

BRIDGEWOOD HOMES ASSOCIATION

Amended Architectural and Landscape Control Document

Introduction

This document supersedes the Bridgewood Homes Association Architectural and Landscape Control Document dated 1999. It has been prepared in an effort to ensure the high level of quality in Bridgewood and to preserve and enhance the value of property. The interest in reviewing building designs is to assure that a high quality of compatible construction is consistently achieved. These standards are designed to amplify construction and landscaping requirements into understandable terms in order to facilitate the design and review process for property owners and contractors alike.

Standards, Rules and Regulations

All decisions relating to architectural and landscape issues are, to the extent not retained by the developer, within the exclusive jurisdiction of the officers of the Board of the Bridgewood Homes Association (the "Officers").

1.1 Architectural Control Committee. The Bridgewood Homes Association (the "Association") has an Architectural Control Committee consisting of the Officers. Additional members of the Committee may be appointed by the Officers as needed. The Officers will do their best to balance the long-term interests of the overall development with the specific objectives of the individual homeowner.

1.2 The Design Standards.

(a) Landscaping. Landscaping shall include at least three (3) shade trees planted in the front yard of each Lot and (1) shade tree planted in the back yard of each Lot. All such trees shall be of at least 2.5 inches or over in diameter each. An in-ground sprinkler system is installed to maintain all grass areas on each Lot.

1. Written permission is required from the Officers before removing any trees 4" or over in diameter. Appropriate measures shall be followed to protect and preserve trees, shrubs, and other landscaping, which may exist. Attractive, mature vegetation should, whenever practical, be saved to give the Community an established feeling.
2. Plantings for Lots shall reinforce the natural meadow and woodland character of the Community. Cleared areas should be landscaped with trees, shrubs, and lawns designed to compliment the architectural character.

(b) Hard Surfaces. All paved surfaces shall be of high quality finish such as brick, concrete or other permanent material approved by the Officers. A maximum of 50% hard surface materials will be allowed within the front yard areas of any Lot, with the approval of the Officers.

(c) Construction Period Requirements. During the period that construction is being undertaken on a Lot and two weeks after its completion, the measures listed below will be required, at a minimum, to minimize disturbance to adjacent Lots.

1. No dumping of construction materials, waste, or trash shall occur in the Community.
2. Each Lot shall be maintained in a clean and orderly manner during construction. Erosion shall be controlled on each Lot in a manner approved by the City of Leawood and the contractor while the Lot is in a disturbed condition.

(d) Residence Design.

1. Colors, materials, finishes, and building forms shall be in conformity with the requirements hereof and integrated with the particular landscape and topographical character of each site.
2. The site dimensions must be adequate to accommodate the proposed improvements, including the house, parking, drives, and screened-in porch.
3. Finished grades and elevations must be compatible with neighboring sites, particularly with regard to drainage and views.
4. No turbines or solar panels shall be permitted which can be seen from the street. Prior approval from neighbors is required.
5. Exterior decks and porches shall be painted or stained to match or complement the exterior color of the residence.
6. Owners shall be mindful of neighbors when installing and using playground equipment.
7. All exposed surfaces of fireplace chimneys for remodeling or structural additions shall be constructed of or faced with stucco, brick, or stone.
8. No screening of a patio or other recreation area may be installed without the review of the Officers.

(e) Exterior Materials and Colors. Residences shall be faced on all sides with quality materials (such as Dryvit, brick, wood shingles, stone or stucco) as approved by the Officers. Exposed concrete block, batt and board, prefabricated metal buildings and lava rock will not be allowed. Simulated brick or stone must be approved by the Officers. Exposed foundations shall be painted, and those exceeding twelve inches (12") shall be covered with the same quality material as the residence.

The replacement of roofing shall be subject to two requirements: 1) the material must be on the City of Leawood's approved roof material list, *i.e.*, 30-year composite material (*See* www.leawood.org/commdev/rooflist.aspx); and 2) the selection must be reviewed by the Officers to ensure that it suits the architectural style of the neighborhood.

(f) Construction, Location, and Size Limitations.

1. No significant exterior alterations of any existing structure shall be permitted without the prior approval of the Officers.

2. No excavation will be made except in conjunction with construction of an improvement. When such improvement is completed, all exposed openings will be back-filled and graded within 30 days.
 3. Once commenced, significant structural construction will be diligently pursued to completion and it may not be left in a partly finished condition for more than two months without written approval of the Officers.
 4. A residence destroyed by fire or other casualty shall be removed from the Lot within 30 days and new construction begun within three months after the date of such destruction, and thereafter such construction shall be performed with due diligence through completion.
 5. All residences and other improvements shall be located on each Lot in full compliance with any setback lines or restrictions shown on the applicable Plat.
- (g) HVAC. No window air conditioning or heating units will be permitted.
- (h) Swimming Pools, Tennis Courts, and Spas. All swimming pools and pool areas, spas, tennis courts, equipment and screening associated therewith (including lighting) shall be subject to approval of the Officers. No above-ground or above-grade swimming pools shall be allowed; provided, however, that in the event topographical features of the Lot require a swimming pool to be partially above-grade construction, such design must be approved in advance by the Officers. No external or outdoor hot tubs or spas shall be above-ground or above-grade or otherwise allowed without the prior review of the Officers and shall provide appropriate screening. Homeowners are cautioned to become familiar with all-applicable county and city laws and regulations that pertain to swimming pools.
- (i) Fencing and Walls. All fencing and walls (including, without limitation, the composition and location thereof) shall be subject to the approval of the Officers. No chain link, wire, or wood fencing shall be permitted, and only wrought iron or visual equivalent will be considered by the Officers. No fencing shall exceed five feet (5') in height unless required by the City of Leawood for screening of pool, hot tub, or spa areas. Retaining or screening walls shall be made of natural materials or faced with quality materials reviewed by the Officers.

1.3 Review Process. Review by the Officers is required prior to the undertaking of any significant improvements, construction or installation, including clearing, grading, paving, signs, structures, landscaping, and building additions or alterations. A **suggested submittal form for review and approval is attached.** Completion of the form will provide the Officers with the information necessary to review the proposed project for compliance with the design standards of the Community. *Review shall be coordinated with the required governmental approvals.* Submission to the City for building permits or site plan approval shall not be made until final plans have been reviewed by the Officers. The review of each complete submission to the Officers will be performed within ten working days from the date of such submission, and notification of recommendations or approval will be provided to the Owner within such time.

1.4 Interpretation and Waiver. In order to meet special situations that may not be foreseen, it may be desirable from time to time for the Officers to allow variances of certain requirements; such variances shall not be considered precedent setting. Each decision will be made with the welfare of the overall Bridgewood development in mind.

1.5 Architectural Control Committee Authority and Limits of Liability.

(a) No residence, fence, wall, or other structure or improvement of whatever type shall be commenced, erected or maintained within the Community, nor shall there be any addition to or change to the exterior of any residence or other structure or improvement upon a Lot, or the landscaping, grading, or drainage thereof, including, without limitation, the painting (other than painting with the same color of paint as previously existed) of exterior walls, patio covers and fences, except in compliance with plans and specifications which have been submitted to and approved by the Officers. The Officers may reject plans and specifications for the following reasons, among others: (i) insufficient information to adequately evaluate the design or its intent; (ii) low design quality; (iii) incompatible design elements; (iv) inappropriate design concepts or design treatment; and (v) a design found to have an adverse effect on the character of the Community or its residents. In recognition of the fact that the overall impact of improvements on any Lot involves issues of taste and judgment that cannot be completely described in Design Standards, the Officers shall also have the right to reject plans and specifications otherwise conforming to the Design Standards if they find that the overall aesthetic or other impact of any proposed improvement, addition, alteration, or change is detrimental to the Community.

(b) By their approval of plans and specifications, the Officers shall not be deemed to have warranted or approved the same for engineering design safety, or for compliance with zoning, health and building ordinances; by approving such plans and specifications, neither the Officers, the Association, any of its members, its Board assumes any liability or responsibility therefore, or for any defect in any structure constructed from such plans and specifications. Neither the Officers, the Association, its Board shall be liable to any Owner or other Person for any damage, loss or prejudice suffered or claimed on account of (i) the approval or disapproval of any plans, drawings specifications; or (iii) the development, or manner of development, of any property within the Community.

(c) Any Officer or consultant authorized by the Officers, employee or agent of the Association may, at any reasonable time, enter, without being deemed guilty of trespass, upon any Lot, after reasonable notice to the Owner, in order to inspect improvements constructed on such Lot to ensure that such improvements have been, or are being, built in compliance with the plans and specifications approved by the Officers, the Design Standards, and this Declaration.

(d) The Association may promulgate such rules and regulations as it deems to be appropriate and as are not in conflict with this Declaration in order to enforce compliance with the design Standards set forth herein. WITHOUT LIMITING THE GENERALITY OF THE PRECEDING SENTENCE, THE BOARD MAY FIX FINES FOR FAILURE TO OBTAIN APPROVAL FROM THE OFFICERS OR TO COMPLY WITH ANY SUCH APPROVAL.

Use and Occupancy Restrictions

- 2.1 Residential Use.** Each Lot within the Community may be used only for residential purposes and no other. No Business or commercial building may be erected on any Lot.
- 2.2 Violation of Law, Rule or Ordinance.** No Owner or Association member shall permit anything to be done or kept on his Lot, which would be in violation of any law, rule or ordinance.
- 2.3 Signs.** No commercial sign of any kind shall be displayed on the common grounds of the Community. The use of "For Sale" signs, by commercial Realtor or by owner, is restricted to the placement of one sign in the homeowner's yard. No such signs are permitted in any other location within the Community, with particular emphasis on the entry area into the subdivision. These limitations will be implemented in an effort to preserve the visual quality of the neighborhood.
- 2.4 Animals.** No animals, including horses or other domestic farm animals, fowl or poisonous reptiles of any kind may be kept, bred, or maintained, on any Lot, except a reasonable number of commonly accepted household pets in accordance with the City of Leawood Rules. No animals shall be kept, bred or raised within the Community for commercial purposes. In no event shall any domestic pet be allowed to run free, away from its Owner's Lot, **without a leash**, or so as to create a nuisance. Appropriate measures must be implemented to avoid pets straying outside their yards. Residents are permitted to walk their pets in the neighborhood, provided they are on a leash. **All pet droppings are to be picked up by the Owner.** Owners are instructed to be mindful of their neighbors and their neighbors' property; to that end, pets may not urinate or defecate in the yards of residents or on or around mailbox stations. All violations of this rule should be reported to the Board. All such domestic pets must be registered with the City of Leawood and shall have proof of proper immunization presented with said registration. Outdoor kennels and dog runs are prohibited.
- 2.5 Animals -- Non-Resident.** The walking of pets in the Community by non-residents of the subdivision is discouraged. All non-residents are expected to adhere to the rules stated herein. Residents are encouraged to contact the City of Leawood authorities in the event non-residents violate these rules. Alternatively, residents may notify the Officers of infractions.

- 2.6 Nuisances.** No Owner or Member shall permit anything to be done or kept about or within his Lot, or on, or about, any portion of the Community, which will obstruct or interfere with the rights of other Owners, Association Members, Occupants, or Persons, or annoy them by unreasonable noises, or otherwise, nor will he commit, or permit any nuisance, or commit any illegal act to be committed therein. Each Owner or Association Member shall comply with the City of Leawood Rules, the requirements of all health authorities and other governmental authorities having jurisdiction over the Community.
- 2.7 Boats and Motor Vehicles.** No boats, trailers, buses, motor homes, campers, or other unsightly vehicles shall be parked or stored in, or upon a Lot no longer than two days or except within an enclosed garage. No vehicle shall be repaired or rebuilt on any Lot or upon the streets of the Community. Nothing shall be parked on the streets in the Community except in such parking areas as may be designated by the Association. Any vehicle parked on the streets must be moved into the Owner's driveway the night before trash pick-up day. The Association may notify the City of Leawood police department about any unauthorized vehicle or other prohibited item.
- 2.8 Lights.** No spotlights, floodlights, or other high intensity lighting shall be placed or utilized upon any Lot in a manner, which unreasonably interferes with the enjoyment of adjoining Lots.
- 2.9 Antennas.** No external radio, television or other antennas of any kind or nature (including, but not limited to "large satellite dishes") or other device for the reception or transmission of radio, microwave or other similar signals, shall be placed, or maintained upon unenclosed portions of any Lot. The area immediately surrounding such devices should be landscaped with trees and shrubs designed to complement the architectural character of the Lot. Eighteen-inch satellite dishes may be affixed to the house and placed in an inconspicuous location not visible from the street and are approved in advance by the Officers. If not in use, satellite dishes must be removed from the Lot within 30 days.
- 2.10 Garbage.** No garbage or trash shall be kept, maintained or contained in any Lot so as to be visible from another Lot. No incinerators shall be kept or maintained on any Lot. No refuse pile, garbage or unsightly objects shall be allowed to be placed or accumulated anywhere on a Lot. Trash shall be placed in such designated locations and containers. **Any vehicle parked on the streets must be moved into the Owner's driveway the night before trash pick-up day and when public snowplows are anticipated. Trash, including bags of leaves and yard clippings, may be placed at the curb no sooner than 7:00 p.m. on the preceding evening.** Homeowners are encouraged to put trash out on the morning of pickup to minimize the litter that can be caused by animals and weather. **Trash receptacles should be removed from the curb that same day.**

- 2.11 **Safe Condition.** Without limiting any other provision in this Article, each Owner shall maintain and keep his Lot at all times in a safe, sound and sanitary condition and repair, and shall correct any condition or refrain from any activity which might interfere with the reasonable enjoyment by other Owners or Association Members of their respective Lots.
- 2.12 **Fires.** Other than barbeques, in properly constructed barbecue pits or grills, and fire pits in compliance with the City of Leawood Rules and the applicable Design Guidelines, or as otherwise expressly permitted in the Rules, no open fires shall be permitted on any Lot, nor shall any other similar activity or condition be permitted.
- 2.13 **Clothes Drying Area.** No portion of any Lot, **including lawn furniture**, shall be used as a drying or hanging area for beach towels and laundry of any kind, it being the intention that all such facilities shall be provided within the residence constructed on each Lot.
- 2.14 **No Obstructions to Drainage.** No Owner shall erect, construct, maintain, permit or allow any fence or other improvement or other obstruction which would interrupt the normal drainage of any part of the Community, including but not limited to any area designated on the Plat as a Storm Water Management Easement or any area which has been intentionally contoured to facilitate drainage, except that, with the prior consent of the City of Leawood and owners of adjoining lots, non-permanent structures, including fences, may be erected in those areas which contain only underground closed conduit storm drainage facilities.
- 2.15 **Outbuildings Prohibited.** No building or other detached structure may be erected on any Lot without the consent of the Officers. Gazebos may be permitted provided that plans must be submitted to the Officers for approval. Jacuzzis and hot tubs are permitted, provided that they are properly fenced. Jacuzzis and hot tubs may not be housed in structures that are not attached to the house. Attached enclosures must be painted in a color that compliments the color of the house. All plans for jacuzzis and hot tubs, and related fencing/structures, must be submitted to the Officers for approval prior to construction.
- 2.16 **Fishponds.** Fishponds are discouraged, as they create an attractive and dangerous nuisance to children. All plans for fishponds must be submitted to the Officers prior to installation. Fencing may be required to ensure the safety of children and pets.
- 2.17 **Garage Doors.** Owners are encouraged to keep their garage doors closed except when opened for the parking or replacing of a vehicle or other item from the garage.
- 2.18 **Rental of Lots.** An Owner who leases his Lot to any person shall be responsible for assuring compliance by his lessee with all of the provisions of this Declaration, and the Articles, Bylaws, Rules and Design Guidelines, all as amended and

supplemented from time to time, and shall be jointly and severally responsible for any violations by his lessee.

- 2.19 ATV's or Carts.** ATV's, "go carts", and similar vehicles on the sidewalks and streets of the Community are prohibited.
- 2.20 Solar Panels.** Solar panels shall not be erected without the prior written consent of the Officers. Owners are encouraged to erect such panels in an inconspicuous location on the Lot that is not visible from the street.
- 2.21 Basketball Goals.** Basketball goals should be properly installed and maintained.
- 2.22 Trampolines.** Trampolines, although permitted, are discouraged as they represent a hazard to children. Owners are encouraged to erect a fence around the trampoline and closely supervise the children who utilize the equipment. The Association will not be held liable for any damages incurred as a result of the trampoline use.
- 2.23 Enforcement.** The Association or its authorized agents may enter any Lot on which a violation of these restrictions exists and may correct such violation at the expense of the Owner of such Lot. Such expenses and fines as may be imposed pursuant to the Bylaws, Rules or Design Guidelines, shall be a Special Assessment secured by a lien upon such Lot. Such lien shall attach immediately and automatically when any Assessment is due and payable. Each Assessment and other amounts due, together with such interest and other costs, shall also be the personal obligation of the Owner; the obligation for delinquent payments shall not pass to an Owner or Association Member's successor unless expressly assumed by him. The obligation of an Association Member and the Owner of the Lot to which such membership appertains for the payment of Assessments and other amounts shall be joint and several. All remedies described in this document and all other rights and remedies available at law or equity shall be available in the event of any breach by any Owner, Association Member, Occupant, or other Person of any provision of this document.
- 2.24 Modification.** The Association may modify or waive the foregoing restrictions or otherwise restrict and regulate the use and occupancy of the Community and the Lots by reasonable rules and regulations of general application within the Community adopted by a quorum of the Board of Officers from time to time.

**BRIDGEWOOD
ARCHITECTURAL AND LANDSCAPE
SUBMITTAL FORM AND APPLICATION**

Date submitted: _____

Property Address: _____

Property Owner(s): _____

Telephone: _____ E-mail address: _____

Type of Submittal: () Remodeling () Addition () Landscaping

Contractor or Landscape Professional: _____

Description of proposed project:

Projected time for completion: _____

Status of required permits: _____

Attachments: (e.g., architectural plans, material samples, photographs)
