building Envelope**” means and refers to that portion of property on each Lot that is designated for construction and landscaping. The actual size of Building Envelopes may vary from Lot to Lot depending on the particular topography of the Lot, as determined by the ACC. The ACC may designate area outside the Building Envelope as non-disturbance area. See **Exhibit 1**, Lot Improvement Criteria, for an example of the Building Envelope.

1.3. “**Building Footprint**” means and refers to that portion of property on each Lot that is designated for construction of the actual Building upon the Lot. The actual size of

Building Footprints may vary from Lot to Lot depending on the particular topography of the Lot, as determined by the ACC. Construction of the Building may only take place within the confines of the Building Footprint. See **Exhibit 1**, Lot Improvement Criteria, for an example of the Building Footprint.

1.4. “**Contractor**” means and includes any contractor, subcontractor, and builder of any Building within the Property, and includes any Owner as an owner/builder.

1.5. “**Declaration**” means the Master Declaration for Sand Hollow Resort and any amendments, restatements, supplements, and annexations thereto, which are recorded in the Office of the Washington County Recorder October 10, 2007 as Document No. 20070049542 as amended and restated on November 13, 2017 as Document No. 20170045927.

1.6. “**Estates Subdivision**” means that certain subdivision located within Sand Hollow Resort, as more particularly shown and described on that certain final plat thereof, recorded in the Official Records of Washington County, State of Utah as Document No. 20230029798 as may be amended from time to time.

ARTICLE 2 PURPOSE; GENERAL REQUIREMENTS

2.1. Purpose and Objectives. As stated, the objective and purpose of the Design Code is to establish architectural guidelines and requirements, to regulate building and construction activities, and to provide for the overall aesthetic control of Sand Hollow Resort. This Design Code is intended for use by Lot Owners, contractors, architects, landscape architects, and civil engineers under the direction of the ACC.

2.2. Compliance with Local Law; Governmental Permit Required. No Building shall be constructed or maintained; no grading or removal of natural vegetation or change in natural or approved drainage pattern; and no installation of fencing or landscaping elements shall occur on a Lot until any required permit or required approval therefor is obtained from the appropriate governmental entity following submission to the appropriate governmental entity of such information as it may require. All structures shall be constructed in accordance with the zoning and building ordinances of Hurricane City, Utah, in effect from time to time, in addition to the requirements of this Design Code. The granting of a permit or approval by any governmental entity with respect to any matter shall not bind or otherwise affect the power of the ACC to refuse to approve any such matter. In the event of any conflict between the provisions of any governmental ordinance and the provisions of this Design Code, the stricter provision shall govern.

2.3. Architects. All structures constructed on any portion of the Property shall be designed by and built in accordance with the plans and specifications of an architect or draftsman unless the ACC or its designee otherwise approves in its sole discretion.

2.4. Application to Declarant. This Design Code shall not apply to Declarant during the Declarant Control Period.

2.5. Certificate of Compliance. Any Owner may request that the ACC issue a certificate of architectural compliance certifying that there are no known violations of this Design Code as it relates to the Owner’s Lot. The ACC shall either grant or deny such request within 30 days after

receipt of a written request and may charge a reasonable administrative fee for issuing such certificates. Issuance of such a certificate shall preclude the ACC from taking enforcement action with respect to any condition as to which the ACC had notice as of the date of such certificate.

A certificate of compliance is not a waiver to enforce any subsequent violations of this Design Code.

2.6. Occupancy. No Building shall be occupied until: (a) the ACC has certified, in writing, that (i) the Building has been completed in accordance with plans approved by the ACC and (ii) that any landscaping elements have been completed in accordance with plans approved by the ACC; and (b) the City of Hurricane has issued a certificate of occupancy for the Building. An initial fine of \$300.00 will be assessed if the terms above are not finalized prior to occupancy.

2.7. Builder Packet. Prior to submission of plans to the ACC, to be drawn in conjunction with the Design Code (including Landscape Standards) and Declaration, for review, the Lot Owner and contractor shall obtain a Builder Packet from the ACC or Sand Hollow Resort Building Director (see form which is attached for reference). This packet contains all the remaining necessary information for preparing acceptable plans and application for design review. Included in this packet are the following: 1) Cover Letter, 2) Builder Fee Schedule, 3) Approved and Preferred Builder Policies (including applications), 4) Application for New Construction, 5) Application for Architectural/Landscape Changes, 6) Notable Design Guidelines and Standards, 7) Notable Design Code Violations During Construction, 8) Review Checklist, 9) Submission Guidelines and Builder Acceptance Agreement, 10) Inspection Sheet, 11) Request for Final Inspection, 12) Dunes Party Wall Policy, 13) Sample Builder Sign, and 14) Sample For Sale Sign.

ARTICLE 3 DESIGN REVIEW

3.1. Submission of Plans and Application. A Lot Owner or the Lot Owner's designee, shall submit the following to the ACC for consideration: (a) Builder Packet including fees and deposits, and (b) two complete sets of building plans and specifications to include: (i) a site or plot plan showing grading, drainage patterns, floor and garage elevations, landscaping areas; (ii) a lighting plan; (iii) landscape and wall plan; and (iv) supporting material, such as samples of building materials, as the ACC deems necessary. The particular submission materials required by the ACC may be designated on the application form or any form of instructions prepared by the ACC. Upon the completion of the review, one set of plans will be retained by the ACC for its records, and the other set of plans will be returned to the Lot Owner or the Lot Owner's designee. Plans shall not be submitted to the City for a building permit until the written certification has been issued and all plans have been endorsed with the ACC's consent. This approved and endorsed plan shall be submitted to the City at the time of application for a building permit.

Upon ACC approval to improve the Lot, the monthly HOA fees will increase to Full Lot fees.

3.2. New Construction; Modifications. Except as other expressly provided for herein or otherwise allowed in Section 6.6 of the Declaration, the design review procedures set forth in this Design Code are applicable to all new construction as well as any modifications or remodeling, or any rebuilding of destroyed or damaged structures or Buildings.

3.3. Commencement of Work. No work shall commence unless and until the ACC shall endorse on one set of such plans its written approval that such plans are in compliance with this Design Code. The second set of such plans shall be filed as a permanent record with the ACC.

3.4. Fees and Deposits. No application shall be reviewed by the ACC without payment of required fees and deposits. The Builder Packet contains a fee schedule of required fees and deposits to be submitted to the ACC with each application for approval. The fee schedule shall also be available from the offices of the Sand Hollow Resort Master Owners Association (“HOA”). The fee schedule may be revised by the ACC from time to time and be modified as appropriate. It is the Owner’s responsibility to verify the current fee structure at the time of making the application. All payments shall be made payable as noted on the fee schedule and delivered to the ACC.

3.5. Deposit Explanation. The construction deposit (to include landscaping) shall be held by the HOA to ensure compliance with the provisions of this Design Code. The HOA may draw on these deposits to pay for any fine or penalty assessed by the ACC hereunder and shall only release the deposits, if the same have not been depleted, upon its certification that construction has been completed in accordance with this Design Code.

3.6. Design Review Fees. Design Review fees are one-time and are charged to cover administrative costs, consultant fees and other related costs considered ordinary in administering the Design Review Process. For a major new construction project, such as the construction of a custom home, a significant remodel of or an addition to an existing structure, this fee shall include two (2) reviews, as well as four (4) scheduled on-site inspections. Should additional plan reviews or site inspections be needed, additional fees shall be charged as set in the fee schedule included in the Builder Packet.

3.7. Builder Acceptance Form. No application shall be reviewed without receipt of an executed Builder Acceptance Form, a sample of which is included in the Builder Packet. An executed form demonstrates to the ACC that the builder and Owner have reviewed the fee schedule, the CCRs, this Design Code and other important building information contained in the Builder Packet. Builder Packets may be obtained from the ACC.

3.8. ACC Formal Consideration of Application. Upon receipt of a completed application and all required and necessary supporting materials, the ACC will notify the applicant that it will begin the formal review process. The ACC will act on the application at its next scheduled meeting held at least once a month. The ACC meetings are not open to the public except for the Owners and their consultants. The Owner is encouraged to be present to answer any questions that the ACC may have and to respond to concerns which surface during the review process. The ACC must have a quorum to pass any action on an application. Upon review of the application and supporting material, the ACC shall take one of the following actions:

- (a) Grant an unconditional approval;
- (b) Grant a conditional approval;
- (c) Issue a notice of disapproval;
- (d) Table the application for further review until the next scheduled meeting;

or

(e) Return the application to the Owner with instructions to provide additional information or supporting materials, or to otherwise clarify or reconsider the submitted design.

3.9. Rights of Approval. In reviewing each submission, the ACC may consider any factors it deems relevant, including, without limitation, suitability of the proposed Building or structure, the materials of which it is to be built, the site upon which it is proposed to be erected, the harmony of external design with surrounding structures and environment, and the effect of said Building, or other structure so planned, on the outlook from adjacent or neighboring property. Decisions may be based on purely aesthetic considerations. If the ACC concludes that the proposed design is not aesthetically pleasing, the application may be disapproved even though it may technically meet all the conditions of the Design Code. The affirmative vote of a majority of the members of the ACC shall be required for approval of any matter; provided, however, that the majority of the ACC members may appoint one member to act on behalf of the ACC.

3.10. Time Frame for Action. The ACC puts forth every effort to review submitted plans and building material samples in a timely manner. However, the amount of time taken by the ACC for the approval process will vary with the adequacy and complexity of the design information and the completeness of submittal material. In the case the ACC has not made a determination on the application within 60 days after receipt of a completed application for approval and all required information, an Owner may submit a written request to the ACC to take such action. Upon receipt of this request, the ACC shall thereafter have 14 days to take action on the application or approval shall be deemed to have been given; provided, however, that no approval, whether expressly granted or deemed granted, shall be inconsistent with any design guidelines set forth herein or in the Declaration unless a written variance has been granted.

3.11. Procedure upon Approval. Following the approval of the plans by the ACC, a certification stamp of the approved plans and a separate Letter of Approval, via email, shall be provided to the Owner and/or builder evidencing such approval. Any plan or specification approval given by the ACC refers only to its conformity with this Design Code, the Declaration and such other rules, regulations and conditions as may be promulgated by the ACC. The ACC takes no responsibility for and makes no representation with respect to plan conformance with governmental codes or any other criteria. The ACC, by its submission of these standards and approval of plans and specifications, assumes no liability or responsibility for engineering or structural design, or for any defect in any improvement made pursuant thereto, and its approval shall not be deemed approval of any plans or design for structural safety or conformance with building or other codes.

3.12. Changes after Approval. Any changes to plans after approval by the ACC shall be submitted to the ACC for approval in the same manner as approval of the original plans submitted with the Change Form found in the Builder Packet. No Owner may proceed with any changes until they have been approved by the ACC.

3.13. Inspection. The ACC and its designated representatives may make periodic inspections to ensure that construction is proceeding in accordance with the submissions approved by the ACC. Each Owner shall grant to the ACC and its designated representative access upon the Owner's Lot for this purpose. If an inspection reveals that any construction or improvement is not

being performed in accordance with approved plans, the ACC shall have the authority to order such work cease and otherwise conform to the approved plans and may take such other enforcement action as it deems necessary.

3.14. No Waiver of Future Approvals. Each Owner acknowledges that the persons reviewing applications under this Design Code may change from time to time and that opinions on aesthetic matters, as well as interpretation and application of the Design Code may vary. In addition, each Owner acknowledges that it may not always be possible to identify objectionable features until work is completed, in which case it may be unreasonable to require changes to the improvements involved, but the ACC may refuse to approve similar proposals in the future. Approval of applications or plans, or in connection with any other matter requiring approval, shall not be deemed to constitute a waiver of the right to withhold approval as to any similar applications, plans, or other matters subsequently or additionally submitted for approval.

3.15. Variations. The ACC may authorize variances from compliance with any of the provisions of this Design Code when, in the ACC's opinion, circumstances such as topography, natural obstructions, hardship, or aesthetic or environmental considerations require. All variance requests are considered on an individual case by case basis. No variance shall: (a) be effective unless in writing; (b) be contrary to the intent of the Declaration or this Design Code; or (c) preclude the ACC from denying a variance in other similar circumstances. The granting of a variance shall not set any precedent for future decisions. For purposes of this Section, the inability to obtain approval of any governmental agency, the issuance of any permit, or the terms of any financing shall not be considered a hardship warranting a variance.

ARTICLE 4 DESIGN GUIDELINES AND STANDARDS

4.1. Application of Design Code and Standards. These design guidelines and standards are applicable to any construction performed within the Property, whether new construction, remodeling, or any replacement structures. The ACC may append to this Design Code or otherwise make available architectural renderings, drawings, plans, samples, templates, or selections to provide additional guidance concerning acceptable architectural style and landscaping. Design guidelines are subject to change or modification by the ACC.

4.2. Purpose of Design Code and Standards. The architectural design guidelines and standards are set which are consistent with the goals of Sand Hollow Resort to create a resort development that is in harmony with the Southern Utah desert. Specific standards will control building style, height, mass, scale, material and colors to enhance the desert environment, as set forth herein and as implemented by the ACC.

4.3. Residential Development Types. The goal of Sand Hollow Resort is to build a coherent community with a mix of housing types. The residential development types generally consist of the housing types described below. Generally, the housing type will be determined by reference to the particular Subdivision Plat in which the Lot is located and any designation placed thereon or in any Tract Declaration by the Declarant. General housing types are:

- (a) Single Family Detached. No more than one residence shall be constructed upon any single-family Lot. A single residence may be constructed upon two or more Lots. In such cases, the ACC shall evaluate existing conditions and reestablish the Setback,

buildable area and other controls on a case by case basis. A single residence may be composed of primary and accessory structures such as a casita, detached garage, a pool house, etc. The size of the accessory structure may not exceed twenty percent (20%) of the Livable Space (as defined below) of the main structure. Subject to City approval, main and secondary residential units may be constructed on a compound Lot so designated on a plat. Single family Buildings are generally custom home Lots.

(b) Planned Unit Development. Planned Unit Developments may include single family attached and detached structures. Attached single family units such as townhouses, duplexes, and fourplexes may be permitted in designated areas of the Community. Architectural controls such as setbacks and maximum square footage per structure shall be developed by the ACC prior to approval of such structures if such standards are not already established. These developments shall follow building setbacks roof tile colors, guest parking ratio, and such standards as specified in this Design Code.

(c) Multi-Family Development. Multi-family units shall be permitted within designated areas of the Community. Architectural controls shall be developed by the ACC prior to approval of such structure.

4.4. Permitted Structures. The only Building or structure permitted to be erected, placed or located on any Lot within the Community shall be the particular housing designation in which the Lot is located. All construction shall be of new materials. All structures shall be constructed in accordance with the Hurricane City zoning and building ordinances in effect from time to time. All structures and Buildings constructed or erected within the Community shall be of new construction and of good quality, workmanship and materials.

4.5. Setbacks. The development philosophy mandates that the improvement of the property preserve the essence of the existing natural environment, topography and vegetation. Therefore, Sand Hollow Resort uses the setback concept for all custom home Lots. The setbacks define (a) the vertical and horizontal extent of a site improvement; and (b) the Building Envelope. Planned unit and multi-family developments and Neighborhoods shall be subject to minimum setback standards established by the applicable zoning and subdivision ordinances of Hurricane City. Setbacks below are specific to the Estates Subdivision.

- (a) 20' front of home to property line
- (b) 20' street side to property line
- (c) 15' interior side to property line
- (d) 20' back of home to property line; and
- (e) For garage setbacks see Section 4.14

4.6. Encroachments. Except for the architectural projections listed in this section and encroachments approved by the ACC through the plan review process, no part of the structure may extend into the required building setbacks. The following architectural projections may extend beyond the building envelope but not encroach upon the required property setbacks:

- Roof overhangs, eaves and fascia: maximum of four feet (4')
- Fireplaces, bay windows, and wing walls: maximum of two feet (2')
- Posts and columns: maximum of two feet (2')
- Balconies: maximum of four feet (4')
- Exterior stairs: maximum of three and one-half feet (3'6")
- Fences: as approved by the ACC
- Pool and HVAC equipment and screen walls
- Light wells for basements: maximum of four feet (4')
- Window wells for basements: maximum of six feet (6')

4.7. Building Footprint. For custom home Lots, minimum and maximum building size is established for each Lot by the Building Footprint. In all other developments minimum footprint sizes are established for balance between the types of products. Those limitations are listed in a later section.

4.8. Architectural Style.

(a) The architectural character of the buildings in Sand Hollow Resort must be indigenous and appropriate to the environmental and climatic conditions. Examples of such styles are Southwestern, Pueblo, and Santa Fe. Contemporary architecture styles might also be compatible if detailed appropriately. Creative architectural styles which are nondescript, or variations of the preceding styles are encouraged. Styles that are inappropriate for the natural desert environment shall not be permitted. Examples of these styles are Colonial, Revival, Georgian, Roman, Gothic, Chateau, French Country, Tuscan etc.

(b) Elevation treatment, inclusive of materials, trim and detailing, must be consistent around the entire Building. Gingerbread, plant-ons, or other false ornamentation shall not be used. Proper design consideration shall be given to the fascia as an architecturally integrated design element.

4.9. Mass and Scale.

(a) Building mass and scale are crucial to the development of Sand Hollow Resort. The natural panorama must not be diminished by the man-made improvements. A maximum building size is established for each Lot in the form of a maximum Building Footprint and a maximum height. In some instances, the maximum height is established by a specific elevation. Ultimately, a determination of appropriate mass and scale is highly subjective. As such, the ACC has the right to make these determinations on a case-by-case basis, taking into account, among other things, the surrounding terrain and topography, views from neighboring Lots and property, and adjacent Buildings.

(b) Minimum and Maximum Building Size. The maximum building size is controlled by means of maximum Building Footprint coverage in the Development Control Map. Minimum Building Footprint size, other than for residences in the Estates Subdivision, shall be as follows:

- (i) Resort Homes – 1,600 square feet
- (ii) Custom homes – 2,600 square feet; minimum 2,100 square feet on

interior lots 8,000 square feet or less in size or 8,200 square feet or less corner lots in size

(iii) Attached Condo/Hotels – 400 square feet

(c) Estates Subdivision Minimum and Maximum Building Size. The maximum building size for a building in the Estates Subdivision is also controlled by means of maximum Building Footprint coverage in the Development Control Map. Minimum Building Footprint size in the Estates Subdivision, shall be 4,100 square feet.

(d) Livable Space. Livable Space means the total area of a building that is designed and constructed for year-round human occupancy and is fully enclosed, finished, heated, and integrated into the overall dwelling. Livable Space includes bedrooms, bathrooms, kitchens, living rooms, hallways, and other conditioned interior rooms. It specifically excludes garages (whether attached or detached), unfinished basements, attics (unless fully finished and permitted as habitable), crawlspaces, storage areas not part of finished interior rooms, and exterior or semi-enclosed spaces such as porches, patios, or decks, whether covered or not. The minimum Livable Space within the Estates Subdivision shall be 3,500 square feet.

(e) Basements. Basements may be permitted as determined by the ACC in its discretion. Walkout basements may be permitted only on those lots having a grade difference of more than ten feet (10') within the setback. All walkout basement proposals require a special approval. See definition of different types of basements. Structures with any type of basement must meet the building height restrictions.

(f) Maximum Height. Maximum building height shall be as follows:

(i) For reference, see **Exhibit 4** governing Maximum Building Height.

(ii) One Story Structure – 15 feet (see Section 4.9(d)(v) for approved variances to same)

(iii) Walkout Basement (Floor to Floor) – 11 feet

1. Height is measured from the finished floor height of the structure.

(iv) The ACC will set the pad elevation height on each Lot. The ACC's determination of pad elevation height is a subjective one, in which the ACC may take into account neighboring property, views, and the surrounding terrain. The Owner of the Lot shall pay for the staking of the corners and other preliminary site work for the ACC to make this determination.

(v) Except for fireplace chimneys and certain portion of the pitched roof, the highest point of any element of the roof structure must not exceed that which is designated for the Lot nor exceed the maximum elevation specified for the Lot in the Development Control Map. Fireplace chimneys may protrude a maximum of twenty-four inches (24") plus an additional eighteen inches (18") for

the chimney cap, through the height limitation. Forty percent (40%) of the roof area, may exceed the height limitation by two feet (2'), however such roof area shall be located generally in the middle of the structure and away from the exterior walls. Roof mounted equipment must be placed within height limitations.

(g) Building Mass. The three-dimensional design of the building shall have a minimum of three masses. These masses shall be of varying size and heights as viewed from various angles. Larger buildings with footprints exceeding 5,000 square feet shall have more than three masses. Masses should be separated, vertically and horizontally by appropriate distance. The composition of masses should be aesthetically pleasing. Masses shall not be equal in size. Balance in design should be achieved by combination of primary and secondary masses where the primary mass is substantially larger than the secondary masses.

4.10. Two Story Buildings. Two story residential dwellings (other than condominium buildings containing condominium and townhome units) are prohibited.

4.11. Materials and Colors.

(a) Materials. All exterior building materials shall be compatible with and complimentary to each other and to the overall design in style, texture, color, and character. The use of natural materials for exterior walls and floor finishes is required. Wood, if used on the exterior of the buildings, should be of heavy dimensions to survive in the extreme climatic conditions (i.e., 4 x 12 rough sawn material for beams and pergolas). Metal, if used, must be a minimum of 16 gauge – faux woodgrain finishes are not permitted. No exterior material shall be used that has a high gloss, glaring or reflective (mirror) type of finish. Proposed materials must be approved by the ACC.

(b) Color. Color plays an important part in creating an aesthetic homogeneity in a neighborhood as well as in the Resort. Bright and primary colors tend to distract vision, versus subdued colors which tend to be soft and soothing to the eye. To carry through Sand Hollow Resort's goal of creating a Resort that does not overpower the natural desert, all improvements must be painted earth tones consistent with the building site and its visual surroundings. Stucco and stone colors must blend with the Sand Hollow palette and complement the existing homes by street. Exterior building colors shall be harmonious with the mountains surrounding the area while colors of the hardscape shall be complimentary to the natural desert ground. The primary color of the home must be different than the adjoining home. A four foot (4') square area of the wall must be painted for the Association's approval prior to coloring the entire building. The ACC reserves the right to discontinue the use of a specific color, if in its opinion, it does not fit within the Sand Hollow palette once applied.

4.12. Building Elements.

(a) Walls and Columns.

(i) Walls are a predominant element of a building design. Undulating surfaces shall be incorporated in elevations to avoid long flat masses. Horizontal

elevations can be accentuated with reveals, bands, etc., features. Such elements of design will give a low profile to the building which is consistent with the goal of Sand Hollow Resort. Varying heights of walls break monotony in design and create interesting elevations. Materials textures too are important in creating a certain feel for the structure.

(ii) Smooth and light sand finished stucco buildings look quite elegant and are acceptable contrary to course finishes such as “heavy lace”, which shall not be permitted. An acrylic finish color coat shall be used on exterior walls. All stone shall be natural stone. All stone is to wrap/return to the home (utilize pop outs as necessary). No rough edges are permitted. Bricks are not an appropriate material for the preferred architectural style and therefore they are not permitted. Wood may be used as accent but not for siding of the entire structure. Elements that are visible from surrounding areas such as an electrical service panel which shall be mounted flush onto the wall, other utilities, security cameras (permitted in the Dunes), etc., shall be painted to match the building.

(iii) Columns are an important design element. Specifically, the proportions of a column must be in balance with the architectural design. Columns which are too thin or too fat in proportion or are inappropriately detailed as to the base and capital design are not acceptable. Columns must have a minimum dimension of twelve inches (12”) in diameter or width in both directions. A slenderness ratio of a column shall be a minimum of one to eight (1:8) meaning one-foot thicknesses for eight-foot height. Exposed wood posts shall be of at least an 8x8 construction.

(b) Doors and Windows.

(i) The design of an entry area in a building should be unique and complimentary to the style of architecture. Special consideration should be given to the entry door in terms of its artistic quality, design of the door, the hardware, material used and the finish (paint or stain). Doors and windows should be set deep into the wall to create shades and shadows in the elevations. All exterior doors shall be consistent with each other in details such as surrounds, jambs, sill or head, etc. where vents are required for exterior (mechanical room) doors, full height louvers shall be used.

(ii) Windows must be proportionate to the wall mass and located in a proper order. The proportion of windows to the exterior surfaces will be carefully considered by the ACC at the time of plan review. All front windows of a dwelling are to be recessed a minimum of two inches (2”) from the window frame. Street, golf course and open space view windows of a dwelling shall be recessed into walls to create shades and shadows; minimum recess is two inches (2”) from the window frame. The ACC reserves the right to require, on a case by case basis, other windows to be recessed. The style and material of the windows shall be consistent. The use of wood and vinyl frame windows is promoted because of their energy efficient construction.

(iii) Aluminum frame windows are not preferred, however, if used, the aluminum windows shall be anodized, treated or painted to blend with adjacent materials. White window frames shall not be permitted. Glazing must be double insulated unless technical difficulty exists such as in an extra-large opening with a butt glazed treatment. Canvas or similar type awnings shall not be permitted as the material tends to fade over time.

(iv) Notwithstanding the foregoing, any home built within the Estates Subdivision must be built with premium, architectural-grade windows, including those made of wood, fiberglass, or composite, rather than economy, builder-grade windows, including those made with aluminum or vinyl material.

4.13. Roofs.

(a) General Roof Design. Consistent with the goals of the Resort, the height restrictions at Sand Hollow Resort are prescribed to cause home designs with a low profile and predominantly with a flat roof. Generally, roofs shall be flat, however, if the ACC permits, pitched roofs may be utilized. Maximum roof pitch shall be 4:12. See generally **Exhibit 4.**

(b) Materials and Color. Pitched roof materials shall be clay, concrete or a slate tile or oxidized metal. All tiles shall be flat. Barrel tiles of any form (Villa, Spanish or “S”) are not permitted. All roofing material must be non-combustible. Color of the Roofing material shall be harmonious with the structure and blend with adjacent natural surroundings. Surfaces shall not be reflective such as a glazed tile or of a primary or bright color such as red, white, black and/or blue. Roof tops must be painted in a same color as the home or a coordinated color that creates a minimum of contrast. Sand should be added to reduce glare.

(c) Gutters. Roof gutters shall be constructed into the roof structure with down spouts being run within the exterior walls. Scupper covers (color of home or copper) are required on gutters at ground level that exit the wall. Exposed gutters and down spouts shall be permitted if accentuated as part of the architectural detailing and approved by the ACC during plan review.

(d) Projections. Roof-mounted air-conditioning equipment shall not be permitted. Galvanized sheet metal work should be kept clean and simple with a minimum of exposed metal and shall be painted with the same color as the roof. Plumbing vents pipes and similar elements shall be ganged resulting in a minimum number of vents penetrating the roof. These elements should be located on the interior mass of the roof (away from the street). They must be painted the same color as the roof. Any pipe projection taller than twenty-four inches (24”) shall be encased in a chimney like structure. Any other projection must be painted the same color as the roof.

(e) Observation Deck. Observation decks may be constructed to provide rooftop outdoor living. No observation deck shall be more than 600 square feet in size. In no case shall shade umbrellas, clothes lines or any other visually obtrusive uses or items be allowed on observation decks. Staircases provided access to observation decks shall be

constructed out of wrought iron or other weather-resistant, sturdy material. The ACC shall approve design of observation decks and staircases.

4.14. Garages and Front Walkways.

(a) In Neighborhoods consisting of the Single-Family Detached Buildings, garages are required and shall be of a size large enough to accommodate the number of automobiles to be stored on that particular site. The garage to home ratio is not to exceed 40% garage/60% home. Exceptions, if any, to this ratio will be reviewed on either a plan by plan or lot by lot basis. Carports are not permitted. Garages may be attached or detached from the main structure. Detached garages may be connected to the main home via a breezeway. Porte-cocheres and breezeways are permitted subject to the ACC's approval. Wherever possible, driveways shall not be designed to be the primary pedestrian access to the home – a front walkway to the street is to be incorporated into the plan.

(b) Notwithstanding the foregoing, any garage built within the Estates Subdivision must be designed to accommodate at least three standard-sized passenger vehicles. Setbacks and heights for garage doors in the Estates Subdivision are as follows;

- (i) 25' from property line for 8' tall garage door
- (ii) 30' from property line for 10' tall garage door
- (iii) 40' from property line for 12' garage door

(c) Side entry garages are preferred on all single-family custom homes unless physical constraints exist on the site. Ornamentation of the door shall be minimal and subtle. Doors shall be recessed no less than twelve inches (12"). The garage, front shall be stepped if longer than twenty-six feet (26'). If more than four (4) vehicles are to be stored, the balance of the vehicles shall be stored in tandem. Alternatively, separate garages physically located on opposite sides of the façade or in an "L" configuration may be constructed. Design of the door shall be consistent with the overall architecture of the house. Door color shall be subdued and be complementary to and not contrasting with the building. Doors shall be sectional. One-piece or single slab type garage doors shall not be permitted. Glass, if any, on the garage door must be opaque. Height of the garage door shall be a maximum of eight feet (8') in all Subdivisions other than the Estates. See 4.14 (b) for garage setbacks and heights for the Estates Subdivision.

(d) Garages must be insulated and have finished interiors. All garages must be equipped with an automatic garage door opener. When the garage is not in use, garage doors shall be in a closed position. Garages shall be used only for the purpose of parking automobiles, golf cars and storing of household items and not as a workshop or storage of merchandise or other such uses. Partial garage conversion may be approved if adequate room is available for parking of the number of vehicles owned by the homeowner.

4.15. Fireplaces and Chimneys. Wood burning fireplaces shall not be permitted in Sand Hollow Resort. Fireplaces are more of a decorative item. Flue of the direct vent fireplace shall be concealed from general view via screen wall or landscaping. The chimney is a dominant element

of architectural design and therefore shall be proportionate to and consistently detailed with the overall architectural design. Flue pipes shall be encased with a chimney enclosure of metal masonry and/or stucco, no taller than eighteen inches (18”). See generally Exhibit 4, Maximum Building Height, depicting the “chimney cap.” Fireplace walls shall run down to grade when located on an exterior wall.

4.16. Solar Equipment. The design and placement of solar equipment shall be integrated with the architectural design of the structure. All solar equipment design and locations must be approved by the ACC.

4.17. Mechanical Equipment. Ground source heat pumps are recommended. Forced air HVAC system with ground mounted condensers will be accepted. Condensers shall be screened by use of a solid wall.

ARTICLE 5 CONSTRUCTION AND CONTRACTOR PROVISIONS

5.1. Application. The following provisions are applicable to any construction performed within the Subdivision, whether new construction, remodeling, or any replacement structures.

5.2. Owner Responsibility. Owners shall be responsible for the conduct and behavior of their contractors and other agents and representatives involved as it relates to following the provisions of this Design Code.

5.3. Commencement and Completion of Construction. The Declaration (at Section 6.12) provides that: “The construction of any building on any Lot within the Property shall be continuously and diligently pursued from and after the commencement of such construction, and in any event shall be substantially completed within (a) thirty-six (36) months after conveyance of the Lot to a contract purchaser, or (b) twelve (12) months after commencement of construction. These time-periods shall not renew upon a subsequent conveyance or transfer of the Lot by the first contract purchaser thereof. For purposes of this section, “**substantial completion**” shall be the date on which the Lot Owner receives a certificate of occupancy from the City of Hurricane. Failure to complete construction by the specified deadline shall result in a fine of up to \$500 per day, for each day until substantial completion. The ACC may waive or reduce any fine, in its sole discretion and for good cause shown.

(a) As used in this Design Code, “**commencement of construction**” means the date on which physical site work begins on a Lot in connection with the construction of a building or improvement following issuance of all required permits from the City of Hurricane. The Lot Owner, or its authorized contractor, shall notify the ACC in writing within five (5) days of the actual date of commencement of construction. If no written notice is provided, the ACC may deem the date of commencement of construction to be thirty (30) days before the date the site work is first observed or documented, as reported to the ACC.

(b) As used in this Design Code, “**contract purchaser**” means any person or entity that has entered into a binding agreement to purchase a Lot from the current title holder, whether or not legal title has transferred, and who has a present right to possession or the right to direct construction activity on the Lot, including pursuant to an escrow

agreement, land installment contract, or other similar arrangement. A Lot shall be deemed conveyed to a Contract Purchaser on the earlier of: (a) the date title is recorded in the name of the Contract Purchaser; or (b) the date the Contract Purchaser is granted possession or control of the Lot for purposes of construction under the purchase agreement.

5.4. Estates Subdivision Time Frame for Construction. Notwithstanding anything contained in the Declaration or this Design Code, construction of any building on any Lot within the Estates Subdivision shall be substantially completed within the earlier of (a) twenty-four (24) months after conveyance of the Lot to a Contract Purchaser or (b) twelve (12) months after commencement of construction. Failure to complete construction by the specified deadline shall result in a fine of up to \$500 per day for each day until substantially completion (as defined above) has been achieved. The amount of the fine or any reduction or waiver thereof shall be at the sole discretion of the ACC.

5.5. Building Materials Storage. No Lot, part or portion of the Property shall be used or maintained as storage for building materials except during a construction phase. There shall be no staging or storing of materials on adjacent Lots without the prior written consent of the Owner of the Lot on which the staging or storage is proposed and the ACC. Such owner consent is to be submitted to the ACC prior to the start of construction. Once a home is occupied or made available for sale all building materials shall be removed or stored inside such home, out of public sight.

5.6. Vehicles and Parking Areas. Construction crews will not park on, or otherwise use other Lots for parking. Private and construction vehicles and machinery shall be parked only in areas designated by the ACC. All vehicles will be parked so as not to inhibit traffic, and within the designated areas so as not to damage the natural landscape.

5.7. Maintenance of Lot During Construction. Contractors must provide on-site dumpsters during construction and are required to clean up the site daily to maintain a clean work site during construction. Dirt or mud from the construction site or elsewhere, dispersed, directly or indirectly, on the public streets within the Property must be cleaned up within twenty- four (24) hours by the contractor. The ACC may levy up to a Five Hundred Dollar (\$500) fine against a violator of this subsection and/or the Owner of the Lot for each day of a continuing violation. The fine shall be a charge on the land and shall be a continuing lien on the Lot.

5.8. Excavation Materials. Excess excavation material, if any, must be hauled away from the Subdivision.

5.9. Damages. Any damage inflicted on existing improvements such as curbs, gutters, streets, concrete sidewalks, landscaping and such, by the Owner and/or their agents of any particular Lot (occupied or vacant) in the Subdivision must be repaired within thirty (30) days after such damage is discovered, and the expense of such repair shall be borne by the Owner and/or their agents.

5.10. Permitted Hours of Construction. Without prior written consent of the ACC, construction activities and equipment maintenance shall take place only between the hours of 7:00 a.m. to 5:30 p.m., Monday through Friday, and 8:00 a.m. to 4:00 p.m., on Saturday. No construction activities shall be allowed on Sunday. Non-noise generating construction activities, such as interior painting, etc., shall not be subject to this restriction.

5.11. Dust and Noise. Contractors shall be responsible for minimizing dust and noise

from the construction site.

5.12. Temporary Construction Signs. Temporary construction signs are permitted but shall comply with the construction signage requirements and restrictions set forth in **Article 10**.

5.13. Soils Test. Lot Owners are encouraged to obtain a soils test and recommendation on foundation from a Utah registered engineer prior to construction. The ACC may require that the Lot Owner obtain a soils test and recommendation on foundation prior to the final ACC approval. Furthermore, the ACC shall place a condition on final approval of following the recommendations set forth in the soils test document. By approving the commencement of construction after review of any soils test and recommendation, the ACC is not warranting and shall not be deemed to have warranted the results of such test or recommendation. Lot Owners assume all responsibility for any damage or issues caused by soil or water conditions on their Lot.

5.14. Owner and Contractor Responsibilities and Requirements.

(a) Each Owner is responsible for hiring contractors and subcontractors licensed in Utah to construct the Owner's residence or other improvements. Contractors, subcontractors, equipment operators and their employees are the responsibility of the Lot Owner employing them. Owner-builders have the same responsibility as a general contractor.

(b) The Owner or Owner's general contractor or superintendent is required to provide someone on-site with adequate authority (whenever one is needed) to receive deliveries and direct suppliers and subcontractors.

(c) All equipment operators must possess an appropriate driver's license. All vehicles must be parked on one side of the street, along the lot frontage.

(d) The Owner is responsible for making certain that all construction personnel are familiar with and obey the rules governing their activities at Sand Hollow Resort.

(e) Each general contractor or superintendent is responsible for familiarizing their employees, subcontractors and suppliers with all relevant construction requirements and provisions in the Design Code and enforcing them. Each general contractor or superintendent is responsible for controlling employee work hours and controlling any activities of employees that may be deemed as an annoyance or nuisance to lot owners (i.e., radio volume).

(f) The Owner or Owner's general contractor or superintendent is required to construct the residence and surrounding improvements according to the plans, specifications and revisions approved in writing by the ACC.

(g) Each Owner and Owner's general contractor shall be responsible for providing adequate sanitary facilities for their construction personnel.

(h) The Owner or Owner's general contractor or superintendent is required to schedule inspections as described in the preceding section. Failure to do so shall cause a penalty in the amount of three hundred dollars (\$300.00).

(i) Upon completion of any improvement, the Owner shall give written notice thereof to the ACC.

5.15. Temporary Construction Facilities. A Temporary Construction Facility may be placed on the Lot. A Temporary Construction Facilities Plan indicating the location of the facility on the Lot will need to be submitted and approved by the ACC prior to its installation. Such facilities are not mandatory. No construction trailers or other Temporary Construction Facilities will be allowed without the ACC's approval. In no case shall trailers or Temporary Construction Facilities be used as living quarters. All Temporary Construction Facilities shall be subject to immediate removal upon notice by the ACC or designee and must be removed within one (1) week after receipt of the Certificate of Occupancy for the structure.

(a) Temporary Water. A temporary water riser together with one hundred fifty-foot (150') minimum of three-quarter inch (¾") heavy duty rubber water hose for dust control and a hose stand shall be provided and installed in accordance with the ACC's requirements.

(b) Temporary Toilet. A temporary portable toilet in good condition shall be provided with a biweekly chemical maintenance program. These units shall be maintained in a clean, sanitary and odorless condition. The color of the temporary toilet facilities shall be approved by the ACC, and shall be located only on the building site itself or in other areas approved by the ACC

(c) No Interruption of Water Flow. It is the responsibility of the contractor to ensure continuation of water flow to adjacent Lots so that damage is not done to other properties landscaping, etc.

(d) Dumpster. A minimum three (3) yard steel roll-off dumpster shall be maintained in clean exterior condition, free of graffiti, on the Lot for the duration of the construction phase for adequate containment of all construction waste. The color of the dumpster shall be approved by the ACC. A regular dumping service shall be utilized so that overflow and unpleasant odors do not occur.

(e) Plan Box and Lot Sign. A plan box and accompanying Lot sign shall be installed in accordance with the ACC's standards. A complete set of approved plans and permits shall be maintained in the plan box while the residence is under construction. The ACC must be provided with a key or combination if the plan box is locked.

(f) Temporary Construction Trailer. Trailers shall be no larger than 12' x 20', and shall be maintained in good, clean condition and repair. The color of temporary construction trailers must be approved by the ACC. No construction "shacks" will be permitted. All signs must be removed from trailers.

(g) Storage Bins. Storage bins for on-site material storage shall be steel and maintained in good, clean condition and repair.

(h) After the Temporary Construction Facilities Plan has been approved and the actual facilities installed on the Lot, the ACC's member or a representative may make a site inspection of the facilities.

5.16. Use of Adjacent Property. The use of properties adjacent to the Lot under construction for vehicle access purposes or equipment and material storage shall not be permitted without the approval of the ACC and property Owner. A variance request with written consent from the property owner and builder is to be submitted to the ACC for approval. This written consent is to contain the specifics regarding use and period of time to be covered. The Builder is also to state that the property will be replanted with native materials upon completion of use.

General contractors, employees, suppliers, and subcontractors shall not enter common areas for any reason at any time. All adjacent properties, if accidentally encroached upon, must be returned to their original condition at the end of construction period. The security deposit will be held until this is accomplished.

5.17. Prohibited Practices. The following practices are prohibited within the Property:

- (a) Cleaning equipment other than at locations, if any, designated for that purpose by the ACC.
- (b) Changing oil on any vehicle or equipment.
- (c) Dumping or disposing of concrete within the Subdivision.
- (d) Removing any rocks, plant material, topsoil, or similar items from any other Lot or property within the Subdivision without the prior approval of the Owner of the property.
- (e) Using disposal methods other than those approved by the ACC.
- (f) Careless disposition of cigarettes and other flammable material.

5.18. Site Conduct and Safety Precautions. The contractor, job superintendent, and their employees, subcontractors and suppliers shall:

- (a) Comply with all the construction provisions established in the Design Code and the Declaration.
- (b) Follow the directives of Sand Hollow Resort security and staff and the ACC
- (c) Not consume alcoholic beverages on the site
- (d) Not damage or disturb the work of others
- (e) Take all necessary precautions for the safety of all persons, materials, and equipment on or adjacent to the site. Furnish, erect and maintain approved barriers, lights, signs and other safeguards to give adequate warning to everyone on or near the site of dangerous conditions during the construction of the project.
- (f) Not disturb residents or guests of Sand Hollow Resort
- (g) Not play loud music at the construction site

ARTICLE 6
GRADING AND SITE DRAINAGE

6.1. Objective. Preservation of the natural topographical forms and features within the Property is of paramount importance. Therefore, no alteration of the existing Building Pad, as initially prepared by the Declarant, shall be permitted on any custom home site unless it is determined by the ACC to be absolutely necessary. Homes and yard improvements shall be designed to nestle into the natural terrain rather than perch on it. The ACC may require building and other improvements to be terraced (multilevel) to achieve this objective.

6.2. Pre-Grading by Declarant. It is anticipated that most Lots within the Resort for construction of custom homes will be pre-graded by the Declarant. On Lots that are not pre-graded, the Owner shall submit a site plan to and obtain approval from the ACC prior to grading the Lot and disturbing the natural topography thereof.

6.3. Slopes. No slopes shall be steeper than a ratio of three-to-one (3:1).

6.4. Cuts and Fills. A cut or fill may be approved by the ACC and shall be on a case-by-case basis only. Except for basements, grades may not be raised or lowered more than four feet (4') within the Building Footprint or more than two feet (2') within the setback. Cut and fill slopes shall not be exposed but rather finished via a retaining wall of approved material or via an approved treatment. In the case of cut and fill slopes between two lots, the center line of the slopes shall be situated along common property line. The maximum height of a retaining wall shall be four feet (4'). Retaining walls shall be of a material and color pre-approved by the ACC, which generally shall be boulders, concrete, stucco, and/or stone of a color native to southern Utah.

6.5. Interiors of Culverts. The interior of any culvert shall be painted up to a depth so that the unpainted material is not visible. The color shall match the existing ground. Any alteration to washes carrying significant drainage from storm or flood shall require special approval by the ACC.

ARTICLE 7
LANDSCAPING

Sand Hollow Resort's site is unique in character and offers a full variety of desert vegetation. Improved grounds on home sites shall protect, nurture and enhance this vegetation. Existing vegetation is indigenous and appropriate to the Southern Utah desert environment. contractors and Owners shall ensure that developed areas will harmonize and blend with the existing natural environment rather than dominate the same. The objective of the landscape standards is to guide homeowners and builders in achieving this goal. Transplanting of lush greenery from other regions will be against the philosophy of the Resort.

7.1. Landscape Plan. Landscaping shall be completed in accordance with the landscape plan submitted to and approved by the ACC. The landscape plan shall include, but shall not be limited to, details and descriptions for the planting of lawn, grass or other appropriate ground cover, appropriate shrubbery and trees, and appropriate drainage systems.

7.2. ACC Reserved Rights. The ACC may establish reasonable design standards, restrictions, and guidelines to govern landscaping design, which may include a master design plan

to govern the types and species of vegetation, plants, and trees that might be allowed, as well as the placement of the same. To promote water conservation, the ACC design standards, restrictions, and guidelines may also include requirements for drought resistant landscaping. The approval of any landscape plan or design by the ACC is solely an approval of the plan or design for aesthetic purposes and is in no way an approval of the design for drainage or other issues, which are the sole responsibility of a Lot Owner to address and ensure in accordance with applicable law.

7.3. Completion. Landscaping shall be complete prior to occupancy of the dwelling structure.

7.4. Setback Treatment.

(a) Setback. In a tract development such as a Multi-Family Residential and Planned Unit Development, grass shall be permitted in the developed areas. In a Single-Family Custom Home development grass shall be permitted within the Setback. In either case the total area of grass shall be limited to no more than fifty percent (50%) of the area that is available for soft scape. Landscaping material within the Setback shall be those materials as listed in the Sand Hollow Resort Landscape Standards (see Exhibit 5). Plants used in private courtyards or patios, which are shielded from view of neighboring properties and general public, may be left to the discretion and personal taste of the homeowner with the exception that they shall be no taller than six feet (6') or taller than the fence or any structure around it. The ACC may allow variances to this requirement upon determination that the proposed design is in the spirit of this Design Code. Such variance shall be on a case by case basis.

(b) Transitional Zone. The Transitional Zone encompasses that area which is immediately around the Setback as well as adjacent to the developed elements outside of the Setback such as driveway, entry walk and sidewalk. The extent of Transitional Zone may vary from five feet (5') to fifteen feet (15'). The existing landscaping within this zone shall be preserved and further enhanced by cleaning up the grounds, removing dead plants and adding new vegetation that is compatible with the existing pallet of landscape material. This additional planting shall be done in a manner that imitates the natural growth pattern of plants and shall not be in a regimental or formal pattern. **Exhibit 5– LANDSCAPE ZONES**, shows this condition for a Custom Home Development. In Multi-Family and P.U.D. developments, the landscape plans shall indicate subject zone.

7.5. General Requirements.

(a) Landscape plans must be prepared by a landscape professional and approved by the ACC. Any portion of the Lot not used for buildings, patios, driveways or sidewalks shall be landscaped at the time improvements are made upon the Lot. All Lots shall be landscaped in accordance with the Sand Hollow Resort Landscape Standards (see Exhibit 5) and shall be provided with an automatic irrigation system. All plant materials shall meet the requirements of the American Standard for Nursery Stock – ANSI Z601.

(b) Plants shall be selected such that they are of appropriate size and shape for the yard being designed. Shrubs over three feet (3') in height or trees with a canopy lower than twelve feet (12') shall not be planted within the front half of the front yard, as measured from the back of the curb and the face of the building. This is required to allow

for visibility along the street. Minimize planting of certain types of trees in narrow side yards to avoid the need for excessive continual pruning. Locate shade trees near the house for their cooling effect. Consider deciduous varieties on the south and west sides to access the winter sun to the house and yard.

(c) Non-turf areas shall be treated with an approved pre-emergent prior to, and after, placing landscape materials to prevent weed growth. Weed barrier and/or use of plastic lining is not permitted. A fabric such as Mirascape by Mirafli or Geoscape may be considered by the ACC.

7.6. Vegetation.

(a) Shrubs. Shrubs of a single variety shall be massed to avoid a sporadic appearance. The variety of plant material should be somewhat limited because too many types are often confusing and detract from the overall landscape theme.

(b) Turf. To maximize the cooling effects of turf, these areas should be located adjacent to or near the house where they are also easily accessible for recreation and enjoyment. Refer to restrictions on location and extent, which have noted in the LANDSCAPE ZONE section. Artificial turf is not allowed.

7.7. Rock Mulch. Shrub and ground cover areas may be covered with a minimum of 2" top dressing of ¾" plus rock. Bare ground is permitted if treated. ¾" plus rock will be a reddish-brown earth tone color. ¾" plus rock must be approved by the ACC before installation takes place.

7.9. Large Decorative Boulders. The color of any exposed rock surfaces shall match as nearly as possible the color of the surrounding rocks. Boulders may be used in the landscape. They shall be sunk a minimum of one third (1/3) below grade and be in groupings to appear as if they existed naturally. An oxidizing or aging agent may be used to achieve this desert varnish color.

7.10. Irrigation.

(a) Irrigation is critical for establishment of indigenous plants and many of the arid-region plant material; however, once established the plant material can survive with little or no water. While designing the irrigation system this element must be considered. Spray irrigation has negative impact on the microclimate as it has a large rate of evaporation and excessive run off onto natural desert area escalating weed growth. Drip irrigation is the most appropriate and mandatory in Sand Hollow Resort since this type of application delivers water directly to the root zone and uses less water as well. Spray irrigation shall be limited to turf areas only. Irrigation shall be installed and be fully operational prior to or simultaneously with the installation of all plant material. All landscaped areas shall be proved with an automatic irrigation system or systems. All permanent irrigation systems shall be below grade while temporary irrigation systems for new vegetation in the area outside of the Setback shall be above ground. This would result in a minimum disruption of the natural area. Install the temporary irrigation system in a manner to avoid run-off into the adjacent natural area since established native vegetation does not need irrigation and supplemental water can lead to disease and death of many of the plant species.

(b) All systems shall have a backflow prevention device to prevent non-potable

water from entering the potable water system. Irrigation controllers and back flow prevention devices shall be located such that they are not visible from adjacent Lots or streets. Systems shall be designed to minimize run-off and loss of water. Use of tensiometers and rain guards are encouraged to prevent the unnecessary watering of the landscape during rainstorms. The irrigation system shall be designed to meet the peak demands of all the plant material. Where spray heads are used, they shall be the “pop-up” type. No exposed “knocker heads” are permitted. The irrigation system shall be designed for the scale of the yard. Spray heads shall have a maximum fifteen-foot (15’) radius throw, unless otherwise approved by the ACC.

7.11. Landscape Lighting. Landscape lighting shall be permitted within the Setback, in the front yard portion of the Transitional Landscape Zone and along the walkway leading to the front door. Landscape lighting shall be shielded to prevent nuisance glare onto adjacent properties. Lighting should be automated and controlled by a timer. Conceal “uplights” as much as possible by boulders and shrubs to decrease their visibility during the daytime. Above grade fixtures shall not be permitted in turf areas. All outdoor fixtures shall be low voltage and use incandescent or florescent lamps. Colored lenses shall not be permitted (e.g., blue, green, red). Post lights taller than three feet (3’) are not permitted. All light fixtures shall be compatible with the architecture of the Resort. Walk lights may be used along walkways and driveways and shall project downward only. No exposed bulbs shall be permitted. All fixtures shall use an integral or below grade junction box. Fixtures shall not exceed fifteen inches (15”) in height. Fixtures are to be finished to blend with the area they are place within.

7.12. Water Features. Water features shall be kept in scale with the house and shall minimize jets, sprays, and surface area, to reduce the loss of water through evaporation. Any water feature visible to the surrounding area shall require approval by the ACC. Flash evaporation (micro-mist) systems may be installed. Water features shall be designed as part of the building architecture.

7.13. Art Objects. Art object shall not be installed outside of the Setback unless approved. Objects visible to the surrounding area shall require approval by the ACC.

7.14. Maintenance. Upon approval of landscape installation by the ACC, maintenance will be provided as per Article 8 of the Declaration.

7.15. Modifications. Any modifications to the landscape visible to the public areas or to adjacent properties shall require approval from the ACC prior to such modification.

ARTICLE 8 VEHICULAR PARKING AND DRIVEWAYS

To reduce the visual impact of vehicles there are specific controls established for on-site parking, driveways and garage location design. As used herein the term “vehicles” shall mean and include cars, vans, trucks, trailers, motor homes, motorbikes, dirt bikes, bicycles, boats and such (motorized or non-motorized). No on-street overnight parking is allowed within Sand Hollow Resort except in designated locations. Violators of parking regulations may be cited, warned, and fined by the Master Association.

8.1. On-site Parking Requirement. All vehicles must be kept in garages at all times.

Visitors' vehicles may be parked (uncovered) on-site during their period of visit. A garage must be designed and built of a size large enough to accommodate storage of all vehicles intended to be stored on that site. No RV parking will be allowed on or around individual lots.

8.2. Recreation Vehicle Parking. Small recreation vehicles, if to be stored on site, must be kept within a garage where the garage door height does not exceed eight feet (8'). Large recreation vehicles such as motor homes or travel trailers must be stored outside of the Resort.

8.3. Driveways. Driveways shall be designed to intersect with the street at approximately 90-degree angles for safety, visibility and continuity. Driveways shall be at least thirty feet (30') away from any street intersection. Where the Lot requires a side entry garage, driveways shall be a maximum of eighteen feet (18') wide; solid concrete driveways with deep cuts are not permitted; driveway finish shall be of a material, color and texture in harmony with the existing grounds. Typical acceptable materials are a brick, or concrete paver, or colored concrete with stamped, salt finish or other texture. Driveways of other materials that are in harmony with the materials of the residence are also encouraged. Asphalt driveways for homes shall not be permitted. The large expanse of driveway shall be screened from general view by a berm, a screen wall or a courtyard wall, in addition to appropriate landscaping.

ARTICLE 9 WALLS AND FENCING

9.1. Walls and Fences Generally. Fences have a predominant effect on visual and social aspects of a neighborhood. Property fences close off individual Lots, create a continuous visual barrier and close off natural vistas. Sand Hollow Resort's goal is to create an open environment allowing nature to flow without being dominated or obstructed by manmade physical barriers. However, fences are necessary for individual privacy, health, safety, and screening of unsightly elements. Several types of fences, as defined and categorized here, shall therefore be permitted within Sand Hollow Resort. A typical Lot may have several types of fencing including perimeter, courtyard, privacy, screen and pool fencing. Design standards for these fences, as enumerated herein, shall be adhered to in all developments including single family detached, attached and PUDs. The height of fences as established in the individual Tract Declarations is to be measured from the higher ground. For reference, see Exhibit 3 governing Fence/Wall Heights.

9.2. Project Fencing. Project fencing runs along the perimeter of the Property, along the public streets, along the golf course and around individual lots. The color of project fencing is to be Cappuccino 100. This fence defines the limits of Sand Hollow Resort, subdivisions, and lots. The project fence design is set by the Declarant and may be constructed by the Declarant, an individual project developer, the Golf Course owner, by a Lot Owner or a combination of these as established by individual Tract Declarations. Design details defining material, texture, location and color of this fence are established by the ACC. The project fence shall meander along all public street frontages and follow property lines along the Property boundary. The fence shall be visually solid at locations where security is a prime concern and shall be open at important view corridors. Individual neighborhoods within Sand Hollow Resort may have separate project fencing requirements. Retaining walls, when required, are to be installed on a lot by lot basis. The Owner is responsible for maintenance of the fence established by individual Tract Declarations.

9.3. Courtyard Fencing. The function of a courtyard fence is to create private outdoor areas such as an entry court or a rear yard. The courtyard fence is an extension of the architecture

of the home and therefore its texture and color shall be similar to the house exterior. The fence design shall be compatible with the house architecture. Shadow lines, articulated cap detail, tile bands or other architectural treatments, to break the monotony, are promoted. In no case shall the thickness of a fence be less than six inches (6"). Courtyard fences may be of a variable height approved by the ACC. Porticos incorporated in the fence design shall be a maximum of nine feet (9') high. A fence may be solid, open or a combination thereof. Wrought iron is approved for use in an open fence design. Open concrete block units (such as the one with "XX" opening) are not permitted. Other materials may be permitted by the ACC.

9.4. Privacy Fencing. The privacy fence creates a shield for an interior garden, a bedroom, a bathroom, or side yards. Use of privacy fencing shall be limited. Design, material, color and texture criteria shall be the same as for courtyard fencing except that maximum height of a privacy fence may be up to eight feet (8'). Side yard fencing shall not exceed six feet (6').

9.5. Screen Fencing. Screen fences must be installed to screen unsightly elements such as air conditioning and pool equipment and utility meters. All service areas such as storage of trash cans shall be behind a screen fence. It would also be used to create outdoor areas for household pets. Design, material, color and texture criteria shall be the same as for the courtyard fencing, except that the maximum height may not exceed six feet (6'). Screen fences must be solid in all areas, except in a designated pet area where it may be open provided that other unsightly elements are concealed by additional interior fence or vegetation.

9.6. Pool Fencing. Pool fencing is required by the City and must meet the City's zoning and subdivision ordinances. In most cases, pool fencing will be the same as Project Fencing. If separate from the Project Fence, a pool fence may be solid, open, or a combination thereof. The design, construction, material color and texture criteria shall be the same as for the courtyard fencing. The extent of the pool fence shall be limited to the pool and decking and landscaping area around it. Pool fence height shall meet the requirements established by law as measured from the outside of the pool area.

(a) Pools, hot tubs, etc. installed in The Dunes require that the backyard be enclosed. Gates shall have a locking mechanism.

(b) Pools, hot tubs, etc. installed in The Retreat must be enclosed within a courtyard area that is contained within the footprint of the home. The courtyard can have an open roof, however, must contain a door (sliding glass door, French door, etc.) that is lockable.

9.7. Golf Course Fencing. The Declarant will design any fencing along or adjacent to Golf Course Land. Color of Golf Course Fencing shall be Cappuccino 100. In the event this fencing is destroyed, any replacement thereof shall be similar to that initially installed by Declarant. Owners of Lots adjacent to Golf Course Land shall pay for golf course fencing installed by the Declarant. This payment shall be made within thirty days of presentment by the Declarant.

9.8. Gates. Gates shall be artistically designed. The design shall be in harmony with the architectural style of the main structure. Gates as referred to herein are for portico, courtyard, entry, service area access and such locations. Gates may be constructed of metal, wrought iron or heavy timber. Other material may be considered by the ACC on a case by case basis. Colors used for gates shall be muted and not primary. Wrought iron gates shall not include elements such as

arrows in the design. Electronic operators, if used, shall be concealed by screen walls. **Gates along Golf Course that would allow any person to access the Golf Course are prohibited.**

9.9. Timing of Fence Construction. Fencing on individual Lots must be completed prior to final inspection.

9.10. Fence Plan. A fence plan shall be submitted to the ACC for approval with the building plans. Any variances to this policy must be submitted and approved by the ACC.

ARTICLE 10

EXTERNAL APPARATUS; SITE ACCESSORIES; SIGNAGE

10.1. External Apparatus. No Lot Owner shall cause or permit anything (including, without limitation, awnings, canopies or shutters) to hang, be displayed or otherwise affixed to or placed on the exterior walls or roof or any part thereof, or on the outside of windows or doors, without the prior written consent of the ACC. Notwithstanding the above, the ACC, in administering to this section, shall be flexible and reasonable to allow for holiday lights and displays and outside door hangers and “welcome” signs, or similar small craft related items.

10.2. Satellite Dishes, External Television, or Other Antennas. Except for antenna designed to receive direct satellite services, including direct-to-home satellite services, that is one meter or less in diameter or an antenna designed to receive video programming services via multipoint distribution services, including multichannel multipoint distribution services, instructional televisions fixed services, and local multipoint distribution services, that is one meter or less in diameter or diagonal measurement (“Permitted Antennas”), antennas for radio, television, or device for the reception or transmission of radio, microwaves or other similar signals are restricted to the attic or interior of the home. Consistent with applicable law, the ACC may require location and screening of Permitted Antennas in order to minimize obtrusiveness as viewed from streets and adjacent property and may require that Permitted Antennas be painted or colored to blend into the surrounding structures.

10.3. General Lighting Standards.

(a) Sand Hollow Resort’s primary goal for lighting is to preserve the ambiance of the night-time desert sky. As a result, exterior lighting shall be minimal and of a low intensity. Lighting is divided into two categories as referenced in this Design Code: 1) General Lighting; lighting attached to buildings, poles, posts and fences. 2) Landscape Lighting; lighting installed on the ground or trees. General Lighting Standards are listed in this section and the Landscape Lighting Standards are listed in the Landscape Design Standards.

(b) The primary function of General Lighting is to provide light for normal use of premises and for public health and safety. General Lighting shall be installed only in the areas that are primarily required for use on an everyday basis and for the normal function of a home. Examples of this type of lighting include porch, patio, port-cochere, and service area. General Lighting shall not be in abundance. Light sources shall be localized, carefully placed and directed such that it will neither flood the adjacent areas, nor will the source be visible from neighboring properties. As much as possible the lighting fixtures shall be recessed or physically integrated into the part of the structure it is on.

(c) The Lot identification element must be lighted so that the address numbers can be seen at night. Lighting shall be directed downwards and pointed at the numbers.

(d) Front landscape lighting may stay on between the hours of dusk till midnight.

(e) No light shall be placed on top of any building or fences. Neither eave lights nor ground mounted flood lights to wash the exterior of the house shall be permitted.

(f) Security lights with motion detectors may be installed, however, they shall be on for no more than twenty (20) minutes at a time. These lights shall not be visible from neighboring properties. Should they be found to be a nuisance, the HOA may ask that the lights be shut off permanently.

(g) Motion detectors shall be pointed in a manner such that the lights would not go on and off by motion of vegetation. Only incandescent lamps with a maximum of 75 watts shall be permitted for all General Lighting. No lamp post type of lighting shall be permitted to light yards in any part of the property. Colored lighting shall not be permitted. No lighting shall be permitted outside of the Setback except for the driveway, the entry walk, and limited landscape lights.

10.4. Signage.

(a) In order to maintain the residential character of the Resort, no permanent signs of any type such as security, professional services, architect, general contractor, subcontractors, financing institutions, real estate, pool company, etc., are permitted on any residential sites in Sand Hollow Resort except for Construction and Real Estate signs as described below. No signage shall be placed on the property for political propaganda or garage sale. All signs must be reviewed and approved by the ACC prior to installation. The Master Association and the ACC shall have the right to remove any sign that is outside of a Lot Owner's home and which is in violation of this section. The foregoing restrictions shall not apply to the commercial activities, signs and billboards, if any, of the Declarant or its agents during the Declarant Control Period or by the Association in furtherance of its powers and purposes set forth in the Governing Documents.

(b) Construction Signage. A construction information sign (temporary) must be placed on a property during the course of construction. The design, construction and colors must be as per standard design provided in the Builder Packet. A plan box shall be attached to this sign which must have a set of approved plans at all times. The following information is mandatory and must appear on such signage. No other information shall be added, nor shall additional signs be attached to or suspended from the sign.

- (i) Property identification by Lot number and street address
- (ii) Owner's name
- (iii) General contractor's name, telephone number, email, and website
- (iv) Real Estate Company and agent names and telephone number if

the property is for sale

(v) The sign shall be located parallel to the sidewalk or curb at the front of the lot and be in plain view from the street. The construction sign shall not be lighted. The sign must be removed immediately upon receipt of a final building inspection from the City. Additional sign board's may not be hung or mounted on the main sign.

(c) Real Estate Signage. Only one "For Sale" sign may be placed upon any property in Sand Hollow Resort. Additional sign board's may not be hung or mounted on the main sign. The design, construction and colors must be as per standard design provided in the Builder Packet.

10.5. Flag Poles. Except for a flag pole for the display of the American flag, flag poles are not permitted in Sand Hollow Resort. Flag poles shall be mounted on a temporary basis. Any flag pole shall be subject to the ACC's approval for placement, design and height. The top of the pole shall not be higher than twelve feet (12') above the grade. The flag pole shall not be used as an antenna. No spotlight or other type of light directed at the flag or flag pole is permitted.

ARTICLE 11 ENFORCEMENT

11.1. Fines and Penalties. The ACC may levy a fine or penalty of up to Five Hundred Dollars (\$500.00) per day against any Owner who fails to refrain from violating this Design Code. The ACC shall provide written notice and opportunity for the Owner to cure the violation prior to levying such fine or penalty; provided, however, that no such notice needs to be provided for a continuing violation or for any failure to meet any deadline established in this Design Code. Moreover, no such notice is required for violations that can be cured immediately such as loud music, inappropriate disposal of flammable materials, inappropriate vehicular parking, etc. All fines and penalties levied, and attorney fees, expenses, and costs incurred in collecting such fines and/or penalties shall constitute a lien on the Owner's Lot and shall also be a personal obligation of the Owner, enforceable at law, until such payment therefor is made. Please refer to the then current Sand Hollow Resort Fine Schedule.

11.2. Action to Abate or Enjoin. In addition to levying fines or penalties, the ACC may initiate legal action to abate or enjoin any violation of this Design Code. The ACC shall be entitled to an award of its reasonable attorney fees, expenses, and costs incurred in pursuing such legal action.

11.3. Cumulative Nature of Remedies. The remedies provided for herein shall be deemed cumulative. Enforcement under this provision shall be in addition to any mechanism of enforcement provided in the Declaration or by applicable law.

ARTICLE 12 GENERAL PROVISIONS

12.1. Amendment. The ACC may amend or supplement this Design Code with the approval of the Board. Any amendments to this Design Code shall be prospective only and shall not apply to require modifications to or removal of structures previously approved once the approved construction or modification has commenced. There shall be no limitation on the scope

of amendments to this Design Code, and such amendments may remove requirements previously imposed or otherwise make this Design Code more or less restrictive. In the event the Declarant is not acting as the ACC, no amendment or supplement made by the ACC to this Design Code during the Declarant Control Period shall be effective unless the Declarant provides its prior express written consent to such amendment, which consent is within Declarant's sole and absolute discretion.

12.2. Implied Rights; ACC Authority. The ACC may exercise any right or privilege given to it expressly by the Governing Documents and this Design Code, or reasonably implied from or reasonably necessary to effectuate any such right or privilege.

12.3. Notices. Any notice required under the provisions of this Design Code to be sent to any Lot Owner shall be deemed to have been properly sent when mailed, postage prepaid, to the last known address of such Owner. Lot Owners shall be responsible for providing their addresses to the ACC, and, unless otherwise indicated by a Lot Owner, the address for notice to Lot Owners shall be the mailing address designated for the Owner's Lot.

12.4. Construction and Severability. All of the provisions contained in this Design Code shall be construed together in accordance with their purpose. Invalidation of any one of said restrictions, covenants or conditions, or any part thereof, shall not affect the enforceability or applicability any of the remaining restrictions, covenants or conditions, or parts thereof. This Design Code shall not be interpreted strictly; rather, it should be interpreted and applied in a reasonable manner, consistent with its intended purpose.

12.5. Interpretive Conflicts. In the event of any conflict between the provisions of the Declaration and this Design Code, the provisions of the Declaration shall control.

12.6. Gender and Grammar. The singular, wherever used herein, shall be construed to mean the plural when applicable, and the necessary grammatical changes required to make the provisions hereof apply either to corporations or individuals, men or women, shall in all cases be assumed as though in each case fully expressed.

12.7. Waivers. No provision contained herein shall be deemed to have been waived by reason of any failure to enforce it, irrespective of the number of violations that may occur.

12.8. Topical Headings. The topical headings contained herein are for convenience only and do not define, limit, or construe the contents of this Design Code.

* * *

Amended and Adopted and effective _____, 2025

EXHIBIT 1
[LOT IMPROVEMENT CRITERIA]

EXHIBIT 1: LOT IMPROVEMENT CRITERIA

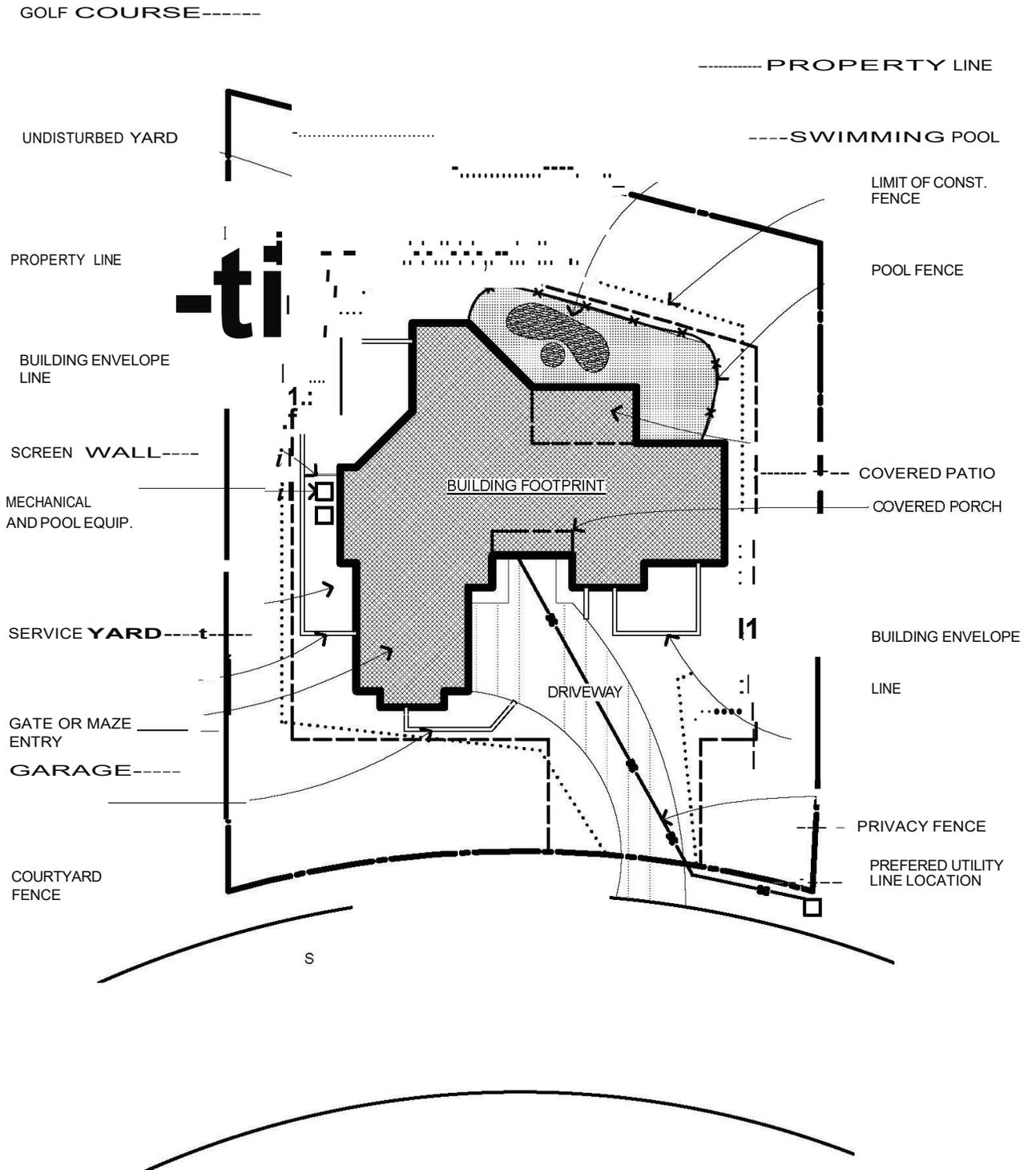


EXHIBIT 2
[ACCESS EASEMENT]

EXHIBIT 2: ACCESS EASEMENT

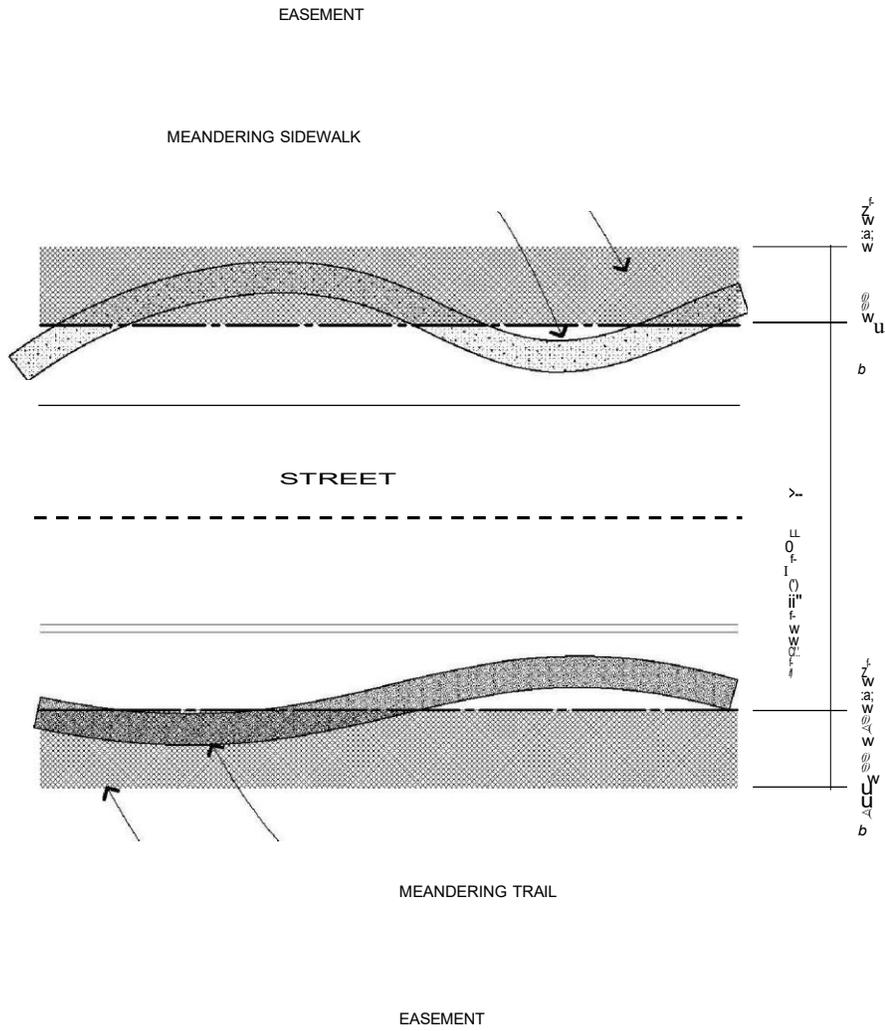
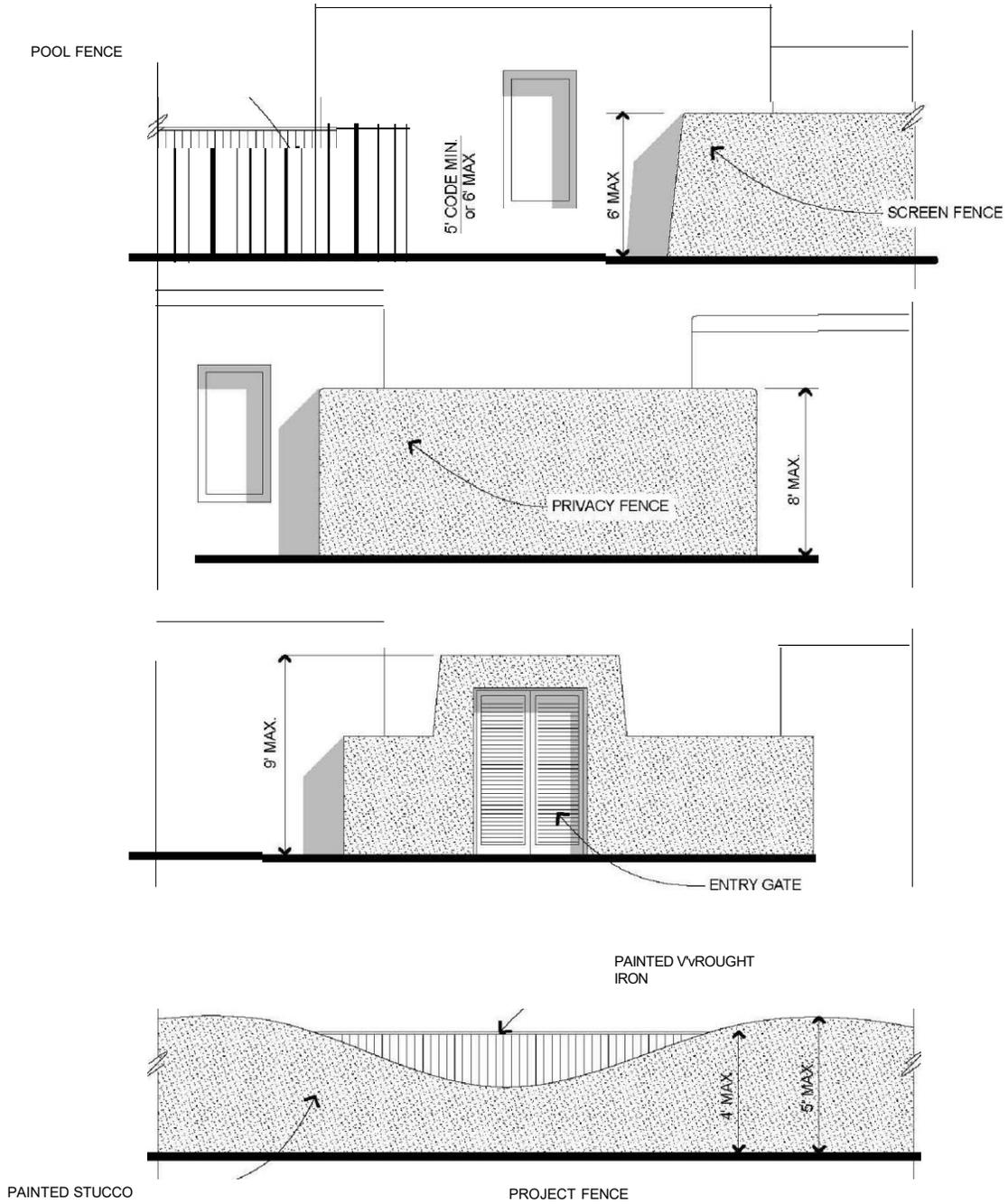


EXHIBIT 3
[FENCE/WALL HEIGHTS]

EXHIBIT 3: FENCE/ WALL HEIGHTS

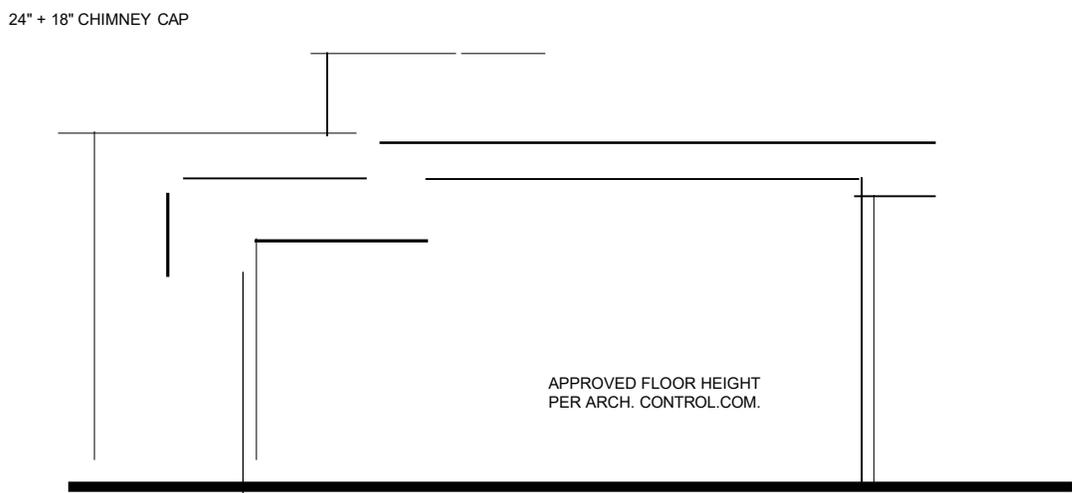
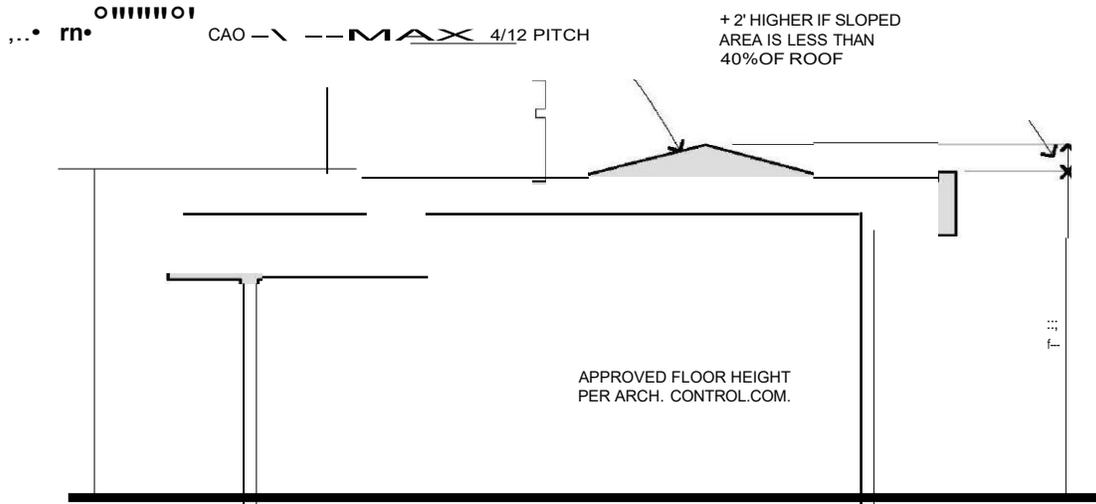


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EXHIBIT 4

[MAXIMUM BUILDING HEIGHT]

EXHIBIT 4: MAXIMUM BUILDING HEIGHT



12/25/08