

**The Vineyards Homeowners Association, Inc.**  
**Architectural Control Standards And Procedures**

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## **Section 1.00 Introduction and General Information**

### **Section 1.01. Introduction**

Whether you are an original owner of a Home in The Vineyards or you are a second or third owner, *WELCOME* to the community. The Vineyards is an exciting and vibrant place in which to live and the people here wish to make it an even better place to call home through their continuing efforts to protect, maintain and enhance their property values.

The original tract of land was planned, design and approved as a self-contained, deed-restricted community with its own set of covenants, conditions, and order of rule under which all property owners would live and abide and which provide for the maintenance of all Common Properties and improvements thereon (see your Master Covenants, Conditions, and Restrictions and other related documents). Conditions and restrictions were set so that aesthetics, congruity, appearance, safety, etc., would be defined and written guidelines would be promulgated (e.g., this handbook) in order to create an environment where approximately 100 homeowners would live in harmony. Each homeowner has some degree of assurance that actions of all members of the community are directed so as not to adversely impact the quiet enjoyment of their property or their property values (e. g. painting one's home bright orange; abandoning cars in the street or driveway; the keeping/breeding of vicious pets such as pit bulls; unkempt trash). The ultimate intent of the covenants are not to create a totalitarian environment where property rights are trampled, but rather a self-ruled community where its members (homeowners) look after their home and hearth and, ultimately, their investment through active participation in the governance of the community and on committees advising its appointed or elected leaders.

A well runs Homeowners Association makes for a pleasant community in which to live. Under the covenants and related documents, all exterior changes must come before the Architectural Control Committee (ACC), including any that are not covered in this handbook. This document sets forth guidelines and procedures for making an application for approval for changes to the exterior of your home or yard. Please read on and familiarize yourself with the information contained herein.

### **Section 1.02 Architectural Control Committee**

#### **ORGANIZATION**

The declaration of Master Covenants, Conditions and Restrictions for The Vineyards requires that an Architectural Control Committee (ACC), consisting not less than three or more than 5 Persons shall be appointed by the Association's Board of Directors and shall be responsible to the Board. The members of the ACC shall serve for one (1) calendar year.

The Architectural Control Committee shall be organized with a chairperson and committee members. The chairperson and committee members. The chairperson shall be appointed from the membership of the Architectural Control Committee

by the member of the ACC. Membership on the Architectural Control Committee requires approval of the Board of Directors.

### **PURPOSE**

The Architectural Control Committee shall regulate the external design, appearance and location of the properties and improvement thereon in such a manner as:

- To promote those qualities in the environment that brings value to the community.
- To foster the attractiveness and functional utility of the community as a place to live, including a harmonious relationship among structures, vegetation and topography.

The Architectural Control Committee is responsible for:

- Reviewing applications for exterior architectural and landscaping changes from individual homeowners
- Approving or denying submitted changes by a majority vote unless the authority to approve or deny is delegated to a part of the committee or an individual by a majority vote.
- Developing draft architectural standards and related regulations for submission to the Board of Directors for approval.
- Enforcement of architectural standards and related regulations as directed by the Board of Directors.

### **AUTHORITY**

The authority of the Architectural Control Committee flows from the Declaration of Master Covenants, Conditions and restrictions for the Vineyards, the By-Law of The Vineyards Homeowners Association, Inc., The Articles of Incorporation of The Vineyards Homeowners Association, Inc., The Committee Rules and Regulations of the Vineyards Homeowners

Association, the Enforcement Procedures of the Vineyard Homeowners Association, the Architectural Control Standards and such other relevant rules, regulations, or resolutions, or resolutions related to architectural control as may be adopted by the Board of Directors. The Declaration of Master Covenants, Conditions and Restrictions for the Vineyards, the By – Law of the Vineyards Homeowners Association, and the Articles of Incorporation of the Vineyards Homeowners Association, Inc. were provided to you at closing.

A copy of the Architectural Control Standards should also have been provided to every homeowner. The President of the Homeowners Association maintains copies of all legal documents, rules, regulations, resolutions, and other relevant documents on file. Some of the details of the architectural Control Committee authority are explained below, but considerably more detail is contained in the documents listed above.

The Architectural Control Committee does not have authority over common areas or commonly owned property such as the pool, the pool house, the tennis court, the Vineyards right-of-way, entrance, or other common areas.

The Declaration of Master Covenants, Conditions and Restrictions for The Vineyards provide that no building, sign, fence, outside lighting, wall, walk, antenna, flagpole or other structure or planting shall be constructed, erected or planted until the plans or specification showing the nature, kind, shape, height, materials, floor plans, color scheme, and location with respect to the topography and finished ground elevation shall have been submitted to and approved in writing by the ACC. The ACC shall have the right to refuse to approve any plans and specifications which are not suitable or desirable, in its sole discretion, for aesthetic or any other reasons, provided such approval is not unreasonably withheld. In approving or disapproving such plans and applications, the ACC shall consider the suitability of the proposed building improvements, structure, or landscaping and materials of which same are to be built, the site upon which it is proposed to be erected, the harmony thereof with the surrounding area and the effect on adjacent or neighboring property.

The Architectural Control Standards adopted by the Board of Directors October 1999 provided that no building, fence, wall, residence, structure, or projection from a structure (whether of a temporary or permanent nature, and whether or not such a structure shall be affixed to the ground) shall be commenced, erected, maintained, improved, or altered, nor shall any grading, excavation, tree removal, planting, change of exterior color or other work which in any way alters the exterior appearance of any lot or improvement be done without the prior written approval of the Architectural Control Committee regarding (a) the harmony of its exterior design and location in relation to (b) the character of the exterior materials and (c) the quality of the exterior workmanship

The Declaration of Master Covenants, Conditions and Restrictions for The Vineyards also provides that there is specifically reserved unto the ACC, the right of entry and inspection upon any Lot for the purpose of determination by the ACC whether there exists an construction of any improvement which its deed or other instrument of conveyance makes reference. The Enforcement Procedure of The Vineyards Homeowner Association, Inc. provide that the power to enter and inspect shall be exercised in a reasonable manner and that nonconsensual entries shall not be made without express approval of the Board of Directors.

The ACC has the right, but not the obligation, to grant waivers for minor deviations and infractions. The granting of any waiver for any portion of the properties may be given or withheld in the ACC's sole discretion and a prior grant of a similar waiver shall not impose upon the ACC the duty to grant a new or additional request for such waivers.

## **STANDARDS**

The Architectural Control Committee shall develop proposed policy standards for submission to the Board of Directors of the Association for approval setting forth

policies and procedures governing the architectural control review and enforcement process for The Vineyards. The policy standards shall include (a) the application process, (b) the standards for various types of architectural and landscaping changes, and (c) such other Standards and rules as may be necessary to implement effective architectural control in The Vineyards. The standards may also include specific recommended design practices that are generally accepted methods for achieving the objective of the Association in particular design problems frequently encountered in the community. The policy standards are intended to assist the Architectural Control Committee and the Owners of lots in the ongoing process of community design.

### **Section 1.03 ENFORCEMENT ENFORCEMENT AUTHORITY AND RESPONSIBILITIES**

1. Board of Directors
  - a. The Vineyards Homeowners Association Board of Directors is responsible for overall direction and approval of all enforcement actions.
  - b. The Board of Directors is responsible for appeal of enforcement actions by the Architectural Control Committee (ACC).
  - c. Committees shall only have the enforcement power delegated to them by the Board of Directors, except that the ACC shall have the power delegated to it by the Covenants and related documents within the procedures established by the Board of Directors.
2. Architectural Control Committee
  - a. The ACC shall be responsible for identification and enforcement action against violations of the Architectural Standards, covenant provisions related to architectural standards, and rules and regulations related to architectural control on individual homeowner's lots.
  - b. The ACC shall maintain close liaison with the Board of Directors identifying violations and to process complaints in a timely manner.
  - c. The ACC may investigate alleged violations or may request the Board of Directors to conduct such investigations.
  - d. The ACC shall review the results of investigation and take immediate action to prevent violation or continued violation where possible and make a recommendation to the Board of Directors for appropriate enforcement action.

#### **THE ENFORCEMENT PROCESS**

1. Identification and Investigation of Violations
  - a. For architectural violations, the Architectural Control Committee is primarily responsible for identification of violation and investigations to determine if a architectural violation has occurred.
2. Enforcement Action
  - a. Architectural Control Violations

- 1) For enforcement action involving Architectural Control Violations, the ACC is primarily responsible for initial enforcement action regarding minor architectural or landscaping changes begun or completed after application for ACC approval but before actual approval.
- 2) For enforcement action involving major architectural or landscaping changes without ACC approval and architectural or landscaping not consistent with ACC approval, the ACC is primarily responsible for initial enforcement action as approved by the Board of Directors.

#### ARCHITECTURAL CONTROL ENFORCEMENT

1. The ACC has authority under the covenants to
  - a. Enter and inspect any lot for the purpose of determination by the ACC whether there exist any construction of any improvement that violates the term of any approval of the ACC or the terms of the Covenants. This power shall be exercised in a reasonable manner and nonconsensual entries shall not be made without express approval of the Board of Directors. Such person (s) shall not be deemed guilty of trespassing by reason of such entry.
  - b. Enforce architectural standards.
  - c. In its discretion, release exiting improvements from restrictions or encroachments they violated in appropriate circumstances.
  - d. In its discretion, grant waivers for minor deviations and infractions if appropriate.
2. The Architectural Enforcement Process
  - a. The ACC shall maintain close liaison with the Board of Directors to identify violation and to process complaints in a timely manner. Field inspection reports related to architectural violations shall be forwarded to the Board of Directors. The ACC shall also initiate proactive measures to identify violation.
  - b. All complaints received by the ACC alleging architectural violations shall be investigated on a property inspection, if needed, by the chairperson of the ACC and then the President of the Board of Directors will be contacted.
  - c. All complaints received by member of the ACC alleging architectural violations shall be reported to the Board of Directors.
  - d. Upon receipt of information concerning potential or alleged architectural violation within the following categories:
    - 1) Major architectural or landscaping changes without ACC approval
    - 2) Architectural or landscaping changes not consistent with ACC approval.
    - 3) Minor architectural or landscaping changes without ACC approval
    - 4) Architectural or landscaping changes begun or completed after application for ACC approval but prior to actual approval.

- e. The ACC may investigate alleged violations or may requested the Board of Directors to conduct such investigations. In appropriate cases professional technical assistance, such as engineers, may be used if approved by the Board of Directors in advance. The President of the Board of Directors shall be notified of the initiation of such an investigation as soon as possible. The difference categories of violation shall required different investigative responses.
  - 1) Major architectural or landscaping changes without ACC approval such as construction of a deck, fence, parking pad or other structure; cutting a substantial number of trees; filling large areas; or similar major changes shall require a formal, comprehensive investigation with full documentation of action taken. The ACC, at the discretion of the Board, shall make visual observations of the alleged violation to the extent possible. Photographs should be taken if feasible. Interviews of the owners involved may be conducted if appropriate in the circumstance, but at least two members of the ACC should be present and no promises should be made during the interview. Other investigative actions may be taken as appropriate.
  - 2) Architectural or landscaping changes not consistent with ACC approval. The ACC shall conduct an investigation or ask the Board of Directors to conduct such an investigation to verify that the improvements were actually not consistent with the ACC approval.
  - 3) Minor architectural or landscaping changes without ACC approval. The ACC shall investigate, or refer these cases to the Board of Directors for investigation, in their discretion.
  - 4) Architectural or landscaping changes begun or completed after application for ACC approval but prior to actual approval. The ACC shall investigate these allegations as quickly as feasible if the work is still in progress. If the work has been completed; the investigation shall proceed as determined by the ACC.
- f. Notice
  - 1) One notice will be mailed by the ACC to any owner in violation, noting the violation and requesting compliance by a certain date to avoid penalties. In the case of work in progress, a letter shall be sent by the ACC as soon as possible informing the appropriate persons to cease the work immediately, explaining the violation and, in addition, giving the violator a set, but reasonable amount, of time to correct the violation.
  - 2) A site inspection will be performed after the date outlined in the notice. If the violation has been corrected, the matter will be closed. A remaining violation will result in further compliance actions. Normally only once notice would be provided, but the ACC, with Board

approval, may extend the grace period based on individual circumstances or issue subsequent notices if necessary.

- g. Enforcement options shall include the following.
- 1) If the corrective action demanded by the notice is taken with the specified time and completed in a satisfactory manner, no further enforcement options will normally be appropriate.
  - 2) If work is not ceased upon demand, corrective action demanded is not taken within the specified time, or the corrective action taken is not satisfactory, the following actions may be appropriate:
    - With approval of the Board of Directors, fines not to exceed \$100 per week may be imposed for each week the violation continues.
    - With approval of the Board of Directors, seek a temporary restraining order or injunction to stop any continuing work.
    - Require further corrective action
    - Demand that unapproved architectural or landscaping changes be removed within a specified, but reasonable, period of time and impose fines if not accomplished by the applicable deadline.
    - With the approval of the Board of Directors, hire appropriate contractors to correct the situation and charge the property owner, beyond any fines, for the cost of such corrective action.
    - After notice and opportunity to be heard by the Board, suspend a member's voting rights and/or rights to use Association facilities for noncompliance with published rules and regulations of the Association.
    - Other corrective actions that may be appropriate in the particular situation.

#### **Section 1.04 Amendments**

These design standards and procedures may be amended from time to time as recommended by the ACC and approved by a majority vote of the Board of Directors.

#### **Section 1.05 Disclaimer**

The Association, Declaring, Architectural Control Committee, or any officer, employee, agent, director or member thereof shall not be liable for damages to any persons submitting plans and specifications for approval by reason of mistake in judgment, negligence or nonfeasance arising out of or in connection with the approval, disapproval or failure to approve any plans and specifications.

***Every person who submits plans and specifications for approval agrees, by submission of such plans and specifications, that it will not bring any action or suit against the Association, Declaring, or Architectural Control Committee to recover any such damages.***

The purpose of the Architectural Standards is to provide guidance in preparing requests for architectural approval and set forth some of the standards applied by the Architectural Control Committee. These Architectural Standards are not all inclusive and no inference should be made that the failure to include a particular



type of exterior of landscaping change somehow exempts that change from the approval process.

If any paragraph, section, sentence, clause or phrase of these Standards shall be or become illegal, null or void for an reason or shall be held by any court of competent jurisdiction to illegal, null or void, the remaining paragraphs, sections, clauses, and phrases are sever able and shall continue to be in full force and effect. In case of any conflict between the Declaration of Conditions, Reservations, and Restrictions for The Vineyards Development, the By-Laws of the Vineyard Homeowners Association, Inc. and these Standards, the Declaration and By-Law shall control. In case of any conflict between these Standards and other resolutions or rules adopted by the Board of Directors, the Board shall determine which shall control and make corrections as needed by majority vote.

These Standards supersede all previous guidelines or standards and shall remain in effect until otherwise rescinded, amended, modified, or repealed by a majority of the Board of Directors.

## **Section 2.00 Procedure for Requesting Architectural Approval**

### **Section 2.01 Application Instructions**

#### **ARCHITECTURAL CONTROL APPLICATION INSTRUCTIONS**

- STEP 1. Prior to any alternation, addition or improvement, the property owner (not contractors or other parties) either requests the *Architectural Control Committee Application Request Form* by phone or by mail from the ACC chairperson or photocopies the form from this booklet.
- STEP 2. If requested from the ACC chairperson, the ACC chairperson will promptly forward to the property owner the *Architectural Control Committee Application Request Form*.
- STEP 3. Prior any alteration, addition or improvement, the property owner completes the application form and provides applicable information as requested on the application form. Reference should be made to the Architectural Control Standards for specific information needed for the proposed improvement, addition or alteration. All parts of the shall be filled out and all pertinent information shall be included in the submittal. Incomplete applications shall be returned.

Each owner shall submit to the ACC two (2) complete sets of such plans and specification clearly designating which Lot is covered by such plans and specification. Such plans and specifications shall include, as a minimum, without being limited to:

- 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 situation and erosion control measures.

- a) A foundation plan
- b) A floor plan
- c) Exterior elevations of all proposed structure, and alteration to existing structures, as such structures will appear after all back filling and landscaping are completed.
- d) Specifications of materials color scheme, lighting scheme and other details affecting the exterior appearance of all proposed structures and alterations to existing structures
- e) Plans for landscaping and grading.

Drawing must be done neatly. Plans must be very detailed and adequately dimensioned construction drawings. All proposed drawing shall be submitted covering the site, house, pool, decks, terraces, retaining walls, arbors, gazebos, etc. all site plans shall be no smaller than 1" =20'-0". Other plans and elevations must be at 1/4" =1'0"

- a. Site plan including but not limited to the following:
  - a. All existing conditions, house, utilities, easements, etc.
  - b. All property lines with bearing and dimensions.
  - c. All proposed utility connections ---- water, gas, storm, sewer, septic tanks.
- b. Grading plan including but not limited to the following:
  - a. Clearing limits
  - b. All existing contours at 2' intervals shown with dashed lines. All proposed contours at 2' intervals whit heavy continuous lines.
- c. Spot elevations for pool, deck, walls and existing finished floor elevation of house.
- d. Erosion control type and location
- e. All proposed drainage structures with invert and out fall elevations.

STEP 4. The property owner sends the completed form, along with any attachments or supporting documents required by the Architectural Control Standards to the ACC chairperson for processing. Applications must be mailed or hand delivered to the ACC Chairperson (refer to Section 2.04 for address and telephone numbers).

STEP 5. The ACC chairperson will mark the date the application is received. The chairperson of the Architectural Control Committee will include this application on the agenda of the next regularly scheduled meeting of the ACC committee.

STEP 6. Complete applications that are received by the ACC chairperson at a minimum of 5 days prior to the ACC monthly meeting will be considered and acted upon by the Architectural Control Committee in that month. Any complete application that is received by the ACC Chairperson less than 5 days prior to the ACC monthly meeting will be deemed administratively denied or disapproval until considered and will be acted upon in the following month. The purpose of this rule is to allow the Architectural Control Committee to duly consider and act upon all applications received within a given period on a regular and periodic basis.

Incomplete Applications: Applications that are submitted without all necessary attachments and supporting documents or with insufficient information shall be deemed administratively denied and returned to the applicant with a request for the missing documentation. Any calculation of time concerning the processing of an application will not start to run until the application is complete.

STEP 7. Committee members will review complete application at the next Regularly scheduled Architectural Control Committee meeting and approve or disapprove the application within the thirty (30) days from the ACC chairperson's receipt of the application. The Architectural Control Committee meets once a month as announced in the monthly newsletter and/or posted on the community board located at the front entrance. Meetings are open to the public and homeowners with application pending are encourage to attend, but public input is not permitted. Applicants may be allowed to speak to clarify aspects of the application at the discretion of the Chairperson. Meeting locations will vary monthly, please contact the hairperson of the ACC to confirm the location of the meeting. The Architectural Control Committee may: (a) determine that an application is incomplete and Request additional information (b) approve the application, (c) conditionally approve the application, stating the conditions in writing, or (d) deny the application, stating the reasons for the denial in writing

STEP 8. Upon its receipt of the Committee's decision on an application, the ACC chairperson will mark the decision with the date that the decision is forwarded to the homeowner. In the case of approval, the homeowner. In the case of approval, the homeowner can begin the project. In the case of an administrative denial for insufficient information, the information needed shall be listed on an appropriate form and provided to the homeowner. (Note: Any

calculation of time concerning the processing of an application will not start to run until the application is complete). In the case of approval with conditions, the conditions shall be listed on an appropriate form and provided to the homeowner and the homeowner may begin the project as long as the stated conditions are satisfied. In the case of "Disapproval" the reason and/or requirements will be noted on the application. A property owner who is not satisfied with the Committee's decision on a application may (a) submit another different application (should the property owner wants to resubmit another application, the thirty (30) Day process starts again with each submittal) or (b) appeal the committee's decision to the Board of Directors.

**NOTE:** Prior to beginning any construction project, always call 1-800-282-7411 to mark existing utility lines.

## **Section 2.02 Architectural Control Committee Application Request Form**

### **Section 2.03 The Appeal Process**

The following process will be followed for appeals from decisions of the Architectural Control Committee.

- 1 Notice of Denial: upon receipt from the Architectural Control Committee of the final decision denying their request, the ACC chairperson shall forward to the applicant a notice of denial of their request. The notice shall provide the applicant thirty days to file an appeal of the final Architectural Control Committee decision in writing to the Board of Directors. Administrative denials pending more information or for another reason are not final decisions and are not appeal able
- 2 Reconsideration: The Architectural Control Committee and not the Board of Directors will reconsider Administrative denials. Once a denial decision has been reached, then the time for appeal begins to run.
- 3 Notice of Appeal: Notice of Appeal to the Board of Directors must be filed in writing by mailing or hand delivering to the President of the Board of Directors within thirty days of the notice of denial being mailed or hand delivered from the ACC chairperson to the applicant. Include with the Notice of Appeal, a copy of the application, any supporting documentation, a copy of the Committee's decision, and an explanation of the reason for the appeal.
- 4 Hearing: The president of the Board of Directors shall schedule a hearing on the appeal, normally in conjunction with a normal Board of Directors shall schedule a hearing on the appeal, normally in conjunction with a normal Board Meeting, within sixty days of receipt of the Notice of Appeal. The President of the Board of Directors shall notify the applicant and

chairperson of the ACC of the hearing date and time. The chairperson of the ACC or designated representative shall attend the hearing. The hearing shall begin with the ACC chairperson or designee explaining the position of the ACC and reasons for denial. The applicant shall then have an opportunity to present their reasons for the appeal. Witnesses and evidence may be presented at the discretion of the President of the Board

- 5 Decision of the Board: No decision shall be rendered at the hearing. Within fifteen days of the hearing, the Board of Directors shall report their decision, based upon a majority vote in writing. The President of the Board of Directors shall forward copies of the decision to the applicant and the chairperson of the ACC.

**Section 2.04 Homeowner's Association Address:**

*The Vineyards Homeowner's Association  
2610 Bordeaux Boulevard  
Cumming, Georgia 30041*

**Section 3.00 Architectural Standards**

**Section 3.01 New Construction Site Specifications**

**APPEARANCE:**

All new construction sites before commencement of any construction or grading will be reviewed on an individual basis. The ACC will review the proposed dwelling placement, tree and debris removal, grading, and drainage. The intent is to maintain a safe environment for the neighborhood as well as a visually pleasing work site. "Visually pleasing" shall be judged by the ACC applying a standard of objective reasonableness rather than just the subjective views of the neighbors.

**LOCATION:**

After written approval by the ACC of plans and specification for any structure and prior to the commencement of any construction or grading on the Lot for which such plans and specifications were approved, the contractor shall request that a representative of the ACC inspect the proposed location of the structure as marked on the Lot to determine whether such location is consistent with the guidelines Standards. After receipt of such request, the ACC shall have five (5) working days in which to: (1) inspect the proposed location of the structure as marked on the Lot, and (2) notify the Owner of its approval or disapprove the proposed location, or shall approve the same only as modify or upon specified conditions, such disapproval or qualified approval shall be accompanied by a statement of the 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 location may be marked and submitted for

approval. In no event shall the Owner allow any grading or cutting of trees on the Lot prior to approval of the proposed location by the ACC.

**MATERIALS:**

Not applicable

**REQUIREMENTS:**

During approved construction, all vehicles in any way connected with such construction shall enter the Lot or Lots under construction only by driveway as approved in the plans and specifications by the ACC.

All stumps and brush are to be removed from the surface of the Lot prior to foundation construction debris be removed as often as necessary to keep the Lot and any structure thereon attractive. Construction debris shall not be dumped in any area of the Subdivision unless approved in writing by the ACC.

Lots shall be graded in such a manner so as not to block any natural or manmade swells, ditches or drainage structure. Earth berms, hay bales, silt fences, mulch, boards, grass, gravel blankets and any other approved situation and erosion control measures shall be installed prior to grading of all Lots to prevent mud and silt from running off the lot onto streets and any other adjoining property. Whenever possible, Lots shall drain independently from, rather than to adjoining Lots.

**Section 3.02 Design Specifications for New Construction**

**APPEARANCE:**

All new construction design will be reviewed on an individual's basis. Generally, the ACC will review materials, colors, location, scale, and other details of the proposed dwelling to determine compliance with the architectural intent of the existing homes and relationship of the dwelling to the surrounding homes. The intent is to preserve the architectural character of the neighborhood with specific emphasis given to the maintenance of a cohesive neighborhood architectural style that maintenance of cohesive neighborhood architectural style that maintain scale, detailing, materials, massing, colors) and design intent of the surrounding dwellings.

**LOCATION:**

In general, the location for building additions will be governed by the maximum building area that is defined by Forsyth County in respect to the minimum setback requirements from the property line. However, the ACC reserves the right to reject applications that may meet the Forsyth County setback requirement but fail to meet the objectives of the ACC. The ACC will review each application on an individual basis and approvals will be granted on this basis. Prior approval of an application does not guarantee subsequent approval on the same or another lot.

## **MATERIALS:**

### ***House Designs***

Brick Houses: Must be brick on at least three (3) sides, front and both sides. The rear wall may be veneered with recommended materials only as outlined in this section.

Stucco Houses: Must be stucco on at least three (3) sides front and both sides. The rear wall may be veneered with recommended materials only as outlined in this section.

Special Design Houses: Such as Tudor, rustic country design, etc. which require a mix of materials must be presented in the form of a detailed drawing showing elevation of all 4 sides of the house, for approval by the ACC.

The exterior materials of all structure on all Lots shall be harmonious and complementary. The decision of acceptability or rejection of materials is at the discretion of the ACC.

- a. A minimum number of exterior materials shall be used on structures to avoid a cluttered appearance. Where two materials are used (in addition to glass), one shall be dominant.
- b. Secondary materials, when used, shall complement the dominant materials in texture and color.
- c. Recommended veneer materials shall be limited to:
  1. Wood siding, painted or stained wood, hardboard beveled;
  2. Brick-there shall be no weeping of black mortar. Sample of all brick and mortar must be submitted for approval. Old used brick may be accepted in special areas, but brick shall not be painted or stained
  3. Stone-shall be Tennessee Field stone or similar as approved by the ACC, with gray or buff mortar (not black mortar). Artificial stone accents will be considered on a case-by case basis.
  4. Stucco (hard-coat), or exterior insulation finish system (EIFS) ["artificial stucco"] approved by the ACC, and painted or integrally colored in accordance with exterior colors as defined in this section
  5. Fiber cement siding in horizontal lap siding or cedar shingle pattern, such as Hardiplank or Certainteed.
- d. Recommended roofing materials shall be limited to:
  1. Fiberglass or asphalt shingles which are very dark brown, black, shadow-black and other trade names of various dark brown or black asphalt roofing
  2. Cedar shakes or shingles

3. Slate; of a color approved by the ACC
- e. Garage door (s) shall be painted wood or fiberglass and of simple design
- f. **UNACCEPTABLE** materials include:
  2. Color coating which simulate natural materials, with the exception of stucco finishes approved by the ACC
  3. Unnatural tones of brick or stone
  4. Exposed concrete block or poured concrete foundations and site retaining walls must be veneered with bricks, stones, stucco or wood and
  5. Silver finished aluminum window, storm window, storms doors, and aluminum flashing or aluminum roofing of any type.
- g. Detached garages or outbuilding shall be constructed of similar materials and designed to coordinate with the residential structure on the Lot.

## **COLORS**

The exterior colors of the walls, gutters, shutters, garage doors, windows, doors, and roof of a single-family residential structure, detached garage, or outbuilding shall complement the balance of the colors and materials selected for the unit. Highly bright and reflective colors shall be avoided.

## **Section 3.03 Decks**

### **APPEARANCE:**

Deck height is not restricted but is recommended to be not more than 15' in height from the ground. Deck size and styling of decks must complement the dwelling and be in proportion to the dwelling.

### **LOCATION:**

All decking must be confined to the rear of the dwelling and must not protrude past the sides of the building. Decks must be within the minimum setback requirements of Forsyth County, however, final placement and approval will be determined by the ACC and may be more restrictive than the County setback requirements.

### **MATERIALS:**

The deck shall be constructed of #2 or better pressure treated southern yellow pine with galvanized hardware. A clear water seal is recommended but not a requirement for approval. Supports must be a minimum of 4" x 4" or metal poles boxed in as to appear to be a 4" x 4" wood post. All such vertical supports must be set in concrete footings, which are a minimum 12" x 12" wide and 24" deep.

### **REQUIREMENTS:**

A building permit must be obtained from Forsyth County and all required inspections successfully completed. All decks must meet the building



requirements of Forsyth County in addition to this guideline. Proper drainage must be maintained around the deck and away from the foundation.

### **Section 3.04 Building Additions or Exterior Modifications**

(Examples of additions include screened porches, new living spaces or storage areas that are physically attached to the main structure of the existing house. Examples of exterior modifications include the addition of gutters or similar modifications. Modifications or changes in exterior colors are covered in Section 3.12)

#### **APPEARANCE:**

All building additions and /or modifications will be reviewed on an individual basis. Generally, the ACC will review materials, colors, location, scale, and other details of the proposed dwelling to determine compliance with the architectural intent of the existing homes and relationship of the dwelling to the surrounding homes. The intent is to preserve the architectural character of the neighborhood with specific emphasis given to the maintenance of a cohesive neighborhood architectural style that maintain scale, detailing, materials, massing, color(s) and design intent of the original structure.

#### **LOCATION:**

In general, the location for building additions will be governed by the maximum building area that is defined by Forsyth County in respect to the minimum setback requirements from the property line. However, the Acc reserves the right to reject applications that may meet the Forsyth County setback required but fail to meet the objectives of the ACC. The ACC will review each application on an individual basis and approval will be granted on this basis. Prior approval of an application does not guarantee subsequent approval on the same or another lot.

#### **MATERIALS:**

Materials for use on any building addition or modification must meet or exceed the quality of and be consistent with the materials used in the construction of the original structure. Compliance with the current edition of the Forsyth County building codes will be considered meeting the minimum standards of construction. The ACC reserves the right to require the homeowners to exceed these standards if it is deemed necessary to maintain the architectural intent of the original structure. In general, the ACC seeks to maintain the quality of materials and workmanship present in the original structure. Request to use different materials than in the original structure, such as brick or vinyl siding shall be reviewed on a case-by-case basis.

#### **REQUIREMENTS:**

All building additions and modifications shall maintain proper drainage on the site. If a building addition is planned or a modification, which will affect drainage, homeowners are required to provide a plan that details drainage patterns and runoff as a result of the addition/modification.

The changes specified below do not require approval if accomplished in accordance with the standards provided:

1. Properly installed storm doors that are full height glass without cross members, in a color consistent with the dwelling.
2. Properly installed white pre-finished, or color consistent with the house trim, aluminum gutters do not required approval. Other colors or materials require submission of an architectural request of approval. In addition, if the gutters will cause a change in normal runoff patterns and quantities sufficient to impact the drainage on adjacent properties, submission on an architectural request for approval is required.
3. Properly installed exterior shutters replacing existing shutters, garage doors and windows with the same exact color and design style do no required ACC approval. Other colors and materials require submission of an architectural request for approval.
4. Front doors and entry decorations that are tasteful and kept in the style and colors of the house are inherently approved if installed according to the guidelines. These required no application, submittal or reviewed by the ACC.

### **Section 3.05 Fences**

#### **APPEARANCE:**

Fences shall complement the design, texture, and color of all structures on the same lot. Fences and walls shall be a maximum of 7' above grade in height. Whenever possible, alternatives to hard fencing are recommended (i.e., landscaping and plants or "invisible" electronic fencing). It is also recommended that fencing be softened through the use of landscaping on the exterior side of the fence, where possible.

#### **LOCATION:**

Fences shall follow the natural topography of the land. Fencing in front yards is prohibited.

Existing trees shall not be removed to place the fence without prior approval from the ACC.

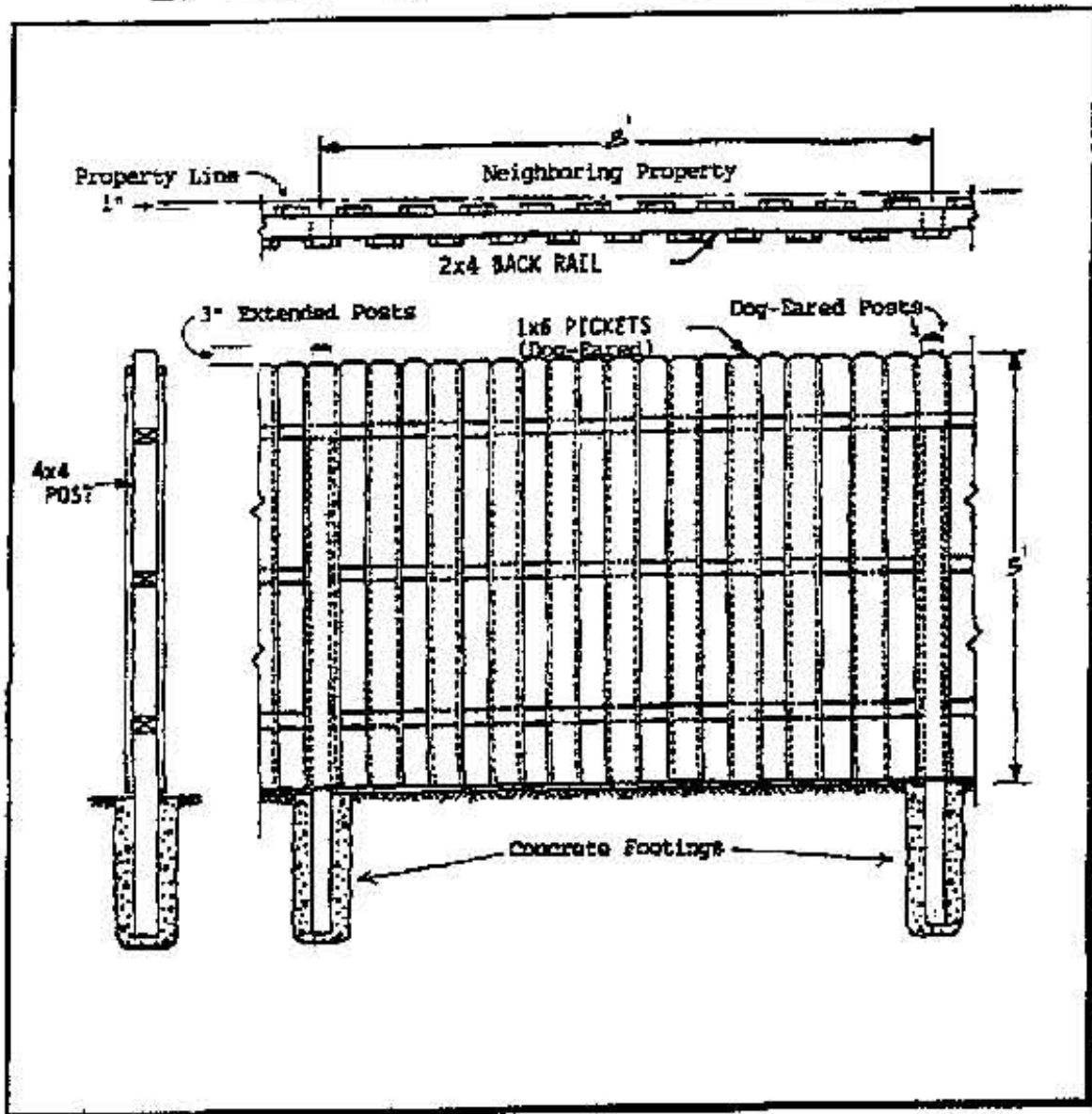
The set back from the homeowner's property line shall be one inch. However, any corner lot will generally be required to have a set back of fifteen from the curb on the side of the lot facing the street; if the property line is greater than fifteen feet fro the curb, then the one inch set back will apply.

The fence shall not extend more than ten feet from the rear corners of the house in a direction toward the front street. Exceptions will be made on an individual's basis to accommodate HVAC systems that are out of the ten-foot-limit. These exceptions must be approved in advance by the ACC. The ACC will determine the final placement of the fence based on aesthetics and street appearance.

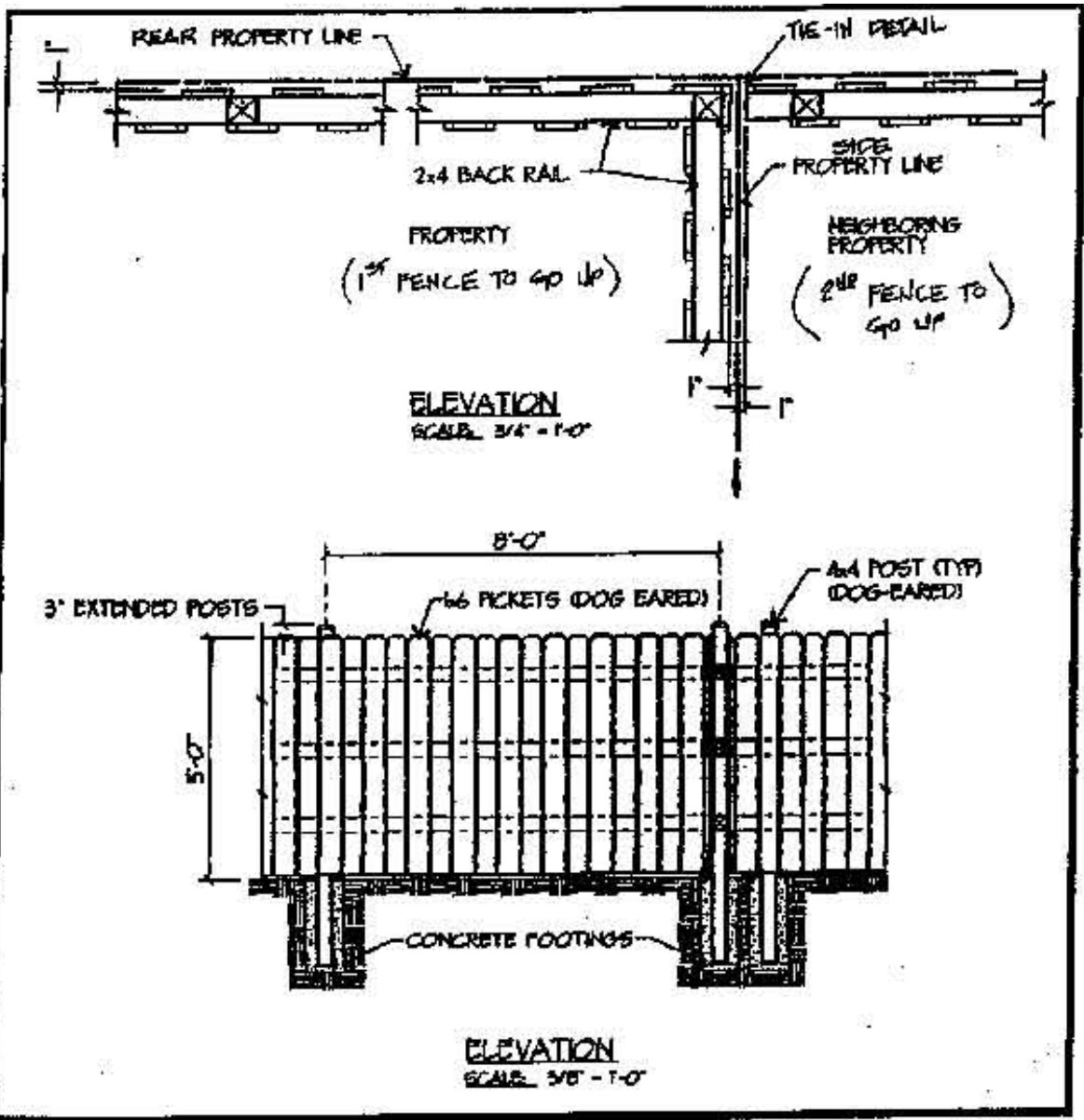
## MATERIALS:

In order to maintain a uniform style or fencing throughout the Vineyards subdivision, wood picket or vinyl picket style fences will be the only style fences allowed. Woven metal, chain link, or wire fences of any kind shall not be allowed. As a courtesy, fences that will tie-in to a neighboring fence should first be discussed with the neighbor before submitting plans to the ACC. The second fence that will tie-in should be of the same height as the first fence erected on the neighboring property to maintain uniformity.

## Standard Fence Detail Drawing



Tie-In Fence Detail Drawing



### **Section 3.06 Parking Pads**

#### **APPEARANCE:**

The layout or design should preserve and complement the original driveway and walkway. The surface shall be the same color and finish as the existing concrete drive. Depending upon the lot configuration, screening with landscape may be required to visually block the area from adjoining property owners.

**NOTE: Not all lots can accommodate an additional parking pad.**

#### **LOCATION:**

Parking pads (driveway extensions) may be constructed adjacent to and contiguous with the original concrete driveway on the side opposite the front walkway. The parking pad shall terminate in line of the original driveway.

Dimensional Limitations: Maximum width of 9' 0". Each lot will be reviewed Individually.

Set Back Requirement: Minimum set back from side property line is 18<sup>th</sup> except that the set back may be less with specific approval of the ACC on cul-de-sac lots because of the configuration and size.

Drainage/Slope: Slope of the parking pad and that of the adjacent yard shall preserve the original run-off flow pattern and shall not cause excessive water to be directed to a neighboring property or to the house foundation.

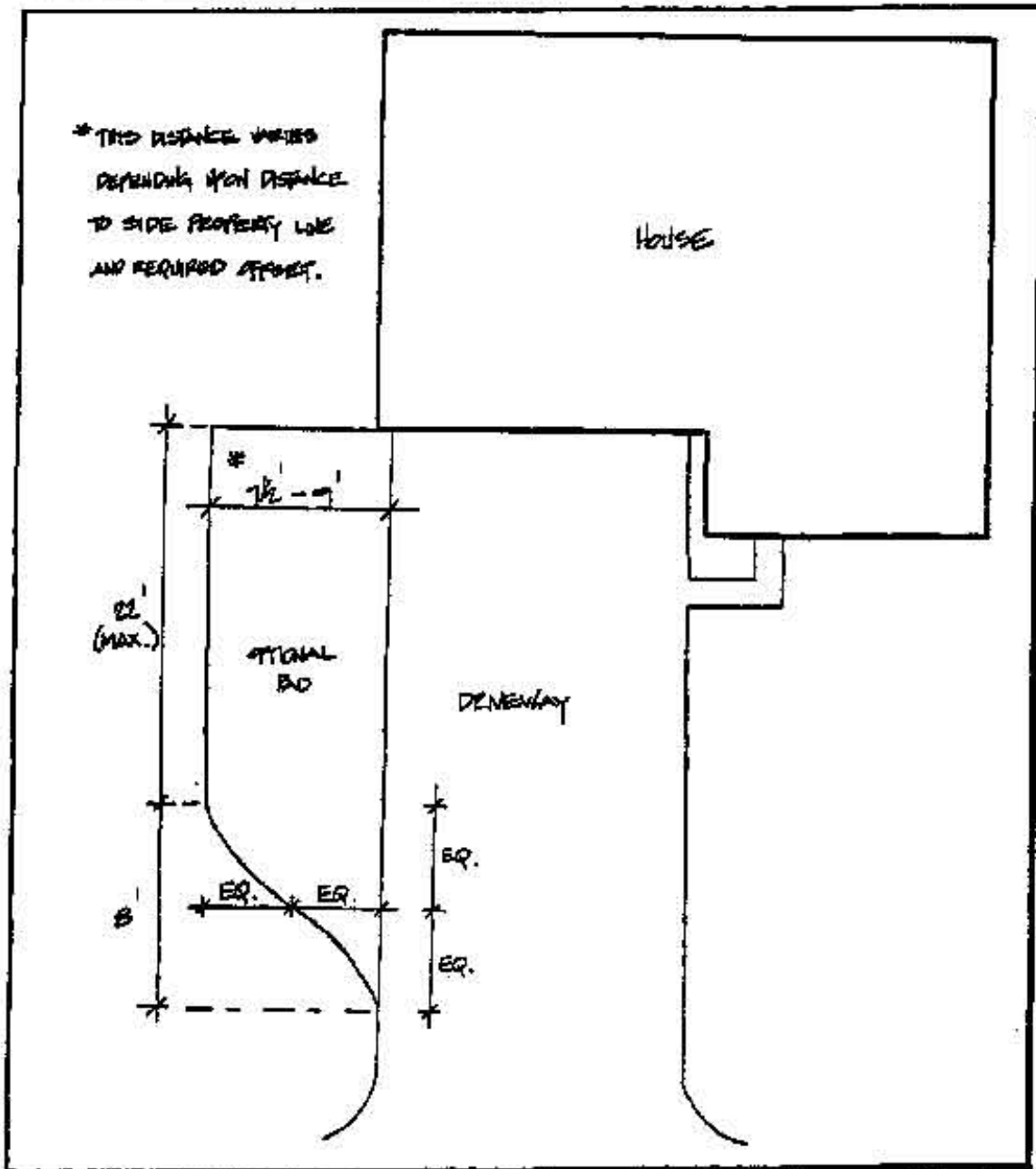
#### **MATERIALS:-**

Concrete shall be the only allowed material. The preparation of the soil base shall be consistent with sound construction practices to minimize the risk of settling, excessive cracking and improper drainage.

#### **REQUIREMENTS:**

See attached drawing on page 3.06-2 <following>

# Parking Pads



### **Section 3.07 Walkways and Patios**

#### **APPEARANCE:**

Patios and walkways shall be created in scale with the site and existing structures. Slope of the patios, walkways and that of the adjacent yard shall preserve the original run-off flow pattern and shall not cause excessive water to be directed to a neighboring property or to the house foundation.

#### **LOCATION:**

Patios shall be confined to the rear yard while walkways will be confined to the side and rear yards. The patio and walkway size, design and set backs to adjacent property lines shall be kept in proportion to the existing structure and site. All walkways and patios shall be a minimum of 18<sup>th</sup> from property lines. Lot size and configuration may permit reduction of the 18 inch set back in particular instances, but specific approval of the ACC is required for a set back less than 18”.

#### **MATERIALS:**

Generally, brick, concrete, concrete paves, flagstone, slate, and river rock will be considered as acceptable materials. Materials and color chosen shall complement the existing structures. All patios and walkways shall be reviewed on an individual basis for material, color and location.

#### **REQUIREMENTS:**

All patios and walkways must maintain proper drainage on the site. If a walkway or patios is planned, homeowners are required to provide a plan that details drainage patterns and runoff.

### **Section 3.08 Playground and Recreational Equipment**

#### **DEFINITIONS:**

Playground or Play Equipment: Swing sets, sliding boards, sandboxes, and similar items are classified as playground equipment for the purposed of this guideline. This guideline does not cover moveable, temporary items much as bikes, wagons, and similar items.

Recreational Equipment: Basketball Goals, trampolines, horseshoe pits, permanent volleyball courts, and similar items are classified as recreational equipment for the purposes of this guideline. This guideline does not cover a temporary volleyball net, badminton net, or similar items.

#### **APPEARANCE:**

Playground and recreational equipment should blend with the natural surroundings to the extent possible.

Landscaping or fencing should be planned to screen playground and recreation equipment from being visually offensive and to maintain a safe environment for the children. “Visually offensive” shall be judged by the ACC applying a standard of objective reasonableness rather than just the subjective views of neighbors.

**LOCATION:**

Dependent on the configuration of each lot, playground equipment should be placed in the rear yard. The location of play areas and of recreational equipment must take into account the impact on adjacent properties, noise concerns, safety concerns, and the minimization of any offensive visual impact on neighbors and public areas.

Recreational equipment should also be placed in the rear yard area where applicable (i.e. trampolines). Potentially dangerous items such as trampolines should be located within fences in areas to prevent access by unsupervised and unintended child users. For equipment such as basketball goals, they may be placed in the front yard if a hard surface (driveway) is desired for the playing surface. Basketball goals shall be mounted on black poles and have standard white or clear backboard. Basketball goals, fixed or portable, shall not be placed near the street, where the street is intended as the playing surface. Basketball goals located by driveways must be placed to avoid balls striking vehicles, landscaping or other items on the adjacent property.

Basketball goals are inherently approved if they are installed according to the guidelines and thus require no application, submittal, or review by the ACC. Failure to install the basketball goal according to the guidelines would lead to action by the ACC to request compliance.

**MATERIALS:**

Playground equipment constructed of treated natural wood is encouraged, but not required. Playground equipment should be constructed of proper materials to ensure safe usage, be properly anchored and be aesthetically pleasing. It is recommended that recreational equipment be “portable”, however, fixed in place equipment will be considered on an individual basis. Recreational equipment should be constructed on proper materials to ensure safe usage, be properly anchored and be aesthetically pleasing.

**REQUIREMENTS:**

Detailed drawing shall be presented to the ACC for approval prior to the installation of any equipment.

All equipment in a fixed location for an extended period of time must be submitted. All playground and recreational equipment must be maintained in a safe condition and kept visually pleasing to the community and surrounding environment.

**Section 3.09 Landscaping****DEFINITION:**

*Natural Area/Landscaping Bed* Any area with ground cover other than grass  
*Bushes and Shrubs* Any bush or shrub that will exceed 3' –0" in height or width at maturity



*Flower Bed* Any grouping of flowers not contained in a natural area or landscape bed

*Garden* Any area used to grow vegetables or herbs

*Water Garden* Natural or prefabricated body of water for decorative purposes

*Trees/Tree Removal* Any tree added to or removed from the property

**APPEARANCE:**

Natural areas and landscaping beds shall be made in proportion to the home and property. All landscaped areas shall be maintained to prevent overgrowth of individual plants or weeds. Landscaped areas shall be mulched to improve appearance and aid in maintenance. Edging around the bed or natural areas may be used but is not a requirement, and if used, should be consistent with the existing style and aesthetics of the community and home.

Vegetable, herb and gardens shall be maintained regularly to prevent excessive weed growth. Screening of these areas should be implemented through the use of fencing or shrubs to eliminate views from the street or common areas. These areas should not be visually offensive to neighbors.

Screening should be utilized to define private spaces or to attract/divert attention to /from particular views. In every instance natural screening or fencing (see Section 3.05) should be used in conjunction with:

- a. Vegetable gardens that can be seen from streets within the subdivision
- b. Exterior, ground level machinery, swimming pool equipment, etc
- c. Outside storage and service areas for equipment, supplies, and woodpiles
- d. Refuse containers and related storage areas
- e. Dog houses
- f. Any other items which might arise

**LOCATION:**

Natural areas and landscaping beds may be utilized in the front, rear and side yards. Landscaping beds and natural areas located in the front yards shall not encompass more than 50% of the total available for the front yard. (Areas are measured from the curb to the nearest point of the house, and from one side yard property line to the other side yard property line. Corner lots will be measured from the curb to the far side yard property line. Areas will exclude existing walkway and driveway.) The remaining 50% of the front yard area shall be grass.

Front yards should be graded sod, with natural areas covered with pine straw or other mulch as applicable. No gravel, sand or bare dirty yards are permitted. Side and rear yards visible from the street or neighbors shall be seeded covered with sod with no gravel, sand, or bare dirt areas visible.

Mature plant size shall be considered in determining locations of bushes and shrubs near property lines and the plantings set back sufficiently to account for mature growth.

Vegetable, herb and water gardens shall normally be confined to the rear yard out view from public streets and common areas. Water gardens shall be planned and located to limit potentials for accidents (i.e., electrocution, drowning).

Requests for water gardens, herb and vegetable gardens in front yards shall require specific written approval of the ACC.

New trees shall be located away from foundations, drives or walks to limit potential damage caused by root growth.

Landscaping and plantings in utility easements will be reviewed on a case by case basis and normally be permissible, but with the full understanding that any plantings may have to be removed for utility work in that easement without any liability on the part of the Association or the utility company.

#### **MATERIALS:**

In the application, provide "common" variety names of plants that are to be used. Approval is not required for mulching with pine straw, hardwood or bark mulch. Decorative gravel much or other types of mulching require approval.

Edging may consist of unstained pressure treated yellow pine timbers, brick, stone, precast concrete edging, black plastic edging, or other commonly used material. Selection should consider scale, color and proportion to harmonize with the existing structures and surrounding site. Normally, edgings are only one level high and multiple levels of landscape timbers or other materials would normally be considered as a retaining wall under section.

#### **REQUIREMENTS:**

All front yards shall have a minimum of 50% grassed sod area (see appearance above). Rear and side yards may be seeded.

All landscaping will maintain proper drainage on the site. If landscaping is planned, homeowners are required to provide a plan that details drainage patterns and runoff. Plans that cause excessive runoff to neighboring properties or common areas will not be approved without modifications, which solve the drainage situation.

All tree removal, except emergency removal where the tree(s) present a clear and present danger as a result of wind or ice damage or disease or decay (tree posing a danger to life, person, or property), must be approved by the ACC in advance. Photos of the trees to be removed and the reasons for removal must accompany the application prior to tree removal. No healthy tree a trunk diameter of 6 inches or greater shall be removed from any lot without prior authorization of the ACC.

Architectural Control Committee approval is not required for the following items:  
Flowers planted in *existing* beds.

Shrubs less than 3'-0" in height or diameter at maturity and located within an existing bed.

Shrubs less than 3'-0" in height or diameter at maturity and used as a cover for the foundation, fence, deck or HVAC equipment.

Ground cover in *existing* natural areas.

Ground cover in *existing* landscaping beds.

Mulching with pine straw, hardwood or bark mulch.

Replacement of existing shrubs, plants, or trees that die or are diseased with the same variety and size shrub, plants or tree in the same location.

One level of edging consisting of unstained pressure treated yellow pine timbers, brick, stone, pre-cast edging, black plastic edging or other commonly used material as long as the edging is natural in color or the commercially available white stone or cast concrete edging material, but painted stones or other material, but painted stoner or other materials painted or stained will require prior approval and normally not be approved.

Security signs, as provided by security by security service companies, less than 12 inches, which are located behind the sidewalk/walkway in the existing flower bed/natural area. All other sized signs or locations must have prior approval, and each application will be reviewed on an individual basi

## **I. PREAMBLE**

WHEREAS, the *Vineyards Homeowner's Association* ("the Association") is responsible for governance and maintenance of the Vineyards subdivision ("the Community"); and

WHEREAS, the Association exists pursuant to *applicable state law* and governing documents; and

WHEREAS, the Association is authorized to adopt and enforce reasonable rules and regulations in the best interest of the community, pursuant to *section of state law and the governing documents permitting the Association to adopt and enforce rules; and*

WHEREAS, the Association desires and intends to adopt reasonable restrictions governing instillation maintenance, and use of antennas in the best interests of the Community and consistent with the FCC rule.

NOW THEREFORE, the Association adopts the following restrictions and regulations for the community, hereinafter referred to as the "Rules", which shall be binding upon all owners and their grantees, lessees, tenants, occupants, successors, heirs, and assigns who currently or in the future may possess an interest in the Community, and which shall supersede any previously adopted rules on the same subject matter.

## **II. DEFINITIONS**

A. **Antenna:** Any device used for the receipt of video programming services, including direct broadcast satellite (DBS), television broadcast, and multipoint distribution service (MDS). A reception antenna that has limited transmission capability designed for the viewer to select or use video programming is a reception antenna

provides that it meets FCC standards for radio frequency emission. A mast, cabling, supports, guy wires, conduits, wiring, fasteners, or other accessories necessary for the proper installation, maintenance, and use of a reception antenna shall be considered part of the antenna.

- B. **Mast:** Structure to which an antenna is attached that raises the antenna height.
- C. **Transmission-only antenna:** Any antenna used solely to transmit radio, television, cellular, or other signals.
- D. **Owner:** Any homeowner in the Association. For the purpose of the rule only, "owner" includes a tenant who has the written permission of the homeowner/landlord to install antennas.
- E. **Telecommunications signal:** Signals received by DBS, television broadcast, and MDS antennas.

### III. INSTALLATION RULES

#### A. Antenna Size and Type

- 1. DBS antennas that are one meter or less in diameter may be installed. Antennas larger than one meter are prohibited.
- 2. MDS antennas one meter or less in diameter may be installed. MDS antennas larger than one meter are prohibited.
- 3. Antennas designed to received television broadcast signals, regardless of size, may be installed, but only after written authorization is obtained from the ACC, and only if installing in the attic is unfeasible. (Refer to section III B below.)
- 4. Installation of transmission-only antennas is prohibited in the Community.
- 5. All antennas not covered by the FCC rule are prohibited.

#### B. Location

- 1. Antennas shall be installed solely on individually owned property as designated on the *recorded deed or other document defining the portions of common or individually owned property.*
- 2. If acceptable quality signals may be received by placing antennas inside a dwelling, without unreasonable delay or unreasonable cost increase, then outdoor installation may be prohibited.

3. Antennas shall not encroach upon common areas or any other owner's property.
4. Antennas shall be located in a place shielded from view from the street or from other lots to the maximum extent possible, provided, however, that nothing in this rule would require installation in a location from which an acceptable quality signal may not be received. This section does not permit installation on common property, even if an acceptable quality signal may not be received from an individually owned lot

**C. Installation**

1. Antennas shall be no larger nor installed higher than absolutely necessary for reception of an acceptable quality signal.
2. All installations shall be completed so that they do not damage the common areas of the Association of the lot of any other resident, or void any warranties of the Association or other owners, or in any way impair the integrity of buildings on common areas or lots.
3. Owners are responsible for all cost associated with the antenna, including but not limited to costs to:
  - a. Place (or replace), repair, maintain, and move or remove antennas;
  - b. Repair damages to the common property, other lots, and any other property damage by antenna installation, maintenance or use;
  - c. Pay medical expenses incurred by persons injured by antenna maintenance, or use;
  4. Reimburse residents or the Association for damages caused by antenna installation, maintenance, or use.
5. Antennas must be secured so that they do not jeopardize the soundness or safety of any other owner's structure or the safety of any person at or near antennas, including damage from wind velocity based upon a unique location.

**D. Maintenance**

1. Owners shall not permit their antennas to fall into disrepair or to become safety hazards.
2. Owners shall be responsible for antenna maintenance and repair
3. Owners shall be responsible for repainting or replacement if the exterior surface of antennas deteriorates.

**E. Safety**

1. Antennas shall be installed and secured in manner that complies with all applicable city and state law and regulations, and manufacturer's instructions. The owner, prior to installation, shall provide the Association with a copy of any applicable governmental permit.
2. Unless the above cited laws and regulations required a greater separation, antennas shall not be placed within five (5) feet of underground power lines (as indicated by No-Cuts) and in no event shall antennas be placed where they may come into contact with an electrical power line. This purpose of this requirement is to prevent injury or damage resulting from contact with power lines.
3. All installations must comply with all applicable codes.
4. In order to prevent electrical and fire damage, antennas shall be permanently and effectively grounded.
5. Antennas are required to withstand the pressure of snow and ice.

**IV. ANTENNA CAMOUFLAGING**

- A. Antennas or masts may not extend beyond a railing or fence unless not acceptable quality signal may be received from this location.
- B. Existing landscaping or fencing must camouflage antennas situated on the ground and visible from the street or from other lots, in an acceptable quality signal may be received from such placement. If not such existing landscaping or screening exists; the Association may require antennas to be screened by new landscaping or screening of reasonable cost.
- C. Antennas, masts, and any visible wiring must be painted to match the color of the structure to which it is installed. (*Some manufacturers assert that painting may prevent the receipt of an acceptable quality signal. Association residents are advised to make sure that paint will not degrade the signal.*)
- D. Antennas may not obstruct a driver's view of an intersection or street.

*E.* Camouflaging antennas may not be unreasonably expensive.

## **V. NUMBER OF ANTENNAS**

An owner may install no more than one antennas of each provider.

## **VI. MAST INSTALLATION**

- A.* Mast height may be no higher than absolutely necessary to receive acceptable quality signals.
- B.* Masts that extend 12 feet or less beyond the roofline must be approved before installation due to safety concerns posed by wind loads and the risk of falling antennas and masts. Any application for a mast longer than 12 feet the antenna and the mast, as well as an explanation of the necessity for a mast higher than 12 feet. If this installation will pose a safety hazard to association residents and personnel, then the association may prohibit such installation. The notice of rejection shall specify safety risks.
- C.* A licensed and insured contractor must install masts.
- D.* Masts must be painted the appropriate color to match their surroundings.
- E.* Masts installed on a roof shall not be installed nearer to the lot line than the total height of the mast and antenna structure above the roof. The purpose of this regulation is to protect persons and property that would be damage if the mast were to fall during a storm or from other causes.
- F.* Masts shall not be installed nearer to electric power lines than the total height of the mast and antenna structure above the roof. The purpose of this regulation is to avoid damage to electric power lines if the mast should fall during a storm.
- G.* Masts shall not encroach upon another owner's lot or common property.
- H.* Masts shall be designed to withstand the weight of ice and snow.

## **VII. NOTIFICATION PROCESS**

- A.* Any owner desiring to install an antenna must complete an Architectural Control Committee Application Request Form (Section 2.02) and submit it to the ACC chairperson. If the installation is routine (conforms to all of the above rules and restrictions) the installation may begin immediately.
- B.* If the installation is other than routine for any reason, and after an ACC Application Request Form has been submitted, owners and the ACC must establish a mutually convenient time to meet to discuss installation methods.

## **VIII. INSTALLATION BY TENANTS**

The tenants may install antennas in accordance with these rules with written permission of the homeowner/landlord. A copy of this permission must be furnished with the Architectural Control Committee Application Request Form.

## **IX. ENFORCEMENT**

A. If these rules are violated, the Association may bring action for declaratory relief with the FCC or any court of competent jurisdiction after notice and opportunity to be heard. If the court of FCC determines that the Association rule is enforceable, the Association for each violation shall impose a fine of \$50. If the violation is not corrected within a reasonable length of time, additional fines of \$10 per day will be imposed for each day that the violation continues. To the extent permitted by law, the Association shall be entitled to reasonable attorney fees, costs, and expenses incurred in the enforcement of this policy.

B. If antenna installation poses a serious, immediate safety hazard, the Association may seek injunctive relief to prohibit or seek removal of the installation.

## **X. SEVERABILITY**

If any provision is ruled invalid, the remainder of these rules shall remain in full force and effect.

### **Section 3.11 Exterior Freestanding Detached Structure**

#### **DEFINITION:**

Example of exterior freestanding structures includes storage sheds, gazebos, doghouses, greenhouses, etc.

#### **APPEARANCE:**

Generally, the ACC will review materials, colors, location, scale, and massing of the proposed structure to determine compatibility of the proposed structure to surrounding structures and sites. The intent is to preserve the architectural character of the neighborhood with specific emphasis given to the maintenance of a cohesive neighborhood architectural style. This "style" incorporates scale, detailing, materials, massing, color(s) and design intent of the original structure. Every application will be reviewed on an individual, case-by-case basis.

Chain link outdoor dog runs or animal cages, clotheslines and private tennis courts are prohibited.

#### **LOCATION:**

All exterior freestanding detached structures will be confined to the rear yard and should minimize changes to the existing topography. The location for these structures will typically be governed by the maximum building area that is defined by Forsyth County in respect to the minimum setback requirements from the property line. However, the ACC reserves the right to reject applications, which may meet the Forsyth County setback requirements but fail to meet the



objectives of the ACC. The ACC will review each application on an individual basis and approvals will be granted on this basis. A prior approval of an application does not guarantee subsequent approvals on the same or other lot. The placement of doghouses must also take into consideration safety concerns, noise minimization, the possibility of offensive odors, and not be visually offensive to neighbors and public areas. "Visually offensive" shall be judged by the ACC applying a standard of objective reasonableness rather than just subjective views of the neighbors.

All landscape benches and sculpture, if visible from the street, should be tasteful and blend with the natural environment and style and colors of the house.

**MATERIALS:**

Materials for use on any building addition or modification must meet or exceed the quality of and be consistent with the materials used in the construction of the original structure. Compliance with the current edition of the Forsyth County building codes will be considered meeting the minimum standards of construction. The ACC reserves the right to require the homeowners to exceed these standards if it is deemed necessary to maintain the architectural intent of the original structure. In general, the ACC seeks to maintain the quality of materials and workmanship present in the original structure.

Detached garages or out buildings shall be constructed of similar materials and designed to coordinate with the residential structure on the lot.

Application must include details of the foundation or anchors for such structures.

**REQUIREMENTS:**

All exterior freestanding structures shall maintain proper drainage and erosion management on the site. If a structure is planned, homeowners are required to provide a plan that details drainage patterns and runoff as a result of the new structure.

The location of all exterior freestanding detached structures should preserve existing trees and vegetation to the maximum extent possible. No healthy tree with a trunk diameter of 6 inches or greater shall be removed from any lot without prior authorization of the ACC.

If electrical service will be provided to the detached structure, the application must include details of how that service will be run and must comply with all applicable electrical codes and regulations. Overhead electrical service is not permitted in the Vineyards.

Metal storage structures will not be approved.

All external detached freestanding structures must comply with all applicable Forsyth County regulations, ordinances, permit requirements and inspection requirements. The Forsyth County standards are the minimum requirement and the Vineyards standards may be more stringent.

### **Section 3.12 Exterior Painting**

#### **APPEARANCE:**

All exterior paint colors, including mailboxes, shall be consistent with the initial paint application to maintain a variety as well as continuity with the surrounding homes.

Paint colors on additions and exteriors detached structures shall be consistent with the dwelling and surrounding area.

#### **LOCATION:**

Not applicable.

#### **MATERIALS:**

Any changes to the original exterior paint colors must have ACC approval. No two houses within four houses of each other shall be have the same base, shutter, door, or trim colors.

The exterior paint colors of the walls, gutters, shutters, garage doors, and exterior doors of a single-family residential structure, detached garage, or outbuilding shall complement the balance of the colors and materials selected for the unit. Highly bright and reflective colors shall be avoided.

Brick shall remain its original color and may not be painted or stained.

### **Section 3.13 Exterior Lighting**

#### **APPEARANCE:**

Exterior lighting fixtures must be compatible with the architectural character of the neighborhood. Generally, low voltage accent lighting confined to planting beds or along walkways and on decks is acceptable. Other lighting devices, for example, lampposts, will be reviewed on an individual basis. "Temporary" holiday lighting generally does not require approval from the ACC; however, such "temporary" holiday lighting generally does not require approval from the ACC; however, such "temporary" lighting and any associated wiring must be removed within a reasonable within a reasonable period after such holiday.

#### **LOCATION:**

Generally, low voltage accent lighting confined to planting beds or along walkways is acceptable. Floodlights will generally be limited to rear and side yards. Floodlights used to highlight a flag on flagpole must have approval prior to installation.

#### **MATERIALS:**

Include a materials list and if possible, a picture or drawing of the proposed fixtures, with the application.

#### **REQUIREMENTS:**

Beam spread from all light sources should be confined to the homeowner's lot. On corner lots and locations where the lighting may affect drivers, care must be taken to insure that spotlights and floodlights do not cause dangerous safety hazards by blinding oncoming traffic.

All electric installations must be in accordance with all applicable electrical codes and regulations.

Approval is not necessary for the following:

Approval is not necessary for replacement of current light fixtures with a similar type and style.

Approval is also not necessary for properly installed low voltage accent lighting along walkways and on the inside of decks if the lights are at least 3 feet apart. If closer placement is desired, then an application must be submitted. Any low voltage spotlights or lights on the outside of decks require an ACC application if the light may shine onto an adjacent property.

### **Section 3.14 Retaining Walls**

#### **APPEARANCE**

Generally, the ACC will consider for approval “natural” materials for use in the construction of retaining walls. All retaining walls will be considered on an individual basis. The ACC will review materials, colors, location, scale and massing of the proposed wall to determine compatibility with the architectural intent of the existing structure and relationship to the surrounding site.

#### **LOCATION:**

Locations for retaining walls must be clearly specified on the plot plan submitted with the application. Application for retaining walls will be reviewed on an individual, case-by-case basis. Consideration will be given to changes in the natural topography and existing drainage patterns.

#### **MATERIALS:**

“Natural” building materials such as stone, slate, brick and pressure treated timbers will be considered as acceptable materials. Materials and colors chosen should complement the existing structure on the site.

#### **REQUIREMENTS:**

All retaining wall will maintain proper drainage on the site. If a wall is planned, homeowners are required to provide a plan that details drainage patterns and runoff as a result of the new structure.

All retaining walls will be properly secured to prevent collapse and must meet all applicable Forsyth County requirements. There is no high limit, but the compatibility with the surrounding area and the dwelling will be considered. Any request for a retaining wall over three feet in height shall include an application detailing specifications on anchoring the wall.

### **Section 3.15 Hot Tubs/ Pools**

#### **APPEARANCE:**

All hot tubs and pools will be reviewed on an individual, case-by-case basis. The ACC realizes that pool and hot tub styles are unlimited and will place emphasis on screening systems to minimize the visual impact from a public way or adjoining property.

**LOCATION:**

All hot tubs and pools will be confined to the rear yard. On lots where a rear yard adjoins or is visible from a public way, appropriate screening shall be installed to minimize the visual impact.

**MATERIALS:**

All pools and hot tubs will be reviewed individually for materials and color.

**REQUIREMENTS:**

Installation must meet or exceed all applicable codes, regulations, ordinances, permit requirements, and inspection requirements of Forsyth County. Forsyth County standards are the minimum standards and the Vineyards requirements may exceed those standards.

All pools and hot tubs will maintain proper drainage on the site. If a pool/hot tub is planned, homeowners are required to provide a plan that details drainage patterns and runoff. Care should be taken to contain water from spilling over onto adjacent properties.

All pools and open hot tubs shall be surrounded by a fence (see Section 3.05) with locking gates. Pools and hot tubs required additional screening based on the location on the lot to provide visual screening from adjacent property owners or public ways.

No permanent above ground pools will be permitted.

Pumps and other machinery related to the pool or hot tub shall be concealed in a manner to avoid offensive visual appearance and minimize noise production or transmission of such noise to nearby lots. "Visually offensive" shall be judged by the ACC applying a standard of objective reasonableness rather than just the subjective views of neighbors

Care should be taken to locate pools and hot tubs away from potential hazards (i.e., electrocution, drowning). All electrical work related to the pool or hot tub shall comply with all applicable electrical codes.

Homeowners should understand that pools increase the intensity of noise and appropriate measures need to be taken to limit potential conflict with adjacent homeowners. In addition, homeowners must also comply with the Forsyth County noise ordinance.

**Section 3.16 Mailboxes****APPEARANCE:**

Mailboxes structures shall be constructed to match the construction materials used for the front of the house.

**LOCATION:**

All mailboxes will be confined to the front yard. Movement from the original location to an alternative location will require an application to the ACC. Location and height must conform to US Postal Service requirements.

**MATERIALS:**

No mailboxes or paper box, or other receptacle of any kind, for use in the delivery of mail, newspapers, or similar materials shall be erected or placed on any lots or structures unless prior approval is granted from the ACC.

**REQUIREMENTS:**

All mailboxes must be repainted or replaced if approximately 20% of more of the surface shows signs of rust or paint peeling as applicable. Mailboxes structures should be sufficiently sturdy and maintained as required.

ACC approval is not necessary for replacement of a current mailbox with an identical replacement.

**Section 3.17 Flagpoles**

**APPEARANCE:**

All flagpoles will be reviewed on an individual basis. The ACC will place emphasis on the visual impact from a public way or adjoining property.

All flagpoles should blend with the natural surroundings to the extent possible.

Appropriate landscaping should be planned at the base around of the pole to assist in keeping the flagpole from being visually offensive from public ways and adjoining properties. "Visually offensive" shall be judged by the ACC applying a standard of objective reasonableness rather than just the subjective views of neighbors.

**LOCATION:**

Dependent on the configuration of each lot, flagpoles should be placed in a location on the Lot that enhances and does not detract from the home or the surrounding properties.

**MATERIALS:**

Include a materials list and where possible, a picture or drawing of the proposed fixture, with the application.

**REQUIREMENTS:**

Only non-rusting aluminum flagpoles with a maximum height of 20 feet may erect. Flagpoles shall be installed and secured in manner that complies with all applicable city and state laws and regulations, and manufacturer's instructions. The homeowners are responsible for all costs associated with the flagpole, including but not limited to repair, maintenance, or removal; Repair damages to the common property, other lots, and any other property damage by the flagpole installation, maintenance or use; pay any medical expense incurred by persons injured by the flagpole's maintenance and use.

Flagpoles must be secured so that they do not jeopardize the soundness or safety of any other owner's structure or the safety of any person at or near the flagpole, including damage from wind velocity, ice, or snow.

The flagpole will be rigged with ropes that do not rot, tangle, or bang in the wind. The purpose of this requirement is to prevent injury, damage, or noise nuisance to surrounding homeowners.

Only two flags will be allowed to fly on any given time. Only a United States of America regulation flag may be flown with a maximum size of 5 feet by 8 feet. The only other allowable flag that may be flown from a flagpole is the regulation state of Georgia flag with a maximum size of 5 feet by 8 feet. These flags should be flown according to the United States Code Title 36, Chapter 10. Lighting of the flagpole with floodlights must have approval prior to installation by the ACC.

## **Section 4.00 Maintenance**

### **Section 4.01 Maintenance**

#### **APPEARANCE:**

It is the responsibility of each homeowner to maintain his/her property in such a way that it adds to the overall beauty and harmony of the subdivision. Each homeowner should take this responsibility seriously, as failure to do so can negatively impact the value of your own property, surrounding properties, and the subdivision as a whole.

There are many areas in and around the home that should be inspected regularly to insure the property is in good repair. These include but are not limited to:

- Lawn Care
- Trimming of trees and shrubbery
- Landscaping
- Decks
- Fences
- Driveways and Sidewalks
- Playground Equipment
- Paint
- Roofing
- Debris and Trash removal

#### **DETERIORATION:**

If any time the Board of Directors is made aware of a property that has deteriorated to the point that it is affecting the aesthetics of the community, the Architectural Control Committee will be requested to make a site inspection. The committee will then make a recommendation for action to the Board of Directors. Appropriate action will be taken in accordance with the enforcement policies of the Vineyards Homeowners Association.

Based on the severity of the deterioration, the homeowner will be given a specified period of time in which to make the necessary repairs. If, after that time, the repairs have not been completed to the satisfaction of the Board, the Board has the obligation of enforcement as described in the Declaration of Conditions, Reservations, and Protective Covenants and the Bylaws for the vineyards Homeowners Association, and other applicable regulations and policies.

## **Section 5.00 Exceptions**

### **Section 5.01 Exceptions**

Exceptions to these Architectural Control Standards and Procedures may be allowed by a majority vote of the members of the ACC, but only in cases where the ACC determines that:

An exception is necessary in a particular case to avoid undue hardship or to deal with unique, unusual or extraordinary conditions or circumstances encountered on a particular Lot.

The exception will serve the spirit of these design standards and not be to the detriment of the subdivision. Such exceptions shall be in writing. No exception allowed hereafter shall have any precedent or other affect upon any other situation in which exceptions are requested or considered by the ACC.

### **Section 5.02 Grandfather Clause**

Any physical structures, yards, mailboxes, driveways, lamp posts, walls, fences, etc existing prior to these guidelines implemented November 15, 2002 at 12:01 AM remain approved as is, where is an are not affected by this revised Architectural Standards and Procedures for the Vineyards Subdivision. Any architectural change planned as outlined in this manual after 12:01 AM November 15, 2002 will fall under the regulation of the Standards and procedures of this manual.

It is further emphasized that any approvals by the Architectural Control Committee prior to 12:01 AM November 15, 2002, although "Grandfather" approved, do not set precedence nor act as examples of approval or exemption from the regulations, standards, and procedures set forth by this Architectural Standards and Procedures manual for similar structures and modifications that may occur after November 15, 2002 at 12:01 AM.

## **Section 6.00 Appendix**

### **Section 6.01 ACC Meeting Dates**

*Unless otherwise stated, all Vineyards HOA Architectural Control Committee Meetings will be determined by the ACC. The meeting location will be announced. Please contact the ACC chairperson to confirm location and date.*

The Vineyards Homeowners are welcome to attend and observe the Architectural Control Committee Meeting.