

## **Quivira, Inc. Rules & Regulations**

### **Residential Construction Rules**

#### **INTRODUCTION**

The Declaration of Covenants, Conditions, Restrictions and Dedication of Easements of Quivira Lake (the “Covenants”) requires approval for all construction at Lake Quivira.

Article VII of the Covenants states:

“No building shall be erected, nor shall any Owner erect, place, install any structure or make any improvement upon any Lot, Tract, Homesite or Dock Site or on any Common Area or on any permanent easement granted to Quivira, Inc. until the plans and specifications shall have been submitted to and approved by the Board of Directors, in writing. The term “Board shall include any committee to which the Board of Directors may delegate the authority granted in this Article VII.”

“The Board may from time to time adopt and promulgate such Rules and Regulations regarding the form and content of plans and specifications to be submitted for approval, and may publish and/or record such statements of policy standards, guidelines and/or establish such criteria relative to architectural styles or details, colors, setbacks, materials or other matters relative to architectural control and the protection of the environment, as it may consider necessary or appropriate.”

To implement these building restrictions Quivira, Inc. has established the following Rules and Regulations governing construction at Lake Quivira. The rules are for your protection. They are enforced to insure high quality and safe construction consistent in size and quality with present Quivira residences. Quivira encourages individuality but, in turn, requires thorough planning, design, and consideration of neighbors and the environment.

Review and approval of construction at Lake Quivira is performed by the Restrictions Committee/Architectural Review Board (RC/ARB). The RC/ARB may request the applicant modify or revise his plans and specifications for construction of any residence, garage, outbuilding, deck, fence or wall. The RC/ARB has the authority to deny an application or approve it subject to conditions, the performance or satisfaction of which shall be a mandatory part of the approval. The committee may also provide suggestions or recommendations on design, color, etc.

Building approval by Quivira, Inc. is separate from and will not guarantee approval of a building permit by the City of Lake Quivira. Quivira, Inc. will not issue a permit until all necessary approvals have been received from the City of Lake Quivira. The RC/ARB normally meets on the second Monday of each month; however, you should contact the Quivira, Inc. office to confirm the meeting schedule.

It is the desire of Quivira, Inc. to provide all possible assistance in planning new construction to protect your interests and insure safe, economical, and attractive surroundings. If you have any questions concerning requirements for construction or interpretation of these rules, please call the General Manager of Quivira, Inc.

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**I. CONSTRUCTION REGULATIONS**

A. In addition to the limits prescribed in the Restrictions and Covenants, the following regulations must be observed on any residential construction project.

**1. Permit Required**

No trees or growth shall be cut, and no excavation or construction shall be commenced until a permit or written approval is received from Quivira, Inc. A permit is valid for a period of twelve (12) months from the date of issuance. A permit may be extended by providing a written request for an extension to the Chairman of the RC/ARB stating the reasons an extension is required. A fee schedule for permits is established by the Board of Directors.

**2. Survey**

For construction of new residences or additions which affect the perimeter lines of existing structures, the property must be surveyed by an engineer or land surveyor licensed in the State of Kansas, giving the legal description, boundary survey, and topography of the property. Permanent iron pins set in concrete are to be placed at all corners. Building corner stakes must be placed at time of application submission for the purpose of approval of the RC/ARB. No action will be taken until corner stakes are in place.

**3. Plans Drawn by Architect or Engineer**

Plans for construction of a new residence, structural changes to an existing residence, or additions to an existing residence which affects the perimeter lines or roof line shall bear the seal of a registered architect or engineer.

**4. Road Access**

Road access to property will be as determined by Quivira, Inc., which reserves the right to establish the finish grade of the driveway at the property line to allow and provide for proper drainage, and to conform to the road elevation and existing surfacing.

**5. Roadside Ditches and Culverts**

The property owner is responsible for the construction and maintenance of roadside ditches and culverts, whether they are positioned inside the owner's property line or on adjacent Quivira property. Slope must be maintained for proper drainage of ground water. Ditches may be lined with four (4) inches to eight (8) inches round stone, or maintained in a natural, aesthetically appealing manner. Parking in or on these ditches is not permitted.

Quivira, Inc. will determine the need for and specify the diameter and length of culverts for private driveways. The site plan required for a building permit should include culvert dimensions and slope gradient of the culvert and ditch. The owner is responsible for the cost of purchasing and installing culvert pipe.

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**6. Paving Road Shoulder**

The area adjacent to road pavement (shoulder, ditch, etc.) may not be paved, nor constructed upon in any manner, without the approval of Quivira, Inc.

**7. Road Impact Fee**

Effective January 1, 2018, an impact fee will be assessed upon approval and before the issuance of a building or demolition permit. The fee will be based upon two (2) percent of the expected construction or demolition cost of the project as disclosed on the permit application. Shortfalls of the fee, based upon the final cost of the project, will be collected upon completion. A refund may be issued in the case of project cancelation. Fees will be collected for the sole purpose of road/drainage improvements.

**8. Site Grading and Surface Water**

The construction grading and final grading of the site for building or improvement shall be accomplished and permanently maintained in such a manner so as to control the flow of surface water and prohibit, in so far as possible, its entry onto adjacent private property in other than designated or controlled water courses. The owner shall be responsible for providing drainage and siltation control during construction. Quivira, Inc. may require, as evidence, that the work for which the building application is approved will not cause the service drainage to change in a manner that would adversely affect surrounding properties, watershed, streams or the lake, including but not limited to, a drainage study signed and stamped by a registered engineer so certifying.

**9. Wall Maintenance Repairs**

Property owners shall be responsible for maintenance and repair of walls situated between their property and the roads and streets. Quivira, Inc. may direct such maintenance and repair if a wall is determined by Quivira, Inc. to be in a state of disrepair.

**10. Inspection**

Periodic inspections may be made during construction. If it is found that the construction is not in accordance with the approved plans, Quivira, Inc. may stop construction and advise the RC/ARB of the action. Construction is not to resume until correction is made to the satisfaction of the committee.

**11. Outbuildings**

Construction or placement of outbuildings on residential homesites requires prior written approval by the RC/ARB. This includes, but is not limited to, storage sheds, golf cart sheds, permanent playhouses, detached garages, gazebos, greenhouses, or any detached structures larger than a typical doghouse.

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**12. Remodel or Replacement**

A building permit from Quivira, Inc. is not required if all modifications and construction are within the existing footprint and framework, and there are no changes to exterior dimensions or primary architectural materials. However, all remodeling and replacement shall conform to current construction codes.

**13. Fences**

No fence shall be constructed within the required front yard setback. Fences may be constructed in any side or rear yard. Sections of split rail or picket fence no higher than three (3) feet, intended for decorative purposes only, are considered landscaping and may be placed within the front yard setback.

The maximum height for fences is six (6) feet. Fences shall be constructed of wood or wrought iron, with posts and other structural details located “inside” the fence. Chain link or similar materials may be permitted only where there is a clearly demonstrated need or where any negative visual impact is minimal. No fence shall be constructed which will constitute a traffic or safety hazard due to its location, design or materials.

**14. Front Yard and Side Yard Setbacks**

Article VIII, Section 3 (e) of the Quivira Lake Covenants states: “No part of any residence or other structure may be erected or maintained on any lot in said affected property nearer to the front lot line than forty (40) feet or nearer to the side lot lines than seven (7) feet; except with the written consent of the Board of Directors of Quivira, Inc.”

Any deviation from these setbacks must be first approved by the RC/ARB before any determination by the Board of Directors. If such deviation is denied by the RC/ARB, the aggrieved owner may file an appeal to the Board of Directors as outlined in Section V.

**15. Damage to Other Real Properties**

The property owner securing building permit is responsible for any damage resulting from the construction process to property owned by private individuals or to any common property and/or property owned by Quivira, Inc. The property owner must make every effort to have all damage fully restored to its pre-construction condition within sixty (60) days of work being completed. If not restored within sixty (60) days, Quivira, Inc. may proceed to have the repairs completed and bill the property owner for the repairs with full payment due in thirty (30) days.

The property owner securing a building permit will be required to sign an agreement acknowledging responsibility for any damage to others’ property resulting from the construction project and caused by the contractors and work crews involved. This agreement must be executed before a permit is issued.

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**16. Construction Parking and Materials / Equipment Staging**

The property owner securing a building permit is responsible for keeping all construction staging and/or work vehicles and materials on their own property. Use of other resident's property, common grounds, or Quivira, Inc. property must not occur unless prior written permission is given by the property owner and/or Quivira, Inc. The homeowner must obtain written permission from both Quivira, Inc. and the dock site licensee. The property owner must instruct the general contractor to limit the number of vehicles at the job site by requiring workers to park off-site and car pool to work location.

**17. Construction Time Limitations**

Any building application approval issued may contain an initiation and expiration date. The expiration date shall be determined based upon the scope and nature of the project for which the application is sought, as follows:

<u>Type of Application</u>	<u>Duration</u>
Roof	30 Days
Driveway	60 Days
Dock Sites	2 Months
Interior Remodel	9 Months
Substantial Remodel	12 Months
Addition < 3,000sf	12 Months
Addition > 3,000sf	18 Months
New Structure	18 Months
New Structure > 6,500sf	24 Months

The construction clock shall start on the construction start date on the approved application. If no firm date is listed, the clock shall start no more than forty-five (45) days after the building permit is issued.

In the event that the project is not included in the chart above, as applicable, the RC/ARB or the Lake and Residential Committee shall consider the scope and nature of the project for which the application is sought, weather conditions and any other factors, which the respective committee determines to be relevant, in determining the expiration date for the project. Upon expiration, approval shall become null and void and be of no further force and effect, provided however, that the homeowner may request an extension for up to one-half the time of the original approval, but in no case more than six (6) months.

Any additional extension of building approvals shall be conditioned upon the applicant meeting with Board of Directors in Executive Session at the next regularly scheduled board meeting. An extension may be approved and issued by the Board of Directors.

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**18. Construction and Maintenance Hours**

Weekdays (1)	7:00 A.M. to 7:00 P.M.
Saturday	8:00 A.M. to 6:00 P.M.
Sundays and Holidays (2)	Prohibited

1. No outdoor noise before 8:00 A.M. on any day.
2. Holidays include New Year's Day, Memorial Day, Independence Day, Labor Day, Thanksgiving Day and Christmas Day. Emergency Repair Services are exempt (HVAC, Plumbing, Drain Cleaning, Re-roofing of existing homes). Foundation Members are permitted to operate their own yard power and equipment after 8:00 A.M. on Sundays and Holidays.

B. Failure to comply with any of the provisions of these regulations may result in remedies outlined in Article VIII (f) of the Covenants and/or Article V, Section 5 of the Bylaws.

**II. PROCEDURES FOR REQUESTING A QUIVIRA, INC. BUILDING PERMIT**

A. Quivira, Inc. will provide, upon request, application forms for permits to erect or maintain any residence, garage, outbuilding, fence or wall. A completed application and all supporting documents must be returned to the corporate office of Quivira, Inc. at least two (2) weeks prior to the next scheduled meeting of the RC/ARB for consideration at that meeting.

Four (4) copies of the fully completed "Application for Building Permit," four (4) full-size copies of the plans, and one (1) reduced copy (11" x 17") of the plans must be submitted to the General Manager of Quivira, Inc. for referral to the RC/ARB. Two (2) copies of the plans and specifications will be returned to the owner with his approved building permit.

Plans and drawings for new residence construction or additions and exterior alterations to existing improvements shall adequately represent the intended improvement shall show location on property and details of construction. Failure of the plans to include requirements indicated will result in return with no action. Such plans shall include, but not be limited to, the following:

1. A topographic survey is required for all new construction and additions affecting the perimeter lines of an existing structure. Quivira, Inc. may also require a survey for any other project where impact on storm drainage is a concern.
2. A site plan that includes location of adjacent residences, front, side and rear yard setbacks, existing and finish grades, drainage and culverts, retaining walls, drive and walk location and materials, drive gradient, utilities, exterior lighting, and landscaping including any existing large trees to be removed.

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3. Floor plans including foundation.
4. Exterior elevations showing finish grade at building and noting all materials and finishes.
5. Typical wall sections.
6. Structural plans showing all structural members, including joists and rafters, size of all footings and reinforcing steel and details of all construction unique to the building industry.
7. Photographs showing existing structure and site conditions. Photographs of the property adjacent to the site are also required. Photos must be taken prior to the time construction begins to document pre-construction conditions.

**III. CRITERIA FOR APPROVAL**

A. Relationship to The City of Lake Quivira Ordinances

The Quivira, Inc. Board of Directors and the RC/ARB recognize and adopt all relevant sections of the City of Lake Quivira Zoning & Subdivision Regulations.

Generally, the RC/ARB will base their review and consideration upon the following sections in the Zoning and Subdivision Regulations:

1. Section Three: Definitions
2. Section Five: District Regulations
3. Section Six, Item Eleven: Custom Architectural Approval; Procures, subsections I, J and K (applicable to all districts).
4. Section Ten: Parking Requirements

Specifically, this includes, but is not limited to, such criteria as: maximum building height, maximum lot coverage, minimum front yard, side yard and rear yard setbacks, lot and foundation features, architectural features, exterior items, discouraged elements, strongly encouraged elements, parking, etc.

B. Relationship to the Surrounding Community

No plans or specifications will be approved by the Quivira, Inc. Board of Directors and the RC/ARB that are not in harmony with the style of design of the surrounding structures or which might adversely affect the values of surrounding properties.

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The specific factors to be considered for approval are:

1. The design for the proposed structure, recognizing that the design and style should be in general harmony with the design and style of surrounding structures. However, due consideration will be given for appropriate diversity and individual taste.
2. The building materials and exterior façade, including but not limited to the siding, roofing material, stone and brick, should be in keeping with the surrounding properties' quality, construction and design, so that the proposed structure does not adversely affect the property values of adjoining properties.
3. Even though the proposed height of the proposed structure is within allowable height limitations, nevertheless, the height of the structure should bear a reasonable relationship to the neighborhood in which it is located. Due consideration will be given for reasonable and appropriate development in the neighborhood.
4. The location of the proposed structure on the lot should promote a compatible relationship with the existing structures on adjoining lots. However, because Quivira contains many uniquely shaped lots there may be an occasion that suggests relocation of the proposed structure to achieve compatibility with adjoining lots.
5. Even though the overall size of the proposed structure may be within allowable setback limitations and may meet minimum or maximum size requirements, nevertheless, the proposed structure should not be too small or too massive for the lot or overall neighborhood in which it is proposed, even after allowing for reasonable and appropriate development in the neighborhood.
6. The proposed structure should respect the natural beauty of the site.
7. Disruption to the views of adjacent neighbors should be minimized.

The overall impact of the proposed structure involves issues of taste and judgment which cannot be completely reduced to measurable standards of size, setback, roof pitch, etc. A proposed structure which meets all the statistical criteria may be unacceptable if its overall aesthetic impact is unacceptable in the judgment of the RC/ARB. The RC/ARB is charged with the responsibility of exercising judgment as opposed to simply enforcing rules. The RC/ARB will do its best to balance the long-term interests of the overall community with the specific objectives of the individual homeowner.



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**IV. DEMOLITION PERMITS**

- A. Quivira discourages the demolition of buildings or structures as part of replacement or remodeling of existing buildings or structures until final approval of the plans for construction of the new building or structure. If a lot owner desires to demolish all or part of an existing building or structure prior to final approval of the construction plans, he must obtain approval of the RC/ARB before commencing the demolition.
- B. To obtain such approval, the lot owner shall submit an application stating the reason or reasons for the demolition in advance of final approval of the construction plans for the replacement building or structure.
- C. Prior to consideration of the application the lot, tract or parcel of land containing the structure(s) to be demolished must be surveyed by an engineer or land surveyor licensed in the State of Kansas, giving the legal description, boundary survey and topography of the property. The survey must also identify existing easements on the property, the location of adjacent residences, and all trees on the property eight (8) inches or greater in diameter. Permanent iron pins set in concrete are to be placed at all corners.
- D. The application must include a topographic boundary survey and site plan identifying all buildings and structures on the property, and specifically identifying buildings and structures to be removed. The site plan must also identify all trees eight (8) inches or greater in diameter, and specifically identify any trees requested to be removed as part of the demolition process. Finally, the site plan must include a drawing of the foundation footprint of the proposed new structure including setback measurements and exterior elevations.
- E. The lot owner shall comply with all rules and regulations of the City of Lake Quivira pertaining to demolition and all applicable state and county regulations.

**V. NOTIFICATION AND APPEAL**

- A. Property owners within two hundred (200) feet of the property affected by the application will be notified in writing by Quivira, Inc. of the proposed improvements, in advance of the RC/ARB meeting at which the improvements will be considered. All of these property owners are invited to attend the RC/ARB meeting to express their opinions prior to any RC/ARB action.

If a property owner within two hundred (200) feet objects to the project he/she may file a written appeal to the Board of Directors, delivered to the Quivira, Inc. office no later than seven (7) days following the RC/ARB action. A letter of appeal should state specifically why the property owner objects to the project, how the property owner will be affected if the project is approved, and any other relevant information. The Board of Directors will hear and determine the appeal at its next regular meeting

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- B. If a new construction applicant is aggrieved by the decision of the committee, he/she can appeal the decision to the Board of Directors by serving written notice to the Board of Directors delivered to the Quivira, Inc. office no later than seven (7) days following the committee decision. The letter of appeal should state specifically why the applicant believes the decision to be in error and what action is sought by the applicant. The Board of Directors will hear and determine the appeal at its next regular meeting.
  
- C. When considering an initial appeal as provided above, the Board of Directors may either affirm the decision of the RC/ARB or remand the application back to the RC/ARB for potential modification, further study and final committee action. If the applicant or property owner within two hundred (200) feet of the affected property is aggrieved by the final decision of the RC/ARB, he/she may field a written appeal to the Board of Directors delivered to Quivira, Inc. office no later than seven (7) days following the RC/ARB action. The Board of Directors will hear and determine the second appeal at its next regular meeting.