

## PLANNING COMMITTEE RULES

FOR

FAIRWAYS NORTH

APRIL 22, 1983

The following rules were formally adopted on April 22, 1983, 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 Fairways North Neighborhood 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 were adopted by the Planning Committee for the purpose of further enhancing and perfecting the value, desirability, and attractiveness of the Fairway Estates Neighborhood.

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

### PLANNING COMMITTEE APPROVAL

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 which includes 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.

c. A site plan which shows the topography of the lot using contour lines which 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 storage sheds, pool houses, etc., their roof overhang lines, the finished floor elevations, all setbacks at point of minimum distance to each property boundary, dimensions of lot boundaries, a directional indicator, all walks, drives,

patios, decks, and fences and their construction materials.

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

- (1) Color and samples of exterior materials and colors;
- (2) Wall sections;
- (3) Roof Plan;
- (4) Details of exterior furnishings;
- (5) The owner's proposed construction schedule;
- (6) A drainage report prepared by a registered engineer; and
- (7) An architect's rendering showing a 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 FAIRWAYS NORTH 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 Fairways North shall have a minimum of 2,500 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 25 feet from the rear property line of the lot;

c. within 10 feet from the side property line of interior lots; and

d. within 25 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 residence must have a minimum of two paved off-street parking spaces which may include the drive path from the street to the garage. All off-street parking spaces shall be accessible to the main entry of the residence.

10. Detached garages, sheds, or other building may be constructed on the lots, provided:

a. Such structures must be compatible to the residence with respect to 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.

c. Such structures 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 behind the curb and a line fifteen (15') feet 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 Fairways North 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 lot 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 one of the following: clay tile, concrete tile, or wood shakes. 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 without limitation, the exterior surfaces of any of the following: roofs, all projections above the roofs, retaining walls, doors, trim, fences, pipes, equipment, mailboxes, and newspaper tubes.

16. 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 within the subdivision, 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.

17. 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.

18. Solar energy collectors shall be allowed only if constructed in such a manner as to create an aesthetically pleasing appearance and to be screened from adjoining properties.

#### **WALL REQUIREMENTS**

19. All lot property lines along the entire north side of the subdivision that are immediately adjacent to the Public Service Company easement, 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.

20. On golf course lots, (except for lots numbered 50 and 51) 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. The entire rear lot line of lot number 50, and that portion of the rear lot line of lot number 51 which runs from its southwest corner to a point directly across from the northeast corner of lot number 80 in Fairway Estates Unit 1, shall be fenced with fencing constructed of white slumblock to a height of 60 inches. On lot number 67, the side lot line on the east side shall be fenced with fencing constructed of white slumblock to a height of 24 inches and ornamental wrought iron from 24 to 60 inches. This fence shall not extend forward beyond the front yard setback line. On those lots which border common areas, including lots numbered 1, 31 and 50, the sideyard lot line fences on the side which borders the common area will be of 60 inch high white slumblock

construction, and will extend forward 50 feet from the rear property line. No other fencing materials shall be used in these areas.

21. 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 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 AMDeC'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 rear lot line wall shall be of grey cinder block 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 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 rear lot line fence, 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 must be finished in a material or color and texture that is compatible with its parent structure.

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, or naturally finished wood, or they may be painted to match the color of the parent structure or the color of the trim.

#### **WALLS - PRIVACY AND LANDSCAPING**

27. 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 on the lot.

28. A solid wall may be located between the front property line and the front set back 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

29. 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 occupancy of the residential unit on the lot.

30. All landscaping shall conform to 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 shade trees is strongly recommended.

## MISCELLANEOUS

31. Mailboxes shall be located adjacent to the street, shall be 40 inches above the curb, and shall be of metal construction, either black or painted to match the dwelling unit or its trim.

32. No radio, citizens band, HAM or other aerial, 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. However, a television antenna may be mounted on the roof provided it is inconspicuously located so as not to be easily visible from the street or golf course.

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 which shield these structures in such a way as not to be visible from streets or the golf course.

#### POLICIES

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

35. 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.

36. 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.

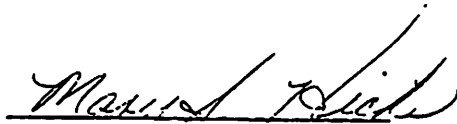
37. Construction of the residence must commence within twenty-four months from the date of the purchase agreement in accordance with the purchase agreement and shall proceed expeditiously and must be ready for occupancy within eight months from the commencement of construction.

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

THESE REVISED RULES WERE ADOPTED BY UNANIMOUS VOTE OF THE TANOAN COMMUNITY ASSOCIATION PLANNING COMMITTEE ON THIS 22nd DAY OF APRIL, 1983.

  
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Planning Committee Chairman

ATTEST:

  
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MEMBER