

WHEN RECORDED RETURN TO:
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GARY W. OTT
RECORDER, SALT LAKE COUNTY, UTAH
COTTONWOOD TITLE INS AGENCY
1996 E 6400 S STE. 120
SLC UT 84121
BY: ZJM, DEPUTY - WI 9 P.

**FIRST AMENDMENT TO DECLARATION OF PROTECTIVE COVENANTS
FOR VALLE DI VILLA SUBDIVISION**

This First Amendment to Declaration of Protective Covenants for Valle Di Villa Subdivision is made and executed by IVORY HOMES, LTD, of 970 East Woodoak Lane, Salt Lake City, Utah 84117 (the "Developer"), with reference to the following:

RECITALS

A. The Declaration of Protective Covenants for Valle Di Villa Subdivision was recorded in the office of the County Recorder of Salt Lake County, Utah on September 25, 2003 as Entry No. 8830234 in Book 8887 at Page(s) 40 of the official records (the "Declaration").

B. The Declarant reserved the unilateral right to amend the Declaration.

C. This document affects the real property located in Salt Lake County, Utah, described with particularity on Exhibit "A," attached hereto and incorporated herein by this reference.

D. The Draper City Council has previously established and adopted provisions for the Valle di Villa Residential Special District in Section 9-17-040 of the Draper City Municipal Code.

E. The regulations established by Chapter 9-17-040 were established to allow for innovative project design prior to detailed preliminary plat review.

F. The Draper City Council has amended the Valle di Villa RSD text to remain consistent with plat approvals.

G. The Draper City Council has determined that it is in the best interest of the health, safety and public interest to amend Section 9-17-040 of the Draper City Municipal Code regarding the Valle di Villa Zone.

H. All appropriate public hearings have been held and a recommendation regarding the same has been received by the Planning Commission.

900-001-72-82

I. The applicable zoning ordinance, Section 9-17-040 of the Draper City Municipal Code regarding standards for the Valle Di Villa residential special district, has changed since the Declaration was recorded.

J. The Declarant desires to modify the Declaration to reflect the changes in the zoning ordinance.

NOW, THEREFORE, for the reasons recited above, and for the benefit of the Project and the Lot Owners thereof, the Association hereby executes this First Amendment to Declaration of Protective Covenants for Valle Di Villa Subdivision for and on behalf of all of the Lot Owners.

1. Sections 15 through 18, inclusive, of the Declaration are hereby deleted in their entirety and the following language is substituted in lieu thereof:

15. The Zoning Ordinance Findings: Chapter 9-17-040 RSD – VALLE DI VILLA (Ord 481)/VALLE DI VILLA EAST (Ord514)

A. Purpose: The Valle di Villa project is a master planned, architecturally controlled residential development. The RSD zoning requirements allow for and permit flexibility in terms of planning, site design and development through the ability to customize the zoning and development standards to achieve singular and unique development opportunity. The Valle di Villa project seeks to utilize this RSD zone to enhance and create an upscale residential development on a very prestigious, well located 62 acre parcel of property. The Valle di Villa RSD is located at approximately 12150 South where 2000 East Street abuts the southwest corner of the property.

Subdivision plat review is required for each portion or phase of the development according to the requirements and standards of Title 17, Draper City Code. Approval of this RSD acknowledges acceptance of the schematic development plan as satisfying Draper City's requirements for the Concept Subdivision Plan review and approved. Preliminary and final plats will be processed and reviewed concurrently by Draper City (the "City"). Upon a finding that the submitted preliminary and final plats do not substantially deviate from the approved build-out plans, that there are not significant engineering issues to be resolved.

Subsections "A through M," below, define the development standards of the project. An integral portion of the Valle di Villa RSD zone is the ability and flexibility to plan for single-family residential lots of various sizes which appeal to a diversity of different types of home buyers and family profiles. This lot size diversity allows for buyers of differing family sizes and age variations to live in an architecturally controlled neighborhood environment where not all of the lots and houses are

virtually the same size and price range, as are commonly found in other zoning classifications within the City.

B. Permitted Uses:

- i. Dwelling, single family;
- ii. Model homes; and
- iii. Model home/sales office.

C. Conditional Uses:

- i. Accessory apartments;
- ii. Home occupation;
- iii. Permanent storage sheds, detached garage structures, workshops, etc.; and
- iv. Detached conservatories/greenhouses.

D. Architectural and Development Standards:

- i. Density Requirement: The density of the development is 1.83 units per acre, (112 units / 61 acres), which is consistent with the adjacent neighborhoods to the east and south of the development. The Draper City General Plan designates this area as "low density residential" which is not to exceed 2.0 units per acre.
- ii. Lot Size. An area of not less than 12,000 square feet, or .275 acre, shall be provided and maintained for each dwelling and uses accessory thereto as a minimum for the development. Varying larger lot sizes shall also be provided. The average lot size for the entire 112 lots in the development is approximately 18,600 square feet. (See Exhibit "A" for lot sizes to the City ordinance.)
- iii. Frontage. The minimum width of any lot for a dwelling shall be 80 feet, measured 30 feet from the front property line.
- iv. Front Yard Setback Requirements.
 - a. All residential structures shall be setback 30 feet from the front property line. Lots having an overall slope in excess of 10 percent may, notwithstanding other provisions of this code to the contrary, be developed with a front setback of 25 feet. Garages or the garage portion of the main structure, many extend to a setback line of 25 feet providing that they are side-entry type garages.
 - b. On corner lots, the front setback shall be a minimum of 30 feet and 25 feet, respectively, regardless of which way the structure faces.

- v. Side Yard Requirements. All dwelling structures and other main buildings shall be setback from each side property line a distance of at least 10 feet.
- vi. Rear Yard Requirements. All dwelling structures and other main buildings shall be setback from the rear property line a distance of at least 20 feet.
- vii. Natural Lots. Lots 1-24, 68, 86-89 and 109, 100, 111 and 112 (refer to Exhibit "A1" to the City ordinance) shall be considered natural lots. These lots which contain natural existing vegetation (oakbrush) are to submit, prior to construction, an inventory of the existing vegetation in an effort to retain and protect as much of this natural vegetation as possible. The existing natural trees and vegetation which occur along all side and rear lot lines are to be preserved to a minimum distance of five feet as measured from either side of the lot property lines. Efforts will be made to sensitively establish and preserve these areas so that they remain as natural in appearance as possible, favoring meandering lines where vegetation must be removed, versus straight cut lines. All side and rear yard setbacks lines are to be measured from the lot property lines. In lots that contain 30%+ slope areas, the vegetation in these sloped (30%+) areas is to be left undisturbed. (See Exhibits "A and A1" to the City ordinance.)
- viii. Garages: Attached two or three car garages are required for all dwelling units within the development. A minimum of 12 lots will have side-loaded garages.
- ix. Height of Buildings: No residential dwelling or building shall be higher than 35 feet as measured from average finish grade to the mid-slope of the main structure's roof line. (See Exhibit "E" to the City ordinance.)
- x. Height of Accessory Buildings: In that all accessory buildings are considered as "conditional uses" each will be evaluated separately. However, in any case, 20' will be the maximum height of this type of structure, as measured and shown in Exhibit "E" to the City ordinance.
- xi. Roof Lines and Pitches: All roof pitches shall be sloped at not less than 6:12 and no greater than 12:12. Roof lines shall be varied in height and orientation to provide visual interest. Long, continuous roof lines shall not be allowed. Roof lines should be varied to include dormers, gables, hip roofs, etc.

- xii. Windows: High quality cladded wood windows or vinyl windows are allowed. Highly reflective or mirrored glass shall not be used. Decorative window treatments such as surrounds, shutters, or nicely detailed lintels and sills are encouraged.
- xiii. Building Materials: Exterior building materials shall include stone, brick along with other high quality exterior siding products such as stucco and hardy board shingles, as approved by the Architectural Control Committee. Asphalt architectural grade, 25-year shingles, cedar shake singles, tile and/or masonry and slate shingles are standard through the development.
- xiv. Architectural Theme: Varied high quality architectural styles are expected and encouraged throughout the development. While not singular in terms of one particular architectural style, the overall project theme utilizes battered stone pillars and textured walls along the Highland Drive corridor and the extensive use of stone facing and wrought iron railing treatments on the arched bridge across the Bear Canyon drainage channel. (See Exhibits “C and D” to the City ordinance.)

E. Open Space/Landscape Treatments:

- i. Bear Creek Preservation Area. To be preserved on the site is a naturally occurring drainage channel extending into the property from the Pheasant Hills PUD Subdivision to the south and ending at the boundary of the Hidden Valley Golf Course to the west. The channel is to be largely undisturbed such that the native vegetation and existing trees will remain to protect the natural scenic beauty of this open space area. The 30 percent side slopes into the drainage channel are to remain as undisturbed as much as possible. No yard or formal landscape features or development will be allowed on the 30 percent slope areas, except as necessary for the Highland Drive extension and bridge, as described in Section J. (See Exhibits “A, B and D” to the City ordinance.)
- ii. Bear Creek Trail. An asphalt path/trail extending from the walkway system on the east side of Highland Drive and the north side of the bridge structure over the drainage channel will provide pedestrian/bicycle access to the channel heading east to the Pheasant Hills area enroute to Pioneer Road and the Corner Canyon area. (See Exhibits “D, L and M” to the City ordinance.)
- iii. 30% Slope/Vegetation Preservation. The native vegetation and existing trees in this area are to be preserved to the extent practicable. Grading within this area is expected to be minimal

extending from the 30 percent slopes down and into the channel itself on both sides. This will minimize the potential of erosion and soil loss and preserve the natural character of this open space amenity. Notwithstanding these conditions, the channel will be disturbed to extend Highland Drive across the open space drainage channel. A bridge across the drainage channel is proposed and all efforts to revegetate and mitigate the channel disturbance will be made. (See Exhibit "D" to the City ordinance.)

- iv. Fencing in Preservation Area. Only black wrought iron fencing with a flat top rail and flat posts will be allowed at the rear lot lines and side lot lines of lots that back onto this open space corridor, including the area up to the 30% slope line. This fencing will extend up those side lot lines to the beginning of the 30 percent slope line, and is intended to be as visually unobtrusive as possible. (See Exhibits "A and A1" to the City ordinance.)
- v. Storm Water Detention Open Space. The area west of the Highland Drive bridge structure is to be used for a storm water detention basin for the development. This triangular shaped property currently terminates at the fence line along Hidden Valley Golf Course. (See Exhibits "A and A1" to the City ordinance.)
- vi. Pedestrian Circulation Trails. As illustrated in Exhibits "A, C, D, F, G, I, J, L and M" the Valle di Villa development features an extensive pedestrian circulation system which links together the various open space elements of the project. Exhibits "I and J" to the City ordinance illustrate where the interior pedestrian paths intersect the roadways. These roadway nodes include specialty concrete paving area, benches, wrought iron fencing and high quality landscape elements. These paths connect the various areas of the development one to another such that all can safely access the gazebo park area and Bear Creek Trail area easily.
- vii. Gazebo/Park Area: As shown in Exhibits "A, H, K and L" to the City ordinance, a uniquely designed gazebo with specialty landscaping, benches and pedestrian lighting is included in the public open space area. This formal park area is approximately one-half acre and is adjacent to the Bear Creek open space preservation area and the open space detention area west of the Bear Creek Bridge. The location of this park and open space area, which is near the entrance to the project from Highland Drive, is very visually pleasing and enhances the feeling of the open area. It is also connected to the generously landscaped Highland Drive pedestrian walks and the interior trail circulation system of the project.

F. Roadways, Streets and Landscape Treatments:

- i. Highland Drive Extension. The extension of Highland Drive is to be constructed by the developer to a width of 42 feet as measured from the back of curb to the back of curb. This roadway is referred to as a "Modified Collector Road" and will accommodate one lane of traffic in each direction and a center turn lane. Also, the developer will install a 5 foot meandering sidewalk on each side of the Highland Drive extension through the 32 foot remainder areas of the 106 foot right-of-way dedication. A 6 foot masonry wall will be constructed along the right-of-way/property line along both the east and west sides of the Highland Drive corridor. The walls will feature battered stone columns and textured walls. The 32 foot right-of-way areas on either side of the modified collector roadway will be generously bermed and landscaped along the entire length of the corridor. Efforts will be made to establish the majority of the trees and shrubbery closely adjacent to the right-of-way walls themselves to help attenuate noise generated by Highland Drive and to help preserve this landscape buffering vegetation the event that Highland Drive is widened in the future. (See Exhibits "A, B, C, D and F" to the City ordinance.)
- ii. Typical Local Street. Throughout the development, local streets will be constructed with a 48 foot total dedicated width with a roadway section of 30 feet as measured from back of curb to back of curb. There will be a 7 foot utility easement on one side of the road, and a 6 foot utility easement/plant strip with a 5 foot sidewalk on the opposite side. (See Exhibits "A and G" to the City ordinance.)
- iii. Single-Family Dwelling Landscaping. All front yard landscaping, including required street trees, shall be installed within 6 months of occupancy.

- G. Fencing.** No front yard fencing is to be allowed. Masonry, wrought iron and earth tone vinyl fencing are allowed in the development to a maximum height of 6'-0". No fencing will be allowed that has any type of spike or spear effect on the top rail or fence posts, with the exception of the black wrought iron as explained in E. iv.

2. The effective date of this Amendment is the date it is recorded in the office of the County Recorder of Salt Lake County, Utah.

IN WITNESS WHEREOF, Declarant has executed this instrument ____ day of May, 2004.

DEVELOPER:
IVORY HOMES, LTD.
By: VALUE, L.C.
Its: General Partner

By:
Name: Clark D. Ivory
Title: Manager

ACKNOWLEDGMENT

STATE OF UTAH)
 ss:
COUNTY OF SALT LAKE)

The foregoing instrument was acknowledged before me this 13th day of May, 2004 by Clark D. Ivory, the Manager of VALUE, L.C., the General Partner of IVORY HOMES, LTD., a Utah limited partnership, and said Clark D. Ivory duly acknowledged to me that said IVORY HOMES, LTD. executed the same.

NOTARY PUBLIC
Residing at:
My Commission Expires:

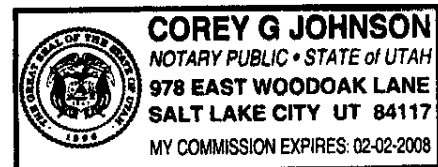


Exhibit "A"
LEGAL DESCRIPTION

The land described in the foregoing document is located in Salt Lake County, Utah and is described more particularly as follows:

All of Lots 101 thru 169, VALLE DI VILLA PHASE 1 SUBDIVISION, according to the official plat recorded in the office of the Salt Lake County Recorder, State of Utah.