

PLANNING COMMITTEE RULES FOR KINGSWOOD

These rules as amended and adopted this 4th day of October 2023 by unanimous vote of the Tanoan Community Association Planning and Architectural Committee, organized pursuant to the Tanoan Community Master Restrictions, shall apply to that real property known as the Kingswood subdivision.

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 Kingswood subdivision.

Definitions contained in Article 1 of the Tanoan Community Master Restrictions are incorporated herein by reference.

PLANNING COMMITTEE APPROVAL

Limitations and disclaimers on the purpose and scope of Planning Committee approval. Any review, rejection, or approval by the Planning Committee of any application, 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 Tanoan Community Association, Inc. 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 Tanoan Community Association, Inc. 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 a structural engineer regarding the structure and completion of the project according to all applicable building and construction codes.

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 landscape construction which includes ponds, waterfalls, statues, retaining walls, or other structural components, or unique exterior features including, but not limited to, entry arches, decorative gates, railings, stairs, enclosures, shade structures, cabanas, exterior fireplaces, and the like, which is visible from any street, common area or the golf course, shall apply to the Planning Committee for approval, PRIOR to starting any work.
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,
 - b. By order of the Planning Committee, a complete set of construction drawings to scale (may be required depending on the scope of the new construction, addition/renovation, or remodel)

which identify construction materials. Such drawings shall include a roof plan, colors and/or samples of exterior materials and colors, wall sections, the owners' 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. If deemed necessary by the Planning Committee, the following may be required as part of the application:
 1. Colors and samples of exterior materials and colors
 2. Wall sections
 3. Roof plan
 4. Landscape plans
 5. Details of exterior furnishings
 6. The owner's proposed construction schedule
 7. A drainage report prepared by a registered engineer
 8. A refundable Compliance Bond Fee shall be required for construction projects pertaining to demolition, new construction, additions/renovations, the use of a dumpster and other projects not listed as may be required and determined in writing by the Planning and Architectural Committee. **Reference Planning and Architectural Committee Resolution No. 13 – Compliance Bond Fee.**
 9. Completion of the Planning and Architectural Committee Checklist. This shall be included with the application form for all new construction projects and to major modifications (exterior remodels) on existing house, building or structure. **Reference Planning and Architectural Committee Resolution No. 14 – Tanoan Planning Committee Checklist/Application.**

STEM WALL SURVEY

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. The owner understands and acknowledges that if the stem wall survey is not prior approved by the Planning Committee, the owner may be required to remove and reconstruct the stem walls according to the following Planning Committee rules of Kingswood, as adopted, a stem wall survey will then be resubmitted to the Planning Committee and construction shall not continue 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 lots constructed in Kingswood 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 square feet of living area.
 - b. Lots 50 through 57, 60 through 63, 65 through 67 and Lot 70 shall have a minimum of 1,700 square feet of living area.
 - c. Lots 1 through 49 shall have a minimum of 2,000 square feet of living area.

Living areas shall include heated and/or air-conditioned areas and shall exclude garages, porches, patio 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 25 feet from the front property line of the lot. A front courtyard wall up to six feet (6') in height is allowed except it must be located behind twenty feet (20') from the front property line.
 - b. Within 15 feet from the rear property line of the lot.
 - c. Side property setbacks shall conform with City of Albuquerque (R-1) zoning ordinances. 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 7.a. above.
8. 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 with 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.
9. Air conditioning, heating and other machinery may not be maintained on roof areas of **pitched roof structures**. Such equipment must be located within the structure, or ground mounted on a concrete pad at a location that is shielded from public view.
10. 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 G.A.F. timberline or shingles of equivalent quality, or other contemporary roofing material subject to prior review and approval by the Planning Committee.

11. Solar energy collections shall be allowed only if constructed in such a manner as to create an aesthetically pleasing appearance and to be screened from adjoining properties. All solar devices must be submitted for review and approval by the Planning and Architectural Committee prior to installation. The application must include the location of the collectors and related equipment (with photos) as well as the shape, size, height, and color of panels and framing. **Reference Policy Resolution No. 27 – Solar Energy Devices**, for further information and restrictions.
12. All residential units shall have a minimum of four off-street parking spaces. Two of these parking spaces must be enclosed within a garage and an additional two off-street surface parking spaces shall be provided. All driveways and parking areas shall be hard surfaced with concrete, paver stones, or other similar materials as approved for material and color by the Planning Committee. Garage doors shall be of an overhead design, and they may not exceed 9 feet in height. Driveway additions/extensions will be reviewed on a case-by-case basis, with strong consideration of any impact on neighboring properties and the architectural standards of Kingswood. **Reference Planning and Architectural Committee Resolution No. 15 – Concrete Driveway Extension**.
13. Detached garages, sheds, or other buildings shall NOT be constructed on the lots.
14. Exterior finishes of all residences, structures, or improvements on the lot shall be brick or stucco and shall be natural earth-tone colors or other subdued colors that are consistent with the exterior color of other structures either on the immediate lot or adjoining lots. Trim may be of wood painted or stained natural or earth-tone colors, adobe, slump-rock, or brick not to exceed three courses, painted Mexican tiles, clay tiles or wrought iron.
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. The exterior appearance of the residence, and appurtenant structures and improvements, must be consistent with the high-quality standards established for the Kingswood subdivision and the appearance must be consistent, compatible with and complimentary to preceding construction on adjacent lots.
17. Decorative wrought iron for windows and doors that are black or white in color, or harmonizing in color and design with the residential unit shall be subject to prior review and approval by the Planning Committee.
18. All lots must have a sidewalk which shall be four (4) feet wide, and of concrete construction. It must be located immediately adjacent to the curb at the property lines.

WALL REQUIREMENTS

19. All lot property lines along the entire south side of the subdivision that are immediately adjacent to Academy Boulevard and along the east side of the subdivision adjacent to Eubank Boulevard shall be fenced with a perimeter wall. Said fence shall be white slump block built to a height of 72 inches from street side. No other fencing material shall be used in this area.
20. On golf course lots, and lots numbered 13 through 23, the rear lot line shall be fenced with fencing constructed of white slump block to a height of 24 inches and ornamental wrought iron from 24" inches to 60" inches. No other fencing materials shall be used in these areas.
21. On golf course lots, where backyard swimming pools are installed, the white slump block portion of the rear lot line wall may be raised by one foot to meet the six-foot height that is then currently required and allowable by the City code. Owners are hereby cautioned not to regrade their back yards to a higher level at the time a swimming pool is installed. The 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, lot line walls 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 three feet (3') 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 adjacent lots, a retaining wall will be required which will extend to a point where the grade difference becomes less than 12 inches. If dirt is to be placed against the retaining wall, it must be sealed from moisture using mastic.
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 maybe finished in a material or color and texture that is compatible with its parent structure or white slump block.
25. 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.
26. No chain link, barbed wire, 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.
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).

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.
29. All gates providing access between the front and back yards must be of ornamental wrought iron construction, or of materials that are designed to blend as an integral part of the residential unit. The location and design of all gates shall be subject to prior review and approval of the Planning Committee.

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 months of completion of the residential unit on the lot. In situations where additional landscaping and/or revisions to existing landscaping are contemplated with respect to an existing residential unit, a Landscape Plan must be submitted unless the additions and/or revisions are minor and consistent with a previously approved Landscape Plan. All lots shall be landscaped, and open areas not covered by patios, swimming pools, porches, driveways and flower beds and other normal and customary improvements shall be planted in grass, or other ground cover (including "Xeriscape" style landscaping) approved by the Planning Committee. No yards visible from the street or the golf course shall be covered with rock, gravel or other non-growing ground cover unless specifically approved by the Planning Committee.

Landscaping shall be in conformance with the following, **Reference Policy Resolution No. 26 – Community Landscape Rules and Guidelines**, for further information and restrictions.

- a. Turf Amount Requirements - Front and Side Yards. Minimum forty percent (40%) of all front yards and minimum forty percent (40%) of the side yards adjacent to the street on corner Lots must be natural grass. **EXCEPTION:** There is no natural grass requirement on Lots with 400 square feet or less of front yard landscape area. No synthetic turf is allowed in any front or side yard. All other rules apply to those lots. **Reference Policy Resolution No. 26 – Community Landscape Rules and Guidelines.**
- b. 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 and side yards shall be defined as that area between the back of curb and the front and/or side facade of the dwelling excluding the sidewalk adjacent to the curb (street walk).
- c. The grass must be placed so that it is adjacent to the street walk and furthermore, if two lots have adjacent front yards and if the grade difference is less than twelve inches (12"), the grass must flow from one yard into the next creating the visual impression of one large expanse of grass.
- d. The remaining sixty percent (60%) shall include the lead walks to the dwelling unit and balance may be grass, flower beds, rock, or other ground cover. If rock is used as an accent material, it shall not be volcanic rock or cinder, and there shall be one five-gallon plant for every 25-square feet of rock.

31. All lots shall contain one 2" caliper shade tree in the front yard and corner lots shall have two additional 2" caliper shade trees in the side yard adjacent to the street. All plant material must conform to the then current list of low, medium, and high-water use plants maintained by the Albuquerque Bernalillo County Water Utility Authority (ABCWUA) and will be the approved plant list for landscape plantings.
32. If planters are built adjacent to the golf course wall and if dirt is to be placed against the golf course wall, it must be sealed from moisture using mastic.
33. The landscaped easement areas, as defined in the Annexation Declaration, are areas for the common enjoyment and benefit of all owns, and therefore, the plans for the lots shall show no landscaping or improvements located within the landscape easement areas.

MISCELLANEOUS

34. Mailboxes shall be located adjacent to the street, shall be 40 inches (40") above the curb. The location design and materials of all mailboxes shall be subject to prior review and approval by the Planning Committee.
35. No radio, television, citizens bank, HAM, or other aerial, antenna, or tower, whether for transmitting or receiving, or any support therefor 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 and satellite dish less than one meter in diameter may be mounted on the roof provided it is inconspicuously located so as not to be easily visible from the street, common area or golf course.
36. Outside clotheslines or other outside clothes drying or airing facilities, above ground trash and garbage receptacles, ground mounted solar energy collections and equipment, ground mounted air conditioning compressor and equipment, shall be enclosed within a fenced service area or areas for which fencing or screening in harmonious with the overall design or the structures on the lot and which shield these structure in such a way as not to be visible from streets or the golf course.
37. Exterior artwork and landscape decorations in front yards or areas visible from any street, common area or the golf course shall apply to the Planning Committee for approval. The color for exterior artwork, landscape decorations, sculpture or any other special features should be muted tones chosen to blend rather than contrast with the residential unit and its surroundings. The location and design are subject to prior review and approval by the Planning Committee.
38. Holiday decorations will not require approval if installed on earlier than forty (40) days before a holiday and removed no later than thirty (30) days after the holiday. Any variation from these time

periods will require approval from the Planning Committee. The Planning Committee reserves the right to request reasonable modifications to the holiday decorations if deemed necessary.

- 39. Address identification must be attached to the residential unit. Such identification markers must be subtle in design and reflect the residential unit's design and character. All address identification must be clearly visible from the street and must not be obscured by any plant vegetation.
- 40. Permanently installed sporting goods equipment may not be constructed or installed in any front or side yard facing a street or within any setbacks. Any temporary sporting goods equipment in the backyard should be shielded from view or taken down when not in use. Sporting goods equipment shall include, but is not limited to, basketball goals, batting nets, soccer goals, trampolines, etc.

POLICIES

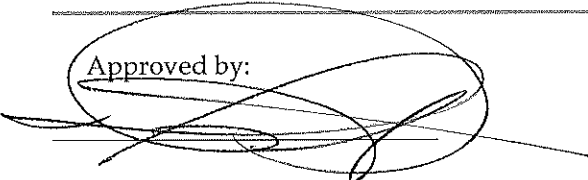
- 41. Applications and plans will not be considered for approval if any outstanding indebtedness exists against the subject lot (i.e., Tanoan Community Association Assessments).
- 42. Plans will not be considered for approval if the applicant is in violation of any existing Tanoan Planning Committee Rules, and requirements and/or Master Restrictions.
- 43. Upon the completion of any construction or reconstruction of, or the alteration or refinishing of the exterior of, any improvement, or upon the completion of any other work for which approved plans are required, Owner shall give notice thereof to the Planning Committee, and within thirty (30) days thereafter the Planning Committee, or its duly authorized representative, may inspect such improvement to determine whether it was constructed, reconstructed, altered or refinished in substantial compliance with approved plans.
- 44. The Planning Committee shall have the exclusive power to control all construction and/or improvements within the Kingswood subdivision in accordance with Article 4 of the Tanoan Community Master Restrictions, and any exceptions to the above rules.

NOTE:

The amended Planning Committee Rules for Kingswood were unanimously approved by all members of the Planning Committee during a regular meeting session.

Approved by:

Date:



Thomas Plunkett
Member and Chairperson
Planning and Architectural Committee

10-4-2023