

DESIGN STANDARDS

CHIMNEY LAKES

1. **AUTHORITY** This DESIGN STANDARDS document is promulgated pursuant to authority granted to the Architectural Control Committee (hereinafter referred to as the "ACC") of the Chimney Lakes Development (hereinafter referred to as the "Development") under Section 5.05 of the Chimney Lakes Declaration of Covenants, Restrictions and Easements, recorded in Deed Book 2197, page 369, Cobb County, Georgia records (hereinafter referred to as the "Declaration"). The requirements of these Design Standards shall be in addition to and not in lieu of the requirements and provisions of the Declaration.

2. **PURPOSE** Plans and specifications must be submitted to and approved by the ACC pursuant to the Declaration and these Design Standards for the sole and exclusive purpose of assuring that all structures, landscaping, and grounds within the Development are in conformity and harmony of external design and general quality and in conformity and harmony with existing standards of the neighborhood.

3. **DEFINITIONS** The words "Structure", "Owner", and "Lot" as used herein shall have the same meaning as such words have in the Declaration, except that "Lot" shall include "Common Property".

4. **SUBMISSION OF PLANS AND SPECIFICATIONS**

A. Plans and specifications for the construction or placement of any Structure on any Lot shall be submitted to and reviewed by the ACC in accordance with the requirements of Section 5.06 of the Declaration. Each owner shall submit to the ACC two complete sets of plans and specifications clearly designating which Lot is covered by such specifications. A completed Improvement Request Application must accompany the specifications.

B. All plans and specifications are required to be submitted to the ACC a minimum of 30 days before beginning work. All requests must be on an Improvement Request Application and include a complete description of the project. The plans for all projects that include any exterior structural changes to the house, or construction such as fences or swimming pools, must also be accompanied by an elevation clearly showing these changes. All projects must be completed by the date specified on the Improvement Request Application.

5. **CONSTRUCTION**

A. After approval by the ACC of plans and specifications 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 location of such Structure shall be clearly marked on such Lot. After such marking, the Owner or the Owner's contractor shall request in writing 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 for location of buildings contained in Section 7A of these Design Standards. After receipt of such written request, the ACC shall have three (3) days in which to: 1) inspect the proposed location of the Structure as marked on the Lot, and 2) notify the Owner in writing of its approval or disapproval of the proposed location of the Structure. In any case in which the ACC shall disapprove the proposed location or shall approve the same only as modified 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 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.

B. During approved construction, all vehicles in any way connected with such construction shall enter the Lot or Lots under construction only by the driveway as approved in the plans and specifications by the ACC. In no event shall any driveway other than those approved by the ACC be constructed or used for temporary access to any Lot. All vehicles shall be parked at the Lot to avoid damage to trees, paving, curbs, gutters, and any other improvements on the Lot.

C. All stumps and brush are to be removed from Lots prior to foundation construction, and no such stumps, brush, or other debris shall be buried on such Lots unless approved by the ACC. Construction debris shall 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 Development unless approved in writing by the ACC.

D. Lots shall be graded in such a manner so as not to block any natural or manmade swales, ditches, or drainage structures. Earth and hay berms shall be installed on Lots by the Owner thereof when, in the opinion of the ACC, such Lot may erode due to topography. Whenever possible, Lots shall drain independently rather than to adjoining Lots.

6. **DESIGN DETAILS**

A. No single family residential Structure shall be located on any Lot unless said Structure shall have at least 1,800 square feet of heated living area. Any such Structure which exceeds one story in height shall have not less than 1,000 square feet on the ground floor and at least 2,000 square feet of total heated living area. No such Structure shall exceed three stories in height, provided however, that single family residential Structures may, subject to the approval of the ACC, be designed as Split-level Structures which are three stories high. The words "Split-level Structures" as used herein shall mean single family residential Structures in which floor levels of living space are separated so that ground levels are in differing elevations and a part of such Structure is three stories in height. In the case of Split-level Structures there shall be not less than 1,500 square feet of heated living area on the two ground floor elevations and at least 1,900 total square feet of heated living area.

B. Building area set-backs shall be within the recommended building lines indicated on the recorded subdivision plats of Chimney Lakes provided, however, that less restrictive set-backs may be approved by the ACC if an exception is requested when plans and specifications are submitted to the ACC for approval. In no event shall the set-backs be less than those required by the Cobb County Subdivision Ordinance.

C. Garages on Lots which abut the same street in the Development shall be placed on the same side of such Lots. Garage doors shall be coordinated with all Structures on the Lot and materials and colors for such doors shall be specified on the plans and specifications submitted to the ACC for approval.

D. Silver-finish aluminum doors (including sliding doors) and windows shall not be approved. A factory-painted or anodized finish aluminum may be used, the color of which shall be specified in the plans and specifications submitted to the ACC for approval and shall be subject to the color guidelines contained in Section 8B of these Design Standards.

E. All exterior colors and materials shall comply with these Design Standards and be approved by the ACC.

F. Roofing material and color shall be specified in the plans and specifications submitted to the ACC for approval, and shall be subject to the color and material guidelines contained in Section 8 of these Design Standards. No plumbing nor heating vents shall penetrate those roof surfaces which face the street or the streets adjacent to the residential Structures. All plumbing and heating vents that do penetrate the roof shall be painted to blend with the roof color.

G. Driveways shall be constructed with concrete provided, however, that other hard surface provided however that other surfaces may be approved by the ACC.

H. A written plan for landscaping must be submitted with an Improvement Request Application to the ACC prior to installation of any materials; this plan must include a drawing to show location, variety, and sizes of all plant materials, as well as location and description of all "hardscape" items such as fences, walls, rocks, foundations, statuary, and so forth.

I .No mail box 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 it shall conform to these specifications. The mailbox shall be a #1-1/2 black, placed on a post which conforms in exact size and detail to the Chimney Lakes accepted design. All mail posts shall be maintained by the Owner to conform to a height of not less than nor more than 5' and shall be vertical in all orientations.

J. Pre-fabricated or factory-built structures shall not be permitted within the Development, and such manufactured units shall not be employed as elements in the construction of residential Structures affixed to real property within the Development except by express written approval of the ACC.

7. **SITE PLANNING AND DESIGN**

- A. All structures together with related paved and open areas shall be located on the Lot to:
- (1) Minimize changes in the existing topography;
 - (2) Preserve existing trees and vegetation to the maximum extent possible;
 - (3) Control drainage and prevent erosion; and
 - (4) Create prime views and conceal unsightly areas.

8. **COLORS AND MATERIALS GUIDELINES**

- A. Materials
- (1) 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.
 - (2) Secondary materials, when used, shall complement the dominant material in texture and color.

- (3) Recommended materials include:
- (a) Natural wood siding;
 - (b) Brick; There shall be no red, orange, or white-looking brick, no weeping nor black mortar. All brick shall be in subdued colors and samples must be submitted for approval. Old used brick will be accepted in special areas, as will be the painting of brick;
 - (c) Stone; Shall be Tennessee Field Stone with gray (no black mortar);
 - (d) Natural plywood siding with well-detailed edges and joints;
 - (e) Natural cedar shakes or shingles;
 - (f) Asphalt shingles which are very dark brown, black, shadow-black, and other trade names of various dark brown and black asphalt roofing; and
 - (g) Wood garage doors of simple design.
- (4) Unacceptable materials include:
- (a) Artificial brick, stone, or wood;
 - (b) Color coatings which simulate natural materials;
 - (c) Unnatural tones of brick and stone;
 - (d) Visible silver finish and aluminum flashing;
 - (e) Unfinished standard concrete blocks;
 - (f) Stucco; Stucco is not accepted as an exterior finish material on any house or Structure, unless specifically approved for a specially designed house. Stucco may only be used to cover concrete foundation walls, but in no case may exceed a visible height of 24" above finished landscape grade and must be painted a color approved by the ACC; and
 - (g) Vinyl or aluminum siding, soffits and fascia (Amended 11/97)
- (5) The exterior materials of all Structures on all Lots shall be harmonious and complementary.

B. Colors

- (1) The exterior colors of the walls and roof of a single-family residential Structure shall be compatible and harmonious with the colors of nearby single-family residential Structures. Highly reflective colors (glossy) shall be avoided.
- (2) A minimum number of exterior colors shall be used. When more than one color is used, one shall be clearly dominant.
- (3) Secondary colors shall be:
 - (a) Compatible with the dominant colors; and
 - (b) Limited to architectural details such as fascia, frames, and building trim.
- (4) High contrast colors, when used, shall be limited to entry doors.
- (5) The colors of walls of adjacent single-family residential Structures shall not be the same.

9. **SCREENING GUIDELINES**

- A. Screening shall be used within the Development to block the view from the street of various objects.
- B. Examples of objects to be screened include, but are not limited to, the following:
 - (1) Exterior ground-level machinery, such as air conditioning and heating equipment;
 - (2) Refuse containers and related storage areas; and
 - (3) All recreational equipment or recreational vehicles.
- C. Subject to the approval of the ACC, the following methods of screening shall be used:
 - (1) Earth banks and berms-such earth banks and berms shall:
 - (a) Have a maximum slope of 2:1 and
 - (b) Be covered with an acceptable grass or ground cover suited to the slope.
 - (2) Planting screens - such planting screens shall:
 - (a) Be composed of specie approved by the ACC;
 - (b) Be installed at a height sufficient to screen the object in question but not less than 3 feet; and
 - (c) Be spaced at a density which will create an effective year-round visual screen.

- (3) **Fences and walls - such fences and walls shall:**
 - (a) Complement the design, texture, and color of all Structures on the same Lot;
 - (b) **Be a maximum of 6 feet above grade in height;**
 - (c) **Fences shall be transparent in nature and shall not noticeably obstruct vision. A preferred fence design is split rail with 2 or 3 rails.**
 - (d) When it is necessary to add wire mesh, the grid should be no smaller than 2" x 4" and the wire should not be shiny material.
 - (e) Not attract attention as distinct architectural elements.
- (4) **Prohibited screening -**
 - (a) **Woven metal or chain link fences shall not be used.**
 - (b) No fence which noticeably obstructs vision, such as stockade fences, shadow box fences, etc., shall be constructed except to meet the screening requirements mandated by these Design Standards or as a safety measure to surround pools, spas, hot tubs, or similar items. Any such fence shall be landscaped to screen the view from street(s). See (2) Planting screens, above.

10. **PROHIBITED STRUCTURES**: Solar panels are prohibited in any location. Traditional (large diameter) satellite dishes are also prohibited. HDTV and smaller diameter (under 21") satellite dishes may be installed subject to prior approval of plans, including a landscaping plan to reduce the visual impact, by the ACC. Note also Article 6.12 of the Covenants in application of this design standard. (Amended 11/97)

11. **BASKETBALL BACKBOARDS** All basketball backboards must have ACC approval prior to installation.

- A. Approved backboards may have standard colors (i.e., white with orange target areas and hoop rims).
- B. Approved backboards may be clear with standard target area and hoop rim colors.
- C. Approved backboards may be painted to match the house colors. On freestanding posts, backboards should be painted the darker of the house trim or siding and must be painted on both

sides; house-mounted backboards should be painted the same as the dominant color of the adjacent painted area. Posts on free-standing backboards should be painted black, dark brown, or house color to blend with the environment. Gloss paint may not be used. Homeowners are encouraged to paint the backboards uniformly -- i.e., without the usual rectangular target zone -- in order to blend more harmoniously with the surroundings. However, such rectangular target zones will be permitted if they are painted the same color as the complementary house or post color. Hoops (rims) should be painted the color of the backboard or the target zone boundary.

12. **SECURITY SYSTEM SIGNS** One freestanding sign, not to exceed 12" by 12" and a total height of 18" above the ground, may be positioned in a planted area in the vicinity of the mailbox.

13. **AMENDMENT** These Design Standards may be amended from time to time by a full vote of the ACC. Amendments will be effective 30 days after they are published and distributed to the Homeowners.

14. **EXCEPTIONS** Exceptions to these Design Standards may be allowed by a majority vote of the ACC, but only in cases where the ACC determines that (A) 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; and (B) the exception will serve the spirit of these Design Standards and not be to the detriment of the Development. Such exceptions shall be in writing. No exception allowed hereunder shall have any precedential or other effect upon any other situation in which an exception is requested of or considered by the ACC. Exceptions may be granted for a specified period of time or for the current Owner only.

Amended: 11-13-97