

PLANNING COMMITTEE RULES

FOR

CYPRESS POINT

June 30, 1987

The following rules were formally adopted on July 2, 1987 by unanimous vote of the Tanoan Community Association Planning and Architectural Committee, organized pursuant to the Tanoan Community Master Restrictions. They shall apply to that real property known as Cypress Point 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 Cypress Point.

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 drainage and 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. A landscaping plan showing drainage patterns, location and caliper of trees, shrub location and species, areas of grass and/or gravel including size of gravel as detailed in Section 29 and 30.

e. 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 architectural rendering showing a perspective view of the proposed construction. If the proposed construction is on a golf course lot, an architectural 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.
- (8) Landscaping plans to include location of sprinkler lines and/or sprinklers.

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

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 Cypress Point shall have a minimum of 1500 square feet of living area. Living area shall include heated and/or air conditioned areas and shall exclude garages, porches, patios, decks, and breezeways.

5. 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').

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

a. within 25 feet from the front property line of the lot, or within 20 feet from the front property line for structures and side-loaded garages.

b. within 15 feet from the rear property line of lots 1-15 and lots 26-38.

c. within 15 feet from the rear property line for one story structures on lots 16-25.

d. within 17 feet from the rear property line for two story structures on lots 16-25. It is understood that a one story covered patio may be constructed as an addition to the two story structure as long as a 15 foot set back is maintained.

e. within 10 feet of the side property line which abuts a street on a corner lot.

7. There shall be one side-yard setback of not less than ten feet on one side. (On a corner lot, the ten foot side-yard setback shall be on the street side). The other side-yard setback shall be at least five feet, except that it may be reduced to 2 feet if the abutting lot owner agrees in writing to the reduced sideyard setback. In no case shall the distance between two residential buildings be less than 10 feet.

8. A single lot may not have more than 2 garage spaces facing the street and a maximum of 3 garage spaces if a side-loaded garage.

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, 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 structure's 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 750 square feet.
- c. Must be within setback.

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 Tanoan and the appearance must be consistent, compatible with, and complimentary to preceding construction on adjacent lots.

12a. "No residences which have the same elevation, facade and color will be constructed on abutting or adjacent lots without the prior approval of the Planning Committee".

CONSTRUCTION STANDARDS

13. Exterior finishes of all residences, structures, or improvements on the lot shall be wood, adobe, stucco, stone, slump rock, 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 allowable only if constructed in such a manner as to create an aesthetically pleasing appearance and to be screened from adjoining properties.

19. On golf course view lots 4 through 15, the rear yard wall abutting Tanoan Drive, will be constructed of white slump block to a height of 24 inches and ornamental wrought iron from 24 to 60 inches.

20. On non-golf course view lots, the rear lot line wall shall be of masonry 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.

21. On all lots, side-yard lot line fences shall be of masonry 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 forward 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.

22. On golf course view lots, where back yard swimming pools are installed, the white slump block portion of the rear lot line wall shall 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 CENTEX's block wall contractor at the owner/builder's expense. Owners are hereby cautioned not to regrade their backyards 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.

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. Gates constructed of wrought iron shall be backed with an opaque material if screening an air conditioning unit.

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 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

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:

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- 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 1.5" or 2" caliper is required in each front yard landscaping plan.

MISCELLANEOUS

31. 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 9 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" 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.

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.

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 and airing facilities shall be enclosed within a fenced service area or areas for which fencing or screening, not to exceed 8 feet in height within setback area, is harmonious with the overall design of the structure on the lot and would shield these structures in such a way as to be harmonious with the overall design of the structure on the lot and which shed these structures in such a way as not to be visible from streets or the golf course. Planning Committee may require details of fencing for approval prior to installation.

34. Basketball goals if erected in the front yard shall be pole mounted and on the side of the driveway. No basketball goals shall be erected within the rear yard setbacks on golf course view lots.

35. Easements are hereby reserved for the purpose of installing and maintaining municipal, public and private utility facilities and for such other purposes incidental to the development of the property as shown on the recorded plat. No improvements, walls, fences, long root plants, trees or other obstructions may be placed in the drainage easement of lots 26 through 33. The owners or assigns of lot 26 thru 33 shall be responsible for any removal of structures and restoration of the surface within the easement area necessitated by the City's activities thereon.

36. Each lot owner shall be responsible and pay for all erosion control and maintenance of their property and shall hold the Grantor from any expense, maintenance, and liability connected therewith.

POLICIES

37. Requests to review plans for construction or remodeling will not be considered for approval if any outstanding indebtedness exists against the subject lot. (i.e. Tanoan Community Association Assessments).

38. Plans for construction or remodeling 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.

39. The Planning Committee shall have the exclusive power to control any and all construction and/or improvements within Cypress Point in accordance with Article 4 of the Tanoan

