

**The Design Criteria of the  
Design Review Committee of the  
Estates of Gleneagles**

This document lists review standards and requirements that clarify and standardize the requirements listed in the Declaration of Restrictions and Covenants.

### **Communication and Waiver**

The DRC will generally review submissions within 30 business days of receipt. If the plans are approved, written notification will be promptly provided along with any minor changes being recommended by the DRC.

If the DRC rejects the application or requires significant changes to the design as a precondition for approval, a DRC representative notify the homeowner. The DRC may offer specific suggestions to correct the design problems they find; however, the DRC can reject an application based on the professional judgment of its members without citing specifics, for the following reasons, among others:

- A. Insufficient information to adequately evaluate the design or design intent.
- b. Poor over all design quality.
- c. Incompatible design elements.
- d. Inappropriate design concept or design treatment.
- e. A design found to have an adverse effect on the character of the Community or its residents.

### **Landscaping Guidelines**

Some important landscaping guidelines upon which we will focus are as follows:

- All areas of the lot must be sodded and irrigated except for certain rough areas where terrain and trees make this impractical.
- Each lot must have a minimum of five hardwood shade trees (3 of which must be in front) of at least 3 1/2' to 4' caliper. Existing trees may be counted; however, ornamental trees cannot. Replacement or non replacement of dead trees shall require DRC approval.
- Street trees generally are required and if one should die, replacement by the homeowner is required except when the DRC shall grant an exception.
- Utility meters and air conditioning units must be screened with evergreens.
- Garage doors and play equipment should be screened from the view of adjacent home sites.
- Play equipment may not be located nearer to neighboring homes than to the homeowner's home.
- Sports courts and tennis courts may not be located on a lot that will cause it to become a nuisance to neighboring lots. Some lots may not be allowed courts because of their size or shape.
- Decks and gazebos should contain some appropriate design element to "tie" them to the home(i.e., painting handrails to match house trim, etc.).
- All fencing should appropriately relate to the style of the house and should not create unmaintainable areas. \*SEE FENCING ADDENDA

- Trampolines are not permitted.
- Mailboxes must conform to the existing standard copper covered rural mail box mounted on the standard post currently used in the neighborhood.\*\*
- Dog runs and dog houses are not permitted.
- A mulched bed is strongly recommended to encompass the entire foundation. This will protect the house surface from edging tools and will reduce discoloration, water/irrigation infiltration, and general maintenance.
- The estimated minimum landscape installation 'guideline' is 2% of the total sales price of the house and lot. This would include edging, mulch, shrubs, additional trees (beyond the required five hardwood trees), evergreens, and screening. Such amount is in addition to the cost of required shade trees, sod, and irrigation. The DRC will pay particular attention to landscaping that is seen from the street. Corner lots may require more landscaping than the minimum guideline percentage set forth above. If landscaping is to be "phased in", the initial phase must adequately provide landscape for all areas facing streets and for the screening required above.

### **Landscape Construction**

The existing topography at The Estates of Gleneagles is one of its best's assets. The land rolls in a fashion which gives The Estates of Gleneagles a character special to the Midwest landscape. Consequently, all new construction should be sensitive to the land and conform to it however possible. Fills and cuts should be kept to a minimum. When cutting is necessary, the resultant wall or well should be integrated into the grade through the use of indigenous materials. Building elements must be well proportioned to their site, and site construction should not result in fragmentation of the continuous green landscape. The development at The Estates of Gleneagles should appear as a whole, with harmony among all elements.

### **Erosion Control**

All neighborhoods shall be maintained in a clean and orderly manner during construction periods. Erosion shall be controlled on each site while the site is in a disturbed condition.

### **Stockpiling**

Stockpiling of any building materials, cutting, filling or any ground disturbances shall not be allowed within the drip line of existing trees which are to remain. All building materials will be stacked and stored on the given job site only.

### **Easements**

Within utility easements, no structure, planting or other material shall be placed or permitted to remain which may damage or interfere with the maintenance of utilities, or which may change the direction of flow of drainage channels in the easements. The easement area of each lot, except for those improvements for which a public authority or utility company, is the responsibility of the homeowner.

A twelve - (12) foot right-of-way is located adjacent to all curb lines. Landscape design within this area will be approved by the DRC and maintained by the property owners.

## **Utilities**

All utilities will be underground.

## **Grading**

It is encouraged that the grading of each site will be undertaken in a sensitive fashion. The natural landforms should be preserved and enhanced; therefore, all new construction should work with the land. Finished grades must also be sensitive to the adjacent properties, with particular regard to drainage and views. Grading conditions that will not be allowed include the following:

- No fill over tree drip lines
- No artificially raised finished floor elevations
- No property line grade conditions that do not gracefully meet adjacent grades

## **Fencing/Walls**

No fencing will be allowed which has the effect of creating unmaintainable areas. All fencing regardless of when installed, must be approved by the DRC. All fencing and walls (including, without limitation, the composite and location thereof) shall be subject to the approval of the Design Review Committee. Only black wrought iron fences AND black prefinished steel fences (maximum height of 5 feet), with iron, stone or brick pillars, are permitted. Privacy screens of other materials may be permitted by the Design Review Committee around patios so long as the Design Review Committee determines that the materials and design are in harmony with the house, but in no instance shall such screens penetrate the building setback lines. Without limiting the generality of the foregoing, no chain link, wire, wood panel or stockade fencing is permitted, and no opaque fencing is permitted.

Columns and structural supports may be of different material so long as the open feeling of the fence is maintained.

## **Decks and Gazebos**

All decks and gazebos must be approved by the DRC, and their design should be included in the preliminary and final plans submitted for the home. Such designs should reflect the details of the decking, structure, railings, and stairs. All decks and gazebos shall be stained or painted to match the homes color scheme.

Where decks are close to the grade, appropriate termite and insect protection should be afforded, and drainage should be maintained away from the home. All structural posts and beams must be treated material, and a skirt board should be utilized to screen the area below the deck. If the deck is well off the ground but is too low to walk under, the space under the deck should be screened with lattice work, plantings, or other appropriate material.

All gazebos and decks should be appropriately tied to the vocabulary of the home. This can be done by painting or staining vertical elements and/or railings to match the house trim or in some other manner approved by the DRC. Retaining walls shall be made of natural materials approved by the Design Review Committee.

## **Paved Surfaces**

In an effort to create neighborhoods which are park-like in character, paved surfaces should be kept to a minimum. Large expanses of paving, such as circle drives, are not encouraged as they fragment the continuous greenbelt along the street. Circular drives will not be permitted on lots with frontages of 125 feet or less. Hard surface areas shall not exceed 50% of the front yard area.

All paved surfaces shall be of a high quality finish such as brick, manufactured durable pavers, exposed aggregate, or other high quality permanent material. Turning aprons outside of garages should be at least 32 feet wide to provide for convenient entry and egress. In addition, it is recommended that there be 4 to 5 additional feet available for landscaping screening. Thus, on the garage side, there should be generally be a minimum 36-foot side yard.

Long straight driveways should be avoided, especially if they will be adjacent to (and therefore clash with) a curved drive. All driveway flairs should be standardized of a curved design.

## **Signage**

Signage limitations have been developed in an effort to preserve the visual quality of the neighborhood. No permanent freestanding signs are allowed on any residential lot. Temporary signs shall be allowed for a period approved by the DRC and must not exceed five (5) square feet in effective area nor three (3) feet in height. Such signs may only advertise:

1. The property for sale.
2. The property during the construction and sale period.
3. Upcoming elections (allowed from 30 days prior to 5 days after the election).

All signs will conform to the standards set forth herein, will be reviewed and approved by the DRC, and are subject to further rules and regulations of the City of Overland Park.

4. Signs as approved by the board of directors.

The Community Association Board has the right to remove any sign which violates these sign conditions and to remove signs erected on the right-of-way or on private property.

## **Ornamentation in Yards**

Ornamentation, like signage, can become visual clutter in a neighborhood and destroy the feeling of the continuous green park. No sculpture or lawn ornaments of any kind will be permitted in yards visible from the street without the specific written approval of the DRC.

## **Swimming Pools**

No above-ground-level swimming pool may be installed on any lot. All swimming pools will be designed and engineered in compliance with applicable codes and are subject to

DRC approval. The location of the pool on the lot must take into account the neighbors homes and privacy.

### **Basketball Goals**

Basketball goals must be freestanding and positioned behind the front building line of the home. Basketball hoops/goals attached to the home or garage are prohibited. Generally, at least partial evergreen screening will be required behind the goal. All backboards shall be made of a clear material. All basketball goals must be approved by the DRC. The location of the goal will not cause a nuisance for neighbors.

### **Antennas/Dishes and Solar Panels**

No "satellite dish" larger than 2 feet in diameter shall be placed or maintained outside of (or otherwise be visible from the exterior of) the residence on any Lot. No small "satellite dish" 2 feet or less in diameter or external radio, television or other antennas of any kind or nature or other device for the reception or transmission of radio, microwave or other similar signals, shall be placed or maintained upon any Lot without the prior approval of the Design Review Committee. All such antennas or other devices shall be placed where approved by the Design Review Committee and shall be completely screened from view outside the Lot.

### **2.1.3 Landscape Lighting**

The character of the Community has been developed in a very understated but elegant manner. This must hold true after dark as well as during day light hours. All outdoor lighting shall be directed so as to avoid glare and excessive light spillage on adjacent property and fronting streets. Sport or tennis court lighting is not allowed. No lighting of a patio, pool, or other recreation area will be installed without being designed so as to buffer surrounding residences from excessive light. All lighting must have DRC approval prior to installation. No exterior light will be maintained on any lot which light is found to be objectionable by the DRC. Upon being given notice by the DRC that any exterior light is objectionable, the owner of the lot on which same is located will immediately remove the light or have it shielded in such a way that it is no longer objectionable. Exterior lighting shall have concealed sources of illumination and maintain light levels consistent with the recognized standards of the lighting industry. Accepted white color shall be in the color range of 2700 - 4500 degrees K. Golden, yellow, blue, or reddish light sources are not allowed. Temporary lighting shall follow standards of permanent lighting as described in this document.

### **2.1.4 Screening**

The public views from the streets are to be protected and considered in all that is done. Screening must be compatible with the architecture of the home and planting concepts. No screening of a patio area may occur beyond the building setback of the residence unless approved by the DRC. The following items should be appropriately screened (or, if possible, housed in closed buildings) from adjacent homesites with landscape materials, permanent fences, etc. and shall be located behind the front building line and as far from property lines as reasonably possible:

- Storage areas and trash containers.
- All mechanical, electrical, and electronic equipment and meters. Garages, driveways, and automotive aprons.
- Basketball goals.
- Areas under low decks.
- Play structures.
- Swimming pool equipment.

No window or wall air conditioning/heating units will be permitted. Heating, air conditioning, and plumbing vents shall not penetrate the roof on the roadside of the home unless determined to be absolutely necessary by the DRC.

### **2.1.5 Use Limitations**

Certain uses are forbidden in the Community. This list has been formulated to help maintain a quiet, residential quality and to minimize traffic volumes, noise and visual intrusions. In addition, it will create safer neighborhoods.

No structure of a temporary character, recreational vehicle, mobile home, trailer, boat trailer, tent, shack, garage, barn or other outbuilding will be used on any lot at any time as a residence either temporarily or permanently. No clothesline may be maintained on any lot.

Any driveway, public street, or parking area that may be in front of, adjacent to, or part of any lot may not be used as a habitual parking place for trucks, trailers, mobile homes, recreational vehicles, boats or commercial vehicles except in specially designed areas approved by the DRC. The term "commercial vehicle" will include all automobiles, station wagons, trucks, and vehicular equipment which bear signs or have printed on the sides of same reference to any commercial undertaking or enterprise.

No noxious or offensive activity shall be carried on upon any site, nor shall anything be done which might cause embarrassment, discomfort, annoyance or nuisance. Burning of leaves, trash, or construction materials shall not be allowed on any site at any time.

### **2.1.6 Construction Requirements**

During the period that a site and/or building is under construction, the following minimum measures will be required to minimize disturbance to adjacent sites:

No lot is to be cleared or construction otherwise started without prior written approval of the plans for that lot by the DRC. Before approval is given, the applicant must sign The Estates of Gleneagles Building Construction Agreement in which the builder and proposed homeowner agree i) to submit any changes to the approved plans to the DRC, ii) that they are responsible for sewer and water hookup fees, and iii) that the homeowner is responsible for any damages to the lot caused by the contractor. A copy of this Agreement is available from the Gleneagles agent or the DRC.

Additionally, no construction work, site prep, or construction staking shall be performed on any lot prior to lot closing as this could void your mechanic's lien coverage.

There will be no trespassing across adjoining lots or common ground. No dumping of construction materials, waste or trash shall occur in the Community. Regular trash removal must be provided.

No loud music is allowed on any job site.

Contractors will assume complete responsibility for the actions of their workers as well as those of their sub- contractors.

No construction work will begin before 7:00 a.m. or continue after 7:00 p.m. To alleviate the noise factor and preserve the tranquillity of the area, exterior construction work on new homes (i.e., foundations, framing, siding or roofing) is not permitted on Sundays. Interior work in new homes and normal maintenance on existing structures is permitted on Sundays.

### **Site/Building Relationships**

It is intended that a basic harmony of architecture will prevail among the buildings so that no building will detract from the positive impact of the overall environment. Colors, materials, finishes, and building forms should be sensitively integrated with the particular landscape and topographical character of each site.

The site dimensions must be adequate to accommodate the proposed improvements, including the house parking, drives, and screening. No house will be allowed to overwhelm its site.

Different requirements can be established for each phase, and future phases may have different minimum square footage requirements.

### **Setbacks**

Several of The Estates of Gleneagles lots have setbacks more stringent than Overland Park standards. These have been set as a means to control the overall visual impact from the street. Setbacks for unique lots may vary from typical standards. All setbacks shown must be in compliance. Please note the following: a 45 foot setback will apply to lots 1-5, 38, 68, and 74 — 78; a 40 foot setback will apply to lots 36, 37, 39 — 67 and 69 — 73. All setbacks are subject to DRC review.

### **Colors and Materials**

Colors and materials allowed in the Community will be restricted as a means of ensuring the quality and harmony of the overall environment. No individual house shall detract from the others or cause a distraction to a neighborhood.

All exterior colors are subject to review and approval by the Design Review Committee. Colors should be suitable to the neighborhood and appropriate to the architecture and style of the home. Colors should blend well with other exterior material such as stonework and brickwork. Strong contrasting colors should be avoided.



Window frames other than wood will be either anodized or electrostatically painted. Wood frames will be painted sealed or stained.

Buildings will be faced on all sides with quality facing materials such as brick, stone, wood, or stucco as approved by the DRC. The following materials are generally not allowed: exposed standard concrete block; simulated brick, stone or wood; board and batt; and metal windows. Prefabricated metal buildings are not allowed. Exposed foundations must be painted and those exceeding twelve (12) inches will be covered with the same quality facing material as the building.

The DRC will allow the use of high quality masonite lap siding on certain homes where it determines the aesthetic impact will not be compromised and maintenance will be reduced. In such cases, the material must be appropriately applied to a boxing material equal to 1/2-inch plywood.

Roofs shall be cedar, shake, dimensional cedar wood shingles, high grade composite (50 year or better), slate, or tile. No asphalt shingles are allowed.

### **Garages**

Garages are to be given the same architectural treatment and constructed of the same materials as the main structure. Each residence must have an attached, private, fully-enclosed garage. All garages shall be side-entry unless the DRC determines the site will not accommodate it. Garages shall have a minimum of space for 2 cars, and garages for over 4 cars are discouraged. The interior walls of all garages must be finished in a quality material. No garage will be permitted to be enclosed for living or used for purposes other than storage of automobiles and related common normal use such as the storage of lawn equipment, work areas, and general storage. Homeowner's garage may not be used for storage to the extent that the homeowner must park one or more of their vehicles outside because one or more of the bays is used for storage.

## **2.2.4 Construction Limitations**

### **Excavation**

No excavation will be made except in conjunction with the construction of an improvement. When such improvement is completed, all exposed openings will be backfilled and graded.

### **Unfinished Work**

Once commenced, construction will be diligently pursued to the end, and it may not be left in a partially finished condition for more than 30 days without written approval from the DRC.

### **Destroyed Homes**

Houses destroyed by fire or natural disaster must be demolished and/or removed from the premises within three months and new construction started expeditiously except when needed for insurance purposes (insurance certificate required), weather

permitting. The same standards and procedures shall apply as do for new construction. Partially burned or damaged property shall follow the same rules and standards.

Houses rendered uninhabitable must have repair work started within three months. The same standards will apply as for destroyed homes above.

*Policies and Procedures. Developer shall have the right to establish and amend from time-to-time written policies and procedures to supplement the terms of his Agreements so long as such policies and procedures are uniform as to all builders. Builder and Buyer agree to comply with all such policies and procedures.*