

CABEZON-CENTEX HOMEOWNERS ASSOCIATION, INC.

GUIDELINE

Landscaping

The Cabezon-Centex Homeowners Association, Inc. has adopted guidelines for landscaping.

Following the Guidelines below, homeowners may install landscaping without submitting a request to the Architectural Control Committee.

A. GENERAL INTRODUCTION:

1. The Guideline has been established to assist homeowners in planning landscaping that does not negatively impact neighboring homes or common elements of the community.
2. The Guideline hopes to establish some criteria that will preserve a general consistency in the landscaping in front of the homes, while allowing homeowners to customize and personalize their homes to maximize enjoyment of their investment.

Homeowners are responsible for compliance with all City ordinances, requirements, and zoning codes when planning and installing landscaping or garden accessories.

B. DRAINAGE CONSIDERATIONS: In installing landscaping, homeowners are reminded that the original grade **should not be changed**. Changes in grade could result in the destruction of the original site drainage design and may cause damage due to water to your home, or homes of your neighbors. If you look carefully at your lot, you will see that each lot has been graded so that all storm water will drain away from the house, and most home sites are graded so storm water drains through the sideyards to the street in front of the house. *Extreme caution should be used to retain the original drainage pattern of your site. Because of the difficulty and importance of maintaining individual lot drainage pattern, it is recommended that a landscape, or drainage professional be consulted.*

Buffer Zones: In planning grass areas, it is recommended that grass not be planted against sidewalks, fences, walls or buildings. A gravel buffer of 1ft to 2ft is recommended to prevent damage or run-off due to irrigation water.

1. Trees whose mature height exceeds (40) forty feet shall not be planted.
2. Trees and shrubs shall be planted in such a location that the mature spread:

- a) Will not cause damage to common or party walls, fences or sidewalks with the associated root systems.
- b) Trees planted in front yards shall be at least five (5) feet away from common area sidewalks.
- c) Trees planted in back yards shall be planted at least five (5) feet away from any common subdivision perimeter masonry, or park masonry wall.

C. IRRIGATION SYSTEMS: Care should be taken with irrigating (system or hand) to assure that irrigation is not affecting adjoining property, sidewalks or streets, and that party fences and walls are not being watered. It is recommended that spray irrigation not be used on slopes greater than four feet of horizontal distance per one foot vertical change, (4:1), and that sprinkler heads be installed at least eight inches away from impermeable surfaces (sidewalks, driveways, etc.).

D. GRAVEL, BARK, ROCK AND BOULDERS:

- 1. All gravel shall be installed over a fabric mesh weed barrier. Gravel shall be raked to keep mesh covered at all times. All gravel and rocks shall be natural tones only: grey, brown, tan, or beige. Gravel, rock, and boulders shall not be white, red, black, blue, green, or any other bright color.
- 2. Tree bark mulch shall be allowed only as “mulch” in small planter beds and tree wells. It shall not be permitted as a groundcover.
- 3. Ground cover shall be crusher fines, gravel $\frac{3}{4}$ ” to 1 $\frac{1}{2}$ ”, crushed, round, or river washed. The majority of the xeric landscaped yard shall be covered by gravel.
- 4. Decorative Accents: 1 $\frac{1}{2}$ ” to 14” rock or crushed rock may be used as decorative accents.
- 5. Boulders: Rocks or boulders from 14” to 5’ may be used as accent pieces. There shall be no more than five (5) such accent pieces used in the front yard.

E. BACK YARDS:

- 1. The backyard area should be covered with grass, groundcover, gravel, shrubs, or garden area.
- 2. Decorative Walls: Decorative walls are allowed in the backyard of the home. Any dirt behind the decorative walls, must not be retained against the perimeter common wall or neighboring walls..
- 3. Backyard Retaining Walls: Retaining walls shall be allowed in the backyards as long as the original drainage plan of the site is not disturbed. Dirt retained behind the wall shall not be retained up against the side lot walls. The retaining wall must terminate in such a way that does not cause damage to the side lot line walls.

4. Garden Areas: Garden areas are allowed only in the backyards of homes. Caution should be used in selecting a location for the garden to assure that watering the garden does not create run-off into an adjoining property.
5. Sheds: See separate Guideline.
6. Ponds: Ponds shall be allowed in backyards only as long as they do not exceed a total of 500 square feet of surface area. Multiple ponds are considered one pond for the purposes of calculating square feet. Waterfalls shall not exceed a height of 5 feet. Ponds shall not cause damage to adjoining property.

F. **SIDE YARDS**: Side yards may not be covered with grass because of the narrow dimensions and the difficulty this will cause in irrigating without run-off and over spray, which damages walls and building stucco. It is recommended that side yards be covered with gravel to match front yard gravel.

G. **FRONT YARDS**:

1. Grass: Grass is allowed in the frontyard in the form of sod. No grass seed will be allowed in front area installations.
2. Gravel: Decorative boulders and rocks may be used in the front area of the homes. Decorative boulders may not obstruct common area sidewalks or visibility from the driveway or corner in any way.
3. Decorative Edging: Steel edging, vinyl edging, paving stone, and blocks are allowed. Edgings shall be grey in color, or a color compatible with grey concrete or tan. Edging shall not be white. No picket edging, or wire decorative borders will be allowed. All other edging will require the prior approval of the Architectural Control Committee.
4. Trees and Shrubs: A maximum of three (3) trees may be planted in the frontyard. There is no limitation on the number of shrubs. Trees must be planted at least five (5) feet away from any sidewalk, or masonry wall, or home. When installing trees or shrubs in the front yards, the mature spread of the plant must be considered. The location of the plant must be such that the mature spread of the plant must not obstruct the sidewalk or masonry wall, or obstruct vision at a corner or from a driveway. Any damage or uplift to streets, sidewalks, or masonry walls by invasive root systems will be required to be repaired at the homeowner's expense.
5. Gravel Strip: No planting or other changes shall take place in the gravel between the sidewalk and street curb. Each homeowner is responsible for maintaining this area in good, clean, weed free condition.
6. Decorative Walls: Decorative walls are prohibited unless they are brought before the Architectural Control Committee (ACC) for approval.

H. GARDEN ACCESSORIES:

Component	Limitations	Front Yard	Back Yard	City Permit Required
Benches		Yes	yes	
Covered Patio/Porch	Must seek Cabezon-Centex Architectural Control Committee approval	No	yes, with ACC approval	yes
Decorative Lighting	See separate section below	Yes	yes	
Dog Runs	Not visible from front. Five (5) foot height limitation. Must be behind privacy walls.	No	yes	fence permit required
Fountains	Five (5) foot height limitation	No	yes	
Sheds	See separate Guideline	No	yes	yes, depending on size
Garden Statuary	Five (5) foot height limitation	No	yes	
Gazebos	See separate section below	No	yes	yes, depending on size
Playhouses	Five (5) foot height limitation	No	Yes	
Swing Sets/Jungle Gyms		No	Yes	
Trellis	No higher than the wall if on a wall. If on the house wall, no height limitation Four (4) inches separation from fence or wall.	Yes	Yes	
Windmills	Five (5) foot height limitation	No	Yes	

I. **EXTERIOR LIGHTING:** Exterior lighting shall be located to minimize impact on adjoining lots or adjoining common areas. Ground mounted lighting shall be no higher than eighteen (18") inches and should be directed downward as necessary to safely light walkways and residence entries. Light fixtures mounted on the home shall be mounted no higher than 10 feet above the finished grade and should be screened to prevent direct light falling outside the subject lot. Light fixtures shall be black, white, cream, brass, verti-green copper or a color matching the home's stucco.

J. **GAZEBOS:** Gazebos are allowed in the backyard only. They shall be no higher than nine (9') feet. The gazebo is to be constructed with materials and in colors matching or complementing the features of the home, or may be natural wood. The roof shall be covered with shingles to match the color of the home. Gazebos over eighty (80) square feet are required to be at least ten (10) feet away from a dwelling, and five (5) feet away from any other accessory structure. Gazebos over one hundred and twenty (120) square feet will require City permits.

K. **SIDEWALKS AND STEPS:** The addition of sidewalks and steps are allowed to the homeowner's lot, if they are tan in color to match the common sidewalks, and finished in a workmanship like manner. Any intersection between the homeowner's sidewalk or steps and the common area component must be level and smooth so as not to present a trip hazard to pedestrians along the common area sidewalk. Sidewalks in the sideyards are allowed, but extreme caution must be exercised to maintain the originally designed drainage. Paving stones and flagstones may

be used as pathways, but shall be natural tones only: grey, brown, tan, or beige. They shall not be white, red, black, blue, green, or any other bright color.

- L. **CONCRETE PORCHES/PATIOS**: Must be at least five feet away from any side lot line, and at least fifteen (15) feet away from any back-lot line. Caution must be exercised not to change the designed drainage of the site. *Covered patio plans must be submitted to the Architectural Control Committee.*

- M. **DAMAGE CAUSED BY LANDSCAPING**: Any damage caused by a homeowner's landscape installation to common area components shall be repaired at the installing homeowner's expense. Any "subsequent" owner of the property shall assume these landscaping obligations.

- N. **LANDSCAPE MAINTENANCE**: All landscaping components shall be kept neat and trimmed. All landscaping shall be kept in a green and weed free condition. Dead landscaping components shall be removed immediately.

- O. **INSTALLATION OF LANDSCAPING**: It is recommended that before digging the Homeowner find the location of buried utilities. Call 1-800-321-ALERT for assistance. Efforts should be made to limit the amount of material for a project stored on the common elements. Dirt or gravel may be temporarily stored on the roadway at the curb in front of the home, in an area no larger than that required by a properly parked vehicle, for a period of no longer than forty-eight (48) hours. A liner or tarp under the material is recommended. The road shall be left in clean condition following the removal of the material.

- P. **COMPLIANCE & VARIANCES**: Homeowners are responsible for compliance with City ordinances and zoning, as well as the Cabezon-Centex Guidelines. Installations noncompliant with the Cabezon-Centex Guidelines will be required to be removed or be brought into compliance by the homeowner. Should a homeowner wish to install landscaping outside of the Guidelines listed above, the Architectural Control Committee must be contacted in advance of installation. The Committee has thirty days to consider such a request.

COPY

XXXXXX, Chairperson Architectural Control Committee
Cabezon-Centex Homeowners Association, Inc.

CABEZON-CENTEX HOMEOWNERS ASSOCIATION, INC.

GUIDELINE

Security Iron and Storm/Screen Door

The Cabezon-Centex Homeowners Association, Inc. has adopted guidelines for security iron and storm/screen doors. Following the guidelines below, homeowners may install security iron and storm/screen doors without submitting a request to the Architectural Control Committee.

Deviation from the guideline requires submission of a formal request to the Architectural Committee.

1. The color of security iron shall match the color of the stucco body or trim.
2. The color of a security or storm/screen door shall either match the color of the stucco body, trim, or color of the door.
3. The security iron may enclose a front entry area into the home between existing stucco pillars.

Homeowners are responsible for compliance with City Ordinances and all other regulations pertaining to emergency exits.

Should a homeowner install a storm or screen door or security iron outside of the guidelines above without approval, they will be requested by the Architectural Control Committee to bring it into compliance or remove it.

Should the homeowner wish to install storm/screen doors or security iron outside of the guidelines listed above, the Architectural Control Committee must be contacted in advance of installation. The Architectural Committee will require the submission of information on any alternate installation for its consideration.

COPY

XXXXXX, Chairperson Architectural Control Committee
Cabezon-Centex Homeowners Association, Inc.

CABEZON-CENTEX HOMEOWNERS ASSOCIATION, INC.

GUIDELINE

Increase Height of Party Wall

The Cabezon-Centex Homeowners Association, Inc. adopted a Guideline for the increase of party walls. Following the Guideline below, homeowners may increase the height of the party wall without submitting a request to the Architectural Control Committee. Deviation from the Guideline requires submission of a formal request to the Architectural Control Committee.

1. The maximum finished height of the wall may be no higher than six (6) feet as measured as measured from the grade on the highest side of the wall (homeowner or neighbor).
2. The materials must match the existing wall. This includes, block size, color and finish (including stucco, block texture, etc.), as well as mortar.
3. The increased height must match the existing wall as far as plaster placement and workmanship.
4. The wall shall be finished in a workmanship like manner on both sides of the wall (homeowner and neighbor).
5. Written acknowledgement of project by affected adjacent neighbors and must be delivered in advance to the Association. (Form Attached).
6. Homeowners may not raise the height of any common area perimeter wall or wall adjacent to a community park without the advance approval of the Architectural Control Committee.

Homeowners are solely responsible for compliance with Zoning and City Ordinances. The Guideline does not guarantee compliance with City requirements and regulations. Homeowners are cautioned to satisfy themselves that the wall is structurally capable of handling the additional proposed height.

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By: XXXXXX, Chairperson Architectural Control Committee
Cabezon-Centex Homeowners Association, Inc.

ACKNOWLEDGEMENT

On this _____ day of _____, I _____
_____ (Neighboring Homeowner)
of _____
_____ (Neighboring Home's Address)
have been informed by _____
_____ (Applicant), the owner
of _____
_____ that they plan to (list work):
_____ (Applicant's Address)

I have been informed of this proposed work because the above stated plans could impact my
home and my enjoyment of it. By way of this acknowledgment, I certify that I have been
informed of the Applicant's plans as stated above, and I have no objections to their plans.

Signature of Neighboring Homeowner Date: _____

Printed Name of Neighboring Homeowner Phone: _____

Address of Neighboring Homeowner

PRIOR to the start of work, Applicant must return a copy of this Acknowledgment to:

Cabazon-Centex Homeowners Association, Inc.
c/o AMMRE Association Management
2823 Richmond Drive NE
Albuquerque, NM 87107

CABEZON- CENTEX HOMEOWNERS ASSOCIATION, INC.

GUIDELINE

Play Structures, Swing Sets and Basketball Hoops

The Cabezon-Centex Homeowners Association, Inc. has adopted a Guideline for play structures, swing sets and basketball hoops.

Play structures and swing sets be located in the rear within the setbacks established for the lot. They shall be screened from public view to the maximum extent possible by permanent structures such as the dwelling unit (including the garage) or a wall. Play structures shall be constructed of materials resistant to rust or decay and should be either painted to match the color scheme of the dwelling unit or painted muted earth tone colors. Roofing of a play structure shall either match the material used on the dwelling unit or be a durable canvas that is securely attached to and made a part of that play structure. If a canvas cover is proposed the color scheme should be solid with no initials, logos, words or stripes. Canvas covers should be a solid muted earth tone color to complement the surrounding improvements. Play structures shall not exceed two hundred square feet (200 sq. ft.) in size and fourteen feet (14') in height. All play structures and swing sets shall be properly maintained so as not to detract from the neighborhood. Maintenance shall include the repair or replacement of any worn, broken, missing, torn or discolored materials, as well as painting of any rusted or discolored parts.

Basketball hoops shall be located either as an attachment to the rear of the garage (roof mounted goal) or on a "free-standing" pole. Residents are not permitted to install hoops on the front or sides of dwelling units.

- A. Basketball hoops shall be installed on commercial-sized, professionally finished backboards. Backboards shall be constructed of heavy gauge fiberglass, aluminum, or Plexiglas and shall be white, clear or black.
- B. Support brackets for roof-mounted hoops shall be painted to match the color of the roof. Poles for "free-standing" hoops shall be painted black or a color to be approved by the Architectural Control Committee.
- C. Regulation and commercially purchased portable/movable hoops may be placed in front of the dwelling unit.
- D. All basketball hoops shall be maintained in such a manner as to not detract from the neighborhood. Maintenance shall include, but not be limited to the following:
 - i. Replacement of torn or missing nets.
 - ii. Repair of bent or damaged supports, poles or rims
 - iii. Replacement or repainting of worn or discolored backboards.
 - iv. Repair or replacement of the structure or other improvements near to where the hoop and backboard unit are mounted; e.g., garage, roof, doors, gutters, etc.
- E. If damage to a lot owner's or a neighbor's adjoining property is incurred as a result of the installation, operation, or use of a basketball hoop, the Architectural Control Committee has the authority to require the relocation or removal of the hoop.

COPY

XXXXXX, Chairperson Architectural Control Committee
Cabezon-Centex Homeowners Association, Inc.

CABEZON-CENTEX HOMEOWNERS ASSOCIATION, INC.

GUIDELINE

Satellite Dish and TV Antenna

The Cabezon-Centex Homeowners Association, Inc. has adopted a Guideline for the installation of satellite dishes and TV antennae. Following the Guideline below, homeowners may install one satellite dish and one TV antenna on their home without submitting a request to the Architectural Control Committee. Deviation from the Guideline requires submission of a formal request to the Architectural Control Committee.

1. The satellite dish shall be no larger than 1 (one) meter (39 inches) in diameter.
2. It is suggested that the satellite dish be installed 18" above the electric meter, screened from view and back from the front of the house in such a way that it does not detract from the appearance of the home from the front.

Homeowners are solely responsible for compliance with Zoning and City Ordinances in the installation of their satellite dish or TV antenna. The Guideline does not guarantee compliance with City requirements and regulations.

COPY

XXXXXX, Chairperson Architectural Control Committee
Cabezon-Centex Homeowners Association, Inc.

CABEZON-CENTEX HOMEOWNERS ASSOCIATION, INC.

GUIDELINE

Walk-In Sheds

The Cabezon-Centex Homeowners Association, Inc. has adopted a Guideline for walk-in sheds. Following the Guideline below, homeowners may install a shed without submitting a request to the Architectural Control Committee. Deviation from the Guideline requires submission of a formal request to the Architectural Control Committee.

1. Sheds complying with this Guideline may be placed in rear yards behind the privacy wall.
2. The shed siding shall be of either vinyl coated metal (not simply vinyl paint), masonite covered plywood, or stucco board. Other shed materials are allowed as long as the shed is not taller than the height of the surrounding wall.
3. The shed siding and shed trim shall be painted to match the color of stucco color and trim of the home associated with the storage shed.
4. The roof of the shed shall have a gable, hip or barn style roof. Roofs shall not be lean-to or single plane style. Sheds shall not be A-frame style.
5. The roof shall either be metal or concrete tile. If tile, the roof shall be covered with tile to match the color of the home's tile. If the roof is a metal roof, it shall be painted to match the roof or the stucco of the home.
6. No portion of the roof shall extend over a lot fence or wall.
7. In preparing the site for the shed, the grade of the lot shall not be significantly altered so as to change the planned drainage pattern, or cause erosion into a neighboring yard.
8. The shed shall not be taller than nine (9) feet when measured from the highest point of the roof to the floor of the shed.
9. The shed shall be placed on the lot in such a way so it is a minimum of ten (10) feet away from the nearest home, and must have a 5' Setback from any fence per the Rio Rancho City Ordinance concerning fire codes and setbacks.

10. The size of the shed shall be no larger than one hundred and twenty (120) square feet. Note that if the projected roof area exceeds 120 square feet, the storage shed will need to be permitted by the City of Rio Rancho.

11. The shed shall not be used as a dwelling.

Homeowners are solely responsible for compliance with Zoning and City Ordinances in the installation of their sheds. The Guideline does not guarantee compliance with City requirements and regulations.

Should a homeowner wish to install a shed outside of the Guidelines, the Architectural Control Committee must be contacted in advance of installation. The Architectural Control Committee will require the submission of information on any alternate installation for its consideration.

Sheds installed that do not meet the Guideline will be subject to Notice by the Architectural Control Committee. *The homeowner will be required to remove non-compliant sheds, or bring them into compliance at the homeowner's expense.*

COPY

XXXXXX, Chairperson Architectural Control Committee
Cabezon-Centex Homeowners Association, Inc.

Illegal Vehicle Parking Fine Resolutions:

The Vehicle Fines Resolution was presented and reviewed. A discussion followed regarding the fine increase. Stan Bevens suggested first a courtesy letter be sent, then an increase to \$50.00 for the first offense and an increase to \$200.00 for each offense thereafter.

Robert Prewitt stated that the issue is to address the storing of RV's on homeowners property. Robert Prewitt recommended that amendments be made so that the first paragraph reads "That the Association allows a reasonable period for loading and unloading of recreational vehicles; and"; that the third paragraph reads, "That from this date forward, fines for the above-stated vehicle violations will be set a \$50.00 for the first violation that occurs after a courtesy letter has been sent and \$200 for each and every violation thereafter"; that the fourth paragraph reads "That all vehicles that are in violation of Section 9.5 (a), (b), and/or (c) will be fined the amount set forth in this Resolution and on the fourth and subsequent violations will also be tagged with a notice that the vehicle will be towed in forty-eight (48) hours if not removed from the Community."

CABEZON-CENTEX HOMEOWNERS ASSOCIATION

GUIDELINE

Gutters

The Cabezon-Centex Homeowners Association has adopted guidelines for gutter installation. Following the guidelines below, homeowners may install gutters without submitting a request to the Architectural Control Committee.

Deviation from the guideline requires submission of a formal request to the Architectural Committee as called for in the "Declaration of Covenants, Conditions and Restrictions Cabezon-Centex," Section 5.3 "Submission of Plans".

1. The color of the gutters shall closely match the color of the trim of the house. Downspouts may be either match the stucco color or the color of the trim.
2. Downspouts should be located on the side or rear of the house whenever possible.
3. Water from downspouts must flow within the designed drainage for your lot.

Homeowners are responsible for compliance with City Ordinances and all other applicable regulations.

Should a homeowner install gutters outside of the guidelines above without approval, they will be requested by the Architectural Control Committee to bring the installation into compliance or remove the gutters.

Should the homeowner wish to install gutters outside of the guidelines listed above, the Architectural Control Committee must be contacted in advance of installation. The Architectural Committee will require the submission of information on any alternate installation for its consideration.

Bob Prewitt, President
Cabezon-Centex Homeowners Association, Inc.

RESOLUTION

By The Board of Directors of Cabezon-Centex Homeowners Association, Inc.

Vehicle Fines

Whereas, the Board of Directors is charged with enforcing the provisions of the Protective Covenants of the Association; and

Whereas, pursuant to Section 9.5 Vehicles of the Protective Covenants, the Board of Directors is authorized to adopt rules, regulations and fine structures for the protection of the Association and the Homeowners; and

Whereas, Paragraph (a) of the Cabezon-Centex Covenants states: “No campers, boats, marine craft, hovercraft, boat trailers, travel trailers, motor homes, camper bodies, golf carts, and other types of recreational vehicles and non-passenger vehicles, equipment, implements or accessories may be kept on any Lot unless the same are fully enclosed within a garage located on such Lot and/or said vehicles and/or accessories are screened from view from the front of the Lot by a screening structure or fencing not less than five (5) feet in height approved by the ACC, and said vehicles and accessories are in operable condition”; and

Whereas, Paragraph (b) of the Cabezon-Centex Covenants states: No commercial vehicle with a gross vehicle weight ratio greater than one (1) ton will be parked on any street right-of-way or Lot except within an enclosed structure which prevents such view thereof from adjacent lots and streets, unless such vehicle is temporarily parked and in use for the construction, maintenance or repair of a residence in the immediate vicinity; and

Whereas, Paragraph (c) of the Cabezon-Centex Covenants states: No vehicles or similar equipment will be parked or stored in an area visible from any street except passenger automobiles, passenger vans, motorcycles, pick-up trucks, and pick-up trucks with attached bed campers that are in operating condition and have current license plates and are in daily use as motor vehicles on the streets and highways of the State of New Mexico. Vehicles may only be parked on driveway or vehicular parking surfaces. No abandoned, derelict or inoperable vehicles may be stored or located on any lot.

Resolution - Vehicle Fines

It Is Therefore Resolved

That the Association allows a reasonable period for loading and unloading of recreational vehicles; and

The management company will be visiting the community twice a month on a random basis to check for violations; and

That from this date forward, fines for the above-stated vehicle violations will be set at \$50.00 for the first violation occurring after a courtesy letter has been sent and \$200.00 for each violation thereafter; and

That all vehicles that are in violation of Section 9.5 (a), (b), and/or (c) will be fined the amounts set forth in this Resolution and following the fourth violation will be tagged with a notice that the vehicle will be towed in forty-eight (48) hours if not removed from the Community.

This Resolution, by a unanimous consent of the Board of Directors of the Cabezon-Centex Homeowners Association, Inc. is approved on this ____ day of June, 2007.

Frank Crocco, Secretary/Treasurer