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Restrictive Page 1 of 14  
Gary Christensen Washington County Recorder  
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By COMMUNITY ASSOCIATION MANAGEMENT



WHEN RECORDED, RETURN TO:  
Tuscan Hills Homeowners Association  
%: Community Association Management  
107 South 1470 East, Suite 204  
St. George, Utah 84790

## **Tuscan Hills Homeowners Association**

**ACC GUIDELINES**  
Adopted: February 17th, 2021

**TUSCAN HILLS BUILDING STANDARDS  
ACC GUIDELINES (as of 20 December 2020)**

**1. APPLICABILITY**

- a. These Architectural Control Committee (ACC) guidelines are enforceable as of the day of board approval and shall be recorded with Washington County as a public record.
- b. These ACC guidelines shall apply to all phases of the Tuscan Hills Master Plan, including non-annexed phases and existing phases. As of the date of these guidelines that include Phase 1, 2, 3, and 4 of Tuscan Hills as well as Tuscan Heights, and any future phases annexed into the Tuscan Hills Master Plan.
- c. These ACC guidelines shall supersede any and all previous ACC guidelines and amendments whether recorded with the county or not.
- d. Per the CC&R's, these building standards (ACC Guidelines) may be added to and amended by the HOA board of directors, under procedures provided by Utah Code 57-8a-217.
- e. No construction, remodeling, addition, or modification of any kind of any structure may occur without the majority of the ACC's written consent. Submission and approval of applications to engage in the above activities shall be governed by rules, regulations, and standards adopted by the ACC.
- f. The issuance of a permit or granting of any 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 such matter.
- g. The Construction deposit shall be deposited with the association property management company to ensure that the provisions of these building standards are met.
- h. Upon the determination of the ACC that the provisions of these building standards have been met, and no construction debris or damage remains, and after the issuance of a certificate of occupancy for the building by the City of St George, Utah, and after the front and side landscaping is completed and approved by the ACC, the deposit shall be returned, without interest to the person making the deposit.
- i. In the event that the provisions of these building standards are not complied with in any regard, the deposit shall be deemed forfeited to the Association, and the Association shall be entitled to use such funds as deemed fit, including, but not limited to, the payment of costs and attorney fees incurred in enforcing these building standards.

**2. BUILDING TYPES**

- a. Tuscan Hills consists of Multi-Family & Single Family one-story and two-story residences as per the plat with St George City.
- b. The preferred style of home is Tuscan, Italian Mediterranean, Spanish Mediterranean, Early California Colonial, Santa Barbara, French Country, or a combination of the same. Additional styles such as Contemporary, Traditional Contemporary, Southwest, and Modern Farmhouse/Ranch style will be considered for approval provided that the home shall be consistent with the existing homes in the community.
- c. No dome, log, adobe, ultra-modern, prefabricated, mobile, pre-manufactured, modular, re-located, barn or berm structures are allowed.
- d. Homes shall be stick-built on-site using new materials per city Code and zoning regulations.
- e. Temporary trailers may be allowed for construction or home sales purposes.

- f. No lot, part, or portion shall be used or maintained as storage for building materials except during construction of improvements on the lot. A reasonable and appropriate amount of material storage is allowed for multi-family buildings to guard against price increases. Once a dwelling is occupied or made available for sale, all building materials shall be removed or stored inside such a dwelling.
3. **SET-BACKS**
    - a. Setbacks shall be determined by the land use and zoning ordinances of St. George City and may change per the city.
    - b. A building permit is required to show compliance with St. George City Zoning.
  4. **SQUARE FOOTAGE**

Exceptions may be applied for when the lot size or shape makes it impossible to comply with this requirement.

    - a. Single Family Dwellings  
The main floor must have a minimum of 1,800 square feet.
    - b. Multi-Family Dwellings  
A total minimum of 1,060 square feet.
  5. **BUILDING HEIGHT**
    - a. The building height must be no more than 35 feet as measured from the high side of the top back of the curb to the top of the roof tile.
  6. **STRUCTURAL COMPONENTS**
    - a. The home may be built of dimensional lumber, concrete, ICF block, structural insulated panels (SIPS), masonry block, steel, and/or metal framing members.
    - b. All homes shall be engineered for local building codes, soil conditions, wind loads, seismic conditions, and plans stamped by a registered structural engineer.
    - c. Homes shall be built in accordance with the International Residential Code and other applicable codes as adopted by the State of Utah and St. George, City.
    - d. All structures, including pools and outbuildings, shall obtain their own geotechnical engineering soils report specific to each lot and the recommendations of the Geotechnical engineer shall be followed.
  7. **ROOFS**
    - a. All roofs must be tile and sloped between 2/12 and 12/12 pitch.
    - b. Asphalt shingle roofs are not allowed.
    - c. Standing seam metal accents are allowed.
    - d. Either barrel S-Tile or Flat Tile is allowed in solid or mixed colors in the brown or grey color palettes.
    - e. All roof penetrations shall be painted the color of the roof tiles.
    - f. Any flat portion of the roof with TPO or PVC membrane visible from the street shall be painted the color of the tiles.
  8. **EXTERIOR CLADDING MATERIALS**
    - a. Materials may be a combination of stone, tile, brick, and/or stucco. Stucco is the preferred exterior building material.

- b. Stucco shall be elastomeric stucco over foam and lathe.
  - c. Vinyl, Fiber Cement, and metal siding are NOT allowed.
  - d. Real or pre-cast stone or brick to complement the home and blend with the neighborhood are allowed.
  - e. All materials must be submitted for approval.
  - f. Single Family Homes must have 25% or more of the front elevation in any combination of stone and/or brick.
  - g. Multi-Family Buildings must have 25% or more of the front elevation in any combination of stone and/or brick.
- 9. EXTERIOR CLADDING COLOR**  
Submit digital pictures via email of your color samples/information for approval.
- a. Only neutral colors that complement the natural surroundings are allowed (browns, beiges, greys, toupes, and medium hues of off-white ). Light versions of these colors are allowed, but not pure white or pure black.
  - b. Pastels and primary colors, (red, blue, yellow, green, orange, purple) are not allowed.
- 10. ACCENT COLOR**  
Submit digital pictures via email of your color samples/information for approval.
- a. Accents such as wrought iron metalwork, pergolas, trellis, wood porch ceilings, corbels, awnings, beams, chimneys, gates, etc. are encouraged if placed aesthetically with the home.
  - b. Accents may be stucco, brick, wood, Metal, or fiber-cement trim.
  - c. White, Black, Bronze, accented trim, and/or trim the same color as the stucco are allowed.
- 11. CHIMNEYS**
- a. Any chimneys shall comply with local building codes.
  - b. Chimneys may be constructed of any combination of stucco, brick, metal, or stone.
  - c. Exposed fireplace flues without chimneys are allowed as long as they do not extend more than 24" above the roof and they are painted the color of the roof tiles.
- 12. WINDOWS & EXTERIOR DOORS**
- a. Windows may be vinyl, aluminum, fiberglass, or aluminum-clad wood.
  - b. Frames may be white, black, bronze, or beige.
  - c. Vinyl windows must be integral colored vinyl, not painted vinyl as painted vinyl may fade.
  - d. Windows may be tinted.
  - e. Windows may have grids.
  - f. Exterior doors may be Iron & Glass, Painted fiberglass, stain grade fiberglass, or aluminum-clad wood. Solid wood doors do not hold up well in the heat.
- 13. FRONT ELEVATION**

- a. The front elevation shall be adorned with sufficient detail as to present a quality appearance.
- b. Window details may include but are not limited to the following: Trim around the windows, shutters, eyebrow window, headers and sills.
- c. Entry detail: Provide detail appropriate for the home style.
- d. Under soffit, detail may include but are not limited to the following: Corbels, rafter tails, knee braces, foam trim.
- e. Large blank spaces need detail; (see examples, light fixture, vent (real or faux), window (real or faux)).
- f. Awnings: Aluminum, wood, or steel awnings are allowed, including window and door awnings and pergolas. Free-standing pergolas must be engineered. No cloth awnings are allowed.
- g. Wrought iron metalwork, pergolas, trellis, wood porch ceilings, corbels, awnings, beams, chimneys, gates, etc. are encouraged if placed aesthetically with the home.
- h. Accents may be stucco, brick, wood, Metal, or fiber-cement trim.
- i. Off-White, Black, Bronze, accented trim, and/or trim the same color as the stucco are allowed.

**14. EXTERIOR LIGHTING**

- a. Wall sconces, hanging lights, and/or soffit can lights may be used in a way that accents the home and provides security.
- b. Exterior Lighting shall contrast and compliment the stucco, stone/brick. No white exterior lighting, except can lighting.
- c. Exterior Lighting shall use low wattage bulbs and/or have a dimmer switch installed to keep lights at night from being a nuisance.
- d. Floodlights shall be pointed down at the ground so as not to shine into neighboring homes and shall not be left on throughout the night. Floodlights may use a motion detector switch for security.

**15. GARAGE // GARAGE DOORS**

- a. All residences shall include a fully enclosed attached garage to accommodate not less than two vehicles for single-family detached homes and not less than one vehicle for multi-family units.
- b. Carports are allowed on single-family detached homes but are not a substitute for the two-car minimum requirement. Carports are not allowed on multi-family units.
- c. The height of the garage door shall be limited to not exceed 12 feet.
- d. A variance to include a 14-foot door for an RV garage may be approved for single-family detached homes only if the RV garage roofline blends into the main roofline and is set back from the front elevation of the home. This is more easily accomplished on two-story houses than a one-story home. RV garages that stick above the main roofline or inline or in front of the front elevation of the home are not allowed. The applicant is responsible for any design changes required by the ACC if an RV garage variance is requested.
- e. The garage door color must be submitted for approval. Garage doors must complement the color of the house and may be neutral colors or contrasting colors such as black, bronze, brown, or wood stains.
- f. White, pastel, or primary color garage doors are not allowed.

- g. Windows are allowed in garage doors.

**16. PRIVACY WALLS/FENCING**

- a. All wall designs must be submitted for approval. If noted on building plans, a separate application is not required.
- b. Walls must be Sunroc Geneva brown 6" masonry block, stamped concrete panel walls matching the community entrance, and/or black or brown wrought iron or any combination of the above.
- c. NO vinyl, chain link, wire, plastic, or other such materials are allowed.
- d. The wall height shall be no more than 6'4" feet as measured from the high side lot finished grade.
- e. The expense may be shared but shall not be enforced by the HOA.

**17. STORMWATER & DRAINAGE**

- a. No structure, planting, or material shall be placed or permitted to remain, and no activities shall be undertaken which may damage or interfere with established slope ratios, create erosion or sliding problems, or which may change the direction of flow of drainage channels.
- b. No change in the elevation of a lot shall be made, and no change in the condition of the soil or level of the land of a lot shall be made, which results in any permanent change in the flow and drainage of surface water, which is detrimental to any other adjoining lot.
- c. The slope control areas of each lot and all improvements in them shall be maintained continuously by the Owner of the lot, except for those improvements for which a public authority or utility company is responsible.
- d. No lot owner shall allow water runoff to flow onto an adjoining lot.
- e. All grading shall provide 4" below stucco to landscaping, and/or 2" below hardscape, and slope 6" in the first 10' from the structure.
- f. Rain Gutters and yard drains shall be daylighted or pumped away from the home, but not onto an adjoining lot.
- g. Homes shall follow the geotechnical soil engineer's recommendations.
- h. Contractors and/or owner builders shall follow the St George City stormwater pollution prevention plan (SWPPP) and best management practices (BMP's).

**18. RETAINING WALLS**

- a. The owner with the higher elevation shall be responsible for retaining his own property.
- b. If an owner lowers his property below an adjoining property, he/she shall be responsible for retaining the exposed grade on his side of the property line.
- c. Retaining walls over 48" shall require engineering and follow St. George City Guidelines, permit, and inspection.
- d. Retaining walls may be constructed of concrete blocks, masonry blocks, rockery boulders, or concrete. All formed concrete retaining walls or concrete block walls shall be painted to match geneva brown masonry.
- e. Retaining walls shall be designed by a soils engineer and provide the following:
  - i. Damp Proofing applied to the buried side of the retaining wall if made of masonry or concrete.
  - ii. 3" or 4" Perforated Solid Drain Pipe wrapped in a filter cloth and 6" of gravel prior to backfill.

- iii. Owners not installing damp proofing and foundation drain shall be responsible for repairing retaining walls that "weep" water through to the other side of the wall.
  - f. Heights and setback requirements are the responsibility of St. George City.
  - g. All grading shall provide 4" below stucco to landscaping, and/or 2" below hardscape, and slope 6" in the first 10' from the lot.
  - h. Rain Gutters and yard drains shall be daylighted or pumped away from the home, but not onto an adjoining lot.
  - i. Landscape irrigation should be kept a minimum of 5' from retaining and block walls to reduce seepage and settling.
  - j. Lots that do not have the ability to drain off-site shall control stormwater with retention basins, French drains, and/or sump pump to the street.
- 19. GATES**
- a. Gate design must be submitted for approval. If noted on building plans, a separate application is not required. Gates must be iron or metal.
- 20. DRIVEWAYS AND PARKING BAYS**
- a. Garages shall have a driveway equal or wider in width than the garage door facing the street at the front elevation.
  - b. Driveways and primary walkways shall be built of concrete or paver tile.
  - c. No asphalt driveways are allowed.
  - d. No gravel driveways are allowed from the street to the garage. Gravel parking pads are allowed on the side of the home.
  - e. Gravel and/or Concrete parking pads may be poured at the side or rear of the house.
  - f. The owner is responsible to remove and replace any cracked city sidewalk and/or water meter surrounds, whether pre-existing or not prior to a certificate of occupancy.
  - g. All driveways and sidewalks shall meet St. George City guidelines and inspections. Any change or repairs required by St George City is the responsibility of the owner, whether pre-existing or not.
- 21. MECHANICAL EQUIPMENT**
- a. Solar panels are allowed on single-family detached homes and multi-family units provided they are installed on the roof, preferably not viewed from the front street elevation.
  - b. No air conditioning units are allowed on the roof or through windows.
  - c. Dishes and/or antennas may be installed on the roof or attached to the soffit or the wall near the soffit, preferably screened from view from the street and not installed on the building's front elevation. Homeowners are responsible for any roof and/or stucco repairs necessitated by the installation and/or maintenance or any dishes and/or antennas.
  - d. Pool equipment/and or other mechanical equipment shall be screened from view of the street elevation.
- 22. OUTBUILDINGS**
- a. Outbuildings including sheds and garages must be built with the same materials as the primary structure including the same stucco and roof tile. Prefabricated wood sheds may be covered in stucco and roof tile.

- b. St George City Code shall be followed with regards to outbuildings, setbacks, and accessory dwelling units.
- c. Metal and/or vinyl sheds are not allowed.
- d. All Outbuildings require a separate application, building plans, and building permit unless included in the original home application and permit.
- e. RVs, boats, ATV, and other recreational vehicles must be parked in the side or back yard behind the front corner of the house or in an attached or detached garage.

**23. REMODELING**

- a. Any changes made to the exterior of a home must be submitted to the ACC for approval and must follow these same building standards.
- b. Changes made to the interior of a home do not require ACC approval but shall follow St George Building Requirements. Dumpsters for remodeling projects should be kept on driveways if possible.

**24. SIGHT DISTANCE AT INTERSECTIONS**

- a. No fence, wall, hedge, or shrub which obstructs sightlines at elevations between three (3) and eight (8) feet above the roadways shall be placed or permitted to remain on any corner lot or roadway island within a triangle formed by the street property lines and a line connecting them at points thirty (30) feet from the intersection of the street property lines extended. The same sight line limitations shall apply on a driveway or alley. No tree shall be permitted to remain within such distance of intersections unless the foliage line is maintained at sufficient height to prevent obstruction of such sight lines.

**25. LANDSCAPING**

- a. Landscaping must be completed within 30 days of the certificate of occupancy and prior to receiving a refund of the construction deposit.
- b. The Owner shall take reasonable measures in an effort to not unduly restrict the views of surrounding lots and properties with landscaping.
- c. Front Yards
  - i. 50% maximum grass
  - ii. High-quality faux grass is allowed, but not astroturf style grass.
  - iii. Minimum of (3) 24" box trees.
  - iv. Minimum of (3) large boulders.
  - v. Minimum of (1) elevation change (mounds, retaining walls)
  - vi. Minimum of (12) plants, shrubs, flowers, grasses arranged in bunched groupings consistent with other homes.
  - vii. Decorative gravel with filter cloth in all areas without grass.
  - viii. Xeriscape yards without grass shall have 50% additional plants, boulders, and trees.
- d. Corner Lots (both street facing side and front yard)
  - i. 50% maximum grass
  - ii. High-quality faux grass is allowed, but not astroturf style grass.
  - iii. Minimum of (5) 24" box trees.
  - iv. Minimum of (5) large boulders.
  - v. Minimum of (2) elevation change (mounds, retaining walls)
  - vi. Minimum of (18) plants, shrubs, flowers, grasses arranged in bunched groupings consistent with other homes.
  - vii. Decorative gravel with filter cloth in all areas without grass.
  - viii. Xeriscape yards without grass shall have 50% additional plants, boulders, and trees.
- e. Multi-Family



- i. Multi-family units shall landscape the area at the front of the unit to the street, 10' behind the unit, and 10' to the side of the unit. Landscaping within 5' of the building shall be Xeriscape with limited irrigation.
- ii. Multi-family pads shall meet the following requirements per unit.
  1. 50% maximum grass
  2. High-quality faux grass is allowed, but not astroturf style grass.
  3. Minimum of (1) 24" box trees
  4. Minimum of (1) large boulders
  5. Minimum of (6) plants, shrubs, flowers, grasses arranged in bunched groupings consistent with other homes.
  6. Each Multi-family unit shall have its landscape irrigation connected to its water meter.
  7. Decorative gravel with filter cloth in all areas without grass.
- iii. Multi-family units must include a clock-controlled irrigation system, access to which is located on the exterior of the Residence, to facilitate access by the Association during maintenance of emergencies and/or the absence of the Owner. This system is for the Limited Common Area adjacent to each unit.
- iv. The Association shall be responsible for installation (if any) and maintenance of landscaping in the Common and Limited Common areas excluding Section 25e.ii. above.

**26. PLAN SUBMITTAL**

- a. Applications must be filled out and signed by the general contractor with the name of the owner listed on the application.
- b. If an Owner is building the home and does not have an R100 or B100 contractors license, then an owner/build application approval from St George City is required with plan submittal.
- c. Required Items for a conditional approval (before submitting to the City):
  - i. Rendering showing all (4) elevations.
  - ii. Square footage
  - iii. Garage Door Measurement
  - iv. Highest Peak Height
  - v. % of stone/brick
  - vi. Site Plan showing setbacks and easements and utilities.
  - vii. Driveway location
  - viii. Complete all portions of the ACC application.
- d. The following shall be allowed as deferred submittals and must be submitted to the association prior to commencing building. All deferred submittals must be submitted for final ACC approval. (after receiving a building permit).
  - i. Contractor's license or an approved St George City Owner Build Authorization.
  - ii. Building Permit.
  - iii. General Contractors License or Owner Builder approval from St George City.
- e. Fees:
  - i. \$2,000 Refundable Construction Deposit per single-family detached homes.
  - ii. \$2,000 Refundable Construction Deposit per multi-family building.
  - iii. \$300 Non-Refundable Plan Review Fee per multi-family building or single-family detached home.
- f. Pictures of materials in jpg or png format emailed
  - i. Stucco
  - ii. Stone
  - iii. Brick
  - iv. Tile
  - v. Trim
  - vi. Accents
  - vii. Gates

**27. REVIEW PROCESS**

- a. The ACC committee shall not be unreasonable in approving applications to build. As such:
  - i. Owners shall receive an approval or denial within 30 days of a complete received submittal. If a submittal is deemed incomplete, the submittal is not received and the 30-day requirement has not started.
  - ii. Multiple submissions of the same plan shall be deemed approved upon submission of material colors. (In the event a builder/developer builds the same home/unit multiple times.)
  - iii. To speed the review process, the ACC committee shall accept pictures of material samples.
  
- b. The applicant shall not be unreasonable in their expectations of the ACC committee. As such:
  - i. The ACC committee shall have up to 30 days to review and approve or deny an application to build.
  - ii. Only completed applications shall be reviewed by the ACC committee. If they are not complete, the property manager will be notified, who will then request the missing information from the general contractor / Owner until all items are completed. An application is not deemed complete and the 30 day period shall not begin until the application is complete.
  - iii. If an applicant is unhappy or unwilling to submit the full application and/or if the applicant threatens attorney action regarding their application, then the review process will be halted and the matter will be forwarded to the association attorney.
  - iv. Any homes started without ACC approval shall receive a stop-work order, at which time all work shall cease. In this event, the contractor/builder shall submit a completed application and deposit prior to resuming construction.
  - v. ACC applicants agree by submitting an application that in the event that attorney action is required, the lot owner agrees to pay all legal fees including that of the association, and these fees shall be deducted from their deposit. If legal fees are in excess of the deposit, the lot owner shall be responsible for payment prior to occupying the property.
  
- c. Application and Review:
  - i. All submittals are to be sent to the property management company.
  - ii. The ACC Committee Chair will review the submittals.
  - iii. If the submittals are deemed complete they will be forwarded to the Association board for a vote.
  - iv. Once a majority of the Board votes in favor or against the application, the property manager will inform the Owner in writing.
  - v. Owners may appeal a decision by the board after a decision has been made. Owners may not appeal requests for information on an incomplete application.
  - vi. All submittals must be included, application fully filled out and signed, and deposits paid before the board will address the application.

**28. MAINTENANCE BY THE OWNER OF SINGLE FAMILY DETACHED HOMES**

- a. Each Owner of a Single Family Residence shall be responsible for the maintenance of the exterior of its home, including without limitation, the replacement of shrubs, trees, grass, and artificial turf.
- b. Each Owner of a Single Family Residence shall be responsible for all maintenance and repairs to all exteriors, interiors, systems, and finishes of their respective residence.

**29. MAINTENANCE BY THE ASSOCIATION OF MULTI-FAMILY UNITS**

- a. Consistent with the Amendment made to the CC&R's 15 May 2007, the Association is responsible for the maintenance of the exterior of the units, and homeowner fees will be adjusted to cover this maintenance. As a clarification, to this amendment, ONLY MAINTENANCE of the following will be performed by the Association:
  - i. Painting of exterior doors, garage doors, and exterior trim shall be performed on a schedule determined by the board taking into consideration the condition of the exterior painting and the monies reserved in the monthly dues to cover painting. If enough Multi-Family Unit Owners desire more frequent painting, additional dues will have to be assessed.

- ii. Roof repairs and maintenance caused by weather events. Unit Owners are responsible for any repairs caused by 3rd parties on the roof such as satellite or internet providers, and/or home inspectors.
  - iii. Stucco touch up for major cracks. Minor cracks and damage caused by Unit Owners will not be repaired by the Association.
  - iv. Landscape Maintenance.
    - 1. The Association shall be responsible for maintaining, not replacing, or reconstructing the front, side, and rear yards of every individual Unit, including routine maintenance of lawn and garden and weeding and mowing, and irrigation repairs.
    - 2. The Association shall be responsible for maintenance and installation of landscaping, including water meter and monthly water fees upon the Common Area, and Limited Common Area that is not adjacent to any Lot, and the area of any Lot outside the walls of the Unit that is not adjacent to any Lot, and the area of any Lot outside the walls of the Unit that is of the same character as surrounding Common Area or Limited Common Area.
    - 3. The Association shall be responsible to hire a landscape service to care for and maintain the landscaping in the Project as determined by the Board.
  - b. The Association shall not be responsible to repair or replace structural components, doors, garage doors, windows, window frames, window casing, exterior light fixtures, exterior electrical outlets, light bulbs, HVAC installations, plumbing installations, electrical installations, patios, balconies, and any other component of the Unit not expressly assumed by the association above.
  - c. Any changes to the scope of exterior maintenance shall be at the sole discretion of the Board. Any changes to the scope of exterior maintenance will require additional monthly dues to go into reserves to cover the anticipated expense.
- 30. MAINTENANCE BY THE OWNER OF A MULTI-FAMILY UNIT(S)**
- a. Each Owner of a Multi-Family Unit shall have the exclusive right to paint, repaint, tile, wallpaper, carpet, or otherwise decorate the interior surfaces of the walls, ceilings, floors, and doors forming the boundaries of their Unit and the surfaces of all walls, ceilings, floors, and doors within such boundaries.
  - b. Each Owner of a Multi-Family Unit shall be responsible for maintenance of the interior of its Unit and a proportionate share of party walls, mechanical systems, and shall be responsible for any repairs required.
  - c. Each Owner of a Multi-Family Unit shall replace all plants in the event of plant death. Unit Owners may plant additional trees or plants that will be maintained by the Association, but if that tree or plant dies it will not be replaced by the Association. Each Unit Owner shall be responsible for the water meter and monthly water fee for the limited common area adjacent to the Unit.
  - d. Each Owner of a Multi-Family Unit shall be responsible to repair or replace structural components, doors, garage doors, windows, window frames, window casing, exterior light fixtures, exterior electrical outlets, light bulbs, HVAC installations, plumbing installations, electrical installations, patios, balconies, and any other component of the Unit not expressly assumed by the association above.
- 31. RESPONSIBILITY FOR DAMAGES OR OMISSIONS OF CONTRACTORS AND/OR HOMEOWNERS**
- a. The homeowner shall be responsible for any and all damages caused by his/her contractors, agents, or self in regards to community property and uses. Any damages not repaired shall be deducted from the construction deposit, including attorney fees required to enforce.

**32. USE OF COMMON AREA**

- a. All owners have access to and use of the Community Common Areas.
- b. Single-family detached owners are hereby prohibited and restricted from using any of the Multi-Family (Townhouse) Common Areas, or as may be allowed by the Board.

**33. SUBDIVIDING OR COMBINING OF LOTS**

- a. No lot within the Tuscan Hills Master Planned Subdivision shall be subdivided or combined without first obtaining approval from the ACC. The responsibility and expense to comply with all legal requirements of such shall be borne exclusively by the person desiring and completing such a combination of lots.
- b. Multi-family building pads may perform lot line adjustments within a building pad without ACC approval but with St George City Surveyor approval, provided the same owner owns the entire building pad and at their own expense.

**34. IMMUNITY FROM LIABILITY**

- a. The lot owner is responsible for any expense in complying with the City of St. George Requirements, ACC guidelines, as well as any design or engineering changes that may result from revisions or denials from the ACC committee. In no instance shall the property manager, association, board, and/or architectural control committee be liable for design, building cost, engineering, previous lot condition, or any construction defect.
- b. Any errors or omissions in the design, construction, improvement, or landscaping of any structure or property, and any violation of these standards or of any law or regulation, are the sole responsibility of the lot owner and the applicable designer, architect, and/or contractor.
- c. The ACC's review of plans shall in no way be concerned with structural, engineering, or mechanical integrity or soundness, nor compliance with applicable laws or regulations. Neither the ACC, board, association, nor property manager shall not be held liable for damages by reason of any action, inaction, approval, or disapproval by it with respect to any request made pursuant to these building standards.
- d. Owners applying for building approval agree to indemnify, defend, and hold harmless the property manager, association, board, and/or ACC against all claims of any kind arising as a result of an application to design, engineering, remodel, add to, or construct a home/unit on any lot in the Tuscan Hills Master Planned Subdivision.

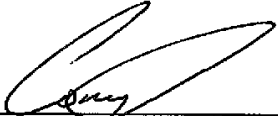
**35. INJUNCTIVE RELIEF**

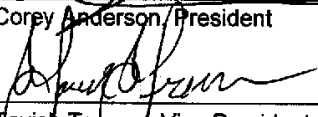
- a. Purchasers of lot owners within the Tuscan Hills Master Planned Subdivision acknowledge that any construction, remodeling, addition, or modification of any kind of any structure of any lot which occurs without the written consent of a majority of the ACC will cause irreparable harm to other owners and purchasers within the Tuscan Hills Master Planned Subdivision.
- b. Based thereon, any violation of this Article by any person shall entitle the ACC to enforce this provision through immediate injunctive relief through the appropriate court, and the association is entitled to recover its costs and reasonable attorneys' fees incurred in any enforcement action.
- c. By purchasing a lot within the Tuscan Hills Master Planned Subdivision, such purchaser or lot owner, for themselves and their agents, representatives, successors, and assigns, waives any and all defenses to the granting of such injunctive relief. Additionally, any purchaser of lot owner within the Tuscan Hills Master Planned Subdivision agrees that such injunctive relief is in addition to any other damages or claims which the ACC may have hereunder or pursuant to law, and agrees to pay the costs and reasonable attorneys' fees incurred in any enforcement action against said purchaser / lot owner.

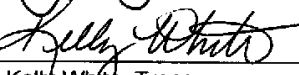
EXECUTED to be effective as of the date first set forth below.

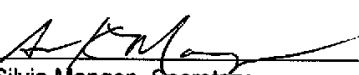
ASSOCIATION:

THE TUSCAN HILLS HOMEOWNERS ASSOCIATION, a Utah corporation

  
\_\_\_\_\_  
Corey Anderson, President

  
\_\_\_\_\_  
Tavish Truman, Vice President

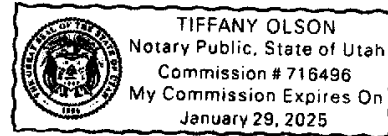
  
\_\_\_\_\_  
Kelly White, Treasurer

  
\_\_\_\_\_  
Silvia Mangen, Secretary

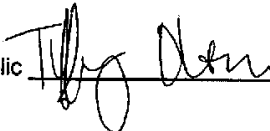
  
\_\_\_\_\_  
Taylor Stricker, Member at Large

STATE OF UTAH,

County of Washington.



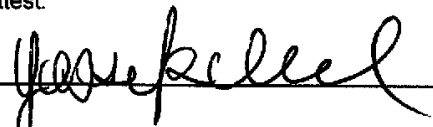
On this 17 day of February, 2021, before me personally appeared Corey Anderson, Tavish Truman, Kelly White, Silvia Mangen, and Taylor Stricker and proved to me on the basis of satisfactory evidence to be the person whose names are signed on the Ballot Certification and acknowledged that they signed it voluntarily for its stated purpose.

Notary Public  My commission expires January 29, 2025

Pursuant to Utah Code § 57-8a-217, a copy of these Guidelines were sent to each Member of the Association within fifteen (15) days after the Board meeting via:

- U.S. Mail
- Email
- Hand Delivery
- Other \_\_\_\_\_
- 

Attest:

  
\_\_\_\_\_

Jessica Richards, Community Association Management

**EXHIBIT A**  
**(Legal Description)**

**TUSCAN HILLS**

All of Lots 101 through 146, together with all Common Areas, Tuscan Hills 1 AMD (SG), according to the Official Plat thereof, on file in the Office of the Recorder of Washington County, State of Utah.

PARCEL: SG-TUNH-1-101 through SG-TUNH-1-146

All of Lots 201 through 219, Lots 221 through 224, together with all Common Areas, Tuscan Hills 2 AMD (SG), according to the Official Plat thereof, on file in the Office of the Recorder of Washington County, State of Utah.

PARCEL: SG-TUNH-2-201 through SG-TUNH-2-219

PARCEL: SG-TUNH-2-221 through SG-TUNH-2-224

All of Lots 1 through 7, together with all Common Areas, Tuscan Hills 3 (SG), according to the Official Plat thereof, on file in the Office of the Recorder of Washington County, State of Utah.

PARCEL: SG-TUNH-3-1 through SG-TUNH-3-7

All of Lots 1 through 14, together with all Open Space and Common Areas, Tuscan Hills 4 (SG), according to the Official Plat thereof, on file in the Office of the Recorder of Washington County, State of Utah.

PARCEL: SG-TUNH-4-OPEN

PARCEL: SG-TUNH-4-1 through SG-TUNH-4-14

**TUSCAN HEIGHTS**

All of Lots 1 through 5, Lots 6A through 7A, Lots 8 through 10, Lots 11A through 12A, Lots 13 through 21 together with all Common Areas, Tuscan Heights (SG), according to the Official Plat thereof, on file in the Office of the Recorder of Washington County, State of Utah.

PARCEL: SG-TUS-1 through SG-TUS-5

PARCEL: SG-TUS-6 -A through SG-TUS-7-A

PARCEL: SG-TUS-8 through SG-TUS-10

PARCEL: SG-TUS-11 -A through SG-TUS-12-A

PARCEL: SG-TUS-13 through SG-TUS-21