

# **Talatha Gardens Architectural Control Committee Standards**



**These are the Architectural Control Committee Standards revised and approved as written by the Talatha Gardens Homeowners Association Board of Directors as of 1 January 2021.**

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## Document Changes

- (01/2021) Updated Disclaimer (Section 1.03) explaining ACC Authority
- (01/2021) Updated Enforcement (Section 1.04) - remove suggestion of legal action
- (01/2021) Updated Penalties (Section 1.05) - Updated “Further” Fee to \$25 and provided explicit instructions on Liens
- (01/2021) Updated Application Instructions (Section 2.01) - Updated Review Period to 30 days
- (01/2021) Updated Fences and Garbage Receptacles (Section 3.03) - Added white vinyl fences, removed 2/3-split rail, added perimeter fence requirement, and updated trash can requirements
- (01/2021) Updated Satellite Dishes & Antennas (Section 3.07) - Removed generalities and added specific information (timelines and dish location)
- (01/2021) Updated Exterior Free Standing Structures (Section 3.08) - Added “Garages” to the description, updated height requirements
- (01/2021) Updated Exterior Painting (Section 3.09) - Updated Shutter Colors and Door Accents
- (01/2021) Updated Boat, Trailer, Vehicle Storage (Section 3.13) - Updated requirements to State Laws (registration, Golf Carts, street parking)
- (01/2021) Updated Mail/Newspaper Receptacles (Section 3.14) - Added Materials and Colors
- (01/2021) Added Roofing (Section 3.15) - Added entire section
- (01/2021) Miscellaneous format changes

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# **Introduction and General Information**

## Introduction

Whether you are an original owner of a home in Talatha Gardens or you're a second or third owner, WELCOME to the community. Talatha Gardens 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.

Talatha Gardens is a community of one hundred and ninety seven (197) lots that was site-planned, designed and approved as a self-contained, deed-restricted community with its own set of Covenants, Conditions and Restrictions (hereinafter referred to as CCR's), under which all property owners would live and abide by, and which would provide for the maintenance of all Common Properties and improvements thereon (see your CCR's and other related documents or specific details). The CCR's were created so that aesthetics, congruity, appearance, safety, etc., would be defined, and written guidelines would be promulgated in order to create an environment where Homeowner(s) could 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. Talatha gardens is a "mini city" where there is a mayor (Board President), a city council (Board of Directors (Hereinafter referred to as Board)), functional departments (Committees), and citizens (Homeowner(s)). The ultimate intent of the CCR's of Talatha Gardens is not to create an environment where property rights are trampled, but rather a self-ruled community where its members (Homeowner(s)) 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-run community makes for a pleasant place in which to live. Under the CCR's and related documents, all exterior changes must come before the Architectural Control Committee (hereinafter referred to as ACC), including any that are not covered in this booklet. This document sets forth guidelines and procedures for making an application for approval for changes/improvements to the exterior of your home and/or yard. Please read, and familiarize yourself, with the information contained herein and in the CCR's of Talatha Gardens. These documents are available for viewing and/or download on our website located at: <https://www.TalathaGardens.com>.

## Architectural Control

## Section 1.02

### Architectural Control Committee

**ORGANIZATION:** The Declaration of Master Covenants, Conditions and Restrictions for Talatha Gardens require that an ACC, consisting of three members who shall serve without compensation, shall be elected and removed by the Homeowners Association Board of Directors.

The ACC shall be organized with a chairperson and committee members. The chairperson shall be appointed from the membership of the ACC by the President of the Board with the approval of a majority of the Board. Membership on the ACC requires approval of the Board.

**PURPOSE:** The ACC shall regulate the external design, appearance and location of the properties and improvements thereon in such a manner as:

- To promote qualities in the environment that bring 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 ACC is responsible for:**

- Reviewing applications for exterior architectural and landscaping changes from individual Homeowner(s).
- 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.
- Enforcement of architectural Standards and related regulations.

**AUTHORITY:** The authority of the ACC flows from the CCR's of Talatha Gardens, a copy of which you should have received at the time you contracted to purchase your home. Copies of all other legal documents, rules, regulations and resolutions are maintained on file by the Board, should a Homeowner request a copy. Most of the details of the ACC authority are explained below.

The ACC does not have authority over the initial construction and landscaping of dwelling units constructed by the primary builder within Talatha Gardens and had no authority over the design or layout of the common areas or commonly owned property such as the entrance features and surrounding common area.

The CCR's of Talatha Gardens provide that no building, sign, fence, outside lighting, hedge, wall, walk, radio antenna, clothesline or other structure or planting shall be constructed, erected or planted until the plans and specifications 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. 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 thereof on adjacent or neighboring property.

The CCR's for Talatha Gardens 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 any construction of any improvement which violates the terms of any approval by the ACC or the terms of this Declaration or of any other CCR's to which its deed or other instrument of conveyance makes reference. The Enforcement Procedure of the Talatha Gardens Homeowners Association provides 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.

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 new or additional requests for such waivers.

**STANDARDS:** The ACC shall develop proposed policy standards. The policy standards shall include: **(a)** the application process, **(b)** review procedures of the ACC, **(c)** the standards for various types of architectural and landscaping changes, and **(d)** such other Standards and rules as may be necessary to implement effective architectural control in Talatha Gardens. The Standards may also include specific recommended design practices that are generally accepted methods for achieving the objectives of the Association in particular design problems frequently encountered in the community. The policy standards are intended to assist the ACC and the Owners of Lots in the ongoing process of community design.

**Disclaimer**

The Association, Declarant, ACC, 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.

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 ACC. These Architectural Standards are not all-inclusive and no inference should be made that the failure to include a particular type of exterior or landscaping change somehow exempts that change from the approval process. The ACC also has the authority and freedom to decide on any Architectural Standards, Requests, or questions unless explicitly mentioned in these Standards. Any questions or concerns on ACC actions or decisions must be elevated to the HOA Board.

If any paragraph, section, sentence, clause or phrase of these Standards shall be or become illegal, null or void for any reason or shall be held by any court of competent jurisdiction to be illegal, null or void, the remaining paragraphs, sections, clauses, and phrases are severable and shall continue to be in full force and effect. In case of any conflict between the CCR's for Talatha Gardens, the By-Laws of the Talatha Gardens Homeowners Association, and these Standards, the Declaration and By-Laws shall control.

## Enforcement

### ENFORCEMENT AUTHORITY AND RESPONSIBILITIES

#### 1. Board of Directors:

- a. The Talatha Gardens HOA Board is responsible for overall direction and approval of all enforcement actions.
- b. The Board is responsible for appeal of enforcement actions by the ACC.
- c. Committees shall only have the enforcement power delegated to them by the Board, except that the ACC shall have that power delegated to it by the CCR's and related documents within the procedures established by the Board. All other enforcement powers shall be retained by the Board.

#### 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 lot.
- b. The ACC shall maintain close liaison with the Board to identify violations and to process complaints in a timely manner.
- c. The ACC may investigate alleged violations.
- d. The ACC shall review the results of investigations and take immediate action to prevent violation or continued violation where possible.

### ARCHITECTURAL CONTROL ENFORCEMENT

#### 1. The ACC has authority under the covenants to:

- a. Enforce architectural standards.
- b. In its discretion, release existing improvements from restrictions or encroachments they violate in appropriate circumstances.
- c. In its discretion, grant waivers for minor deviations and infractions if appropriate.

#### 2. The Architectural Enforcement Process:

- a. The ACC shall conduct field inspection reports related to architectural violations, and shall forward to the Board by the ACC in their monthly report. The ACC shall also initiate proactive measures to identify violations.
- 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.
- c. All complaints received by members of the ACC alleging architectural violations shall be reported.
- d. All complaints received by members of the Board alleging architectural violations shall be reported to the ACC.
- e. Upon receipt of information concerning potential or alleged architectural violations, the ACC shall determine the nature of the 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.
- f. The ACC may investigate alleged violations. In appropriate cases professional technical assistance, such as engineers, may be used if approved by the Board in advance. The President of the Board shall be notified of the initiation of such an investigation as soon as possible. The different categories of violation shall require different investigative responses.
- 1) **Major architectural or landscaping changes without ACC approval.** Construction of deck, fence, parking pad or other structure; cutting substantial number of trees; filling large areas; or similar major changes shall require formal, comprehensive investigation with full documentation of actions taken. The ACC shall prepare a packet for review of all architectural requests and other documentation in their files relevant to the allegations or verify that no request was submitted. The ACC shall make visual observations of the alleged violation to the greatest extent possible. Photographs could be taken, if feasible. Interviews of involved owners may be conducted, if appropriate, but at least two members of the ACC must be present and no promises made during the interview. Other investigative actions may be taken as appropriate.
  - 2) **Architectural or landscaping changes not consistent with ACC approval.** In these cases, the ACC shall compile a packet for review of all architectural requests and other documentation in their files relevant to the alleged violation and forward to the chairperson of the ACC. The ACC shall conduct an investigation to verify improvements were not consistent with ACC approval.
  - 3) **Minor architectural or landscaping changes without ACC approval.** ACC shall investigate on a case-by-case basis.
  - 4) **Architectural/landscaping changes begun or completed after application for ACC approval but prior to actual approval.** ACC shall investigate allegations as quickly as feasible if work is still in progress. If the work is completed, investigation shall proceed as determined by ACC.
- g. **Notice:**
- 1) Notice will be mailed by ACC to the violating owner, noting violation & requesting compliance by a certain date to avoid penalties. In the case of work in progress, a letter shall be sent as soon as possible informing appropriate persons to cease work immediately, explaining violation and, in addition, giving the violator a set, but reasonable, amount of time to correct the violation.
  - 2) Site inspection will be performed after the date outlined in the above notice. If violation is corrected, the matter will be closed. A remaining violation will result in further compliance actions. ACC may extend grace period based on individual circumstances or issue subsequent notices if necessary.

**Enforcement options** shall include the following:

- 1) If the corrective action demanded by the notice is taken within the specified time and completed in a satisfactory manner, no further enforcement options are required.
- 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:
  - Impose fines in accordance with Section 1.05 of ACC Standards of Talatha Gardens for each week the violation continues.
  - After notice and opportunity to be heard by the Board, suspend a member's voting rights for noncompliance with published rules and regulations of the Association.
  - Other corrective actions that may be appropriate in the particular situation.

**Penalties****FINE SCHEDULE (Approved by Board – 11 November 2020)**

- 1st Notice (Warning) – Letter to Homeowner will explain the infraction that is spelled out in the TGA CCR's. The letter will specify that any work related to the infraction cease until resolution to the satisfaction of the ACC has been accomplished. The letter will allow the homeowner 30 days, from date of mailing, to correct any problems addressed. If there is a question or assistance needed to explain the infraction, please contact the ACC by email: TalathaGardensHOA@gmail.com.
- 2nd Notice – If the infraction is not corrected within 30 days, a certified letter will include a fine of \$10. (NOTE: Cost of the certified mail will be included as part of the fine)
- 3rd Notice – If the infraction is not corrected within 30 days of the 2nd notice, a Certified Letter will include a fine of an additional \$20 (Total: \$30 + 2 certified mail).
- Any further notice of the uncorrected infraction to the Homeowner via Certified Letter will impose a monthly fine of \$25 until the homeowner has resolved the infraction with a written or emailed notice to the ACC.
- Last Notice (delivered by Certified Mail) will be a secured lien taken on the property if the resident ignores the CCR's obligations and the total fines exceed \$200. Any lien filing fee will be included in the fine total AFTER filing.

We, the Board, are willing to work with homeowners who feel their issue needs special attention or can't be addressed because of hardships or other personal reasons. Please feel free to contact any member if assistance is needed by using the website or email.

# **Procedure for Requesting Architectural Approval**

## Application Instructions

### ARCHITECTURAL CONTROL APPLICATION INSTRUCTIONS

**Prior to any alteration, addition or improvement**, the property owner (not contractors or other parties) must submit a completed ACC Application Request Form by email or by mail. All parts of the form shall be filled out completely, and all pertinent information shall be included in the submittal. Incomplete applications shall delay the approval process. The property owner then sends the completed form, along with any attachments or supporting documents required by the ACC Standards to the HOA/ACC for processing. **Applications must be mailed or emailed directly to the HOA/ACC.**

**Completed Applications:** The ACC has thirty (30) days from the date of receipt in which to approve or decline the Application. If the ACC has not responded to your Application within thirty (30) days, your project will be automatically approved **as submitted**.

**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 until the application is complete.

Committee members will review complete applications, and approve or disapprove the application within the thirty (30) days. **The ACC meets once a month.** The ACC 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.

Upon its approval from the ACC the homeowner can begin the project. In the case of a denial for insufficient information, the information needed shall be provided to the Homeowner. (Note: Any calculation of time concerning the processing of an application will not start until the application is complete.) In the case of approval with conditions, the conditions shall be 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 reasons and/or requirements will be noted on the application. A property owner who is not satisfied with the Committee's decision may (a) submit another different application (should the property owner want 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 local utility companies to mark existing underground utility lines.**

**Talatha Gardens Architectural Control Committee**

P.O. Box 198, New Ellenton, SC 29809-0198  
TalathaGardensHOA@gmail.com

**Request for Approval for Exterior Home Improvement**

*(Must be submitted a minimum of **thirty (30)** days prior to proposed construction)*

Owner's Name \_\_\_\_\_ Date \_\_\_\_\_

Address \_\_\_\_\_ Lot# (if known) \_\_\_\_\_

Email \_\_\_\_\_ Phone# \_\_\_\_\_

=====

**Construction Specifications** (*attach blueprints, sketch, etc. of planned improvement*):

Start Date \_\_\_\_\_ Estimated Completion Date \_\_\_\_\_

Description of Improvement (i.e. fence, shed, gazebo, exterior painting; material & color):

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

Estimated Height, Width, & Length \_\_\_\_\_

Location on Lot \_\_\_\_\_ Contractor Name \_\_\_\_\_

Any Extra Information (as much as possible is recommended): \_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

=====

TGA ACC Approval/Disapproval (*reason attached*) given by:

ACC Chairperson or Representative

Name: \_\_\_\_\_ Date: \_\_\_\_\_ Signature: \_\_\_\_\_

HOA President (optional for approved; signature required for disapproval and filing)

Name: \_\_\_\_\_ Date: \_\_\_\_\_ Signature: \_\_\_\_\_

### The Appeal Process

The following process will be followed for appeals of decisions from the ACC:

1. **Notice of Denial:** The notice shall provide the applicant thirty (30) days to file an appeal of a final ACC decision in writing to the HOA or ACC. Administrative denials requesting additional information, or for other reasons, are not final decisions and cannot be appealed.
2. **Reconsideration:** Administrative denials will be reconsidered by the ACC and not the Board of Directors. Once a final decision has been reached, then the time for appeal begins.
3. **Notice of Appeal:** Notice of Appeal to the Board of Directors must be filed in writing by (e-)mailing it to the HOA within thirty (30) days of the notice of denial. 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 appeal.
4. **Hearing:** The President shall schedule a hearing of the appeal, normally in conjunction with a normal Board Meeting, within forty-five (45) days of receipt of the appeal. The HOA shall notify the applicant and the ACC of the hearing date and time. The ACC or a designated representative shall attend the hearing. The hearing shall begin with the ACC explaining the position of the ACC and reason(s) for the denial. The applicant shall then have an opportunity to present their reason(s) for the appeal. Witnesses and evidence may be presented at the discretion of the President.
5. **Decision of Board:** No decision shall be rendered at the hearing. Within fifteen (15) days of the hearing, the Board of Directors shall report their decision, based upon a majority vote, in writing. The HOA shall forward copies of the decision to the applicant and the ACC.

# **Architectural Standards**

### Decks

**Appearance:** Decks may remain natural in finish color; however, a semi-transparent stain is recommended to reduce future maintenance. If a semi-transparent color is desired, a color sample must be submitted to the ACC for approval prior to applying the stain. Painting is not permitted. Deck height is not restricted, but is recommended to be no more than fifteen feet (15') in height from the ground. The size and styling of decks must compliment the dwelling and be in proportion to the dwelling. Plans including dimensions, whether it is free standing or permanent in style and location with respect to the main house structure must also be submitted to the ACC for approval prior to start of construction.

**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 building setback lines. However, final placement and approval will be determined by the ACC.

**Materials:** The deck shall be constructed of #2 (or better) pressure-treated southern yellow pine or cypress with galvanized hardware.

**Requirements:** All decks must meet the building requirements for Talatha Gardens in addition to this guideline. Proper drainage must be maintained around the deck and away from the foundation.

## Architectural Control

## Section 3.02

### Building Addition or Exterior Modification

(Examples of additions include, ***but are not limited to:*** screened porches, new living space or storage areas that are physically attached to the main structure of the existing house. Examples of exterior modifications include: the addition of storm doors, gutters or similar modifications. Modifications or changes in exterior colors are covered in Section 3.09)

**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 addition or modification to determine compliance with the architectural intent of the existing structure and the relationship of the proposed structure to surrounding 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 that maintains the scale, detailing, materials, massing, color, and design intent of the original structure.

**Location:** In general, with the exception of building modifications, the location for building additions will be governed by the maximum building area that is defined by Aiken County with respect to the minimum setback requirements from the property line. However, the ACC reserves the right to reject applications which may meet the Aiken County setback requirements, but fail to meet the objectives of the ACC. The ACC will review each application on an individual basis.

**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 State building codes will be considered meeting the minimum standards of construction. The ACC reserves the right to require Homeowner(s) 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. Requests 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, or disruption of swale, the Homeowner(s) are required to provide a plan that details drainage patterns, runoff and easement for swale as a result of the addition/modification.

**Fences & Garbage Receptacles**

**Appearance:** Fences may remain natural in color; however, a semi-transparent stain is recommended to reduce future maintenance. If a semi-transparent color is desired, a color sample must be submitted to the ACC for approval prior to applying the stain. Painting is not permitted due to future flaking.

**Location:** Fences shall follow the natural topography of the land. Existing trees shall not be removed to place the fence without prior written approval from the ACC. The fence shall not extend more than eight to twelve feet (8'-12') from the rear corners of the house toward the front street (this distance is dependent upon neighboring home, property line, house position to street and correctly matches surrounding homes fences). Exceptions will be made on an individual basis to accommodate HVAC systems that are out of the eight to twelve (8'-12') limit. Approval of plans for the fence by the ACC must precede fence construction. The ACC will determine the final placement of the fence based on aesthetics and street appearance.

**Materials:** Fences are to be constructed of #2 (or better) pressure treated yellow pine, cedar or cypress. All fasteners are to be galvanized. White plastic or vinyl fencing is also approved with the same dimensional standards as a wood fence.

**Requirements:** Fences shall be of 2- or 3-split rail design, stockade or shadow box design and be six feet (6') in height. No Panel construction (i.e., 8' panels) is allowed unless the property is completely level and the construction does not appear unlevel. There shall be a minimum of one walk-through gate at least three feet (3'0") wide for access. ALL fencing must be maintained in an aesthetic and safe condition.

**Perimeter Fence:** The original Declarant built a fence along the property line of certain homes within Talatha Gardens. This fence is the responsibility of the individual Homeowner for care and maintenance. Any changes to said fence cannot be made without the prior written permission of the ACC. The perimeter fence must be replaced, if damaged, in a reasonable amount of time. When replacing this fence, it MUST be in wood to keep consistency through the neighborhood perimeter.

**Garbage Receptacles:** Garbage receptacles must be properly screened from view of the street and/or neighboring homes (i.e. kept in a fully enclosed garage, or kept behind an approved six-foot (6') privacy fence), AT ALL TIMES other than garbage pick-up day or after 12 pm (noon) the day before through 12 pm (noon) the day after.

### 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. Patios or walkways may not obstruct water swale in any manner.

**Location:** Patios shall be confined to the rear yard. The patio and walkway size, design and setbacks to adjacent property lines shall be kept in proportion to the existing structures and site.

**Materials:** Generally, brick, concrete, concrete pavers, flagstone, slate and decorative gravel 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 and not disrupt normal water swale. If a walkway or patio is planned, Homeowner(s) are required to provide plans that detail dimensions, drainage patterns and runoff to the ACC prior to start of construction.

**Playground and Recreational Equipment**

**Definitions:** Swing sets, Slides, Sandboxes, and similar items are classified as Playground or play Equipment for the purposes of this guideline. This guideline does not cover moveable, temporary items such as Bikes, Wagons, and similar items. 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 that are routinely removed and stored and not left erected in a permanent fashion.

**Appearance:** Playground and Recreational Equipment should blend with the natural surroundings, and be suitably screened from view of the street and/or neighboring homes.

**Location:** 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.

Recreational equipment must also be placed in the rear yard area (i.e., trampolines). However, if your home is spaced or placed on a lot that does not have an adjacent home (Cornered or Angled lot) or spaced approximately thirty to forty (30 – 40) feet from the next-door residence, Fixed Sports Equipment may be placed alongside of your residence. Potentially dangerous items such as trampolines must be located within fenced areas to prevent access by unsupervised and unintended child users. Portable Basketball Goals shall not be placed near the street, where the street is intended as the playing surface. Portable Basketball Goals are permitted to be used in the driveway, but must be removed and stored out of sight when not in use. Permanent Basketball Goals are to be placed in the rear yard only. Basketball goals located by driveways must be placed to avoid balls striking vehicles, landscaping or other items on the adjacent property.

**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 (i.e., Swing Sets) and be aesthetically pleasing. Recreation Equipment should be constructed of proper materials to ensure safe usage, be properly anchored and be aesthetically pleasing.

**Requirements:** Detailed drawings shall be presented to the ACC for approval prior to the construction or installation of any equipment. All equipment intended to be in a fixed location for an extended period of time must be approved by the ACC. All Playground and Recreational Equipment must be maintained in a safe condition and kept visually pleasing to the community and surrounding environment

## Landscaping

### **DEFINITIONS:**

Natural Area/Landscaping Bed	Any area with ground cover other than grass.
Bushes and Shrubs	Any bush or shrub that will exceed three feet (3'0") in height or width at maturity.
Flower Garden	Any grouping of flowers not contained in a natural area or landscape bed.
Garden	Any area used to grow vegetables or herbs.
Water Garden	Any natural or prefabricated body of water used for decorative purposes.
Tree(s)/Tree Removal	Any tree added to or removed from the property.
Mulch	Any use of wood chips, pine straw, or decorative rock/gravel.

**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 area may be used but is not a requirement. If used, edging should be consistent with the existing style and aesthetics of the community.

Vegetable, herb, and water gardens shall be maintained regularly to prevent excessive weed growth. All plants located in a garden shall not exceed five feet (5'0") in height. Screening of these areas should be considered through the use of a pre-approved fence or shrubs to eliminate views from the street or common areas. These areas should not be visually offensive to neighbors.

Trees shall be maintained and pruned to remove debris and damaged limbs due to wind, decay, disease, or ice damage.

**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 fifty percent (50%) of the total area available for the front yard. The remaining fifty percent (50%) of the front yard area shall be grass.

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. When bushes and shrubs are located immediately adjacent to property lines, mulch is required at the property line to provide easy maintenance for adjacent property owners.

Vegetable, herb, and water gardens shall be confined to the rear yard out of view from public streets and common areas. The maximum height for plants in these gardens shall not exceed five feet (5'0"). Water gardens shall be planned and located to limit potentials for accidents (i.e., electrocution, drowning).

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:** Approval is not required for mulching with pine straw, hardwood or bark mulch, or decorative gravel. Any other type of mulch requires written approval of the ACC.

Edging may consist of unstained pressure treated yellow pine timbers, brick, stone, precast concrete edging, black plastic edging, or other commonly used material. Railroad ties are prohibited and will not be approved for exceptions by the ACC.

Selections 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 (See Section 3.11).

**Requirements:** All landscaping will maintain proper drainage on the site.

All tree removal, except emergency removal, 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. Tree removal may be made where the tree(s) present a clear and present danger as a result of wind or ice damage or disease or decay.

**Architectural Control Committee approval is NOT required for the following items:**

- ☐ Mulching with pine straw, decorative gravel, 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 consists of unstained pressure treated yellow pine timbers brick, stone, precast concrete edging, black plastic edging, or other commonly used material as long as the edging is natural in color. Painted stones or other materials painted or stained will require prior written approval by the ACC.

### Satellite Dishes and Antennas

**Exterior Antennas:** Outdoor antennas, including television, radio, microwave and dish antennas are not permitted in Talatha Gardens, larger than 24” in diameter or 6’ height. Additionally, no Amateur Radio Antennas or Towers are permitted. At most, one (1) satellite dish is authorized at a time, including stands/frames, and must be located either in the back yard or on the side or back roof.

**Enforcement:** 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 an opportunity to be heard. If the court or FCC determines that the Association rule is enforceable, a fine of \$50.00 shall be imposed by the Association for each violation. If the violation is not corrected within thirty (30) days additional fines of \$10.00 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.

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

## Architectural Control

## Section 3.08

### Exterior Free Standing Detached Structure

**Definition:** Includes storage sheds, garages, gazebos, doghouses, greenhouses, arbors, and trellises.

**Appearance:** The ACC will review materials, colors, location, scale and massing of the proposed structure to determine compatibility to surrounding structures and sites. The intent is to preserve the architectural character of the neighborhood. This "style" incorporates the scale, materials, details, massing, color, and design intent of the original structures.

**Location:** All exterior free standing detached structures will be confined to the rear yard. The location for these structures will typically be governed by the maximum building area that is defined by Aiken County with respect to the minimum setback requirements from the property line. However, the ACC reserves the right to reject applications which may meet Aiken County setback requirements but fail to meet the objectives of the ACC.

A prior approval of an application for a given structure 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.

Please contact your neighbor before placing any structure that could impose on privacy or increase disturbance because of size and type of construction.

**Materials:** Materials for use on any detached structure will meet or exceed the materials used in construction of the original structure. Compliance with the "current" edition of Aiken County building codes will be considered meeting the "minimum" standards of construction. The ACC reserves the right to require Homeowner(s) 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 that are present in the original structure. Applications must include details of the foundation and anchorage for such structures.

**Requirements:** All exterior freestanding structures shall maintain proper drainage on the site. If a structure is planned, Homeowner(s) are required to provide a plan that details drainage patterns, runoff and assurance that it will not disrupt the swale as a result of the new structure.

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 or open electrical service is not permitted in Talatha Gardens.

**General Guidelines:** Storage structures will be of vinyl, metal, aluminum or wood siding. Maximum size permitted is twelve feet by sixteen feet (12' x 16'), with a maximum of ten feet (10') from the roof crown to the floor surface and no more than twelve feet (12') to the ground surface (foundation-like or dirt). The structure should resemble a standard "A" Frame Roof. A barn style can be used ONLY if positioned in a manner that is not intrusive to or tower over a neighbor's property. Metal carports are permitted only when suitably screened from view of the street and/or neighboring homes (i.e. behind a pre-approved fence).

### Exterior Painting

**Appearance:** All exterior paint colors, including mailboxes, shall be consistent with the initial paint application to maintain continuity with the surrounding homes. Siding paint shall be only a flat latex type of paint (no semi-gloss or gloss type paints are permitted). Trim paint may be semi-gloss.

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

Shutter colors must be neutral in color. All other colors must be approved by the ACC in advance.

Doors are authorized an “accent” color with prior approval from the ACC.

**Requirements:** Any changes to the original exterior paint colors must have ACC approval.

**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, i.e., floodlights, spot lights, lamp posts will be reviewed on an individual basis. "Temporary" holiday lighting does not require approval from the ACC. However, such "temporary" lighting and any associated wiring must be removed within a reasonable period after such holiday.

**Location:** Generally, low voltage accent lighting confined to planting beds or along walkways is acceptable. Floodlights and spotlights will generally be limited to rear and side yards. Specific approval shall be required for spotlights or floodlights on driveways. This guideline is not meant to be construed as discouraging security lighting systems, but only to control the source and spread of the light beam that may be intrusive to adjacent property owners.

**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 ensure that spotlights and floodlights do not cause dangerous safety hazards by blinding oncoming traffic.

All electrical 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.

### 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 plans, 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 prior to start of construction.

**Location:** Locations for retaining walls must be clearly specified on the plot plan submitted with the application. Applications 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. **Railroad ties are prohibited.** Materials and colors chosen should complement the existing structure on the site.

**Requirements:** All retaining walls will maintain proper drainage and not disrupt the swale on the site. If a wall is planned, Homeowner(s) are required to provide a plan that details drainage patterns and runoff as a result of the new structure.

All retaining walls shall be confined to the rear yard, and properly screened from view of the street and/or neighboring homes.

All retaining walls will be properly secured to prevent collapse and must meet all applicable Aiken County requirements. Compatibility with the surrounding area and the dwelling will be considered.

### Hot Tubs/Pool

**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 limited and will place emphasis on screening systems to minimize the visual impact from a public right-of-way or adjoining property.

**Location:** All hot tubs and pools will be confined to the rear yard, and screened from view of the street and/or neighboring homes by an approved fence.

**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 Aiken County.

All pools and hot tubs will maintain proper drainage on the site. If a pool/hot tub is planned, Homeowner(s) are required to provide a plan that details drainage patterns and runoff. Water from the pool or hot tub may be drained into the storm sewer system at the end of the season. Care should be taken to contain water from spilling over onto adjacent properties.

All pools and open hot tubs shall be surrounded by an approved fence with locking gates. Pools and hot tubs may require additional screening based on the location on the lot to provide visual screening from adjacent property owners or public rights-of-way.

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.

Homeowner(s) should understand that pools increase the intensity of noise and appropriate measures need to be taken to limit this potential conflict with adjacent Homeowner(s).

### Boat, Trailer, and Vehicle Storage

#### **Requirements:**

- ❑ Small motor vehicles and trucks, campers, motor homes, travel trailers, utility trailers, watercraft, off-road vehicles, golf carts and other such equipment may be parked or stored in a fully enclosed garage or discreetly behind a six-foot (6') fence provided such storage cannot be seen from the street or any neighboring property. If any such vehicle is too high to be completely hidden from view by the six-foot (6') fence, it does not comply with this storage allowance and must, therefore, be stored within a fully enclosed garage or off-site of Talatha Gardens.
- ❑ Aiken County ordinances allow the temporary parking of campers in residential neighborhoods for loading or unloading. You may park a camper in your driveway for such short-term, temporary prepping and maintenance.
  - **Exception:** Temporary parking of trucks & commercial vehicles for parcel pick-up/delivery and other commercial services or to vehicles used in connection with approved construction.
- ❑ No inoperative or expired registration Automobiles, Trucks, Motorcycles shall be allowed to remain in Talatha Gardens for a period in excess of 1 month, in accordance with South Carolina DMV regulations unless kept in a fully enclosed garage.
- ❑ In accordance with SC Code, Title 56, Section 56-5-2530, residents are permitted to park on the street as long as they are not parked at the end of a driveway or blocking the free movement of other vehicles.
- ❑ Parking on grass is permitted throughout the day but is prohibited overnight. However, residents should try to park on the street so as to not damage their yards and/or grass.
- ❑ The operation of off-road vehicles, go-karts, or the pass through of Talatha Gardens properties to adjacent properties is prohibited within the confines of Talatha Gardens.

Golf carts are authorized with-in Talatha Gardens if owned and operated in accordance with South Carolina law including, but not limited to, insurance, registration, and a driver's license by said operator (information provided by the SC DMV website as of 16 November 2020).

### Mail/Newspaper Posts and/or Boxes

#### **Appearance:**

**POSTS:** Posts must be constructed of wood, metal, or vinyl. If metal is used, it must be relative in size and shape of common wooden structure in design. Wooden posts may be of various materials, but must be painted if a natural durable material is not used (like cedar). Color of the post must be either white or a color that matches current house shading (brick, siding or shutters).

**BOXES:** Boxes must be constructed of metal or hard molded plastic. Box color must be black, regardless of material (a single shade that can be identified by postal services). The numbers (minimum of 1”) must be clearly visible and must also be identifiable. Per USPS guidelines, each mailbox must display the house number and can include Homeowner’s name. Post numbers are only in addition too, not replacement from being on the mailbox. Decorative vinyl coverings are authorized over a mailbox.

**NEWSPAPER RECEPTACLE:** Should be attached to existing mail post, but not obstructive to mailbox operation or attached separate in similar style to mail posts.

**LANDSCAPING:** Limit Landscaping around post area to avoid restrictive entrance by postal service. Plants should be kept to a minimum and should not exceed the height of the bottom of the box. This is a USPS guideline. Damage to this area is the responsibility of the homeowner.

**Location:** Per USPS guidelines, mailboxes bottom must be at least forty-two (42”) from the ground and when the door is opened, should be at least 6-8” from the road edge.

Newspaper receptacles can be mounted on the same post, but must not be next to or directly under the mailbox. Operation of the newspaper receptacle must not be obstructed from any other article or plants.

#### **Materials:**

**POSTS:** Wood, metal or vinyl. No free-standing plastic, brick, stone, block, or open metal designs. Polymer sleeves over solid wood or metal posts may be approved on a case-by-case basis. Should stay with current size of at least 4” (inch) in thickness or diameter. Construction should be solid and not lose shape or integrity over time.

**BOXES:** Must be a smallest current standard size made of metal or hard molded plastic. Any exceptions require ACC approval.

**NEWSPAPER BOX:** Only approved subscription provider receptacles are permitted.

Additional information around these guidelines can be found at [www.usps.com](http://www.usps.com), in the “Domestic Mail Manual” section.

### Roofing

**Appearance:** Roofs are meant to have a finished undamaged and consistent appearance.

**Location:** This Section is applicable to the roofs on the Homeowner(s) primary residence as well as any exterior free standing buildings.

**Materials:** Roofs are required to be asphalt shingles either of Architectural style or 3-tab style. Other material types may be approved by the ACC upon request.

**Requirements:** Roofing color must be the same throughout the roof. The shingles must be either Black, Gray, or Brown to complement the structure's and neighborhood's original intent. Any damage to the structure must be fixed as expeditiously as possible. Holes and/or physical openings due to structural damage must be, or contracted to be, fixed within 30 days unless labeled as "total loss".

### Maintenance

**Appearance:** It is the responsibility of each Homeowner to maintain their 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 which should be inspected regularly to insure the property is in good repair. These include, but are not limited to:

- ☐ Lawn Care
- ☐ Trimming of Trees & Shrubbery
- ☐ Landscaping
- ☐ Decks
- ☐ Fences
- ☐ Driveways
- ☐ Sidewalks
- ☐ Playground Equipment
- ☐ Paint
- ☐ Roofing
- ☐ Garbage Receptacle Storage
- ☐ Debris & Trash Removal
- ☐ Mailbox & Post
- ☐ Rain Gutters
- ☐ Siding Maintenance (mold/mildew removal)

**Deterioration:** If at any time the Board is made aware of a property that has deteriorated to the point that it is affecting the aesthetics of the community the ACC will be requested to make a site inspection. The committee will then make a recommendation for action to the Board. Appropriate action will be taken in accordance with the enforcement policies of the Talatha Gardens 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 CCR's for Talatha Gardens (Homeowners) Association, the Enforcement Procedures policy of the Association, and other applicable regulations and policies.