

**DESIGN GUIDELINES
MANDERLEY**

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SECTION I.

RESIDENTIAL PLAN SUBMISSION PROCEDURE

A. Predesign Conference

Prior to the submission of any plans, buyers must attend a preliminary design conference with the builder (if selected). The meeting will be conducted by a designee or member of the Manderley Architectural Control Committee (“Committee” or “ACC”). The purpose of this meeting will be to:

- 1. Review the plan submission process, declarations and restrictions, covenants, and other conditions.
- 2. Review specific lot conditions including, but not limited to, setbacks, existing terrain features, possible building location and orientation, views, trees, existing vegetation, adjacent developed properties, and grading/topographical concerns.
- 3. Review the Approved Builder Agreement, which must be signed by the builder and the property owner before construction begins.

B. Preliminary Plan Submission

Preliminary Plan Submission is intended to allow the ACC an opportunity to review the general concept and design features of the proposed home in addition to the positioning of the home on the lot. Preliminary plans must be in accordance with the design guidelines established for Manderley. Two sets of all plans are required, and the following should be included in the preliminary plan submission.

- 1. Plot plan/staking survey, showing setbacks, easements, the building location, and the location of all driveways, sidewalks, pools, decks, patios, retaining walls, and related structures.
- 2. Surveyed site plan (using K.C. Datum at 1”=20’) noting existing 2’ contours and proposed finished grades, easements, trees over 3” caliper as measured at

a point 24" above existing grade, noting those to be removed and those to be preserved. The plan should also indicate building location, including the location of driveways, sidewalks, pools, decks, patios, and retaining walls. *If the excavating services for the home are in their entirety by Larry Brown Excavating, Inc., then this requirement is waived and no grading plan must be provided.*

3. Floor plans (1/8"=1' or 1/4"=1') noting all room locations and sizes, doorways, windows, and a calculation of the total square footage per floor.
4. Exterior building elevations. These should include: front, side, and rear elevations, indicating all window locations, doorways, and exterior finish materials. Roof pitches and overall dimensions should be noted. These elevations must accurately depict the design of the home in sufficient detail to reflect proportion and alignment of all elements. The plan must also show the height of foundation walls and the plans to cover those walls with approved materials, soil, or retaining walls.
5. Foundation plans (minimum scale 1/8"=1').

Note: When final plans are received, they will be compared to preliminary plans previously approved. If there are no changes in design, final plans will not require a full ACC review.

Note: The City of Kansas City requires calculations and designed, stamped engineering or architectural plans on all foundation walls over 8'.

C. Final Plan Submission

Owners must submit final plans and specifications to the ACC, and the ACC must approve such final plans, before Owners may make an application for a building permit.

Once the ACC has approved the preliminary plans, the final plans and specifications may be submitted. Plans must be complete enough in detail to fully explain the intent of the structural and architectural designs as well as materials and finishes included. Architectural drawings shall be at a scale of 1/4"=1'0". Two sets of all plans and specifications are required and should include the following:

1. Plot plan/staking survey, showing setbacks, easements, the building location, and the location of all driveways, sidewalks, pools, decks, patios, retaining walls, and related structures.
2. Site Plan, Not Scaled Less Than 1"=20', Noting:¹
 - a. Property lines, set backs and easements and 2' contour lines.

¹ As noted above, the grading plan requirement will be waived if Larry Brown Excavating, Inc. performs the excavating services associated with construction of the residence. A surveyed plot plan must still be provided.

- b. Building location, driveways, retaining walls, pools, patios and all other related structures.
 - c. Proposed grading plan showing existing and new grades with arrows indicating drainage patterns of roof and ground surface runoff.
 - d. Spot elevations at the top of the foundation at a minimum of four outside corners.
 - e. Percentage grade from the top of curb at the street to the top of finished floor of the garage.
 - f. Trees 3" caliper or larger, as measured at a point 24" above grade, which are to be removed. Tree species should be noted on the site plan whenever possible.
3. Floor Plans, Not Scaled Less Than 1/4"=1'-0".
- a. Finalized with regard to room sizes and locations, window and exterior doorway openings; they must be complete in every regard.
 - b. An area calculation of all enclosed living space, excluding basements and garages.

4. Exterior Elevations

Exterior plans must:

- a. Be complete in all detail and indicate all doorways, windows, decks, trim details, and specifications for doors and windows.
- b. Note all exterior colors and materials for all exterior elevations. With the final submission, a palate of finished colors and materials is encouraged. The exterior colors must be submitted for ACC approval 10 days prior to the application or installation on the subject dwelling.

5. Landscaping Plan

The landscape plan must be in compliance with the design standards established for Manderley and will be reviewed for its overall appropriateness and its sense of cohesiveness with the Unit and adjoining properties. The landscape plan must show:

- a. Areas to be sodded. The ACC may approve the use of seeding, rather than sod, in certain areas of the lot that are not visible from any street. If areas are to be seeded, complete seeding specifications and procedures should be documented on landscape plans.
- b. All landscape plantings, edging, types of materials and installed sizes.

- c. Underground irrigation system.
- d. All areas that will be left undisturbed or in their natural state.
- e. Schedule for installation of all landscaping, including seeding.
- f. A complete plant and material list including quantities and sizes (not container size) of all plants.
- g. All hardscaping, sidewalks, retaining walls, patios, etc., not otherwise shown on an approved plan (e.g., a site plan).

D. Approval of Plans and Specifications

The approval of plans and specifications by the ACC shall not be construed as approval of engineering decisions or of compliance with zoning and building ordinances. By approving plans and specifications, neither the ACC nor any member thereof assumes any liability or responsibility therefore, or for any defect in any structure constructed from such plans and specifications.

Variations to the design guidelines may be approved by the ACC on a case by case basis. The Committee's decision to grant a variance in one case does not require it to grant the same variance in another case under similar circumstances.

All approvals must be in writing, without exception. Once plans and specifications are approved, no changes may be made without written approval of the ACC. *Excavation or construction of any part of the home or site, or installation of exterior paint, materials, landscaping or hardscaping without approval of the ACC will result in a fine of \$250 for the first occurrence, and \$500 for each subsequent occurrence. The Builder and Owner shall be jointly and severally responsible for payment of any fines levied.*

The ACC may disapprove any submitted plans and specifications. Reasons for disapproval may include, but are not limited to:

1. Failure to include information requested by the ACC.
2. Failure to comply with the design guidelines and/or covenants, declarations, and restrictions.
3. Any objection to the exterior design, appearance, or materials of any proposed structure or improvement.
4. Incompatibility of the proposed structure, uses, or lot improvements to other neighboring structures or uses.
5. Objection to the site plan due to incompatibility with neighboring sites.
6. Objection to grading plans and drainage patterns.
7. Objection to color scheme, finish, proportions, style, architecture, height, bulk, safety or appropriateness of any proposed structure or improvement.
8. Failure to meet requirements or standards.
9. Any matter not included in the development and design guidelines that the ACC feels is not in the best interest of Manderley
10. Any matter which the ACC feels would not uphold the quality standards

set forth for Manderley.

SECTION II

SITE PLANNING AND LANDSCAPE STANDARDS

Each home site must be carefully analyzed for proper positioning and orientation of structures and improvements in order to preserve existing trees, maximize views and maximize open space. In many areas, Declarant has identified existing trees and mitigation/conservation areas to be preserved or to remain unaltered.

Homes may be required to provide special adjustments of location and size to take advantage of lot conditions. The following should be taken into consideration during site planning.

A. Existing Trees

No existing trees over 3" caliper, measured at a point 24" above grade, may be removed without ACC approval. All trees to be removed, above 3" caliper, must be identified on the site plan.

B. Changes in Existing Grades

Natural land forms should be maintained and enhanced. Forcing severe grade changes to accommodate driveways and walkout basements may cause drainage problems and create the need for extensive retaining walls. These conditions should be avoided. Drainage for the residence must be controlled within the confines of the Unit; that is, drainage for the residence must be accomplished without adversely impacting any adjacent Unit or common area.

C. Set Backs

All building set backs should be verified on the plat. The ACC may require greater set backs in consideration of existing home sites, trees, and terrain conditions. The ACC may also require homes to face a particular street or direction in order to maintain appropriate setbacks to front elevations. All side yards will be at least 15 feet from the property line. The ACC may larger side setbacks, and may require 50 feet or more as combined side yards between homes.

D. Driveways and Private Sidewalks

All driveways and walks must be shown on submitted plans and must be approved by the ACC prior to installation.

The following standards have been established for driveways in Manderley:

1. Plain concrete.
2. Concrete pavers.
3. Concrete with brick edging.
4. Patterned and/or stamped concrete.

E. Sidewalks in Public Right-of-Way

1. All sidewalks must be placed 6'-0" from the back of the street curb.
2. All sidewalks must be 4'3" feet wide.
3. All sidewalks must have scored joints and "picture frame" patterns.
4. All handicap ramps must comply with any requirements of the City of Kansas City and with the approved plans for Manderley.
5. In order to minimize differences between sidewalks from one Unit to another, Declarant may require Owners to use a designated concrete contractor to install sidewalks within the right-of-way, or Declarant may install all sidewalks at the Owners' expense.

F. Fencing and Retaining Walls

Fences are not encouraged in Manderley. Fences are allowed only in specific areas where a need is demonstrated. Fences may not extend beyond the front corners of any residence on any Unit, unless the ACC grants a variance allowing same. All fences must be constructed of wrought iron in black or such other colors as the ACC, in its sole discretion, may approve. The ACC may approve additional fencing materials of substantially similar appearance to wrought iron as such materials become available.

All fences must be approved by the ACC as to placement, height, and materials. On all lots abutting a common area, mitigation area, or private tract, fences shall be placed at least 10 feet from the rear property line or property line nearest the common area or private tract.

Retaining walls must be of natural material or faced with quality material as approved by the ACC. Plain concrete and concrete block is not allowed. Native limestone is encouraged. If retaining walls are used to cover concrete foundations, the location and finished wall height, relative to the foundation, must be approved prior to any installation.

G. Swimming Pools and Tennis Courts

No above ground level swimming pools may be installed on any Unit. All pool areas, tennis courts, and associated equipment must be screened or fenced as approved by the ACC. In general,

- a. Swimming pools, including the apron and patios, must be located in the

rear yard and placed at least 10' from all lot lines. These structures may not be placed on or within an easement.

- b. Plantings should be installed to soften the effects of sound and sight of pools and tennis courts for the benefit of adjacent properties. Only the immediate pool area and mechanical equipment should be fenced. Approval of the fence will be considered as part of the application for approval of the pool area. No lighting of a pool or tennis court shall be installed without the approval of the ACC.

H. Decks

All decks must be indicated on submitted plans, including the proposed location, size, and method of construction. All decks should be of substantial design and compatible with the architecture of the home.

I. Basketball Goals and Recreational Play Equipment

All basketball goals shall be either white or glass and shall be placed or installed only in the rear or side yard, unless otherwise approved by the Architectural Control Committee. No basketball goal shall be installed beyond the front corner of the residence. No "home-made" basketball backboards or supports shall be permitted. No basketball goal may be affixed to any residence except on a rear elevation not visible from any street. All recreation and play equipment shall be located in the rear yard of the Unit, unless otherwise approved by the Architectural Control Committee. The ACC may require landscape screening of play equipment.

J. Antennas and Satellite Dishes

No radio or television aerial or antennae of any kind may be kept or maintained on any of the Units hereby restricted except within the confines of a dwelling unit erected thereon. One satellite or microwave dish per Unit may be installed and maintained only upon the written approval of and in the sole discretion of the architectural control committee. The ACC will direct installation at an approved area of the Unit and will direct landscape screening as needed. In no circumstances shall a satellite dish be installed in the front yard of a Unit or in a lawn or landscape area visible from the street.

K. Exterior Lighting

Outdoor lighting shall be directed so as to avoid glare and excessive light spillage on adjacent property.

L. Animal Shelter

All outside dog houses and other animal shelters shall be located within the rear yard and must be approved by the ACC. Animal shelters must be constructed of materials consistent with the residence.

M. Landscape Planning

1. All homes are to be professionally landscaped.
2. The Owner will be required to include an allowance for landscaping in any construction agreement with a Builder. The allowance shall be a minimum of 1.5% of the construction improvements or \$6,000.00, whichever is greater. The allowance shall be in addition to and exclusive of the cost of the required irrigation system, sodding, seeding, and hardscape. On a Unit by Unit basis, the ACC may reduce or increase the required landscape allowance in consideration of the amount of existing vegetation and foliage which will remain undisturbed.
3. Any tree over 3" caliper may only be removed upon written approval of the ACC, and will be replaced with a 2" or larger approved shade tree, in addition to the trees otherwise required by these guidelines.
4. Grading or trenching within the dripline of trees should be minimized and preferably limited to areas away from the center of the tree crown. A qualified arborist or landscape architect should be consulted when working within the dripline of major trees.
5. A qualified arborist should be consulted if overhead branches of major trees interfere with the construction of the dwelling.
6. Each Unit must install a minimum of 5 shade trees of at least 2" caliper as measured 6" above grade. Three of the 5 trees must be installed in the front yard of the Unit. If the property has existing native trees, The ACC, in its sole discretion, may count the existing trees toward this requirement. Ornamental understory trees will not be counted toward this requirement. The ACC may require additional trees to be installed to replace any trees removed for the construction of structures on the Unit.
7. Each Unit must install at least 1 ornamental or specimen tree.
8. Any tree planted under these guidelines that dies must be replaced by the Owner, at the Owner's expense.
9. All yards must be sodded with bluegrass or fine leaf turf in a tall fescue type.
10. All disturbed ground areas of the building site must be covered with plantings or mulched with approved landscape materials.
11. Landscape improvements, as approved by the ACC, shall be installed within 60 days of substantial completion of the building, or as early thereafter as permitted by weather conditions.
12. Underground irrigation systems must be installed for the entirety of the Unit, including all sodded, seeded, or landscaped areas. The ACC may, in its sole discretion, waive this requirement for certain areas of the Unit that are not visible from any roadway and that remain undisturbed during construction.

13. The Declarant reserves the right to plant trees in public right of ways and to charge the Property Owners' Association for planting street trees. Alternatively, the Declarant may require the Owner to plant trees in the right of way, consistent with the City of Kansas City, Missouri's street tree planting schedule for Manderley, or may require the Property Owners' Association to plant the trees shown on the approved street tree plan.
14. Owners are to furnish an "as built" irrigation plan to the ACC within 30 days after completion of the residence.
15. Deciduous shrubs shall be planted 24" to 30" inches apart for plants growing 4' or taller; spreading shrubs shall be planted 18" to 24" apart.
16. Evergreen shrubs used in foundation planting shall not be less than 30" high for plants growing 4' or taller. Evergreens used for screening purposes shall be planted at a size adequate to provide screening at the time of planting.
17. Ornamental trees shall be a minimum of 5' high when planted. Recommended ornamental trees include:

Star Magnolia	Saucer Magnolia	Flowering Dogwood
White Fringe Tree	Red Bud	Japanese White Bark Birch
Spring Snow Crab	Amur Maple	Thornless Cockspur Hawthorn
Chanticleer Pear	Japanese Tree Lilac	Winterking Hawthorn
Sargents Crab	Smoke Bush	Washington Hawthorn

18. Specimen Trees may be substituted for ornamental trees and shall be a minimum of 4' high when planted. Examples of such trees include:

Weeping Norway Spruce	Sargents Crab (1 3/4" diameter)
Colorado Blue Spruce	Candied Apple Crab (1 1/2" diameter)
Serbian Spruce	Paper Bark Maple
Various Dwarf Spruce & Pine	Japanese Maple

19. Shade Trees shall be a minimum of 2" caliper, measured at a point 6" above grade, and shall be a minimum of 8' high when planted, unless otherwise approved by the ACC. Approved shade trees are as follows:

Oak, Red Oak encouraged
 Sugar Maple and Sugar Maple hybrids
 Red Maple hybrids (Red Sunset, October Glory, etc.)
 Norway Maple hybrids
 River Birch
 Ginkgo
 Hybrid Green Ash
 Hybrid White Ash
 Hybrid Honeylocust "Sunburst"
 Tulip Tree (Liriodendron Tulipifera)
 Bloodgood London Plane Tree
 Lindens
 Black Gum
 Others as approved by the ACC

20. Landscape plans that include a balance of ornamental trees, flowering shrubs, and evergreens are encouraged. Beds of annuals or low, colorful leaf plants and spring flowering bulbs are recommended to accent architecture and entry courts. Plants and shade trees having good fall color are a feature the Committee hopes will distinguish Manderley. When possible, the Committee will recommend the correct use of those colorful and distinctive plants.
21. All gas meters and other equipment (heat pumps, etc.) visible from the street must be screened with appropriate plantings that immediately conceal such equipment from view (that is, the landscaping must be large enough to conceal the equipment at the time it is planted), and should be evergreen or should otherwise provide year-round screening. Any plant that is being used to screen equipment that dies must be immediately replaced.

SECTION III

RESIDENTIAL DESIGN STANDARDS

A. Minimum Square Footage Requirements

There are minimum square footage requirements assigned to each Unit in Manderley. Minimum square footage shall include enclosed floor area as defined herein. The words “enclosed floor area” as used herein shall mean and include in all cases, areas on the first and second floor of the residence enclosed and finished for all-year occupancy, computed on the outside measurement of the residence, and shall not mean or include any areas in garages, porches, or attics; provided, however, that certain interior areas of the second floor need not be immediately finished for occupancy if the residence is so designed and built that such areas can be finished at a later date without any structural changes being made to the exterior of the residence. The Committee shall have the absolute and uncontestable right to determine whether the enclosed floor area of any residence and/or the enclosed floor area of the first floor thereof meet the minimum requirements provided for hereunder and such determination shall be final. The Committee, in its absolute discretion, may allow variances from the square footage requirements, or may include certain fully-finished walkout basement areas in its square footage calculation.

As described below, a “reverse one and one-half story” residence is one in which a significant portion of the basement space is finished in quality materials, ceiling heights, and other amenities similar to the first-floor finish. In addition, in order to be considered a reverse one and one-half story residence, the basement space must contain at least 2 bedrooms and a living or recreational space. For purposes of computing square footage in reverse one and one-half story homes, only those basement spaces with full walkout or daylight finish and egress windows will be counted toward the minimum square footage requirements set forth below, unless the ACC determines that the amenities of a certain full-buried interior rooms merit inclusion. Such amenities may include home theaters, gymnasiums, and other spaces used for specialty purposes.

Ranch	2,700 sq. ft.
Two-story	3,200 sq. ft.
One and one-half story With 2,200 sq. ft. on the first level	3,200 sq. ft.
Reverse one and one-half story With 2,200 sq. ft. on the first level	3,200. ft.

B. Basements

Each residence shall, unless otherwise approved by the Architectural Control Committee, include a poured concrete basement which shall contain a floor area comprising at least eighty percent (80%) of the ground level floor area contained in such residence, exclusive of porches and garages.

C. Materials

Homes will be faced on all sides in a manner consistent with architectural quality finish materials including brick, stone, stucco, and other masonry materials, or other materials that may be approved by the ACC. Sheet siding made from masonite, composition material, and particle board are not permitted. No vertical siding is allowed. The front elevation of the home will be finished in masonry materials and such other materials as the ACC approves. Unless otherwise approved by the ACC, at least 30% of the front exterior elevation of the home will be covered in stone or brick materials. Unless otherwise approved by the ACC, the trim on all four sides of the residence shall be painted or finished in a manner consistent with the trim on the front elevation. If siding, trim details, or the brick/stone ledge is the lowest point on an elevation, those materials shall be installed as close as possible to the finished grade and/or retaining walls, in order to avoid any exposed concrete foundation below the brick ledge or trim detail. If necessary, quality finish materials will be attached to the exterior of the concrete foundation to cover exposed concrete. If this is not possible, adequate fill materials and/or retaining walls will be required to raise the grade up to an acceptable distance from the finish materials.

No exposed concrete foundation in excess of 6", measured vertically, is permitted on any exterior elevation visible from a street. No exposed concrete foundations are permitted to exceed a vertical measurement of 12" unless otherwise approved by the ACC. Any exposed concrete foundation must be painted or stained to match the exterior finish materials.

Stone or brick veneer must end only at an inside corner unless otherwise approved by the ACC.

D. Mail Boxes and Address Plates

No mail box shall be erected or installed without prior approval of the ACC. The ACC may designate one particular approved brand and model for mail boxes and address plates. Installation of address plates and mail boxes will be the responsibility of the Owner, but will be completed as directed by the ACC. Should the ACC or the Declarant determine that it will build the mailboxes and or address plates, it may charge homeowners with the costs of construction of same.

If approved by the U.S. Postmaster General, it is the intent of the ACC that all mailboxes will be built out of stone and masonry materials matching either the entrance monument to Manderley or the stone used on the residence appurtenant to the mailbox in question. To facilitate delivery by the U.S. Postal Service, all mailboxes will be installed on the lots on the exterior of the subdivision. That is, mailboxes servicing Lots 38-52 shall be installed across the street from those Units.

E. Garages

Garages must be in the same architectural treatment and construction as the main residence. Each residence must have an attached, private, fully enclosed garage for not less than two full-size vehicles. All garage doors must be on a side or rear exterior elevation of the residence. No garage may extend more than 25 feet beyond the front elevation of the main residence, unless the ACC determines that circumstances exist to justify a variance.

All garages shall have automatic garage door openers and shall have finished interior walls of sheet paneling or drywall, taped and painted.

No garage will be permitted to be enclosed for living or used for purposes other than the storage of automobiles, tools, and related normal use. However, detached garages may be finished with an apartment or "mother-in-law's suite" above, as long as such structure is approved by the ACC and City of Kansas City, Missouri. No existing attached or detached garage may be converted and finished for living purposes.

F. Supplemental Roof Structures

No outside radio or television antenna is allowed. One satellite dish, not to exceed 15" in diameter, may be installed in a location approved by the ACC. Wind-powered ventilators are not allowed on any elevation visible from a street. Sky lights are not permitted on any elevation visible from a front or side street. Solar energy collectors must be approved by the ACC and are not permitted to be installed facing any front or side street. Vent pipes, flues, etc. must be situated on the least visible side of the roof and below the ridge line.

G. Roofing Materials

All roofs shall be made of a 40-year asphalt shingle, slate, tile, or concrete tiles in a weathered wood color or such other colors as may be approved by the ACC. All roofing materials must be approved by the ACC.

H. Exterior Alterations

No alterations or renovations impacting the exterior of the residence or any porch or screened porch will be permitted without prior approval of the ACC. This includes any exterior repainting.

SECTION IV

CONSTRUCTION STANDARDS

- A. Commencement of construction shall begin within 1 year following the delivery of the deed from Declarant to Owner, or as otherwise set forth in the Declarations. Commencement shall proceed in a timely and orderly manner to a prompt completion within 12 months of commencement of construction, unless otherwise approved by the ACC.
- B. No lot is to be cleared or constructed upon until the Unit closing has taken place, construction approval has been granted by the ACC, and a permit has been issued by the City of Kansas City for residential building.
- C. No dumping or open burning of construction materials, waste, or trash will occur on any building lot or elsewhere within Manderley, except that the Declarant may designate a concrete washout area for use by Owner's contractors.
- D. Loud music will not be permitted on any construction site.
- E. One sign identifying the home builder and one identifying a realtor may be placed upon the Unit during construction and the period prior to purchase by an Owner other than a Builder, provided those signs meet the requirements of the Declarations. No other signs will be permitted.
- F. Upon purchase of a Unit, and prior to commencing any construction activities, Owner shall install all erosion control measures required under any approved plan or by any municipal ordinance. If the grading plan requirement is waived by Declarant, Owner shall install erosion control measures as instructed by Declarant's designated erosion control inspector. Owner is responsible for maintaining all erosion control measures and adhering to the Manderley Erosion Control Maintenance Plan. Owner shall reimburse Declarant for its actual costs, plus an administrative fee, incurred in repairing or maintaining erosion control due to Owner's failure to do so. If Owner fails to reimburse Declarant when such

payment is due, the costs incurred may become a Specific Assessment against the Unit.

- G. The ACC must approve any changes made to plans after the initial approval has been granted.
- H. Builders will assume complete responsibility for the actions of their workers and their subcontractors and will provide a temporary restroom facility for their subcontractors' use.
- I. No construction activities within the Subdivision shall take place before 7:00 a.m. or after 7:00 p.m., or at any time on Sundays.
- J. Excess excavation materials and spoils must be hauled away from the Subdivision unless otherwise directed by the Declarant.
- K. Concrete suppliers and contractors shall clean their equipment only at locations designated for that purpose.
- L. No Owner shall do or allow to be done any act which causes or threatens to cause any damage, encroachment or disrepair to the Common Areas, street rights-of-way, the residence, or Unit of any other Owner. *Specifically, each Owner shall repair any damage sustained to any other Unit, Common Areas or street right-of-way in connection with the construction of Structures on such Owner's Unit, including, but not limited to, damage to lawn areas, landscaping and sprinkler systems as a result of the installation of sanitary sewer or heat pump lines or other construction or excavation activities.* Owners are hereby advised that the DIG SAFE service offered through the Missouri One Call program, which may be consulted in advance of excavation to locate existing utility lines, does not identify sprinkler system lines which have been installed.

During construction, vehicles and equipment shall be parked and operated only on the street or within the confines of the Unit under construction. If any damage to adjacent areas is not restored, Declarant or the Manderley Property Owners Association will repair and restore those areas and invoice the Unit Owner for the repairs plus a reasonable administrative fee. Any unpaid invoice may be added as a specific assessment to the Unit.

- M. No prefabricated or modular buildings will be permitted to be constructed or installed on any Unit without the prior written approval of the Architectural Control Committee. Detached garages, storage buildings, and other buildings constructed on a Unit shall be constructed with the same architectural and masonry materials as the appurtenant residence and must be approved by the Architectural Control Committee. It is the intent of the ACC that all out-buildings match the appurtenant residence.

- N. No excavations shall be permitted on any Unit without written permission of the Architectural Control Committee.
- O. All rubbish, trash, and garbage shall be regularly removed and shall not be allowed to accumulate. There shall be no dumping of grass clippings, leaves or other debris; rubbish, trash or garbage, petroleum products, fertilizers, or other potentially hazardous or toxic substances in any drainage ditch, stream, pond or lake within Manderley, except that fertilizers may be applied to landscaping on Units, provided care is taken to minimize runoff. Declarant may limit the amount and type of fertilizer and other chemicals that may be used on any Unit adjacent to a Common Area, conservation or mitigation area, body of water, or private tract. Declarant and Builders authorized in advance by Declarant may dump and bury rocks and trees removed from a building site on such building site. Without Declarant's written authorization, no trash, ashes, dirt, rock or other refuse may be thrown or dumped on any Unit or any building site.
- P. No lumber, metals, bulk materials, refuse, trash or other similar materials shall be kept, stored, or allowed to accumulate outside the buildings on any Unit, except during the initial construction period of the improvements to the Unit. No building materials of any kind or character shall be placed or stored upon any building site more than thirty (30) days before the commencement of construction of a residence or improvements, and then such materials shall be placed within the property lines of the building site upon which they are to be erected and shall not be placed in the street or between the curb and property line. The building materials on any Unit shall be placed and kept in an orderly fashion.

Owner shall not allow trash or debris from its activities to be carried in the wind or otherwise scattered in the Subdivision. Each Owner shall keep all roadways, easements, and other portions of the Subdivision clear of silt, construction materials, and trash from its activities at all times. Trash and debris during initial construction of a residential dwelling shall be contained in standard size dumpsters or other appropriate trash receptacles and removed regularly from Units and shall not be buried or covered on the Unit. Any Unit on which construction is in progress shall be policed at least prior to each weekend, and during the weekend all materials shall be neatly stacked or placed, and any trash or waste materials shall be removed. Declarant or the ACC may, but are under no obligation to, clean up any materials or trash that have not been placed in a dumpster as set forth in this section, or to rent a dumpster for the Unit if builder or Owner have failed to do so. Declarant or the ACC will invoice the builder and/or Owner for this clean up work and dumpster rental, plus an administrative fee. Any trash or debris that is placed or carried in the wind onto a common area or the lake area in Tract D will result in fines to the builder and/or homeowner. Any fines or charges under this section, if not paid, will result in a specific assessment against the unit.

- Q. No hedge or mass planting shall be permitted to extend to or past the front of a

residence on a Unit unless approved by the Architectural Control Committee. No hedge, shrub, mass planting or tree shall be allowed by the Owner to obstruct sight lines at any corner. Trees, shrubs and other plants which die shall be promptly removed from the Subdivision by Owner.

This section shall not be construed so as to limit Declarant's ability to construct or install fencing, masonry walls, or other architectural or landscape items.

SECTION V

EROSION CONTROL POLICY

During the entire home construction process, erosion control installation and maintenance requires a concerted effort on the part of Owners and Builders. The Missouri Department of Natural Resources and the Environmental Protection Agency have levied large fines against developers for failing to ensure that construction sites comply with regulations.

In an effort to ensure all Owners and Builders in Manderley comply with the applicable regulations, the following guidelines will apply to all Owners and Builders:

- A. Builders or Owners who close on any Unit will be required to complete a storm water discharge form from the Missouri Department of Natural Resources. This form will list the Builder or Owner as a co-permittee on the Declarant's general permit (until such time as Declarant's permit has been completed and closed). Prior to construction commencement, the builder or individual will be given the form and a copy of Brownfig Development Company's general permit. The Builder or Owner will also have access to the Storm Water Pollution Prevention Plan for Manderley.
- B. Owners/Builders will be required to install all erosion control devices using Best Management Practices (BMP's). This includes, but is not limited to, silt fence, reinforced silt fence, straw bales, curb inlet protection, or any other approved device to prevent silt and sediment from leaving the lot, while also protecting streams, creeks, swales, and the storm drain system. At a minimum, the entire perimeter of the lot will be wrapped in silt fence in order to control erosion and to contain construction activities to the Unit and minimize damage to adjacent areas.
- C. A Vehicle Tracking Control device must be installed on each Unit prior to construction commencing. The tracking pad will be located at one point of entry and must be constructed of aggregate material installed to a depth of 6 inches. The Owner/Builder may choose to install tracking controls at two points of entry, provided that each tracking control must be constructed of approved materials. All trades working on the Unit must use these tracking controls as points of entry.

- D. Concrete washouts are to be performed in the vehicle tracking pad of the Unit or in another approved area of the Unit, unless other arrangements are made with Declarant. No excess concrete left in the truck is to be washed out in the Development; only residue from the chute is to be washed out. At completion of construction, and prior to installation of the driveway servicing the Unit, the concrete washout must be removed by Owner/Builder.
- E. Any mud tracked onto the street must be cleaned up as soon as possible, by the end of the work day at the latest. This requirement is the responsibility of the Owner/Builder.
- F. Lots are to be inspected once every week and within 24 hours of any rain event of ½” or more. Any necessary cleaning or repairs to erosion control devices must be performed within 72 hours of the inspection. The Builder/Owner is responsible for maintaining a log of inspections and repairs performed. If an audit or inspection is performed by the City of Kansas City, MDNR, or the EPA, the inspector will request access to the Unit’s logbook.
- G. No adjacent Unit will be disturbed. It is unacceptable to drive over or otherwise disturb an adjacent Unit, to grade excess material, spread material, spill gravel, wash out concrete, store materials, or do any other activity on another Unit which would disturb that Unit. If a Builder/Owner does disturb another Unit, the Builder/Owner will be responsible for incorporating the additional disturbed area into the Unit’s maintenance area. The Builder/Owner will also be responsible for seeding the additional disturbed area prior to completion of the residence.
- H. The Declarant will conduct inspections (in addition to those performed by Owners/Builders). If any lot is found to be out of compliance, Declarant or its erosion control contractor will contact the Owner/Builder via telephone, email, or fax. Repairs to erosion control devices must be made within 72 hours of notification of the violation. Muddy streets must be cleaned the same day the Owner/Builder receives notice. If the violations are not corrected within the allotted time, Brownfig Development Company will perform the required maintenance and repairs. Brownfig will invoice the Owner/Builder for the costs, plus 40% administrative fees.
- I. Notwithstanding Declarant’s own inspection program, Builder/Owner are responsible for inspecting and maintaining erosion control measures on the Unit. If EPA or MDNR fines are levied against Declarant and/or the Builder/Owner due to the Builder/Owner’s non-compliance, Builder/Owner will indemnify the Declarant against Declarant’s portion of the fines.