

Design Standards



Wellington Walk Homeowners Association
Architectural Control Committee
Adopted 06/27/2001

INTRODUCTION

The *Declaration of Covenants, Restrictions and Easements for Wellington Walk Subdivision* (hereafter referred to as *Declaration*) provides for a design review process through which property improvements must be approved by an Architectural Control Committee (ACC). This provision applies to both new construction as well as any exterior modification of existing homes/properties, and was created for the sole purpose of achieving harmony, balance and a standard of quality within the community.

The ACC's role is to preserve, protect and enhance the value of the properties of Wellington Walk subdivision by enforcing the *Declaration* and developing guidelines (Design Standards) for this purpose.

The following Design Standards are provided to clarify, amplify and supplement our community's covenants. Note that in the event of a conflict, the *Declaration* will control.

Please remember to request approval *before* beginning any improvements or modifications. The vast majority of problems occur when a homeowner begins a project without the written approval of the ACC.

Limitation of Liability: The contents of these standards, and any actions of the ACC or its agents, are not intended to be, and should not be construed to be an approval of the adequacy, reasonableness, safety, structural integrity, or fitness for intended use of submitted plans, materials, or construction, nor ensuring compliance with building codes, zoning regulations or other governmental requirements. Neither the Association, the Board, the ACC, nor any member thereof shall be held liable or responsible for injury, damage or loss arising out of any approval or disapproval, construction or through such modification to a lot. Every Person who submits plans and specifications and every Owner agrees that such Person or Owner will not bring any action or suit against the Association or the officers, directors, members, employees or agents thereof to recover any damages and hereby releases, remises, quitclaims and covenants not to sue for claims, demands and causes of action arising out of or in connection with any judgment, negligence or nonfeasance and hereby waives the provisions of any law which provides that a general release does not extend to claims, demands and causes of action not known at the time the release is given. Further, every Person or Owner who brings any action or suit against the Association, or the officers, directors, members, employees or agents thereof shall be responsible for reimbursing any costs related to defending such action or suit against the Association, officers, directors, members, employees or agents.

No waiver: The approval of the ACC of any proposals or plans and specifications or drawings for any work done or proposed, or in connection with any other matter requiring approval or consent of the ACC, shall not be deemed to constitute a waiver of any right to withhold approval or consent as to any similar proposals, plans and specifications or drawings or matters whatever subsequently or additionally submitted for approval or consent.

APPLICATION INFORMATION

An *Application for Modifications* form (hereafter *Application*) is provided for use in requesting review/approval of an exterior modification. This *Application* should be submitted to the ACC. Modification requests must be approved in writing before any work begins.

There are modifications that may be completed without ACC approval. These modifications are noted as not requiring approval within this document and do not require an *Application* to be submitted as long as certain conditions, as described, are met. All other modifications, listed herein or otherwise, require the submission of an *Application* requesting approval.

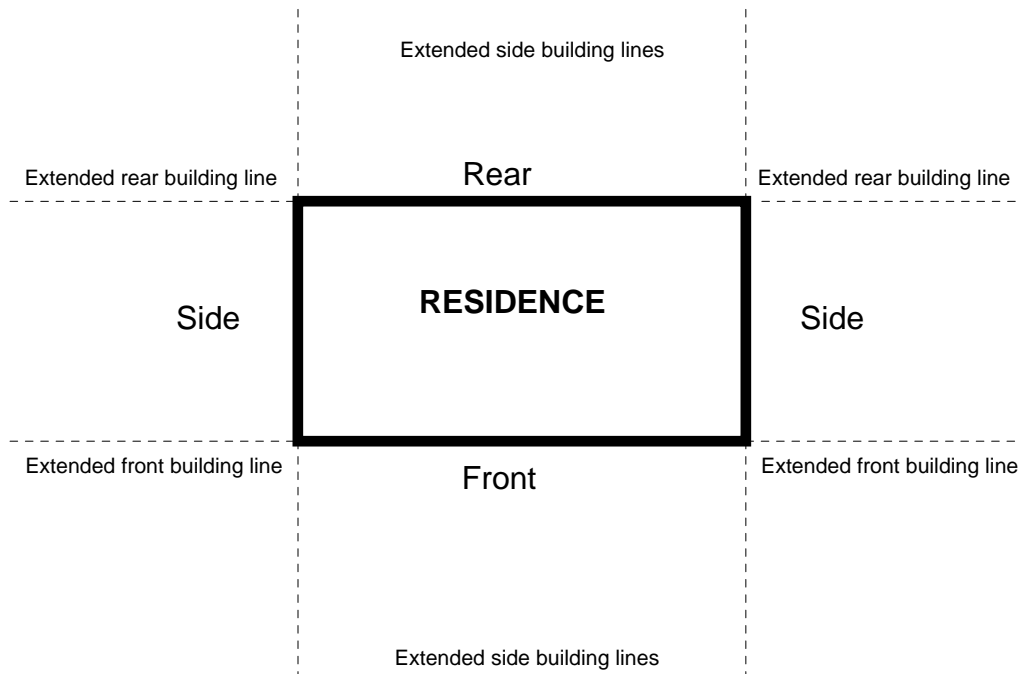
The verbal approval of any sales agent, developer, builder, or Association representative is not sufficient. All modification approvals must be in writing from the ACC.

DEFINITIONS

Backyard: The property lying behind the extended rear building line of a residence

Frontyard: The property lying in front of the extended front building line of a residence

Sideyard: The property lying between the extended front and rear building lines of a residence, to the left and right of said residence



STANDARDS

Animal Confines

Approval is required for all animal confines.

The following criteria should also be met:

Confine must be located in backyard, within extended sidelines of dwelling where they will have minimum visual impact on adjacent properties or from the street.

All confines are limited to reasonable use including but not limited to the number of animals kept, their condition and negative impact on surrounding properties.

All confines must be kept in good condition so as not to negatively effect surrounding properties in regard to but not limited to appearance, noise and odor.

No animals are permitted to be kept, bred, maintained or boarded for commercial purposes.

Antennas & Satellite Dishes/Energy Conservation Equipment

Approval is required for all as per *Declaration* Articles 6.12 and 6.30.

Decks: Extensions & New

Approval is required for all deck extensions and additions. A site plan denoting location, dimensions, materials and color must be submitted with *Application*.

The following criteria should also be met:

Constructed of cedar, cypress or No. 2 or better pressure treated pine

Located in the backyard only, within the extended sidelines of the dwelling

Left natural or stained a natural color or may be painted with approval and required upkeep

Detached Buildings

Approval is required for any and all detached construction projects. A site plan denoting location, dimensions, materials and color must be submitted with *Application*.

The following criteria should also be met:

Building exterior must conform to the character, color and quality of the residence

Must not be disorderly in use or exhibit unsightly or unkempt conditions

Exterior Decorative Objects

Approval is required for any and all exterior decorative objects, both natural and manmade, which are not listed here as exceptions. Exterior decorative objects include but are not limited to items such as bridges, wagon wheels, sculptures, fountains, and items attached to approved structures such as arbors and awnings. Objects will be evaluated on criteria such as location, proportion, color and appropriateness to surrounding environment.

Plants, Flower Pots and Door Decorations

Front doors and entry area decorations should be tasteful and in keeping with the style and colors of the house. Such decorations do not require approval.

Plants and flowerpots should always be neat and healthy. Maintained front porch flower pots that coordinate with the exterior home colors and containing live plants do not require approval.

Flags

No approval is required for the following: Each residence may display one seasonal or American flag with a maximum area of 3 feet by 5 feet

Flag poles must be attached to the residence, no free-standing poles are permitted

Exterior Dwelling Alterations

All exterior dwelling alterations require approval unless otherwise here specified.

Paint

Repainting requires prior written approval only if the color is changed. All paint color change requests additionally require submission of a paint sample and description of area to be repainted.

Storm Doors & Windows

Approval is not required for storm doors and windows made of anodized bronze, brass or black or baked enamel finish compatible to existing exterior building color.

Exterior Lighting

The following do not require approval:

One decorative post light per lot located no farther than 10 feet from the residence
Seasonal decorative lights displayed no earlier than Thanksgiving and no later than January 15

Approval is required for all other lighting changes and/or additions.

The following criteria should also be met for landscape lighting:

Not to exceed 12 inches in height
Not to exceed 50 watts per light
Bulbs must be white or clear and non-glare
Sidewalk lights not to exceed 10 in number

Fences

All fences, other than cedar privacy fences as stated in *Declaration* Article 6.10, require approval.

MATERIALS TO BE USED:

Cedar, cypress, No. 2 or better pressure treated pine
Galvanized nails or rust-proof screws

SIZE AND LOCATION:

Fence is to be situated extending from the rear corners of the residence along the extended rear building line to the lot line and then along the property line back to the rear lot line.

The finished side of a fence should face the outside.

Fences are to be no higher than 6 feet, having a maximum span of eight feet between posts. Posts are to be no smaller than 4X4.

Fences may not be placed within the side building line of any building without prior approval.

Homeowner must also be in compliance with all local government standards, including but not limited to right of way, access easements and utility easements.

GENERAL GUIDELINES:

Fence construction must be completed within 30 days of commencement.

All fences must be kept in good repair, condition and appearance.

No painted fences are permitted without approval.

No chain or wire fences are permitted.

Landscaping & Maintenance

GENERAL GUIDELINES:

All property and materials are to be kept in good order and repair.

All tools should be hidden from view when not in use.

The amount and character of all landscape material is to conform with the style of the surrounding neighborhood.

All plant materials used are to be appropriate to the Gwinnett County, Georgia area.

Each individual homeowner is responsible for debris and other material located on his/her own lot and extending from his/her property line.

All property located at street intersections shall be landscaped so as to permit safe sight across the street corners. No fence, wall, hedge, shrub or other planting or thing shall be placed or permitted to remain where it would create an unsafe condition.

Approval is not necessary for:

Edging which is not out of character or in excess

Replacement of existing plants with similar plants

Annuals and low-lying perennials

Planting of shrubs and ornamental trees within existing beds

Removal of pine trees within 20 feet of any building

Vegetable gardens which meet the following requirements:

Homeowners with privacy fencing: Limited to the backyard of any residence

Homeowners without privacy fencing: Limited to the backyard and within the extended side building lines of any residence

No larger than 400 square feet

No taller than 4 feet

Kept in good condition, including but not limited to keeping produce off of ground and insects under control

Firewood neatly stored in the rear yard within the extended side lines of any residence

Approval is necessary for:

Establishment of new planting beds

Screen (row or cluster style) or property line plantings

Removal of living trees having a diameter of ten inches or more, measured from a point two feet above the ground

Any and all fruit-bearing trees (Such trees must be kept in good condition, including but not limited to keeping fruit off of ground and insects under control.)

Application must include description of size and type of trees or shrubs to be planted and a site plan showing the relationship of plantings to the house and neighboring dwellings.

Homeowner must also be in compliance with all local government standards, including but not limited to right of way, access easements and utility easements.

Mailboxes

All mailboxes must match those of the other residences in the subdivision and clearly display the address number of the corresponding residence.

Ponds & Water Gardens

Approval is required for all and location is limited to behind the rear building line

Recreational Equipment

All recreational equipment, unless otherwise here specified, is to be placed in the rear yard of a dwelling.

Negative impact of the use of any recreational equipment related to time of use, lighting and noise is to be considered. Use should be limited to between the hours of 8:30 am and 10:00 pm.

Basketball Goals

Approval is not required as long as the following criteria is met:

Posts are to be black

Backboards are to be clear or white in color

All basketball goals are to be placed at the side edge of a driveway, behind the front building line of any dwelling and perpendicular to the primary street.

Hot Tubs

Approval is required and must be completely screened from view

Playground Equipment/Swingsets

Approval is not required if placed in backyard within extended sidelines of residence. Play houses are to be no larger than 100 square feet and no taller than 12 feet.

Pools

Children's portable wading pools having a maximum depth of 18 inches and a maximum surface area of 36 square feet do not require approval. Wading pools must be stored when not in use.

No above-ground pools are permitted at any time.

In-ground pools require approval and are to meet the following requirements:

Must be consistent with the character of the house

Must be surrounded by privacy fencing

Maximum area allowed is 1,000 square feet

Glaring lights are prohibited

Tennis Courts

Approval is required and no lighting is permitted

Roadways, Driveways, Walkways, Sidewalks & Patios

Approval is required for all including the widening of an existing pathway

The following criteria should also be met:

Patios may have no higher elevation than 6 inches

Walkways may have no higher elevation than 4 inches

Patios or walkways are to be confined to the rear yard, within the extended sidelines of the dwelling.

Signs

No approval is necessary for special events signs (i.e.. new baby, graduation, garage sale) when displayed and removed within a timely manner.

Security and pet warning signs are permitted when placed within five feet of home.

Advertising signs are not permitted on any lot at any time.

Sprinklers

Approval is not required for underground sprinkler systems

Approval is required for any and all other irrigation systems

Vehicles & Parking

The term "vehicles", as used herein, shall include, without limitation, motor homes, boats, personal water craft, trailers, motorcycles, minibikes, scooters, go-carts, golf cart, commercial and non-commercial trucks, campers, buses, vans and automobiles.

The term "commercial vehicle" will be defined as any vehicle displaying any company name, logo, phone number or any such advertising or any vehicle in which materials for commercial purposes are visible (i.e., ladders, food equipment, lawn care equipment).

Parking in which a vehicle is parked on any lot on a consistent daily basis will be considered as "permanent" parking.

No vehicle may be permanently parked in any yard.

No unlicensed or inoperable vehicle may be stored in view on residential property for longer than a 48-hour period. After such 48-hour period and in accordance with *Declaration* Article 8.02, such vehicle may be removed from the Community by the Board of Directors. All expense incurred for such action is the sole responsibility of the primary homeowner from whose lot the vehicle was removed.

As a general rule, parking on any street is prohibited. Temporary parking (eight hours or less) is allowed if not a nuisance to neighbors or impediment to traffic flow. Homeowners are responsible for guest parking and must ensure that guests park in a safe manner and do not impede access to other driveways and traffic.

Vehicles & Parking, cont.

Any towed vehicle, boat, personal water craft, recreational vehicle, motor home, trailer, minibike, scooter, go-cart, commercial truck or van, camper, bus or mobile home regularly parked in the Community or temporarily kept in the Community, except if kept in a garage or other area approved by the ACC may be removed from the Community by the Board of Directors in accordance with *Declaration* Article 8.02. All expense incurred for such action is the sole responsibility of the primary homeowner from whose lot the vehicle was removed.

The operation of any unlicensed motorized vehicle on any street, walkway or property not owned by the operator of such vehicle and without the express written permission of the property's owner is unlawful and subject to penalty by the Gwinnett County Police Department.

No vehicle, structure or material is permitted to be permanently parked or left unattended in any Commons Property area. This includes the parking of vehicles in community parking lots when the operator of such vehicle is not using the Commons facilities.