

Architectural and Landscape Standards

MacGregor West Homeowners Association Architectural Committee

An Important Message from your Neighborhood Committee:

The primary purpose of the Architectural Committee is to preserve and maintain the property values and the natural beauty of our development. Our charter is to promote the general Architectural and Landscape Standards that give our neighborhood its distinctive look. We desire our MacGregor West neighborhood to remain lush with foliage, flowering plants and a park-like sense. A balance between trees, shrubs, naturalized areas, garden beds and lawns preserves the neighborhood's character. Trees, especially hardwood trees, are valued in our neighborhood.

The Architectural Committee is the Homeowners Association's architectural and landscaping change approval authority.

As your representative, our intent is to maintain and nurture the character of our neighborhood and thereby preserve its reputation as one of the Triangle's most attractive and desirable communities. Architectural and Landscape Standards, supported with a reasonable and appropriate change management process, help all Homeowners by protecting property values and sustaining the curb appeal throughout the neighborhood.

The Architectural Committee reviews all requests, and each request is reviewed on its own merits. Decisions are based on these Standards and the potential for the requested change to have a positive impact on the aesthetics of our neighborhood. We encourage changes which enhance the natural setting and are consistent with the architectural integrity of the neighborhood.

This document has three major sections:

- Background Information and Guidance,
- Change Requests, the Process and Non-Compliances, and
- Architectural and Landscape Standards.

The following Table of Contents identifies all document headings so that you may quickly find the topic that interests you.

As a reminder, the MacGregor West Architectural and Landscape Standards and Change Request process are applicable to:

- Lots in MacGregor West Phase 1 (Lots A, B and 1-70) and •
Lots in MacGregor West Phases 2, 3, 4 and 5.

We appreciate your continued support and cooperation in helping us maintain the quality of the MacGregor West community.

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MacGregor West Architectural and Landscape Standards

ARCHITECTURAL COMMITTEE

Article 3 of the Protective Covenants and Restrictions for MacGregor West Subdivision (Phase 1 and Phases 2-5) establishes the Architectural Committee with review and approval authority for the Subdivision. The Architectural and Landscape Standards describe the maintenance, care and Change Request requirements for the Subdivision.

The Committee is composed of a minimum of three volunteer members, all of whom must be approved or appointed by the MacGregor West Homeowners Board of Directors. Committee members must be current on their dues when selected. Volunteers from Phase 1 must have amended their deeds to mandatory dues paying HOA members.

The Architectural Committee Chair is a member of the HOA Board.

The Architectural Committee makes the decision when a Homeowner submits a Change Request.

The Committee is to maintain and promote consistent Standards while remaining open-minded to changes in our neighborhood and our lifestyles. Committee members often make site visits before deciding on a Change Request and follow up after the modifications are completed.

This Standard is intended to be a flexible document that allows for individual creativity of design, with each request being reviewed on its own merits.

DOCUMENT UPDATES

The MacGregor West Architectural and Landscape Standards document is subject to revision at any time. All revisions will be approved by the HOA Board of Directors and the Architectural Committee. The HOA will notify Homeowners when significant changes are made to the Standards.

The most current applicable version of the document will be found on the MacGregor West Homeowners' Association (HOA) website, TownSq. Please access your account in the Associa HRW website, TownSq. The Standards document and Change Request Form can be found under "Tools", "Documents" and then "Architectural".

TOWN OF CARY REQUIREMENTS

The MacGregor West Architectural and Landscape Standards supersede Town of Cary requirements.

MacGregor West Architectural and Landscape Standards

MACGREGOR WEST COVENANTS

The MacGregor West subdivision properties are subject to two separate sets of protective covenants and restrictions:

- Protective Covenants and Restrictions for MacGregor West Subdivision (Lots A, B and 1-70), and
- Amended and Restated Protective Covenants and Restrictions for MacGregor West Subdivision, Phases 2, 3, 4 and 5.

Both sets of Covenants can be accessed from the Associa HRW MacGregor West HOA website, TownSq. Please access your account in the Associa HRW website, TownSq. The Standards document and Change Request Form can be found under “Tools”, “Documents” and then “Governing Documents”.

ARCHITECTURAL AND LANDSCAPE STANDARDS ARE APPLICABLE TO ALL MACGREGOR WEST LOTS

The MacGregor West Architectural and Landscape Standards requirements and guidance are applicable to:

- All lots in MacGregor West Phase 1, and
- All lots in MacGregor West Phases 2, 3, 4 and 5.

Homeowners are accountable for following the MacGregor West Architectural and Landscape Standards and for ensuring the Change Request Process is utilized when applicable.

This accountability remains in place even if the Homeowner(s) are not the primary resident(s).

MacGregor West Architectural and Landscape Standards

NEIGHBORS RESPECTING NEIGHBORS

The MacGregor West Community is an aesthetically pleasing, park-like environment. The proximity of our homes dictates that we be especially mindful not to intrude on our neighbors' vistas.

When planning a change to your home or lot, Homeowners shall consider how that project may adversely impact your neighbors on all sides of your property. Homeowners shall consider how a project may impact neighbors whether a Change Request Form is required.

Homeowners shall have discussed the project with all the neighbors that may be affected by your project prior to submitting their Change Request Form.

The HOA hopes to prevent recurrence of these types of issues that have occurred with Homeowner changes:

- A. Cluttering the open view across the front of houses,
- B. Removing privacy plantings in back and/or side yards,
- C. Adding impermeable surfaces that increase the drainage flow to a downhill property,
- D. Changing the direction of the drainage from your property, and
- E. Executing a project with details that are different than what was written on the approved Change Request Form.

The Architectural Committee carefully reviews each Change Request Form and frequently visits the site prior to deciding on the request.

Each Change Request is considered on a case-by-case basis. The Architectural and Landscape Standards provide a foundation for their decisions and the Committee is sensitive to the issues listed above.

It is not unusual for the Committee to approve a Change Request with modifications to the requested scope and/or additional work the homeowner is expected to complete. The Committee often inspects a project in progress and after the project has been completed.

Homeowners are to request approval from the Architectural Committee in writing (e-mail or letter) if their Project will not be executed precisely as described in their Change Request Form prior to those changes being executed.

The HOA reserves the right to intervene if property modifications are made that seem inappropriate for MacGregor West even if the modification is not discussed in this document.

CHANGE REQUESTS

- A. For frequently encountered situations, the Architectural and Landscape Standards describe:
- 1) When a Change Request Form must be submitted,
 - 2) Guidance on Change Requests, and
 - 3) Building and lot conditions Homeowners are expected to follow for the betterment of the neighborhood.

- B. The **Change Request Form** may be found on the Associa HRW MacGregor West HOA Website, TownSq.

- C. If you are not sure if a Change Request submittal is required, please contact Associa HRW.

Telephone: 919-787-9000

Email: architectureadmin@hrw.net

- D. Only Homeowners listed on the deed may submit a Change Request Form.
- E. A contractor may not submit the Change Request Form for the Homeowner.
- F. Tenants and house guests may not submit the Change Request Form for the Homeowner.
- G. Homeowners are expected to comply with Change Request approvals that specify expected modifications to the project scope or additional scope the Architectural Committee defines.
- H. Homeowners are expected to request approval from the Architectural Committee in writing (e-mail or letter) if their Change Project will not be executed precisely as described in their Change Request Form prior to those changes being executed.
- I. Homeowners may request an exception from these Architectural and Landscape Standards by submitting a **Change Request Form** to the Architectural Committee. Exceptions are sometimes granted after a thorough review performed on a case-by-case basis.

MacGregor West Architectural and Landscape Standards

CHANGE REQUEST PROCESS

- A. Homeowners must not begin construction or demolition until a decision has been issued by the Architectural Committee.
- B. Additional Homeowner instructions are included with the **Change Request Form** that can be found on the Associa HRW MacGregor West HOA website, TownSq.
- C. Submit your completed form to the HOA Management Company.
- D. The HOA Management Company will confirm receipt of a **Change Request Form** and will respond to the Homeowner via email regarding any changes needed to the form within five (5) business days.
- E. The HOA Management Company forwards requests to the Architectural Committee.
- F. The Architectural Committee meets roughly once per month and intends to reply to your request within thirty days of their receipt of your application.
- G. The HOA Management Company and/or the Architectural Committee will notify the Homeowner of the decision.
- H. Homeowners may appeal decisions to the Architectural Committee by submitting their appeal in writing within thirty days. Homeowner may also request a meeting with the Architectural Committee.

MODIFICATIONS MADE WITHOUT SUBMITTING A CHANGE REQUEST FORM

- The HOA will contact Homeowners who do not follow the MacGregor West Architectural and Landscape standards and/or the Change Request process.

MacGregor West Architectural and Landscape Standards

NON-COMPLIANCES AND VIOLATIONS

- A. The MacGregor West Homeowners Management Company, at the direction of the HOA Board of Directors, will contact Homeowners if their home or lot appears not to comply with the Architectural and Landscape Standards.
- B. The Board is hopeful that Homeowners will respond positively to the initial contact and the issue can be efficiently resolved.
- C. A letter of inquiry will be sent to the Homeowner if a non-compliance is observed.
- D. A letter of Violation will be sent to the Homeowner if the non-compliance is confirmed and remains in place or if the Homeowners chooses not to communicate with the HOA or Management Company.
- E. The Board will initiate a Due Process Hearing if the violation continues. The Homeowner will be requested to meet with the Board to discuss the violation.
- F. If necessary, the Covenants and Restrictions have given the Board the authority to:
 - 1) Suspend voting rights and privileges,
 - 2) Assess fines,
 - 3) Obtain a Restraining Order to prevent an action, and/or
 - 4) Obtain a Court Order requiring the Homeowner to take a specific action such as removing a change or address a maintenance issue.
- G. For Change Requests submitted to the Architectural Committee, Committee members will contact the Homeowner if there are questions about the project execution as compared to an approved Change Request.
- H. For project differences that cannot be amicably resolved between the Homeowner and the Architectural Committee, the issue will be referred to the Board and follow the process described above in this section.

MacGregor West Architectural and Landscape Standards

LOT ORIENTATION AND LOT SIZES

Corner lots, lots containing hills, and some cul-de-sac lots present challenges when defining some MacGregor West requirements. Some lots cannot accommodate some changes because of their orientation or size.

The HOA is attempting to prevent unfair burdens being placed on these types of lots when documenting requirements.

Homeowners are encouraged to contact a member of the Architectural Committee if you perceive a requirement to be unfair to corner lots, lots containing hills and some cul-de-sac lots.

DEFINITIONS

Primary Street	The street used to designate your home's address.
Front yard	The lot area between the primary street and the front edges of your home. Includes lawn, naturalized areas, mulched garden beds, and hard surfaces.
Back yard	The lot area beginning at the property line farthest from the primary street and ending at the rear edges of your home. Includes lawn, naturalized areas, mulched garden beds, and hard surfaces.
Side yard	The lot areas not defined as front yards or back yards. The lot area beginning at the property lines on the left and right of your home when facing the main entrance and ending at the edge of your home. Includes lawn, naturalized areas, mulched garden beds, and hard surfaces.
Visible from the street	Applicable when driving past the home on the primary street.

ARCHITECTURAL AND LANDSCAPE STANDARDS

1. ANIMALS AND PETS

- A. No animals, livestock, or poultry of any kind shall be raised, bred or kept on any lot.
- B. Household pets may be kept provided they reside in the home.
- C. Pet pens, permanently wired dog runs, pet houses and cages are not permitted on the lots.
- D. Pet owners are responsible for cleaning up after their pets in their yards and when walking their pets through the neighborhood. Sec. 6-64 of the Cary Town Ordinance requires an animal owner to remove any feces deposited by his or her pet on the private property of another, or on public property.

2. ARTIFICIAL TURF

- A. Artificial turf must be natural green in color, ideally matching the summer colors of the surrounding grasses.
- B. Artificial turf can only be installed in locations where no portion of the artificial turf is visible from any street.
- C. A **Change Request Form is required** if you believe you have special circumstances where artificial turf you wish to install will be visible from any street.

3. AWNINGS

- A **Change Request Form is required** to be submitted if an awning, either in a fixed position or with a motorized opening/closing feature, will be installed on your property.

4. BASKETBALL GOALS

A. A **Change Request Form is required** for the installation of all permanent and semi-permanent basketball goals. Applicable definitions are:

- 1) Permanent goals are often referred to as in-ground poles affixed into place.
- 2) Permanent goals also include basketball goal kits often sold as “portable” and contain a base to be filled with water, gel or sand that make relocation extremely difficult.
- 3) Semi-permanent goals are those goals not intended to be removed at the end of the day.
- 4) Portable goals are easily moved and are typically taken down at the end of the day. Portable goals are often used by very young children.

B. Basketball goals must be located:

- 1) No closer than 5 feet from the side and 30 feet from the rear adjoining property lines,
- 2) Behind the front edge of your home so as not to interfere with your neighbor’s view of the neighborhood (as measured from your primary street).

C. Exceptions to these location requirements are sometimes approved after careful review by the Architectural Committee.

D. Landscape screening may be required to hide the goal and backstop net (if installed) from your neighbors’ view.

- The Homeowner and the Architectural Committee will reach agreement on the location of the landscape screening and the size of the plants selected.

E. All new and replacement basketball goals must have clear backboards.

F. Metal poles for all new and replacement basketball goals must be black or dark green.

G. The backboard, pole and net must be maintained in a neat and working condition.

H. Please be considerate of your neighbors when playing basketball because of the noise that can be generated.

I. Basketball goals which exhibit extended wear and tear or are in disrepair shall be removed.

5. BOATS AND WATERCRAFT

- A. Boats and watercraft must be stored inside a garage.
- B. Boats and watercraft cannot be stored on a lot.
- C. Boats and watercraft may be temporarily parked in the driveway for no more than 48 hours.
- D. Floats and toys used in the Homeowner's pool are not considered watercraft.

6. BUILDING MATERIALS AND EQUIPMENT

- A. Building materials and equipment used for on-site projects must be stored in a neat and orderly fashion at the end of the workday.
- B. Building materials and equipment shall not be stored in the street overnight. Special circumstances may warrant temporary use of the street in front of the residence.
- C. No building materials or equipment stored for commercial use at a different location may be stored outside of a building.

7. CAMPERS AND RECREATIONAL VEHICLES (RVs)

- A. Campers and Recreational Vehicles (RVs) must be stored inside a garage.
- B. Campers and Recreational Vehicles (RVs) cannot be stored on a lot.
- C. Visitors who bring a RV to your home may temporarily park their vehicle for up to seven days.

8. CLOTHESLINES

- A. Permanent exterior clothes lines are prohibited.
- B. Permanent clothes lines include stand-alone versions and those attached to a building or tree.

9. COMPOSTING

- A. Compost equipment and materials must not generate any unpleasant odors that are detectable by your neighbors or attract pests.
- B. Composting is restricted to the back yard.
- C. Compost activities must comply with Town of Cary ordinances.

10. DECKS, DECK SKIRTING, DECK SCREENING

- A. A **Change Request Form is required** for all new deck installations and most deck expansions.
- B. Design requirements for new decks and maintenance or upgrades to existing decks include:
 - 1) Decks potentially visible to your neighbors shall only be installed in the rear of the home.
 - 2) Decks may not extend beyond the side of the home. Special cases may require an exception to this rule and will be evaluated during a site visit from the Architectural Committee.
 - 3) Free-standing deck screens (e.g. lattice) shall not exceed eight feet in height.
 - 4) The underside of decks shall be covered with lattice, screen, or plantings.
- C. A **Change Request Form is required** when enclosing an existing deck in screen, clear panels, or similar materials.
 - 1) This requirement applies to both permanent and temporary installations.
 - 2) Sunshades (roman shades or similar) are exempt from this requirement.
- D. No Change Request Form is required for maintenance of existing decks provided the deck remains a similar size and height as the current installation.
- E. A **Change Request Form is required** for modifications to an existing deck when:
 - 1) Increasing the deck area by more than 100 square feet, or
 - 2) Increasing the main deck surface height by more than 2 feet, or
 - 3) Adding a structure or permanent cover over the deck (such as a pergola, roof, canvas shade or similar).

11. DECORATIVE LIGHTING

A. Decorative Lighting is defined by:

- 1) Lanterns / lights flanking exterior doors and garage doors,
- 2) Lanterns / lights mounted above exterior doors, and
- 3) Post lanterns / lights on the property.

B. A **Change Request Form is required** for the installation of new decorative lighting where none exists today.

C. Replacement-in-Kind decorative lighting does not require a Change Request Form to be submitted if the new lights are similar to the lighting being removed regarding:

- 1) Size,
- 2) Style,
- 3) Location,
- 4) Materials of construction, and
- 5) Exterior color.

D. The style and materials of construction of the new lights shall be as similar as practical.

E. A Change Request Form is not required to replace existing fixtures with fixtures that are bronze, brass, copper or black.

F. Changing the type of lighting elements or light bulbs within an existing fixture does not require a Change Request Form, provided the light color emitted remains similar.

- 1) Please do not choose bulbs that create a harsh light that is visible to you neighbors.
- 2) Soft white bulbs are preferred.
- 3) Dimmers are encouraged for brighter bulbs to reduce the glare when the light is not needed for walking safely down a path.
- 4) Please prevent lights from shining brightly into your neighbor's windows.

12. DEMOLITION

- A **Change Request Form is required** to be submitted when a building or a portion of a building will be demolished or removed.

13. DERELICT VEHICLES

- A. The Town of Cary has an ordinance that makes it unlawful to store a junked/aesthetic nuisance vehicle on a private property within the Town's municipal boundaries.
- B. Vehicles parked at the residence that are visible from any direction must be drivable with a valid vehicle registration.
- C. Vehicles that are inoperable or no longer registered must be kept in the garage.
- D. Homeowners are requested to keep vehicles that are operable but with a dilapidated exterior in the garage.

14. DOORS – EXTERIOR AND GARAGE

- A. Maintenance repairs will be required as our homes age. Replacement-in-Kind situations where the Change Request Form are not required:
 - 1) Garage doors may be replaced with similar styles and must be painted either the same color as the door being replaced or to match the home's trim color. Windows are not required in garage doors. Materials of construction is a decision for the Homeowner.
 - 2) External doors not easily seen from the street may be replaced with new doors painted either the same color as the door being replaced or to match the home's trim color. Windows can be added or removed in these doors. Materials of construction is a decision for the Homeowner.
 - 3) Main entrances to the home (doors, side panels, top panels) may be replaced with a style similar or complementary to the entrance being replaced provided the total frame opening remains the same.
- B. A **Change Request Form is required** when:
 - 1) Changing the size of the total frame opening for the front entrance of your home.
 - 2) Modifying the number of doors for a garage – from 2 to 1 or from 1 to 2.
 - 3) Any circumstances not addressed in section A above.

15. DRIVEWAYS, DRIVEWAY EXTENSIONS, PARKING PADS

- A. A **Change Request Form is required** for any increase or decrease to the size of a driveway or parking area.
- B. Driveway maintenance (Replacement-in-Kind) does not require a Change Request Form.
- C. Driveways and parking areas shall blend into the landscaping when viewed from the primary street.
- D. Decorative walls around parking areas located in the front yard are not permitted.
- E. A maximum of two additional parking spaces may be in the front yard, provided the closest edge of these parking spaces is at least 30 feet from the sidewalk or street curb, whichever is closest to the proposed parking space.
- F. The entrances to driveways must be concrete.
- G. The driveways may be concrete or pavers. Bricks, or similar accents, along the edge of the concrete driveway or between concrete sections are allowed.
- H. Homeowners shall:
 - 1) Keep the grass edges adjacent to the driveways neatly trimmed,
 - 2) Remove grass or weeds that grow in concrete cracks, and
 - 3) Occasionally power wash their driveway surfaces.
- I. Homeowners must repair or replace driveway sections that have excessive cracks or suffer from significant upheaval when viewed from the primary street.
- J. Vehicles must only be parked on hard surfaces intended for parking. Vehicles may not be parked on grass, mulched areas, or naturalized areas.

16. EXTERIOR COLORS, PAINTING AND MATERIALS

A. Replacement-in-Kind home maintenance activities where a Change Request Form is not required are:

- 1) Painting or staining materials that match the existing color.
- 2) Repairing or replacing damaged materials using similar materials and with as close of a color match as possible.

B. A **Change Request Form is required** for changes to the home's overall color scheme when:

- 1) Changing the color of the home's trim, shutters, exterior doors or windows,
- 2) Changing the color or style of siding,
- 3) Painting stucco or similar surface a different color,
- 4) Replacing the brick with a different color/style of brick,
- 5) Applying a different color to previously painted brick, or
- 6) Painting brick on a previously unpainted brick surface.

C. A **Change Request Form is required** to convert any section of your home's exterior materials. For example:

- 1) Changing from stucco, stone, brick, siding to an alternate choice, or
- 2) Adding or removing a stone, stucco, or siding accent section.

D. When submitting a Change Request Form:

- 1) Include color chips or manufacturer specifications to more accurately describe the color and materials desired to be used.
- 2) Please choose neutral exterior colors and materials similar to those on your street.

17. FENCES

- A. Homeowners are generally discouraged from installing fences that detract from the green foliage and open park-like sense within the neighborhood.
- B. Landscaping is the preferred approach to creating some backyard privacy.
- C. A **Change Request Form is required** for the installation of a new fence and the form must be approved prior to construction.
- D. A **Change Request Form is required** for modifications to an existing fence and the form must be approved prior to construction.
- E. Existing fences may be maintained using Replacement-in-Kind materials and colors without submitting a Change Request Form.
- F. Electronic "invisible" fences, which are in use by many Homeowners, are suggested for containing pets.
- G. Fence location requirements and guidance:
 - 1) Fences and fence posts must be located entirely on your own property.
 - 2) Fences or fence posts may not infringe on their neighbor's property even if the current Homeowner agrees to do so.
 - 3) A set-back of six to twelve inches from the property line is recommended.
 - 4) Fences constructed on easements or access rights-of-way may be removed or damaged when access is required by outside agencies. The Homeowner assumes all risk for fence construction in one of these areas.
 - 5) Fences shall extend from the rear property line forward, ending no more than halfway along the home's side dimensions as measured from the street. With some homes, both side dimensions are considered when determining where to terminate the fence.
 - 6) Drainage, natural or man-made, must not be adversely altered by the fence installation.
- H. Fence materials of construction requirements and guidance:
 - 1) Homeowners are requested to use materials and coatings that are expected to remain in good visual condition for many years.
 - 2) The preferred material is black metal with wide spaces between bars.
 - 3) Pressure treated wood is also acceptable but is discouraged.

- 4) Wood fences must either be allowed to weather naturally or be stained a color that blends into the surrounding landscape.
- 5) Fence posts must be 4" x 4" pressure treated wood or metal; except for properties that back up to Highway 64 or Lake Pines Dr.
- 6) Brick fence posts or accents may be acceptable in some circumstances.
- 7) Unacceptable materials:
 - a. Plastic (including PVC),
 - b. Chain linked,
 - c. Wire backed, and
 - d. Wires – such as an above-ground pet restraining system.

I. Dimension specifications:

- 1) No fence shall be higher than sixty inches (five feet) when measured from the ground to the top of the tallest post(s).
- 2) Posts shall not extend more than three inches above the upper fence line.
- 3) Open spaces between fence slats are preferred.
- 4) A uniform or patterned height shall be maintained parallel to the ground line.

J. When topography or landscape affects a uniform height or pattern, a detailed explanation and/or elevation drawing must be included with the submission.

K. Properties adjacent to Highway 64 or Lake Pine Drive must maintain the perimeter fence on their property adjacent to these roadways:

- 1) Hwy 64 Homeowners are to replace existing perimeter fence with 96" pressure treated wood with 6x6 posts, face nailed, curved (convex) panels, and 2x4 horizontal nailers (4 in each section).
- 2) Lake Pine Homeowners are to replace existing perimeter fence with 84" pressure treated wood with 6x6 posts, face nailed, curved (convex) panels, 2x4 horizontal nailers (4 in each section).
- 3) If a Homeowner receives HOA approval to install a secondary fence along the back of the property, the Homeowner is still responsible for maintaining the outermost fence and maintaining the property between the two fences.

L. Change Request Form submittal requirements:

- 1) Submit a map (surveyor's plat or plot plan) to indicate the exact location of the fence in relation to the house and property lines.
- 2) Define the setback dimensions for each fence section.

- 3) Provide a side view showing the detailed fence design and the design of any gates.
- 4) Identify where any gates are going to be installed.
- 5) Describe the materials of construction and any colors.

M. Homeowners are **required to obtain an approved Change Request Form** prior to construction and to have the fence installed in compliance with their submittal.

NOTE: A failure to comply will most likely require the Homeowner to quickly modify the installation, up to and including, removal.

- N. Small fences intended to conceal or deflect sound from air conditioning units or generators do not require a Change Request Form provided these small fences comply with the design specification defined in this section.
- O. Small fences intended to conceal garbage carts, recycle carts or yard waste containers do not require a Change Request Form provided these small fences comply with the design specification defined in this section.

18. FLAG POLES

- A **Change Request Form is required** for permanent, free standing flag poles.

19. GARAGES

- A. A **Change Request Form is required** for new garage structures.
- B. Homeowners shall receive a decision about their Change Request Form prior to the application of Town of Cary permits and the start of construction.
- C. For new garage structures, or expanding a garage, please follow the requirements and guidance in the Structural Additions section.
- D. A **Change Request Form is required** for modifying the number of garage doors on an existing garage: from one door to two doors or from two doors to one door.
- E. A **Change Request Form is required** to replace a garage door with a permanent wall.
- F. No Change Request Form is required when replacing garage doors with similar styles painted either the same color as the door being replaced or to match the home's trim color. Windows are not required in garage doors. Materials of construction is a decision for the Homeowner.

20. GARBAGE CARTS, RECYCLE CARTS, YARD WASTE

- A. Requirements for Town of Cary issued garbage and recycle carts and Homeowner yard waste containers:
- 1) Garbage and recycle carts shall be stored in a location not easily visible from the street, neatly organized, and with fully closed lids.
 - 2) Personal yard waste containers shall be stored in a location not easily visible from the street. Yard waste containers may have limbs protruding from their tops.
 - 3) Ideally, these carts and containers shall be kept out of sight by storing them behind buildings, in garages, and/or hidden behind landscaping or screening fences.
 - 4) All reasonable efforts shall be taken to avoid storing these carts in full view from your primary street.
- B. Homeowners may be contacted by the HOA if there are questions or concerns about where you store your carts and containers.
- C. Town of Cary garbage, recycle carts and personal yard waste containers shall be placed at the curb around dusk the day before collection and retrieved no later than 6 a.m. the day after collection.
- D. Homeowners shall make arrangements for someone else to move your carts for you if you will not be home on the correct days to move carts to/from the curb. (Currently Sunday and Monday).
- E. Homeowners who are unhappy with a neighbor who leaves their carts in the street for an extended period may call the Town of Cary (311 or 919-469-4090) to request assistance. The Town of Cary has a process for managing these circumstances.

21. GENERATORS

- A. Emergency generators may be installed without submitting a Change Request Form provided the generator is:
- 1) Located in the backyard or garage,
 - 2) Screened by landscaping, a small fence or a small wall, in accordance with the manufacturer's specifications, and
 - 3) Not easily visible from inside any neighbor's home.

22. GREENHOUSES

- A **Change Request Form is required** to install a greenhouse.

23. GUTTERS, DOWNSPOUTS, AND RAINWATER DRAINPIPES

- A. Aluminum is the preferred material of construction and painted to match the home's trim. Copper is also an acceptable material.
- B. Rainwater drainpipes attached to downspouts shall be installed in a way to minimize their visibility to your neighbors.
 - 1) The preferred method is to bury the piping underground.
 - 2) Above ground piping shall blend into the surrounding landscape and concealed from view.
- C. A **Change Request Form is required** for gutters and downspouts installation or modification when the:
 - 1) Material of construction is other than aluminum or copper, or
 - 2) Paint color will be different than the house trim color.
- D. Homeowners do not need to submit a Change Request Form when:
 - 1) Changing the size of a gutter or downspout,
 - 2) Adding or removing gutter guards / filters, or
 - 3) Replacing gutters or downspouts with the same colors.

24. HEDGES AND SCREEN PLANTINGS

- A. Hedges or screen plantings are landscaping intended to form a barrier between properties when mature.
- B. Homeowners must place new or replacement plants far enough away from the property line so that the fully mature hedge or screen planting does not encroach over your neighbor's property.
- C. New hedges or screen plantings may not encroach over your neighbor's property even if the current Homeowner agrees to do so.
- D. Care shall be taken when choosing your plants and the location to not block the sunlight over your neighbor's plants and/or yard.
- E. A **Change Request Form is required** if any part of a new hedge and screen plantings extends beyond the front edge of your home towards the street.
- F. Replacement hedges or screen plantings are addressed under the landscaping section.

25. LANDSCAPE LIGHTING

- A. Landscape lighting systems may illuminate the home, paths, driveways and/or landscapes.
- B. Homeowners are encouraged to use energy-efficient LED light sources.
- C. Landscape lighting must be for residential use and not commercial grade systems.
- D. A **Change Request Form is required** for new system installation and when making additions to existing systems.
- E. Change Request Forms are not required for retrofits provided:
 - 1) Fixtures have a finish that either blends into their surrounding area or is decorative in nature using upper-end copper or brass finishes, and
 - 2) The light color emitted is a shade of white.
 - 3) Warmer tones of light are preferred such as soft white.
 - 4) Please avoid glaring, cold-looking lighting tones.
- F. When installing or modifying your system, please respect your neighbors when considering:
 - 1) The direction of the light beams,
 - 2) The brightness / color of the lights, and
 - 3) The hours of operation.
- G. Security lighting, if installed, shall be either used sparingly or be motion controlled.
- H. Please respect your neighbors when setting the beam direction for security lights.

26. LANDSCAPING

- A. We desire our MacGregor West neighborhood to remain lush with foliage, flowering plants and an open park-like sense. A balance between naturalized areas, shrubs, trees, garden beds and lawns preserves the neighborhood's character.
- B. A **Change Request Form is required** when a Homeowner desires to change the area of these classifications by more than 25% from the existing square footage:
 - 1) Naturalized area (mulched or pine straw),
 - 2) Lawns / yards that are visible from the street, or
 - 3) Garden beds intended to hold plantings that are visible from the street.
- C. A **Change Request Form is required** for changing the elevation or grading of any lawn or naturalized area by more than one foot.
- D. When submitting a Change Request Form, please address how drainage /water run-off will be managed so as not to adversely impact your neighbors.
- E. A **Change Request Form is required** for the addition of permanent or semi-permanent "hardscape" that is visible from the primary street:
 - 1) Fountains,
 - 2) Water features,
 - 3) Garden bed edging more than 6" tall of any length; either permanently fixed into place or created with pavers,
 - 4) Sidewalks,
 - 5) Walking paths, and
 - 6) Sculptures more than two feet tall.
- F. Active weed management shall be practiced minimizing weeds in naturalized areas, mulched areas and in the lawn.
- G. Any dead or diseased trees, shrubs, bushes or other vegetation shall be cut and removed promptly from any lot by the owner, after such dead or diseased condition is first brought to the attention of the Architectural Committee and permission for such cutting and removal has been approved.
- H. Homeowners may replace or add plants in their existing garden beds and naturalized areas without submitting a Change Request Form.
- I. Landscape materials delivered to the front of the home (mulch, soil, plants) shall be spread or moved within two weeks of delivery.

J. Given the neighborhood's experience, Homeowners shall avoid planting:

- 1) Bradford pear trees,
- 2) Leyland cypresses,
- 3) Sycamore trees, and
- 4) Creeping ground covers near your property edge.

K. Landscape decorative planters and pots must be concrete, terra cotta, resin, wood or metal intended for permanent placement. Plants purchased in plastic pots meant for transport are to be transplanted promptly in the approved planters. The number of planters is limited to a total of twelve in the front yard or where visible from the street. Any amount exceeding twelve is considered gardening which is limited to back yards.

27. LAWNS AND NATURALIZED AREAS

A. Homeowners must keep their lawns and naturalized areas looking neat and trimmed.

- 1) Lawns shall be mowed roughly once per week during the growing season.
- 2) Lawns that have been seeded may be mowed less frequently until the new grass has taken root.
- 3) Hard surface edges, natural beds and tree beds must be kept edged.
- 4) Active weed management shall be practiced minimizing weeds.
- 5) Seedling growth (sometimes called volunteers) shall be controlled.
- 6) Mulch or pine-straw shall be spread in naturalized areas and routinely refreshed.
- 7) Dead or dying plants shall be removed and potentially replaced.

B. Pine straw, pine nuggets, and mulch must be natural colors. Dyed products, such as red or black, are not allowed.

C. Homeowners may change the type of grass in their lawns without submitting a Change Request Form.

28. MAILBOXES

- A. MacGregor West currently has two allowable mailbox designs.
- B. Mailboxes must be kept in good working condition. For example:
 - 1) Doors that stay closed,
 - 2) Flags painted red that function,
 - 3) Posts and boxes painted black with a semi-gloss or satin finish,
 - 4) Easily read white numbering original to the mailbox.
- C. If you choose to paint your older mailbox,
 - 1) Please preserve the white numbering decals. The HOA does not have the specifications so that Homeowners can replace the numbering in kind.
 - 2) If the white numbering decals must be replaced, please use the same font as the new mailbox design.
- D. If your mailbox is showing signs of aging or disrepair, it is time to order the replacement mailbox. Please contact the management company for information and details on how to order a new mailbox.

29. MAINTENANCE OF THE HOME AND LOT

- A. Homeowners must maintain their home and lot in a way that does not detract from the overall attractiveness of the MacGregor West neighborhood.
- B. Homeowners shall maintain these aspects of their entire home, visible from all sides of their house:
 - 1) Lawns shall be mowed roughly once per week during the growing season.
 - 2) Hard surface edges, natural beds and tree beds must be kept edged.
 - 3) Active weed management shall be practiced minimizing weeds in naturalized areas, mulched areas and in the lawn.
 - 4) Pine straw, pine nuggets, and mulch must be natural colors.
 - 5) Landscaping shall be trimmed at least once per year, where appropriate.
 - 6) Driveways and walkways shall be kept clear of grass and weeds.
 - 7) Driveway sections that have excessive cracks or suffer from significant upheaval, as seen from your primary street, shall be replaced.
 - 8) Decks and fences shall be maintained in good visual condition.
 - 9) Rotted, rusted, broken or warped fence boards and posts must be replaced.
 - 10) Basketball goals and play equipment shall be kept clean and in good working condition.
 - 11) Roofing and flashing shall be in good visual condition.
 - 12) Gutters shall be kept clear.
 - 13) Exterior wood and painted surfaces shall not have signs of deterioration.
 - 14) Exterior surfaces shall not have mold or mildew.
 - 15) Stucco shall be kept clean and shall not have signs of deterioration.
 - 16) Exterior and landscape lighting shall be kept in good working condition.
 - 17) No trash, junk or yard debris shall be accumulated on the lot.
 - 18) Tools and materials shall be stored out of sight when not in use.
 - 19) Windows with seal failures shall be replaced.
 - 20) Window grilles shall be in good visual condition.
- C. The HOA will contact Homeowners whose home and lot maintenance are starting to adversely impact the aesthetic appeal of the neighborhood. Continuing concerns with home or lot maintenance may be escalated into the HOA violation process.

30. NOISE CONTROL

- A. Homeowners are reminded that the Town of Cary has a specific noise ordinance that limits sound amplification under 60 decibels from 9 a.m. to 9 p.m. and under 50 decibels at all other times.
- B. The Town of Cary will measure the sound readings from anywhere on an adjacent property.
- C. The Town of Cary Police shall be contacted on their non-emergency line if a Homeowner has a noise complaint.

31. PARKING

- A. Homeowners and guests are strongly discouraged from parking vehicles on the street overnight.
- B. Contractors are expected to park in the driveway or in front of the home where they are working.
- C. Vehicles must only be parked on hard surfaces intended for parking. Vehicles may not be parked on grass, mulched areas, or naturalized areas.
- D. A **Change Request Form is required** for any increase or decrease to the size of a driveway or parking area.

32. PATIOS

- A. A **Change Request Form is required** for new patio installation and expansions of existing patios.
- B. Design requirements for new patios and maintenance or upgrades to existing patios include:
 - 1) Acceptable materials of construction are concrete slabs with smooth finish or exposed aggregate, bricks, pavers, stone or tile.
 - 2) Patios shall be located behind the house but may extend beyond or around the building's corners.
 - 3) Patios may be free standing or immediately adjacent to the home.

33. PATIO FURNITURE

- A. Furniture typically made for patio use (umbrellas, tables, sofas, chairs, or similar) may not be placed between the front edge of the home and the primary street.
- B. The exception is for homes with front porches large enough for sitting areas.
- C. Decorative landscaping benches and seats are allowed as part of the landscaping design.

34. PERGOLAS, PAVILIONS AND GAZEBOS

- A. A **Change Request Form is required** for new pergolas (slatted roof for partial shade), pavilions and gazebos (solid roof).
- B. A **Change Request Form is required** for structures like pergolas, pavilions, or gazebos.
- C. These structures must be placed in the backyard, not easily viewed from the street.
- D. Placement shall respect the sight lines of all your neighbors.
- E. Wood construction is required, and coloring must blend into the surrounding area.

35. RAIN BARRELS

- All reasonable efforts shall be taken to avoid having rain barrels in full view from your primary street.

36. RECREATIONAL (PLAY) EQUIPMENT

- A. Recreational equipment includes outdoor play sets, swing sets, trampolines, climbing bars, balance wires, hammocks, playhouses and similar apparatus installed on a semi-permanent or permanent basis.
- B. Recreational equipment shall only be installed in the back yard.
- C. A **Change Request Form is required** for recreational equipment to be installed on a semi-permanent or permanent basis.
- D. Temporary recreational equipment that will be removed at the end of a day and low profile sandboxes do not require a Change Request Form to be submitted.
- E. Basketball goals have their own requirements in Section 4 of this document.
- F. Tree houses and elevated structures intended as a playhouse are not allowed.
- G. Playhouses must be single story.
- H. Swing sets and climbing bars that have an integral two-story design to enable a play function are allowed.
- I. Swing sets and climbing bars shall have a nominal footprint of 250 square feet or less.
- J. Colors that blend into the natural foliage are preferred although commercial offerings may limit your choices.
- K. The recreational equipment shall be located at least 10 feet from your property's side edge and 15 feet from the rear property edge.
- L. The use of screen plantings is encouraged. The Architectural Committee may require screen plantings in some circumstances.
- M. Recreational equipment shall be kept neat and in good working condition.
- N. Recreational equipment beyond its useful service life shall be removed.

37. RETAINING WALLS

A **Change Request Form is required** for:

- 1) New retaining walls intended for creating stable soil retention on a slope, or
- 2) Modifications that increase the size of an existing retaining wall (height or width).

38. ROBOTIC LAWN MOWING

- A. Robotic lawn mowing is an evolving technology and additional requirements may be added in the Architectural and Landscape Standards in the future.
- B. Please consult an Architectural Committee member prior to installing such a robotic lawn mowing system or unit if:
 - 1) The recharging / storage station will be visible from the street, or
 - 2) The unit requires a small storage structure to be installed.

39. ROOFING

- A. Homeowners may repair or replace their roofs and flashing without submitting a Change Requests Form provided:
 - 1) The materials of construction are like the existing roof, and
 - 2) The color is similar to the existing roof.
- B. A **Change Request Form is required** if changes are desired in the
 - 1) Materials of construction, or
 - 2) Color.

40. SATELLITE DISHES AND ANTENNAE

- A. Satellite television dishes are permitted provided they are less than one meter (39.37 inches) in diameter.
- B. The preferred location for satellite dishes is the rear of the home and not easily seen from the street.
- C. For ground installations, Homeowners are encouraged to landscape around the dish to camouflage the dish from your neighbors.
- D. Satellite dishes no longer in use shall be removed.
- E. No exterior television or radio antenna, tower, or large dish shall be placed upon any lot or building.

41. SHUTTERS

- A. A **Change Request Form is required** when:
 - 1) Adding shutters to a home currently without shutters,
 - 2) Removing shutters from the home and not replacing them,
 - 3) Changing the color of the shutters, or
 - 4) Increasing or decreasing the size of your shutters, even if it is the same style.
- B. A Change Request Form is not required when:
 - 1) Replacing shutters with a similar style, or
 - 2) Painting shutters the same color.

42. SIGNS

- A. Real estate signs may be placed on a lot.
 - 1) One "For Sale" sign per lot is allowed.
 - 2) The sign shall be removed shortly after closing.
- B. Contractor signs may be placed on a lot during a home project or remodeling.
 - 1) Home project or remodeling can involve exterior and/or interior work.
 - 2) No more than two signs may be in place at one time.
 - 3) For projects that have intermittent work activities, it is preferable that the Homeowners remove the sign(s) during idle periods.
 - 4) The Homeowner is responsible for removing the sign(s) upon completion of the work or after a period of 6 months, whichever comes first.
- C. Construction permits must be displayed in accordance with the Town of Cary requirements.
- D. Security system signs are permitted.
- E. Temporary signs, including political signs, must comply with the Town of Cary requirements.
- F. Celebratory signs that are temporary are permitted for a period, not to exceed 2 weeks.
- G. Signs intended solely as advertising, other than active Contractor work, are prohibited.

43. SOLAR PANELS

- A. A **Change Request Form is required** to install solar panels.
- B. Solar panels can only be installed on roof sections whose shingles cannot be seen from your primary street.

44. SWIMMING POOLS AND HOT TUBS

- A. No above-ground swimming pools are permitted.
- B. Small inflatable pools for children, intended for daily use and then stored, are allowed.
- C. A **Change Request Form is required** for all swimming pools, hot tubs, and any modifications thereto.
- D. The Homeowner must receive the Architectural Committee's decision prior to:
 - 1) Applying for a Town of Cary permit,
 - 2) Procuring or staging materials, and
 - 3) Beginning any site preparation.
- E. In-ground pools, hot tubs, and their surrounding deck must not be visible from the primary street.
- F. Swimming pools, hot tubs, and associated equipment must comply with town, county and state requirements.
- G. Swimming pools and hot tubs must be located at least 10 feet from your property's side edge and 30 feet from the rear property edge.
- H. All hot tubs and permanent pool equipment (pumps, filters, above ground piping) must be screened from neighbors' view by landscaping (preferred), a small building or a screening fence.
- I. Pool enclosures over the pool and deck are not allowed.
- J. Swimming pool and hot tub water must be chemically treated year-round. Stagnant and algae accumulation must be prevented.
- K. Pool fences (barriers) must comply with North Carolina and Town of Cary requirements.
- L. Black metal pool fences are the preferred material of construction.
- M. Property perimeter fence requirements are listed in the Fence Section.

N. The Change Request Form must include a description of how the Homeowner will prevent negative effects on their neighbors from:

- 1) Filter backwashes,
- 2) Overflow of pool water especially from rain,
- 3) Draining the pool (if ever done),
- 4) Storage of pool chemicals, and
- 5) Changes to rainwater run-off caused by the pool and deck installation.

O. The Change Request Form must include:

- 1) Pool and deck dimensions and features,
- 2) Plot plan showing pool and deck location, property lines and easements,
- 3) Pool fence location, dimensions, design, materials of construction,
- 4) Method to hide permanent equipment, and
- 5) Identification of tree(s) to be removed.

45. STORAGE SHEDS

- A. No separate storage buildings (such as sheds, lean-tos, carports) are allowed on the lot.
- B. These separate storage buildings are not allowed on a temporary basis and not allowed on a permanent basis.
- C. Expansions of the garage or home are covered in the structural additions section.

46. STRUCTURAL ADDITIONS

A. A **Change Request Form is required** for:

- 1) Additions to the home – horizontally or vertically,
- 2) Additions to a garage – horizontally or vertically, or
- 3) The construction of a second building on a lot, typically a detached garage.

B. Homeowners shall expect face-to-face meetings, where appropriate, with the Architectural Committee to review the details of their Change Request.

C. Until after the Architectural Committee has delivered a decision, Homeowners shall not:

- 1) Procure materials,
- 2) Obtain Town of Cary permits, or
- 3) Allow any construction or staging work to begin.

D. Change Requests for structural additions shall include:

- 1) Plot plans showing:
 - a. Location of the addition,
 - b. Dimensions of the addition,
 - c. Existing buildings,
 - d. Additional driveways or walkways,
 - e. Property lines, and
 - f. Easements if applicable.
- 2) Illustrations of the final design from all sides.
- 3) Elevation dimensions shown on the design illustrations.
- 4) A description of how neighbors may potentially be affected after the addition is completed.
- 5) Drawing or description of how topography of the land is affected by this addition.
- 6) A listing of all the exterior materials to be used and the selected colors.
- 7) Color chips for exterior materials or pictures or manufacturers' specifications.
- 8) An explanation of how drainage will be managed during and after construction to protect your neighbors and the streets.

- 9) A description of how debris, building materials, and equipment will be staged and stored to minimize the impact on your neighbors and the streets. All debris, building materials, and equipment must be removed at completion of the project.
- 10) A description of the landscaping plan to be installed after construction.
- 11) An explanation of how dirt / soil will be managed during the project –removal, grading and/or addition.
- 12) Name of the party managing the overall project (typically a main contractor or contractor company).
- 13) Contact information for the Homeowner if the Homeowner will not be on-site during the project.

47. TREE REMOVAL AND TREE PRUNING

- A. We desire our MacGregor West neighborhood to remain lush with foliage, flowering plants and a park-like sense. A balance between naturalized areas, trees, garden beds and lawns preserves the neighborhood's character.
- B. We want to preserve trees to maintain the neighborhood's character.
 - 1) Removal of a healthy hardwood tree is a sensitive topic in MacGregor West.
 - 2) Homeowners are discouraged from removing a healthy hardwood tree purely for changing their landscape aesthetics.
- C. A **Change Request Form is required** before removing a healthy tree with a trunk circumference greater than 31.4 inches (equates to an average diameter of 10 inches) when measured 24 inches from the ground.
- D. No Change Request Form is required to remove a tree under these conditions:
 - 1) Any tree with a trunk circumference less than 31.4 inches when measured 24 inches from the ground may be removed.
 - 2) Any Bradford Pear, Leyland Cypress, River Birch or Sycamore tree can be removed at the discretion of the Homeowner.
 - 3) A fallen tree shall be removed as soon as practical.
 - 4) A tree that has suddenly become an imminent threat to property (something that is about to happen).
 - 5) Any dead or diseased tree shall be cut and removed promptly from any lot by the owner, after such dead or diseased condition is first brought to the attention of the Architectural Committee and permission for such cutting and removal has been approved (please see section E).
- E. For a tree removed under Section D above, Homeowners must retain evidence verifying the tree qualified for removal under Section D for a period of one year.
 - Photographs and/or a document from the arborist or tree service are acceptable ways to prove the Section D conditions were satisfied.
- F. Tree stumps must be ground to soil level when easily visible from the primary street.
- G. When having a tree removed, Homeowners shall replace the foliage with new trees and/or shrubs somewhere on their lot.
- H. The HOA reserves the right to require Homeowners to plant replacement tree(s) if:

- 1) A Homeowner has a tree, or trees removed without submitting a Change Request Form when a form submittal is required, or
 - 2) A Homeowner incorrectly applies Section D as the justification or fails to maintain the evidence required in Section E.
- I. The HOA will prescribe the type and size of replacement tree(s) a Homeowner must plant under Section H above.
- The minimum size will be a tree with a 30-gallon container.
- J. Homeowners are encouraged to prune trees as needed:
- 1) To encourage healthy growth,
 - 2) To prevent the trees from damaging adjacent trees or plants,
 - 3) To minimize the impact of trees on your neighbors, or
 - 4) To prevent the trees from becoming potential liabilities.
- K. No Change Request Form is required to prune trees.

48. VEGETABLE GARDENS

- A. Vegetable gardens plots shall be restricted to the rear yard of residential lots. No plantings of any kind are permitted in the common, easement, buffer or greenway areas of MacGregor West.
- B. Vegetable gardens shall not be permitted in the rear yards of corner lots where the garden would be visible from the street, unless the plot is screened from public view by low growing, evergreen shrubbery, installed by the owner.
- C. To accommodate horticultural pursuits within the MacGregor West community while preserving aesthetics, the Committee has adopted the following guidelines:
 - 1) The plot size, of any shape, is less than 225 square feet.
 - 2) Planting trellises and supports blend into the surrounding foliage.
 - White plastic, bright colors, aluminum, and unstained wood typically do not blend into the surrounding foliage.
 - 3) Trellises, support stakes, poles etc. are no taller than 4 feet from ground level.
 - 4) Netting used to prevent animals blends into the surrounding foliage.
 - 5) Insecticides and fertilizers having long lasting, malodorous qualities are not used.
 - 6) Planting trellises or supports are removed at the end of the growing season.
 - 7) All plants and planting materials are removed at the end of the growing season.
 - 8) Trash cans for garden use shall be stored out of sight when not actively being used.
 - 9) Garden waste is properly disposed of off-site.
 - 10) The plot is maintained in a neat and conscientious manner including, but not limited to, regular weeding.
 - 11) Garden hoses and equipment shall be stored inside your garage when not in use.

49. WALKWAYS

- A. A **Change Request Form is required** when adding a walkway surface that is visible from your primary street.
- B. A **Change Request Form is required** to modify an existing walkway that is visible from your primary street when:
 - 1) The walkway will be increased or decreased in size,
 - 2) The color will be changed, or
 - 3) The materials of construction will be changed.

50. WINDOWS

A. Maintenance repairs will be required as our homes age.

- 1) Windows that have seal failures that are obvious from any street shall be replaced.
- 2) Window grilles (lattice work inserts placed in solid pane windows that create the look of individual panes) shall be repaired if any damage is visible from any street.

B. Replacement-in-Kind situations where the Change Request Form is not required:

- 1) Windows that are replaced with a similar look and style when observed from the home's exterior, and
- 2) Painted the same color as the window being replaced.
- 3) The primary test for replacement-in-kind is "will the replacement window(s) stand out as different from the other windows when looking at the house from the street?" If the answer will be no, then a Change Request Form is not required.
- 4) For Homeowners replacing all windows, the test question still applies.

C. During Replacement-in-Kind situations, materials of construction is a decision for the Homeowner. The HOA encourage using the latest energy saving technology.

D. A **Change Request Form is required** when:

- 1) Changing the exterior color of the window (similar standard as exterior colors),
- 2) Adding window covers, other than mesh screens, such that the window detail is difficult to see,
- 3) Installing a new window opening in a wall, or
- 4) Removing a window opening from a wall.