

**Rules and Regulations
Modification Committee
Westchester Lakes Homeowners' Association, Inc.**

Authority Pursuant to the authority vested in the Westchester Lakes Homeowners' Association, Inc. (hereinafter referred to as the Association) Board of Directors under the Declaration of Covenants, Conditions and Restriction for Westchester Lakes, Article I, Section 15. and the By-Laws of the Association, Article V, Section 13.

Purpose The purpose of this regulation is to enforce the rules adopted by the Board of Directors to enhance the quality of life for the residents of Westchester Lakes and to provide for an esthetic appeal in order to maintain and improve property values.

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Definitions- For the purpose of these rules, words and phrases listed below shall have the meaning as indicated.

- a) Modification Committee- (MC) shall mean the committee established by the Board

of Directors pursuant to the covenants with the power and duties to implement and enforce the Modification Rules and Regulations.

- b) Board of Directors- shall mean the duly elected Board of Directors of the Association.
- c) Fence- A barrier used as a boundary or means of protection or confinement.

Rules

1) Structures

- a) **Fences-** No fence or wall of any kind shall be erected, maintained, or altered in any Lot without the prior written approval of the MC. Fences should complement the design, texture, and color of all structures on the same lot. Fences shall be a maximum of 5-1/2 (five and one half feet above grade at its highest point. Fences should include planting to improve appearance. Fences are strictly prohibited in the front and shall be attached, as a minimum, to the rear one-half of the house. Fence style must be open vertical construction with at least 1-inch between vertical slats and not privacy fences. Fences should be constructed of treated wood, (cedar) or durable synthetic wood style or vinyl. Chain linked, chicken wire or barbed wire fences are strictly prohibited in a temporary or permanent manner. No fence shall be constructed within 15 feet of the street, except in the rear yard of a lot or where necessary to block the view of storm water, detention facilities and other unsightly easement areas. See Exhibit "A" for approved types. If an additional design is desired, submit drawing to MC for approval..
- b) **Retaining Walls-** Retaining walls require approval and should complement or match the design, texture, and color of all the structures on the same lot. Each tier of the wall and the wall should be vertically level or staggered back toward dirt being maintained. Retaining should not interfere with natural drainage of the surrounding properties.
- c) **Exterior Sculptors, Fountains & Permanent Flag Poles-** defined as any metal, wood, concrete or like material requiring more than one person to reasonably move it must be approved by the MC. A form is not required to be submitted for a single flag pole attached to the front or side portion of the house. However, an in ground flag pole shall not exceed 30 feet in height.
- d) **Home Additions, Screened Porches & Decks-** All new additions, decks and screened porches must have written MC approval before construction is begun. Roofing materials must be of the same color and style of the existing roof. Framing material and the overall style must be the same as the existing deck or house exterior. Colors must match or coordinate with the existing house colors. Owners are advised that a building permit is required for a deck and must meet the county building code.
- e) **Swimming Pools & Spas-** Swimming pools are not permitted without the approval of the MC. No above ground pools are allowed. All exterior spas/hot-tubs will require the written approval of the MC. This does not include children plastic splash pools six (6) feet or less in diameter that are stored out of sight in off season .
- f) **Recreational Equipment-** All exterior installed recreation equipment and playground equipment shall be installed only in the rear of a lot and approved by the MC. Mobile basketball goals are permitted but permanently installed basketball goals are not permitted. Swings and play areas should be constructed primarily of materials other than metal and all materials used on swing or play area should blend in with natural surroundings.
- g) **Mailboxes-** Mailbox replacements will require MC approval unless it conforms to

the original design or matches one of the mailboxes in Exhibit "B". Mailboxes must be kept in good repair.

h) Signs

i) Not more than one standard size "For Sale" sign; provided, however, that if, at the time of any desired use of such sign, the Association is making "For Sale" signs available for the use of Owners, the signs made available by the Association must be used.

ii) Not more than one political sign having a maximum face area of four feet square (2X2 feet). It may be displayed no more than 30-days before an election and must be removed within 3-days after an election.

i) Detached Buildings

No detached buildings are allowed unless they are part of the original construction as approved by the Architectural Control Committee.

j) Play Houses/Tree Houses

A form is not required if Play houses and Tree houses are located where they will have a minimum visual impact on adjacent properties and do not exceed 100 square feet.

2) Exterior Maintenance

- a) **Landscape Maintenance-** All maintenance of the Lots and all Structures shall be the sole responsibility of the Owner thereof, who shall maintain said property in a manner consistent with the community-wide standards of Westchester Lakes and the applicable covenants. Each Owner shall keep and maintain each Lot and Structure owned by him, as well as all landscaping located thereon, in good condition and repair, including, but not limited to:
- i) The seeding, watering, weeding and mowing of lawn (all grassy areas);
 - ii) The repairing and painting (or other appropriate external care) of all Structures;
 - iii) The pruning and trimming of all trees, hedges and shrubbery so that the same are not obstructive of a view by motorists or pedestrians of street traffic.
 - iv) All construction debris shall be promptly removed from the homeowner's lot.
- b) **Tree Removal-** No trees that are more than six (6) inches in diameter at a point two (2) feet above the ground shall be removed without prior written consent of the MC. However, no flowering trees greater than two inches in diameter, shall be removed without prior written consent of the MC. This does not apply to dead trees which are to be removed at the expense of the property owner nor to removal of trees damaged by bad weather.
- c) **Erosion Control-** No activity which may create erosion or siltation problems shall be undertaken on any Lot without the prior written approval of the MC of plans and specification for the prevention and control of such erosion or siltation.
- d) **Exterior & Landscape Lighting-** All exterior flood lighting (with the exception of Christmas lights & ground level sidewalk "Malibu" lights) must be approved by the MC unless they do not exceed 100 watts, are white in color or clear, non glare and located to cause minimal visual impact on adjacent properties and streets.
- e) **Exterior House Color-** Repainting of the exterior of the house must be approved by the MC prior to the project beginning unless the original colors of the house are matched. When repainting with new colors, samples (color chips) for MC approval will be required for the predominant color as well as the secondary colors. The

exterior colors should be compatible and harmonious with the colors of the other homes in the neighborhood. Highly reflective colors shall be avoided. A minimum number of exterior colors shall be used. When more than one color is used, one shall be clearly dominant. Secondary colors shall be compatible with dominant colors, limited to architectural details such as fascia frames and other building trim. High contrast colors, when used on structures shall be limited to major architectural elements such as entry doors. The exterior color of adjacent homes shall not be the same.

- f) **Roofing**- Re-roofing will require written MC approval unless the style and color of the original roof is matched; Shingle sample and color brochures will be required for submission for to the MC for approval if different from the original color and style.
- g) **Vegetable Garden** - A form is not required for a vegetable garden plot if all of the following conditions are met:
 - (i) The plot is located behind the rear of the house.
 - (ii) The size is limited to 150 square feet or 1/4 of the rear lot, whichever is smaller.
 - (iii) The debris is cleaned up in the garden plot after the growing season.
- 3) **Satellite Dishes & Antennas** - Satellite dishes may not exceed 18" in diameter, must be located in the rear of the house, if possible, to minimize visibility from the front of the house. Free standing antennas (i.e.; ham radio antennas) are strictly prohibited. Approval on the placement of the antennae shall be obtained prior to installation if there is a question as to location.
- 4) **Roads & Driveways** - No road or driveway shall be constructed or altered on any lot without the prior written approval of the MC of plans and specifications for such roads and driveways. All driveways must be of concrete construction.
- 5) **Recreational Vehicles, Trailers, Nonoperable or Unused Vehicles, Commercial Vehicles** - No school bus, recreational vehicle, camper, truck with camper top, habitable motor vehicle, boat or boat trailer, trailers of any kind, or like equipment shall be allowed on a permanent basis, but shall be allowed on a temporary basis not to exceed 7 consecutive days nor more than 30 cumulative days in one year. Any such vehicle, boat or trailer will be allowed if stored within a closed garage. Any commercial vehicle larger than a pickup truck, nonoperable or unused vehicle or like equipment shall be allowed on a temporary basis not to exceed 3 consecutive days unless such vehicle is stored within a closed garage.
- 6) **Parking on Streets** – Adequate parking for vehicles in garages and driveways has been provided by the original builders. Therefore, automobiles are not permitted to be parked on the street overnight on a regular basis. Temporary parking is permitted during parties or in case of need by the homeowner during daylight hours. However, parking on the street within 20 feet of an intersection is prohibited by state law. No vehicle is allowed to be parked on the grass or a non-paved area.
- 7) **Window Air Conditioning Units** - No window air conditioning unit is allowed to be installed in a window opening.
- 8) **Business Activity** - No business activity shall be conducted on any lot (outside of house) without permission from the board, with the exception of neighbor garage sales. Rockdale county prohibits personnel from outside the home, whether they be clients, customers or employees, from working in a home business.

- 9) **Hearing** - Any homeowner aggrieved by a decision of the Modification Committee may request a hearing pursuant to Article VIII, Section 2. of the By-Laws of the Association.
- 10) **Repeal** - Upon the effective date of these regulations, the Modification Control Committee Design Standards and Guidelines adopted by the Board on March 16, 2001 are repealed. However, all existing violations as of March 16, 2001 grandfathered under the previous rules are grandfathered under these rules.
- 11) **Severability** - Should any part, paragraph, sentence, clause, or phrase of this regulation be declared invalid for any reason, the remainder of this regulation shall not be affected thereby.
- 12) **Penalties** - Failure to obtain approval on any project requiring approval from the modification committee may be subject to a one-time fine of \$150.00 and \$25.00 per day fine for the violation until the violation is corrected or the project approved. Fines may be assessed starting 10 days after due notice by certified mail to the violator.
- 13) **Enforcement** - Pursuant to the authority vested in the Westchester Lakes Homeowner's, Inc. Board of Directors under the Declaration of Covenants, Conditions and Restriction for Westchester Lakes, Article XI, General Provisions, Section 1, and the Modification Rules and Regulations adopted pursuant to the By-Laws of the Westchester Lakes Homeowners' Association, Inc., Article V, Section
- 14) **Effective Date** - These regulations were adopted by the Board of Directors on May 18, 2004 and distributed to all property owners through the US mail.

Application Information - The following exterior modifications do not require a Request for Modification Review Form if certain conditions are met:

- Exterior lighting and flag poles-----Page 2, 1) c)
- Vegetable garden Plots-----Page 4, 2) g)
- Play equipment-----Page 2, 1) f)
- Basketball goals-----Page 2, 1) f)
- Play houses/tree houses-----Page 3, 1) j)
- Painting of structure with original or same colors-----Page 3, 2) e)
- Reroofing with same type and color of original roofing-----Page 4, 2) f)
- Mailboxes-----Page 2, 1) g)
- Fences-----Page 2, 1) a)

**WESTCHESTER HOMEOWNER'S ASSOCIATION
REQUEST FOR MODIFICATION CHANGE/ADDITION**

WORK MAY NOT BEGIN UNTIL PROPER APPROVAL IS GIVEN,

Date Submitted: _____

Owners Name(s) _____

Address-

Home Phone - _____ Work Phone - _____

Description and EXACT LOCATION of Improvement proposed (Please include architectural drawings, sketches, pictures, contractor's specifications, site plans, list materials, etc. if applicable):

Proposed Start Date: _____ Proposed Completion Date: _____

Note: Remember to allow appropriate time for approval. The Modification Review Committee may take up to Thirty (30) days to review plans and specifications.

Return Form To: _____

MODIFICATION REVIEW COMMITTEE ACTION

Date Received: _____ Date Reviewed: _____

() Approved () Conditional Approval* () Denied*

*Requires Explanation-

Approved By Modification Committee Members:

Signature: _____

Signature: _____

Signature: _____