

*Nottingham Forest South
Homes Association
Architectural Review
Handbook*



(updated March 2018)

Nottingham Forest South Association

Architectural Review Handbook

Architectural Committee Members

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Home Association Solutions
913.825.0001

Completed request forms may be sent via email to alawson@hasolutions.net or via fax to 913.825.0001 or mailed to P.O. Box 26145, Overland Park, KS 66225

Important Community Phone Numbers

- | | |
|---|----------------------|
| <input type="checkbox"/> <i>Ambulance/Emergency/Fire/Police</i> | <i>911</i> |
| <input type="checkbox"/> <i>Police Department – Non-Emergency</i> | <i>888-6066</i> |
| <input type="checkbox"/> <i>City Hall</i> | <i>895-6000</i> |
| <input type="checkbox"/> <i>Court House</i> | <i>782-5000</i> |
| • <i>Reporting Lights Out/Street Light Repair</i> | <i>897-4299</i> |
| <input type="checkbox"/> <i>Post Office</i> | <i>800-275-8777</i> |
| <input type="checkbox"/> <i>Kansas City Power & Light</i> | <i>(816)471-5275</i> |
| <input type="checkbox"/> <i>KPL Gas Service</i> | <i>800-794-4780</i> |
| <input type="checkbox"/> <i>Southwestern Bell Telephone</i> | <i>800-464-7928</i> |
| <input type="checkbox"/> <i>Deffenbaugh Disposal - Trash</i> | <i>631-3300</i> |
| <input type="checkbox"/> <i>Time Warner Cable</i> | <i>451-9393</i> |
| • <i>Water District #1 of Johnson County</i> | <i>895-1800</i> |

Introduction

The Nottingham Forest South Association has an architectural review process. This process is one of the primary tools by which the Association seeks to preserve, promote and enhance the guidelines of your Covenants. This, in turn, protects and increases your property value.

The guidelines for this process have been established and are outlined in the Declaration of Restrictions of the Community.

It is relatively simple to get a copy of the Declaration of Restrictions on all of the lots in Nottingham Forest South by going to the Johnson County, Kansas Court House. The Declarations are also available on the community website.

The architectural review process is overseen by a committee called the Architectural Review Committee (“ARC”).

It is important to remember that these covenants are enforceable in a court of law because the covenants are part of the contract to purchase land in Nottingham Forest South. However, the covenants are enforceable only if certain conditions are met, such as: proper procedures for their enforcement are followed, the proper parties to the covenant are involved; the covenant is applied fairly, consistently, and in good faith, and the covenant is enforced in a timely manner as to give the parties involved notice and options for further action.

This manual is designed to help you and the Community Association know what these covenants are and what procedures are to be followed in their enforcement and application.

Legal Authority for the Architectural Review Committee:

In order to maintain a consistent and higher-quality atmosphere in Nottingham Forest South, the developer placed certain restrictions on the land. When each of the homeowners in Nottingham Forest South purchases a home, there are certain restrictive covenants attached to the land. The restrictive covenants are attached to the land, so to speak, as they do not terminate or move with the homeowners when the home is subsequently sold to another.

These restrictive covenants are basically contractual promises to use the land and home in a manner that will benefit all of the homes in the subdivision. The benefit is the consistency and quality of the homes, which is designed to maintain a certain atmosphere and increase property values in Nottingham Forest South. With the same covenants attached to each and every lot in Nottingham Forest South, the goals of quality and value can be more easily achieved.

Purpose of the Architectural Review Committee (“ARC”):

The ARC shall regulate the external design, appearance and location of the properties and of improvements therein in such a manner as:

- ✓ To promote those qualities in the environment that bring value to the properties; and
- ✓ To foster the attractiveness and functional utility of the community as a place to live, including a harmonious relationship among structures, vegetation and topography.

Objectives of Architectural Review:

- ✓ Make all members of the association aware that successful architectural review is a benefit, not a burden.
- ✓ To create and preserve an attractive design for the community.
- ✓ Protect Homeowners against property value losses due to non-compliance of standards established in the “Declarations of Restrictions”.
- ✓ Clarify the Associations governing documents.
- ✓ Inform homeowners of exactly what is required of them.
- ✓ Establish a workable system for the architectural review process.
- ✓ To treat all applicants fairly, consistently and in a timely manner.
- ✓ Approve or disprove with reasons homeowner’s applications for any changes in the exterior of their property.
- ✓ If needed, inspect the approved work to make sure it confirms with the approved proposal.
- ✓ Inspection and review of the community to make sure all standards in the “Declarations of Restrictions” are followed.
- ✓ Take corrective action against a homeowner who is in non-compliance of standards established in the “Declarations of Restrictions.”

Overview of what must receive approval:

The following items, but not limited to, must have ARC approval prior to commencing the work:

- ✓ Fences
- ✓ Exterior painting
- ✓ Swimming pools or hot tubs
- ✓ Roofing
- ✓ Satellite dishes
- ✓ Radon System
- ✓ Decks, room additions, patio covers
- ✓ Gazebos
- ✓ Landscaping
- ✓ Driveways
- ✓ Swing Set / Play Equipment
- ✓ Basketball Goal
- ✓ Sport Courts
- ✓ Solar Panels

The following modifications will require a signature affirmation from your adjoining neighbors:

- ✓ Fence
- ✓ Swimming Pool
- ✓ Basketball Goal
- ✓ Swing Set / Play set

When in doubt of any external improvements, fill out and submit an Architectural Modification Form.

Review Criteria

1. **HARMONY WITH OVERALL COMMUNITY DESIGN OR CONTEXTUAL RELATIONSHIP:** The contextual relationship pertains to the characteristics of any existing structures, the neighborhood, and the individual site. What may be acceptable in one instance may not be in another, depending on location.
2. **LOCATION AND IMPACT ON NEIGHBORS:** The proposed alteration or improvement should relate favorably to the planning, landscape, topography and existing character of the neighborhood. The primary concerns are preservation of access, sunlight, ventilation, view and drainage, as well as impact on the privacy and normal use of neighborhood privacy. In reviewing the impact on neighbors, the ARC must balance the property rights and expectations of a property owner with the expectations of the neighbors. There is not always a perfect solution, but the ARC will consider all aspects before making its decision.
3. **WORKMANSHIP:** The quality of work should be equal to or better than originally used in the neighborhood. If past practices are no longer acceptable, current and better practices must be followed.
4. **REQUIREMENT:** No building, fence, wall, residence, structure, or projection from a structure (whether of a temporary or permanent nature, and whether or not such structure shall be affixed to the ground) shall be commenced, erected, maintained or improved, nor may the exterior appearance be altered in any way without the prior written approval of the ARC regarding: (a) the harmony of its exterior design and location in relation to (b) the character of the exterior materials and (c) the quality of the exterior workmanship.
5. **PROCEDURES:** In the event the ARC fails to approve or disapprove in writing an application within forty-five (45) days after the plans and specifications in writing have been submitted to it, in accordance with adopted procedures, approval will be deemed granted. The applicant may appeal an ARC decision to the Board of Directors for the Association in writing within seven (7) days after the date the Architectural Committee renders its decision and notifies the applicant. Any decision rendered by the Board on appeal shall be final and conclusively binding on all parties.
6. **APPLICABILITY TO HOMEOWNER:** The provisions of the Declaration of Restrictions section shall be applicable to the homeowner only with respect to lots that are improved with buildings that are or have been occupied.

How to Obtain ARC Approval: The ARC has developed a Change Request Form (“CRF”) to assist the community with the review and approval process. A CRF has been included in the handbook. Additional copies can be downloaded from the community website or by contacting the management company.

General Information for the Nottingham Forest South Association

Fences:

Before installing or replacing fences, the Owner must seek prior written approval of the Architectural Committee ("AC") and these guidelines shall control the AC's review of the Owner's application for replacement fencing.

In the event an owner requests approval to replace more than one-third of existing fencing materials when existing materials don't comply with these guidelines, the entire fence must be modified or replaced to comply with these guidelines. The intent is to prohibit an owner from replacing only a one-third of a non-compliant fence with compliant fencing materials.

The maximum height of all fences installed after March 10, 2000 shall be four feet. Any portion of fences installed before that date may not be replaced without compliance with this resolution and approved in writing by the AC.

The maximum height of a privacy screen for a pool or hot tub shall be six feet.

No stockade fences shall be approved.

Perimeter fences must be of the picket design with a minimum space of at least 50 percent the width of the picket used in the fence.

Fences shall be constructed on lot lines.

Privacy fences shall be as close as possible to the pool deck or hot tub, or a reasonable distance from the pool or hot tub as determined by the AC.

Fence posts must be on the inside of the fence or privacy screen.

All fences along Antioch and the private drive leading to the subdivision clubhouse must be wrought iron or similar style metal fence in black.

Fences must meet and connect to any existing fence or adjacent lots when fences are adjoined on adjacent lots, every attempt shall be made to match or blend designs and materials.

Only natural wood colored stain and shellacs shall be permitted on fences and privacy screens. No color paints or stains shall be permitted. Wrought iron and similar style metal fences shall be allowed if approved in writing by AC. Plastic, PVC or similar materials will not be allowed.

All fences must be constructed with the finished side out.

No chain link or similar fence shall be allowed.

No fence shall extend toward the front of the residence beyond the rear corners of the residence.

Fences and privacy screens must comply with applicable city ordinances.

All applications and approvals for fence installations must be in writing.

All fences that do not meet these criteria and were built prior to January 2001 are in a Grandfather status under previous Nottingham Forest South Restrictions. However, if over one-third of an existing fence needs replacement, then the entire fence must be brought into compliance with the guidelines currently in force.

To install a fence in the subdivision requires Architectural Review Committee approval prior to installation.

An ARC Request for Change for the addition of a fence to an owner's lot or replacement of an existing fence must include the following items:

- 1) A current stake survey of the lot will be submitted with the placement of the fence to be installed noted on the survey. Stakes will be placed on the lot to show the installers the precise lines of the lot to ensure the fence is erected totally within the property boundaries.
- 2) The placement of the fence must be within the Owner's property line unless signed approval from all the affected neighbors allowing the proposed fence to be placed on the property line with all of them.
- 3) A description of the fence requested must be supplied along with pictures of the fence.
- 4) The selected fence builder's quotation will be part of the application.

Basketball Goals:

All goals shall be approved by the Architectural Review Committee ("ARC") before installation.

Whenever possible, goals shall be placed in the front of the house on the driveway. All backyard goals will be judged by the ARC on a case-by-case basis. Consideration will be given to the effect of the goal on the neighbors.

All surrounding neighbors must signature affirm where indicated on the ARC form. If a neighbor refuses, the situation must be presented to the ARC Committee. Goals shall not be attached to the house. Goals located in the front of the house shall not be located closer than ten (10) feet of the sidewalk.

All goals shall be installed (not portable) and set in concrete, detachable, and at the same level as the driveway adjacent to the goal. All goals shall have a clear backboard without decals, except for those applied by the manufacturer. All goals shall have a black or dark green pole and be maintained properly. Nets, backboards, poles and rims shall be maintained in good working condition. No lights for the goal should be allowed. Hours of play: play shall cease after sunset and shall not commence before 9:00 a.m. All equipment including balls shall be properly stored inside of the residence each evening. No permanent markings will be allowed.

Goals that cannot be located in the front of the house due to sloping conditions and as determined by the ARC shall be considered for installation behind the back-building line of the house. A. Goals may be placed on existing patios.

B. The playing surface should be of a patio-like material in natural colors, unpainted. Concrete with a patio-like surface is also acceptable. 3500 psi required.

C. The location of the court will be behind the back line of the house and within the sideline of the house and adjacent to an existing patio or the house. D. The surface will not exceed 25 feet x 25 feet.

E. The goal will be located as far away from neighboring lots as possible

F. The goal must be detachable from its base. The base must be at the same level as the court surface.

G. The court must be screened with plantings that will provide masking and noise abatement. Evergreens or pine trees are preferred.

Swing sets:

All recreational or play structures (other than basketball goals) shall be located behind the back-building line of the residence. Prior to placing a recreation or play structure on the Lot, the Architectural Committee must first be notified and approve the request for modification.

Satellite Dishes:

No television, radio, citizens' band, short wave or other antenna, satellite dish, solar panel, clothesline or pole, or other unsightly projection shall be attached to the exterior of any residence or erected in any yard. Should any part or all of the restriction set forth in the preceding sentence be held by a court of competent jurisdiction to be

unenforceable because it violates the First Amendment or any other provision of the United States Constitution, the Architectural Committee shall have the right to establish rules and regulations regarding the location, size, landscaping and other aesthetic aspects of such projections so as to reasonably control the impact of such projections on the neighborhood and any such rules and regulations shall be binding upon all of the Lots. No lights or other illumination shall be higher than the residence.

Radon System:

Location must be approved by the ARC. Cannot be visible from the street. If system is located on the exterior of the home, it must be painted to match the home.

Roof Replacement:

Approval is required for a replacement OR for the reinstallation of the same type of roofing material existing on the home. Roof material that is allowed in the subdivision includes wood, slate, tile, clay, concrete, or composite shingles. Composition shingles currently approved are:

Material	<i>Composite</i>	<i>Composite</i>	<i>Composite</i>	<i>Composite</i>	<i>Composite</i>	<i>Steel</i>	<i>Steel</i>
Mfg.	Certainteed	Certainteed	GAF	GAF	GAF	Gerard	Decra
Website	certainteed.com	certainteed.com	gaf.com	gaf.com	gaf.com	gerardusa.com	decra.com
Model	Presidential (Shake, Impact or TL)	Grand Manor	Grand Canyon	Grand Sequoia	Camelot	Stone Coated Steel Canyon Shake, Classic Tile	Stone Coated Steel Shake XD
Color	A) Shadow Gray	A) Stonegate Gray	A) Stonewood Gray	A) Weathered	A) Welsh Gray	A) Driftwood	A) Pinnacle Gray
Color	B) Autumn Blend	B) Tudor Brown	B) Storm Cloud Gray	B) Autumn Brown	B) Antique Slate	B) Weathered Slate	B) Antique Chestnut
Color	C) CLASSIC Weathered Wood			C) Charcoal	C) Aged Oak		

(OP City Codes, Chapter 18.440 Signs, page 6, Section B, item 2): ordinance states: For all construction projects, one minor contractors' identification sign shall be permitted on the site where the work is being performed for each contractor not identified with a major contractors' identification sign. Such sign shall not exceed 6 feet in height or 8 square feet in area per face, with a maximum of two faces. Such signs shall be set back at least 10 feet from any property line. No sign permit shall be required for minor contractors' identification signs. Such signs shall not be erected until the work has started and shall be removed when the work is completed. We are asking that all residents please abide by the City Code. The OP Neighborhood Preservation Department will enforce all code violations that are reported. To report a violation, please obtain the address where the violation is occurring and contact the Neighborhood Preservation department at 913-895-6370 or by e-mail at property@opkansas.org. Reviewed and Revised 3/13/2012

Landscaping:

All final decisions on landscaping will be made by the Architectural Committee with Board approval as required. In the event of a dispute between a homeowner and the association regarding landscaping, the Architectural Committee's decision will prevail.

The Architectural Committee respects the homeowner's rights, but must ensure that a consistent landscape policy is enforced. These guidelines supplement and expand existing restrictions:

1. Architectural Committee approval is required for any landscaping renovation or change, including those provided by a landscape architect.
2. All plantings and removals (to include trees) must be approved by the Architectural Committee with the exception of annuals.
3. Homeowners must be aware of the growth potential of any planting (height, width, and heartiness) and take this into consideration. Density of plantings will be a consideration in the approval of Landscape Plans.

Plot Plans for the Nottingham Forest South Association

A Plot Plan must be submitted with your Change Request Form if you are requesting any of the following:

- ✓ Outbuilding(s)
- ✓ Landscaping
- ✓ Basketball Goal
- ✓ Swing Set/Play Structure
- ✓ Fence
- ✓ Hot Tub
- ✓ Gazebo
- ✓ Swimming Pool
- ✓ Satellite Dish
- ✓ Deck
- ✓ Driveway

Below are two SAMPLE Plot Plans. Homeowners are asked to create their own Plot Plans to be submitted to the ARC.

Using Google Map & Marking Areas:



Hand Drawn Map & Marking Areas:

