

DESIGN GUIDELINES FOR  
CATALINA FOOTHILLS ESTATES,  
AREAS 1-6

OCTOBER 2013

| TABLE OF CONTENTS  | PAGE # |
|--|--------|
| 1. CATALINA FOOTHILLS ESTATES, AREAS 1-6, PHILOSOPHY.....  | 6      |
| 2. OVERVIEW OF DESIGN REVIEW PROCESS.....                  | 8      |
| 2.1 Phase 1: Preliminary Design Submittal Phase.....       | 8      |
| 2.2 Phase 2: Final Design Submittal Review.....            | 8      |
| 2.3 Phase 3: Construction-in-Progress Review.....          | 8      |
| 2.4 Phase 4: Final Construction Inspection.....            | 8      |
| 3. CATALINA FOOTHILLS ESTATES, AREAS 1-6, DESIGN STANDARDS |        |
| SITE DEVELOPMENT STANDARDS                                 |        |
| 3.1 Building Envelope.....                                 | 10     |
| 3.2 Building Envelope Modifications.....                   | 11     |
| 3.3 Height of Landscaping.....                             | 11     |
| 3.4 Prohibited Plants.....                                 | 11     |
| 3.5 Protected Plants.....                                  | 11     |
| 3.6 Unauthorized Site Work.....                            | 12     |
| 3.7 Setbacks.....  | 12     |
| 3.8 Driveways.....   | 13     |
| 3.9 Utility Services.....                                  | 13     |
| 3.10 Washes and Drainage Easements.....                    | 13     |
| 3.11 Site Drainage.....                                    | 13     |
| 3.12 Site Grading.....                                     | 14     |
| 3.13 Parking Spaces.....                                   | 14     |
| 3.14 Sports Courts.....                                    | 15     |
| 3.15 Signage.....  | 15     |
| 3.16 Exterior Lighting.....                                | 15     |
| ARCHITECTURAL DESIGN STANDARDS                             |        |
| 3.17 Size.....   | 16     |
| 3.18 Building Height.....                                  | 16     |
| 3.19 Roofs.....  | 17     |
| 3.20 Materials.....  | 17     |
| 3.21 Colors.....   | 18     |
| 3.22 Reflective Surfaces.....                              | 18     |
| 3.23 Windows and Skylights.....                            | 18     |
| 3.24 Garages.....  | 18     |
| 3.25 Guest Quarters.....                                   | 19     |
| 3.26 Building Projections.....                             | 19     |
| 3.27 Fireplace Chimneys.....                               | 19     |
| 3.28 Walls, Patios and Courtyards.....                     | 19     |
| 3.29 Foundations.....                                      | 20     |
| 3.30 Utility and Service Equipment.....                    | 20     |
| 3.31 Solar Applications.....                               | 20     |
| 3.32 Awnings.....  | 20     |

| TABLE OF CONTENTS  | PAGE # |
|--|--------|
| 3.33 Antennae and Satellite.....                           | 21     |
| 3.34 Horse Properties.....                                 | 21     |
| 3.35 Duplication of Exterior Appearance.....               | 21     |
| 3.36 Single Story Homes.....                               | 21     |
| <br>   |        |
| 4. DESIGN REVIEW PROCESS SUBMITTAL REQUIREMENTS            |        |
| 4.1 Design Review Process Phases.....                      | 22     |
| 4.2 Minimum Submittal Requirements.....                    | 22     |
| 4.3 Commencement of Construction.....                      | 22     |
| 4.4 Reviews of Submittals.....                             | 22     |
| 4.5 ARC Authority and Limitations.....                     | 23     |
| 4.6 Preliminary Design Submittal Phase.....                | 23     |
| 4.7 Final Design Submittal Review Phase .....              | 26     |
| 4.8 Construction-in-Progress Review Phase .....            | 26     |
| 4.9 Final Construction Inspection Phase .....              | 27     |
| <br>   |        |
| 5. CONSTRUCTION AND BUILDER REGULATIONS                    |        |
| 5.1 Construction Area Limit Fencing.....                   | 28     |
| 5.2 Construction Trailers, Portable Field Office, Etc..... | 28     |
| 5.3 Debris and Trash Removal.....                          | 28     |
| 5.4 Sanitary Facilities.....                               | 29     |
| 5.5 Vehicles and Parking Areas.....                        | 29     |
| 5.6 Conservation of Landscaping Materials.....             | 29     |
| 5.7 Excavation Materials.....                              | 29     |
| 5.8 Restoration or Repair of Other Property Damaged.....   | 29     |
| 5.9 Construction Access.....                               | 30     |
| 5.10 Dust and Noise.....                                   | 30     |
| 5.11 Construction Signage.....                             | 30     |
| 5.12 Construction Hours.....                               | 30     |
| 5.13 Construction Compliance Standards.....                | 30     |
| <br>   |        |
| 6. DEFINITIONS   |        |
| 6.1 Architect.....   | 32     |
| 6.2 Architectural Review Committee (ARC).....              | 32     |
| 6.3 Association.....                                       | 32     |
| 6.4 Builder.....   | 32     |
| 6.5 Building Envelope.....                                 | 32     |
| 6.6 Declaration.....                                       | 32     |
| 6.7 Design Guidelines (DG).....                            | 32     |
| 6.8 Design Professional.....                               | 32     |
| 6.9 Excavation.....  | 33     |
| 6.10 Improvement.....                                      | 33     |
| 6.11 Lot.....  | 33     |
| 6.12 Management Agent.....                                 | 33     |

CATALINA FOOTHILLS ESTATES AREAS 1-6 GUIDELINES

| TABLE OF CONTENTS                           | PAGE |
|---|------|
| 6.13 Natural Area.....                      | 33   |
| 6.14 Neighboring Properties.....            | 33   |
| 6.15 Owner.....                             | 33   |
| 6.16 Private Area.....                      | 33   |
| 6.17 Residence.....                         | 33   |
| 6.18 Site Plan.....                         | 33   |
| 6.19 Structure.....                         | 34   |
| 6.20 Submittal.....                         | 34   |
| <br>  |      |
| 7. ILLUSTRATIONS                            |      |
| 7.1 Mailbox Design.....                     | 35   |
| <br>  |      |
| 8. APPROVED AND PROHIBITED PLANT LISTS      |      |
| <br>  |      |
| 8.1 Pima County Approved Plants List .....  | 36   |
| 8.2 Pima County Prohibited Plants List..... | 36   |

## CATALINA FOOTHILLS ESTATES AREAS 1-6 DESIGN GUIDELINES

These Design Guidelines (DG) have been promulgated pursuant to the Covenants, Conditions, and Restrictions for the Catalina Foothills Estates, Areas 1-4 (The Declaration), first recorded on 4/19/2004, as Docket 12283, Pages 86-286, and Areas 5-6 first recorded on 5/3/1978, as Docket 1896, pages 143-165, official records of Pima County, Arizona, and as may be amended or supplemented from time to time. The DG are administered and enforced by the Architectural Review Committee (ARC) in accordance with the Declaration and the procedures herein and therein set forth.

The DG are subject to each area's CC&Rs and are supportive of the CC&RS.

The DG may be amended from time to time in an effort to enhance the Catalina Foothills Estates, Areas 1-6. It is the responsibility of each Owner or other person to obtain and review a copy of the most recently revised DG document.

## 1. CATALINA FOOTHILLS ESTATES, AREAS 1-6, PHILOSOPHY

The Catalina Foothills Estates, Areas 1-6, are situated in the foothills of the Catalina Mountains. The East boundary is Hacienda del Sol; the West boundary is 1<sup>st</sup> Ave; the south boundary is River Rd, and the North boundary is Sunrise. This area consists of desert foothills, ravines, and washes complemented by a well-developed Sonoran landscape. The Catalina Foothills Estates, Areas 1-6, is particularly unique because of its rich contrasts in topography and the abundance and variety of typical Sonoran desert plant and animal life.

An extensive body of knowledge has evolved about its environmental factors. As a result of this knowledge, an overall philosophy for the Catalina Foothills Estates, Areas 1-6, has evolved. Stated quite simply, it is a subtle blending of people, residences, and the existing desert into a harmonious and aesthetically pleasing residential community which places primary emphasis upon the preservation of natural desert areas.

Design standards and restrictions have been developed to implement this philosophy. Minimum standards of design provide direction to an Owner in the development (planning, design, and construction) of their Residence to insure compatibility with the fragile environment and climate of the Sonoran desert. The purpose of the DG is not to create look alike Residences or to suggest that they have the same materials and colors, but to create a harmonious architectural approach compatible with the desert. No one Residence shall stand apart so as to detract from the overall environment and appearance of the Catalina Foothills Estates, Areas 1-6. The ARC will encourage creativity in design, innovative use of materials, and unique methods of construction so long as the final result is consistent with the Catalina Foothills Estates, Areas 1-6's overall philosophy, Area CC&Rs and these DG.

Each Lot within the Catalina Foothills Estates, Areas 1-6, is unique in its natural opportunities and constraints. In order to take full advantage of those unique attributes, each Lot will require different approaches in design and construction within the framework of this document. The design standards and restrictions set forth in this document should be viewed as protection that the special environment of the Catalina Foothills Estates, Areas 1-6, will be preserved and enhanced over time.

It is expected that the design of each Residence will be tailored to the unique features of each individual Lot. To preserve the natural features of each Lot, all Improvements shall be sited so as to minimize disruption of the existing environment. Residences shall be sited so that important views are protected, natural drainage is not altered, and the Catalina Foothills Estates, Areas 1-6, overall philosophy is carried out by carefully integrating the Residences into the natural desert. Undisturbed desert is the unifying theme at the Catalina Foothills Estates, Areas 1-6, and this can only be achieved if a Lot is not significantly altered to accommodate a Residence.

## CATALINA FOOTHILLS ESTATES AREAS 1-6 GUIDELINES

To ensure the preservation of the natural desert for the enjoyment of all residents of the Catalina Foothills Estates, Areas 1-6, the concept of a maximum allowable developable area of the Lot, called the "Building Envelope," has been developed. Designs which, in the opinion of the ARC, overwhelm the Building Envelope and are therefore inconsistent with the Catalina Foothills Estates, Areas 1-6, overall philosophy, will not be approved.

## 2. OVERVIEW OF DESIGN PROCESS

In order to assist each Owner in the development (planning, design, and construction) of their Residence, and in the understanding of the unique opportunities of each particular Lot, a comprehensive design review process has been established pursuant to these DG. The process provides an opportunity for the Owner to draw upon the expertise and knowledge which has been acquired during the planning and development of the Catalina Foothills Estates No. 1 to 6. Since the preservation and enhancement of the unique and fragile desert scape in the foothills are important principles, the ARC (Architectural Review Committee) is charged with the responsibility of insuring that these principles are carried out in all phases of development.

In general, the design review process is progressive and divided into four phases as follows:

### 2.1 PHASE 1

Preliminary Design Submittal Phase (See 4.6) during which the Owner or Owner's representative must submit plans for review and approval by the ARC. Upon receipt of plans, the submittal package is reviewed by the ARC to insure conformance with the DG.

### 2.2 PHASE 2

Final Design Submittal Phase (see 4.7) during which the Owner or Owner's representative must meet with a ARC representative at the building site to review the pre-construction requirements and Construction and Builder Regulations (see Section 5), the Building Envelope, particular Lot aspects and the DG. **This occurs prior to any commencement of construction.**

### 2.3 PHASE 3

Construction-in-Progress Review Phase (see 4.8) at which time the ARC determines whether actual construction is in progress and is in strict compliance with the approved Final Design Submittal and the DG. This occurs when requested in writing by the Owner and prior to occupancy of the Residence.

### 2.4 PHASE 4

Final Construction Review Phase (see 4.9) at which time the ARC determines whether actual construction has been completed in strict compliance with the approved Final Design Submittal and the DG. This occurs when requested in writing by the Owner and prior to occupancy of the Residence.



## CATALINA FOOTHILLS ESTATES AREAS 1-6 GUIDELINES

An Owner should retain an Architect or Design Professional to provide competent professional design services for any project in the Catalina Foothills Estates Areas 1-6. Clear comprehension of the DG, a thorough analysis and understanding of a particular Lot, the Owners special needs and living patterns, as well as the ability to convey to the ARC, through drawings and other Submittals, the concept and design of a proposed Residence or other Improvement are all important elements of the design review process. In addition, an Owner should retain a Builder to provide competent professional construction services related to the execution of construction of any project in the Catalina Foothills Estates Areas 1-6. If an Owner elects to provide their own services or retains non-professional services, and the result in either case is not approved by the ARC, then the ARC have the right to require that an Owner thereafter utilize professional design or construction services.

Every attempt has been made to streamline this design review process to eliminate excessive delays. Nevertheless, each Owner is responsible for strictly complying with the DG, all other applicable provisions of the Declaration or rules and regulations of any governmental authority, in order to bring the design review process to a speedy and satisfactory conclusion.

### 3. CATALINA FOOTHILLS ESTATES AREAS 1-6 DESIGN STANDARDS

At the Catalina Foothills Estates Areas 1-6 the climate and the existing landscape are important factors which must be considered in the design of Improvements. The following design standards are divided into two general areas for convenience. The first area, Site Development Design Standards, relates to the land and deals with the issues of siting, landscaping, grading, and the like. The second area, Architectural Design Standards addresses the design requirements and restrictions for the Residence and other Improvements constructed upon the Lot, including massing, height, color, and other design features.

#### SITE DEVELOPMENT DESIGN STANDARDS:

The natural desert landscape in the Catalina Foothills Estates Areas 1-6 is fragile, can be easily damaged, and may take years to grow back once damaged. As outlined below, each Lot consists of the Natural Area and the Building Envelope, which includes a Private Area.

#### 3.1 BUILDING ENVELOPE

The Building Envelope is that portion of a Lot which encompasses the maximum allowable developable area within which all Improvements must be located including any alterations to the developable area within which all Improvements must be located including any alterations to the undistributed natural desert, excluding the hard surface of the driveway. All Improvements on a Lot must be located within the Building Envelope as specified by the ARC and as permitted by the DG. Moreover, it is not intended that any Improvement and Residence design completely fill the Building Envelope. As the Building Envelope is a conceptual maximum allowable developable area, the construction of walls or other elements will be restricted to areas less than the boundaries of the developable area on a Lot by Lot, plan by plan basis. It is the responsibility of each Owner of a Lot in the Catalina Foothills Estates Areas 1-6 to provide the ARC with a Site Plan showing the size and configuration of the proposed Building Envelope. Certain Lots will have building envelopes pre-determined by the Declaration. The Building Envelope must be drawn in a surveyable manner, and staked in the field prior to the construction of any Improvements on a Lot. The maximum Building Envelope for all Lots shall not exceed 40,000 square feet without specific approval from the ARC. Building Envelopes may be effected by certain Pima County Zoning regulations, which may include but not be limited to the following:

- (1) This Plat is subject to Pima County Sections 18.77.030 Set Back Lines For Streets and 18.77.040 Scenic Routes.
- (2) Every new structure, building, fill, excavation or development may require a floodplain use permit prior to the issuance of any permits by the County Zoning Inspector.

- (3) Some Lots may be subject to the Hillside Development Overlay Zone as determined by review of a building site analysis by the Department of Transportation and Flood Control District, and any development to be placed thereon shall be shown to conform to the requirements of the Hillside Development Overlay Zone prior to the issuance of any building permits.

### 3.2 BUILDING ENVELOPE MODIFICATIONS

The Building Envelope for each Lot shall be identified by the Owner based on its natural features, topography, views, and relationship to adjacent Building Envelopes. During the Preliminary Design Submittal phase of the design review process, before any construction begins, an Owner must consult with the ARC to determine that the location of the Building Envelope meets the DG. Slight modifications to the Building Envelope may be made by the ARC upon application of an Owner as part of the design review process. Such modifications must not create significantly additional adverse impacts to the natural features of the Lot, the neighboring Lots, or the Catalina Foothills Estates Area 1-6 as a whole as compared with the impacts caused by the existing building envelope.

### 3.3 HEIGHT OF LANDSCAPING

Any plant utilized shall not exceed the height of the Structure (excluding chimneys or other such elements) as developed. In the event that any such plant is not maintained to comply with this standard, upon request by the ARC, the Owner will be required to remove the plant. All plants scheduled on the Pima County Approved Plant List (Section 8.1) for use in Natural Area are exempt from this height standard.

### 3.4 PROHIBITED PLANTS

Any plant materials set forth in the Pima County Prohibited Plant List (Section 8.2) including species with characteristics that are potentially destructive to the Natural Areas, and indigenous plants by reason of profuse and noxious pollen, excessive height, weed-like characteristics, excessive growth, high water demands, and other similar traits.

### 3.5 PROTECTED PLANTS

Protected Plants are those indigenous desert plants, which because of size, age, or type, must be protected. These include, but are not limited to, the following tree species of four-inch caliper and greater: ironwood, mesquite, Palo Verde, acacia; and of all cacti species six feet and greater in height: saguaro, barrel cactus, ocotillo, and yucca. Improvements shall be sited to avoid these protected species if at all possible. If a protected plant is threatened by construction it shall be transplanted on the Lot. The ARC must approve submittal plans (see 4.6, Preliminary Design Submittal Phase) for the salvage and

transplanting of these species because the successful transplanting of certain plants is remote; removal of said plants and replacement on the Lot with similar plants must be included in the submittal plans. Protected trees greater than 4 inches caliper measurement must be replaced by 15 gallon or 24 inch boxed trees as determined appropriate by the ARC given the type and location of the tree. Protected cactus six feet and greater shall be replaced with plant materials or trees as determined appropriate by the ARC given the type and location of the cactus.

### 3.6 UNAUTHORIZED SITE WORK

Site disturbance shall not commence except as approved by the DRC and such other governmental jurisdictions who may require permits and approvals in connection with the construction, reconstruction, or alteration of any Improvement for which the Owner has obtained the approval of the ARC. By way of example are the following:

- (1) No Excavation shall be created, installed, or occur upon any Lot.
- (2) No change in the natural or existing drainage for surface waters shall be made upon any Lot.
- (3) No Protected Plants shall be damaged, destroyed, or removed from any Lot.

In the event of any violation of (1) and, or (2) above, the ARC or the Association may cause such Lot to be restored to its state existing immediately prior to such violation; or, in the event of any violation of (3) above, cause to be replaced any Protected Plant which has been improperly removed or destroyed with either a similar plant in type and size or with such other plant as the ARC or the Association may deem appropriate. The Owner of such Lot shall reimburse the ARC or the Association for all expenses incurred by it in performing its obligations under this paragraph; provided, however, that with respect to the replacement of any Protected Plant the Owner shall not be obligated to pay an amount in excess of the expenses which would have been incurred had the Owner elected to replace the damage, destroyed, or removed Protected Plant with a plant similar in type and size.

### 3.7 SETBACKS (SUBJECT TO LOT, LOCATION, AND AREA CC&RS)

All improvements, including any alterations to the undisturbed natural desert such as, but not limited to any Excavation, site grading, driveways, parking areas, retaining conditions, walls, patios, and Structures must comply with the following standards:

- (1) Conform to the approved Building Envelope.

- (2) Notwithstanding the above standard (1), any Improvement shall not be developed within 30 feet of the front or rear property lines and thirty feet on all remaining side property line locations. **Refer to your Lot, location and Area CC&Rs for any exceptions.**
- (3) Notwithstanding the above standards (1) and (2), one driveway shall be allowed to cross the front yard setback area and be extended to the Building Envelope (see 3.8, Driveways) as a segment of the Building Envelope.

In addition to the above, all Structures must also comply with the following Standard:

- (4) Minimum front or rear setbacks for some pie shaped Lots either facing toward or away from the street shall be determined by where the minimum Lot width of the applicable zoning occurs on the Lot. Refer to the County recorded final plat for minimum setback requirements on such Lots.

### 3.8 DRIVEWAYS

Driveways must be sited to avoid important natural features of a Lot, such as Protected Plants, washes, or drainage ways, and to minimize disruption of the existing landscape. Parking spaces (see 3.13, Parking Spaces), pull outs, or other similar features within the front setback shall be well screened from the street and Neighboring Properties. Driveways shall be surfaced with concrete, brick, pavers, solid asphaltic materials, or other material, as approved by the ARC subject to Area CC&Rs.

### 3.9 UTILITY SERVICES

Sewage disposal will be by private on-site disposal systems.

### 3.10 WASHES AND DRAINAGE EASEMENTS

Natural washes and drainage ways occur frequently throughout the Catalina Foothills Estates Areas 1-6 and must not be obstructed. Improvements shall be sited to avoid these and to protect the adjacent natural vegetation. Improvements that are proposed to bridge washes without obstructing storm flows will only be considered on a design specific basis by the ARC.

### 3.11 SITE DRAINAGE

Site drainage must be accomplished with minimum disruption to the Lot and shall not impact adjacent Lots, except as established by existing natural drainage patterns, nor cause a condition that could lead to soil erosion on any Natural Area. All drainage shall exit from any Lot in a manner identical to the original runoff.

Drainage from hard surfaced areas such as driveways, roofs, and patios must be retained on-site so that the off-site quantity and rate of flow shall not be greater than the original hydrology conditions at any exiting point. Developed drainage ways, if lined, shall use native site rock (Catalina rock), colored gunite or colored concrete. Small rock check dams, collection and detention areas, and other such treatments are encouraged to direct drainage flows as a supplement to irrigation into appropriate landscape areas.

The ARC shall reserve the right to require a written certification from the Owner's licensed Architect stating that the overall characteristics of drainage runoff from the Lot have not been affected by volume, rate, or flow as a result of the Improvement's design and execution.

### 3.12 SITE GRADING

Site grading must be accomplished with minimum disruption to the Lot and shall complement the character of the natural site. Improvements are encouraged to be developed on multiple levels or pads, as opposed to grading a larger level pad, in response to the varied natural topography and terrain of the Lot. All site grading shall be accomplished with rounded transitions and be blended into the adjacent undisturbed natural grades. Treatments of site graded areas shall reinforce the landscaping and architectural nature of the Improvements utilizing one (or any combination) of the following standards:

- (1) Exposed cut and/or fill treatments shall not exceed six feet in height.
- (2) Rock rip-rap treatments shall not exceed four feet in height. Slopes to be 1.5 horizontal per 1 vertical maximum and must be combined with re-vegetation so that a 50% minimum of any single slope is planted. All rip-rap shall be native site rock (Catalina rock) and must be broken up in response to existing topography and vegetation.
- (3) Retaining wall treatments, either free standing or as a part of a Structure, shall not exceed six feet in height (see 3.28, Walls, Patios, and Courtyards).

Proposed site grading treatments that exceed any of the above stated maximum heights or slopes are discouraged and will only be considered on a design basis by the ARC.

### 3.13 PARKING SPACES (SUBJECT TO LOT, LOCATION, AND AREA CC&RS)

Each Residence shall incorporate a garage or carport for at least two automobiles. Additional parking spaces are encouraged to accommodate guest parking. Permanent on street parking is not permitted. All additional parking

spaces, if contemplated, shall be developed within the Building Envelope and as approved by the ARC.

### 3.14 SPORTS COURTS (SUBJECT TO LOT, LOCATION, AND AREA CC&RS)

Tennis courts, basketball courts or other similar large surfaced areas may be allowed to be developed on any Lot within Catalina Foothills Association Areas 1-6, but will be considered on a design specific basis and must be approved by the ARC in advance of its placement within the Building Envelope on any Lot.

### 3.15 SIGNAGE

Address identification signs for each Residence must conform to the ARC approved design standard and must be installed by each Owner. No additional signage detached from the Residence will be permitted, except temporary construction signs (see 5.11, Construction Signage), or other signage as permitted by the Declaration and approved by the ARC.

### 3.16 EXTERIOR LIGHTING

An overall exterior lighting concept for the Catalina Foothills Estates Areas 1-6 has been carefully developed. The intent of this lighting concept is to create a unified, natural effect which will not interfere or compete with the dramatic night-time panorama of views of the desert surrounding mountains, and the valley below. Each Residence's proposed exterior lighting plan must be approved by the ARC during the design review process (see 4.7, Final Design Submittal Phase). In order to preserve the dramatic night sky, which tends to be obscured by excessive local lighting, the ARC has established the following exterior lighting standards:

- (1) "Site lighting" means lighting mounted on the ground, on site walls, or by other means as decorative accent lighting or for the purpose of providing safe passage around the Improvements. Site lighting must be directed downward onto vegetation, the ground, or boulders. Site lighting must not be directed upon the building.
- (2) "Building lighting" means lighting built into or mounted to buildings on walls, ceilings, eaves, or other locations for the purpose of providing decorative illumination, area illumination, general illumination, or security illumination for select and specific locations. Building lighting must be directed downward, away from adjacent Building Envelopes.
- (3) All exterior lighting must provide for complete shielding of light sources. No bare lamps will be permitted. Care shall be taken to shield the lamp from view. One should see the effect of the light not the lamp itself.

- (4) All exterior lighting must use covered low voltage lamps or LED lamps with rated lumens initial value equal to or less than a standard incandescent general service 60-watt lamp.
- (5) Up lighting will generally be disallowed, as will an excessive number of fixtures, or excess light levels and glare.
- (6) All lighting must comply with any existing local governmental lighting regulations and minimum standards.

Each Owner is responsible to comply with the above outlined standards during the development and subsequent occupancy of their Residence. However, the ARC shall reserve the right to require an Owner to correct, repair, replace, or remove any exterior light or combination of lighting at the Owner's expense that is determined by the ARC not to comply with these standards.

#### ARCHITECTURAL DESIGN STANDARDS (SUBJECT TO LOT, LOCATION, AND AREA CC&RS)

The following architectural design standards have evolved in response to climatic and aesthetic considerations of the Catalina Foothills Estates Areas 1-6. A general design approach that stresses integrating the buildings into the natural desert context shall be developed for each project. During most of the year, the climate is mild and comfortable, but during the summer months the intense sun creates a climate which should be moderated by various design solutions, such as keeping buildings at or below grade, encouraging cooling breezes, shading window openings, and courtyards, and not using exterior materials which will increase glare. Understated designs, using muted colors and other similar design requirements, shall allow the natural desert's context and colors to predominate and will preserve the integrity of the Catalina Foothills Estates Areas 1-6 philosophy.

#### 3.17 SIZE

Any Residence shall not be developed to a size, which overwhelms the Building Envelope.

#### 3.18 BUILDING HEIGHTS

The terrain of the Catalina Foothills Estates Areas 1-6 is varied and unique, with hilltops, valleys and other changes in topography. As such, any Residence is encouraged to be developed as a multiple level design (either with levels as slab-on-grade conditions or with levels stacked above full, partial, or daylight basement conditions), as opposed to a large single level design in response to the Lot's varied natural topography. The ARC intends to discourage, and has the right to prohibit the construction of any Residence that appears to visually dominate the Lot or appears excessive in height when viewed from any



adversely affected Building Envelope – determinations the ARC has the authority to make.

The maximum height for any Structure shall not exceed 18 feet except that the height of one-third of the roof area may exceed 20 feet but not exceed 22 feet. All heights shall be measured from the “average natural grade elevation” occurring on that portion of the Lot on which the Structure is located. In pitched roofed areas, the top structure will be measured to the finished roof surface material of the highest ridge or peak condition. In flat roof areas, the top structure will be measured to the finished material top of the highest enclosing parapet wall.

In addition, any immediately adjacent top of structure measurement of height around the perimeter of the Structure shall not exceed 20 feet when measured from the lowest immediately adjacent natural grade elevation abutting that portion of the Structure.

### 3.19 ROOFS

All roofs shall be of a material, texture and color approved by the ARC. The ARC recommends that the roof color be desert tan. Roof lines shall be compatible with the overall character of the foothills topography and be predominantly flat or of low pitch to reinforce the traditional desert architecture which emphasizes horizontal elements of walls instead of roofs. No mechanical equipment of any kind will be permitted on any roofs subject to review/approval.

Flat roofs shall be any roof area having a slope of less than 3 vertical feet per 12 horizontal feet. All flat roofs shall be enclosed by a parapet wall that is a minimum of 12 inches taller than the immediately adjacent roof surface. Continuity of parapet walls in flat roof areas is required. Parapet walls are required between all level changes in adjacent flat roof areas. All vents and other projections shall be finish coated to color match the roof material color.

Pitched roofs shall be any roof area having a minimum slope of 3 vertical per 12 horizontal ranging up to a maximum slope of 6 vertical per 12 horizontal. Pitched roofs must be designed to avoid large monoplane appearance from all elevations by incorporating dimensional relief components. Pitched roofs shall be finished with a visually aesthetic material of rounded clay tile, rounded concrete tile, flat concrete tile, metal roof, or painted copper, all of which shall exhibit muted earth tone colors. All metal roofs will have a low sheen and a low light reflective value. Pitched roof colors shall complement the Structure’s exterior wall color. All vents and other projections shall be colored to match the finished roof material color.

### 3.20 MATERIALS

Exterior surfaces will be generally of natural materials that blend and are compatible with the natural landscape. Masonry, stucco, native rock or

traditional adobe shall be the predominant exterior wall surfaces. Large surfaces of exposed wood, such as wood siding will not be allowed subject to Lot, location and Area CC&Rs.

### 3.21 COLORS

The color of exterior materials must generally be subdued to enhance the colors of the natural landscape. Muted earth tones shall be exhibited on all exterior surfaces, although small amounts of accent colors, which are used judiciously and with restraint will be considered on a design specific basis. Specific exterior material colors (including, as applicable, main body color, trim color, roofs, window frames, doors, and accent color) shall not exceed a 40% Light Reflective Value (LRV) and must be submitted as samples for specific ARC approval. Colors that, in the judgment of the ARC, do not reinforce and complement the natural landscape will not be allowed.

### 3.22 REFLECTIVE SURFACES

Highly reflective finishes are not allowed to be used on exterior surfaces including, without limitation, the exterior surfaces of any of the following: walls, roofs, window frames, doors, building projections, and equipment. Small amounts of exposed finished trim, such as door hardware, are allowed to be left exposed. Window and door glazing that is mirrored is not allowed. Roof material shall be non-reflective.

### 3.23 WINDOWS AND SKYLIGHTS

Window and door glazing that is mirrored is not allowed. Window and door frames shall be finished with anodized metal, baked enamel, vinyl clad, or wood, all with finished colors (see 3.21, Colors) as approved by the ARC.

Skylights must be developed as an integral part of the roof. Skylight glazing shall be solar bronze or clear. White glazing is not allowed. Skylight flashing or frames must be colored to match or blend with the roof.

### 3.24 GARAGES (SUBJECT TO LOT, LOCATION, AND AREA CC&RS)

Garages are a major visual design element and their location, articulation, detailing and orientation shall be given careful consideration. Garage location, and garage door orientation that visually dominates the street scape, are discouraged. Each Residence shall incorporate a garage or carport for at least two automobiles. All garages shall be developed as a visual extension of the Residence and shall be connected by walls, courtyards, major landscapes, or other design elements to the main building portion of the Residence. Cars, trucks, boats and RVs shall not be parked permanently on the lot unless parked in a garage or carport.

### 3.25 GUEST QUARTERS

Such guest quarters shall be developed as a visual extension of the Residence and shall be connected by walls, courtyards, major landscape, or other design elements to the main building portion of the Residence. Any guest quarter's development and occupancy must comply with the CC&Rs and all Pima County zoning regulations.

### 3.26 BUILDING PROJECTIONS

All projections from a Residence including, but not limited to, flues, vents, gutters, downspouts, utility boxes, porches, railings, ornamental iron, exterior stairways, patio furniture, play equipment and basketball backboards shall match the color of the surface from which they project, or shall be of an approved color. All building projections must be located and contained within the Building Envelope.

Displaying of the American flag, utilizing a staff pole and bracket mounted to the main building or suspending the flag downward from the roof overhanging will be allowed. Any flag so displayed shall not exceed 30 square feet in area.

Building projections, such as patio furniture, play equipment, or basketball backboards will only be considered on a design specific basis and must be approved by the ARC in advance of placement within the Building Envelope. In the event that any such building projection is placed without approval by the ARC, upon request by the ARC, the Owner, at their own expense, will be required to remove it.

### 3.27 FIREPLACE CHIMNEYS

Fireplace chimney height and forms must complement the Structure's overall design. Chimney height (including any cap, cover, or canopy) shall not extend more than 3 feet above the applicable building code maximum height criteria. Chimneys shall continue the same materials and colors as presented on the Structures.

### 3.28 WALLS, PATIOS AND COURTYARDS

Patios and courtyards shall be designed as an integral part of the adjacent building. The development of such areas must respect all setback standards (see 3.7, Setbacks) and shall not be allowed to encompass or delineate the Building Envelope. In addition, the following standards shall apply:

- (1) All walls, freestanding walls or retaining walls, shall be constructed of masonry or other approved materials (see 3.20, Materials) and shall be the same or complement the main building's material and color selections. In addition, ornamental iron may be used in combination with such approved wall materials.

- (2) Wall height shall be six (6) feet maximum. Any combination of retaining wall condition and freestanding solid wall shall not exceed six (6) feet in height. Wall height shall be measured from the natural grade at the exterior of the wall. Proposed walls, which exceed six (6) feet in height, must incorporate an intermediate four (4) feet minimum width shelf area, which is to be landscaped using Native Plant material from the approved plant list.
- (3) All walls shall be developed in response to the natural grade conditions. Wall designs that are stepped, offset, and otherwise break up larger surface are encouraged.
- (4) Walls or fences constructed of wood are not allowed (Subject to Lot, location and Area CC&Rs).
- (5) Walls or fences that incorporate chain link elements shall be painted or mitigated with plantings (Subject to Lot, location and Area CC&Rs).

### 3.29 FOUNDATIONS

All exterior wall materials must be continued down to finish grade thereby eliminating unfinished foundation walls.

### 3.30 UTILITY AND SERVICE EQUIPMENT/SOLAR/WATER HARVESTING (SUBJECT TO LOT, LOCATION, AND AREA CC&RS)

All heating and cooling equipment including ductwork must be located on the ground or concealed within the building.

All exterior mounted air conditioning and heating equipment, gas meters, electrical service meter panel, soft water tank, pool equipment, and trash containers must be located within walled and gated service yards and will not be visible from Neighboring Properties. In addition, the electrical meter panel shall be painted to match the color of the surface from which it projects.

### 3.31 SOLAR APPLICATIONS

Solar applications will only be considered on a design specific basis by the ARC, and approved installation will require proper placement and screening as permitted by applicable state laws.

### 3.32 AWNINGS

Awnings for windows will only be considered on a design specific basis by the ARC.

3.33 ANTENNA AND SATELLITE EQUIPMENT

Antenna or satellite equipment installations will be processed and approved in compliance with all applicable Federal laws. All installations of antenna and/or satellite equipment will require proper placement and screening as permitted under applicable Federal law.

3.34 HORSE PROPERTY (SUBJECT TO LOT, LOCATION, AND AREA CC&RS)

Additional guidelines may, but not necessarily, be promulgated, which may be designated as horse properties. Without limitation, the Design Review Committee may establish special height and size restrictions, differing set back and open space restrictions and any other special or unique conditions which may be particularly suited to horse property.

3.35 DUPLICATION OF EXTERIOR APPEARANCE

The Architectural Review Committee, in its discretion, may deny approval of plans and specifications for any Residence with an exterior appearance that is the same as or, in the opinion of the Architectural Review Committee, substantially similar to, that of another Residence within 1000 feet.

3.36 SINGLE STORY HOMES

It is envisioned that all homes will be single story homes (Subject to Lot, location and Area CC&Rs).

#### 4. DESIGN REVIEW PROCESS AND SUBMITTAL

##### 4.1 DESIGN REVIEW PROCESS PHASES.

The design review process is progressive and intended to assure compliance with these Design Guidelines.

The process is divided into four phases as follows:

- (1) Preliminary Design Submittal Phase
- (2) Final Design Submittal Phase
- (3) Construction in Progress Review Phase
- (4) Final Construction Inspection

##### 4.2 MINIMUM SUBMITTAL REQUIREMENTS

In order to assist an Owner in preparation of specific Submittals, the ARC has established a series of minimum submittal requirements for each stage of the design review process. It is the Owner's responsibility to see that these minimum requirements are met and are received by the ARC in adequate time to allow for proper consideration and review. Any specific submittal that does not meet the outlined minimum requirements will not be considered by the ARC and will be returned to the applicant. Beyond the outlined minimum submittal requirements any additional information that can be provided to clarify, illustrate or otherwise aid the ARC in the design review process is encouraged.

All Submittals shall include two copies. All Submittals shall be coordinated through the authorized Architectural Review Committee agent for the Catalina Foothills Estates Area 1-6. Minimum submittal deadline dates, are at least 30 calendar days prior to the review meeting date, which shall be set by the ARC.

##### 4.3 COMMENCEMENT OF CONSTRUCTION

No construction activity related to any proposed Improvement shall be allowed to commence on any Lot until the first two phases of the design process are completed and approved in writing to the Owner by the ARC. The last phase is a final construction inspection and approval, in writing to the Owner, by the ARC prior to use or occupancy of the Improvement.

##### 4.4 REVIEWS OF SUBMITTALS

The ARC shall conduct reviews of Submittals during its regular scheduled meetings or at such other times as it deems appropriate.

Minimum submittal deadline dates, at least 30 calendar days prior to the review meeting date, will be set by the ARC. The Owner or an Owner's Representative shall not attend any meeting of the ARC unless specifically requested by the ARC. The ARC will endeavor to respond in writing within 14 calendar days after the review is completed by the ARC, provided that the Submittal is in accordance with the requirements outlined. Results of reviews will not be discussed over the telephone by members of the ARC with an Owner or an Owner's representative. Any responses by an Owner or an Owner's representative made in relation to a decision of the ARC must be addressed to the ARC in writing.

#### 4.5 ARC AUTHORITY AND LIMITATIONS

For any owner who demonstrates good cause, the ARC may waive, vary, or otherwise modify any of the standards or procedures set forth herein at its discretion. Notwithstanding this, the DG may not conflict with the provisions of the Declaration.

Approval by the ARC, at any phase of the design review process as outlined herein for any Improvement refers only to the DG and in no way implies conformance with any government regulations. It shall be the sole responsibility of the Owner to comply with all applicable government regulations, ordinances, and procedures and to adequately coordinate such governmental reviews with the process and procedures outlined in these DG.

#### 4.6 PRELIMINARY DESIGN SUBMITTAL PHASE

The Phase during which the Owner or Owner's representative must submit plans for review and approval by the ARC. Upon receipt of plans, the submittal package is reviewed by the ARC to insure conformance with the DG. Specific minimum submittal requirements of this phase include:

- (1) Topographical Survey
  - (a) Show and label all boundary lines, bearings, and Lot dimensions.
  - (b) Show and label all existing utility service locations or stub outs.
  - (c) Show and label the adjacent street.
  - (d) Show and label all easements and flood prone areas as applicable.
  - (e) Show and label the proposed Building Envelope.
  - (f) Show and label all setbacks (see 3.7, Setbacks)
  - (g) Show and label existing topographical contour lines at not greater than 2-foot intervals to a distance of not less than 20 feet beyond any Building Envelope or Improvements.
  - (h) Show and label all major natural terrain features.
  - (i) Show and label all Protected Plants, with specific inventory noting of these specimens within 20 feet of any Building Envelope or Improvements.

- (2) Site Plan (scale of 1 inch equals 20 feet)

The site plan drawing as referenced herein must be prepared to include and reflect the above outlined topographical survey requirements in addition to the following requirements:

  - (a) Show and label the complete extent of all site development elements or Improvements.
  - (b) Show and label the proposed Building Envelope (Building Envelope calculations of all Preliminary and Final Plans shall include the total square footage area to be disturbed, less the specific square footage of the hard surface of the driveway areas, totaling the actual Building Envelope calculation). It is advised that the Building Envelope detailed on the Plans include adequate area to construct perimeter walls, access for future Lot Improvements, etc.
  - (c) Show and label the Construction Area Limit.
  - (d) Show and label all driveway treatments.
  - (e) Show and label all utility services.
  - (f) Show and label all major site drainage treatments.
  - (g) Show and label all modified topographic contour lines at not greater than 2-foot intervals. Show and label all proposed major site grading treatments.
  - (h) Show and label all parking spaces including related screening treatments.
  - (i) Show and label all building including specific finished floor elevation value callouts.
  - (j) Show and label all patios, courtyards, terraces, etc., including specific finished deck/grade elevation value call-outs.
  - (k) Show and label all wall conditions including specific top of wall elevation value call-outs.
  - (l) Show and label all utility and service equipment locations and related screening treatments.
  
- (3) Average Natural Grade Calculation Diagram (scale of 1 inch equals 20 feet).
  - (a) Show and label existing topographical contour lines at not greater than 2 foot intervals to a distance of not less than 20 feet beyond any Building Envelope or Improvement.
  - (b) Show and label existing topographical contour values measured at 10- foot intervals around the perimeter of the Structure (or portion thereof) that is being evaluated. Provide a schedule summary of such values and calculate the mean average natural grade elevation value.
  
- (4) Landscape Plan
  - (a) Show and label all Protected Plants, with specific inventory noting of these specimens within 20 feet of any Building Envelope or Improvement.



- (b) Show and label all areas that will require landscaping treatments. Show and label all plant container specimen locations and all planting treatments including irrigation schemes for all planting areas. Provide a scheduled summary of required plantings including disturbed area calculations, specific plant density calculations and general plant specimen palettes.
- (5) Floor Plans
- (a) Show and label all finished floor elevation(s) values.
  - (b) Label all major room names.
  - (c) Show and schedule all enclosed living area square footage totals.
  - (d) Show and label the locations of all utility service equipment and the related screening treatments.
- (6) Roof Plans
- (a) Show and label all major components and materials including a general concept statement of proposed material color schemes.
- (7) Elevations (drawn to the same scale as the Floor Plans)
- (a) All major exterior building elevations shall be represented.
  - (b) Show and label all existing contour grades and proposed finished contour grades.
  - (c) Show and label all finished floor elevation(s) lines and values.
  - (d) Show and label all dimensions of all major building components.
  - (e) Show and label all top-of-wall elevation call-outs and dimensions.
  - (f) Show and label all top-of-roof elevation call-outs and dimensions
  - (g) Show and label material specifications for all utility and service equipment screening treatments.
  - (h) Show and label all major exterior materials and include a general concept statement of proposed material color schemes.
- (8) Exterior Lighting Plan
- (a) Show and label all exterior lighting to be developed in conjunction with the proposed Structure or other related Improvements.
  - (b) Show and label all exterior lighting to be developed in conjunction with the proposed landscaping treatments.
  - (c) Schedule all proposed lighting fixtures by type, location, description, shielding, and lamping requirements.

- (9) Balance of Drawings  
Balance of drawings required will be the complete drawings and specifications in sufficient detail for construction and subsequent Pima County Building Codes approval.
- (10) Exterior Materials and Color Sample Board
  - (a) Samples must be presented on an 18" x 24" board (at least 1/8" thick) clearly marked with Owner's name, filing date, and Lot number. All samples must be identified with manufacturer's specification including name, product number, color, and light reflectance value.
  - (b) Specific material samples and colors shall be made for (as applicable) the main body material, trim roofs, window frames, doors, and accents.
- (11) Miscellaneous Requirements  
Any other drawings, scaled models, materials, samples prepared or staking by the Owner as requested by the ARC that will aid the ARC during this phase of the design review process.

Upon receipt of a submittal package that meets the above outlined minimum submittal requirements, the ARC will review the design submittal to insure conformance with the DG and provide a written response to the Owner.

#### 4.7 FINAL DESIGN SUBMITTAL REVIEW PHASE

The Phase during which the Owner or Owner's representative must meet with an ARC representative at the building site to review the pre-construction requirements and Construction and Builder Regulations (see Section 5), the Building Envelope, particular Lot aspects and the DG. **This occurs prior to any commencement of construction.**

Upon a pre-construction meeting with the Owner or Owner's representative and the approval of the submittal package as outlined in the Preliminary Design Submittal Phase (See 4.6), the ARC will provide a written response to the Owner approving construction.

#### 4.8 CONSTRUCTION-IN-PROGRESS REVIEW PHASE

During this phase the ARC verifies in writing to the owner through the Builder that actual construction is in progress and is in strict compliance with the approved Final Design Submittal and the DG.

- (1) The ARC may inspect all work in progress and give written notice of non-compliance. Absence of such inspection and notification during the Construction-in-Progress Phase does not constitute either approval of the ARC with work-in-progress or compliance with these DG or the CC&Rs.

- (2) The ARC may require the Owner to provide their registered surveyor's written certification of the actual finished floor slab elevation(s) as installed. In addition, the Owner may be required to provide a surveyor's written certification of the top of structure elevations as constructed prior to final construction inspection and occupancy.

#### 4.9 FINAL CONSTRUCTION INSPECTION PHASE

During this phase the ARC meets with the Owner or Owner's representative and determines whether actual construction has been completed in strict compliance with the approved Final Design Submittal and the DG. This occurs when requested in writing by the Owner and prior to occupancy of the Residence. The ARC will provide a written response to the Owner of final compliance with the DG and the CC&Rs.

## 5. CONSTRUCTION AND BUILDER REGULATIONS

In order to assure that the natural desert landscape of each Lot in the Catalina Foothills Estates Areas 1-6 are not damaged during any construction activities and to generally control construction activities within the foothills, the following construction and builder regulations shall be enforced during the entire construction period. These regulations shall be made a part of the construction contract document specifications for each Residence or other Improvements on a Lot and all Builders, Owners, and other persons shall be bound by these regulations. Any violation by a Builder shall be deemed to be a violation by the Owner of the Lot.

Prior to commencing construction, the Builder must meet with a representative of the ARC (see 4.7 Final Design Submittal Review Phase) to review construction procedures and coordinate construction activities in the Catalina Foothills Estates Areas 1-6.

### 5.1 CONSTRUCTION AREA LIMIT FENCING

Any fencing which is to be installed during the Pre-Construction phase must be maintained in good repair during the entire construction phase. Under no circumstances shall the fence be located outside of the Building Envelope nor will this fence be allowed to be removed, even on a temporary basis, during the construction phase. Enforcement of these requirements shall be the responsibility of the Builder/Owner.

### 5.2 CONSTRUCTION TRAILERS, PORTABLE FIELD OFFICES, ETC.

Any Builder who desires to bring a construction trailer, field office, or the like to the Catalina Foothills Estates Areas 1-6 shall first apply for and obtain written approval from the ARC. The ARC will coordinate with the Builder to determine the best possible location within the Construction Area Limit Fencing for such temporary facility. Such temporary facility shall be removed promptly upon completion of construction.

### 5.3 DEBRIS AND TRASH REMOVAL

Builders shall clean up all debris and trash on the construction site at the end of each day. Rubbish containers or “dumpsters” shall be required on each construction site and must be located within the Construction Area Limit Fencing. Debris and trash shall be removed from each construction site as needed to keep the construction area clean and prevent debris from leaving the construction site, to a dumping site located off the project. Lightweight material, packaging, and other items shall be covered or weighed down to prevent wind from blowing such materials out of the dumpster.

Builders are prohibited from dumping, burying, or burning trash anywhere on the Lot or in the Catalina Foothills Estates Areas 1-6. During the construction

period, each construction site shall be kept neat and shall be properly policed to prevent it from becoming a public eyesore, or affecting other Lots and any open space. Any clean-up costs incurred by the ARC or the Association in enforcing these requirements will be billed to the Owner and paid by the Owner. Dirt, mud, or debris resulting from activity on each construction site shall be promptly removed from public or private roads, open spaces, and driveways or other portions of the foothills.

#### 5.4 SANITARY FACILITIES

Each Builder shall be responsible for providing adequate sanitary facilities for all construction workers. Portable toilets or similar temporary toilet facilities shall be located within the Construction Area Limit Fencing and must be approved by the ARC.

#### 5.5 VEHICLES AND PARKING AREAS

Construction workers will not park on, or otherwise use, other Lots or any open space including streets, except as provided in writing by the ARC. In the event parking areas off-site of the Lot under construction are needed, all such parking: shall not take place in front of existing residences; will not damage the street or curbs; and will be on only one side of any street. To the extent possible private and construction vehicles and machinery shall be parked only within the Construction Area Limit Fencing (See 5.1). All vehicles will be parked so as not to inhibit traffic, and within the designated areas so as not to damage the natural landscape. Enforcement of these parking regulations shall be the sole responsibility of the Builder.

#### 5.6 CONSERVATION OF LANDSCAPING MATERIALS

Builders are advised that the Lots and open spaces within the Catalina Foothills Estates Areas 1-6 contain valuable native plants and other natural landscaping materials that must be absolutely protected during construction per Pima County regulations. All such areas shall be cordoned off by the Construction Area Limit Fencing.

#### 5.7 EXCAVATION MATERIALS

Excess Excavation materials must be hauled away from the Catalina Foothills Estates Areas 1-6. All temporary stockpiled materials must be located within the Construction Area Limit Fencing.

#### 5.8 RESTORATION OR REPAIR OF OTHER PROPERTY DAMAGED

Damage and scarring to other property, including, but not limited to, other Lots, open space, roadways, driveways, and/or other improvements will not be permitted. If any such damage occurs, it must be repaired and/or restored promptly at the expense of the Owner of the Lot upon which the person causing

the damage is working. Upon completion of construction, each Owner and Builder shall clean his construction site and repair all property which was damaged, including but not limited to restoring, restoration of vegetation as approved or required by the ARC, and repair of streets, driveways, pathways, drains, culverts, ditches, signs, lighting, and fencing.

#### 5.9 CONSTRUCTION ACCESS

All construction access, during the time a Residence or other Improvements are being built, will be over the approved driveway alignment for the specific Lot, unless otherwise approved in writing to the Owner by the ARC.

#### 5.10 DUST AND NOISE

The Builder shall be responsible for controlling dust and noise from the construction site. Compliance with all Pima County ordinances and regulations shall be required.

#### 5.11 CONSTRUCTION SIGNAGE

Temporary construction signs shall be limited to one sign per site. The sign shall be freestanding and the design and location of such a sign shall be approved in advance by the ARC. All Architects, Builders, lenders and related contractors involved with a specific construction project shall be listed on the single sign allowed for each site. Specifications for the size, color and materials of the temporary signs are available through the ARC.

#### 5.12 CONSTRUCTION HOURS

Monday through Saturday construction working hours shall be 7:00 am to 4:00 pm for winter and 6:00 am to 5:00 pm for summer. No construction work will be allowed on Sundays or evenings unless performed on the interior of the home with no disturbance to neighboring properties. In addition, all major holidays including New Years Day, Memorial Day, Fourth of July, Labor Day, Thanksgiving, and Christmas will be recognized non-working days. Daily construction working hours may be changed at the discretion of the ARC.

#### 5.13 CONSTRUCTION COMPLIANCE STANDARDS

The Association (through its designated Inspector) routinely monitors the activities at construction sites. In spite of the rules of conduct, the Association has experienced violations, requiring the Association to expend funds to more closely monitor specific construction sites. The Association therefore will require each Owner to deposit with the Association an amount equal to one percent (1%) of the estimated construction costs (as reported to Pima County). At the time of a Violation, the Management Agent shall send a Notice to the Owner of the Lot and the General Contractor advising them of the nature of the Violation(s) and the time allowed to cure the Violation(s).

Upon the issuance of the third (3<sup>rd</sup>) or any subsequent Notice (regardless of whether it is a violation of the same or a different Rule) and in addition to the deposits required under this section, the Management Agent shall schedule with the Association Board a hearing at which the Association Board shall determine whether Owner should pay a reasonable monetary penalty in an amount not to exceed \$1,000 per Violation. The Management Agent's third or subsequent Notice shall specify a deadline by which the Owner may provide the Association with a written response to the Management Agent's charges, with the deadline providing the Owner with at least ten days to provide any written response and lying not more than five days before the Board's hearing. The Board shall only meet with the Management Agent in open session prior to determining the Owner's liability. The Board's decision shall be issued in writing to the Owner.

The Owner hereby authorizes the Association to charge against Owner's deposit all reasonable inspection costs the ARC determines in its reasonable discretion to be necessary to ensure compliance with these Design Guidelines and all Association-imposed penalties. Should Owner fail to make or pay any required deposit or penalty within five business days, then Owner agrees that it immediately shall stop all construction activities on site (other than to secure the site) until all deposits and penalties are paid in full. Further, the Owner agrees to pay a charge for a late payment of a penalty the greater of fifteen dollars or ten per cent of the amount of the unpaid penalty. The Association may seek damages and/or injunctive relief to enforce its rights under the DG. Owner expressly waives any claims it may have against the Association for any resulting suspension of construction activities. The Owner's submission of plans for approval constitutes the Owner's approval of all DG provisions.

Within ten days of the Association's notice to Owner of the project's compliance with the DG and all requirements contained herein, the Association shall return all unused portions of the deposit.

## 6. DEFINITIONS

Unless the context otherwise specifies or requires, the following words or phrases when used in these Decision Guidelines shall have the following specific meanings. Terms used herein which are defined in the Declaration shall have the meanings specified therein:

### 6.1 ARCHITECT

“Architect” means a person or entity appropriately licensed to practice architecture in the State of Arizona and engaged by an Owner for the purpose of designing any Improvement within the Catalina Foothills Estates Areas 1-6.

### 6.2 ARCHITECTURAL REVIEW COMMITTEE (ARC)

“Architectural Review Committee” means the committee established by the Board of Directors of the Association pursuant to provisions of the Declaration.

### 6.3 ASSOCIATION

“Association” as defined in the Declaration.

### 6.4 BUILDER

“Builder” means a person or entity appropriately licensed to perform contracting in the State of Arizona and engaged by an Owner for the purpose of constructing any Improvement within the Catalina Foothills Estates Areas 1-6.

### 6.5 BUILDING ENVELOPE

“Building Envelope” means that portion of a Lot which encompasses the maximum allowable developable area within which all Improvements (excluding the hard surface of the drive areas) must be located including any alterations to undisturbed natural desert.

### 6.6 DECLARATION

“Declaration” means the Declaration of Covenants, Conditions and Restrictions for the Catalina Foothills Estates Areas 1-6, as the same may be amended or supplemented from time-to-time.

### 6.7 DESIGN GUIDELINES (DG)

“Design Guidelines” means the design standards, restrictions, review process, submittal requirements, and construction regulations adopted and enforced by the Architectural Review Committee as set forth herein and as may be amended or supplemented from time-to-time.

### 6.8 DESIGN PROFESSIONAL

“Design Professional” means a person or entity engaged by an Owner for the purpose of designing any Improvement within the Catalina Foothills Estates Areas 1-6.



6.9 EXCAVATION

“Excavation” means any disturbance of the surface of the land including any grading, trenching, grubbing, or clearing which results in the relocation, removal, or addition of earth, rock, or other substance on the surface of the land.

6.10 IMPROVEMENT

“Improvement” means any changes, alterations, or additions to a Lot including any Residence, buildings, outbuildings, building projections, patios, swimming pools, walls, driveways, excavation, landscaping, and any Structure or other Improvement of any type or kind.

6.11 LOT

“Lot” means and refers to the separately designated and numbered plots of land shown upon the recorded subdivision Plat of Catalina Foothills Estates Areas 1-6, together with the Improvements thereon.

6.12 MANAGEMENT AGENT

“Management Agent” means the appointed member of the ARC acting on behalf of the Association.

6.13 NATURAL AREA

“Natural Area” means that portion of the Lot, which lies outside of the Building Envelope and must remain as undisturbed natural desert.

6.14 NEIGHBORING PROPERTIES

“Neighboring Properties” means those adjoining landowners whose lands share common boundaries and therefore have mutual rights, duties, and liabilities.

6.15 OWNER

“Owner” as defined in Declaration.

6.16 PRIVATE AREA

“Private Area” means that part of the Building Envelope, which is not visible from Neighboring Property.

6.17 RESIDENCE

“Residence” means any building or portion of a building situated upon a Lot and any Improvements constructed in connection therewith that is intended for use and occupancy as a single-family residence.

6.18 SITE PLAN

“Site Plan” means an architectural plan, landscape architecture document, and a detailed engineering drawing of proposed improvements to a given Lot. Such Plan, at a minimum to be complete, must show the building footprint, travelways, parking, drainage facilities, sanitary septic or sewer lines, water lines, trails, lighting, and landscaping and garden elements.

**6.19 STRUCTURE**

“Structure” means anything constructed or erected on a Lot, the use of which requires location on the ground or attachment to something having location on the ground, including buildings, outbuildings, garages, porches, fireplaces, pavilions, ramadas, building projections, or any other similar Improvements that has a height that exceeds 6 feet when measured from the ground or surface from which it extends.

**6.20 SUBMITTAL**

“Submittal” means the compilation of information to include, but not be limited to, those items required as stated in the Preliminary Design Submittal Phase (Section 4.6) and the Final Design Submittal Review Phase (Section 4.7).

## 7. ILLUSTRATIONS

### 7.1 MAILBOX DESIGN



8. APPROVED AND PROHIBITED PLANT LISTS

8.1 PIMA COUNTY APPROVED PLANT LIST

[http://rfcd.pima.gov/wrd/riparian/pdfs/approved\\_plant\\_list.pdf](http://rfcd.pima.gov/wrd/riparian/pdfs/approved_plant_list.pdf)

8.2 PIMA COUNTY PROHIBITED PLANT LIST

<http://www.pima.gov/cmo/sdcp/reports%5Cd26%5C136INVSP.PDF>