

PLANNING COMMITTEE RULES

FOR

THE MASTERS AT TANOAN

The following rules, were formally adopted on June 7, 1984 by unanimous vote of the Tanoan Community Association Planning Committee, organized pursuant to the Tanoan Community Master restrictions. They shall apply to that real property known as The Masters 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 purpose of further enhancing and perfecting the value, desirability, and attractiveness of The Masters Neighborhood.

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 the Masters 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 esthetic harmony of a proposed improvement or structure with the aesthetic intent of the development of Tanoan Communities. 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 Masters 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 Masters Area and the findings and recommendations of Albuquerque Testing Labs Engineering Services contained therein.

The Planning Committee further refers the owner to the instructions, limitations, and warnings contained in said geotechnical investigation for the Masters Area 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, statues, retaining walls, or other structural components, which are visible from any street, common area or the golf course 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 which identify construction materials. Such drawings shall include a roof plan, colors and/or 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 of the lot. Contour lines shall show existing grade and indicate any grade changes of more than one foot, 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 to include location of sprinkler lines and sprinkler heads.

e. If deemed necessary by the Planning Committee, the following may be required as a 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 perspective view of 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 line drawings.

Each application for plan approval by the Planning Committee shall be accompanied by a Planning Committee review fee of \$-0-.

3. CONSTRUCTION MAY NOT PROCEED AFTER STEM WALLS ARE COMPLETED UNTIL A SURVEY OF THE LOT SHOWING COMPLETED STEM WALLS IS APPROVED BY THE PLANNING COMMITTEE. IF THE STEM WALL SURVEY IS APPROVED BY THE PLANNING COMMITTEE, CONSTRUCTION MAY PROCEED. OWNER UNDERSTANDS AND ACKNOWLEDGES THAT IF STEM WALL SURVEY IS NOT APPROVED BY THE PLANNING COMMITTEE, OWNER MAY BE REQUIRED TO REMOVE AND RECONSTRUCT STEM WALLS ACCORDING TO THE FOLLOWING PLANNING COMMITTEE RULES OF THE MASTERS AT TANOAN, AS ADOPTED. A STEM WALL SURVEY WILL THEN BE RESUBMITTED UNTIL APPROVED BY THE PLANNING COMMITTEE.

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

ARCHITECTURAL DESIGN STANDARDS

5. Residential homes in The Masters shall have a minimum of 3000 square feet of living area. Living area shall include heated and/or air conditioned areas and shall exclude garages, porches, patios, decks, and breezeways.

6. Any residence, structure, or improvement on any lot shall not exceed two stories, and shall be limited to a maximum height of twenty-six feet (26').

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

- a. within 30 feet from the front property line of the lot;
- b. within 30 feet from the rear property line of the lot; except on lots 1, 2, and 3 where the rear setback shall be as follows: Lot 1 - 40', Lot 2 - 35', Lot 3 - 35'.

c. within 15 feet from the side property line of interior lots; and

d. within 30 feet of the side property line which abuts a street on a corner lot.

8. 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 9 feet in height. A single lot may not have more than 3 garage spaces facing the street.

9. Each residential unit must have 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.

10. Detached garages, appurtenant structures or other buildings may be constructed on the lots, provided:

a. Such structures must be compatible to the residence in design and construction; and

b. Such structures' exterior appearance and siting on the lot must be consistent with the visual appearance of the dwelling unit, and may not exceed one story in height, and they may not be larger than 900 square feet.

11. All lots must have a sidewalk which shall be 4 feet 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.

12. The exterior appearance of the residence, appurtenant structures and improvements, must be consistent with the high quality standards established for The Masters Neighborhood and the appearance must be consistent, compatible with, and complimentary to preceding construction on adjacent lots.

CONSTRUCTION STANDARDS

13. Exterior finishes of all residences, structures, or improvements on the lots shall be wood, adobe, stucco, stone, slumprock, or brick and shall be white, natural earthtone colors or other subdued colors that will not clash with the exterior color of other structures either on the subject lot or adjoining lots.

14. 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.

15. 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.

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

17. 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.

WALL REQUIREMENTS

18. All lot property lines along the entire north side of the subdivision that are immediately adjacent to the Public Service Company easement, and along the East boundary of the subdivision, adjacent to Eubank Boulevard, shall be fenced with a perimeter wall constructed of white slumblock to a height of 72 inches. No other fencing material shall be used in this area.

19. On golf course lots, the rear lot line shall be fenced with fencing constructed of white slumblock to a height of 24 inches and ornamental wrought iron from 24 inches to 60 inches.

20. Lot lines adjacent to Tracts A and B, as well as the lines of lots 3, 4, 16 and 17 adjacent to the drainage way, shall be fenced with white slumblock to a height of 60 inches.

21. On golf course lots, where backyard swimming pools are installed, the white slumblock portion of the rear lot line wall may be raised by one foot in order to meet the six foot height that is required by city codes. This modification can only be done with the specific approval of the Planning Committee, and it must be done by AmeriWest's block wall contractor at the owner/builder's expense. Owners are hereby cautioned not to

regrade their back yards to a higher level at the time a swimming pool is installed. City code requires a minimum height of six feet on both sides of a yard wall enclosing a pool, and golf course walls may not be raised any more than one foot.

22. In all other areas, the lot line wall shall be of white slumpblock construction, and shall be a minimum of 56 inches high, or 42 inches above finish grade of the lot on the high side, whichever is greater. 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 ten feet (10') forward from the rear of the known house location. No side yard fence may be constructed forward beyond the front of adjacent structures.

23. Where there is a grade difference of more than 18 inches between two lots, a retaining wall will be required which will extend to a point where the grade difference becomes less than 12 inches.

24. 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 may be finished in a material or color and texture that is compatible with its parent structure or white slumpblock.

25. Chainlink, welded wire, or welded pipe fence enclosures shall not be permitted on any lot in an 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.

26. All gates providing access between the front and back yards must be constructed of either black ornamental wrought iron with a permanently attached backing to provide screening as approved by the planning committee, or naturally finished wood, or they may be painted to match the color of the parent structure or the color of the trim.

27. All fences and walls shall be constructed on a level plane, adjusting to grade differentials by stepping down the slope. In these cases, the height limitations shall be enforced as an adjusted average (i.e., 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

28. 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.

29. A solid wall may be located between the front property line and the front setback line not to exceed 36 inches in height from the low side grade, and provided that its style, color and materials are compatible with the residential unit and other appurtenant structures and improvements on the lot.

LANDSCAPING

30. 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.

31. 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 two (2) deciduous or evergreen shade trees of 3-inch caliper are required in each front yard landscaping plan.

MISCELLANEOUS

32. Mailboxes shall be located adjacent to the street, shall be Forty inches (40") above the curb, and shall be of standard metal U.S. Mailbox whose dimensions are approximately 6 3/8" x 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 longer than 8" x 20" x 42" 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; or

d. Wrought iron, painted either black or white.

33. 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.

34. 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.

35. No basketball goals shall be erected in any front or side yard facing a street or within any setback.

POLICIES

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

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

38. The Planning Committee should be notified when construction is complete so a Certificate of Compliance can be issued certifying that the construction has been completed in accordance with the approved plans.

39. At the time construction commences, a container or enclosure must be placed on each lot for discarding building material which is easily displaced by wind. All discarded building material, trash, debris, etc., will be removed from the construction site weekly, and all vacant lots within the subdivision will be maintained in a clean manner.

40. Construction of the residence must commence within twenty-four (24) months from the date of the purchase agreement in accordance with the purchase agreement and shall proceed expeditiously and must be ready for occupancy within eight (8) months from the commencement of construction.

41. The Planning Committee shall have the exclusive power to control any and all construction and/or improvements within The Masters in accordance with Article 4 of the Tanoan Community Master Restrictions, and any exceptions to the above rules.

THESE RULES WERE ADOPTED BY UNANIMOUS VOTE OF THE TANOAN COMMUNITY ASSOCIATION PLANNING COMMITTEE ON THIS 7th day of June, 1984.

Ted E. Harritt Jr.
Planning Committee Chairman

ATTEST:

Fred Ambrogi
MEMBER