

Foothills Clusters Architectural Control Committee Guidelines

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Introduction

Article V of the Foothills Clusters HOA Covenants, Conditions and Restrictions (CC&R's) authorizes the Board of Directors to establish an Architectural Control Committee (ACC) to act on its behalf to enforce the CC&R's with regard to buildings and their maintenance.

While there are some specific fixed requirements spelled out in the CC&R's, the governing documents give the Board of Directors and the ACC wide latitude to ensure that all development plans "...have been submitted and approved in writing as to harmony of external design and location in relation to surrounding structures and topography...".

Due to the irregular shape of the lots, the varying topography and presence of open land in the Common Areas, what may be an acceptable development for one lot may not be appropriate for another. Each application is judged on its own merits and in the setting in which it is proposed. Note that the existence of prior violations or exceptions does not mean that such development is universally acceptable.

The attached guidelines represent the ACC standards for some, but not all, of the factors it considers when reviewing proposed development. Homeowners are also encouraged to read and be familiar with the CC&R's before planning any external changes to their property.

When an Architectural Change Application is Required

- With few exceptions all exterior maintenance, changes and additions require prior approval by the ACC before beginning work.

- Changes Requiring Approval Include, But Are Not Limited To:
 - Re-roofing
 - Roof changes
 - Additions, buildings, covered patios, carports, etc.
 - Walls and fences, front or back
 - Driveway recoating, replacing with new material, increasing size
 - Painting exterior of home, out buildings, garage door, etc.
 - Swimming pool addition

- Changes Not Requiring Approval Include:
 - Replacing windows or door of the same size

- The CC&R's state explicitly that approval be granted by the ACC BEFORE beginning construction or maintenance. To begin work without written approval is a violation of our CC&Rs and could result in fines and corrective action.

How to Submit an Architectural Change Application

- Obtain the relevant application from a committee member or download it from the web site.
- Complete the application with supporting documents, color and material samples, etc.
- Present your project to surrounding neighbors to make them aware of the project and gives them the opportunity to raise concerns with the ACC. Neighbors DO NOT have the power to approve or disapprove a project.
- If the location of the change borders on a Common Area, approval by the Master Association is required.
- Submit the application to the ACC. Applications can be scanned and submitted electronically, or the paper application can be mailed to the FCHOA, or the application can be hand delivered to a committee member.
- The committee reviews the application. It may require further information and/or a site visit by members of the committee.
- If a Pima County building permit is required for the project, the application can be submitted with or without the required building permit. The requirements of the CC&R's and the ACC are often more restrictive than those of Pima County.
- In all cases the requirements of the CC&R's and ACC supersede those of the county.
- Receipt of a Pima County building permit does not require that the ACC approve an application.
- Approval of an application by the ACC does not guarantee that the project will receive a permit from Pima County.
- The ACC decides outcome or, in some cases, presents the application to the full board for approval/disapproval at the next regularly scheduled HOA board meeting.
- If the board or committee fails to approve or disapprove the application within 30 days of receiving a complete application, then the application is considered legally approved.
- It is possible for the committee to disapprove an application if more time is required to review the application. The application can be resubmitted at any time.
- The ACC notifies applicant of the outcome.
- If approved, on project completion, the ACC may inspect the completed work on site to ensure all aspects match their description in the application.
- The ACC places a letter of completion in the hard file system for that property.

Structure Additions or Modifications

Standard

- Same or matching material and complimentary color to the house.
- Style and architecture compatible with existing house and surrounding neighborhood.
- No significant negative impact to neighbors (e.g. window imposing on privacy).
- Note that the ACC may try to mitigate blockage of neighbors' views of mountains or city, but it cannot protect such views.
- No "temporary" structures in front (i.e., parking shade, etc.).

Maximum Lot Coverage

Standard

- Maximum lot coverage shall be 30%.
- Included in Lot Coverage: Home area under roof, shade structures, covered porches, covered patios, garages, carports, covered breezeways, guest homes, studios, storage buildings, and outbuildings.
- Excluded from Lot Coverage: Driveways, sidewalks, uncovered patios, uncovered porches, uncovered decks, and pool surrounds.

Background

It is a goal of the Committee to prevent over-development, over-building, and crowding of structures in the Foothills Clusters. Substantial un-built and natural space shall be maintained around homes by limiting lot coverage. As an example, for a one-third acre lot:

1 acre (43,560 sf) x 0.33 = lot size of 14,373 sf x 0.30 = 4,312 sf maximum coverage.

Building Setbacks

Standard

- Building setbacks are as follows:
 - 10' from side property lines
 - 25' from front property lines
 - 25' from rear property lines
- For properties abutting Common Areas, the side and rear setbacks may be reduced to 5' for the sides and to 20' for the rear.
- For properties on cul-de-sacs, front property line setbacks may be reduced to 20' as long as off-street outdoor parking (not in a garage) is maintained for at least two cars.
- Setbacks apply to homes, garages, carports, shade structures and outbuildings.
- A 10' setback along contiguous property lines applies to simple freestanding shade structures located within the backyard.
- Setbacks do not apply to patios, driveways, sidewalks, or parking areas.
- Setbacks do not apply to walls and fences for side yards or back yards.
- Walls and fences proposed for front yards forward of the face of the home will be considered individually by the ACC.

Background

The ACC setback guidelines are in keeping with both the original Foothills Clusters design plan and are similar to present day Pima County CR-1 and CR-2 setbacks.

A key characteristic and feature of the Foothills Clusters neighborhood is the abundance of trees and natural desert foliage that form the natural buffers around its homes.

The ACC's goal is to retain the Foothills Clusters' naturally treed and suburban character and to balance a feeling of community and privacy among neighbors.

The Committee's guidance by CC&R Article 5 of maintaining "harmony of external design and location in relation to surrounding structures and topography" includes maintaining adequate space for privacy and abundant natural desert growth, especially in front and side yards.

Maximum Building Height

Standard

- Proposed modifications to the original build, new builds, guest houses, garages, outbuildings and accessory structures will have a maximum build height of no greater than 15'0" from the original finished floor.
- Simple freestanding shade structures within the backyard will have a maximum build height of 10'-12', dependent on individual lot topography.
- Maximum structure height shall be defined as the highest part of the structure (excluding a fireplace chimney) above the original main home's finished floor.
- Structure height is measured from the original finished floor to the roof peak on a gabled roof or to the highest parapet wall on a flat-roofed house.
- Lots may not be supplemented with fill to raise the finished floor and effectively raise the proposed new finished structures height above the original structure's roof peak.
- All exception cases require ACC review and approval.

Background

The ACC's responsibility is to review proposed external structure changes so as to ensure "harmony of external design and location in relation to surrounding structures and topography". (CC&R Article 5)

The height of most structures in the Foothills Clusters are originally 14' to 15' above the finished floor. The evaluation of "harmony of external design" includes maintaining home and accessory structure heights at or near original Clusters levels and specifically at a maximum building height of 15' above the original finished floor. This requirement maintains the overall character and appearance of the development and eliminates competition in building heights and obstruction of views among neighbors.

The ACC does not allow the addition of second floors or split levels. Roof decks could be approved in some situations, depending on the specific setting and details

Lots may not be supplemented with fill to raise the finished floor and effectively raise the proposed new finished structure's height. For example: if a project proposes either new construction or to fully or partially demolish an existing structure and to supplement or add fill to the site to raise the finished floor by 2' then the maximum finished structure's height shall be reduced to a maximum of 13' above finished floor.

Any proposed accessory structures which substantially block views from neighboring primary residences shall be discouraged by the Committee.

Fireplace and Stove Chimney Height

Standard

- Fireplace flues and chimney shall extend above the roof to the minimum height required for safety by the applicable Building and Mechanical Codes and no more than 1' higher than Code requires for safety.

Roof Materials

Standard

- Desert Tan or darker colors can be approved.
 - White or near-white roofs are not allowed per the CC&R's.
- Standard materials are asphalt shingles, applied continuous membrane coatings, finished metal panels and clay tiles.
 - Unfinished metal roofing, including bare galvanized metal is not approved.
 - Roll roofing is not approved.

Background

Color and materials of roof must be approved by the committee

Walls and Fences

Standard

- Street-facing walls facing any street, including all cul-de-sacs, Evans Mountain Rd or Ventana Canyon.
 - Material must be same as main house – almost always slump block.
 - Color must match the main house color as closely as possible.
 - There may be cases where the board will approve other materials, such as matching stucco along with the original slump block.
- Non-street-facing walls and fences:
 - Allowed, based on specifics for proposed project:
 - Slump block to match house
 - Stucco-covered block
 - Wrought iron
 - Adhere to County standards for spacing of bars
 - Smooth cement block (“Royce” type of blocks)
 - Wood in some situations
 - No chain-link fencing or similar
 - No ranch fencing, wire fencing, chicken wire, barbed wire, or similar

Background

The CC&R’s use the term “Patio walls” to refer to all walls and fences on a property, excluding walls that act as the side of an enclosed structure.

Driveways

Standard

- Standard allowable materials:
 - Asphalt
 - Concrete
 - Pavers
- Allowed in some cases:
 - Gravel
 - Decomposed granite
- Not allowed
 - Dirt
 - Gravel with a likelihood of washing into the street during heavy rains

Background

All changes in size or location of driveways must be approved by the committee