

**PLANNING COMMITTEE RULES
FOR
"KINGSWOOD AT TANOAN"**

The following rules, adopted by unanimous vote of the Tanoan Community Association Planning Committee, organized pursuant to the Tanoan Community Master Restrictions, shall apply to that property known as KINGSWOOD AT TANOAN, further described in Exhibit "A", which is attached to these Rules and incorporated herein by reference.

These Rules supplement the Tanoan Community Master Restrictions and are adopted by the Planning Committee for the protection and enhancement of the value, desirability, and attractiveness of KINGSWOOD AT TANOAN.

Definitions contained in Article I of the Tanoan Community Master Restrictions are incorporated herein by reference.

PLANNING COMMITTEE APPROVAL

Limitations and Disclaimer on Purpose and Scope of Planning Committee Approval: Any review, rejection or approval by the Planning Committee for Kingswood at Tanoan of any application, plan, drawing, section or other document or drawing and/or specification of material or design is limited in scope and purpose to a review as to the aesthetic harmony of a proposed improvement or structure with the aesthetic intent of the development of Tanoan Communities and compliance with the Tanoan Communities Master Restrictions of record. The Planning Committee does not intend nor should an approval by the Planning Committee be interpreted by any

person or entity to encompass anything other than an approval of the aesthetics of the proposed improvement or structure. The Planning Committee does not have the expertise nor is it within the scope of their purpose to review, analyze, inspect, or approve any specific structural, engineered, foundational, or material specification or design for any sort of suitability or adequacy in design for the nature of or type of soil condition existing in the subdivision development. The Planning Committee approval or disapproval does not extend to any manner of construction methods, techniques, or materials nor to the structural integrity of any architectural or engineering design for improvements, structures, or landscaping features to be placed on the lot. The Planning Committee would specifically refer the owner or builder to the Geotechnical Investigation for the Champions Area (which includes Kingswood at Tanoan) and the findings and recommendations of Fox and Associates of New Mexico, Inc., Consulting Engineers and Geologists contained therein. The Planning Committee further refers the owner to the instructions, limitations, and warnings contained in said Geotechnical Investigation for the Champions Area (which includes Kingswood at Tanoan) when considering the type and design of any improvement or structure to be placed on the lot and specifically in the planning and design of walls and landscaping.

1. Any owner proposing to construct or reconstruct improvements or structures or to recolor, refinish, or alter any part of the exterior of any improvement or to perform any work which requires a building permit to be issued by the City of

Albuquerque and to further include landscaping and landscaping construction including ponds, waterfalls, stairs, retaining walls, or other structural components, which are visible from any street or common area, shall apply to the Planning Committee for approval.

2. The owner shall make application for any such construction by submitting to the Planning Committee the following:

a. One copy of a completed application form provided by the Planning Committee, which shall include the legal description of the property.

b. A complete set of construction drawings including elevations which identify construction materials. Such drawings shall include a roof plan, colors, and samples of exterior materials and colors, wall sections, the owner's proposed construction schedule, and exterior garden and retaining wall sections.

c. A site plan which shows the topography and drainage of the lot. Contour lines shall show existing grade and indicate any grade changes of more than one foot (1') that will be caused by the construction. The site plan shall also locate and identify all construction including, but not limited to, storage sheds, pool houses, etc., their roof overhang lines, and finished floor elevations, all setbacks at point of minimum perpendicular distance to each property boundary, all walks, drives, patios, decks, and walls and/or fences and their construction materials.

d. Landscaping plans shall include location of sprinkler lines and sprinklers and drainage from the lot.

e. If deemed necessary by the Planning Committee, the following may be required as part of the application:

- (1) Details of exterior furnishings.
- (2) A drainage report prepared by a registered engineer.
- (3) An architect's rendering showing the proposed construction. If the proposed construction is on a golf course lot, an architect's rendering showing a perspective view of the rear of the proposed construction may also be required. These renderings may be pencil or ink drawings.

Each application for plan approval by the Planning Committee shall be accompanied by a Planning Committee review fee of \$0.00.

3. Planning Committee approval or disapproval shall be given in conformity with Section 3.06 of the Tanoan Community Master Restrictions.

ARCHITECTURAL DESIGN STANDARDS

4. Residential homes in Kingswood at Tanoan shall have a minimum of square feet of living area, as follows:

- a. Lots 58, 68 and 69 shall have a minimum of 1,600 SF of living area.
- b. Lots 50 through 57, 60 through 63, 65 through 67 and Lot 70 shall have a minimum of 1,700 S.F. of living area.

- c. Lots 1 through 49 shall have a minimum of 2,000 SF of living area.

Living area shall include heated and/or air-conditioned areas and shall exclude garages.

5. Any residence, structure or improvements on any lot shall not exceed two stories and shall be limited to a maximum height of twenty-six feet (26'). "Height" means the vertical distance above grade three feet (3') from the structure to the highest point of the tope of a parapet of a flat roof or to the average height between the plate and the ridge of a gable, hip or gambrel roof.

6. No structure or improvement, except where specifically permitted herein shall be constructed:

- a. Within twenty-five feet (25') from the front property line of the lot. A front courtyard wall up to six feet (6') in height is allowed except that it must be located behind twenty feet (20') from the front property line. The setback is measured from the front property line to the closest part of the structure.

- b. Within fifteen feet (15') from the rear property line of the lot.

- c. Side property setbacks shall conform with City of Albuquerque (R-1) zoning ordinances, ~~except as RTD approved by City of Albuquerque variance hearing.~~
In no case shall the distance between two residential buildings be less than ten feet (10').

On Lots 1 through 49, side yard setbacks shall be a minimum of five feet (5') on one side and a minimum of ten feet (10') on the other side.

- d. Within fifteen feet (15') of the property line which abuts a street on a corner lot provided the front of the structure or improvement shall be constructed in accordance with paragraph 6.a. above.

7. Every residence shall have a garage with at least a two-car capacity. Garage doors shall be of the overhead design and they may not exceed nine feet (9') in height. A single lot may not have more than three (3) garage spaces facing the street.

8. Each residential unit must a minimum of two paved off-street parking spaces which may include the drive path from the street to the garage. At least two off-street parking spaces shall be accessible to the main entry of the residence.

9. All lots must have sidewalks which shall be four feet (4') wide and of concrete construction. This sidewalk may meander anywhere in the area between the curb and a line fifteen feet (15') behind the curb so as to be incorporated within the landscape plan; however, it must be located immediately adjacent to the curb at the side property lines.

10. The exterior appearance, the size and the siting on the lot of all structures of the residence, appurtenant structures and improvements, must be consistent with the high-quality standards established for Kingswood at Tanoan Neighborhood and the appearance

must be consistent, compatible with and complimentary to preceding construction in the subdivision. The committee may deny approval of plans for a structure or improvements which complies with applicable setbacks and height restrictions but is sited on a lot and is of a size which makes the structure not compatible with or complimentary to preceding construction on any adjacent lot.

CONSTRUCTION STANDARDS

11. Exterior finishes of all residences, structures, or improvements on the lots shall be wood, adobe, stucco, stone, slump rock, or brick and shall be white, natural earth tone colors, or other subdued colors which must be pre-approved by the Planning Committee that will not clash with the exterior color of other structures either on the subject lot or adjoining lots.

12. The roofing materials of all residential units, improvements and other structures having pitched roofs which are visible from the street, the golf course, or common areas shall be clay tile, concrete tile, wood shakes or cal shakes (or other brand of similar construction). If concrete tile is used, a color sample and complete manufacturer's specifications for the brand and type must first be submitted to the Planning Committee for approval. No other roofing material will be allowed.

13. No reflective finishes (other than glass) shall be used on exterior surfaces (other than surfaces of hardware fixtures), including but not limited to the exterior surfaces of any of the following: roofs, all projections above roofs, retaining walls, doors, trim, fences, pipes, equipment, mailboxes, and newspaper

tubes.

14. Air-conditioning, heating and other machinery may be maintained in or on roof areas of flat-roofed structures, but they must be shielded from view if they are visible from any street, the golf course, or any common area within the subdivision. The visual screening of such equipment must be accomplished by parapets which are an integral part of the improvement or structure, and must be shown in detail on the plans submitted to the Planning Committee.

15. Air-conditioning, heating, and other machinery may not be maintained on roof areas of pitched roof structures. Such equipment must be located either within the structure, or ground mounted on a concrete pad at a location that is shielded from public view.

16. Solar energy collectors shall be allowed only if constructed in such a manner as to create an aesthetically pleasing appearance with all mechanical and support apparatus to be covered or shielded from view from adjoining properties, the street and/or golf course. Roof-mounted collectors must be incorporated into roof to look like skylights.

WALL REQUIREMENTS

17. All lot property lines along the entire south side of the Subdivision adjacent to Academy Boulevard and along the east side of the subdivision adjacent to Eubank Boulevard have to be fenced with a perimeter wall. Said fence is to be white slump block and built to a height of approximately seventy-two inches (72") from street side. No other fencing material shall be used in this area.

18. On golf course lots, the rear fence has been constructed with fencing constructed of white slump block to a height of approximately twenty-four inches (24") and ornamental wrought iron from approximately twenty-four inches (24") to approximately sixty inches (60").

19. On golf course lots, where back yard swimming pools are installed, the white slump block portion of the rear lot line wall may be raised by one foot in order to meet the six-feet (6') height that is required by City codes. This modification can only be done by a block wall contractor at the owner's/builder's expense. Owners are hereby cautioned not to regrade their backyards to a higher level at the time a swimming pool is installed. Golf course walls may not be raised any more than one foot.

20. Lot line walls shall be a minimum of fifty-six inches (56") high or forty-two inches (42") above finished grade of the lot on the high side, whichever is greater, or higher, as necessary to comply with City code as it pertains to swimming pools. Costs of wall and matching finish of neighbor's side to be borne by swimming pool owner. All side fences must extend from the rear property line frontward at least to the rear of the house on both sides. If the rear location of one house is unknown, the side fence shall extend at least three feet (3') forward from the rear of the known house location.

21. Where there is a grade difference of more than eighteen inches (18") between two lots, a retaining wall shall be required which will extend to a point where the grade difference becomes

less than twelve inches (12"). No retaining wall extending to the front of a lot shall be constructed to a height which obstructs the visibility of the yard or driveway of motor vehicle using the streets.

22. Any retaining wall, side lot line fence, or side lot line fence return that is not adjacent to the golf course or a common area and that is visible from the street shall be finished in a material or color and texture that is compatible with its parent structure or white slump block.

23. Chain link, welded wire, or welded pipe fence enclosures shall not be permitted on any lot in any area where they may be easily seen from the street, golf course, or neighboring lots. In no case may these materials be used for lot perimeter, rear or side yard return fencing. In no case will barbed wire fencing be allowed anywhere on a lot.

24. All gates providing access between the front and back yards must be constructed either of ornamental wrought iron with a permanently attached backing (material and color to be approved by Planning Committee; landscaping may be used in lieu of backing to provide screening if approved by the Planning Committee) or of naturally finished wood, or they may be painted to match the color of the parent structure or the color of the trim.

25. All fences and walls shall be constructed on a level plane (except accent walls), adjusting to grade differentials by stepping down the slope. In these cases, the height limitations shall be enforced as an adjusted average (e.g., on sloping ground,

an average 60" wall may be 66" above grade at one end of the section and 59" at the other end).

WALLS - PRIVACY AND LANDSCAPING

26. Walls for purposes of visual screening, privacy, protection of swimming pools, etc., may be constructed between the front and rear setback lines, provided their style, color, and materials are compatible with those of the residence and other structures and improvements to the lot.

27. A solid wall may be located between the front property line and the front setback line not to exceed thirty-six inches (36") in height (except as allowed in paragraph 6.a. of this document) from the lowest grade as shown on the grading plans on file at the City of Albuquerque, and provided that its style, color, and materials are compatible with the residential unit and other appurtenant structures and improvements on the lot.

28. All front yards, side yards facing the street on corner lots, and rear yards on golf course lots must be landscaped within six (6) months of completion and/or occupancy of the residential unit on the lot.

29. Landscaping shall be in conformance with the following:

a. Forty percent (40%) of all front yards and forty percent(40%) of the side yards adjacent to the street on corner lots must be natural grass. To determine the size of the yard, front yards must and side yards shall be defined as that area between the back of curb and the front and/or side façade of the dwelling excluding the sidewalk adjacent to the curb (street walk).

b. The remaining sixty percent (60%) shall include the lead walk to the main entry of the dwelling unit and balance may be grass or other landscaping material, as approved by the Planning Committee, used as an accent material.

c. If rock is used as an accent material, it shall not be volcanic rock or cinder, and the rocked area must contain at least one 5-gallon plant for every 25-square feet of rocked area.

d. The use of at least one (1) deciduous or evergreen shade tree of at least two-inch caliper is required in each front yard landscaping plan except corner lots which will require two (2) similar trees.

30. The landscaped easement areas, as defined in the Annexation Declaration, are areas for the common enjoyment and benefit of all owners, and therefore, the plans for the lots shall show no landscaping or improvements located within the landscape easement areas.

MISCELLANEOUS

31. Mailboxes shall be located adjacent to the street, shall be forty inches (40") above the curb, and shall be of U.S. Mailbox standard size whose dimensions are approximately 6-3/8" by 19" x 8-3/4". The mailbox may be either white, black, or painted to match the primary color of the house or its trim. The base shall be no larger than 8" by 20" by 40" and may be of one of the following:

a. Masonry construction, finished with stucco if the

primary exterior material of the house is stucco and provided it matches the stucco color of the house.

b. Brick, if the primary exterior material of the house is brick and provided the color matches the brick used on the house.

c. Wood, finished naturally or painted to match the trim or the primary color of the house.

d. Wrought iron, painted either black or white.

32. No radio, citizens band, HAM, or other aerial, satellite dish, antenna, or tower, whether for transmitting or receiving, or any support thereof shall be erected, installed, placed or maintained, except those devices which may be erected, installed, placed, or maintained and used entirely under the eaves or enclosed within a building or structure which do not extend above the highest point of the roof, and must be approved by the Planning Committee.

33. Ground-mounted air-conditioning units, ground-mounted solar energy collectors, pool equipment, other machinery, trash and garbage receptacles, clotheslines or other outside clothes-drying or airing facilities shall be enclosed within a fenced service area or areas for which fencing or screening is harmonious with the overall design of the structure on the lot and would shield these structures in such a way as not to be visible from streets or the golf course.

34. Basketball goals may be erected only with the prior approval of the Planning Committee.

POLICIES

35. Plans will not be considered for approval if any outstanding indebtedness exists against the subject lot (i.e., Tanoan Community Association Assessments).

36. Plans will not be considered for approval if the applicant is in violation of any existing Tanoan Committee Rules, and requirements and/or Tanoan Master Restrictions.

37. At the time construction commences, contractor will provide a container(s) or enclosures(s) for discarding building material which is easily displaced by wind. All discarded building material, trash, debris, etc., will be removed from the construction site as needed and all vacant lots within the subdivision will be maintained in a clean manner.

38. Construction of the residence shall proceed expeditiously and must be ready for occupancy within eight (8) months from the commencement of construction.

THESE RULES WERE ADOPTED BY UNANIMOUS VOTE OF THE TANOAN COMMUNITY ASSOCIATION PLANNING AND ARCHITECTURAL COMMITTEE ON THIS 25th DAY OF March, 1992.

William Shubin
Planning Committee Chairman

ATTEST:

[Signature]
Member

STATE OF NEW MEXICO)
) ss.
COUNTY OF NEW MEXICO)

The foregoing instrument was acknowledged before me on this 26th day of March, 1992, by William L. Jenkins, known to me to be the Planning Committee Chairman of the Tanoan Community Association Planning and Architectural Committee.

My commission expires:
March 9, 1996

Gallen Conner
Notary Public: