

WYNDHAM LAKES
Architectural Control Committee

1. What are the ACC Standards, and what do they mean to each homeowner.

1.1. A significant amount of effort is expended during the master planning of communities like Wyndham Lakes Subdivision. Usually, a major concern is to establish a certain theme and to delineate a standard that will endure during the life of the community. The result is a community with curb appeal, excellent quality of life and sustained property values.

1.2. In order to assure that these objectives were achieved and to assure continuity during community maturation, the developer declared and recorded the original Declaration of Covenants, Conditions, and Restrictions (Declaration) for Wyndham Lakes on August 27, 1987 in Deed Book 4625, Page 315 et seq., Cobb County, Georgia Records.

Declarations are community specific and, when recorded in county land records, become a permanent part of the property record thereby binding all community property owners to the provisions therein. Although residents forfeit a degree of individuality in the enjoyment of their property, the Declarations provide a mechanism to preserve community appearance standards and to maintain property values.

1.3. An essential component of the Declaration is the requirement to create an oversight function to establish and administer architectural and appearance standards of the community. Article 10 of the Declaration established the Architectural Control Committee (ACC) of Wyndham Lakes Subdivision and set forth its jurisdiction, powers, and obligations. It authorized the ACC to draft the rules under which it will conduct the review of proposed changes to the lots and improvements thereon. The Declaration further makes the ACC responsible to the Board of Directors to establish, publish, and administer community specific design guidelines and appearance standards.

The ACC was also empowered to define aesthetic standards for Wyndham Lakes Subdivision and for approving or disapproving any and/or all proposed improvements for the Common Property and any lot including but not limited to:

Dwellings, garages, outbuildings, significant landscape changes, construction or installation of sidewalks or driveways, decks, patios, courtyards, swimming pools, awnings, walks, fences, fountains, flag(s), exterior lights; or any exterior addition, modification, or remodeling/change/alteration to existing structures including (without limitation) the painting or staining of any exterior surface including fences.

1.4. Homeowners are urged to carefully review all provisions of the Declaration and these Standards prior to submitting a request for ACC approval for any changes to any property.

2. Administration of Architectural Control Committee

- 2.1.** The Board of Directors of Wyndham Lakes Subdivision shall establish the ACC which shall consist of the Board unless the Board delegates to other Persons the authority to serve on the ACC. At all times, however the chairperson of the ACC shall be a Board member. The committee shall consist of at least three members who are appointed by the Board.
- 2.2.** The ACC serves at the pleasure of the Board and therefore, has no definitive term of office. Any member may be removed by the Board with or without cause at any time by written notice to the appointee and a successor will be appointed as soon as possible to fill that vacancy.
- 2.3.** The ACC shall meet monthly and as needed. All meetings shall be held at a time and place designated by the Chairperson. In unusual circumstances, the Chairperson may poll members via telephone or e-mail regarding the disposition of pending issues.
- 2.4.** Community Management, Inc (a Property Management company) will assist the ACC with its routine administrative functions as needed, which may include but are not limited to:
 - 2.4.1.** Receiving and processing all complete applications for ACC actions
 - 2.4.2.** Answering questions concerning ACC procedures and otherwise representing the ACC to the property owners and the general public.
 - 2.4.3.** Conducting on-site inspections every week and a written report of findings to the ACC.
 - 2.4.4.** Preparing routine correspondence for the ACC.
 - 2.4.5.** At ACC request and/or Board direction, initiate and coordinate legal actions with Wyndham Lake Homeowners, Inc attorneys.
- 2.5.** The ACC is authorized to establish certain subcommittees to assist in the conduct of its activities. Such units shall serve at the pleasure of the ACC, shall provide advisory information as may be required by the ACC before acting on an approval request and shall not have a vote on ACC issues.

3. **Project Approval Procedure**

Applications for approval of any such architectural modification shall be in writing and shall provide such information as the ACC may reasonably require. The ACC or its designated representative shall be the sole arbiter of such application and may withhold approval for any reason, including purely aesthetic considerations, and the Association, acting through the Board, shall be entitled to stop any construction which is not in conformance with approved plans. The Board or the ACC may publish written architectural standards for exterior and Common Property alterations or additions, and any request in substantial compliance therewith shall be approved; provided, however, each such requested change shall be in harmony with the external design of the existing buildings and Lots and the location in relation to surrounding structures and topography of the vicinity.

The ACC or the Board, subject to the Declaration may allow such encroachments on the Common Property as it deems acceptable.

If the ACC or its designated representative fails to approve or to disapprove such application within forty-five (45) days after the application and such information as the ACC may reasonably require shall have been submitted, its approval will not be required and this subparagraph will be deemed complied with, unless such structure or improvement otherwise is in violation of the Declaration, the Bylaws, the design standards, the Association's rules and regulations, or applicable zoning ordinances.

- 3.1. Prior to commencing any project that requires ACC action, (re: Section 1.3) a Wyndham Lakes ACC application (Attachment 1) must be submitted to the ACC via the Property Manager. Each homeowner's request must include the following items as may be appropriate to the proposed project.
 - 3.1.1. Architectural plans (1/4" = 1.0') showing the foundation plan and all front, rear and side elevations. All proposed changes must be clearly marked. All elevations must show the appropriate finished grade of the lot.
 - 3.1.2. Exterior finish schedule indicating roofing materials, siding, brick, stucco, stone, and all other exterior materials, finishes and textures. These may be noted on the architectural plans and elevation.
 - 3.1.3. Site Plan (1" = 20'0") with topography showing the location of all proposed structures, building setback lines, driveways, walks, retaining walls and open space, all clearly indicated in their appropriate location and to scale. The site plan must also indicate (depict): Areas to be landscaped and areas to be left natural; all situation and erosion control measures. (When a structure is to be added or modified on any lot, before clearing or construction can commence, a member of the ACC must conduct an on-site review of the structure placement with the homeowner or a duly authorized representative.)
 - 3.1.4. Exterior color schedule indicating roofing, stucco, siding and trim colors and /or brick and mortar selections as may be appropriate. Samples of exterior selections may be required, and a member of the ACC or duly

designated representative will be available to consult with the owner on exterior color selections.

- 3.2.** The Property Manager will promptly refer an application to the ACC which will review the request and either approve or disapprove the project. (Article IO of the Declaration delineates the authority for the ACC to disapprove any plans or specifications, and it further specifies some, but not all, of the reasons for issuing such disapproval.) If an application is disapproved, the homeowner may request the ACC to provide the guidance necessary to modify the project to a form that will satisfy the ACC requirements for approval.
- 3.3.** If the ACC fails to act upon a request within the allotted 45 day window, the application is automatically approved (default approval) and the applicant may proceed with the project unless the project is specifically prohibited by the Declaration or these Guidelines. However, default approval will not occur when the ACC requires additional information from the applicant which prevents a decision from being rendered within the ACC allotted 45 days. In this case, the processing time requirement will be suspended until the applicant provides the requested information. When the information is received, the ACC shall have an additional 45 days to render a decision on the application. In the event that the requested information is not received by the ACC within fifteen (15) days of such request, the application will be disapproved and the applicant will be notified of that decision.
- 3.4.** Each request for project approval is unique to the lot to which it pertains. Each request will be evaluated on the individual and unique elements of the project. Unauthorized actions by a homeowner and/or prior ACC action on requests of a similar nature will not serve as a precedent for any subsequent request for project approval. In the event that the ACC or its designated representative disapproves any application an Owner shall have the right to appeal the ACC's decision to the Board of Directors according to the Declaration.

4. ARCHITECTURAL CONTROL GUIDELINES

4.1. Design Guidelines

4.1.1. Requirements for Redecoration, Changes, Additions and Alterations All proposed exterior redecoration, color scheme changes, additions and alterations must be submitted to the ACC for approval and written confirmation of project approval must be received before work commences.

4.1.2. Additions to Existing Structures Any additions to the existing structure including but not limited to garages, sunrooms, or screened porches must meet the following requirements:

Roofs All structures shall be covered with either black or charcoal blend, weathered wood gray, or dark brown fiberglass shingles which match existing construction. Roof pitches shall be 10" in 12" minimum unless otherwise approved.

Exterior Materials Exterior surfaces must match or complement the existing exterior wall surfaces. Subject to ACC approval, any of the following materials may be used:

- Hardwood lap siding or smooth wood which must be painted in approved colors. Samples and color chips will be provided.
- Gray Tennessee fieldstone with natural colored gray mortar joints.
- Brick, as approved by the ACC, with buff or natural gray mortar joints.
- Stucco which is painted or integrally colored. Colors and textures must be ACC approved
- Any other siding material must be approved by the ACC.

Foundation and Retaining Walls All exposed concrete block or poured concrete foundations and/or retaining walls must be veneered with natural stone, brick or stucco to complement the existing structure. Retaining walls constructed of landscape timbers or crossties, if visible from the street, must be shielded or softened by an approved vegetative landscape method.

Windows and Doors All metal windows, doors, louvers, and window screens must be anodized bronze, factory-finished in white or color-matched to house trim color. This requirement applies to changes to existing structures as well.

Sheet Metal Work All sheet metal work (roof caps, flashing, vents, or chimney shrouds) must be painted to match the roof. Gutters and downspouts must be painted in ACC approved colors that match existing

trim. Any stack or plumbing vent that penetrates the roof must be located on the rear slope of the roof.

Fireplaces Any fireplace chase which is visible from the street must extend to finished grade. All chimneys must be topped by a sheet metal shroud which must be painted flat black

4.1.3. Miscellaneous During any construction project, the owner shall ensure that any and all construction, construction materials and debris are confined to that lot. The owner shall further ensure that scrap materials and debris are removed as often as necessary in order to keep the lot safe and visually appealing. No trash shall be burned on any lot.

4.2. Landscaping. Landscaping should relate to the existing terrain and natural features of the lot, utilizing plant materials native to the Southeastern United States. ACC approval of a landscaping project is required when the activity will result in major changes to existing landscaping or when grading or contour modifications are required. The Application for any landscape project must specify a firm completion date.

4.2.1. Grass Front yards (and side yards on corner lots) must be sodden with grass. Any front (and side yard on corner lots) landscape modification which increases lawn area or replaces existing grass type must use grass sod for the new area.

Rear yards may be seeded or left in a manicured natural state which is aesthetically pleasing and completely eliminates the possibility of erosion. If left in a natural state, the resident must ensure that the area is properly maintained so as to prevent the natural area from becoming objectionable to adjoining property owners.

4.2.2. Trees Removal No trees shall be removed from any Lot without the express written permission of the Board, except for diseased or dead trees and trees needing to be removed to promote the growth of other trees.

4.2.3. Retaining Walls ACC approved retaining walls which are included in a landscape presentation may be constructed of decorator blocks, used railroad cross-ties, or chemically treated 6" X 6" or 4" X 6" landscape timbers. Proper erosion control measures must be employed if such installation involves grading or other activities which may produce soil erosion. The wall must be shielded by shrubbery if it is constructed of wood products and is visible from the street.

4.3. Exterior Standards

4.3.1. Color Scheme ACC approval is required prior to changing any exterior paint or roof color.

4.3.2. Fences and Walls All fencing or walls of any type must be approved by the ACC regarding design, construction, location and coloration.

Acceptable fence types include wood privacy fences up to a height of six feet or other installations as may be approved by the ACC. Unacceptable fence types include chain link, rails and wire mesh.

Any fences surrounding a pool must have ACC approval. Installation procedures require that the fence must be attached to the rear edge of the house and must extend to the property line on either side and to the rear of the property. No installation which creates alleyways will be approved. The gap between fences must be no more than 6 inches.

Fences installed on corner lots may not exceed ½ the distance from the house corner to the street side unless approved by the ACC.

No fence may be installed on the front of a property.

All fences must have the finished side facing the outside of the enclosure.

4.4. Miscellaneous Exterior Installations

4.4.1. Driveways, Walkways, and Parking Areas must be paved with materials that are in harmony with the community and as approved by the ACC.

4.4.2. Clotheslines of any sort are not permitted

4.4.3. Storage All Lawn and Garden equipment, portable recreation equipment, canoes, garbage cans, and wood piles shall be kept in a garage or screened by adequate planting or approved fencing so as to be concealed from view by neighboring residences and from the street.

4.4.4. Rubbish, Trash and Garbage All rubbish, trash, and garbage shall be regularly removed from the Lot and shall not be allowed to accumulate therein. No garbage or trash shall be placed on the Common Property, temporarily or otherwise, except as provided herein. Rubbish, trash, and garbage shall be disposed of in appropriate sealed bags and placed in proper receptacles for collection. No such receptacle or rubbish, trash or garbage shall be placed upon the curb adjacent to a Lot more than twelve (12) hours before such items are scheduled to be collected. All receptacles shall be removed within twelve (12) hours of the time upon which rubbish, trash, and garbage was scheduled to be collected or removal from the Lot. When the trash receptacle is not at the curb during the permitted hours, it must be kept in the garage or on the Lot in a location completely out of sight from any street and all adjacent Lots. The Board may establish additional regulations regarding placement of trash cans for pick-up.

4.4.5. Air conditioner Units visible from the street must be screened by an approved method. Window air conditioners are not approved for use.

4.4.6. Swimming pool, hot tub, or spa installations must be approved by ACC.

- 4.4.7. Play equipment. (except basketball goals) must be of wood construction, environmentally friendly and aesthetically compatible, and approved by the ACC as to design and location.
- 4.4.8. Sport fields and courts (to include tennis courts) are not approved for individual residents.
- 4.4.9. Any decorative appurtenances such as sculptures, bird baths, fountains, gazebos or other similar embellishments appropriate for a residential community which will be visible from the street must be approved by the ACC.
- 4.4.10. Antennas and Satellite Dishes. No transmission antenna, of any kind, may be erected anywhere on the Property without written approval of the Board of Directors or the Architectural Control Committee. No direct broadcast satellite (DBS) antenna or multi-channel multi-point distribution service (MMDS) larger than one meter in diameter shall be placed, allowed, or maintained upon any portion of the Property, including a Lot. DBS and MMDS antennas one meter or less in diameter and television broadcast service antennas may only be installed in accordance with Federal Communication Commission (FCC) rules and the rules and regulations of the Association authorized by the FCC, both as may be amended from time to time. Such items shall be installed in the least conspicuous location available on the Lot which permits reception of an acceptable signal. Except as provided by this Section, no antenna or other device for the transmission or reception of television signals, radio signals or any form of electromagnetic wave or radiation shall be erected, used or maintained outdoors on any portion of the Property, whether attached to a home or structure or otherwise; provided, however, that the Association shall have the right to erect, construct and maintain such devices.
- 4.4.11. Solar Energy Collector installations must be approved by the ACC.
- 4.4.12. Exterior lighting must be ACC approved. Seasonal lighting should be tastefully employed.
- 4.4.13. Out buildings must meet guidelines set forth for additions to structures and must be approved by the ACC.
- 4.4.14. Pet Runs are prohibited.
- 4.4.15. Golf Tees putting greens and fairways are not permitted for individual residences.

5. RESIDENCES

The general appearance of each lot and the residence including landscaping, must conform to the level of upkeep that is accepted as community standard. Failure to maintain property to this standard will subject the owner to the imposition of fines and/or liens on the property. The standard includes, but is not limited to:

- 5.1. Over seeding and restoring lawn grasses
- 5.2. Watering, fertilizing, mowing and edging lawn grasses.
- 5.3. Pruning and trimming trees and shrubbery, hedges, and other vegetation so that the yard presents a manicured appearance and the visibility of motorists and pedestrians is not obstructed.
- 5.4. Removal of all "volunteer" or "wild" growth of weeds or non-landscape quality vegetation.
- 5.5. Prompt repair of any barren lawn areas to reduce erosion potential
- 5.6. Renewal of pine straw or bark mulch used in islands or naturalized areas is required at least annually.

6. VEHICLES AND ROLLING STOCK

The following requirements apply to all vehicles in the community:

- 6.1.** Without prior written Board consent, no vehicles may be parked overnight on the Common Property, except in spaces designated as parking spaces by the Board.
- 6.2.** Disabled and stored vehicles are prohibited from being parked on the Property, except in garages. For purposes of this subparagraph, a vehicle shall be considered "disabled" if it does not have a current license tag or is obviously inoperable. A vehicle shall be considered "stored" if it remains on the Property, other than in a garage, for fourteen (14) consecutive days or longer without prior written Board permission.
- 6.3.** Mobile homes, camp trailers, campers, buses, boats, boat trailers, RVs and motor homes shall not be stored or kept for any purpose on any Lot unless such items are stored, kept or parked in the garage or in the rear of the house completely out of sight from any street and all adjacent Lots. No vehicle with an industrial license plate and no truck, trailer or combination truck/trailer with more than two axles or longer than twenty- five (25) feet shall be placed on any Lot.
- 6.4.** If any vehicle is parked on any portion of the Property in violation of this subparagraph or in violation of the Association's rules and regulations, the Board may place a notice on the vehicle specifying the nature of the violation and stating that after twenty-four (24) hours the vehicle may be towed. The notice shall include the name and telephone number of a person to contact regarding the alleged violation. A notice also shall be conspicuously placed at the Property stating the name and telephone number of the person or entity that will do the towing and/or booting hereunder. [f twenty-four (24) hours after such notice is placed on the vehicle the violation continues or thereafter occurs again within six (6) months of such notice, the vehicle may be towed or booted in accordance with the notice, without further notice to the vehicle owner or user.

If a vehicle is parked in a fire lane, is blocking another vehicle or access to another Owner's or Occupant's Lot or dwelling, is obstructing the flow of traffic, is parked on any grassy area or otherwise creates a hazardous condition, no notice shall be required and the vehicle may be towed immediately. If a vehicle is towed or booted in accordance with this subparagraph, neither the Association nor any officer or agent of the Association shall be liable to any person for any claim of damage as a result of the towing or booting activity. The Association's right to tow or boot is in addition to, and not in limitation of all other rights of the Association, including the right to assess fines. Notwithstanding anything to the contrary herein, the Board may elect to impose fines or use other available sanctions, rather than exercise its authority to tow or boot.

6.5. No Owner or Occupant shall park his or her car or other motor vehicle on any portion of the Property, other than in the garage, unless the maximum number' of cars or similarly sized motor vehicles which can be parked in the garage according to its design capacity are already parked in said garage. Garage doors shall remain closed at all times, except for necessary use, ingress, and egress. AU garages shall be maintained in such a manner that parking for the maximum number of motor vehicles for which it was originally designed to hold is allowed and possible; provided, however, that all garage conversions in existence at the time of the adoption of this Declaration, and made in compliance with all of the terms of the Original Declaration, shall not constitute a violation of this requirement. All residents are encouraged to garage vehicles whenever and to the extent possible.

7. **ADVERTISING AND SIGNS**

7.1. Signs Except as may be required by legal proceedings, no signs, advertising posters or billboards of any kind shall be erected, placed, or permitted to remain on the Property without the prior written consent of the Board or its designee except that one (1) professional lettered "For Sale" sign not to exceed two (2') feet by two (2') feet in size may be displayed from the front yard of Lot being offered for sale. Additionally, an Owner can request that the Board display a generic "Home For Sale" sign at the entrance to the subdivision, but Owners shall not be permitted to do so on their own. The Board shall have the right to erect reasonable and appropriate signs on behalf of the Association. The Board also shall have the authority to adopt regulations permitting temporary signs on Lots announcing open houses, births, birthdays or other events for limited periods of time.

7.2. Yard/Garage sale signs shall follow the requirements set forth:
Signs must be out of the right of way
No signs allowed on telephone poles, trees or traffic signs within the neighborhood.
Maximum size of four (4) square feet per sign
Signs permitted two (2) days prior to sale and shall be removed the day after the sale and/or by 8:00 a.m. Monday.
Permit must be displayed upon the request of any municipal officer or citizen requesting identification of proof or permission for the yard/garage sale.
Limit of five (5) directional signs in the neighborhood.
One Yard/garage sale is permitted per calendar year.
Additional requests to have yard/garage sales must have written Board consent not to exceed a total of three (3) in a calendar year.

7.3. Signs that are permitted are the following:
Security Signs
Community/Neighborhood Events
Real Estate as designated in the Declaration
Yard Sales (not to exceed 3 per year)

8. ENFORCEMENT

8.1. Each Owner acknowledges that the members of the Board and the ACC will change from time to time and that interpretation, application and enforcement of the architectural standards may vary accordingly. The approval of either the Board or the ACC of any proposals, plans and specifications or drawings for any work done or proposed, or in connection with any other matter requiring the approval of the Board or the ACC, shall not constitute a waiver of any right to withhold approval or consent as to any similar proposals, plans and specifications, drawings, or matters whatever subsequently or additionally submitted for approval or consent.

8.1.1. Any construction, alteration or other work done in violation of this Paragraph, the Declaration, the Bylaws, the design standards or any applicable zoning regulations shall be deemed to be nonconforming. Upon written request from the Board, a violating Owner shall, at his or her own cost and expense, remove such nonconforming construction, alteration or other work and restore the property to substantially the same condition as existed prior to such construction, alteration or work. Should the Owner fail to do so, the Board or its designees shall have the right, in addition to all other available remedies, to enter the property, remove the violation and restore the property, or obtain a court order compelling the violating Owner to do so. All costs thereof, including reasonable attorney's fees, may be assessed against such Lot.

8.1.2. In addition to the above, the Board shall have the authority and standing, on behalf of the Association, to impose reasonable fines and to pursue all legal and equitable remedies available to enforce the provisions of this Paragraph and its decisions or those of the ACC. All costs of any such action, including reasonable attorney's fees, may be assessed against such Lot. Furthermore, the Board shall have the authority to record in the Cobb County land records notices of violation of the provisions of this Paragraph.

8.1.3. If any Owner or Occupant makes any exterior change, alteration, or construction (including landscaping) upon the Common Property in violation of this Paragraph, he or she does so at his or her sole risk and expense. The Board may require that the change, alteration or construction remains on the Common Property without reimbursement to the Owner or Occupant for any expense he or she may have incurred in making the change, alteration or construction.

8.2. Commencement and Completion of Construction All improvements approved by the ACC hereunder must be commenced within one year from the date of approval. If not commenced within such time, then such approval shall be deemed revoked by the ACC, unless the ACC gives a written extension for commencing the work. Additionally, except with written ACC approval otherwise, and except for delays caused by strikes, fires, national emergencies, critical materials shortages or other intervening forces beyond the control of the Owner, all work approved by the ACC hereunder shall be completed within 90 days of commencement.