



ARCHITECTURAL DESIGN GUIDELINES

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HOMEOWNERS ASSOCIATION

ARCHITECTURAL DESIGN GUIDELINES

1. PER THE ASSOCIATIONS PROTECTIVE COVENANTS, ARTICLE 8, SECTION 8.02

"Before you start any project on your property, please carefully read the Protective Covenants, Article 8, Section 8.02.

To assist you, we have made this information more reader friendly in the following paragraphs-however, **please read the covenants as referred to above.**

The following guidelines are to help you prepare your request.

2. BEFORE YOU START:

Before you begin to make any changes, additions, and alterations to your home and/or property, you are required to complete and send your requests to the Architectural Control Committee (ACC) for approval.

Once you receive the approval, you can begin the work.

The plans you send to the ACC must be as detailed (materials, texture, size etc) as possible to give the committee a very good idea of what you are asking for. You must complete a drawing (site plan) of the location and placement of the improvements-showing distance from the home and dimensions.

The ACC cannot approve (or disapprove) any type of changes to your home or property without the information requested.

The ACC may, from time to time, change, revise and modify these design guidelines. On a case-by-case basis, the ACC reserves the right to grant a variation from these design guidelines.

GENERAL PROVISIONS

A. PURPOSE

Deed Restrictions and Design Guidelines **protect neighbors and the value of homes** in our neighborhood. *As the property owner, we strongly recommend you carefully read the Deed Restrictions and Design Guidelines.* All property owners and tenants are subject to the Deed Restrictions and to these Design Guidelines, and have agreed to comply with them. In turn, they rely on their neighbor's **promises** that they too will comply. Most problems can be resolved and unnecessary complications avoided by a thorough **understanding** of the Deed Restrictions and of these Design Guidelines. Compliance with the Deed Restrictions and these Design Guidelines by all neighbors

will permit The Towers homeowners to enjoy their homes in a pleasing environment, attractive community with **sustained property values**.

B. BASIS

These guidelines are intended to augment the Towers Homeowners Association Deed Restrictions, officially titled "Declaration of Covenants, Conditions and Restrictions" (CC&Rs), and do not replace or override them. All are based on the specific rules established by the appropriate governing documents. These guidelines may be amended by addition, deletion or alteration at any time the Architectural Control Committee (ACC).

C. APPROVAL PHILOSOPHY

The approval process is intended to minimize hardships or undue delays, which will also prevent additions or modifications to property that would be costly to correct if done improperly - or in violation of the CC&R's or Architectural Guidelines. The ACC's goal in the review process is **not** to tell the owner that changes cannot be made to the property, but rather **to assist in making changes** (if needed) in a way that conforms to the character of the neighborhood. Upon receipt of the request, the ACC will follow up on the request as quickly as possible.

D. NEED FOR APPROVAL

Any exterior addition, change or alteration which is visible from a street, common area or an adjacent property, including structures, sheds, slabs of concrete, must have **prior approval** from the ACC. The ACC has the authority to require any homeowner to remove or alter any modification, which has not received **prior approval** or is not built according to approved plans sent to the ACC - which includes any City of Albuquerque guidelines. An ACC application is **not required for maintenance or repairs** so long as no changes, such as color or material, that alters the original appearance of the item being repaired. Repairs and maintenance are subject to provisions set forth in section F, "*Quality of Repairs.*"

E. PRECEDENTS

The Committee may modify guidelines as necessary. The Committee reserves the right to disapprove applications for improvement that require a variance from the established Covenants if it believes that such changes are **not in the best interest** of the future of the community, even if a precedent was set by a decision of the developer, builder, prior ACC's, or prior Boards.

In spite of their best efforts, the Committee will, from time to time, make a decision that in retrospect, may not have been in the best interests of the community. The ACC reserves the right to recognize such a situation; document it in the minutes of a meeting and no longer permit its use as a precedent. The same right applies if the Committee makes *an inadvertent error* in allowing a change or addition.

F. QUALITY OF REPAIRS

From time to time, homeowners will be required to make repairs to portions of their property that may be damaged or deteriorated. This includes such items as stucco, porches, fences, walls, balconies, roofs, etc. Repairs are required to be of equal or better quality than original construction and of the same type. While there is no specific requirement for the owner to apply to the ACC for such a one-for-one repair, the quality of such work may come under the scope of the Committee's responsibilities if the repair is done in such a way as, in the ACC's opinion, to detract from the appearance of the neighborhood.

G. EMERGENCY AND DISASTER REACTION

Disasters such as fire and weather may cause significant construction and repair activity to take place. Temporary repairs or structures (those that are present for no longer than six months during reconstruction) will be acceptable under such a condition.

Reconstruction in the form that existed before the disaster will be acceptable without approval by the Committee.

Approval for changes to the former structure will be made with all haste possible so as to have no adverse impact on the owner. The Committee will take whatever action is reasonable to expedite its responsibilities. The intent will be to re-establish the neighborhood to its former quality as quickly as possible.

It is recognized that an owner has the right to take temporary protective action in the event of certain weather conditions, such as flood or tornado warnings. No prior approval for such temporary action is required. However, all such installations must be completely removed and the property restored to its original condition within seven (7) days of the passing of the emergency. This rule specifically applies to, but is not limited to, the boarding of windows and doors during a weather-related threat.

H. CONSTRUCTION MATERIALS

All materials used during the initial construction of homes within the subdivision have been approved by the ACC. Any **alternate materials** must be specifically approved by the ACC prior to use in any exterior construction. These materials must be listed on the site plan, including a drawing of the proposed changes. See examples on pages XXXX.

I. PERIMETER WALLS

The Developer to the Master Planned Property design standard constructed perimeter walls and internal side yard walls that is adjacent to a street at the end of a block. If any of these walls are damaged, the owner shall be required to reconstruct them within thirty (30) business days to the same original height and using the same colors, patterns, textures and materials as the original.

J. MAINTENENCE

All improvements on a lot must be maintained in a state of good repair and shall not be allowed to deteriorate. Repairs shall include, but are not limited to, the following:

1. All painted surfaces must be clean and smooth with no bare areas or peeling paint, and all surfaces must be free of mildew.

2. All rotted and damaged wood must be replaced and any damaged stucco repaired.
3. Gutters must be kept in good repair and are not allowed to have missing pieces, large dents, sags, rust, or hanging parts.
4. Roofs must be maintained in good repair with no missing or curling shingles.
5. All glass surfaces must be whole.
6. Fences, walls and gates must be kept in good repair. This includes, but is not limited to, rotten wood, broken boards, broken blocks, obvious lean of the fence or wall structure, or peeling paint and/or sealant if a wood preserving sealant has been applied.
7. Garage doors must be undamaged and in good repair.
8. Sidewalks, driveways and curbs must be clean and undamaged. Seams must be kept free of weeds.
9. Lawns must be kept mowed, edged, and weed free; graveled areas and flowerbeds must be kept free of weeds; and shrubs and trees must be kept trimmed.
10. There must be no storage of toys, equipment, clutter and/or debris in public view.
11. Perimeter walls maintained by the Association must not be exposed to damage by adjacent plantings or land use.
12. House numbers must be easily readable from the street.

K. YARD MAINTENANCE

All lots shall be kept in an attractive condition, all weeds removed and grass regularly mowed and edged. Dead plants, trees, and bushes shall be **promptly removed** from the property. There must be no storage of toys, equipment, clutter or debris in **public view**.

L. EXTERIOR PAINTING

*If you are going to re-paint the same color, **no** approval is required. However, if you are **not** painting the same color(s) and want to change, you are required to submit the color(s) to the Committee, which should **always** be consistent with the neighborhood. Keep this in mind.*

The intent of these guidelines is for a homeowner to be able to select and apply paint colors that copy the original homebuilder/developer paint application. If a homeowner wants to select and apply a **different color** to the **exterior** of the home, **ACC approval** must be sought. Paint applications must include a complete description of all colors that will be used on the exterior of the residence. Additionally, the application must be accompanied by paint **color samples** for the new paint colors proposed on the application. Paint applications will not be approved until paint color samples are provided.

M. ROOFING

Re-roofing with the same material and color does not require approval from the ACC. *Any change in material or color requires specific approval of the ACC.*

N. YARD WALLS/FENCES

Chain link fences are not permitted, nor are walls exceeding acceptable height standards. When being replaced or repaired, all walls and fences shall be the same design as the original wall in the area. Regardless of design, ACC approval is required for all *alterations of existing walls or new walls*. Special situations with non-standard walls should be noted on the ACC application. Applications must include a site plan that clearly defines the project.

Homeowners are required to collaborate (talk with each other) with their neighbors when planning any wall projects. Both homeowners jointly own any yard wall that separates two properties. **Both homeowners** must okay (consent) any modification of the wall.

O. YARD ORNAMENTS, FIXTURES, AND FURNITURE

A sample of ornaments includes such items as: planters, decorations, statues, birdbaths, lawn ornaments and other decorative items. Furniture includes chairs, benches, lounges, tables, etc. Fixtures include swings, barbecues, cookers, smokers, etc. *Such items are encouraged to promote individuality.*

However, the following guidelines apply:

1. *Items on Front Porches and Front Yards*

Those items kept permanently, or for long (prolonged) periods of **time outside of the fenced area** of the property, will be more noticeable and receive the greatest attention, and greatest visibility. Items kept on porches such as furniture and planters must meet the general restrictions please see **(CC&Rs)** but will not require written permission unless a **specific complaint is received**. An owner may keep (for prolonged periods) items of furniture, ornaments or planters on the front porch of his/her home without the written permission or consent of the ACC. The ACC will only make a judgment if a specific **complaint** is received.

2. **Appearance**

We all want our neighborhood to look good. Because of this, think about the improvement you wish to make, before submitting your request, make sure that what you are asking - blends **in with our neighborhood**. All front yard and porch items must be kept in good condition.

P. PERMANENT EXTERIOR LIGHTING

In general, the addition of exterior lighting is both acceptable and desirable. However, it must be hard wired to the home and no type of extension cords are permitted. This includes ground level lighting; stand-alone lampposts and lighting mounted on a house or approved structure. Such lighting fixtures must be compatible with the general tone and design of the neighborhood. High intensity lighting is **inappropriate** for residential neighborhoods. In all cases, floodlights and motion detectors shall be positioned or shielded in an attempt to minimize any effect on your neighbors. An exception to this

may be made when owners of neighboring properties deem the lighting to be beneficial (vandalism/theft) to their property and **agree in writing** to its installation.

Q. HOLIDAY DECORATIONS

Holiday decorations are both permitted and encouraged and will not require approval by the ACC. However, such decorations may be installed no sooner than **30 days prior to the holiday and must be removed within 30 days after** the holiday for which they are intended. Furthermore, the ACC reserves the right to require the **removal** of decorations that either generates complaints or are deemed offensive. This right will be used sparingly.

R. BASKETBALL GOALS AND HOOPS

We must remember that children playing in the street can be a very dangerous situation unless there is adult supervision. Therefore, any planned *permanent* basketball goal, which will be placed **in view of the street or side yards**, must be *reviewed and approved by* the ACC to assure compliance with these guidelines prior to setting them up. Again, if approved, we **strongly recommend** that adult supervision is present to lessen any danger from traffic or other sources.

Basketball backboards must be pole mounted on the side of the driveway or on a rear yard patio.

S. SHADE STRUCTURES

Shade structures include patio covers etc. Structures are to be constructed with materials and colors to match the residence, or compliment them. Shade structures are permissible with the prior approval of the ACC and in compliance with *local building codes*. Roofing material will be made of materials to match or compliment the residence. Wood surfaces may be left natural, stained or painted to match the residence. Please remember that shade structures more than 120 square feet (10 feet by 12 feet) require *a building permit from the City of Albuquerque that is your responsibility*.

b. Free Standing Structures Free-standing structures such as sun shelters, cabanas, gazebos and arbors may not exceed the eight feet in height limitation measured from ground-level of the home. ACC approval is needed for these items.

c. Attached Structures

An example of this is a patio cover or shade cover, which is *firmly and substantially affixed* to the main existing residence. This also requires ACC approval.

d. Detached Structures

No detached buildings, including, but not limited to, detached garages (other than provided herein) and storage buildings, will be erected, placed or constructed upon any Lot without the prior approval of the ACC. Structures such as storage building or green house will match or compliment the residence. Exterior paint and roofing materials shall be consistent with the existing paint and will match or compliment the residence.

T. Windows and Treatments

No aluminum foil, reflective film will be placed on windows or glass doors.

1. Security/Storm Shutters

Security and Storm shutters are generally allowed on the exterior of the house with specific approval. All shutters shall be required to be painted so as to blend with the coloring of the home and the design of the community.

2. Storm Doors

Security and/or storm doors will be allowed on the exterior of a home provided that they meet one of the following options:

- 1) Metal frame with glass or screen insert. Color and style must match or compliment the architecture and color of the residence.
- 2) Security/storm door combination utilizing wrought iron. Color and style must match or compliment the architecture and color of the residence.

U. WOODPILES

Stacked/stored firewood must be stored behind the fence and not visible from any street.

V. FRONT YARD-LAWNS-LANDSCAPING

Front yards are required to be landscaped and kept in good condition at all times. All dead material must be removed, so that it does not create an eyesore, as quickly as possible. All materials shall compliment the residence.

Dead lawn and greenery is ugly and adds negatively to the appearance of our community, therefore:

*Please note that for whatever reason, your front yard lawn, shrubs, plants or trees die - it is your responsibility that they be replaced within **30 days**, or as soon as weather conditions and growing seasons allow. Replacement will require ACC approval; you can add an acceptable substitute in its place (rocks, shrubs, tree's etc).*

13. The use of non living objects such as driftwood, petrified wood, animal skulls, wagon wheels and other similar items, for landscape accent materials is generally **discouraged** and will only be allowed with **specific approval** of the ACC.

W. OTHER DEED RESTRICTION PROVISIONS

These guidelines are not intended to expand upon all provisions of the deed restrictions, officially titled "Declaration of Covenants, Conditions and Restrictions" (CC&R's).

Owners should ensure they are familiar with **both the deed restrictions and with these Guidelines to ensure continued worry-free enjoyment of the community by all concerned.**

X. EXCEPTIONS

Exceptions to these guidelines and/or the Deed Restrictions will be made in exceptional and unusual cases to accommodate Federal, State and Local laws. An example would be to permit a structure that does not conform to be built for the special needs of a handicapped resident.

In all such cases, the owner will be granted the variance on a **temporary basis** for only that period during which the exceptional or unusual case exists. A formal document will be drafted and signed by the ACC and the resident as to the specifics of the variance.

The document will make it clear that when the exceptional or unusual case no longer exists, the temporary variance ***will no longer be in effect.***

Variance exceptions will not be made for reasons of economic convenience or hardship, to accommodate recreation (skate board) activities or for reasons of individual taste, appearance or beautification.

GLOSSARY

1. **SETBACKS**-Setbacks are predefined distances that must be maintained from the main residence to the property line. Typically there are 5' setbacks along the sides of a property and a 15' setback at the rear of the property.

For example, if an owner wants to build a patio cover at the rear of their home they must maintain at least 15' from the rear property wall to the point where the support posts actually come down. The patio cover can be cantilevered past the posts without affecting the setback requirement.

An owner would have to obtain a **variance from the City** in order to build into the setback area. These setbacks generally only apply to a structure that is physically attached to the home. For example, the 15' setback *would not apply to a free-standing structure such as a storage shed that is not attached to the home.*

2. **ACC**-this is the Architectural Control Committee. This is a committee made up of volunteers from the community that evaluates/looks at all requests for changes to the homeowners property-and approve or disapprove applications.
3. **ARCHCHITECTUAL CONTROL SUBMITTAL FORM**-This is the form all homeowners MUST send in BEFORE any projects, landscaping etc., on their property gets started. This form needs to be approved by the ACC **before** any work begins.