



# **BOSQUE DEL RIO**

## **Resident Guide**

### **Covenants, Conditions and Restrictions (CC&R's)**

#### **and**

### **BDR ARCHITECTURAL DESIGN GUIDELINES**

#### **Architectural Review & CC&R Support**

Bosque Del Rio filed a set of deed restrictions (also known as restrictive covenants) for each of the 114 units in Bosque Del Rio. These CC&R's are tied to the title and ownership of all property in Bosque Del Rio, as well as to all lease (rental) agreements for any property in a Bosque Del Rio subdivision. Consequently, as a property owner, homeowner, or lessor in Bosque Del Rio, you have entered into a legally binding agreement to abide by the deed restrictions applicable to your unit.

#### **CC&R Support & Philosophy**

The CC&R support program assures ongoing adherence to the deed restrictions, which insure the investment, quality and appearance of Bosque Del Rio. Residents receive notification regarding non-compliance via a courtesy letter and violation notices from the CC&R Committee. These CC&R support activities are performed by volunteers who devote a great deal of time and effort in helping to preserve the character of the Bosque Del Rio community. The Association realizes that the ideal program would include personal contact by CC&R support representatives regarding violations. However, the number of violations and the shortage of volunteers make this impossible. Residents, hopefully, will view the receipt of such a letter in the spirit that it was sent -- a neighborly reminder based upon a sincere desire to preserve the beauty and property values within Bosque Del Rio. The resolution of CC&R non-compliance issues is most effectively achieved through an amicable one-on-one, homeowner-to-homeowner discussion. Residents who have complaints regarding CC&R violations are asked to approach their neighbor in an amicable manner to call the problem/violation to their attention. Experience has taught us that neighbors may not be aware he/she has violated the CC&R's or may not realize that the violation is a source of problem and/or aggravation. Issues that cannot be resolved in this manner may be turned over to the Bosque Del Rio Homeowners Association (BDR HOA) for official action.

#### **CC&R Complaints**

Complaints regarding CC&R violations should be submitted to the BDR board. The Architectural Control Committee (ACC) makes on-site inspections, for the purpose of verifying alleged violations of the CC&R's. The Association notifies residents via letter who are found to be in violation of one of the CC&R's. Compliance inspections are performed and follow-up contacts are made on an as-needed basis. Chronic CC&R violations are turned over to the BDR Board of Directors for decisions regarding implementation of legal action.

#### **Architectural Review**

Architectural review is a process that helps to assure preservation of the unique character of Bosque Del Rio. In accordance with the deed restrictions for all subdivisions, **residents cannot make any exterior changes to their residence or property unless they first submit an application and receive approval from the ACC.** Bosque Del Rio is designated as a Planned Unit Development by the City of Albuquerque. Therefore, any exterior alterations to your home will require advance approval from the ACC, AS WELL AS the City of Albuquerque. The ACC will review requests within the 21 day period and a letter will be mailed with the review (Article V). In addition to remodels and additions, this includes fencing, painting, garage conversions, sheds, decks, pools, equipment (including antennas, satellite dishes, solar panels and air conditioners), re-roofing, re-stuccoing, landscaping and all other exterior alterations or additions. See the CC&R's for specific details that must be submitted. Property owners are urged to study the applicable CC&R's before starting to plan or design any construction, landscaping or renovation project. To obtain applications and instructions for submitting plans for architectural review please contact the BDR board. Improvements to any Lot require submittal of plans for approval by the BDR Architectural control committee (ACC) prior to commencing work project. Requests for a variation to specific BDR CC&R's may be considered, but not in violation of City Codes for R-1 Zone.

**BDR ARCHITECTURAL DESIGN GUIDELINES** (listed in CC&R's or in the BDR Architectural Design Guidelines dated February 8, 1996.)

The following is a general list of basic regulations in the Guidelines and/or CC&R's for all lots.

- Stucco color must be approved and, at a minimum, account for 85% of the exterior construction. The approved colors are as follows. Other manufacturers must match these colors.
  - Approved El Rey stucco colors include: Buckskin 101, Driftwood 111, Straw 122, Sandalwood 121, Suede 118, La Luz 125, Desert Rose 114, Sand 103, Fawn 117, Palomino 119, Adobe 116, Beige 116, Cottonwood 115
  - Approved Sto Industries stucco colors include: Pecos 01005, Abiqui 01002, Santa Fe Mocha 01003, Adobe Brown 01994, Pueblo 01005, Suede 01006, Tumbleweed 01010, Paloma 01014, Cimmaron 01015, ,Mesa del Sol 01016
- Stone or brick may be used as an accent, but no more than 15% of the exterior construction.
- Roofs must meet the CC&R's: Metal roof color must be approved (standard is red, green or silver)-this includes accessory buildings/sheds. (Section 9.21) Flat roof materials may be built-up roofing (non-reflective) and single ply membrane also non-reflective. Clay, mission tile, mission barrel or "S" shapes in solid colors. Roofing materials Not Permitted in BDR include: asphalt shingles, wood shingles & multi colored roof tiles.
- All concrete drives or walks in the front of a Unit are to be tan or brown in color. All non-concrete drives are to be tan or brown crushed rock (Santa Fe Brown, Santa Fe Tan Mountainair Brown all available from Lafarge North America).
- Existing crusher fine walkways (adjacent to estate curb) are to be maintained or may be replaced with other landscape rock materials upon approval of the ACC.
- Courtyard walls are allowed within the front setback line but may not exceed 36" in height and must be constructed of materials complimentary to the house. (Exceptions up to 48" require the approval of the ACC)
- Windows should be set deep into the walls to create a feeling of masonry construction and massiveness, 2" minimum offset. Plant-ons and stucco surrounds are not to be used. Unanodized aluminum frames may not be used. Exterior window and doorframe trim is primarily white, although CC&R's allow a limited variety via the Site Development Plan. Windows are to be of major panes without permanent small panes inconsistent with the southwestern, country style of the community.
- All Lots are to have front side, set back return, fencing to match the 3-rail fencing required for side and rear Lot lines. (Section 9.11) Gates built in the front return or other fencing shall be compatible with the 3-rail fence type and that they shall be beige or tan in color.
- Solid waste containers provided by the city are to be kept screened from public view, from any angle, either within a garage or behind a wall, fencing or shrubbery, except when positioned for trash pick-up or actively in use. Solid waste containers are to be hidden from view except for the night before and until the evening of the day after scheduled City pickup.
- Tasteful yard decoration such as flags, streamers and displays are acceptable. (Section 9.3D)
- Car maintenance and simple repairs are allowed in driveways, if not obvious, for not more than 48 hours.
- Storage of landscape materials is allowed for seven (7) days or less and may be stored on the street, but shall not block the asphalt surface or reduce the traffic lanes.
- No yard lights (other than low pathway lighting with a maximum height of 18") are allowed.
- Garage doors shall be at a maximum width of two cars. The doors are to be offset in massing by 2 feet. Garage doors are to be offset from the surface wall by 12". Doors are to be painted white or in the same light tan as the currently approved doors.
- Building heights are limited to a maximum of 26'. This is measured from the original pad elevation to the highest point of the parapet or to the average height between the plate and the ridge of the gable.
- Setbacks- No house shall be constructed within twenty feet (20') from the front property line. No house shall be constructed within ten feet (10') of the side property lines. No house shall be constructed within fifteen feet (15') from the rear property line. There is a 100' rear yard setback for the houses on lots 102-109. Accessory buildings shall be permitted within the rear and side yard setbacks, as approved by the Architectural Control Committee. (Note: Usually all privacy fencing, accessory buildings, etc. shall be no closer than five feet (5') to the rear or side property lines. Distances closer than five feet (5') require extraordinary conditions and the ACC approval.
- Accessory buildings (or sheds) shall be permitted within the rear and side yard setbacks, as approved by the Architectural Control Committee. The shed or accessory building must match the home in design. A pitched roof house requires a pitched, metal roof shed in same design & color. A flat roof residence requires a shed with a flat roof. They must be stuccoed in the same stucco color as the house. In addition, the door and windows need to match the home in design and color. The windows may not be aluminum; they need to be white vinyl-clad, like the residence. The size of the shed shall not exceed one hundred and twenty (120) square feet. Any shed larger will require a permit from the City of Albuquerque.
- Signs, emblems on any unit that are visible to public view except for "For Sale" or political signs are not allowed. (posted within timeframes shown in Section 9.4 of the CC&R's)
- Commercial vehicles bearing commercial signage are not allowed unless parked so as not to be seen from any street right-of-way or lot (Section 9.6)

- Satellite dishes or antennas may be erected or installed on any lot provided the satellite dish or antenna complies with the following guidelines as adopted by the Board of Directors of Bosque del Rio Homeowners' Association and in accordance with FCC requirements. If the installation is not in compliance, the Board has the right to require the owner to relocate the satellite dish or antenna to an alternate, more aesthetically pleasing location provided the new location has comparable reception. The relocation will be done solely at the Owner's expense. The following guidelines cover three types of antennas: direct broadcast satellite (DBS) antennas, multipoint distribution service (MDS) antennas (often called wireless cable, including MMDS, LMDS and IFTS antennas) one meter or 39" in diameter or less, and television broadcast antennas of any size:
  1. Satellite dish or antenna may be installed on the roof or under the eaves of your home. Please make every effort to install your dish in the least conspicuous location where an acceptable quality signal can be received. The Association would prefer that the dish not be mounted on the front façade of the home or on the peak of the roof where the dish would be highly visible.
  2. All wiring must be secured to the house and or roof and in some cases may need to be painted to match same. As directed by Congress in Section 207 of the Telecommunications Act of 1996, the Federal Communications Commission (FCC) adopted a rule concerning restrictions on viewers' ability to receive video programming signals from direct broadcast satellites. Associations may not adopt or enforce restrictions or adopt rules that unreasonably delay or prevent installation, maintenance or use; unreasonably increase the cost of installation, maintenance or use; or preclude reception of an acceptable quality signal from satellite dishes up to 1 meter (39.37 inches) in size in areas that residents own or have exclusive use. An HOA regulation requiring that antennas be placed where they are not visible from the street is permissible if this placement does not prevent reception of an acceptable quality signal or impose unreasonable expense or delay. For example, if installing an antenna in the rear of the house costs significantly more than installation on the side of the house, then such a requirement would be prohibited. Associations can require owners to camouflage their antennas so they blend into the background, provided it does not interfere with reception or impose unreasonable costs. This includes painting the antennas and screening or landscaping around antennas.
- It is the policy of the BDR HOA to permit the installation and use of solar energy devices and to only require reasonable restrictions to in order to balance the aesthetic and visual harmony requirements as contained in the CC&Rs. "Reasonable restrictions" are those restrictions that do not significantly increase the cost of the solar energy device or significantly decrease its efficiency or specified performance. "Significantly" means an amount exceeding 20 percent (up to a maximum of \$2,000) of the cost of the system or decreasing the efficiency of the solar energy system by an amount exceeding 20 percent, as originally specified and proposed. If any requirement noted or set forth during the ACC review reduces efficiency or increases cost, the owner has the burden of proof that the system efficiency will be decreased by more than 20% or that the cost would increase by 20% (up to a maximum of \$2,000) in order to be exempted from that requirement.
- Air conditioning/heating equipment may be installed on flat roofed structures but must be screened from view by parapets which are an integral part of the house. No air conditioning /heating equipment may be installed on houses with a pitched roof profile. Equipment that is ground mounted must be screened from the front and sides. Any roof mounted equipment must be screened with materials compatible to the house in terms of material, color and design. Ground mounted equipment must be screened with materials architecturally compatible to the house in terms of material, color, and design, and/or landscaping. Top of screen walls to be same height or higher than equipment being screened. (BDR Architectural Design Guidelines)
- Clothes hanging devices are prohibited. (Section 9.17)
- Outdoor athletic and recreational facilities such as basketball goals, playscapes, swing sets and sport courts of a permanent nature shall not be placed on any Lot in the subdivision between the street right-of-way and the front of a Unit and must be approved by the ACC. (Section 9.23)
- Landscaping and exterior maintenance must be maintained regularly. (Section 9.12)
- Clean up after your pet, in particular in the park and access trail. (Section 9.6)
- There is a limit of four (4) household pets such as cats, dogs (no dangerous dogs such as pit bulls). All pets must be kept in accordance with Albuquerque Animal Control Ordinances (including leash laws, not allowed to run at large and kept within clean enclosed areas reasonably free of refuse, etc.) (Section 9.6)
- Repairs are not allowed in any driveway or yard adjacent to a street. (Section 9.4)
- Recreation Vehicles (Camper, boat, trailer, equipment) are limited to 72 hours in the driveway of a residence for servicing prior to or after a use. Guest limits for parking, not habitation, is the same. Recreational Vehicles may only be kept at a residence if fully enclosed within a garage or architecturally approved outbuilding. (This is not intended to prevent the occasional parking of a RV in front of the owner's unit to clean or add supplies for a very short duration of 72 hours maximum.) (Section 9.5)
- Ready-made storage facilities such as Rubbermaid sheds require the ACC approval. (Section 9.10)
- Existing crusher fine walkways are to be maintained or may be replaced with other landscape rock materials upon approval of the ACC.
- The pool equipment requires some type of wall or screening. On ACC requests, please specify the screening construction and size. The equipment must be completely shielded from view.

- City codes require a 72" fence around a pool (or 48 "with a pool cover and approval from Building & Safety) and it must completely surround the pool area. Spaces between bars/railings must be 4" or less. Gates/Doors are to be self-closing, self-latching. Please show the height, location, size and type construction of fence around the pool.