

Architectural Control Committee Design Guidelines

PURPOSE

The following "Design Guidelines" have been adopted by the Architectural Control Committee (ACC) of the Oak Ridge Subdivision pursuant to Article II of the Declaration of the Covenants, Conditions, and Restrictions for Oak Ridge Subdivision (Covenants).

The Oak Ridge Architectural Control Committee has adopted these Design Guidelines to assure that any installation, construction, or alteration of any "Structure" on any lot is in conformance with the external design and general quality of the existing standards of the Oak Ridge Subdivision. The term "Structure" is defined for the purpose of these Design Guidelines as follows:

STRUCTURE means:

(A) Anything or object, the placement of which upon any Lot may affect the appearance of such Lot, including by way of illustration and not limitation, any building or part thereof, garage, porch, outbuilding, greenhouse, or covered or uncovered patio, swimming pool, fence, curbing, paving, wall, tree, shrub, sign, signboard, temporary or permanent living quarters or any other temporary or permanent improvement to such Lot; and

(B) Any excavation, grading, fill ditch, diversion dam, or other device which affects or alters the natural flow of surface waters from, upon, or across any Lot, or which affects or alters the flow of any waters in any natural or artificial creek, stream, wash, or drainage channel from, upon or across any Lot; and

(C) Any change in the grade at any point on a Lot of more than one foot, whether or not subsection (B) or this section applies to such change. The Design Guidelines define what is meant by the installation, construction, or alteration of any structure by providing guidance on specific items which the Design Guidelines are being set forth to regulate within the Oak Ridge Subdivision. Please note, however, that other items may exist, which are not listed in the Design Guidelines that will require approval of the Architectural Control Committee. If a homeowner intends to construct, install or alter any structure which is not designated in the list of items included in the Design Guidelines, the homeowner should contact a member of the current ACC to determine if approval

is necessary. Please note that the ACC reserves the right to change, alter, or add to the current Design Guidelines.

In the event of a conflict between the Covenants and the Design Guidelines, the Covenants will prevail.

The Design Guidelines include a five (5) step process which must be used by the homeowner in order for the ACC to approve the installation, construction, or alteration of any Structure.

Any homeowner who installs, constructs, alters, or begins the installation, construction, or alteration of any structure in violation of the Covenants or these Design Guidelines shall be subject to the Enforcement Section, Article II, Section 8 of the Covenants.

5 Step Process to Install, Construct, or Alter a Structure

STEP 1. SUBMIT PLANS

Any homeowner intending to install, construct, or alter a structure on their Lot shall deliver, by mail to Community Management Associates ATTN: Oak Ridge SD, Melody Daniel, 1465 Northside Drive, Suite 128, Atlanta, GA 30318, Phone (404) 835-9201, Fax (404) 835-9201, two (2) copies (each) of the plan(s) they desire to obtain approval for, in step 2, to the ACC.

All plans must be submitted in duplicate, on the Plan Approval Form of the Design Guidelines.

A copy of the homeowner's lot survey shall be attached to both copies of the Plan Approval Form, which is submitted to the ACC to show the placement of a proposed structure on the Lot in reference to property boundaries, house, easements, and/or other pertinent information.

Any pertinent drawings, plans, brochures, pictures, color charts, or other items shall also be attached to the Plan Approval Form when the Lot survey is not pertinent to the installation, construction, or alteration of a structure.

STEP 2. APPROVAL OF PLANS

All plans will be approved, approved with modifications, or disapproved by the ACC in accordance with Article II of the Covenants.

Disapproval of plans may occur when:

- 1) Necessary information is not provided
- 2) The plans fail to comply with the Design Guidelines or Covenants
- 3) Any other matter which, in the judgment of the ACC, would be like to cause the proposed installation, construction, or alteration of a Structure (i) to fail to be in conformity and harmony of external design and general quality with the standards of the Oak Ridge Subdivision as set forth in the Design Guidelines and Covenants, of (ii) as to location to be incompatible with topography, finished ground elevation and surrounding Structures. In any case in which the ACC shall disapprove any plans and specifications submitted hereunder, or shall approve the same only as modified or upon specified conditions, such approval shall be

accompanied by a statement of grounds upon which such action was based. In any such case the ACC shall, if requested, make reasonable efforts to assist and advise the applicant in order that an acceptable proposal may be prepared and submitted for approval. The ACC will approve, disapprove, or approve with modifications all plans within thirty (30) days of receipt of said plans. All approvals, disapprovals, and approvals with modifications will be sent by certified mail.

Any plans disapproved or approved with modifications by the ACC shall be accompanied with a statement which explains why such disapproval or approval with modifications is being made.

Approvals of plans relating to any Lot or Structure are final as to that Lot or Structure and cannot be rescinded.

STEP 3. INSTALL, CONSTRUCT, OR ALTER STRUCTURE

The installation, construction, or alteration of any Structure approved in Step 2 must be completed within ninety days (90) of the intended start date listed on your plan approval form completed for Step 1. A start other than that designated on the plan approval form can be used if notification is given to the ACC in writing. If the installation, construction, or alteration is not started within ninety days (90) of the date of approval must be resubmitted.

STEP 4. NOTIFY ACC OF COMPLETION

The homeowner shall notify Community Management Associates by phone or by mail within ten (10) days of when the installation, construction, or alteration to a Structure, approved in Step 2, has been completed so that it can be inspected by a member of the ACC.

STEP 5. INSPECTION - CERTIFICATION OF COMPLIANCE

The ACC will inspect the installation, construction, or alteration of a Structure to insure conformance with the plans submitted in Step 1 and approved in Step 2. Provided the installation, construction, or alteration of the Structure conforms to the submitted plans, the ACC will provide the owner with a Certification of Compliance.

A Certificate of Compliance will be issued to the homeowner and a copy with the ACC as proof to the owners of a Lot and to any possible purchaser of that Lot, that the installation, construction, or alteration of a particular Structure has been completed in accordance with approved plans. The Certificate of Compliance in no way certifies the workmanship, quality, engineering, or equipment that make up a particular Structure.

DEFINITIONS

*Emergency = any act that compromises the security or sound structural integrity of the house or structure due to acts of nature or vandalism. Structure must fall under definition of replacement.

*Replacement = same style, material, and color as previous article.

STRUCTURES AND ALTERATIONS TO BE REGULATED BY THE ACC

ADDRESS NUMBERS

Address numbers placed on the house shall not exceed six (6) inches in height.

ADDITIONS

Additions to homes must be approved using the **5 Step Approval Process**.

AIR CONDITIONING UNITS

No window air conditioning unit may be located in any part of any structure of accessory structure which is visible from any street, and all exterior compressor units shall be ground mounted and screened by fencing or planting of a density and height to hide the unit effectively. Fencing or planting shall first be approved by the Architectural Control Committee. (Art. VIII, Sect. 17, j)

ANTENNAS (See Satellite Dishes)

No exterior antennas, receiving dishes or similar apparatus of any kind for receiving or transmitting of radio or television signals may be placed, allowed or maintained upon any portion of the Community, including any Lot, without the prior written consent of the ACC. (Art. VIII, Sect. 12)

AWNINGS/OVERHANGS

Awnings will not be approved or permitted.

Overhangs over front and/or back doors must be consistent with construction techniques and materials currently used in the house and must be approved using the 5 Step Approval Process.

BASKETBALL GOALS

All temporary basketball goals must be placed **OUT OF VIEW** from the street when not in use. (Art. VIII, Sect. 15)

BOAT AND BOAT TRAILERS

Boat and Boat Trailers will not be parked in driveways. Boat and Boat Trailers will be parked in the garage or behind the rear line of the house and out of view from any street. (Art. VIII, Sect. 14)

CARPORTS

No carports will be permitted or approved. (Art. VIII, Sect. 7)

CLOTHESLINES

Strictly prohibited by covenants. (Art. VIII, Sect. 13)

COMMERCIAL VEHICLES

Commercial or service vehicles, except for those performing a service at the residence, must not be parked in a visible manner on the lot. No eighteen (18) wheel truck cabs/trailers are to be parked in the street or driveway, or visible on the lot.

DECKS/DECK ENLARGEMENTS

Deck, Deck Enlargements, and Deck Painting must be approved using the 5 Step Approval Process.

DECORATIVE APPURTENANCES

Any Decorative Appurtenances including, but not limited to, sculptures, birdbaths, poled birdhouses, fountains, gazebos, or other decorative embellishments visible while looking at the front elevation, must be approved using the 5 Step Approval Process.

DOG HOUSES

Must be maintained behind the rear line of the house and if a dog house is to be painted, it must be painted the color of the house. Dog houses must be approved using the 5 Step Approval Process.

DOORS

A. All exterior Door additions or removals must be approved using the **5 Step Approval Process** when the addition or removal involves the physical opening of a new doorway or closing of an existing doorway.

B. All Storm or Screen Doors added to any front Door must be full view Storm or Screen Doors and can be added without approval if the Door frame is the house or house trim colors. Unpainted Doors or Unpainted Aluminum Framed Doors are not permissible.

C. If a homeowner wants to replace any exterior door visible from the street, no prior approval is required. If a homeowner wants to change the style or color of

any exterior door visible from the street, the **5 Step Approval Process** must be used. Emergency replacement (*see pg. 5 def.) does not require prior approval.

DRIVEWAYS

All Driveway replacements or extensions must be approved using the **5 Step Approval Process**.

EXTERIOR SECURITY DEVICES

A. Exterior/Interior security devices are permitted on any residence or lot with exceptions noted in bullet C.

B. A sign placed on the lot or the exterior of the residence stating that such residence is protected by a security system will not be deemed to constitute an exterior security device, but must be placed near the home and not near the street or mailbox.

C. Window/Burglar bars, and wrought iron driveway gates are not permitted under any circumstance.

FENCES

All fences must be approved using the 5 Step Approval Process. No chain link fences or dog runs will be permitted. All fences must have the finished side facing out.

FIREWOOD

All firewood shall be kept behind the rear line of the house and not visible from the street.

FURNITURE

Ornamental and Lawn Furniture, other than that placed on a front porch, is permitted past the front line of the house, but must be stored away or behind the rear line of the house on a nightly basis.

GARAGE DOORS

All garage doors must be operational. Any broken or damaged door must be replaced, repaired, or repainted immediately.

GARBAGE CONTAINERS

Garbage containers and recycling bins issued by the city of Kennesaw must be stored at the side or rear of the house or in the garage (positioned for minimal visual impact), at the discretion of the ACC, and therefore not in front of the house.

Garbage Cans and Recycling Bins may be placed curbside on the previous evening or day of collection, but must not obstruct the sidewalk, gutter, or the free movement of traffic. All bins must be retrieved from the curb the evening of pickup.

Special storage circumstances can be considered, applicants can submit their requests via the 5 step approval process for review. (Art. VIII, Sect. 17, h)

HOT TUBS AND JACUZZIS

All Hot Tubs and Jacuzzis must be approved using the **5 Step Approval Process**.

LANDSCAPING

Landscaping must be maintained at all times including, but not limited to, weeding, mowing of lawns, pruning of shrubbery and upkeep of mulch and pine straw in beds and berms.

LIGHTING

All permanent exterior Lighting alterations must be approved using the **5 Step Approval Process**. Any motion activated security lighting not exceeding 100 watts is permissible.

Seasonal lighting displays may be installed forty-five (45) days prior to the event date and must be removed no later than thirty (30) days past the event date. This also includes seasonal décor.

Mercury and Halogen Lights will not be approved or permitted.

MAIL BOXES. MAIL BOX POSTS. AND MAIL BOX NUMBERS

All Mail Boxes, Mail Box Posts, and Mail Box Numbers will remain uniform and must conform to the approved Oak Ridge design and color.

1. Posts are to be painted white, mailboxes and post numbers gloss black.
2. Numbers on the post must be on the front of the post facing the street.
3. No additional decoration or information is allowed on the mailbox, with the exception of vining flowers around the mailbox post, which must be properly pruned and maintained.

It is the responsibility of the homeowner to maintain the appearance of the mailbox and post. All damaged mailboxes must be repainted (gloss black) or replaced with the same style as the original. All damaged, stained, and/or miscolored mail posts must be repaired or cleaned. Proper installation and/or repairs must be completed within 30 days of damage.

Mail Boxes must be approved using the 5 Step Approval Process. IDENTICAL REPLACEMENT (*see pg. 5 def.) mailboxes and posts may be installed without further approval.

NUISANCE

No plants or animals or device or thing of any sort whose activities or existence in any way is noxious, dangerous, unsightly, unpleasant, or of a nature as may diminish or destroy the enjoyment of the Community will be permitted. In the case of any plants or trees which cause damage to sidewalks or common areas, it will be the responsibility of the homeowner to correct the damage.

OUTBUILDINGS

One permanent outbuilding is permissible and must be approved using the 5 Step Approval Process. The Outbuilding must be constructed at ground level and be no more than eight feet in height to the eaves. The Outbuilding must be constructed using the same construction techniques and materials as the house, including sideboards, brick, or stucco. The roof must be shingled the same as the house. The Outbuilding main color and trim must be painted the same color as the house main color and trim.

PAINTING

Painting alterations can be made using the **5 Step Approval Process** provided the following information is provided: Exterior color schedule: indicating stucco color, brick color, mortar color, siding color, trim color, shutter color, gutter and downspout color, visible exterior door color, and garage door color. Color changes must stay within guidelines of existing colors.

PATIOS

Patios or Patio Extensions must be approved using the 5 Step Approval Process. All Patios must be located behind the rear line of the house and cannot extend past the side lines of the house.

POOLS

Portable Children's Pools no larger than twelve (12) feet in diameter and eighteen

(18) inches high are permitted without approval. When portable children's pools are used in front of the back line of the house, they must be put away on a nightly basis.

In ground and Above ground pools must be approved using the **5 Step Approval Process**. They must be screened (fenced) from the adjacent property and street. All pumps, filters, equipment, etc., must be placed where it will not cause a nuisance to neighbors and must be screened from view.

RECREATIONAL EQUIPMENT

All permanent Recreational Equipment shall be placed or installed only behind the rear line of the house and must be approved using the 5 Step Approval Process.

Recreational Equipment may be used in front of the rear line of the house if it is put away on a nightly basis. Recreational equipment must not be visible from the street. (Art. III, Sect. 15)

ROOFING

All Roofing must be consistent with existing roofing. If changing the style, color, or material of the roof, you must receive approval using the 5 Step Approval Process.

SATELLITE DISHES

All satellite dishes must be installed behind the front line of the house (preferably on the roof) and must be approved using the **5 Step Approval Process**.

SEMI-TRUCK (EIGHTEEN (18) WHEELER) CABS

No eighteen (18) wheeler truck cabs are to be parked in the street, driveway, or garage.

SIDEWALKS

Sidewalks and Sidewalk Extensions must be approved using the 5 Step Approval Process.

SIDING

Siding materials must be "Hardy Plank Board" or equivalent of original construction Siding and must be approved using the 5 Step Approval Process.

SIGHT DISTANCE AT INTERSECTIONS

- a. All property located at street intersections must be landscaped so as to permit safe sight across the street corners.
- b. No fence, wall, hedge, shrub, or other planting or thing may be placed or permitted to remain where, in the opinion of the Board, it might create an unsafe condition.

SIGNS

As per the covenants, Article VIII, Section 8, Signs: NO sign of any kind shall be displayed to the public view on any lot except one professional sign of not more than one (1) square foot, one sign of not more than five (5) feet advertising the property for sale or rent, or signs. Yard Sale and Garage Sale signs are not to exceed three (3) consecutive days.

SKYLIGHTS

The location and design of all skylights must be approved using the 5 Step Approval Process.

SOLAR HEAT COLLECTORS

Solar Heat Collectors must be approved using the 5 Step Approval Process.

SUN PORCHES

Sun porches must be approved using the 5 Step Approval Process. (Art. VIII, Sect. 17, k)

TENTS

As per the Covenants: Article VIII, Section 7, No temporary building, trailer, garage or building under construction shall be used, temporarily or permanently, as a residence on any lot except as temporary sleeping or living quarters required or desired for security purposes in accordance with plans and specifications therefore approved by the Architectural Control Committee.

TREES

Large tree removal must be approved using the 5 Step Approval Process. (Art. VIII, Sect. 20)

TREE HOUSES

No tree houses will be permitted or approved.

TRAILERS

All trailers must be parked in the garage or behind the rear line of the house and out of view from any street.

WATER HOSES

All water hoses must be neatly stored adjacent to water source when not in use.

WINDOWS

All windows added to, removed from, or replaced from a house must use the 5 Step Approval Process. Windows added or replaced shall be similar to the existing Windows and must conform to current house design and construction methods and materials.

WINDOW TREATMENTS

All window treatments placed in windows that face the front must be colored white or neutral on the surface that faces outward. In other words, all blinds or drapes in front-facing windows must be white or neutral in color and uniform when viewed from the outside. The Window Treatments must also be maintained in good condition when viewed from the outside. There are to be no sheets hanging in windows as coverings.

FINING PROCEDURE

A. Written notice will be delivered to the member by first-class or certified mail sent to the last address of the member shown on the Associations records. They will specify.

i.) the nature of the violation, with a "Friendly Reminder" notice, a "Second Notice" warning of the \$25.00 per day/occurrence fine on the account, or a "Final Notice" where the \$25.00 per day/occurrence is applied as of such date until a written response has been received;

ii.) that the violator may, within ten (10) days from the date of the notice, request a hearing regarding the fine imposed;

iii.) the name, address, and telephone number of the person to contact to challenge the fine;

iv.) that any statement evidence and witnesses may be produced by the violator at the hearing;

v.) that all rights to have the fine reconsidered are waived if a hearing is

not requested within ten (10) days of the date of the notice.

B. The fine to be imposed for any violation is \$25.00 per day per occurrence after receiving the "Final Notice" and not sending a written response ten (10) days after the date on the letter, as specified.

C. If a hearing is requested, it will be held before the Board in executive session, and the violator must be given a reasonable opportunity to be heard. The minutes of the meeting must contain a written statement of the results of the hearing. No fine may be imposed prior to the date that is five (5) days after the date of the hearing.

ENFORCEMENT

A. Each owner and occupant must comply strictly with these rules and regulations (in addition to the bylaws, covenants, conditions, easements, and restrictions applicable to the Oak Ridge Community).

B. The Board of Directors may impose fines or other sanctions for any violations of these rules and regulations (in addition to the bylaws, covenants, conditions, easements, and restrictions applicable to the Oak Ridge Community).

C. Failure to comply will also be grounds for a legal action to recover sums due for damages or injunctive relief, or both. Such action will be prosecuted in the name of the Association or an aggrieved owner.

D. Failure of the Association or any owner to enforce these rules and regulations (in addition to the bylaws, covenants, conditions, easements, and restrictions applicable to the Oak Ridge Community), will not be a waiver of the right to do so thereafter.

E. In addition to any other remedies, the Association (or its duly appointed agents) will have the power to enter upon any lot or any other portion of the Community to abate or remove any structure, thing, or condition which violates the Declaration, bylaws, use restrictions, or these rules and regulations. Unless there is an emergency situation, the violating owner shall be given ten (10) days written notice of the intent to use self-help. Violating vehicles may be towed after giving notice required by law. All costs of self-help, including, without limitation, reasonable attorney's fees actually incurred, will be assessed against the violating lot owner as a special assessment.