

ARCHITECTURAL DESIGN GUIDELINES FOR DEER HAVEN

August 1, 2021

Deer Haven Homeowners Association (“the Association”) hereby adopts the following architectural design guidelines (the “Guidelines”) for the Deer Haven community. All Owners, guests, invitees, agents, and residents shall abide by the provisions of these Guidelines. Except as otherwise provided herein or as may be required by the context, all capitalized terms used herein are defined in the CC&Rs and shall be given the same meaning and effect

The purpose of these Guidelines is to maintain a consistent and pleasing character and quality of appearance within the Deer Haven community, but also to give owners some flexibility to personalize the look of their Lots. These Guidelines are effective as of August 1, 2021 and apply prospectively only.

Several of the Lots in Deer Haven are part of the Eagle Mountain Wildlife Corridor and are subject to a Conservation Easement recorded in the Office of the Utah County Recorder. The Owners of such Conversation Easement Lots shall be bound by the terms of the Conservation Easement in addition to these Guidelines and other Governing Documents.

1. Architectural Review Committee (“ARC”)

No improvements, alterations, repairs, excavation or other work which in any way alters the exterior appearance of the Living Unit or the improvements located on any Lot shall be made without the prior approval of the Architectural Review Committee (“ARC”). No building, fence, wall, or other structure shall be erected, maintained, improved, altered, made or done (including choice of exterior color scheme and building materials) without the prior written approval of the ARC. The ARC shall be appointed by Declarant until the Turnover Meeting. After the Turnover Meeting the ARC shall be appointed and serve at the will of the Board. The ARC may consist of as many members as the Declarant or Board deems fit. If the Declarant or Board fail to appoint an ARC, the Board shall serve as the ARC. The ARC may levy fees for plan review. The ARC review fees shall be considered an Individual Assessment. The ARC shall review the Conservation Easement when reviewing any application from an Owner of a Conservation Easement Lot to ensure such proposed action will be in compliance with the Conservation Easement. The ARC shall deny any proposed action on a Conservation Easement Lot that would be in violation of the Conservation Easement.

2. Architectural Standards and Requirements

A. Setbacks. Living Units and outbuildings that include any human living space shall have 25 foot front and rear setbacks, 12 foot minimum side setbacks (and a total combined side yard setback of 30 feet), and 25 foot side setbacks where the side faces a street. Outbuildings that do not include any human living space shall have a 10 foot side and rear

setback, a 15 foot side and rear setback bordering any street, and a 20 foot side or rear setback bordering any trail easement. RVs, trailers, and other recreational vehicles shall not be parked in the front of the Living Unit, nor within the side setback of the Living Unit where the side faces a street unless shielded from view in a manner acceptable to the ARC.

B. Landscaping.

i. Trees

a. All Lots shall have at least three (3) deciduous trees; corner Lots shall have a minimum of six (6) deciduous trees, with three (3) trees per street front.

b. All deciduous trees shall have a minimum two (2) inch caliper and be planted six (6) to fifteen (15) feet behind the curb, or where applicable, from the back of the trail.

c. The approved tree types are listed on the attached Exhibit A.

ii. Front Yards and Street Frontage

a. “Front Yard” is defined as everything in front of the plane created from the rearmost portion of the front elevation of the Living Unit, running 90° to the side property lines. The Front Yard also includes 15 feet wider than the widest part of each side elevation of the Living Unit.

b. Front Yard irrigation and landscaping shall be installed within nine (9) months of occupancy, including park strips. The street frontage of all Lots shall be landscaped to create an aesthetically pleasing streetscape.

c. Front yards and street frontage may be xeriscaped. Any xeriscaped areas shall contain the required trees and shall have a minimum of 30% of the area covered by low lying plants.

d. Rock without plant material will be allowed for parking areas up against the Living Unit. Rock must vary in size and color if next to each other.

e. Gray drain rock and volcanic rock is permitted in the Front Yard if mixed with other decorative rock, low lying plants, or other ground treatments. However, gray drain rock or volcanic rock cannot be the dominant ground surface material in the front yard.

f. If a 6 foot privacy fence is used to shield the front side yard then no landscaping will be required in the front side yard as long as the dust is taken care of and the fenced yard is not visible from the street.

g. For Living Units that are set back further than 25 feet, the front sides of the Lot only need to be landscaped 25 feet back. *See the attached Exhibit B for examples.* For the front side landscaping, these Lots will have reduced requirements meaning the Lots can include gravel/rock with tree canopy to count for 30% plant coverage.

h. Front Yard landscaping for the Conservation Easement Lots may be considered by the ARC on a case by case basis. However, the minimum requirements will be: (1) some sort of landscaping on the front property line up against the street where possible, (2) some sort of landscape treatment lining the driveway, and (3) landscaping surrounding the Living Unit.

iii. Other Areas

a. Unimproved areas on Lots may be kept in a natural state, but must be kept free of tumbleweeds, thistles, briars, and other noxious weeds at all times.

b. Unimproved areas lacking natural vegetation must be seeded with native grass to prevent dust. Periodic reseeded will likely be required to maintain adequate natural vegetation to prevent weeds.

c. Any native grasses shall be cut periodically and may not exceed twelve (12) inches in height.

iv. General

a. All vegetation and landscaping around structures on a Lot shall be kept in a manner to prevent fire hazards.

C. Colors and styles: All materials and colors which will be used on the exterior of any Living Unit or other improvement shall first be approved by the ARC. A variation of materials shall be used with a preference given to stone, rock, masonry siding, in vertical, horizontal, or shake design, and stucco. No structure may have vinyl or aluminum siding. No structures may be constructed of logs. Wainscoting is only allowed if the wainscot materials are used elsewhere on the structure. When repairing, restoring, replacing, remodeling or redecorating the exterior of a Living Unit the Owner shall use materials and colors that are similar to the original construction or are harmonious to surrounding Living Units.

D. Roofs. Unless a variance is approved by the ARC, all roofs (including Living Unit roofs, shed roofs, and all other outbuilding roofs), shall have a minimum 6/12 pitch. An Owner desiring a variance shall submit a copy of the plans to the ARC along with a written statement from an architect or other construction professional describing how and why the reduced pitch is being used for design and aesthetic purposes. The ARC shall exercise its reasonable discretion in determining whether, based on the written statement, the reduced pitch is actually being used for design and aesthetic purposes or whether it is primarily being used to reduce costs. If the ARC determines that the primary purpose of using a reduced pitch is to save on costs, it may deny the variance. The ARC shall have the discretion to require and consider any other information it considers relevant when making a decision to grant a variance, and may deny a variance based on any reason, including the general aesthetics of the roof. Membrane roof surfaces and the like are allowed, but may not be the primary roofing surface.

E. Minimum Square Footage. Unless otherwise approved by the ARC in its sole discretion, single story Living Units shall have a minimum of 1,900 square feet above grade and two-story Living Units shall have a minimum of 2,300 square feet above grade.

F. Garages. All Living Units shall have a minimum 3 car garage attached.

G. Fences. All fences must be approved by the ARC before they are installed and fences on Conservation Easement Lots shall comply with the Conservation Easement in addition to these Guidelines. Barbed wire fencing is prohibited. Front yard fencing shall be split rail, open rail, or another open fencing; privacy fencing is prohibited. Pasture style fencing is permitted and such fencing is permitted to start from the greater of the following two options: (1) 50 feet from the street or (2) from the rearmost portion of the front plane of the Living Unit. Privacy fencing along the side or rear of Lots is permitted. If an Owner replaces any fencing installed by Declarant, it shall be replaced with the same style fencing originally installed by the Declarant.

H. Outbuildings and Accessory Buildings. Each Lot may have up to two outbuildings. An outbuilding is a building that requires a building permit. No outbuildings may be constructed in front of the front plane of a Living Unit. All accessory buildings, outbuildings, sheds, and barns shall be constructed so their appearance is complimentary to the Living Unit. No building described in this Section may be used primarily as a Living Unit. Any building constructed pursuant to this Section shall have no more than 50% of its above ground area set apart as human living space. In no event shall the human living area exceed 1,200 square feet. Any outbuilding shall be constructed in a manner that does not appear to be primarily intended for human living space, but shall appear to be intended for other uses such as a barn, garage, or other type of building. All buildings constructed pursuant to this Section shall comply with the setback requirements set forth in Section 2A and local law.

I. Driveways.

i. Primary Driveways. Primary driveways shall be constructed of hardscape (concrete, asphalt or pavers).

ii. Secondary Driveways. Secondary driveways may be constructed with gravel, rolled road base, or crusher fines. Secondary driveways may only be a maximum of 20 ft wide for the first 25 ft. Beyond the 25 feet, there may be a larger gravel “parking area” as long as the parking area is next to the Living Unit and is bracketed with plant material (low lying plants or tree coverage), whether the gravel parking extends to the side property line or not. *See the attached Exhibit C for examples.*

J. Accessory Apartment Doors. Accessory apartment doors shall not face any street. Additionally, accessory apartments shall be sited and constructed such that they are not discernable from the street or an adjoining Lot. In no event shall accessory apartments receive an address different from that of the Living Unit. Any accessory apartment that is not part of the primary Living Unit on a Lot, but is part of an outbuilding, shall comply with Section 2H as well as with this Section.

K. Utility Lines. All lines, wires, or other devices for the communication or transmission of electric current of power, including telephone, television and radio signals, shall be contained in conduits or cables installed and maintained underground or concealed in, under, or on buildings or other structures approved by the ARC.

L. Antennas and Satellite Dishes. Aerials, antennas, and satellite dishes larger than one meter in diameter are prohibited. Aerials, antennas, and satellite dishes may not be installed on Common Areas. One antenna or satellite dish smaller than one meter in diameter may be installed within the Lot. The Association may create policies to create a hierarchy of

preferred installation locations to protect the aesthetics of the Project. The hierarchy of preferred installation locations may not interfere with reception.

3. Seeking Approval from the ARC

Owners should contact a member of the Board or the ARC when seeking approval for a project. Owners will be asked to supply the information about the proposed project that is needed for the ARC to understand the proposed changes and to make an informed decision. Such information may include building plans, construction timeframes, sketches, contractor information, building permits, or other similar information. After obtaining all requested information from an Owner, the ARC will provide a written decision within 21 days. All approved projects must be completed as proposed. Any changes to the project must be re-submitted for approval.

4. Variances

The ARC may approve variances from the architectural standards and architectural guidelines. Any variances shall be in writing. Variances shall not deviate from the general aesthetic of the Project, but shall be used to avoid hardships, address new building materials and techniques, and further the general aesthetic vision of Declarant in the initial design and construction of the Project. Variances may also be granted to ensure the Conservation Easement Lots remain compliant with the terms of the Conservation Easement.

5. Noncompliance

Any construction, alteration, or other work done in violation of these Guidelines shall be deemed to be in noncompliance. Upon receipt of a Notice of Noncompliance, Owners shall, at their own cost and expense, remove such nonconforming construction, alteration, or other work and shall restore the land to substantially the same condition as existed prior to the nonconforming construction, alteration, or other work. Should an Owner fail to act as required hereunder, the ARC or their designee, without liability for trespass or nuisance, shall have the right to enter the property, remove the violation, and restore the property to substantially the same condition as existed prior to the change. All costs incurred by the Association, including attorney fees, shall be an Individual Assessment. Fines may also be assessed for noncompliance.

Exhibit A

Approved Street Tree List

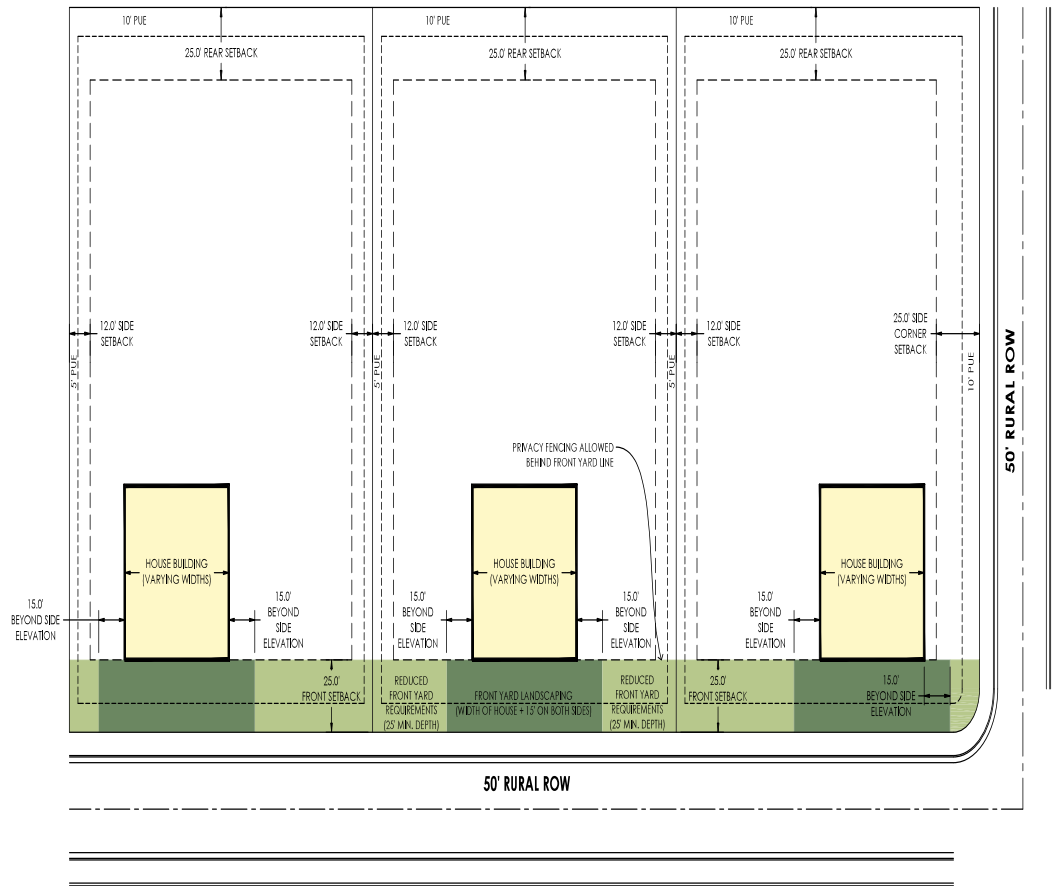
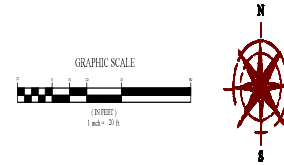
American Hornbeam
Common Hackberry
Chokecherry
Crabapple
Eastern Redbud
Elm (Emerald Sunshine, Frontier, Prospector)
Flowering Cherry (Akebono, Kwanzan)
Flowering Plum
Fringetree
Goldenrain Tree
Hawthorn (Carrier, Thornless Cockspur, Washington, Winter King)
Hornbeam
Lilac (Japanese, Peking)
Linden (Summer Sprite)
Maackia
Maple (Amur, Bigtooth, Shantung/Sunset, Tatarian, Trident)
Serviceberry
State Street Maple
Zelkova (Wireless)
Other similar species of trees, approved by the ARC

EXHIBIT B

Front Yard Landscape Examples

LEGEND

- FRONT YARD LANDSCAPING**
- REDUCED REQUIREMENTS FOR FRONT YARD LANDSCAPING**



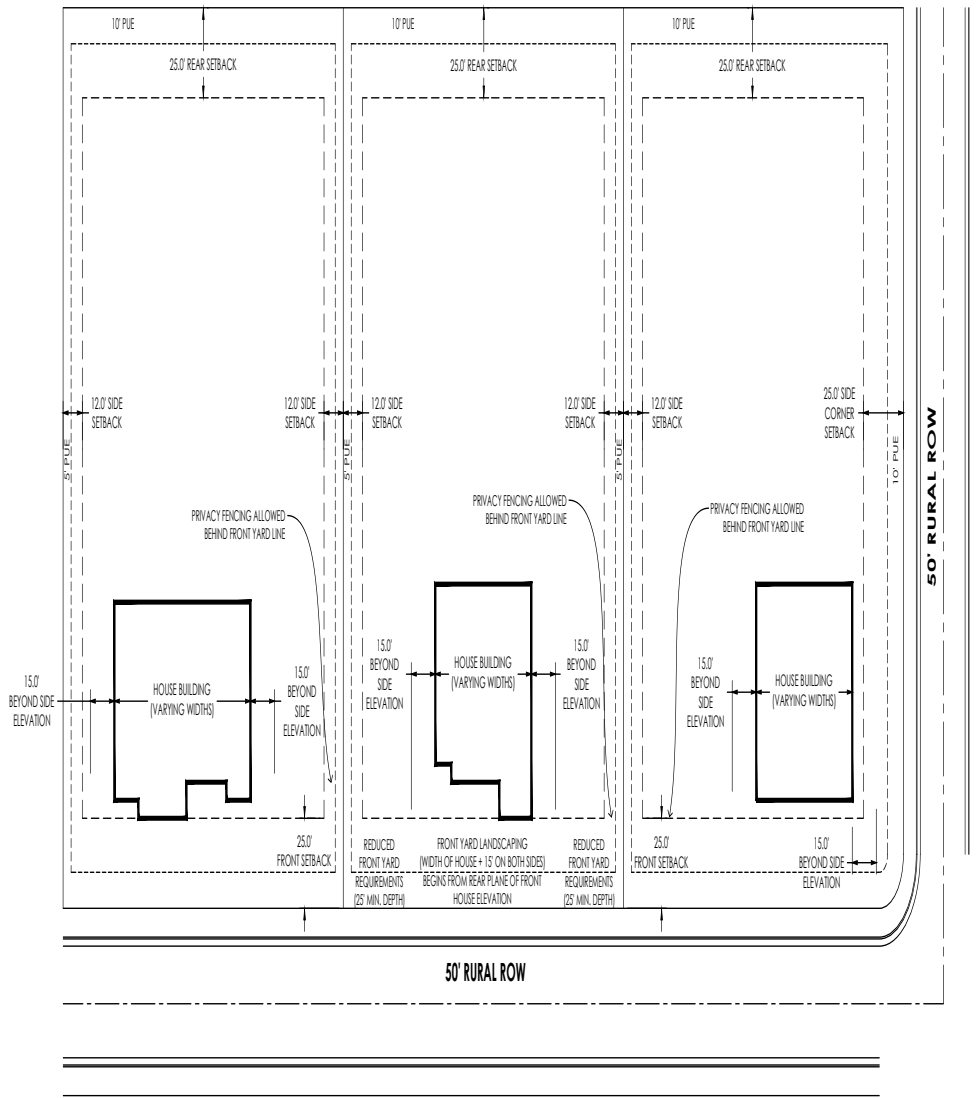
front yard landscape exhibit (1 of 2)

EAGLE MOUNTAIN CITY, COUNTY
4/8/2021
19-0124

EAGLE MOUNTAIN CITY, COUNTY 4/8/2021 19-0124

☐ FRONT YARD LANDSCAPING

☐ REDUCED REQUIREMENTS FOR FRONT YARD LANDSCAPING



19-0124

EXHIBIT C

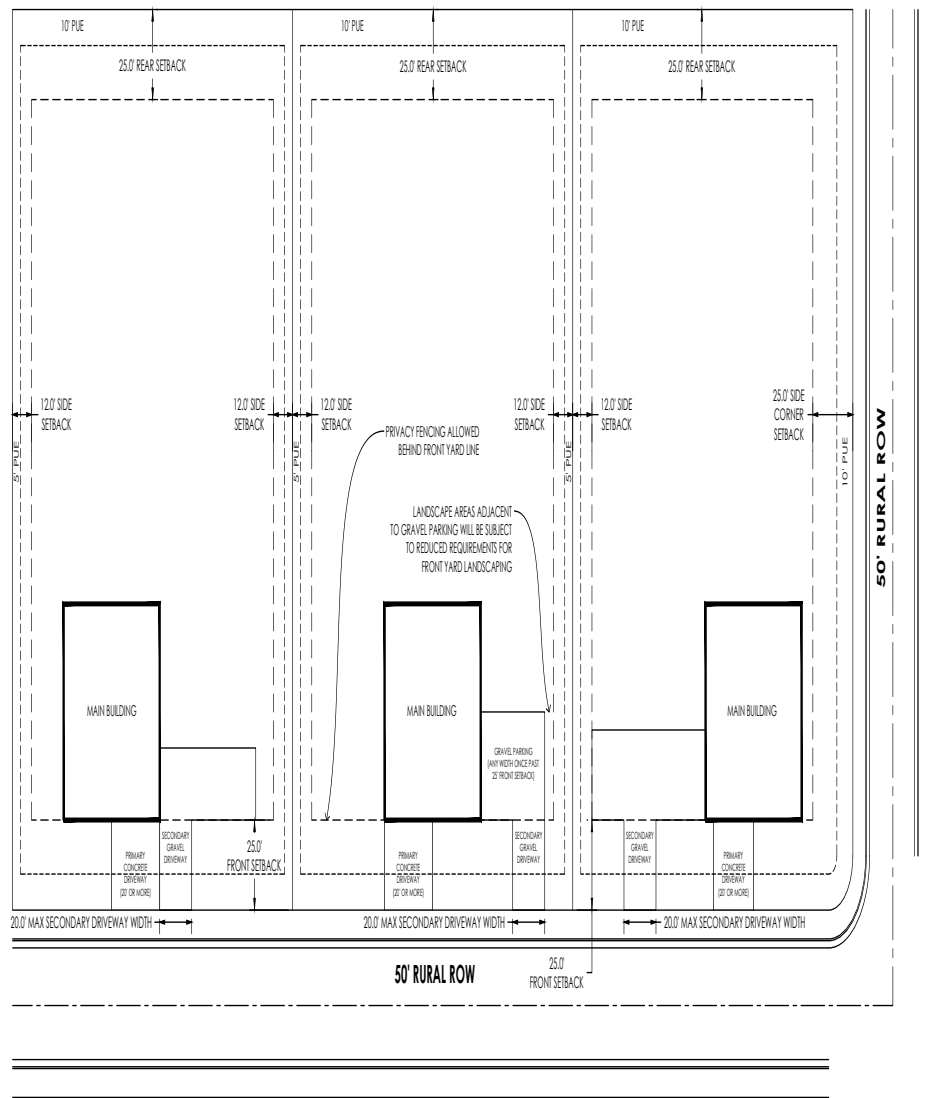
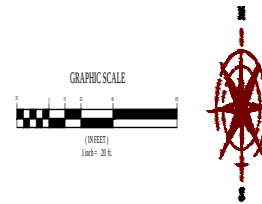
Driveway Examples

☐ FRONT YARD LANDSCAPING

☐ REDUCED REQUIREMENTS FOR FRONT YARD LANDSCAPING

☐ PRIMARY DRIVEWAY (CONCRETE, ASPHALT, OR PAVERS)

☐ SECONDARY DRIVEWAY/PARKING (GRAVEL - ONE DRIVEWAY MAX)



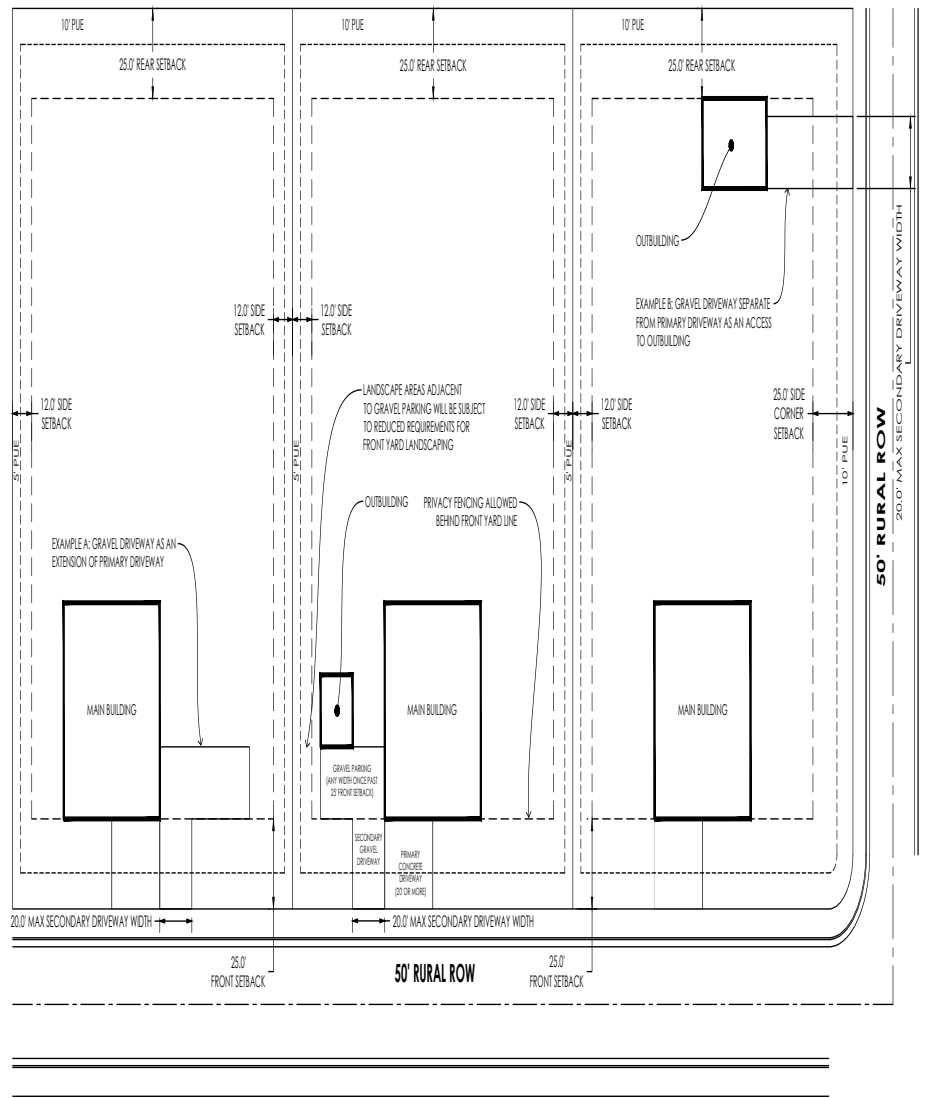
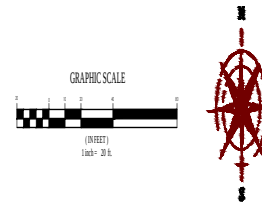
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19-0124