

## PLANNING COMMITTEE RULES FOR WIMBLEDON WEST

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 Wimbledon West 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 Wimbledon West 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, which 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 major modifications (exterior remodels) on existing house, building or structures. **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 Wimbledon West, 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 Wimbledon West shall have a minimum of 1,400 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. No residential unit, structure, or improvement shall exceed one story and shall be limited to a maximum height of seventeen feet (17') above the average grade of the lot as shown on the grading plan.
7. No structure or improvement, except where specifically permitted herein shall be constructed:
  - a. Within twenty-five feet (25') from the front property line of the lot on lots One-B (1B) through Four-B (4B) inclusive, Eleven-B (11B) through Nineteen-B (19B) inclusive, Twenty-Four-B (24B) through Thirty-Two-B (32B) inclusive, Thirty-Seven-B (37B) through Forty-B (40B) inclusive, Forty-Five-B (45B) and Forty-Six-B (46B). On Lots numbered Five-B (5B) through Ten-B (10B) inclusive, Twenty-B (20B) through Twenty-Three-B (23B) inclusive, Thirty-Three-B (33B) through Thirty-Six-B (36B) inclusive, Forty-One-B (41B) through Forty-Four-B (44B) inclusive, and Forty-Seven-B (47B) through Seventy-Four-B (74B) inclusive, no structure or improvement, except where specifically permitted herein, shall be constructed within twenty feet (20') from the front property line lot.
  - b. Within fifteen feet (15') from the rear property line of the lot. The garages on lots Forty-Seven-B (47B) through Seventy-Four (74B) inclusive, which face the alley, shall not be constructed within twenty feet (20') from the rear property line of the lot. The garages on Lots numbered Forty-Seven-B (47B) through Seventy-Four-B (74B) inclusive, that are side entry garages, shall not be constructed within fifteen feet (15') from the rear property line of the lot.
  - c. Within any side-yard setback as shown on the Final Grading Plan of Wimbledon West at Tanoan. Residences must be constructed three and one-half feet (3 ½ ) from one of the side property lines in accordance with the aforementioned Grading Plan and must maintain at least a six and one-half foot (6 ½ ) minimum side yard setback on the other side with the exception of lots numbered Forty-Two-B (42B), Forty-Seven-B (47B), Fifty-Seven-B (57B), Fifty-Eight-B (58B) , and Seventy-Four-B (74B), which shall maintain at least a six and one-half foot (6 ½ ) minimum side-yard setback on the interior side property line, in accordance with the aforementioned Grading Plan.
  - d. Within fifteen feet (15') of the said property line which abuts a street on a corner lot, but with the following exceptions:
    - (1) The Residence on lot One-B (1B) may be built on the side property line which abuts the common area.

(2) Garages of residences on corner lots, which garage faces the side street, shall not be built within twenty-five feet (25') of said property line which abuts a street on a corner lot.

e. There must be a minimum of at least ten feet (10') between all structures.

8. Air conditioning, heating, and other machinery may be maintained in or on roof areas of flat roofed areas, 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. On residences with pitched roofs that overhang into the easement area, rain gutters will be required on any portion of the roof which drains into such easement area and such rain gutters shall channel any runoff water away from the easement area to the front or rear of the residence with the pitched roof. On residences with a flat roof design, roof canals used for water drainage shall not be placed on the side of the unit adjacent to the easement area to ensure that water runoff is not allowed onto the easement area.

**UNDER NOT CIRCUMSTANCES SHALL RUNOFF FROM ANY ROOF AREAS BE ALLOWED TO DRAIN ONTO AN ADJACENT LOT OR AN EASEMENT AREA.**

12. 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.
13. All residential units shall have a minimum of four off-street parking spaces. Two of these parking spaces must be enclosed within a garage, but no more than three-car capacity, and an additional two off-street surface parking spaces shall be provided, which may include the drive path from the street or alley to the garage. 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 nine (9) feet in height. Lots Forty-Seven-B (47B) through Seventy-Four-B (74B) inclusive, may not have garages which face the front property line. 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 Wimbledon West. **Reference Planning and Architectural Committee Resolution No. 15 – Concrete Driveway Extension.**

14. Detached garages, sheds, or other buildings shall NOT be constructed on the lots.
15. The exterior appearance of the residence, and appurtenant structures and improvements, must be consistent with the high-quality standards established for the Wimbledon West subdivision and the appearance must be consistent, compatible, and complimentary to existing construction on adjacent lots and must have a definite commonly recognized architectural style which is carried out through attention to detail. Such detail to include, but not limited to, window treatment, brick coping and/or parapet walls.
16. 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 immediate lot or adjoining lots.
17. 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.
18. 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.
19. 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.
20. **EASEMENTS AND RIGHT-OF-WAYS**: All areas of the numbered lots within Torrey Pines subdivision, reserved for the installation, removal, repair, and maintenance of utilities (electric, telephone, gas, cable television, water, sewer, drainage, and other utility services). Including overhead, underground, buried and all other types of lines, pipes, conduits, wires, cables, and all other means of providing utility services, are reserved and are designed as utility easements on the Amended Replat of WIMBLEDON WEST AT TANOAN, filed in the Office of the County Clerk of Bernalillo County, New Mexico, on September 8, 1983, in Vol. C-22, Folio 20, as Document Number 83-61042.
  - a. **All Easements and Right-of-Ways Include Right of Ingress and Egress**. All Easements and rights-of-way of whatever type which are shown and designated on the Amended Replat of WIMBLEDON WEST AT TANOAN, filed in the office of the County Clerk of Bernalillo County, New Mexico, on September 8, 1983, in Vol. C22, Folio 20, as Document number 83-61042, shall include the right of ingress to and egress from such easements

and rights-of-way over, upon, or under any part of WIMBLEDON WEST AT TANOAN, for the purpose of installing, removing, repairing, and maintaining utilities, trimming or removing of interfering trees or shrubs, and any other purpose or activity related to the purpose for which such easements and rights-of-way may be used.

- b. **No Construction or Obstacle on Any Type of Easement or Right-of- Way.** No residence, obstacle, or other type of construction shall be erected, placed, altered, or permitted to remain upon any numbered lot within WIMBLEDON WEST AT TANOAN, which is the subject of any type of easement or right-of-way reserved herein, and as shown and designated on the Amended Replat of WIMBLEDON WEST AT TANOAN, filed in the office of the County Clerk of Bernalillo County, New Mexico, on September 8, 1983, in Vol. C22, Folio 20, as Document number 83-61042, which would in any way interfere with the use of such easement or right-of-way; nor shall any trees, shrubs, hedges or other landscaping be planted or permitted to remain in place, or to remain untrimmed, which would interfere with the use of any easement or right-of-way shown and designated on the Amended Replat of WIMBLEDON WEST AT TANOAN, filed in the office of the County Clerk of Bernalillo County, New Mexico, on September 8, 1983, in Vol. C22, Folio 20, as Document Number 83-61042.
- c. **Side Yard Easements.** The undersigned do hereby dedicate, declare, and impose those certain private, exclusive, surface side-yard easements, three and one-half feet (3 1/2) in width along the Easterly, Southeasterly, Southerly, Southwesterly, or Northeasterly, respectively. Three and one-half feet (3 1/2) of the following numbered lots, running parallel and located adjacent to the property line of each of the following numbered lots, from the front to the rear of each of the following numbered lots, for the purpose of enabling the dominant owner thereof (the owner of the adjoining lot) to use and enjoy the surface of the land within the side-yard easement, subject to the covenants contained herein, which numbered lots, across which the side-yard easements are dedicated, declared and imposed hereby, are as follows:

Numbered lots across the **EASTERLY** three and one-half feet (3 1/2) of which the side yard easements are dedicated, declared, and imposed hereby:

Lots numbered Ten-B (10B) through Twenty One-B (21B) inclusive, Thirty Five-B (35B) through Forty-B (40B) inclusive, Forty Eight-B (48B) through Fifty One-B (51B) inclusive, Fifty Two-B (52B) through Fifty Six-B (56B) inclusive, Fifty Nine-B (59B) through Sixty Five-B (65B) inclusive, Sixty Six-B (66B) through Seventy Three-B (73B) inclusive, all of WIMBLEDON WEST AT TANOAN, an Addition to the City of Albuquerque, New Mexico, as the same is shown and designated on the Amended Replat of WIMBLEDON WEST AT TANOAN, filed in the office of the County Clerk of Bernalillo County, New Mexico, on September 8, 1983, in Vol. C22, Folio 20, as Document Number 83-61042.

Numbered lots across the **SOUTHEASTERLY** three and one-half feet (3 1/2) of which the side-yard easements are dedicated, declared, and imposed hereby:

Lots numbered Eight-B (8B), Nine-B (9B), Thirty Three-B (33B), and Thirty Four-B (34B), all Of WIMBLEDON WEST AT TANOAN, an Addition to the City of Albuquerque, New Mexico, as the same is shown and designated on the Amended Replat of WIMBLEDON WEST AT TANOAN, filed in the office of the County Clerk of Bernalillo County, New Mexico, on September 8, 1983, in Vol. C22, Folio 20, as Document Number 83-61042.

Numbered lots across the **SOUTHERLY** three and one-half feet (3 1/2) of which the side-yard easements are dedicated, declared, and imposed hereby:

Lots numbered Twenty Three-B (23B) through Thirty Two-B (32B) inclusive, all of WIMBLEDON WEST AT TANOAN, an Addition to the City of Albuquerque, New Mexico, as the same is shown and designated on the Amended Replat of WIMBLEDON WEST AT TANOAN, filed in the office of the County Clerk of Bernalillo County, New Mexico, on September 8, 1983, in Vol. C22, Folio 20, as Document Number 83-61042.

Numbered lots across the **SOUTHWESTERLY** three and one-half feet (3 1/2) of which the side-yard easements are dedicated, declared, and imposed hereby:

Lots numbered Two-B (2B) through Seven-B (7B) inclusive, Twenty Two-B (22B), and Forty Three-B (43B) through Forty Six-B (46B) inclusive, all of WIMBLEDON WEST AT TANOAN, an Addition to the City of Albuquerque, New Mexico, as the same is shown and designated on the Amended Replat of WIMBLEDON WEST AT TANOAN, filed in the office of the County Clerk of Bernalillo County, New Mexico, on September 8, 1983, in Vol. C22, Folio 20, as Document Number 83-61042.

Numbered lots across the **NORTHEASTERLY** three and one-half feet (3 1/2) of which the side-yard easements are dedicated, declared, and imposed hereby:

Lot numbered Forty One-B (41B), of WIMBLEDON WEST AT TANOAN, an Addition to the City of Albuquerque, New Mexico, as the same is shown and designated on the Amended Replat of WIMBLEDON WEST AT TANOAN, filed in the office of the County Clerk of Bernalillo County, New Mexico, on September 8, 1983, in Vol. C22, Folio 20, as Document Number 83-61042.

(i). With the exception of the privacy walls, return walls and the ordinary projections from the residences in the original construction thereof, the easement areas shall be kept clear and unobstructed to provide open access for the servient owner of the side-yard easement (the owner of the numbered lot across which the side-yard easement is dedicated, declared, and imposed hereby). No building or improvement of any type shall be installed or constructed within the Three and one-half foot (3 1/2) easement area, nor shall anything be piled or leaned against the privacy wall or residence adjacent to the easement area, except return walls, patio floors or slabs and landscaping.

(ii) The servient owner of the side-yard easement shall have the right to enter upon the easement area to the extent such entry is reasonably necessary to carry out the

resurfacing, repainting, or repair of the exterior surface of the privacy wall or residence, including the projections from the residence, or to perform any work necessary for the maintenance and rebuilding or restoration of his property. Such right of entry shall be exercised in such a manner as to interfere as little as is reasonably possible with the possession and enjoyment of the easement area by the dominant owner thereof and shall be preceded by reasonable notice whenever the circumstances permit. No notice shall be required in the case where an emergency requires immediate entry by the servient owner.

(iii). The dominant owner of the side-yard easement area shall be responsible to the servient owner thereof for all damage caused the servient owner resulting from the use of the easement area by the dominant owner, his agents, employees, invitees, licensees, guests, tenants, lessees and members of his family, and the servient owner of the easement area shall be responsible to the dominant owner thereof for all damage caused the dominant owner resulting from the use of the easement area by the servient owner, his agents, employees, invitees, licensees, guests, tenants, lessees and members of his family.

(iv). The dominant owner of the side-yard easement area shall be protected, held harmless and indemnified by the servient owner from any liability or damage arising from acts or omissions on the part of the servient owner, his agents, employees, invitees, licensees, guests, tenants, lessees, and members of his family.

(v). The servient owner of the side-yard easement area shall be protected, held harmless and indemnified by the dominant owner from any liability or damage arising from acts or omissions on the part of the dominant owner, his agents, employees, invitees, licensees, guests, tenants, lessees, and members of his family in his or their use of the easement area.

(vi) . No part of the side-yard easement area shall be used for any purpose or in any manner which shall increase the rate at which insurance against loss or damage by fire and the perils covered by extended coverage insurance or by bodily injury or property damage liability insurance, covering the adjacent property, may be obtained, or cause such premises to be uninsurable against such risks, or any policy or policies representing such insurance to be cancelled or suspended, or the company issuing the same to refuse the renewal thereof.

(vii). No noxious or offensive activities shall be undertaken or carried on upon any part of the side-yard easement area, nor shall anything be done thereon which is, may be, or may become an annoyance or a nuisance to the neighborhood or to the dominant owner or servient owner of the side-yard easement area.

(viii). The side-yard easements are intended to be a burden upon, as well as a benefit to, the numbered lots of the servient owners across which they have been dedicated, declared, and imposed hereby. The side-yard easements are intended to be a burden upon, as well as a benefit to, the numbered lots of the dominant owners located adjacent to and adjoining the numbered lot of the servient owner.



(ix). The term of the exclusive, private, surface side-yard easements dedicated, declared, and imposed hereby shall run with the land. During the term hereof, the servient owner across whose numbered lot the side-yard easement is dedicated, declared, and imposed hereby, shall maintain at his expense the privacy wall, as provided hereof; and the dominant owner of the easement area, for whose benefit this easement has been dedicated, declared, and imposed, shall maintain in good condition, keeping the same neat, clean, and in the same condition as when the residence was built upon the lot, the area of the easement, at his expense.

(x). The side-yard easement dedicated, declared, and imposed hereby, is intended to be an exclusive, private, surface easement for the benefit only of the owner of the lot adjacent to the lot across which the easement has been dedicated, declared, and imposed, all future owners of the adjacent lot, the owner of the numbered lot across which the side-yard easement has been dedicated, declared and imposed hereby, all future owners of such numbered lot, and their, and each of their, family members, guests, invitees, agents, employees, licensees, tenants, and lessees; but not for the benefit of the general public or for any political subdivision or governmental body. Neither the public generally nor any political subdivision or governmental, including without limitation, the City or Albuquerque, the County of Bernalillo, or any agency thereof, shall acquire any right in the side-yard easement dedicated, declared, and imposed hereby, or in the real estate across which such easement has been dedicated, declared, and imposed hereby.

(xi) . The exclusive, private, surface side-yard easement dedicated, declared, and imposed hereby is intended as a surface easement only and shall not prevent the owner of the numbered lot across which it has been dedicated, declared, and imposed, and his heirs, personal representatives, successors, and assigns in interest, or any future owner of the numbered lot across which such easement has been dedicated, declared, and imposed hereby, from utilizing the space beneath the surface of the easement or from utilizing the air space above the surface of the easement so long as the surface of the easement and the space above the surface to the height of the eaves of the residence of the servient owner is maintained for the benefit of the dominant owner. Nothing contained in this provision is intended to grant the servient owner the right to use the land beneath the easement or the space above the surface of the easement in contravention of the planning rule contained herein.

## **WALL REQUIREMENTS**

21. The rear lot lines of lots Eight-B (8B) through Thirty-Five-B (35B) inclusive shall be fenced with fencing constructed of white slump block to a height of seventy-two inches (72"). The rear lot lines of lots One-B (1B) through Eight-B (8B) inclusive and lots Thirty-Five-B (35B) through Forty-Six-B (46B) inclusive shall be fenced with fencing constructed of white slump block to a height of sixty inches (60"). On those lots which border common areas, (lots One-B and Forty Six-B (46B), side yard fences, on the side which borders the common area, will be of sixty inch (60") high white slump block construction that matches the rear lot line fence and will extend forward from the rear property line to the rear of the house of a maximum of fifty feet (50'). No other fencing materials shall be used in these areas.

22. Lots numbered Forty-Seven-B (47B) through Seventy-Four-B (74B) inclusive, will not have rear lot line fences. Rear return walls on lots numbered Forty-Seven-B (47B) through Seventy-Four-B (74B) inclusive, shall be of Crego's white cinder block construction, shall be a minimum height of fifty-six inches (56") and shall not be constructed within four feet (4') of the rear property line.
23. Side yard fences on lots numbered One-B (1B) through Twenty-B (20B) inclusive, Twenty Three-B (23B) through Forty Five-B (45B) inclusive, Forty Eight-B (48B) through Fifty-B (50B) inclusive, Fifty Three-B (53B) through Fifty Six-B (56B) inclusive, Fifty Nine-B (59B) through Sixty Four-B (64B) inclusive, and Sixty Seven-B (67B) through Seventy Three-B (73B) inclusive, shall be constructed three and one-half feet (3 1/2) from the property line in accordance to the Final Grading Plan of Wimbledon West at Tanoan, and shall run along the easement line shown on the abovementioned grading plan from the rear of the residence to the rear property line except on lots numbered Forty Seven-B (47B) through Seventy Four-B (74B), which side yard fences must extend from the rear of the residence back towards the rear property but not closer than four feet (4) from the rear property line. The side yard fences for lot numbered Twenty-One-B (21B) shall be located on the southwest property line and on the east easement line. The side yard fences for lot numbered Twenty-Two-B (22B) shall be located on the northeast property line and on the southwest easement line. The side yard fences for lot numbered Forty-Six-B (46B) shall be located on the southwest easement line and the northeast property line. The side-yard fences on lots numbered Forty-Seven-B (47B), Fifty-Seven-B (57B), Fifty-Eight-B (58B), and Seventy-Four-B (74B), shall be located on the west easement lines and no closer than fifteen feet (15') from the side property line which abuts the street. The side yard fences on lots numbered Fifty-One-B (51B), Fifty-Two-B (52B), Sixty-Five-B (65B), and Sixty-Six-B (66B), shall be located on the east easement lines and no closer than fifteen feet (15) from the side property line which abuts the street.
24. Any side yard fences, except on lots One-B (1B) and Forty Six-B (46B) which border the common areas, be of Crego's white cinder block construction, and shall be a minimum of fifty-six inches (56") high or forty-two inches (42") above the finish grade of the lot on the high side, whichever is greater. No side yard fence or return may be constructed forward beyond the front of adjacent structures except for necessary retaining walls.
25. 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.
26. The exterior face of any front return wall on lots numbered One-B (1B) through Seventy-Four-B (74B) inclusive, and the exterior face of a side wall adjacent to the street on a corner lot, shall be textured and colored to match the parent structure.
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. 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. Chain-link fencing may be used for pet runs, if not visible from the street, alley, or adjoining properties.

29. Walls which are constructed within the front yard setback area and the side yard setback area adjacent to the street, may not exceed three feet (3') in height, unless specifically approved by the Planning Committee.
30. 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**

31. 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.
- 32. 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.
- 33. 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.

### 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. Construction of the residence must commence within twelve (12) 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 twelve (12) months from the commencement of construction.
45. The Planning Committee shall have the exclusive power to control all construction and/or improvements within the Wimbledon West subdivision in accordance with Article 4 of the Tanoan Community Master Restrictions, and any exceptions to the above rules.

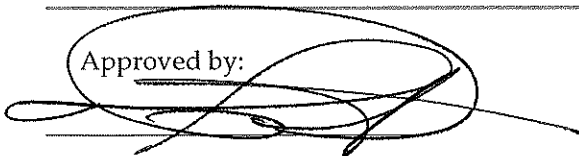
**NOTE:**

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

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Approved by:

Date:



10-4-2023

Thomas Plunkett  
Member and Chairperson  
Planning and Architectural Committee