

# Pendaries Park at Rociada

## Construction Requirements

These construction requirements are excerpted from Section 9.b of the Pendaries Rules and Regulations Handbook. They are intended to provide a shortened version of the Rules and Regulations explicitly for Construction Activities. As noted in Rule 9.b.(b), a Pendaries Park **Lot Improvement Request Form** is required to be submitted to and approved by the Developer prior to commencing any construction, landscaping, or other lot improvements. A dimensional drawing of the work to be performed must be submitted along with the form.

**Revision: September 1, 2012**

## **b. Construction**

On January 1, 2013, all existing buildings and structures within the subdivision shall be “Grandfathered” and exempt from complying with Section 9b of these Restrictive Covenants. There are two exceptions to this exemption. First, any structural modification to an exempt structure, except like for like maintenance, shall invalidate the exemption and shall require the entire structure to comply with Section 9b of the Restrictive Covenants in entirety. The second exception is any modification necessary to bring a structure into compliance with a governmental requirement. Should that occur, the exemption shall be invalidated and shall require the entire structure to comply with Section 9b of the Restrictive Covenants in entirety.

The Developer reserves the right to develop rules and guidelines regarding architectural styles, materials, and colors for all structures constructed within the subdivision. The Developer retains the right to approve in writing, for good cause, construction of improvements that do not conform to the following limitations.

No improvements, including buildings, structures, or permanent installations, shall be erected or installed on the subject property, except as provided herein below. The following improvements are permitted on residential lots, provided however, such improvements or modifications to improvements must be constructed by the Developer or its successor, or by the owner. In all cases, no improvement or modification to an improvement shall be started without prior submission to Developer of detailed construction plans and approval by the developer of such plans. The permitted improvements are:

- (a). Approval to build or modify a structure on any lot, as well as all Rules and Regulations set forth regarding construction activities, are strictly to ensure aesthetically pleasing and uniform architectural styles within the subdivision. Approval to build does not imply approval of the engineering design of the project nor does it imply approval with any governmental regulation, requirement, or permit.*
- (b). All requests for construction, landscaping, or other lot improvements must be submitted in writing and approved by the Developer prior to commencement of work. All requests shall be submitted on the Park's **Lot Improvement Request Form**.*
- (b1). A single completely enclosed shed per lot, not to exceed 144 sq. feet in building area nor 13 feet in height (excluding hardware projections).**
  - (a). No wood or other biodegradable building material shall contact the ground. All such materials shall be separated from the ground by a non-biodegradable material at least 1 inch above grade.*
  - (b). Allowable external siding – vertical grooved tempered hardboard or cement board sheeting/lap siding.*
  - (c). Allowable roofing materials – asphalt shingles (color: Brown), Metal roofing (colors: - tan, red, green, brown)*
  - (d). Painting required. Allowable colors: Siding – Brown (Example - Lowe's - #1003-9A Cliveden Virginia Soil, Home Depot - 750B-7 Thick Chocolate, BTU and Hacienda's Pendaries Park Shed brown). Trim – Ivory (Example - Lowe's - #7003-9 Malted Milk, BTU and Hacienda's Pendaries Park Shed ivory).*
- (b2). Combinations of a porch, deck, gazebo, pergola, pavilion, canopy, or screened**

**enclosure are allowed on each lot. All of these structures must be substantially open on all sides. A single structure cannot exceed 400 sq. feet in area nor 13 feet in height (excluding hardware projections). A combination of any of these structures on a single lot shall not exceed 600 sq. feet in total area.**

- (a). No wood or other biodegradable building material shall contact the ground. All such materials shall be separated from the ground by a non-biodegradable material at least 1 inch above grade.*
  - (b). All support posts shall be anchored to concrete piers and be a minimum of 1 inch above grade.*
  - (c). Only wood, wood products, composite decking, and stone products may be used in the construction of any of these structures.*
  - (d). Lattice, plastic or wood, may be used for decoration. Only natural wood colors are allowed.*
  - (e). Allowable roofing materials – Metal roofing (colors: - tan, red, green, brown)*
  - (f). All wood and wood products, if stained, may only be stained a natural wood color. They should be stained and/or sealed to protect the materials. Painting is not allowed.*
- (b3). Park models constructed in accordance with Recreation Park Trailer Industry Association (RPTIA) standards may be installed on any lot. The Developer reserves the right to develop rules and guidelines unique to park models.**
- (a). The exterior of the park model is limited to cedar wood (natural color only) or cement board stained a cedar color.*
  - (b). Skirting of the park model is required and must be completed within 60 days of placement on the lot.*
  - (c). Allowable roofing materials – Metal roofing (colors: - tan, red, green, brown)*
  - (d). Porches originally supplied with the park model may be enclosed and made into rooms. These existing porches are exempt from the square footage requirements of Section 9.b.(b3).*
- (b4). No concrete: slabs, pads, sidewalks, foundations, or borders, except for small pads for exterior HVAC systems and in ground footings for the mounting of posts, are allowed on any lot.**
- (b5). No outside toilet shall be constructed on any lot. All plumbing fixtures, dishwashers, toilets or sewage disposal systems shall be connected to the subdivision's sewage collection system. Gray water discharge is allowed for irrigation purposes only, subject to further restrictions as may be specified.**
- (a). Gray water discharge shall be in compliance with New Mexico Administrative Code NMAC 20.7.3.810.*
  - (b). Gray water discharges shall not exceed 250 gallons per day*

- (c). Gray water shall not run off of the lot on which it is generated.*
- (d). Gray water discharge shall not result in standing water.*
- (e). Any storage tank used for gray water retention must be screened to restrict access and to eliminate habitat for mosquitoes and other insects.*
- (b6). No fence of any kind shall be constructed on the subject property or along any lot boundary.**
- (b7). No permanent structures, other than those described within this document, shall be permitted on the subject property. Provided, however, the necessary soil lines, service lines, transformers and junction boxes to provide utilities and sewer service shall be permitted.**
- (b8). No timber cutting is allowed, except for thinning or pruning, unless otherwise specifically permitted by the Developer.**
- (b9). Satellite dishes are permitted. Permanent TV antennas or radio towers are not permitted.**
- (b10). No temporary - house, garage, or structure of any kind shall be placed or erected on any lot. However, a tent or screen room may be constructed for the use of the owner or guests of the owner provided that the same is maintained in an orderly fashion and is not constructed and maintained as a permanent structure throughout the season. See Section 9.b.(b2) for permanent structures.**
- (b11). No furniture or appliance designed for normal use or operation indoors and no building or construction materials or supplies shall be placed upon, stored, or located upon any lot or any street in the subdivision. Provided, that building and construction materials in a quantity not in excess of that actually required for construction may be placed upon a subject property for a reasonable period of time to permit construction of any improvement.**