

REVISED PLANNING COMMITTEE RULES  
FOR  
FAIRWAY ESTATES

NOVEMBER 13, 1981

The following rules include those originally adopted September 27, 1979 and all amendments and changes thereto through November 13, 1981 - all 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 Fairway Estates Neighborhood, 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. A survey of the lot at the time the stem walls are completed.

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 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.

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

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 Fairway Estates 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.

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 buildings 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.

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 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 Fairway Estates 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 immediate 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, wood shakes, or GAF Timberline or shingle of equivalent quality. 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 roofs, retaining walls, doors, trim, fences, pipes, equipment, mailboxes, and newspaper tubes.

16. 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

17. On golf course lots, the rear lot line shall be fenced with fencing constructed of white slumpblock to a height of 24 inches and ornamental wrought iron from 24 inches to 60 inches. On those lots having side lot lines that are adjacent to the golf course, (except for lots numbered 16, 80, and 130), any such side lot line shall be fenced with fencing constructed of white slumpblock to a height of 24 inches and ornamental wrought iron from 24 inches to 60 inches, however, these fences shall not extend forward beyond the front yard setback line. On those lots which border common areas, including lots numbered 16, 18, and 130, the sideyard lot line fences on the side which borders the common area will be of 60 inch high white slumpblock construction that matches the rear lot line fence, and will extend forward 50 feet from the rear property line. No other fencing materials shall be used in these areas.

18. In all other areas, the rear lot line wall shall be of gray 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.

19. 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.

20. 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.

21. No chainlink, barbed wire, welded wire, or welded pipe fence shall be permitted on any lot.

22. All gates providing access between the front and back yards must be of ornamental wrought iron, either black or painted to match the color of the parent structure or the color of the trim.

#### WALLS - PRIVACY AND LANDSCAPING

23. 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.

24. A solid wall may be located between the front property line and the front of the residential unit 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

25. 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.

26. 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 rock area must contain at least one 5-gallon plant for every 25-square feet of rock area.
- d. The use of shade trees is strongly recommended.

#### MISCELLANEOUS

27. 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. Mounting posts shall be either black wrought iron or wood finished naturally or painted to match the dwelling unit or its trim.

28. 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.

29. Air conditioning, heating, and other machines may be maintained in or on roof areas, but they must be shielded from street view by screening or a covering that blends or is compatible with the improvement or structure to which it is attached.

30. Ground mounted air conditioning units, ground-mounted solar energy collectors, pool equipment, 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 structures on the lot and which shield these structures in such a way as not to be visible from streets or the golf course.

#### POLICIES

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

32. 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.

33. 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.

34. 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.

35. The Planning Committee shall have the exclusive power to control any and all construction and/or improvements within Fairway Estates 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 13TH DAY OF NOVEMBER, 1981.

ATTEST:

William P. Walton  
Planning Committee Chairman

C. B. Miller  
Member

EXHIBIT "A"

Lots numbered One (1) through One Hundred Thirty (130), FAIRWAY ESTATES AT TANOAN, UNIT I, as the same is shown and designated on the amended plat of said subdivision, filed in the office of the County Clerk of Bernalillo County, New Mexico, on August 21, 1979.