

SUMMARY
OF THE
DESIGN GUIDELINES AND STANDARDS
AND
COVENANTS, CONDITIONS, AND RESTRICTIONS
(CC&R'S)
FOR THE
SKY MOUNTAIN GOLF COURSE COMMUNITY

Prepared and Distributed
By the
SKY MOUNTAIN DESIGN REVIEW COMMITTEE
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SKY MOUNTAIN PROJECT, A PLANNED COMMUNITY

MASTER ASSOCIATION DESIGN GUIDELINES AND STANDARDS and DESIGN REVIEW COMMITTEE

INTRODUCTION

Living in a master-planned community such as Sky Mountain offers many privileges as well as imposing certain restrictions. Sky Mountain has been developed for the mutual benefit of all of its residents. In order to preserve the value, desirability, attractiveness and architectural integrity of the Master Plan, the Covenants, Conditions and Restrictions (CC&R's) have authorized the formation of the Design Review Committee.

This Committee is vested with the power to review and approve ALL improvements to all residential dwellings in Sky Mountain. The Committee decisions will be based upon the Sky Mountain Design Guidelines and Standards and the CC&R's.

The following summary of the Design Guidelines and Standards and the CC&R's for Sky Mountain is provided for your benefit and it is recommended that you take the time to read this information. Please note that although this summary supports the CC&R's, they do not cover the entirety of the document. The CC&R's should be read carefully.

As set forth in the CC&R's of the Association, the Board delegates the duties and responsibilities of full authority of architectural and landscape control to an architectural committee that is vested with the power to review and approve all improvements to residential lots and dwellings in Sky Mountain. Such improvements include, without limitation, additions, modifications and alterations to residential dwellings, signs, fences, walls, screens, patios and patio covers, landscaping, building color selection and any other modification of the exterior of a dwelling or other improvement or alterations to your lot. Upon completion of the work, the Design Review Committee, or its duly appointed representative, shall inspect any improvement for which approval of plans were required.

The Design Review Committee, as appointed by the Board, does not seek to restrict individual creativity or personal preferences, but rather to help assure continuity in design which will help preserve and improve the appearance of the Community.

Prior to commencement of any addition, alteration or construction work of any type, you must first file an application with the Design Review Committee. Failure to obtain the approval of the Design Review Committee may constitute a violation of the CC&R's and shall require modification or removal of unauthorized work or improvements at your expense. In addition, a building permit will be required by the City or other governmental agencies prior to the commencement of any work. The Design Review Committee does not assume any responsibility for your failure to obtain such permits. Also, obtaining such permits does not waive the obligation to obtain Design Review Committee approval.

Included in the "Summary of the Design Guidelines and CC&R's" is an outline of the Design Review Committee which address the procedures and applications, including exhibit forms, which you will need to follow in order to obtain Design Review Committee approval. Please follow these steps and use these forms for any submittal to the Design Review Committee.

Design Review Committee

DESIGN REVIEW COMMITTEE

PURPOSE, CREATION, TITLE AND AUTHORITY

Purpose

Sky Mountain is a master planned golf course community. The Design Review Committee has been organized to create a safe, healthy and aesthetically appealing environment for those who live in the community.

The purpose of the Design Review Committee is to create a compatible environment for the coexistence of people, transportation and golf course usage enveloped by the need to create a lasting community environment which meets its residents' needs, provides a strong sense of community and civic presence with distinctive neighborhood qualities.

It is the owner's responsibility to ensure that actual construction is in compliance with approved plans. Occupancy may be denied by the Design Review Committee if construction is inconsistent with applicant's approved plans. A waiver may be granted by the Design Review Committee when appropriate for those conflicting standards with the local corresponding agency having jurisdiction. The owner shall meet the requirements and standards set forth in the Uniform Building Code as enforced by the local jurisdiction.

Creation

The Sky Mountain Design Review Committee (DRC) was created upon recordation of the Master Declaration of CC&R's for the Sky Mountain Residential Community of September 7, 1994.

Title

This body officially shall be known as the "Sky Mountain Design Review Committee." The terms "Design Review Committee," "Committee" and "DRC," where used herein, also shall refer to and mean the "Sky Mountain Design Review Committee."

Powers and Duties

The powers and duties of the DRC are set forth in the Sky Mountain Design Guidelines and Standards and the Master Declaration of the CC&R's for the Sky Mountain Residential Community.

Meeting Schedule

The DRC meets as required. Please call the office at 635-7781 for an appointment.

SUMMARY OF THE DESIGN GUIDELINES AND STANDARDS AND THE CC&R'S

1.0 MAINTENANCE OF HOMES AND LANDSCAPING

Each Owner, shall be responsible for maintaining and keeping his Dwelling Unit and Lot in good repair, including landscaping. In the event that an Owner fails to perform maintenance and repair for which he is responsible, the Association may exercise its right under the Sky Mountain Golf Course Community CC&R's. Article II, Section 1 thereof to enter the Owner's Lot and perform the maintenance or repair providing that the Association has afforded the Owner his notice and hearing rights as specified in Article X, Section 6 thereof. Owners of empty lots are responsible for the removal of unsightly weeds and trash.

2.0 STYLE AND COLOR

Colors should be predominantly light in shade, with limited use of accents. Earth tones are encouraged.

Accent colors are to be used only on special features, reveals, mullions, roof eaves, windows and doors.

Homeowners must also seek to coordinate colors with existing features such as: style, accents, roofs and walls, etc. Following color selection from the aforementioned color chart the painting contractor may be required to paint two (2) test patches 2'x3' for each of the new colors. Test patches shall be tangent when possible or as close as is practicable permitting consideration of color harmony in varied light conditions (i.e. direct sun and shade). This to avoid disappointment or conflict, should the paint appear differently when applied.

3.0 FENCES

- 3.1 In general, fences or walls will be allowed in the Sky Mountain Golf Course Community only if they strictly adhere to the established guidelines, standards and architectural approval process. Fences and wall approved are:
 - 3.1.1 As a safety feature surrounding a swimming pool or spa.
 - 3.1.2 To shield RV's from view.
 - 3.1.3 Side Yard Fencing-Side yard fences shall be approved but may not extend beyond the front corner of the house. Side fencing may be constructed of either finished block or wrought iron. All side yard fencing will adhere to height standards as established in 3.3 below.
 - 3.1.4 Rear Fencing-Rear fencing shall be approved. All rear fencing will be constructed in accordance with approved height and materials standards. Rear fencing shall be defined as fencing that extends beyond the back corner of the house or garage.
- 3.2 Fencing and walls are permitted on or around the front yard only if enclosing an existing and/or approved courtyard.
 - 3.2.1. Courtyard walls may not exceed a height of 4'-0". Courtyard walls must have a minimum setback of 10'0" from the curb.

3.2.2 Detailed plans must be submitted to the Design Review Committee (DRC) for review and potential approval prior to commencement of construction.

- 3.3 Height – No side or rear fence or wall shall exceed 6'-0" in height on the high side of the lot. . If lots are backing onto the golf course, fences contiguous with the golf course cannot exceed 4'0" in height.
- 3.4 Materials – In general, fences or walls shall be constructed of brick, vinyl, finished block or wrought iron. NO CHAINLINK OR COMPARABLE TYPE FENCING IS ALLOWED. Proposed walls and fencing will integrate with existing walls or fences with respect to issues such as color and height. Homeowners must submit to and obtain approval from the DRC as to the color of materials to be used. Rear fencing on lots on the golf course shall only be constructed of wrought iron.
- 3.5 Temporary Fences – No temporary perimeter fences are to be erected in the Sky Mountain Golf Course Community unless approved by the DRC.
- 3.6 Walls or fences will be permitted on the properties backing up to the pond common area. Fence or wall plans must be submitted to the DRC prior to installation for potential approval. The plan/design must provide a minimum 3' setback from the ponds in order to provide access to Association personnel or contractors to service the pond common area.
- 3.7 The construction of any fence or wall shall not commence on properties in the Sky Mountain Golf Course Community until the appropriate DRC submittal procedures, applications and approvals have been fulfilled. In order to avoid any disputes or litigation it is strongly recommended that all property owners prior to commencing the construction of fencing or walls obtain a licensed survey of their property lines.
- 3.8 If fence or wall applications are submitted for the following lots: 1a, 2a, 3a, 4a, 11a, 12a, 13, 14, 27a, 28a, 29a or 31, the DRC will conduct a thorough review of possible impacts to adjacent owners. This action is due to the irregularity and contiguous nature of the above identified lots.

4.0 MAIL BOXES

Registration with the Postal Service is the responsibility of all Homeowners within the Community.

5.0 LANDSCAPING

- 5.1 Time of Landscaping
 - 5.1.1 Front and side yard landscaping of a new home shall be completed prior to occupancy of the home.
 - 5.1.2 Rear yard landscaping shall be completed within six months of occupancy of home unless the home is located on a lot adjacent to the golf course, in which case it shall be completed prior to occupancy.
- 5.2 Landscaping is intended to enhance the appearance of the neighborhood and should coordinate with the landscaping of adjacent homes.

5.3 Trees Should:

- 5.3.1 Be of similar nature to established trees in the neighborhood.
- 5.3.2 Be maintained and not cause problems for neighbors.
- 5.3.3 Not extend beyond the height of the roofline if planted on the side or rear of a home.
- 5.3.4 Not extend into the neighbor's area without written approval.
- 5.3.5 Not interfere with a neighbor's view.
- 5.3.6 Not have a root system known to disrupt lawns, concrete or sewer lines.
- 5.3.7 Be removed/replaced if damaged or diseased.
- 5.3.8 Palm Trees. High winds and severe cold snaps present a major problem to Palm Tree survival. The use of Palm Trees for landscaping is to be discouraged but not prohibited.

5.4 All landscape areas must be planted with trees, shrubs, grass and/or ground covers in a fully integrated design theme.

- 5.4.1 The minimum requirement for plantings shall be five (5) plants and/or trees and or shrubs for every 100 square feet of yard space.
- 5.4.2 Synthetic grass may be used in front or back yards. Synthetic grass must be high quality and natural looking. If synthetic grass is used in the front yard, it shall not exceed 20% of the plantable area.
- 5.4.3 Dead trees, bushes, plants, shrubs or flowers (plant) must be removed within 15 days. The affected area must be improved within 30 days of the removal of the dead plant. "Improved" will be defined as replacement of the removed plant with like quality planting and/or other landscaping material such as boulders or decorative rock or grass.
- 5.4.4 Owners are responsible for trimming their trees, bushes, plants, shrubs or flowers from an adjacent property. Owners are responsible for root damage caused to an adjacent property.
- 5.4.5 Owners shall submit a request for any object larger than 30" in any dimension, or for multiple objects totaling 30" in any dimension. Decorative objects include but are not limited to: Ponds, fountains, sculptures and statues. Objects will be considered with regard to their appropriateness, with respect to theme, compatibility, color, materials, location and size and quality of workmanship.
- 5.4.6 Staking of trees-A minimum of three wooden posts shall be used to support. Heavy braided wire with suitable protection for the tree shall be used for securing the tree to the posts. These stakes may be removed when the trees are strong enough to resist wind. This is usually three years after planting.

5.5 Parkway Landscaping

- 5.5.1 The Parkway in front of each home shall be included in the owners' landscaping and irrigation plans and must consist of one 24-inch box tree per lot or one for each 30 feet, whichever is greater. The ground cover shall consist of natural grass.

5.5.2 Type of tree shall be a Bradford Fruitless Pear or Flowering Plum. If a parkway tree dies or needs to be replaced for other reasons, it is the responsibility of the homeowner to submit an application to the ARC stating which variety of tree will be planted. The homeowner should not proceed with replacing the tree until the ARC has reviewed and approved the application.

5.6 Any portion of a lot not landscaped or built upon, will remain in its natural condition. If homeowner disturbs the natural vegetation, he will be required to landscape the disturbed area or restore it to its natural condition. Natural condition is defined as the condition in which the vegetation was in before it was disturbed.

6.0 SIGNS

The following guidelines are established for signs and advertising property in the Sky Mountain Golf Course Community:

6.1 Signs shall not be larger than six square feet.

6.2 Signs relating to the rental or sale of property, including “ For Rent, “For Sale” and “Open House” signs, may be placed only on the property that is for rent or sale.

6.3 Not more than one “For Sale” or “For Rent” sign shall be placed on a lot except:

6.3.1 On a corner lot where two signs may be displayed, visible from either street fronting the property.

6.3.2 If the property backs to the golf course, a sign may be placed on the front side of the property facing the street and a sign may be placed on the rear of the property facing the golf course.

6.4 Other signs such as directional signs, open house, etc., shall not be placed on any other property including easements, “Open House” directional sign may be displayed at the main thoroughfare leading to the property for sale. This sign may be displayed only during the hours of the open house.

6.5 “Sold” signs shall not be permitted to remain on the site longer than one week after escrow close.

6.6 Flags, pennants, streamers or banners and other special displays are not considered to be in keeping with the profile or dignity of the Sky Mountain Golf Course Community and should not be displayed at any time as a sales attraction.

6.7 An architect or builder may erect one sign on the building site, provided the sign does not exceed six square feet. This sign must be removed within ten days after completion of construction.

6.8 Political signage may be placed in the front yard. The sign must be removed within 24 hours of the election. Size cannot exceed six square feet.

7.0 ENCROACHMENTS ON CITY PARKWAY

No obstruction shall be placed between the front property line on the lot and the curb. Surfaced driveways should be on the same level as the sidewalk. The placement of boulders, large rocks, poles, posts, walls, etc., in

the Parkway for decorative effects is a violation of the law. Liability suits may also result because of injury to pedestrians or motorists caused by these obstructions.

8.0 SCREENING FOR GOLF BALLS

7.1 Homeowners of all lots bordering the Golf Course may construct suitable screening to protect windows, patios and outdoor living areas from errant golf balls. The screening design must be approved by the ARC. Exceptions to the design specifications listed below will be permitted by the ARC in its sole discretion. Installation of golf ball nets will require the consent in writing by all affected neighbors.

8.2 The screen height is not to exceed fifteen (15) feet.

8.3 Golf nets and poles must be maintained in “like new” condition.

8.4 Temporary netting may be installed during the construction of the home. Temporary netting must be removed prior to certificate of occupancy.

9.0 SCREENING OF EQUIPMENT AND TRASH ENCLOSURES

9.1 No clothes lines, television antennae, satellite dishes, wiring, installation of air conditioning or solar heating equipment, or other equipment or items of any kind, including, without limitation, sports equipment, shall be installed on the exterior of the building or be allowed to protrude through the walls, the windows, the roof of any building or the balconies, unless the prior written approval of the Board is secured.

9.2 Service areas should have proper screening by dense landscaping and/or architectural elements.

9.3 Service areas may not extend into the front or back yard.

10.0 SHEDS AND STORAGE BOXES

To install a storage shed, a resident must comply with the following:

10.1 Make written application to the DRC detailing:

- Construction-wood, “Rubbermaid” type of plastic or stucco. No metal sides or roofs.
- Foundation
- Colors-must match or coordinate with house
- Dimensions-not to exceed 10’x8’x8’ in height
- Location
- Must be on side of house
- Must be shielded from front and rear by trees, shrubs or walls
- Anchoring-must be anchored to withstand strong winds

10.2 Sheds must be maintained in a “like new” condition. A failure to maintain may result in either/or fines and removal by the Board.

11.0 UNSIGHTLY CARS, ETC.

No dilapidated or inoperable vehicles or parts thereof, including vehicles without wheel(s) or an engine, non-licensed vehicles or vehicles with expired license shall be stored or repaired in the open on the Property except for emergency repairs. The Association shall remove, at the Owner's expense, any vehicle parked or stored in violation of this restriction.

12.0 PARKING

12.1 For safety reasons, please park vehicles in garages or in driveways rather than the streets (especially on curves).

12.2 Motor homes, recreational vehicles, trailers, camper shells, boats, atv's or other similar vehicles and equipment may be stored or otherwise kept on the Owner's lot only if screened from view of adjoining properties, including streets and common areas. Screening, design and construction shall be subject to prior approval by the ARC. It is preferable that a recreational vehicle of any type be parked in the garage of the Owner's home or in a designated off-site RV storage area. However, if this is not possible, the RV may only be parked as follows:

- a. Unit must be parked on a concrete pad
- b. A block wall of a minimum height of 6' must enclose the parking pad
- c. A gate with approved screening material must enclose the entrance to the parking area
- d. The height of the Recreational vehicle may not exceed the height of the wall and/or gate by more than 3 feet

12.3 Recreational vehicles shall not be parked or stored in the street or driveway except for a 48 hour period allowing for the Owner to load/unload items in preparation for use of the recreational vehicle. Except in the case of an emergency, no repairs shall be made to a recreational vehicle in the driveway or street.

12.4 RV's, boats and trailers may not be parked permanently in the street or in the front setback area of a lot.

13.0 COMMERCIAL VEHICLES

No large commercial trucks or trailers can be parked on or adjacent to residential lots unless they are loading or unloading goods for a residence or are involved in construction activities.

14.0 BASKETBALL GOALS-Owner must submit an application to the ARC for approval prior to the installation of a basketball goal. Portable goals are allowed, but must be collapsed and stored out of sight when not in use. No lighting designed to illuminate basketball goals shall be installed. Courts may not be painted on the driveway or other concrete surfaces viewable from neighboring properties.

15.0 BUILDING REPAIR-No building or structure shall be permitted to fall into a state of disrepair. The owner of every home or structure is responsible at all times for keeping the buildings in good condition and adequately painted or otherwise finished. In the event any building or structure is damaged or destroyed, the owner is responsible for immediate repair or reconstruction.

16.0 CLOTHESLINES-Clotheslines or other outside facilities for drying clothes are not permitted unless they are placed exclusively within a fenced yard and are not visible above the top of the block wall or otherwise concealed.

17.0 EXTERIOR LIGHTING-Any additional lighting installed on a lot or dwelling must receive advance approval by the ARC. Permanent lighting and/or landscape lighting sources shall not be directed toward streets, common areas or neighboring property. Owners may display holiday lighting and/or decoration if they are of reasonable size and scope. Holiday lights and/or decorations may be displayed thirty (30) days prior to the Holiday and must be removed twenty (20) days after the holiday. Please consider your neighbors when putting up lighting or decorations. Please avoid shock, clutter or sensationalism. Multiple complaints may require modification or removal.

18.0 DRIVEWAYS-Driveways may not be expanded without the prior approval of the ARC. All driveways must be kept clean and clear of debris, oil, rust and other stains.

19.0 SUNSCREENS-Bronze, gray, charcoal or beige sun screen material may be installed. The frame for the window screens must match the screen material or existing window frames.

20.0 SUNSHADES-Sunshades of any kind including, but not limited to, vertical louvers, overhead permanent or temporary structures such as awnings and pagoda style shades require application submittal to the ARC.

21.0 FLAGS- Permanent flag poles require approval of the ARC. Permanent flag poles should not exceed a height of twenty (20) feet. Flags should not exceed a measurement of three (3) feet by five (5) feet.

22.0 LAND USE RESTRICTIONS

Lots and parcels located within the Properties shall be developed and improved only in accordance with their use as designated on the Subdivision Maps or any amendment thereto. In the event a use is designated for which no such provisions are contained herein (e.g., commercial, governmental, school, etc.), such provisions may be set forth in a recorded written agreement between the Association and such Owner.

22.1 The use of all residential Lots is restricted to Single Family Residential use. No more than one Single Family Dwelling Unit and such outbuildings as usually accessory thereto, shall be permitted on one Lot.

22.2 Occupancy of such Dwelling Unit shall not exceed restrictions established by City zoning or other governmental regulations.

22.3 Business or commercial activities, other than such activities incidental to management of Master Common Areas and Master Common Facilities, shall not be allowed within the Properties unless all of the following conditions are satisfied:

22.3.1 The activity is compatible with residential use and environment of the Lot.

22.3.2 There is not physical evidence of such activity apparent to neighboring residents and/or other Association Members, including but not limited to excessive noise, material storage, vehicle parking, or abnormal traffic.

- 22.3.3 Such activity is permitted under applicable zoning laws or governmental regulations without the necessity of obtaining a special use permit from the County or other supervisory Governmental agency.
- 22.3.4 The use or activity is clearly incidental and subordinate to use of the Lot for residential purposes.
- 22.4 No drilling, refining, quarrying or mining operations of any kind shall be permitted on any Lot.
- 22.5 There shall be no access to any Lot on the perimeter of the Properties except from designated streets or roads within the Properties.

23.0 SURVEY

It is recommended that the owner have a survey done of the property before construction begins. This survey should also include the determination of the existing elevation of the lot at the four corners and the street center line as well as the location of the drainage and large boulders on the property.

24.0 NEW CONSTRUCTION SUBMITTAL PROCEDURES

While the Committee has the authority on its own initiative to discuss and/or act on any matter within its statutory authority, the normal procedure for initiating and item for Committee consideration is as set forth in the Sky Mountain Design Guidelines and Standards. The following is a summary for informational purposes only:

- 24.1 Submission Content – (Provide 2 sets)
(Design Review Fee – see Exhibit “A” Schedule)
 - 24.1.1 Detailed building floor plans (scale 1/4” = 1’-0”) including:
 - a. Floor area in square feet
 - b. Dimensions
 - 24.1.2 Detailed building elevations (scale 1/4” = 1’-0”) including
 - a. Final building height
 - b. Final materials and colors
 - 24.1.3 Building sections (scale 1/4” = 1’-0”)
 - 24.1.4 Detailed site plan (scale 1/8” = 1”-0”), including
 - a. Driveway (including cut) and sidewalk location
 - b. Paving materials
 - c. Site lighting
 - d. General planting for all landscape areas (i.e., shrubs, grass, gravel, trees)
 - e. Location and design of all retaining walls
 - f. Building location and placement
 - g. Setbacks and safety limits
 - h. Topography
 - i. Proposed drainage
 - 24.1.5 Application (see Exhibit “B”) with fee schedule (see Exhibit “A”)

During construction, all scrap and construction waste material must be contained on the property. A covered container (8' x 12' x 4') is recommended; however, any other size is acceptable as long as it is covered, to prevent material from being scattered. The container must be emptied when full. A portable toilet must be available at all times during construction.. The toilet can be shared but must be within 200 feet of each building site.

Upon completion of construction, the contractor or the owner will advise the DRC that the property is ready for final inspection. Property at this point must be at least landscaped in the front and sides of home and ready for landscaping in the back.

24.1.6 When dirt fill is required to protect curbs during construction, a 3- inch diameter pipe shall be buried along the curb to facilitate street drainage. This pipe shall extend beyond the dirt fill by one foot minimum.

24.1.7 You are reminded that a construction sign, see design guidelines, shall be mounted to a post and installed in front of the site before construction begins and shall be in place until landscaping is complete. There will be a five dollar per day fine for every day that the sign is not in place.

24.1.8 A trash dumpster is required for the full duration of construction.

24.1.9 Any changes or departure from the approved landscape plan must be approved prior to starting work.

24.1.10 The building site shall be maintained in a manner to minimize dust. Frequent water down and trash removal is requested.

25.0 STYLE & COLOR

In general, the one-story, home is most preferable in order to maintain good views and blend with the existing architecture.

25.1 Repetition of exterior house styles shall be avoided. If the same or similar exterior plan is used, it should be in a separate subdivision, or with another elevation.

25.2 Log houses, pre-manufactured houses, earth or berm houses, relocated houses, flat-roofed houses, all metal frame houses or all metal auxiliary buildings are not accepted.

In no case will a mobile, modular or prefabricated home be allowed on a Lot at Sky Mountain.

25.3 No three-story buildings will be allowed.

26.0 SIZE OF HOME

No dwelling shall be permitted on any Lot wherein the floor area of the main structure of the dwelling, exclusive of garages and open porches, is less than the following area measurements:

2.1 Single Story

2.1.1 For a single-story dwelling on Sky Mountain Blvd., 1,800 sq ft not including basement area and the length of which (parallel to the public road upon which the dwelling faces) is not less than sixty (60) ft (including the garage).

2.1.2 For a single-story dwelling on Sky Mountain Court, 1,250 sq ft.

27.0 HEIGHT OF HOME

27.1 One-story homes are preferable. Under the following conditions, more than one story may be approved:

27.1.1 Sloping lots that provide one story on the street elevation and walkout or daylight basement below.

27.1.2 Lots against a hill on the perimeter of the area.

27.2 No home may exceed 25 feet in height, measured from the street side.

27.3 For lots located on the golf course, the 25 foot height limit is measured from the lowest visible floor (walkout basement, if applicable).

28.0 SETBACKS

28.1 Setbacks and side yards vary with the different developments within the Community. The standards are established when the plat is approved by the City. See the City building department to confirm the actual dimensions of the set back and side yards for your lot.

28.2 The standard set back from the sidewalk or back of curb when there is no sidewalk is twenty (20) feet. This may vary on your lot, check with the City.

28.3 The standard side yards are five (5) feet on one side and ten (10) feet on the other side with no home any closer than fifteen (15) feet to another home. This means if you are one of the last homes to be built in a subdivision your side yards may be ten (10) feet on both sides. This may vary on your lot, check with the City.

28.4 Driveway pavement may not be closer than two (2) feet from any side property line to allow for suitable planting and/or fencing, unless approved by the ARC.

29.0 LOT GRADES

Grading a lot should either maintain or improve the existing drainage path through the construction site and adjoining properties with the following considerations.

29.1 Site grading and drainage should be designed so as not to cause soil erosion and should not flow into adjacent parcels.

- 29.2 Building pads are encouraged to be two feet above top of curb elevation whenever possible. In all cases, pads are to be no less than one foot above the top of the curb in the center of the lot.
- 29.3 When walls are used to take up grade change, they should be integrated into the building design whenever possible. When required, open drainage channels should be placed at the rear of the property or integrated as a landscape feature.

30.0 ROOF

- 30.1 Concrete or clay tile are the only roofing materials allowed.
- 30.2 Built-up roofs or asphalt composition shingles are not allowed. No A-Frame or Gothic A-Frame roofs are allowed.
- 30.3 Roof pitch can be no less than 5” vertical for 12” horizontal.

31.0 TIME FOR CONSTRUCTION

The time within which construction must be completed shall be as follows:

- 31.1 The construction time for completion of the exterior and heated living area interior (unfinished basement excluded) and garage portion of any structure shall not exceed Twelve (12) months from the date of commencing construction.
- 31.2 The time for removal of all building debris, excavation, dirt, etc., associated with the building process shall be prior to occupancy.

32.0 DWELLING COST, SIZE AND QUALITY

All dwelling units shall be of the same quality of workmanship and materials substantially the same as or better than dwelling units designed and constructed in the project. All units shall be constructed in accordance with the Master Declaration as applicable. If a question arises as to the value of the home, the DRC may require an appraisal including all amenities.

33.0 BUILDER RESPONSIBILITIES

- 33.1 The builder must post a sign at the construction site and enforce the following construction site requirements.

**DANGER
CONSTRUCTION SITE**

**NO Children
NO Dogs
NO Parking off streets
NO Excessive Noise (radios, etc.)
NO Drugs on Site**

NO Alcohol on Site
NO Smoking in any Structure

- 33.2 The Sign shall be 24" x 24" and shall be posted prior to construction at the front of the lot visible to all construction personnel.
- 33.3 The builder shall maintain the construction site in a neat and clean order. All scrap and waste will be handled as specified in 24.1
- 33.4 When a dirt fill is required to protect cubs during construction, a 3-inch diameter pipe shall be buried to facilitate street drainage. This pipe shall extend beyond the dirt fill by one foot minimum.
- 33.5 A construction sign shall be mounted in front of the construction site before construction begins.
- 33.6 A trash container is required during the full duration of construction. This container shall be emptied regularly to prevent blowing trash.
- 33.7 Any changes or departures from the approved plan, including landscaping, shall be approved prior to the accomplishment of the change.
- 33.8 The building site shall be maintained in a manner to minimize dust. Frequent water down and trash removal is required.

EXHIBIT "A"
SKY MOUNTAIN RESIDENTIAL COMMUNITY
DESIGN REVIEW COMMITTEE FEE SCHEDULE

| REQUESTED APPROVAL | FEE |
|---|----------------------------------|
| 1. New Construction | \$1000 |
| 2. Addition, Remodeling, Alteration or other Modification | Varies Not to Exceed \$530 |
| 3. Signs | NA |
| 4. Fences or Walls | NA |
| 5. Patio/Patio Cover | NA |
| 6. Landscaping | \$25 |
| 7. Exterior Lighting | NA |
| 8. Other _____ | Varies Not to Exceed \$300 |
| 9. Re-submittal | \$10 |

1. *At the time plans are submitted to the DRC for a new residence, the party submitting the plans will pay a fee of \$1000 (by check) to the DRC. Thirty dollars is for review and the remainder may be refunded. Upon completion of a construction project, the architectural chairman shall perform a final inspection of the project.
2. If there are deficiencies, the architectural chairman shall notify the homeowners in writing and give them 30 days in which to correct the deficiency. If the deficiency is not corrected in the 30 day time period, the HOA may:
 - a. opt to correct and deduct the costs from the construction deposit
 - b. keep the deposit on account until the deficiency is corrected if the homeowner has presented an alternative plan or timetable that is approved by the architectural chairman.
 - c. retention of the deposit by the Board does not relieve the homeowner of the ultimate responsibility to correct the deficiency.
3. If there are no deficiencies, the architectural chairman shall notify the office manager that the construction project is complete and meets HOA standards.
4. The Office Manager shall refund the construction deposit less a \$30 administration fee to the contractor or homeowner (whoever paid the funds) with a statement of deductions.

Should the construction site requirement not be posted or if the site is not being maintained in clean and orderly manner, the DRC will correct the problem and deduct the expense from the fee.

SKY MOUNTAIN MASTER HOMEOWNER'S ASSOCIATION

APPLICATION FOR DESIGN, CONSTRUCTION, IMPROVEMENT, ALTERATION OR ADDITION

This application is for the following (please check one) and should be submitted for review by the Design Review Committee (DRC):

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gnipacsdnaL ot noitacifidoM rehtO ro snoitaretLA ,snoitiddA ڤ

*** If required, building Permits must be obtained from the appropriate agency before construction begins and before your application can be approved by SMHOA**

Name of Applicant (Property Owner) _____

Applicant Address _____ Phone _____

Property Address _____ Lot # _____

Person/Company Completing Work _____

Phone _____

Est. Date of Completion _____

If project is not begun within 90 days of the date of this application, applicant must submit a new application.

Neighbors signatures of consent (if required by the DRC)

Signature

Date

Signature

Date

If other than new construction, please give a brief description of the desired improvement(s):

****Please attach a diagram or set of blue prints of the desired improvement including its location on your lot or structure including all measurements. Diagrams, blue prints and renderings will remain with your application.***

The undersigned, as property owner or authorized agent, hereby declares that all submittals are accurate, that they conform to Sky Mountain Master CC&Rs and that no deviations will take place without the DRC's prior approval.

Signature: _____

Date: _____

Design Review Committee Section

DATE PLANS RECEIVED/ BUILDING PERMIT(S)/DEPOSITS:

Floor Plan _____ Elevations _____ Site Plan _____ Landscape Plan _____

Building Permit _____ Permit # _____ Date Issued _____
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Comments:

f eht ot tcejbus devorppA ة devorppasiD ة devorppA ة following conditions:

Signature of Authorized DRC Committee Representative Date: _____

Acknowledgement signature of Property Owners receipt of final approval

The Homeowner has read and agrees to comply with the Sky Mountain Master C.C.& R's and Community Wide Standards and Design Guidelines. The Homeowner also agrees to comply with all City, County and State Laws and to obtain all necessary permits.

The purpose of the Maintenance Deposit is to assure that the lot and surrounding area is kept free of construction debris on a daily basis during construction and to repair any damage caused by Owner or Contractor to the surrounding area.

The Homeowner shall be responsible and liable for all activities of their Contractor and associated construction crews. Any expenses caused by Contractor's neglect, abuse or disregard shall be levied against the Homeowner.

The Maintenance Deposit will be returned to the payer at the completion of construction if there are no charges against it for clean up or repairs. If there are charges against it the balance left in the account will be returned to the payer. The payer will not be paid interest on the Maintenance Deposit.

I declare that I am the owner or authorized agent of the property that is the subject of this request and that the foregoing statements, answers and attached documents are true and correct.

Signature of Property Owner Date Signed

DO NOT START YOUR IMPROVEMENT UNTIL YOU HAVE RECEIVED APPROVAL FROM THE DRC.

**PLEASE READ AND SIGN THE CONSTRUCTION REGULATIONS
ATTACHED TO THIS APPLICATION
OWNER AND CONTRACTOR APPROVAL OF
CONSTRUCTION REGULATIONS**

In order for your application to be considered complete, the following items must accompany your application:

- Detailed building floor plans
- Dimensions
- Detailed building elevations
- Final building height
- Final materials and colors
- Detailed site plan including:
 - Driveway and sidewalk locations
 - Paving Materials
 - Site lighting
 - Landscape Plan
 - Location and design of retaining or privacy walls
 - Building location and placement
 - Setbacks
 - Proposed Drainage

1. **LICENSE AND INSURANCE** The Owner/Contractor will submit a copy of the following items to the Sky Mountain Master DRC prior to commencing any activity on the lot:

A. Utah Contractors License.

B. Certificate of Insurance, Auto, Comp. and Liability with the HOA to be named as additional insured on general liability policy. Minimum limits of liability coverage shall be \$500,000/\$1,000,000.

C. Name, address and telephone number of a 24 hour emergency contact person.

D. Building Permit from the City of Hurricane

2. **HOURS OF CONSTRUCTION** All construction activity shall be limited to between the hours of 7:00 AM and 7:00 PM.

There will be no construction activity outside of these time periods, except for an emergency.

3. **LENGTH OF CONSTRUCTION** The work of constructing any improvement shall be prosecuted diligently from the commencement thereof and the same shall be completed within a reasonable time, not to exceed twelve (12) months from the commencement of construction. The time for removal of all building debris, excavation, dirt, etc. associated with the building process shall be prior to certificate of occupancy. If a delay in the work is caused by strikes, inclement weather or other causes beyond the control of the Owner the time for completion will be extended by the number of days lost. The additional days are to be requested in writing by the Owner.

4. **TRASH** Each construction site must have a metal dumpster located on the site or debris shall be hauled away and properly disposed of on a daily basis. Dumpsters shall be placed on the property so as not to block the sidewalk, Street or driveways of the adjacent lots. All construction debris shall be placed in the dumpster on a daily basis and the dumpster emptied at sufficient intervals as to ensure no overflow. If the trash is not controlled the ARC has the right to clean-up the trash and deduct the cost of the clean-up from the \$1,000.00 maintenance deposit.

Dumpsters are to be covered with a tarp or net every night to contain debris.

Owners, Contractors and associated work crews are prohibited from dumping, burying or burning trash or any type of construction debris anywhere in the Sky Mountain development. This includes the rinsing of cement trucks after a pour.

5. SANITARY FACILITIES The Owner/Contractor shall be responsible for providing adequate sanitary facilities for all construction workers. Portable toilets or similar facilities shall be located within the building envelope and must be cleaned and emptied as needed. Portable toilets or similar facilities shall be anchored so they do not blow away or tip over in the wind.

6. DUST AND NOISE The Owner/Contractor shall be responsible for controlling dust, mud or dirt on roadways, noise, and music from the site. All excessive dirt spilled or tracked onto the streets will be scraped and swept and if necessary, washed clean prior to the end of each workday. Dust is to be watered down to control air pollution. There will be no music permitted on the site.

7. PETS & CHILDREN, ETC. Contractors and sub-contractors may not bring pets onto the job site. Children under the age of 12 years old are not permitted to work on the job site. Drugs and Alcohol are not permitted on the job site.

8. O.S.H.A./FEDERAL/STATE/LOCAL REGULATIONS All applicable regulations and guidelines must be strictly enforced at all times.

9. CONST. REGULATIONS SIGN Owner will post a sign (2'x 3') on their lot during the construction or remodeling of their home to indicate the following: No Dogs, No Music, No Drugs or Alcohol. They must also display the Lot number and address of the home. The building permit issued by the local authority must be displayed on the sign. The sign is to be located in the front of the lot at a location that is easily seen from the street.

Acknowledged and accepted this _____ day of _____

By: _____ Lot Number _____

Printed Name of Property Owner

Signature of Owner _____

24 HOUR EMERGENCY CONTACT INFORMATION

Name: _____

Company: _____

Address: _____

Phone#: _____ Fax#: _____ Cell Phone: _____