

BUTTERFIELD RANCH HOMEOWNERS ASSOCIATION ARCHITECTURAL RULES and PROCEDURES (9.3, 9.9)*

Effective January 1, 2023

Note: This document supersedes Architectural Rules and Procedures dated July 1, 2017.

The numeric notations () indicate the article and section in the CC&Rs. This version has an Amendment that was Drafted and Approved by the BFR ACC for Landscaping and Exterior Alterations, Section 6, Exterior Painting (Revised to Exterior Paint Colors) Also changed, Associa has been changed to Platinum Management Inc. in "Submittals" and Attachment 1 in reference to the now outdated and voided Paint Policy has been removed. The ACC Index has been changed to Attachment 1 and all reference to Attachment 2 has been Amended to Attachment 1.

INTRODUCTION

The Declaration of Covenants, Conditions and Restrictions (CC&Rs) for Butterfield Ranch Homeowners Association (the Declaration) provides for an Architectural Control Committee (ACC) appointed by the Board of Directors of the Butterfield Ranch Homeowners Association to review additions, modifications and alterations (referred to in this document as an "alteration") to all lots within the community and to establish rules and procedures for such alterations so that a uniform standard for maintenance can be achieved. This is achieved by balancing individual rights with the community needs and values. The terms defined in Article I of the CC&R's have the same meaning when used in this document. The purpose of this document is to establish rules and procedures for the community and to provide a foundation of criteria for owner projects.

SUBMITTALS (9.2)

An application for all alterations needs to be submitted, unless specifically stated in these Architectural Rules and Procedures. The owner shall submit to the ACC via the Management Company the following information for approval prior to construction or installation of the alteration:

1. The completed application form (available from Platinum Management Inc.).
2. Plans and specifications for the proposed work, as specified on the application form.
3. You may wish to discuss your proposal with neighbors and seek their signature before submitting an application to the ACC. In some cases the ACC may consult with your neighbors before making a decision on your application.
4. Additional information may be requested by the ACC.
5. The ACC reserves the right to request "reasonable" modifications to any alteration if deemed appropriate.

VARIATIONS (9.3, 9.6, 9.9)

The ACC, at its discretion, may approve variations from the Architectural Rules and Procedures which will be evaluated on an individual basis when the justification for the variation is provided by the applicant.

PERMITS

The lot owner is solely responsible for obtaining all required permits and approvals from applicable public agencies such as County or City. All improvements are subject to all appropriate permits and inspections being obtained. Copies of permits should be submitted to the ACC when obtained by the lot owner. (9.2)

The ACC will not knowingly approve any proposal that might violate governmental codes and regulations. However, the approval by the ACC does not indicate nor imply compliance with such codes and regulations. Conversely, governmental approval does not guarantee the application will also be approved by the ACC. (9.2, 9.3, 9.5)

GENERAL CRITERIA

All proposals should conform to the following general criteria:

1. Positive Visual Impact: harmony with improvements existing on the owner's lot and in surrounding neighborhood, i.e. similarity of style, material, color, size and quality, including similar character of trees and other landscaping. (9.9)

2. No Adverse Impact: the work does not impair access, sunlight, ventilation or drainage of adjacent properties, and does not create a hazard or nuisance of any kind in the neighborhood, including light pollution. (9.9, 10.8)
3. Workmanship: per city code (if one applies), professional, neat, finished, clean, safe. (9.2)

LANDSCAPING AND EXTERIOR ALTERATIONS (9.2, 9.9, 10.23, 10.27, 10.29)

1. ALL FRONT YARD landscaping, ornamentation, and exterior alterations shall require ACC approval prior to installation or removal. The ACC is bound by the CC&Rs when deciding whether or not to approve any changes to the original, or previously approved, structure, landscaping or hardscape. Changes must conform to the existing surroundings and structures and must not alter the drainage. (10.11, 10.22, 10.27 and #3 & #4 below)
 - a. All hardscape accents shall be constructed of natural materials in desert hues, compatible with the original materials used by the developer. (9.8)
 - b. Building materials, if painted, shall match the house color. (9.8)
 - c. It is highly recommended that landscaping conform to and be compatible with the original landscaping installed by the developer, i.e., low-water use plants in harmony with the southwest desert appearance of the subdivision. (9.2, 9.8, 10.22). No wildflowers are allowed in front yards.
 - d. Previously approved in-ground or pot locations for annual plants do not require approval for subsequent seasonal plantings provided the locations and/or pots remain the same.
 - e. Oleanders must be trimmed to a height of less than 15 feet unless they are trained to be a tree, in which case, tree suckers must be kept trimmed at all times.
 - f. All trees must be trimmed so there is no encroachment into the street or sidewalk. Mature, taller trees, such as Mesquite trees must be trimmed up at least 8 feet from the ground. Smaller trees should be trimmed up to an appropriate length to assure a proper looking canopy. No excessive trimming back of branches is allowed.
2. The following BACK AND SIDE YARD landscaping and alterations shall require approval: (see #3 & #4 below)
 - a. Pools, spas and ancillary components of pools and spas (slides, gazebos, decks, machinery, etc) (10.11, 10.27)
 - b. Any structures such as storage sheds, patio fireplaces, patio covers, gazebos, jungle gyms, etc.(9.2, 9.8, 10.18)
 - c. Any increase in the height of the masonry wall. In addition, a request for changes to a common wall must be by a joint request signed by all lot owners affected by the change. Any increases in the common wall height may also require the approval of the City of Tucson and/or Pima County. (8.6.2, 8.6.6, 9.2)
 - d. Removal of a masonry wall, or a portion thereof, to facilitate access for modification projects. (8.6.4, 9.2)

3. PLANTING LOCATION REQUIREMENTS

- The planting locations for trees and large shrubs in yards shall be a minimum of 5 feet from any masonry wall. (US Homes Customer Care Manual Masonry section p.48)
- Trees and shrubs should be planted so that the fully grown canopy shall not overhang any common wall. (9.2)
- No landscaping irrigation nor vegetation within four feet of any exterior wall or foundation of residence. (10.27)
- Only indigenous desert planting with a drip-type minimal water use system shall be used in the area that is between 4 and 8 feet of any exterior wall or foundation. (10.27)

4. PROHIBITED PLANTS/TREES (9.2)

Prohibited plants include, but are not limited to:

- a. African Sumac,
Arizona Ash,
All varieties of true Bamboo,
Cedar,
Cottonwoods,
Douglas Fir,
Eucalyptus,
Honey Locust,
Italian Cypress,
Mulberry,
Oaks (except the Heritage Hybrid Oak),
Olive Trees (except Swan-Hill Variety),
Palms of the Washingtonian or Phoenix variety,
Pines,
Poplar,
Salt Cedar,
Silk Oak,
Tamarisk,
Tree of Heaven.
And any other tree or plant that has the genetic potential to exceed 30 feet in height at maturity.
- b. Fruit trees in front yard.
- c. Desert Broom Shrubs
- d. Green Fountain Grass
- e. Common Bermuda Grass

5. DRAINAGE & IRRIGATION

Changing of the established rainwater drainage pattern shall be prohibited, whether within common or perimeter fences or elsewhere upon the lot. When installing landscaping or irrigation, care must be taken to maintain proper grading to avoid drainage onto neighboring lots. Irrigation systems should not produce excessive watering especially near the house foundation and the footings of the masonry wall. All exposed pipes are to be painted the color of the surface they are attached to. (9.2, 9.9, 10.11, 10.22, 10.27)

6. EXTERIOR PAINT COLORS

All homes in Butterfield Ranch need to be repainted periodically for maintenance. If you wish to change any part of your current exterior paint scheme, it shall FIRST be submitted to the Architectural Control Committee (ACC) for approval. This is to ensure that homes reasonably match the aesthetic integrity of our subtle, desert, earth tone colors (beiges, browns, and tans). This helps maintain home values throughout the community. In addition, the use of coordinating colors for fascia, pop-outs, garage door or other trim is allowed with appropriate subtle, desert, earth-tone colors of beiges, brown or tans.

Per Section 9.3 of our CC&Rs, from time to time the ACC may revise paint color standards, and as such, homeowners may be prevented from repainting with a previously approved color in the future.

There will no longer be pre-approved colors that homeowners can choose to paint without approval. Before submitting an ACC application to change a color, it is recommended that owners purchase a small sample can of the color they select and paint a small area on the exterior of the house because colors can look different in outdoor lighting.

7. GATES

Repainting gates either the original color installed by the builder or the same color as the masonry wall, or the same color as the house shall not require approval of the ACC. New gate installations shall require ACC approval and should be similar to those originally installed by the builder. (9.2, 9.8)

For additional privacy, natural wood slats (to exclude particle board and plywood) attached to your gate or the use of metal screen the same color as the gate shall not require approval of the ACC.

8. SCREEN/SECURITY DOORS

Screen/security doors shall not require the approval of the ACC if they are wrought iron and painted the same color as the house or the same color as the window frames. Designs on the doors shall require approval. Screen doors constructed of any other material or color shall require the prior written approval of the ACC. (9.2)

9. GUTTERS & DOWNSPOUTS

The installation of gutters and downspouts shall not require approval of the ACC if they are painted to match the color of the house or trim adjacent to where the installation occurs. The natural drainage pattern should not be affected by the installation of the gutters. (9.8, 10.11)

10. MASONRY FENCES

All alterations to existing masonry walls shall require ACC approval. (8.6.6, 9.9)

11. AWNINGS

All awnings shall require ACC approval.

12. SOLAR ENERGY DEVICES

Solar energy devices shall not require ACC approval. All solar energy devices must be professionally installed by a licensed contractor. (10.25)

13. ROOF REPLACEMENT

Roof must be a shingle type similar to the original design. No tile roofs permitted.

Shingle color is required to be of natural tones and must blend well with the developer's original design.

White, light gray or shingles that have a reflective component will not be approved.

A professional contractor is required be used.

Upon completion, the roof must look finished with all flashing, vents and fascia/trim painted.

All trash and materials should be removed from the area upon completion.

LIGHTING (9.2)

1. EXTERIOR LIGHTING

All exterior lighting shall not cause excessive glare or light spillage onto adjacent lots or real property neither directly nor from a reflecting device. All exterior lighting requires ACC approval except those noted below.

2. MALIBU & ACCENT LIGHTS

Accent Malibu type lighting shall not require approval if less than 15 lights are installed and the bulbs are white or amber, not exceeding 18 watts per bulb, not exceeding 24 inches in height from ground level.

3. ORIGINAL FIXTURE REPLACEMENT

Original exterior wall light fixtures shall not require approval if replaced with a similar type, style and intensity of light and if the bulbs or lenses are white or amber. The opinion of the ACC as to what constitutes similarity shall be binding.

4. FLOOD LIGHTS

Flood lights shall not require approval, however the light emitting element and reflecting device of all light or illumination units shall be hooded or shielded.

5. HOLIDAY LIGHTS

Holiday lighting shall not require approval if installed no more than 60 days prior to the holiday and is removed up to 30 days after the holiday associated with the lighting. The opinion of the ACC as to what constitutes holiday lighting shall be binding.

Lights and decorations for Halloween shall not be installed earlier than 7 days before Halloween and must be removed within 7 days of Halloween.

POOLS

ALL pools, spas, ponds and related alterations shall require approval of the ACC. (9.2)

1. Any walls removed during construction shall be those situated on the owner's lot. Removal of masonry walls abutting a common area shall not be allowed. Any masonry wall removed shall be replaced in its original state immediately after construction is complete. (8.6.4, 8.6.6)
2. Backwashing of pools must be contained wholly on the owner's lot. The use of a dry well to retain backwash water is recommended. Backwashed water shall not be permitted to seep onto an adjoining lot, common area, or street. (10.11, 10.27)
3. No above ground pools are permitted.

STORAGE SHEDS

All sheds shall require approval by the ACC prior to installation.

Criteria for approval:

1. Placement of the shed must be shown on a site plan indicating the shed's distance from the house and masonry walls.
2. The shed's color must be in harmony with the subdivision's color scheme.
3. Consideration will be given to the impact on neighboring properties (see p.1 Submittals).

PLAY AND EXERCISE EQUIPMENT (10.6)

1. All play equipment that exceeds the height of the masonry fence from ground level to the highest point, shall require ACC approval.
2. Basketball hoops/standards shall not be permitted in the front yard, side yards, nor driveway. In the back yard, they shall require the approval of the ACC. (10.6)

Consideration will be given to the impact on neighboring properties (see p.1 Submittals).

3. No toys are permitted to be stored or left in the front yard after use.

SECURITY SIGNS

Two security signs are permitted on each lot. Signs shall not require approval if the total surface area on the display side of the sign will not exceed 110 square inches. When in place, the top of the sign shall not be higher than 18 inches from the surface of the walkway, gravel, dirt, etc. The signs should face the street and shall be located not more than 24 inches from the house/garage. (10.20)

DISPLAY OF FLAGS

The outdoor front yard or backyard display of the American flag or an official replica of a flag of the United States army, navy, air force, marine corps or coast guard is allowed if 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).

Additional flags allowed to be displayed are:

- a. The POW/MIA flag.
- b. The Arizona state flag.
- c. An Arizona Indian nations flag.
- d. The Gadsden flag.
- e. All other flags, banners, or windsocks that are visible from the street, other than holiday decorations, shall require ACC approval.

CLOTHES LINES

Retractable type clotheslines not visible from the street shall not require ACC approval. Permanent clotheslines with stationary posts shall require ACC approval.

SHORT WAVE RADIO ANTENNAS

Short wave radio antennas shall require prior written approval and may not exceed 12 feet in height. Those requiring more than 12 feet must prove the necessity. (10.7)

ANTENNAS AND SATELLITE DISHES

Antennas and satellite dishes are preferred to be installed on the rear of the house when possible and shall not require ACC approval. (10.7)

Attachment 1
Butterfield Ranch -- Architectural Control Committee

TOPICAL INDEX

To assist owners in finding information in our governing documents

The information for the topics listed in this INDEX will be found in one of two places:

1. CC&R's Declaration of Covenants, Conditions, Restrictions and Easements for Butterfield Ranch Subdivision --- **identified by Article and Section numbers.**
2. ARP's Architectural Rules and Procedures For Butterfield Ranch Homeowners Association, dated January 2015 -- **identified by "arp" followed by the page number.**

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