

**DESIGN GUIDELINES
RULES AND REGULATIONS
FOR
TORTOLITA RIDGE HOMEOWNERS ASSOCIATION, INC.**

April 8, 2021

The Design Guidelines/Rules & Regulations, as set forth in this document, shall interpret and implement procedures for the Architectural Review Committee's review and standards, including, but not limited to, architectural design, placement of buildings, landscaping, plant selection, color schemes, exterior finish and material, signage, and wall design. These documents are intended to enhance property values and maintain the high standard of development that exist within Tortolita Ridge Homeowners Association, Inc. Unless specifically identified as not requiring submittal for approval within this document, prior approval from the Architectural Review Committee is required. The Guidelines are established to assist residents in conforming to the standards established, and amended from time to time, by the Architectural Review Committee. Each application will be reviewed on a case-by-case basis.

REVIEW ALL GUIDELINES PRIOR TO THE COMMENCEMENT OF CONSTRUCTION OR INSTALLATION. IF WORK TO BE DONE FALLS COMPLETELY WITHIN GUIDELINES, PLANS NEED NOT BE SUBMITTED TO THE ARCHITECTURAL REVIEW COMMITTEE (ARC). IF PLANS DEVIATE IN ANY WAY FROM THESE GUIDELINES, APPROVAL TO PROCEED SHALL BE REQUIRED IN WRITING FROM THE ARC PRIOR TO COMMENCEMENT OF ANY WORK.

APPLICATION PROCEDURE

Submittal

Application and plans (which will be kept on file with the Association) should be sent to:

**Tortolita Ridge Homeowners Association
c/o Platinum Management Inc.
PO Box 14198
Tucson, Arizona 85732
Fax 520-722-5039
Via Email to jaimie@platinumonline.org**

The following information should be included with the submittal:

1. **Application Form – Architectural Review Form** - A completed application form (copies may be obtained from management office).
2. **Plot Plan**-A site plan showing dimensions, relation to existing dwelling and property lines (setbacks). Measurements must be written on the plans.
3. **Elevation Plans**-Plans showing finished appearance of improvement in relation to existing dwelling.
4. **Specifications**-Detailed description of materials to be used and color samples, and dimensions must be submitted.

5. **Photograph** – If submittal is for an existing structure or improvement, a photograph of the structure or improvement must accompany the submittal application.

All buildings, structures and other improvements erected within Tortolita Ridge and the use and appearance of all land within Tortolita Ridge, shall comply with all applicable Pima County zoning and code requirements as well as the Declaration and these Rules.

REVIEW-APPROVAL AND/OR DISAPPROVAL

The Architectural Review Committee shall have 60 days after submittal of plans to approved or disapprove plans. No verbal approvals/disapprovals will be given by the management company. All decisions will be in writing and will be mailed via US Mail. Failure of the ARC to provide written approval or denial within 60 days will deem the project denied.

Review and approval or disapproval will include, but is not limited to, consideration of material, quality of workmanship, colors, and consistency with the external design and color of existing structures on the lot and impact on neighboring lots. The location of the improvement must also take into consideration the municipal permit and set back requirements, topography, drainage, and finished grade elevation.

Neither the Architectural Review Committee, nor the Board of Directors, nor the Declarant shall have any liability in connection with or related to approved plans, specifications, or improvements. The approval of the plans does not mean that judgement is passed on the structural soundness of the improvement nor its effect upon existing or future drainage. The review of the plans is for aesthetic purposes only.

Approval Expiration - Construction must be started within 90 days of the date of the Committee's approval of the application or the Committee's approval shall be deemed withdrawn and plans must be resubmitted in accordance with these Rules.

Construction Period - once started; construction shall be pursued diligently in order to assure prompt completion thereof. Absent a different deadline for completion of construction (which may be shorter or longer, at the Committee's discretion), such construction shall be completed within six (6) months of the date of the Committee's approval of the application.

Appeal

Any appeal of the Committee's decision must be submitted in writing, within 30 days of the mailing date of the Committee decision to:

Tortolita Ridge Homeowners Association
c/o Platinum Management
P.O. Box 14198
Tucson, AZ 85732
Fax 520-722-5039

**THESE DESIGN GUIDELINES-RULES AND REGULATIONS
MAY BE AMENDED FROM TIME TO TIME
BY A MAJORITY VOTE OF THE BOARD OF DIRECTORS.**

DESIGN GUIDELINES

Antennas

No antenna, aerial, satellite dish or other device for the transmission or reception of television or radio (including amateur or ham radio) signals or any other form of electromagnetic radiation of any kind (collectively referred to herein as "antennas") with a diameter of three feet (3') or greater shall be allowed outside the Dwelling Unit. Those satellite dishes three feet (3') or less in diameter and whose installation and use is protected under federal law or regulations, is acceptable, provided that the antenna is designed to assure the most minimal visual intrusion possible, and if the antenna complies to the maximum extent feasible with the Design Guidelines and within the confines of applicable federal regulations, without precluding reception or a quality signal or unreasonably increasing the cost of the antenna.

The installation of certain antennas, the preferred locations, in descending order of preference, are as follows:

1. A location in the back yard of the property where the antenna will be screened from view by wall or fencing, landscaping or other improvements;
2. An unscreened location in the backyard of the Lot;
3. On the roof, but below the roof line;
4. A location in the side yard of the property where the antenna and any pole or mast will be screened from view by landscaping or other improvements;
5. On the roof above the roofline;
6. An unscreened location in the side yard;
7. A location in the front yard of the Lot where the antenna will be screened from view by landscaping or other improvements.

All exposed wires must be painted, securely attached to the dwelling, and conform to the contours of the home. Additionally, any transmission cable for a receiver to the house must be underground. The restrictions in this and ***Section 3.5 of the Conditions, Covenants and Restrictions (CC&Rs)*** shall be subject to any limitations imposed by law.

Awnings

Awnings over windows must be approved by the Architectural Review Committee and shall be canvas or similar material, of solid color on both sides, which match the color of the body of the exterior of the home or roof color, shall not extend beyond any perimeter of the property and shall be installed only on the side and/or rear of the home. Owner is responsible for maintenance and repair of awnings. Association retains the right to determine when an awning must be repaired and or replaced due to weathering, fading, tearing, ripping, etc. Any submittals for deviations from the above guidelines must include descriptions of the color and design of the proposed awning and a drawing with the location of the proposed awning installation.

Sports Equipment

The sports equipment referenced herein does not need to be submitted for approval providing the equipment is in compliance with the following restrictions.

1. Only portable, free standing basketball backboards are permitted. Backboards must be removed on a daily basis when not in use and shall only be used during daylight hours. In no event shall backboards be Visible from Neighboring Property, from the street, sidewalk, or common areas when not in use. Backboards must be kept in good condition and all backboards must be positioned so as not to adversely affect the property of any adjacent/surrounding neighbor or Common Area(s). Further, backboards cannot be placed in the street or upon sidewalks at any time.
2. Trampolines are permitted with a required setback of 10 feet from all rear yard walls. A submittal is required only if netting is over 12 feet in height.
3. Trampolines need to be secured via ground stakes, sandbags, or other weighted devices to reduce risk of fly-aways and damage to buildings during windy weather.
4. All equipment must be constantly maintained. Broken backboards, disfigured or bent rims, ripped torn nets, etc., should be promptly repaired or replaced.
5. Basketball courts may not be painted or permanently outlined on any concrete and/or asphalt surfaces in the front, side yard, or motor court areas.

Chimneys

Chimneys shall be constructed of the same material, texture, and color of the home. Exposed flues are prohibited.

Decorative Items

The Board of Directors reserves the right to require removal of decorative items in front yards based on size, quantity, color and location and any other criteria that the Board may determine.

Seasonal and Decorative Flags

Seasonal and decorative flags which are house mounted below the roofline do not require approval. Seasonal flags must be removed within 30 days after the date of the holiday to which the flag pertains. Flags must be maintained in good condition at all times. Torn, ripped, faded, etc. constitute grounds for fines and removal. Flags shall not be profane, lewd, or derogatory. The Board of Directors shall make this determination at its sole discretion.

Holiday Decorations

Holiday decorations may be installed 30 days prior to the holiday and must be removed within 30 days after the holiday.

Decorative and Seasonal Items

The Board of Directors reserves the right to require the removal of decorative items in front yards based on size, quantity, color, location, and any other criteria. The Board of Directors, at its sole discretion, shall make its determination on a case-by-case basis.

Decorative Art on Houses

Decorative Art on houses shall be neutral in color and may be limited in number, so as to not dominate the appearance of the home. Dimensions of decorative art shall be no greater than three feet in length, width, and height.

Water Features, Statuary

Items such as fountains, statuary, etc., are permitted within the rear yard and generally do not require submittal to the Architectural Review Committee, except Lots with view fencing. Any items installed in the rear yard must not exceed the wall or fence height. Water features in the front yard may not exceed 4 ½ feet in height. It is recommended that water features be chlorinated. The Committee reserves the right to limit the size and quantity of statuary in the front yard, as well as rear yards with view fencing. Statuary must not exceed 36 inches in height, must be of earth tones.

Driveway Extensions and Sidewalks

Driveway extensions require submittal only if they deviate in any way from the following conditions:

1. Driveway extensions may extend no more than a maximum of three feet (3') at any point on both sides of the driveway.
2. Driveway extensions must not be neon, flashy, loud, or ostentatious. Pavers should be one of the following colors:
 - Neutral/earth tones in color
 - Colored to match the home or surrounding landscaping
 - Concrete to match the driveway or

Association retains the right to determine when a driveway extension must be repaired and/or replaced due to cracking, breaking, deviation from guidelines, etc.

If a submittal is required:

- Submittals must include a plot plan with i.) the location and dimensions of the proposed extension, ii.) the existing driveway dimensions, and iii.) the total linear feet of lot frontage.
- The total parking area may not exceed the greater of thirty (30) feet of contiguous frontage or fifty percent (50%) of the lot width (existing plus extension) as measured at its widest point.

The area between the extension and the lot line must be landscaped with the same ground cover used in the front yard or a material approved by the Architectural Review Committee. Painting of paved surfaces, including the driveway is prohibited.

Pavers are allowed along the perimeter of the home, to include front and rear patios, but cannot exceed twenty-four inches (24") from the perimeter lines of the existing house.

Additional Sidewalks

Sidewalks installed to utilize side gates do not require submittals but are subject to the following conditions:

1. The additional sidewalk is three (3) feet or less in width and does not extend beyond the property line.
2. Any area between the home and the sidewalk addition must have groundcover installed per the landscaping guidelines to match the existing ground cover.

The Architectural Review Committee reserves the right to review and request changes to the addition per these requirements.

Walls Including Decorative Walls

Plans to raise the height of a party wall must be submitted for approval with written permission from the adjacent neighbor(s) as well as with information on the height of all walls which will abut the wall(s) being raised. Side and rear walls may not exceed six (6) feet in height from ground level, as measured from the lowest side of the wall.

Plans for new walls must be submitted to the Architectural Review Committee prior to construction. Walls must match the existing wall in texture and color.

Access for pool installation must be through the front gate access. All lots must receive prior approval to remove any portion of the sidewall.

Decorative or garden walls may not exceed thirty-six (36) inches in height. Decorative or garden walls must be submitted for approval prior to installation and be stuccoed and painted to match the base color of the home.

Flagpoles

In accordance with A.R.S. §33-1808, flagpoles are allowed for the outdoor display of the American Flag and other flags as provided in A.R.S. § 33-1808, provided the American flag and military flags are displayed in a manner consistent with the Federal Flag Code (P.L. 94-344; 90 STAT.810;4 United States Code Sections 4 through 10). Residences are allowed one flagpole which shall be attached by bracket to the front of the home. If installation of flagpole is desired, submittal is required including dimensions, location, and any planned lighting, if flag will be displayed after sundown.

The above does not apply to model homes where flags, in addition to or other than those flags allowed per A.R.S. §33-1808 may be displayed, but only during the time those homes are represented as models.

Gates

All requests for additional gates, or gates other than those which were offered by the original developer of the lot/home, must be submitted for architectural approval. Placement of gate(s) must be approved by the Architectural Review Committee. Double gates may be installed to allow wider access to rear yards. All gates (double or single) should be of the same material, design, and color as the originally installed single gates unless approved by the Architectural Review Committee. Gates may be painted to match the fence with approval from the Architectural Review Committee.

Gutters and Downspouts

Gutters and downspouts will be considered for approval if the finish matches the color of the home. The Association strongly recommends use of high-quality materials that offer long life, as the gutters must be maintained in good condition at all times.

HVAC Including Evaporative Cooler and Window Air Conditioner Units

Except as initially installed by the developer, no heating, air conditioning, evaporative cooling or window air conditioner unit shall be placed, installed, constructed, or maintained upon any lot without the prior written approval of the Architectural Review Committee. All units shall be ground mounted, located within the perimeter of the rear yard, and screened or concealed from view of all neighboring property.

LANDSCAPE GUIDELINES

Front Yard Landscaping - All front yard landscaping and irrigation systems installed by developer must be maintained by homeowner. If landscaping is not installed by the Builder, it shall be installed by the Homeowner within 90 days after becoming the Owner of a Lot. The landscaping and irrigation improvements shall be installed in accordance with plans approved in writing by the Architectural Committee. Prior to installation of such landscaping, the Owner shall maintain the front yard of the Lot in a weed-free condition.

Hardscape - Any change in hardscape items proposed for front yard installation must be approved by the Architectural Committee. Materials included in hardscape are concrete, brick, tile, wood, etc. Examples of hardscape items are planters, walkways, retaining walls, decorative walls, and fountains.

Rock Ground Cover - If decomposed granite or other landscape rock is used, it must be of an "earth tone" color and not white, green, blue, or other bright colors. River rock shall be one (1) to six (6) inches in diameter and not more than fifteen percent (15%) of the front yard landscaping.

Rear Yard Landscaping - All rear yard landscaping must be installed within one (1) year after becoming the Owner of a Lot. Any landscaping work that would exceed 12 feet in height at any point of its life, i.e., trees, must be submitted for approval to the ARC.

Turf - No turf is allowed in the front yard. Turf is allowed in the rear yard only. Although Bermuda

Grass is permitted in the community, please be aware that it does produce a tremendous amount of pollen. Please be advised that due to its high pollen content, Bermuda Grass is discouraged from use.

Weeds

Homeowners are required to remove weeds from both their front and rear yards within 30 days of initial emergence. Pre-emergent products and weed killers are usually very successful in keeping weeds under control, and can be used, provided the product use recommendations are carefully followed. Egregious violations will be cited and subsequent fines compound bi-monthly (every-other-month) until remedied.

Prohibited Plant Material - The following vegetation types and varieties are expressly **prohibited**:

- a. Olive trees (*Olea europaea*) other than the "Swan Hill" variety.
- b. Oleanders (*Nerium oleander*) other than the dwarf variety and Thevetia. (*Thevetia* species).
- c. Fountain Grass (*Pennisetum setaceum*) or Pampas grass (*Cortaderia selloana*).
- d. Dwarf varieties of Citrus are permissible within the confines of the rear yard only.
- e. Mexican Palo Verde (*Parkinsonia aculeata*).
- f. Sweet Acacia and any other large thorn tree.
- g. All varieties of mulberry trees.

Approved Plant List

The Official Regulatory List from the Arizona Department of Water Resources, Tucson Active Management Area, Low Water Use/Drought Tolerant Plant List, updated July 2004, a copy of which is attached hereto and made a part hereof, is the complete list of plants approved for Tortolita Ridge.

Lighting

Since many areas of Pima County are regulated by light code restrictions, landscape lighting, used to enhance plants and yard areas, must not be excessive, nor adversely impose upon neighboring properties.

Machinery and Equipment

No machinery, fixtures, improvements, or equipment of any type, including, but not limited to, heating, cooling, air conditioning, refrigeration equipment, and clotheslines, may be placed on any lot or parcel so as to be Visible from Neighboring Property. Any such placement of any machinery, fixtures, improvements, or equipment requires the prior written approval of the Architectural Review Committee and such approval may be withheld in the Committee's sole discretion.

Oil pans, carpet, boards, or any other object used to collect oil spills from driveways must be removed when not in use to prevent them from being Visible from Neighboring Property.

Outdoor Fireplaces

Outdoor fireplaces must meet all of the following criteria:

- a. Cannot be visible above the wall.
- b. May not be attached to a wall that is a shared (common or party) wall and must be equipped with a spark arrestor and/or firebox.
- c. Fireplace must be located a minimum of five feet from the home or any shared wall.

Paint Colors

The paint colors used by the original developer must be used in all instances, based upon zoning requirements. In the case of any variation from the original colors, the preferred colors are other colors and schemes used in the community. Trim colors shall not dominate the exterior appearance and shall be of the same color range of the major color. The Architectural Review Committee must approve paint colors prior to painting.

Patio Covers

Roofing materials should match that which were installed by the builder on the original roof of the home or what was offered as an option by the builder for a patio cover.

Color and material of supports should match the home. Roof shall be flat or match the pitch of the roof of the home. All patio covers, not installed by the builder, will need to be reviewed by the Architectural Review Committee on an individual basis, prior to installation, with strong consideration being given to any impact of architectural features in the neighborhood.

Playground Equipment

Plans for play structures and similar recreational equipment must be submitted for approval only if any portion of the structure exceeds the height of the rear yard wall. This is not to eliminate play structures, but to consider privacy and noise issues for adjacent neighbors.

The maximum height which will be considered for approval of swing sets and other play equipment shall be twelve (12) feet. An architectural submittal for any such structure which exceeds eight (8) feet at its maximum height must include written approval from all adjacent neighbors. In no case will the maximum height of any such improvement be permitted to exceed twelve (12) feet. The maximum height for any deck/platform is four (4) feet above ground level.

The play structure may be placed no closer than ten (10) feet to any lot line. When considering plan approval, the Committee will consider the appearance, height, and proximity to neighboring property. Submittals must include a picture or brochure of the structure, total dimensions, materials and a plot map or sketch indicating the proposed location and its proximity to adjacent property lines.

Neighbor approval shall include a signed statement acknowledging the proposed equipment, its height, material, and color. Neighbor's name, address, lot number and date signed must be noted. Play structures must be removed if/when the home is sold or vacated.

Pools and Spas

Pools and spas require the prior approval of the Architectural Review Committee. Perimeter walls on lots bordering common areas and shared Homeowners Association walls may not be removed to allow access to rear yards. Preferred access is through the side yard gate with no disturbance to the wall.

Access may be gained by removing a portion of the front wall on the side of the home, if access through the side yard gate is not possible. Repairs to the wall must be completed in a timely fashion and include repairing the wall to match the texture and color of the remaining wall. All pool and spa equipment must be screened from view of neighboring property. (Lots with view fencing must submit plans for screening for approval by the Architectural Review Committee.)

Pools may not be backwashed into any common area or street. Check with your pool contractor concerning County ordinance requirements for backwashing. Damage, including erosion, to common area due to backwashing will be repaired by the Association and all expenses incurred by the Association will be billed to the homeowner.

Pool Fencing and Equipment

The specifications for rear yard wrought iron pool fencing installation on a Lot with view fencing shall be of a neutral earth tone color or black to match or blend with the exterior color of the home and meet all County, State and Federal requirements.

Pool equipment on lots with view fencing must be screened from view from common areas. Screening may be through plant material or hardscape enclosure. Hardscape enclosures do not require approval if the enclosure does not exceed four feet in height and is finished with stucco and paint to match the base color of the home. All other screening material requires approval from the Architectural Review Committee.

Roof and roof structures

If the dwelling unit has pitched roof, the same roofing material and color must be used on any new/additional roof or roof structure. Unless specifically authorized in this document, no heating, air-conditioning, ventilation equipment, or any other equipment or structures shall be located or installed on any roof (please see Solar Panels). In addition, any such equipment or structures shall not be located or installed or maintained anywhere on a Lot, if it is Visible from Neighboring Property.

Sanitation

No garbage or trash may be placed on any lot or parcel except in covered containers meeting the County specifications and must be stored out of sight. Trash cans may be placed out for pickup no more than 12 hours prior to pickup and must be removed from view no more than 12 hours after pickup. Rubbish, debris, and garbage shall not be allowed to accumulate.

Each owner shall be responsible for removal of rubbish, debris, and garbage not only from his lot or parcel, but also from all public right-of-ways either fronting or along side his lot or parcel, excluding (a) public roadway improvements, and (b) those areas specified on a Tract Declaration or subdivision plat to be maintained by the municipality or the Association.

Security Lighting Devices

Security lighting must be directed as not to shine on neighboring property. Additional visible security features, including but not limited to doors and windows, must be submitted for approval.

Security Doors, Screen Doors, Sunscreens

Wrought iron security/screen doors need not be submitted for approval provided they are painted to match the base color of the home or are a neutral “earth tone” color. Silver colored aluminum screen/security doors and/or wire screen mesh doors are strictly prohibited on front doors.

Bronze, gray, charcoal, brown or beige non-reflective sunscreen material may be installed and not submitted for approval provided that the window frame matches the sunscreen material or the existing window frames. Reflective window films are expressly prohibited.

Signs

No signs shall be displayed on any lot except the following:

- (a) Signs required by legal proceedings;
- (b) A maximum of two residential identification sign with a maximum face area of seventy - two (72) square inches.
- (c) One temporary “For Sale” or “For Lease” “industry standard” sign not to exceed 18” x 24” per A.R.S. §33-1808(F).
- (d) Signs used by the Declarant to advertise the lots and residence thereon for sale.
- (e) Such signs as may be required by A.R.S. §33-1808, which includes political signs.
- (f) Other signs as may be approved by the Architectural Review Committee.

All signs shall conform and comply with County ordinances. Signs advertising landscaping or pool contractors, etc. must be removed within forty-eight (48) hours of completion of work.

Security Signs

Security signs must be located a maximum distance of 2 feet from the front of the home. Security signs must not exceed 12 inches by 12 inches and must be maintained in good condition at all times.

Solar Panels and Equipment

- If the installation project is for pool solar water heating the Architectural Review Committee requests that the coils are installed in the rear yard and out of view from the street and neighboring property.
- The Board asks that each Owner when contemplating the installation of solar panels consider the impact of the appearance of these panels and the appearance of the panels be mitigated as much as possible. Panels should be flush with the roof where possible.

- The Board of Directors also requests that the Solar Installation project consider the visual impact that the panels will have on the home, as well as the surrounding neighbors and Common Area.
- The Architectural Review Committee and/or Management Company Representative may request an onsite meeting with the Owner of the property and a representative from the Installation Company to ensure that the placement is in the optimum location, both for efficiency of the device and from an appearance perspective.

Storage Sheds

Storage sheds need not be submitted for approval, provided that maximum height of the shed, including roof, does not exceed the height of the wall. Rubbermaid type sheds which are not “visible from neighboring properties” or above the wall, do not require a submittal.

Sheds whose height exceeds the height of the rear yard wall must be submitted to the ARC. The shed must be designed and painted to match the home, with a shingle or tile roof that resembles the roof of the home. The shed must be no larger than 8’ x 8’, with a height not exceeding 10 feet. Any sheds that exceed 8 feet require written neighbor approval. Storage sheds are permitted in the rear yard only. No “lean-to” type sheds are permitted.

Storage sheds on lots with a view fence are subject to the following provisions:

- The shed may not be placed adjacent to the view fence
- The shed must be screened from view with approved plant materials
- Placement of the shed must be approved prior to installation

Windows

Permanent draperies or other window treatments, such as blinds and shutters shall be installed on all front-facing windows within thirty (30) days of occupancy. All blinds and window treatments must be a solid neutral color white or beige on street facing windows. No reflective materials, including but not limited to, aluminum foil, reflective screens or glass, mirrors, or similar type material, shall be installed or placed upon the outside or inside of any window.