

SILVERCREEK TOWNHOMES ASSOCIATION

Architectural Standards and Regulations (ASR)

These Architectural Standards and Regulations (the "ASR"), are hereby adopted by resolution of the Board of Directors of the Silvercreek Townhomes Association on this 24 day of May, 2024.

RECITALS

WHEREAS; ARTICLE II Section 5 of the Declaration states: *"The Trustees shall have the authority to promulgate rules and regulations for the governance of the Properties..."*

WHEREAS; ARTICLE II Section 6. of the Declaration states: *"After the initial construction on a Lot, subsequent construction, if any, on that Lot must nevertheless conform to the location, size, and appearance of the originally constructed Townhome."*

WHEREAS; ARTICLE VI of the Declaration states: *"No structure, building, fence, wall or addition, extension or expansion of any of the foregoing shall be commenced, erected or maintained upon the Properties, nor shall any exterior addition or change or alteration to any Lot or Townhome be made until the plans and specifications showing the nature, kind, shape, height, materials, colors and location of the same shall have been submitted to and approved in writing as to harmony of external design and location in relation to surrounding structures and topography by the Trustees or, if such a committee is in existence, by an [the] Architectural Control Committee..."*

"Notwithstanding the foregoing, without the prior approval of at least sixty-seven percent (67%) of the voters of each class of the Members..., neither the Association nor the Architectural Control Committee shall have the power, by act or omission, to alter, waive or abandon any plan, scheme or regulations pertaining to the architectural design or the exterior appearance or maintenance of Townhomes, Lots, and Common and Limited Common Areas, including walls, fences, driveways, lawns and plantings."

WHEREAS; Article III of the Articles states: *"This Association...and the specific purposes for which it is formed are to provide for operation, maintenance, preservation and architectural control of the Common Areas and of the exterior portions of the Lots and Townhomes within that certain tract of property..."*

THEREFORE; It is the responsibility of the Board of Trustees, or it's duly appointed Architectural Control Committee (the "ACC"), to insure that any Work proposed to be undertaken on any Lot or Townhome, complies with the Architectural Theme, the Architectural Standards, the Governing Documents, and; *"...conform[s] to the location, size, and*

appearance of the originally constructed Townhome...;" and, is in "...*harmony of external design and location in relation to surrounding structures and topography...*" In its implementation of this responsibility, the Board of Trustees or ACC does not have the power or authority, "...*to alter, waive or abandon any plan, scheme or regulations pertaining to the architectural design or the exterior appearance or maintenance of Townhomes, Lots, and Common and Limited Common Areas, including walls, fences, driveways, lawns and plantings.*" These resolute items and characteristics are defined herein as the "Architectural Standards," In addition, the Board of Trustees identifies and establishes other regulations including the process and procedure for architectural review and approval of proposed alterations, modifications or additions that are within the powers and authority of the ACC to allow.

SECTION I DEFINITIONS

Except as otherwise provided herein, the definitions set forth in the Governing Documents, and any applicable amendments and supplements thereto or restatements thereof, shall control in these ASR.

1.1. "Architectural Control Committee or ACC" means the Board of Trustees, unless the Board has established and authorized a separate committee to assume those responsibilities as set forth in the Governing Documents.

1.2. "Architectural Standards" means those resolute Architectural Standards as defined in Section 3.2 herein.

1.3. "Architectural Theme" means the established style and character of architecture and landscaping predominant throughout the Property, as further defined in Section 3.1 herein.

1.4. "Governing Documents" means collectively; the Declaration of Covenants Conditions and Restrictions of The Silvercreek Townhomes, including any amendments thereto (the "**Declaration**"); The Articles of Incorporation of The Silvercreek Townhomes Association, (the "**Articles**"); the Amended and Restated Bylaws (the "**Bylaws**"); the rules of the Association (the "**Association Rules**"); and these Architectural Standards and Regulations (the "**ASR**").

1.5. "Unauthorized Work" means any Work commenced, installed or performed without the written approval of the ACC, as further defined in 2.4.a.

1.6. "Deficient Work" means Work that is performed, installed or otherwise provided on any Lot or Townhome that is deemed by the ACC to be substandard in quality or workmanship.

SECTION II
PROCESS & PROCEDURE FOR ARCHITECTURAL APPROVAL

2.1. **Architectural Approval Required.** No Work of any kind can be undertaken on any Lot or exterior of any Townhome without first submitting detailed plans and specifications for the same to the Architectural Control Committee for review and approval in compliance with the requirements set forth in the Bylaws as referenced herein.

2.2. **Exceptions.** Application for Architectural Approval will not be required for seasonal or holiday decorations such as Christmas, Halloween, New Years, etc., ("***Seasonal Decorations***"). The ACC reserves the right, in its sole and absolute discretion, to disallow any Seasonal Decorations or decorations of any kind that are deemed inappropriate, detract from or are contrary to the decorum and image of the Property.

2.3. **Procedure for Architectural Review and Approval.** The procedure for Architectural Review and Approval is set forth in Article 5.1.a. of the Bylaws, as follows:

5.1.a. **Application Process for Architectural Approval.**

5.1.a.1. **Scope of Work.** *For purposes of this Section 5.1.a, the "Scope of Work" or "Work" is defined as all of the proposed changes, additions, extensions, expansions, colors, locations, alterations or improvements of any kind requested to be made to any Lot or Townhome by the legal Owner of that Lot or Townhome. The scale and extent of the Scope of Work must be clearly set forth on the Architectural Review Application as defined herein.*

5.1.a.2. **Architectural Review Application.** *Application for review of any Work requested by any Owner must be made on the approved Architectural Review Application form (the "ARA"), and comply with the requirements set forth thereon. The ARA must include detailed plans and specifications showing the nature, kind, shape, height, materials, colors and location of the Work requested. An ARA for Work on any Lot or Townhome may only be made by its Owner of record.*

5.1.a.3. **Architectural Review Committee.** *An Architectural Review Committee ("ARC") consisting of no less than three (3) members, including at least one (1) Board member, will review the ARA for completeness and compliance with the requirements for submission to the ACC. Within ten (10) business days of receipt, the applicant will be notified of any deficiencies to the ARA. Once the deficiencies, if any, are corrected, the ARC will formally submit the ARA, together with its recommendations, to the ACC for*

review and action. All submissions to the ACC must be made no later than five (5) business days prior to a regularly scheduled, monthly meeting of the Board of Trustees (the "ARA Submission Date"). Any ARA that has not received an ARA Submission Date within 30 days of receipt by the ARC, will be deemed disapproved by the ACC.

5.1.a.4. ACC Review Window. *The ACC will have 30 days from the ARA Submission Date to approve or disapprove the ARA. In the event the ACC does not provide written notice to applicant of either approval or disapproval within 30 days of the ARA Submission Date, then ACC approval will not be required and compliance with Article VI of the Declaration will be deemed to have been made."*

2.4. Enforcement.

2.4.a. Unauthorized Work. In the event Work is commenced or performed on any Lot/Townhome without first receiving the requisite written approval of the ACC as required herein (the "**Unauthorized Work**"), the Owner of the Lot or Townhome in violation will be subject to the following:

2.4.a.1. Removal of the Unapproved Work, and provide any required restoration, at the sole cost and expense of the Lot or Townhome Owner.

2.4.a.2. A monetary fine, as set forth in the Declaration, of 10% of the maximum annual assessment.

2.4.a.3. Reimbursement of reasonable attorney's fees and costs incurred as a result of the efforts of Enforcement.

2.4.b. Deficient Work. Any Work that is performed on any Lot or Townhome that is deemed Deficient Work by the ACC (the "**Deficient Work**"), must be corrected, repaired or replaced at the sole cost and expense of the Owner. The ACC will provide written Notice to the Owner of any Deficient Work. The Owner will have 90 days to correct the condition as set forth in the Notice. In the event the Deficient Work is not corrected within said time frame, the Association has the right to correct the Work and the cost of correction will be assessed against the Lot or Townhome as provided for in the Declaration.

2.5. Disapproval - Architectural Precedent. The ACC is under no obligation to approve of any Work based on the presence or existence of similar Work or a similar condition on some other Lot or Townhome within the Property (the "**Existing Condition**"). Any Existing Condition will not be considered as basis for approval.

SECTION III ARCHITECTURAL THEME and ARCHITECTURAL STANDARDS

3.1. Architectural Theme. The Architectural Theme of the Property is "Southwest

Mediterranean." The existing design, elevations, materials selections and features of the Townhomes, including the nature, texture and composition of the overall landscaping and hardscaping content present throughout the Lots and Property, contribute to this Architectural Theme. It is incumbent upon of the Board of Trustees, as stated in the Declaration, to maintain and preserve the same.

3.2. Architectural Standards. There are certain Architectural Standards in force pertaining to the Property, the Lots and the Townhomes, **that cannot be changed or altered, "...without the prior approval of at least sixty-seven percent (67%) of the voters of each class of the Members..."** These Architectural Standards include but are not limited to the following:

3.2.a. Exterior appearance/elevations of the Townhome. No changes or alterations of any kind can be made to the original design, appearance, color and construction of the exterior walls of the Townhome.

3.2.b. Roofing, type and color. The roofing material on all Townhomes and Common Area structures throughout the Property is concrete tile. No other roofing type or material is allowed. Any replacement tiles must match the original design, style and color.

3.2.c. Garage door type and color. All garage doors on the Townhomes in the Property are sectional metal panel. The designated color of all garage doors is white. No other type of garage door or color is allowed.

3.2.d. Block walls, type and color. All block walls on the Property are standard 8"x 8"x 16" CMU (concrete masonry units). All block walls on the Property are constructed with these typical CMU's. All block walls must be painted to match the existing, surrounding wall color.

3.2.e. Lot topography. No changes are allowed to the original topography, contours, slopes and grades of the Lot that existed at the time the original Certificate of Occupancy was issued by the City of St. George for the Townhome constructed on said Lot.

3.2.f. Exterior lighting. All Townhomes must maintain two (2), (and no more than two (2)), wall-mounted light fixtures on the side walls of the garage of each Townhome. One on each side of the garage door, at the location provided in the original construction. Both fixtures must be controlled by an electronic photocell on the side wall of the Townhome and remain illuminated during all nighttime hours. The lamps in each of the fixtures must have a minimum of 720 and a maximum of 1080 lumens and have a color temperature of 2700k.

SECTION IV
MISCELLANEOUS

4.1. **Conflicts.** In the event of any conflict between the other Governing Documents and these Architectural Standards and Regulations, the other Governing Documents shall control.

CERTIFICATION

I, THE UNDERSIGNED, do hereby certify that I am the acting Vice President of The Silvercreek Townhomes Association, a Utah nonprofit corporation, and that the Board of Directors thereof have adopted these Architectural Standards and Regulations, by the requisite vote of the same, on the 24th day of May, 2024

IN WITNESS WHEREOF;



Hans R. Kuhni – Board of Trustees Vice President