

# MCKAY'S MILL MASTER HOMEOWNERS ASSOCIATION RULES AND REGULATIONS

## I. APPROVAL PROCEDURE FOR ARCHITECTURAL CHANGES TO HOMES AND PROPERTY

- A. The homeowner shall submit the DRC request form to their respective Design Review Committee (DRC) for consideration.
- B. If the respective DRC concurs with the homeowner, then the homeowner has the approval to proceed. However, if the proposed renovations/changes are not in compliance with the approved policy, then the Design Review Committee shall deny the request.
- C. If the respective DRC denies the proposed changes as not in compliance with the approved policy, then the homeowner shall submit the proposed action to the Master Association Development Review Committee (MADRC) for approval. The homeowner may also make changes to bring the proposed work in compliance with the approved policy. If this is the approach, then the request form shall be resubmitted to the DRC.
- D. If the MADRC approves the variance from the approved policy, then the homeowner shall proceed with the changes with the Property Manager/respective DRC providing a final inspection.
- E. However, if the MADRC denies the request, the homeowner may make changes to the proposal and resubmit the proposed action to the DRC
- F. If the homeowner prefers to appeal the MADRC decision, then the homeowner shall appeal this decision to the Master Association Board of Directors (MB). The decision of the MB is final.

Master Board Approved October 5, 2021

## II. EXTERIOR PAINTING – APPROVAL OF PAINT COLOR

- A. Paint color for all outside painting shall be approved by the respective subassociation HOA Design Review Committee (DRC). This includes painting of home trim, decks, patios, garage doors, separate buildings, etc.
- B. The palette of exterior paints and stains for each residence shall be selected to complement, coordinate, or harmonize with the colors of building materials which are used in their “natural” state, such as brick, stone, copper, etc. Further, approval of specific paint colors or schemes shall focus on the home’s architecture, color of stone or brick, accents (doors, shutters, etc.), roof color landscaping, colors & schemes of adjacent homes and the surrounding neighborhood area. A color and material combination package shall be submitted to the respective DRC for approval.
- C. The condition of McKay’s Mill homes and separate structures shall not display a lack of maintenance such that the home negatively detracts from the home’s appearance and that of the surrounding neighborhood. This means there shall not be noticeable peeling, cracking, oxidation and fading of exterior paints and stains.
- D. In selecting paint colors, it is strongly recommended that the new paint color be as close to the original color as possible. This includes the color for garage doors. Outlining the garage door in a contrasting color is acceptable. Checkerboard designs are prohibited.
- E. If homes have multiple color schemes, then new colors shall maintain the multiple schemes as much as possible.
- F. No unpainted sheet metal shall be left unpainted. This includes roof vent caps, wall caps, louvers, chimney, flashing, valley flashing, etc.
- G. Color and scheme selections shall be submitted to the respective McKay’s Mill HOA’s Design Review Committee. Current pictures of the house displaying colors is encouraged but not required, especially if there is a request to change the house paint color. Failure to submit all the required information shall result in the application being returned.
- H. Driveways and sidewalks shall not be painted or stained. Sidewalks shall be sealed only with a clear sealant. Brushed concrete driveways shall be sealed only with a clear or light grey sealant. Aggregate driveways shall be sealed with only a clear, grey, or brown sealant.
- I. The application for painting shall include the manufacturer’s paint color name and number. For each color, advise of the location for the color.

- J. As an alternative to assigning this responsibility to the respective McKay's Mill subassociation HOA, each subassociation HOA shall appoint a committee of three from the respective association to review each paint application. The respective DRC or assigned committee shall review the proposed colors for each location to include a visit to the home to be painted and the surrounding homes. Approval of the proposed colors shall focus on harmonization and consistency within the immediate neighborhood.

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### III. VEHICLE PARKING

This rule and regulation prescribes vehicle parking for all vehicles in McKay's Mill.

- A. The use of the term vehicle any time in this policy shall include, without limitation, motor homes, boats, trailers, motorcycles, scooters, trucks, campers, buses, all-terrain vehicles, mobile homes, automobiles, and other motorized vehicles.
- B. Boat trailers, house trailers, horse trailers, trailers, campers, motor homes, recreational vehicles, etc. shall not be stored on any homeowner's lot for longer than ten (10) days, unless in a garage. If more time is needed, this shall be negotiated with the McKay's Mill Property Manager.
- C. Maintenance or repair of vehicles shall not be performed at any location on the homeowner lot, unless performed in a garage, except in emergency situations. In emergency situations, any repairs shall be completed within ten (10) days from its immobilization point or the vehicle shall be removed by its owner.
- D. Junk vehicles, inoperable vehicles, unlicensed vehicles not for immediate use, or vehicles of any kind in disrepair, shall be kept parked in the homeowner's garage. Parking of such vehicles shall not be kept parked at any location outside the homeowner's garage.
- E. Storage pods/moving pods/dumpsters shall be used only when needed during home construction/renovation projects. These shall be used for a maximum of six (6) weeks with the concurrence of the McKay's Mill Property Manager. Homeowners shall provide documentation of the construction/renovation project to achieve approval.
- F. McKay's Mill homeowners experiencing visits by relatives/friends, who are traveling with campers, motor homes, or recreational vehicles shall advise the McKay's Mill Property Manager of the pending visit dates. The Property Manager may approve a maximum of ten (10) days for the parking of the mobile home or recreation vehicle at the homeowner's driveway.
- G. With consideration of the many McKay's Mill homeowners who regularly walk in our neighborhood, the blockage of sidewalks with a parked vehicle should be avoided.
- H. In those situations where the homeowner has more vehicles than can be parked on the driveway/in the garage, parking anywhere on the homeowner's grass shall not be practiced. If additional parking space is required, then the driveway shall be expanded.

- I. Any homeowner who has situations different than those described above shall provide the McKay's Mill Property Manager the pertinent information regarding the situation that is different than those above for a remedial resolution. If the Property Manager does not concur with the requested resolution, this decision may be appealed to the Master Board.

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#### IV. DECK/PATIOS/SWIMMING POOLS

- A. Permits are required for the installation of a swimming pool, hot tub, spa, or similar product which can hold water at a depth of 24 inches or more.
- B. Excavations, footings, and slabs shall be inspected.
- C. Any, and all, electrical wiring and connections require a permit and inspections.
- D. Plumbing lines and PVC to pool shall be installed by a licensed plumber and inspected if lines are to be connected to the City of Franklin water systems. A separate plumbing inspection will not be necessary if lines are not connected to the City of Franklin systems.
- E. A temporary safety fence shall be installed during construction of in-ground pools.
- F. Water cannot be added to the pool until the permanent fence/barrier is installed. See Figures 2, 3, and 8 in the Appendix to the Design Review Process found at the McKays Mill web site for fence/barrier and gate requirements.
- G. If the pool excavation fills with rainwater prior to installation of the pool, the excavation shall be drained.
- H. A pool alarm shall be installed as per TN Code Annotated §68- 14-801 thru 807 for any residential swimming pool 36 inches or more in depth. A building application submittal for a pool permit shall include an invoice indicating a swimming pool alarm will be installed prior to the completion of the project. Effective January 1, 2011. Note: Barrier requirements city codes available at the Clubhouse.
- I. Sun decks, pools, exterior fireplaces or permanent firepits, and patios shall be constructed only in the rear of the residences with prior approval from the SFDRS. All identical replacement structures do not require SFDRS approval.
- J. All mechanical equipment for pools shall be completely screened from view.
- K. All swimming pools shall be enclosed by appropriately designed screen walls or fences and must meet local codes.
- L. No above ground pools or swim spas shall be allowed.
- M. The shape and design of all pools are subject to SFDRS approval.

- N. Night lighting for pools, decks, and patios shall not be directed towards adjacent properties.
- O. Decks and patios are to be designed as an integral part of the residential units. Care shall be taken not to disturb existing trees but to build around them when possible. Decks (including stairs), patios, exterior fireplaces, permanent firepits and swimming pools shall not extend beyond the side corners of the house.
- P. All gazebos or structures shall be designed with style, character, and materials compatible to the residential architecture. No metal or concrete block structures shall be allowed.
- Q. Where decks or patios overhang, stabilization methods shall be followed to prevent erosion below.
- R. No front porch enclosures shall be allowed.
- S. Any structure with a roof shall be designed with style, character, and materials compatible with the residential architecture and existing roof.

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## V. HOME GENERATORS

- A. Home generators shall be installed only after the issuance of a permit by the City of Franklin.
- B. Home generators shall be installed only in the rear of homes. Home generators shall not be seen from the road in front of the home where installed.
- C. Home generators shall not be installed under any other structure such as a porch or deck unless the City of Franklin approves as part of the permit approval.
- D. Home generators shall be installed only on a concrete slab that is not located in an area where water accumulates. The concrete pad shall be even with the soil surface and a minimum of 4 inches thick (4000 lb psi concrete).
- E. Home generators shall be installed at prescribed distances from the home and the appropriate distance from any openings such as windows, doors, vents, etc. to preclude safety issues from carbon monoxide. When applying for the permit from the City of Franklin, safety requirements shall be ensured.
- F. Home generators shall not be installed near any underground electrical, fuel, phone, irrigation, sewer, or water services.
- G. Home generators with internal combustion engines requiring a source of fuel such as an auxiliary tank shall have the auxiliary tank buried. The City of Franklin shall be advised of the size of the fuel tank to be buried.
- H. The application for Single-Family Design Review Committee approval shall include an approved permit from the City of Franklin with an approved contract with the licensed electrician who is to conduct the installation.

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## **VI. ROOF REPLACEMENT**

- A.** Roofing materials refers to the shingle or tile material installed on a building rooftop.
- B.** Replacement of an existing roof with the same material and of the same color does not require Single Family Design Review Committee (SFDR) approval, but the SFDR shall be notified of the action.
- C.** Replacement of an existing roof with a new roofing material or roof color requires SFDR approval.
- D.** Materials shall be limited to clay or concrete tile, slate, asphalt shingles (minimum 195# weight), cool roof shingles in a dark gray or color range that would approximate the color of architectural style and house colors in the homeowner's section of McKays Mill. Metal or Wood shake roofs are prohibited.
- E.** Multiple-ply composition shingles shall have a multi-dimensional appearance and come with a minimum 30-year warranty.
- F.** Rooftop equipment and exposed pipes and flashing shall be painted to generally match the roofing color.
- G.** The use of "Ice and Water Shield" felt (30 lb) at eaves and valleys is an owner decision and does not require SFDR approval.
- H.** Evaluation Criteria for roofing materials include, but are not limited to:
  - 1. Roofing shall be one, consistent color – partial roof replacement with a color that is not an exact match is not permitted.
  - 2. Materials and installation methods shall be appropriate.
  - 3. Colors shall be complementary to the building and other houses in the homeowner's section of McKays Mill.
  - 4. Roofing shall reasonably conform and harmonize with surrounding homes.

## VII. HOME SHUTTERS

This rule and regulation addresses the issue of care, maintenance, and removal of shutters on McKay's Mill homes.

- A. Broken or missing shutters shall be repaired or replaced.
- B. Shutters shall be maintained in an acceptable state of painting. Stains, mildew, peeling paint, etc. are not acceptable on shutters and require immediate correction.
- C. Homes that were built to include shutters shall not have shutters removed. Pictures are available (Google, Realtor.com, etc) that show whether homes previously had shutters. Also, the means for attaching the shutters on a home are normally visible after shutters are removed, further documenting that a home previously had shutters. Where home shutters have been removed, the homeowner shall be required to replace the shutters.
- D. A homeowner, who is making improvements to the front of their house and is submitting for an architectural change/ improvement, may request to remove their shutters as part of their overall request to the respective DRC. A request shall be approved only if the homeowner can guarantee that there will be no residual evidence that shutters were ever present on the house. This includes removal of anchors and filling in of any anchor holes with matching mortar on brick houses or filler on siding. The homeowner shall guarantee that any house discoloration due to the removal of the shutters (i.e. where natural weathering shows due to the shutter removal) will be corrected. For example, this could include replacement or painting of the entire siding to get rid of any markings.

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## VIII. SOLAR PANELS

### A. INTRODUCTION

Each McKay's Mill homeowner is required to maintain the exterior appearance of his/her property in a manner that projects the quality of our homes. This requirement is established through the rules and regulations which establish the standards for ensuring a well-kept and desirous place in which to live, including normal upkeep standards as well anything added to a home following initial construction.

The installation of energy saving devices into and on homes represent actions that are to be commended in the context of saving energy. Solar panels are just one example of devices that meets this goal. The McKay's Mill Master Association (MMMA) does not want to prevent the use of solar panels or any other devices that save energy. However, the MMMA maintains that it is important to ensure that these devices are reasonably controlled as to appearance and location to protect neighbors and the community, as a whole, from unsightly equipment and/or installation. With this objective in mind, the following guidance about solar panels is to reasonably address the use and location of solar panels to protect home values and aesthetics in McKay's Mill.

### B. REGULATION

The following regulation applies to solar panels which due to installation and use location are or may become visible from other McKay's Mill locations, including streets, neighboring yards, and homes.

#### 1. APPROVAL OF INSTALLATION

- a. With the application for approval of solar panels, detailed plans for installation and placement shall be included. Included shall be illustrated information on the proposed system which includes materials to be used and drawings showing the location and number of collectors, the attachment to the roof structure, the location of exterior system components, and color of the roof material and proposed color of the solar panel equipment.
- b. Required permits from the City of Franklin and/or Williamson County are solely the responsibility of the homeowner and shall be obtained before

installation begins. If permitting dictates changes in the design originally approved by the Single Family Design Review Committee, then the changes shall be submitted for re-evaluation. The Single Family and Master Associations recommend that the homeowner use an installer which is a licensed solar equipment contractor. The Associations and their Boards have no expertise regarding solar panels and the Association's approval for installation of solar panels is not a representation that the system chosen by a Homeowner is safe to use or is compatible with the Homeowner's roof. The Homeowner assumes and bears all risks regarding installation and use of solar panels.

## 2. INSTALLATION

- a. Solar panels shall be installed only on the rear roof of a McKay's Mill home and shall not be visible from any street. This does not include alley ways.
- b. Due to the close proximity of many homes within McKay's Mill to each other, and the understanding that McKay's Mill was designed that the houses in each subdivision would have a standard look, it is imperative that this goal is maintained to the extent possible. With this in mind, proposed solar panels that are lower in elevation to adjacent properties that would have direct sight lines from an interior window higher than the proposed solar panel will be discouraged and thus subject to closer scrutiny and likely not be approved.
- c. Solar panels shall not be installed on the ground.
- d. Panels shall be installed so that the panels are flush-mounted and centered on the back side of the house.
- e. Solar panels shall be installed directly to the roof deck. If installed on or over the existing roof, the panels shall be flush with the slope of the roof. The panels shall not break the roof ridgeline.
- f. Solar panels shall be positioned as low as possible on the roof extending wider rather than higher on the roof plane.
- g. Solar panels, including any other part of the equipment, shall not be higher than the roof peak.

## 3. FINISH

The color of all equipment mounted on the roof (excluding the face of the solar panels) shall be selected to match the roof color to the extent possible. Any exposed surfaces, including any frame or supports for panels shall be painted to match. If aluminum is used in any way, then it should be anodized or otherwise color treated to blend into the roof as much as possible.

#### 4. MAINTENANCE

The Homeowner is responsible for ensuring that the surfaces of panels and all associated equipment is appropriately maintained to prevent peeling and cracking of paint, loss of coloration, and other deterioration to the point where the surfaces become unsightly and/or incompatible with the aesthetic standards of McKay's Mill.

#### 5. SOLAR GLARE

While current solar panels are designed to minimize solar glare, there remains the possibility, depending on the proximity of adjacent homes, that these adjacent homes could be negatively impacted by installation of the solar panels.

#### 6. APPROVAL

If an approval is issued, the Homeowner shall be required to sign a statement accepting sole responsibility for any solar glare that impacts any adjacent homes, discoloration, peeling of paint, or structural damage to the subject home. Further, this statement shall further state that homeowner will indemnify, defend and hold the Single Family Association Board, the Master Association Board, Montgomery Place Board, or any of the McKay's Mill Home Owner Association harmless from any legal proceedings over the installation or effects of the solar panels.

To accomplish the above, a Supplemental Application for solar panel installation shall be required. The Supplemental Application shall include an acknowledgement of the homeowner's responsibility for issues of solar glare, discoloration, peeling of paint, or structural damage to the subject home as a term of the application. Further, this Supplemental Application shall include acknowledgement that the HOA granting the application is not granting, nor should this approval be construed as the granting of either a solar easement or solar access pursuant to T.C.A. 66-9-201, et. Seq

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**IX. TREES: REQUIRED TREES, INITIAL TREE PLANTING, DEAD TREE REPLACEMENT/REMOVAL, AND SIDEWALK TRIMMING**

This rule and regulation addresses the required trees for each McKay's Mill single family home, initial planting of trees in new locations, replacement of trees that have died (whether required or not), and the trimming of trees near sidewalks.

**A. DEFINITIONS:**

1. Maintenance: Installation, removal, replacement, and trimming of a tree or trees
2. Street tree: A tree or trees located between a sidewalk and the street
3. Yard tree: A tree or trees located between a sidewalk and a respective house and is in front of the house, between the house side boundaries
4. Side street tree: A tree or trees located on the side of a house on a corner lot between the sidewalk and the street
5. Side yard tree: A tree or trees located on the side of a house on a corner lot between the sidewalk and the house
6. McKay's Mill Tree List: An approved list of acceptable trees that can be used by McKay's Mill homeowners

B. Maintenance of street trees along Liberty Pike, Market Street, Oxford Glen, and Turning Wheel (North only) ("Arterials") in McKay's Mill is the responsibility of the McKay's Mill Master Homeowners Association.

C. Maintenance of yard and street trees on all other roads in the yards of homeowners are the responsibility of the respective homeowner. Yard trees exclude landscape trees and are located anywhere in the front yard beyond seven feet from the front of the house as measured perpendicular to the street. In addition, homeowners of corner lots are also responsible for street trees located on their property and on the side of their home.

D. When homes in McKay's Mill were built, the builder agreed to a City of Franklin Landscape Plan which defined the required trees for all homes. At the time each section of McKay's Mill was completed, the builder had to ensure that all required trees were planted before the City of Franklin approved the transfer of the development to the

home-owners association. A copy of these plans is available at the City of Franklin and at the Master HOA. These plans provide the basis for tree requirements and locations in McKay's Mill.

- E. For corner lots, in most cases, the plans provide for two street trees, two yard trees, two side street trees, and two side yard trees. For corner lots, it is recommended that the homeowner maintain two street trees and two yard trees in the front and two street trees and two yard trees on the side. It is required there be at least one street tree and at least one yard tree in the front and at least one side street tree and one side yard tree on the side. This same principle is applicable for those few homes that have streets on three sides of the home.
- F. For non-corner lot homes, it is recommended that the homeowner maintain two street trees and two front yard trees. It is required there be at least one street tree and at least one yard tree for each home.
- G. Exceptions to the above policy includes:
  - 1. A home that was not required to have street and/or yard trees per City of Franklin Landscape Plans when the home was built will not be required to have street and/or yard trees.
  - 2. A home that had only one required street tree at the time the home was built is required to have at least one street tree.
  - 3. A home that had no required street trees when the home was built is not required to have any street trees.
  - 4. A home that has obtained a tree exception from the Master Board is required to adhere to that exception.
- H. Only trees on the McKay's Mill Tree List shall be used for the planting in new locations or replacement of trees. All trees to be planted shall be a minimum of 2 inches caliper. A list of approved trees is available at the McKay's Mill web site.
- I. Initial Tree Planting
  - 1. All trees planted in new locations by the respective homeowner shall be on the McKay's Mill Tree List.
  - 2. In planting trees in new locations on the homeowner property, location with respect to neighbor's home and property shall be a primary consideration. Remember to "Call before you dig." Additionally, the seven-foot requirement stated above must be practiced.

J. Tree Replacement – Street, Yard, and Side

1. Dead or damaged street and yard trees on a given lot are the responsibility of the respective homeowner. Dead or damaged trees shall be removed (including the stump and roots) and replaced at the homeowner's expense. Trees with dead tops shall be removed (including the stump and roots) and replaced at the homeowner's expense.
2. Installation of replacement trees shall adhere to the requirements stated in the "Initial Tree Planting" section.
3. If there is to be no replacement (with concurrence of the Master Association Board), the stump and roots shall be removed, the hole filled with dirt, and the entire area shall be replaced with grass seed or sod at the earliest accepted seeding or sodding time.
4. Circumstances for a particular lot may dictate that trees – street, yard, or side —are not appropriate. In this case, the homeowner shall request approval for an exception to the stated policy from the Master Association Board. Only the Master Association Board can approve an exception to the stated policy.

K. Replacement of Dead or Dying Trees (other than street, yard, or side)

Dead or dying trees (other than street, yard, and side street) shall be replaced (homeowner option) or removed at the expense of the homeowner. For replacement or removal, the stump and roots shall be removed before planting another tree or before establishing grass.

L. Sidewalk Tree Trimming

Homeowners are responsible to ensure that any trees on their property that overhang sidewalks are trimmed to provide clearance of at least 6.5 feet above the ground such that most anyone walking on the sidewalk is not obstructed from staying on the sidewalk and/or injured due to low hanging branches.



## X. GARBAGE CAN STORAGE AND STREET TIME

This rule and regulation addresses the issue of garbage can visibility, whether on the street too long or lack of a non-visible storage location.

- A. Only approved municipal waste and recyclable containers shall be used for the storage of waste and recyclable material.
- B. These municipal containers, when not on the street for pick-up, shall be hidden from view such that they cannot be seen from the street, down either side of the home from the street/sidewalk. Potential options for blocking the sight of the trash cans from the street include placing in garage, placing behind shrubbery (only those species found on the McKay's Mill List), or building an approved screen to block the sight of the trash cans from the street. A list and picture of approved screens is available from the McKay's Mill Property Manager and/or the McKay's Mill web site.
- C. Trash for McKay's Mill homes is collected once weekly. This collection can take place at any time during the designated day. Normally, trash is collected by the City of Franklin between the hours of 7 am and 5 pm on the designated day.
- D. To comply with the designated collection time, trash cans shall be moved to the street after 3 pm the day before the designated collection day and removed from the street by 7 pm on the designated collection day.
- E. Garbage cans on the street beyond the pick-up period or in any other visible location shall result in a penalty letter to the homeowner. Following the violation, the homeowner has the standard time to respond to the letter before the standard procedure for penalty assessment begins.
- F. All violation notifications after the second notification within a 12-month period from the last violation shall include a monetary fine.

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Examples of Approved Screens are below. This is not meant to be an all-inclusive list but rather



examples of what is considered appropriate.



