

Olde Peachtree Station Homeowner's Association, Inc Architectural Control Committee (ACC) Design Standards, Rules and Regulations

Article I – Authority

- 1.01 Authority to Establish Standards** – These standards are promulgated and adopted in accordance with Article V, Sections 1 to 5 of the Declaration of Covenants, Conditions and Restrictions for Olde Peachtree Station Subdivision (the 'Covenants').
- 1.02 Authority to Remedy Violations of these Standards.** The authority to remedy violations of these standards is contained in Article V, Section 11 of the covenants. The Board of Directors will enforce these standards as dictated by the Covenants, unless specific authority is granted to the ACC by the Board of Directors. In addition, the Board may impose fines in accordance with the bylaws in order to address a violation.
- 1.03 Definitions and Conflict with the Covenants.** Unless otherwise defined in this document, the terms used in this document shall be defined as provided in the Covenants. In the event the terms of this document conflict with the terms of the Covenants, the Covenants shall control.

Article II

Actions Requiring Approval and Procedures for Submitting Requests

- 2.01 Actions Requiring Architectural Control Committee ('ACC') Approval.** Any action involving the installations, constructions, or alterations of any structure on any lot requires prior ACC approval of such action. Common examples of actions requiring prior ACC approval include, but not limited to: erecting fences, recreational equipment (such as basketball goals, swing sets, and playground equipment) retaining walls, buildings of any kind whether attached or

detached from the main dwelling, decks, patios, gazebos, driveways, parking pads, sidewalks, statures, and swimming pools; any addition or change to the exterior colors, form, or materials of any structure; any significant changes to the established landscaping (including any synthetic materials), and the removal of trees as defined in Article V, Sections 5 and 6, and Article I, Section 12 of the Covenants.

- 2.02 Procedure for Submitting Requests to the ACC.** Two copies of all requests, including all attachments, shall be submitted in writing to: OPSHOA ACC Committee, 1475 Buford Dr, Suite 403-182, Lawrenceville, GA 30043, and shall include the following:
- a. A site plan showing the location of all proposed and existing structures on the Lot including building setbacks, open space, driveways, walkways, and parking spaces including the number thereof and all siltation and erosion control measure;
 - b. A foundation plan;
 - c. A floor plan;
 - d. Exterior elevations of all proposed structures and alterations to existing structures, as such structures shall appear after all back-filling and landscaping is completed.
 - e. Specifications of materials, color scheme (Including color swatches), lighting scheme and other details affecting the exterior appearance of all proposed structures and alterations to existing structures;
 - f. Plans for landscaping and grading; and
 - g. Any other information that the ACC may require in order to make informed decisions on the request as defined in Article V of the Covenants.
1. The ACC will make its best effort to respond to typical request that contain all necessary information within 5 calendar days after receiving the request. The ACC may, however, use the full 30 days allowed in the Covenants, especially for complex or controversial requests.
 2. The signature of at least two members of the ACC will be required on responses to all requests, whether approved or not approved.

Article III

General Design and Maintenance Standards

- 3.01** General Evaluation Criteria. Request shall be evaluated, taking into consideration the ACC's recommendations in accordance with the following general criteria; (1) Will the request, if implemented, detract from the resale value of any Lot or from the Development as a whole? (2) Will the request, if implemented, negatively impact the ability of the owners of nearby Lots to reasonably enjoy their property? (3) Will the request, if implemented, cause the structure to be incompatible with the external design, elevation, topography and colors of the Development or of the nearby lots? Requests that generate an affirmative answer to any of these criteria will be denied.
- 3.02** Exterior Maintenance. Exterior surfaces, such as walls, roofs, windows, and doors must be maintained in sound condition, for example, free from holes, loose and rotting materials, peeling and chipping paint, and broken windows and doors. Other exterior surfaces including decks, porches, balconies, fences, and walls must be maintained in good condition and structurally sound. Violations will be reported to the County.
- 3.03** Acceptable Materials. The following materials shall generally be acceptable when used in an appropriate manner; brick, stucco (both masonry and synthetic), hardboard siding, natural stone, concrete, railroad ties, and treated landscape timbers (for retaining walls), cedar and treated pine (for decks and fencing). Other materials may be acceptable as determined by the ACC.
- 3.04** Unacceptable Materials. The following materials shall generally be unacceptable; mill finish (i.e. –unpainted aluminum or wood) windows and doors when visible from the street, cedar and plywood (when used as siding), concrete blocks (unless covered by an acceptable material), and visible wire of any kind when used in fencing, asphalt paving materials. Other material may be unacceptable at the sole discretion of the ACC.
- 3.05** Acceptable Storm Water Control Practices. Grading of all Lots shall, as much as possible given the natural contour of the lot, force all water to the street or into established drainage systems. Changes to grading or to a structures gutter and downspout system shall not force water on to any other lot or increase the flow of water previously flowing on to the lot. Soil erosion shall be controlled.
- 3.06** Acceptable Landscaping Maintenance Practices. Landscaping shall be designed and installed so that it complements existing landscaping on the lot and on nearby lots. Lots at intersections of two or more streets and lots on curves in streets shall not have landscaping that impairs the ability of drivers and pedestrians to see each other. Installation of aggressive spreading plant species at or near the property lines is prohibited. Vegetable gardens shall be limited areas as close as possible to the rear lot line of the main dwelling.

- 3.07** **General Landscaping Maintenance Practices.** Lawns shall be kept cut and neatly trimmed. Reasonable efforts shall be made to control weeds in landscaped area by way of decorative rock or annual replacement of mulch or pine straw. Dead or damaged trees and bushes shall be removed or appropriately pruned. Garden debris, leaves, and grass clippings may be disposed of in the rear of a lot provided they do not blow on to other lots, are unreasonably unattractive, or otherwise a nuisance. This debris may not be blown into the street or storm drains for disposal.
- 3.08** **Setbacks.** No structure shall be erected that violates the setback or easement restrictions contained in the Development plat unless approved by the ACC and, if required, Gwinnett County. Generally this includes the areas within 40 feet of the rear property line. 5 feet from each sideline, and 35 feet from the front building line. The front building line begins about 11 feet from the curb and this 11 feet wide area contains an underground utility easement.
- 3.09** **Other General Standards.** Refer to Article VI, Sections 1 to 15 of the Covenants for standards covering situations such as signs, animals, clotheslines, and miscellaneous fixtures.
- 3.010** **Debris.** Garbage cans shall be stored where they are not visible from the street other than on applicable trash pickup dates and shall be returned to proper storage within 24 hours of scheduled pickup. Barbecue grills, wheelbarrows, lawn maintenance equipment, or tools shall be properly stored and not visible from the street unless currently being used. Debris of any sort including appliances, building materials, rubbish equipment, merchandise, and trash are considered examples of prohibited outdoor storage by Gwinnett County Planning and Development Property Maintenance Ordinances. These items must be kept within a wholly enclosed building. Wholly enclosed buildings do not include carports and porches. An exemption to this standard is the allowance of neatly stacked firewood in the rear or side yards and for personal use only.
- a.** The Board of Directors and the ACC committee has granted permission to homes that have three or more sides of the home visible from the street (Corner Lots) to store garbage cans behind their home. This applies only to garbage cans and does not allow the storing of garbage cans on the sides of the homes.
- 3.11** **Generally Acceptable Colors.** Exterior color has a major influence on the character and appeal of a residence. The color of a unit also contributes to the overall appearance of the neighborhood. Color Selection should therefore be made seeking a balance of personal expression, continuity, and compatibility with the neighborhood. **Siding and stucco colors** may only be muted colors approved by the ACC. **A muted color** is a color toned down with black, brown, or its own complement. Bright or bold colors, which make a residence stand out among a group of residences, is inappropriate. **Trim colors** shall complement the primary color on siding or unpainted material such as brick or stone. Trim colors shall be white, off-white, or beige. Trim colors shall not be bold. **Trim colors** shall compliment to the units primary color. Unless otherwise approved, garage doors shall be considered trim. **Accent colors** may be used on shutters, front doors, and bay window overhangs where applicable. **Generally acceptable accent colors** shall include black, dark brown, dark green, light green, dark gray, dark blue, dark red and maroon. These colors shall complement the primary color of the unit as well as the trim color. Generally acceptable **shingle colors** shall be in the black, brown and gray ranges. If adding new brick or stucco, it shall complement existing colors on the structure, and neither conflict with nor duplicate colors on nearby structures. The colors identified in this article are meant to provide general guidance. Other colors may be acceptable if they complement existing colors on the structure.

Article IV

FENCE DESIGN STANDARDS

- 4.01** **Location.** No fence shall exist in front of a point half the distance between the rear corner of the main dwelling and the front of the main dwelling. Typically approved fences encompass all of the rear property with the home providing the majority of one border. Fences on corner lots may be exempted from this standard by the ACC on a case-by-case basis. Exceptions approved by the ACC.
- 4.02** **Material.** Generally accepted materials will be cedar or treated pine. Chain link and cyclone fences are prohibited. Wire of any kind is unacceptable unless completely obscured by an acceptable material. Wood fences may be left natural, sealed with a clear sealer or waterproofing compounds.
- 4.03** **Construction.** All post and support structure will be placed on the interior of the fence so that they are not visible from the street or nearby lots. When a new fence is being placed so that it will abut an existing fence, every reasonable effort should be made to use material and construction techniques that are similar to or complement the existing fence. The finished (smooth) side of the fences will face outward on all sides of the property.

ARTICLE V

RECREATIONAL EQUIPMENT STANDARDS

- 5.01** **Basketball Goal Location.** Permanent basketball goals shall be set behind the front of the dwelling as such dwelling fronts on the street abutting such lot and shall be subject to the approval of the ACC.
- 5.02** **Basketball Goal Materials.** Permanent basketball goals shall be mounted on a black iron or steel post set in concrete according to the manufacturer's instructions. Backboards shall be clear or white plastic, fiberglass or Plexiglas; or white painted metal or wood. Hoops shall be painted metal with rope net. Chain or wire nets are unacceptable.
- 5.03** **Basketball Goal Maintenance.** As a condition for approval, all basketball goals shall be maintained so they are safe to use and present a neat appearance. Rust shall be promptly eliminated and broken or missing components shall be promptly replaced.
- 5.04** **Portable Basketball Goals.** Portable basketball goals shall be allowed provided that colors and materials follow the same guidelines as permanent goals. Bases must be black or gray. Grass around goals must be maintained.

- 5.05 Other Acceptable Recreational Equipment types.** Other types of recreational equipment that shall generally be acceptable include: metal, plastic, and wooden swing sets, slides and movable play structures, badminton, volleyball, and soccer nets. Permanent or semi-permanent buildings or other structures such as Gazebos, tree houses and similar structures, whether elevated or located on grade will generally be unacceptable unless professionally built using a style, materials and color comparable to the main dwelling.
- 5.06 Other Recreational Equipment Location.** All recreational equipment referenced in Article 5.05 of these standards shall be located behind the main dwelling so that visibility from the street is restricted to the extent possible given the nature of the lot. Badminton, volleyball and soccer net may be temporarily located in front of the main dwelling (without ACC approval) if they are removed within 48 hours after installation. Corner lots and Lots with unusual shapes or topography may be permitted by the ACC to deviate from the standard on a case-by-case basis.
- 5.07 Other Recreational Equipment Maintenance.** As a condition for approval, all recreational equipment referenced in Article V of these standards shall be maintained in good repair so it is safe to use and presents a reasonable pleasing view if visible from nearby lots.

ARTICLE VI

MAILBOX STANDARDS

- 6.01 Box and Post Standards.** Each lot shall have one curbside mailbox that shall be approved by the United States Postal Service. Traditional black or white mailboxes shall be either size T1 or T2. Temporary seasonal decoration of mailbox or post shall be allowed. Newspaper holders prohibited. Post shall be the same type and color as the standard post in the Development and generally will not require ACC approval. White or black plastic posts and natural wooden posts (retaining their natural color) are the acceptable standard posts in the Development.
- a.** The Board of Directors and the ACC has approved homeowners with a brick front to their dwelling the right to have their mailbox and post made of brick as long as the brick used to make the mailbox is of the same type and color of brick on their dwelling. (2008)
- 6.02 Box and Post Maintenance.** As a condition to approval of a mailbox, the requesting homeowner and all successors to the homeowner's property shall be responsible for the prompt and proper repair and maintenance of the mailbox. Posts must be level and upright.

ARTICLE VII

PARKING AND STORAGE OF VEHICLES

- 7.01** **Recreational Vehicles, Trailers, etc...** In accordance with the Covenants, recreational vehicles, trailers, campers, trucks (except pickups and vans), travel buses or any such equipment must be parked in the extreme rear of property and sufficient natural cover erected to shield same from visibility. No inoperative vehicle shall be parked on any lot for any period of time in excess of fourteen (14) days. No owners or occupants of any lot or parcel of land shall repair or restore any vehicle of any kind upon any lot or upon and parcel of land, except emergency repairs, and then only to extent necessary to enable the movement thereon to a proper repair facility.

ARTICLE VIII

RETAINING WALL STANDARDS

- 8.01** **Retaining Wall Standards.** Retaining walls shall be designed so that they will not fail under reasonable anticipated conditions. Plans for retaining walls that meet the following conditions shall be certified by a professional engineer licensed to evaluate such a structure: (1) Walls that extend to within two feet of a property line and are greater than four feet tall at any point along the wall; or (2) walls that are greater than six feet tall at any point along the wall. The cost of any engineer's review shall be borne by the homeowner.
- 8.02** **Retaining Wall Materials.** Generally accepted materials for retaining walls include: Railroad ties, treated landscape timbers, concrete, and concrete block (if completely covered by bricks, stacked stone, or stucco).

ARTICLE IX

SWIMMING POOL AND SPA STANDARDS

- 9.01** **Acceptable Types of Pools.** Permanent above ground pools are unacceptable and will not be approved. Small, movable children's wading pools may be used behind the main dwelling without ACC approval if they are stored in doors when not in use. Permanent in-ground pools are acceptable with ACC approval and adequate safety precautions (county ordinances apply), but must be behind the main dwelling and not visible from the street.
- 9.02** **Acceptable Spas.** Spas, Hot tubs, exterior whirlpools tubs, and similar devices will generally be acceptable if placed in the rear of a lot and at least partially screened from view by deck, lattice or other method approved by the ACC.

ARTICLE X

SIGN STANDARDS

- 10.01** **Signs.** In Accordance with Article VI of the Covenants, no sign may be erected on any lot without prior written ACC approval except for:
- 1) Signs required by legal proceedings.
 - 2) One 'For Sale' or 'For Rent' sign per lot provided that such sign is in good condition and has surface area of less the four square feet; and
 - 3) One burglar alarm yard sign per lot provided such sign is in good condition and has a surface area less than six square inches.
 - 4) Garage sale signs will be permitted on any lot during the hours of 5pm Thursday through Sunday 5pm.
 - 5) Signs not meeting the above criteria must be first approved by the ACC.
- 10.02** **Signs in the Common Areas.** Signs in the common areas must be approved and are at the discretion of the ACC and must be submitted in writing fourteen (14) days in advance. Realtor directional signs are prohibited anywhere on the common area property. However, realtor "Open House" signs will be permitted for a time not exceeding 48 hours on the weekends only (Friday, 5pm through Sunday 5pm).

ARTICLE XI

STANDARDS FOR ADDITIONS TO THE MAIN DWELLING AND UN-ATTACHED BUILDINGS

- 11.01** **Additions and changes to the Main Dwelling.** Additions and changes to the main dwelling that alter the exterior of the structure, including but not limited to addition of storage rooms and conversion of decks to sunrooms or screened porches, require prior written ACC approval. Such additions and changes shall generally be approved if they do not violate setback provisions and professional built using a style materials and colors comparable to the main dwelling. Conversion of garages to finished, climate-controlled rooms will not be approved if the conversion changes the exterior of the structure. Finishing of basements does not require prior ACC approval if there is no change to the exterior of the structure. Such activity will usually require a Gwinnett County building permit.
- 11.02** **Accessory Structures/Unattached Buildings.** Buildings may be approved if they are professionally built using a style, materials and color comparable to those used on the main dwelling. Common accessory structures include but not limited to Storage sheds, arbors, gazebos, and patios. Prefabricated metal storage buildings will not be approved.

ARTICLE XII

STANDARDS FOR INSTALLATION OF ANTENNAE

- 12.01 Prohibited Antennae.** No direct broadcast satellite (DBS) antenna or multi-channel multi-point Distribution service (MMDS) larger than one meter in diameter, and 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 placed, erected, allowed, or maintained without written approval of the ACC.
- 12.02 Acceptable Antennae.** 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 such items shall be installed in the least conspicuous location which permits reception of an acceptable signal. The following locations, in order of priority, are where such item should be installed.
- 1) Ground mounts behind the main structure so the antenna is not visible from the street. The antenna shall be shielded to extent practical by low growing shrubs.
 - 2) Mount under cornice on the rear of the main structure so the antenna is not visible from the street.
 - 3) Ground mount on the side of the main structure least visible from the street. Mount as close to the rear of the main structure as possible. If both sides are equally visible, then the side from which the least traffic is likely to flow is defined as the least visible. The antenna should be shielded to the extent practical by low growing shrubs.
 - 4) Mount on the roof on the rear of the main structure so that the antenna is both below the highest point on the section of the roof on which it is mounted and not visible from the street.
 - 5) Mount under the cornice on the side of the main structure least visible from the street. Mount as close to the rear of the main structure as possible. If both sides are equally visible, then the side from which the least traffic is likely to flow is defined as the least visible.
 - 6) Mount under the cornice on the opposite side of the main structure described in 12.02 (5)

ARTICLE XIII
ENFORCEMENT

- 13.01** **Fines, Suspension of Voting Rights and Suspension of Common Property Use.** Failure to comply with said Design Standards will result in a daily fine and suspension of voting rights and rights to use the common property amenities according to the Bylaws, Article III, Board of Directors, item C, Section 15 (F and G). The daily fine will be \$25.00 (minimum) per violation. Unpaid fines will accrue 6% interest per annum, and will result in lien against said lot including reasonable attorney fees until the fine is paid in full.
- 1) The Board of Directors and the ACC have adopted a 3-Strike system for violations.
 - 2) First letter is a written notifies the property owner that their property is in need of repair or clean-up. The owner has 4 weeks until the next inspection.
 - 3) The second letter is a warning letter that the first violation has not been addressed by the property owner. There is an additional 4 weeks given before the third inspection.
 - 4) The third letter starts the \$25.00 per day per violation fine. That fine starts the day of the post mark on the envelope and does not end until the property owner has contacted the Board or ACC once the violation has been taken care of. It becomes up to the property owner to notify the Board or ACC when the violation has been resolved.
 - 5) At any time during this process the property owner can be granted an extension to any violation that the property owner has been given. The property owner has to make contact either with the Board or the ACC to discuss their situation. Extensions are, for most cases, automatic but not without meeting with the Board or ACC first.
- 13.02** **Self-Help.** Enforcement may alternatively include the exercise of self-help by the Board or ACC as determined to be necessary.

ARTICLE XIV
CERTIFICATE OF APPROVAL

- 14.01** **These Design Standards have been approved by the ACC and the Board of Directors this 30th Day of April, 2002**
- 1) The last REVISION was November 4, 2009