

Kildaire Farms Homeowners Association

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Kildaire Farms Architectural Standards and Guidelines

Introduction/Preamble

The Kildaire Farms 1 Homeowners Association was established with a purpose of enhancing the values of the investments we, as homeowners, have made in our homes. Our Covenants and By-Laws have established an Architectural Review Committee (ARC) to review and approve or deny any proposed improvement to any building lot within the community, and to establish necessary community standards to ensure that improvements are of high quality and consistent with the natural beauty of the community.

To that end, the ARC has developed and continues to update the attached guidelines for lot improvements, as well as general standards for the continuing maintenance and appearance of homes.

Failure to comply with the attached standards, guidelines, procedures and policies may result in financial penalties.

General Community Standards

The following are a summary of the minimum acceptable standards for homes in Kildaire Farms 1 communities. They are further explained and detailed in the body of the text.

1. All homes and lots are to be maintained in a visually appealing manner, particularly those areas visible from roadways, greenways and common areas. This includes (but is not exclusive to) all painted areas, siding, roofs, the exterior side of all doors and windows, yards and landscaping.
2. Trash and recyclable bins must be stored beside or behind homes, preferably out of sight from roadways, greenways and common areas.
3. Mailboxes must be in good repair, including structure and paint.
4. Playsets must be in good repair including structure, stain and accessories.
5. Fences must be in good repair, including structure, stain and landscaping on the exterior side of the fence.
6. Adequate off-street parking must be provided for each property (see parking guideline).
7. No noxious or offensive activity or noise nuisances are allowed on any lot.
8. A "Project Approved" or "Tree Removal Approved" sign must be placed, by the homeowner, on the property at least 24 hours before work begins on an approved ARC request, must remain in place until the work is complete and must be returned to HOA personnel upon completion.
9. Kildaire Farms homeowners who observe other properties out of compliance with our community standards should alert the property management company via email, phone, or TownSq. Please provide the property address in violation, as well as a detailed description (and photos, if possible) of what was observed. This communication will be held in confidence and will be investigated promptly.

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Architectural Review Overview

Architectural review and approval is dictated by the covenants of Kildaire Farms. The 'Declaration of Covenants and Restrictions for Kildaire Farms Subdivision' (Book 2491 Page 398) establishes the obligation of the Kildaire Farms HOA to provide architectural review in Article VIII 'Architecture Control and Inspection' via the clause *'No subsequent alterations or modification of any existing improvements nor construction, erection, or installation of additional improvements may be undertaken on any of the Properties without the prior review and expressed written approval of the Board of Directors or the Association, or by an architecture committee composed of three (3) or more representatives appointed by the Board'*. The same section establishes the principle that this obligation of the HOA should not unnecessarily delay members wishing to improve their property and defines thirty (30) days as an appropriate maximum for handling properly submitted and adequately documented requests.

While the Architectural Standards and Guidelines apply to all neighborhoods, each individual neighborhood has its own set of covenants that may contain additional constraints on what can exist on individual properties. These documents are typically included in the closing package from the closing attorney when purchasing property in Kildaire Farms. They are also available at any time from the **Kildaire Farms TownSq web site** <https://app.townsq.io/login>. Your password is required to access this site. Please contact the community manager for help logging in to the site.

The architectural committee is empowered to assess each request in conjunction with the appropriate covenants and to make suggestions to encourage and assist members in improving their properties. It is sometimes more efficient to work with the architectural committee before submitting a request rather than having to resubmit modified requests after receiving a disapproval.

The primary guidance for considering all architectural requests and reacting to owner's concerns related to property upkeep by their neighbors comes directly from the Purpose Section of the Protective Covenants that exist and relate to each lot in each individual neighborhood. These legal assurances that the homeowners association is chartered to enforce are specifically designed to:

- *Protect the subdivision and the owners of each lot against such improper use of surrounding lots that will depreciate the value of their property*
- *Preserve, so far as practicable, the natural beauty of the real property and especially the trees growing thereon*
- *Obtain and preserve harmonious color schemes*
- *Provide adequately for high quality improvements to enhance property values*
- *Guard against the erection of poorly designed or proportioned structures or structures built of improper or unsuitable materials*
- *Assure the proper siting and erection of attractive homes and structures, maintaining proper setbacks from streets, and adequate free space between structures*

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An important feature of the architectural review process is advanced notification to neighbors and people who have a constant view of the property. The architectural review process requires obtaining the signatures of any neighbors with shared property lines, and the signatures of all neighbors who have an unobstructed view of the improvement from the property. These neighbors are encouraged to share any concerns they have regarding the project with the homeowner and/or the ARC committee. Any neighbor with reservations or concerns is encouraged to submit an explanation of their concerns to the community manager in a timely manner. If any Kildaire Farms homeowner believes that an unapproved architectural change is being made they should contact the HOA community manager.

Administrative procedures for architectural requests

Administration of the architectural review process involves the community manager and the architectural review committee, a group of volunteer members of the association. Discussions are held on a continuous basis to consider all requests.

The community manager accepts all architectural requests, screens them for completeness and verifies that a sufficient set of signatures is included using a neighborhood map and the illustrations included in the request. All requests lacking signatures or sufficient documentation of the proposed improvements will be returned to the requester promptly and will not be considered as submitted. The community manager will email or, where necessary mail the outcome of all requests to requestors within three (3) business days after the request is approved or denied.

Architectural requests will sometimes be denied or denied with recommendations that may improve the chances of approval. Re-submissions of modified requests will be treated like new requests and require a new set of signatures to ensure neighbors are made aware of the latest request updates and details. Any denied request will include an explanation of the reasons for the denial. Requests that combine multiple items may have some of the items approved and others denied. Approvals may be subject to specific conditions clearly stated in the response to the requestor. If such a requirement is a condition of approval, failure to meet that condition going forward may result in retraction of the approval, rendering the architectural change unapproved.

Requestors are welcome to work with the architectural committee to submit a modified or new request that the committee will be able to approve. This interaction with the committee members can occur through emails, phone calls, on-site visits or, individually arranged meetings. Denied requests may be appealed to the board of directors if an acceptable solution cannot be found by working with the committee. The community manager is the best point of contact to discuss any issues related to architectural requests.

Penalties for starting work without an approved architectural request

Any property owner who begins physical construction or landscaping activities before an appropriate architectural request is approved will be deemed in violation of these Architectural Guidelines. If physical work on the property related to any activity described in these guidelines commences before an appropriate request is approved, the homeowner may subsequently be required to remove, dismantle, replace, or restore the change as

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instructed by the Architectural Committee or Board of Directors, regardless of the financial ramifications.

General Considerations

In the spirit of enhancing the neighborhood and quality of life, improvements, changes, and additions should enhance the appearance and usefulness of the property and generally contribute positively to property valuations in the neighborhood. Any special considerations or unique situations related to any request should be described and illustrated in the request and the requestor should meet with the architectural committee to further explain the situation.

Any request that requires a variance of the covenants (such as the granting of a non-standard setback from a property line) will require the approval of the board of directors. The property owner will be required to reimburse the association for all expenses associated with preparing and filing any necessary legal documents.

Alterations should not change existing water flows or divert water onto adjacent property without the agreement of all parties affected.

Information to be included in architectural request submissions

- A narrative description of the proposed changes or additions including proposed start dates and time of completion of all or individual parts of the plan.
- A plot plan 'top-down-view' (usually a copy of the survey document that should have been provided at closing) of the entire lot marked up to illustrate:
 - The location on the property of existing structures
 - Proposed changes or additions.
 - All related property lines (Individual neighborhood covenants usually specify setback requirements from each property line.)
 - The location and relative size (trunk diameter and height) of any trees to be removed, as well as what trees will remain in the area of the lot affected
 - The location of any changes in drainage along with an indication of how the flow of water will change from what exists today
- Elevation 'side-view' drawings, sketches, illustrations, or representative pictures of any proposed structures that clearly illustrate the appearance and overall dimensions of the completed structure.
- Descriptions of any construction materials to be used, along with color samples and physical samples of any siding and trim, roofing, decking, paving, or any other construction materials if different from what exists.
- Descriptions of the types and sizes of plant materials for any landscaping changes that significantly alter the appearance of the property from the street, greenways, or the view from neighbor's windows, or create any form of visual screen or barrier.

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- In multi-family neighborhoods with active sub-associations, each architectural request must be submitted to and approved by the sub-association before being submitted to the homeowners association. The sub-association approval must be clearly indicated on the request or the community manager will return it to the requestor as part of the screening process.

Architectural Guidelines relative to specific types of changes or additions

1. Additions or structural changes to existing structures on the lot of any home, townhome, or condominium

All changes to structures or additions to structures that are visible from the exterior of the structure require approval.

Additions should not infringe upon the setbacks for the lot as listed in the covenants of the individual neighborhood and should match the residence in color, style, and materials as closely as possible.

2. Awnings

Awnings require approval and should be a part of the structure. The colors and materials should complement the structure. Samples of the materials to be used and a color picture of the existing structure should be included with the request.

3. Changes in external paint color, siding, or roofing

Any color changes that will be visible by others with a direct view of the structure require approval. This includes color changes to siding, roofs, gutters, trim, shutters, doors, and other prominent exterior features of the structure. The Architectural Committee may require a part of the home to be painted the proposed color in order for the ARC to properly evaluate the requested color(s).

Samples of paint, stain, pre-finished siding, brick, roofing, or other colored materials to be used should be provided illustrating colors and thickness and overall quality of prefinished materials.

Painting or other colorings that do NOT change the color of the structure do not require approval (see section 16).

4. Clotheslines

All clotheslines require approval. Some neighborhood covenants have other specific restrictions.

5. Decks and patios

New decks and patios, or expansions to existing decks and patios require approval. Appearance changes and under-deck enclosures or structures require approval. Simple

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addition of lattice screening under decks that matches the deck in color and material does not require approval. Deck replacements of the same size (footprint), design, and color do not require approval.

6. Decorations, lawn ornaments, flagpoles, ornamental fences, and ponds

Holiday related decorations and lighting of a temporary nature do not require architectural approval. However, such decorations should be displayed only in the related holiday season, and only for a reasonable and appropriate time before and after the holiday. Ornaments / objects that significantly alter the appearance of the property require approval. These include, but are not limited to ponds, water features, freestanding flagpoles, and ornamental fences taller than one foot (1'). Lights and noisy devices that disturb or adversely affect neighbors will not be approved.

7. Detached structures

Detached structures, such as, gazebos (free standing roofed structures, usually open on the sides), archways, arbors (shelters formed of or covered with vines or branches), and Pergolas, require approval.

Detached structures should not infringe upon the setbacks for the lot as listed in the covenants of the individual neighborhood.

Structures such as garages that are essentially an extension of a residence should match the residence in color, style, and materials.

Decorative structures like gazebos, archways, arbors, and pergolas should not exceed fifteen feet (15') in height.

8. Fences

Kildaire Farms is intended to be a community with an 'open feel' and fences are generally discouraged unless absolutely necessary. Fences should, as much as possible, blend in with the residence and neighborhood rather than being a prominent eye-catching landscape feature. Fence styles that preserve the visual openness of the neighborhood while achieving the necessary objectives of the fence are highly encouraged and more likely to receive approval. All fences require approval, and the reason for a fence request should be noted in the homeowner's submission.

Fence Considerations:

Location: All fences are to be constructed behind the front of the residence. The fence should connect to the house at or behind the front-to-back midpoint of the residence. The fence must be on private property only, not on association common property. Fences constructed on utility easements may be removed or possibly destroyed to gain utility access and will not necessarily be repaired or replaced by those involved. Proposed fences that border HOA common area, particularly greenways, may be subject to

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additional setback requirements in order to preserve the views and open nature of the existing greenway.

Materials: Recommended fencing materials are black metal (wrought iron appearance), and wood materials like treated wood, cedar and redwood that are naturally resistant to deterioration. Other materials may be acceptable if they are of a quality that will retain their original appearance for many years. Brick fencing may be acceptable if it coordinates with other structures on the property. Wire, chain, chain link, or concrete fences are not appropriate and will not be approved.

Style Guidance: Black metal (faux wrought iron) fences are attractive, long lasting, and preserve the open feel of the community. For these reasons, black metal fences are now considered the recommended choice and standard of excellence for our community when fencing is required. Picket wooden fences are acceptable. Fences utilizing vertical flat boards may also be acceptable. The space between boards or fencing materials for any fence design should be 3 ½ inches minimum, or 50% total open space minimum. Typical acceptable fence height is three feet (3') to four feet (4'). Generally, privacy fences are visually unappealing to surrounding homeowners, not preferred and will rarely, if ever, be approved unless bordering a major roadway, or unless it is existing standard practice for a town home or patio home community. **Six foot tall (6') privacy fences are considered by a majority of homeowners to be visually unappealing and obstructive. For this reason, six foot tall privacy fences are discouraged, and in most cases, will be denied. Privacy fences currently installed in our community are not a precedent to justify future requests.** (Landscaping and vegetative buffers can often be an effective and attractive alternative to construction of a tall or opaque fence intended mainly for privacy.) A general guideline is that fences that promote the most open appearance and are least opaque, and fences that are shorter rather than taller are more likely to be approved. The “finished” side of wooden fences must face outward (supporting infrastructure must be inside the fence). Any stains applied to wooden fences must be approved.

Upkeep: Fences must be well maintained at all times. Homeowners may be required to repair or remove fences that fall into disrepair or that become unsightly in appearance. Some fences will only be approved with the inclusion of a “sunset clause”, which means the fence will be approved for a limited number of years, commonly 3 to 5 years. At that time, either re-approval or removal of the fence will be required. This approach is intended to prevent fences from being left in place after their intended purpose no longer exists or if their appearance has been allowed to degrade. Staining of wooden fences may be required if necessary to maintain or improve the appearance of the fence. Any existing or previously installed fence that becomes unsightly or is in a state of disrepair must be addressed or will be cited for violation under our HOA guidelines.

Landscaping: Considerable landscaping may be required for approval of some fences. This particularly applies to fences that are substantially visible from common area property, streets, greenways, or by other residences. It may also depend on what style or material of fence is chosen. Homeowners should address plans for landscaping in their initial submission for a fence. It is recommended, and may be required, that 30 – 50% of the fence surface area be obscured by a vegetative buffer within 3 to 5 years of

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installation. If such a requirement is a condition of approval, failure to meet that requirement going forward may result in retraction of the approval, rendering the fence an unapproved architectural change.

Pets: Containment of a pet will not automatically constitute justification for a tall or out of place fence, and the guidelines will apply. Some fence requests are predicated on the idea of containment of barking dogs. A fence is not considered an effective solution to a barking dog being left outside. It is the homeowner's responsibility to control their pets. Barking dogs are a violation of Town of Cary ordinances, and homeowners are encouraged to seek relief from barking dogs according to those ordinances. If no relief results from the Town of Cary process, it may be possible for home owners to seek assistance from the HOA on the basis of a nuisance property or quiet enjoyment violation.

No Precedent: Approval of a particular style and size of fence on any lot in no way constitutes a precedent for the acceptability of that particular style and size fence. Each request for the installation or upgrade of a fence will be evaluated on an individual basis for its suitability for the particular home, lot and location.

9. Fuel tanks, rain water tanks, rain barrels, and other storage tanks

Tanks of any type require approval and must be located in the least conspicuous place practical, preferably in the rear or most obscure side of the residence. Tanks should be screened or camouflaged from view from the street and the views of all neighbors and from the greenway trails. Submitted plans should illustrate any appropriate screening.

10. Landscaping, hedges, trees, drainage changes, plant-based privacy screening

Landscaping of a minor nature such as changing styles of turf grass, naturalizing an area of yard in a well-kept manner, or adding trees, shrubs and flowers does not require approval.

Landscaping that is structural in nature, changes the contour of the land, obstructs a neighbor's view of common areas, creates a visual screen or barrier, or creates an abrupt and highly distinctive transition in the overall neighborhood appearance requires approval.

Installation of landscaping timbers, railroad ties, and similar materials used for curbing requires approval.

11. Lighting

Low voltage landscape lighting, accent lighting, and normal wall mounted residential lighting fixtures that provide area lighting and do not direct flood or spot lights beyond property lines do not require approval.

All other types of lighting including post lamps, security, or special purpose lighting require approval. Lighting should be installed in a manner so that it does not shine directly at neighbor's windows or constitute a nuisance to any adjacent property owners.

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The Town of Cary has lighting standards that prohibit exterior lighting from producing a 'glare' on any public street or right-of-way and prohibits installation in any street right-of-way. Remember that often in our neighborhoods the Town of Cary has an easement covering approximately ten feet (10') of front yards along public streets as right-of-way.

12. Mailboxes

Only mailboxes exceeding fifty-six inches (56") in height or fifteen inches (15") in width require approval. Mailboxes must be in good repair, including structure and paint.

13. New structures on the lot of any home, townhome, or condominium

All new structures not individually described in these guidelines require approval.

14. Nuisances

No offensive activity shall be allowed on any property that may be considered an annoyance or nuisance to the neighborhood. No trade materials or inventories may be stored upon the premises. No commercial vehicles may be stored or regularly parked on the premises except in garages. No business or trade activity of any kind shall be carried on upon any property.

15. Parking

As dictated in the covenants, adequate off-street parking must be provided for all vehicles associated with each property. Parking areas must be of a hard surface provided for that purpose, and cars, campers, trailers, or boats should not be parked in yards, mulched areas, or other soft-scape areas. Parking facility additions require approval and must be constructed of concrete, brick or stone paving. Asphalt, gravel, and other materials are considered less desirable. Kildaire Farms has a community owned facility for parking boats, campers and trailers. Please contact our community management company for details and availability.

Parking vehicles of any kind on cul-de-sac medians or other common area properties is strictly prohibited.

Please see the Kildaire Farms "Parking Policy" for additional information.

16. Pet facilities (houses, runs, pens, etc.)

All pet facilities require approval and must be placed to limit public view and inconvenience to neighbors. Construction materials must complement and blend in with existing structures and landscaping. Chain link or woven wire pens and runs are not allowed. Buried electronic pet fences completely on individual lots that do not adversely impact landscaping do not require approval. Poultry is strictly prohibited from Kildaire Farms properties as dictated by our Covenants. Therefore, chicken or other poultry houses will not be approved. Some pet facility requests are predicated on the idea of containment of barking dogs. Like fences, outdoor pet facilities are not considered an effective solution to a barking dog being left outside. It is the homeowner's responsibility

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to control their pets. Barking dogs are a violation of Town of Cary ordinances, and homeowners are encouraged to seek relief from barking dogs according to those ordinances. It may be also be possible for home owners to seek assistance from the HOA on the basis of a nuisance property or quiet enjoyment violation.

17. Play facilities (swing sets, play houses, trampolines, jungle gyms, etc.)

All play facilities that are not stored out of sight when not in use require approval. Consideration should be given in locating play facilities to cause the least inconvenience to neighbors and be as harmonious and inconspicuous as possible.

Play facilities constructed of natural materials like wood and with earth tone colors are considered more appropriate in most neighborhoods. It is inappropriate, and neighbors often object to brightly colored play sets in prominent view from the street. Please discuss plans thoroughly with neighbors before submitting a request. The architectural committee will find it easier to approve play structures if neighbors are informed and supportive. Play structures which are approved will typically include a “sunset clause”, which means the structure will be approved for a limited number of years, commonly 2 to 5 years. At that time, either re-approval or removal of the play facilities will be required. This approach is intended to prevent play structures from being abandoned and left to deteriorate after children are older. Removal will be required of play facilities that have been left to deteriorate or that have become unsightly.

18. Privacy screens

Privacy screens are defined as any above grade structures built specifically for screening purposes that do not totally enclose a specific area. Privacy screens require approval and must conform to fence guidelines.

19. Project approved signs

A “Project Approved” or “Tree Removal Approved” sign must be placed on homeowner’s property 48 hours before project activity begins, must remain until the project is completed, and the sign must be returned to HOA personnel upon project completion. Homeowners may be charged for signs not returned.

20. Repairing, repainting, refinishing, and re-roofing with the same color and same type materials

Repairing, repainting, refinishing, and re-roofing with the same color and material does not need approval.

21. Retaining walls and drainage changes

All retaining walls, storm drains, or significant drainage changes require approval. Preferred materials for retaining walls include material with a natural appearance including stone, brick, and treated wood or wood naturally resistant to deterioration. Contour changes must be considerate of potential erosion problems and any impacts on adjacent property.

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22. Satellite dishes and radio or television antennas

Large dishes and antennas greater than three feet (3') in diameter, length, or width are prohibited by most neighborhood covenants. While small satellite dishes do not require approval, the placement or location of the dish must be approved. Small dishes must be installed as inconspicuously as possible and vegetative buffers or privacy screens may be required. Dishes and antennas which are approved include a "sunset clause", which means the dish/antenna will be approved for a limited number of years, commonly 2 to 5 years. At that time, either re-approval or removal of the dish/antenna will be required.

23. Signs

Temporary yard signs (For Sale, Garage Sale, Yard Sale, and political campaign signs) do not require approval. Please display them only as needed and remove them promptly when the event is over.

Address markers on or at the curb or on mailboxes or the front of a residence do not require approval.

Most neighborhood covenants prohibit other types of signs. A request may be submitted if further clarification is desired.

24. Skylights and solar-tubes

Roof mounted devices have a significant visual impact on residences and require approval. Consideration should be given as to how skylights may appear from the street or reflect light towards neighbors. Roof mounted devices should be mounted on roofs so as not to be visible from the street.

25. Solar collectors

All solar collectors require approval and must be installed so as to be as inconspicuous as possible and, preferably not visible from the street.

26. Stored or Inoperable Vehicles

Inoperable or stored vehicles which are either obviously inoperable or do not have current operating licenses, license plates or permits, shall not be permitted on homeowner properties except within enclosed garages. A vehicle will also be considered stored or inoperable if it is put up on blocks, or covered with a tarpaulin and remains on blocks, or is covered with a tarpaulin for more than 7 days without prior approval by the HOA Board. Vehicles that become inoperable while on a property must be removed from the property or stored completely enclosed in a garage within 7 days of becoming inoperable. There are specific Town of Cary ordinances (sections 34-206 and 34-207) pertaining to nuisance vehicles and these will also be enforced as appropriate. Service and delivery vehicles may be parked on homeowner property for such periods of time as is reasonably necessary to provide service or to make a delivery to a property. Violations will be subject to enforcement and fines according to Kildaire Farms policies.

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27. Sport facilities (basketball goals, soccer goals, tennis and volleyball courts, baseball batting nets, etc.)

All sports facilities including freestanding devices that are not stored out of sight when not in use as well as permanent goals, nets, backstops, and facilities require approval. Consideration should be given in locating sports facilities to cause the least inconvenience to neighbor's and be as harmonious and inconspicuous as possible.

Sport facilities which are approved may include a "sunset clause", which means the structure will be approved for a limited number of years, commonly 2 to 5 years. At that time, either re-approval or removal of the sport facilities will be required. This approach is intended to prevent sport facilities from being abandoned and left to deteriorate after children are older. Removal will be required of sport facilities that have been left to deteriorate or that have become unsightly.

28. Storage sheds

All storage sheds require approval. A primary concern regarding sheds is appearance and upkeep. Sheds must match existing structures in materials, roofing, color, and trim. Attention should be paid to door styles, and to adding windows to improve aesthetics. Landscaping or screen plantings around the shed may be required for approval.

Sheds should not infringe upon the setbacks for the lot as listed in the covenants of the individual neighborhood. Sheds should be limited to 10' x 12' in size or smaller. Shed foundations should be permanent in nature or at least permanent in appearance. Use of concrete block, bricks, and concrete for foundations is encouraged. Use of wooden skids or posts, rocks, or loose blocks just on the corners is prohibited. Depending on how high the shed is off the surface of the ground, a crawl space screen may be required. This should be addressed in the architectural submission where applicable.

29. Swimming pools, hot tubs, whirlpools, jacuzzis

All water facilities except portable children's wading pools less than twelve inches (12") in height that are stored out of sight when not in use require approval. In-ground pools and related accessories must adhere to setback provisions, and for safety and aesthetic reasons, must be located within an appropriate approved fence. Pools or related structures must also be in compliance with all city, county and/or state laws. Above ground pools are not allowed.

30. Trash cans

Trash and recyclable bins must be stored beside or behind homes, preferably out of sight from roadways, greenways and common areas. They cannot be placed or stored in front of the house. If stored outside, they must be placed on the side of or behind the residence structure.

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31. Tree removal

Trees are an important part of our community, and are generally impossible to replace once cut down. Some trees have been here longer than anyone living in the community, and the decision to cut them down is a serious one. Once a large tree is cut down, residents for the next 50+ years are affected. We therefore consider tree cuttings to be one of the most important requests we receive.

The ARC has defined the following three categories with respect to requests for the removal of trees that have a trunk diameter of more than six (6) inches in diameter as measured four (4) feet above ground level.

1. Imminent Threat – Removal of trees that have been damaged in such a way as to pose immediate danger to people and/or property does not require ARC approval. These trees may be removed immediately after the damaging event. The homeowner should alert the community manager of the situation. An after-the-fact ARC request should be submitted detailing the nature of the threat along with photographic evidence, if practical. Neighbor signatures are not required.

Note – Removal of trees under a false premise of “imminent threat” may result in the rendering of the tree removal as “Unapproved”.

2. Dead – An ARC request form must be submitted as a means of notifying the ARC of the existence of dead trees, though neighbor signatures are not required. The dead trees should be marked for identification purposes. An ARC member will verify the tree is dead and approval will be provided in an expeditious manner.

3. All Other – All trees that are not dead or that do not pose an immediate threat require architectural approval with neighbor signatures. Trees should be marked for identification purposes. An on-site inspection by ARC members may be necessary if warranted by the scope of the project. Homeowners will be contacted by our management company prior to any on-site inspection.

General guidelines for approved tree removal projects:

- Tree stumps should be ground down or be cut to no more than 6” above ground level. Stumps that are visible from the street must be removed.
- All debris resulting from tree removal activities must be removed from homeowner premises and from common area property in a timely manner. Tree debris left on common area property will be removed at homeowner’s expense. Tree debris left on homeowner property for an extended time will be considered a violation.
- Vehicles, trucks, machinery, etc., cannot utilize Kildaire Farms Greenways or other common area property for tree removal access without prior written approval from the HOA property management company. Homeowners will be responsible for any damages and subsequent repairs to HOA common areas.
- A “Tree Removal Approved” sign must be placed on homeowner’s property 48 hours before tree removal activity begins, must remain until tree removal is

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completed, and the sign must be returned to HOA personnel upon project completion.

The association has the ability to require immediate replacement of any mature trees removed without prior approval, with similarly large mature trees. This is an extremely expensive proposition so please be sure to have prior approval before any tree removal.

Please consult the Kildaire Farms “Tree Removal Policy” for more details on tree removal and on providing documentation on damaged, diseased, or emergency tree removal. Please note, fines can and will be levied for unauthorized tree removal, in keeping with the Tree Removal Policy and the Collections Policy.

32. Vegetable garden plots

All vegetable garden plots in excess of fifty (50) square feet require approval and should be located to be as inconspicuously as possible, usually in the rear of the residence. Vegetable garden plots cannot be located in front of the front building line of the home. Any vegetable plots on the side of a home, regardless of size, which are visible from the street or by neighbors, require approval. Garden plots must not cause erosion or sediment flow on the property of neighbors or the common property of the association. Any garden stakes, trellises, or any other garden structure rising more than 4' above the ground is discouraged, and in any case, should be aesthetically pleasing in nature. In addition, such garden structures should not be taller than any fence or vegetative screens used to hide the garden.